



**Convention on the  
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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 8, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL  
TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE  
INVOLVEMENT OF CHILDREN IN ARMED CONFLICT**

**Initial reports of States parties due in 2004\***

**BELGIUM\*\***

[30 March 2004]

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\* The enclosures referred to in the report are available for consultation at the Office of United Nations High Commissioner for Human Rights.

\*\* This report was not edited before being submitted for translation.

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## I. INTRODUCTION

1. This document is the first report to be submitted by Belgium to the Committee on the Rights of the Child concerning the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The Protocol was adopted by the United Nations General Assembly on 25 May 2000 and entered into force on 22 February 2002. Belgium, acting within the framework of the preparation of the World Summit for Children held in New York in May 2002, signed the Protocol on 6 September 2000 and deposited its instruments of ratification with the qualified United Nations depositary on 6 May 2002. This international legal instrument entered into force in Belgium on 6 June 2002.
2. During the debates in Parliament that preceded approval of the Protocol, all political groups unanimously supported the document, which is part of a more general approach to the promotion and protection of the rights of the child - a cause that meets with great approval from all civil society authorities and public opinion.
3. The problem of children in armed conflicts has, moreover, been included in the Plan of Action that Belgium is in the process of finalizing in order to follow up the recommendations of the recent World Summit for Children. The process of preparing the Plan of Action and ratifying the Protocol derive their support from the combination of the substantial contribution made by the relevant domestic administrations and the constant interest shown by the legislative authorities and the various non-governmental organizations active in the sphere of child protection.
4. For many years, Belgium has been spared any domestic armed conflict and its membership of the European Union enables it to find fulfilment in an area of liberty, peace and security that encompasses all members of the Union. Its commitment to the service of human rights, freedom and democracy has in recent years led it to participate in operations outside its territory and in peacekeeping forces under the auspices of the United Nations or other international organizations of which it is a member. Owing to its commitment to peacekeeping around the world, which includes the prevention and resolution of armed conflict, most often of a domestic nature, it plays a very active role in international cooperation efforts and programmes in general and in international events devoted to the problems of children involved in armed conflict. As a member of the European Union, Belgium also contributes to the implementation of the guidelines on children and armed conflict adopted by the Union's General Affairs and External Relations Council in December 2003.

## II. INFORMATION RELATING TO ARTICLES 1 TO 7 OF THE OPTIONAL PROTOCOL

### A. Article 1

#### *Measures to ensure that children do not take a direct part in hostilities*

5. Upon ratification, Belgium made the mandatory declaration contained in paragraph 1 below and the additional declarations in paragraphs 2 and 3:

1. “In accordance with article 3, paragraph 2, and bearing in mind article 3, paragraph 5, the Government of the Kingdom of Belgium states that the minimum age for voluntary recruitment into the Belgian armed forces is not lower than 18 years.”
2. “The Government of the Kingdom of Belgium states that it is absolutely forbidden under Belgian law for any person under the age of 18 years to participate in times of war and in times of peace in any peacekeeping operation or in any kind of armed operational engagement. Moreover, non-governmental militias are prohibited, regardless of the age of the persons concerned.”
3. “The Government of the Kingdom of Belgium shall not act upon a request for judicial cooperation where doing so would lead to discrimination between governmental and non-governmental forces in violation of the principle of international humanitarian law of equality of parties to a conflict, including in the event of armed conflict of a non-international nature.”
6. Belgium also seeks to focus on the broad interpretation of the concept of child soldiers, which the humanitarian sector has been advancing for several years. This interpretation, which was reflected in the conclusions of the seminar on the subject held in Cape Town in 1997, where it gave rise to the “Cape Town Principles and Best Practices”, is intended to cover any person under 18 years of age who is part of regular or irregular armed forces in any capacity, regardless of whether he or she has effectively taken part in hostilities. The definition includes girls recruited for sexual purposes or forced marriage and in general all children “associated” with the armed forces. Thus it does not simply describe a child who bears or has borne arms.
7. Belgian law complies with the obligation of States to take all practical measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities, whether in peacekeeping operations or in armed operational engagement.
8. Belgium prohibits the participation of persons under 18 in peacekeeping operations. This results from a combination of several provisions:
  - (a) Articles 9 and 10 of the Act of 20 May 1994 concerning the operational deployment of the armed forces, their physical preparation and the periods and positions in which soldiers may find themselves (*Moniteur belge*, 21 June 1994);
  - (b) Articles 28, 35 and 38 of the Royal Decree of 11 August 1994 concerning the training of military candidates on the active list (*Moniteur belge*, 24 August 1994); and
  - (c) Article 1 of the Royal Decree of 6 July 1994 concerning the determination of operational forms of engagement and preparatory activities for the operational deployment of the armed forces (*Moniteur belge*, 20 July 1994).
9. The Act of 22 March 2001 amending certain provisions concerning the statutes for military personnel (*Moniteur belge*, 7 April 2001) introduced an article 3 bis into the aforementioned Act of 20 May 1994 prohibiting the participation in time of war of military

candidates under 18 years of age in any type of operational armed engagement. This new provision supplements the existing system and reinforces the protection of military candidates under 18.

10. No individual under 18 years of age serving in the armed forces has been taken prisoner or participated directly in military activities during hostilities outside Belgium.

## **B. Article 2**

### *Compulsory recruitment*

11. Article 2 of the Protocol requires States parties to ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.

12. The only form of compulsory recruitment in Belgian law is compulsory military service which, although suspended in 1992, has not been rescinded. Mention should therefore be made of the special regime applicable to conscripts.

13. Conscripts are subject to the Consolidated Military Service Acts of 30 April 1962 (*Moniteur belge*, 6 May 1962). In time of peace, articles 4, paragraph 1, 8 and 9 of the Consolidated Military Service Acts provide that their obligations begin when they reach the age of 19, or 18 in the event of advance call-up. In the event of war, article 2, paragraph 4, of these Acts provides that the conscript shall be part of the recruitment reserve from the age of 17.

14. Compulsory military service was suspended in Belgium by the Act of 31 December 1992, which introduced an article 1 bis into the Consolidated Acts stipulating that they would apply only to conscriptions prior to 1994. Consequently, all persons concerned by this Act are currently over 18 years of age, and application of the Act has been suspended in their case, too.

15. The Military Service Acts could be brought back by means of legislative amendments, whereby the application of these acts to conscripts from 1993 and earlier would be revoked. Such an amendment, however, would not be sufficient to reintroduce compulsory military service, since the services formerly involved in preparing the call-up of conscripts no longer exist (community and provincial services and those of the Ministry of the Interior).

## **C. Article 3**

### *Voluntary recruitment*

16. Article 3 of the Protocol requires State parties to raise the minimum age for voluntary recruitment into their armed forces to 16, 17 or 18 years of age, depending on the age limit established in their mandatory declaration. Belgium has chosen to set the minimum age at 18 in its mandatory declaration.

## 1. General framework

17. The Act of 27 March 2003 concerning the recruitment of military personnel and the status of military musicians and amending various acts applicable to national defence personnel contains the following general provisions:

(a) The “military candidate application” is defined as including: military candidates in active service, auxiliary officer candidates, short-term military candidates, reserve military candidates and military musician candidates;

(b) A “vacancy” means a place within the armed forces for which a person can be recruited as a member of the military on the basis of a unit, a specialization or a job, as appropriate;

(c) “Enlistment” means the formality by which a civilian or member of the military informs the competent authority of his or her decision to apply for a vacancy;

(d) An “applicant” is defined as an individual from the time he or she enrolls in a recruitment session and the time he or she becomes a military candidate or, where appropriate, the time the recruitment process relating to such enrolment ends.

18. Normal recruitment covers the recruitment of:

(a) Career officer candidates accepted in the Royal Military Academy, an industrial college, the Nautical College or in the first year of university (various subjects);

(b) Career non-commissioned officer candidates accepted in a college for non-commissioned officers in order to obtain a higher secondary education certificate;

(c) Career non-commissioned officer candidates holding an educational certificate, a secondary education certificate or a certificate of at least an equivalent level.

19. Article 6, paragraph 1, of the Act stipulates that “the applicant must have completed his or her compulsory education as defined in the Act of 29 June 1983 concerning compulsory education on the date that he or she becomes a military candidate and may not have attained the age of 34, or the age of 26 for candidate pilots, as of 31 December of the year of recruitment”. However, this paragraph is not applicable, as noted below, to career non-commissioned officer candidates accepted in a college for non-commissioned officers for the purpose of obtaining a higher secondary education certificate.

20. Article 1 of the aforementioned Act of 1983 provides that “minors shall receive compulsory education for a period of 12 years commencing with the school year that begins in the year when they reach the age of 6 and concluding at the end of the school year that falls during the year in which they reach the age of 18”.

21. In accordance with article 3 of the Act of 27 March 2003, this regime applies to the following military candidates: military candidates on the active list, auxiliary officer candidates, short-term military candidates, reserve military candidates and military musician candidates.

22. This legislation has the merit of standardizing the system of recruitment for the different types of voluntary military personnel, whose status in the past was governed by many different provisions.
23. The reference to compulsory education as defined in the Act of 29 June 1983 does not offer the same guarantees as the specific requirement of an age-limit of 18 years. Nothing prevents minors who have completed their compulsory education and are in their eighteenth year but have not yet reached the age of 18 from being accepted in one of the above categories.
24. In practice, however, volunteer applicants begin their career in the armed forces with a training period of two to four months, which considerably restricts the situations described above. In addition, it is not possible for volunteer applicants in training to find themselves in a situation of operational engagement before the date of their eighteenth birthday.
25. An exception to the age limit of 18 can be found in the Act of 27 March 2003 as it concerns career non-commissioned officer candidates. However, this provision does not, in principle, pose a problem of conformity between Belgian and international law since article 3, paragraph 5, of the Protocol raises the possibility of schools operated by or under the control of the armed forces of the States parties.
26. In addition, the training provided to this category of personnel lasts for more than two years, and the military personnel in question are considered to be “in training” until they reach the age of at least 18. Articles 9 and 10 of the Act of 20 May 1994 concerning the operational deployment of the armed forces, their physical preparation and the periods and positions in which soldiers may find themselves (*Moniteur belge*, 21 June 1994) ensure that in times of peace a soldier cannot occupy two different levels. Thus a soldier in training under 18 years of age cannot be at the “operational engagement” level and cannot therefore take part in operations in time of peace.
27. Article 3 bis introduced into the Act of 20 May 1994 by the Act of 22 March 2001 (*Moniteur belge*, 7 April 2001) also prohibits a military candidate under 18 years of age who is in training in time of war from participating in any type of armed operational engagement.
28. It is thus clear that despite this apparent exception to the rule of the required minimum age of 18, any form of direct or indirect participation by Belgian soldiers under 18 years of age in armed conflict is prohibited, and the obligations contained in the Optional Protocol are thus respected.
29. For the year 2004 (at 31 December), total enlistment figures were: 64 military candidates (14 women and 50 men) under 18 years of age, 38 (7 women and 31 men) aged 17, and 26 (7 women and 19 men) aged 16.
30. The breakdown of military candidates in Belgium by province was as follows:
- |                 |       |
|-----------------|-------|
| Vlaams Brabant: | 1 man |
| Brabant Wallon: | 2 men |

Antwerp:	9 (4 women and 5 men)
Limburg:	12 (2 women and 10 men)
Liège:	4 men
Namur:	10 (3 women and 7 men)
Luxembourg:	5 (1 woman and 4 men)
Hainaut:	2 (1 woman and 1 man)
West-Vlaanderen:	13 (2 women and 11 men)
Oost-Vlaanderen:	6 (1 woman and 5 men).

31. The breakdown of military candidates by area of origin was as follows:

Rural origin:	50 (11 women and 39 men)
Urban origin:	14 (3 women and 11 men).

32. No data are available on the ethnic origin of applicants since this is not regarded as a criterion for enlistment. An applicant's social origins cannot be checked as this is information of a personal nature.

## **2. Recruitment procedure**

33. Information on military careers can be found in the National Defence Information Centres, and registration for employment in the armed forces takes place exclusively in these centres.

34. Following registration, the applicant undergoes a first selection test. Other tests, including psychotechnical examinations and assessments of intellectual or professional knowledge and physical skills, take place in recruitment centres set up by the armed forces. Health costs are free of charge for an applicant taking part in a selection test and food and accommodation are provided by the military. Applicants undergo a series of medical examinations to establish a profile of their physical capacities.

35. Upon selection, applicants are permitted to make their preferences known for the various vacancies. It is the responsibility of the recruitment board, the composition and functions of which are set out in a royal decree, to assess the application in terms of the needs of the armed forces and on the basis of the results of all the selection tests. Applicants may abandon their application for a vacancy at any time.

36. Applicants must submit, no later than the day of enlistment, an official certificate of the required diploma, a certificate of good conduct and morals and a copy of their identity card or passport.



37. In order to obtain the status of military candidate, which is an integral part of the enlistment process, applicants who do not have Belgian nationality must have met their legal obligations with regard to military service in the country of which they are nationals. Belgian nationality or citizenship of a European Union country are indispensable for military candidate status.

38. The acquisition of military candidate status requires the individual concerned to sign an act of enlistment. The Act of March 2003 also stipulates that underage minors must have the consent of the person or persons having parental authority over them. Consent is issued by means of a certificate, the model for which is established by royal decree.

39. After signing the act of enlistment, applicants may at any time during the training period terminate the contract and put an end to their enlistment. Persons having effective military status must have their resignation accepted by the Ministry of Defence.

40. The Belgian armed forces make use of a wide variety of incentives to ensure the adequate recruitment of troops. These range from poster or media campaigns to periodic open days in military training establishments. They are augmented by extensive use of the electronic means provided by the National Defence website and the provision of information on careers in the military at the National Defence Information Centres throughout Belgium's various provinces.

41. Advertising for military recruitment is carried out by the Image and Public Relations Department through recruitment campaigns, the presence of representatives at job fairs, attractions and sports events, and advertisements in the media and in the National Defence centres in each of Belgium's provinces.

### **3. Schools operated by or under the control of the armed forces**

42. Applicants who acquire the status of career non-commissioned officer and are accepted in a non-commissioned officers' college for the purpose of obtaining a higher secondary education certificate must have reached the age of 16 on the day they become a military candidate (Act of 27 March 2003, art. 6). Applicants who acquire the status of career officer candidate and are accepted in the Royal Military Academy must have completed their compulsory education and hold a higher secondary education certificate. In principle such applicants will be 18 or 17 years of age when they join the Academy.

43. There are three colleges for non-commissioned officers (two in Zedelgem and one in Dinant) and a technical college in Saffraanberg. For officers there is the Royal Military Academy. Colleges for non-commissioned officers dispense technical secondary education while Academy courses are of university level. Programmes or courses are monitored and approved by the Ministry of Education of the Flemish Community or the French Community and comprise 36 hours of instruction per week, including 5 hours of military training.

44. During the first year, the introductory phase is aimed at adapting civilians to the requirements of military life. During the second year, students receive basic military training. Courses in the non-commissioned officers' college last for two years, while they last for four years for recruits enrolled in the faculty of social and military sciences and five years for those in the polytechnical faculty of the Academy.

45. The regular school syllabus is taught by civilians, while military instructors are in charge of military training. During the introductory phase candidates take classes on army rules (discipline, duties, ranks and hierarchy), the law of armed conflict (combatant and non-combatant, prisoners of war) and membership (communication, feedback, civics).

#### 4. Some data concerning students in military colleges

46. For 2004 (as at 31 December 2004), 53 candidates under 18 years of age were enrolled (8 women and 45 men). The total number aged 17 at 31 December 2004 was 27 (1 woman and 26 men). The total number aged 16 at 31 December 2004 was 26 (7 women and 19 men).

47. The distribution of candidates by province was as follows:

Vlaams Brabant:	0
Brabant Wallon:	0
Antwerp:	6 (2 women, 4 men)
Limburg:	11 (1 woman, 10 men)
Namur:	6 (5 women, 1 man)
Luxembourg:	6 men
Hainaut:	2 (1 woman, 1 man)
West-Vlaanderen:	13 (2 women, 11 men)
Oost-Vlaanderen:	6 (1 woman, 5 men).

48. The breakdown of candidates by area of origin is as follows:

Rural origin:	41 (7 women, 34 men)
Urban origin:	12 (1 woman, 11 men).

49. Non-commissioned officer candidates and officer candidates under 18 years of age come from all civilian milieux.

50. Belgium has no legislation governing the military status of these students in the event of mobilization or armed conflict, but because of the way compulsory education is structured and the fact that military candidates are subject to this obligation, such students cannot be mobilized.

51. The resignation of non-commissioned officer and career officer candidates is subject to the same criteria as for military candidates.

52. As in every school, the military colleges also have internal rules. Each class appoints a representative who is competent to intervene in the event of complaints. Confidential counsellors are available to deal with complaints relating to more sensitive or personal matters.

#### **D. Article 4**

##### *Rules relating to non-governmental armed forces*

53. Article 4 of the Protocol requires States parties to take all feasible measures to prevent the recruitment or use of persons under the age of 18 years by non-governmental armed groups, including the adoption of legal measures to prohibit and criminalize such practices. The Act of 29 July 1934 prohibits private militias in Belgium.

#### **E. Article 5**

##### *Other international instruments and international humanitarian law*

54. Belgium has ratified the Convention on the Rights of the Child, which came into force on 15 January 1992 following the deposit of the country's instrument of ratification with the Secretary-General of the United Nations on 16 December 1991. It was the subject of the Approving Act of 25 November 1991 and was approved by decree by the Flemish, German-speaking and French Communities in order to give it effect in domestic matters pertaining to the Communities.

55. Belgium is party to the international instruments listed below:

- (a) Rome Statute of the International Criminal Court;
- (b) The Act of 25 May 2000 approving the Rome Statute of the International Criminal Court, done at Rome on 17 July 1998 (*Moniteur belge*, 1 December 2000);
- (c) The Act of 5 August 2003 concerning the punishment of serious violations of international humanitarian law (*Moniteur belge*, 7 August 2003) considers the conscription or enlistment of children under 15 years of age in the armed forces or in armed groups, or the forcing of such children to participate actively in hostilities to be a war crime and punishes it as such (Act of 5 August 2003, art. 8; Criminal Code, art. 136 *quater* (61) (7));
- (d) The Act of 29 March 2004 concerning cooperation with the International Criminal Court and the international criminal tribunals (*Moniteur belge*, 1 April 2004);
- (e) The interpretative declaration formulated by Belgium whereby it will not apply the rules of international cooperation referred to in article 7 of the Optional Protocol when those rules are tantamount to the creation of discrimination between governmental and non-governmental armed forces, in violation of the principle in international humanitarian law of equality of parties to a conflict;
- (f) Belgium has ratified International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, done at Geneva on 17 June 1999;

- (g) The National Act of 12 September 2001 approving that Convention;
- (h) Belgium is a party to the Geneva Conventions of 1949 and to the 1977 Protocols additional thereto;
- (i) The National Act of 16 April approving Protocol I and Protocol II.

## F. Article 6

### *Implementation and compliance with the provisions of the Optional Protocol*

56. In practice, the legislative and statutory provisions governing the composition and operation of the armed forces serve to implement the United Nations Convention on the Rights of the Child as it relates to children in armed conflict, insofar as enlistment, consent of the parties and information relating to the exercise of, and training for, the profession are concerned.
57. The members of the armed forces responsible for implementing the arrangements for incorporating young volunteers into the forces are required to ensure that their attitudes and actions are consistent with the legal and statutory provisions governing them, on pain of disciplinary or criminal sanctions, depending on the case, in the event of failure to respect them.
58. The armed forces conduct internal checks to ensure that military personnel under 18 years of age are not serving outside the national territory. This situation does not arise in practice, since military personnel in this age group are still in training and are not permitted to be in intensive service, assistance (except on national territory) or involved in operational engagement.
59. The competent services of the armed forces take the necessary steps to ensure that Belgian troops involved in armed conflicts as part of peacekeeping forces received special training adapted to the various situations they will encounter in the field; this training is graduated in accordance with their respective responsibilities.
60. The Ministers of Education of the Belgian Communities are responsible for the civilian academic training and education programmes offered in military schools. Responsibility for the military training of the above-mentioned persons is generally entrusted to specialized instructors belonging to the Belgian armed forces.
61. Belgium did not enter any reservations when ratifying the Optional Protocol.
62. More particularly with regard to the place of the Protocol in domestic law and its applicability in the national courts, according to practice in Belgium no provision of an international treaty may determine *expressis verbis* whether all or part of its norms have a direct effect in the internal legal order of the contracting States. Under Belgian law it is the responsibility of the judge to decide whether a treaty norm is directly applicable. The problem is one of interpretation and must be resolved by the judge on the basis of articles 31 and 33 of the Vienna Convention on the Law of Treaties of 23 May 1969.

63. In Belgium, it is generally accepted that an international norm has direct effects when it is clear and complete and requires the Belgian State either to abstain from action or to act in a specific manner, and when it may be invoked as a source of law by private individuals without the need for any additional legislative provision to permit implementation.

## Article 7

### *Operational issues*

64. Article 7 of the Optional Protocol to the Convention on the Rights of the Child provides that States parties shall cooperate in the implementation of the Protocol, including prevention of any activity contrary to it and in the rehabilitation and social reintegration of persons who are victims of acts contrary to it, inter alia, through technical cooperation and financial assistance.

65. States parties in a position to do so shall provide such assistance through existing multilateral, bilateral or other programmes or, where appropriate, through a voluntary fund established in accordance with the rules of the United Nations General Assembly.

66. The Act of 25 May 1999 concerning Belgium's programme of international cooperation provides for the concentration of cooperation in five sectors, including conflict prevention and consolidation of society, including support for respect for human dignity, human rights and fundamental freedoms. The strategy note on conflict prevention and peace consolidation prepared by the Minister for Development Cooperation states that preventing the involvement of children in armed conflict is a priority for development cooperation.

67. This approach is based on the following considerations:

(a) Conflicts may irremediably alter a child's aspirations and capabilities, subjecting the child to a terror of physical, psychological, sexual and social violence. Young people's frustrations with regard to their present and future prospects may push them into new cycles of violence where they channel their energy into dubious activities proposed to them in exchange for lucrative gain;

(b) Children and young persons are a direct target of armed conflicts and represent a large share of the refugee population, yet their rights and their future prospects are not always taken into consideration in aid programmes. The safety and well-being of children and young people are an integral part of global security and the human rights system and ultimately depend on action by Governments;

(c) Children and young persons who feel estranged from their social and family environment need to be placed in special programmes (psychosocial care, protection, family reunification searches, schooling, training and access to information, health and defence of children's rights).

68. Under the budgetary item on "conflict prevention, consolidation of peace and human rights" (Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation budget) Belgium finances projects and programmes to strengthen the peace process, first and foremost in Belgium's development cooperation partners, particularly in Sub-Saharan Africa and the Great Lakes Region.

69. For example, a number of projects have been financed to this end in recent years: these include a €50,000 grant for UNICEF Afghanistan, €243,000 for a child soldier project in Uganda, €202,000 for the rehabilitation of young persons in eastern Democratic Republic of the Congo and €54,000 for youth in Jordan.

70. Attention is also drawn to Belgium's support for UNICEF programmes on children and armed conflict in the Great Lakes Region, for the Special Representative of the United Nations Secretary-General for children and armed conflict and for programmes of the Belgian Red Cross and the International Catholic Child Bureau in the Democratic Republic of the Congo.

71. Belgium's development cooperation will continue to focus on projects to benefit child victims of armed conflict. In a recent note by the Minister for Development Cooperation on the rights of the child, entitled "Combating extreme forms of exploitation of children and young people", particular attention is given to the phenomenon of child soldiers. This general policy note makes it clear that Belgian development cooperation is going to concentrate specifically on combating the use of children and young people in armed conflicts in the years to come.

72. The aim of activities in this area is to halt the kidnapping of children, support the elaboration of a policy to prevent their conscription by the army or guerrilla forces, and ensure the safe return, reintegration and rehabilitation of children by protecting them and by providing psychosocial assistance and better community support for kidnapped children who return to their homes and families.

73. Activities financed under the cooperation policy fall into three main areas:

(a) The prevention of child conscription by increasing popular awareness in the countries concerned and through a lobbying campaign aimed at convincing Governments and opposition movements to put an end to the use of child soldiers. Support may be provided for programmes targeting the causes of the presence of children in armies. These causes are often linked to extreme poverty, serious human rights violations and the absence of any lawful State authority. Development cooperation endeavours first and foremost to attack the deep-rooted causes of poverty in developing countries through structural measures (support for education, public health and income-generating activities). This is a long-term policy endorsed not only by Belgium but by the entire donor community;

(b) The demobilization of child soldiers. In armed conflicts children have a right to special attention, in particular to prevent them from being exploited as soldiers. Special attention should be given to the different needs of boys and girls. Involvement in armed conflict and violence itself significantly compromise respect for the rights of children, and efforts must be made to put an end to children's participation in the armed forces. In a war situation, children often become separated from their parents. Family reunification is a crucial factor in the demobilization process;

(c) The rehabilitation and reintegration of child soldiers into society. Priority will be given to the rapid reintegration of demobilized children in civilian life so that they can readjust to daily life. Social components of reintegration programmes should cover the child's education, vocational training and psychosocial care. Emphasis should be placed on the psychological dimension in view of the trauma experienced by most children who have taken part in hostilities.

74. In the same context, Belgium is committed to playing an active role in implementing the guidelines on children and armed conflict adopted by the General Affairs and External Relations Council on 8 December 2003, following consultations with the Special Representative of the United Nations Secretary-General for children and armed conflict, UNICEF and the intergovernmental organizations concerned. These guidelines include a commitment to use the means and tools available to the European Union to measure the impact of armed conflict on children in the short, medium and long terms, by means of monitoring and reporting mechanisms involving the participation of heads of mission of the European Union, the Union's new military authorities, engagement of procedures, political dialogue, multilateral cooperation and crisis management operations.

75. At the most recent International Conference of the Red Cross and the Red Crescent in Geneva (from 2 to 6 June 2003), Belgium and the Belgian Red Cross Society made a formal commitment to continue their activities aimed at raising awareness of the problem of child soldiers and the demobilization and reintegration of such children.

**Annex\***

**LIST OF ACTS AND DECREES**

Act of 29 July 1934 prohibiting private militias, published in the *Moniteur belge (MB)*, 7 August 1934

Consolidated Military Service Acts of 30 April 1962, *MB*, 9 May 1962

Royal Decree of 24 September 1977 concerning the status of the military personnel of the temporary branch of the ground and air forces and the navy and the medical service, *MB*, 30 September 1977

Act of 29 June 1983 concerning compulsory education, *MB*, 6 July 1983

Act of 21 December 1990 concerning the status of military candidates on the active list, *MB*, 12 January 1991

Act of 5 August 1991 concerning the import, export, transit and prevention of trafficking in arms, ammunition and materiel particularly intended for military use or for the maintenance of order and related technology, *MB*, 10 September 1991 (as amended by the Act of 25 March 2003 and the Act of 26 March 2003, *MB*, 7 July 2003)

Royal Decree of 13 November 1991 concerning the enlistment and re-enlistment of military candidates on the active list, *MB*, 7 December 1991

Act of 20 May 1994 concerning the status of short-term military personnel, *MB*, 21 June 1994

Act of 20 May 1994 concerning the operational deployment of the armed forces, their physical preparation and the periods and positions in which soldiers may find themselves, *MB*, 21 June 1994

Royal Decree of 6 July 1994 concerning the determination of forms of operational engagement and preparatory activities for the deployment of the armed forces, *MB*, 20 July 1994

Royal Decree of 11 August 1994 concerning the training of military candidates on the active list, *MB*, 24 August 1994 (amended by the Royal Decree of 11 September 2003 concerning recruitment of military personnel, *MB*, 19 October 2003)

Act of 25 May 2000 approving the Rome Statute of the International Criminal Court, done at Rome on 17 July 1998, *MB*, 1 December 2000

Act of 22 March 2001 amending certain provisions concerning the statutes for military personnel, *MB*, 7 April 2001

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\* These texts are available for consultation at the Office of the United Nations High Commissioner for Human Rights.



Act of 16 May 2001 concerning the status of military personnel on the armed forces reserve list, *MB*, 29 June 2001

Act of 29 April 2002 approving the Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflict, adopted at New York on 25 May 2000, *MB*, 17 September 2002

Act of 27 March 2003 concerning the recruitment of military personnel and the status of military musicians and amending various acts applicable to national defence personnel, *MB*, 30 April 2003

Act of 5 August 2003 concerning serious violations of international humanitarian law, *MB*, 8 August 2003

Royal Decree of 11 September 2003 concerning military recruitment, *MB*, 29 October 2003

Act of 29 March 2004 concerning cooperation with the International Criminal Court and the international criminal tribunals, *MB*, 1 April 2004.

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