



# Convention on the Rights of the Child

Distr.: General  
31 October 2018

Original: English

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## Committee on the Rights of the Child

### Concluding observations on the report submitted by Saudi Arabia under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict\*

#### I. Introduction

1. The Committee considered the report of Saudi Arabia (CRC/C/OPAC/SAU/1) at its 2331st and 2332nd meetings (see CRC/C/SR.2331 and 2332), held on 1 October 2018, and adopted the present concluding observations at its 2340th meeting, held on 5 October 2018.
2. The Committee welcomes the submission of the report of the State party and the written replies to the list of issues (CRC/C/OPAC/SAU/Q/1/Add.1). The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.
3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the combined third and fourth periodic reports submitted by the State party under the Convention (CRC/C/SAU/CO/3-4), adopted on 30 September 2016, and on the report of the State party submitted under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/SAU/CO/1), adopted on 5 October 2018.

#### II. General observations

##### Positive aspects

4. The Committee welcomes the fact that the Optional Protocol is considered to form part of domestic law. It also notes with appreciation the accession by the State party to the Optional Protocol on the sale of children, child prostitution and child pornography, in August 2010.
5. The Committee likewise welcomes the various positive measures taken in areas relevant to the implementation of the Optional Protocol on the involvement of children in armed conflict, in particular:
  - (a) The declaration by the State party upon accession to the Optional Protocol that the minimum age for voluntary recruitment into the armed forces is 17 years of age;
  - (b) The endorsement of the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups;

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\* Adopted by the Committee at its seventy-ninth session (17 September–5 October 2018).



- (c) The adoption of the Child Protection Act (2014);
- (d) The establishment of the Family Affairs Council by Council of Ministers Decision No. 443 of 25 July 2016;
- (e) The establishment of the child protection unit, which protects the rights of children affected by the conflict in Yemen and meets their needs.

### **III. General measures of implementation**

#### **Coordination**

6. The Committee welcomes the monitoring of the implementation of the Optional Protocol by the respective human rights departments of the Ministry of Defence and the Ministry of the Interior of the State party. However, it is concerned about the absence of a body specifically mandated to coordinate activities for the comprehensive and effective implementation of the Optional Protocol throughout the State party.

7. **The Committee recommends that the State party designate a governmental entity with overall responsibility for the effective coordination among all ministries and other government entities and partners of activities for the implementation of the Optional Protocol. The State party should ensure that the coordinating body is equipped with the necessary authority and provided with sufficient human, financial and technical resources for effective operation at all levels.**

#### **Comprehensive policy and strategy**

8. The Committee is concerned about the absence of a comprehensive policy and strategy for the implementation of the Optional Protocol in the State party.

9. **The Committee recommends that the State party develop a comprehensive policy and strategy for the implementation of the Optional Protocol.**

#### **Allocation of resources**

10. The Committee notes the information provided by the State party concerning budget resources allocated to facilitate the implementation of the Optional Protocol. It is, however, concerned that, as the State party itself recognizes, it is difficult to identify budget items dedicated to the implementation of the Optional Protocol.

11. **With reference to its 2016 concluding observations (CRC/C/SAU/CO/3-4, para. 9) and general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party:**

- (a) **Modify its budgetary procedures in order to be able to identify the budget items for the implementation of the Optional Protocol;**
- (b) **Ensure the allocation of specific and targeted resources for the effective implementation of all areas covered by the Optional Protocol;**
- (c) **Ensure equitable distribution of national resources to protect children who are especially vulnerable to offences under the Optional Protocol.**

#### **Dissemination and awareness-raising**

12. The Committee recognizes the State party's efforts to make the principles and provisions of the Optional Protocol widely known to members of the armed forces, security officials, prosecutors, lawyers, health-care workers and civil society organizations. However, it regrets that because these efforts are not targeted at all stakeholders, the principles and provisions are not sufficiently known to children and the general public.

13. **The Committee recommends that the State party:**

- (a) **Enhance its efforts to make the principles and provisions of the Optional Protocol widely known to the public at large, in particular children and their families,**

by, *inter alia*, incorporating it in the compulsory school curricula and long-term campaigns, involving the media in particular, to raise awareness of the harmful effects of all the offences referred to in the Optional Protocol and preventive measures to combat them;

(b) **Swiftly adopt a national strategy for human rights education, as recommended in the framework of the World Programme for Human Rights Education, and ensure that the principles and provisions of the Optional Protocol are prominently featured in the strategy.**

#### **Data**

14. The Committee regrets the lack of data collection on children attending military schools and academies, as well as on asylum-seeking, refugee, migrant, unaccompanied and separated children who enter the State party and may have been recruited or used in hostilities abroad.

15. **The Committee recommends that the State party establish a mechanism, accompanied by the training of necessary personnel, for the comprehensive collection of data, disaggregated by sex, age, nationality and ethnic origin, in respect of such children.**

#### **Right to life, survival and development**

16. The Committee notes the measures reported by the State party regarding the identification of military targets in the armed conflict in Yemen, in which it is involved as leader of the so-called Coalition to Restore Legitimacy in Yemen, and its statement during the dialogue that the Coalition has been accidentally responsible for casualties among children. The Committee is seriously concerned that children in Yemen continue to be the primary victims of that ongoing conflict. In particular, the Committee is deeply concerned about actions or omissions attributable to the State party, including:

(a) The reported killing and wounding of children in air strikes since March 2015, resulting in total in the deaths of at least 1,248 children and the injury of at least 1,284, nearly 20 per cent of all civilian deaths in air strikes, including the air strikes of 9, 22 and 23 August 2018 in Dahyan, Sa'dah Governorate, in the north of the country, and in Hudaydah Governorate, in western Yemen;

(b) Military operations that, aggravated by an aerial and naval blockade that has rendered many millions of people, a large proportion of whom are children, food insecure, have tragic consequences for civilians, children in particular, who are being killed, maimed, orphaned and traumatized;

(c) The attacks on civilian targets across Yemen such as homes, medical facilities, schools, farms, wedding celebrations, markets and vehicles in crowded areas, including through the use of cluster ammunition, which continue to be carried out by all parties to the conflict in breach of the Geneva Conventions relating to the protection of victims of international armed conflicts and to cause death and injury to children;

(d) The limited impact of the child protection unit established at the command centre of the Coalition to Restore Legitimacy in Yemen and intended to mitigate the impact of military operations in Yemen on children;

(e) The absence of post-attack assessment measures following air strikes carried out in Yemen.

17. **The Committee reiterates its previous recommendation under the Convention (CRC/C/SAU/CO/3-4, para. 39) and reminds the State party that it has primary responsibility for the protection of civilians, particularly children, whose safety should be a priority in all air strikes and other military operations carried out by the Saudi-led Coalition to Restore Legitimacy in Yemen and that it should prevent civilian casualties. It also reminds the State party that in accordance with the Optional Protocol, conditions of peace and security are indispensable for the full protection of children. Consequently, the Committee urges the State party to:**

- (a) **Put an end to the air strikes;**
- (b) **Prioritize the protection of children in all military operations in Yemen, take concrete and firm precautionary measures and prevent the indiscriminate use of force so that no more civilians, in particular children, are killed or maimed;**
- (c) **Remove without delay restrictions on the provision of humanitarian supplies to the civilian population, in particular children, and fulfil its obligation to facilitate rapid and unimpeded passage of humanitarian relief and unhindered access to medical facilities, in Yemen and abroad;**
- (d) **Ensure observance of the core international humanitarian law principles of distinction, proportionality and precaution in military operations, including air strikes on or affecting children, including through a more effective child protection unit and the conduct of post-attack assessments in all cases;**
- (e) **Ensure that all alleged violations of children's rights committed by the Coalition forces led by the State party in Yemen are investigated in a transparent, timely and independent manner and that perpetrators of such violations are brought to justice, prosecuted and, if found guilty, appropriately punished;**
- (f) **Ensure that child victims of attacks, incursions and air strikes, and their families, are always provided with redress and compensation;**
- (g) **Ensure special protection for pupils and teachers, schools, recreational areas for children, hospitals and medical staff in its military operations in Yemen;**
- (h) **Prioritize the rehabilitation of school and hospital buildings and facilities and ensure that relevant infrastructure damaged as a result of military operations is promptly and fully restored.**

## **IV. Prevention**

### **Compulsory recruitment**

18. The Committee welcomes the prohibition, contained in article 8 of the Child Protection Act, on the involvement of children, defined in article 1 of the Act as anyone below the age of 18, in military activities or armed conflict and their employment in activities that may harm their integrity or their physical or moral health. It also notes with appreciation that under article 8, paragraph 13, of the implementing regulations of the Act, children may not be involved in combat operations and that paragraph 14 directs the competent authorities to take all possible measures to ensure that persons under the age of 18 are not directly involved in war and to prohibit the recruitment of children into the armed forces or similar organizations. The Committee is nonetheless concerned that article 4 of the Enlistment Act provides that a candidate for military service must not be less than 17 years of age.

19. **In line with the provisions of the Optional Protocol that aim to protect all children from compulsory recruitment into the armed forces and from involvement in armed conflict, the Committee recommends that the State party explicitly and consistently stipulate in all its domestic laws that children may not be subjected to compulsory enlistment or compulsory recruitment into the armed forces or take any part in hostilities, including in times of armed conflict.**

### **Voluntary recruitment**

20. The Committee, while welcoming the prohibition on the involvement of children in military activities or armed conflict, instituted under article 8 of the Child Protection Act, is concerned that this prohibition is only implicit and indirect.

21. **The Committee recommends that the State party:**

- (a) **Unequivocally stipulate in all its relevant domestic laws that children voluntarily recruited from the age of 17 shall not take part in any hostilities;**

(b) **Ensure the inclusion of information on the Optional Protocol and the rights contained therein in information provided to 17-year-old volunteers, in order to increase awareness of rights under the Optional Protocol and, in particular, to ensure that all voluntary recruitment is done on the basis of genuine informed consent;**

(c) **Provide children with information on a variety of options for their future, both military and non-military.**

#### **Age verification procedures**

22. The Committee welcomes the provision requiring that documentary evidence of age be provided before an application for recruitment into the armed forces is accepted. It is concerned, however, that under article 4 of the Enlistment Act, the decision made by the medical committee before which prospective recruits must appear in the event of a perceived discrepancy between the age given on their birth certificate or identity document and their physical development is not subject to review.

23. **The Committee recommends that the State party:**

(a) **Standardize army recruitment procedures and train officers to ensure consistent and effective verification of the age of individual recruits to effectively prevent the recruitment of children into the armed forces;**

(b) **Ensure that the age verification procedures conducted by a medical committee involve a comprehensive assessment of both the child's physical and psychological development, and provide for the possibility of judicial review of the decision of the medical committee;**

(c) **Widely circulate guidelines on verifying age and instruct recruiters that if there is any doubt about an individual's age, the candidate should not be recruited.**

#### **Military schools**

24. The Committee notes that the Ministry of Defence, the Ministry of the National Guard and the Ministry of the Interior have introduced human rights, including children's rights, into the curricula of military colleges and related educational institutions. It is nonetheless concerned that the Ministry of Education is not involved in the design of the curricula of military schools.

25. **The Committee recommends that the State party ensure that the curricula of military schools are designed by the Ministry of Education, taking into account human rights, including children's rights and the Optional Protocol.**

#### **Human rights and peace education**

26. The Committee welcomes the reported efforts and initiatives by the State party to make human rights in general and children's rights in particular a part of the regular school curricula at all levels. It also welcomes the Messengers of Peace scouting initiative.

27. **In line with its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party pursue and strengthen its educational initiatives to systematically include human rights, including children's rights, and peace education in the compulsory curricula of all schools and in teacher training programmes, including with specific reference to the Optional Protocol and methods of identifying children who are especially vulnerable to practices contrary to the Optional Protocol.**

## **V. Prohibition and related matters**

#### **Criminal legislation and regulations in force**

28. The Committee regrets that the State party's legislation does not explicitly criminalize the recruitment and use of children in hostilities by the armed forces, non-State armed groups or private security companies. The Committee is also concerned that the

recruitment of children below the age of 15 has not been defined as a war crime in the State party's legislation.

29. **The Committee recommends that the State party:**

(a) **Explicitly criminalize the recruitment and use of children in hostilities by the armed forces, non-State armed groups and private security companies;**

(b) **Define and punish the recruitment of children under the age of 15 as a war crime and consider ratifying the Rome Statute of the International Criminal Court.**

#### **Impunity**

30. Taking note of Human Rights Council resolution 39/16, in which the Council condemned the ongoing violations and abuses of human rights and violations of international humanitarian law in Yemen, including those involving the widespread recruitment and use of children by parties to the armed conflict, the Committee reiterates its deep concern about serious human rights violations by the Coalition to Restore Legitimacy in Yemen. It is also concerned about the ineffectiveness of the Joint Incidents Assessment Team set up by the Coalition in 2016 to investigate allegations of unlawful attacks by the State party and members of the Coalition on children and facilities and spaces frequented by children and about the lack of independence of the Assessment Team's members. The Committee is concerned in particular that the Assessment Team's public findings contain insufficient detail, that there is no mechanism to ensure implementation of its recommendations and that there has been no case, let alone a case involving child casualties, recruitment or use of children in armed hostilities, where its investigations led to prosecutions or disciplinary sanctions imposed upon individuals, including military officials of the State party.

31. **The Committee urges the State party to ensure that all allegations of unlawful attacks on children as well as recruitment and use of children in armed conflict are promptly, independently and impartially investigated and that suspected perpetrators and violators of children's rights and norms of international humanitarian law are pursued effectively, brought to justice and given appropriate sanctions in order to prevent and combat impunity. The State party should also ensure that child victims are provided with an effective remedy.**

#### **Extraterritorial jurisdiction**

32. The Committee regrets the lack of legislation on extraterritorial jurisdiction over all offences covered by the Optional Protocol.

33. **The Committee recommends that the State party establish and exercise extraterritorial jurisdiction over all acts prohibited under the Optional Protocol, including the conscription or enlistment of children into armed forces or non-State armed groups, or the active use of children in hostilities, when the alleged offender is a Saudi national or a person who has his or her habitual residence in the State party, or when the victim is a Saudi child.**

#### **Extradition**

34. The Committee acknowledges the State party's general preparedness to conclude bilateral extradition agreements and ratify regional and international extradition instruments but regrets the lack of comprehensive legislation on extradition for all offences covered by the Optional Protocol.

35. **The Committee recommends that the State party take steps to enact comprehensive legislation regarding crimes covered by the Optional Protocol and ensure that a dual criminality requirement is not used in cases of extradition for crimes covered by the Optional Protocol, including with respect to bilateral extradition agreements.**

## VI. Protection, recovery and reintegration

### Measures adopted to protect the rights of child victims

36. The Committee welcomes the activities in Yemen of the King Salman Humanitarian Aid and Relief Centre, which, in partnership with civil society, aims to rehabilitate child soldiers who have been involved in or affected by armed conflict. It also welcomes the release and handing over to the Government of Yemen of children aged 8 to 17 who had reportedly been associated with parties to the armed conflict and reports that they have been reunified with their families.

37. **The Committee recommends that the State party:**

(a) **Continue supporting the activities in Yemen of the King Salman Humanitarian Aid and Relief Centre;**

(b) **Ensure that children are not arbitrarily arrested, detained or prosecuted by military courts for their membership in armed groups or for military offences such as desertion;**

(c) **Ensure that the detention of children is used only as a measure of last resort and for the shortest possible period;**

(d) **Ensure that, if criminal charges are brought against children, trials are held before civilian courts and in compliance with international standards on juvenile justice, including the standards enshrined in the Convention and elaborated in the Committee's general comment No. 10 (2007) on children's rights in juvenile justice.**

38. The Committee is concerned about the inadequacy of the mechanism for early identification of refugee, asylum-seeking and migrant children, including unaccompanied and separated children, who enter the State party and who may have been involved in armed conflicts abroad. It is also concerned about inadequate measures to support and protect child victims.

39. **The Committee recommends that the State party:**

(a) **Strengthen the provision of systematic training on the early identification of refugee, asylum-seeking and migrant children, including unaccompanied and separated children, who enter the State party and who may have been involved in armed conflicts abroad, to all professionals working with or for children, particularly immigration personnel, law enforcement officers, judges, prosecutors, social workers and medical professionals;**

(b) **Adopt a comprehensive policy for the physical and psychological recovery and the social reintegration of all such children and allocate the necessary human, technical and financial resources for the implementation of the policy;**

(c) **Take all necessary measures to assist child victims, including careful assessment of the situation of children who may have been recruited to serve in armed conflicts, reinforcement of the legal advisory services available to them and the provision of immediate, culturally responsive, child-sensitive and multidisciplinary assistance;**

(d) **Seek technical assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR) and continue to avail itself of technical assistance from the United Nations Children's Fund (UNICEF) for the implementation of these recommendations.**

### Treatment of children associated with armed groups

40. The Committee is concerned that the lives and physical integrity of asylum-seeking and refugee children, if returned to Yemen, might be at risk or that they might be recruited and/or used in hostilities, including by non-State armed groups.

41. **The Committee recommends that the State party ensure compliance with the principle of non-refoulement.**

## **VII. International assistance and cooperation**

### **International cooperation**

42. The Committee recommends that the State party cooperate with the Group of Eminent International and Regional Experts on Yemen, that it continue and strengthen its cooperation with the International Committee of the Red Cross and with the Special Representative of the Secretary-General for Children and Armed Conflict and that it explore increased cooperation with UNHCR, UNICEF and other United Nations entities for the implementation of the Optional Protocol.

### **Arms exports and military assistance**

43. The Committee welcomes the Arms and Ammunition Act's criminalization and prohibition of the manufacture, import, purchase, export, sale, possession, handling, procurement or repairing of arms, ammunition and related equipment or spare parts. It is concerned, however, that the State party lacks legislation specifically prohibiting the trade, export and transit of arms, including small arms and light weapons, and the provision of military assistance to countries where children are known to be, or may potentially be, unlawfully recruited or used in armed conflicts or hostilities by the recipient State's armed forces. The Committee regrets that the State party has not acceded to the Arms Trade Treaty.

44. The Committee recommends that the State party:

(a) Adopt legislation to prevent the sale or smuggling, export and transfer of arms, including small arms and light weapons, and the provision of other forms of military assistance when the final destination is a country in which children are known to be, or may potentially be, unlawfully recruited or used in hostilities by armed forces or a country that provides direct or indirect support to armed groups that recruit children or use them in hostilities;

(b) Consider ratifying the Arms Trade Treaty, which regulates the international trade in conventional weapons and prohibits States from exporting conventional weapons to countries when they know those weapons will be used for genocide, crimes against humanity or war crimes.

## **VIII. Ratification of the Optional Protocol on a communications procedure**

45. The Committee recommends that, in order to further strengthen the fulfilment of children's rights, the State party ratify the Optional Protocol on a communications procedure.

## **IX. Implementation and reporting**

### **A. Follow-up and dissemination**

46. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented, including by transmitting them to the Ministry of Defence, the Ministry of the Interior, members of the armed forces, law enforcement and immigration officers, judges, prosecutors, lawyers, social workers, medical professionals, teachers, media professionals and local officials for appropriate consideration and further action.

47. The Committee recommends that the report and the written replies to the list of issues submitted by the State party and the present concluding observations be made widely available in all applicable languages, including through the Internet, to

the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate on and awareness of the Optional Protocol and its implementation and monitoring.

**B. Next periodic report**

48. In accordance with article 8 (2) of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report to be submitted in accordance with article 44 of the Convention.

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