



## General Assembly

Distr.  
GENERAL

A/HRC/4/45  
9 February 2007

Original: ENGLISH

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HUMAN RIGHTS COUNCIL  
Fourth session  
Item 2 of the provisional agenda

### **IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Report of the Special Representative of the Secretary-General  
for children and armed conflict, Radhika Coomaraswamy\***

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\* This document is submitted late as to include the most up to date information possible.

## **Summary**

The present report, submitted in accordance with General Assembly resolution 51/77 and Human Rights Council decision 2/102, highlights the significant advances made in the efforts of the international community to ensure tangible protection for children affected by armed conflict and outlines strategies that will be undertaken to ensure the institution of an “era of application” of international child protection standards and norms since the adoption of Security Council resolution 1612 (2005) on 26 July 2005. The report also recognizes that the creation of the Human Rights Council places human rights on an equal footing with security and economic development, and that the Council will hence serve as an important component of and a critical partner in efforts to ensure the application and enforcement on the ground of international norms and standards to protect children’s rights and to end impunity for violating parties.

The report recognizes that, despite the progress that has been made, the Office of the Special Representative continues to receive reports of grave violations being committed against children by parties in several situations of armed conflict and, therefore, that much remains to be done to ensure the protection of the rights of children affected by armed conflict. To this end, the Special Representative has put forward a two-year strategic framework to strengthen and consolidate the gains made in the past and to meet the new challenges in the period ahead.

The report concludes that the United Nations human rights system must continue to play a crucial role and actively support the protection of the rights of war-affected children on the ground. The Special Representative recommends that the Human Rights Council support the monitoring and reporting mechanism for children and armed conflict in all situations of concern, and that it recognize and make an integral part of the agenda of its future sessions the five categories of grave violations against children other than child soldiering.

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## I. INTRODUCTION

1. The present report is submitted pursuant to General Assembly resolution 51/77 of 12 December 1996, which created the mandate of the Special Representative of the Secretary-General for children and armed conflict and requested that the Special Representative submit an annual report to the Commission on Human Rights, a request most recently reiterated in resolution 60/231 of 23 December 2005, and to Human Rights Council decision 2/102. The report should be read in the context of the report of the Special Representative to the General Assembly (A/61/275 and Corr.1) and the report of the Secretary-General to the General Assembly and the Security Council (A/61/529-S/2006/826 and A/61/529/Corr.1-S/2006/826/Corr.1), the sixth annual report on this subject. This report highlights the significant advances made in the efforts of the international community to ensure tangible protection for children affected by armed conflict and outlines strategies that will be undertaken to ensure the institution of an “era of application” of international child protection standards and norms since the adoption of Security Council resolution 1612 (2005) on 26 July 2005. Further, this report recognizes that the creation of the Human Rights Council places human rights on an equal footing with security and economic development. The Council hence serves as an important component of and a critical partner in efforts to ensure the application and enforcement on the ground of international norms and standards to protect children’s rights and to end impunity for violating parties. The Office of the Special Representative considers the Human Rights Council as a crucial “destination for action”, where the protection of children affected by armed conflict will be addressed within its mandate and responsibilities.

2. Today, in over 30 situations of concern around the globe, children are being brutalized and callously used to advance the agendas of adults. It has been estimated that over 2 million children have been killed in situations of armed conflict; another 6 million have been rendered permanently disabled; and more than quarter of a million children continue to be exploited as child soldiers. Thousands of girls are being subjected to rape and other forms of sexual violence and exploitation, and girls and boys are being abducted from their homes and communities on an unprecedented scale. Schools and hospitals, which should be safe havens for children, are also increasingly becoming prime targets of attack by armed groups. Further, in many situations, parties to conflict systematically deny humanitarian agencies access to territories under their control, with devastating consequences for civilian populations, especially children.

3. In the course of the past year, despite the progress that has been made, children have been subjected to new, tragic experiences of terror, deprivation and utter vulnerability in the Middle East, Lebanon, Israel, the Occupied Palestinian Territories, Darfur and eastern Chad. In other situations, such as in Haiti, where the dynamics of conflict are very different, children also face similar grave violations of their rights, including systematic recruitment into armed groups, death and maiming, either through direct or indirect involvement in violence, abductions and sexual violence. There is an increasing concern that some armed groups are engaging in indiscriminate attacks and the use of disproportionate force against civilians in situations of armed conflict, in blatant disregard of international humanitarian and human rights principles. Further, recent evidence indicates that the recruitment and use of child soldiers and other grave violations are beginning to “migrate” within regions such as the Great Lakes region of Africa.

4. Much remains to be done to ensure the protection of the rights of children affected by armed conflict. To this end, the Special Representative has put forward a two-year strategic framework (see A/61/275, sect. IV) to strengthen and consolidate the gains made in the past, and to meet the new challenges in the period ahead. The framework sets out four main objectives: supporting global initiatives to end grave violations against children affected by armed conflict; promoting rights-based protection for children in armed conflict; making children affected by armed conflict an integral part of peacekeeping and peacebuilding; and raising awareness about children in armed conflict issues before, during and after conflict situations. In pursuit of these objectives, the Office will engage the following strategies: strict monitoring and reporting of violations; advocating with partners and the general public; mainstreaming the issue in all international efforts; and facilitating research and study in key areas such as international criminal law and the child, the girl child, the needs and concerns of former boy soldiers, and transitional justice.

5. As part of its continued efforts, the Office of the Special Representative, together with the United Nations Children's Fund (UNICEF) and other partners, will undertake a 10-year strategic review of the United Nations study on the impact of armed conflict on children (A/51/306 and Add.1), also known as the Machel Study. In view of United Nations reform and changes in the global policy environment, this review will seek to identify key challenges and priorities, develop comprehensive strategies and frame recommendations for the future of the children and armed conflict agenda. The Office of the Special Representative hopes that the analysis and findings of this review will highlight the strong linkages between the various impacts of conflict on children in order to generate ideas and form the basis for further effective action by the United Nations and all relevant stakeholders to improve the protection of children's rights in situations of armed conflict.

## **II. ENDING EGREGIOUS VIOLATIONS AGAINST CHILDREN IN SITUATIONS OF ARMED CONFLICT**

### **A. Monitoring and reporting for compliance**

6. The adoption of Security Council resolution 1612 (2005) requesting the implementation of the comprehensive monitoring and reporting mechanism for grave violations against children affected by armed conflict was a groundbreaking development in ensuring accountability and compliance by violating parties. The report of the Secretary-General to the Security Council on children and armed conflict, which was submitted pursuant to this resolution and resolutions 1379 (2001), 1460 (2003) and 1539 (2004), provides information on compliance in ending the recruitment and use of children in armed conflict in violation of applicable international law and other violations committed against children affected by armed conflict, namely killing and maiming; rape and other grave sexual violence; abductions, attacks against schools and hospitals; and denial of humanitarian access to children.<sup>1</sup>

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<sup>1</sup> Applicable international law relating to the rights and protection of children in armed conflict include, in particular, the Geneva Conventions of 1949 and obligations applicable under the Additional Protocols thereto of 1977; the Convention on the Rights of the Child of 1989, the Optional Protocol thereto on the involvement of children in armed conflict of 2000; amended

### 1. Recruitment and use of children as soldiers

7. In situations of armed conflict, children are especially vulnerable and are most often the first victims of forced recruitment. Regardless of how they are recruited, child soldiers are victims, whose participation in conflict has serious implications for their physical and emotional well-being. They are commonly subjected to abuse and many of them witness death, killing and sexual violence. Some participate in killings and many suffer serious long-term psychological consequences. The Office of the Special Representative strongly advocates with the following parties,<sup>2</sup> who are responsible for the recruitment and use of children in situations of armed conflict, to enter into action plans to cease recruitment and release all children in their ranks:

Parties in Burundi	Parti de libération du Peuple hutu (Palipehutu)-Forces Nationales pour la Libération (FNL) - Agathon Rwasa
Parties in Côte d'Ivoire	<ol style="list-style-type: none"> <li>1. Armed militia groups affiliated with the presidential camp <ol style="list-style-type: none"> <li>(a) Front de libération du Grand Ouest (FLGO)</li> <li>(b) Mouvement ivoirien de libération ouest de Côte d'Ivoire (MILOCI)</li> <li>(c) Alliance patriotique de l'ethnie Wé (APWé)</li> <li>(d) Union patriotique de résistance du Grand Ouest (UPRGO)</li> </ol> </li> <li>2. Forces armées des Forces nouvelles (FAFN)</li> </ol>
Parties in the Democratic Republic of the Congo	<ol style="list-style-type: none"> <li>1. Forces armées de la République démocratique du Congo (FARDC)</li> <li>2. Forces démocratiques de libération du Rwanda (FDLR)</li> <li>3. Front nationaliste et intégrationniste (FNI)</li> <li>4. Mai-Mai groups in North and South Kivu, Maniema and Katanga who have not integrated into FARDC</li> <li>5. Non-integrated FARDC elements loyal to rebel leader Laurent Nkunda</li> </ol>

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Protocol II to the Convention on Prohibitions or Restriction on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects; International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction of 1997.

<sup>2</sup> The parties listed are those contained in the lists annexed to the sixth annual report of the Secretary-General on children and armed conflict.

Parties in Myanmar	<ol style="list-style-type: none"> <li>1. Karen National Liberation Army (KNLA)</li> <li>2. Karenni Army (KA)</li> <li>3. Tatmadaw Kyi</li> <li>4. United Wa State Army</li> </ol>
Parties in Somalia	<ol style="list-style-type: none"> <li>1. Alliance for the Restoration of Peace and Counter Terrorism (ARPCT)</li> <li>2. Union of the Islamic Courts (ICU)</li> </ol>
Parties in the Sudan	<ol style="list-style-type: none"> <li>1. Parties under the control of the Government of the Sudan <ol style="list-style-type: none"> <li>(a) Darfur Government supporting militias, also called Janjaweed</li> <li>(b) Police forces (camel police)</li> <li>(c) Sudan Armed Forces</li> </ol> </li> <li>2. Former rebel parties who have accepted the Darfur Peace Agreement Sudan Liberation Army/Movement (SLA/M) (Minawi)</li> <li>3. Parties under the control of the Government of Southern Sudan Sudan People's Liberation Army (SPLA)</li> <li>4. Parties under the control of both the Government of the Sudan and the Government of Southern Sudan Joint Integrated Units of the Sudan Armed Forces and SPLA</li> <li>5. Groups of tribally-linked armed civilians involved in inter-communal fighting or confrontations with parties The White Army (Lou Nuer)</li> <li>6. Other groups active in Sudanese territory <ol style="list-style-type: none"> <li>(a) Chadian opposition forces</li> <li>(b) Lord's Resistance Army (LRA)</li> </ol> </li> </ol>
Parties in Chad	Sudan Liberation Army (SLA)
Parties in Colombia	<ol style="list-style-type: none"> <li>1. Ejército de Liberación Nacional (ELN)</li> <li>2. Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP)</li> <li>3. Illegal armed groups not participating in the demobilization process <ol style="list-style-type: none"> <li>(a) Autodefensas Campesinas del Casanare</li> <li>(b) Frente Cacique Pipinta</li> </ol> </li> </ol>

Parties in Nepal	Communist Party of Nepal-Maoist (CPN-M)
Parties in the Philippines	<ol style="list-style-type: none"> <li>1. Abu Sayyaf Group</li> <li>2. Moro Islamic Liberation Front (MILF)</li> <li>3. New People's Army (NPA)</li> </ol>
Parties in Sri Lanka	<ol style="list-style-type: none"> <li>1. Karuna faction</li> <li>2. Liberation Tigers of Tamil Eelam (LTTE)</li> </ol>
Parties in Uganda	<ol style="list-style-type: none"> <li>1. Lord's Resistance Army (LRA)</li> <li>2. Government armed forces and defence units               <ol style="list-style-type: none"> <li>(a) Local defence units</li> <li>(b) Uganda People's Defence Forces (UPDF)</li> </ol> </li> </ol>

## **2. Killing and maiming**

8. In many conflict situations, children have been deliberately killed or maimed by parties to conflict, often in extremely brutal ways. Children also tend to get caught in the crossfire, including indiscriminate shelling and bombardments, resulting in a large number of deaths and injuries. The Office of the Special Representative continues to be concerned about reports received of the killing and maiming of children by parties to conflict in Afghanistan, Burundi, Chad, Côte d'Ivoire, Colombia, the Democratic Republic of the Congo, Haiti, Iraq, Israel, Lebanon, the Occupied Palestinian Territories, the Philippines, Somalia, Sri Lanka, the Sudan, Nepal and Uganda.

## **3. Rape and other grave sexual violence**

9. Girls and women most often experience armed conflict as civilians, suffering acts of extreme violence including rape and other grave sexual violence. Refugee and internally displaced girls and women are especially vulnerable to sexual exploitation by armed forces and groups, and in some cases even by United Nations peacekeepers. The Office of the Special Representative has received reports that girls and women are increasingly being subjected to rape and grave sexual violence in times of heightened conflict in Chad, Côte d'Ivoire, the Democratic Republic of the Congo, the Sudan, Colombia and Uganda.

## **4. Abductions**

10. The abduction of children by parties to conflict as part of systematic campaigns of violence has been an increasing concern. Children are being abducted from their homes, schools and refugee and internally displaced camps, exploited for forced labour, sexual slavery and forced recruitment, and trafficked across borders. The Office of the Special Representative is also actively investigating persistent reports of abductions of children by parties in situations of conflict in Chad, Colombia, the Democratic Republic of the Congo, Iraq, Nepal, Sri Lanka, the Sudan and Uganda.



## **5. Attacks on schools and hospitals**

11. Places that should be safe havens for children such as schools and hospitals have been deliberately attacked in many situations of conflict such as in Afghanistan, Iraq, Israel, Lebanon, the Occupied Palestinian Territories, Nepal, Somalia and Sri Lanka. The Office of the Special Representative has received reports that schools and hospitals have been destroyed or damaged by military operations, or these premises occupied by armed groups, in addition to disconcerting cases of principals, teachers and students being killed by parties to conflict. The Office of the Special Representative urges these parties to respect civilians and civilian objects and ensure that schools and hospitals are accorded special protection in times of conflict.

## **6. Denial of humanitarian assistance to children**

12. The denial of humanitarian access in conflict situations has a particularly devastating effect on children. Parties in some situations of conflict have failed to respect humanitarian or security zones, or to open safe corridors to permit humanitarian workers to reach children in war zones in order to provide essential aid and protection. During the past year, there have also been a significant number of reports of assaults and killing of humanitarian workers. The Office of the Special Representative is concerned that children were denied access to humanitarian aid in Lebanon, the Occupied Palestinian Territories, Myanmar, Sri Lanka, Somalia and the Sudan.

## **B. Security Council Working Group**

13. The adoption of Security Council resolution 1612 (2005) also led to other significant advances, such as the establishment of the Security Council Working Group on children and armed conflict (the Working Group), which underlie the progress made to engender accountability and compliance by parties who commit grave violations against children. In the period since the adoption of this resolution, steady progress has been made in establishing the monitoring and reporting mechanism in the seven situations that were designated as priorities for the first phase of implementation, namely, Burundi, the Democratic Republic of the Congo, Côte d'Ivoire, Somalia, the Sudan, Nepal and Sri Lanka. Information from the monitoring and reporting mechanism has been sent through reports to the Security Council and through reports of the United Nations Secretariat on situations of concern to the Working Group. It is intended that reports to the Working Group should serve as "triggers for action" by the Council and other relevant policy-level actors, resulting in pressure upon parties to conflict to halt violations against children.

14. To date, the Working Group has considered reports on situations of concern in relation to children and armed conflict in the Democratic Republic of the Congo, the Sudan, Cote d'Ivoire and Burundi, and has issued recommendations with respect to the Democratic Republic of the Congo and the Sudan to the Security Council and other bodies within the United Nations system. The Working Group made recommendations to the Council to consider targeted sanctions against the leaders of the Mouvement révolutionnaire du Congo (MRC) for repeated violations of Security Council resolutions on children and armed conflict, and has referred rebel leader Laurent Nkunda to the Security Council committee established pursuant to

resolution 1533 (2004). The Working Group has further urged United Nations agencies and donor Governments to support the Government of the Democratic Republic of the Congo with technical assistance for *Auditeurs militaires* in bringing an end to impunity for grave violations against children committed by military forces or armed groups present in the country. On the Sudan, the Working Group recommended that the Security Council pay increased attention to children affected by armed conflict in the country and continue to strengthen measures taken for the protection of children, including the capacity to protect girls from rape and other forms of gender-based violence. The situation of children affected by armed conflict in Sri Lanka, Nepal and Somalia will be presented to the Working Group in the first half of 2007.

15. Since the adoption of Security Council resolution 1612 (2005), a number of parties have established dialogue with the United Nations within the framework of the monitoring and reporting framework for the preparation and implementation of time-bound action plans to prevent and end the violations for which they have been cited. In that regard, in November 2005 the rebel group Forces nouvelles in Côte d'Ivoire, under concerted pressure from the Special Representative of the Secretary-General for Côte d'Ivoire and from UNICEF, submitted to the Special Representative an action plan to prevent recruitment and to release children associated with their forces. This concrete commitment is the culmination of dialogue established by UNICEF with the Forces nouvelles in 2003. The United Nations is now working with Forces nouvelles to identify the children and reintegrate them into their communities. Pro-Government militia groups in Côte d'Ivoire have now also signalled their intention to fully cooperate towards the preparation of a similar action plan, the modalities of which are presently under discussion. A recent development since the publication of the Secretary-General's annual report is the commitment received from Colonel Karuna, leader of the Tamil Makkal Viduthalai Puligal (TMVP) in Sri Lanka, to collaborate with UNICEF on developing an action plan to prevent recruitment and to release all children in its ranks. The Karen National Liberation Army, which has been reported to be recruiting from refugee camps in Thailand, has also sent a letter to the Office of the Special Representative stating that it would no longer use or recruit children, would monitor its units and take action to ensure that no children are within its ranks, and that it would cooperate and allow unhindered United Nations access to monitor and verify compliance with non-recruitment. The Office of the Special Representative is currently liaising with the United Nations country team to finalize a deed of commitment and action plan which will address these points.

16. It must be stressed that an effective monitoring, reporting and compliance regime depends largely on the collaboration of a number of critical stakeholders, particularly Member States, United Nations system partners, NGOs and local civil society, in situations of concern. The United Nations human rights system is an important component in this regard.

### **C. Application of international child protection standards**

17. Important precedents have also been set in the fight to end impunity through the application of international child protection standards. For example, in October 2005 the International Criminal Court issued arrest warrants for five senior members of the insurgent Lord's Resistance Army (LRA), including its rebel leader, Joseph Kony, who is charged

with 33 counts of war crimes and crimes against humanity, including murder, rape, enslavement, sexual enslavement, and forcible enlistment and utilization in hostilities of children under 15 years. In March 2006, the International Criminal Court also announced the indictment of Thomas Lubanga Dyilo, founder and leader of the Union of Congolese Patriots in the Ituri region of the Democratic Republic of the Congo, for commission of war crimes, conscription and enlistment of children under the age of 15 and the use of children for active participation in hostilities. In addition, national processes in the Democratic Republic of the Congo recently saw the successful prosecution, conviction and sentencing of Major Jean-Pierre Biyoyo of the Mudundo Forty armed group by the National Military Tribunal in South Kivu for the recruitment and use of children in armed conflict. Also for the first time, a former Head of State, Charles Ghankay Taylor of Liberia, was transferred to the custody of the Special Court for Sierra Leone under indictment on 11 counts of war crimes and crimes against humanity, including “conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities”.

18. The Office of the Special Representative will follow closely the proceedings of the International Criminal Court on the case of Thomas Lubanga relating to grave violations against children, in particular child recruitment, and, in consultation with the Office of the Secretary-General and other partners, will file an *amicus curiae* containing gathered information as well as the Office’s approach to the legal interpretations of the provisions of the International Criminal Court relating to war crimes and crimes against humanity involving children.

### **III. PROMOTING RIGHTS-BASED PROTECTION FOR CHILDREN AFFECTED BY ARMED CONFLICT**

#### **A. Girl children**

19. It is clear that the girl child remains particularly vulnerable in situations of armed conflict. The girl child is often the victim of sexual violence and exploitation, and girl children are increasingly being recruited into fighting forces. In intervention initiatives for war-affected children, such as community-based reintegration programmes for children associated with fighting forces, girls are most often bypassed, even though they are in greatest need of care and services. We miss girls in our interventions because many of them are unwilling to come forward in the first place, to be identified as “bush wives” or to have their children labelled as “rebel babies”. Communities often stigmatize and ostracize girls because of their association with rebel groups and the “taint” of having being raped. Often, rebel groups categorically refuse to give up the girls at all even after commitments have been made to release children, because even where association between perpetrators and victims have begun with abduction, rape and violence, over several years “family units” have developed which include babies born of rape.

20. A deeper understanding of the acute vulnerability of girls in situations of armed conflict is required, and there is also a need to draw on girls’ skills and capacities acquired in armed groups, so that future strategies and programme responses address both the empowering and the detrimental aspects of their experience to maximize the protection and recognition of the human rights of the girl child. Effective action against violations of these rights also needs our serious attention.

## **B. Refugee and internally displaced children**

21. The other group of particularly vulnerable children in situations of armed conflict is refugee and internally displaced children, in particular unaccompanied or separated children. These children also face violations to their rights during flight as well as periods spent outside camps, including trafficking, killing, maiming and sexual violence. In Darfur, for instance, the international community has witnessed alarming levels of sexual violence, often as a deliberate strategy of humiliation and as a tool of ethnic cleansing, which has been directed especially against the large populations of internally displaced girls and women. In many places, the collection of water and firewood outside the boundaries of camps has become a life-or-death gamble for girls.

22. Evidence also suggests that refugee and internally displaced persons' camps are often prime recruiting grounds for child soldiers because of the convenient concentrations of children, and that the level of access and protection of these camps from armed groups is a determining factor for high child recruitment rates.<sup>3</sup> In this regard, the Office of the Special Representative hopes to work closely with UNHCR, the Office of the High Commissioner for Human Rights (OHCHR), UNICEF and other actors to agree on measures that can be promoted and supported by the Office to ensure that the rights of these children are protected. In particular, in areas where there is a large population of refugees or internally displaced persons living in close proximity to the conflict zones, the Office of the Special Representative would continue to encourage UNHCR to consider placing child protection staff to monitor the protection status of children in these camps.

## **IV. MAKING CHILDREN AND ARMED CONFLICT CONCERNS AN INTEGRAL PART OF PEACEKEEPING AND PEACEBUILDING**

23. The emphasis of the United Nations on enhancing its capacity and infrastructure for effective peacekeeping and peacebuilding represents a critical system-wide priority. Preliminary findings from a recent assessment of child protection advisers (CPAs) (as per paragraph 20 (d) of Security Council resolution 1612 (2005)) indicate that mainstreaming child protection into peacekeeping missions has increased awareness of children affected by armed conflict among United Nations civilian police, military observers and the military, thereby greatly enhancing the work of CPAs by providing an extended network of available resources to monitor violations. To this end, the Office of the Special Representative will continue to emphasize the importance of the role of CPAs and other child protection mechanisms in peacekeeping operations.

24. As part of any post-conflict peacebuilding efforts, aside from the re-establishment of security and the consolidation of peace, one of the most daunting challenges is the desperate conditions of young children and adolescents. The prospects for recovery in most countries therefore also depend on the successful reintegration of these children and adolescents who

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<sup>3</sup> Vera Achvarina and Simon F. Reich, "No Place to Hide: Refugees, Displaced Persons, and the Recruitment of Child Soldiers", *International Security*, vol. 31, No. 1 (Summer 2006), pp. 127-164.

have been associated with armed groups through effective programmatic action that reinforces their rehabilitation and restores to them a sense of renewed hope. The Office of the Special Representative will work closely with Member States, relevant United Nations partners and the Peacebuilding Commission to ensure that children's protection, demobilization and reintegration needs are addressed in the initial planning and implementation of peacebuilding operations.

**V. ADVOCACY AND RAISING AWARENESS WITH REGARD  
TO ALL OTHER ISSUES RELATING TO WAR-AFFECTED  
CHILDREN BEFORE, DURING AND AFTER CONFLICT**

25. The monitoring, reporting and compliance process that has now been established emphasizes the need to look beyond child soldiering and to recognize five other categories of grave violations against children. The Office of the Special Representative will continue to advocate against such violations wherever they occur. It is necessary to recognize, however, that the range of protection issues related to children and armed conflict goes beyond even the six categories of violations being considered in the framework of the Security Council, and includes also such issues as psychosocial recovery, the challenges of reintegration of children formerly associated with armed groups, the problems related to children affected by HIV/AIDS, the disruption of education, the lack of access to health care and trafficking of children. Therefore, the Office of the Special Representative will aim to advocate for, raise awareness of and support further studies on emerging concerns for children, especially such issues as may be raised by the United Nations and NGO partners, in support of a more concerted response.

26. Targeted, concerted and strategic advocacy on all aspects of the children and armed conflict agenda will underpin the work of the Office of the Special Representative. Activities will be geared towards (a) creating awareness and global consensus on the need to protect all children affected by armed conflict both during and after conflict; (b) creating a broad coalition of support for the further development and application of international human rights standards as they relate to war-affected children; and (c) advancing ideas and mobilizing support for policies within the United Nations system, regional organizations and donor aid practices to ensure that the protection of children affected by armed conflict is addressed in their peacebuilding, human rights, humanitarian, transitional and development aid strategies.

27. Field missions undertaken by the Special Representative constitute a vital component of the advocacy efforts of the Office in order to bear witness first hand to the situation of children, enhance dialogue with Member States, support more effectively the work of operational partners, elicit commitments from parties to conflict and unblock difficult political situations, as required. The mission by the Special Representative to Uganda resulted in the Government agreeing to enter into an action plan to work with UNICEF and OHCHR to set up an action plan for the prevention of recruitment; the removal of child combatants in local defence units and UPDF; the strengthening of measures by the Government with regard to taking disciplinary action against armed forces personnel who knowingly recruit children in the local defence forces and UPDF; the strengthening of existing procedures for access of designated personnel from UNICEF, OHCHR and the Uganda Human Rights Commission to enter military installations for the purpose of verifying whether children are present in the armed forces; and that the Government will seriously consider enacting criminal legislation to prevent and punish civilian abettors of child recruitment.

28. Further, the recent mission by the Special Adviser to the Special Representative on Sri Lanka has paved the way for open and constructive dialogue with all parties to the conflict on their obligations to ensure that the rights of children affected by the conflict in Sri Lanka are respected. The Special Representative plans to conduct field visits in the near future to other situations of concern, including the Middle East, Thailand, Nepal, the Sudan and the Democratic Republic of the Congo.

29. As part of the greater advocacy efforts by the Office of the Special Representative, a communications strategy has also been developed in close consultation with key partners. Some of the activities that have and will be carried out as part of this strategy include updating and maintaining a website that can serve as an interactive information tool for various target audiences, outreach to the electronic and print media, promotion and participation in special events on issues related to children and armed conflict, and publication of key reports and studies.

### **Working with partners - the United Nations human rights system**

30. As mentioned earlier in the report, the Human Rights Council serves as a critical “destination for action” and therefore should continue to ensure that all egregious violations against children’s rights beyond the use and recruitment of children, in all situations of concern, are brought to the attention of specific country and thematic mandate holders for their further action. The Council should also use the various special procedures, as well as its annual deliberations and resolutions, to promote advocacy and demand accountability. In this regard, the Office of the Special Representative is encouraged by the practice of a number of special rapporteurs who have incorporated a section on children and armed conflict in their reports. It is also important that they apply the standards and norms as a basis for proactive advocacy for child rights protection. The Special Representative would like to express appreciation to the special rapporteurs who have brought certain issues of concern to her attention.

31. The Office of the Special Representative also hopes that the report on children and armed conflict submitted annually to the Human Rights Council would constitute the basis for an annual review and action through the adoption of a dedicated resolution.

32. Throughout its mandate, the Office of the Special Representative has worked closely with OHCHR in creating awareness of the rights of war-affected children and the mainstreaming of their concerns in the United Nations system. OHCHR is an active member of the Task Force on Children and Armed Conflict and its Steering Committee on monitoring and reporting. OHCHR also has focal points on children and armed conflict in both its Geneva and New York offices that coordinate and collaborate with the Office of the Special Representative.

33. The Office of the Special Representative would like to continue to strengthen its strategic partnership with OHCHR in further developing the latter’s involvement in the protection of the rights of children affected by armed conflict in its dialogue and engagement with Member States. The strengthening of the human rights monitoring capacity of OHCHR within peacekeeping operations and country missions has been noted with interest in this regard. In particular, the key role undertaken by OHCHR in Nepal and Uganda to monitor and report on child rights violations

within the framework of Security Council resolution 1612 (2005) is commendable. The Office of the Special Representative also welcomes the efforts of OHCHR to ensure that the protection and rehabilitation of war-affected children receives the highest priority in policies, processes and programmes in conflict and post-conflict situations, both through its focus on rule of law projects and through thematic expertise.

34. The Committee on the Rights of the Child (CRC) is another important “destination for action”; therefore, the Office of the Special Representative will continue to provide information on the status of the protection of the rights of war-affected children in specific country situations ahead of country reviews. The concluding observations of CRC on the country reports on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict as well as on those submitted in relation to the Convention itself and addressing the issue of children and armed conflict will constitute a basis for continued advocacy by the Office of the Special Representative. CRC could incorporate monitoring and accountability on children and armed conflict issues in its scheduled reviews of States parties’ reports, giving special attention to the need to ensure the compliance of non-State actors during armed conflict.

35. The Office of the Special Representative will also continue to encourage Member States to sign and ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and to enact legislation that explicitly prohibits the recruitment of children into armed forces or groups and their direct participation in hostilities. The Optional Protocol presently has 110 parties and 122 signatories.

## **VI. CONCLUSION AND RECOMMENDATIONS**

36. **This past year has been a terrible year for children caught in situations of conflict, one which also witnessed parties defying even the basic principles of international humanitarian law, resulting in massive civilian casualties, especially children. It is therefore important, if not critical, that the United Nations human rights system continue to play a crucial role and actively uphold the need to protect the rights of war-affected children on the ground. The Special Representative of the Secretary-General therefore makes the following recommendations.**

37. **The Special Representative encourages States parties to the Convention on the Rights of the Child to take measures to implement the recommendations of the Committee on the Rights of the Child; to strengthen national and international measures to prevent the recruitment of children to the armed forces or armed groups and their use in hostilities, in particular by signing and ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; and to enact legislation that explicitly prohibits the recruitment of children under the age of 15 years into armed forces/groups and their direct participation in hostilities.**

38. **The Special Representative recommends that the Human Rights Council support the monitoring and reporting mechanism for children and armed conflict in all situations of concern and recognize and make an integral part of its agenda combating the six grave**

**violations against children in armed conflict, i.e. recruitment and use of children, killing and maiming, abductions, rape and other grave sexual violence, attacks on schools and hospitals and denial of humanitarian access to children, and that the issues concerned be mainstreamed throughout the work of the Council and in the submissions of its thematic and country mechanisms.**

**39. The Special Representative recommends that the Office of the High Commissioner for Human Rights deepen its engagement in the protection of the rights of war-affected children, including through the provision of adequate child rights expertise in peace operations, in a framework of coordination and cooperation with other child protection actors in such settings.**

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