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### Promotion and protection of the rights of children

## Report of the Special Representative of the Secretary-General for Children and Armed Conflict

### *Summary*

The present report is submitted pursuant to General Assembly resolution 62/141, in which the Assembly requested the Special Representative of the Secretary-General for Children and Armed Conflict to continue to submit reports to it and to the Human Rights Council on the progress achieved and the remaining challenges on the children and armed conflict agenda. This is the eleventh report submitted to the Assembly since the establishment of the mandate of the Special Representative in Assembly resolution 51/77.

The present report highlights the progress that has been made on the children and armed conflict agenda during the period since the mandate of the Special Representative was last renewed, in particular in the fight against impunity for grave child rights violations and in the incorporation of children's concerns into the mandates, policies and priorities of key United Nations organs, entities, institutional processes and activities. It recognizes the changing nature and characteristics of armed conflict and the impact on children. The report identifies key priority areas for action and outlines a series of recommendations that the Special Representative believes should constitute a focus of advocacy of her Office in the critical period ahead.

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\* A/63/150.



## I. Introduction

1. The plight and circumstances of children affected by armed conflict has commanded the focused attention of the international community for a number of years. Critical initiatives, concerted advocacy and action for children have significantly advanced the agenda for their protection. However, in spite of that commitment, many conflict situations continue to be characterized by grave violations of the most basic rights of children. The consequences for these children and for their communities are catastrophic.

2. In his report to the General Assembly and the Security Council of 21 December 2007 on the situation of children in armed conflict (A/62/609-S/2007/757), the Secretary-General documented violations against children in some 18 situations of concern around the globe. His report also explicitly identified 57 State and non-State parties who committed grave violations, including the killing, maiming and rape of children, their recruitment and use by armed forces and groups, the abduction of children, attacks against schools or hospitals and the denial of humanitarian access. The overall situation indicates that, even as important progress is being made in some areas, much more needs to be done to deliver more effective protection for children in situations of armed conflict.

## II. Significant developments for the protection of children in armed conflict since 2006

3. During the current mandate of the Special Representative, there has been a continued strengthening of international norms and policy statements for the protection of children in armed conflict. Important precedents are being set through the application and enforcement of those international norms and standards in the fight to end impunity and achieve accountability for grave child rights violations. The trial of Thomas Lubanga Dyilo, founder and leader of the Union des patriotes congolais (UPC), before the International Criminal Court, the first individual being charged solely for the conscription and use of children under the age of 15 years for active participation in hostilities, has been momentous for the message it sends to those who recruit and use children. Although the case has been suspended on technical grounds pending an appeal process, the Court has indicated that there are reasonable grounds to believe that Thomas Lubanga committed the crimes alleged against him. The Office of the Special Representative submitted an *amicus curiae* during the course of the proceedings, which was accepted by the Court. In the intervention, the Special Representative urged the Court to adopt a case-by-case method in interpreting the provisions of the Court that define enlistment, conscription, participation and use of children so as to protect all children associated with armed groups in line with the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (the Paris Principles and Commitment). Similar commitments to address child rights violations by the Special Court for Sierra Leone and some national tribunals such as in the Democratic Republic of the Congo are also important developments in the fight against impunity. The Office of the Special Representative will continue to follow closely the proceedings of the International Criminal Court and other critical initiatives relating to grave violations against children, in particular child recruitment and use, and will continue to prioritize the need to bring to justice those responsible for violations.

4. The engagement of the Security Council on children and armed conflict has greatly elevated the relevance of child protection concerns within its international peace and security agenda and has allowed for opportunities to improve efforts and actions for the protection of children. The adoption by the Security Council of resolution 1612 (2005), in which it called for the establishment of comprehensive monitoring and reporting mechanisms in situations of concern to collect information on grave child rights violations as a basis for targeted measures against offenders, has proved to have both a preventive and deterrent effect. The monitoring and reporting mechanism has been accepted in all the situations listed in the annexes to the Secretary-General's seventh report on children and armed conflict (A/62/609-S/2007/757), including most recently in Afghanistan and the Central African Republic, where parties have been listed for the recruitment and use of children.

5. Since 2006, my Office has participated in the preparation of 21 reports of the Secretary-General to the Council. The country-specific reports on children and armed conflict emanating from the monitoring and reporting mechanism have provided systematic, timely, accurate and objective information on the six grave violations against children, including the identification of offending parties for examination by the Security Council Working Group on Children and Armed Conflict. The Working Group has issued 14 sets of conclusions to date on the basis of the reports of the Secretary-General.

6. Discernible progress has been observed as a result of the recommendations of the Working Group, including drawing the attention of the Security Council as well as its sanctions committees to specific issues. In the Democratic Republic of the Congo, after an initial delay, the Government brought to trial former Mai-Mai Commander Kyungu Mutanga, alias "Gedeon", for war crimes and crimes against humanity, including the recruitment of 300 children in Katanga Province from 2003 to 2006. This action follows strong recommendations by the Working Group to take appropriate legal measures against members of armed groups accused of grave crimes against children.

7. The strength of the Security Council's proactive process in the context of resolution 1612 (2005), combined with the application of international standards mentioned above, has considerably enhanced the work carried out by child protection advocates. In the last three years of the mandate of the Special Representative, political-level child protection advocacy dialogue has resulted in tangible outcomes in the form of commitments by parties to conflict, which has also translated into specific results for the protection of children on the ground in several situations of concern. For example, the last report of the Special Representative to the General Assembly underscored the accomplishments achieved by child protection partners with parties to conflict in Côte d'Ivoire through implementation of action plans to secure the release of children associated with fighting forces. Last year, momentum culminating from continuous dialogue resulted in the Forces Nouvelles (FDS-FN) and four pro-Government armed militia groups ceasing recruitment and taking measures to identify and release all remaining children from their ranks. As a result, all five parties were delisted from the annexes of the Secretary-General's annual report. There has also been progress on action plans with armed forces and groups in the Central African Republic, Myanmar, Sri Lanka, the Sudan and Uganda. In Chad, the Government signed an agreement with the United Nations Children's Fund (UNICEF) to demobilize child soldiers from its armed forces.

8. As an independent moral voice and high-level advocate, the Special Representative has engaged in child protection dialogue with parties to conflict, including non-State actors, without prejudice to their political or legal status and with the consent of the Member States concerned. In the Central African Republic, the Special Representative recently engaged in discussions with the Armée populaire pour la restauration de la République et de la démocratie (APRD) securing their commitment to release all children associated with their forces. The dialogue with such actors, with the approval of the Governments concerned, is essential to ensure the release of children. In view of the fact that the vast majority of parties to conflict listed in the annexes of the Secretary-General's annual report are non-State actors, it is crucial that Member States facilitate contact and dialogue between the United Nations and these groups for the purposes of developing and implementing action plans to halt recruitment and use of children and to address without prejudice all other grave violations committed against children.

9. The agenda for children and armed conflict has in recent years also been strengthened through a more coordinated and collaborative effort between United Nations entities and their partners. Additionally, further progress has been made in mainstreaming the issue of the protection, rights and well-being of children affected by armed conflict into the work of the United Nations, in particular in relation to peacemaking processes, peacekeeping and post-conflict peacebuilding.

10. The need to further extend existing partnerships is critical for the agenda. The long-standing collaboration that the Office of the Special Representative has built with UNICEF is crucial to better protection of children in conflict situations. UNICEF remains a key operational partner with which the Office of the Special Representative works closely both at the headquarters and field levels. The Office of the Special Representative will continue to advocate for resources to strengthen UNICEF capacity on the ground to ensure a more robust programmatic response to the grave violations against children, including sustainable reintegration.

11. Moreover, the new human rights infrastructure of the United Nations is expanding and additional paths of collaboration are being explored and developed in this regard, with the Human Rights Council, the Committee on the Rights of the Child and the Office of the United Nations High Commissioner for Human Rights. The Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme and the International Labour Organization also remain key partners, especially at the field level, playing an important role in protecting children affected by armed conflict.

12. A key partnership between the Office of the Special Representative and the Department of Peacekeeping Operations has evolved over several years. The Department has significantly expanded the incorporation of children's issues in peacekeeping operations, including child rights and protection in training for peacekeepers and the deployment of child protection expertise in peacekeeping missions. There are currently over 60 child protection advisers in seven peacekeeping missions and in one political mission. These child protection personnel ensure systematic training for peacekeepers and in many locations have been instrumental in the implementation of the monitoring and reporting mechanism and documenting child rights violations, engaging in dialogue with parties to conflict and conducting advocacy on politically sensitive issues, thereby supporting

operational partners who may be unable to do so at the risk of jeopardizing their programmes on the ground.

13. It is critical to continue to include and enhance the presence of child protection advisers in the mandates of all relevant United Nations peacekeeping and political missions. The Department of Peacekeeping Operations' evaluation on the impact of child protection advisers in peacekeeping operations, which was highlighted in the last report of the Special Representative to the General Assembly (A/62/228), underlined some of the main lessons learned. As a follow-up to that study, the Department has recruited a child protection focal point at the headquarters level to develop its child protection policy and to interface with child protection advisers in the field and with key partners, including the Office of the Special Representative, the Department of Political Affairs and UNICEF.

14. The advocacy of the Special Representative with the Department of Political Affairs has focused on the inclusion of child protection advisers in relevant political missions and ensuring that child protection concerns are more systematically reflected in mediation activities. It is imperative that mediators consistently incorporate child protection provisions into peace processes and peace agreements as a way of ensuring that this critical issue is carried forward as a priority into the post-conflict peace consolidation and peacebuilding phase. It is essential also that mediators insist with parties to conflict on the unconditional release of children at all stages of peace processes. The Office of the Special Representative has worked closely with the Department of Political Affairs to incorporate specific guidance notes on child protection for mediators in the Department's Peacemaker Databank and will continue to work to refine and strengthen such guidance materials.

15. The Special Representative has also initiated important conversations around issues of children in post-conflict situations on the agenda of the Peacebuilding Commission. The Special Representative will continue to advocate that peacebuilding efforts consider child demobilization, including longer-term reintegration needs, education and youth employment strategies. The need to rebuild communities and re-establish links between the children and their communities is key during this phase, in addition to ensuring the protection and participation of children in transitional justice mechanisms. Following the briefing of the Special Representative at the meeting of the Peacebuilding Commission on Burundi, several proposals were made regarding issues to be incorporated into the Burundi Strategic Framework for Peacebuilding. These include a regional strategy through the implementation of the Pact on Security, Stability and Development in the Great Lakes Region to prevent recruitment, trafficking of children and protection of girls against sexual violence. Following her visit to the Central African Republic, the Special Representative briefed the Ambassador of Belgium to the United Nations as the chair of the Peacebuilding Commission's engagement in the Central African Republic.

16. The Office of the Special Representative has established a regular exchange with a group of non-governmental organizations (NGOs), which has been invaluable in considering civil society perspectives in shaping the strategic advocacy priorities of the Special Representative. The Office has also promoted a more systematic dialogue with academia, with the broad objective of facilitating research to fill the critical gaps in knowledge that hamper advocacy and programmatic responses for

children. At the same time, it is critical for academic research to become more attuned and relevant to the needs of child protection practitioners on the ground.

17. Field visits by the Special Representative have been a central element of her advocacy strategy to bring high-level visibility to the situation and rights of children affected by armed conflict. In the past three years, the Special Representative has undertaken 12 country visits, of which those to Afghanistan, the Central African Republic, Chad and Iraq were carried out in 2008. Some of the main results from these visits include: (a) implementation of the monitoring and reporting mechanism; (b) appointment of focal points within government infrastructures to coordinate issues related to children and armed conflict such as the rehabilitation and reintegration of children associated with armed groups and forces; (c) agreement on modalities of access by child protection actors to military camps, training facilities and detention centres for monitoring and verification of compliance; (d) commitments for release of children associated with armed forces and groups and the release of children detained for alleged association with armed groups; (e) inclusion of child protection provisions in peace agreements; and (f) strengthened coordination and collaboration of United Nations partners and other stakeholders on the ground around issues related to children and armed conflict.

18. The Special Representative's advocacy strategy also includes media outreach, events, briefings to schools and universities and the maintenance of a website, in collaboration with the Department of Public Information and other partners. Engagement with media and newswires in New York and other key global media hubs, as well as during country missions has served to raise greater international awareness and calls for increased international cooperation around the children and armed conflict agenda. The Special Representative's participation in and organization of special events has helped to build partnerships, to create media interest and to mobilize the international community. The website of the Office of the Special Representative is online in the six official languages of the United Nations and serves as a platform of references on children and armed conflict issues for United Nations partners, Member States, NGOs, practitioners, the media and the public at large.

19. The Office of the Special Representative continues to work closely with the Special Adviser on Gender Issues and Advancement of Women and participates in the task force meetings that are convened on a regular basis. The Special Representative notes the will of Member States in relation to the elimination of rape and other forms of sexual violence, including in conflict and related situations, as expressed in General Assembly resolution 62/134. Sexual violence against children in situations of armed conflict is one of the six grave violations monitored through the Security Council resolution 1612 (2005) mechanism and is an issue of great concern in the context of the children and armed conflict agenda, in particular in situations where sexual violence is a weapon of war. The Office of the Special Representative has also regularly provided inputs to the Secretary-General's report on women, peace and security, and to the United Nations-wide action plan on sexual violence. The Special Representative welcomes the adoption in June 2008 of Security Council resolution 1820 (2008) on women, peace and security and will continue to advocate for the implementation of key provisions relating to children and armed conflict of this important instrument.

20. Over the past three years, the implementation of the monitoring and reporting mechanism called for under Security Council resolution 1612 (2005) has resulted in a significantly increased workload for the Office of the Special Representative. It has entailed, in consultation with United Nations country task forces and other partners, the preparation of over 25 reports of the Secretary-General and has required the expansion of the scope and number of country visits to dialogue with parties to conflict so as to facilitate the implementation of the monitoring and reporting mechanism and other key elements of resolution 1612 (2005).

21. The Office of the Special Representative continues to advocate with other organs of the United Nations, in particular the General Assembly, which remains the key intergovernmental body for the Special Representative's advocacy as an independent moral voice for the protection of children affected by armed conflict. It is anticipated that the groundwork that has been laid and the partnerships that have been established will enable the Office of the Special Representative to do even more effective work in the years ahead.

### **III. Importance of accountability and fighting impunity**

22. Grave child rights violations in situations of armed conflict represent a profound challenge to the international legal order. The normative infrastructure for the protection of children is both robust and comprehensive and enjoys an unprecedented consensus among Member States. Since the entry into force in 2002 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, it has been ratified by 121 Member States and ratifications continue. However, running counter to this is the shocking reality that in far too many situations of armed conflict children are routinely brutalized and their most fundamental rights contravened. It is critical, therefore, for the international community to remain steadfast, resolute and focused on ensuring accountability and fighting impunity for grave violations.

23. As already noted, in recent years the international community has witnessed some unprecedented initiatives to address impunity. These examples serve as a powerful deterrent by putting those who commit violations on notice. It is evident that perpetrators are taking note. In the age of global media and information, the arrest and trial of individuals such as Thomas Lubanga, Charles Taylor and Jean-Pierre Bemba register with commanders and warlords across the globe. These actions by international justice mechanisms, as well as initiatives such as the Secretary-General's annual listing of violators and the concern and commitment of the Security Council expressed in its resolutions and emerging institutional arrangements to address grave child rights violations, serve as leverage to bring parties into compliance.

24. In the past several years parties such as Forces Nouvelles and pro-government militia groups in Côte d'Ivoire, the Sudan Liberation Army (Minnawi) in the Sudan and the APRD in the Central African Republic, have agreed to specific provisions for the protection of children. It is critical that we exploit the experience and momentum of these successes and replicate them elsewhere. The particular added value of the developments of the past several years is that we now have a clearer sense of the possibilities of delivering tangible protection for children with the tools at our disposal.

25. However, it must be recognized that the successes that we have had in engendering compliance thus far have been based on a credible threat of action by international actors, including the Security Council. More must be done to systematize and activate the full range of options available to the international community to ensure more robust action against recalcitrant violators. There are, for instance, 16 such persistent violators who have been explicitly named and listed by the Secretary-General for four years or more and the lack of action against them undermines accountability initiatives. The challenge of political will and means for targeted measures must be resolved by Member States if the progress that we have registered over the past several years in addressing impunity is to be sustained and extended.

26. It cannot be stressed strongly enough that action at the international level must be underpinned by a commitment to address impunity at the national level. Member States, as a matter of most urgent priority, must ensure that they undertake appropriate reforms of national legislation for the protection of children so as to bring their laws into line with their international obligations. Furthermore, such domestic legislation must be implemented, including through the timely and rigorous investigation and prosecution of grave violations against children and establishment of systems to care for the victims. Justice becomes a critical element in the redress and healing of victims and communities.

27. Outlined in subsequent sections of this report are some of the other keystone priorities for the mandate of the Special Representative, even as accountability and fighting against impunity must remain a centrepiece of the strategic plan of the Office and the collective action of the international community.

## **IV. Emerging concerns**

28. In the 2007 report of the Special Representative to the General Assembly (A/62/228), the findings of a 10-year strategic review of the study by Graça Machel on the impact of armed conflict on children (A/51/306 and Add.1) were presented to the Assembly. The review confirmed a number of emerging concerns in relation to the children and armed conflict agenda and related child protection strategies. Some of the central issues are outlined below.

### **A. The changing nature of conflict**

29. The emerging challenges for the protection of children must be understood in the context of changing characteristics of armed conflict and their consequences for children. It is a context in which the most vulnerable segments of the population — women, children and the elderly — have become the primary targets of armed actors and where children have sometimes also been turned into weapons of war.

#### **1. Terrorism and counter-terrorism**

30. Terrorism, more than any other concept, has come to dominate the security discourse in many places around the globe. Both terrorist actions and counter-terrorism measures have had a deep impact on children. The recent visits of the



Special Representative provided a first-hand assessment of some of the problems children face.

31. Terrorist attacks disproportionately target civilians in hitherto sacrosanct locations, such as places of worship, schools and hospitals, markets and other public spaces. Children are also increasingly being used to perpetrate these attacks because they can be more easily compelled to act and they are less conspicuous. In some locations child suicide bombers have been used.

32. As a result, anti-terrorism measures often also target children, including through arrest and detention of children suspected of having links to terrorist organizations. Many of these children are detained for extended periods of time for relatively minor offences such as stone-throwing or demonstrating. In a number of conflicts around the world children as young as 12 years are detained without due process provisions, in violation of international standards of juvenile justice. In detention they sometimes suffer beatings, physical and psychological torture. Precision aerial bombardment and other types of military operation also result in what is termed “collateral damage” and children are often the victims.

33. International humanitarian law is built on two fundamental concepts: one is the separation of combatants from civilians and the second is the doctrine of proportionality in the use of force. Both these cornerstone elements of international law are being challenged by new types of military action with major consequences for children. It is crucial that the international community reaffirm the principles of international humanitarian law and that military forces around the world along with armed groups adhere to those principles which have been developed over the centuries for the protection of women and children.

## **2. Diversity of armed actors**

34. The nature of armed conflict in recent years also appears to be changing insofar as the character of armed actors is increasingly more diverse and difficult to define. As already indicated, the seventh report of the Secretary-General on children and armed conflict covers 18 situations of concern and lists 57 armed actors in those situations who may be defined in a multiplicity of ways, including as government forces, armed political opposition forces, rebel groups or liberation movements, community-level auto-defence militias, paramilitary and proxy forces, and illegal armed groups. This array of labels reflects the diverse character and motivations of armed actors in contemporary conflicts, together with the rapidly shifting realities on the ground. The objectives and organizational structures of armed actors are more fluid. Quite often there is a grey area where political motivations coincide with criminal intent depending on the specific time and circumstances.

35. Although it is important to garner a better understanding of the character and motivations of armed actors, it is critical to ensure that the child protection discourse does not become paralysed at the level of definitional semantics. For the child victims of violations the labels that apply to perpetrators make little difference. From a child protection perspective the primary analysis must be whether armed actors in situations of concern, regardless of their character and motivation, commit grave violations such as recruiting and using children or killing, maiming or raping them. When one examines the roles that children play in criminal gangs who may be driven by both criminal and political motivation depending on time and circumstance, they include such activities as messengers, attackers,

spotters, spies, porters, kidnappers to transfer and hide weapons and so on. Such roles are similar to those played by children in what may be considered bona fide conflict situations and the physical and psychological impact on these children is the same.

36. For the Special Representative it remains crucial to engage in child protection dialogue with all parties to conflict. However, where non-State parties are concerned, the Special Representative has consistently maintained that this should be without prejudice to their political or legal status and with the agreement of the Governments concerned. Non-State actors are bound by the rules of conduct of war as articulated by the Geneva Conventions and other international legislation such as the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, and as such must be held accountable to international standards for the protection of children. It is increasingly evident that there exist points of pressure and leverage to ensure that these parties uphold these standards.

### **3. Political motivation, criminality and asset wars**

37. Closely related to the grey area in which criminality and politically motivated action intersect is the phenomenon of asset or resource wars, where conflict often revolves around the control of territory or the State apparatus as a direct means of commanding natural resources such as oil, diamonds, gold, coltan, timber or cocoa. Empirical evidence indicates that in these asset wars there are often a multiplicity of actors vying for a stake, from government-armed forces and armed groups opposed to the State, to international interests such as other States, multinational corporations and criminal cartels. There is often also close interlinkage with other lucrative and mainly illicit trade such as in weapons and drugs, which serves to fuel and prolong conflict. Beyond conscription as soldiers and other categories of grave violations, children may also be forced to labour in mining activities or be exposed to criminal networks engaged in child trafficking.

38. Asset wars have given rise to complex war economies and have frequently internationalized armed conflict. As a result, the international community faces a considerable challenge to respond, including through targeted measures. Sanctions regimes and other measures must be increasingly sophisticated and multifaceted to affect those who wage, fuel and otherwise benefit from conflict. Higher standards of corporate responsibility of those enterprises and industries that benefit from illicit trade of natural resources are also required.

### **4. Availability of small arms and effect of cluster munitions and landmines**

39. Evidence also points to the fact that the widespread and ready availability of small arms and light weapons fuels and exacerbates conflict, undermines peace processes, impedes peacebuilding and hinders the provision of humanitarian assistance. Compelling evidence exists of the direct correlation between the increased use of children in conflict and the ready availability of small arms, which are easy even for the youngest children to manipulate and master. The proliferation of small arms helps to sustain cultures of violence in fragile post-conflict societies, impacting the durability of peace and the long-term sustainability of development. Cluster munitions and landmines also have a devastating impact on civilians,

especially children, and as such the adoption in May 2008 of the Convention on Cluster Munitions represents an important advance.

## **5. Sexual violence as a weapon of war**

40. The rape and sexual violation of children and women is increasingly a characteristic of conflict. Such violence is often perpetrated in a rule of law vacuum that is a consequence of conflict and is exacerbated by the ensuing culture of impunity. In some instances sexual violence has been used as a premeditated tactic of war designed to humiliate or exterminate a population or to force displacement. For children especially, the physical and mental consequences are devastating. Such violations may take the form of sexual slavery, forced prostitution and marriage or sexual mutilation. The long-term health consequences for the victims include sexually transmitted infection such as HIV/AIDS, fistula, early pregnancy and debilitating psychological trauma.

41. Sexual violence in times of conflict, in particular against children, constitutes the breaking of deep social taboos in every culture and as such causes maximum devastation to the social fabric of communities. Therefore, the interventions required in the aftermath of widespread and systematic sexual violence necessitates more comprehensive approaches that begin with the victims but extend to the communities in which they must once again find their place and comfort. The stigmatization of victims of sexual violence, which often leads to their being ostracized or marginalized, requires comprehensive community-level interventions for affected girls and boys.

## **B. Understanding root causes of child recruitment and use**

42. The changing nature of warfare is important in the analysis of the root causes of conflict and the association of children with armed groups. Ultimately, a longer-term perspective addressing issues of durable peace, sustainable development and effective reintegration programmes is important in remedying the root causes.

43. Evidence indicates that the recruitment and use of children has become the means of choice of many armed groups for waging war. At root there are numerous and often interrelated factors that drive the recruitment and use of child soldiers. Children are either recruited by force or may “voluntarily” join armed groups to safeguard themselves and their families. Many are compelled by poverty and lack of livelihood opportunities, domestic violence or lack of parental care altogether. Some children have seen family members killed in conflict and may be motivated by a desire for retribution or revenge. For some the lack of legitimate avenues for political dissent and participation or ideologies of nationalism or ethnic identity become powerful motivating factors. Particularly in situations of protracted conflict that may have lasted for several decades and decimated the adult male population, the recruitment of children becomes a calculus of urgent “demand” for fighters and ready “supply” of children.

44. Compared with adults, children are comparatively easier and cheaper to recruit. Where you often have to pay adults, children may be compelled by promises of protection and basic sustenance. As children they are easily indoctrinated, manipulated and exploited by adults wielding guns and authority. For many children these adults represent the only role models.

45. In response to the concerns expressed by some Member States that more emphasis should be placed on understanding and addressing root causes, the Office of the Special Representative will convene a knowledge network initiative on this issue. At the broadest level, the objective of this knowledge networking initiative will be to deepen stakeholders' knowledge of the root causes of child soldiering with a view to ensuring a more comprehensive framework for effective policy formulation, advocacy and prevention interventions.

### **C. Achieving sustainable reintegration**

46. Reintegration of children in situations of armed conflict is a complex and long-term proposition. It begins with negotiating the release of children and their physical extrication from armed groups. The family tracing and reunification phase that follows is often complicated, time-consuming and resource-intensive. Beyond the practical challenge of locating the families and communities of lost children, successful reunification must also address the less straightforward challenge of "spiritually" reconnecting children and their communities. This includes dealing with the sense of alienation, guilt or anger that children may harbour against families whom they may accuse of failing to protect them. At the same time, reintegration programmes must also take into account challenges related to the communities themselves being prepared to accept the return of their children, in contexts where atrocities may have been committed by those children in their communities.

47. The challenges associated with the longer-term reintegration of children in war-affected communities and best practices in this regard indicate that a comprehensive understanding of reintegration is required. All reintegration programmes should follow the Paris Principles, formulated to guide protection partners on the ground. For best results these programmes must be founded on inclusive community-based programming and should be directed at all children in the community so as not to stigmatize child soldiers. They should build on the strengths of the children, especially their resilience, and children and youth should be consulted in the process.<sup>1</sup> The special problem of girls should also be explicitly addressed. In doing this we should not romanticize the community and should realize that many children may fall through the cracks — girl children in conservative societies, urban children and other vulnerable children. It is important for special programmes to be devised for them. Education and youth employment remain key elements both in the prevention of recruitment and in the sustainable reintegration of children back into their societies.

48. Unfortunately, although UNICEF and NGO partners on the ground have identified these principles, donor response to their efforts has not always been forthcoming. In a recent survey, 67 per cent of donors stated that they were reluctant to support such programmes that rest on the development of the community. The international community is quick to respond to emergency funding requests, but the reintegration of children falls into the fault line between emergency assistance and development assistance. It is important for the donor community to appreciate the

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<sup>1</sup> See also "'Will you listen?' Young voices from conflict zones", youth report prepared in the context of the 10-year study strategic review of the study by Graça Machel ([www.un.org/children/conflict/english/theyouthreport.html](http://www.un.org/children/conflict/english/theyouthreport.html)).

special needs of the children and for timely and sustained resources to be provided to child protection partners so that they may do their work more efficiently.

49. It is evident that the psychosocial dimensions of children affected by armed conflict are not well enough understood. Recent academic research that focused on former child combatants indicates that the impact of the conflict may continue for many years. One such study<sup>2</sup> shows that all children in armed conflict situations are deeply affected by conflict, even if they are not directly associated with armed groups, and many have psychological problems. This is particularly true of those who were made to commit very violent crimes and those who were subject to sexual violence. Females formerly associated with armed groups face much higher levels of community stigma when compared with boys, presenting a major barrier to their healthy social reintegration. Children recruited into armed groups at younger ages face more difficulties in adjustment over time. Even children who were not associated with armed groups but lived in situations of armed conflict displayed similar vulnerabilities in the face of war-related violence. Yet our psychosocial programmatic frameworks and interventions still remain relatively weak, underfunded and ill-sustained.

50. The Office of the Special Representative will also address more closely the issue of reintegration of war-affected children into their communities. As a first step, the Office has convened the main NGO stakeholders to explore this issue and the Special Representative also plans to make it the focus of some forthcoming country visits.

## V. Priority areas for advocacy, action and recommendations

51. Against the backdrop of emerging concerns for children in situations of armed conflict, the mandate of the Special Representative is entering a critical phase. Where the emphasis of the past decade has largely been on creating the normative infrastructure, the central challenge ahead is to ensure its practical implementation. We must enter the “era of application” of international child protection standards.

52. The considerable progress that has been registered in the past decade in strengthening the commitment and capacity of key actors for child protection and response must be further reinforced, including in the area of monitoring and reporting of child rights violations. We must also consolidate important gains for children in peacekeeping, peacemaking and peacebuilding initiatives. And, as already highlighted, a deeper exploration of the reintegration of children is required to ensure sustainability and longer-term effectiveness of our interventions.

53. During the next mandate period, the Office of the Special Representative, subject to renewal, will pursue the following objectives of:

- (a) Strengthening the application of international standards and ending impunity;
- (b) Addressing child protection issues with regard to peacekeeping, peacemaking and post-conflict peacebuilding;

<sup>2</sup> T. S. Betancourt and M. B. DeSilva, *Psychosocial Adjustment and Social Reintegration of Former Child Combatants in Sierra Leone: a Longitudinal Study; Report of Baseline Data Assessment* (Freetown, International Rescue Committee, 2003).

(c) Strengthening capacity, knowledge and partnership with regard to children affected by armed conflict;

(d) Advocating effective strategies for reintegration, psychosocial healing, donorship and sustainability.

54. Outlined below are a number of targeted recommendations across these critical priority areas, amplifying the platform of recommendations of the 10-year strategic review of the study by Graça Machel as it was presented in the report of the Special Representative to the General Assembly (A/62/228). The implementation of these recommendations will continue to constitute the emphasis of the advocacy of the Special Representative:

## **A. Application of international standards and ending impunity**

### **1. Strengthening the international normative infrastructure and application of standards**

- Member States are urged to ratify existing standards for the protection of children and to endorse and implement relevant guidelines that enhance their protection.
- Member States are urged to effect, in a timely manner, commensurate legislative reform at the national level in line with their international commitments.
- United Nations and NGO partners should continue to undertake concerted advocacy to foster broader and stronger consensus on international protection standards and commitment by Member States to practical measures and actions in application of national and international protection norms.
- Current treaties related to landmines and explosive remnants of war, as well as other measures to regulate the use of conventional weapons that are indiscriminate or disproportionate in their effects, should be applied. Global standards should also be established for arms transfers, preventing those likely to be used to violate human rights.
- The United Nations should lead in the analysis/assessment of gaps that may exist in the international normative infrastructure and the development as necessary of appropriate standards/instruments to further strengthen the framework for child protection.

### **2. Ending impunity for grave violations against children**

- The United Nations should undertake dialogue for the explicit purpose of child protection with all parties to conflict, irrespective of whether they are State or non-State parties; non-State parties should be held accountable to international protection standards.
- Member States, collectively and individually, should ensure the application of targeted measures, including sanctions where appropriate, against individuals and parties to conflict and corporate entities who persistently commit or are complicit in the commission of grave violations against children or contribute to fostering an environment in which violations are committed.

- To further broaden the protection framework for children affected by armed conflict, Member States are urged to give equal priority and attention to all categories of grave violations against children, as well as all relevant situations of concern for children.
- At the national level, Member States are urged to ensure rigorous, systematic and timely investigation and prosecution of violations against children and to provide adequate support to victims in the process.
- The International Criminal Court and other international tribunals should continue to prioritize prosecution of crimes against children, at the same time as national courts assume their lead responsibility in this regard.

### **3. Ending gender-based violence**

- Member States are urged to give priority attention to addressing sexual and gender-based violence, including through adoption of appropriate national legislation and rigorous and systematic investigation and prosecution of such crimes, with emphasis on support to and the well-being of victims.
- Member States and all other stakeholders should undertake practical measures towards the timely implementation of Security Council resolutions 1325 (2000) and 1820 (2008), on women, peace and security, as it relates to children.
- In the context of United Nations and regional peacekeeping initiatives, troop-contributing countries as well as the Department of Peacekeeping Operations should ensure that rigorous systems are in place to investigate and address allegations of abuse by peacekeeping personnel, including systematic training, specialized investigation capacity and referral mechanisms to child protection actors for victim support.

## **B. Strengthening monitoring and reporting as a basis for action**

- All key stakeholders, including Member States, United Nations entities and NGOs, are urged to dedicate greater levels of human and financial resources to child rights reporting and analysis as the basis for more effective programmatic interventions.
- As one element of more comprehensive monitoring and reporting, the specific mechanism on grave violations against children in situations of conflict established pursuant to Security Council resolution 1612 (2005) should be consolidated and strengthened, in particular child protection advisers in peacekeeping and political missions as key implementers of Security Council resolutions on children and armed conflict.

## **C. Peacekeeping, peacemaking and post-conflict peacebuilding**

### **1. Consolidating the role of United Nations peacekeeping in child protection**

- To consolidate and institutionalize the significant gains made in orienting United Nations peacekeeping operations to child protection, Member States

should continue to include specific child protection provisions in the mandates of United Nations peacekeeping and political missions.

- The Secretary-General should ensure that the need for and the number and roles of child protection advisers are systematically assessed during the preparation of all United Nations peacekeeping and political missions.

## **2. Prioritizing children in peacemaking and peacebuilding, and advocating preventive strategies**

- All stakeholders in peace processes, including United Nations entities, regional organizations, Member State mediators, donors and parties to conflict, should ensure that child protection considerations are explicitly and systematically included in such processes and consequent accords, and that this prioritization translates also into timely and adequate resources for children in programmes for post-conflict peacebuilding.
- The participation of children in transitional justice processes should be reinforced while ensuring their protection through child-friendly mechanisms. The role of children both as perpetrators and victims should be recognized, with emphasis on rehabilitation and protection rather than punishment.
- Member States, United Nations entities and regional organizations and other relevant stakeholders are urged to develop preventive approaches based on early warning systems and analysis of root causes. Approaches should include focus on such issues as livelihood support and employment opportunities and investment in educational infrastructure for longer-term sustainable development, as well as awareness-raising and sensitization at the community level around conflict resolution and promotion of culture of peace.

## **D. Strengthening capacity, knowledge and partnership**

### **1. Enhancing complementarity among key actors and ensuring mainstreaming of children affected by armed conflict concerns**

- All stakeholders, including United Nations entities, specialized agencies, donors and NGOs, should continue to emphasize and improve complementarity, coordination and cooperation across intersecting mandates, roles and responsibilities, for more concerted and effective action on children and armed conflict.
- To ensure mainstreaming of children affected by armed conflict concerns in the policies, priorities and programmes of United Nations entities and United Nations-led institutional processes, senior-level child protection focal points should be designated within all relevant agencies, departments and offices and in field-based operations and periodic assessments should be undertaken to gauge the progress in mainstreaming against specific criteria.

### **2. Operationalizing the child protection commitments of regional bodies**

- Regional organizations should ensure that children affected by armed conflict concerns are adequately reflected in their policies, priorities and programmes,



including through the incorporation of child protection expertise in their secretariats and development of child protection action plans.

- Regional organizations should ensure that children affected by armed conflict considerations are adequately reflected in the context of their mediation, peacekeeping and peacebuilding activities.

### **3. Increasing investment in the child protection expertise base and knowledge management**

- Member States, regional organizations and United Nations entities should invest greater resources in building the base of expertise on child rights and protection, including for monitoring, reporting and response programming. This should include priority to training of humanitarian staff and peacekeeping personnel, and local service providers, such as teachers and health workers, as well as capacity-building of national institutions.
- Stakeholders, including academic and research institutions, should also ensure greater investment in knowledge generation and management related to children and armed conflict. Research should be more aligned to field needs and experience and broad dissemination of such knowledge should be ensured to complement advocacy efforts.

## **E. Reintegration, psychosocial healing, donorship and sustainability**

### **1. Ensuring the inclusivity of reintegration strategies**

- Key stakeholders must ensure that reintegration strategies are inclusive of all categories of conflict-affected children; that such strategies are multisectoral and oriented towards longer-term sustainability; and that primacy is given to community-based approaches with acknowledgement of and investment in community-level resources, networks, techniques and local protection practices and norms.
- Particular attention should be given to girls, including through specifically earmarked resources and confidential access to reintegration support to mitigate stigmatization.
- Greater emphasis and resources should be devoted to psychosocial dimensions in reintegration, including assessment and revision as appropriate of existing programme frameworks, resource needs and so on.
- Increased focus is needed on livelihood support, including youth-oriented employment strategies, secondary and tertiary education and leadership opportunities, investment in youth organizations, centres and activities, as well as market analyses over a period of several years, in recognition of the links between reintegration and local economies.
- Emphasis should be placed on education, including the strengthening and expansion of accelerated learning programmes to support a basic level of literacy or preparation for entry into the formal education system. Education and schools must be treated as “safe zones” for children in the midst of conflict.

## 2. Donor responsibility

- Donors should adhere more proactively to the principles of Good Humanitarian Donorship — early, multi-year, flexible and thematic funding — and ensure that child protection-focused programming is clearly identified and explicitly prioritized.
- Donors, with the support of the United Nations and other child protection actors, are urged to devote particular attention and adequate resources to national capacity-building, post-conflict reintegration programmes for children, community awareness campaigns and education initiatives on sexual and gender-based violence.

## VI. Conclusion

55. In her study on the impact of armed conflict on children, Graça Machel challenged the international system to shatter the inertia that allows children to be violated in armed conflict. Ten years since her seminal report the momentum to address impunity for grave child rights violations is gathering. The era of application of international standards for the protection of children in armed conflict requires a concerted effort at the international and national levels.

56. At the same time, emerging and more difficult challenges confront the international community, as a result, in part, of the changing nature of armed conflicts and its devastating consequences for children. The violations that continue to be perpetrated against children shock the human consciousness and compel us to act. The Secretary-General's recent words at the Security Council open debate on children and armed conflict articulate our collective imperative:

“The protection of children in armed conflict is a litmus test for the United Nations and the Organization's Member States. It is a moral call, and deserves to be placed above politics. It requires innovative, fearless engagement by all stakeholders.”