

ENOC STATEMENT ON CHILDREN AND ARMED CONFLICT

- ❖ Adopted by the ENOC General Assembly held on 25 September 2009, Paris

Introduction: key facts and figures

- According to the Special Representative of the UN Secretary General on children and Armed Conflict¹, almost 2 million children have been killed throughout the last decade, in the course of armed conflicts, almost 6 million have been injured and/or disabled for life, almost 20 million have been forced to flee, and more than 250.000 children are still being exploited as child-soldiers. Furthermore, thousands of children are enduring rapes and other sexual violence and exploitation.
- The Secretary General's last report of March 2009 on "Children and armed conflict" has denounced serious and persistent breaches of child fundamental rights in 20 countries, namely Afghanistan, Burundi, Ivory Coast, Georgia, Haiti, Iraq, Lebanon, Myanmar, Nepal, Central African Republic, Democratic Republic of the Congo, Somalia, Sudan, Chad, the Occupied Palestinian Territories and Israel, Colombia, Uganda, Philippines, Sri Lanka and Thailand. Considering the regional dimension of armed conflicts, the Secretary General has called for more vigilance on behalf of the States on a certain number of concerns, such as child cross-border enlistment - the case study of those children placed in refugee or internally displaced persons camps close to borders is revealing.
- On the occasion of the publication of the report on "Children and Conflict in a changing World"² (16 June 2009), the UN Children's Fund (UNICEF) and the Special Representative of the Secretary-General on Children and Armed Conflict, Radhika Coomaraswamy, recalled that almost one billion children are living in areas of the world affected by armed conflicts, i.e. one sixth of the world population, of whom some 300 million are under the age of five. All these children and adolescents are caught in conflict and are enduring the direct consequences of the conflict, either physical and/or psychological, but also long-term impact on their development and well-being.

¹ Website: <http://www.un.org/children/conflict/english/index.html>

² "Ten year review of the Michel Strategic study: Children and Conflict in a changing world". This report looks at the situation ten years after the report called "The Impact of armed conflict on children" which had been carried out by Graça Machel, an independent expert designated by the Secretary General and submitted to the General Assembly. This significant report had led to the creation of the Office for the special representative of the Secretary General on children and armed conflicts.

The main developments

- **Wars breach all the rights of the child**, namely the right to life, the right to live in a united family and in a moral environment, the right to health and to education, the right to protection against all forms of violence and exploitation, including sexual abuse, the right to receive humanitarian assistance. Education at all levels is one of the principal means to build a culture of peace. In this context, human rights education is of particular importance.
- **The changing nature of armed conflicts** has given rise to an ever deepening impact on children:
 - Proliferation of light weapons and of non-state forces, anti-personnel landmines and explosive remnants of war, as well as terrorism,
 - Blurring of the distinction between civilian population and combatants: traditional armed conflicts ruled by the Geneva conventions of 1949 have been more and more replaced by what many States prefer calling “internal disturbances and tensions”.

In this context, during armed conflicts children are:

- **Used for military purposes**: they may be actively **involved in hostilities (as child soldiers)**; used in **support roles** (as porters, spies, messengers, look outs, and sexual slaves); or **used for political advantage either as human shields** or in propaganda.
- Victims of **air raids** or attacks over schools and health facilities;
- **Illegally arrested** or detained because they are associated with armed groups, in breach of international conventions
- Victims of **sexual violence**, rapes being used as weapon of war.

Overview of the international legal framework for the protection of children in armed conflict

- The Convention on the Rights of the Child states in its article 38, that “States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.” Articles 1 and 2 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which entered into force in 2002, state respectively that States Parties “shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.”, and that “shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.”
- Article 8 of the Rome Statutes of the International Criminal Court states that the Court considers as war crimes “Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in conflict” whether in international armed conflicts or non-international ones.

- The Security Council has established a monitoring, reporting mechanism on 6 categories of grave violations of children's rights during armed conflicts and has unanimously adopted resolutions 1539 (2004) and 1612 (2005).

Considering the gap between standards adoption and standards implementation, we, ENOC Members, strongly consider that

- There is a gap between the recognition of the due protection of children in the international texts and their implementation in the course of armed conflicts.
- The principle of state sovereignty should not jeopardize both the due protection and promotion of the fundamental rights of children caught in conflict, and international assistance.
- It is inadmissible to note - despite the ratification of the international legal tools governing the protection of children in armed conflict -, persistent breaches of the principle of the respect for children's human rights during armed conflict.
- There is no efficient mechanism for ensuring the protection of children and not enough actions and reactions, which leads to an unacceptable impunity.

We, ENOC Members, are especially calling for

- The implementation and reinforcement of the monitoring and the reporting mechanism on breaches of the fundamental rights of children during armed conflict - such as established by the resolution 1612(2005) of the Security Council -, to gather and disseminate relevant information in due course, about violations against children in situation of armed conflict.
- The development of cooperation and exchange of information between international and regional agents in charge of peace keeping and peace building (NGOs, international humanitarian organisations, States Parties, and United Nations agencies) and civilian population, in order to develop international monitoring³ regarding children rights during armed conflict and for this issue to be clearly assessed and consistently dealt with.
- The development of Disarmament, demobilization and reintegration programs for children in situation of armed conflict, in the light of the strong commitment expressed by 76 Member States to the Paris Commitments and the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups.

³ As reported by the representative of the Democratic Republic of the Congo to the Human Rights Council (2009), international monitoring remains the most satisfactory solution in terms of both the respect of the principle of state sovereignty.

- The involvement of children and youngsters in post conflict reconstruction and recovery programmes as well as their direct participation in the process of peace consolidation.
- Priority prosecution of individuals charged with crimes against children before the International Criminal Court.

ENOC commitments to action

We, ENOC Members, are committed to appeal in any situation involving children caught in armed conflict, to our domestic legislator and to any parties involved in armed conflict, for the due consideration and the due protection of the fundamental rights of children in the course of hostilities. We are also committed to demand respect for such a protection on behalf of armed forces.