



United Nations Office of the Special Representative
of the Secretary-General for

CHILDREN AND ARMED CONFLICT

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Statement by SRSR Radhika Coomaraswamy
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Mr. President, Distinguished Members of the Human Rights Council,
Excellencies, Ladies and Gentlemen,

Mr. President, I would like to take this opportunity to offer you my
belated congratulations as the newly elected President of the Human
Rights Council.

Mr. President,

Overall, the past year has been a difficult one for children living in
situations of armed conflict. On the one hand, there has been progress.
The Security Council passed a landmark resolution 1882 on children and
armed conflict, further advancing the agenda for their protection,
including to name and shame parties who not only recruit and use
children, but also those who kill and maim children or commit rape and
other grave sexual violence against children. A significant number of
child soldiers were released by the Forces nationales de libération (FNL)
in Burundi, and more children are to be released in the Central African
Republic and the Philippines as a result of active intervention by the
United Nations. There have also been several unprecedented initiatives
to address impunity for crimes against children by international justice
mechanisms and, increasingly, through national justice systems. Military
leaders in important conflicts have now begun to declare that the
protection of civilians will be a priority during military operations and that
collateral damage and attacks on civilian areas will be minimized. Military

strategy is being redesigned to meet these goals. These are welcome developments.

On the other hand, it has been a terrible year for children in Gaza, northern Sri Lanka, western Pakistan, the Democratic Republic of Congo, Iraq and Afghanistan where ferocious conflict has led to high casualty rates and the displacement of a large number of people, especially children. In Gaza, this Council had launched an investigation on reports of grave violations against children. I had also placed on record an addendum to the report of Council mandate holders on Gaza and Southern Israel in March this year, which catalogues the terrible violations against children. What the children in Gaza suffered is beyond words. We must ensure that such action does not take place ever again.

In Sri Lanka, the joint communiqué between the Government of Sri Lanka and the Secretary-General asserted that, given allegations of grave violations, including against children, accountability for these abuses would be addressed in the near future. We look forward to developments in this regard. We are also concerned about the fate of internally displaced children who still remain in camps in the north of Sri Lanka, many of them kept against their will. Many children are separated from their families and do not have complete access to humanitarian assistance. We acknowledge the recent releases of some IDPs from the camps and hope that the others will also be allowed to leave if they wish to do so. We also hope that, with the demise of the LTTE and with the TMVP in the process of fulfilling its action plan with the United Nations, the recruitment and use of children will no longer be a major concern in Sri Lanka. We hope that former child soldiers are given assistance and quickly reunited with their families and not kept in detention. I will be sending Major-General Patrick Cammaert as my representative to Sri Lanka as soon as possible. The Government has agreed to his visit in principle, but we are waiting to finalise the dates.

In the North-West Frontier Province of Pakistan, the accelerated military campaign by Pakistan security forces encountered many children who have been forcibly recruited into the ranks of the insurgents, allegedly to

be trained to become informants, fighters or suicide bombers. There have also been alleged video reports of children being used as executioners. Large numbers of the population in the area, including children, are also displaced. However, we are encouraged that the vast majority, around 80%, of the displaced, lived with host families and that humanitarian workers had access to others in the camps. We are also happy to note that the Pakistan government is urging voluntary resettlement so that children can quickly return to a life of normalcy. But this return must be informed and conditional on safety and security. I welcome the appointment of the Secretary-General's Special Envoy for Assistance to Pakistan and look forward to his active efforts in addressing the humanitarian, reconstruction and recovery needs of those displaced. He will doubtless not forget that protection is a key aspect of assistance in post-conflict areas.

In the Democratic Republic of Congo, Operation Kimia Two, the joint military operations between MONUC and the Forces armées de la République démocratique du Congo (FARDC) against recalcitrant members of the Forces démocratiques de libération du Rwanda (FDLR), have led to countless people being displaced. This has raised major issues about the protection of civilians, including the killing and maiming of civilians during the course of operations, as well as reprisals against communities by all parties. One of the most serious concerns is impunity for crimes committed by Government commanders and troops of newly integrated forces, along with the lack of command responsibility. We have urged that the United Nations support to FARDC units be conditional upon the discipline and conduct of the troops during operations.

Mr. President,

As I broached with this Council last year, the nature of conflict is changing and civilians are increasingly on the front line. This has also taken an especially terrible toll on children. Traditional warfare between uniformed forces in select theatres of war away from population centers is no longer the reality. Wars are fought in remote areas where there is

little access to information, and where humanitarian access to those killed or injured is also limited, and sometimes, prevented. Civilians are targeted by acts of terror in public spaces. They have also become, in several instances, the indirect victims of attacks on combatants "as collateral damage" in situations where armed groups may use civilians as human shields. A large number of children are also arrested, detained or become implicated in the war due to their alleged participation or association with "terrorist" groups. Despite the changing nature of conflict and the challenges this poses, we urge that any counter-terrorism measures are in line with Member State obligations under international humanitarian law. This is particularly true for Iraq and Afghanistan.

For years, the so called "war on terror" had made military imperatives and security concerns the only real consideration for military action. This has led to a great deal of suffering for the civilian population, especially children. We welcome the recent change of attitude in some military establishments placing the protection of civilians as an integral part of military planning, strategies and operations. In Afghanistan and the DR Congo, military commanders have articulated a determination to make this so. It is for this reason that we also welcome the adoption of the Department of Peacekeeping Operations' (DPKO) Child Protection Policy. It institutes a more systematic inclusion of child protection advisors in peacekeeping operations, who will monitor and report on grave violations, train peacekeepers in child protection and who would guide and assist in the coordination of response for children if military operations come across child soldiers or other children who have suffered grave violations.

Mr. President,

On August 5th of this year, the Security Council passed a landmark resolution, highlighting the exceptional treatment that the Council has given to children and armed conflict. Resolution 1882, though led by Member States, was crafted after in-depth consultations with UN agencies and child protection partners. Key highlights of the resolution include:

1. Sexual violence against children and killing and maiming in contravention of international law are now "triggers" or "gateways" to the annexes of the Secretary-General's Report on Children and Armed Conflict - what we call the list of shame. This is in addition to the recruitment and use of children. From this point onwards, all parties that commit sexual violence against children, kill and maim children with impunity, or recruit and use children will be listed by the Secretary-General with the possibility of targeted measures being used against them.
2. Parties that are listed are urged to enter into concrete, time bound action plans to halt these violations, in close co-operation with my office and the United Nations Country-level Task Forces. Member States are encouraged to devise means to facilitate their development and implementation.
3. Communications between the Security Council Working Group on Children and Armed Conflict and relevant Security Council sanctions committees are to be enhanced as a step towards implementing targeted measures against recalcitrant perpetrators called for in Security Council resolution 1612.
4. Member States are urged to take decisive action against perpetrators either through the national justice systems or international justice systems with a view to ending impunity.

Resolution 1882 creates the necessary framework for the United Nations to enter into dialogue with parties to end grave violations against children, and will be an important step in demanding accountability for perpetrators.

Mr. President,

I know, from my own experience, that decisions by the Security Council and the Human Rights Council do have a direct effect on parties. In

December 2008, I went to the Philippines and met with the leadership of the Moro Islamic Liberation Front (MILF) in a forgotten part of Mindanao. I explained to them that they were listed in the Secretary-General's report to the Security Council and that targeted measures may be taken against them. After a long discussion, they agreed to enter into an action plan with the United Nations and release the children into UNICEF-sponsored programmes for relief and rehabilitation. The action plan was finalized and signed in July of this year. The threat of international action and the deterrence power of these resolutions cannot be underestimated.

Over the last year, we have entered into similar arrangements in the Central African Republic, Sri Lanka and Nepal. In CAR, children have already been released but in Nepal, we have been promised that the process will be completed by November of this year. In Sri Lanka, the TMVP entered into an action plan with UNICEF, and most of the children have been released over the course of the year. In the DRC and Myanmar, we have received commitments that the FARDC and Tadmaw Kyi will enter into action plans with the United Nations.

Mr. President,

One of the most vulnerable categories of children affected by armed conflict are those who have been internally displaced. Often caught in a legal lacuna and a political vacuum, they remain the most marginalized of groups whose rights are often denied. For this reason, and to stress the need to address key protection concerns for children displaced, we have included in this year's report "the Rights and Guarantees" which should be accorded to every IDP child in situations of armed conflict. The principles have been developed in collaboration with our partners, and are based on the Guiding Principles on Internal Displacement, as well as international humanitarian law.

These "Rights and Guarantees" highlight the important principles of non-discrimination, the provision of essential services, including education, the right of reunification with family, the right to durable solutions

including the right to resettle, the right to physical security and protection from recruitment and sexual violence, and the right to access important programmes for recovery and reintegration. The best interest of the child should be the guiding principle on all matters relating to children.

Six months ago, I visited an IDP camp in the Democratic Republic of the Congo, where I had the opportunity to speak with several young adults for some time. The young women, many of whom were victims of sexual violence, spoke of their constant displacement and their struggle in making ends meet. Many of them, although still teenagers, were already mothers and seemed to have little time for anything but survival. The young men seemed idle and restless, though some found relief playing soccer and other sports provided by aid agencies. Some of their friends had been re-recruited into the militia gangs. Others spoke of criminal gangs that operated in the camps where contraband and illicit liquor were readily available. The IDP camp is no place for children and young adults. They increase the vulnerability of children to being recruited by armed groups and they increase youthful militancy.

Even the best run camps cannot decrease their marginalization. The quicker children and their families return home to a life of normalcy, the better for the future of the country.

Mr. President,

My report makes other recommendations, and I would urge the Council to consider them, and to reinforce its commitment in order to bring tangible difference for children affected by armed conflict. It is critical for us to remain steadfast, resolute and focused on ensuring accountability and fighting impunity for grave violations.

Finally, Mr. President,

As part of our work, our office has been facilitating the creation of a network of children affected by armed conflict. These young people have survived the worst aspects of war - sexual violence, recruitment as child soldiers - to make a better life for themselves as graduate students,

musicians, authors and artists. They are a true inspiration to all of us. In these times, where even in this Council we hear arguments that the international community should not intervene, these children will tell you that they have been saved because people "dared and cared".

Recently, I visited the Vatican with Grace. Grace had been kidnapped by the LRA of Uganda but managed to escape. She went back to school, graduated and is now pursuing her Masters degree in the United States. Her one intention in life was to search for the Catholic teacher and aid worker who had followed the rebels into the jungle in an attempt to rescue her and her classmates. The nun had intervened with the rebels; she had risked her life for the sake of the children. Her intervention saved many lives. Grace gets infuriated when others argue that the international community, including the Human Rights Council, should not intervene in situations of gross violations. "Who will fight for us?" she asks. Who will protect those who are most vulnerable?

We may hear many theoretical arguments about state sovereignty and the imposition of double standards and though we may attempt to address those concerns, we must not lose focus. We must remember Grace. After all, Mr. President, especially in this Council, it is the voice of the victim that must be the privileged voice.