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Overview

On 15 September 2009 Ms Radhika Coomaraswamy, the Special Representative of the Secretary-General for Children and Armed Conflict (SRSG), presented her annual report to the Human Rights Council (the Council).¹ She highlighted in her presentation both positive and negative developments and addressed the situation of children and armed conflict in Gaza, northern Sri Lanka, western Pakistan, the Democratic Republic of Congo, Iraq, and Afghanistan. She underscored the adoption of *Resolution 1882* by the Security Council as a landmark resolution with regards to children and armed conflict, and outlined the key points of the resolution. She also pointed to the effects of terrorism and counter-terrorism measures on children, and the situation of internally displaced children as one of the most vulnerable categories of children affected by conflict. The presentation was followed by an interactive dialogue with States and NGOs, who generally welcomed the report and its recommendations, and expressed support for the mandate of the SRSG.

Presentation of annual report of the Special Representative of the Secretary General for Children and Armed Conflict

Ms Coomaraswamy argued that some positive developments can be seen regarding children and armed conflict in recent years. For example a significant number of child soldiers was released by State forces in Burundi and will be released in the Central African Republic and the Philippines as a result of active intervention by the UN. She also stated that there have been several initiatives to address impunity for crimes against children by international justice mechanisms and through national justice systems. Moreover, military strategies are revised to minimise attacks on civilian areas. Ms Coomaraswamy described Security Council *Resolution 1882* on children and armed conflict as an important development in further advancing the agenda for the protection of children. Due to the resolution, sexual violence against children, killing and maiming are now ‘triggers’ or ‘gateways’ to being included in the annexes of the Secretary-General’s Report on Children and Armed Conflict.² Parties that are

¹ A/HRC/12/49 available at <http://www2.ohchr.org/english/bodies/hrcouncil/12session/reports.htm>

² This is in addition to the recruitment and the use of children.

currently listed are urged to enter into concrete, time bound action plans to halt these violations. The resolution also includes that communications between the Security Council Working Group on Children and Armed Conflict and the relevant Security Council sanction committees are to be enhanced as a step towards implementing targeted measures against recalcitrant perpetrators. Member States are urged in the resolution to take decisive action against perpetrators either through the national justice systems or the international justice system with the view to end impunity. Ms Coomaraswamy explained that pressure by the Security Council and the Council has direct effect on perpetrators. For example in the Philippines children were released and an action plan was signed this year after the threat of international action. She argued further that action plans and similar arrangements have been agreed in Sri Lanka and Nepal. Also the Democratic Republic of Congo (DRC) and Myanmar expressed willingness to enter into action plans with the UN.

Despite these positive developments, Ms Coomaraswamy expressed concern regarding internally displaced children as they are one of the most vulnerable groups in armed conflict and their rights are often denied. For this reason Ms Coomaraswamy's office included in this years report 'rights and guarantees'³ that should be accorded to every IDP child in situations of armed conflict. With regards to country situations she was particularly worried about internally displaced children in camps in the North of Sri Lanka, Pakistan, and impunity in the DRC. Furthermore, she pointed to the changing nature of warfare as civilians are increasingly in the front line. Civilians are targeted by acts of terror or have become the indirect victims of attacks on combatants as 'collateral damage'. Children are detained or arrested and become implicated in the war due to their alleged participation or association with terrorist groups. Ms Coomaraswamy urged States that any counter-terrorism measures are in line with Member States' obligations under international humanitarian law. In this regard Ms Coomaraswamy welcomed the adoption of the Department of Peace Keeping Operations Child Protection Policy, which institutes a more systematic inclusion of child protection advisors in peacekeeping operations. These advisors will monitor and report on grave violations, train peacekeepers in child protection and will 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.

At the end of the presentation the SRSG emphasised that her report makes various recommendations that the Council should consider, and she demanded that the Council reinforce its commitment to protect children affected by armed conflict. She also urged the Council not to lose focus despite arguments about state sovereignty and the imposition of double standards in the fight against impunity for grave violations.

Interactive Dialogue with States and NGOs

The majority of the States participating in the interactive dialogue welcomed the annual report of the SRSG and agreed with the findings and supported its recommendations. Many States welcomed both the inclusion of information on the progress with regards to action plans or field visits and pressing issues such as displaced children, the use of children by terrorists, impunity, and sexual violence against children.⁴ Russia, Norway and Sweden (on behalf of the European Union) explicitly supported the mandate of the SRSG. Only Egypt, Iran, Tunisia (on behalf of the Arab Group) and the Syrian Arab Republic expressed dissatisfaction with the report as in their view it did not sufficiently address the situation of children and armed conflict in the occupied territories of Gaza and Golan. Most States reported on their activities regarding the protection of children and armed conflict such as the ratification of the Optional Protocol to the *Convention on the Rights of the Child*⁵ or national initiatives such as the *US Child Soldiers Accountability Act*. Many States strongly welcomed the adoption of Security Council *Resolution 1882* and described it as an important step to end impunity and fight sexual violence against

³ The Rights and Guarantees highlight the 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.

⁴ Sweden (on behalf of the EU), Algeria, Russia, India, Djibouti, Norway, UK, Slovenia, Australia, Austria, Nepal, Brazil

⁵ Pakistan (on behalf of the OIC), Sudan, Algeria, Russia, India, Democratic Republic of the Congo, Japan, Nepal

children.⁶ Several States also expressed concern on the use of children by terrorists and the effect of anti-terrorism measures on children.⁷ Sweden (on behalf of the EU) and Norway were particularly interested in the views of the SRSG on the protection gap with regards to counter-terrorism measures and how the Council could help to close this gap. In this regard Switzerland was interested in how more action plans with non-State armed groups could be developed.

Overall, States asked the SRSG how coordination between the SRSG and the UN mechanisms could be improved and how the Council could assist in the work of the SRSG. Austria and Uruguay pointed to the importance of bringing up the issue of children and armed conflict systematically during the UPR review, in particular vis-à-vis those States that are listed in the SG report's annexes. Uruguay asked whether child rights in armed conflict are addressed appropriately in the UPR and Austria wondered whether the SRSG integrates the recommendations of the UPR into her work and if she feeds information into the UPR review. France pointed to the fact that the reintegration of child soldiers and victims of violence is one of the major challenges regarding children and armed conflict as it requires often lacking resources. Moreover, France was interested in the SRSG strategy with regards to rehabilitation of child soldiers and what role the Council could play in this regard. Japan pointed to the fact that there is a wide gap between the normative infrastructure and practice of children and armed conflict, and that the international community needs to increase concerted efforts. The Columbian Commission of Jurists, International Club for Peace Research and the International Human Rights Association of American Minorities, among other NGOs, underscored the situation of children and armed conflict in various parts of the world and demanded the release of child soldiers by armed groups.

At the end of the interactive dialogue the SRSG could not provide answers to the posed questions due to time constraints, but the questions were forwarded in writing to her office.

Further information

For further information on the Human Rights Council, please consult the following resources:

- Follow ISHR on Twitter: [@ishr_geneva](https://twitter.com/ishr_geneva).
- Web site of the International Service for Human Rights, providing up-to-date information before, during and after sessions of the Council: <http://www.ishr.ch/council>. During the session, ISHR will provide information about the Council's proceedings on a regular but not daily basis. You can subscribe to receive alerts of our publications by sending an email to information@ishr.ch.
- Oral statements made at the Council, as well as other informal documents and draft resolutions are available on the 'OHCHR extranet' at <http://portal.ohchr.org/portal/page/portal/HRCExtranet>. Username: 'hrc extranet' Password: '1session'.
- Web site of the Office of the High Commissioner for Human Rights (OHCHR) on the 12th session of the Human Rights Council: <http://www2.ohchr.org/english/bodies/hrcouncil/12session>. For direct access to reports considered, check <http://www2.ohchr.org/english/bodies/hrcouncil/12session/reports.htm>.

NGOs and human rights defenders seeking more specific information or individual advice on the Council session, please contact the ISHR secretariat by email or phone at +41 (0) 22 919 71 00.

⁶ Switzerland, Sweden (on behalf of the EU), Russia, India, Djibouti, Norway, Slovenia, Japan, Canada, Republic of Korea, Australia, and Uruguay

⁷ Pakistan (on behalf of the OIC), Sweden (on behalf of the EU), Algeria, Norway, African Union

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ABOUT THE PUBLICATION

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