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RIGHTS OF THE CHILD

**Annual report of the Special Representative of the Secretary-General
for Children and Armed Conflict, Olara Otunnu***

* In accordance with General Assembly resolution 53/208B, paragraph 8, this document is submitted late so as to include the most up-to-date information possible.

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Summary

The present report to the Commission on Human Rights supplements the report of the Special Representative of the Secretary-General for Children and Armed Conflict (A/58/328 and Corr.1), and the report of the Secretary-General dated 10 November 2003 (A/58/546-S/2003/1053). The present report provides updated information and a number of new illustrative examples of egregious violations against children. It also reproduces at annex the lists of parties to armed conflicts that recruit or use children contained in the report of the Secretary-General.

The Special Representative of the Secretary-General for Children and Armed Conflict calls upon the Commission on Human Rights to take action, in accordance with its mandate, procedures and mechanisms, on the information on violations submitted in this report and in the report of the Secretary-General.

The violations described in this report include abduction, maiming and killing, sexual and gender-based violence, denial of humanitarian access, attacks on schools and hospitals, and the recruitment and use of children in armed conflict.

The Special Representative of the Secretary-General finds that there is a need for an adequate monitoring and reporting mechanism on the situation of war-affected children in order to improve the international community's capacity to ensure compliance with international standards and the commitments undertaken by parties to armed conflict. In addition, concerted leadership by the United Nations, in close collaboration with non-governmental organizations (NGOs), is crucial to ensuring the implementation of those commitments.

The report highlights the need for an "era of application" encompassing four key components: advocacy and dissemination; developing local civil society networks for advocacy and protection; the mainstreaming of issues relating to children and armed conflict into the programmes and mechanisms of key institutions; and monitoring, reporting, and action on the part of United Nations agencies, regional organizations and NGOs.

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Introduction

1. The present report of the Special Representative of the Secretary-General for Children and Armed Conflict to the Commission on Human Rights supplements the report of the Special Representative to the General Assembly (A/58/328) and the report of the Secretary-General dated 10 November 2003 (A/58/546-S/2003/1053). It is submitted in accordance with General Assembly resolution 51/77.

2. In recent years considerable progress has been achieved in establishing a framework of international norms and standards to protect the rights and well-being of children affected by armed conflict. In addition, United Nations agencies and other partners have obtained a number of commitments from parties to conflict for the protection of children in situations of armed conflict, notably on the minimum age for recruitment. Most of the developments have been in the realms of advocacy, development of standards and innovative initiatives. For example:

- Children have been firmly placed on the international peace and security agenda;
- International instruments and norms have been significantly expanded and strengthened;
- Child protection is being integrated into the mandates, training and reports of peacekeeping missions;
- Regional organizations have now incorporated issues relating to children and armed conflict into their agendas and programmes;
- Children's concerns are increasingly being included in peace negotiations, peace accords and post-conflict programmes;
- A strong movement of non-governmental organizations (NGOs) has developed in support of issues relating to children and armed conflict;
- War-affected children are coming into their own, speaking out as their own advocates and participating actively in rebuilding peace;
- Many local initiatives for advocacy, protection and rehabilitation have been developed on the ground;
- Mainstreaming of issues relating to children and armed conflict is taking hold in several institutions and mechanisms, within and outside the United Nations;
- Major innovations on issues relating to children and armed conflict developed in the past few years include: deployment of Child Protection Advisers in peacekeeping missions; the establishment of National Commissions for Children in post-conflict situations; the "Voice of Children" radio project; the development of a systematic practice of eliciting and obtaining concrete commitments from parties; the establishment of the International Research Network on children and armed conflict; and the naming and listing of violators in reports to the Security Council.

3. Despite these advances, the commission of atrocities against children continue largely unabated on the ground. The general situation for children remains grave and unacceptable. Parties to conflict continue to violate the rights of children with impunity. In the course of the past year, this trend has been underscored by the particularly tragic experiences of terror, deprivation and utter vulnerability to which children have been subjected in many conflict situations, including in the eastern Democratic Republic of the Congo, the Indonesian province of Aceh, Iraq, Liberia, the Occupied Palestinian Territories and northern Uganda.
4. Much remains to be done. The protection of the rights of children affected by armed conflict must be an integral part of the work of United Nations agencies, regional organizations, NGOs, etc. In developing the activities for the mandate in the period ahead, particular emphasis will be placed on activities to follow up on the progress made during the period of the first two mandates in order to consolidate and deepen those gains.
5. The lack of adequate monitoring and reporting mechanisms on the situation of war-affected children negatively impacts on the international community's capacity to ensure compliance by parties to armed conflict with international standards and their commitments in that regard.
6. It is critically important to provide key decision and policy makers with reliable information on violations of the rights of war-affected children in order to ensure that pressure is exerted on the perpetrators of violations and that corrective action is taken.
7. Experience has shown that concerted leadership by United Nations missions and agencies, in particular the United Nations country teams, in close collaboration with international, regional and local NGOs, is crucial to ensuring the implementation of commitments made by parties to armed conflict. It is, however, necessary to develop a coordinated monitoring and reporting framework encompassing the human rights system and other actors in order to ensure that effective flow, integration and reporting of information takes place. The developments within the European Union (EU) and the Africa, Caribbean and Pacific group of States (ACP)-EU Joint Parliamentary Assembly are illustrative of good examples of collaboration with regional organizations.
8. On 8 December 2003, the General Affairs Council of the European Union adopted the EU Guidelines on Children and Armed Conflict. This is a significant initiative, which has been developed in close collaboration with the Special Representative. It will mainstream and provide guidelines on child protection for the EU external, development and humanitarian assistance policies and crisis management operations.
9. The ACP-EU Joint Parliamentary Assembly at its last meeting in October 2003 adopted a resolution on "The rights of children and child soldiers in particular". This comprehensive resolution, which the Special Representative assisted in developing, provides important recommendations which include the establishment of a system of monitoring and reporting of the situation of children and armed conflict; the integration of child protection in the mandate of EU-led peace support operations in crisis management situations; support for disarmament, demobilization, rehabilitation and reintegration (DDRR) (with special attention to the needs of girls); increased efforts to reduce the illegal trade in natural resources; increased support of the International Criminal Court.

10. At the Summit of the Economic Community of West African States (ECOWAS) in Dakar in January 2003, the Special Representative proposed a plan of action for war-affected children for the West African region. The plan highlights the need to further strengthen the Child Protection Unit (CPU) which was recently established by ECOWAS. The plan was endorsed by the heads of State at the Summit held in Accra in December 2003, and is part of the framework for the ECOWAS peer review system.

I. EGREGIOUS VIOLATIONS AGAINST CHILDREN IN SITUATIONS OF ARMED CONFLICT

11. The information on egregious violations against children in situations of armed conflict submitted in this report should be seen as supplementary to those in the report of the Secretary-General. The present report provides updated information and a number of new examples of such violations. At annex are the updated lists of parties to armed conflicts that recruit or use children contained in the report of the Secretary-General. The information and examples in the report are illustrative, not exhaustive.

A. Abduction

12. The practice of abducting children has significantly increased over the past years. Parties to conflict have abducted children as part of systematic campaigns of violence against civilian populations in countries such as Angola, Colombia, Nepal, Sierra Leone, the Sudan and Uganda. Children have been abducted from their homes, schools and refugee camps and exploited for forced labour, sexual slavery and forced recruitment, and have been trafficked across borders. Displaced, refugee and separated children have been especially vulnerable to abduction, as in the case of Liberia and neighbouring countries in West Africa.

13. Abducted children are subjected to brutal treatment and other egregious personal violations. For example, in **northern Uganda**, the Lord's Resistance Army (LRA) has abducted thousands of children and forced them to become child soldiers and to commit atrocities. On 9 December 2003, the United Nations Emergency Relief Coordinator pointed out in his statement to the Security Council that the LRA continued to abduct children, making them direct participants in a senseless war, mutilating and killing children and adults alike.

14. In other situations such as **Colombia**, the National Liberation Army (ELN) and the Revolutionary Armed Forces of Colombia (FARC) continued to kidnap hundreds of children for ransom and as a means of terrorizing the civilian population. According to recent information from the *Fondacion Pais Libre*, a large Colombian civil society organization, 242 children were abducted in Colombia between January and September 2003.

15. In **Liberia**, there were consistent allegations of abductions for forced labour or sexual slavery and forced recruitment by all parties during the latter part of the conflict, especially by Government-allied militia. The Office of the High Commissioner for Human Rights and other humanitarian agencies have documented many incidents of forced abduction of children from displaced person and refugee camps, including by government officials.

B. Maiming and killing

16. In the Ituri district of **eastern Democratic Republic of the Congo**, many children have witnessed the violent killing of family members or have been brutally maimed or killed by armed groups. On 21 July 2003, approximately 20 civilians - including women, children and the elderly - were mutilated and massacred in Nizi, near Bunia, according to a MONUC report of the United Nations Organization Mission to the Democratic Republic of the Congo. According to a United Nations mission report, 420 civilians, a significant number of them children, were killed in Bunia in fighting between Lendu and Hema militias between May and December 2003. In the spate of killings, on 6 October, Lendu militia from Petro and Laudju attacked Kachele and surrounding villages, killing 65 civilians in the process, including 42 children.

17. In **Guatemala**, in the period from January to November 2003, civil society organizations like Casa Alianza and the Human Rights Office of the Archbishop of Guatemala reported that 680 children and young persons under the age of 23 were killed. Nearly 200 of them were under 18. Over 80 per cent of the victims killed by firearms were between 15 and 17 years old. The increasing levels of violence and killings in the country are directly related to the availability of small arms and light weapons, a legacy of the armed conflict which ended in 1996.

18. Maiming and killing and other abuses have sharply increased in the past year in **northern Uganda** due to renewed fighting between Ugandan government forces and rebels. The abduction, killing and mutilation of children by LRA continue to be widespread. One example is the reported killing of 4 of the 41 students abducted from Sacred Heart Minor Seminary in Lacor, Gulu district, on 10 May 2003 by LRA. The four students were killed because they were unable to walk.

19. In **Colombia**, maiming and killing continued to be a big problem during 2003. For example, reports from the Colombian chapter of the Coalition to Stop the Use of Child Soldiers reports that in the province of Cauca alone more than 150 youths were killed in the first nine months of 2003.

C. Sexual and gender-based violence

20. Girls and women most often experience armed conflict as civilians rather than as direct combatants, but that has not spared them from acts of extreme violence including sexual violence, forced sexual slavery and rape. Women and girls and to some extent boys are increasingly being subjected to systematic sexual violence at times of heightened conflict. Refugee and internally displaced women and children are especially vulnerable to sexual and other exploitation by armed forces and groups, and sometimes even peacekeepers and humanitarian workers.

21. Conflict creates and exacerbates the conditions in which HIV/AIDS thrives, such as poverty, the disintegration of communities, displacement, the separation of children from their families, rape and sexual violence, and the destruction of schools and health services.

22. In the **Democratic Republic of the Congo**, girls and elderly women have been the victims of violent rape. During fighting in Kinkondja and Malemba Nkulu (Katanga province) early in August 2003, the Mai-Mai were involved in the killing, rape, abduction and summary executions of civilians and the destruction of houses in the Kama area, according to the Secretary-General's fourteenth report on the MONUC (S/2003/1098). In Maniema (Kindu) and North Kivu the Mai-Mai targeted in particular internally displaced women and children and subjected them to sexual violence.

23. In the north-eastern district of Ituri, on 2 December 2003, MONUC helped to free some 34 women and girls who were being held as sexual slaves in camps belonging to the *Front des nationalistes intégrationnistes* (FNI).

24. In **Liberia**, the Office of the High Commissioner for Human Rights reports that it has received testimonies from women and girls who were raped and subjected to other forms of sexual violence by Government-allied militia during the latter part of the conflict. Victims were often gang-raped by soldiers after fleeing the fighting and being arrested at checkpoints. Others were arrested in war zones on suspicion of being spies, being related to rebels or backing them. Victims were usually held in unofficial detention centres and often threatened with death should they resist rape, or reprisals if they lodged a complaint.

25. The Special Rapporteur on the situation of human rights in **Burundi** reports that mass rapes, perpetrated by members of armed groups and armed forces and also by unidentified individuals, increased during 2003 in conflict zones in the east as well as in and around Bujumbura. The victims are mainly women, but also young boys. In the case of gang-rapes, children are often abused in front of other members of their family.

D. Denial of humanitarian access

26. Despite the ceasefire agreement in **Liberia** between the Government and the two rebel movements, Liberians United for Reconciliation and Democracy and the Movement for Democracy in Liberia, on 17 June 2003, fighting resumed on 24 June in Monrovia. Between the end of June and August, when the forces of the Economic Community of West African States were deployed and the city was under siege, several hundred people, and possibly thousands, were injured or lost their lives, and civilians were denied access to humanitarian aid and to their means of livelihood. A humanitarian disaster ensued as international aid agencies were unable to reach most of the country with the food and medical aid that many people required.

27. There are also other examples of denial of access owing to volatile situations, for example, in **Côte d'Ivoire**, where the consequences of the crisis continue to be felt. On the second report of the Secretary-General on the United Nations Mission in Côte d'Ivoire (S/2003/1069) he states that hundreds of thousands of people in the areas controlled by the *Forces nouvelles* in the north still have no access to basic health care and other public services owing to the difficult situation there.

E. Attacks on schools and hospitals

28. In the **Indonesian province of Aceh**, reports received in the first four days of the resumed conflict in May 2003 indicated that more than 280 schools were burnt and destroyed, affecting approximately 60,000 children. That brought the total number of schools destroyed to nearly 500 over the past four years.

29. In the **Democratic Republic of the Congo**, the humanitarian consequences of the armed conflict in Ituri have been disastrous. The Office for the Coordination of Humanitarian Affairs reports that, of the region's estimated 400 health centres, 212 have been closed and about 200 schools have been destroyed.

30. On 15 July 2003, in the town of Tchomia, on the shores of Lake Albert, about 200 houses were destroyed. A report by the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo states that the attack followed that of 31 May 2003, when the same militias and the inhabitants of the towns of Zumbe and Loga deliberately attacked Tchomia hospital.

F. Recruitment and use of children in armed conflict

31. Children are especially vulnerable to military recruitment and manipulation to commit violence because they are innocent and impressionable. They are forced or enticed to join armed groups and armed forces. Regardless of how they are recruited, child soldiers are victims, whose participation in conflict bears serious implications for their physical and emotional well-being. They are commonly subjected to abuse and most of them witness death, killing and sexual violence. Many participate in killings and most suffer serious long-term psychological consequences.

VI. CONCLUDING REMARKS

32. **At the level of application and enforcement, the international community possesses the means and the collective influence that can be brought to bear on parties to conflict in order to ensure their compliance with the relevant international standards on the ground. The most pressing challenge therefore facing the international community is to galvanize and unify two assets - normative tools and the power of collective influence - into a coherent and concerted project - an effective regime of protection for war-affected children.**

33. **This is the purpose of the "era of application" campaign and the agenda for action proposed in the report of the Secretary-General. The campaign for the "era of application" encompasses four key components: advocacy and dissemination; developing local civil society networks for advocacy and protection; the mainstreaming of issues relating to children and armed conflict into the programmes and mechanisms of key institutions; and monitoring, reporting and action.**

34. The Commission on Human Rights has an important role to play in the area of monitoring and reporting on violations against children's rights in situations of armed conflict. The Commission should review the information submitted in this report regarding egregious violations of children's rights in situations of armed conflict and on the parties to armed conflict that recruit and use children as child soldiers. The Commission must also take action on the information in accordance with its mandate, procedures and mechanisms.

35. The Commission on Human Rights should ensure that all information on egregious violations of child rights in conflict and post-conflict situations, as described in this report, is brought to the attention of all country and thematic mandate-holders for their further action.

Annex I

UPDATED LIST OF PARTIES TO ARMED CONFLICT THAT RECRUIT OR USE CHILDREN IN SITUATIONS OF ARMED CONFLICT ON THE AGENDA OF THE SECURITY COUNCIL

The situation in Afghanistan

Factional fighting groups

The situation in Burundi

1. Forces armées burundaises (FAB)
2. Conseil national pour la défense de la démocratie/Forces pour la défense de la démocratie (CNDD/FDD)
 - (a) Wing of Pierre Nkurunziza^a
 - (b) Wing of Jean Bosco Ndayikengurukiye^a
3. Parti de libération du peuple Hutu/Forces nationales de libération (PALIPEHUTU/FNL)
 - (a) Wing of Agaton Rwasa^a
 - (b) Wing of Alain Mugabarabona^a

The situation in Côte d'Ivoire

1. Forces armées nationales de Côte d'Ivoire (FANCI)^a
2. Mouvement pour la paix et la justice (MPJ)^a
3. Mouvement populaire ivoirien pour le Grand Ouest (MPIGO)^a
4. Mouvement patriotique de Côte d'Ivoire (MPCI)^a

The situation in the Democratic Republic of the Congo

1. Forces armées congolaises (FAC)
2. Rassemblement congolais pour la démocratie-Goma (RCD/G)
Local defence forces associated with RCD/G^a
3. Mouvement national de libération du Congo (MLC)
4. Rassemblement congolais pour la démocratie-Kisangani/Mouvement de libération (RCD-K/ML)

5. Rassemblement congolais pour la démocratie-National (RCD-N)
6. Hema militias
 - (a) Union des patriotes congolais (UPC)
 - (b) Parti pour l'unité et la sauvegarde du Congo (PUSIC)^a
7. Lendu/Ngiti militias
 - (a) Front nationaliste et intégrationniste (FNI) (Lendu)^a
 - (b) Front populaire pour la réconciliation de l'Ituri (FPRI) (Ngiti)^a
8. Forces armées populaires congolaises (FAPC)^a
9. Mai-Mai
10. Mudundu-40^a
11. Masunzu's Forces
12. Ex-Forces armées rwandaises (ex-FAR) and Interahamwe

The situation in Liberia

1. Armed Forces of Liberia (AFL)
2. Liberians United for Reconciliation and Democracy (LURD)
3. Movement for Democracy in Liberia (MODEL)^a

The situation in Somalia

1. Transitional National Government
2. Juba Valley Alliance
3. Somali Reconciliation and Restoration Council
4. Rahanwein Resistance Army (RRA)

Note

^a New parties.

Annex II

OTHER PARTIES TO ARMED CONFLICT THAT RECRUIT OR USE CHILDREN IN ARMED CONFLICT

Republic of Chechnya of the Russian Federation

1. Chechen insurgency groups

Colombia

1. Autodefensas Unidas de Colombia (AUC)
 - (a) Autodefensas Unidas del Sur del Casanare (AUSC)
 - (b) Autodefensas Campesinas de Córdoba y Uraba (ACCU)
 - (c) Autodefensas de Magdalena Medio (ACMM)^a
 - (d) Autodefensas del Meta^a
2. Fuerzas Armadas Revolucionarias de Colombia (FARC)
3. Ejército de Liberación Nacional (ELN)

Myanmar

1. Tatmadaw Kyi (government army)
2. Karen National Union (KNU)^a
3. Karenni National Liberation Army (KNLA)

Nepal

1. Communist Party of Nepal (CPN-Maoist)

Northern Ireland

1. Paramilitary groups

Philippines

1. New People's Army (NPA)
2. Moro Islamic Liberation Front (MILF)
3. Moro National Liberation Front (MNLF)
4. Abu Sayyaf

Sri Lanka

Liberation Tigers of Tamil Eelam (LTTE)

Sudan

1. Government-allied militia, the South Sudan Unity Movement (SSUM)^a
2. Sudan People's Liberation Movement/Army (SPLM/A)

Uganda

1. Uganda People's Defence Forces (UPDF)^a
Local Defence Units (LDUs) allied to UPDF^a
2. Lord's Resistance Army (LRA)

Note

^a New parties.
