

Children and Armed Conflict
United Nations Security Council Open Debate
28 November 2006

On 28 November 2006, the Peruvian Presidency of the Security Council held an open debate to discuss the latest report of the Secretary-General on Children and Armed Conflict and the first reports of the monitoring and reporting mechanism on children and armed conflict. UN Secretary-General Kofi Annan; Radhika Coomaraswamy, Special Representative of the Secretary-General for Children and Armed Conflict; Ann Veneman, Executive Director of the United Nations Children's Fund (UNICEF); and Gabriel Oling Olang from Save the Children, addressed the Council.

Of the 39 states who spoke, 12 states made explicit reference to the International Criminal Court (ICC) and/or Rome Statute, including France, Greece, Slovakia, Argentina, Liechtenstein, Finland (on behalf of the European Union), New Zealand, Canada, Australia, Bangladesh, Honduras and Benin (in order of their statements). Secretary-General Annan also mentioned the ICC in his address.

Following the debate, the Council issued a Presidential Statement (S/PRST/2006/48) which welcomed “[...] the steps taken by national, international and ‘mixed’ criminal courts and tribunals against those who are alleged to have committed grave violations against children in situations of armed conflict in violation of applicable international law.”

The following excerpts were taken directly from the UN meeting record and are listed in the order they were presented (S/PV.5573 & Resumption 1).

Speaker / Country	Statement
Secretary-General Kofi Annan	<p>“The past decade has also seen important gains in the elaboration of international legal standards for the protection of children. The Rome Statute of the International Criminal Court (ICC) classifies the recruitment of children into fighting forces as a war crime and a crime against humanity.</p> <p>[...]</p> <p>The Security Council itself has been part of this progress. Its resolutions have highlighted six grave violations, drawn from international humanitarian law, that concern children affected by armed conflict: killing and maiming, abduction, child soldiers, sexual violence, attacks on schools and hospitals and the denial of humanitarian access. Today, the international community is shifting its focus from the elaboration of standards to the provision of real protection. In the past year alone, we have seen encouraging signals that impunity for crimes against children will no longer be tolerated. The ICC is prosecuting Thomas Lubanga Dyilo for conscripting and enlisting children under the age of 15 years and using them to participate actively in hostilities. For the first time, a former head of State, Charles Taylor, is being brought to account, for violations committed against children during the conflict in Liberia.”</p>
H.E. Mr. Jean Pierre Lacroix, Deputy Permanent Representative of France to the United Nations	<p>“First, specific standards exist, including the Convention on the Rights of the Child and its second Optional Protocol, as well as the Rome Statute. The international community has also identified the best practices for the demobilization of children and their reintegration into their communities through the so-called Cap principles, which will be revised and enhanced during a conference to be held by France and UNICEF next 5 and 6 February in Paris.</p> <p>I also note that the report of the Secretary-General (S/2006/826) refers to a number of encouraging developments with respect to our actions. For example,</p>

	<p>there is the release of child soldiers by the armed forces of the Forces nouvelles in Côte d'Ivoire, within the framework of a plan of action that was negotiated following the adoption of resolution 1612 (2005). There is also the current trial of Thomas Lubanga in the International Criminal Court (ICC). Those initial encouraging signs should motivate us to redouble our efforts to narrow the gap between our actions here and the concrete results of those actions in conflict situations.”</p>
<p>H.E. Ambassador Adamantios Th. Vassilakis, Permanent Representative of Greece to the United Nations</p>	<p>“I would also like to underline the importance that Greece attaches to fighting impunity by bringing perpetrators to justice. It is the primary responsibility of States to take all necessary relevant measures. In addition, the International Criminal Court can ensure accountability for international crimes committed against children.”</p>
<p>H.E. Ambassador Dušan Matulay, Deputy Permanent Representative of Slovakia to the United Nations</p>	<p>“Impunity for crimes against children is unacceptable; national judicial authorities have the primary responsibility to bring the perpetrators of crimes to justice. However, with regard to situations of armed conflict in which national judicial authorities are not fully capable of coping with crimes against children, Slovakia endorses the continuation of the active engagement of the International Criminal Court.”</p> <p>[...]</p> <p>“Both annexes of the Secretary General's latest report list many parties to conflict - often the same ones as in previous annual reports - who have notoriously disregarded appeals of the international community and have continued to recruit child soldiers. In that connection, we believe that in some cases effective targeted measures by the international community against parties to armed conflict who continue to use child combatants or to commit other crimes against children in armed conflict could lead to a change in the behaviour of notorious violators.”</p>
<p>H.E. Ambassador Cesar Mayoral, Permanent Representative of the Argentine Republic to the United Nations</p>	<p>“[A]lthough the monitoring and reporting mechanism focuses on the collection of trustworthy data on the recruitment and use of child soldiers and other abuses against children affected by armed conflict, we must not overlook the fact that the ultimate goal of the process must be to identify those responsible for such violations, such as Charles Taylor, in order to take steps against them, thus putting an end to the climate of impunity that allows such atrocities to continue to be committed. In that context, I reaffirm the need to support the work of the International Criminal Court.”</p>
<p>H.E. Mr. Patrick Ritter, Counsellor, Deputy Permanent Representative of Liechtenstein to the United Nations</p>	<p>“Council members, in particular the permanent members, have a special responsibility to show the necessary leadership in effectively ending impunity for all grave violations of children's rights in all armed conflicts. Targeted sanctions by the Security Council will have to be complemented by the work undertaken by the International Criminal Court and by national courts in bringing the perpetrators and instigators of such violations to justice.”</p>
<p>H.E. Ambassador Kirsti Lintonen, Permanent Representative of Finland to the United Nations</p>	<p>“The EU also urges states that have not yet done so to ratify and fully implement the Statute of the International Criminal Court (ICC) which classifies enlisting children under the age of 15 as a war crime.”</p>
<p>H.E. Ms. Kirsty Graham, Minister, Deputy Permanent Representative of New Zealand to the United Nations</p>	<p>“The work of an expanded monitoring mechanism will provide further deterrence to those that carry out despicable acts against children. In connection with this effort, we strongly support the ongoing work of the International Criminal Court to bring to justice those individuals responsible for the gravest breaches. Parties that commit grave violations against children should expect that the international</p>

Nations	community will take measures against them.”
H.E. Ambassador John McNee, Permanent Representative of Canada to the United Nations	“The date of 9 November 2006 was a historic day. It was the start of the International Criminal Court (ICC) trial of Thomas Lubanga Dyilo, the former militia leader from the Democratic Republic of the Congo charged with recruiting children. Canada welcomes this important first step in combating impunity. We call upon the international community to support the work of the ICC and national courts as they bring to justice those who perpetrate serious international crimes, including those committed against children.”
H.E. Ambassador Robert Hill, Permanent Representative of Australia to the United Nations	“No individuals or groups can be outside the law. Against that background, we note the laying of charges against one individual by the Prosecutor of the International Criminal Court, regarding the enlisting and conscripting of children under the age of 15 years and using them to participate actively in hostilities. This case, which is currently in a pre-trial hearing phase, is a landmark in the fight against impunity for these crimes. This important step builds upon jurisprudence of other international criminal tribunals such as the Special Court for Sierra Leone, which confirmed in 2004 that the recruitment of child soldiers has for some time entailed individual criminal responsibility. Australia welcomes these developments in international law which highlight the plight of children forced to fight adult wars and which further the fight against impunity.”
H.E. Ambassador Iftekhar Ahmed Chowdhury, Permanent Representative of Bangladesh to the United Nations	“To usher in an era of application of international child protection standards, the Council must urge Governments and non-State actors to respect and uphold those standards. The Optional Protocols to the Convention on the Rights of the Child, the Rome Statute of the International Criminal Court, the International Labour Organization Convention No. 182 and the Landmines Convention are all relevant in this context. It is now time for the Council to expand its focus. This should include all categories of grave violations beyond recruitment and use of child soldiers, such as the killing and maiming of children, sexual and other grave acts of violence and denial of humanitarian access.”
H.E. Ambassador Ivàn Romero-Martínez, Permanent Representative of Honduras to the United Nations	“The structure established by the Council in resolution 1612 (2005) has made it possible to set up a legal framework that marks a significant step forward in finding a solution to such a complex problem and complements existing international legal machinery. I would like to point out a few of the most important instruments: the 1989 Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Geneva Conventions of 1949 and their Additional Protocols, as well as the Statute of the International Criminal Court, to mention a few.”
H.E. Ambassador Jean-Marie Ehouzou, Permanent Representative of Benin to the United Nations	“Prosecutions by the International Criminal Court should demonstrate to the parties the determination of the international community to put an end to impunity in this area. Therefore we are eagerly awaiting the completion of the procedures that have begun. We call on Governments to cooperate with the Court in the execution of arrest warrants in order to strengthen its credibility and its effectiveness as a deterrent.”