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SUMMARY RECORD OF THE 13th MEETING

Held at the Palais des Nations, Geneva,  
on Friday, 21 September 2007, at 3 p.m.

President: Mr. ARTUCIO (Uruguay) (Vice-President)  
later: Mr. COSTEA (Romania) (President)

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*In the absence of the President, Mr. Artucio (Uruguay), Vice-President, took the chair.*

*The meeting was called to order at 3.10 p.m.*

PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT (agenda item 3) (A/HRC/4/45, A/HRC/6/G/8, A/HRC/6/NGO/9, A/HRC/6/NGO/20) (*continued*)

1. Ms. COOMARASWAMY (Special Representative of the Secretary-General for children and armed conflicts) presented her 2007 report (A/HRC/4/45) to the Council, and said that since taking office in February 2006 she had been making field visits. Such visits were a key element in her awareness-raising strategy aimed at drawing high-level attention to the status and situation of children affected by armed conflicts. Entering into dialogue for the specific purpose of protecting children, with all parties (State or otherwise) whose actions had significant effects on children, did not, however, imply any political recognition of those parties and did not confer any legitimacy on them. In her missions, the Special Representative had made a particular effort to focus attention on four fundamental concerns: the recruitment and use of child soldiers, serious sexual violence against children, security and access for humanitarian personnel, and the re-education and reintegration of children.
2. Referring to the visit made to Sri Lanka by her Special Adviser, Mr. Allan Rock, and the commitments made both by the Liberation Tigers of Tamil Eelam and by the Government, the Special Representative deplored the fact that persistent violence continued to exacerbate the problems of displaced children and to put obstacles in the path of humanitarian aid. She added that in October 2007 she would be submitting a report on the evolution of the situation in Sri Lanka to the Security Council Working Group on Children and Armed Conflicts.
3. Following her mission to Sudan in January 2007, Ms. Coomaraswamy had concluded that there was a climate of impunity in the country regarding violations committed against children. In Darfur, the situation had been aggravated by an enormous security void. In Djouba, the key issue was no longer persistent recruitment of children but more the problems posed in reintegrating them into society. Noting the commitments made by the Government of National Unity, the Government of South Sudan and other parties, the Special Representative indicated that the United Nations Children's Fund (UNICEF) and the United Nations Mission to Sudan were monitoring those undertakings on the ground.
4. Referring to her visit to Burundi in March 2007, Ms. Coomaraswamy said that, despite the progress made, she remained very concerned at the continued failure of the national liberation forces to adequately implement the recommendations made by the Security Council Working Group. She had held a meeting with the Commission for the Consolidation of Peace to draw attention to the needs of children affected by conflicts and, most particularly, on the need to implement longer-term reintegration strategies.
5. In March 2007, the Special Representative had also visited the Democratic Republic of the Congo. She was extremely concerned by the situation of children there, especially in the eastern provinces, and by the range of sexual violence committed in the eastern part of the country and the impunity that such crimes enjoyed. The Congolese authorities had undertaken to adopt

measures, in consultation with the United Nations, to combat impunity. With the situation continuing to deteriorate in the east, it was time to implement effective means to put an end to the impunity of the leaders of the Democratic Liberation Forces of Rwanda and armed groups such as that of Laurent Nkunda

6. Lastly, in Israel and in the occupied Palestinian territories, Ms. Coomaraswamy had spent most of her time in contact with children, for example in Lebanon, who were cheerful and resilient; but they also showed fear, anxiety, anger, vengeance and despair. In that regard, she denounced the continued detention of 400 Palestinian children which could only serve to perpetuate the cycle of violence, and she also condemned the use of children in armed or political violence.

7. Mr. MUTOMB MUJING (Observer for the Democratic Republic of the Congo) noted that his country had been stricken by the recruitment and use of children throughout the conflict it had endured; and he reported that in the National Congolese Army, all underage young people had been demobilized and sent back into civilian life, thanks to valuable assistance from friendly countries and United Nations institutions. Various members of rebel groups who were using children to protect gold quarries and diamond mines had now been brought to justice: Thomas Lubanga, Chief of the Union of Congolese Patriots, was currently being tried by the International Criminal Court, and Kyungu (alias Gédéon), responsible for the Maï-Maï group, was being prosecuted by the national courts. This was evidence of the Congolese authorities' resolve to combat impunity. Mr. Mutomb Mujing said, however, that the phenomenon of child soldiers would not completely disappear from his country until foreign rebel units, other uncontrolled groups that were resisting the peace process and General Laurent Njunda's mutineers had been disarmed.

8. Legal measures had been adopted as part of the intensification of Congolese policy on behalf of children, in particular a draft law relating to the "Children's Protection Code", and the launch of an information campaign on the Optional Protocol to the Convention on the Rights of the Child, concerning the involvement of children in armed conflicts.

9. U NYUNT SWE (Observer for Myanmar) informed Council members of various measures taken by his country in recent years to prevent the recruitment of underage children. The Committee for Prevention of the Recruitment of Minors had been set up in 2004, and then expanded in 2006. Members of this committee had made lengthy field visits to various regions, with a view to executing the Committee's programme of action. At the Government's invitation, thus demonstrating the latter's willingness to co-operate with the United Nations in this domain, Ms. Coomaraswamy had visited Myanmar from 25 to 29 June 2007, and had been able to visit the army recruitment centre in Mandalay. She had also held a working meeting with the Committee. To follow up the Special Representative's recommendation, the Government had appointed the Director-General of the Department of Social Affairs (Ministry of Social Protection, Assistance and Reinstallation) as interlocutor on the issue of child soldiers. Lastly, a working committee would be set up to ensure follow-up and the preparation of reports at the national level.

10. *Mr. Costea (Romania) took the chair.*

11. Ms. GOONETILLEKE (Sri Lanka), stated that the forced participation of children in the conflict as soldiers was one of the most serious dimensions of the situation in Sri Lanka. The Government strongly condemned the practice of child recruitment, on which it applied zero tolerance; and it called upon United Nations institutions to spread that message.

12. Noting that, since the start of the conflict in 1983, the Liberation Tigers of Tamil Eelam had not ceased to recruit children into their ranks, and that the Karuna dissident faction was abducting children in eastern zones of the country, the representative for Sri Lanka said that her Government had taken a number of measures. These included the creation in July 2006 of a special team to undertake a surveillance and information mission on violations of the rights of the child arising from conflicts; creation of an interdisciplinary commission of inquiry on the potential complicity of elements of the Sri Lankan army in the abduction and recruitment of children by the Karuna faction; ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts; and also the creation in April 2007 of a special team with responsibility for children affected by armed conflict.

13. The authorities also intended to remedy other problems in relation to children affected by conflict, by making efforts to guarantee children in conflict zones access to both curative and preventive medicine and to free education. Lack of resources for the National Human Rights Commission and the National Commission for the Protection of Children, was undermining government efforts to strengthen the capacities of local institutions. In September 2007, a Commissioner General had been appointed to take charge of reintegration issues, and a programme should be implemented shortly, which would go beyond the simple institutional approach and focus on education, vocational training and sport. The representative for Sri Lanka concluded by calling on the international community to convince the Liberation Tigers of Tamil Eelam and the Karuna faction to immediately cease all recruitment of children and send the young people in their ranks back to their families.

14. Ms. ELOBIED (Observer for Sudan) drew the Council's attention to the need for Governments to associate with the monitoring and reporting mechanism, and to indicate the sources of the information that had been obtained.

15. Referring to the conflict situation which Sudan had long been experiencing, and the consequences thereof, the observer for Sudan said that the Government was endeavouring to put an end to the recruitment and exploitation of children as soldiers. The 1986 Armed Forces Act, which imposed a minimum age of 18 years for recruitment, was being applied in the country; and a campaign was being waged to enforce it. In addition, a legal committee had been created to investigate child abductions and recruitment, in cooperation with civil society; and a disarmament and reinsertion commission had also been set up. The Sudanese delegation concluded by reaffirming its willingness to cooperate fully with the international community and the United Nations to remedy the harmful consequences of those practices.

16. Mr. KHAN (Pakistan), speaking on behalf of member countries of the Islamic Conference Organization, lauded the substantial progress made in setting up a monitoring and reporting mechanism on children and armed conflicts, created by Security Council resolution 1612 (2005). He shared the opinion that the international community should make greater efforts to understand the particular vulnerability of young girls in armed conflicts. The facts showed that systematic and persistent violations of civil rights, particularly the rights of the child, were more

frequent and widespread in the case of foreign occupation and violations of people's right to self-determination. The reasons for suppressing terrorism should not result in the elimination of civilians acting to uphold their fundamental rights, including the right to self-determination. The appeal made by the United Nations Summit in 2005 for the protection of populations against genocide, crimes against humanity, war crimes and ethnic cleansing could be effectively followed-up by introducing standards that provided a uniform and rapid response to situations that generated or could generate such crimes. Despite the large number of international legal instruments that had been drafted for the protection of children, the latter continued to suffer the consequences of armed conflict. Without a deliberate effort by the international community to insist on application and respect for current laws, young boys and girls would remain vulnerable.

17. As the Special Representative of the Secretary-General for children and armed conflict had stressed, young girls were particularly vulnerable, and the issue of the protection of their individual rights should receive greater attention by United Nations and civil society organizations concerned with armed conflicts. The Special Representative should continue to denounce all violations committed against children, wherever they occurred. It was also important to apply the recommendations of the Committee on the Rights of the Child in relation to strengthening national and international measures aimed at preventing the enrolment of children in the armed forces or in armed groups and their use in hostile activities. The international community should attack the underlying causes of conflicts which, in most cases, originated from socioeconomic inequalities, systematic ethnic discrimination, human rights violations, or even the unlawful exploitation of natural resources. All States should be bound by a legal obligation to respect international humanitarian law. United Nations peacekeeping operations that were already deployed should report on the treatment of children and measures taken to protect them. Unfortunately, the international community did not generally engage in favour of children until the conflict had ended, i.e. when there were practically no more children to save or when they had already endured the worst. Consequently, one of the main efforts to be made by the Council should consist of ensuring that the protection of children in armed conflicts was guaranteed before hostilities began.

18. Mr. GAMALELDIN (Egypt), speaking on behalf of the Group of African States, said that despite the near universal ratification of the Convention on the Rights of the Child, children continued to be subject to violations of their individual rights and suffer the consequences of armed conflicts, including civil wars or conflicts resulting from foreign occupation. Every day, children were being killed, mutilated or abducted. When used by the parties to a conflict or when they were victims of rape or other serious sexual violence, they were also deprived of their right to education and access to health care. Furthermore, the lack of access to humanitarian aid deprived children affected by armed conflicts from their right to survival and development, food, water and care. The Group of African States attached great importance to the issue of children and armed conflicts, and considered that children were the most vulnerable of human beings and, as such, the first victims of the negative effects of armed conflicts. In reality, civil wars and armed conflict generally were ruining efforts made by States in favour of survival, protection and proper development of the child. The African countries had undertaken to relentlessly guarantee the well-being of their children following the World Summit for Children in 1990, and in the framework of the various conferences organized on this issue by the United Nations. They had also undertaken to put an end to wars and other armed conflicts, in the belief that dialogue was the most effective tool for creating conditions for peace, security and stability throughout the world, particularly on the African continent. African countries had always urged the party to

conflicts in countries in civil war situations to keep children out of the war and to refrain from using them in hostilities or in violent activities of any type before their eighteenth birthday. They had also urged them to release child combatants and guarantee their education and training, readjustment and reinsertion into civil society.

19. The Group of African States firmly believed that the use of children in armed conflicts was a violation their individuals rights and should be considered a war crime. It had launched an appeal to all its partners regionwide to ensure that programmes of education on respect for elementary human rights and international humanitarian law, as well as the protection of civilians, particularly children and women, during military operations, should be disseminated throughout all members of the armed forces. It also was launching an appeal to the parties to conflicts in the region for them to set up zones and corridors of peace, guaranteeing the protection of children and mothers, and to make it easier for humanitarian aid to reach them, together with the provision of social services of education and health care, specifically through immunization campaigns.

20. Deeply concerned by the data contained in the report under review, the Group of African States welcomed the implementation by the Special Representative of the Secretary-General for children and armed conflicts of a strategic framework to consolidate the progress accomplished in the past. It urged the United Nations system as a whole, and particularly the Security Council and OHCHR, to provide equal attention to all situations of conflict giving rise to violations of the rights of the child and to put pressure on the parties to conflicts to bring them to an end. It urged the international community as a whole to actively address the causes of the various conflicts without further delay. The fact that children were the victims of competition between powerful countries to control trade in diamonds or oil, and other natural resources, or simply with a view to establishing zones of geostrategic influence, particularly in Africa, was immoral. Women and children were the first victims of such competition, which seriously undermined the development strategies of the countries concerned. Equal treatment should be provided for all children, without distinction, including those who were participants in conflicts causing violations of their rights. Selectivity was not acceptable on this issue because it involved a basic problem that concerned all humanity. The Council, OHCHR and the human rights mechanisms of the United Nations had an important contribution to make in that regard. Lastly, the Group of African States appealed to the international community to provide the funding needed to organize awareness-raising campaigns and to finance programmes of child protection, and the demobilization and social reintegration of child soldiers, together with humanitarian aid and development assistance strategies.

21. Ms. LOPES (Observer for Portugal), speaking on behalf of the European Union, said that following the appearance in 1996 of the Report on the Impact of Armed Conflict on Children (A/51/306), the many forms of violence that affected children were posing new threats. She wanted to know which, in the Special Representative's opinion, were the new challenges highlighted by the issue, and the best ways to solve them. She also wanted the Special Representative to indicate what had been the main areas of progress and the key obstacles over the past 10 years. Major progress had recently been made in the fight against impunity, thanks to various international legal bodies. The speaker asked what supplementary measures should have been taken for war crimes or crimes against humanity perpetrated against children not to have enjoyed impunity and, in particular, how to ensure that sexual abuse and exploitation, violence against children, particularly girls, was dealt with more effectively.

22. Peace accords should explicitly address the issue of child soldiers and children associated with combatant forces, and explicitly mention the Paris principles that should be applied from the initial stages of planning the process of disarmament, demobilization and readjustment. Ms. Lopes wondered what measures could be taken to guarantee better application of those principles. The European Union was deeply concerned by the recruitment and use of children by the parties to an armed conflict, which was contrary to international law. Girls and young women who were victims of sexual abuse committed during a conflict continued to suffer discrimination and stigmatization in post-conflict societies. Moreover, the phenomenon of the stigmatization suffered by children who have been subject to such abuse was only just beginning to be understood. Ms. Lopes wanted to know what steps could be taken to change society's attitude to those young women and their children.

23. Mr. O'BRIEN (Observer for Australia) said that his country continued to firmly support efforts made by the international community to tackle violations of the rights of children affected by armed conflicts throughout the world, along with their recruitment and widespread use in hostilities. The ruin of the social protection system caused by conflicts meant that all children ran the risk of being separated from their family and becoming vulnerable to sexual aggression, which had long-term psychological consequences for the persons involved. In any armed conflict, the children of each of the parties were particularly vulnerable and had a specific protection and care needs. The international community should attack this regrettable phenomenon wherever it could. Australia supported the appeal made by the Special Representative in favour of long-term solutions which went beyond specific remedies and globally addressed the essential needs of children in terms of social reinsertion and readjustment.

24. With regard to the situation in Sri Lanka, Australia remained concerned by the major population displacements caused by the aggravation of the conflict, involving thousands of children. It appealed to the parties to put an end to all forms of forced recruitment and abduction of children, and to take steps to hold the perpetrators of those practices to account. Australia was concerned by information that a large number of children continued to be recruited or re-recruited by the Liberation Tigers of Tamil Eelam movement, and by information concerning abductions and the recruitment of children by the Karuna faction in the east of the country. It urged the Sri Lankan Government to hold an immediate inquiry into the facts and to take all possible measures to put an end to such practices. Australia, which was financing a number of measures aimed at alleviating the negative effects of armed conflict on children, noted that institutions providing humanitarian aid and protection had appealed for better access to conflict zones. In that context, he wanted to know what steps could be taken, in the Special Representative's opinion, to respond to the specific needs of children who were victims of the conflict in Sri Lanka.

25. Ms. KHOLI (Switzerland) asked what progress had been made in implementing the recommendations made by the Security Council Working Group on Children and Armed Conflicts, which in February 2007 had reviewed the situation of children in Sri Lanka, Nepal and Somalia. While applauding the willingness shown by the Special Representative to further strengthen her strategic partnership with OHCHR with a view to expanding its participation in the protection of children affected by an armed conflict, Switzerland would be interested in any comment she could make on the subject of this co-operation and the benefit obtained in applying Security Council resolution 1612 (2005).

26. Ms. LAURENSEN (Observer for New Zealand), speaking also on behalf of Norway, urged all States not to lose sight of the total vulnerability of children, and to give priority to meeting their essential needs. She called upon States that had not yet ratified the Optional Protocol to the Convention on the Rights of the Child, on the involvement of children in armed conflicts, to increase the protection of the children concerned. Armed conflicts were putting children in danger throughout the world. In Sri Lanka, growing use of force was being accompanied by a worrying increase in human rights violations. New Zealand appealed to the parties to the conflict to reach a ceasefire agreement and undertake to relaunch the peace process. It firmly supported the visit by the United Nations High Commissioner for Human Rights in the country, as well as the efforts made by the international community to establish a lasting peace in Sri Lanka; and it urged all Sri Lankan parties to engage in dialogue in a spirit of co-operation.

27. A few months earlier, the Sri Lankan ambassador to the United States had stated that his Government unreservedly condemned abduction, recruitment and the use of children by the Karuna faction, and had undertaken to investigate allegations against members of the armed forces and to take measures. While applauding these encouraging intentions, New Zealand wanted information on the results of the inquiries and measures taken by the Sri Lankan Government to put an end to the practice of child abduction.

28. Ms. CHARNBHUMIDOL (Observer for Thailand) applauded the progress made by the international community in terms of providing specific protection for children affected by armed conflicts, and said that the Council had a key role to play in efforts to ensure effective application of the rules and regulations on child protection. Thailand attached special importance to the issue of human rights and the human safety of children, who were among the most vulnerable groups in society; and it regretted that since the World Summit for Children in 2002, the world was still far from being "made for children", but was a place where children were living in fear and need.

29. As a party to the Convention on the Rights of the Child and its two Optional Protocols, Thailand supported the work undertaken by the Special Representative of the Secretary-General for children and armed conflicts, and welcomed the progress made in implementing Security Council resolution 1612 (2005). It was important that the whole United Nations system acted globally to be able to effectively address the issue in all its complexity. Any report prepared pursuant to the aforementioned resolution should be impartial, precise, objective and fair, and based on reliable and verified information. Thailand supported the work done by the Security Council Working Group on Children and Armed Conflicts, as part of the consultation and negotiation with Governments envisaged by resolution 1612 (2005), strictly abiding by the text of that resolution. Any measure taken by the monitoring and reporting mechanism should be carefully thought through and cautiously considered, so as to avoid complicating the situation in countries in armed conflict. Thailand was resolutely opposed to the recruitment of children, which was prohibited by its laws and regulations; and the latter also prohibited any use of the territory of Thailand for that purpose.

30. Mr. FEYDER (Observer for Luxembourg) said that his country attached particular importance to the issue of children affected by armed conflicts, which was a scourge that involved over 250,000 children enrolled in armed forces in a dozen countries contained on a United Nations blacklist. The Human Rights Council should contribute to efforts being made to eradicate a practice that violated all values of the international community and the standards to



which it subscribed. For that purpose, the Council should take account of the "Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups" and the "Paris principles" (guiding principles on children associated with armed forces or armed groups) — two very important documents put forward in February 2007. The promotion and protection of the rights of the child should be considered a human rights priority; and, in that framework, it was fundamental to address the issue of children and armed conflicts. The information provided by the Special Representative on the subject of forced recruitment, deaths and mutilations, serious sexual violence, abductions, attacks against schools and humanitarian aid for children should not leave the Council indifferent. Responsibility for protecting children was an important principle that should guide the actions of every State. The Luxembourg Government welcomed the cooperation established between the Special Representative and UNICEF with a view to conducting a 10-year strategic review of the impact of armed conflict on children, in the framework of the "Machel study"; and it fully supported the involvement of UNICEF in this domain. It applauded the results and progress described in the report under review, which were the fruit of continued efforts to raise awareness and develop conviction. Luxembourg wanted to know whether the Special Representative had yet obtained any preliminary information on implementation of the conclusions and recommendations made by the Security Council Working Group on Children and Armed Conflicts, in relation to the situation in Sri Lanka, Nepal and Somalia. In conclusion, it wondered what means could be implemented to ensure better respect for the "Paris Commitments" and the "Paris Principles".

31. Mr. PAUDYAL (Observer for Nepal) supported the initiatives taken by the Special Representative of the Secretary-General for children and armed conflicts to guarantee protection of the rights of the child. In particular, Nepal applauded the fact that this meant the implementation, over a two-year period, of a strategic framework to consolidate past gains and respond to the new problems that were emerging; and it welcomed its willingness to undertake, in conjunction with other partners, a 10-year strategic review of the impact of armed conflict on children ((A/51/306 and Add.1), known as the "Machel study").

32. In its capacity as a State party to the Convention on the Rights of the Child and its two Optional Protocols, Nepal attached major importance to the protection and promotion of the rights of the child. Thus, Nepal had always taken additional steps to protect children and other vulnerable groups, including in the conflicts that had ravaged the country. Moreover, the interim constitution and other laws currently in force in Sri Lanka [sic] prohibited the recruitment of children into the army and police force, and their use in hostilities. The global peace accord expressly prohibited the recruitment and use of children under 18 years of age in security forces, of whatever type, and provided measures aimed at ensuring the readjustment and social reinsertion of children affected by conflict. In the framework of its policy of cooperation with United Nations human rights mechanisms, Nepal had invited the Special Representative to visit the country to consider how she could contribute to protecting the rights of children within the current peace consolidation process.

33. The situation in Nepal had evolved since the publication of the Special Representative's report; and it should be noted, in that regard, that former combatants of the Nepalese Communist Party, of Maoist persuasion, were billeted in zones under United Nations control, whose teams had begun a process of age verification. Once the verification operations had been completed, minors would benefit from the social readjustment and reinsertion processes envisaged by the global peace accord.

34. Ms. SARAYONLU ETENSEL (Observer for Turkey) said that the issue of the rights of the child should remain at the centre of the Human Rights Council's agenda, and that it should be approached globally. The Turkish delegation shared the opinion of the Special Representative that the Council was a key player in the protection of the rights of the child; and wanted to know how she believed the problem could be addressed on a more systematic and comprehensive basis. She asked whether the Council should create a mandate on the issue of violence against children generally, or set up a body that would enable the group of interested mandate holders to tackle this multidimensional issue in a coordinated way. As the Council was currently engaged in a process of reviewing mandates, the opinions of the Special Rapporteur on that subject would be particularly welcome.

35. Ms. TOMIČ (Slovenia) said that girls and young women who were victims of sexual abuse committed during armed conflicts continued to suffer discrimination once the conflict had ended. The phenomenon of the social stigmatization suffered by children born as an outcome of such sexual abuse was only now beginning to be understood. Ms. Tomič asked what measures could be taken, in such conditions, to guarantee the social reinsertion of the victims. The 10-year strategic review of the impact of armed conflict on children, the "Machel study", provided a basis for making progress on issues relating to children affected by armed conflicts over the following 10 years. Ms. Tomič wanted to know whether, in this framework, the Special Representative could make suggestions for the strategic role that the Council could play to effectively tackle the issue of the rights of the child in armed conflicts, and for the links that could be established with other components of the United Nations system to implement a global and effective approach to that effect. Lastly, Slovenia asked how the universal periodic review mechanism could contribute to the monitoring and reporting mechanism on children and armed conflicts created by Security Council resolution 1612 (2005).

36. Mr. GASKILL (United Kingdom), supporting the statement made by Portugal on behalf of the European Union, noted that, thanks to the monitoring and reporting activities undertaken by child protection advisers, it had been possible to make progress on the attention given to the rights and needs of children affected by war, and to integrate issues relating to child protection in the work of other components of peacekeeping operations. In May 2007, the Department of Peacekeeping Operations had published a report on the impact of including child protection advisers in peacekeeping operations, and had made recommendations on their selection process, the nature of their mission, their coordination with other child protection agencies, and a strengthening of the support and guidance given to them. The United Kingdom asked the Special Representative what specific steps would be taken to implement those recommendations.

37. Mr. BARARUNYERETSE (International Francophone Organization) pointed out that the International Francophone Organization embraced 13 of the Council's 47 member States. It wanted to be actively involved in the preparatory phase of the universal periodic review process, drawing on the Francophone Observatory's understanding of democratic practices, rights and freedoms. The Organization could also contribute to efforts to strengthen capacities and provide technical assistance. Mr. Bararunyeretse applauded the work done by the High Commissioner on behalf of member countries such as the Democratic Republic of the Congo, Burundi and Haiti; and he appealed to the international community to continue supporting those countries, where the situation remained fragile.

38. The solution of problems such as racism, racial discrimination and intolerance, was to be found in the principles listed in the first article of the United Nations Charter, specifically the intensification of dialogue between cultures and civilizations, *rapprochement* between peoples and multilateral cooperation. The speaker also appealed to Council members to scrupulously respect the law in relation to the institutions that had been adopted in June 2007. As provided in the Council's internal regulation, all reports should be rapidly distributed, particularly those that were prepared as a result of special procedures; and they should be circulated to delegations in all official United Nations languages at least two weeks before being reviewed by the Council. It was only under such conditions that all delegations would be able to fully participate, on an equal footing, in the Council's work.

39. Ms. STUEWER (Canada) said that, following the adoption of Security Council resolution 1612 (2005), the Secretary-General had reported on the situation of children and armed conflicts in eight countries. Canada drew encouragement from the fact some progress had been made in several of those situations; but it noted that the Secretary-General, in his June 2007 report on the situation in the Democratic Republic of the Congo, had indicated that some of the recommendations made by the Security Council Working Group on Children and Armed Conflicts had not yet been implemented. The Canadian delegation was also concerned by the situation in Darfur, and would like to know how countries like Canada could contribute to implementing the Working Group's recommendations. In the case of the situation of children affected by armed conflict in Sri Lanka and the fact that the Secretary-General had asked for a report by the end of October 2007 on follow-up by the parties to the recommendations made on 13 June 2007 by the Security Council Working Group, Ms. Stuewer wanted to know whether Ms. Coomaraswamy could make a preliminary assessment of progress achieved by the parties in implementing the aforementioned recommendations.

40. Ms. FROMMELT (Observer for Liechtenstein) said that Ms. Coomaraswamy's report showed that, while progress had been made in terms of protecting children in armed conflicts, serious violations continued to be committed against them. The figures were astonishing: over 30 worrying situations had been identified; 2 million children had been killed in armed conflicts, 6 million had become handicapped, and over 250,000 continued to be exploited as child soldiers. Liechtenstein expressed its full support for the recommendations made by Ms. Coomaraswamy in her report, and considered that the issue of the situation of children in armed conflicts should form an integral part of the Council's work programme. The Council had a leading role to play to ensure application and respect for international rules and principles on the protection of children's rights; and, in particular, it should strive to put an end to the impunity that the perpetrators of violations could enjoy. Lastly, in relation to the 10 year strategic review of the Graça Machel study of the impact of armed conflict on children, Ms. Frommelt wanted Ms. Coomaraswamy to report on the state of progress of that review process and the activities that had been undertaken thus far within it, and to indicate whether a deadline had been set for completion of the review. She also wanted to know what the Special Representative expected the review to say.

41. Mr. VELLANO (Italy) expressed his deep concern at the situation described by Ms. Coomaraswamy in her report. Italy had always attached the greatest importance to the protection of children, particularly children in armed conflicts. Mr. Vellano asked Ms. Coomaraswamy to be more precise about her recommendation that OHCHR should be more committed to protecting the rights of children affected by war, particularly by offering specialized services in

terms of the rights of the child in the context of peace operations. He also asked how she would conceive of an operational framework that was coordinated and more based on cooperation between the parties, and what measures could be taken to implement such a framework.

42. Mr. YAMANAKA (Japan) deplored the fact that over 250,000 children were continuing to be exploited as child soldiers. He stressed that, apart from the psychological and physical suffering inflicted on them, those children were experiencing difficulties in reintegrating into society at the end of a conflict. Council members should encourage countries that had not yet signed the Optional Protocol to the Convention on the Rights of the Child, on the involvement of children in armed conflicts, to do so. Nonetheless, it was important to find ways to ensure that all parties to conflicts respected the provisions of the Optional Protocol; but the international community faced a major difficulty given the diversity of conflict situations. The international community should cooperate even more closely to that end. It was to be hoped that the monitoring and reporting mechanism established pursuant to Security Council resolution 1612 (2005) would make it possible to attain the established objective. Japan welcomed the specific measures taken by the International Criminal Court and the Security Council to ensure the implementation and respect for international laws on the recruitment of child soldiers. Lastly, it was essential that members of the international community strengthened their cooperation in that area by effectively combining various measures and domains of action.

43. Mr. MWAIMU (Observer for the United Republic of Tanzania) supported the statement made by Egypt on behalf of the Group of African States. The involvement of children in armed conflict was one of the scourges of the contemporary era. It deprived children of their childhood, which was an irreplaceable loss, because nothing could compensate for it. The United Republic of Tanzania had taken a number of steps to combat the phenomenon, consisting specifically of ratifying the Convention on the Rights of the Child and its two Optional Protocols. In August 2002, it had submitted its second report to the Committee on the Rights of the Child, and in May 2006 it had submitted initial reports on the Optional Protocols to the Convention. The United Republic of Tanzania was endeavouring to promote the resolution of conflicts in neighbouring countries, as well as in the Great Lakes region. Its action aimed specifically at alleviating the suffering of children involved in conflicts as soon as possible, and it called on all parties to such conflicts to make a similar commitment. Mr. Mwaimu lastly expressed the wish that the recommendations formulated by the Special Representative would be followed up.

44. Ms. KIM (Asian Legal Resource Centre) wanted to draw the Council's attention to a situation that it should be concerned about, namely children in the armed conflicts occurring in at least 118 districts of India. Both State and non-State entities had made use of children in those armed conflicts, which specifically pitted members of Naxalite groups against the Indian security forces and Hindu groups against Muslims. One outcome of those conflicts was that numerous children were suffering psychological traumas, had been orphaned or wounded or even killed, particularly in the highly militarized region of Manipur. Moreover, both the public forces and opposing groups were making use of child soldiers in the States of Jammu and Kashmir, Assam, Nagaland, Meghalaya, Tripura, and Sikkim, Karnataka and Andhra Pradesh. Certain militias opposing the forces of those States were using young girls for the purposes of sexual gratification.

45. The situation in the state of Chhattisgarh was particularly alarming. Militia groups sustained by that State were recruiting children and promising them future employment in the

police force. A paramilitary group going by the name of Salwa Judum was also employing child soldiers as "special police officers", while the Naxalites had a child soldier section named Bal Mandal (children's forum). Child soldiers were living in miserable conditions. They were used as scouts and to test out the terrain for the purpose of detecting the presence of mines and other explosives. When they were killed in clashes, their deaths were blamed on stray bullets. The bodies of child soldiers were often mutilated so as to conceal their age and identity. Ms. Kim asked the Special Representative what means she and the Council had available to specifically alleviate the situation of children in all Indian regions affected by conflicts. She also appealed to the Indian Government to immediately cease using child soldiers and to regularly report on the measures it had taken to combat practice, particularly in the framework of the universal periodic review.

46. Ms. ENAV (Women's International Zionist Organization) stated that schools in the south of Israel continued to be the targets of rocket attacks by terrorist groups from Gaza supported by Hamas. For example, on the morning of 3 September 2007, a Qassam rocket had landed near a play school in the town of Sderot, where several young children had been wounded and others had had to be treated for shock. Israeli schools nonetheless continued to teach children that tolerance and reconciliation were the keys to a better future for Israelis and Palestinians alike. Most Israeli teachers considered that it was essential to provide an education based on peace to bring to an end the conflict between Israel and its Palestinian neighbour. Ms. Enav drew the Council's attention to the fact that over 300 Palestinian schools were named after terrorists, and that the photos of kamikazes were posted on the walls of Palestinian schools, which showed the variety of ways in which children can be incited to violence. A Palestinian television channel had also broadcast a special programme at the start of the new school year, in which specially talented children were singing the praises of a child whose specialty was jihad (holy war). Palestinian public-service television, for its part, broadcast children's programmes glorifying kamikazes, which reflected the desire of Palestinians to attract young people to the doctrine of terrorism. In that regard, the NGO asked Ms. Coomaraswamy whether, in the follow-up to the visit she had made to the occupied Palestinian territories, it would not have been appropriate to ask the Palestinian Authority to put an end to such manifestations of hatred in schools and public television. Ms. Enav fully shared the opinion expressed by the Special Representative that a peace agreement would be the most certain way of ending all participation by children in political violence; and she stressed that education should be the starting point for any effort aimed at establishing peace. Not being brought up in hatred was a fundamental right of all children.

47. Ms. PARKER (International Educational Development), said she was disappointed by the results of the visit made to Sri Lanka by Mr. Rock, Ms. Coomaraswamy's special adviser for that country. Mr. Rock had been unable to go to zones controlled by the Tamils, which had considerably reduced his capacity to assess the effects on children of the armed conflict unfolding there. Moreover, although his mandate related to six important issues, Mr. Rock had almost exclusively focused on the topic of child soldiers. In particular, he had not registered the aerial bombardments that affect schools, towns and camps for displaced persons, and he had not considered the situation of the 200,000 Tamil children that were in those camps. Nor had he fully evaluated the extent of actions aimed at obstructing the delivery of humanitarian aid, which constituted the crime of extermination, under the Statute of the International Criminal Court.

48. The fact that Mr. Rock stated that the legal age for being a combatant was 18 years, when the internationally accepted age was 15, was deeply troubling. In fact, the legal age recognized by the International Criminal Court was 15 years. The first article of the Optional Protocol to the Convention on the Rights of the Child, regarding the involvement of children in armed conflicts, required States parties to take steps to ensure that members of their armed forces under the age of 18 did not participate in hostilities. Article 4 of that Protocol was of an indicative nature and not binding. It was essential that all United Nations entities be based on the same rules regarding the use of children in armed conflicts. As there was doubt on that issue, International Educational Development proposed to seek an opinion from the International Court of Justice. Ms. Parker, lastly asked the Special Representative what she intended to do to study other issues relating to that conflict which was affecting hundreds of thousands of children.

49. Ms. Coomaraswamy (Special Representative of the Secretary-General for children and armed conflicts) said that the international community should fulfil its obligations in terms of protecting children in armed conflicts, while taking care to avoid aggravating certain situations. In the case of the Democratic Republic of the Congo, she agreed that the Government was making efforts to demobilize children and combat impunity. Two issues concerned her nonetheless. Firstly, it seemed that certain children were not benefiting from the disarmament, demobilization and reinsertion process, either because they were in hiding, or because they did not reveal their true age. In addition, impunity in the eastern part of the Congo still persisted; if one wanted the situation to improve in that region, action needed to be taken against Mr. Nkunda and the Democratic Forces for the Liberation of Rwanda. In the case of Myanmar, the Government had shown great willingness to co-operate. A liaison unit had been created, and progress had been made on implementing the monitoring and co-operation mechanism envisaged by Security Council resolution 1612 (2005). The report on the situation in that country was due in November 2007. In the case of Sri Lanka, Ms. Coomaraswamy reported that Mr. Rock had been to the Tamil regions, specifically Kilinochchi and Jaffna; and he had held extended interviews with representatives of the Liberation Tigers of Tamil Eelam (LTTE). The fact that the Government had adopted a zero-tolerance policy on the recruitment of child soldiers and had voluntarily submitted to the process envisaged by resolution 1612 (2005) was a step forward. It was also encouraging that the number of people abducted by LTTE was less than the number of people that had been released, for the first time. The Karuna faction, however, continued to carry out its activities with complete impunity, mostly in zones controlled by the Government. Nonetheless, the Government was to be congratulated for having set up a committee to investigate allegations of abduction. A report on violations observed would be sent in October 2007 to the Security Council Working Group on Children and Armed Conflict. It would deal specifically with violations linked to access for humanitarian support and on attacks against schools and hospitals.

50. In the case of Sudan, all the procedures provided for in resolution 1612 (2005) had been started, such as the implementation of a monitoring and reporting mechanism. With respect to Palestine and Israel, the issue of children had been emphasized with both the Palestinian and Israeli authorities. The involvement of children in political violence had also been brought up with the Palestinian authorities, and the use of certain school textbooks that incorrectly described historical events and facts had been raised with both parties. In that regard, the parties had agreed to set up a committee to review the textbooks used by each, and to ensure that they did not incite violence or provide a distorted view of history. The reports on Somalia and Nepal had been examined and conclusions had been submitted; the report on Nepal would be reviewed in early

2008. The 10-year strategic review of the Graça Machel study on the impact of armed conflict on children referred to three broad domains: the fight against impunity and repression of serious violations of the rights of children, inclusion of issues relating to the situation of children in conflicts in the work of United Nations mechanisms, and the programmes implemented to care for the survivors of armed conflicts, which were particularly important in the case of women and children. In that regard, Ms. Coomaraswamy stressed that taking care of the survivors of such situations was just as important as dealing with the perpetrators of human rights violations. Questions that had been raised about the Human Rights Council and OHCHR would be addressed during the review of issues relating to the second of the aforementioned domains. With regard to the inclusion of child protection advisers in peacekeeping operations, a person had been recruited by the United Nations Department of Peacekeeping Operations to play the role of liaison officer, and the recommendations made in the report on that subject were currently being implemented. Ms. Coomaraswamy also assured members of the Group of African States that all violations would be investigated, wherever committed. The conclusions made in the report by Ms. Machel reminded everyone that redoubled efforts were needed to ensure that every child lived in safety and was protected from the consequences of violence.

UNIVERSAL PERIODIC REVIEW (agenda item 6) ( *continued* )

51. The PRESIDENT announced that the process of drawing lots to select countries for the universal periodic review (UPR) was about to start. The process would generate a work schedule for the following four years and, consequently, a detailed and complete programme that satisfied the demands of transparency and predictability in the Council's work. He called on countries that intended to submit voluntarily to the review to so indicate. Thus far, only Colombia and Switzerland had done so in writing, for the first session of 2008. He pointed out that volunteer countries moved up the list of those undergoing the universal periodic review; nonetheless member States whose mandates expired in June 2007 or June 2008 would in any event be reviewed first, just before those with mandates expiring in 2009 or 2010 who volunteered for the current session, which would be reviewed as a priority. Given the absence of volunteers, the President asked the Council secretary to explain the selection procedure.

52. Mr. TISTOUNET (Secretary of the Council) listed the groupings of States, and noted that Colombia had volunteered for the Group of Latin American and Caribbean States, while Switzerland had volunteered for the Western European and Other States group. Members whose mandates expired in 2009 and 2010 were automatically subject to the universal periodic review of 2009 or 2010; those elected in 2007 and re-elected for three years were placed in the 2007 category. The Group of African States was the first regional group to undergo a random selection process.

53. The PRESIDENT announced that the country chosen at random in that group was Angola.

54. Mr. TISTOUNET (Secretary of the Council) announced that Angola would be the country on which the alphabetical order of country names would be reorganized for each category. The first four States in the 2007 category (first session of 2008) were members elected for one year: Morocco, South Africa, Tunisia and Algeria. Those chosen for the second session were: Gabon, Ghana, Mali, Zambia and Benin. A summary of the other sessions would be circulated later. The second regional group subject to random selection was the Group of Asian States.

55. The PRESIDENT announced that the country selected at random was the Kingdom of Tonga.

56. Mr. TISTOUNET (Secretary of the Council) announced that, following reorganization of the alphabetical order based on Tonga, member States initially elected for one year were as follows for the first session of 2008: Bahrain, Ecuador, Tunisia, Morocco, Indonesia, Finland, the United Kingdom, India, Brazil, Philippines, Algeria, Poland, the Netherlands, South Africa, Czech Republic and Argentina. Those chosen for the second session were: Gabon, Ghana, Peru, Guatemala, Benin, Republic of Korea, Switzerland, Pakistan, Zambia, Japan, Ukraine, Sri Lanka, France, Tonga, Romania and Mali. The third regional group subject to random selection was the Group of Latin American and Caribbean States.

57. The PRESIDENT announced that the country selected at random in that group was Argentina.

58. Mr. TISTOUNET (Secretary of the Council) announced that after reorganizing the alphabetical order based on Argentina, the countries to be reviewed in the first session of 2008 were Argentina, Ecuador and Brazil. Those chosen for the second session were Guatemala and Peru; and for the third session, Colombia, Bahamas and Barbados. The Western European and other States group was the fourth regional group to be subject to random selection.

59. The PRESIDENT announced that the country selected at random in that group was Israel.

60. Mr. TISTOUNET (Secretary of the Council) announced that after reorganizing the alphabetical order based on Israel, the countries that would be reviewed in the first session of 2008 were the Netherlands, Finland and the United Kingdom. France and Switzerland would be reviewed in the second session; and Israel, Liechtenstein and Luxembourg in the third. The last regional group subject to random selection was the Eastern European states group.

61. The PRESIDENT announced that the country chosen at random in that group was Montenegro.

62. Mr. TISTOUNET (Secretary of the Council) announced that after reorganizing the alphabetical order based on Montenegro, and in the absence of volunteers, the first countries to be reviewed in the first session of 2008 were Poland and the Czech Republic; Romania and Ukraine would be reviewed in the second session; and Montenegro and Serbia in the third. A full listing of the 16 countries to be reviewed during the 12 sessions of the UPR Working Group, i.e. during the first review cycle, would be circulated. The 16 countries, drawn at random, to be reviewed in the first session of the Working Group, included 14 initial members of the Council and two States whose mandate expired in 2008. The second session essentially involved members whose mandates expired in 2008, together with a volunteer — Switzerland — and two observer States, Benin and Tonga. The third session basically involved observer States, along with Colombia, a member the Group of Latin American and Caribbean States, which had volunteered. The list for the fourth session (i.e. the first session of 2009) consisted exclusively of States whose mandates expired in 2009. The fifth session consisted of one State whose mandate expired in 2009 and members of the Group of Latin American and Caribbean States. The sixth session was in fact the third session of 2009. The seventh session — i.e. the first of 2010 — included non-initial members of the Council, whose mandates expired in 2010, along with



observer States. The eighth and ninth sessions were respectively the 12th and 13th and final sessions of 2010. The first session of 2011 completed the first cycle of the Council's sessions. The third session of the UPR Working Group in 2011, completed the Working Group's first cycle of sessions. Mr. Tistounet suggested to the President that a decision be made on the order of States to be reviewed in the Working Group's first session.

63. The PRESIDENT announced that the Council was entering the second phase of the procedure. Following reorganization of the alphabetical order of countries called upon to be reviewed at the first session of the UPR Working Group, the order of review — i.e. the order in which the Working Group would fulfil its functions in the following year — was indicated as follows: Bahrain, Ecuador, Tunisia, Morocco, Indonesia, Finland, the United Kingdom, India, Brazil, Philippines, Algeria, Poland, the Netherlands, South Africa, the Czech Republic and Argentina. The order of review of countries reviewed in the second session of the Working Group, which would occur in the same year, was Gabon, Ghana, Peru, Guatemala, Benin, Republic of Korea, Switzerland, Pakistan, Zambia, Japan, Ukraine, Sri Lanka, France, Tonga, Romania and Mali. Countries subject to review during the third session were Botswana, Bahamas, Burundi, Luxembourg, Barbados, Montenegro, United Arab Emirates, Israel, Liechtenstein, Serbia, Turkmenistan, Burkina Faso, Cape Verde, Colombia, Uzbekistan and Tuvalu.

64. Mr. TISTOUNET (Secretary of the Council) announced that the table listing member States to be reviewed during the first 12 sessions of the first cycle of the universal periodic review had recently been circulated, along with the list indicating the order of review of the countries to be reviewed in the first three sessions of 2008.

65. The PRESIDENT stated that the process of selecting countries for review during the full cycle of the universal periodic review was complete. The procedure would guarantee respect for the universal nature of human rights and, consequently, make the work of the Council predictable and enable the first member States to be reviewed in 2008 to contribute effectively to that work.

66. Mr. LA YIFAN (China) welcomed the fact that the Council had achieved that result thanks to the consensus it had attained — a consensus that was necessary to consolidate the various principles embedded in its resolution 5/1. The decision on the order of review would help countries prepare for the process, which was an important initial step. Nonetheless, much remained to be done: appointing rapporteurs, creating a voluntary contributions fund, and solving a number of technical problems before holding the Working Group's first session. Mr. La Yifan hoped that delegations would continue to participate in the consultations in a flexible and constructive way, so that the first meeting could be held on time, while respecting the principles of objectivity and equality.

67. Ms. MTSALI (South Africa) said that certain points were still not clear. First of all, time was needed to inform the political authorities that their country would be reviewed within the universal periodic review. Such notification should clearly stress the objectives of the review; and the South African delegation considered it advisable to prepare a document setting out all stages and enclosing it with the notification sent to the States in question. A minimum of six months should also be allowed to give countries time to prepare seriously for the review, allowing Governments to consult its various social partners, parliament, and the judiciary. A

standardized process also would need to be adopted, with general guidelines for compiling and evaluating the information submitted, thereby guaranteeing the review's universal nature. Lastly, it was important to ascertain how representative the proposed troika system would be. Whatever the results, representativity should be the same for all States. At that time, however, it was not known whether members of the troika would be drawn from the permanent missions based in Geneva, or would involve officials sent by the national authorities. The issue of whether the troika should be composed of political leaders or members of civil society was not yet clear. In short, it would be useful for the Council to consider those extremely important issues, with a view to establishing a common position and objectives, and to ensure that the universal periodic review would be applied equally to all member States.

68. The PRESIDENT replied on a preliminary basis, that the representativity of members of the troika, and the question of whether they would come from Geneva or from New York, was a decision to be made by the States. All United Nations member States had participated in the selection process, even if they did not have a representation in Geneva. Other issues of potential interest to other delegations would receive a specific reply later. Moreover, one of the alternatives offered to the Council had been chosen, i.e. that capitals would be informed of the nature of the exercise, as described at length in the directives that the Council had issued, and which it would soon adopt officially. Once complied, all such information would be extremely useful to the selected countries in making initial preparations for the universal periodic review.

*The meeting rose at 5.35 p.m.*