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Children and armed conflict

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1612 (2005), by which the Council requested me to submit a report on the implementation of that resolution and resolutions 1379 (2001), 1460 (2003) and 1539 (2004), providing information on compliance in ending the recruitment and use of children in armed conflict in violation of applicable international law and other violations being committed against children affected by armed conflict.¹ In accordance with the Council's request, the report also includes information on progress made in the implementation of the monitoring and reporting mechanism; information on progress made in the development and implementation of action plans (called for in paragraph 5 (a) of resolution 1539 (2004)); information on the assessment of the role and activities of child protection advisers; and findings and recommendations of an independent review on the implementation of the monitoring and reporting mechanism.

2. Pursuant to Security Council resolutions 1379 (2001), 1460 (2003), 1539 (2004) and 1612 (2005), the report covers compliance in ending the recruitment and use of children and other grave violations, such as the killing and maiming of children, rape and other sexual violence, abductions, denial of humanitarian access to children and attacks against schools and hospitals.

II. Current issues of concern

3. Although progress has been made with respect to the protection of children in a number of situations of armed conflict covered in my previous report (A/59/695-S/2005/72), new situations have arisen that are of great concern. The recent escalation of violence in the Middle East, in Lebanon, Israel and the Occupied Palestinian Territory, has resulted in thousands of child victims. Concerted efforts by all parties must be undertaken to mitigate and prevent further violations through dialogue and active participation of all stakeholders interested in the protection of children.

4. New evidence suggests that the recruitment and use of child soldiers and other grave violations are beginning to "migrate" within regions. The movement of rebel groups across borders to prey upon vulnerable children needs further attention and adequately developed monitoring expertise to effectively address the problem. Of particular concern are the Mano River and Great Lakes regions of Africa. Another preoccupying phenomenon is the use of children by mercenaries and mercenary groups. Though adequate data has yet to be gathered systematically, reports from the field indicate that this is a growing concern.

5. Insecurity and a lack of access to affected areas by the United Nations often preclude access to information, especially when non-State actors operate in isolated areas. For example, insurgents and rebel groups in Iraq and Afghanistan operate in a clandestine manner and often in inaccessible areas, posing a challenge in obtaining evidence on recruitment practices and other grave violations against children.

III. Other challenges

6. In other situations, such as Northern Ireland, there are still concerns about the existence of youth wings of paramilitary organizations, such as the Ulster Volunteer Force and the Ulster Defence Association, which continue to engage persons under 18 years of age.

7. In the Chechen Republic of the Russian Federation, there has been no specific information on the recruitment and use of children by illegal armed groups. However, the United Nations has received information from non-governmental sources that children have been subject to abductions and hostage taking by illegal

armed groups.

8. The widespread availability of illicit small arms and light weapons in conflict areas continues to be a major factor in enabling the recruitment of child soldiers. These weapons are simple to operate and carry, therefore easily placed in the hands of children who can be quickly trained to use them.
9. Recent experience with regard to demobilization, rehabilitation and reintegration points to the need to recognize the special concerns of girl combatants and girls associated with armed groups. This should be taken into consideration when developing and implementing policies, programmes and action plans.

IV. Information on compliance and progress in ending the recruitment and use of children and other violations being committed against children

10. The present report provides information on developments covering the period from November 2005 to September 2006. The preparation of the present report involved broad consultations within the United Nations, in particular with the Task Force on Children and Armed Conflict at Headquarters, country-level monitoring and reporting task force teams, peacekeeping missions and country teams, as well as with Member States, regional organizations and non-governmental organizations. United Nations country-level monitoring and reporting task force teams, peacekeeping missions and United Nations country teams were the primary sources of the information contained in the report. Following the adoption of Security Council resolution 1612 (2005), my Special Representative for Children and Armed Conflict initiated the implementation of the monitoring and reporting mechanism, and facilitated this process in close collaboration with agencies, countries concerned and with the cooperation of United Nations peacekeeping missions and country teams. This resulted in the set-up of country-level monitoring and reporting task force teams, and the establishment of dialogue with a number of parties within the framework of the resolution towards the preparation and implementation of time-bound action plans to prevent and end the violations for which they are cited.

11. Progress made by the parties listed in annexes I and II to the present report, and named in the body of my 2005 report, has been assessed with respect to whether the parties have engaged in dialogue with United Nations country-level task force teams or other United Nations field representatives as a follow-up to Security Council resolution 1539 (2004) and whether through this dialogue, or in the context of other processes, such as disarmament, demobilization and reintegration programmes or the signing of peace agreements, they have developed action plans to end the use of child soldiers. Progress made by the parties is also assessed with respect to whether they have ceased recruiting and using child soldiers, and whether they have refrained from committing other grave violations against children.

12. The present report does not seek to make any legal determination as to whether situations included herein are or are not armed conflicts within the context of the Geneva Conventions and the additional protocols thereto, nor does it prejudge the legal status of the non-State parties that might be involved in these situations. In the performance of her mandate, my Special Representative for Children and Armed Conflict has adopted a pragmatic and cooperative approach to this issue, focusing on ensuring broad and effective protection for children exposed to situations of concern, rather than seeking to define "armed conflict" from a legal perspective.

A. Information on compliance and progress in situations on the agenda of the Security Council

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Developments in the Occupied Palestinian Territory and Israel

63. The plight of Palestinian children in the Occupied Palestinian Territory, including East Jerusalem, has become more precarious since the previous reporting period, as the Israeli-Palestinian conflict intensified, with hostilities focusing on the Gaza Strip in mid-2006. From 1 November 2005 to 30 September 2006, an estimated 93 children, 83 in Gaza and 10 in the West Bank, were killed by Israeli forces. Between 28 June and 30 September 2006, since the start of the Israeli "Operation Summer Rains", United Nations agencies working in the Occupied Palestinian Territory estimate that 289 Palestinians were killed, of whom 65 per cent were children, and over 1,261 injured in the Gaza Strip, of whom 189 were children, with 42 children killed in July alone. United Nations agencies have documented reports of children being killed and injured by Israel Defense Forces gunfire. For example, on 19 February 2006, a boy was injured by a bullet fired from the Balata Basic Girls' School, Nablus, which the Israel Defense Forces had occupied that morning. On 3 March 2006, during a large-scale Israel Defense Forces incursion into Camp No. 1 in Nablus, a boy was shot in the face and killed by Israeli sniper fire. Further, the Office for the Coordination of Humanitarian Affairs reports that from 28 June to 22 August 2006, at least 4,809 Israeli artillery shells were fired into the Gaza Strip. Palestinian armed groups also launched a total of 367 rockets into Israel during the same period.
64. Two Israeli children were reported killed as a result of separate Palestinian attacks on civilian areas in March 2006. Additionally, communities living close to the Gaza Strip border, particularly the city of Sderot, endure regular, often daily, home-made rocket attacks by Palestinian militants. For example, in September 2006 alone, 45 Qassam rockets were launched into Sderot. These rockets damaged homes and schools, landed in public places frequented by children, such as playgrounds, and caused high levels of prolonged anxiety among children residing there.
65. As at 30 September 2006, 389 Palestinian children, including two 12-year-old boys, had been detained by the Israeli army in the Gaza Strip and the West Bank, including East Jerusalem, often following transport of the children out of the Occupied Palestinian Territory and into Israel. A field survey of former child detainees, provided by a United Nations agency, estimated that 60 per cent of the children interviewed were reported to have been subjected to physical coercion or inducement to collaborate with Israeli authorities.
66. Recent incursions and shelling as well as direct military attacks have damaged schools and health facilities. Restricted access to health-care providers has resulted in the serious deterioration of health and health services and, consequently, the health status of Palestinian children in the Occupied Palestinian Territory, including East Jerusalem. For example, on 2 July 2006, in the West Bank, the Israel Defense Forces forcibly entered four Palestinian hospitals in search and detain operations, and, during one of the operations, in Nablus City, the hospital premises were used as cover by the Israel Defense Forces to fire live ammunition; while on 17 July 2006, Israel Defense Forces bulldozers demolished the boundary walls of the clinic operated by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in Beit Hanun, Gaza. Direct air attacks on schools caused extensive damage and injury; shrapnel landed inside schools and school compounds during operations in the vicinity of schools; and Israel Defense Forces soldiers forcibly entered schools, causing destruction and detaining students and teachers in schools. For example, on 5 December 2005, during clashes between the Israel Defense Forces and Aida camp youths in the West Bank, the Israel Defense Forces used live rounds, tear gas and plastic-coated bullets in the vicinity of the UNRWA Basic Girls School, which resulted in tear gas inhalation by over 100 pupils in the first to third grades; while from 19 to 21 February 2006, the Israel Defense Forces and the Israeli Border Police entered Balata refugee camp's Basic Girls School and used it for three days as a detention centre and firing position, causing extensive damage. In the Gaza Strip, from 19 to 21 July 2006, the military operations of the Israel Defense Forces in Maghazi refugee camp left dozens of bullet holes in the Maghazi Elementary and Preparatory School buildings. Further, the prohibition on the entry of construction materials into Gaza has prevented repairs to schools damaged by the Israel Defense Forces and the Israeli Air Force, restricting access of Palestinian children to education.
67. The Barrier and its associated regime, such as the Seam Zone permit system, and checkpoints, which restrict the freedom of movement of Palestinians, has deepened concerns about Palestinian access to medical services and schools within the West Bank, including East Jerusalem, and between East Jerusalem and the rest of the West Bank. For example, the East Jerusalem's Augusta Victoria Hospital, which serves West Bank Palestinians, had the number of beds reduced owing to a decrease in patient numbers by 30 per cent, resulting from the Barrier and associated restrictions on the movement of people. Similarly, most students and teachers who are living behind the Barrier face long delays, resulting in regular missed classes and longer commutes to schools.
68. There is an increased exposure to unexploded ordnance owing to the recent military operations by the Israel Defense Forces. The number of Palestinians killed and injured, including children, more than doubled between January and April 2006, from 15 to 36 people. The most affected districts are Ramallah, Nablus and Jenin

in the West Bank and northern Gaza.

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VIII. Recommendations

134. I recommend that the Security Council consider expanding its focus and give equal care and attention to children affected by armed conflict in all situations of concern; and to give equal weight to all categories of grave violations beyond the recruitment and use of child soldiers to include the killing and maiming of children, rape and other grave sexual violence, abductions, attacks against schools or hospitals, and denial of humanitarian access for children.

135. I encourage the Security Council to continue to call upon parties to prepare concrete time-bound action plans to halt the recruitment and use of children in violation of international obligations applicable to them, and to expand the call for action plans to all situations of concern.

136. I call upon donors to ensure that adequate resources and funding are available to national Governments, the United Nations and partners, for the rehabilitation and reintegration of all children who have been associated with armed forces, and to develop relevant and effective programmatic action that reinforces the rehabilitation and reintegration efforts for children, ensuring long-term sustainability and success of such interventions.

137. I welcome the Security Council's continuing consideration of effective targeted measures against parties to armed conflict who continue to systematically commit grave violations against children in armed conflict in defiance of Council resolutions.

138. I encourage State parties to the Convention on the Rights of the Child to take measures to support the recommendations of the Committee on the Rights of the Child, to strengthen national and international measures for the prevention of recruitment of children for armed forces or armed groups and their use in hostilities, in particular by signing and ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; enacting legislation that explicitly prohibits by law the recruitment of children under the age of 15 years into armed forces/groups and their direct participation in hostilities.

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