



**OSCE HUMAN DIMENSION SEMINAR
ON
CHILDREN AND ARMED CONFLICT**

CONSOLIDATED SUMMARY

Warsaw, 23 – 26 May 2000

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I. INTRODUCTION

The Human Dimension Seminar on Children and Armed Conflict was held in Warsaw on 23 – 26 May 2000. The Seminar was organized by the Office for Democratic Institutions and Human Rights (ODIHR) in co-operation with the Austrian Chairmanship-in-Office of the OSCE.

The Seminar was the sixteenth in a series of specialized Human Dimension Seminars organized by the ODIHR in accordance with the decision of the CSCE Follow-up Meetings in Helsinki in 1992 and Budapest 1994. The previous seminars were devoted to: Tolerance (November 1992), Migration, including Refugees and Displaced Persons (April 1993), Case Studies on National Minorities Issues: Positive Results (May 1993), Free Media (November 1993), Migrant Workers (March 1994), Local Democracy (May 1994), Roma in the CSCE Region (September 1994), Building Blocks for Civic Society: Freedom of Association and NGOs (April 1995), Drafting of Human Rights Legislation, (September 1995), Rule of Law (November/December 1995), Constitutional, Legal and Administrative Aspects of the Freedom of Religion (April 1996), Administration and Observation of Elections (April 1997), The Promotion of Women's Participation in Society (October 1997), Ombudsman and National Human Rights Protection Institutions (May 1998), and Human Rights: the Role of Field Missions (April 1999).

For the first time, the Seminar was conducted in an interdimensional way, associating politico-military topics and politico-military experts to its proceedings, by the involvement of the OSCE Forum for Security Co-operation.

The seminar addressed a number of specific issues related to the situation of children during active armed conflict and immediately post-conflict, and to the longer-term needs of war-affected children, in particular as regards post-conflict situations and frozen conflicts as well as politico-military issues. The meeting was not mandated to produce a negotiated text. A summary report prepared by the rapporteurs of the two working groups was presented at the final plenary meeting of the Seminar and is included in Section VII of this report. The recommendations were arrived at in informal discussion, not necessarily on the basis of consensus, and are not binding in character. It should be noted that, for reasons including the limits to the competence of the OSCE, or the availability of resources, not all recommendations, however good, can be implemented by the OSCE.

II. AGENDA

1. Opening of the Seminar
2. Plenary: Keynote speech
3. Discussion in two Working Groups
4. Summing up and closure of the Seminar

III. TIMETABLE AND OTHER ORGANIZATIONAL MODALITIES

1. The Seminar was opened on Tuesday, 23 May 2000 at 3 p.m. in Warsaw. It was closed on Friday, 26 May 2000 at noon.
2. All Plenaries and Working Groups were open to all participants.
3. The closing Plenary, on Friday morning, focused on practical suggestions for dealing with the issues and problems raised during the Working Groups.

Working Group 1: Addressing the situation of children during active armed conflict and immediately post-conflict

Topics included:

- Detailed overview of the issues affecting children in active conflicts and immediately post-conflict;
- Relevant international standards and new initiatives;
- Addressing specific needs of war-affected children;
- Raising awareness and building local capacities for protection and advocacy;
- Making the protection and welfare of children part of peace agendas and international monitoring of peace settlements;
- Follow-up issues for the OSCE, including its field operations;
- International co-operation and partnerships.

Working Group 2: Addressing the longer-term needs of war-affected children - post-conflict and in frozen conflicts - (day a) and politico-military issues (day b)

The one-day sessions were organized with the participation of politico-military experts from the OSCE Forum for Security Co-operation.

Topics included:

- Detailed overview of the long-term issues for war-affected children, including issues specific to frozen conflicts;
- Relevant international standards and new initiatives;
- International initiatives for protection and rehabilitation;
- Landmines and small arms: their impact on children;

- Raising awareness and building local capacities for protection, advocacy and rehabilitation;
 - Follow-up issues for the OSCE, including its field operations;
 - International co-operation and partnerships.
4. The Plenary and Working Group meetings took place according to the Work Programme.
 5. An ODIHR representative chaired the Plenary meetings.
 6. Standard OSCE rules of procedure and working methods were applied at the Seminar.
 7. Discussions were interpreted into all six working languages of the OSCE.

IV. PARTICIPATION

The Seminar was attended by a total number of 200 participants. Representatives from 46 participating States of the OSCE took part in it. The delegations of two Partners for Co-operation, Japan and Korea were also present.

In addition seven international organisations were represented: the ASEAN, Council of Europe, International Committee of the Red Cross, International Federation of the Red Cross and Red Crescent Societies, represented by Danish Red Cross Asylum Department, UN Office of the Special Representative of the Secretary General on Children and Armed Conflict, UNICEF, United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees.

At the seminar 30 representatives of 22 non-governmental organisations were present.

V. SUMMARY OF PROCEEDINGS

The seminar was opened by the Director of the ODIHR, Ambassador Gérard STOUDMANN. The opening addresses were delivered by the Secretary of State of the Ministry of Foreign Affairs of Poland, Mr. Andrzej ANANICZ, and the OSCE Chairperson-in-Office and the Federal Minister of Foreign Affairs of Austria, Mrs. Benita FERRERO-WALDNER. The Keynote speeches were addressed by the president of the International Committee of the Red Cross, Mr. Jakob KELLENBERGER and the Special Representative of the UN Secretary-General for Children and Armed Conflict, Mr. Olara OTUNNU.

Opening contributions were made by 8 national delegations and three international organisations.

During the seminar two Working Groups met. The topics were divided as follows:

Working Group 1: *Addressing the situation of children during active armed conflict, and immediately post-conflict*

Moderator: Amb. Janis Bjorn KANAVIN, Special Adviser on Human Rights, Norwegian Ministry of Foreign Affairs

Rapporteur: Mr. Eric RUDENSCHIOLD, Head of Democratisation Section, OSCE ODIHR

Working Group 2a: *Addressing the longer-term needs of war-affected children – post-conflict and in frozen conflicts*

Moderator: Ms. Sandra MITCHELL, former Head of the Human Rights Division, OSCE Mission in Kosovo

Rapporteur: Ms. Cristina TARCEA, Director, Department of International Relations and European Integration, Ministry of Justice of Romania

Working Group 2b: *Addressing the longer-term needs of war-affected children - Politico-military issues*

Moderator: Ms. Marianne BEREZ, Deputy Head, Department for Security Policy, Ministry for Foreign Affairs, Hungary

Rapporteur: Mr. Thomas RAHM, OSCE Secretariat

The closing plenary meeting was chaired by the Director of the ODIHR. The Rapporteurs presented their reports.

VI. RAPPORTEURS' REPORTS

Following the opening session of the Seminar, discussions took place in two working groups, one focusing on the situation of children during active armed conflict, and immediately post-conflict, the other concentrating on longer-term needs of war-affected children, in particular on issues relating to post-conflict situations and frozen conflict, as well as to politico-military issues.

A large number of recommendations emerged from the opening session and the working group discussions. While the opening statements, including keynote speeches, are attached in full to this consolidated summary, the rapporteurs' reports cover the main issues raised and the recommendations made during the working group sessions. In order to avoid repetition, those recommendations which were made in both working groups have been merged and are listed at the outset:

- Reference was made frequently to relevant OSCE Documents, including the 1990 Copenhagen Document and the 1999 Istanbul Charter for European Security, as well as to international standards and instruments on the protection of the rights of the child, such as the Convention on the Rights of the Child, the Optional Protocol on the Involvement of Children in Armed Conflict, the 1999 ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Rome Statute of the International Criminal Court, and the 1977 Additional Protocols to the Geneva Conventions. Participants urged the OSCE participating States to accede to the relevant instruments, if they have not yet done so, and to ensure proper implementation.
- The OSCE was urged to fully integrate the issues of children's rights and children and armed conflict into all dimensions of its activities. Several participants recommended to incorporate children's rights issues as non-negotiable elements of field operation mandates. It was suggested to appoint advisers or designate focal points on children and armed conflict in appropriate OSCE structures and field operations, and to appoint a Special Representative on Children and Armed Conflict. It was also proposed to enhance the OSCE's expertise and capacities in this field, in particular as regards monitoring and reporting, by incorporating children's rights issues in the training of relevant personnel and in OSCE training manuals, and to include these issues into the REACT concept.
- Many participants recommended to include children's rights in the regular work of the OSCE Permanent Council and the Forum for Security Co-operation, and as a separate topic in the agendas of OSCE Human Dimension Implementation Meetings and Review Conferences. Compliance by participating States with relevant OSCE commitments and International Humanitarian Law and Human Rights Law should be reviewed at these meetings.
- The OSCE should integrate children's issues into its human rights monitoring activities and the existing field operation and headquarters reporting mechanisms. It was suggested to make reporting more transparent by standardizing reporting formats and by sharing information, when appropriate, with other actors, including NGOs.
- The OSCE should consider adopting a code of conduct for OSCE personnel in field operations, incorporating international humanitarian principles and international standards in the field of child protection, in particular in regard to local recruitment and labour practices.
- The OSCE and participating States should promote special training for police and military personnel on the rights of the child. NGOs and international organizations should be supported in providing such training. It was noted that people in civilian roles rather than military figures should be promoted as role models for children.
- The need to enhance co-operation and co-ordination with other international organizations, national institutions, and NGOs, both at headquarters level and in the field, was underlined by several participants. It was stressed that each specialized organization should have a clear-cut field for implementing its

mandate. Thus the duplication of efforts and the waste of resources could be avoided.

- The Chairmanship was urged to take up the recommendations made during the Seminar and to develop concrete measures for adoption at the next Ministerial Council. In line with the procedures adopted at the OSCE Istanbul Summit, the results of the Seminar should be communicated to other international organizations, participating States, and NGOs, including by responding to UN resolution 1261¹.

Working Group 1

Addressing the situation of children during active armed conflict, and immediately post-conflict

Moderator: Ambassador Janis Bjorn KANAVIN, Special Adviser on Human Rights, Norwegian Ministry of Foreign Affairs

Rapporteur: Eric RUDENSHIOLD, Head of Democratization Section, OSCE/ODIHR

Discussions in Working Group 1 began with an overview of the issues affecting children in active conflicts and immediately post-conflict. The issues addressed by participants included:

Particularly vulnerable groups of children

A number of participants pointed out, that, while children in general represent one of the most vulnerable parts of society, there are some groups, already marginalized in times of peace, which deserve particular attention in armed conflict. These groups include children belonging to national minorities, including Roma and Sinti, orphans, girl children, disabled children, refugee children, children separated from their families, and unwanted children born as a result of sexual abuse or HIV-infected children.

Health and education services

The breakdown of health and education systems was identified as one of the main issues affecting children in conflict situations. The importance of maintaining these services to the extent possible was emphasized by many participants. While the functioning of the health system was described as being crucial in view of the physical well-being of children during armed conflict, the importance of educational facilities such as schools was highlighted because they could protect children from some of the risks connected to armed conflict and provide an element of normality and stability amidst an environment of violence and disruption. It was also stressed that schools were crucial in promoting tolerance and combating the “culture of violence”. Functioning school systems were regarded as a key tool for avoiding

¹ In its Resolution 1261 (1999) on children and armed conflict, the UN Security Council “encourages efforts by all relevant actors at the national and international level to develop more coherent and effective approaches to the issue of children and armed conflict”.

psychological trauma as well as for trauma rehabilitation. The problem of school certificates of refugee children not being recognized by the authorities in the home country after their return was mentioned. It was criticized that humanitarian aid usually did not include reading material for children.

Media

The importance of the role of the media in both fuelling conflict as well as resolving conflict and promoting peace and tolerance was emphasized by many participants. It was pointed out that hate speech very often affected young people in particular. Many participants stressed that access for children to media is crucial in all phases of a conflict. The necessity to address intolerance quickly in post-conflict situations was underlined. A number of examples of good practices were mentioned, including the creation of school newspapers and radio stations, and efforts to amend the presentation of history in school books. It was added that in designing and implementing such projects it was important to take cultural sensitivities into account. As regards initiatives to support the establishment of school media, it was mentioned that international involvement and a high profile of the project were crucial conditions for success.

Child perpetrators

A number of participants addressed the issue of children committing crimes in a conflict or post-conflict situation. Some participants expressed the view that such children should be seen as victims of conflicts that had prevented them from attending schools, disrupted their family lives etc. A pattern of children being exploited by adults to commit crimes was also mentioned in this context. It was noted that adequate juvenile justice systems were often not in place. Some participants argued that non-punitive systems were needed for child offenders, since putting them in prison would only increase the risk of recruitment for further crimes. As regards war crimes committed by children under 15 years of age, the conflict between the non-culpability of children under 15 and the principle of holding war criminals responsible was noted. In this context, the importance of psychosocial services as an alternative to prison was highlighted by one participant.

Adoption

The complex nature of the issue of adoptions of children without parents from conflict areas and the need for particular vigilance was acknowledged by many participants. It was pointed out that sometimes adoption exposed children to new risks such as organized trafficking in children. Reference was made to the UNHCR guidelines on refugee children, which recommend that children should not be made available for adoption before a minimum period of two years during which all efforts were made to trace the parents. It was also suggested that adoptions by members of the same community should be considered in order to avoid the transfer of the child into an alien cultural environment. It was noted that while no clear answers could be given the best interest of the child should always be the guiding principle.

Recruitment of child soldiers

It was emphasized by some participants that the recruitment of children for military purposes was not limited to areas of conflict, but also affected other participating States, in particular those hosting immigrant communities. In this context, the

importance of close co-operation between the authorities in the host countries and the countries of transit and destination to prevent recruitment was underlined. Several participants emphasized the importance of reintegrating child combatants into society.

Early warning

Many participants stressed that the monitoring of the situation of children could contribute to early warning. A number of child-specific early warning indicators were identified by the participants, including increased recruitment of child soldiers, restrictions of access to education and health system, incitement of children to participate in attacks against other communities, and increased attacks on children themselves. Participants stressed the necessity to sensitize field personnel, where applicable, for these indicators.

Recommendations

General

- The OSCE should strengthen its commitments on children and armed conflict, at least by reference to standards recently adopted in other fora, in order to make clear that the OSCE, its field operations and relevant institutions have a mandate to address these issues.
- Participating States should be encouraged to adopt national legislation prohibiting the recruitment and use of child soldiers.
- Age limits, in line with UN standards, should be adopted for OSCE military observers, civilian police and peacekeepers.
- NGOs active on children and armed conflict should be involved in Permanent Council decision-making; the Permanent Council should consider modalities by which this might be done.
- Representatives from student newspapers and radio stations should be invited to a special session of the Permanent Council.
- The OSCE should contribute to, and take into account, the reports to the Committee on the Rights of the Child, as well as the comments made in examining these reports.
- The participating States should ensure that International Humanitarian Law and Human Rights Law, including provisions relating to children, becomes part of the training of national armed forces and police.
- The OSCE should promote the Guiding Principles on Internal Displacement, developed by Representative of the Secretary-General on Internal Displacement.

- Participating States should consider the denial of support to States committing grave violations of the rights of the child.

Early warning/conflict prevention

- The OSCE should establish and make public a comprehensive and open-ended list of early warning indicators relating to children, make it the subject of monitoring by field mission personnel, and ensure that the results be made available to the decision-making level of the Organization.
- The OSCE should encourage participating States to integrate training material on the rights of the child in school curricula, including in minority languages; the OSCE could assist by collecting and disseminating good examples.
- As laid down in the OSCE Code of Conduct on Politico-Military Aspects of Security, participating States should disseminate information on and raise awareness of international standards on children's rights, including in armed forces and police, as well as among non-state actors.
- The OSCE should facilitate and support local initiatives by children themselves, e.g. the creation of youth-to-youth networks and media projects.
- Within its media monitoring activities, the OSCE should pay special attention to children's issues.
- The OSCE should support the establishment of back-up birth registers to facilitate the reconstruction of registers in the post-conflict phase.
- Children's issues should be integrated into Memoranda of Understanding signed between the ODIHR and participating States, and into existing ODIHR project activities, e.g. NGO-Government dialogue and civic diplomacy programmes.
- The OSCE should facilitate the involvement of civil society as a means of conflict prevention.
- Co-operation between participating States to prevent the recruitment by non-state actors of child soldiers, in particular among diaspora communities, should be enhanced.

Conflict management

- The OSCE should ensure that the protection of children becomes an integral part of OSCE-mediated peace negotiations and subsequent peace agreements; a checklist should be developed for this purpose.
- The OSCE should consider how best to promote adherence to commitments under international law to provide access for humanitarian assistance during conflict.

- The OSCE should promote the concepts of children as a “zone of peace”, truce for delivery of assistance, and refuge for children seeking to flee conflicts.
- The OSCE should, for each country, establish a list of places and institutions hosting children and therefore requiring particular protection during armed conflict, and it should develop procedures for handling and disseminating this list.
- The OSCE Chairmanship should use its influence to hold participating States to their obligations under international law, and to get agreement from all parties to the conflict on child protection measures, including the immediate stop of recruitment of children, the demobilization of child soldiers, and other issues as highlighted by the statement of the Special Representative of the UN Secretary-General on Children and Armed Conflict (attached).
- The OSCE Chairmanship should impress upon the parties to conflict the recent developments in the field of international standards on the rights of the child, and use this actively as an instrument in negotiations.
- In its mediation efforts, the OSCE should involve and integrate NGOs, including youth NGOs.
- The OSCE should press for the implementation of the Guidelines on the Transfer of Conventional Arms.

Post-conflict phase

- National capacity-building in the field of child rights monitoring and protection should be supported by the OSCE.
- The OSCE should also assist with the creation of Ombudsman or advisory bodies on the rights of the child.
- The OSCE should support the implementation by participating States of the UNHCR guidelines on refugee children, and support the development of EU standards in this regard.
- Field operations could offer assistance in projects aimed at demobilization and reintegration of child combatants, and reunion and resettlement of displaced children and families.
- The OSCE should support mine awareness projects, making use of the media and the expertise of OSCE military observers.
- The OSCE should enhance the capacity of field operations to offer psychosocial services.

- The OSCE should facilitate the broadcast of entertainment and educational radio/TV programmes for children in conflict and post-conflict areas, locally or through the international services of national broadcasters.
- The OSCE could provide a framework for the creation of templates for such programmes, taking already existing initiatives into account (e.g. the Voice of Children Project developed by the Special Representative of the UN Secretary-General on Children and Armed Conflict).
- The need to address international crimes as a matter of urgency in order to avoid de facto impunity was highlighted.
- Special attention should be paid to the situation of children of minorities, including by strengthening the work of the ODIHR Contact Point for Roma and Sinti Issues.

Working Group 2a

Addressing the longer-term needs of war-affected children – post-conflict and in frozen conflict

Moderator: Sandra MITCHELL, former Head of the Human Rights Division, OSCE Mission in Kosovo

Rapporteur: Cristina TARCEA, Director, Department of International Relations and European Integration, Ministry of Justice of Romania

Working Group 2a focused on the longer-term needs of war-affected children in the post-conflict phase and in frozen conflict. The following issues were addressed by the participants:

- Overcoming trauma and other psycho-social effects
- Sexual violence/violation of the rights of girl children
- Children maimed by landmines and unexploded ordinance
- Family separation and reunification
- Orphaned children
- Changed family roles and responsibilities
- Long-term displacement
- Reintegration of child combatants into civilian life
- Issues specific to frozen conflicts
- Changed role models
- Street children and working children
- Drug addiction
- Poor economic conditions (absence of safe/running water, electricity etc.)
- Effects of sanctions
- Difficulty of access to basic services such as education, health care, social services etc.

The following issues were identified as being of specific relevance to the OSCE:

- Education and training
- Legislative initiatives and action to protect children
- Building tolerance and raising awareness
- Juvenile justice
- Gender issues, including trafficking
- Poverty and illiteracy

It was noted that non-state actors with effective control over territory and/or populations are expected to respect the rights of the child and to provide adequate protection.

Recommendations

General recommendations

- The OSCE should encourage participating States to work together with international organizations and local NGOs to raise awareness of children's rights. Awareness raising should occur through all state structures, including the judiciary, the administration, the military and the police, as well as in international organizations and all sectors of civil society.
- The OSCE should support UN monitoring mechanisms in the supervision of the implementation of recommendations.
- OSCE field operations and institutions should be encouraged to identify best practices relating to children's rights.
- The OSCE should encourage field operations to conduct educational and related activities promoting the protection of child rights.
- Participating States should be encouraged to allocate financial resources related to health, social security and the education of children. Education was highlighted as key to the elimination of illiteracy, which, in turn, was identified as an important factor in fighting poverty.
- In the field of legal reform, special attention should be given to issues of juvenile justice, including alternatives to imprisonment.
- In its children-related activities, the OSCE should pay special attention to specific gender issues such as rape and trafficking.
- Within the OSCE framework, the establishment of an *ad hoc* advisory group on children's rights, composed of OSCE representatives, delegation members and representatives of international organizations and NGOs, should be considered. The group should, for a limited time, advise and assist the Chairperson-in-Office in the implementation of recommendations of the conference.

- The OSCE should consider drafting an action plan on OSCE activities in the field of children's rights protection. Such an action plan would facilitate the identification of best practices, and possible gaps in existing actions and programmes. It would also facilitate the co-ordination with local and international partners and would thus prevent the duplication of existing efforts.
- It should be ensured that copies of the Convention on the Rights of the Child, and the recommendations of the UN Study on the Impact of Armed Conflict on Children ("Machel Study") are provided to all field operations in local languages.

Specific recommendations for OSCE field operations

- Field operations should monitor the implementation of children's rights and report on them as appropriate. Such reporting should highlight violations of children's rights and activities of field operations to combat them.
- Field operations should be encouraged to make their structures available for assisting in the dissemination and use of material on children's rights developed by international and local NGOs.
- Field operations should facilitate efforts of NGOs to provide training and expertise to local partners.
- Field operations should be encouraged to meet regularly with other organizations working on children's rights issues, in order to provide support to initiatives aimed at building advocacy coalitions/alliances, to incorporate good practices and to identify gaps and needs in existing activities.

Specific recommendations for participating States

- Participating States should consider the establishment of *ad hoc* inter-agency working groups on specific issues related to children's rights.
- Participating States should identify personnel knowledgeable in children's rights for REACT secondment, and include children's rights in the training of seconded personnel.

Working Group 2b

Addressing the longer-term needs of war-affected children – Politico-military issues

Moderator: Marianne BERECZ, Deputy Head, Department for Security Policy,
MFA Hungary

Rapporteur: Thomas RAHM, OSCE Secretariat

The first part of Working Group 2b was devoted to the question of international standards. The discussion started with suggestions to adapt international standards in order to address specifically the problem of children in armed conflicts. Proposals tabled aimed at various aspects of pre-conflict measures like education programmes, media initiatives as well as the application of international standards such as the OSCE Code of Conduct on Politico-Military Aspects of Security to address issues like minimum recruitment age and the establishment of a monitoring system as early warning instrument in case of child recruitment and deployment.

There was a general understanding that the Code of Conduct on Politico-Military Aspects of Security should not be renegotiated as this document already requests the dissemination and implementation of International Humanitarian Law and International Human Rights Law. The verification of the full implementation of the Code as one of the priority interests of the Forum for Security Co-operation was stressed by several delegations. Further improvement of verification could be reached by broadening the scope of the information exchange on the Code of Conduct as well as by introducing a monitoring system for its full implementation.

The working group then concentrated on issues related to the access to small arms by children or by non-state actors recruiting child soldiers. As improvements in binding non-state actors to international law were not considered likely, the discussion focused on the OSCE Document on Small Arms and Light Weapons, the adoption of which is scheduled for the next OSCE Ministerial Council later this year. A far-reaching Governmental control over all small arms productions, holdings and transfers could prevent illegal flow of as well as illegal access to small arms.

The working group also addressed prevention issues. In this context, reference was made to the 1999 Berlin Conference on the Use of Children as Child Soldiers, which focused, inter alia, on guidelines for the prevention of child recruitment and for awareness campaigns.

The problem of landmines was addressed by underlining several programmes already in place under the auspices of the Stability Pact for South-Eastern Europe as well as in the OSCE framework.

Other recommendations included:

- The problem of children in armed conflict is directly related to the human dimension and should consequently be dealt with as an integral part of all existing OSCE Mission mandates.
- The topic of children could be used as an entry point to engage non-state actors and to negotiate cease-fires.
- A doctrine establishing rules of engagement including positive role models to be implemented by peace-keeping forces was suggested. However, as the OSCE for the time being does not command such forces these rules would only apply to national training concepts of participating States providing formations for peace-keeping operations.
- The Forum for Security Co-operation could consider separate guidelines addressing children's rights, while the Code of Conduct, which addresses already several human rights aspects, should not be renegotiated (see above).
- The exchange of information on the Code of Conduct, however, should be amended in order to cover the problem more specifically. The participating States' responses could be published on the Internet.

ANNEX I: PLENARY MEETING STATEMENTS

OPENING PLENARY

**OPENING STATEMENT BY THE CHAIRPERSON-IN-OFFICE OF THE OSCE
MRS. BENITA FERRERO-WALDNER
Federal Minister of Foreign Affairs
of the Republic of Austria**

Mr Chairman,

We have gathered here to address one of the most burning international issues for the OSCE as well as beyond: the protection of children, in particular in situations of armed conflict. Children are the most vulnerable members of society; at the same time they are the future – our future. Armed conflicts have devastating consequences for children, consequences which have to be addressed by all of us, comprehensively and effectively.

Therefore, I would like to thank you, Mr. Chairman, in your capacity as Director of ODIHR for organising this Seminar. ODIHR is a central OSCE institution well respected for its activities, both in Warsaw and in the field. ODIHR has been one of the institutions created by the *Charter of Paris for a New Europe*, just after the change in East-West relations. What started with a few persons focusing on free elections, has become a remarkable institution promoting human rights, fundamental freedoms, the rule of law, as well as democratic institutions throughout the whole OSCE region.

The topic of this Seminar, “children and armed conflict”, has been promoted and pursued by Austria for quite some time, because we believe that there is a great and urgent need to enhance the protection of children world-wide, in particular in connection with armed conflict.

Austria, and I personally, are committed to ensuring this protection and to fighting vigorously against the abuse of children. Of particular concern are the protection of children in armed conflict, the fight against sexual exploitation and child pornography as well as against child labour.

Austria strongly supports a special focus on the protection of children within the Human Security framework. Consequently, we had made the protection of children a priority of the Austrian Presidency of the European Union in 1998, and we have pursued a number of specific issues since then, both within the EU and beyond.

With regard to the holding of this seminar, we were encouraged by the support of OSCE participating States since we started preparation for our Chairmanship. I would also like to express our appreciation for the important input by a number of international organisations and NGOs in the preparations. They are most valuable partners not only in discussion and through their advice but, even more importantly, also with regard to concrete action in the field.

Mr. Chairman,

Specific OSCE commitments with respect to children are still quite limited and OSCE action in this field is still at a relatively early stage. The OSCE is facing the challenge

to move with developments on the global scene: We should use our own creative and flexible methods of thinking and action not only to face substantive problems in our own region, but also in order to contribute meaningfully to international efforts. In this work, the OSCE can build upon a comprehensive body of existing international standards for the protection of the rights of the child, in particular the *Convention on the Rights of the Child*.

Already ten years ago, we agreed, in the *1990 Document of the Copenhagen Meeting*, “to accord particular attention to the recognition of the rights of the child”. And at the Istanbul Summit last November, our Heads of State or Government committed themselves to “actively promote children’s rights and interests, especially in conflict and post-conflict situations, to regularly address the rights of children in the work of the OSCE, and to pay particular attention to the physical and psychological well-being of children involved in or affected by armed conflict.” In the *Charter for European Security*, participating States laid down their will to develop and implement *measures* to promote the rights and interests of children in armed conflict and post-conflict situations.

The *Code of Conduct on Politico-Military Aspects of Security*, too, - in force since more than five years – contains provisions relevant to children and armed conflict. It establishes a close relationship between the politico-military dimension, the respect for human rights and fundamental freedoms as well as economic co-operation. The Code emphasises the importance of international humanitarian law that has to be made widely available in participating States and reflected in military training programmes and regulations. Armed forces of participating States may not be used to limit the exercise of human and civil rights by persons as individuals or as representatives of groups; furthermore, armed forces assigned to internal security missions have to take due care to avoid injury to civilians and their property. Of course, these provisions apply also and in particular to children.

Against this background, we welcome the comprehensive programme of the Seminar, encompassing human dimension issues together with military-political questions in order to reflect our comprehensive concept of security.

The Seminar should discuss how the OSCE can best enhance and improve its protection framework for children, taking into account the many and substantial developments in international standard setting and action on children: Recently, the *Convention on the Rights of the Child*, the most universally ratified international human rights treaty, had its tenth anniversary. And after years of drafting efforts, two *optional protocols* to the Convention, including on the involvement of children in armed conflict, will be adopted by the UN General Assembly later this week. I would also like to underline the importance of the *Rome Statute of the International Criminal Court* and the ILO Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

The Seminar will hear accounts of the fate of children affected by armed conflict – as civilians or combatants – in all fields of human security: from human rights and fundamental freedoms to family life, education and health. We should also address the serious concern about effects of landmines on children. Landmines have shattered the lives of children and their communities in many countries. In this context we support

'awareness programmes' that teach children to avoid land-mines, strengthen financial assistance for de-mining operations and rehabilitation, as well as assistance programmes for children injured by mines.

Equally important, the effects of the uncontrolled spread of small arms continue to be a concern, in particular with respect to children. Substantive work on problems of small arms and light weapons has already started within the FSC in order to develop an OSCE document on this issue.

Among the questions that will be addressed over the next three days, I would like to highlight the following:

- how we take better into account problems of children affected by armed conflict in all phases of conflict – by early warning and prevention activities, in crisis management, and through post-conflict rehabilitation,
- how our field operations integrate this issue in their activities, and enhance co-operation with other organisations on the ground active in this field,
- the issue of selection and specific training of staff for OSCE field operations, and
- the role of participating States and of OSCE institutions and bodies, including the *Permanent Council* and the *Forum for Security Co-operation*.

These and many other questions shall be addressed on the basis of the input provided by the many experts and every participant in the Seminar. I would like to welcome in particular our key-note speakers of today who have kindly accepted our invitation to address this Seminar: the President of the ICRC, Mr. Jakob KELLENBERGER, and the Special Representative of the UN Secretary-General for Children and Armed Conflict, Mr. Olara OTUNNU, who already made an important contribution to our deliberations at the Review Conference in Istanbul.

Mr Chairman,

A very special and acute case of children and armed conflict I have to raise is certainly Chechnya. There, a large number of displaced persons live under daily threats, without reliable shelter, food, water and medicines. These circumstances have made their life extremely difficult not only physically, but also psychologically.

The OSCE Assistance Group, together with its implementing partner, *Médecins du Monde*, have therefore proposed a psychological rehabilitation programme for 100 Chechen children and 40 mothers suffering from *Post-traumatic Stress Disorders*, which will be financed by the Austrian Chairmanship. All necessary preparations have been made by *Médecins du Monde*, who have worked in Chechen IDP camps since 1997 and who already started working with traumatised children in one of the camps in Znamenskoye. As soon as appropriate permits are issued the Assistance Group will start its "Mother-Child Psychological Rehabilitation Project".

Mr. Chairman,

This Seminar will highlight the important obligations of parties to a conflict to fully respect the rights of the child and protect civilians including children and the role of the OSCE in such situations. But the topic of this Seminar is not only relevant to participating States in the midst of conflict; it is highly relevant for all of us. Important measures have to be undertaken by every single participating State of the OSCE: building and strengthening the protection framework; providing humanitarian

assistance and support reconstruction efforts with a particular emphasis on the needs of children affected by conflict; improving child sensitive training programmes for military personnel and staff in field missions.

We also have to think about how to deal with those who persistently fail to comply with their obligations and commitments. For instance, the UN General Assembly in its 1999 resolution on the rights of the child emphasised that “no support should be given to those who use child soldiers”.

Mr Chairman,

It is our hope that the deliberations of the Seminar will lead to concrete ideas and recommendations for the future work of the OSCE concerning children and armed conflict. There, a number of key issues can be mentioned:

- first, a strong call to participating States to sign, ratify or accede to *relevant international instruments*, and to implement international obligations and commitments in their domestic legislation and practice,
- second, the focus on one of the strong points of OSCE, its *field operations*: making the protection of children in particular in conflict situations a standard and non-negotiable part of OSCE mission mandates and reporting; ensuring better training and selection of Mission members including through the REACT mechanism; and assigning special responsibility for children’s issues within Missions,
- third, the regular consideration of the issue of children and armed conflict by *OSCE bodies* including at implementation review meetings, through a questionnaire mechanism, and when considering mission reports,
- fourth, constructive thinking on how all *OSCE institutions* could better deal with the issue, including through the establishment of focal points, and,
- finally, the question of developing OSCE language on children and armed conflict and a concrete OSCE *Action Plan*.

Before concluding, I would like to pay a special tribute to NGOs. They were the driving force behind many initiatives in favour of the protection of children in armed conflict. Often, they are also at the forefront in situations of crisis and need in helping protection and assistance efforts, under severe circumstances not only for the local population, but also for their own staff. As Chairperson-in-Office I made it standard practice to regularly consult with NGOs on regional and topical issues both in Vienna and during my official trips to areas of concern to the OSCE. We encourage them to continue their role and to contribute to our goal of building a strong and vibrant civil society throughout our region.

Mr Chairman,

Last November in Istanbul, the Heads of State or Government of all OSCE participating States deliberately and with strong emphasis put the issue of children and armed conflict on our agenda. Today, we have to start fulfilling this mandate.

I wish you all success for the Seminar and pledge our support for ensuring a concrete follow-up to its outcome.

Thank you.

KEYNOTE SPEECH – MR. JAKOB KELLENBERGER
President of the International Committee of the Red Cross

Madam Chair,
Ladies and Gentlemen,

Thank you for the possibility offered to me to address this OSCE seminar on the subject of children and armed conflict. The hardcore of ICRS's activities with its staff of almost 11000 persons worldwide is the

- protection and assistance to victims of armed conflicts and their direct consequences and
- promotion and development of international humanitarian law.

Civil population has become a specific target of military action. Children are a particularly vulnerable part of this civil population. At present, children account for three out of every five victims receiving ICRS protection and assistance in the field.

They are often snatched from their families and forced to take flight. They end up left to their own devices, with no roots and no identity. All over the world, this situation has reached unprecedented dimensions.

And yet we have the legal instruments we need to respond to the daunting challenges confronting us, for the law already offers children extensive protection.

International humanitarian law – the basis for the protection of children in armed conflict

How does international humanitarian law protect children?

a) General protection

Every child is protected on two levels: in general terms, as a person not taking part in the hostilities, and, more specifically, as a member of a vulnerable group.

According to the principle of impartiality, every legal rule that protects the civilian population in general and each individual in particular from becoming a target for attack applies equally to children.

General protection is understood to mean that children must not suffer any harm at the hands of the party to the conflict under whose power they are. They are protected by virtue of all the rules that make up the core principle of humane treatment. The law guarantees respect for their lives and their physical and psychological integrity. As members of civil society, they are also protected against the effects of hostilities.

b) Special protection

More than 25 articles in the 1949 Geneva Conventions and 1977 Additional Protocols are devoted to the protection of children. Take for example Article 24 of the Fourth Convention. It requires that children who are orphaned or separated from their

families (direct or indirect) to children under 15 and protects children against death penalty for offences committed before the age of 18.

c) Child soldiers

As we have seen, 25 articles in international humanitarian law are aimed at protecting children not taking part in the conflict, but what about child soldiers?

The number of children recruited forcibly or voluntarily is constantly rising, in spite of the fact that international humanitarian law prohibits children under 15 years of age from being recruited. IHL also encourages not to have them taking part in hostilities below 18. Additional Protocol II, relating to non-international conflict, goes so far as to prohibit both direct and indirect participation. I cannot think of many cases where the difference between law and the situation in real life is so big.

This is perhaps the most tragic group of child victims. Although they start as victims, child soldiers themselves become perpetrators of violence and are caught up in wars they do not understand.

Children taking part in hostilities remain under the protection of international humanitarian law. Some of these children are not even ten years old. They are said to be capable of extraordinary heroism and of the most appalling crimes. Often they are not mature enough, in the depraved environment in which they live, to distinguish between good and evil. With no understanding of danger or death, it is they who carry out the most hazardous missions.

Occasionally, having nothing else in the world, they are volunteers. All too often, however, they are subjected to threats, violence and drugs as instruments of persuasion.

ICRC activities

The ICRC acts on two levels – in the field and terms of the law.

a) Activities in the field

Briefly, field activities comprise programmes such as those to provide food and medical care – including prosthetic and orthotic work for the war disabled – and set up health facilities.

The ICRC takes practical measures to protect and assist unaccompanied and injured children and child detainees by observing and appraising every situation.

- Protection of **unaccompanied children** begins with their identification and continues with efforts to trace their parents.
- The ICRC takes steps to restore family links and **reunite children with their families** or find other long-term solutions. In 1999, the ICRC reunited a total of 4,236 individuals with their families.

- Another aspect of work in the field is the restoration of family links through the exchange of new by means of **Red Cross messages**. In 1999, the ICRC collected and distributed more than 300 000 messages.
- Tracing **missing persons** is a formidable challenge. The only way of putting an end to the families' uncertainty and suffering is to provide definite news.
- The ICRC calls for the release of **child detainees** who have been arrested or interned in connection with a conflict. At the very least, it requests that children be held separately from adults and, if possible, reunited with members of their family. During 1999 the ICRC visited a total of 228,000 detainees in 31 countries. This included 1,582 boys and 452 girls under the age of 18.
- The ICRC seeks to **prevent breaches of the law** by striving to ensure that international humanitarian law and the Fundamental Principles are recognized and respected as widely as possible. It does everything it can to strengthen the rules for the protection of children and encourage their implementation.

It is the obligation of the States to spread knowledge of the law, among the public authorities and the armed forces, in schools and universities, and among any other parties concerned.

b) Activities in terms of the law

- **ICRC contribution to the development of law**

While the thrust must be to ensure implementation, we have also seen a number of positive developments in the law in recent years. These include the adoption of the Convention on the Rights of the Child and its Optional Protocol, the establishment of the International Criminal Court and the ratification of the Ottawa treaty banning landmines. The ICRC worked actively to bring about these developments.

- **International Criminal Court**

The ICRC took an active part in the negotiations. The **recruitment and participation** in hostilities of children under the age of 15 are now specifically considered **war crimes under the Statute of the International Criminal Court**, which was adopted in Rome in July 1998 and will enter into force once it has been ratified by 60 States.

- **Optional Protocol to the Convention on the Rights of the Child**

The ICRC was also active, on the committee responsible for drafting the Optional Protocol.

- The **main provisions of the Protocol** are as follows: the prohibition of compulsory recruitment under 18, the non-participation in armed conflict of children under the age of 18, and the express will of the States to regulate the conduct of non-government forces (a provision that specifically targets non-international conflicts). The ICRC, while welcoming this Protocol, considers it has also a number of shortcomings.

Other ICRC undertakings:

The ICRC is also taking action as a component of the Red Cross and Red Crescent Movement. In this context, two examples:

In 1995, the International Red Cross and Red Crescent Movement adopted a plan of action for child victims of armed conflict. The plan aims to promote **the principle of non-recruitment and non-participation of children below the age of 18 years** and to take practical measures to protect and assist child victims of armed conflict, including their **reintegration and rehabilitation** following a conflict.

The Movement is currently working to develop programmes in this connection.

A resolution of the 26th International Conference of the Red Cross and Red Crescent held in Geneva in December 1995 draws attention to **the obligation of States to provide children with the protection** and assistance to which they are entitled. It also recommends that parties to conflict refrain from arming children under the age of 18 years and encourages States, the Movement and other bodies to develop **preventive measures**, assess existing programmes and set up new programmes for children's psychological and social rehabilitation.

This call was repeated at the 27th International Conference, which was held in Geneva in November 1999. The States Party which were present expressed their support for the objectives of the Conference's Plan of Action.

Conclusion

The many legal provisions that exist are ample evidence that children benefit from a broad protection under the law. We must now concentrate on implementing the law and continue to think about ways in which it can be strengthened.

To include, allow me to set before you a few of the ICRC' major goals:

1) Implementing international humanitarian law

Promote vigorously the better implementation of existing international humanitarian law is for me the top priority. The ICRC spreads knowledge of IHL in schools and universities as well as among the armed forces and the general public. We shall also continue to speak clear language to those violating it. We invite States to take responsibility for that task and for ensuring that IHL is observed and implemented.

2) Rehabilitating and reintegrating children

The ICRC and the other components of the Movement invite States to set up programmes for the psychological and social rehabilitation and reintegration of all children affected by conflict, including child soldiers.

3) Age of recruitment

The ICRC and the International Red Cross and Red Crescent Movement invite States to continue to strive for a universal age of 18 years for recruitment and participation, but the first and most urgent task is, when I look at the age of children in some of today's most brutal conflicts, to do the utmost in order to ensure the implementation of the 15 years limit.

What can the Member States of OSCE – who see themselves as a Community of values – do in order to better protect children in armed conflict?

- by taking adequate measures OSCE States can in a decisive manner reduce the easy availability of small arms and light weapons. In most of today's internal conflicts these arms play a major role. They are also the standard equipment of child soldiers;
- by ratifying quickly the statute of the International Criminal Court the OSCE States can considerably shorten the average estimate of two years for the entry into force of the statute. As mentioned before, recruitment and participation in hostilities of children under the age of 15 is considered a war crime;
- OSCE States should use their contacts with parties in a conflict or in a crisis region in order to underline the importance they attach to the implementation of international humanitarian law.

Madame Chair, thank you.

KEYNOTE ADDRESS BY MR. OLARA A. OTUNNU
Under-Secretary-General
Special Representative of the Secretary-General
for Children and Armed Conflict

At the outset, I should like to pay a very special tribute to the Government of Austria, and in particular to the Chairperson-in-Office, H.E. Mrs. Benita Ferrero-Waldner. The Austrian Government has a long and well-earned reputation as one of the staunchest supporters for the protection and wellbeing of children and has indeed undertaken several significant initiatives to advance respect for the rights of the child in various fora. In carrying out my mandate, I have always counted on the political and moral backing of Austrian Government for the agenda. I am very pleased to see Mr. Jacob Kellenberger, who recently took over as President of the ICRC, here today. Throughout the years, the ICRC is perhaps the organization, which has done the most to save and other civilians from the scourge of war and elaborate principles for their protection. Under the able leadership of Mr. Stoudmann, the ODIHR has developed a range of policies and practical responses to issues within the Human Dimension of the OSCE.

It is particularly appropriate that this meeting should take place in Warsaw. We all recall the pioneering role Poland played in proposing and promoting the project that led to the Convention on the Rights of the Child.

The commitment expressed by the Heads of State and Government of OSCE participating states at the Istanbul Summit in the Summit Declaration and the "Charter for European Security" to develop and implement measures to promote the rights and interests of children in armed conflicts and post-conflict situations, was indeed a breakthrough for the protection of children within the context of OSCE.

This seminar joins an impressive series of events on the international agenda to further the protection of children affected by armed conflict. In April, West African states held a Ministerial conference on war-affected children, cosponsored by the Government of Canada and Ghana, which resulted in a number of important commitments and a plan of action. In July, the UN Security Council will for the third consecutive year take up the issue of children on its agenda, when it discusses the first report of the Secretary-General on children and international peace and security. This report was requested by the UN Security Council in its resolution 1261, the landmark resolution which for the first time details the commitments of the Council to the protection of children when dealing with international peace and security. In September, the Canadian government will host an international conference on children and armed conflict in Winnipeg, and in September 2001, the UN General has called a Special Session on Children, to follow-up on the World Summit of Children in 1990. The impact of armed conflict on children will be one the key issues.

In conflict areas within the OSCE region, the protection of children constitutes a major issue. In the Balkans, the safe return of refugees and the situation of internally displaced, the majority of whom are children and women, is a priority for the international community. In the Baltic states, issues of citizenship, language and judicial reform, which all directly impact on children, are key to ensuring peaceful coexistence. In Chechnya, a return to peace will necessitate enormous efforts directed at rebuilding basic services for children, ensuring the return of the displaced populations and dealing with the trauma of war. I personally visited Kosovo in September of 1998 and later, in April 1999, also witnessed the terrible situation of the refugees in the former Yugoslav Republic of Macedonia and in Albania. Children are the worst affected victims of this conflict.

In several of these areas, the OSCE is already pursuing activities, which have a direct bearing on the situation of children affected by conflict. Examples include discussions with various parties to conflict, as in Georgia and through the work of the Minsk Group, monitoring the interests of national minorities, promoting and monitoring human rights, a central task in most of the OSCE field missions, democracy- and institution-building, and ensuring the rule of law.

I see tremendous opportunities for this seminar, which builds on the firm commitments of the leaders of the OSCE participating states, to come up with concrete recommendations and proposals. These will serve as a first step to realize the potential within the OSCE to act on behalf of children who are being abused in the context of armed conflict.

At the invitation of the previous chairman-in-office, then Minister Knut Vollebaek of Norway, in November last year I addressed the first session on children and armed conflict of the Human Dimension of OSCE Review Conference. I presented then a "10-point agenda for dialogue with the OSCE", which I have made available for you today. The 10-point agenda outlines actions the OSCE can undertake to make the protection, rights and welfare of children affected by armed conflict a central concern in policy-making, priority-setting, resource allocation, programme activities and advocacy agenda. On this occasion, I should like to elaborate and build on the proposals contained in the 10-point agenda.

(i). Placing the protection of children on the peace-making agenda of OSCE

Children suffer disproportionately in times of war. They therefore have a particularly high stake in peace. That is why we must ensure that their protection and needs feature prominently in any negotiations to end war and in peace accords. During my visits to Burundi, Colombia, Sierra Leone and the Sudan, governments and insurgency groups have agreed to place the protection and welfare of children on the agendas of peace processes currently under way in their countries.

I call on the OSCE to promote this practice in its own peace-making demarches. Concretely, I recommend the elaboration within the OSCE of a checklist of issues of concern to the protection of children, which could serve as a tool in peacemaking. Some of the key issues that may need to be addressed in this context are the respect by the warring parties for "children as a zone of peace" throughout the negotiations, the immediate demobilization of any child combatants and the allocation of resources for education and health services in any peace agreement. To bring an end to impunity for egregious violations of children's rights in time of armed conflict, all aspects of peace processes involving amnesty, truth or justice should highlight the abuses perpetrated on children, as well as the circumstances that enabled those abuses to occur. And when amnesty legislation is contemplated in transitions from war to peace, we must ensure that the perpetrators of child rights violations are not exempted from responsibility for their actions.

(ii). Integrating the protection of children in the work of the Permanent Council

The protection of children should be a central concern in the peace and security agenda of the OSCE. As the standing body for political consultation and decision-making within OSCE, the Permanent Council should pay special attention to the situation of children when discussing specific initiatives and concrete undertakings. Following up on the commitments in the Istanbul Summit Declaration, the Council should also consider holding a separate thematic session on children and armed conflict to discuss concrete ways of integrating this concern into its work. As a first step, I recommend that it adopt a policy requiring that whenever reports are submitted to it on situations of armed conflict, transitions to peace and post-conflict situations, such reports should include assessments of the impact of those situations on children. It could also request periodic reporting on efforts to improve identification and monitoring of the rights of children and specific measures undertaken to improve their situation.

(iii). Making children "a zone of peace" within the OSCE region

In my visits to several countries, I have elicited commitments from parties in conflict on some of the following measures: to allow access to populations in distress in zones within their control; not to interfere with the distribution of relief supplies; to observe humanitarian cease-fires; not to attack schools or hospitals; not to use landmines and not to recruit or use children as soldiers. I urge OSCE to consider translating the concept of children as a "zone of peace" into concrete measures within its region, and to that end to develop a practice for eliciting and monitoring specific commitments from all parties to conflict.

(iv). Integrating the protection and welfare of children into OSCE field operations

Particular attention needs to be given to the protection and welfare of children in OSCE-mandated field operations aimed at promoting peace, preventing and resolving conflicts and implementing peace agreements. In particular I urge the OSCE to consider, whenever applicable, making the protection of the rights of children an explicit element in the mandates of its field operations.

I urge the OSCE to consider designating a person tasked with ensuring that the protection of children receives priority attention in field missions, in particular in situations where children have been abused on a massive scale and, as a matter of principle, in all its larger missions. Within UN peace operations, I have been promoting the inclusion of senior staff with this responsibility. Such staff, called Child Protection Advisors, is now serving within the UN peace operations in Sierra Leone and in the DRC, and the placement of a CPA is being considered for Angola. Experience to date has shown that the appointment of CPAs has contributed substantially to focussing attention on the needs of children.

(v). Curbing the recruitment and use of children in armed conflict

I am delighted that after several years of negotiations, consensus agreement has finally been reached on raising the minimum age for recruitment and participation in conflict. I extend my warm appreciation to the chairperson of the working group, Ambassador Catherine von Heidenstam for her remarkable leadership and quiet persistence. I wish also to pay a very special tribute to the Coalition to Stop the Use of Child Soldiers for the patient work, determination and all-out mobilization that was instrumental in concluding the protocol. In this context, I should like to extend my appreciation for the support of many OSCE participating States, which made this issue a priority within their foreign policy agendas.

The raising of the age limit for participation in hostilities from 15 to 18 is a victory for children exposed to cynical exploitation in situations of armed conflict. While the new consensus does not go as far as I would have liked, it is a most important step towards eliminating the use of children as soldiers and their participation in hostilities.

Five elements of the optional protocol are especially significant in this context:

- States are to take "all feasible measures" to ensure that members of their armed forces who have not attained the age of 18 years do not take a "direct part" in hostilities;
- States are to ensure that persons who have not attained the age of 18 years are not compulsory recruited into their armed forces;
- Insurgent armed groups are prohibited, "under any circumstances", from recruiting persons under 18 or using them in hostilities;
- The new standards apply to both international conflicts and civil wars;
- States parties are called upon to cooperate, through technical cooperation and financial assistance, in the prevention of child recruitment and the use of child soldiers, and in the rehabilitation and social reintegration of ex-child soldiers.

The one aspect in which the agreement falls short of the "straight 18" position that I have advocated is in the area of voluntary enlistment into national armed forces. This is indeed a disappointment. Nevertheless, the raising of the minimum age to at least 16 and the inclusion of specific safeguards, including the provision of reliable proof of age and the informed consent of both volunteer and parents, represents an improvement on existing standards.

I anticipate that the UN General Assembly will adopt the text within the coming days. The Executive Director of UNICEF and I have proposed that the Secretary-General include the optional protocol among the core treaties that would be the focus of a special effort by the SG and the Secretariat to attract more signatures, ratifications and accessions during the up-coming Millennium Assembly. I urge all States to prepare for the speedy ratification of the Optional Protocol. And, when ratifying the optional protocol, I urge States to consider depositing binding declarations pursuant to article 3, establishing age 18 as the minimum age for voluntary recruitment into their national armed forces. I call on all OSCE participating States to set an example by being among the first to ratify this important instrument.

With agreement on the optional protocol in place, we need to turn our energies to making a difference on the ground. In this context, I would like especially to highlight the following tasks:

- advocating unequivocally for 18 as the minimum age for participation in conflict;
- exerting concerted international pressure on parties in conflict that abuse children as combatants;
- addressing the political, social and economic factors that facilitate the exploitation of children as soldiers;
- building the capacity and mobilizing more resources in order to respond more effectively to the rehabilitation needs of ex-child soldiers; and
- broadening our scope of concern to embrace all children affected by conflict.

Within some countries in the OSCE region, the recruitment of children with immigrant background or from immigrant communities to fight wars raging in their countries of origin, has become a visible issue in recent years. I urge the governments in the governments concerned to take vigilant measures against this grave violation of

the rights of children within their borders and to stop the recruitment of these young people. I also urge them to address the underlying issues of marginalization and alienation within immigrant communities, which often facilitate this recruitment.

(vi). Making the needs of children a central concern in OSCE post-conflict programmes

I urge OSCE to make the needs and rights of children a central concern from the outset of its post-conflict planning, programming and resource allocation. In most peace-building efforts, among the long-term measures required for the rehabilitation of children are the safe return and resettlement of displaced populations, psychosocial and physical healing of traumatized, sexually abused and injured children, rehabilitation of basic educational and health services, demobilization and reintegration of child soldiers, exposing the truth about the victimization of children, strengthening the normative and institutional framework, and mine action awareness and clearance.

In many places, such as Tajikistan and Kosovo, the OSCE is already pursuing activities in these areas. I encourage the OSCE to continue to collaborate with the UN in these efforts, and to take on the tasks within its purview, in particular institution-building and strengthening the normative and legal framework for the protection of children. I encourage ODIHR to develop concrete projects to ensure that the protection and rehabilitation of children receives priority attention in post-conflict settings.

(vii). Situation of Internally Displaced Populations within OSCE region

On my missions in the past two years I have everywhere witnessed the deeply distressing and precarious situation of internally displaced persons (IDPs), most of who have been children. Within the LTN, this issue has received increasing attention in this past year. In January, the LTN Security Council held a meeting on the situation of refugees and in July, the IIN Economic and Social Council has decided to make the protection of internally displaced populations the main theme for its discussion during the humanitarian segment of this session.

During her tenure, the Austrian Chairperson-in-Office has taken the initiative to arrange a supplementary Human Dimension Seminar in September on the issue of migration and internal displacement. This will indeed be a very important occasion to develop recommendations on further action within the OSCE. I encourage you to collaborate closely with my colleagues RSG Francis Deng and Mme Ogata, the UN High Commissioner for Refugees.

I believe that the time has come for the international community to develop a more systematic response and framework for providing protection and practical support to internally displaced persons. The OSCE is well-placed to set an example by developing some innovative methods of response to this problem within its region.

(viii). Developing "Voice-of Children" projects in the context of OSCE media activities

I have often been struck by the absence of and hunger for information, recreation and entertainment among children in situations of armed conflict and its aftermath. To fill this gap I have proposed the systematic development of radio stations and programmes - "Voice-of Children" - devoted mainly to the needs and interests of children and young people. The "Voice-of Children" project will operate at two levels.

At the national level, I am encouraging the establishment and development of local radio stations and programmes in conflict affected countries. Such projects, while driven by local professionals and civil society actors, will require the strong support from international partners. This initiative is currently being explored in several conflict-affected countries, including the Balkans. The second level involves the use of international broadcasting networks such as BBC, VOA, RFI and Deutsche Welle. Beyond the present ad hoc efforts, I have proposed that they systematically allocate time, space and resources to develop, produce and air programmes specifically targeted towards war-affected children.

In the OSCE missions where media affairs constitutes an important component of the mandate, as presently in Kosovo and also in Bosnia-Herzegovina, I urge that particular emphasis be placed on children's programming. The Representative for Freedom of the Media should also be encouraged to specifically suggest how the OSCE could best further the protection and welfare of children within this aspect of its work. I also encourage the OSCE to pay special attention to propaganda media used to incite and foment ethnic and cultural frictions, in particular among children.

(ix). Involving young people in the movement: Children-to-Children network

I believe that we must involve young people as an active part of the worldwide social and political movement for the protection of war-affected children – as participants and advocates - and provide them with opportunities for self-expression. In this connection I have proposed the development of several initiatives. One such initiative is the children-to-children network.

This involves building links between children in war-affected countries and their counterparts from countries at peace, so that they can learn about each other's vastly different experiences, build solidarity among themselves, and enable children to act as advocates on behalf of other children. Such links could be developed on direct and community-based levels, school-to-school, university-to university, neighbourhood-to-neighbourhood, association-to-association. Modern information technology, including the internet, should be employed to facilitate such communication and exchange among young people. In some of the areas ravaged by conflict in the OSCE region, such as Bosnia and Kosovo this exchange is already taking place at an ad hoc-basis. I urge the OSCE to systematically identify and support these efforts. I also call on NGOs to develop and promote links between children and on OSCE participating states to encourage such initiatives within their own countries and to include concrete projects for this purpose in their bilateral programmes in war-affected countries.

(x). Strengthening OSCE institutional capacities

By committing themselves to actively promote children's rights and interests, to regularly address the rights of children in the work of the OSCE and to pay particular attention to the physical and psychological well-being of children involved in or affected by armed conflict, the heads of state of the participating states of the OSCE have taken an important step for the protection of children. Taking on this challenge will imply many new tasks for the OSCE such as the development of legal and other expertise on children, of guidelines on monitoring and reporting on violations of the rights of children, and of projects on the ground to promote the protection of children. It will also require building networks with international and local organizations and NGOs with activities and interest in this area. I recommend the OSCE to explore appropriate ways of building the institutional capacities within its various organs necessary to fully develop its potential. In this context, the OSCE should also consider how collaboration with the UN and other organizations on this issue may be best developed, drawing on the strengths of each. The OSCE should ensure that OSCE staff, especially in field missions, receives adequate training in the rights of the child. In working to develop national institutional capacities, including national police forces, as in Kosovo, the OSCE should ensure that these officials receive training in the rights of the child and adhere to international standards.

(xi). Imperative of prevention

Ultimately the best way to prevent children is to prevent the occurrence and recurrence of conflict. Armed conflicts have their roots in structural inequities, poverty and despair, and various practices of exclusion and marginalization. OSCE has done some pioneering work in the area of conflict prevention, by establishing and monitoring international standards, intervening in all phases of conflict and post-conflict situations, and developing innovative methods of engagement on the ground. No efforts should be spared to invest in prevention.

(xii). A week of truce - For the sake of our children

Until now the international community has had some success, on an ad hoc basis, in negotiating temporary cease-fires with warring parties for various humanitarian purposes. In particular, UNICEF and WHO have undertaken a number of successful vaccination campaigns during such days of tranquillity.

We must build on this experience and do more. The international community should call on all warring factions in all on-going conflicts to stop fighting, for the sake of our children, at the same time, for a period of one week in the calendar year. This week would be devoted to the protection of children and would be more than symbolic. It would enable the international community to provide relief and vaccinations to war-affected children. This should also be a period to undertake various cultural and educational activities in all countries, to promote peace, in particular activities for and by young people.

I am very pleased to report to you that at the recent meeting of ECOWAS member states in Accra, Ghana on 27-28 April, ECOWAS agreed to institute an annual "West African Week of Truce for War-Affected Children" in all ECOWAS

member states. This should be made a worldwide campaign. I therefore encourage you to explore a similar initiative in the OSCE region.

(xiii). Political support for the protection of children

The UN or the OSCE cannot advance the agenda for protection of children without the support of member states and participating governments. Concerned governments must incorporate the protection of children prominently in their foreign policies, and above all, they and other actors must be prepared to use their collective weight and influence to deny political legitimacy, diplomatic recognition, the supply of weapons or the flow of funds to those responsible for committing atrocities and abuses against children. Where I and others have been able to obtain commitments from parties to protect children, the political support of concerned governments, both individually and collectively, is essential. In today's interdependent world, no warring party - whether a government or an insurgency group - can ignore the prospects of such censure and isolation by the wider community. Many OSCE participating States are also members of other important groupings, such as the European Union, the G8 and the UN Security Council. I call on you to provide political support and to actively promote the protection of children within these fora.

The OSCE participating States can also set a particularly important example for the rest of the world. I call on you to make particular efforts to ratify the Rome Statute of the International Criminal Court. The establishment of ICC in particular is very significant for the protection of children: it is a powerful tool that considerably reinforces advocacy for children; it establishes international jurisdiction over individuals responsible for the most serious crimes against children; it should serve as a deterrent to such crimes.

Within your countries, efforts should be taken to encourage the business community to assume its social and corporate responsibility and to refrain from doing business that fuels war economies, in particular in theatres of conflict where women and children are being systematically brutalized. I call on relevant business sectors, including those trading in arms and natural resources, to develop voluntary codes of conduct within their industries to address this serious issue, and I urge the international human rights community to monitor and report on those linkages.

(xiv). Launching an international campaign for the protection of war-affected children on the ground: an era of application

We now have at our disposal a very impressive body of international instruments that provide for the protection of children in situations of armed conflict. Among these are the UN Convention on the Rights of the Child, the Geneva Conventions and their Protocols, Security Council 1261, ILO Convention 182 and the optional protocol to the CRC on the involvement of children in armed conflict and, eventually, the ICC statute.

I believe that the time has come for us to launch a specific campaign focussing on the protection of children in situations of armed conflict, to develop various activities - awareness-building, exerting concerted political pressure, tapping into relevant local norms within societies - to ensure the application of these norms on the

ground. We could set a time frame for this campaign and monitor progress at regular intervals.

* * *

Last November, out of the Istanbul Summit emerged a strong political commitment for the protection of children affected by armed conflict. I very much hope that out of Warsaw will come a clear message on the next steps to translate this commitment and vision into concrete activities within the OSCE.

CLOSING PLENARY

PERCEPTION OF THE OSCE CHAIRMANSHIP ON THE OUTCOME OF THE HUMAN DIMENSION SEMINAR ON CHILDREN AND ARMED CONFLICT Statement delivered by Mr Thomas Buchsbaum, Delegation of Austria

At the Seminar there was general understanding that

- On the occasion of the tenth anniversary of the adoption of the *Copenhagen Document of the Conference on the Human Dimension of the CSCE*, when participating States decided to accord "particular attention to the recognition of the rights of the child",
- Aware of the importance of the provisions of the *Code of Conduct on Politico-Military Aspects of Security*, relevant to children and armed conflict,
- Based upon the commitment of the heads of state or government at the Istanbul Summit last November to "actively promote children's rights and interests, especially in conflict and post-conflict situations, [... to] regularly address the rights of children in the work of the OSCE, [and ... to] pay particular attention to the physical and psychological well-being of children involved in or affected by armed conflict", and
- Convinced of the necessity for the OSCE to reflect upon, advance and contribute to international developments on the rights of children, especially in armed conflict,

to

- Urge the OSCE and participating States to ensure full respect and implementation of international standards and instruments developed during the last years, to integrate the protection of the rights of the child - in particular of children affected by armed conflict - in its activities, and to continue and enhance co-operation and co-ordination with other international organisations, national institutions and NGOs both at the political level at headquarters and at the practical level in the field, to

- Stress the urgent need for OSCE to develop policies and action on the protection and promotion of children affected by armed conflict, to
- Request the OSCE to strengthen its expertise and capacities on the issue, including in its *'Rapid Expert Assistance and Co-operation Teams'* (REACT), to
- See the urgent necessity to better train members of OSCE field operations on the issue, and to encourage field operations to report on these issues, where appropriate, to
- Call on the OSCE to designate a focal point on children affected by armed conflict, including in relevant field operations, to
- Call on the OSCE Chairperson-in-Office, the Permanent Council, the Forum for Security Co-operation (FSC) and other bodies as well as the OSCE institutions to ensure that the rights of the child, in particular children affected by armed conflict, will be an issue which will be regularly addressed, to
- Urge the FSC to continue its efforts in developing concrete measures to stem the flow of illegal small arms and light weapons in the OSCE area and to include children's issues in the planned OSCE document on these matters, to
- Urge on the Chairmanship to take up the recommendations contained in the report of this Seminar at an early date with a view to developing concrete measures on the protection and the promotion of the rights of the child, especially of children affected by armed conflict, for adoption at the next Ministerial Council, and to
- Take note and welcome the intention by the next Chairmanship to actively continue to pursue this issue.

Warsaw, May 26, 2000

**NGO/INGO DECLARATION ON AN OSCE AGENDA
FOR CHILDREN AND ARMED CONFLICT
Statement delivered by Ms Britta Sydhoff, Norwegian Refugee Council**

Warsaw, 26 May, 2000

- We the representatives of NGOs and INGOs attending the OSCE Human Dimension Seminar on Children and Armed Conflict, held in Warsaw from 23 to 26 May 2000,
- Express deep concern that ten years after the adoption of the Convention on the Rights of the Child, children are increasingly both targets and involuntary participants in conflicts with grave consequences for their physical and psychological well-being and development;

- Stress the urgent need for the OSCE to strengthen its expertise and institutional capacities, develop policies and take concrete action to ensure the protection and the promotion of the rights of the child, especially children in armed conflict in the OSCE region;
- Warmly welcome the initiative to hold this meeting in follow-up to the strong political commitment made by OSCE heads of state and government in Istanbul in November 1999 to “actively promote children’s rights and interests, especially in conflict and post-conflict situations, [to] regularly address the rights of the children in the work of the OSCE, [and ... to] pay particular attention to the physical and psychological well-being of children involved in or affected by armed conflict”;
- Welcome the commitment of the Chairperson-in-office at this meeting to make a standard practice of consultations with NGOs both at home and during field visits, and urge other OSCE member states and the incoming OSCE Chair to do the same;
- Expect that this meeting will be the first step in a result oriented process by the OSCE to ensure the full integration of the rights of the child into all spheres of OSCE activity, political, as well as operational, in the fulfilment of Article 5 of the UN Security Resolution 1261 of August 1999;
- Note with satisfaction the adoption this week by the United Nations General Assembly of the Optional Protocol to the Convention on the Rights of the Child concerning the involvement of children in armed conflict;
- Urge OSCE member states to sign and ratify the Convention on the Rights of the Child and the Optional Protocol on the involvement of children in armed conflict, without reservations and setting 18 as the minimum age for all forms of military recruitment;
- Urge OSCE member states to also sign and ratify without reservations the ILO Convention 182 in the Worst Forms of Child Labour, the Rome Statute of the International Criminal Court and other international human rights instruments;
- Urge the OSCE to ensure full reference to existing international human rights, humanitarian, refugee and child-specific law in OSCE standards;
- Call on OSCE to take note of recent developments in the UN Security Council to enhance protection of the rights of the child in conflict situations and adopt similar standards;
- Urge the OSCE to adopt and implement a minimum age policy for military and police personnel in OSCE missions consistent with the UN Secretary General’s policy for military observers, civilian police and soldiers involved in UN peacekeeping;

- Urge that children's rights issues, particularly children in armed conflict, be included as a standing item in OSCE Implementation Meetings, Review Conferences and Permanent Council meetings;
- Call for child protection and related human rights issues to be included as a core element of all OSCE mandates;
- Call for the inclusion of children's rights issues in the OSCE's monitoring and reporting activities at all levels and for enhanced transparency in such procedures;
- Further to UN Security Council Resolution 1261 and subsequent resolutions, call on the OSCE to ensure inclusion of field staff with appropriate training and skills in international humanitarian, human rights and refugee law, including child and gender related provisions, negotiation and communication skills in all OSCE field missions;
- Call upon the OSCE and its member states to consult closely with NGOs, INGOs, both at the national and international level, and when appropriate, provide support to national institutions, NGOs and INGOs to further the promotion, protection and implementation of the rights of the child, particularly the special needs of children affected by armed conflict;
- Call on the OSCE to take specific steps to curb the transfer and availability of small arms and light weapons, the responsible disposal of excess weapons and harmonizing of weapons export controls to the highest possible standards;
- To ensure the full implementation and institutionalization of this agenda, we call for the appointment of a special OSCE High Representative for Children's Rights, with adequate secretarial support and backed by an advisory group of experts, to guide OSCE activities in this area, ensure collaborations with other international agencies, NGOs and national institutions, and report on a regular basis to the various political and security bodies of the OSCE;

This joint declaration is not intended to be exhaustive or to replace the many valuable and concrete recommendations put forward by different NGOs, INGOs and IOs at this OSCE seminar.

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INTERNATIONAL ORGANISATIONS

International Committee of the Red Cross

- 25 1. “Child Victims of Armed Conflict” – the View of the ICRC by Jakob Kellenberger, President of the International Committee of the Red Cross

UN – Office of the special Representative of the Secretary General on Children and Armed Conflict

- 4 1. Keynote address by Olara A. Otunnu, Under-Secretary-General For Children and Armed Conflict
29 2. “A 10-point Agenda for Dialogue with OSCE” by Olara A. Otunnu, Under-Secretary-General For Children and Armed Conflict

UNICEF

- 5 1. Statement delivered by Rosemary McCreery, UNICEF Representative, Russia, Ukraine and Belarus

United Nations High Commissioner for Human Rights

- 33 1. Statement at the Closing Plenary

United Nations High Commissioner for Refugees

- 12 1. Written Contribution. Refugee Children and Adolescent: a Progress Report attached.

OSCE INSTITUTIONS

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- 18 1. Provisional list of participants
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OSCE Mission to Bosnia and Herzegovina

- 20 1. Written Contribution: Some perspectives from OSCE Mission to Bosnia and Herzegovina

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- 36 1. NGO/INGO Declaration on an OSCE Agenda for Children and Armed Conflict

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- 6 1. European conference on the Use of Children as Soldiers – Berlin Declaration on the Use of Children as Soldiers
19 2. Background Briefing, The Use of Children as Soldiers by OSCE member states

Norwegian Peoples Aid

- 10 1. Children’s Center “Most” in the Function of Psychosocial Rehabilitation of War Traumatized Children by Ms. Senija Tahirovic