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UN envoy unveils recommendations on ensuring justice for children in conflict



Special Representative for Children and Armed Conflict Radhika Coomaraswamy addresses Human Rights Council

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The United Nations envoy for children and armed conflict today stressed that children are victims and not perpetrators of war and unveiled recommendations that address the needs and rights of minors as victims, witnesses or perpetrators of violence during warfare in an effort to ensure justice for them.

“States are increasingly arresting and detaining children associated with armed groups, either because they are a threat to national security or because they have participated in hostilities,”

[said](#) Radhika Coomaraswamy, the Special Representative of the Secretary-General for Children and Armed Conflict, during a presentation to the UN Human Rights Council in Geneva.

Children are particularly vulnerable to human rights abuses when deprived of their liberty, Ms. Coomaraswamy told the Council.

She unveiled a working paper entitled “Children and Justice During and in the Aftermath of Armed Conflict” in which she points out that children are often tried in national and military courts without legal representation or assistance, in the absence of their parents and often have no clear understanding of the charges brought against them.

“Given the forced nature and the root causes of their association with armed groups, and, considering their age, children should be treated primarily as victims, not as perpetrators,” said Ms. Coomaraswamy, urging Member States to prosecute adult recruiters who force children to commit crimes. Youngsters are themselves abused, exploited, and beaten into submission by their commanders while associated with armed groups, she said.

During her presentation to the Council, Ms. Coomaraswamy also spoke about the changing nature of warfare and its terrible impact on children.

“Wherever aerial attacks occur, the technological potential to kill civilians including children, may result in devastating circumstances,” she said, urging all combatants to minimize civilian casualties and the use of girls and boys as suicide bombers, an action she described as “one of the most perverse developments in modern warfare.”

In her working paper, Ms. Coomaraswamy recommends that child victims and witnesses of war be allowed to participate in the trials of those accused of perpetrating war crimes against them. However, for such participation to be meaningful, prosecuting authorities and courts need to reconsider the way children’s evidence is taken and used.

“In particular, courts and other bodies need to introduce provisions that will enable children to give evidence before a court, and at the same time ensure that children are protected from any adverse consequences as a result of giving evidence,” she writes in her recommendations.

The Special Representative also urges national courts to enact legislation to make the best interest of the child victim or witness the primary concern. Such legislation should also contain special measures for the support and protection of children, such as the admission of pre-recorded testimony, voice and image distortion, anonymity or closed hearings. She points that the International Criminal Court (ICC) had introduced an innovative alternative mechanism through which children who are victims of international crimes can access justice. The mechanism allows children to participate in a trial without actually having to give evidence.

“States are recommended to introduce this concept for children into their national legislation,” Ms. Coomaraswamy writes.

However, she points out that since only a small proportion of children who have been harmed in armed conflict can participate in proceedings before national or international courts, non-judicial

mechanisms may provide a larger number of children with an opportunity of accessing justice and have their voices heard.

“States emerging from conflict should consider introducing non-judicial structures such as truth and reconciliation commissions and traditional justice to bring more immediate justice and reconciliation.”

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