

DECLARATION ON CHILDREN IN ARMED CONFLICT

We, the participants of the National Workshop on Children in Armed Conflict gathered here in Shillong from 10-12 January 2002

Mindful that the complex and pernicious issue of children and armed conflict is today an international concern and urgent national agenda;

Also mindful that armed conflicts in India, of varying dimensions, over a considerable period of time extending to the present, have affected religious, caste and ethnic minorities, indigenous and tribal peoples and refugees from neighbouring countries, impacting most adversely on children and women;

Reaffirming that the rights of children to special protection, and calling for continuous improvement of the situation of all children without distinction, as well as for their development and education in conditions of peace and security,

Disturbed by the harmful and widespread impact of armed conflict on children and the long-term consequences this has for durable peace, security and development,

Noting with deep concern that in more recent history, a pervasive neo-colonial wave prompted by globalization, population pressures and the ever-widening search for more natural resources has penetrated all regions of the world, which has exacerbated tensions among various communities themselves, often resulting in armed conflict;

Noting UN Security Council Resolutions 1261, 1314 and 1379 calling for international action for the protection of children in armed conflict;

Noting the need for review and amendment of the Government of India's Geneva Convention, Act, 1960

Concerned that special legislation in areas of emergencies and armed conflict situations inter alia Armed Forces (Special Powers) Act 1958, National Security Act

1980, Punjab Security of State Act 1953, Public Safety Act, and re-promulgated Prevention of Terrorism Ordinance, 2001, violate India's commitments to International Humanitarian Law and Human Rights Standards and have grave implications on the safety and security of children;

Recalling *India's obligations under its Constitutional provisions and Acts, and international treaties and agreements, inter alia, the International Bill on Human Rights, International Convention on the Elimination of all forms of Racism and Racial Discrimination, Convention on the Rights of the Child, Convention on the Elimination of all forms of Discrimination Against Women, the Geneva Conventions;*

Noting *with concern that there are no special policies/guidelines at the national level for children in conflict areas to address their special needs;*

Noting *with concern that the new Juvenile Justice (Care and Protection) Act 2000 fails to meet to India's obligations under the Convention on the Rights of the Child nor adequately addresses the specific rights to protection for children in armed conflict;*

Recalling *the recommendation of the Graça Machel Review 1996-2000 for War-Affected Children that States should sign and ratify the two additional protocols to the Geneva Conventions, International Criminal Court Statute (1998), the Optional Protocols to the Convention on the Rights of the Child (2000) and ILO Convention No.182 (1999) on the worst forms of child labour;*

Condemning *the targeting of children in situations of armed conflict, including enforced disappearances, extra-judicial executions, sexual violence, abduction and displacement, recruitment and use of children in armed conflict, strategies and actions directed at causing physical, emotional, mental or psychological damage to children, and direct attacks on objects protected under international law, including places generally having a significant presence of children, such as schools and hospitals,*

Condemning *with gravest concern the recruitment, training or use of children under 18 in armed conflicts by armed forces or other armed groups, in both state sponsored and non-state institutions and programmes;*

Expressing concern over growing tension in the region and deploring the training of children in the use of firearms in the National Cadet Corps as well as schools under the direct administration of the state, armed personnel or private groups, organisation which includes the training of children in the preparation for combat.

Condemning the manufacture, sale, transfer and use of weapons of indiscriminate destruction including landmines and anti-personnel landmines, the use of which has had particularly devastating effects on children;

Also condemning the proliferation and accessibility of arms, particularly small arms, is a major contributory factor to the escalation of armed conflicts and also to the increased availability and access to arms by children;

Concerned at the proliferation of nuclear weapons and weapons of mass destruction including chemical and biological weapons, in the South Asian region;

Welcoming international commitments and also affirming the urgent need for the elimination of compulsory or forced recruitment of children under 18 for use in armed conflict and work which is harmful to the health, safety and morals of children as enunciated in Convention 182 of the International Labour Organisation concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999;

Welcoming the adoption of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict which prohibits the use of children under 18 in hostilities and the efforts made by the Special Representative of the Secretary General, United Nations on children in armed conflict to further efforts to address this situation.

Also welcoming and re-affirming the determination to put an end to the use of child soldiers and the need to address all causes leading to armed conflict, including issues of identity and self-determination, intolerance and discrimination in the regional declarations on the Use of Children as Soldiers, inter alia, the Berlin (1999), Montevideo (1999), Maputo (1999), Kathmandu (2000) and Amman Declarations (2001);

Appreciating the commitment made in the NGO Action Plan at the International Conference on War Affected Children in Winnipeg, Canada, September 2000, to

create the necessary infrastructure to protect children and youth in countries and populations vulnerable to armed conflict;

Recognising *the efforts made by non-governmental organisations to address the situation of children in armed conflict;*

Solemnly declare the following,

1. We call upon all governments in the South Asia Region to fully ratify, implement and accept all international standards set by treaties, protocols and all other agreements relating to children in armed conflict.
2. We call on the Government of India and all parties to any conflict, state and non-state, to fully respect of the Charter of the United Nations, the Universal Declaration on Human Rights, the Convention on the Rights of the Child and all international standards of human rights and humanitarian law,
3. Urge the Government of India to immediately ratify the Additional Protocols to the Geneva Conventions and revise the Geneva Convention Act of 1960 to reflect this ratification
4. We urge the Government of India for the immediate ratification and adherence in letter and spirit to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, insure its application in every situation of armed conflict and enforce it as binding on all parties to the conflict;
5. Call on the Government of India to ratify the Convention on Refugee and its Additional Protocol and ensure full protection of refugees and displaced persons due to armed conflicts;
6. We urge the Government bring in a National Policy to address the special needs of the children in areas of armed conflicts
7. Strongly urge the Government of India to ratify the Rome Treaty establishing an International Criminal Court and bring all military and para-military personnel and security officials responsible for children's rights violations particularly acts of sexual violence and abuse of children under the law of the land;

8. Urge the Government of India for the immediate ratification of and adherence in letter and spirit to Convention 182 of the International Labour Organisation;
9. Call on all non-state parties to conflict for the adherence to the spirit and provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Geneva Conventions;
10. Call on the Government of India to repeal the Armed Forces (Special Powers) Act 1958, and the Prevention of Terrorism Ordinance 2001.
11. Call upon the Government of India and all the State governments to adhere to the directions of the Supreme Court regarding arrest and detention.
12. Further call on non-state parties to conflict for the adherence to the spirit and provisions to Convention 182 of the International Labour Organisation;
13. Call on the Government of India, inter-governmental agencies, corporate entities and other non-state parties to respect traditional values and rights to peace and desist from such activities which compromise the survival, welfare and rights of children;
14. Call for close monitoring by international humanitarian and human rights agencies in all areas engaged in or under dispute in conditions clearly susceptible to or presently involving armed conflict;
15. Call for the total ban of the production, sale, stockpiling, transfer and use of landmines and anti-personnel mines in India and for the speedy rehabilitation and restoration of lands destroyed by their use;
16. Also call for immediate effective action by the Government of India, neighbouring country governments, governments of producer countries, cooperation of international agencies and non-state actors for non-proliferation of small arms;
17. Call upon the Governments of India and Pakistan to abandon and reject the option of weapons of mass destruction including nuclear weapons and to ensure their destruction;

18. Call on the Government of India, inter-governmental agencies, non-government organizations and other agencies to prioritize immediate, adequate and appropriate measures for the prevention, treatment, recovery, rehabilitation and reintegration of all children without prejudice of affected by all forms of armed conflict, with special attention to those actively involved in combat* ;

19. Call on government, and inter-government agencies, non-government agencies to ensure comprehensive programmes of prevention, protection, economic and social support and rehabilitation of girls and women affected by armed conflict, in particular single headed households;

20. Call on the Government of India, inter-governmental agencies, non-government organizations and other agencies to likewise prioritize the development of policies and strategies to be implemented within a reasonable time frame, to insure the physical, psychological and cultural healing of children and their communities displaced by armed conflict;

21. Appeal to non-governmental organisations to enhance their efforts to address the needs of children affected by armed conflicts and other conflict situations as this issue has been a neglected one.

SHILLONG, 12 January 2002

* *The National Workshop made special reference to international standards and rules such as, inter alia, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), United Nations Rules for the Protection of Juveniles Deprived of their Liberty, UN Minimum Rules, United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) and the Cape Town Principles And Best Practice On The Prevention Of Recruitment Of Children Into The Armed Forces And Demobilization And Social Reintegration Of Child Soldiers In Africa.*