

PART 2. THE HEARINGS ON THE PROTECTION OF WAR-AFFECTED CHILDREN

The International Bureau for Children's Rights recognises the support and valuable collaboration of the Children in Armed Conflict Unit of the University of Essex in making possible the first Hearings cycle on war-affected children, which was held at the University in Colchester, England in April 2000.

The members of the Tribunal at these Hearings were Lady Chief Justice Joyce Aluoch (Kenya), Judge Helio Bicudo (Brazil), Judge Emanuel A. Cassimatis (United States of America) and Judge Vicha Mahakun (Thailand). Judge Adam Lopatka (Poland) was unable to attend because of a prior commitment. The Tribunal members elected Judge Cassimatis as the President of the Tribunal for the First Hearings. The Rapporteur was Dr. Judith Ennew (United Kingdom) – see Appendices A-C for The Agenda for the Hearing, together with biographical notes on the Judges and witnesses).

In his introduction of the members of the Tribunal at the start of the proceedings, the President reminded those present that the objectives of these Hearings were to examine existing humanitarian and human rights law to ascertain:

- Whether the degree of protection provided to children in situations of armed conflict by these bodies of law is sufficient, and if not, why not and what measures might be taken to improve the situation;

- Whether the implementation of these instruments is sufficient and adequate, and if not, why not and what can or should be done to improve implementation.

He also reflected on the new role that can be played by the institutions of civil society, by elaborating the meaning of a 'moral court' imbued with the authority of justice, which can reflect the growing global outrage at the desperate situations in which children are placed because of modern forms of warfare. The conclusions and recommendations of the Tribunal thus will contribute to the movement to convert this outrage and indignation from words into action, thus fulfilling the aims of the International Bureau for Children's Rights. Following an introductory session, the evidence was given under three thematic headings:

- Compliance with and Obligation to International Standards Protecting Children in Armed Conflict;
- Monitoring the Implementation of International Standards;
- Advocacy and Action for the Protection and Prevention of War-Affected Children.

In addition, three presentations were given at lunchtime during the three days of the Hearings. These are summarised in this Report in separate boxes within the text.

The Children in Armed Conflict Unit University of Essex

The Unit was established to carry on the work of Graça Machel, the former UN expert on the impact of armed conflict on children. The Unit enables and encourages better defence and protection of children's lives by analysing current deficiencies and abuses and actively promoting the implementation of existing international standards. In addition the Unit works to identify and disseminate information on good practice and keep the issue of children in armed conflict high on the public agenda.

The objectives of the Unit are to:

- Carry out situational analyses;
- Disseminate the results;
- Keep the issue of the impact of armed conflict on children on the public agenda;
- Train a wide variety of professionals in working with children and protecting them in the juvenile justice system;
- Develop culturally appropriate pre-trial diversion and restorative justice schemes that are community based and obviate the need for detention of child offenders;
- Develop protection mechanisms for vulnerable children, including mediation schemes that enable social welfare agencies to promote the best interests of children and hear their opinions, as well as establishing formal fostering schemes;
- Build the capacity of local NGOs;
- Assist international agencies in child rights based programme planning and delivery.