

Ms. Ladame ended with the recommendation that civil society should work towards greater respect for the standards of international humanitarian and human rights law as they apply to children.

### **?** Questions to Sylvia Ladame

In response to the questions of the Tribunal, Ms. Ladame commented on the increased dangers for and involvement of children in modern forms of warfare and the need for civil society to take an active role. Economic and structural inducements to join armed groups can influence children to join voluntarily. They are often sent to the front line 'because they are fearless', to which Abubacar Sultan, Director of *Wana Sonana* in Mozambique, later added that, in Sierra Leone it is said that 'child soldiers eat less and fight more.'

With respect to the increase in voluntary recruitment of children, Rory Mungoven commented that studies have shown that abuse of children and their families by the state is the dominant reason for enlistment into armed opposition groups. A further comment by Katherine Foster, AGP, Department of Foreign Affairs of the Government of Canada, referred to the use of military schools in the United States to 'keep children off the streets', and, as Ms. Ladame concurred, to 'get a good education also' even though they are ready targets and ready to fight. Other witnesses also pointed to the particular vulnerability of children to certain kinds of weapon, for example rubber bullets, which might not injure an adult as badly as they have been shown to injure, and kill, children. Françoise Hampton raised a question about whether Article 35 of Protocol 1 to the Geneva Conventions, which entails that states have to conform to international humanitarian law applies when they develop new weapons. Could the ICRC envisage that this Article be used to ensure that states positively take into account the specific effects of weapons on children as a matter of course?

The Tribunal then turned the questioning to the issue of children who have killed in the course of armed conflict being tried in a military court or for war crimes. Ms. Ladame referred to the fact that crimes committed under the age of 18 cannot be punished by the death penalty, according to international law. Françoise Hampson commented that persons under 18 years who take direct part in hostilities should be treated as combatants, or otherwise they might run the risk of being defined as 'criminals who fight'.

## 2.3. Monitoring the Implementation of International Standards: International Co-operation and Global Security

### **P**roliferation of small arms and the impact on children in armed conflict: *Testimony of Sarah Meek, Senior Researcher, International Alert, UK.*

Ms. Meek began by thanking the International Bureau for Children's Rights for initiating this process of hearings on this important issue. She stated that her evidence would be largely based on work carried out by Geraldine O'Callaghan of BASIC<sup>20</sup>. In addition, Ms. Meek stated that she would focus on three key areas, which in her opinion are important for understanding why small arms have become an increasing concern as well as how they affect the lives of children in armed conflict:

- The reasons why small arms present a particular problem;
- The ways in which small arms affect children both during conflict and in post-conflict situations;
- Existing and potential means of reducing the impact of small arms on children.

Small arms are weapons that are designed for personal use. They range from handguns and revolvers to assault rifles and machine guns. The increasingly wide availability of these weapons is recognised as a challenge for national and international security, but most of all their misuse affects human security. Small arms can make crime more violent and conflict more lethal. They also contribute to fostering a culture of violence within societies and make the violent resolution of conflicts more likely. Ms. Meek stated that there are estimates of up to 500 million legal and illegal small arms in circulation globally. The number of weapons gives some indication of the enormity of the challenge in trying to control these weapons.

The wide availability of small arms is due to their relatively low cost compared to larger conventional weapons systems, as well as to their robustness and their durability. In addition to the over-production of small arms for domestic needs or existing purchasers, efforts to control small arms are also hindered by the recycling of existing stocks of weapons from one conflict to another as well as into civil society. As the controls that placed restrictions on the arms trade during the Cold War have broken down, small arms are more easily available to anyone who has the money to purchase them.

Ms. Meek drew attention to the misuse of small arms, particularly when children are intentionally targeted during conflict or when they become victims of post-conflict crime and violence, including family violence. Modern conflict has the most severe effects on the poorest and most vulnerable in society. The nature of war – and the weapons used in war – has made it easier to use children as soldiers.

20. British and American Security Information Council