

The Committee on the Rights of the Child is credible – but no one takes them seriously.

Françoise Hampson, Evidence to the Tribunal

and vocational training as integral components of emergency relief operations, especially for adolescents.

In other words, Professor Hampson stated in her conclusion, it is important to identify precisely what the Committee on the Rights of the Child can do, and to ensure that these functions are indeed carried out. The various instruments of international humanitarian and human rights law should be regarded as tools performing different tasks. To cover the full range of tasks necessary for the preservation of children's rights, protection and welfare in armed conflict, it is necessary to identify all the relevant tools, and make sure that all agencies are aware of the tools, tasks and remit of other bodies. Unrealistic expectations of what it is possible to achieve using the CRC are obstacles to the fulfilment of children's rights.

#### Questions to Françoise Hampson

The Tribunal requested further information about the relationship between the Commission on Human Rights and the Committee on the Rights of the Child. Françoise Hampson replied that the problem is that the Commission is a political body, composed of representatives of states who are unlikely to want to be seen to make statements that are against the interests of children. It is also unlikely to take the role of passing judgements on or condemning states. Its best use is to make 'ringing declarations' about good ideas that everyone is in favour of. In order to ensure compliance with international instruments it is necessary to have a body of independent experts. The CRC makes concrete suggestions about good practice and could put pressure on donor states to change their funding policies for emergencies but this does not happen, in all probability because members of the Committee on the Rights of the Child 'have not thought of it'. In any case, it is important to identify and use the correct instrument – and the CRC cannot cover all eventualities. For example, crimes of universal jurisdiction, such a targeting schools for destruction during civil strife, can be tried in other states: 'There are plenty of tools, but you need to use the right one for the job'.

Sylvia Ladame (ICRC) asked for clarification on different applications of the CRC in times of peace and war. Françoise Hampson said that some provisions could be modified within established parameters. Thus, once it is recognised that an armed conflict exists, then international humanitarian law applies.

**M**onitoring the implementation of the Optional Protocol: *Testimony of Rory Mungoven, Programme Co-ordinator, Coalition to Stop the Use of Child Soldiers*  
Rory Mungoven began by commenting that, from previous testimony, the Tribunal would have developed good understanding of the scope of the child soldiers problem – an estimated 300,000 children under 18 engaged in combat in more than 30 countries of the world, a figure that would be even higher if legal and illegal recruitment into peacetime armies were taken into account. Mr. Mungoven stated that his evidence would provide supplementary observations on some of the conceptual and methodological challenges of implementation:

- This is a global problem. While media attention has focussed on Africa, no region is exempt.
- This is not just a problem of rebel groups. The Coalition to Stop the Use of Child Soldiers estimates that most child soldiers are actually in government armed forces, although most of the very youngest are in armed groups. However, this is without taking into account paramilitary forces, militias and civil defence units. The British Army continues to recruit large numbers of 16 and 17 year-olds and deploy 17-year olds into combat. Seventeen-year-old soldiers fought in the Falklands and Gulf wars as well as in Kosovo – and a surprising number have been killed, both in training and active service.
- The issues being discussed raise conceptual questions concerning the problems about who is a child, because authorities assume that childhood ends around the age of 12 or 13 years and, based on these accounts, say 'We have no child soldiers'.
- There is a mistaken tendency to treat conscription, forced recruitment and voluntary recruitment as separate and distinct categories. Although a voluntary peacetime army is different to forcibly recruited rebel groups, these should be thought of as a continuum. The lines are often blurred through misinformation, indoctrination, economic inducements and lack of employment alternatives.
- The image of 'boys with guns' obscures the problem of girl soldiers, in addition to the many other indirect ways in which children participate in conflict as spies, messengers, scouts, porters and sex workers. It also obscures the non-combat hazards to children, including punishments, training regimes, health issues, drugs and sexually transmitted diseases such as HIV/AIDS.
- The focus on children killing or being killed in combat underrates the broader impact of the problem of the effects for other children, who fall under suspicion and become targets, and the impacts on families and communities.
- It is also necessary to be aware of definitional problems. Frequently, child soldiers are just the extreme end of a