

- (c) The third is that practical steps towards implementation of rights can only be fully successful if their indivisibility is assured; and finally,
- (d) The Tribunal regards monitoring to be a crucial aspect of implementation.

3.1.1. *Security is the first priority*

Many witnesses stressed that security is indispensable to the achievement of human and children's rights. Rule of law is the handmaiden to security, providing stability and protection of human and children's rights. When security and the rule of law are in place, justice can be realised, so that the necessity to resort to conflict as a means of achieving goals is significantly reduced, if not eliminated. Moreover, the Tribunal noted evidence suggesting that restoration of the security of family care, financial support and shelter are the first prerequisites for repairing the psychological trauma children experience as they are involved in armed conflict.

It was also clear from much of the evidence at the Hearings that physical security is contingent on economic exigencies, whether these are related to national poverty or the unequal distribution of resources. The Tribunal felt strongly that it is necessary for the international community to confront the political economy of war as well as the root causes of structural violence. In this respect, it is important to counter the sources of economic support for non-governmental armed groups as well as to seek ways of preventing donors from providing military aid and other resources to participants in armed conflicts affecting children. This would include consideration of the effects of financial bodies such as the World Bank and International Monetary Fund. While searching for potential actors in this field, the Tribunal discussed the need to advocate among non-threatened states and other bodies to take a leadership role in preventing and ending both national and international conflicts.

With respect to all these aspects, the Tribunal urges all responsible bodies to be mindful of the effects of social exclusion, marginalisation and segregation on children, and appeals for the establishment of routine child impact studies, whether or not these are related to ongoing conflicts.

3.1.2. *Children are experts*

The Tribunal considers that it is false to make a distinction between the evidence of 'children' and 'experts', for two reasons. In the first place, as the International Bureau of Children's Rights has always pointed out, children are subjects of rights, which include the right to have their opinion taken into account and the right of free expression (CRC Articles 12 and 13). In the second place, children and youth are involved in armed conflict both as civilians and combatants. Through undergoing these experiences, they often acquire skills of danger management, as well as developing their own knowledge and opinions about both war and peace. Not to listen to children's and youth accounts and views amounts to repression of their voices and culture.

Therefore, the Tribunal wishes to promote a perspective on children and young people affected by armed combat that views them as potential citizens rather than victims, and includes meaningful inclusion as stakeholders within governmental discussions on both conflict and peace.

Allied to this, the Tribunal wishes to see the special needs of developing citizens treated as a mainstream issue in all questions related to peace and conflict. In particular, this implies the routine collection of children-focused information, as well as consideration of children and youth in all planning, programmes and policies. Given evidence revealing that younger children tend to be the focus of attention, the Tribunal also identified a need to address the rights of adolescents and youth with equal attention.

3.1.3. *A holistic approach*

The holistic approach to children affected by armed conflict adopted by the Judges, follows from the principle that rights are indivisible and consists in using the full body of both international human rights law and international humanitarian law, whether established by statute or custom. Testimony from the Hearings consistently referred to the way aid and humanitarian organisations may neglect certain rights in situations of complex emergency. This leads the members of the Tribunal to make two observations:

- It is necessary to balance survival rights and other rights in different conflict situations. Whereas survival may at times be the first consideration, the periods during which this is the priority tend to be short lived, and other rights, such as education and recreation must be fulfilled as soon and as thoroughly as possible;
- Continuity and quality of education are key elements in children's rights in any situation and education also plays a crucial role in preventing conflict as well as rehabilitation and peace building in post-conflict situations.

3.1.4. *Monitoring*

The extent to which rights are violated or achieved, the adequacy of instruments and mechanisms for implementation, as well as the establishment of good practice, can only be known and put to use in policy formation if satisfactory monitoring takes place. Yet monitoring children's rights in conflict is bedevilled by information problems. Definitions are poor, sometimes conflicting and often not applied. Data is poor and tends to focus on households or heads of households, rather than on children. The Tribunal recognises the need for better information in this area, as well, supports the idea of utilising trained peacekeepers²⁶ for better securing children's rights. However, it is also concerned with what seems to be little attempt to audit and evaluate the activities of NGOs and other agencies, the extent to which they cooperate, and the reportedly uneven distribution of humanitarian aid and other programmes.

26. i.e. Child protection advisors during peacekeeping operations.