

other NGOs, has made the following suggestions to address these problems:

- Strengthen early warning systems, monitoring the situation of children at risk in conflict-prone countries, and use diplomatic initiatives through country embassies to address violations of the rights of children;
- Establish a children-focused early intervention scheme to monitor and report on systematic violations of the rights of children. Leaders of parties in conflict might find it difficult to object to the presence of a team that focuses only on children;
- Establish a sub-committee of the Committee on the Rights of the Child to investigate immediately complaints of violations that threaten the survival of, or inflict permanent damage on, children during armed conflict together with appropriate action through other UN channels, such as the Security Council;
- Include violations of children's rights in the States Parties reports on the agenda of the Human Rights Commission, which has a higher profile than the Committee on the Rights of the Child and reviews country reports every year;
- Develop a reporting system that is user-friendly and includes a report-back function to ensure that action is taken;
- Improve the UN reporting system;
- Take steps to prosecute serious violations for children's rights under international instruments that have stronger enforcement provisions than are found in the CRC. These include the *Convention against Torture* and the *Convention on the Elimination of All Forms of Discrimination against Women*, instruments relating to refugees and the OAU *African Charter for the Rights and Welfare of the Child*;
- Improve states parties' reports under relevant instruments.

Ms. Vandergrift also reported on tensions between human rights organisations and humanitarian agencies over the correct way to deal with human rights abuses. Human rights organisations accuse humanitarian agencies of failing to report human rights abuse because they fear being deported. This fear is valid. In addition, humanitarian agencies tend not to have the training or the time to file reports on violations. Humanitarian agencies, for their part, complain that reporting violations does not always lead to action and that this leaves people exposed to greater risk.

Ms. Vandergrift stated that 'few people have high expectations for serious action by the Security Council because national interests determine the agenda'. NGOs are pressing for children's issues to be included in country reports to the Security Council and for more frequent presentations by the UN High Commissioner for Human Rights during deliberations of specific country reports. NGOs have also asked questions about the potential of

## Implementation

Five years is a long time in the life of a child whose very survival is threatened by the impact of war. In general the peace and security tools we have available leave a big gap between moral persuasion on the one hand and sanctions, with their negative impacts on children, on the other hand.

### **Kathy Vandergrift: Evidence to the Tribunal**

developing criteria for determining when the situation of children's rights becomes critical. Ms. Vandergrift stated that some accounts of violations made by UN workers are not followed up as the result of political decisions at higher levels, without any public accountability. She suggested that the Tribunal might like to investigate this claim.

With respect to all these points, Ms. Vandergrift suggested that the Tribunal consider the development of more effective mechanisms for prosecution of violations of children's rights, without waiting for the Statute of Rome to come into force and set up the International Criminal Court. She concluded that a more robust set of measures is needed, with power to enforce provisions of international treaties that goes beyond moral persuasion. But, she warned that a balance should be achieved, to ensure that mechanisms 'are less blunt than sanctions, which often hurt children and should not be used in the early stages of a conflict.'

Finally, on the topic of reintegration, Ms. Vandergrift drew the attention of the Tribunal to four key issues:

- The importance of incorporating child-specific components in peace agreements as well as in demilitarisation, demobilisation and reintegration. There are still many lessons to learn about how to implement these plans with the active participation of young people and local communities;
- More attention is being paid to child soldiers than to child victims in some war-affected areas;
- Education is not given the key role that it might have, especially in funding. Education is not just a development issue; it needs to be provided to the maximum feasible extent in all emergencies, through appropriate means such as non-formal community-based programmes.
- Special attention must be paid to the need to provide alternative economic incentives, so that children are not forced into taking part in armed conflict out of economic necessity.

In conclusion, Ms. Vandergrift stated that there is no scarcity of proposals made by community-based organisations. What is lacking is the political will to take the issue of war-