



## Commission on Human Rights

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### Resolution 13 (2005)

Adopted by the General Assembly at its 11<sup>th</sup> meeting, on 11 August 2005

*The Commission on Human Rights,*

*Guided* by the principles enshrined in the Human Rights Declaration, the Convention on the Rights of the Child, the Optional Protocol on the involvement of children in armed conflict, the ILO 182 Convention and all relevant CHR resolutions, particularly CHR Res. 2005/44 and 2005/63,

*Reaffirming* Security Council Resolutions 1261(1999), 1379 (2001), 1460(2003), 1539(2004) and 1612 (2005),

*Welcoming* and supporting the work of the Special Representative of the Secretary General for Children and Armed Conflict to prohibit the recruitment and use of children in armed conflict,

*Taking into consideration* that the protection of the rights of children constitutes an endeavour encompassing a plethora of parameters and therefore involves a wide range of political, developmental and humanitarian mechanisms,

*Further stressing* that, owing to the impending humanitarian crisis in the Israeli-Palestinian region, the situation of children in the area remains critical due to the unique factors of their socio-economic, cultural, traditional and developmental circumstances, natural disasters, armed conflicts, exploitation and hunger, and an account of the child's physical and mental immaturity he/she needs special safeguards and care,

*Reiterating* the predominant political character of the Israeli-Palestinian conflict and the consequent need to address the challenges facing children in Israel and the Occupied Territories within this specific framework, leading to a final and peaceful resolution of the Israeli-Palestinian Conflict,

*Acknowledging* the applicability of the Fourth Geneva Convention in the Gaza Strip and the West Bank, in accordance with Security Council Resolution 242, 338, 1515 and the consequent Obligation of Israel to observe the rights of children under occupation, including, inter alia, their rights to education, cultural environment, humanitarian aid and exemption from death penalty, as incorporated in the 4<sup>th</sup> Geneva Convention and international humanitarian law and human rights law,

*Aware of* the need to reinforce the adoption of preventive measures, designed to prevent children from taking direct or indirect part in the hostilities or suffering its effects, in the Overall framework of the realization of the rights of the child, inherent to his or her dignity and essential to the full and harmonious development of his or her personality,

*Reminding* that the implementation of the currently existing norms demand effective and reliable procedures and mechanisms to monitor, report, prosecute and remedy violations occurring in Israel and the Occupied Territories which could serve as a blueprint for the establishment of such bodies elsewhere,

*Acknowledging* the adoption of the Statute of the International Criminal Court which makes "conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities" a war crime, both in international and internal armed conflict, whether by armed forces or armed groups, and hopeful that in future the minimum age will be raised to 18 years,

*Recalling* that the forced or voluntary recruitment of children under 18 years of age and their use for direct or indirect participation in international and non-international armed conflict, as well as in situations of internal violence, whether by the armed forces or any armed group, constitutes a violation of the human rights of boys and girls,

*Emphasizing* the importance of actively engaging local and international NGO's in the process of information-sharing, analysis and verification,

*Acknowledging* the role that has to be played by the Arab countries upon which the jurisdiction of the United Nations Relief and Works Agency (UNRWA) extends,

*Acknowledging* as well the Middle East Peace Process as an integral part of the creation of a peaceful coexistence between Israeli and Palestinian people, thus sponsoring the improvement the implementation of Human Rights, especially the right of child,

*Strongly deploring* the use of children as combatants in the conflict and condemning every attempt of indoctrination of children, as they are vulnerable to radical ideologies aimed at encouraging them to take up arms or get indirectly involved in the hostilities,

*Condemning* all forms of illegal detention of children, administrative or not, by local authorities and calling for harmonisation of the juvenile judicial system with international human rights norms,

*Reiterating* articles 50 and 94 of the Fourth Geneva Convention according to which both Israeli and Palestinian children are entitled to receiving education,

*Reaffirming* the rights of children to education and a cultural environment as stipulated in art. 24 and 78 of the 4<sup>th</sup> Geneva Convention, with due reference to the cultural norms, moral values, religion, language and tradition of the children in Israel and the Occupied Territories,

*Applauding* the substantial steps already taken by states of the region in this field,

*Expressing* deep appreciation towards UNICEF's project for Improving the Control of Infectious Diseases and the Nutritional Status of Palestinian children of the Palestinian Authority,

*Stressing* the importance of reform and development of domestic legal institutions and calling upon the international community to support national and international initiatives promoting the rule of law,

*Confirming* the role of the ICC as a way to prevent violations of human rights while, at the same time, considering the relevant agreements in place,

*Empowering* both Israeli and Palestinian children with basic universal education,

*Strongly appreciating* the substantial initiatives taken by states in this field,

*Expressing its support* to the ongoing Middle East Peace Process,

*Stressing* the importance of the international community to actively work towards achieving the Millennium Development Goals in fields of education, health, clean water supplies, sanitation and agriculture,

1. *Urges* Israel, the Palestinian Authority and neighbouring Arab countries under the UNRWA jurisdiction:

- a. to take necessary measures to ensure that their Constitutions and national legislations adequately incorporate the Convention on the Rights of the Child, as well as the four Geneva Conventions of 1949 and their Additional Protocols 1 and II of 1977, and that these are implemented effectively;
- b. to make the recruitment of children under 18 years of age into the armed forces or into armed groups, or their use for direct or indirect participation in international and non-international armed conflict, as well as in situations of internal violence, a crime under domestic law and to bring those responsible for ordering or carrying out these crimes before the appropriate judicial authorities;
- c. in compliance with their obligations under the Convention on the Rights of the Child, to promote an environment that favours the full, safe and healthy development of children and to take all necessary measures to ensure that no child under 18 years of age participates in international or non-international armed conflict, nor in situations of internal violence;

2. *Further urges* the above-mentioned states:

- a. to promote a culture of peace and to take necessary measures to ensure that the teaching received by children under 18 years of age in military schools and academies is in line with the provisions of the Convention on the Rights of the Child and other international human rights and humanitarian law instruments, and not to allow education to be militarized;
- b. to carry out information and awareness-raising campaigns aimed at civil society, the armed forces and/or armed groups as appropriate on the negative consequences that recruiting children under 18 years of age and using them to participate directly or indirectly in armed conflict have on the child's full development, as well as to promote and disseminate educational programmes for a culture of peace through the formal and informal education System;
- c. to carry out national analyses of the situation of children under 18 years as soldiers and to adopt and implement national plans to end recruitment of children under the age of 18, as well as their use for direct or indirect participation in armed conflict, and to adopt early-warning mechanisms to enable advanced monitoring of any attempts to recruit or use children from vulnerable sectors of the population. In particular, such plans should include maintaining up-to-date child registration and documentation systems;
- d. to create and/or strengthen national human rights institutions with a particular responsibility for the issue of children under 18 years as soldiers, in accordance with the UN Principles Relating to the Status of National Human Rights Institutions;
- e. to take necessary measures for mutual and reciprocal collaboration so as to achieve the above goals;
- f. to recognize the right to conscientious objection to military service as a fundamental human right which is exercised from the very moment it is expressed and to ensure that conscientious objection is recognized in accordance with Resolution 1998/77 of the UN Commission on Human Rights. Provision for conscientious objection should always be under civilian regulation and the objector should at no stage be obliged to prove his or her convictions;
- g. to include from the start in any peace process the issue of demobilization of children under 18 years who have been soldiers and their complete rehabilitation and reintegration into society;
- h. to undertake demobilization and full reintegration programmes for children under 18 years who have been soldiers, taking gender equity into account and systematically integrating prevention programmes at the local and community level, with the fundamental aim of achieving family reunification and full social rehabilitation, particularly into the formal education system;
- i. to grant amnesties or other similar measures to children under 18 years of age who have participated directly or indirectly in armed conflict; and
- j. to grant full, prompt and effective reparation to children under 18 years who have been soldiers;

3. *Calls on* civil society and non-governmental organisations (NGOs both local and international) of the Greater Middle East Area:

- a. to commit themselves to work for the fulfilment and implementation of this Resolution and to disseminate it broadly in all relevant bodies, international and domestic;
- b. to set up mechanisms, with the active participation of children under 18 years of age, for social mobilization on the issue, particularly at the local level, strengthening networks of community organisations working against the recruitment of children under 18 years of age or their use for direct or indirect participation in armed conflict;
- c. to facilitate the establishment of birth registers of children in areas where such registers are non-existent or when their accuracy is challenged, in close consultation with the Palestinian Authority and on the understanding that such registers should not infringe upon domestic legal systems and their respective provisions about national registers;

4. *Urges* Israel, the Palestinian Authority and the neighbouring Arab countries that provide shelter to children displaced from their homeland to consider initiating education programs in their respective educational systems on basic human rights advocacy for all children;

5. *Strongly recommends* the facilitation of freedom of movement for children in order to guarantee the access to health and education facilities;

6. *Strongly encourages* the parties involved to remain in close consultation with each other so as to ensure uniformity of action on human rights advocacy by the younger generation;

7. *Calls upon* states and UN Human Rights bodies to examine the possibility of the appointment of a Human Rights Ombudsman, following the principles of Paris, aimed at evaluating the process made in the fields enumerated in clauses 6 and 7 and mediating between national authorities for the attainment of a common understanding;

8. *Resolves* to broaden the mandate of the United Nations Relief and Works Agency (UNRWA) so as to include monitoring, assessment and reporting activities, consisting of the following actions:

- a. Collection of information and relevant documentation on grave violations of the rights of child as outlined in the relevant instruments of International Humanitarian and Human Rights Law;
- b. Analysis of the data gathered with due consideration of the local cultural, moral and historical parameter;
- c. Verification of data collected, in close consultation with the national authorities, by means of on the ground investigations, corroboration of evidence, interviews with eye-witnesses, based on internationally accepted standards;
- d. Creation and maintenance of a database which shall be the competent repository regarding violations of the rights of children;
- e. Furnish recommendations, by means of written reports or whatever other format the UNRWA may considers advisable, containing concrete and specific proposals for actions to be taken;
- f. Proposal of strategies to be taken by the competent UN bodies;
- g. Stimulate cooperation between local and regional partners;

9. *Calls upon* all parties involved in the conflict to express their dedication to impunity in words and, more so, in deeds;

10. *Asks from* the Special Representative of the Secretary-General for Children and Armed

Conflict (SRSG-CAC) to disseminate and present the above-mentioned report to the governments of all the States concerned;

11. *Urges* the states and the international community to devise and initiate education programs on basic human rights for all children;

12. *Mounts* a vigorous public information campaign to ensure that parents, schools and policy makers are familiar with local and international human rights standards and humanitarian law, such as the Universal Declaration of Human Rights and the Convention on the Rights of the Child, resulting in creating an enabling environment for child rights activities;

13. *Immediately urges* the parties on both sides to enforce stricter regulations on the flow and confiscation of small arms and light weapons as they are the cause of countless injuries and deaths amongst the children, and contribute to the recruitment of child soldiers. To this extent:

a. Further recommends the strengthening of existing international standards and instruments regarding non-state actors' illicit trade of small arms and light weapons;

b. Urges the Palestinian Authority and the Israeli government to adopt the Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons;

c. Urges, in accordance with the OSCE document on Small Arms and Light Weapons, and the ongoing campaign of Amnesty International against the current definition of/and the trade in light weapons, the international community to redefine the "light weapons" in order to restrict the number of these arms;

14. *Urgently asks* the Israeli government and the Palestinian Authorities to map and fence all minefields and areas that have not been cleared from unexploded ordnance and to strengthen cooperation to clear areas posing a threat to children;

15. *Advocates* among all parties to conflict the principle of children as "zones of peace" to enable vital relief supplies and vaccines to be delivered;

16. *Recommends* all parties involved to take into consideration the Universal Human Rights norms, especially the Rights of Children, and their compliance by the conflicting parties, whilst planning, implementing and evaluating the peace process. This should not, however, hamper or prejudice any measure enforcing the Human Rights norm unilaterally taken.