

Briefing Note

May 2015

Expanding the UN's Children and Armed Conflict Agenda

Executive Summary

In June, Malaysia, as Chair of the UN Security Council Working Group on Children and Armed Conflict, will propose a resolution for adoption to the Council under their Presidency. Watchlist on Children and Armed Conflict ("Watchlist") urges the UN Security Council to highlight two separate issues of concern: 1) abductions of children in situations of armed conflict and 2) detention of children allegedly associated with armed forces or groups.

Abductions are identified by the UN Security Council as one of the six grave violations perpetrated against children in situations of armed conflict. Security Council resolution 1612 (2005) established a Monitoring and Reporting Mechanism to document and report on these violations. However, unlike four of the six grave violations—recruitment and use, killing and maiming, rape and other forms of sexual violence, and attacks on schools and/or hospitals—abductions do not "trigger" listing of responsible parties in the Secretary-General's annual report on children and armed conflict ("annual report"). During the March 2015 Open Debate on Children and Armed Conflict, seven Council Members¹ and 14 Member States² urged the Council to designate abductions as a new criteria for listing of parties in the Secretary-General's annual report. The expansion of the listing criteria to include abductions would be an important step toward enhancing the international community's ability to protect children and hold perpetrators to account.

Since 2014, several high profile cases of mass abductions of children have occurred in situations of armed conflict around the world. In April 2014, 276 schoolgirls were abducted in Chibok, Nigeria. In May 2014, the Islamic State of Iraq and Syria (ISIS) abducted 153 Kurdish boys returning from exams in Aleppo, Syria. In July 2014, ISIS also abducted 412 Yazidi children in western Iraq. In February 2015, at least 89 boys were kidnapped in the Government-controlled area of Upper Nile State, South Sudan.

about watchlist

Watchlist on Children and Armed Conflict strives to end violations against children in armed conflicts and to guarantee their rights. As a global network, Watchlist builds partnerships among local, national and international nongovernmental organizations, enhancing mutual capacities and strengths. Working together, we strategically collect and disseminate information on violations against children in conflicts to influence key decision-makers to create and implement programs and policies that effectively protect children.

Watchlist on Children and Armed Conflict is a project of Tides Center, a non-profit public charity.



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“ From north-eastern Nigeria to Iraq, from South Sudan to Syria, we have witnessed a wave of such abductions used to terrorize and humiliate entire communities. How can we forget the images of the girls from Chibok, stolen from their school dormitory and still missing? Our agencies on the ground tell us that they are verifying more and more cases of child abductions. That is why I urge Member States to work with us to strengthen our prevention and response mechanisms. ”

– UN Secretary-General Ban Ki-moon at the March 25, 2015 UN Security Council Open Debate on Children and Armed Conflict

2

While abductions are not a new feature of armed conflict, they have appeared to increase in recent years. Watchlist surveyed each Secretary-General's annual report on children and armed conflict since 2002 and found at least 24,422 children were abducted by parties to armed conflict across all regions. Armed groups were responsible for 95.8 percent of all recorded cases, while Government security forces accounted for 3.5 percent of abductions. Children are abducted for a number of reasons, including exploitation, punishment, ransom, and indoctrination. Often, abductions are a precursor to other violations, such as recruitment and use, rape and other forms of sexual violence, or killing and maiming. In many cases, little, if any, information is known about the fate of the child after s/he is abducted. Abductions are far removed from any plausible legal authority or due process. They are always illegal.

Additionally, children associated with armed groups or armed forces, some who may have been abducted and/or forced to fight, are often held as combatants. Child protection actors are concerned about the detention of children for their real or alleged association with armed groups or forces. Unlike abductions, detention of children is not illegal: children can be detained in **exceptional circumstances**, and as a measure of **last resort**. But, children in detention enjoy special legal protections, which States must guarantee. While detention of children is allowed in some circumstances, **international law prohibits the arbitrary detention of children in all circumstances**, including armed conflict or other state of emergency.

Since 2006, the UN Secretary-General recorded an estimated 9,909 children who were detained, primarily by Government security forces. Many were subjected to torture and other forms of ill treatment. The UN Security Council should call on all parties to put in place safeguards to ensure that these children are treated primarily as victims due to their age and the forced or coerced nature of their association with parties to armed conflict. Children should not be detained solely on the basis of their association with armed forces or groups. If a child is accused of violations of international humanitarian law, their detention should only be a measure of last resort and for the shortest possible time.

Watchlist recommends the following for inclusion in the June Security Council resolution on children and armed conflict:

- Condemn abductions, in contravention of applicable international law, of children by parties to armed conflict, and:
 - Request the Secretary-General to include in the annexes to his reports on children and armed conflict those parties to armed conflict that commit, in contravention of applicable international law, abductions of children;
 - Call on all parties to immediately release all abducted children;
 - Urge Member States to ensure that parties who commit abductions are held to account.
- Urge all parties to ensure that children associated with armed groups or forces are treated primarily as victims. Their treatment should focus on maximizing their potential for effective rehabilitation and reintegration into society, and to this end:
 - Request the Secretary-General to continue to monitor and report, inter alia, on the detention of children for their association with armed forces or groups; and to this end call on all parties to allow child protection actors regular and unhindered access to all detention facilities for the purpose of age-verification;
 - Encourage concerned parties to develop and implement, in collaboration with the UN, standard operating procedures for the treatment and transfer of children detained for their association with armed groups or armed forces to child protection actors to facilitate rehabilitation and reintegration;
 - Where appropriate, urge Member States to explore non-judicial measures as an alternative to criminal procedures for children who may have participated in violations of international humanitarian law. Any approach must take into account the best interests of the child and conform to international principles on juvenile justice.

The UN Security Council Framework on Children and Armed Conflict

The Council has established a strong normative framework to end and prevent grave violations against children in situations of armed conflict through Security Council resolutions (SCR) 1261 (1999), 1314 (2000), 1379 (2001),

“ I am convinced the time has come to make full use of the tools at our disposal to protect child victims of abductions. We need timely, reliable information to know what is happening on the ground, to respond and ultimately better protect children. ”

– *Special Representative of the Secretary-General on Children and Armed Conflict, Leila Zerrougui*³

1460 (2003), 1539 (2004), 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), and 2143 (2014). Since SCR 1379 (2001), the Secretary-General has included parties who recruit and use children in the annexes to his annual report on children and armed conflict (“annual report”). With SCR 1612 (2005), the Security Council empowered the Secretary-General to establish an enhanced and systemized method of gathering data on violations against children. The Monitoring and Reporting Mechanism (MRM) and the Country-Task Force on Monitoring and Reporting (CTFMR) document the following six “grave” violations against children:⁴

- Recruitment and use of children
- Rape and other forms of sexual violence against children
- Killing and maiming of children
- Attacks on schools and/or hospitals
- Abductions of children
- Denial of humanitarian access for children

The MRM is established after a party is listed in the annexes of the Secretary-General's annual report. Once set up, the MRM monitors and reports on all six grave violations. In order to test and strengthen the MRM,⁵ the Council adopted an incremental approach for establishing violations as criteria, or “triggers”, for the listing of parties.⁶ The Council established recruitment and use of children as the first trigger in 2005.⁷ Resolution 1882 (2009) recognized two additional violations as inclusion criteria: 1) rape and other forms of sexual violence; and 2) killing and maiming. In SCR 1998 (2011), the Council expanded the agenda further by recognizing attacks or threats of

attacks on schools and/or hospitals as the fourth trigger for inclusion in the annexes to the annual report.⁸

The impact of these successive trigger expansions is clear: 24 parties to conflict are listed for grave violations in addition to recruitment and use. Four parties are listed for grave violations other than recruitment and use (see Table 1). In 2014, Boko Haram was added for attacks on schools and/or hospitals and killing and maiming.⁹ In 2012, the Syrian security forces were included for killing and maiming and attacks on schools and/or hospitals.¹⁰ The process of “naming and shaming” parties to conflict who commit grave violations against children has led to some successes. To date, 22 parties have signed action plans with the UN to end and prevent grave violations against children. Eight of these parties are Government security forces,¹¹ and 14 are armed non-State actors.¹² As a result, hundreds of children affiliated with armed forces or groups have been released.¹³ While most action plans address only recruitment and use, efforts are being made to sign and implement action plans for other violations. For example, the 2011 action plan with the Government of Afghanistan included an annex on sexual violence and killing and maiming.¹⁴ In 2012, the Government of the Democratic Republic of the Congo (DRC) signed an action plan on recruitment and use, and rape and other forms of sexual violence.¹⁵ The Somali Government signed a stand-alone action plan on killing and maiming in 2012.¹⁶ In its 2014 Re-Commitment Agreement to the 2012 action plan on recruitment and use, the Government of South Sudan committed to end attacks on schools and hospitals, and hold accountable individuals who commit rape and sexual violence or killing and maiming of children.¹⁷

Table 1: Parties listed for violations other than recruitment and use
Highlighted parties have signed action plans with the UN

Party	Country	Year	Violations
1 Haqqani network	Afghanistan	2011	Killing and maiming
2 Hezb-i-Islami of Gulbuddin Hekmatyar	Afghanistan	2011	Killing and maiming
3 Taliban forces	Afghanistan	2011	Killing and maiming
		2012	Attacks on schools/hospitals
4 Lord's Resistance Army	Central Africa Region	2010	Rape and sexual violence Killing and maiming
5 Ex-Seleka Coalition	Central African Republic (CAR)	2014	Killing and maiming Rape and sexual violence Attacks on schools/hospitals

Party	Country	Year	Violations
6 Anti-Balaka	CAR	2014	Killing and maiming
7 Forces Armées de la République Démocratique du Congo	Democratic Republic of the Congo (DRC)	2010	Rape and sexual violence
8 Forces Démocratiques de Libération du Rwanda	DRC	2010 2012	Rape and sexual violence Attacks on schools/hospitals
9 Forces de Résistance Patriotique d'Ituri	DRC	2010 2014	Rape and sexual violence Attacks on schools/hospitals
10 Front des Nationalistes et Intégrationnistes	DRC	2010	Rape and sexual violence
11 Mai Mai groups, including Patriotes Résistants Congolais	DRC	2010	Rape and sexual violence
12 Mouvement du 23-Mars	DRC	2013	Rape and sexual violence
13 Nduma Defence Coalition/Cheka	DRC	2014	Killing and maiming
14 Allied Democratic Forces	DRC	2014	Attacks on schools/hospitals
15 Al-Qaida in Iraq	Iraq	2011 2012	Killing and maiming Attacks on schools/hospitals
16 Ansar Dine	Mali	2013	Rape and sexual violence
17 Mouvement national de liberation de l'Azawad	Mali	2013	Rape and sexual violence
18 Mouvement pour l'unicité et le jihad en Afrique de l'Ouest	Mali	2013	Rape and sexual violence
19 Al-Shabaab	Somalia	2010	Killing and maiming
20 Transitional Federal Government	Somalia	2010	Killing and maiming
21 Sudan People's Liberation Army (SPLA)	South Sudan	2014	Killing and maiming
22 SPLA in Opposition	South Sudan	2014	Killing and maiming
23 Ahrar al-Sham al-Islamia	Syria	2014	Killing and maiming
24 Jhabat Al-Nusraa	Syria	2014	Killing and maiming
▼ Parties listed independently of recruitment and use of children			
Islamic State of Iraq	Iraq	2011 2012 2014	Killing and maiming Attacks on schools/hospitals Recruitment and use
Syrian Government forces	Syria	2012 2013	Killing and maiming Attacks on schools/hospitals Rape and sexual violence
Mayi Mayi Simba Morgan	DRC	2013 2014	Rape and sexual violence Recruitment and use
Boko Haram	Nigeria	2014	Killing and maiming Attacks on schools/hospitals

Annex II of the 2012 MRM Field Manual defines abduction as “[t]he unlawful removal, seizure, capture, apprehension, taking or enforced disappearance of a child either temporarily or permanently for the purpose of any form of exploitation of the child. This includes, but is not limited to, recruitment in armed forces or groups, participation in hostilities, sexual exploitation or abuse, forced labour, hostage-taking and indoctrination.”

Monitoring and Reporting on Abductions

Between 2002 and 2014, at least 24,422 children were reported as abducted in the Secretary-General's annual reports on children and armed conflict, a minimum 713 of these children were girls, according to an accounting by Watchlist.¹⁸ To reach this number, Watchlist surveyed each Secretary-General's annual report on children and armed conflict published since 2002. The figure is a conservative estimate; the actual number of children abducted since 2002 is likely to be much higher. First, Watchlist only included cases of abductions which referred, specifically, to the numbers of abductees as opposed to cases, generally, referring to “hundreds” of children abducted. Second, data reported represents only a percentage of the assumed prevalence of the grave violation. For example, the MRM only reports on “UN-verified” information. This approach is limiting, since the CTFMR may face difficulties in accessing victims or conflict-affected areas due to insecurity.

Perpetrators of abductions

At least 50 parties were responsible for the 24,422 abductions recorded between 2002 and 2014 (Table 3). Ten Government security forces accounted for 3.5 percent of abductions. Armed non-State actors accounted for the vast majority, or 95.8 percent of all recorded abductions. Forty armed non-State actors are mentioned in the annual reports as perpetrators of abductions. Finally, unknown actors accounted for 0.6 percent of the abductions. Of the parties who committed abductions, 18 are persistent perpetrators¹⁹—listed in the annexes to the Secretary-General's annual reports for a period of five years or more. By contrast, 19 parties were not listed in the annexes at the time the abductions were committed. They only appeared in the body of the reports.

Figure 1: Regional distribution of abduction cases per Secretary-General's annual reports 2002-2014, by known number of abductees (%)

■ Africa = 80% ■ Latin America = 3% ■ Asia = 15%
 ■ Russia = 1% ■ Middle East and North Africa = 1%

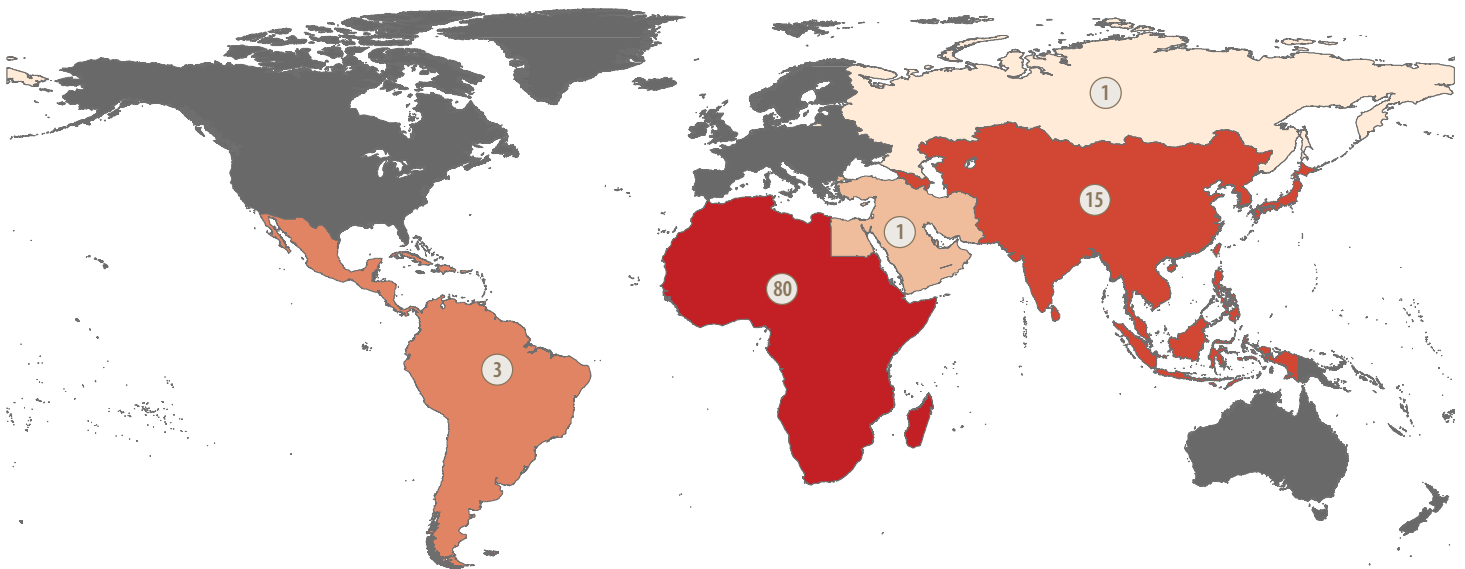


Table 2: Parties responsible for abductions per Secretary-General's annual reports 2002-2014**Highlighted parties are Government security forces****Action Plan = AP**

Country	Party	Abductions per Annual report	Recruitment and use	Killing and maiming	Sexual violence	Attacks on schools & hospitals
Afghanistan	Taliban	2014	x	x		x
		2013	x	x		x
		2012	x	x		x
		2011	x	x		
	Afghan local police (AP)	2014	x			
		2013	x			
Central African Region	Lord's Resistance Army	2014	x	x	x	
		2013	x	x	x	
		2012	x	x	x	
		2011	x	x	x	
		2010	x	x	x	
		2009	x			
		2007	x			
		2006	x			
		2005	x			
		2003	x			
		2002	x			
Colombia	Fuerzas Armadas Revolucionarias de Colombia—Ejército del Pueblo	2012	x			
		2010	x			
		2009	x			
		2007	x			
		2006	x			
		2005	x			
	2003	x				
	Los Rastrojos	2012	NOT LISTED			
	Aguilas Negras	2007	NOT LISTED			
Ejército de Liberación Nacional	2006	x				
	2003	x				
Democratic Republic of the Congo	Mayi Mayi Simba "Morgan"	2014	x		x	
	Allied Democratic Forces	2014	x			x
	Forces Armées de la République Démocratique du Congo (AP)	2014	x		x	
		2006	x			
Forces Démocratiques de Libération du Rwanda	2006	x				
Haiti	Gangs, armed groups, and kidnapping rings	2011	NOT LISTED			
		2009	NOT LISTED			
		2007	NOT LISTED			
Iraq	Islamic State of Iraq (ISI)/Al-Qaida in Iraq	2013	x	x		x
	ISI	2012		x		x

Country	Party	Abductions per Annual report	Recruitment and use	Killing and maiming	Sexual violence	Attacks on schools & hospitals
Iraq	Insurgent and criminal groups	2007	NOT LISTED			
		2006				
Israel and Palestine	Israel Defense Forces	2007	NOT LISTED			
	Palestinian armed groups; Preventive Security Forces	2007	NOT LISTED			
	Israeli settlers	2007	NOT LISTED			
Libya	Opposition forces	2012	NOT LISTED			
Myanmar	Kachin Independence Army	2013	x			
*Nepal	Armed elements with political motives	2011	NOT LISTED			
	Tarai armed groups and criminal gangs	2010	NOT LISTED			
		2009				
	Communist Party of Nepal-Maoist (AP)	2006	x			
Pakistan	Tehrik-i-Taliban Pakistan	2012	NOT LISTED			
	Terrorists and extremist groups	2010	NOT LISTED			
Philippines	Bangsamoro Islamic Freedom Fighters	2014	x			
	Abu Sayyaf Group	2012	x			
	Moro Islamic Liberation Front (AP)	2012	x			
		2009	x			
	Philippine Army and Scout Rangers	2006	NOT LISTED			
Russia	Islamic separatist militants	2005	NOT LISTED			
Somalia	Al Shabaab militant group	2013	x	x		
		2012	x	x		
		2011	x	x		
	Somali National Army/Transitional Federal Government of Somalia (AP)	2013	x	x		
		2007	x			
South Sudan	Armed groups related to inter-ethnic conflict	2014	NOT LISTED			
		2013				
		2012				
		2009				
		2007				
	Sudan People's Liberation Army (AP) – Government force from 2011. Prior, the SPLA was an armed non-State actor.	2013	x			
		2012	x			
	2007	x				
**Sri Lanka	Liberation Tigers of Tamil Eelam	2007	x			
		2006	x			
	Tamil Makkal Viduthali Pulikal/Karuna Faction (AP)	2009	x			
		2007	x			
		2006	x			
	Government security forces	2007	NOT LISTED			
2006						

Country	Party	Abductions per Annual report	Recruitment and use	Killing and maiming	Sexual violence	Attacks on schools & hospitals
Sudan	Pro-Government militias	2014	x			
		2006	x			
	Justice and Equality Movement	2013	x			
		2011	x			
	Sudan Liberation Army/Movement (Minawi)	2007	x			
		2006	x			
	Chadian opposition armed groups	2011	x			
		2006	x			
	Armed groups related to inter-ethnic conflict	2011	NOT LISTED			
2010		NOT LISTED				
	Sudan Armed Forces	2006	x			
Syria	Government security forces	2014		x	x	x
		2013		x	x	x
	Islamic State of Iraq and Syria	2014	x	x		
	Jabhat al-Nusra	2014	x	x		
	Ahrar-al-Sham	2014	x	x		
***Uganda	Uganda People's Defense Forces (AP)	2007	x			
Yemen	Al-Houthi rebels ±	2010	NOT LISTED			
	Popular Army	2010	NOT LISTED			

* The CPN-M was delisted in 2012 following implementation of their 2009 action plan on recruitment and use. The situation in Nepal no longer appears in the Secretary-General's annual report.

** The TMVP/Karuna faction were delisted in 2012 following the implementation of their 2008 action plan on recruitment and use. The situation no longer appears in the Secretary-General's annual report.

*** The Uganda People's Defense Forces were delisted in 2008 following the implementation of their 2007 action plan on recruitment and use. The situation no longer appears in the Secretary-General's annual report.

± The Al-Houthi rebels were listed in 2011 for recruitment and use, but no cases of abductions by the group were reported in the 2011 annual report.

Box 1: Central African Republic

Marie, age 12, was abducted by the Lord's Resistance Army (LRA) from her home in the Central African Republic. Marie was given to a top-ranking LRA commander to serve as his "wife" for nearly ten months. When he grew tired of her, he shared her with other commanders. Marie told Watchlist: *"I don't remember how many other men I was forced to serve, but they were all the same. I was not allowed to speak to them or ask them any questions. I would be beaten if I ever disobeyed an order. So I just kept quiet and did my chores."*²⁰

While children are abducted across all regions, numerically, abductions have predominantly occurred in Africa, due in large measure to the LRA, active in the Central African Region. The LRA accounted for 14,141 abductions spanning from 2002 to 2014. Most recently, however, abductions by the LRA have decreased considerably with only 65 cases recorded in 2013.²¹ Between 2011 and 2013, 2,907 children were abducted by Al-Shabaab in Somalia. The most egregious Government perpetrator was the Somali national armed forces with 720 cases of abduction in 2012 and an additional 20 cases in 2006.²²

Purposes of abduction

Parties to conflict have various motivations to commit abductions of children. Over the past year, there has been an increase of mass abductions of children as “a tactic of war used systematically to terrorize, suppress and humiliate entire communities.”²³ In Iraq, ISIS has targeted the Yazidi community, based on their religious beliefs, by committing mass abductions of children. In August 2014, ISIS abducted hundreds of Yazidi women and girls from the Nineveh province and subjected them to rape and other forms of sexual violence.²⁴ In Syria, ISIS has targeted Kurdish children based on their ethnicity and forced them to undergo lessons in Sharia and jihadist ideology (see Box 2). Similarly Boko Haram has abducted hundreds of children across northeastern Nigeria (see Box 3). Girls, in particular, were abducted by Boko Haram for forced marriage or rape.²⁵

The link between abductions and forcible recruitment or use of children and rape and other forms of sexual violence is long-standing. For years, boys and girls have been

forcibly taken and used as combatants, porters, spies, or sexual slaves. More recently, in 2013, armed groups in the DRC abducted 147 children (70 girls and 77 boys). According to the Secretary-General, “(t)he abductees were mainly recruited as combatants, or subjected to sexual slavery or forced labour in mining sites controlled by armed groups.”²⁶ In other cases, the purpose of the abduction was to punish or intimidate parents (see Box 4). Armed forces or groups also target children suspected of involvement with the opposition. In Afghanistan, the Taliban abducted 10 boys in 2013, including two for allegedly spying on behalf of the Afghan national security forces. The two boys were tortured and killed.²⁷ Another aim of abductions can be to raise funds. In Iraq in 2012, the CTFMR documented 14 cases, seven boys and seven girls, of child abduction for ransom by the Islamic State of Iraq/Al Qaida in Iraq (ISI/AQ-I).²⁸ Similar cases were also recorded in Afghanistan, Colombia, Haiti, Pakistan, and the Philippines. Lastly, abductions have also been carried out for the purpose of political and religious indoctrination (see Box 2). For example, in 2005, the Communist Party of Nepal–Maoist abducted 3,000 children, mostly for political indoctrination.²⁹

Box 2: Syria

In May 2014, ISIS abducted 153 children from a Kurdish town in northeastern Syria. The children were mostly boys, between 13 and 14 years old, who were returning from year-end exams.³⁰ A few boys escaped. One boy, Mohammad, said, “We were all so scared. On the way back, we were celebrating that we had finished our tests. We were excited to go home and see our families. We didn’t know why they took us.”³¹ According to Amnesty International (AI), the boys were forced to attend daily “religious lessons” and follow strict rules such as sleeping by 10 pm, remaining quiet, and only leaving their rooms during prayer time. One of the boys (unnamed) told AI, “...there was a room [in the school where they held us] that they called the ‘torture room’. That is where they took down students who misbehaved and beat them; it’s also the room that had all the torture equipment, like the electricity, the hoses/pipes and the ropes.”³²

Abductions: Key Sources from International Law

“Abductions”, as such, are not addressed expressly under international law; however, there are acts that are violations of international law that can be implicated in or occur as a consequence of abduction. These elements are outlined below under the sections on hostage taking, forcible transfer of children, and enforced disappearance.

General legal sources can be found in international humanitarian law, international criminal law, and international human rights law. In situations of armed conflict, international humanitarian law binds all parties—both States and armed non-State actors. At its most basic level, abductions by parties could be prohibited under the Geneva Conventions, including Common Article 3, as well as the Fourth Geneva Convention, both of which require the humane treatment of civilians.³³ In terms of international criminal law, abductions may constitute war crimes or crimes against humanity under provisions of the Rome Statute of the International Criminal Court (ICC).³⁴ Finally, Governments are also bound by their obligations under international human rights law.³⁵ According to Article

35 of the Convention on the Rights of the Child (CRC), which protects all children in times of war and peace, all Governments “shall take all appropriate measures to prevent the abduction of, the sale of, or traffic in children for any purpose or in any form.”

Hostage taking

Common Article 3 of the Geneva Conventions expressly prohibits hostage taking in non-international armed conflicts. This is reiterated in the Fourth Geneva Convention,³⁶ which also specifies the taking of hostages as a “grave breach” of the Conventions.³⁷ Rule 96 of the International Committee of the Red Cross (ICRC) Rules on customary international humanitarian law also provides for the prohibition of hostage taking as a norm of customary international law applicable in both international and non-international armed conflicts, and emphasizes that this rule has been widely established by State practice.³⁸ The International Convention Against the Taking of Hostages (Hostages Convention) defines the offense of hostage taking as “seiz[ing] or detain[ing] and threaten[ing] to kill, to injure or to continue to detain another person in order to compel a third party . . . to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage.”³⁹

Several examples of hostage taking are recorded in the Secretary-General’s annual reports. In Syria in 2012, the national armed forces raided a local primary school in Safira, Aleppo governate, and took hostage 30 boys and 25 girls, ages 10 to 13 years, and used them as human shields in an offensive against the Free Syrian Army.⁴⁰ In the Philippines in 2008, 100 residents, including 28 children, of Kolambugan town, were taken hostage and used as human shields by the Moro Islamic Liberation Front.⁴¹ Rule 97 of the ICRC Rules of Customary International Humanitarian Law states that, “[the] use of human shields has often been equated with the taking of hostages, which is prohibited by Additional Protocol II, and by customary international law (see Rule 96).”

Article 8 of the Rome Statute similarly includes hostage taking within its definition of “war crimes” and “grave breaches of the Geneva Conventions.”⁴² The International Criminal Tribunal for the former Yugoslavia has confirmed charges of grave breaches for taking civilians and UN peacekeepers hostage in several cases.⁴³

Forcible transfer of children

The forcible transfer of children of “a national, ethnical, racial or religious group” to another group, with intent to destroy such a group, is one of the five enumerated acts which constitute genocide under Article 2(e) of the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) as well as Article 6(e) of the Rome Statute. A recent Office of the United Nations High Commissioner of Human Rights report concluded that ISIS may have committed genocide by “the forced transfer of children.”⁴⁴ A United States based non-governmental organization, Global Justice Center, has called for the ICC to investigate and prosecute the abduction of girls in Nigeria by Boko Haram as genocide, arguing that the girls were targeted for their religious beliefs and that the “essence of genocide is not mass killing but the intent to destroy a national, ethnic, racial, or religious group.”⁴⁵ The Rome Statute also states that “[u]nlawful deportation or transfer or unlawful confinement” is a grave breach of the Geneva Conventions that amounts to a “war crime” falling within the jurisdiction of the ICC.⁴⁶ The Genocide Convention also includes within its definition of genocide the forcible transfer of children of “a national, ethnical, racial or religious group” to another group, with intent to destroy such a group.

Box 3: Nigeria

In 2012 in Gwoza, Borno State, Boko Haram attacked a local school, detonating a bomb and abducting six girls. One of the abductees, a 16-year-old girl, managed to escape. When interviewed by Watchlist she explained, “*I found myself in an Imam’s house. I don’t really remember how I got there . . . The men said [to us], ‘You are the real strong Christians. We want you to become Muslims. We will give you men to marry and if you refuse, we will kill you.’ The five other girls accepted. I said, ‘rather kill me.’”* After about one month, the girl managed to escape. She had spent her days cooking and reading prayers and verses in preparation for her “marriage.” At the time of the interview, the five other girls were still suspected to be in the custody of Boko Haram.⁴⁷

Enforced disappearance

In the Rome Statute, enforced disappearance refers to:

(T)he arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law.⁴⁸

Enforced disappearances may amount to a crime against humanity under Article 7(2)(i) of the Rome Statute when they are “committed as part of a widespread or systematic attack directed against any civilian population.” Under international human rights law, enforced disappearances are defined as acts perpetrated “by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State.”⁴⁹ International human rights law also places obligations on State parties to investigate and punish such acts when committed by persons or groups acting without the authorization, support, or acquiescence of the State. Under the Rome Statute, a perpetrator is simply recognized as a “political organization.”⁵⁰ Several cases in the annual reports may amount to enforced disappearances. For example, in 2006, on separate occasions, national security forces in Jaffna, Sri Lanka, reportedly detained two boys. The boys were subsequently reported missing.⁵¹

Box 4: Nepal

On February 19, 2004, Maina Sunuwar, a 15-year-old girl, was subjected to enforced disappearance by the Nepali army. According to reports, 15 soldiers arrived at her home looking for her mother, Devi Sunuwar, who had witnessed and spoken out about the rape of her niece by Nepali soldiers. When they did not find Devi, they took Maina instead and told her father that if they wanted her back, he must bring Devi to the army barracks the next day. For several days, the military refused to acknowledge Maina’s arrest or detention despite repeated requests by her

◀ family and community. In April 2004, the army told Maina’s mother that she had been killed, but her body was not discovered until March 2007 after sustained pressure from the international community and local civil society.⁵² In a letter to the Minister of Defense, Devi wrote: “*Can you imagine how painful it is to hear that your dear child is taken away by soldiers, how they deny even arresting her . . . you have to live for years without knowing the exact fate of your child . . . you then have to leave your home, your village, your dreams, beg one agency after another to help you to find out the fate of your child, you have to hide because of your desire to find the fate of your child?*”⁵³

Detention of Children Associated with Armed Groups or Forces

While not legally linked to abductions, child protection actors are concerned about the thousands of children deprived of their liberty for their real or perceived association with armed forces or groups. Due to their particular physiological and psychological needs, deprivation of liberty exposes children to greater risks and can have lasting and damaging consequences for their future development.⁵⁴

The CTFMR monitors and reports on the detention of children associated with armed forces or groups as in line with their mandate to document the recruitment and use of children. Between 2006 and 2014, the Secretary-General’s annual reports recorded and estimated 9,909 children in detention for alleged association with armed actors.⁵⁵ Government security forces were primarily responsible for the detention of children on the grounds of real or perceived involvement with armed opposition groups. Only five non-State armed groups⁵⁶ were recorded in the annual reports for the detention of children compared to 19 government security forces.⁵⁷

Victims first

Children are abducted, coerced, or otherwise driven into joining armed groups or forces.⁵⁸ These children are primarily victims because of their age and the forced or coerced nature of their association. Therefore, they

should not be detained or prosecuted.⁵⁹ Instead, States must fulfill their obligation to ensure respect for the best interests of child,⁶⁰ and explore alternative mechanisms for accountability with the intent of fostering rehabilitation where appropriate.⁶¹ In order to ensure children are treated first as victims, some States have developed standard operating procedures, in collaboration with the UN, for the treatment and transfer of children associated with armed groups to child protection actors. In July 2013, the Malian Government signed a Protocole d'Accord with the UN on the Release and Handover of Children Associated with Armed Forces and Groups. The protocol requires that the government hand over children associated with armed forces or groups to their national child protection agency or UNICEF within 48 hours. As a result, 14 boys were transferred to UNICEF transit and care centers, and five of them were reunited with their families.⁶²

Article 37(b) of the CRC allows for children to be detained in **exceptional circumstances** and as a measure of **last resort**.⁶³ International humanitarian law also allows for the detention of civilians, including children, in exceptional circumstances.⁶⁴ If prosecuted, any sentence imposed should serve to rehabilitate and reintegrate the child into society.⁶⁵ Non-custodial measures should be explored for children responsible for criminal acts. The UN Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) sets out a variety of options, which States may consider. This includes programs that diverge from detention and prosecution and keep children in their communities.

If children are detained, they enjoy special protections under the law,⁶⁶ in addition to all fair trial guarantees afforded to adults.⁶⁷ Furthermore, international humanitarian and human rights law guarantee the rights of children in detention, and mandate that they be treated humanely, with respect for their dignity, without discrimination, and be free from torture or cruel, inhuman or degrading treatment.⁶⁸

These safeguards are needed to protect children in detention from other violations. In situations of armed conflict, many detention centers do not meet the minimum standards required for a persons' dignity. Children are often held in cells with adults, putting them at risk of abuse or sexual exploitation. For example, in the Philippines the UN documented cases in 2011 and 2013 of the arrest,

detention, and ill treatment of children allegedly associated with armed groups. In one case, three children were blindfolded and mistreated by elements of the 7th and 40th Infantry Battalions of the Philippine Army in an attempt to obtain confessions regarding their membership in the Moro National Liberation Front.⁶⁹ In Afghanistan, the UN recorded 204 incidences of children, one as young as 10, detained on national security-related charges. Those interviewed reported beatings, electrical shocks, and threats of sexual violence while under the care of the National Directorate for Security. In Kandahar, a 16-year-old boy was raped in the National Directorate for Security detention. Ten boys interviewed reported sexual violence or threats of sexual violence upon their arrest.⁷⁰

Arbitrary detention

While the detention of children is allowed in some circumstances⁷¹, **international law prohibits the arbitrary detention of children in all circumstances**, including armed conflict or other state of emergency.⁷² Unfortunately, children allegedly associated with armed groups are often held arbitrarily, in contravention of their right to liberty and security,⁷³ and without due process safeguards. The Human Rights Committee clarified that the term "arbitrary" must be interpreted broadly to include elements of inappropriateness, injustice, and lack of predictability.⁷⁴ Mass arrests and prolonged detention without trial are frequently considered arbitrary under international standards.⁷⁵ In Somalia in 2013, the UN documented the arbitrary arrest and detention of 1,009 children by the national army in operations against Al-Shabaab.⁷⁶ In Burundi in 2010, the UN recorded the arbitrary detention of 204 children, including for offences linked to national security. A 14-year-old girl was suspected of subversion and a 14-year-old boy suspected of involvement in mercenary activity.⁷⁷

Next Step: A UN Security Council Resolution

To some extent, the UN Security Council has already addressed the issue of abductions. In its country-specific conclusions on children and armed conflict, the Council's Working Group on Children and Armed Conflict condemns abductions and urges parties to release all abducted children. For example, the Working Group strongly condemned the abduction of children in Syria

“in exchange for ransom or the release of prisoners, or as pressure on relatives perceived as supporting the opposing party.”⁷⁸ In Sri Lanka, the Working Group urged the Government to investigate all complaints of child abduction in order to end impunity, and again called for parties to release all children abducted.⁷⁹ Furthermore, the Council has included abductions as designation criteria in the sanctions regimes for CAR (2015), South Sudan (2015), and the DRC (2006).⁸⁰ However, abductions are not currently a trigger violation for the purposes of the Secretary-General’s annual report on children and armed conflict.

Given the high prevalence and egregious nature of abductions, Watchlist joins the call of Member States and UN agencies to expand the gateway for listing of parties by urging the Council to adopt a resolution instructing the Secretary-General to include parties which perpetrate abductions of children in the annexes of his annual report. The addition of abductions as a fifth trigger violation would help to ensure responsible parties are identified and held accountable. Lastly, thousands of children are held in detention for their real or perceived association with armed forces or groups. Due to their particular physiological and psychological needs, deprivation of liberty exposes children to greater risks and can have lasting and damaging consequences for their future development. In light of their age, vulnerability, and the forced nature of their recruitment, Watchlist calls the Council to urge all parties to consider these children as victims first. Their treatment should focus on maximizing their potential for effective rehabilitation and reintegration into society.

Endnotes

- ¹ France, Malaysia, Angola, Lithuania, Chad, UK, and Spain.
- ² European Union, Estonia, Austria, Italy, Luxembourg, Slovenia, Canada, Liechtenstein, Croatia, Portugal, Japan, Netherlands, Republic of Korea, and Ukraine.
- ³ Office of the Special Representative of the Secretary-General on Children and Armed Conflict (SRSG-CAAC), "Bring Back our Girls Now", April 15, 2015.
- ⁴ The six grave violations were chosen because of their egregious nature and suitability for monitoring. See: Report of the Secretary-General on Children and Armed Conflict (A/59/695 – S/2005/72), February 9, 2005.
- ⁵ Jean-Marc de la Sablière, *Security Council Engagement on the Protection of Children in Armed Conflict: Progress Achieved and the Way Forward*, p.7.
- ⁶ The listing process obligates the UN to constructively engage with parties concerned to end and prevent violations through the signing and implementing of action plans. Once a party completes this process, they can be "delisted" from the annual report.
- ⁷ Security Council resolution (SCR) 1612 (2005).
- ⁸ SCR 1998 (2011) and SCR 2143 (2014) also recognized the negative impact to children's education and safety when schools are used for military purposes. While the military use of schools is not a trigger for listing of parties, the Council urged Member States, through SCR 2143, to adopt concrete measures to deter the practice.
- ⁹ Report of the Secretary-General on Children and Armed Conflict (A/68/878 – S/2014/339), May 15, 2014.
- ¹⁰ Report of the Secretary-General on Children and Armed Conflict (A/66/782 – S/2012/261), April 26, 2012.
- ¹¹ The Government security forces of Afghanistan, Chad, Democratic Republic of the Congo, Myanmar, Somalia, South Sudan, Uganda, and Yemen.
- ¹² In the Central African Republic (CAR): Union des forces démocratiques pour le rassemblement (UFDR), Convention des patriotes pour la justice et la paix (CPJP), and Armée Populaire pour La Restauration de La Démocratie (APRD). In Cote d'Ivoire: Forces Armées des Forces Nouvelles (FAFN), Front de libération du Grand Ouest (FLGO), Mouvement Ivoirien de Libération de l'Ouest de la Côte d'Ivoire (MILOCI), Alliance patriotique de l'ethnie Wè (APWE), Union patriotique de résistance du Grand Ouest (UPRGO). In Nepal: Unified Communist Party of Nepal Maoist (UCPN-M). In Philippines: Moro Islamic Liberation Front (MILF). In Sri Lanka: Tamil Makkal Viduthalai Pulikal (TMVP). In Sudan: Sudan Liberation Army/MINAWI, Sudan Liberation Army/Free Will, Sudan Liberation Army/Abu Gasim. For more information see: Watchlist on Children and Armed Conflict, *Action Plans to End and Prevent Grave Violations Against Children*, April 2013.
- ¹³ See, for example: Office of the Special Representative of the Secretary-General on Children and Armed Conflict, "Myanmar Armed Forces Release 91 Children and Commit to Get Them Back to School," August 1, 2014.
- ¹⁴ Report of the Secretary-General on Children and Armed Conflict in Afghanistan (S/2011/55), February 3, 2011, para. 58.
- ¹⁵ Report of the Secretary-General on Children and Armed Conflict in the Democratic Republic of the Congo (S/2014/453), June 30, 2014, para. 6.
- ¹⁶ Report of the Secretary-General on Children and Armed Conflict (A/67/845 – S/2013/245), May 15, 2013, para. 148.
- ¹⁷ Recommitment Agreement by the South Sudan People's Liberation Army (SPLA) and the UN for ending grave violations against children in the Republic of South Sudan, June 2014, on file at Watchlist.
- ¹⁸ The Secretary-General monitored and reported on the grave violations against children prior to the formal establishment of the Monitoring and Reporting Mechanism (MRM). The 2002 report, however, had no numerical statistics on abductions. The Secretary-General also did not publish a report in 2004 or in 2008.
- ¹⁹ The 18 persistent perpetrators are: 1) Afghanistan local police; 2) Taliban; 3) Lord's Resistance Army; 4) Forces armées de la République Démocratique du Congo (FARDC); 5) Forces démocratiques de libération du Rwanda (FDLR); 6) Fuerzas Armadas Revolucionarias de Colombia — Ejército del Pueblo (FARC-EP); 7) Ejército de Liberación Nacional (ELN); 8) Islamic State of Iraq (ISI)/Al-Qaida in Iraq (AQ-I); 9) Kachin Independence Army (KIA); 10) Abu Sayyaf Group (ASG); 11) Moro Islamic Liberation Front (MILF); 12) Al Shabaab; 13) Somali National Army; 14) Sudan People's Liberation Army (SPLA); 15) Sudanese Pro-Government Militias; 16) Justice and Equality Movement (JEM); 17) Sudan Armed Forces; 18) Sudan Liberation Army/Movement (Minawi).
- ²⁰ Watchlist on Children and Armed Conflict and Internal Displacement Monitoring Center (IDMC), *An Uncertain Future? Children and Armed Conflict in Central African Republic*, May 2011, p. 17.
- ²¹ Report of the Secretary-General on Children and Armed Conflict (A/68/878 – S/2014/339), May 15, 2014, para. 98.
- ²² Report of the Secretary-General on Children and Armed Conflict (A/67/845 – S/2013/245), May 15, 2013, para. 126.
- ²³ Statement by Special Representative of the Secretary-General on Children and Armed Conflict, Leila Zerrougui at March 25, 2015 Open Debate on Children and Armed Conflict.
- ²⁴ Human Rights Watch (HRW), "Iraq: ISIS Escapees Describe Systematic Rape", April 15, 2015.
- ²⁵ Watchlist on Children and Armed Conflict, *Who Will Care For Us?: Grave Violations Against Children in Northeastern Nigeria*, September 2014.
- ²⁶ Report of the Secretary-General on Children and Armed Conflict (A/68/878 – S/2014/339), May 15, 2014, para. 66.
- ²⁷ *Ibid.*, para. 30.
- ²⁸ Report of the Secretary-General on Children and Armed Conflict (A/67/845 – S/2013/245), May 15, 2013, para. 73.
- ²⁹ Report of the Secretary-General on Children and Armed Conflict (A/61/529 – S/2006/826), October 26, 2006, para. 90.
- ³⁰ HRW, "Syria: ISIS Holds 130 Kurdish Children", July 1, 2014.
- ³¹ CNN, "Syrian radicals 'brainwash' kidnapped Kurdish schoolchildren", June 26, 2014.

- ³² Amnesty International, "Released schoolboys reveal torture, fear and anxiety in IS captivity in Syria", November 7, 2014.
- ³³ The Special Representative of the Secretary-General on Children and Armed Conflict argues that "the requirement of humane treatment for civilians implicitly but undeniably prohibits the abduction of children." See: Office of the Special Representative of the Secretary General for Children and Armed Conflict, *Working Paper No 1, The Six Grave Violations Against Children During Armed Conflict: The Legal Foundation, October 2009* (Updated November 2013), p. 21.
- ³⁴ Rome Statute, Article 7(2) and 8(2).
- ³⁵ Human rights treaties apply at all times, however, some treaties allow for temporary suspensions in times of emergencies. See, for example, International Covenant on Civil and Political Rights, Article 4.
- ³⁶ Fourth Geneva Convention, Article 34.
- ³⁷ *Ibid.*, Article 147.
- ³⁸ International Committee of the Red Cross (ICRC) Rules of Customary International Humanitarian Law, Rule 96.
- ³⁹ Hostages Convention, Article 1(1).
- ⁴⁰ Report of the Secretary-General on Children and Armed Conflict (A/67/845 – S/2013/245), May 15, 2013, para. 155.
- ⁴¹ Report of the Secretary-General on Children and Armed Conflict (A/63/785 – S/2009/158), March 26, 2009, para. 124.
- ⁴² Rome Statute, Article 8(2)(viii) and 8(c)(iii).
- ⁴³ International Criminal Tribunal for the former Yugoslavia (ICTY), *Prosecutor v. Karadžić and Mladić*, Initial Indictment and Review of the Indictments, ICTY; *Prosecutor v. Blaškić*, Judgment, ICTY; *Prosecutor v. Kordić and Čerkez*, Judgment, ICTY. The ICTY in the *Blaškić* case found the accused guilty of hostage taking, both as a violation of customary international humanitarian law, and also as a grave breach of the Fourth Geneva Convention.
- ⁴⁴ Report of the UN High Commissioner for Human Rights on the human rights situation in Iraq regarding abuses committed by the Islamic State in Iraq and the Levant and associated groups (A/HRC/28/18), March 13, 2015, paras. 35–46, 76, 78.
- ⁴⁵ Global Justice Center, "Letter to The Honourable Fatou Bensouda, Chief Prosecutor, Re: The Imperative to Prosecute the Abduction of the Schoolgirls in Nigeria as Genocide", April 14, 2015.
- ⁴⁶ Rome Statute, Article 8(a)(vii).
- ⁴⁷ Watchlist on Children and Armed Conflict, *Who Will Care For Us?: Grave Violations Against Children in Northeastern Nigeria*, September 2014.
- ⁴⁸ Rome Statute, Article 7(2)(i).
- ⁴⁹ International Convention on Enforced Disappearances (ICCPED), Article 2; Inter-American Convention on Forced Disappearance of Persons (IACFPD), Article 2.
- ⁵⁰ Rome Statute, Article 7(2)(i).
- ⁵¹ Report of the Secretary-General on Children and Armed Conflict in Sri Lanka (S/2007/758), December 21, 2007, para. 22.
- ⁵² HRW, *Waiting for Justice: Unpunished Crimes from Nepal's Armed Conflict*, September 11, 2008, Appendix.
- ⁵³ Advocacy Forum Nepal, *Maina Sunuwar: Separating Fact from Fiction*, 2010, Appendix II.
- ⁵⁴ ICRC, *Children Associated with Armed Forces of Groups*, September 2013, p. 9.
- ⁵⁵ This figure is an estimate because the annual reports do not always distinguish between new detainees and children detained from previous years. The information was obtained from eight annual reports. The Secretary-General's annual reports prior to 2006 did not record incidences of detention, and there was no annual report in 2008.
- ⁵⁶ Only five non-State armed groups were responsible for the detention of children. They were: 1) brigades in Libya who detained nine boys, ages 15 to 17, suspected of involvement with the armed forces of the former regime in 2011; 2) the Popular Committee in Yemen which functioned as de facto police and detained nine children for alleged association with AQAP/Ansar al-Sharia in 2013; 3) Kachin Independence Army in Myanmar which detained nine children deployed with the national armed forces in Kachin State. They notified the International Labour Organization (ILO) in early 2012, and the children were released in January 2013; 4) In 2006, FAFN issued a command order instructing an end to detention of children following the alleged rape of a 14-year-old girl by FAFN elements in Bouaké, Côte d'Ivoire; and 5) The Islamic State of Iraq and Syria in 2014 held approximately 1,500 detainees, including children. However, no disaggregated data on children was available.
- ⁵⁷ The government security forces of: Afghanistan, Burundi, CAR, DRC, Haiti, Iraq, Israel, Lebanon, Libya, Mali, Myanmar, Nigeria, Pakistan, Philippines, Somalia, Syria, and Yemen. The International Security Assistance Forces in Afghanistan and the Palestinian Preventive Security Forces also detained children.
- ⁵⁸ Some actors argue that children join voluntarily, however, the SRS-CAAC takes the position that the distinction between forced and voluntary recruitment is "a distinction without meaning" as "even the most voluntary of acts can be a desperate attempt to survive by children with a limited number of options." Therefore, any consent given by the child is not truly voluntary. See: Office of the Special Representative of the Secretary General for Children and Armed Conflict, *Working Paper No 3, Children and Justice During and in the Aftermath of Armed Conflict*, September 2011, p. 28; ICRC, *Children and Detention*, November 2014, p. 7.
- ⁵⁹ Office of the Special Representative of the Secretary General for Children and Armed Conflict, *Working Paper No 3, Children and Justice During and in the Aftermath of Armed Conflict*, September 2011, p. 27.
- ⁶⁰ Convention on the Rights of the Child (CRC), Article 3(1); African Charter on the Rights of the Child, Article 4(1); Arab Charter, Article 33(3); Declaration on the Rights of the Child, Principle 2. The UN General Assembly has also reinforced this point through resolution 65/213, preamble.
- ⁶¹ CRC General Comment 10, §§ 5-14; and Human Rights Committee General Comment 32, §§ 44.
- ⁶² Secretary-General Report on Children and Armed Conflict in Mali (S/2014/267), April 14, 2014, paras. 81-82.
- ⁶³ In international armed conflicts, children detained because of their association with armed forces may have prisoner of war status and cannot be prosecuted for involvement in hostilities – see Third Geneva Convention and the Additional Protocol 1.

Endnotes (cont'd)

- ⁶⁴ For example, in cases in which there is a legitimate threat to the security of the State. See: J. Pejic, *Procedural Principles and Safeguards for internment/administrative detention in armed conflict and other situations of violence*, 2011 International Review of the Red Cross, Vol. 87, No. 858, pp. 375-391; Office of the Special Representative of the Secretary General for Children and Armed Conflict, *Working Paper No 3, Children and Justice During and in the Aftermath of Armed Conflict*, September 2011, p. 30
- ⁶⁵ ICRC, *Children Associated with Armed Forces of Groups*, September 2013, p. 9; Office of the Special Representative of the Secretary General for Children and Armed Conflict, *Working Paper No 3, Children and Justice During and in the Aftermath of Armed Conflict*, September 2011, p. 27.
- ⁶⁶ International Covenant on Civil and Political Rights (ICCPR), Article 24(1); CRC, Preamble and Article 3(2); African Charter on the Rights of the Child, Article 17; American Convention, Article 19; Principles on Fair Trial in Africa, Section O(b).
- ⁶⁷ CRC, Article 40; ICCPR, Articles 9 and 14; Principles on Fair Trial in Africa, Section O(b); Human Rights Committee (HRC) General Comment 17, §2.
- ⁶⁸ The CRC, Articles 9 and 37; The African Charter on the Rights and Welfare of the Child, Article 2; Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris Principles); Minimum Standards for Child Protection in Humanitarian Action; The United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"); UN Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules) all outline rules and standards for the treatment of children; In addition, other legal norms protect all persons, including children, such as: Article 3 common to the four Geneva Conventions of 1949 and Additional Protocol I and II; the ICCPR, Articles 7 and 10; African Charter, Article 5; American Convention, Article 5; Convention against Torture; and the Inter-American Convention against Torture.
- ⁶⁹ Report of the Secretary-General on Children and Armed Conflict (A/68/878 – S/2014/339), May 15, 2014, para. 194.
- ⁷⁰ Report of the Secretary-General on Children and Armed Conflict (A/66/782 – S/2012/261), April 26, 2012, para. 10.
- ⁷¹ For example, international humanitarian law allows for the internment (administrative detention) of civilians, including children, for exceptional circumstances, such as a legitimate threat to the security of the State. See: J. Pejic, *Procedural Principles and Safeguards for internment/administrative detention in armed conflict and other situations of violence*, 2011 International Review of the Red Cross, Vol. 87, No. 858, pp. 375-391; Office of the Special Representative of the Secretary-General for Children and Armed Conflict, *Working Paper No 3, Children and Justice During and in the Aftermath of Armed Conflict*, September 2011, p. 30
- ⁷² ICRC Rules on customary international humanitarian law, Rule 99; See also: HRC: General Comment 29, §11, General Comment 24, §8; WGAD Deliberation No. 9, UN Doc. A/HRC/22/44 (2012).
- ⁷³ CRC, Article 37; ICCPR, Article 9(1); African Charter, Article 6.
- ⁷⁴ HRC: Mukong v Cameroon, UN Doc. CCPR/C/51/D/458/1991 (1994) §9.8, Fongum Gorji-Dinka v Cameroon, UN Doc. CCPR/C/83/D/1134/2002 (2005) §5.1, Marinich v Belarus, UN Doc. CCPR/C/99/D/1502/2006 (2010) §10.4; Article 19 v Eritrea (275/03) African Commission, 22nd Annual Report (2007) §93.
- ⁷⁵ HRC Concluding Observations: Canada, UN Doc. CCPR/C/CAN/CO/5 (2005) §20; Inter-American Commission resolution no. 2/11 Regarding the Situation of the Detainees at Guantánamo Bay, United States, MC 259-02; Al-Jedda v United Kingdom (27021/08), European Court Grand Chamber (2011) §§97-110.
- ⁷⁶ Report of the Secretary-General on Children and Armed Conflict in the Democratic Republic of the Congo (S/2014/453), June 30, 2014, para. 117.
- ⁷⁷ Report of the Secretary-General on Children and Armed Conflict (A/65/820 – S/2011/250), April 23, 2011, para. 63.
- ⁷⁸ UN Security Council Working Group on Children and Armed Conflict Conclusions on Children and Armed Conflict in the Syrian Arab Republic (S/AC.51/2014/4), November 26, 2014, para. 6(l).
- ⁷⁹ Security Council Working Group on Children and Armed Conflict Conclusions on Children and Armed Conflict in Sri Lanka (S/AC.51/2008/11), October 21, 2008, para. 6(c).
- ⁸⁰ S/RES/2196 (2015), S/RES/2206 (2015), S/RES 1698 (2006).

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