

# Children and Armed Conflict:

UN SECURITY COUNCIL OPEN DEBATE ON CHILDREN AND ARMED CONFLICT

SPECIAL UPDATE:  
JUNE 2020

## Recommendations for the UN Security Council and Member States

On June 23, the UN Security Council will hold its open debate on children and armed conflict (CAC), under France's presidency. France will mark 15 years since the adoption of Resolution 1612, key accomplishments of the Security Council Working Group on Children and Armed Conflict (SCWG-CAAC) and the UN's Monitoring and Reporting Mechanism (MRM), and the way forward. Special Representative Virginia Gamba will present the Secretary-General's (SG) 2020 annual report on children and armed conflict (forthcoming).

Since the adoption of Resolution 1612, there has been significant progress in advancing the CAC agenda. Data collection on the grave violations has generally improved since the inception of the UN's MRM in 2005. This data provides the basis for the SG's annual report and the listing of perpetrators in its annexes, which have proven powerful to influence warring parties' behavior and promote accountability and compliance with international law. The listing process has led to the signing of action plans by more than 30 parties to conflict, of whom 12 have fully complied with their commitments and been delisted.

In recent years, however, the exclusion of a number of offending parties to conflict from the report's annexes, as well as the premature delisting of parties who continue to commit grave violations, have undermined these mechanisms. Since 2017, the annexes have been divided between listed parties that have put in place measures to protect children and those that have not – yet clear and transparent criteria explaining what constitute sufficient measures have not been provided. Watchlist and its partners reiterate their call to the SG to identify, unequivocally condemn, and name those parties that have committed grave violations in a single list. Additionally, Watchlist calls for a rigorous process to ensure that the list is evidence-based, accurately reflecting MRM findings and the facts described in the report narrative.

Evolving conflict dynamics and pervasive impunity for violations continue to present challenges to the effective protection of children in armed conflict. The UN continues to document record levels of child casualties, owing in part to urban warfare and the use of explosive weapons with wide-area effect in populated areas.

This year marks 20 years since the adoption of the Optional Protocol to the UN Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC), which banned the use of children in hostilities and called on states to criminalize their recruitment and use and provide them with rehabilitation and reintegration. Yet in a number of contexts, children allegedly associated with armed groups – including foreign children with alleged family ties to terrorist groups – are detained, tortured, or otherwise treated as security threats and perpetrators, rather than victims of serious rights violations. Governments have employed policies and measures to counter terrorism that lack adequate safeguards for children's rights and threaten to erode established child protection norms and principles. Counterterrorism measures and sanctions also threaten the delivery of principled humanitarian assistance and children's access to lifesaving assistance. This could amount, in some contexts, to denial of humanitarian access, one of the grave violations.

The COVID-19 pandemic brings additional concerns, as children affected by war face heightened vulnerabilities due to the fragile contexts in which they live. While the outbreak has exacerbated humanitarian need, restrictions to mitigate its spread also challenge the delivery of assistance and hamper efforts to monitor, report, and respond to child rights violations. It is imperative that child protection be prioritized in the COVID-19 response and that efforts to document and respond to grave violations continue.

UN reforms – including the streamlining of mandates and budget cuts – also present significant challenges to the implementation of the CAC agenda. Today, more than ever, dedicated child protection advisers are needed to monitor and report on grave violations, operationalize action plans, and strengthen the overall child protection architecture in UN missions. Watchlist reaffirms its call to support child protection in UN peace operations and political missions, including by ensuring the necessary staff and budgetary resources to carry out these specialized functions. In any transitions and drawdown strategies, Council members should also closely consider child protection concerns and ensure that these specialized functions are preserved and adequately funded.

## Situations before the Council involving parties listed for grave violations against children:

[Afghanistan](#)

[Central African Republic](#)

[Colombia](#)

[Democratic Republic of the Congo](#)

[Iraq](#)

[Mali](#)

[Myanmar \(Burma\)](#)

[Nigeria](#)

[Philippines](#)

[Somalia](#)

[South Sudan](#)

[Sudan](#)

[Syrian Arab Republic](#)

[Yemen](#)

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In view of the upcoming open debate, Watchlist recommends that the Security Council and other UN Member States:

**1. Call for increased compliance with international humanitarian, human rights, and refugee law and child protection norms, and strengthen accountability for all grave violations against children:**

- a. Welcoming the SG's 2020 annual report, reiterate support for the Security Council's CAC mandate, including the integrity and impartiality of the listing mechanism; call for a single, complete list of perpetrators in the annexes of the SG's annual reports, that is evidence-based and accurately reflects data collected and verified by the MRM; strongly urge the SG to implement a rigorous, objective, and transparent process to ensure that parties are listed and delisted according to the formal criteria, without discrimination and consistently across country situations;
- b. Express grave concern at the high number of child casualties; demand that all parties take action to protect children, in accordance with the principles of precaution, distinction, and proportionality; and express support for the adoption of a political declaration committing to avoid the use of explosive weapons with wide-area effects in populated areas;
- c. Urge Member States to bring to justice all those responsible for grave violations against children, including through prompt investigation and prosecution for genocide, crimes against humanity, war crimes, and other egregious crimes perpetrated against children; encourage the cooperation of Member States with international justice mechanisms, including the International Criminal Court, and call for dedicated child rights expertise within investigative mechanisms;
- d. Encourage Member States who have not done so to ratify OPAC and endorse the Paris Principles and Commitments, Vancouver Principles, and Safe Schools Declaration.







**2. Make effective use of existing mechanisms and tools to monitor, report, and respond to child rights violations in armed conflict:**

- a. Welcoming progress achieved thus far, call for systematic follow-up on the implementation of SCWG-CAAC conclusions, drawing on the full range of the Working Group's toolkit and strengthening coordination with regional Groups of Friends;
- b. In order to effectively implement the CAC agenda, maintain dedicated child protection capacity in UN peace operations and political missions, with financial, political, and operational support to fully deliver on child protection mandates; prioritize child protection considerations in the context of downsizing, consolidation, or transition of such operations;
- c. Ensure that COVID-19 response efforts at all levels take into account the rights and needs of vulnerable children; ensure child protection actors have safe and timely access to monitor, report, and respond to grave violations; and facilitate access for all frontline workers in order to deliver timely COVID-19 response and continued provision of humanitarian assistance to affected populations.

**3. Prioritize the protection of the rights and well-being of children in armed conflict, including in the context of efforts to counter terrorism:**

- a. Recalling that children associated with armed forces or groups should be treated primarily as victims and that detention should be used only as a last resort, call for the release and timely transfer of affected children to civilian child protection authorities; in cases where children may have committed violent criminal acts, ensure they are treated in accordance with international juvenile justice standards;
- b. In order to prevent military detention of children, call for the adoption and effective implementation of handover protocols that ensure their swift transfer from military custody to civilian child protection authorities, as well as access to detention facilities for UN and other monitors;
- c. Call on countries of origin to safely repatriate foreign children and their families, following individual rights-based needs assessments, for the purposes of prosecution, rehabilitation, and/or reintegration, as appropriate and in line with international law and standards;
- d. Recalling SCR 2427 (2018) and S/PRST/2020/3, call for the protection, rights, well-being, and empowerment of children affected by war to be fully incorporated and prioritized in ongoing and future efforts to build and sustain peace; encourage and facilitate consideration of children's views in these processes where possible and compatible with the best interests of the child; urge stakeholders to draw on existing tools, including the Practical Guidance for Mediators to Protect Children in Situations of Armed Conflict.

**NGO Resources**

-  [Open Letter by 20 NGOs to Secretary-General Guterres Calling for a Complete and Accurate List of Perpetrators](#), May 2020
-  [Watchlist, "A Credible List": Recommendations for the Secretary-General's 2020 Annual Report on Children and Armed Conflict](#), April 2020
-  [Watchlist, Factsheet on the Impacts of COVID-19 on Children in Armed Conflict](#), April 2020
-  [Save the Children, Stop the War on Children: Gender Matters](#), February 2020
-  [Watchlist, Countering Terrorism and Violent Extremism: The Erosion of Children's Rights in Armed Conflict](#), January 2020
-  [Human Rights Watch and Watchlist, Military Detention of Children in Armed Conflict](#), December 2019

**About Watchlist on Children and Armed Conflict**

Watchlist on Children and Armed Conflict is a global network of international human rights and humanitarian non-governmental organizations which strives to end violations against children in armed conflicts through local partnerships, reporting and advocacy.

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