



Secretary-General António Guterres
 United Nations
 UN Headquarters, S-3800
 New York, NY 10017

June 22, 2020

Re: 2020 annual report on children and armed conflict

Dear Mr. Secretary-General,

As nongovernmental organizations working to alleviate humanitarian suffering and protect human rights, we strongly support United Nations Security Council Resolution 1612 (2005) and subsequent resolutions on children and armed conflict, as concrete tools for improving the protection of children in war.

We are, therefore, deeply disappointed and troubled by your new report on children and armed conflict (A/74/845-S/2020/525), and in particular, the significant disparities between the evidence presented in the report and the parties listed in its annexes for committing grave violations against children. We are writing to urge you to reconsider your decisions to de-list the Saudi-led coalition for killing and maiming children in Yemen, and the Tatmadaw for recruiting and using children in Myanmar. We also urge you to take steps to ensure that going forward, the annexes accurately and consistently reflect the evidence collected and verified by the UN's Monitoring and Reporting Mechanism (MRM), in line with existing criteria. We have provided evidence of other concerning disparities between the annual report and its annexes in the attached annex.

Civil society groups have repeatedly raised concerns with you and your Special Representative for children and armed conflict over the course of several years regarding these disparities and have called for a credible list based on UN-documented evidence. We are dismayed that instead of addressing these concerns, the discrepancies appear to have only grown. An annex to this letter provides examples from the current report and its annexes.

The report found the Saudi-led coalition was responsible for killing or maiming 222 children in Yemen in 2019. Yet the coalition was de-listed from the report's annexes, citing a "sustained significant decrease" in casualties during the year and progress in implementing a memorandum of understanding that was signed in March of last year. Similarly, the Myanmar armed forces, the Tatmadaw, was de-listed for recruiting and using children in Myanmar, while the report found that the Tatmadaw was responsible for eight cases of new recruitment and 197 cases of use in 2019.

We believe that the de-listings of the Saudi-led coalition and the Tatmadaw violate the criteria that were set out in the Secretary-General's 2010 report (A/73/907-S/2010/181). At the request of the Security Council, through its Resolution 1882 (2009), the then-Secretary-General stipulated that a party would be de-listed from the annexes based on its full implementation of a UN action plan to end those violations *and* UN-verified information that the party had *ceased* – not decreased – all violations for a period of at least one reporting cycle (i.e. one year). Neither the Saudi-led coalition nor the Tatmadaw have met these criteria.

After taking office, you split your list into two parts: Section A for parties that had not taken measures to protect children, and Section B for parties that had taken such measures. We continue to advocate for a single list, without distinctions. However, in your report last year, you stated that parties would be included in Section B where “significant progress was achieved and measures taken” to protect children (A/72/865-S/2018/465, para. 4). On this basis, the “sustained significant decrease” in violations by the Saudi-led coalition should have merited retention in Section B, not removal from the list completely.

In addition, we are concerned that the stated rationale of de-listing the Saudi-led coalition due to a “sustained significant decrease” in the number of violations is contrary to the mandate given by the Security Council. The Security Council requests an annual list of parties to armed conflict that commit grave violations against children “in violation of the international obligations applicable to them.” Its request is not based on trends in violations, but simply whether violations have taken place.

This standard is particularly important with regard to next year's report. Movement restrictions linked to COVID-19 present additional challenges to the documentation of violations by Country Task Forces on Monitoring and Reporting (CTFMRs), so a decrease in the number of verified violations across all country situations is likely. Should the same logic of “sustained significant decrease” be applied consistently to all country situations next year, a large number of parties could be de-listed, despite ongoing violations.

It appears that the goalpost with regards to listing and de-listing continually changes to accommodate a predetermined outcome: not upsetting powerful UN Member States. The annexes were divided without clear criteria, the Saudi-led coalition was then de-listed for attacks on schools and hospitals, and now, the same party is de-listed based on a “sustained decrease,” with a threat of automatic relisting if trends do not continue. What guarantees do we have next year that the goalposts will not be moved again to accommodate powerful states?

We believe that the omissions and discrepancies outlined above are significant and seriously damage the credibility of the report and the children and armed conflict mandate. Without an accurate and evidence-based list, the Security Council is hampered in its efforts to protect children and hold perpetrators accountable.

In order to restore credibility going forward, we urge you to:

- Reconsider, in light of the discrepancies and evidence presented above, your decisions to de-list the Saudi-led coalition and Tatmadaw from the 2020 annual report;
- Initiate a rigorous and transparent due diligence procedure, to ensure that going forward, the annexes to the annual report accurately and consistently reflect the evidence collected and verified by the MRM; and
- Communicate to stakeholders, including Member States, UN entities, and civil society, how this procedure will be implemented to avoid the disparities and inconsistencies seen in this year's and previous reports.

We believe that such increased transparency will help protect you from political pressure and strengthen our collective goal of ending grave violations against children.

We look forward to discussing these concerns and recommendations with you.

Sincerely,

1. Amnesty International
2. Bahrain Institute for Rights & Democracy (BIRD)
3. Cairo Institute for Human Rights Studies (CIHRS)
4. Center for Civilians in Armed Conflict (CIVIC)
5. Child Rights International Network (CRIN)
6. Columbia Law School Human Rights Institute
7. Defence for Children International (DCI)
8. Global Centre for the Responsibility to Protect (GCR2P)
9. Global Justice Center
10. Gulf Centre for Human Rights (GCHR)
11. Human Rights Watch
12. International Bureau for Children's Rights
13. International Coalition for the Responsibility to Protect (ICRtoP)
14. Médecins du Monde
15. Mwatana for Human Rights
16. Norwegian Refugee Council (NRC)
17. Physicians for Human Rights
18. Salam for Democracy and Human Rights
19. Save the Children
20. The Roméo Dallaire Child Soldiers Initiative
21. Watchlist on Children and Armed Conflict
22. Women's Refugee Commission
23. World Federalist Movement - Institute for Global Policy (WFM-IGP)
24. World Vision International

Cc:

Ms. Virginia Gamba, Special Representative of the Secretary-General for Children and Armed Conflict
Members of the UN Security Council

ANNEX

In addition to the decision to prematurely de-list the Saudi-led coalition for killing and maiming children in Yemen and the Tatmadaw for recruiting and using children in Myanmar, we are concerned about disparities between the rigorously verified evidence presented in your annual report on children and armed conflict and its annexes. Below are several illustrative examples.

Failure to list parties responsible for grave violations:

The report highlights several parties responsible for grave violations against children but fails to list them in the annexes. For example:

Afghan National Defence and Security Forces (ANDSF): The report found that the ANDSF was responsible for 610 child casualties in Afghanistan in 2019. Previously, the annual reports attributed 1051 child casualties to the ANDSF in 2018 and 723 in 2017. The latest report also finds it responsible for 20 attacks on schools and hospitals in 2019. Yet the ANDSF is not listed for either killing and maiming, nor attacks on schools and hospitals. In contrast, we note that the Islamic State in Iraq and the Levant-Khorasan Province (ISIL-KP) is listed for attacks on schools and hospitals, though the number of cases – eight – is less than half of those attributed to the ANDSF.

International forces in Afghanistan: The latest report has found that “international forces” were responsible for 248 child casualties in Afghanistan last year. In contrast, ISIL-KP was found responsible for a comparable number of child casualties (242), yet ISIL-KP is listed and the international forces are not.

Israeli forces: The annual reports have repeatedly found Israeli forces responsible for high levels of Palestinian child casualties, reporting over 800 killed and maimed in 2017, over 2,000 in 2018, and 29 killed and 1,496 maimed in 2019. Annual reports since 2006 indicate a pattern of Israeli forces killing and maiming Palestinian children, but Israeli forces have yet to be included in the annexed list of violators.

Somali National Army: The report identifies Somalia as a situation with one of the largest number of cases of sexual violence, with at least 227 cases recorded in 2019. Twenty-five of these were attributed to the Somali National Army, and 26 to Al-Shabaab. However, we note that Al-Shabaab was listed in the annexes for sexual violence, while the Somali National Army was not.

Congolese National Police: Cases of sexual violence were also high in the Democratic Republic of Congo, with 249 documented cases. Of these, 25 were attributed to the Congolese National Police, yet the force was not listed.

We note that the latest report lists 17 parties to conflict for sexual violence against children. Nearly all of these parties were reported as responsible for fewer cases than the Somali National Army or Congolese National Police, yet neither the Somali National Army nor the Congolese National Police were included in the annexes.

The discrepancies in listings are also apparent in regard to killing and maiming. The annexes list 24 separate parties for killing and maiming, yet the narrative of the report reveals that four of the ten parties responsible for the largest number of child casualties (the ANDSF, international forces in Afghanistan, Israeli forces, and the Saudi-led coalition) are not included.

Situations missing from the report:

We welcome your statement that Cameroon and Burkina Faso are considered situations of concern “with immediate effect,” but given the scale of violations in both countries and the need for accountability, we are disappointed that these did not include a full entry for each this year.

Burkina Faso: In Burkina Faso, armed groups have committed targeted attacks against civilians since 2016. UNICEF and civil society groups have reported attacks against education professionals, students, and schools in Burkina Faso, as well as the recruitment and use of children. Before schools closed nationwide in mid-March in response to the COVID-19 pandemic, 2,500 schools had already closed due to attacks or insecurity.

Cameroon: In this year’s report, Cameroon was mentioned briefly in the section on Nigeria. However, three years of violence in the country’s North-West and South-West regions have claimed 3,000 lives, including children, and have left over 855,000 children out of school due to attacks on schools, teachers, and students. For example, by the end of May 2019, OCHA had recorded 59 attacks on students, parents, teachers, and other education personnel for the 2018-2019 academic year. These attacks continued unabated through 2019. OCHA has also noted credible reports of child recruitment and use by armed groups in Cameroon, and UNICEF has recorded cases of abduction.

Ukraine: The Ukraine conflict, now in its sixth year, has never appeared in the report. Since the conflict began in 2014, UNICEF has reported that over 750 education facilities have been damaged or destroyed, and many more experienced disruptions to education. The Ukraine Education Cluster estimates that over 700,000 children and teachers in more than 3,500 education facilities in eastern Ukraine are affected by the hostilities and in need of humanitarian assistance. OHCHR has also reported conflict-related child casualties.