

Children and Armed Conflict:

SECURITY COUNCIL OPEN DEBATE ON CHILDREN AND ARMED CONFLICT

SPECIAL UPDATE:
JUNE 2015

Recommendations for the Security Council

On Thursday 18th of June, the UN Security Council (UNSC) will hold an Open Debate on Children and Armed Conflict (CAAC), which will take place under the Presidency of Malaysia, Chair of the UNSC Working Group on Children and Armed Conflict. This is the second Open Debate in 2015. The June Open Debate will follow the publication of the Secretary-General's (SG) annual report on children and armed conflict (forthcoming). Pursuant to SCR 2068 (2012), the forthcoming annual report will cover the period from 1 January to 31 December 2014. In addition to the discussion of the report, Malaysia intends to highlight the abduction of children in situations of armed conflict. In particular, Malaysia intends to introduce a resolution expanding the UNSC's children and armed conflict agenda by adding abductions as the fifth "trigger" for inclusion of parties into the annexes of the SG's annual report.

Abductions are identified by the UNSC as one of the six grave violations perpetrated against children in situations of armed conflict. SCR 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. 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. 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. During the March 2015 Open Debate on Children and Armed Conflict, seven Council Members and 14 Member States urged the Council to designate abductions as a new criteria for listing of parties in the SG's annual report.

Child protection actors are also concerned about the detention of children for their real or alleged association with armed groups or forces. Due to their age and the forced nature of their association with parties to conflict, children should not be held in detention. Instead, they should be treated as victims first. If a child is suspected of a crime against international humanitarian law, alternative accountability measures should be explored, in the best interest of the child and in accordance with international law. While technically legal, detention should only be a measure of last resort and for the shortest possible time. Despite these concerns, Country Taskforces on Monitoring and Reporting have recorded an estimated 9,409 children in detention for alleged association with armed actors between 2006 and 2014. This is particularly worrisome, since children are vulnerable to additional violations while held in detention. For example, 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 in detention. For these reasons, child protection actors urge the Council to declare that children associated with armed forces or groups should be seen primarily as victims, and that to this end, their treatment should focus on maximizing their potential for effective rehabilitation and reintegration into society.

In order to expand the normative framework of the UNSC's CAAC agenda and further strengthen its implementation, Watchlist on Children and Armed Conflict recommends the UNSC and Member States call for the following:

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

[Afghanistan](#)

[Central African Region \(LRA-affected areas\)](#)

[Central African Republic](#)

[Democratic Republic of the Congo](#)

[Iraq](#)

[Mali](#)

[Myanmar \(Burma\)](#)

[Nigeria](#)

[Somalia](#)

[South Sudan](#)

[Sudan](#)

[Syrian Arab Republic](#)

[Yemen](#)

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1) Request the Secretary-General to include in the annexes to his CAAC reports those parties to armed conflict that engage in abductions of children:

- a. Condemn abductions of children, in contravention of applicable international law, by parties to armed conflict;
- b. Call on all parties to immediately release all abducted children, and stress the need to release the children in safe conditions;
- c. Urge Member States to ensure that parties who commit abductions are held to account.

2) Urge all parties to ensure that children associated with armed groups or forces are treated as victims first. Their treatment should focus on maximizing their potential for effective rehabilitation and reintegration into society, and to this end:

- a. 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 and detention conditions;
- b. Encourage concerned parties to develop and implement, in collaboration with the UN and other specialized NGOs, 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;
- c. 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.

3) Prevent attacks on education and end the military use of schools, and to this end:

- a. Call on Member States to endorse the Safe Schools Declaration made public on the occasion of the Oslo Conference on Safe Schools: Protecting Education from Attack on 28-29 May;
- b. Call on all parties to armed conflict to adopt concrete measures to deter military use of schools during armed conflict, in particular implementing guidance outlined in the Draft Operational Strategy for the prevention of military use of schools contained in Annex V of the Guidance Note on Security Council Resolution 1998 (2011), and in the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict.

4) Hold security sector actors to account for effectively protecting children's rights when deployed in the field:

- a. Request the Secretary-General to develop a policy prohibiting government armed forces listed in the annexes to the Secretary-General's reports on Children and Armed Conflict to contribute troops to peacekeeping operations until they have adopted, and fully implemented, action plans to end violations against children;
- b. Establish a mandatory pre-deployment requirement for child protection training, to be complemented with mandatory in-theatre training, for all troop-contributing countries;
- c. Request troop-contributing countries to establish adequate child protection structures, including child protection focal points, for each contingent serving with a UN mission.

PRESIDENCY OF THE SECURITY COUNCIL FOR JUNE: MALAYSIA

- *Party to the Geneva Convention I - IV, Convention on the Rights of the Child and its Optional Protocol, ILO Convention 182; Has not endorsed the Paris Principles and the Paris Commitments.*

NGO Resources

- Global Coalition to Protect Education from Attack, Guidelines to Protect Schools and Universities from Military Use During Armed Conflict
- Global Coalition to Protect Education from Attack, Safe Schools Declaration (May 2015)
- Watchlist, Briefing Note: Expanding the UN's Children and Armed Conflict Agenda (May 2015)
- Watchlist, Discussion Paper: A Policy Precluding Listed Government Forces from Contributing Troops to UN Missions (August 2014)
- Watchlist, Briefing Note, A Checklist for Mainstreaming (March 2013)
- Watchlist, Who Will Care For Us? Grave Violations Against Children in Nigeria (September 2014)

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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