

Children and Armed Conflict:

UN SECURITY COUNCIL OPEN DEBATE ON CHILDREN AND ARMED CONFLICT

SPECIAL UPDATE:
AUGUST 2019

Recommendations for the UN Security Council and Member States

On August 2, 2019, the UN Security Council will hold its open debate on children and armed conflict (CAC) under Poland's presidency. Poland will seek to highlight the 10-year anniversary of the adoption of Security Council Resolution 1882 (2009), as well as to follow up on prevention efforts, including vis à vis implementation of Resolution 2427 (2018). The Special Representative of the Secretary-General for Children and Armed Conflict (SRSG-CAAC), Virginia Gamba, will present the Secretary-General's (SG) 2019 annual report on children and armed conflict (forthcoming).

Since the publication of Graça Machel's historic report in 1998, there has been significant progress to advance the protection of children's rights in war. This includes the adoption of Resolution 1612 (2005), which established the UN Monitoring and Reporting Mechanism (MRM) to gather timely, accurate, and credible information on grave child rights violations. Through its evidence base, the MRM plays an important role in informing the Security Council's work. The listing of perpetrators in the SG's annual report on the basis of MRM-verified information serves as a foundation for the UN to engage with parties to conflict, secure concrete commitments through action plans, and create real change for children affected by war.

Still, much work remains to be done, with emerging new challenges and pervasive impunity for grave violations. With an increasing number of protracted conflicts around the world, wars are lasting longer, causing greater indirect harm, and impacting a larger number of children than ever before. The increasingly urban nature of warfare and the use of explosive weapons with wide-area effect in populated areas are having devastating impacts on children, leading to deaths, serious injuries, and the destruction of civilian infrastructure. More and more, parties to conflict are using the denial of humanitarian aid as a weapon of war, preventing children from accessing life-saving assistance. Schools and hospitals are increasingly subject to attack, threatening children's lives and access to education and health care.

The detention of children for their real or perceived association with parties to conflict is of serious concern. In particular, large numbers of children are being systematically arrested and detained in operations countering violent extremism for their alleged association with parties to conflict. While in detention, children are vulnerable to additional violations, including torture and ill treatment, sexual violence, and other forms of exploitation and abuse. Also concerning is the situation of thousands of children of foreign fighters who are currently languishing in detention facilities, camps, or orphanages for their or their relatives' alleged association with the Islamic State. International law recognizes children recruited by armed groups primarily as victims who should be rehabilitated and reintegrated into society. In cases where children are accused of crimes, they should be treated in accordance with international juvenile justice standards—ensuring that detention is a last resort and is used for the minimum possible time; that the child's best interest is the primary consideration; and that their rehabilitation and reintegration are prioritized.

Meanwhile, ongoing UN reform processes, including budget cuts and efforts to streamline protection mandates, continue to threaten the UN's ability to effectively deliver on the CAC mandate. 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 calls for support for child protection in UN peace operations, including by ensuring that missions have the necessary staff and budgetary resources to carry out these specialized functions.

Lastly, Watchlist reiterates its calls for a credible, accurate list of perpetrators in the SG's annual report. The impartial inclusion of country situations and listing of perpetrators in the annual report on the basis of UN-verified evidence is essential to address grave violations and promote accountability. Moreover, an evidence-based approach is vital to upholding the credibility of the mechanism and preventing further politicization, which risks damaging the list's integrity and weakening its impact to protect children in conflict. Similarly, the division of the list into two sections—parties that have enacted measures to protect children and those that have not—without clear criteria, undermines its strength as a tool for accountability. Member States should express support for the SG's impartiality and independence, and urge him to unequivocally condemn and name *all* parties to conflict that have committed grave violations against children in a single list.

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 order to strengthen the protection of children affected by war and continue to advance the UN's CAC agenda, the UN Security Council and other Member States should:

1. Continue to strengthen the UN's CAC agenda and make effective use of mechanisms and tools to protect the rights of children in armed conflict.

- a. Welcoming the SG's 2019 annual report, reiterate support for the UN's CAC agenda, and call upon the SG to produce a single, credible, accurate list of perpetrators in his annual reports, grounded in impartial evidence-based reporting.
- b. In order to effectively implement the CAC agenda, maintain dedicated child protection capacity in UN peace operations and political missions; further ensure that child protection concerns are prioritized even in the context of downsizing, consolidation, or transition of such operations.
- c. Support efforts to mainstream CAC concerns into the work of the UN Security Council and intergovernmental processes, including by requesting country-specific briefings by the SG and SRSR-CAAC on the situation of children affected by conflict.

2. Unequivocally condemn all parties to conflict that commit grave violations against children, and demand that they cease all such violations and put in place concrete and effective protection measures.

- a. Express grave concern at the high number of child casualties, especially as a result of the use of explosive weapons with wide area effect in populated areas, and demand that all parties take action to protect children, in accordance with the principles of distinction and proportionality.
- b. Urge listed parties to sign and implement time-bound action plans to end and prevent grave violations for which they are listed, recalling that timely completion of action plans is the formal path to delisting.
- c. Demand that all parties facilitate safe, unhindered delivery of humanitarian aid to children and other civilians in need, and encourage the UN to strengthen reporting on the denial of access in order to improve accountability.
- d. Call upon fellow Member States to commit to avoiding the military use of schools by endorsing the Safe Schools Declaration, and to integrate guidance on military use of schools into their trainings and special operating procedures.
- e. To promote global consensus to end military recruitment and use of children, support the Straight-18 standard, and encourage States that have not yet signed or ratified the Optional Protocol of the Convention of the Rights of the Child on the involvement of children in armed conflict (OPAC) to do so without delay; further encourage States to endorse the Paris Principles and the Vancouver Principles.











3. Commit to providing effective support for child victims, including through sustainable, gender-sensitive rehabilitation and reintegration programming, and support services for survivors of sexual violence.

- a. Recalling that children associated with armed forces or groups should be treated primarily as victims, call for the release and timely transfer to child protection actors of children detained for real or perceived affiliation with parties to conflict, including violent extremist groups; in cases where children may have committed violent criminal acts, ensure they are treated in accordance with international juvenile justice standards.
- b. 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.
- c. Support increased, long-term funding for comprehensive child protection case management, including for reintegration, by investing in programs that provide individualized support to address protection concerns, build resilience and social cohesion, and reinforce education, psychosocial support, and livelihood opportunities.
- d. Ensure adequate funding and resources for programs and comprehensive services for child survivors of sexual violence in conflict; these efforts should take into account measures to avoid their further stigmatization.

4. Call for justice and accountability for all grave violations of children's rights in armed conflict.

- a. Strengthen State institutions around truth, reconciliation, and justice, providing them with resources to prioritize children's rights; furthermore, call on States, UN entities, and other stakeholders to integrate child protection provisions, including those related to rehabilitation and reintegration, into all peace and ceasefire negotiations, drawing upon new and existing tools including Watchlist's Checklist for Drafting CAC Provisions in Ceasefire and Peace Agreements.
- b. Support efforts to ensure that those responsible for war crimes and other serious violations of international human rights law are brought to justice, including, where relevant, by fully cooperating with the International Criminal Court.

NGO Resources

-  Watchlist, A Checklist for Mainstreaming, March 2013
-  Watchlist, Action Plans to End and Prevent Violations against Children, April 2013
-  Human Rights Watch, Extreme Measures: Abuses against Children Detained as National Security Threats, July 2016
-  Child Soldiers International, Why 18 Matters, May 2018
-  World Vision International, No Choice: It Takes a World to End the Use of Child Soldiers, February 2019
-  Open Letter from 21 NGOs to the Secretary-General Calling for a Complete and Accurate List of Perpetrators, May 2019
-  Watchlist, Recommendations for the 2019 Annual Report on Children and Armed Conflict, May 2019
-  Human Rights Watch, Protecting Schools from Military Use: Law, Policy, and Military Doctrine, May 2019
-  WarChild, Rethink Child Soldiers: A New Approach to the Reintegration of All Children Associated with Armed Forces and Groups, June 2019
-  Save the Children, Unprotected: Crisis in Humanitarian Funding for Child Protection, July 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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