



Security Council

Distr.:General
6 September 2019
Original: English

Report of the Secretary-General on Children and Armed Conflict

Summary

The present report addresses the situation of children in armed conflict. It covers the landmark conventions and decisions surrounding the subject, and the consequences of such occurrences for the maintenance of security and respect to the rights of the child in areas of armed conflict. It also highlights the current challenges regarding children protection, stressing the countries listed for infringing the Six Grave Violations. Furthermore, this report also presents the measures already taken by the United Nations Security Council, and the proposals to lessen, and ultimately, solve the plights affecting children in situations of armed conflict.

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Background

1. The international law relating specifically to children and armed conflict is still vague and presents space for considerable improvement. Nevertheless, the existent declarations, conventions and protocols aiming at ensuring children's protection amidst conflict are the foundation of all obligations regarding this agenda item.
2. In 1924, the Geneva Declaration on the Rights of the Child determined that children should be a priority and the first to receive aid in situations of distress¹.
3. In Article 50 of the 4th Geneva Convention it is determined that in times of conflict any occupying party has the responsibility to guarantee the access of children to education and hospitals. They have also the right to a proper identification system that ensure their safe return to their families. The Article also determines that children may not be enlisted in any of the occupying party's organizations².
4. The 77th Article of the 1st Additional Protocol to the 4th Geneva Convention, prohibited parties to the conflict from recruiting individuals under the age of fifteen and determined that all parties were obliged to provide care and aid for children affected by the conflict. Also, it stressed the special protection granted to children-soldiers: in case a child that took a direct place in hostilities is captured, he/she should be detained in an area exclusively for child prisoners or families and should not, under any circumstances, receive the death penalty. And Article 78 established that if parties to a conflict decide to evacuate an area, children should always be kept near their parents. In case the child and its parents are separated, it is the duty of the party responsible for the evacuation to identify and keep records of every child as a mean to facilitate their return home to their country and their families³.
5. Articles 38 and 39 of the Convention of the Rights of the Child (1989) addressed directly the situation of children in armed conflicts: Article 38 stressed the importance of respecting international law regarding children, the non-recruitment of children under the age of 15, and also the responsibility of State Parties to provide special protection for children in situation of armed conflict. Article 39 established

¹ League of Nations, *Geneva Declaration of the Rights of the Child*, (26 September 1924), available from <http://www.un-documents.net/gdrc1924.htm>.

² International Committee of the Red Cross, *The Geneva Conventions of 12 August 1949*, (12 August 1949), available from <https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0173.pdf>.

³ International Committee of the Red Cross, "*Treaties, State Parties and Commentaries*", (8 June 1977), available from <https://ihldatabases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=8F7D6B2DEE119FBAC12563CD0051E0A2>. and <https://ihl>.

that all States should provide mental and physical care for children affected by armed conflict, as a mean to reinstate them into society as functioning individuals⁴.

6. The Optional Protocol on the Involvement of Children on Armed Conflict (2000) further reinforced the non-recruitment of children by parties to conflict and established that State Parties should raise their minimum age for recruitment to 18 years of age, demobilize any and all existing soldiers under that determined age and provide support for the return of these children to society⁵.
7. The Security Council Resolution 1261 (1999) established the Six Grave Violations against children that include: the killing and maiming of children; the recruitment or use of children as child soldiers; sexual violence against children; abduction against children; attacks against schools or hospitals; and the denial of humanitarian access for children⁶.
8. The Special Representative of the Secretary-General for Children and Armed Conflict is the UN entity responsible for gathering information on the Six Grave Violations and indicate the State and Non-State actors that commit any of them. Annual reports with the list of parties responsible for violations against children are presented to the Security Council, the General Assembly and the Human Rights Council. In spite of the denial of humanitarian access for children being one of the Six Grave Violations, it does not cause the listing of actors.
9. State and Non-State actors can be listed in different categories: one includes those who commit grave violations against children but have devised action plans alongside the United Nations to stop them from happening. The other category contains parties that commit grave violations but are not taking measures to stop the occurrence of these violations⁷.
10. After being listed, the party is requested to sign and put in practice a plan, under the Special Representative supervision, directed at ceasing the violation for which it was listed. The State or Non-State actor is only delisted when it successfully completes the plan to end the violation⁸.

⁴ United Nations, Human Rights Office of the High Commissioner, “*Convention on the Rights of the Child*”, A/RES/44/25, (20 November 1989), available from <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

⁵ United Nations, General Assembly, *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*, Resolution A/RES/54/263, (25 May 2000), available from <https://www.ohchr.org/en/professionalinterest/pages/opaccrc.aspx>.

⁶ Office of the Special Representative of the Secretary-General for Children and Armed Conflict, “*Six Grave Violations*”, (30 August 1999), available from <https://childrenandarmedconflict.un.org/six-grave-violations/>.

⁷ Office of the Special Representative of the Secretary-General for Children and Armed Conflict, “*About Us - The Mandate*”, (20 February 1997), available from <https://childrenandarmedconflict.un.org/about-us/>.

⁸ Office of the Special Representative of the Secretary-General for Children and Armed Conflict, *Tools for Action - Engagement with Parties to Conflict Who Commit Grave Violations Against Children*, available from <https://childrenandarmedconflict.un.org/tools-for-action/engagement-with-parties-to-conflict/>.

11. In each place where an actor was listed it is instituted a Monitoring and Reporting Mechanism (MRM), which, together with the Special Representative monitors the implementation of the national action plans against the Six Grave Violations⁹.
12. Within the Security Council, the Working Group for Children in Armed Conflict, created by Resolution 1612 (2005), is mandated to review the reports of the monitoring and reporting mechanism. The Working Group is also responsible for making recommendations for the Security Council regarding the improvement of the conditions of children in armed conflict¹⁰.

Potential challenges, problems and issues the Council should address

13. One of the main challenges relating to children and armed conflict is preventing the Six Grave Violations. In 2018, more than 24,000 violations against children were reported and an increased number of them has been committed by State actors. This is especially worrisome, since most of these countries are parties to the main conventions, declarations and protocols targeted at protecting children¹¹.
14. According to the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, there are 20 Situations of conflict around the globe, with parties listed in 14 countries, those being: Afghanistan, Central African Republic, Colombia, Democratic Republic of Congo, Iraq, Mali, Myanmar, Nigeria, Philippines, Somalia, South Sudan, Sudan, Syria and Yemen. There are a total of 66 parties listed for committing violations against children. Out of that total, 9 of those are State actors and 57 are Non-State actors¹².
15. The violations related to the killing and maiming of children have also considerably increased in 2018, in comparison with the previous year. These cases are usually related to children killed during massive killings, struck during crossfires, or affected by landmines and unexploded devices. In Afghanistan alone, children represented 28% of the civilian's deaths amidst conflict, these were mostly caused by either direct participation in armed conflict or due to incidents involving improvised explosive devices¹³.

⁹ Office of the Special Representative of the Secretary-General for Children and Armed Conflict, *Tools for Action – Monitoring and Reporting Mechanism*, (26 July 2005), available from <https://childrenandarmedconflict.un.org/tools-for-action/monitoring-and-reporting/>.

¹⁰ United Nations, Security Council, *Resolution 1612*, S/RES/1612 (2005) (26 July 2005), available from <https://www.undocs.org/S/RES/1612%282005%29>.

¹¹ United Nations, General Assembly and Security Council, *Children and Armed Conflict - Report of the Secretary General*, A/73/907-S/2019/508 (20 June 2019), available from https://www.un.org/ga/search/view_doc.asp?symbol=S/2019/509&Lang=E.

¹² Idem.

¹³ United Nations, General Assembly, *Children and Armed Conflict – Report of the Secretary-General*, A/72/865, (16 May 2018), available from https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_72_865_s_2018_465.pdf.

16. Children recruitment during conflicts remain a major concern. Not only the figures remain high, but countries are still struggling to properly address the issue after the recruitment has ended. Children who become soldiers are not rarely treated as criminals, even after their demobilization, hindering efforts towards the reintegration of these individuals in society¹⁴.
17. The verified cases of sexual violence against children have also reached unprecedented levels (933), but still this violation is usually the most underreported due to the social stigma that boys and girls can face when victims of raped and sexual abuse. In some countries, children subjected to such violence are neglected by their families and communities, losing their safety network, which is essential to their well-being¹⁵.
18. The abduction of children is another important issue: in 2018, it was estimated that around 2,500 children were abducted, being the highest numbers registered in Somalia (1,609). The United Nations declared that these children were abducted for reasons of recruitment, forced labor and for rape and sexual assault. Moreover, the abduction of children is also used as a terror tactic in order to scare and disrupt the daily lives of civilians in situations of conflict. It is also important to point out that a large number of children are abducted trying to flee countries or areas which are affected by conflict¹⁶.
19. In 2018, 1,023 attacks on schools and hospitals were reported. Aerial strikes and bombings were responsible for the destruction of several facilities, and also for the casualties of staff members on these locations. These attacks are especially grave since they hamper structures that are a mean to grant children a place to receive aid and develop through education¹⁷.
20. The shrinking of humanitarian areas is also a challenge when dealing with the topic of children and armed conflict. Even though the denial of access to such assistance is one of the Six Grave violations, it does not trigger the listing process of the MRM, meaning that even if parties of a conflict commit such violation they are not likely to be held accountable. According to the information collected by the Special Representative for Children and Armed Conflict, the incidents related to this violation have decreased (785 in 2018 and 1,213 in 2017). However, information from the ground suggest that this reduction was due to underreport related to the restriction of access of humanitarian workers to some areas. Lack of access to

¹⁴ United Nations, General Assembly and Security Council, *Children and Armed Conflict - Report of the Secretary General*, A/73/907-S/2019/508 (20 June 2019), available from https://www.un.org/ga/search/view_doc.asp?symbol=S/2019/509&Lang=E.

¹⁵ Idem.

¹⁶ Idem.

¹⁷ United Nations, General Assembly, *Children and Armed Conflict – Report of the Secretary-General*, A/72/865, (16 May 2018), available from https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_72_865_s_2018_465.pdf.

humanitarian assistance is especially detrimental to children and can gravely compromise their physical and psychological development¹⁸.

21. The Six Grave Violations against Children are a major concern when addressing the agenda item, but they are not the only challenge that the Council should consider. Other than that, there are fundamental areas in which Member States could compromise to improve the overall situation of children in armed conflict.
22. Providing justice for children affected by conflicts and who were victims of the Six Grave Violations is of utmost importance. From holding the perpetrators accountable, to strengthening children's protection legal frameworks and local institutions, much is yet to be done in ensuring transitional justice. Ensuring the criminalization of the violations is also essential to address the issue: not all Grave Violations are considered crimes, as is the case of the denial of humanitarian assistance¹⁹.
23. Strengthening assistance networks targeted at children is a great challenge. Most of the time, humanitarian assistance is directed to general needs of the population in need and can neglect the special needs of children. Entities such as UNICEF, UNESCO and Save the Children are good examples of humanitarian actors with actions targeted to children. Also, the lack of local capacity to offer such support is also a challenge, since local response is always the faster to reach the ones in need²⁰.
24. Finally, reintegration remains a central challenge. In 2018, almost 14,000 were reintegrated into their societies after conflict: children that were subjected to sexual violence, forced labor, abducted and recruited as soldiers. In these cases, demobilization and liberation is not enough. Children are usually traumatized by their experiences and are likely to reproduce violent behaviors in the future or develop mental illnesses, as depression. Successful cases of reintegration are related to long-term planning and partnerships between a variety of international and local actors who are capable of offering children special assistance, such as schools prepared to deal with conflict-related traumas.

Recommendations and suggestions, priorities for future action

25. The Security Council should focus in finding innovative solutions to the challenges described in the previous section. By integrating the children agenda to peace

¹⁸ United Nations, General Assembly and Security Council, *Children and Armed Conflict - Report of the Secretary General*, A/73/907-S/2019/508 (20 June 2019), available from https://www.un.org/ga/search/view_doc.asp?symbol=S/2019/509&Lang=E.

¹⁹ Office of the Special Representative of the Secretary-General for Children and Armed Conflict, *Act to Protect Children*, March 2019, available from https://childrenandarmedconflict.un.org/wp-content/uploads/2019/03/18-00059_CAAC_Act-to-Protect_brochure_web.pdf.

²⁰ Idem.

processes, it would be possible to prevent the Six Grave Violations and ensure adequate support in the post-conflict.

26. Member States and all relevant parties should take measures aimed at strengthening the Monitoring and Reporting Mechanism to improve data collection and reduce the number of cases of violations that are not reported²¹.
27. An important factor to the situation of children in armed conflict is the unimpeded access to schools and hospitals. The access to these institutions offers children a safe space to develop physically, mentally and spiritually, and to receive aid and protection amidst the situation of conflict they live in. As such, it should be a priority to Member States and all involved parties to guarantee children's access to education and healthcare in areas afflicted by conflict²².
28. Furthermore, it is also crucial to prevent the abduction of children, as well as their recruitment as child soldiers. These factors greatly contribute to the involvement of children in direct conflict, and because of that, a great importance should be put on the prevention of abduction and recruitment, and the reintegration and offer of continued support for these children, especially child soldiers. In this context, the ratification and respect of the Optional Protocol to the Geneva Convention by all Member States shows itself as an efficient way to prevent the recruitment of child soldiers²³.
29. Armed conflict can cause severe physical and psychological trauma that may hinder a child's development. Because of that, it is vital that all Member States and relevant parties establish measures to ensure the reintegration into society and the continued support to children affected by conflict. Furthermore, it is also paramount that all parties involved in a conflict respect international law and human rights, providing the necessary conditions for children to safely and fully develop²⁴.

Further Reading

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²¹ United Nations, General Assembly, *Children and armed conflict - Report of the Special Representative of the Secretary-General for Children and Armed Conflict*. A/HRC/40/49, (26 December 2018), pp. 16-17, available at: <https://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/40/49&Lang=E&Area=UNDOC>.

²² Idem.

²³ Idem.

²⁴ Idem.

- 2) OFFICE OF THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL FOR CHILDREN AND ARMED CONFLICT (OSRSGCAC). *Global Good Practices Study - Monitoring and Reporting Mechanism on Grave Violations against Children in Situations of Armed Conflict*. Office of the Special Representative of the Secretary-General for Children and Armed Conflict, November 2013. Available at: http://www.mrmtools.org/mrm/files/MRM_Good_Practice_Study_-_27_Nov_2013.pdf.
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- 4) UNITED NATIONS SECURITY COUNCIL (UNSC). “Children and Armed Conflict: Open Debate and Resolution”. In: *Official Website of What’s In Blue*. Available at: <https://www.whatsinblue.org/2018/07/children-and-armed-conflict-open-debate-and-resolution-1.php>. Accessed 7 April 2019.
- 5) UNITED NATIONS SECURITY COUNCIL (UNSC). *Children and armed conflict*. 8305th meeting, 9 July 2018, S/PV.8305. Available at: http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_pv_8305.pdf. Accessed 7 April 2019.

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