

CHILD PROTECTION ADVOCACY BRIEF

Monitoring and Grave Violations Against Children in Armed Conflict



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Facing more complex, protracted humanitarian emergencies and disregard for international humanitarian and human rights laws, UNICEF's work to advocate for the rights of children affected by armed conflict has never been more essential. Ongoing conflicts around the world expose children to grave violations of their rights, including recruitment and use by armed forces or armed groups, sexual violence, killing and maiming, and abduction. Children's safety and well-being are further endangered by attacks on their schools and hospitals and by denial of humanitarian access. UNICEF, in partnership with the Office of the Special Representative of the Secretary-General on Children and Armed Conflict and other UN bodies, co-leads the Monitoring and Reporting Mechanism (MRM) on six grave violations against children, an essential tool to document these incidents, mobilize greater support for affected children and communities, and hold parties to conflict accountable. The UN Security Council established the MRM in 2005 and has reinforced it through seven subsequent resolutions. The Secretary-General reports annually on parties to conflict responsible for grave violations against children.

It is unforgivable that children are assaulted, violated, murdered and yet our conscience is not revolted nor our sense of dignity challenged. This represents a fundamental crisis of our civilization.

(Source: Graca Machel, The Impact of Armed Conflict on Children attached to: UN Note of the Secretary-General, A/51/306 (1996), para. 317.)

In 2018, over 24,000 incidents of grave violations of children's rights were documented, including a significant increase in the number of verified incidents of killing and maiming. The increased use and contamination of indiscriminate explosives, cluster munitions, and improvised mines by parties to conflict have resulted in over 2,400 children killed or injured in 2017.¹ Sexual violence continued to be used as a tactic of conflict, primarily targeting women and girls in order to displace communities, expel religious and ethnic minorities, and seize contested land and resources.² Attacks on schools and hospitals, and their military use has had a devastating

effect on the right to education and health of thousands of affected children, with over 1,000 verified attacks.

UNICEF engages with States and non-State armed actors to stop these abuses and to help build a path to a safer environment for all girls and boys, their families and communities. Data collected through the MRM establishes trends in grave violations against children, and informs targeting of emergency assistance to the most affected and vulnerable children and families. UNICEF and other UN bodies also use MRM data to advocate with armed forces and armed groups to halt ongoing violations and prevent future abuses, such as securing the release of recruited children.

¹ http://the-monitor.org/media/2918780/Landmine-Monitor-2018_final.pdf (p2)

² Conflict-related Sexual Violence, Report of the United Nations Secretary-General (2019). S/2019/280. <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/04/report/s-2019-280/Annual-report-2018.pdf>

We document to take action

Children's Rights in Situations of Armed Conflict

Protecting children from the effects of armed conflict is a moral imperative, a legal responsibility and a question of international peace and security. The Security Council has resolved that the protection of children from armed conflict is an important aspect of any comprehensive strategy to resolve conflict and should be a priority for the international community. The General Assembly and other UN bodies have repeatedly called for special protection to be afforded to children by all parties to conflict in line with international humanitarian law and international human rights law.

The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict prohibits recruitment of children under the age of eighteen when a group operates on a signatory's territory. At

present, 167 countries have ratified the Optional Protocol on the involvement of children in armed conflict. There are 18 countries that have neither signed nor ratified the protocol and 12 countries that have signed but are yet to ratify.³

Parties to conflict: Armed forces and armed groups

A state's armed forces exist to further its foreign and domestic policies and to defend itself, and the nation it represents, from external aggressors. In some countries, paramilitary forces are included in a nation's armed forces. Importantly, states, and by extension their armed forces are responsible for adhering to the UN Convention on the Rights of the Child and its optional protocol on the Involvement of Children in Armed Conflict.

Armed groups are distinct from a state's armed forces.⁴ They have an identifiable chain of command and structure and, under international law, have responsibilities to refrain from committing grave violations against children.

What are the six grave violations against children?

1 Killing and maiming of children can be a result of direct targeting or indirect actions, including torture. Killing and maiming can be through crossfire, shelling, airstrikes, landmines, cluster munitions, improvised or other indiscriminate explosive devices or even in the context of military operations, house demolitions, search-and-arrest campaigns, or suicide attacks.

2 Recruitment or use of children in armed forces and groups. Recruitment refers to compulsory, forced or voluntary conscription or enlistment of children into any kind of armed force or armed group. The use of

children by armed forces or armed groups refers to any capacity, including, but not limited to, children, boys and girls, used as fighters, cooks, porters, messengers, spies and collaborators. Girls are also recruited for sexual purposes and forced marriage.

3 Attacks on schools or hospitals. Attacks include the targeting of schools or medical facilities that cause the total or partial destruction of such facilities. Interferences such as occupation or targeting for propaganda or otherwise causing harm to schools or medical facilities or their personnel are all reported through the MRM.

4 Rape or other grave sexual violence. This encompasses acts of rape, other sexual violence, sexual slavery and/or

trafficking, enforced prostitution, forced marriage or pregnancy, enforced sterilization, or sexual exploitation and/or abuse of children.

5 Abduction. The unlawful removal, seizure, capture, apprehension, or enforced disappearance of a child either temporarily or permanently. If a child is recruited by force by an armed force or group, this is considered as two violations – abduction and recruitment.

6 Denial of humanitarian access for children. The intentional deprivation or impediment of humanitarian assistance indispensable to children's survival by parties to the conflict, including wilfully impeding the ability of humanitarian or other relevant actors to access and assist affected children, in situations of armed conflict.

Why monitoring and reporting on grave violations matters

The MRM gathers data on grave violations against children, informs engagement and advocacy with armed forces and armed groups to end violations, and contributes to the release of hundreds of children every year. Without the documentation and verification of MRM data, UNICEF and other UN bodies would struggle to advocate effectively for the protection of children's rights in situations of armed conflict. Knowing who the children affected by armed conflict are, what happened to them, and where they are located enables UNICEF and partners to provide care and protection for these children.



³ <https://childrenandarmedconflict.un.org/tools-for-action/opac>

⁴ Armed groups: refers to groups distinct from armed forces as defined by Article 4 of the Optional Protocol to the CRC on the involvement of children in armed conflict

Nigeria

Following repeated attacks and abductions by the Boko Haram armed group, residents in northeast Nigeria formed the Civilian Joint Task Force (CJTF) in 2013 to protect local communities and support the Nigerian security forces in fighting Boko Haram. In April 2016, the CJTF was listed in the annexes of the Secretary-General's annual report on children and armed conflict for the recruitment and use of children in Nigeria. In partnership with Borno State Ministry of Justice and UNICEF, the CJTF signed an Action Plan on 15 September 2017 to end the recruitment and use of children. Through the Action Plan, the CJTF committed to identifying and releasing all children from its ranks and instructing its members not to recruit or use children in the future.

Over 830 children were formally separated from CJTF on 12 October 2018 and the verification of an additional 2,220 children is ongoing. Meanwhile, the released children and their families have access to psychosocial support, family tracing and reunification services, and community-based socio-economic reintegration, including education and vocational skills-training. In addition, the communities of return benefit from support to facilitate the children's reintegration.



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UNICEF's Impact

The MRM provides critical information on incidents and trends of grave violations, helping UNICEF and partners to advocate for children's rights and deliver emergency assistance. In 2018, UNICEF and partners successfully advocated for the release of more than 13,000 girls and boys associated with armed force and armed groups and provided children with holistic reintegration support. Nearly 9,400 associated children were reunified with their families. Working with governments, partners and communities, UNICEF also reached more than 3.7 million children in 18 countries with life-saving mine risk education and provided rehabilitation support to child victims of landmine and explosive remnants of war in 10 countries.

Since the establishment of the MRM, ten parties to conflict, in Chad, Côte d'Ivoire, Nepal, Sri Lanka, Sudan and Uganda, have signed

and completed action plans with the UN to end the recruitment and use of children. These state and non-state armed groups have released recruited children and halted the practice of recruiting and using children, and therefore were subsequently delisted from the Secretary General's annual report on children and armed conflict.

As of June 2018, seven out of nine (78%) governments listed in the SG's annual report on children and armed conflict have signed Action Plans with the UN to end the recruitment and use of children and other grave violations. Each action plan is designed to address a specific listed party's situation, and outlines concrete, time-bound steps that lead to compliance with international law and delisting. In 2018, 65 parties to conflict were listed for grave violations against children - 56 armed groups and 9 government forces.



UNICEF calls for action to protect children.

1 Protect children in armed conflict from violence and attacks. When faced with threats to peace and security, including by armed groups designated as terrorist, all Member States must ensure that their response is conducted in full compliance with international humanitarian law, refugee law and human rights law. The failure to do so has resulted in numerous violations of children's rights. Member States should include specific mitigating measures to protect children in their national security responses, and when conducting aerial bombing campaigns or ground operations. All parties to conflict should refrain from using explosive weapons in populated areas. In line with international humanitarian law, including the principles of distinction and proportionality, all appropriate steps should be taken to protect children and other civilians in the course of military operations.

2 End the recruitment and use of children in armed conflict. All parties to conflict should immediately halt the recruitment and use of children and release any children currently in their ranks to civilian child protection actors. UNICEF and the United Nations welcome engagement and dialogue with all parties to conflict to release children and support their reintegration into their communities.

3 End sexual violence against children in armed conflict. All parties to armed conflict should immediately halt all acts of sexual violence and take appropriate measures to protect children by preventing and addressing all forms of sexual violence. Armed forces and non-State armed actors should make formal and specific commitments to prevent and address conflict-related sexual violence.

4 Ensure humanitarian access for children. All parties to the conflict should create the conditions that allow humanitarian access for affected populations. The immediate scale up of life-saving assistance and protection services, including long-term reintegration, health, and psychosocial support for the most affected children and caregivers, is essential for support and recovery. Quality survivor-centered age-appropriate services should be systematically prioritized when responding to children affected by sexual violence.

5 Treat children as victims of conflict. The Secretary General's annual reports on children and armed conflict⁵ repeatedly indicate that children continue to be detained on grounds of their association with armed groups. Children must be treated primarily as victims of conflict and should not be detained or prosecuted solely for their association with or membership in any armed group. Where children above the minimum age of criminal responsibility may be criminally liable, they should be treated with due

Mankind owes to the child the best it has to give.

Source: Preamble, UN Declaration of the Rights of the Child (1959)

consideration to their right to child-specific due process, and minimum standards based on their age, needs, and specific vulnerabilities. They also have a right to be processed according to internationally recognized juvenile justice and fair trial standards.

6 Commit to Action Plans to end grave violations. The United Nations welcomes dialogue with all parties to conflict to establish action plans to end grave violations against children. These action plans provide concrete, time-bound and verifiable agreements with parties to conflict to respond to and prevent future grave violations against children affected by conflict.

FOR MORE INFORMATION, PLEASE CONTACT:



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⁵ <http://undocs.org/s/2018/465>