

Protecting children during armed conflict: the work of the United Nations

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Introduction: the office and the mandate

The origin of the office stems from a 1996 report by Ms. Graça Machel, the former First Lady of Mozambique, on the “The Impact of Armed Conflict on Children”.¹ The Machel report highlighted that there was a disproportionate impact of war on children. Based on the analysis that children were often the primary victims of violence and recognising the need to place the issue high on the international human rights, peace, security and development agendas, the report recommended the creation of a United Nations Special Representative of the Secretary-General for Children and Armed Conflict.

In light of the Machel report, the General Assembly established the mandate of the Special Representative of the Secretary-General in 1996² to strengthen the protection of children affected by armed conflict, raise awareness and promote the collection of information about the plight of children affected by war and foster international cooperation to improve their protection.

Since 1999, the situation of children affected by armed conflict has been recognised as an issue affecting peace and security and consequently has been placed on the agenda of the Security Council. The council has since identified six violations that affect children the most in armed conflict. These violations were given the moniker ‘grave violations’ and are based on international humanitarian law, but are not rooted solely in that body of law. They also include elements from international human rights and international criminal law. The six grave violations areas follows: the killing and maiming of children, the recruitment or use of children, sexual violence against children, attacks against schools or hospitals, abduction of children and the denial of humanitarian access for children. Within these categories, the detention of children for their alleged association with armed groups or forces is monitored as an issue of concern, as is the military use of schools.

¹ Available at: <http://www.unicef.org/graca/> accessed on 1 December 2015

²In General Assembly resolution 51/77 (1996)

Monitoring and reporting on the impact of conflict on children

Since the creation of the mandate, the Security Council has asked the United Nations to gather and verify information detailing where and how children are affected by armed conflict. These requests were formalised by creating the ‘Monitoring and Reporting Mechanism’³, which is implemented by the United Nations Children's Fund (UNICEF) and other United Nations partners in situations of armed conflict. The Monitoring and Reporting Mechanism has been in place since 2005 and, as of October 2015, covers 14 country situations. The information gathered through that Mechanism is used to advocate for the protection of children, but also to name parties to conflict who commit grave violations that are triggers for listing.⁴ In the most recent report of the Secretary General on children and armed conflict covering the 2014 calendar year,⁵ 57 parties are listed (eight Government forces and 49 non-State armed groups).

Through Security Council resolutions, the United Nations has been asked to engage in dialogue with listed Governments and armed groups to develop action plans to halt and prevent grave violations against children. The term ‘action plan’ is of course very broad and means many different things in different contexts. However, for the purposes of the Office of the Special Representative, an action plan is a situation specific, written and signed, commitment between the United Nations and parties to conflict which outlines concrete, time-bound steps leading to compliance with international law, de-listing, and promoting a better protective environment for children.

The impact of armed conflict on children today

Unfortunately, 2014 and 2015 brought unprecedented challenges for the protection of children affected by conflict. Children’s rights continued to be violated in conflicts across the world, with the Central African Republic, Israel and the State of Palestine, Libya, Nigeria, South Sudan, Syria and Yemen serving as regrettable examples where the situation worsened to a significant degree or saw no improvement. Extreme violence was a prevalent feature of conflict in Afghanistan, Iraq, Nigeria and Syria. Children were disproportionately affected and were often the direct targets of acts of violence intended to cause maximum civilian casualties and terrorise entire communities.

³ In United Nations Security Council resolution 1612 (2005)

⁴ The denial of humanitarian access is not a trigger. All other grave violations are triggers for listing as per security council resolutions

⁵ From 05 Jun 2015, A/69/926–S/2015/409

The rise in extreme violence was a large factor in the increase in incidents of abduction of children over recent years. The United Nations Security Council responded by adding abduction as a trigger for listing in the annual report of the Secretary-General for children and armed conflict through resolution 2225 (2015).

Sadly, extremist groups also particularly targeted children who were pursuing their right to an education. But it was a notable and concerning trend across many situations of armed conflict that the right to education and health was seriously compromised with many schools and hospitals attacked by parties to conflict.

Conflict also continued to increase displacement as civilians sought safety and refuge. The United Nations High Commissioner for Refugees indicated in June 2015 that there were more internally displaced persons and refugees than ever before. This has led to vulnerable persons, including many children, losing their lives while taking perilous journeys to perceived safety.

How the United Nations is responding to the situation

Given the trends I just outlined and the ongoing impact of conflict on children, I would like to highlight some of the efforts of the United Nations to respond. The Special Representative and her Office recognise that political dialogue, and peace and ceasefire negotiations are crucial opportunities to reach out to parties to conflict, particularly non-State armed groups. The Catholic Church is also involved in peace processes in many situations and can reinforce these messages and advocate for the protection of children.

Children, who often form such a large proportion of populations in conflict situations, bear the brunt of conflict. The early consideration of their protection needs in discussions and negotiations is important. Engagement with parties to conflict on issues such as the separation, release and handover of children can provide a starting point in discussions and offer a common denominator for parties in otherwise difficult or protracted negotiations.

There have been a number of recent successful engagements. In May 2015, upon the invitation of the Government of Colombia and the *Fuerzas Armadas Revolucionarias de Colombia — Ejército del Pueblo (FARC-EP)*, the Special Representative travelled to Havana, Cuba, to engage with parties to the Colombian peace process. The peace talks, which are facilitated by Cuba and Norway, were launched in August 2012 with the aim of ending nearly five decades of conflict. Following sustained advocacy by the Special Representative, United Nations partners and non-governmental organizations, the negotiating parties have committed

to address children's issues as a confidence-building measure. Discussions are under way to take further steps to end and prevent the recruitment and use of children, as well as to release and reintegrate children currently associated with the FARC-EP. In this regard, in June 2015, FARC-EP committed to release children under 15 years from their ranks. More work is required from all partners to ensure that all those under 18 years are released and future recruitment is prevented.

Impressive progress was also achieved with the Cobra Faction of the South Sudan Democratic Army, which released more than 1,700 children between late 2014 and mid-2015. That followed a meeting between the Special Representative and the leader of the Cobra Faction, David YauYau, in South Sudan in June 2014, and further efforts by United Nations colleagues on the ground. More recently, in May of this year, the Special Representative participated in consultations in Austria on children and armed conflict with representatives of the Justice and Equality Movement, the Sudan Liberation Army/Abdul Wahid and the Sudan Liberation Army/Minni Minawi. These non-State armed groups are listed in the 2014 annual report of the Secretary-General on children and armed conflict for the recruitment and use of children in the Sudan. Thanks to joint efforts with the African Union-United Nations Hybrid Operation in Darfur and the Austrian Study Centre for Peace and Conflict Resolution, the leaders of the three groups signed a joint statement on the situation of children in Darfur, in which they pledged to end and prevent grave violations against children.

In relation to Government forces, the Special Representative launched the "Children, Not Soldiers" Campaign jointly with UNICEF in March 2014 to end the recruitment and use of children by national security forces in conflict. The Campaign has mobilized political support, provided technical assistance and supported concerned Governments to implement action plans and take measures to end the recruitment of children and promote accountability. This resulted in the delisting of the armed forces of Chad (the *Forces Armées Nationales Tchadiennes*). There are currently seven Government forces that are listed in the most recent report of the Secretary-General⁶ for the recruitment and use of children during hostilities.

In 2015, there was a significant reduction in verified cases of recruitment and use of children by national security forces, especially in Afghanistan, the Democratic Republic of the Congo and Myanmar. In Afghanistan, a decree to criminalize underage recruitment by the Afghan national security forces came into force in February of this year and age assessment

⁶ From 05 Jun 2015, A/69/926-S/2015/409

guidelines were adopted in December. The commitment of the Government of the Democratic Republic of the Congo to end and prevent the recruitment and use of children by its national security forces remains steady and there were a number of high level convictions in the national justice system for the recruitment and use of children. With support from the United Nations, hundreds of children were released from the Myanmar armed forces since the Campaign launch and there has been increased access to military bases to carry out monitoring activities. However, cases of underage recruitment continue to be documented, sometimes including children sent to the front lines.

In 2015, South Sudan and Yemen, two countries who had committed to Action Plans with the United Nations to end the recruitment and use of children, illustrated that heightened conflict can set back progress and commitments made to end violations. This demonstrates to us the importance of putting in place mechanisms strong enough to withhold a new crisis. In both countries the recruitment and use of children by all parties to conflict was endemic, and as of October 2015, the situations continued to deteriorate.

Despite commitment from the Somali Federal Government, ongoing instability hampers progress on the action plan. In Sudan, there is not an action plan in place, but discussions are ongoing with the Government.

Handover protocols with national and international armed forces

In order to ensure the appropriate treatment of children separated from armed groups, the Special Representative and her Office advocate with armed forces who encounter children during military operations to put in place standard operating procedures. These procedures ensure that children are treated primarily as victims and handed over to civilian child protection actors as soon as possible after they are encountered in military operations. These documents provide a framework to safeguard children's rights and prevent the long-term deprivation of liberty. Significant progress has been made with military actors in recent years. For instance, in September 2014, the United Nations and the Government of Chad signed a protocol on the handover of children, which included specific provisions regulating detention. Those standard operating procedures build on previous agreements signed with the Governments of Mali, Somalia and Uganda (which dealt with children separated from the Lord's Resistance Army) which were signed in recent years.

What role can military chaplains play?

In light of the plight of children and the work that is ongoing to protect them, you may ask what role the Catholic Church and military chaplains can play in this collective effort. As an overarching point, the Catholic Church is present in all countries on the children and armed conflict agenda and acts as a strong mobilizer to promote peace, tolerance, coexistence. Regarding military chaplains, it is clear that they have a vitally important role to protect children during armed conflict. Military chaplains can highlight the plight of children affected by war in their work and ensure that children are treated appropriately by the military force they are part of. Military chaplains can be particularly important in promoting child protection at the very highest level of military forces and can perhaps even influence military strategy for the benefit of the protection of children and other civilians through their interaction with commanders. Chaplains can also speak to soldiers and commanders ensure that they act with moral conviction and speak up in the event that violations against children do occur, either by their own military force or partner forces. Lastly, as an organisation with a strong interest in social issues, the Catholic Church can play an important role in supporting the reintegration of children back into communities.