



Protecting Children Affected by Armed Conflict

ODU United Nations Society

Introduction

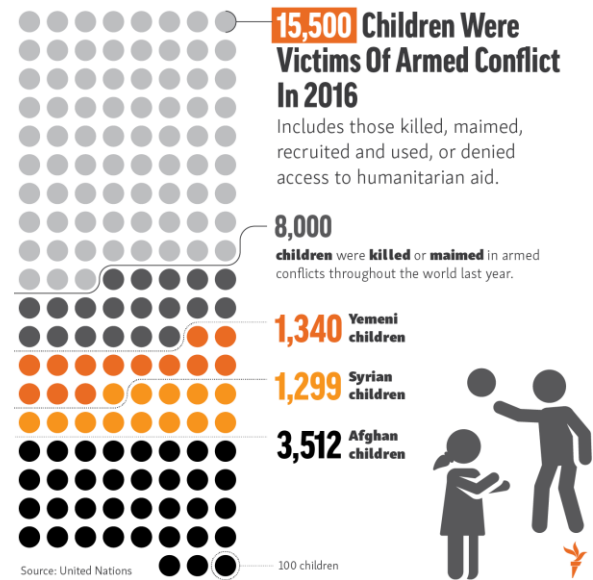
For most of history, war was known to affect children, but the effects were dismissed as inadvertent by-products, regrettable but not requiring special action. This attitude began to change in the late-1970s, when the international community first took up the issue. Forty years later, much has been done; the problems of children in armed conflict are a firm part of the global agenda. But much more begs to be done.

Non-governmental organizations (NGOs) like *Save the Children* have done much of the work to better acquaint the international community with the scale of the problem. UN institutions also are at the forefront of the issue, such as *The United Nations Children's Fund* (UNICEF).

For members of the Security Council, there is no better review than the recent report, *Children and armed conflict: Report of the Secretary-General*.¹ The document draws attention to the scale of the problem of children affected by armed conflict, not just children directly affected as child soldiers or abducted as slaves or for sexual exploitation, but those whose lives are disrupted. The report notes that in:

- In 2016, approximately 357 million children (one in six) lived in a conflict zone.
- In 2016, approximately 165 million children lived in high intensity conflict zones, (conflicts with more than 1,000 battle deaths).

Other research stresses the geographical distribution of conflicts affecting children. The region with the highest probability of a child living in a conflict zone is the Middle East—fueled especially by conflict in Libya, Syria and Yemen. Africa is second, with conflicts most severe in Cameroon, Central African Republic (CAR), DR Congo, Nigeria and South Sudan. In Asia the worst affected are the children in Myanmar’s Rohingya minority, Philippines and Thailand.²



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¹ *Children and armed conflict: Report of the Secretary-General* (S/2019/509), 20 June 2019, <https://undocs.org/S/2019/509>

² Bahgat, Karim; Kendra Dupuy; Gudrun Østby; Siri Aas Rustad; Håvard Strand & Tore Wig (2018)

Children Affected by Armed Conflict, 1990–2016, Conflict Trends. Oslo: PRIO, 2018, <https://www.prio.org/Publications/Publication/?x=10868>



Seven basic categories of criminal abuse and victimization of children in armed conflict have been identified:³

- Recruitment and use of children, directly involved in conflicts, recruited or forced to fight as child soldiers. As perpetrators of violence, child soldiers are permanently outcast from society and depriving them of homes and condemning their future.
- Killing or maiming of children, with an estimated 24,000 children made direct victims—killed or maimed—by conflict violence in 2018.⁴
- Sexual violence against children. Others become victims of rape and other forms of sexual violence, crimes with permanent effects on the victims and their alienation from society. Lack of survivors' services and protection discourage children from coming forward.
- Attacks against schools or hospitals, with 1,023 verified attacks on clinics, hospitals and school in 2018, the facilities children need most often are first to be destroyed.⁵
- Abduction of children, taken from their families and communities, for use as child soldiers, child brides, sexual slaves or forced laborers.
- Denial of humanitarian access. Many children continue to be detained as a result of conflict, unable to escape conflict ravaged regions, or condemned to refugee camps without basic social services.
- Problems persist even after conflicts end. Among the worst is explosive remnants of war (ERW)—especially landmines and

cluster munitions—left after the fighting, causing thousands of deaths and injuries annually. Children, who often do not recognize the risks of unexploded ordnance or are unaware of its presence, are especially vulnerable.

The issue is more complicated than many, because the perpetrators of violence against children in armed conflict range from states to guerrilla movements and gangs. Non-state armed groups (NSAGs), commonly known as guerrilla, rebels or terrorists, are responsible for some of the worst violence against children.

Children are recruited to fight in many conflicts. In one of the worst cases—Northeastern Nigeria—the United Nations Children's Fund (UNICEF) found that more than 3,500 children, most of whom were aged 13 to 17, were recruited by non-state armed groups between 2013 and 2017 and have been used in the ongoing armed conflict in northeast Nigeria – UNICEF said today ahead of the fifth anniversary of the Chibok abduction. In addition to these children, 432 children were confirmed killed and maimed, 180 were abducted, and 43 girls were sexually abused in north-east Nigeria in 2018.⁶

But, it is a mistake to assume states are not part of the problem. States are the dominant force in some of the worst situations, such as Myanmar's ethnic attacks on its Rohingya minority, or India, which has become increasingly violent against Muslim populations in Kashmir and its Northeast regions.

³ Security Council must 'come together' to address the plight of children trapped in armed conflict, says UN envoy', *UN News Centre*, 2 August 2019, <https://news.un.org/en/story/2019/08/1043671>

⁴ *Children and armed conflict: Report of the Secretary-General (S/2019/509)*, New York: United Nations Secretary-General, 20 June 2019, para, 5, <https://undocs.org/S/2019/509>

⁵ *Ibid.*, para. 8.

⁶ 'More than 3,500 children have been recruited and used by non-state armed groups in northeast Nigeria since 2013', *The United Nations Children's Fund*, 12 April 2019, <https://www.unicef.org/press-releases/more-3500-children-have-been-recruited-and-used-non-state-armed-groups-northeast>

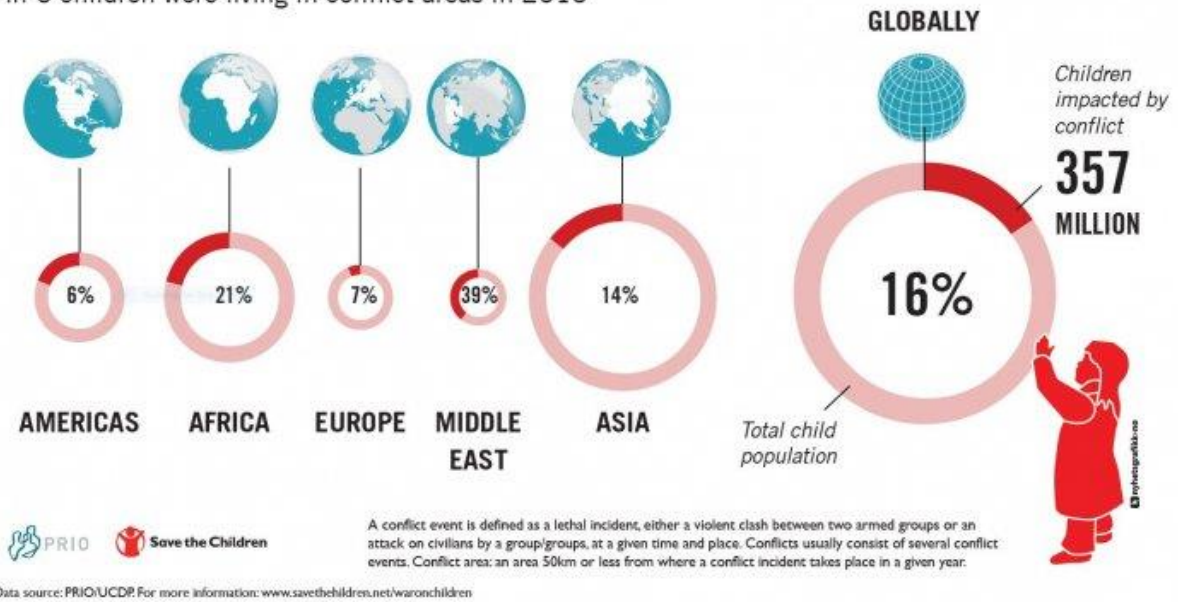


States also can be guilty of unrestrained or disproportional violence against their enemies, making children inadvertent, but systematic victims. In Syria and Yemen, for example, there is little evidence governments such as those of Syria, Russia or Saudi Arabia, directly attacked children, but vast numbers of children have been affected from such attacks. Aerial bombing is

notoriously inaccurate. Even when precision guided munitions (PGMs) hit their targets, children may be present, or affected indirectly when their relatives are injured, families are killed, or displaced.

Children affected by conflict

1 in 6 children were living in conflict areas in 2016



Previous UN Action

Children have the same rights as all other people, under the Geneva Conventions and the 1948 Universal Declaration of Human Rights. But their special vulnerability, made abundantly clear by the horrors of war in Vietnam, Cambodia and Africa in the 1970s, led to demands for agreements directed at children’s special needs.

The most important is the 1979 *Convention on the Rights of the Child*. This first established that children have rights under international law, including rights to protection from exploitation, rights to education and opportunities as children.⁷ It does not deal with children in conflict, as such.

It was not until the *Paris Principles and Paris Commitments of 2007*, that protecting children from the effect of conflict was made part of

⁷ *Convention on the Rights of the Child*, 1979.



international law. The international community agreed to cooperate to stop all recruitment of children to fight in armed conflict.⁸ The Paris Principles have been reiterated by the UN repeatedly. They have the support of most with Member States, many of whom used to recruit children, legally anyone under the age of 18, into their militaries.⁹ A follow-on conference hosted in Paris in 2017 reaffirmed international commitment to this principle. The Paris Principles mostly apply to specific issues regarding children in armed conflict. They are narrow, but offer a precedent on how other aspects might be addressed.

There has been opposition from countries that permit children to join their armed forces, such as the United States, which allows 17-year-olds to join. They have been less effective with Non-State Armed Groups (NSAGs). Some NSAGs have voluntarily agreed to accept the Paris Principles. Geneva Call, a non-governmental organization, has been active in this area since the year 2000, and won agreement from 65 non-state armed groups to accept humanitarian principles.¹⁰

In an effort to correct those oversights, the UN Security Council passed its most important resolution on children and violent conflict, *UN Security Council resolution 2427*, agreed 9 July 2018.¹¹ The resolution broadens the scope of issues regarding children and violence that get Security Council attention. Above all, it makes the problems of children in conflict a permanent

part of the Security Council's mandate. It includes demands for specific action by Member States and the UN, calling on them to be alert to halt any deliberate targeting of children, schools and clinics, to prevent child abduction, and to prevent sexual exploitation of children by UN Peacekeepers, and to pledge to prosecute perpetrators of violence against children in armed conflict.

Security Council resolution 2427 especially directs attention to post-conflict problems of reintegrating child soldiers and other children displaced by conflict back into society. Left to themselves, child victims typically are pushed to the margins of society; impoverished, ignored, forgotten and condemned. Only with deliberate efforts can they be fully made part of society again, given a chance at normal lives, including education, full-time employment and marriage.

Within the international community, however, there remains strong discontent with previous accomplishments, a sense that too little is being done. 'Unfortunately, for all our efforts to date, we are not yet at a point where we can be confident that the situation is improving year upon year', said Virginia Gamba, the UN Special Representative for Children and Armed Conflict. She informed the Council that 2018 saw 'record levels' of verified cases of children killed and maimed, and echoed the Secretary-General's concern that 'unprecedented numbers of violations were attributed to national and international forces'.¹²

⁸ 'Paris principles and Paris commitments', *The United Nations Children's Fund*, 6 December 2013, https://www.unicef.org/protection/57929_58012.html

⁹ 'What are the Paris Principles and Paris Commitments?' *France Diplomatie*. Paris: Ministry for Europe and Foreign Affairs, 2017, <https://www.diplomatie.gouv.fr/en/french-foreign-policy/human-rights/children-s-rights/protecting-children-from-war-conference-21-february-2017/article/what-are-the-paris-principles-and-paris-commitments>

¹⁰ 'Geneva Call', *Wikipedia*, n.d., https://en.wikipedia.org/wiki/Geneva_Call

¹¹ *Resolution 2427* (2018), New York: UN Security Council, 9 July 2018, [https://undocs.org/S/RES/2427\(2018\)](https://undocs.org/S/RES/2427(2018))

¹² 'Security Council must 'come together' to address the plight of children trapped in armed conflict, says UN envoy', *UN News Centre*, 2 August 2019, <https://news.un.org/en/story/2019/08/1043671>



One way to make the Council better informed—and less able to deny awareness of problems—is *Arria-Formula Meetings*.¹³ This approach started in 1992 when Venezuela held the Council Presidency, under the leadership of its Ambassador, Diego Arria. His idea was to invite spokesmen from civil society and actors other than Member States to speak to the Council. To make this possible, Arria chaired informal Council meetings where he personally invited representatives of humanitarian non-governmental organizations to address the Council. The approach, which is not mentioned in the UN Charter, established an important precedent. It made the Council better informed, and created new pressure on the Council to act in difficult cases.

Arria Formula Meetings played a major role shaping international reactions to the Yugoslavia wars of the 1990s. More recent Arria Formula Meetings have considered problems of armed conflict in Africa and terrorist financing. An Arria Formula Meeting was held in 2019 to make Member States better informed about the problem of reintegrating children into society after conflicts are over, such as what to do with the children of veterans of terrorist organizations, including children imprisoned with their families after the collapse of Islamic State.¹⁴

The procedure is not used consistently and Member States cannot be forced to attend. There

has even been opposition from Member States who feel the process was being used to coerce them. But many Member States, especially those from Africa, Europe and Latin America strongly support the method.

Some Proposals for Further Action

Focus on the Security Council: Rather than deal directly with specific principles or conflicts, many maintain the place to start is the UN Security Council itself. Large scale reform—such as expanding Security Council membership—is beyond the competence of the Council alone. But there are ways the Council can better assure it pays attention to this issue, especially measures that improve Member State appreciation of the problems of children in specific conflicts.

For example, scheduling regular Arria Formula Meetings with experts and witnesses from civil society and non-governmental organizations close to the conflict, could give Council Member States more information from organizations that know the most.¹⁵ Candidates for inclusion are groups like Doctors Without Borders, Amnesty International or Human Rights Watch, as well as conflict-specific organizations.

The strongest opposition to more Arria Formula Meetings could come from the Member States

¹³ ‘Arria-Formula Meetings’, *Security Council Report*, 17 October 2019, <https://www.securitycouncilreport.org/un-security-council-working-methods/arrria-formula-meetings.php>

¹⁴ ‘Arria-Formula Meeting on Reintegration of Children Associated with Armed Forces and Armed Groups’, *What’s In Blue*, 25 November 2019, <https://www.whatsinblue.org/2019/11/arrria-formula-meeting-on-reintegration-of-children-associated-with-armed-forces-and-armed-groups.php>

‘Arria-Formula Meetings’, *Security Council Report*, 17 October 2019, <https://www.securitycouncilreport.org/un-security-council-working-methods/arrria-formula-meetings.php>

¹⁵ ‘Arria-formula’ Meetings’, *Working Methods Handbook, UN Security Council*, n.d., <https://www.un.org/securitycouncil/content/arrria-formula>



least willing to empower NGOs, especially China and Russia. Support is strongest from countries in Africa, Europe and Latin America.

Focus on specific armed conflicts: The Member States of the Security Council may find it easier to agree on what to do in specific conflicts. It often is less controversial picking on a specific actor. Typical targets are conflicts in the Central African Republic (CAR), DR Congo, Islamic State, Syria, Yemen, and the Israeli military for its actions in the Occupied Palestinian Territories (OTC), as Gaza and Palestine are often called in international deliberation.

A country or conflict-specific resolution can be easier to do than one stressing universal principles, which can invite opposition from Member States, some of whom refuse to risk their sovereign freedom of action. All of these conflicts are examined in the most recent UN Secretary-General Report on Children in Arms Conflict.¹⁶ In every case children are especially at risk, and their needs are not being met. Creating a UN peacekeeping force designed to serve their needs, or better funding humanitarian organizations like UNICEF could greatly alleviate their suffering. But winning the support of all five permanent Member States could be tricky.

Focus on non-state armed groups (NSAGs). It is not true that NSAGs are the worst offenders against children in armed conflict, but they are a big part of the problem, and might be the easiest for the Council Members to agree to act against.

Focus on new principles for Member State responsibility in armed conflicts, specifically addressing the needs of affected children. This might take the form of extending the *Paris Principles and Paris Commitments* of 2007,

which focus on child soldiers. Currently the Member States do not have a responsibility to act in armed conflicts that especially endanger children. Since they can intervene or ignore then as they choose, they usually choose not to do anything.

A new principle requiring action under specific circumstances could have many effects. Merely establishing such a principle could deter states and even non-state armed groups (NSAGs) from violating norms regarding children in conflict. It also could facilitate military intervention by the international community in the most egregious cases.

Such a principle might have strong support from Member States in Africa, Europe and Latin America, where there is support for strengthening such normative principles.

But it would face opposition from some Member States, especially from those involved in conflicts (such as Russia in Syria) and who want to keep the international community out. Opposition also could come from states like China who wish to avoid a precedent elsewhere that could be used against them some day. Member States like the United States, afraid of anything from the UN that could complicate their freedom of action, also could be opposed.

Focus on Member State responsibility after armed conflicts end. SC resolution 2427 broke new ground by pledging the international community to alleviate the suffering of children during, and after armed conflict. But as the UN Special Representative for Children and Armed Conflict made clear, much more needs to be done.

Member States have been slow to provide the intelligence and military resources required to

¹⁶ *Children and armed conflict: Report of the Secretary-General (S/2019/509)*, New York: United

Nations Secretary-General, 20 June 2019, <https://undocs.org/S/2019/509>



find and bring to justice the perpetrators of violence against children in conflict. All too often after conflict, war lords and gang leaders go free.

Similarly, money is required to better integrate child victims back into society, to provide them

with homes, education and work opportunities. Member States have been hesitant to fund such initiatives. Some Security Council Member States express doubt that additional funding can be found.

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