



The six grave violations of children's rights in armed conflict

Advanced Training Course

International Criminal Jurisdiction
Involving Children in Armed
Conflict

Programme Overview

The six grave violations of children in armed conflict

- Killing and Maiming
- Recruitment and use
- Rape and other forms of sexual violence
- Abduction
- Attacks on schools and hospitals
- Denial of humanitarian access

Main tools to monitor and report

- Annual Report
- MRM

Beyond the six grave violations

- Detention of children associated with parties to conflict

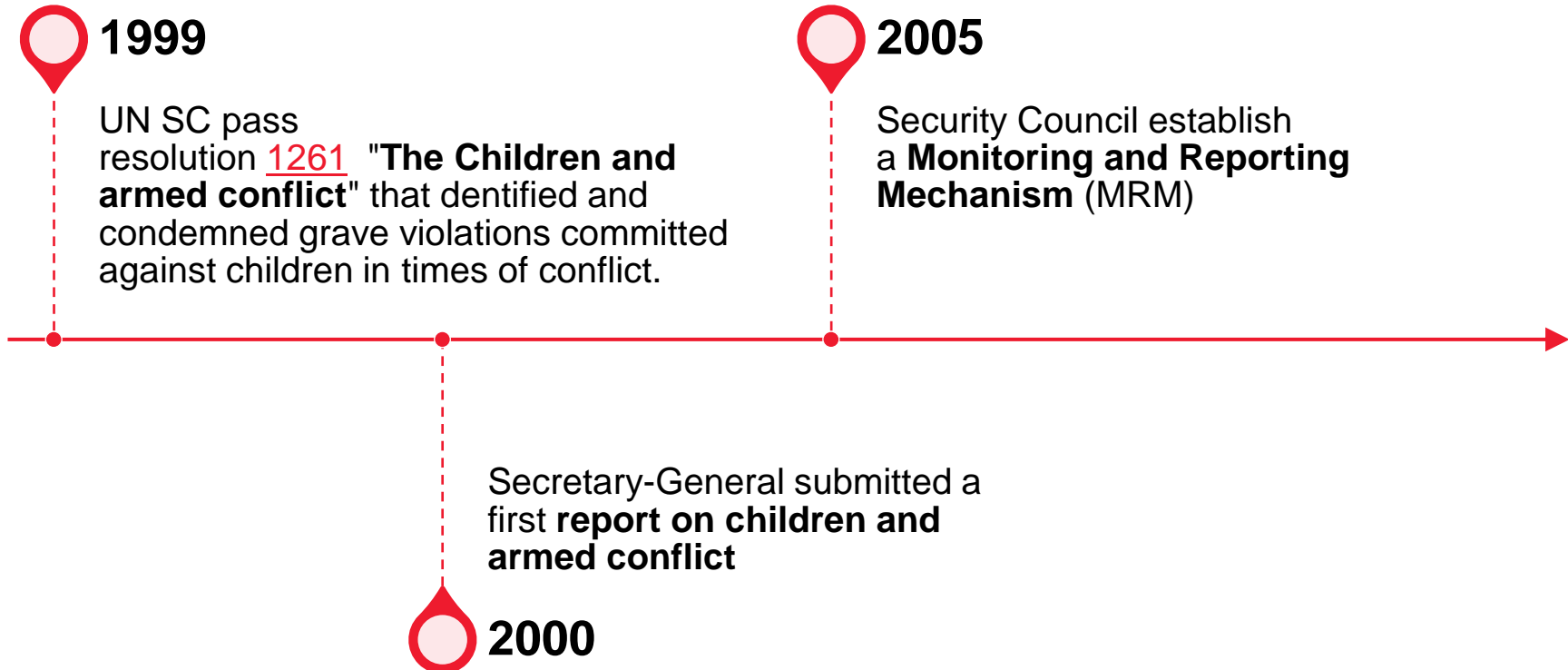
Some exercise to practice

THE 6 GRAVE VIOLATIONS OF CHILDREN IN CONFLICT



UN Security Council Resolution 1261 (1999)

The Children and armed conflict



Based on this information, the UNSG names parties to conflict who commit grave violations in his annual report on children and armed conflict with the goal of ending these violations.

UN Security Council Resolution 1261 (1999)

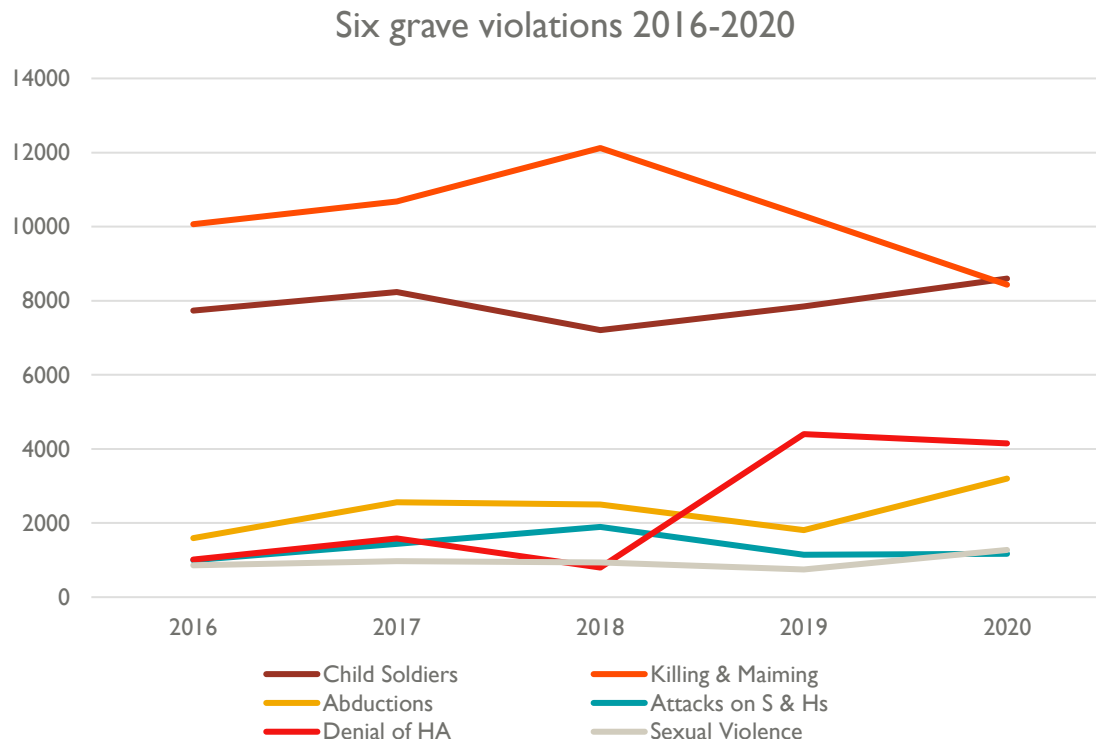
The Children and armed conflict

The resolution identifies and condemns **six grave violations** against committed against children in times of conflict. These violations are:

- 1. Killing or maiming of children**
- 2. Recruitment or use of children**
- 3. Rape and other forms of sexual violence against children**
- 4. Abduction of children**
- 5. Attacks against schools or hospitals**
- 6. Denial of humanitarian access to children**

Trends on the 6 Grave violations

- **SRSR CAAC Report:** 26,425 grave violation in 2020 alone.
- **Stop the War on Children report series:** it is the fourth consecutive year in which the number of grave violations has increased and is yet another record total.



The most dangerous countries for children in conflict:

1. Afghanistan
2. DRC
3. Syria
4. Yemen
5. Somalia
6. Mali
7. Nigeria
8. Cameroon
9. Sudan
10. CAR

I. Killing and maiming of children

Definition: Any action of an armed group or armed force in the context of the conflict resulting in the death or the serious injury of a person under the age of 18.

Parties to conflict must protect children from being killed, maimed or injured.

Thousands of children are injured and killed during military operations, many are also victims of landmines and unexploded ordnance. Another worrisome trend is the rise in suicide attacks, and the use of children to carry them out.

I. Killing and maiming of children

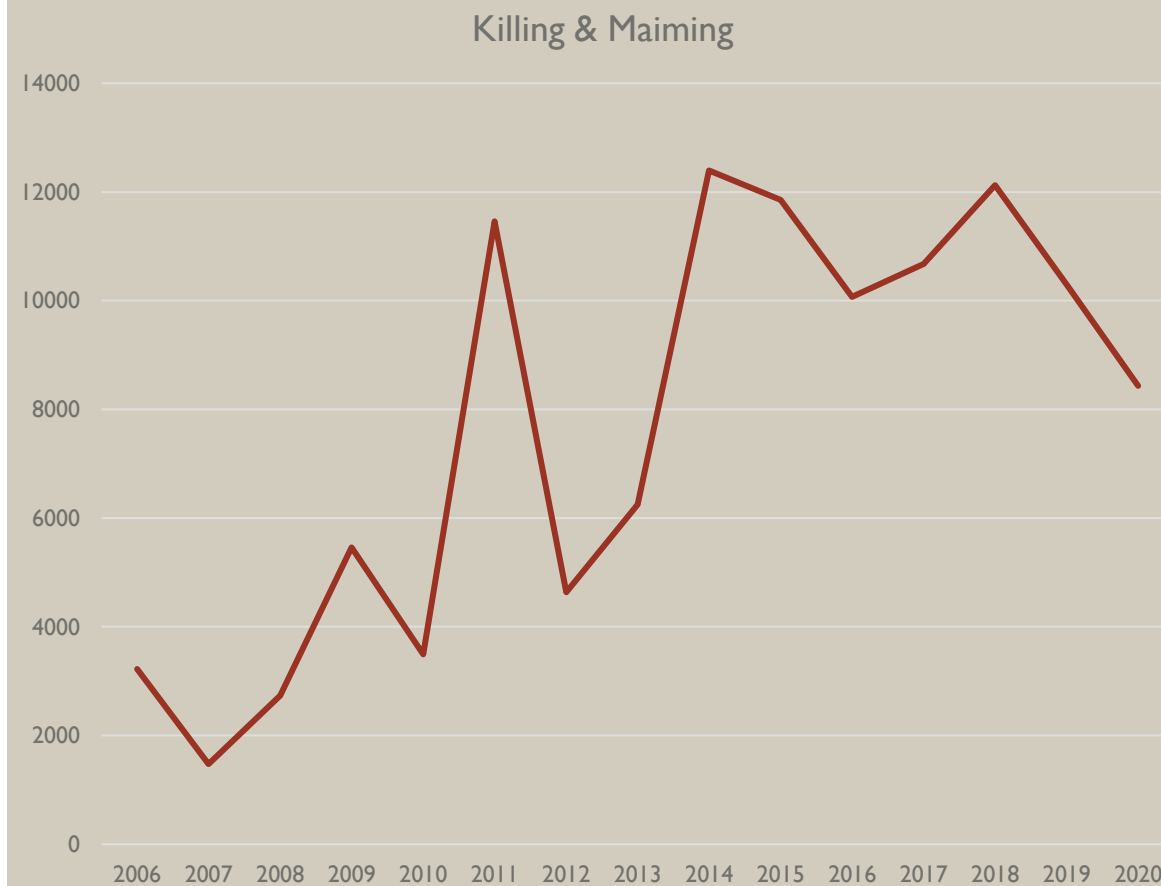
Legal framework

- Geneva Conventions and its Additional Protocols: “Parties to an armed conflict must distinguish between the civilian population and combatants, between civilian objects and military objectives and must not conduct an attack if there is a risk of excessive damages to civilians.”
- UN Universal Declaration of Human Rights: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”.
- UN CRC: “Enshrines the **child’s right to life, survival and development**; prohibition of torture or other cruel, inhumane or degrading treatment”.
- African Charter on the rights and welfare of the child: “Death sentence shall not be pronounced for crimes committed by children”.
- Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction: “[...]Determined to put an end to the suffering and casualties caused by anti-personnel mines, that kill or maim hundreds of people every week[...]”.
- Rome Statute: Killing and maiming of children may constitute genocide, crime against humanity and war crime
 - **Principle of distinction: a crime occurs if there is an intentional attack directed against civilians**
 - **Principle of proportionality: an attack is launched on a military objective with the knowledge that the incidental civilian injuries would be clearly excessive in relation to the anticipated military advantage**

I. Killing and maiming of children

Trends

In 2020, 8,422 children were killed (2,674) and maimed (5,748).



Countries with highest n° K&M in 2020

- Afghanistan (2,619)
- Siria (1,229)
- Yemen (1,165)
- Somalia (1,087)
- DRC (413)
- oPt (422)

2. Recruitment or use of children

Definition

- **Recruitment:** Compulsory, forced or voluntary conscription or enlistment of children into any kind of armed force or armed group, under the age stipulated in the international treaties applicable to the armed force or armed group in question.
- **Use:** the use of children by armed forces or armed groups in any capacity, including but not limited to children used as fighters, cooks, porters, messengers, spies, sex slaves and collaborators.

No matter their role, child soldiers are exposed to acute levels of violence – as witnesses, direct victims and as forced participants.

Armed groups or armed forces may recruit and use children as they may consider perceive children as easier to manipulate than adults . Children may not question adults in authority. Consequently, children are particularly useful for carrying out hazardous missions such as acting as suicide bombers

2. Recruitment or use of children

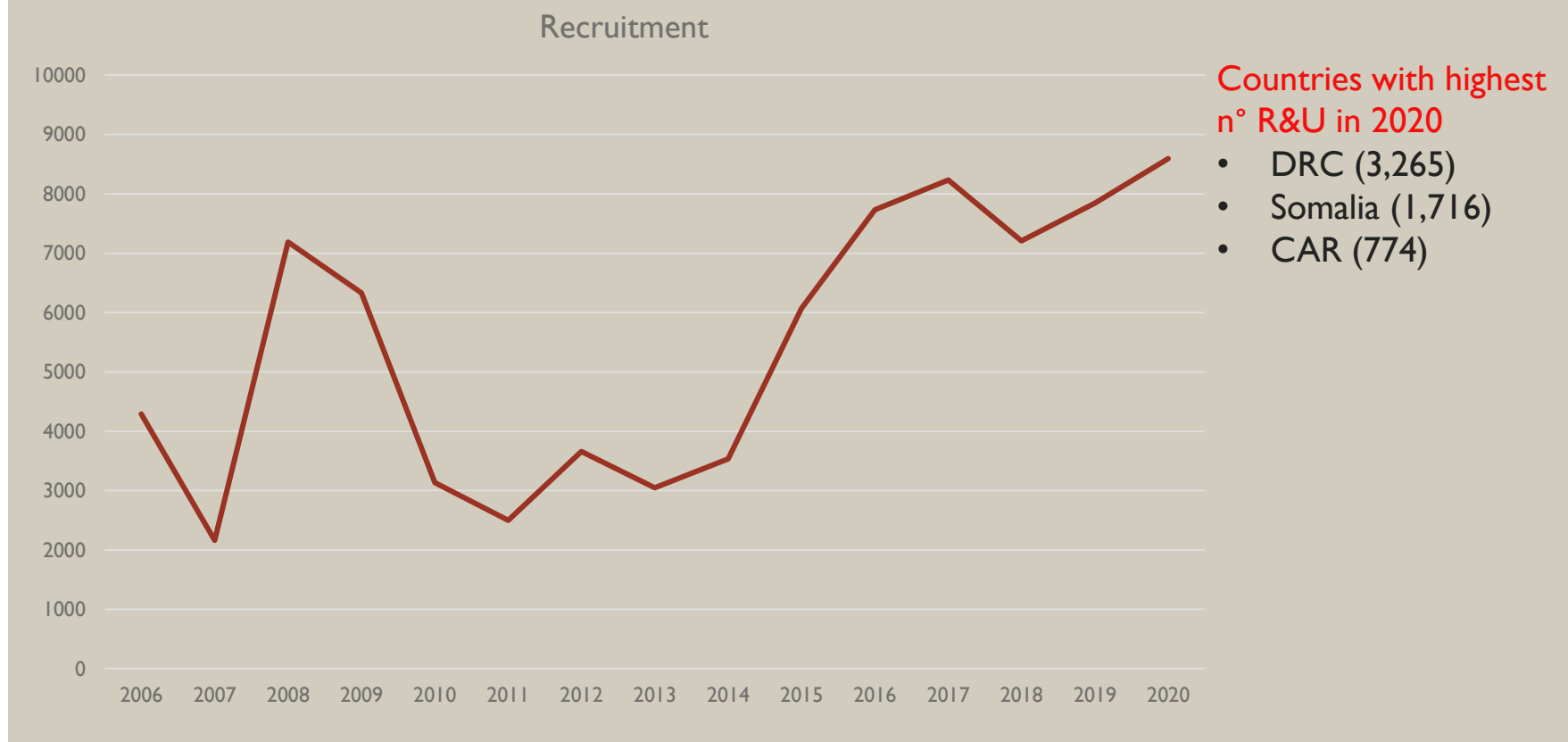
Legal framework

- Geneva Conventions
- UN CRC
- Optional Protocol to the CRC on the involvement of children in armed conflict (2002): States will not recruit children under the age of 18 to send them to the battlefield or conscript them as soldiers. Armed groups distinct from the armed forces of a country should not, under any circumstances, recruit or use in hostilities anyone under 18. States should take all possible measures to prevent such recruitment, demobilize and provide physical, psychological recovery services and help their social reintegration.
- The African Charter on the Rights and Welfare of the Child
- International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour: prohibits forced or compulsory labour, including the forced or compulsory recruitment of children for use in armed conflict
- Rome Statute: conscripting or enlisting children under the age of fifteen into national armed forces or using them to participate actively in hostilities is characterized as a war crime
- Paris Principles on the Involvement of Children in Armed Conflict (2007): A child associated with an armed force or armed group refers to any person below 18 years of age who is, or who has been, recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, spies or for sexual purposes.

Recruitment and use of children

Trends

In 2020 8,521 children were recruited and used by armed forces and armed groups the highest ever recorded total for verified cases of the recruitment and use of children – a rise of nearly 11% from 2019.



3. Rape or other grave sexual violence

Definition:

- **Rape/attempted rape** is an act of non-consensual sexual intercourse and also includes the invasion of any part of the body with a sexual organ or object.
- **Sexual violence** takes many forms, including rape, sexual slavery and/or trafficking, forced pregnancy, sexual harassment, sexual exploitation and/or abuse and forced abortion.

In some instances, sexual violence has been used as a tactic of war designed to humiliate a population or to force displacement.

Children who experience sexual violence suffer from devastating consequences: long-term psychological trauma, health consequences including transmitted infections such as HIV/AIDS and early pregnancies.

3. Rape or other grave sexual violence

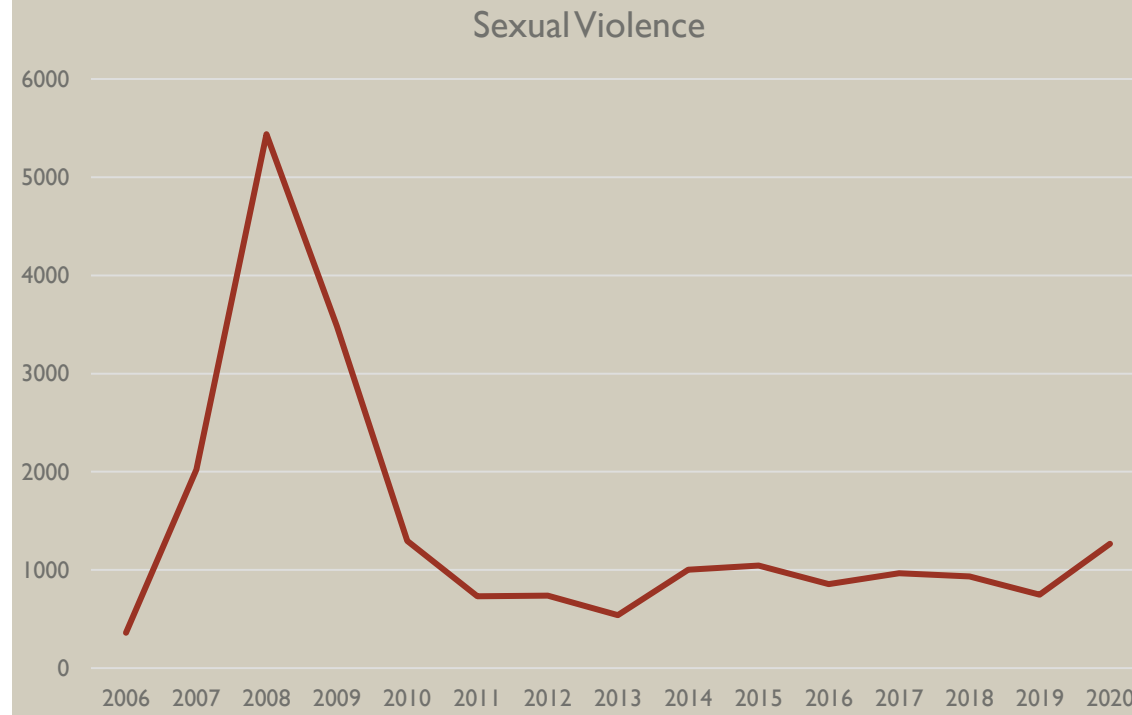
Legal Framework

- Geneva Conventions and Additional Protocols - Article 3: prohibits **outrages upon personal dignity**, in particular humiliating and degrading treatment against protected persons. In addition to that Additional Protocol I, relating to the protection of victims of international armed conflicts, Prohibits "Outrages upon personal dignity, in particular humiliating and degrading treatment, **enforced prostitution and any form of indecent assault**. Children must be the object of special respect and must be protected against any form of indecent assault " and Additional Protocol II: "Outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault"
- Rome Statue: **Rape and other forms of sexual violence** such as sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and other forms of sexual violence constitute **war crimes** and if it is being **committed as part of a widespread or systematic attack against a civilian** population constitute a crime against humanity.
- UN CRC "State parties must **protect the child from all forms of sexual exploitation and sexual abuse**" + "Optional Protocol to the CRC on the sale of children, child prostitution and child pornography provides additional protection".
- International Tribunal for Rwanda: Rape and other forms of sexual and gender violence have been recognised as among the most serious of offenses. Cases have recognized that they may constitute genocide, torture and other inhumane acts.

3. Rape or other grave sexual violence

Trends

In 2020 the UNSG registered 1,268 cases of children who experienced sexual violence in armed conflicts. The total of 1,268 is the highest verified total for more than 10 years (2010-2020), and up 48% since 2016. 70% increase compared to 2019.



Countries with highest n° R&SV in 2020

- DRC (568 – 564 girls + 4 boys)
- Somalia (406 – 400 girls + 6 boys)
- Afghanistan (13 – 9 boys + 4 girls)

4. Abduction

Definition:

The unlawful removal, seizure, capture, apprehension, taking or enforced disappearance of a child either temporarily or permanently for the purpose of any form of exploitation of the child – this includes but is not limited to recruitment in armed forces or groups, participation in hostilities, sexual exploitation or abuse, forced labour, hostage-taking or indoctrination.

In times of war, children are too often abducted by parties to conflict and subjected to brutal treatment.

In many cases, the abduction of children is the precursor to other grave violations.

- ✓ If a child is recruited by force by an armed force or group, this is considered as two separate violations – abduction and recruitment.

4. Abduction

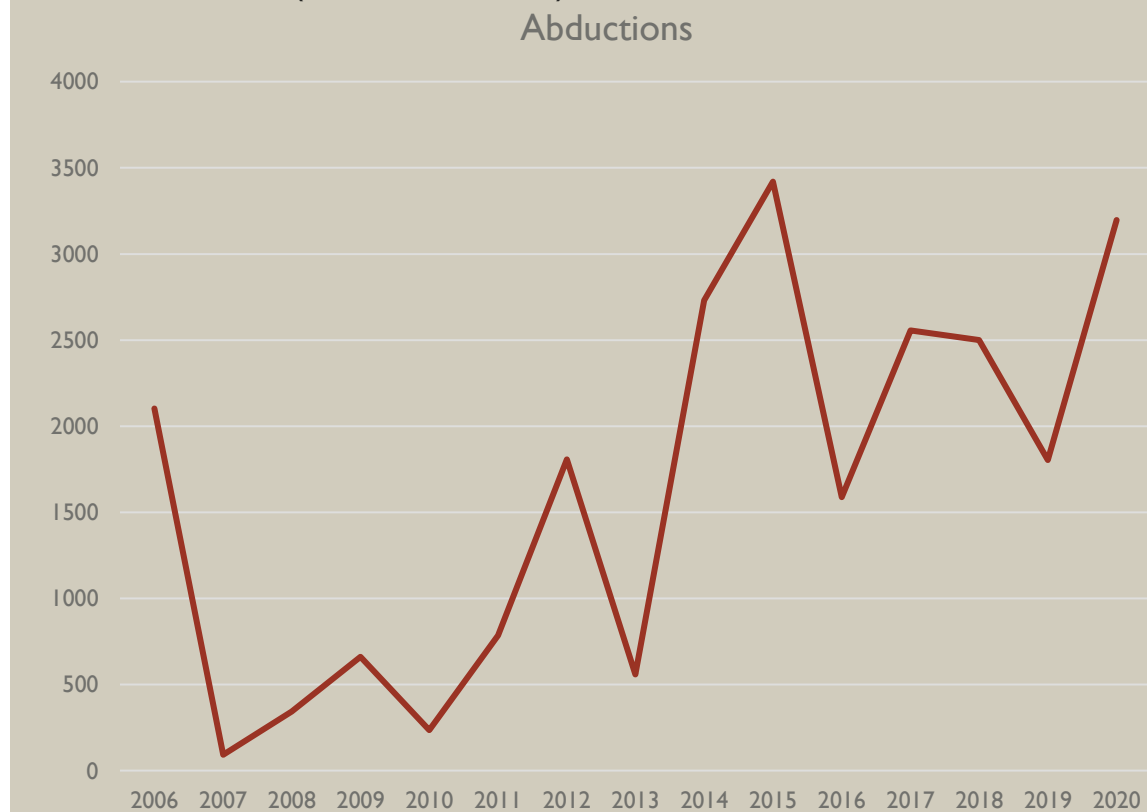
Legal Framework

- Geneva Conventions Common - Article 3 requires humane treatment for civilians implicitly but undeniably **prohibits the abduction of children**.
- UN CRC - Article 35: **Governments must protect children from being abducted**, sold or moved illegally to a different place in or outside their country for the purpose of exploitation.+ Optional Protocol I to the CRC on the Sale of Children, Child Prostitution and Child Pornography: Forces States Parties to **prohibit the sale of children**. Defines the Sale of children as being any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration
- The African Charter on the Rights and Welfare of the Child - Article 39: States Parties to the present Charter shall take appropriate measures to **prevent**: (a) the abduction, the sale of, or traffic in children for any purpose or in any form, by any person including parents or legal guardians of the child;
- Rome Statute of the ICC: list between crimes against humanity when committed as part of a widespread or systematic attack directed against any civilian population - **"Enforced disappearance of persons"** that means the arrest, detention or abduction of persons by a State or a political organization with the intention of removing them from the protection of the law for a prolonged period of time

4. Abduction

Trends

The second highest ever total of abductions were verified by the UN in 2020, with 3,198 cases – only lower than the all-time high recorded in 2015 and up dramatically from the 1,804 in 2019 (77% increase).



Countries with highest n°
A in 2020

- Somalia (1,430)
- DRC (460)

Several states verify a lower number than 5 children abducted in 2020. As an illustration, Colombia verified 2 children (a boy and a girl) as abducted.

5. Attacks on schools and hospitals

Definition:

Attacks include the targeting of schools or medical facilities that cause the total or partial destruction of such facilities.

Other interferences to the normal operation of the facility may also be reported, such as the forced closure, occupation, shelling, targeting for propaganda of, or otherwise causing harm to schools or medical facilities or its personnel.

Schools and hospitals must be zones of peace, where children are granted protection even in times of conflict.

Children, teachers, doctors and nurses are also subject to threats by parties to conflict if suspected, for example, to support the other party to the conflict. Also of great concern is the use of schools for military purposes.

5. Attacks on schools and hospitals

Legal Framework

Under international humanitarian law, both schools and hospitals are protected civilian objects, and therefore benefit from the humanitarian principles of distinction and proportionality.

- Fourth Geneva Convention, relating to the protection of civilian persons in time of war prohibits the **targeting of civilian objects** emphasizing the importance of schools and hospitals to the civilian population, especially children + *Additional Protocol I* + *Additional Protocol II*
- UN CRC States that a child's **right to education and health** facilities is non-derogatory even in times of conflict
- The Rome Statute of the ICC Provides that it is a war crime to attack schools and hospitals **if they are not military objectives**

To this we add the Safe Schools Declaration – signed by 114 States prohibit the use of schools for military purposes

5. Attacks on schools and hospitals

Trends

In 2021 alone, over 800 confirmed attacks on health care took place in emergency-affected countries and fragile settings according to Stopping attacks on health care.

More than 9,000 students, teachers, and academics were harmed, injured, or killed in attacks on education during armed conflict over the past two years, according to Education under Attack 2022

Attacks on S & Hs



Countries with highest n° S&Hs in 2020

- DRC (173)
- Afghanistan (171)
- oPt (135)
- Siria (125)

6. *Denial of humanitarian access*

Definition:

The intentional barring by physical force or administrative barriers of the unhindered and safe movement of personnel and humanitarian material into and out of the affected area to enable the timely delivery of humanitarian assistance to persons in need.

- ✓ Humanitarian assistance includes all acts, activities, and the human and material resources for the provision of goods and services indispensable for the survival and the fulfilment of essential needs of conflict-affected persons

This is the only grave violation against children that is not a trigger for listing in the annexes of the annual report of the Secretary-General on children and armed conflict.

6. Denial of humanitarian access

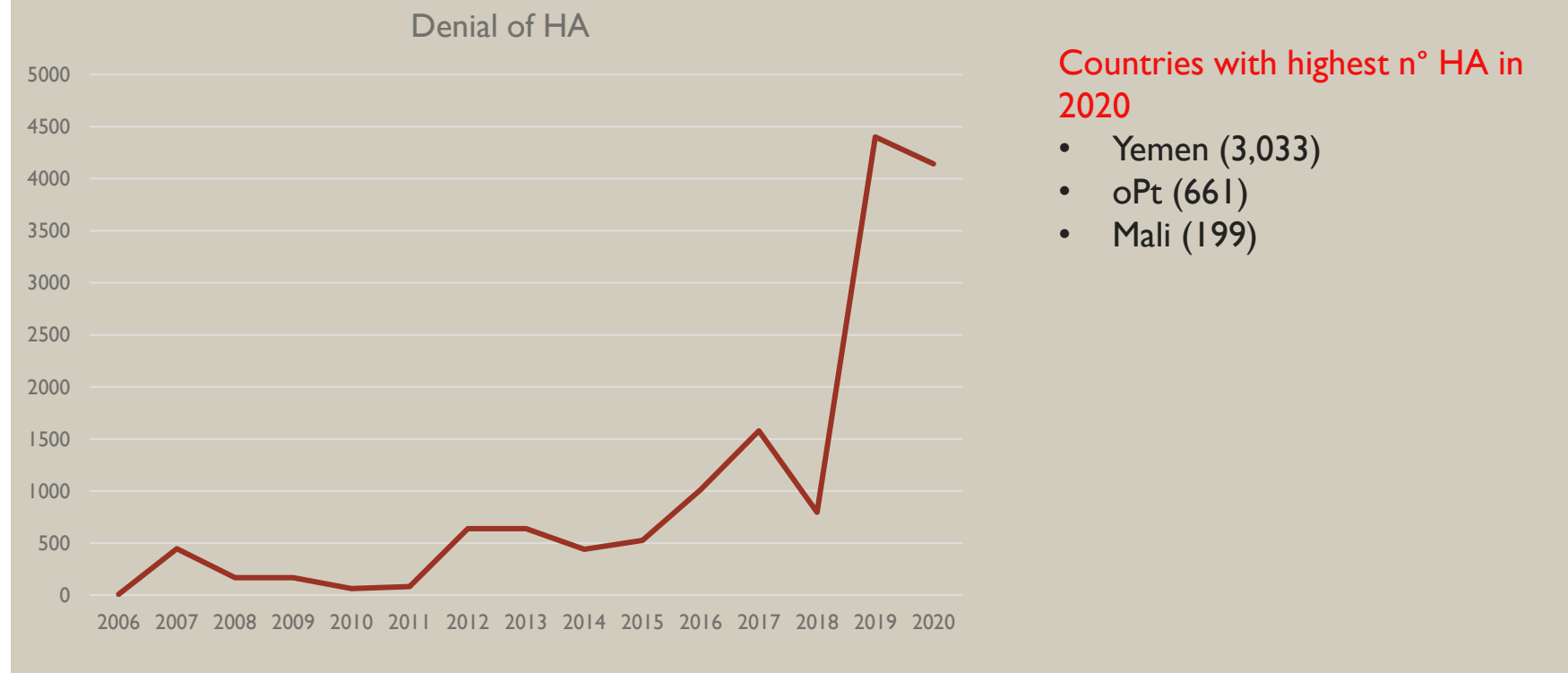
Legal Framework

- Fourth Geneva Convention, relating to the protection of civilian persons in time of war & Additional Protocols: **Prohibits the denial of humanitarian access to children and attacks against humanitarian workers.** Parties must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, subject to their right of control.
- UN CRC State Parties are obligated to ensure the protection and care of children who are affected by armed conflict.
- The Rome Statute of the ICC: Attacks against personnel or humanitarian units may constitute a war crime

6. Denial of humanitarian access

Trends

Over recent years the denial of humanitarian access has seen some of the biggest rises in incidence, however while remaining high in 2020, there was a slight reduction from 2019 – down from 4402 to 4144 in 2020. This is still an increase of more than 300% rise from 2016 – signalling an enduring upward trend.





Pause 15'



VIDEO

MAIN TOOLS TO MONITOR AND REPORT



Main tools to Monitor and Report on the 6 grave violations

Resolution 1379 (2001)

- **Listing** of parties that have committed violations against children in the Annexes to SG's annual report

Resolution 1539 (2004)

- Calls upon listed parties to prepare concrete, time-bound **Action Plans** to end violations

Resolution 1612 (2005)

- Endorsed **Monitoring and Reporting Mechanism**
- Established UNSC **CAAC Working Group**

Listing of parties to conflict in the annexes to the Annual Report of the SG on CAAC

The Annual Report of the Secretary General on Children and Armed Conflict lists Countries/Region or Situation on the agenda of the UNSC or other situation of concern that may threaten international peace and security.

The listing mechanism has served as an important tool for the protection of children in armed conflict. It provides a key first step towards accountability by clearly identifying warring parties responsible for grave violations against children in armed conflict.

5 out of the 6 grave violations are a trigger for listing (denial of humanitarian access is not included). It is relevant to be listed that there is a pattern/recurrence in the commission of acts.

Monitoring and Reporting Mechanism (MRM)

Resolution 1612

The MRM is established in country-situations where parties to conflict have been listed in the annexes of the annual report of the Secretary-General on children and armed conflict and it leads to well informed, concerted and effective advocacy, prevention and response to protect children

The MRM ends when violations against children have ended, mechanisms to protect boys and girls have been put in place and all parties in a country situation have been de-listed.

Who manages the MRM?

The Country Task Force on Monitoring and Reporting (CTFMR), co-chaired by UNICEF and the highest UN representative in-country, are mandated to manage the MRM. Teams on the ground collect information, respond to grave violations and engage in advocacy, notably to negotiate and implement Action Plans.

20 Situations of Conflict with Parties Listed in 14 Countries

64 PARTIES TO CONFLICT LISTED FOR GRAVE VIOLATIONS AGAINST CHILDREN

9 SECURITY FORCES 55 ARMED GROUPS

AT LEAST 13,600 NUMBER OF CHILD SOLDIERS RELEASED IN 2018 AND BENEFITING FROM REINTEGRATION SUPPORT

Achievements of the MRM

The MRM, the annual CAAC report, and its annexed list of perpetrators are a crucial foundation for enhancing the protection of children, ending and preventing violations, and contributing to accountability. These tools are central to:

- Drawing the attention of the Security Council to the situation of children
- Providing an analysis of the variety of violations committed against children
- Paving the way for the UN's engagement with parties to conflict
- Supporting key advocacy actions at different levels
- Improving the protection of children in war

Challenges of the MRM

- Access to affected areas
- Protection and security of victims and survivors (best interest of the child as primary considerations; do no harm) as well as of monitors, interpreters etc.
- Systematic under-reporting of certain violations e.g. sexual violence
- Human and financial resources for verification
- Identification of partners
- High verification standards
- Lack of financial infrastructure (banks, facilities to transfer and manage funds) to support partner
- Limited—or absent—access to communication technology such as phones and the Internet among local partners.
- Limited involvement of children

Political Challenges

Lots of political challenges when applying these resolutions.

Civil society has been consistently advocating for the support of such mechanisms and for their improvement. Civil society asks include:

- These mechanisms will only remain powerful if they are credible, **evidence-based** and consistently applied to all perpetrators in all contexts. **It is crucial that all parties to conflict responsible for committing a pattern of grave violations against children are listed in the annexes in accordance with the criteria set out in the 2010 annual CAAC report**

Parties should only be delisted once they have signed and fully implemented an action plan to end and prevent grave violations against children and ceased commission of the violation(s) for which they are listed for at least one full reporting cycle (i.e., one year), per the same 2010 criteria.

BEYOND THE SIX GRAVE VIOLATIONS



Beyond the six grave violations

The diversity of crimes experienced by children go beyond the six grave violations. It is critical that other crimes be recognized to include:

enslavement, trafficking, murder, torture, deprivation of liberty, unlawful detention, disappearances, and other crimes that specifically target children, such as attacks on students, teachers, schools, and universities

Currently, such crimes are often not captured by international accountability mechanisms.

Es. Detention of children associated with parties to conflict, notably UN designated terrorist groups

- Children must be primarily considered as **victims** & not as perpetrators;
- The CRC requires States “to take all appropriate measures to promote physical and psychological recovery and social integration of a child” who is victim of “any form of neglect, exploitation or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts”.
- **Children should not be detained solely for their association or perceived association.** If they are prosecuted for a crime committed during their association, they must be processed through juvenile justice systems;
- **Detention** must remain a **measure of last resort** and for the shortest time possible & alternatives to detention should be encouraged;
- The experience of being held in detention has a detrimental and long-lasting impact on the health and wellbeing of children, impairing their cognitive and emotional development and fostering feelings of demoralization, hopelessness, and injustice.



Pause 5'

PRACTICAL EXERCISES



Identify violations and say which one can trigger a listing

- During the period 13th to 29th September 2016 the SPL army occupied a school as a base for its operation during the conflict.
- On 14th March 2016, the DRP liberation forces attacked the village of Muso. They burnt the village and took three young girls with them. They also forced five boys to carry their goods and sexually abused them.
- During a visit to the field, one IDP woman informed the monitoring team that an armed group took her 14-year-old son to work with them manning a checkpoint. He was subsequently arrested and detained by government forces for his association with the armed group.
- A 15-year-old girl who volunteered is working as a cook with an armed group.
- Government A systematically refuse visas and work permits to aid agencies to access a territory controlled by official authorities. They also confiscate goods, block water pipes and electricity from that territory. This is causing a significant deterioration in the living conditions for the children and their families living in this territory, including increasing rate of malnutrition and spreading of diseases. Several children have died from malnutrition.

Q&A

Additional Resources



Office SRSG CAAC – The Six grave violations [HERE](#)

Watchlist – Advocacy resources [HERE](#)

Save the Children – Stop the War on Children Series [HERE](#)

Save the Children – Weapon of War: sexual violence against children in conflict [HERE](#)

Save the Children – Advancing Justice for Children [HERE](#)

THANK YOU



Save the Children

Lecturer's info



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