



Office of the Special Representative of the Secretary-General for

**CHILDREN AND ARMED CONFLICT**

# **THE UN SYSTEM ON CHILDREN AND ARMED CONFLICT & THE OSRSG CAAC**

**Advanced Training Course**

**International Criminal Jurisdiction Involving Children in Armed Conflict**

**18 May 2023**

# Program Overview

- I. Preliminary considerations
- II. International legal and policy framework
- III. UNGA Framework on CAAC
- IV. UNSC Framework on CAAC
- V. Countries on the CAAC agenda and recent trends
- VI. Implementation of the mandate and partnerships
- VII. Cooperation with accountability mechanisms

# I. Preliminary considerations

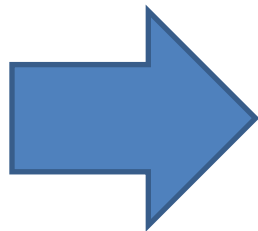
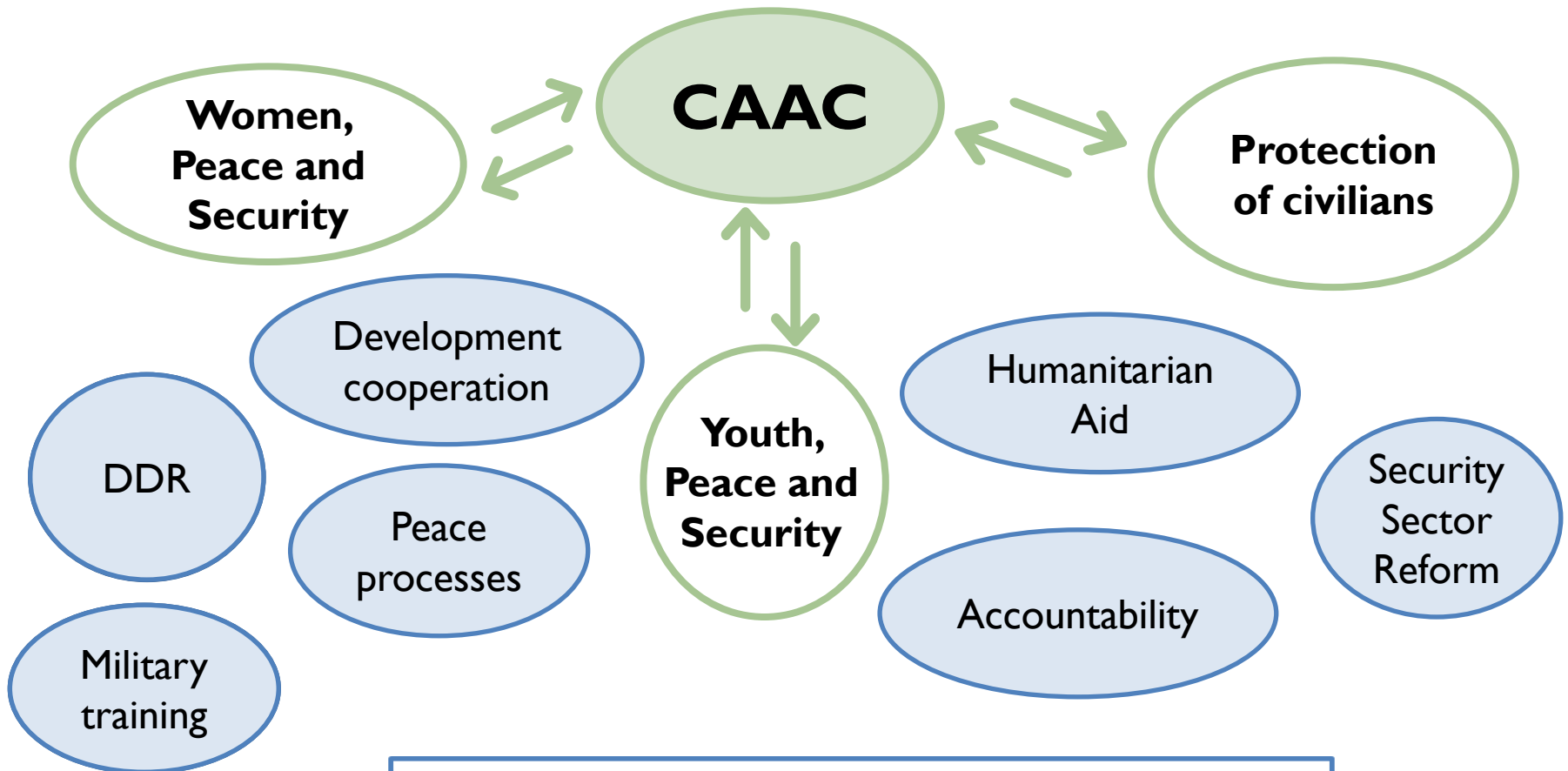
Protecting conflict-affected children is a moral, legal and strategic imperative.

Children are the primary victims of conflict and disproportionately affected.

War violates the rights of every child.

Failing to address violations and abuses against children risks creating grievances and undermines long-term peace and stability.

# Human Rights and International Humanitarian Law



CAAC is an agenda in its own right but linked to a broad range of other peace and security issues & touches on all phases of the conflict cycle from early warning to post-recovery and development.

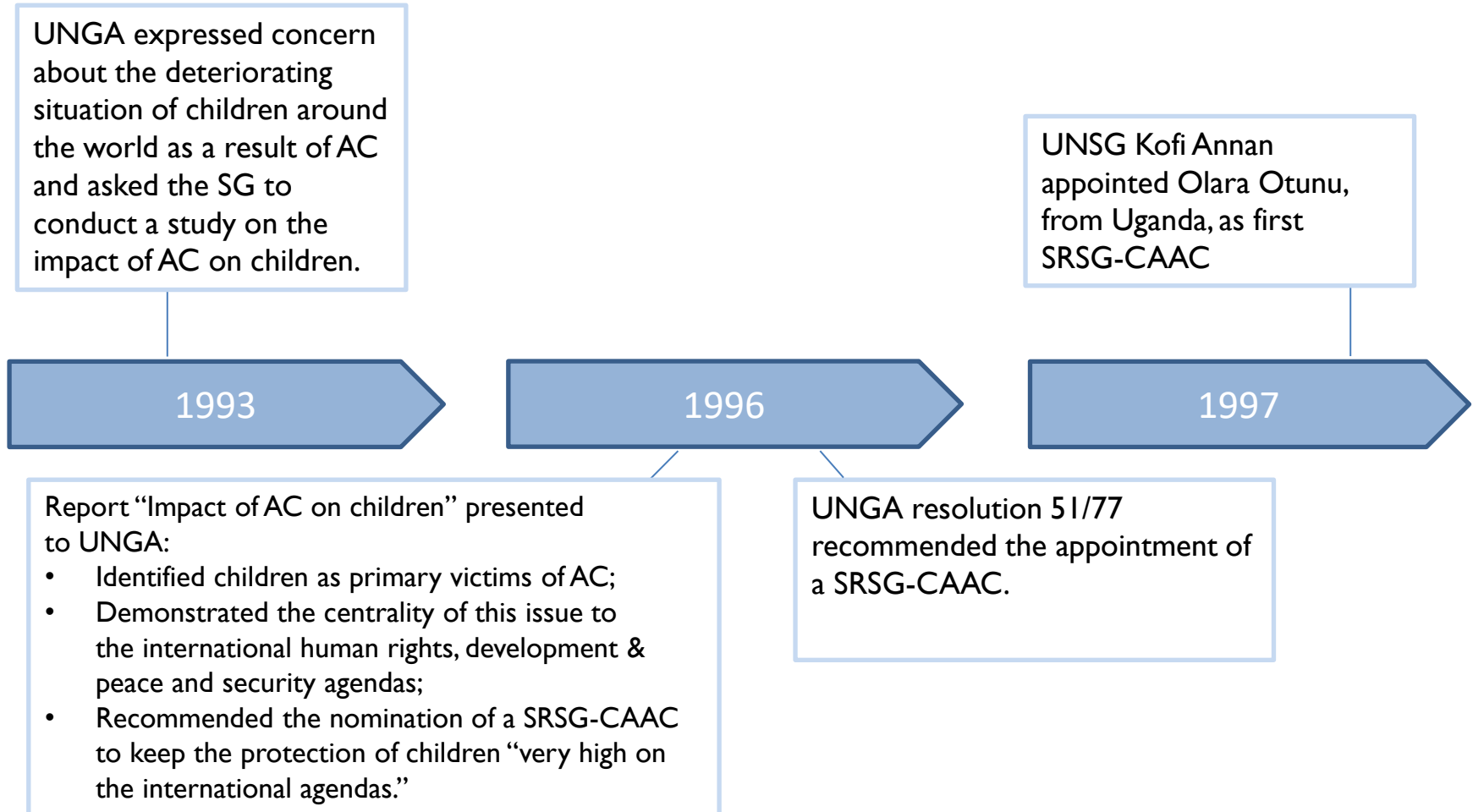
## II. International legal and policy framework

- **Convention on the Rights of the Child (1989)** (196 State Parties) – definition of the child
- **ILO Convention N. 182 on the Worst Forms of Child Labour (1999)**
- **Optional Protocol to the CRC on the involvement of children in armed conflict (2000)** (173 State Parties)
- **African Charter on the Rights and Welfare of the Child (50 State Parties)**
- **Geneva Conventions and Additional Protocols**
- **Rome Statute of the ICC**

# International legal and policy framework (continued)

- **Paris Principles & Commitments** on Children Associated with Armed Forces and Armed Groups - CAAFAG (2007 – 112 endorsed)
- **Safe Schools Declaration** (2015 – 118 endorsed)
- **Vancouver Principles** on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers (2017 – 105 endorsed)

### III. UN General Assembly (UNGA) Framework on CAAC



# The role of the **UN Special Representative for CAAC (SRSG-CAAC)**

- SRSG-CAAC is the leading **UN advocate** for the protection and well-being of children affected by AC and to that end mandated to:
  - Strengthen the protection of conflict-affected children;
  - Raise awareness;
  - Promote the collection of information about CAAC;
  - Foster international cooperation to improve protection and contribute to the coordination of efforts by Governments, the UN, NGOs, regional and sub-regional organizations, etc;
  - Report yearly to the UNGA and HRC.
  
- The mandate of the SRSG-CAAC is renewed every 4 years through the UNGA rights of the child resolution.



## IV. UN Security Council (UNSC) Framework on CAAC

- The mandate created by the UNGA needs to be looked at together with the framework put in place by the UNSC.
- 1998: UNSC held its first Open Debate on CAAC.
- Since then, 13 resolutions on CAAC were adopted, creating a strong framework and providing the UN with prevention & response tools.
- Those resolutions placed CAAC on the agenda of the UNSC; condemned the so called "six grave violations against children", asked the UN Secretary-General to publish an annual report on CAAC and list parties to conflict that commit grave violations, and requested conflict parties to adopt so called Action Plans.

# I. Resolutions

**UNSC RES 1261 (1999):** Placed CAAC on UNSC agenda; condemned 6 grave violations; asked the SG to submit a report on CAAC.

1999

**UNSC RES 1379 (2001):** Requested the SG to list parties to conflict that recruit or use children.

2001

**UNSC RES 1539 (2004):** Called upon conflict parties listed by the SG to prepare concrete, time-bound Action Plans to halt child recruitment and use in close collaboration with the UN.

2004

## Resolutions (continued)

**UNSC RES 1612 (2005):** Endorsed the MRM outlined in the SG's Annual Report from 2005; Established the UNSC Working Group on CAAC.

2005

**UNSC RES 1882 (2009):** Killing and maiming, and/or rape & other forms of sexual violence against children added as a triggers; Called upon listed parties to prepare Action Plans.

2009

**UNSC RES 1998 (2011):** Attacks on schools and hospitals added as a trigger. Called upon listed parties to prepare Actions Plans.

2011

## Resolutions (continued)

**UNSC RES 2143 (2014):** Called for enhanced monitoring and reporting on the military use of schools.

2014

**UNSC RES 2225 (2015):** Abduction was added as a trigger; Included new language on the deprivation of liberty of children formerly associated with armed forces and armed groups.

2015

**UNSC RES 2427 (2018):** Emphasized how the CAAC agenda is integral to conflict prevention and sustaining peace & welcomed the development by SRSG-CAAC of a practical guidance on the integration of child protection issues in peace processes.

2018

## Resolutions (continued)

In addition, CAAC resolutions contain detailed language on many other CAAC-related topics including **accountability**, for example:

- **S/RES/2427 (2018)** - “§30. *Stressing* the importance of **accountability** for all violations and abuses against children in armed conflict and calls on all States to continue to address impunity by efforts to strengthen national accountability mechanisms, including building investigative and prosecutorial capacities, ensuring that those responsible for violations and abuses against children are brought to justice and held accountable without undue delay, including through timely and systematic investigation and prosecution, the results of which are made public, and ensure that all victims have access to justice as well as to the medical and support services that they need”.
- **S/RES/2143 (2014)** - “§12. *Emphasizes* the **responsibility of all States to put an end to impunity and to investigate and prosecute those responsible** for genocide, crimes against humanity, war crimes and other egregious crimes perpetrated against children and highlights in this regard the contribution of the International Criminal Court, in accordance with the principle of complementarity to national criminal jurisdictions as set out in the Rome Statute”.

## 2. Grave Violations against children



RECRUITMENT  
AND USE  
OF CHILDREN



KILLING AND  
MAIMING  
OF CHILDREN



SEXUAL VIOLENCE  
AGAINST  
CHILDREN



ABDUCTION  
OF CHILDREN



ATTACKS  
AGAINST  
SCHOOLS AND  
HOSPITALS



DENIAL OF  
HUMANITARIAN  
ACCESS

- **Recruitment:** compulsory, forced or voluntary conscription or enlistment of boys and girls into any kind of armed force or armed group.
- **Use:** use by armed forces or armed groups in any capacity, including but not limited to fighters, cooks, porters, messengers, spies, collaborators, human bombs.



*“The UN verified the recruitment and use by Somali Federal Defence and Police Forces (311), including the continuing trend of children used as **bodyguards** for senior officers, to guard security bases or operate checkpoints. For instance, on 12 July 2021, a girl, aged between 14 and 15 years, recruited by the Somali National Army (SNA), was seen armed and dressed in a SNA uniform inspecting vehicles and driver identifications at a security checkpoint in Shabelle Dhexe Region. On 20 September 2020, a girl aged around 16 years old was verified as operating a checkpoint while armed and dressed in a SPF uniform in Banaadir.” ( §33, Somalia Country Report 2022)*

- Death/serious injury through intentional targeting, indiscriminate fire (area-based shelling, firing in highly civilian populated area, etc.), torture, as a result of landmine / UXO / improvised explosive device / trap.

*“[...] In most cases [in Iraq], children were harmed while herding livestock in the surrounding areas of villages or while playing, by accidentally triggering the devices when they picked them up or stepped on them. For example, in December 2019, five boys aged between 6 and 7 years were killed while playing outside a primary school, in Salah al-Din Governorate, when they touched a device, causing it to explode.” ( §31, Iraq Country Report 2022)*





- Rape, sexual slavery, enforced prostitution, forced marriage/pregnancy, enforced sterilization, etc.
- Girls and boys.



*“The cases [of sexual violence against children] verified [in Somalia] were rape (455), attempted rape (130), forced marriage (79), sexual harassment (26) and sexual assault (21). Rape and attempted rape often occurred in camps for internally displaced persons or when children collected firewood or water or looked after animals. For instance, on 22 July 2020, two girls, approximately between 15 and 17 years old, were brutally raped by three unidentified armed perpetrators in Bakool Region, when they were collecting firewood from a small forest.” ( § 41, Somalia Country Report 2022)*

- 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. Often linked to recruitment and use in armed forces or groups, sexual exploitation or abuse, forced labour, hostage-taking, or indoctrination.

*“Mass abductions of children continued to be used by Al-Shabaab as one of its main recruitment tactics. In 2020, in 150 incidents of mass abduction, Al-Shabaab abducted 868 boys, aged between 9 and 16 years. Al-Shabaab also abducted girls to forcibly marry them to its fighters. For instance, on 23 March 2020, a girl, approximately 15 years old, was abducted and forcibly married to an Al-Shabaab member in Shabelle Dhexe.” ( § 50, Somalia Country Report 2022)*



ABDUCTION  
OF CHILDREN



## ATTACKS AGAINST SCHOOLS AND HOSPITALS

- Targeting of schools /medical facilities (and associated personnel) that cause the total or partial destruction.

*“Attacks on schools involved destruction and burning of schools and school equipment, assault on and killing of education personnel, lootings, verbal and written threats against school personnel and students, and abduction of education personnel. A high number of schools were closed because of threats and attacks by armed groups. For example, in January 2022, unidentified armed perpetrators entered a school in the Timbuktu region during class. After making several threats, they drove the children away, burned school equipment and threatened to return if the school reopened.” ( § 35, Mali Country Report 2022)*

- 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.



*“For instance, [in CAR] on 6 February [2021, a humanitarian staff member was physically assaulted by elements of the Armed Forces at a checkpoint for refusing to transport a civilian passenger onboard the UN agency’s vehicle. In March, bilaterally deployed and other security personnel threatened humanitarian personnel at an airfield in Mambéré-Kadéï prefecture to search an aircraft and its contents.” ( § 47, CAR Country Report 2021)*

## Grave Violations against children (continued)

- In addition to the six grave violations, the UN also monitors:
  - Military use of schools and hospitals
  - Detention of children for their association or alleged association with parties to conflict
- Six grave violations were identified based on their egregious nature and the severity of their consequences on the lives of children (not a comprehensive list);
- Acts that contravene international humanitarian law, international human rights law, international criminal law or other international protection norms.

## Detention of children associated with parties to conflict

- Children must be primarily considered as **victims** & not as perpetrators;
- All children are entitled to the rights entailed in the CRC;
- Children should not be detained solely for their 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 focusing on the reintegration of children should be encouraged;
- Risk of creating grievances & perpetuating cycles of violence.

## 3. Main tools



### 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**

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

### Who ?

- Parties in situations on the agenda of the UNSC;
- Parties in situations that may be brought to the attention of the UNSC by the SG because in his view, may threaten the maintenance of international peace and security (Article 99 of the UN Charter)

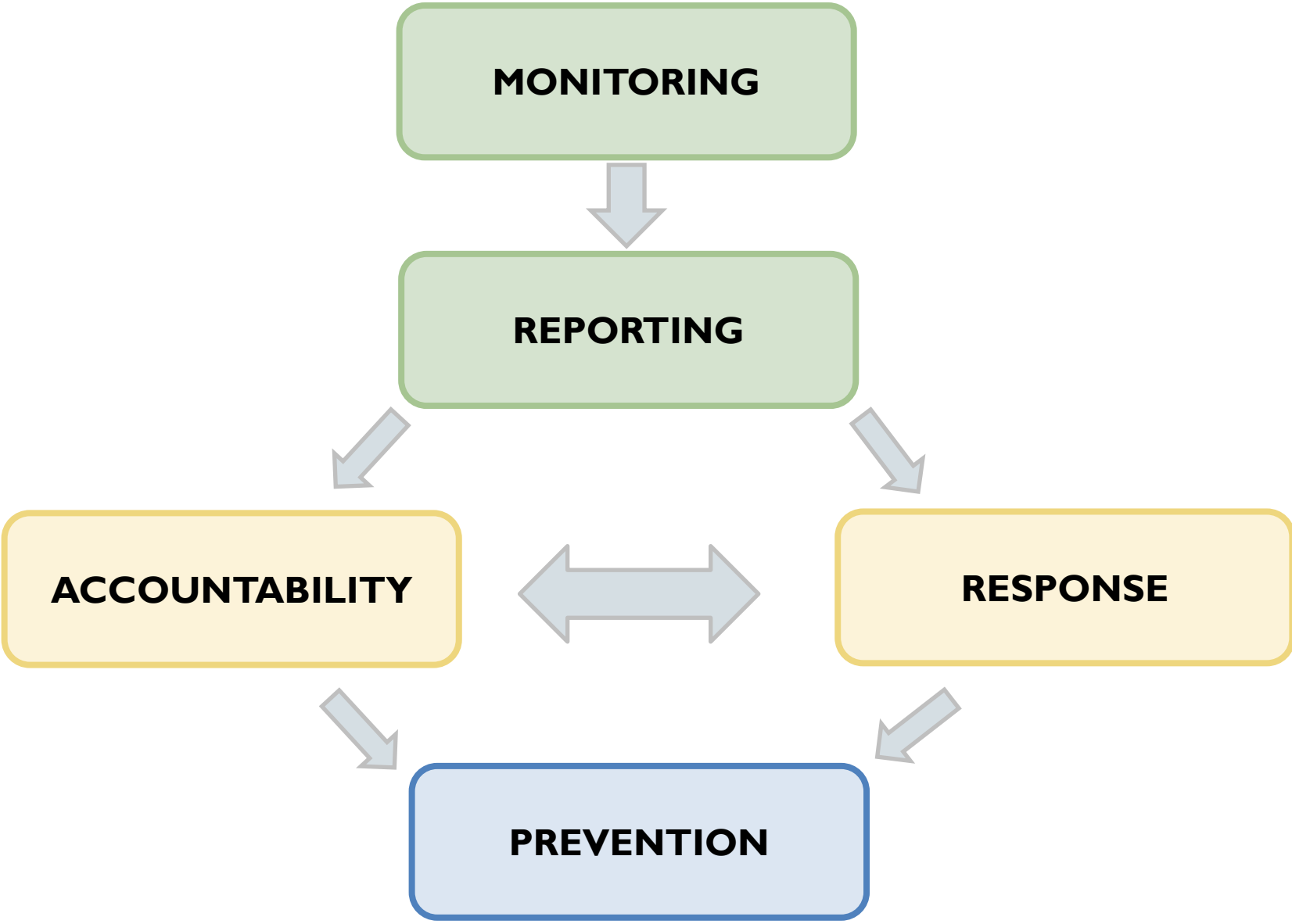
### For what ?

- 5 violations are a trigger for listing (DHA is not);
- Pattern/recurrence (collectivity of victims/multiple commission of acts).



## 3.2 Monitoring and Reporting Mechanism

- Tool for systematic gathering of accurate, timely, objective and reliable information on grave violations against children in situations mentioned in the annexes to the annual SG CAAC report.
- Foster accountability and compliance of parties to conflict with international child protection standards and norms.
- NOT aimed to directly secure criminal prosecutions or contribute to national or international criminal processes.
- Lead to well informed, concerted and effective advocacy, prevention and response to protect children.



# What does the MRM monitor and report on ?

**Six grave violations**



**Military use of schools and hospitals**



**Deprivation of liberty of children for their alleged association with parties to conflict**

## Where is the MRM set up ?

- The MRM is put in place in a country once a party to a conflict in that country is listed in the annexes to the Secretary-General's annual report on CAAC.
- The MRM is terminated in-country when all parties have been de-listed for one cycle of the Secretary-General's annual report on CAAC.
- In situations where a country figures in the annual report but that there is no party listed the UN (f.ex. Mozambique) also has responsibilities to monitor and report grave violations against children in armed conflict following the principles and guidelines of the MRM.

# Who is being monitored ?

Even if only one party is listed, once the MRM is established all parties to conflict are monitored:

- State armed forces;
- Paramilitaries;
- Non-state armed groups;
- Includes non-listed parties.

# What are the challenges of the MRM ?

- Access to affected areas to collect and verify information.
- 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 needed for verification.



- The number of violations reported as verified is the tip of the iceberg.
- Numbers might fluctuate depending on access or on resources to verify.

# What happens with the collected information?

- Used to decide on listings/delistings.
- Used as an advocacy tool.
- Informs response and prevention efforts.
- Brought to the attention of the international community including through reporting:

# Annual report of the SG on CAAC

- Since 2001 the UNSC has requested the SG to list parties to conflict in the annexes to his annual report;
- It is presented annually to the UNSC.

- Provides **information on grave violations** committed by parties to conflict;
- Contains **annexes with the listing**;
- Contains **recommendations** to a wide range of stakeholders.



## Other reports

1. The Country Specific reports of the Secretary-General on CAAC
2. The SRSG-CAAC report to the General Assembly
3. The SRSG-CAAC report to the Human Rights Council

## 3.3 Action Plans

- Listed governments and armed groups are asked by UNSC to develop and implement AP to end and prevent the violations against children they are listed for. Currently 17 Action Plans in place with the last one signed with the Houthis in Yemen.
- Written signed commitment between the UN and listed parties (Not public).
- Outline concrete, time-bound measures to end violations, put in place legislation & tools/mechanisms to prevent future violations & hold perpetrators accountable.
- Once UN verified that the AP is finalized the SG can decide to delist the concerned conflict party.

# Recruitment and Use AP Examples

- Issuance of military command orders prohibiting the recruitment and use of children;
- **Criminalize the recruitment and use of children;**
- Integrate age-verification, screening and vetting mechanisms in recruitment procedures;
- Release all children identified in the ranks of forces;
- Ensure children's reintegration into civilian life;
- Provide regular and unimpeded access to military camps, bases and recruitment centers for verification;
- **Investigate and prosecute those that recruit children;**
- Implement national campaigns to raise awareness;
- Set up Child Protection Units (CPU) within the MOD &/ Armed Forces (*Somalia, South Sudan, Sudan*);
- Set up inter-ministerial Working Groups to monitor AP implementation.

## 3.4 UNSC Working Group on CAAC

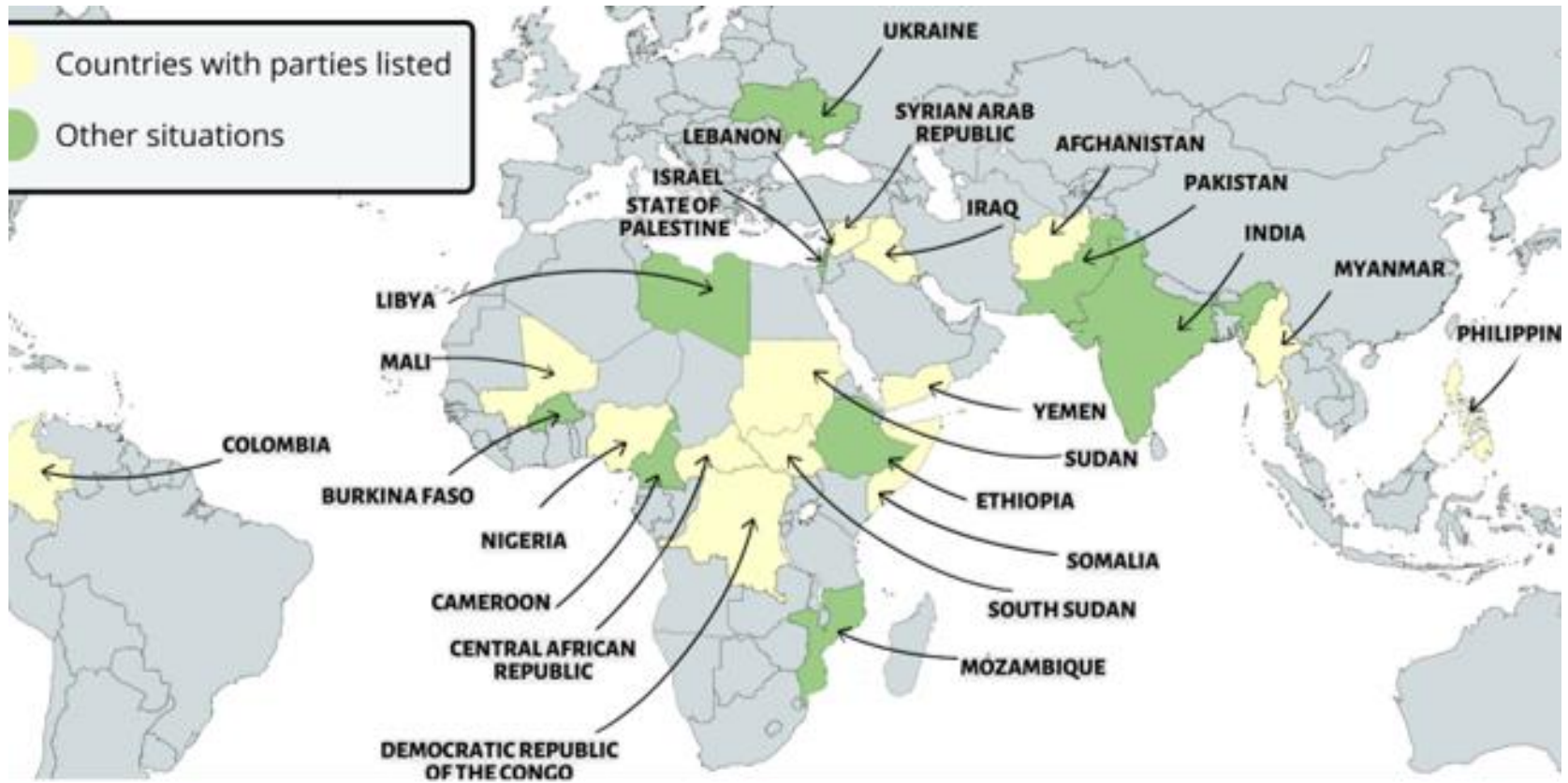
- Subsidiary UNSC organ that consists of all its members
- Rotating Chair (France, Mexico, Germany, Luxembourg, Malaysia, Sweden, Belgium, Norway, Malta – until 31<sup>st</sup> December 2024)
- Reviews the reports of the MRM and adopts so called conclusions/recommendations that contain recommendations to the UNSC, to donors, to parties to conflict etc.
- Those conclusions are publicly available once adopted and also include recommendations regarding accountability.

## 3.4 UNSC Working Group on CAAC (continued)

### **Working Group on Children and Armed Conflict Conclusions on children and armed conflict in South Sudan**

“(f) Reaffirming the importance of accountability for all violations and abuses committed against children in armed conflict; stressing that all perpetrators of such acts must be brought swiftly to justice and held accountable without undue delay, including through timely and systematic investigation and, as appropriate , prosecution and conviction; stressing the need to address the prevalence of impunity for violations against children; urging the Government of South Sudan to put an end to impunity by ensuring that all perpetrators of violations and abuses are brought swiftly to justice and held accountable, [...] and through rigorous, timely, independent and impartial investigations and prosecutions; noting that, in the comprehensive action plan concluded on 7 February 2020 to end and prevent all grave violations against children, the parties gave their commitment to investigating the six grave violations, criminalizing the violations where appropriate and strengthening specialized units within the judiciary to investigate, prosecute and adjudicate violations; stressing the need to ensure that all victims and survivors have access to justice, as well as access to non-discriminatory and comprehensive specialized services, including psychosocial, health – including sexual and reproductive health services, and legal and livelihood support and services to survivors;”

# V. Countries on the CAAC agenda & recent trends



# Recent figures and trends

**23,982**  
**grave violations**  
including attacks on  
schools and hospitals and  
denial of humanitarian  
access

**19,165**  
**children**  
**affected by**  
recruitment and use,  
killing and maiming,  
sexual violence,  
abduction

**2,864**  
**children**  
**detained**  
for their alleged or  
actual association  
with parties to  
conflict

**Girls**  
accounted  
for  
**27%**  
of victims

**Most prevalent**  
**violations in 2021**  
recruitment and use,  
killing and maiming and  
denial of humanitarian  
access



OUT OF



CHILDREN VICTIMS OF  
GRAVE VIOLATIONS WERE  
**GIRLS**



RECRUITMENT  
AND USE  
OF CHILDREN

**90% of children recruited and used were boys**



KILLING AND  
MAIMING  
OF CHILDREN

**Almost 30% of killing and maiming affected girls**



SEXUAL VIOLENCE  
AGAINST  
CHILDREN

**98% of sexual violence was perpetrated against girls**



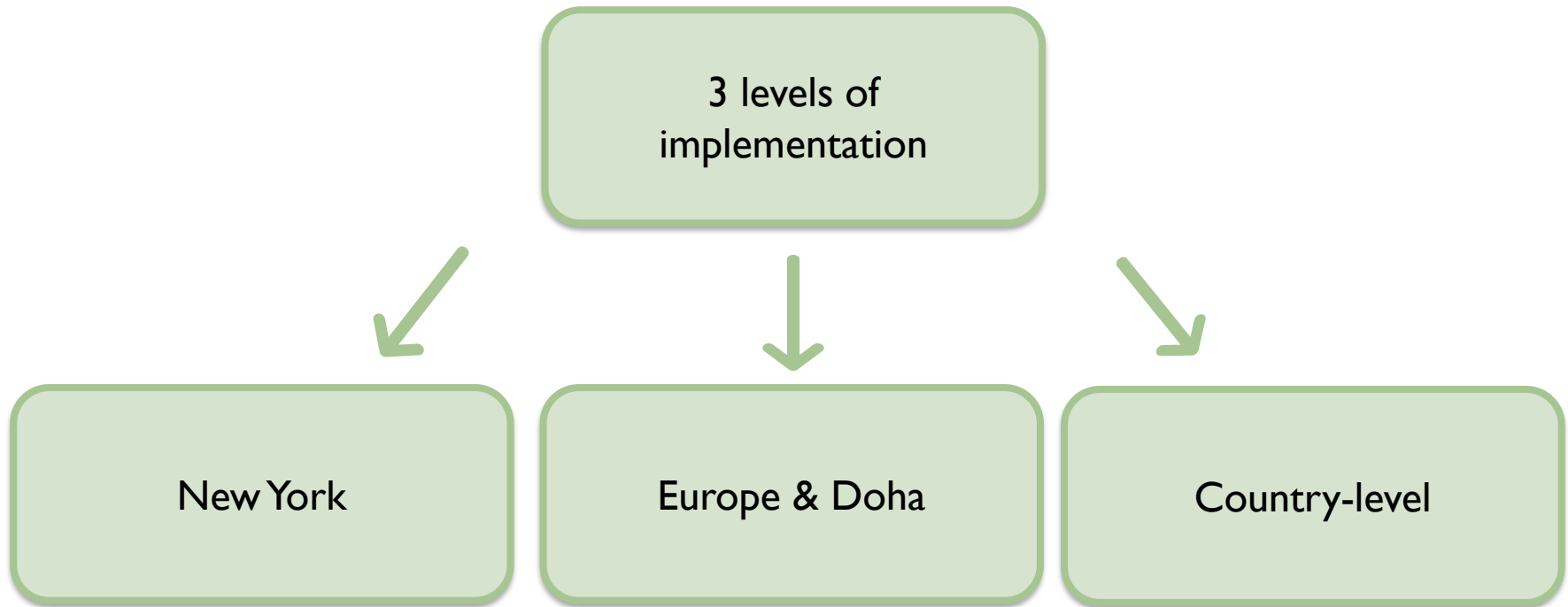
ABDUCTION  
OF CHILDREN

**30% of abductions affected girls**



# VI. Implementation of the mandate & partnerships

The implementation of the CAAC mandate, including the MRM, is a whole of UN effort - with the SRSG as a convener and facilitator.



# New York

- SRSO-CAAC has an Office in New York that supports, guides and promotes the work of operational partners.
- The Office is not itself operational in the field.
- In New York, the OSRSO-CAAC closely coordinates with UNICEF, the Department of Peace Operations (DPO) and the Department of Political and Peacebuilding Affairs (DPPA).



## Europe



- In November 2018, the SRSG-CAAC opened a Liaison Office in Brussels to cover her relations with the EU, its Member States and institutions, with NATO and Geneva based agencies, mechanisms and institutions.
- The Liaison Office covers also the relationship with other Europe based organizations, including INGOs and Universities.

## Country-level

- At country-level, the main actor is the **Country Task Force on Monitoring and Reporting** set up in a country once a party in that country is listed. In situations where a country is mentioned in the Secretary-General's annual report on CAAC but that there is no party listed the UN sets up the equivalent of a CTFMR f.ex. a working group
- The UNICEF Representative always co-chairs the CTFMR (or its equivalent) together with the highest UN entity in the country. If there is a peacekeeping or special political mission it will be the SRSG (f.ex. Mali), otherwise the Resident/Humanitarian Coordinator (f.ex. Nigeria).



## Country-level (continued)

- Additional CTFMR Members can be: UNHCR, OHCHR, UNMAS, OCHA, ILO, etc. All collect information & contribute to the MRM.
- However, the CTFMR co-chairs have the main responsibility in terms of implementing the CAAC agenda in the field, including information collection and verification, engaging with parties to conflict, negotiating action plans and supporting implementation, leading reintegration efforts etc.

## Country-level (continued)

- In peacekeeping and special political missions dedicated child protection units or advisors (if they exist) mainstream CAAC in those missions and train personnel (civilian, military and police) on CAAC. In cooperation with UNICEF staff, they also monitor and report on CAAC, engage in dialogue with perpetrators to end and prevent violations and on action plans, advocate on child protection issues and provide training etc.

# Overview of main partnerships/cooperations

UNICEF, DPO, DPPA, OCHA, UNHCR, OHCHR, WHO, UNESCO, SRSG-SVC, SRSG-VAC, PBSO, UNFPA, ILO, UNODC...

UN-mandated fact-finding & investigative mechanisms  
ICC

**United Nations partners**

Member States that are on the CAAC agenda

Other Member States part of the UNSC, UNGA, HRC etc.

EU, AU, ASEAN, OIC, LAS, NATO...

**Member States, Regional Organizations**

Geneva Call, Global Coalition to Protect Education from Attacks,

Child Soldiers Initiative, Save the Children, TDH, War Child, Watchlist, World Vision, Plan, All Survivors Project, Search for Common Ground...

**NGOs**

**Civil Society**

Children, Youth, education initiatives, academics, communities, survivors...

# Cooperation with accountability mechanisms

- Non judicial accountability mechanisms
  - UN sanctions regimes
  - UN mandated fact-finding and investigative mechanisms, f. ex. Syria Independent International Commission of Inquiry (COI), Independent Investigative Mechanism for Myanmar (IIMM)
  
- Judicial accountability mechanisms
  - National justice mechanisms
  - International Criminal Courts and Tribunals, f. ex. ICC
  
- Sharing of patterns, briefings (*amicus curiae*) and provision of training





Office of the Special Representative  
of the Secretary-General for

# CHILDREN AND ARMED CONFLICT

WORKING PAPER N° 3



Children and Justice During and  
in the Aftermath of Armed Conflict



Working paper  
available for  
download  
[HERE](#)

The logo features the word "ACT" in large, bold, black letters. A girl is sitting on top of the letter "A". To the right of "ACT" are six line drawings of children: a boy in a military helmet and boots, a boy holding a bowl, a boy with a blindfold, a girl holding a book, and a girl with a backpack and crutches. Below "ACT" are the words "TO PROTECT CHILDREN" in large, bold, black letters, and "AFFECTED BY CONFLICT" in smaller, bold, black letters below that. A green horizontal bar is positioned under the word "CONFLICT".

**ACT**  
**TO PROTECT CHILDREN**  
**AFFECTED BY CONFLICT**

**THANK YOU**

# Lecturer's info

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