

Children Affected by Armed Conflict: A review of the United Nations Security Council, International Criminal Court and UNICEF's work on children in situations of armed conflict.

John Nsabimana, MPA candidate
School of Public Administration
University of Victoria
July 2014

- Clients:** Dr. Susan Bissell, Associate Director of Programmes, Chief of Child Protection, UNICEF Headquarters New York
- Ms. Judy Grayson, Senior Child Protection Advisor Armed Violence & Weapons, Child Protection Section, Programme Division UNICEF Headquarters New York.
- Ms. Saudamini Siegrist, Senior Advisor, Child Protection in Emergencies, Programme Division UNICEF Headquarters New York
- Supervisor:** Dr. Herman Bakvis
School of Public Administration, University of Victoria
- Second Reader:** M. Jerry McHale
Faculty of Law and School of Public Administration, University of Victoria
- Chair:** Dr. Evert Lindquist
School of Public Administration, University of Victoria

ACKNOWLEDGEMENTS

I would like to acknowledge the support and guidance of my academic supervisor Dr. Herman Bakvis of the School of Public Administration at the University of Victoria as well as my second reader Dr. Jerry McHale of the Faculty of Law and School of Public Administration, University of Victoria and former Assistant Deputy Minister in Justice Department with the Government of Canada. I would like to thank the clients for whom this report was written, Dr. Susan Bissell, Associate Director of Programmes, Chief of Child Protection, UNICEF Headquarters New York, and Ms. Judy Grayson, Senior Child Protection Advisor Armed Violence and Weapons, Child Protection Section, Programme Division UNICEF Headquarters New York. Their supervision has been invaluable.

I would also like to thank Ms. Saudamini Siegrist, Senior Advisor, Child Protection in Emergencies, Programme Division UNICEF Headquarters who provided valuable direction for the proposed project and whose innovative thoughts inform the recommendations of this project.

My gratitude is extended to the wonderful people at UNICEF Headquarters New York who allowed me to interview them and gain perspective on the issues discussed in this report. Listed in no particular order: Mr. Kerry Neal, Child Protection Specialist (Juvenile Justice); Ms. Kendera Gregson, Senior Advisor Social Welfare and Justice Systems; Mr. Joost Kooijmans, Senior Child Protection Specialist on child labour; Ms. Celine Giuliani, Child Protection Specialist on MRM and CAAC; Mr. Saji Thomas, Child Protection Specialist; Mr. Sharif Baaser, Child Protection Specialist and Mr. Ibrahim Sesay, Senior Child Protection Specialist.

From UNICEF Country offices: Mr. Bruce Grant, Chief of Child Protection, UNICEF Jerusalem; Ms. Pernille Ironside, Chief Field office, UNICEF Gaza; and Ms. Ayda Eke, Child Protection Specialist on MRM, UNICEF Regional Office for Middle East and North Africa; and Ms. Carleen McGuinty, International Policy Specialist, UNICEF Canada are all owed my gratitude for their willingness to be interviewed. Special thanks are also extended to several individuals outside of UNICEF who kindly gave their valuable time for my research process: Mr. Alec Wargo from the United Nations Office of Secretary-General's Special Representative for Children and Armed Conflict, Headquarters New York, and Ms. Sophie De Conick, Senior Policy Advisor, International Labour Organization in Geneva.

I extend my sincere thanks to Dr. Philip Lancaster, Former Military Assistant to General Romeo Dallaire to the United Nations Mission in Rwanda; Dr. Philip Cook, Executive Director, International Institute for Child Rights and Development and Ms. Alyssa Holland from the Supreme Court of Canada for their invaluable information and contribution to this study.

Thanks are also owed to Ms. Lindsay Smerdon, who donated her time to the project and finally special thanks to the University of Victoria and in particular the Financial aid office for their support throughout my studies.

Disclaimer

While acknowledging the support of UNICEF staff from the various offices including UNICEF Headquarters New York and the Office of the United Nations Special Representative of the Secretary-General for Children and Armed Conflict, the views expressed in this report are entirely those of the author and do not necessarily represent those of UNICEF and the United Nations.

EXECUTIVE SUMMARY

During armed conflict children face unique dangers. Armed conflicts destroy children's lives. The changing nature of wars has targeted schools and hospitals, leaving millions of civilians, many of them children, displaced. The most fundamental rights of children - the right to life and survival, education and protection are violated during armed conflicts. Children may die as a result of their direct involvement in armed conflict. They may be accidental victims of bombings, landmines and other explosive weapons. There is an increase in recruitment of children into armed forces and military groups.

This report reviews work undertaken by United Nations Security Council (UNSC), International Criminal Court (ICC) and United Nations Children's Fund (UNICEF) on behalf of children during armed conflict with respect to their implementation of the Convention on the Rights of the Child and its Optional Protocol on Children's involvement in Armed Conflict. The report produces four key recommended deliverables and assesses the developmental effectiveness of UNICEF, United Nations Security Council and International Criminal Court's normative framework for the protection of children in situations of armed conflict. It provides analysis of the role played by UNICEF in its response and how UNICEF's response fits into the normative framework in the context of the UNSC resolutions on children in situations of armed conflict. This report is however not an evaluation but an assessment of UNICEF work on children affected by armed conflict (CAAC)¹ because it is not sufficiently comprehensive and does not use the methodology that is required for an evaluation.

UNICEF and the United Nations Office of the Special Representative of the Secretary-General on children and armed conflict (CAAC) launched in March of this year a campaign to end child recruitment and the use of children by government security forces. This campaign targets the countries listed in the Secretary- General's Global Annual Report on CAAC by 2016 as having committed grave violations against children in armed conflict situations.

Drawing primarily on the experience of UNICEF, Graça Machel's report on the Impact of Armed Conflict on Children² and its subsequent 10 year review³, and reports of the United Nations Security Council, this report also considers other actors, particularly non-governmental organizations in attempting to determine the United Nations Convention on Children's Rights (CRC) and Optional Protocol on the involvement of children in armed conflict (OPAC)'s real impact on the approach and programming within the United Nations systems. Throughout this report, many specific concerns about the impact of the CRC and its OPAC are expressed in terms of armed conflict situations and strongly reiterate the fundamental cooperation required among actors. While the focus of the report is on children affected by armed conflict, there are

¹ CAAC is used as shorthand to denote "children and armed conflict" and "children affected by armed conflict".

² Graça Machel, Expert of the United Nations Secretary- General, "Impact of Armed Conflict on Children", 1996. Available from <http://www.unicef.org/Graça>.

³ Graça Mache, Expert of the United Nations Secretary- General, "10- Year Strategic Review Children and Armed Conflict in a changing world available from http://www.unicef.org/publications/files/Machel_Study_10_Year_Strategic_Review_EN_030909.pdf

inevitably ramifications for and links with other emergency situations and their consequences for children.

This report reviews the efforts to respond to problems affecting children in armed conflict (CAAC). Detailed analysis brings to light the gaps in applying the United Nations Convention on Children's Rights (CRC) and Optional Protocol on the involvement of children in armed conflict (OPAC) in a broader context to the CAAC issues. UNICEF and other United Nations Agencies have played a big role in the CRC and OPAC as a basis for realizing the rights of all children to access basic services. This report demonstrates the milestone achieved today as a result of UNICEF's role to provide advocacy to urge state parties to ratify and sign these conventions to ensure that the rights of children are respected. In other words, the CRC and OPAC are only fully realized when ratified and signed by all member states. As an intergovernmental organization and the lead United Nations agency for promoting the CRC and OPAC and other legal instruments, UNICEF has an obligation to work with governments to fulfill this mandate.

The report concludes that the children affected by armed conflict (CAAC) issue is much broader than the issue of child soldiers and that this has been given less attention. The basic rights of children asserted by the United Nations Convention on Children's Rights belong to all children affected by conflict, not only those who become child soldiers. UNICEF has a wealth of experience of dealing with CAAC that can assist in addressing this issue

UNICEF's advancements on children affected by armed conflict (CAAC) have had positive impacts on children in armed conflicts. This can be seen in the establishment of the United Nations Secretary-General's annual reports on CAAC, the work of United Nations Security Council and in particular the Monitoring and Reporting Mechanism (MRM) on children affected by armed conflict. These provide an extremely valuable evidentiary foundation for UNICEF's programmes in protecting children in armed conflict situations. The MRM Task Force has been established in 16 countries and other situations of concern and the children and armed conflict working groups has been established to address issues affecting children. The information collected through MRM is used to develop and implement concrete measures to prevent violations and to enhance availability of protection and other services for children.

In section 5, entitled Findings, the report discusses the milestones in the collective work being done to protect children in armed conflict situations. The importance of the adoption of Optional Protocol on the involvement of children in armed conflict and the United Nations Security Council resolutions can be understood through this examination. Through the interviews of professionals from the United Nations and its partners it can be demonstrated that the issue of children involved in armed conflict has gained the attention of the international community.

In section 6, entitled Discussion, the report considers developments in the United Nations systems as progress achieved for children in armed conflict. These developments are tracked

since the introduction of the United Nations Convention on the Rights of the Child (CRC) and its Optional Protocol on the involvement of children in armed conflict. This section also discusses challenges, including setbacks in the protection of children in armed conflict situations.

This report makes four recommendations to inform and encourage UNICEF's work on children affected by armed conflict by strengthening multi-level approaches and responses at the global level and in specific country offices. These recommendations are targeted towards UNICEF and partners to: support governments to develop a comprehensive mechanism to ensure a more systematic system for the protection of children in armed conflict situations; urge the United Nations Security Council to take immediate, practical actions to impose targeted measures against governments and armed groups found to be carrying out any of the six grave violations named in United Nations Security Council resolution 1612; strengthen national governments capacity to comprehensively implement laws and policies prohibiting the use or recruitment of children in armed conflict including governments tasked with Monitoring and Reporting Mechanism on the six grave violations named in United Nations resolution 1612; and undertake a quantitative study on children affected by armed conflict. These recommendations address issues of accountability, lack of inter-agency cooperation and Monitoring and Reporting Mechanism data challenges. The recommendations are listed in the order in which they should be implemented.

Contents

Acknowledgements 2

Executive Summary..... 4

Glossary 9

1.0 Introduction 10

2.0 Background..... 15

3.0 Methodology and Evidence 20

4.0 International legal framework and policy documents 23

5.0 Findings 28

6.0 Discussion..... 39

7.0 Recommendations 47

8.0 Conclusion 49

BIBLIOGRAPHY 51

Appendices 56

Figure 1: Key UN Drivers: Children Affected by Armed Conflict (CAAC)..... 19
Figure 2: MRM Countries list as of July 2014..... 31

GLOSSARY

CAAC	Children Affected by Armed Conflict
CPWG	Child Protection Working Group
CRC	Convention on the Rights of the Child
ICC	International Criminal Court
ILO	International Labour Organization
MRM	Monitoring and Reporting Mechanism
NGO	Non- Governmental Organization
OPAC	Optional Protocol on the involvement of children affected by Armed Conflict
UNICEF	United Nations Children's Fund
OSRSG	Office of the Secretary- General's Special Representative
SRSG	Special Representative of the Secretary-General
UNSC	United Nations Security Council
UNSCWG	United Nations Security Council Working Group

1.0 INTRODUCTION

1.1 ORGANIZATION OF REPORT

This report is divided into 8 sections. The first section is the introduction – with a focus on the purpose and scope of the study (1.1, 1.2 and 1.3). Included is a background section (2.0) describing the issue of children and armed conflict and milestone resolutions achieved to the present day.

Following the introduction, Section 3.0 outlines the methodology of the report. Section 4.0 discusses international response to the issues of children affected by armed conflict (CAAC) and reviews international legal frameworks and policies on CAAC. Sections 5.0 and 6.0 describe the research's findings and discussions setting out key ideas and concepts from interviews around the discussion of UNICEF and United Nations Security Council engagement and responses to CAAC. Section, 7.0, includes four recommendations that are informed by the review of the reports of the United Nations Secretary-General and United Nations Security Council and the consultations with United Nations experts. In the 8th and concluding section of the report provides a summary of the work done for children involved in armed conflict by the United Nations players in the last 2 decades

1.2 PROJECT OBJECTIVES AND PROBLEM

Armed conflict has had a horrific impact on children around the world, with incidents of basic human rights violations increasing. Children are often recruited under threat to join conflicts as soldiers, becoming some of the worst perpetrators of brutalities against their own families and communities. The other ways armed conflict affects children's lives, beyond the issue of child soldiers, may not be as gut-wrenching, but they affect a great number of lives.

Of all people in conflict zones, children are especially vulnerable to human rights violations including: separation from families; being recruited or abducted by armed forces or armed groups; becoming survivors of sexual or physical violence or witnessing acts of violence; being detained; being subject to torture and being maimed or killed through combat or as a result of explosive remnants of war. As conflict zones are destabilized through resource exploitation, an economy of war leaves populations brutally abandoned, disrupting children's education and compromising their future.

Since 1990, an estimated 90 percent of global conflict related deaths have been civilians, many of them women and children.⁴ Countless more children have been forced to witness or even to take part in horrifying acts of violence.⁵ When explosive weapons are used in populated areas,

⁴ Otunnu, Olara, 'Special Comment' on Children and Security, Disarmament Forum, No.3, United Nations Institute for Disarmament Research, Geneva, 2002, pp.3-4.

⁵ Graça Machel, Expert of the United Nations Secretary- General, "Impact of Armed Conflict on Children", 1996. Available from <http://www.unicef.org/Graça>

many civilians are injured or killed, including a great number of children⁶. The use of explosive weapons⁷, particularly in populated areas, also results in children and their families being denied access to much-needed land, schools, healthcare, water access, play areas, and other resources necessary for their well-being and healthy development⁸. Children are protected by general United Nations human rights instruments that apply to all people. However, there are also child-specific human rights concerns with respect to armed conflicts. Children are entitled to the protection provided by the Convention on Children's Rights, which has been ratified by all states in the world, apart from Somalia and United States of America. Despite having these instruments in place, the world continues to witness a growing threat of armed conflict targeting children. Most recently, the civil wars in South Sudan, Central African Republic, Democratic Republic of Congo, Syria and Mali have subjected children to a wide range of human rights abuses.

A 2009 report on the activities of the United Nations Security Council Working Group (UNSCWG) on Children Affected by Armed Conflict⁹ revealed that human rights violations associated with armed conflict continue to be a significant problem, including: incidences of child recruitment; killing and maiming; rape and other acts of sexual violence; abduction and attacks on schools and hospitals; as well as preventing the assistance of humanitarian organizations from reaching those affected by armed conflict. The UNSCWG¹⁰ maintains a list of countries where children continue to be victims of grave child rights violations, which list includes for the period from January to December 2012: Afghanistan, Central African Republic, Chad, Cote d'Ivoire, Democratic Republic of Congo, Iraq, Lebanon, Libya, Myanmar, Nepal, Occupied Palestinian Territory and Israel, Somalia, South Sudan, Sudan, and Syrian Arab Republic¹¹. The challenges facing child protection actors, including the international community, are not a matter of lack of protection standards, but rather the prevailing culture of impunity of those who continue to commit grave violations against children. The challenge is how to bridge the gap between the existing standards and the failure to implement these standards on the ground.

1.3 THE PURPOSE OF THE REPORT

This report looks at the development of the field of protection of children and armed conflict (CAAC) in the past 20 years and in particular the role the United Nations Children's Fund (UNICEF) has played in this area. It also provides policy recommendations to guide UNICEF moving forward. The report looks at UNICEF's overall work: how UNICEF has shaped or helped influence the CAAC agenda of the United Nations, contributed to the Graça Machel

⁶ International Network on Explosive Weapons, 20 August 2014. Available from <http://www.inew.org/learn-more-about-inew>

⁷ Explosive weapons are munitions such as mortars or artillery shells, cluster bombs and air- dropped bombs, as well as improvised explosive devices used by national armed forces or non- State armed groups.

⁸ Ibid

⁹ UN Security Council, "Annual report of the activities of the Security Council Working Group on Children and Armed Conflict", 2009 available from http://www.un.org/ga/search/view_doc.asp?symbol=S/2009/378

¹⁰ Details on the work of the UN Security Council Working Group on Children and Armed Conflict are available from <http://www.un.org/sc/committees/WGCAAC/>.

¹¹ Information on grave violations committed against children in situations on the agenda of the UN Security Council for the period from January to December 2012 available from http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/261

report¹², and how UNICEF has supported the resolutions of the United Nations Security Council and promoted the ratifications of Optional Protocol for Children involved in Armed Conflict.

This report also highlights the notable progress that has been made on children affected by armed conflict (CAAC) issues in the 20 years since the Graça Machel report¹³. This report, released in 1996, was ordered by the Secretary-General of the United Nations to examine on the impact of armed conflict on children. It brought the issue of children in armed conflict into the international spotlight. It is the first comprehensive body of evidence on the plight of these children. Without it the suffering of the children in the genocide in Rwanda would not have come to light on the international stage. It called for international action to protect these vulnerable children, which led to the establishment of the Special Representative of the Secretary-General on Children in Armed Conflict. This position holds responsibility for these children within the political framework of the United Nations. The progress for the protection of CAAC is evident in the engagement of the United Nations Security Council and work of the International Criminal Court.

The report will show how the systematic engagement of the United Nations Security Council (UNSC) has created powerful momentum towards strengthening international norms and standards for the protection of children on the ground, and increased pressure within the United Nations system to address the issue of children and armed conflict (CAAC) in a more purposeful and strategic way. The report reviews the progress of the UNSC resolutions on CAAC as part of the protection agenda as well as the key features of the annual report of the Secretary -General of the United Nations, and the accompanying resolutions and reports that serve as a crucial instruments to demand compliance of parties involved in armed conflict and respect for international standards. Finally the report lists a number of recommendations and key policy level decisions of UNICEF that have contributed to the protection of children in situations of armed conflict.

The objectives of this report are threefold. First, it seeks to assess the effectiveness of UNICEF, the United Nations Security Council (UNSC) and the International Criminal Court normative framework in strengthening the protection of children in situations of armed conflict. Second, it reviews UNICEF's response on issues critical to the implementation of child protection in armed conflict, both in the field and at the global level before and after Optional Protocol on the involvement of children in armed conflict. Finally, it analyzes how UNICEF's response fits into the normative framework in the context of the UNSC resolutions on children in the situation of armed conflict.

Armed conflict threatens children's access to protection and assistance. Refusal of humanitarian access is a violation of children's rights to protection, health, education and survival; there should

¹² Graça Machel, Expert of the United Nations Secretary- General, "Impact of Armed Conflict on Children", 1996. Available from <http://www.unicef.org/Graça>

¹³ Ibid.

be no question about the right of access. The UNSC has explicitly called on all parties to armed conflict to provide full, safe and unhindered access for humanitarian assistance to all children affected by armed conflict including the recent conflict in Syria¹⁴.

In order to ensure unhindered access to children by agencies providing humanitarian assistance in situations of armed conflict, UNICEF promotes the concept of children as zones of peace¹⁵. The idea was first developed in the 1980s as a fulfillment of the emerging global consensus that the targeting of children during armed conflict can never be justified or tolerated, under any condition. As a practical way of ensuring the protection to which children, the United Nations General Assembly has endorsed the concept of children as zones of peace¹⁶ and the United Nations Security Council has called for such measures in its statements and resolutions¹⁷.

This study provides a comprehensive review of these basic tenets of human rights and humanitarian law principles to help UNICEF build capacity to advocate for the protection of children affected by armed conflict. This report also seeks to analyze UNICEF's capabilities to develop a coordinated policy to mitigate the impact of armed conflict on children and to review UNICEF's capacity to implement better targeted programmes for protection, and for psychosocial support to children affected by armed conflict. UNICEF's work is guided by the existing international normative framework for the rights of the child, as well as decisions and policies agreed by the United Nations and its agencies¹⁸.

This report advocates for greater attention to the issue of children affected by armed conflict (CAAC) and considers past and current roles filled by UNICEF and the Office of the United Nations Special Representative for children and armed conflict, in order to frame an analysis of the organization's future in protecting children in armed conflict. UNICEF's approach to child protection is to create an environment in which both girls and boys are free from violence, exploitation, and unnecessary separation from family. UNICEF also works to develop laws, services, behaviors and practices which minimize children's vulnerability; address known risk factors; and also to strengthen children's own resilience¹⁹. The UNICEF approach to child protection in armed conflict situations is a human rights-based approach which also works to uphold the accountability of governments and other non-state actors in the conflict. This report will help inform the work of UNICEF on CAAC by strengthening multi-level approaches, responses at the global level and in specific country offices. The report provides policy

¹⁴ United Nations Security Council "Unanimously approve, Security Council resolution demands aid access in Syria", United Nations News Centre, 22 February 2014. Available from http://www.un.org/apps/news/story.asp?NewsID=47204#U8WFqjbn_cs.

¹⁵ UNICEF. "The State of the World's Children 1996". Available from; <http://www.unicef.org/sowc96/childwar.htm>

¹⁶ United Nations Office of the Special Representative of the Secretary- General for Children and Armed Conflict, "Promotion and Protection of the Rights of Children". United Nations General Assembly, 13 October 2010. Statement available from <http://childrenandarmedconflict.un.org/statement/13-oct-2010-general-assembly/>

¹⁷ United Nations Security Council, "Security Council strongly condemns targeting children in situations of armed conflict, including their recruitment and use as soldiers". United Nations Press Release, 25 August 1999. Available from http://www.un.org/News/Press/docs/1999/19990825_sc6716.html.

¹⁸ United Nations Economic and Social Council, "UNICEF Child Protection Strategy". United Nations, 20 May 2008. Available from http://www.unicef.org/protection/files/CP_Strategy_English.pdf.

¹⁹ UNICEF. "UNICEF's approach to child protection", 12, July, 2014. Available from http://www.unicef.org/protection/57929_57990.html

recommendations on what UNICEF need to do moving forward to advance the agenda for children within the United Nations.

2.0 BACKGROUND

The issue of children and armed conflict has received greater attention since the publication in 1996 of United Nations Secretary-General's report entitled "The Impact of Armed Conflict on Children"²⁰ written by Graça Machel. This report and its recent review highlighted the plight of children affected by armed conflict, and called on member states to address these problems in a more concerted and systematic manner. As a step forward, in 1997 the General Assembly of the United Nations accepted one of the key recommendations of Graça Machel to establish a mandate of the Special Representative of the Secretary-General for children and armed conflict, as the convening focal point for the United Nations protection agenda for children in armed conflict situations²¹. The Optional Protocol on the involvement of children in armed conflict (OPAC)²² became legally binding on 12 February 2002. Today the OPAC is the most widely ratified universal human rights instrument used to serve the best interests of children in conflict zones. Specifically, the obligation imposed by article 38 of the Convention on the Rights of the Child to ensure that protection and care for children whose lives are caught up in conflict has been brought to an unprecedented level of political prominence by United Nations Security Council (UNSC) resolution 1612, adopted in July 26, 2005 which details concrete actions that the United Nations Security Council should take to ensure that children caught in the armed conflicts are protected from violence and related threats to their security and well-being²³. The UNSC resolution 1612 sets out important advances for protecting children at the ground level and for holding perpetrators of violations accountable. In resolution 1612, the UNSC called for immediate implementation of the Monitoring and Reporting Mechanism (MRM) in situations in which there were parties named in Annex I of the United Nations Secretary-General's report. It was extended to countries listed in Annex II, although so far the MRM has only been implemented with the consent of the relevant States' governments²⁴. Resolution 1612 also established the United Nations led monitoring and reporting mechanism on children and armed conflict.

The United Nations Convention on Children's Rights (CRC)²⁵ provides the framework for UNICEF's program activities, based on the principles of non-discrimination, the best interests of the child, the right to survival and development, protection and participation. The articulation of that framework is provided in UNICEF's 2014-2017 strategic plan²⁶. As of July 2014, there are

²⁰ Graça Machel, Expert of the United Nations Secretary-General, "Impact of Armed Conflict on Children", 1996. Available from <http://www.unicef.org/Graça>

²¹ Graça Machel report led to the adoption by the United Nations General Assembly of resolution 51/77 of 12 December 1996, establishing the mandate of the Special Representative of the Secretary-General for children and Armed Conflict for a period of three years. The United Nations General Assembly has since extended this mandate four times and most recently by its resolution A/RES/63/241 of 13 March 2009. More details available from <http://childrenandarmedconflict.un.org/>

²² United Nations Human Rights, "Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict". Available from <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPACCRC.aspx>

²³ United Nations Security Council, "United Nations Security Council establishes monitoring and reporting mechanism on use of child soldiers unanimously adopting resolution 1612". United Nations Press Release, 26 July 2005. Available from <http://www.un.org/News/Press/docs/2005/sc8458.doc.htm>.

²⁴ Ibid.

²⁵ UNICEF, "United Nations Convention on the Rights of the Child". Available from <http://www.unicef.org/crc/>

²⁶ UNICEF, "Strategic Plan, 2014-2017 Advancing the rights of every child, especially the most disadvantaged". Available from http://www.unicef.org/strategicplan/index_68123.html.

more than 30 situations of concern where children are suffering severe and systematic abuses due to armed conflict. It is estimated by the United Nations that over two million children have been killed in situations of armed conflict since 1990, while six million children have been permanently disabled or injured²⁷. Over 250,000 children continue to be exploited as child soldiers, and tens of thousands of girls are being subject to rape and other forms of sexual violence²⁸. Abductions are becoming more systematic and widespread. In 2006, the Machel study's ten-year review found that an estimated 16 million children had been forcibly displaced within and outside their home countries²⁹, and between 8,000 and 10,000 children are killed or maimed every year as a result of landmines³⁰. Similarly, the use of explosive weapons in populated areas has been a leading cause of death and injury to civilians during armed conflict,³¹ where one bomb can do untold damage to civilian populations. In active conflict, bombardment and shelling of populated areas has resulted in massive damage to schools, markets, and hospitals, and has destroyed vital civic infrastructure³². The intolerable situations in Democratic Republic of Congo, Central Africa Republic, Iraq, and Syria, where civilian populations are regularly targeted by the use of devastating explosive weapons, show the clear need for immediate attention and action by the international community to prevent and reduce harm to children in armed conflict situations.

The 2006 annual report of the Secretary-General to the United Nations Security Council on children affected by armed conflict (CAAC)³³ documented violations against children in 13 situations of concern: Burundi, Cote D'Ivoire, the Democratic Republic of Congo, Somalia, Chad, Sudan, Uganda, Cambodia, Myanmar, Nepal, the Philippines and Sri Lanka. In addition, the report explicitly cited 40 parties, both state and non-state actors, for commission of grave violations against children. Children's rights are enshrined in the international law, including in the United Nations Convention on the Rights of the Child³⁴, and are at the heart of UNICEF's child protection mandate. Given the high proportion of CAAC among the displaced populations, and the fact that girls and boys face unique protection risks, responding to their specific needs is a key priority to UNICEF and other United Nations partner agencies in the context of armed conflict.

As stated by Ms. Leila Zerrougui, the Secretary-General's Special Representative on Children and Armed Conflict, in her presentation to the General Assembly of United Nations on July 1,

²⁷ United Nations General Assembly, "Report of the Special Representative of the Secretary- General for Children and Armed Conflict". United Nations, 7 September 2005, p.2. Available from http://www.unicef.org/emerg/files/report_SRSG_cac.pdf

²⁸ Ibid.

²⁹ Graça Machel, Expert of the United Nations Secretary- General, " Machel Study 10- Year review Children and Conflict in a Changing World". UNICEF, p.25. Available from http://www.unicef.org/publications/files/Machel_Study_10_Year_Strategic_Review_EN_030909.pdf

³⁰ United Nations General Assembly, "Report of the Special Representative of the Secretary- General for Children and Armed Conflict". United Nations, 7 September 2005, p.2-3. Available from http://www.unicef.org/emerg/files/report_SRSG_cac.pdf

³¹ Save the Children, "Explosive weapons and grave violations against children", 2013, p.10.

³² Ibid

³³ United Nations General Assembly. "Report of the Secretary – General on Children and Armed Conflict". United Nations, 21 December 2007.

³⁴ UNICEF, "United Nations Convention on the Rights of the Child". Available from <http://www.unicef.org/crc/>

2014 “the rights of children are being violated in conflict situations with total impunity”³⁵. Ms. Zerrougui’s report covered the grave abuses committed against children in the situations of armed conflict on the agenda of the United Nations Security Council. The countries listed are Afghanistan, Chad, Cote d’Ivoire, Democratic Republic of Congo, Israel and the State of Palestine, Lebanon, Liberia, Mali, Myanmar, Somalia, Syria, Iraq, South Sudan, Sudan, Nigeria, Yemen, and Central African Republic³⁶.

In recent years, children’s access to humanitarian assistance has been increasingly restricted by tense hostilities or violent attacks against humanitarian personnel and assets³⁷. With 80 million children estimated to be denied humanitarian access³⁸, these risks and many others have led UNICEF and other partner United Nations agencies to take increasing notice of the situation of children affected by armed conflict (CAAC). UNICEF and its partners have played an important role in protecting children and their families through political and legal action. According to a UNICEF specialist in child protection interviewed for this study, in the view of UNICEF, child protection is both a moral imperative, and also contributes to ensuring a better future for children, their families and communities. In the development of the United Nations protection agenda for CAAC, advocacy efforts have focused on systematic monitoring and reporting of grave violations against children as a basis for action to end impunity of those who are committing abuses. They also advocate mainstreaming of CAAC concerns into the priorities, programs, and policies of other United Nations entities.

Alongside the United Nations Convention on the Rights of the Child (CRC) and the Optional Protocol on the involvement of children in armed conflict situation (OPAC), UNICEF has been actively involved in advocacy efforts to promote the adoption and ratification of the 1997 Ottawa Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Landmines and their Destruction (the Mine Ban Treaty)³⁹. The recent record low in casualties, as well as the release of an unprecedented volume of formerly contaminated land now cleared of mines, in such heavily affected countries such as Afghanistan, Cambodia and Colombia – shows clearly the progress being made under the Mine Ban Treaty⁴⁰.

The structure of the United Nations has been changed by the developments listed above. In order to understand how the issues of children involved in armed conflict are treated in the United Nations (UN) one has to understand the key drivers in the UN, in particular the roles of UNICEF and the Office of the Special Representative of the Secretary-General for Children and Armed

³⁵ United Nations Special Representative on Children and Armed Conflict Ms. Leila Zerrougui, “Child rights being violated in conflict situations with total impunity” United Nations News Centre, 1 July 2014. Available from <http://www.un.org/apps/news/story.asp?NewsID=48180#.U8W8eBBnCd4>

³⁶ Ibid.

³⁷ United Nations Office of the Special Representative of the Secretary-General for Children and Armed Conflict, “Denial of Humanitarian Access”. Available from <http://childrenandarmedconflict.un.org/effects-of-conflict/six-grave-violations/denial-of-humanitarian-access/>

³⁸ Ibid.

³⁹ United Nations. “Anti-Personnel Landmine Convention”, 16 August 2014. Available from [http://www.unog.ch/80256EE600585943/\(httpPages\)/CA826818C8330D2BC1257180004B1B2E?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/CA826818C8330D2BC1257180004B1B2E?OpenDocument)

⁴⁰ International Campaign to Ban Landmine, 20 August, 2014. Available from <http://www.icbl.org/en-gb/news-and-events/news/2013/mine-ban-treaty-record-gains-amidst-new-use-report.aspx>

Conflict (OSRSG-CAAC). These two offices are widely acknowledged as fundamental to the United Nations global work on children and armed conflict. UNICEF is the lead United Nations agency for children, and is a key actor in driving the agenda of children affected by armed conflict forward through advocacy efforts, and through support for both political and technical developments in this area⁴¹. In collaboration with the OSRSG- CAAC, UNICEF carries a special responsibility for the effective implementation of the Monitoring and Reporting Mechanism at the global, regional and country levels and in particular to support a timely and adequate response programming, advocacy and services for children⁴².

UNICEF leads the United Nations inter-agency standing committee sub-cluster for child protection and as such is responsible for the coordination between Country Task Forces on Monitoring and Reporting of grave violations of child rights in armed conflict, comprising United Nations Development Programme, United Nations High Commission for Refugees, United Nations Office of Humanitarian Assistance, International Labour Organization, World Food Programme, United Nations Population Fund, World Vision, and Save the Children.

Together with UNICEF, the United Nations Office of the Special Representative of the Secretary-General for children and armed conflict (OSRSG-CAAC), established by the United Nations General Assembly, is one of the key results of the 1996 Machel study on the impact of children in armed conflict⁴³. The mandate of the OSRSG-CAAC include assessing progress achieved, steps taken and difficulties encountered in strengthening the protection of children in situations of armed conflict and raising awareness about the plight of affected children. The Special Representative of the Secretary-General on Children and Armed Conflict (SRSG-CAAC) serves on behalf of the Secretary-General as the United Nations system focal point for the United Nations Security Council-related to children affected by armed conflict agenda and the Monitoring and Reporting Mechanism (MRM) implementation and works closely with and fosters cooperation between governments and inter-governmental bodies, the committee on the rights of the child, other UN bodies as well as non-governmental organizations⁴⁴. The work of the SRSG-CAAC has been central to maintaining United Nations Security Council (UNSC)'s engagement on children's issues. With support from UNICEF, the SRSG-CAAC chairs the UN-Task Force on children in armed affected by armed conflict, which serves as the principle UN policy forum for the UNSC related to children affected by armed conflict (CAAC) agenda. The Office of the Special Representative for the Secretary-General for children and armed conflict co-chairs with UNICEF the MRM Technical Reference Group, which is the technical guidance for the MRM implementation. The UNSC resolutions 1539 and 1612, assign responsibility to the Special Representative for the Secretary-General for children in armed conflict situations to follow-up on UNSC resolutions on children affected by armed conflict, including the

⁴¹Graça Machel, Expert of the United Nations Secretary- General, "Impact of Armed Conflict on Children", 1996, p. 295. http://www.unicef.org/publications/files/Machel_Study_10_Year_Strategic_Review_EN_030909.pdf

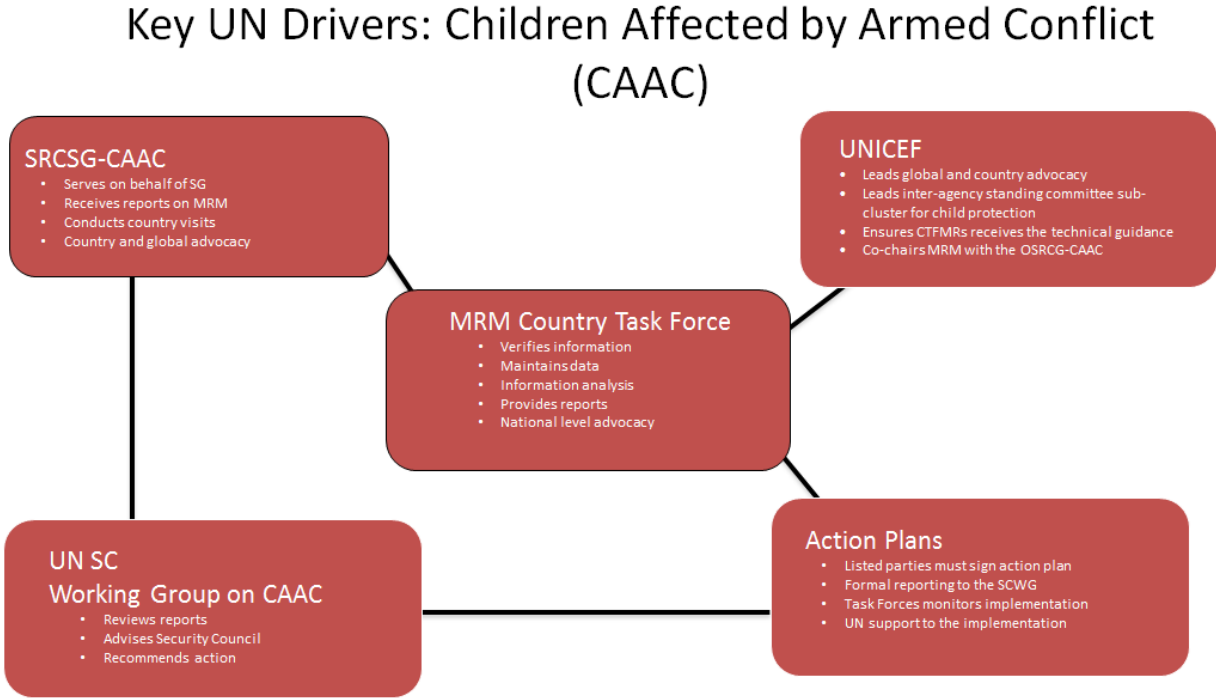
⁴² Ibid.

⁴³ Graça Machel, Expert of the United Nations Secretary- General, "Impact of Armed Conflict on Children", 1996, p. 295. Available from http://www.unicef.org/publications/files/Machel_Study_10_Year_Strategic_Review_EN_030909.pdf

⁴⁴ Ibid.

implementation of the MRM on children affected by armed conflict. The SRSG-CAAC and the UN Resident Coordinator have the highest United Nations authority in the country where grave violations are committed against children in armed conflict. These two positions are responsible for ensuring UN- wide follow up, coordination, monitoring and engaging in dialogue with parties to conflict on children and armed conflict issues at the country level.

Figure 1: Key UN Drivers: Children Affected by Armed Conflict (CAAC)



3.0 METHODOLOGY AND EVIDENCE

This report uses qualitative methods including a review of existing United Nations Documents and individual interviews with United Nations professionals and other informants from non-governmental organizations. The work of United Nations Security Council, International Criminal Court and UNICEF work on children affected by armed conflict was also considered.

Documents reviewed include existing publications of the United Nations Security Council resolutions on children in armed conflict, United Nations General Assembly annual reports on children affected by armed conflict, UNICEF reports on children in situation of armed conflicts, as well as various programming documents such as the Monitoring and Reporting Mechanism.

The study primarily relies on data from multiple semi-structured interviews. The interviews were private and the individual's names are not necessarily attached to the quotes provided in this report. With this method the discussions with the interviewees could be more relaxed and go into greater depth while speaking of politically sensitive issues. To protect the confidentiality of the participants, they cannot be referred to by name. Similarly, to preserve their anonymity, relatively little can be said about the positions and offices occupied by the experts being interviewed for the purpose of the study (See annex 6).

The interviewees were selected from the professionals who have the most direct jurisdiction over the use of children in armed conflict. These are UNICEF Child Protection specialists, experts from the United Nations Office of the Secretary-General on Children and Armed Conflict, experts from International Labour Organization, UNICEF Canada as well as Non-Governmental Organizations.

In order to fully understand the complexities and realities of the impact of armed conflict on children and their families, a qualitative research approach was undertaken. A quantitative approach to examining the progress in the protection of children affected by armed conflict (CAAC) would be greatly limited by the lack of accurate statistics. When a region is in conflict the institutions which would keep records are weakened or even non-existent. Since 2005 with the adoption of United Nations Security Council resolution 1612 which established the Monitoring and Reporting Mechanism (MRM), we have a greater body of evidence to consider quantitatively. This report considers the time frame before and after the beginning of MRM so a quantitative approach is impractical. A qualitative research design allowed for the gathering of detailed responses through interviews with United Nations policy makers and a review of United Nations documents. In collecting feedback from a variety of respondents, the project highlights the voices of a wide range of experts working on CAAC including those from UNICEF, United Nations Peace Keeping Missions, United Nations Office of Special Representative of the Secretary- General on Children and Armed Conflict, International Labour Organization (ILO), and Non-Governmental Organizations. This report seeks to support UNICEF in enhancing its

work on children affected by armed conflict by putting forward recommendations, enabling it to better address issues of children in armed conflict situations.

To help accomplish the objective of this report, the principal investigator focused on collecting responses from both the United Nations headquarters in New York, the United Nations Geneva Office, and United Nations Country field offices. More than 40 experts were consulted and 16 were interviewed (See annex 6), including a representative from the United Nations Office of the Special Advisor to the Secretary-General on Children and Armed Conflict, and several Senior Child Protection Advisors and Child Protection Specialists from UNICEF Headquarters New York. Interviews were also conducted with a Chief of Child Protection from a UNICEF country office, a Child Protection Specialist in Monitoring and Reporting Mechanism, and a Coordinator for a UNICEF Regional Office. Other interviewees included a Chief Field Officer for UNICEF, a Senior Advisor from the International Labour Organization, an International Policy Advisor from UNICEF Canada, some former United Nations Peacekeeping officers as well as several representatives from civil society organizations. The participants were all experienced professionals, the majority of whom were working in UNICEF Headquarters and field offices around the world with 10-25 years of experience in child protection in armed conflict.

Each participant was interviewed for approximately an hour as per our attached interview guidelines and questions (See annex 3). The interviews were primarily in person but a skype or telephone interview was substituted for a few participants. The questions were adjusted to gain the most insight possible from each interviewee depending on their professional focus and the organization they represented. The interviews were transcribed and analyzed for the purpose of this study. The purpose of the interviews was to gain practical insights into how the Optional Protocol on the involvement of children in armed conflict, United Nations Security Council work and UNICEF have shaped the global agenda for child protection in conflict situations. The interviews also looked into how coordination between UNICEF and other key partners has improved child protection policies, as well as the priorities and commitments from governments on child protection in situations of armed conflict.

The interviewed participants were recruited based on their experience and expertise with the United Nations and their understanding of the work of the United Nations protection system for children affected by armed conflict. The interviews were analyzed to identify themes and formulate corresponding recommendations.

The following questions were asked during the interview:

- 1) Since the adoption of OPAC of the CRC, what notable changes were made in the United Nations/ UNICEF approach to shaping the global agenda on child protection in situations of armed conflict?
- 2) How is the coordination between the partnerships impacting/affecting or shaping child protection policies?

- 3) Has there been any evaluation in child protection programme/policy? What constitutes success/failure?
- 4) What priorities do the governments, the United Nations, civil society and international criminal court place on the protection of children in situations of armed conflict?

The interview format was selected to allow interviews to resemble a conversation and allow experts to share their knowledge and understanding of the United Nations and UNICEF work on children and armed conflict. The format also allowed the interviewer to deviate from the standardized interview questions and ask follow-up questions as needed, depending on the direction of the conversation. An implied consent form was obtained for this methodology and can be seen in annex 4.

The report had several limitations including a tight timeline, the unpredictability of the availability of United Nations experts and specialists regarding interviews. The study was planned to have a broader focus on children affected by armed conflict in general without necessarily focusing on child soldiers. For the sake of brevity an analysis of the programming currently underway by UNICEF is not included, nor is any consideration of organizational structure, since the anticipated reading audience is within the United Nations system.

4.0 INTERNATIONAL LEGAL FRAMEWORK AND POLICY DOCUMENTS

4.1 THE CONVENTION ON CHILDREN'S RIGHTS

The adoption of the United Nations Convention on the Rights of the Child (CRC)⁴⁵ is a very notable achievement in strengthening of international normative framework for the protection of children in armed conflict. The CRC provides the structure of reference and legal foundation for UNICEF'S work for children. The CRC is the first binding international instrument to incorporate the full range of human rights, civil and political rights as well as economic, social and cultural rights for children⁴⁶. Among the human rights instruments, the CRC is the most universally accepted in the history. Four founding principles of the CRC underpin all the other articles and guide all phases of UNICEF'S work: non-discrimination (CRC article 2), the best interest of the child (article 3), survival and development (article 6), and the views of the child (article 12)⁴⁷. Although all the CRC articles are relevant to children in armed conflict situations, particular reference is made in articles 10, 22, 38 and 39, which call for appropriate measures to facilitate family reunification, provide protection and assistance to refugee children, prevent participation of children in hostilities, guarantee care, and promote physical and psychological recovery and social integration of child victims of war⁴⁸.

UNICEF has played a leading role in promoting state ratification and the implementation of the United Nations Convention on Children's Rights (CRC). The key to the implementation of the CRC is in its application in national law by host governments. UNICEF assists governments with legal reform in order to promote national policies that uphold and protect children's rights. The CRC has become part of the framework of international customary law⁴⁹ - a treaty law that is well developed and covers many aspects of warfare, affording protection to a range of persons during wartime and limiting permissible means and methods of warfare. This means that even if States have not signed the CRC they are still bound by it because 99 percent of state parties have ratified and signed it. This is the case for Somalia, who has neither signed nor ratified the CRC, but is still bound by it as it is an international customary legal norm.

4.2 THE OPTIONAL PROTOCOL TO THE CRC ON CAAC

The adoption of the Optional Protocol on the involvement of children in armed conflict⁵⁰ created an effective tool in the campaign to end the use of children in armed conflicts. The OPAC outlaws the involvement of children under the age of 18 in fighting, raising the standards from

⁴⁵ United Nations Human Rights, "Convention on the Rights of the Child". Available from <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

⁴⁶ Ibid

⁴⁷ Ibid

⁴⁸ Ibid

⁴⁹ Customary International Law is made up of rules that come "a general practice accepted as law" and that exist independent of treaty law.

Rules of customary international humanitarian law provide that "children must not be recruited into armed forces or armed groups" and that "children must not be allowed to take part in hostilities" These rules apply to both international and non- international armed conflict.

Additional Protocols I and II and the Rules of Customary International Humanitarian Law can be found on the ICRC website.

⁵⁰ United Nations Human Rights, "Optional Protocol to the Convention on the Rights of the Child on the Involvement of children in armed conflict". Available from <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPACCRC.aspx>

15 as set out in the United Nations Convention on the Rights of the Child⁵¹. In addition, the OPAC requires State parties to raise the minimum age for voluntary recruitment beyond the current minimum age of 15 and to maintain strict safeguards to ensure that any such recruitment is genuinely voluntary.

The Optional Protocol on the involvement of children in armed conflict (OPAC) prohibits all recruitment and use of children before age 18 by non-governmental (NGO) forces. United Nations agencies, and NGOs acting as children's rights advocates joined together in advocating for a ban in every country on all recruitment, compulsory or voluntary, and the participation of children under 18 in hostilities. The campaign for ratification of OPAC achieved several significant outcomes. It helped address double-standards in international law related to children's rights, (such as the age considerations mentioned above), and strengthened international legal protection for children during a time when they are being used directly in armed conflicts worldwide. Both the adoption of the OPAC and the negotiations that preceded it influenced a number of governments to strengthen their national legislation beyond what the United Nations Convention on the Rights of Child required.

UNICEF estimates that at any one time over 300, 000 child soldiers, some as young as eight, are exploited in armed conflict in over 30 countries around the world⁵². The exact numbers of children caught up in armed conflict are not known, but efforts are being made to collect more reliable information on the use of child soldiers and to collect data on the impacts of war on children. Almost two thirds of the world's states have ratified the Optional Protocol on the involvement of children in armed conflict (OPAC), and others have prohibited the recruitment and use of children in armed conflict in their domestic laws or regulations⁵³. While the gaps between what governments say and what they do remain wide, the OPAC is a milestone in strengthening the protection of children affected by armed conflict and an effective tool in the campaign to end the use of children as soldiers. For example, early in 2000, the government of Sierra-Leone announced a policy raising the minimum age of bearing arms from 17 to 18⁵⁴. The government of Colombia, while engaged in a 5 year civil war, adopted new legislation in 1999 prohibiting all recruitment of children under age 18 and discharged over 600 children from the army and more than 200 from other government forces⁵⁵.

The biggest accomplishment of Optional Protocol on the involvement of children in armed conflict (OPAC) is that it went beyond what was already outlined in the United Nations Convention on the Rights of the Child (CRC) and elevated the profile of children affected by armed conflict (CAAC) in the United Nations. It must be noted however, that the ratification of the Optional Protocol must be accompanied by the reform of national legislation, in order to

⁵¹ Ibid.

⁵² UNICEF, "Factsheet on child soldiers" , available from <http://www.unicef.org/emerg/files/childsoldiers.pdf>

⁵³ United Nations Treaty Collection, " Status on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict", available from https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=iv-11-b&chapter=4&lang=en

⁵⁴ Jo Becker, "The Global Campaign to Stop the Use of Child Soldiers", p.11-12. Available from <http://ducis.jhfc.duke.edu/wp-content/uploads/2010/06/The-Campaign-to-End-the-Use-of-Child-Soldiers.pdf>

⁵⁵ Ibid.

comply with standards set by the protocol. Before OPAC was ratified by a country a request by the United Nations for detailed reports could be ignored as lacking legal weight. As a United Nations Official interviewed for this study understood it, OPAC introduced effective monitoring and reporting mechanisms. Under the terms of OPAC, states are required to submit within two years and every five years thereafter, a comprehensive report to the CRC Committee dealing with measures taken to implement the provisions of OPAC on the involvement of children in armed conflict.

The Optional Protocol on the involvement of children in armed conflict (OPAC) also calls upon state parties to provide technical cooperation and financial assistance for implementation of its policies, including the demobilization and social integration of children who are victims of armed conflict. The campaign in support of OPAC demonstrates a close and effective cooperation between United Nations agencies and Non-Governmental partners. While the entry into force of OPAC is not in itself sufficient to protect children in armed conflict situations (CAAC), it is a crucial step in a larger campaign. The monitoring and reporting mechanism that parties in conflict are required to comply with combined with strong political leadership and a focus on the rights of CAAC can help put an end to the use of children in armed conflict situations. In the breakdown of civil society the United Nations' requirements of its member states will not be perfectly executed, but this is the strongest pressure the international community can bring to bear.

Although Optional Protocol on the involvement of children in armed conflict (OPAC) is legally binding⁵⁶, it does not hold accountable those states that have not signed or ratified it. UNICEF has worked closely with the United Nations Special Representative of the Secretary-General on Children and Armed Conflict on a range of peace and security issues. In particular, UNICEF has collaborated with the United Nations Secretary-General's Special Representative on children and armed conflict on advocacy to stop the use of child soldiers and on the adoption of OPAC. UNICEF also collaborated with the United Nations Office of the Special Representative for the Secretary-General on children and armed conflict on advocating for the children affected by armed conflict agenda within the United Nations Security Council and other international fora.

4.3 THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT

The United Nations Security Council Working Group on children and armed conflict (UNSCWG)⁵⁷ supports accountability through national courts, and encourages the strengthening of national judicial capacities. However, in countries where national courts still lack technical capacities, or where the political situation does not allow these courts to perform their functions adequately, the Rome Statue of the International Criminal Court (ICC) plays a crucial role. The

⁵⁶ A convention becomes legally binding to a particular State when that State ratifies it. Signing does not make a convention binding, but it indicates support for the principles of the convention and the country's intention to ratify it. As contracting States are legally bound to adhere to the principles included in the convention, a monitoring body is often set up to assess State parties' progress in implementing the convention by considering reports periodically submitted by States.

⁵⁷ United Nations, "United Nations Security Council Working Group on Children and Armed Conflict", available from <http://www.un.org/sc/committees/WGCAAC/>

referral of a specific situation to the ICC by the United Nations Security Council is provided for by the article 13(b) of the ICC Statute. The ICC is a far-reaching instrument to identify and prosecute war crimes against children. The statute of the ICC lists war crimes as falling within the court's jurisdiction.

Although the International Criminal Court (ICC) represents a remarkably high threshold of protection for children affected by armed conflict, it can only initiate proceedings if the crimes are committed within the territory of a state party to the Rome Statute, if the alleged perpetrator is a national of a state party as provided in article 12 of the Rome Statute⁵⁸, or if the case is referred to it by the United Nations Security Council (UNSC). After declaring that a situation falls within article 39 of the UNSC charter⁵⁹, the UNSC can request the ICC to investigate whether crimes under the ICC Statute have been committed.

Even when the International Criminal Court (ICC) does not have jurisdiction, for example if the country in conflict is not a signatory to the Rome Statute, the United Nations Security Council (UNSC) can recommend that the ICC investigate. It should be explored further how the ICC could function in a complementary fashion alongside the UNSC and national courts. One challenge facing the protection of children in armed conflict is securing funding for legal proceedings when referring cases to the ICC. This report recommends that the ICC should be well equipped and adequately funded to prosecute individuals who have committed crimes against children in armed conflicts.

Over the past years several actions have been taken by the International Criminal Court (ICC) that have strengthened the agenda to protect children in situations of armed conflict. One such example is the indictment of Thomas Lubanga, the founder and leader of armed group in the Ituri region of the Democratic Republic of Congo who was found guilty of crimes against humanity. The UNICEF hailed the ICC ruling as a milestone⁶⁰with regard to accountability for the perpetrators of violations against children in situations of armed conflict. Another example is the case against the former President of Liberia, Charles Taylor. Taylor was indicted and prosecuted by the Special Court for Sierra Leone, which was established the United Nations and the government of Sierra Leone. Taylor was charged on 11 counts of war crimes and crimes against humanity, including conscripting or enlisting children under the age of 15 years into armed forces or groups, and using them to participate actively in hostilities⁶¹.

In situations where grave violations against children have ceased, affected communities continue to feel the importance of holding perpetrators accountable. In these instances, national courts are

⁵⁸ Rome Statute of the International Criminal Court, p.11, available from http://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf

⁵⁹ The United Nations, United Nations Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with articles 41 and 42, to maintain or restore international peace and security", available from <http://www.un.org/en/documents/charter/chapter7.shtml>

⁶⁰ United Nations News Centre, "In landmark ruling, ICC finds Congolese warlord guilty of recruiting child soldiers". United Nations, 14 March 2012. Available from <http://www.un.org/apps/news/story.asp?NewsID=41537#.U8XjQxBnCd4>

⁶¹ United Nations News Centre, "Prosecutor welcomes UN-backed court's decision to uphold Charles Taylor conviction", United Nations 26 September 2013. Available from <http://www.un.org/apps/news/story.asp?NewsID=46031#.U8XIWRBnCd4>

primarily responsible for taking actions to address grave violations committed against children in armed conflict. The United Nations and international community has begun to assist in strengthening national judicial capacities to ensure accountability and support the development of child protection legislation, including criminalization of violations against children. Technical support and capacity building are currently underway to address child protection concerns.

Where the International Criminal Court does not have jurisdiction the Optional Protocol on the involvement of children in armed conflict (OPAC) may not be respected in all its particulars. In the case of youth arrested while fighting in Afghanistan there were arguably human rights violations. In 2002, one 15 year old, Omar Khadr was arrested. Under OPAC, Khadr was a child and a victim of his recruiters. In a statement made by the Executive Director of UNICEF in 2010 “In addition anyone prosecuted for offenses they allegedly committed while a child should be treated in accordance with international juvenile justice standards, which provide them with special protection. Omar Khadr should not be prosecuted by a tribunal that is neither equipped nor required to provide these protections and meet these standards”.⁶²

The United Nations Convention on the Rights of the Child, its Optional Protocol on the involvement of children in armed conflict, and the International Criminal Court together with the relevant provisions of the Geneva Convention, Genocide Convention, the 1997 Mine Ban Treaty, and the 1951 Refugee Convention, together constitute a strong and comprehensive body of legal instruments which provide standards on the protection of children affected by armed conflict

4.4 THE IMPACT OF ARMED CONFLICT ON CHILDREN, A REPORT

The report of Graça Machel, expert of the Secretary-General of the United Nations, “Impact of Armed Conflict”⁶³, focused international attention and priorities more successfully on the issue of children affected by armed conflict. The report though not a legal document, revealed the extent of the issue of the impacts of armed conflict on millions of children around the world who have are caught up in conflicts; in which they are not only bystanders but also targets. The response to the report created a strong, active and more effective framework for addressing the issues of children affected by armed conflict. The United Nations Security Council resolutions following from the Machel report (mentioned in section 2.0) called for the establishment of the Office of the United Nations Special Representative of the Secretary-General on children and armed conflict with which UNICEF works closely; and, in subsequent years, the establishment of the Monitoring and Reporting Mechanism. The Paris Principles and Guidelines on children associated with armed forces or armed groups⁶⁴ is another step in the series of non-legally binding instruments that follow from the Machel report that have called for action to protect children affected by armed conflict.

⁶² UNICEF, “Statement by UNICEF concerning the case of Omar Khadr”, UNICEF Press Centre, 2 February 2008. Available from http://www.unicef.org/media/media_47928.html

⁶³ Graça Machel, Expert of the United Nations Secretary- General, “Impact of Armed Conflict on Children”, 1996. Available from <http://www.unicef.org/Graça>

⁶⁴ UNICEF, “ Paris principles and Paris commitments”, available from http://www.unicef.org/protection/57929_58012.html

5.0 FINDINGS

Recent milestones in the fight against child involvement in armed conflict include: the entry into force of the Optional Protocol (OPAC) on the involvement of children in armed conflict, the United Nations Secretary-General's call for action, and ten United Nations Security Council resolutions on children and armed conflict. According to a highly placed United Nations expert on the Monitoring and Reporting Mechanism (MRM), the OPAC has elevated the profile of children affected by armed conflict in the United Nations, leading to the establishment of the MRM and the Office of the United Nations Special Representative of the Secretary-General on children and armed conflict. The general consensus on the impact of OPAC among the United Nations experts interviewed for this report is threefold. First, the OPAC strengthened UNICEF's work as it serves as the legal framework for UNICEF's agenda for action. Secondly, OPAC establishes that the protection of children during armed conflict is essential to UNICEF's mission and mandate. Finally, it brings together humanitarian and human rights law. UNICEF's Chief of Child Protection noted that OPAC has led to an increased commitment to, and promotion of, concerns related to children affected by armed conflict in the United Nations and the integration of children's concerns more consistently into policies, priorities and programs within UNICEF. As such, it gives creditability to the work of UNICEF on children affected by armed conflict.

Notably, the engagement of UNICEF on the issue of children in armed conflict (CAAC) within the United Nations Security Council (UNSC) ensures that children's concerns are included in every UNSC resolution that is concerned with peace and security. UNICEF is involved when the United Nations makes statements that involve CAAC, in peacebuilding and conflict resolution, and also in helping inform decisions on United Nations peacekeeping operations. For example, UNICEF provided extensive input during the development of an aide memoire⁶⁵ on the protection of civilians by the UNSC. Adopted on March 15, 2002, the aide memoire is a checklist for the UNSC when considering the establishment, modification or ending of peace operations⁶⁶. The checklist includes a chapter on children, bringing the specific assistance and protection needs of CAAC to the attention of the UNSC. As one UNICEF child protection specialist explained, the emphasis of UNICEF and the UNSC engagements on CAAC issues has led to important conversations within the United Nations system about the complementarity of efforts, specifically more effective collaboration on issues included in the mandates and spheres of responsibility of different United Nations agencies to reduce, prevent, and alleviate grave violations against CAAC. The impact of the UNSC involvement on CAAC issues is very important to UNICEF and its partners. There was a general consensus amongst the experts who participated in this study that with the political clout of the UNSC engaged, UNICEF is able to mobilize the whole United Nations system on the issue of children affected by armed conflict.

⁶⁵ Aide Memoire on the consideration of the issues pertaining to the protection of civilians in armed conflict. Adopted by the United Nations Security Council in March 2002, it is a practical guide for the UN Security Council consideration of the protection of civilians' issues and agreed to review and update its contents periodically. Available from <http://www.un.org/zh/sc/documents/statements/2010/s-prst2010-25-annex.pdf>

⁶⁶ Ibid.

Coordination and partnerships among United Nations agencies, member states, and NGOs has placed the needs of children firmly within the international peace and security agenda. This has been central in fulfilling the mandate of UNICEF and the United Nations Office of the Special Representative for the Secretary-General on children and armed conflict. The most notable progress on CAAC has been a systematic engagement with the United Nations Security Council (UNSC) on this issue since the first UNSC resolution was issued in 1999. This engagement together with momentum towards application of international standards works toward ending the impunity of those who commit grave violations against children.

In 1999 the United Nations Security Council passed resolution 1261 which marked the entry of United Nations Security Council Working Group on CAAC. It is the first resolution in the history of the UNSC on a thematic concern, and affirms that the protection of children in situations of armed conflict constitutes a legitimate threat to international peace and security. The resolution outlines a broad framework for the protection of children, and implements the findings of Graça Machel's report on the impact of armed conflict on children. Since then there have been nine more UNSC resolutions (including resolutions 1261(1999)⁷³, 1314 (2000)⁷⁴, 1379 (2001)⁷⁵, 1460 (2003)⁷⁶, 1539 (2004)⁷⁷, 1612 (2005)⁷⁸, 1882 (2009)⁷⁹, 1998 (2011)⁸⁰, 2068 (2012)⁸¹, and 2143 (2014)⁸²) represent important milestones in the international standard for normative protection for children and compels states and parties in conflict to adhere to international child protection standards.

As part of the response to strengthening international child protection, United Nations Security Council (UNSC) resolutions have advanced the children and armed conflict agenda by taking concrete measures on behalf of children. These include: child protection in peacekeeping mandates; programs for disarmament; demobilization and reintegration of children with a central emphasis on monitoring; and reporting of grave violations against children. They provide a more specific plan of action for child protection, calling for an end to impunity for individuals who abuse children, including efforts for the release of abducted children, and for inclusion of child

⁷³ United Nations, "Resolution 1261 adopted by the United Nations Security Council at its 4037th meeting" United Nations, 25 August 1999. Available from <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CAC%20SRES%201261.pdf>

⁷⁴ United Nations, "Resolution 1314 adopted by the United Nations Security Council at its 4185 meeting". United Nations, 11 August 2000. Available from <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CAC%20SRES%201314.pdf>

⁷⁵ United Nations, "Resolution 1379 adopted by the United Nations Security Council at its 4423rd meeting". United Nations, 20 November 2001. Available from <http://www.poa-iss.org/CASAUUpload/ELibrary/SCR%201379.pdf>

⁷⁶ United Nations, "Resolution 1460 adopted by the United Nations Security Council at its 4695th meeting" United Nations, 30 January 2003. Available from <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=3f45dbdd0>

⁷⁷ United Nations, "Resolution 1539 adopted by the United Nations Security Council at its 4948th meeting". United Nations, 22 April 2004. Available from <http://www.poa-iss.org/CASAUUpload/ELibrary/SCR%201539.pdf>

⁷⁸ United Nations, "Resolution 1612 adopted by the United Nations Security Council at its 5235th meeting". United Nations, 26 July 2005. Available from http://www.unrol.org/files/SecurityCouncilResolution1612_en.pdf

⁷⁹ United Nations, "Resolution 1882 adopted by the United Nations Security Council at its 6176th meeting". United Nations, 4 August, 2009. Available from [http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1882\(2009\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1882(2009))

⁸⁰ United Nations, "Resolution 1998 adopted by the United Nations Security Council at its 6581st meeting". United Nations, 12 July, 2011. Available from [http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1998\(2011\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1998(2011))

⁸¹ United Nations, "Resolution 2068 adopted by the United Nations Security Council at its 6838th meeting". United Nations, 19 September, 2012. Available from [http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2068\(2012\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2068(2012))

⁸² United Nations, "Resolution 2143 adopted by the United Nations Security Council at its 7129th meeting". United Nations, 7 March, 2014. Available from [http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2143\(2014\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2143(2014))

protection advisors in the United Nations peacekeeping operations. A notable UNSC work was the establishment of monitoring and reporting mechanism (MRM) as part of Resolution 1612 in 2005. The MRM reflects the best of child protection and has offered an opportunity for country teams to strategically engage with parties in conflict to address grave violations against children⁸³. The MRM is also used to collect information to highlight the impact of conflict on children. Additionally the MRM provides a basis for the 20 Action Plans negotiated and signed by parties in at least 13 situations since the MRM was established by the UNSC in 2005. The data collected with the MRM is used to publish a list of parties that recruit or use children in situations of armed conflict as an annex of the annual report to the United Nations Security Council on children in armed conflict situations.

According to a highly placed official of UNICEF, reporting is principally undertaken by an operational country-level task force co-chaired by the highest United Nations authority in the state and UNICEF. The main role of the task force is to provide reliable, detailed information on grave violations against children. This information is then used by the Office of the Secretary-General of the United Nations to inform country reports which not only integrate the information, but also contain specific recommendations for action⁸⁴. These reports are prepared under cooperation with the United Nations Special Representative of the Secretary-General for Children and Armed Conflict, whose work is to ensure the leadership and oversight powers of the United Nations Security Council Working Group (UNSCWG)⁸⁵. The UNSCWG reviews the Monitoring and Reporting Mechanism reports in closed sessions and evaluates specific country situations and progress made in the implementation of action to end the violations against children⁸⁶. After review, the UNSCWG writes conclusions and makes recommendations to the parties in conflict. The UNSCWG's evaluation of parties who have not protected children in situations of armed conflict is a call for action, a kind of public shaming. The Secretary-General of the United Nations compiles these recommendations in his annual thematic reports to the United Nations Security Council and the General Assembly of the United Nations. Such reports include two annexes. The first lists countries that are presently known to recruit or use children in situations of armed conflict. The offending nations are then on the agenda of the United Nations Security Council. A second annex lists parties that were on the list of offenders but are now being monitored in their progress to protect children in armed conflict within their borders (see annex 5 for details).

⁸³ Global Good Practice study for MRM on grave violations against children in situations on armed conflict, 2013, p.9.

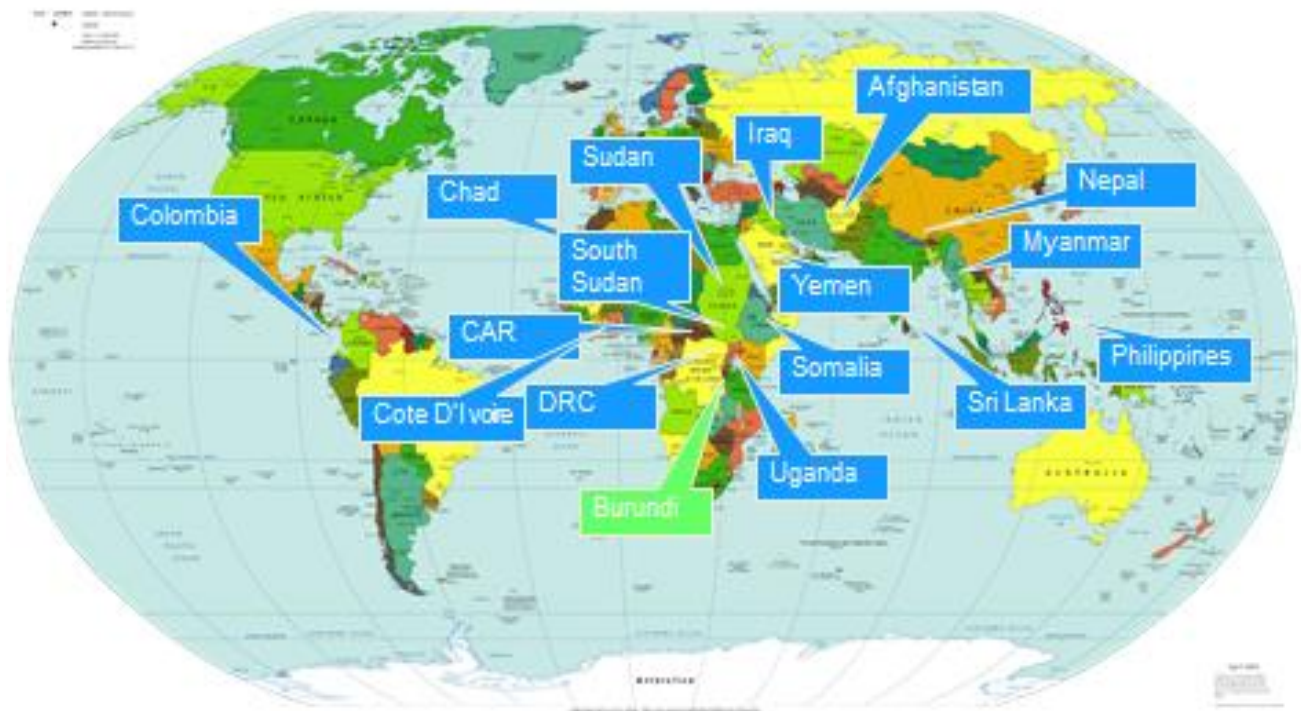
⁸⁴ United Nations Office of the Special Representative of the Secretary- General for Children and Armed Conflict, "Monitoring and Reporting on the six grave violations against children in armed conflict". Available from <http://childrenandarmedconflict.un.org/our-work/monitoring-and-reporting/>

⁸⁵ Ambassador Jean- Marc de La Sabliere, former Permanent Representative of France to the United Nations, "Security Council Engagement on the Protection of Children in Armed Conflict: Progress achieved and the way forward". Available from http://childrenandarmedconflict.un.org/publications/Delasablierereport_en.pdf

⁸⁶ United Nations Office of the Special Representative of the Secretary- General for Children and Armed Conflict "Role of the United Nations Security Council Working Group on Children and Armed Conflict". Available from <http://childrenandarmedconflict.un.org/our-work/security-council-working-group/>

All the United Nations experts who were consulted on the issues of children in armed conflict are acutely aware of the challenging and difficult circumstances of the lives of children affected by armed conflict. They are also equally aware that while the Monitoring and Reporting Mechanism (MRM) has helped improve the targeted prevention and response programming on the issue of children affected by armed conflict, there is a negative side to the publicity of the data gathered. This will be discussed in the report. Despite these challenges, advisors in UNICEF and Office of the United Nations Special Representative for the Secretary-General on children and armed conflict agree that MRM has credibility and promotes accountability of parties to conflict, by publically holding perpetrating parties accountable by listing them in the annexes of the United Nations Secretary-General's Annual Report to the United Nations Security Council on children affected by armed conflict. These reports have played a role in the release of thousands of children from armed groups and armed forces. An important milestone for MRM in protecting children is that it has raised the profile of children affected by armed conflict issues on the political agenda at all levels. The power of the United Nations Security Council and Member States has provided a strong political motivation for both states and non-state parties to address and prevent violations against children.

Figure 2: MRM Countries list as of July 2014



Source: UNICEF

Since Machel's study on the effects of armed conflict on children was released in 1996 and its review in 2009⁸⁷, there has been a broader and more active engagement of the United Nations system as a whole on the issue of children affected by armed conflict. According to a UNICEF expert interviewed for this study, the Machel report and the subsequent discussion on how to address the grave violations against children affected by armed conflict initiated actions to improve accountability for violations against children at the international level. All the experts interviewed in this study agree that Machel's report on the impact of armed conflict on children brought the issue of children affected by armed conflict (CAAC) to the international community in a way that was never considered before. As the UNICEF child protection specialist who participated in this study made clear, these discussions resulted in the Optional Protocol on the involvement of children in armed conflict (OPAC) and the first United Nations Security Council (UNSC) resolution on children affected by armed conflict (resolution 1261 in 1999) – causing the machinery of the United Nations to shift. With UNSC resolution 1261 the United Nations launched the first investigation on the issues of CAAC to engage governments including those who were not covered in the United Nations Convention on the Rights of the Child (CRC). As previously explained, with the OPAC the involvement of children in armed conflict below the age of 15 was clarified out and the accountability of offenders was increased. As part of the progress achieved in the area of CAAC, the UNSC has adopted ten resolutions on children and armed conflicts⁸⁸ calling for effective global United Nations led monitoring and reporting mechanisms in countries where grave violations are taking place. These resolutions have been of great importance to the protection of children in armed conflict situations.

As part of international efforts to address issues of children affected by armed conflict (CAAC), the Canadian government hosted the International Conference on War Affected Children in September 2000 with the aim of galvanizing the international community to take stronger action for CAAC⁸⁹. The following September the United Nations General Assembly hosted a Special-Session meeting of heads of state to review the progress the world has made since 1990 Children's Summit⁹⁰. The establishment of the United Nations Security Council Working Group (UNSCWG)⁹¹ in 2005 is a major point of progress achieved for CAAC in the nearly two decades since the launch of Graça Machel's report in 1996. The UNSCWG on children and armed conflict consists of all 15 members of the United Nations Security Council. They are mandated to review reports on violations against children affected by armed conflict committed

⁸⁷ Graça Machel, "10 – year strategic review children and conflict in a changing world", available from http://www.unicef.org/publications/files/Machel_Study_10_Year_Strategic_Review_EN_030909.pdf

⁸⁸ Including Security Council Resolutions 1262 (1999), 1314(2000), 1379 (2001), 1460(2003), 1539 (2004), 1612 (2005), 1882 (2009) and 1998(2011)

⁸⁹ Canadian International Development Agency, "Canadian International Development Agency's Action Plan on child protection, promoting the rights of children who need special protection measures", Government of Canada, June 2001, p.15-17. Available from <http://publications.gc.ca/collections/Collection/E94-314-2001E.pdf>

⁹⁰ Ibid.

⁹¹ The United Nations Security Council Working Group is composed of all 15 members of the Security Council and is, like the Security Council, a political body. It is mandated to review the reports of the MRM, review progress in the development and implementation of action plans (as mentioned in resolutions 1539 and 1612); make recommendations to the Security Council on possible measures to promote the protection of children affected by armed conflict, including recommending appropriate mandates for peacekeeping missions and recommendations regarding parties to the conflict; address requests to other bodies within the UN system for action to support the Security Council resolution 1612; and consider other relevant information presented to it (Resolution 1612 (2005): para.8).

by parties that are listed in the annexes to the United Nations Secretary-General's report on children and armed conflict.

As explained by a senior official from UNICEF, since the establishment of the Optional Protocol on the involvement of children in armed conflict (OPAC), there has been progress in the following key areas: in particular, a shift in attitude in the area of accountability; the work on the Monitoring and Reporting Mechanism; and consensus among the United Nations Security Council Working Group which places child protection on the top of the international agenda. This engagement of the United Nations Security Council to be an eye on the worst violations against children in armed conflict situations allows these violations to be prosecuted and aims to prevent the use and recruitment of children into armed conflict. It was further explained by the interviewee that UNICEF is able to mobilize the whole United Nations system on issues of children affected by armed conflict. In summary, the OPAC created a legal deterrent, increased the protection of children, and specified that children below 18 years of age should not have a direct involvement in armed conflict.

UNICEF has always been involved in child protection, a senior official at UNICEF explained. Since UNICEF's establishment in 1946 it has aided children on conflict zones around the world. From its work during World War II to the suffering that escalated in the 1980's in Liberia and the 1990's in Sierra Leone, UNICEF has worked to assist children in armed conflict situations. The interviewee explained that the term Child Protection did not have international significance until the 1990's. He further stated that the adoption of Optional Protocol on the involvement of children in armed conflict (OPAC) strengthened UNICEF's work and gives it credibility on the international stage. OPAC created an accountability mechanism for the United Nations Security Council (UNSC) to demand action of governments to adhere to the international child protection standards especially in the United General Assembly. In addition, UNSC resolution 1314 (2000) provided an action plan specifically for child protection, calling for an end to impunity for those who abuse children, including efforts to release abducted children, and for the inclusion of child protection advisors in the United Nations systems peacekeeping operations.

As part of the progress forward for children, United Nations Security Council (UNSC) resolution 1379 (2001) was mandated to establish the practice of Monitoring and Reporting Mechanism (MRM), including listing of parties on United Nations Secretary-General's annex on the annual report to the UNSC on children and armed conflict. Similarly, UNSC resolution 1460 (2003) endorsed the United Nations Secretary-General's call to action to protect children in armed conflict situations(CAAC) and broadened the scope of MRM: calling on parties to provide information on steps they plan to take to stop the use of children in armed conflict. Given the UNSC's direct oversight of peacekeeping missions, having CAAC high on the agenda of the United Nations Security Council has been a particularly important development, leading to the inclusion of Child Protection advisors in all United Nations Peacekeeping missions; this was not the case in the past. It was not until 2001 that the United Nations Peacekeeping established the

practice of child protection advisors deployment with its missions⁹². The engagement of peacekeeping missions on CAAC has led to effective collaborations and responses to the issues of children affected by armed conflict among United Nations systems.

In the humanitarian arena UNICEF has been a force for coordination. UNICEF leads the coordination of both the issue of children affected by armed conflict (CAAC) and Child Protection systems under the humanitarian cluster. UNICEF also ensures the participation of other partners including other United Nations agencies. The Monitoring and Reporting Mechanism task force in every country is co-chaired by a collective of United Nations agencies along with UNICEF. UNICEF is the highest authority within the coordination. Increasingly, children's issues are reflected in relevant cross-cutting thematic activities across the United Nations system. The political advocacy through United Nations Security Council Working Group on CAAC and related task forces has led to an increased commitment to the inclusion of CAAC into policies, priorities and programmes. The information obtained is shared with national Child Protection Working Groups (CPWG)⁹³ and creates awareness. UNICEF's role touches every aspect of Child Protection within the United Nations system, coordinates CPWGs, and is also the provider of last resort⁹⁴.

The global advocacy movement that began with Graça Machel's report⁹⁵ and the United Nations Secretary-General's involvement has called attention to the plight of children in conflict zones, reasserting humanitarian core values based on the best interests of the child. As stated by interviewed UN experts, Graça Machel's report provided a comprehensive global insight into the scale and scope of the suffering of children in armed conflict, and recommended that the United Nations General Assembly establish the mandate for the Special Representative of Children Affected by Armed Conflict as the convening focal point for the United Nations protection agenda for children affected by armed conflict⁹⁶. The Graça Machel report⁹⁷ drew particular attention to the situation of child soldiers, Internal displaced persons and refugee children, and child victims of landmines, as well as psycho-social consequences of conflicts on children. It examined the relevance and adequacy of the international standards to the protection of CAAC⁹⁸. It explored the complexities of these concerns and firmly established their relevancy to the international peace and security agenda which led to the United Nations Security Council adopting a series of resolutions to protect children in conflict zones. This series of resolutions

⁹² United Nations General Assembly " Report of the Special Representative of the Secretary- General for Children and Armed Conflict", United Nations, 7 September 2005, p5. Available from http://www.unicef.org/emerg/files/report_SRSG_cac.pdf

⁹³ The CPWG is a global level forum for coordination on child protection in humanitarian settings. It brings together NGOs, UN Agencies, Academics and others to ensure effective child protection responses in emergencies, available from <http://www.globalprotectioncluster.org/en/areas-of-responsibility/child-protection.html>

⁹⁴ Ibid

⁹⁵ Graça Machel, Expert of the United Nations Secretary- General, "Impact of Armed Conflict on Children", 1996. Available from <http://www.unicef.org/Graça>

⁹⁶ The United Nations General Assembly Resolution A/RES/51/77 of 1997 recommended that the Secretary- General appointed for a period of three years a Special Representative for Children and Armed Conflict, as a high level independent advocate for war- affected children. The General Assembly has since extended the mandate of the Special Representative on three occasions, most recently in resolutions A/RES/60/231 of January 2006

⁹⁷ Graça Machel, Expert of the United Nations Secretary- General, "Impact of Armed Conflict on Children", 1996. Available from <http://www.unicef.org/Graça>

⁹⁸ Ibid.

culminated in resolution 1612 in which the Monitoring and Reporting Mechanism was established.

Collectively, the inclusion of the Optional Protocol on the involvement of children in armed conflict; the Rome Statute of International Criminal Court (ICC), which classifieds war crimes against children; International Labor Organization Convention 182, which defines child soldiers as one of the most worst forms of child labor and sets 18 as the minimum age for recruitment; as well as ten United Nations Security Council resolutions⁹⁹; represent the most meaningful achievements towards the protection of children in conflict situations. These achievements have expanded UNICEF's normative framework, in direct response to Graça Michel's report. In addition to the response of United Nations Security Working Group, the actual potential involvement of the ICC is reported to be an influential factor in changing states and non-state actor's actions towards children involved in armed conflict. As a UNICEF specialist interviewed stated, the indictment of the Democratic Republic of Congo commander Thomas Lubanga, was the first time a person had been tried in the ICC solely on charges against children affected by armed conflict. The interviewee acknowledged how important this point of progress was, but stressed the need for more accountability that makes it harder for anyone to harm children. Several interviewees noted that parties to conflicts are much more frightened of the ICC than they are sanctions.

Since 2005 when the Monitoring and Reporting Mechanism (MRM)¹⁰⁰ was established, 20 MRM Action Plans have been negotiated and signed with parties in conflict in 13 different countries. The MRM focuses on six grave violations: the recruitment or use of children by armed groups and armed forces, killing and maiming of children, rape and other sexual violence, abduction, attacks on schools and hospitals and denial of humanitarian access¹⁰¹. The MRM Actions Plans are implemented with technical support provided by UNICEF country programs. With better monitoring systems in place more than 100,000 children with armed forces or armed groups have been released and reintegrated into their communities since the late 1990s¹⁰².

While the Monitoring and Reporting Mechanism (MRM) has been an important contributory and complimentary initiative in encouraging the release of children by parties to conflict and to some extent acting as a deterring for recruitment, it has not reduced incidences on the other five grave violations defined under resolution 1612¹⁰³. An important factor in determining the success of the MRM is the seriousness with which listed parties to the conflict treat their inclusion in the annexes of the reports of the Secretary-General of the United Nations. According to Sophie Hodgson (2014), the motivating factor for a party to begin taking steps towards being delisted is

⁹⁹ Including Security Council Resolutions 1262 (1999), 1314(2000), 1379 (2001), 1460(2003), 1539 (2004), 1612(2005), 1882 (2009) and 1998(2011)

¹⁰⁰ United Nations Office of the Special Representative of the Secretary-General for children and armed conflict, " Monitoring and Reporting", available from <http://childrenandarmedconflict.un.org/our-work/monitoring-and-reporting/>

¹⁰¹ Save the Children, "Monitoring and reporting Mechanism (MRM) on Grave Violations against Children in Situation of Armed Conflict, Field Manual", April 2010. Available from <http://resourcecentre.savethechildren.se/sites/default/files/documents/6032.pdf>

¹⁰² UNICEF, " child recruitment by armed forces or armed groups", available from http://www.unicef.org/protection/57929_58007.html

¹⁰³ Katy Barnett and Anna Jefferys, " Full of promise: How the UN's Monitoring and Reporting Mechanism can better protect children", Humanitarian Policy Group, September 2008, p 7. Available from <http://www.odihpn.org/documents/networkpaper062.pdf>

the political legitimacy that removal from annex can bring¹⁰⁴. Hodgson further suggested that stronger measures need to be taken to ensure compliance with resolution 1612¹⁰⁵.

The United Nations Security Council Working Group on children and armed conflict established under resolution 1612 has five categories of responses aimed at improving effectiveness of the Monitoring and Reporting Mechanism (MRM): assistance, demarches, enhanced monitoring, improved mandates and other responses¹⁰⁶. Other measures include making recommendations to the United Nations Security Council (UNSC) that targeted measures be taken against listed parties on the council's agenda¹⁰⁷. The use of targeted measures by the UNSC has not been used, a lack which led to comments in a recent Watch list on children and armed conflict report on the MRM¹⁰⁸. The Watch list voiced concerns that UNSC has failed to make significant use of its powers to address cases of armed forces or armed groups that are listed by the United Nations Secretary-General in his annual reports to the Security Council¹⁰⁹. There are signs that this is changing however, and the UNSC has recently added the use and recruitment of children to the criteria sanctions in the mandate of the Somalia sanctions committee¹¹⁰. While steps such as this should be welcomed, we must also keep in mind that there is a danger that if the MRM is a political tool of the UNSC it will limit cooperation of concerned parties on the ground.

These advancements in child protection have had a direct positive impact on the lives of children through the application of international norms and standards. In addition, United Nations Security Council (UNSC) resolution 1612 established United Nations Security Council Working Group (UNSCWG)¹¹¹ to enhance accountability of perpetrators of grave violations against children. The UNSCWG uses information arising from the Monitoring and Reporting Mechanism (MRM) to attempt to prevent further violations from occurring. The establishment of UNSCWG affords the issue of children involved in armed conflict a long term position on the Security Council agenda as an issue relevant to peace and security. The MRM is an important part of this. The regular reporting on grave violations against children that the MRM demands is evidence that the UNSC keeps an eye on the issues of children affected by armed conflict.

According to a highly placed United Nations expert in child protection, challenges in the implementation of the Monitoring and Reporting Mechanism (MRM) include limited resources

¹⁰⁴ Sophie Hodgson, "Whose Action Plan? An Analysis of the UN Security Council Resolution 1612 Action Plan and Monitoring and Reporting Mechanism in Nepal", Oxford University Press, 2014, p171. Available from <http://jhrp.oxfordjournals.org/content/4/2/164.full.pdf+html>

¹⁰⁵ Ibid.

¹⁰⁶ Katy Barnett and Anna Jefferys, "Full of promise: How the UN's Monitoring and Reporting Mechanism can better protect children", Humanitarian Policy Group, September 2008, p 7. Available from <http://www.odihpn.org/documents/networkpaper062.pdf>

¹⁰⁷ The United Nations Security Council has only taken targeted measures in connections to the recruitment and use of children in two cases, including Cote D'Ivoire and Democratic Republic of Congo. In both cases, sanctions were already on the parties, but the recruitment and use of children was added to the pre-existing sanctions as additional criteria. (Watch list, 2009, p.11).

¹⁰⁸ Watch List on Children and Armed Conflict, "UN Security Council Resolution 1612 and Beyond", May 2009, p.11. Available from http://www.protectingeducation.org/sites/default/files/documents/policypaper_09.pdf

¹⁰⁹ Ibid.

¹¹⁰ Consolidated list maintained by the United Security Council Sanctions Committee pursuant to resolution 751 (1992) and 1907 (2009) concerning Somalia and Eritrea. Available from http://www.un.org/sc/committees/751/pdf/1844_cons_list.pdf

¹¹¹ The United Nations Security Council Working Group on children and armed conflict was established by the Council resolution 1612, and mandated to review reports on violations against children affected by armed conflict by armed conflict committed by parties that are listed in the annexes to the Secretary – General report on children and armed conflict. Details available from <http://www.un.org/sc/committees/WGCAAC/>

and access issues, including a lack of follow-up on the development and implementation of action plans to prevent and respond to grave violations against children. In order to ensure the effectiveness of the MRM, it is important that resources are available. In addition, in the view of the interviewee, the voices of young people should be consulted and included during the process of monitoring and reporting in-country.

United Nations Security Council (UNSC) resolutions and reports on grave violations of human rights are a force to drive governments and armed groups to act within international standards to ensure the protection of children. Of all the work of the UNSC on the Monitoring and Reporting Mechanism (MRM) in particular provides an extremely valuable evidence base for UNICEF programming to protect children and support their reintegration. According to United Nations experts interviewed, the MRM provides a unique system and resource for evidence building and data collection on grave violations against children. The UN experts further agree that this data is valuable as an evidence base to inform programme response, advocacy and prevention strategies and for the UNSC not turn a blind eye and to motivate action at the political level. The officers explained that a shift of attitude in the United Nations Security Council and the MRM has placed child protection in a place of high visibility on the international peace and security agenda. As part of the milestone achieved for children, all participants agree that specific standards and mechanisms, including the MRM, the Optional Protocol on the involvement of children in armed conflict, and the Worst Forms of Child Labour Convention of 1999 (No.182)¹¹², have directly influenced states and non-states actors. The experts interviewed also agree that multiple United Nations agencies have benefitted from this collection of data, enabling trend analysis of human rights violations for children in some of the most difficult and dangerous situations.

UNICEF's protection programmes are implemented within the framework of its Child Protection Strategy¹¹³. In this strategic agenda, the impact of armed conflict on children is specifically mentioned as critical for improved protection of children from violence, abuse, exploitation and discrimination. Also, under UNICEF's Peace and Security Agenda¹¹⁴, the United Nations Convention on the Rights of the Child (CRC)¹¹⁵ provides the framework for UNICEF's programme activities, based on the findings from the Machel report¹¹⁶ and on UNICEF's Peace and Security Agenda for children. This document was presented in 1999 to the United Nations Security Council and it specifies necessary actions to make sure that children's rights are considered in the United Nations Security Council's deliberations and decisions¹¹⁷.

¹¹² The Worst Forms of Child Labour Convention, 1999 (No. 182), which is one the eight fundamental conventions. It defined the forced and compulsory recruitment of children in armed conflict as a worst form of child labour to be prohibited and eliminated a matter of urgency.

¹¹³ United Nations Economic and Social Council, "UNICEF Child Protection Strategy". United Nations, 20 May 2008. Available from http://www.unicef.org/protection/files/CP_Strategy_English.pdf.

¹¹⁴ UNICEF, "Peace and Security agenda", available from http://www.unicef.org/emerg/index_peace.html

¹¹⁵ United Nations Human Rights, "Convention on the Rights of the Child adopted and opened for signature, ratification and accession by the United Nations General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, accordance with article 49 of the charter of the United Nations", available from <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

¹¹⁶ Graça Machel, Expert of the United Nations Secretary- General, "Impact of Armed Conflict on Children", 1996. Available from <http://www.unicef.org/Graça>

¹¹⁷ Ibid.

In all these processes within the United Nations to protect children in armed conflict situations, UNICEF has been closely involved. UNICEF engaged in the development of the Monitoring and Reporting Mechanism from the outset and played an active role in providing technical advice during the negotiations leading up to the adoption of the children affected by armed conflict related United Nations Security Council (UNSC) resolutions and continues to ensure that children's concerns are raised in meetings, reports and other processes. UNICEF advises from within conflict zones on the impact changing developments will have on children. Today, UNICEF is active within a variety of fora such as the Expert Group on Optional Protocol on the involvement of children in armed conflict, and has informal bilateral contacts to highlight specific concerns or to provide general briefings for new incoming UNSC members with a children affected by armed conflict portfolio. UNICEF also provides inputs to the drafts of the Secretary- General of the United Nations's reports to the UNSC in cases affecting children in situations of armed conflict. UNICEF has been concerned with child protection from its inception and will continue to advocate for the protection of child rights under its mandate by the United Nations General Assembly to help meet their basic needs and to expand their opportunities to reach their full potential¹¹⁸.

¹¹⁸ UNICEF. July 9, 2014. Available from http://www.unicef.org/about/who/index_mission.html

6.0 DISCUSSION

This report presents evidence of the progress achieved since the introduction of the United Nations Optional Protocol on the involvement of children in armed conflict (OPAC) that can be examined to find the gains and challenges affecting children affected by armed conflict in the world today. Based on interviews and the reviewed documents relevant to the work of United Nations Security Council and UNICEF's work on children affected by armed conflict (CAAC), there has been many significant achievements in international policy and process that have changed the lives of children. Over the last two decades, the situation of children affected by armed conflict has gained prominence on the international agenda. From the adoption of the United Nations Convention on the Rights of the Child (CRC) in 1989 and its OPAC in 2002, with its comprehensive recognition of the rights of all children in all contexts, the United Nations has had a normative and legal framework within which all states can situate their work for children. In addition to the general provisions and guiding principles¹¹⁹ contained within the CRC and its OPAC, which apply to all children in all countries, the convention also contains articles specific to the protection and care of children in armed conflict situations¹²⁰. The 1996 report by Graça Machel on 'The Impact of Armed Conflict on Children' together with its recommendation for the establishment of the Office of the United Nations Special Representative of the Secretary-General for Children and Armed Conflict have focused international attention and priorities more acutely on the issue of CAAC. More than ever before, there is a strong, active and effective coordination of United Nations and its partners working to address the rights of children in armed conflict specifically.

The adoption of the Optional Protocol on the involvement of children in armed conflict, the establishment of the Office of the United Nations Special Representative for Children in Armed Conflict and UNICEF advocacy brought the issues of children affected by armed conflict (CAAC) into the agenda of the United Nations Security Council (UNSC). It made CAAC an issue that is relevant to the peace and security agenda of the United Nations. In particular the work of UNICEF and the UNSC in the area of Monitoring and Reporting Mechanism (MRM) is an important part of the progress achieved for children in armed conflict. The regular reporting on the issues of CAAC through UNICEF work on MRM is evidence of the UNSC engagement on the issue of children in armed conflict situations. As one of the UNICEF specialist puts it: "the most important work of the UNSC was the establishment of the United Nations Security Council Working Group on children in armed conflict situations", which has helped to set up the Monitoring and Reporting Mechanism. The establishment of the United Nations Security Council Working Group on children affected by armed conflict (UNSCWG) brought the issue of

¹¹⁹ United Nations Human Rights, "Convention on the Rights of the Child adopted and opened for signature, ratification and accession by the United Nations General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, accordance with article 49 of the charter of the United Nations", available from <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

¹²⁰ A guiding principle which is particularly relevant to children affected by armed conflict is article 3, which states that all action must be taken with the best interests of the child as a primary consideration. Details available from <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

CAAC to the top of the United Nations agenda. The establishment of the UNSCWG has provided a platform to tackle the violations against children as a priority for the United Nations. The ability of the UNSCWG to recommend targeted measures, such as sanctions against perpetrators, is itself a milestone for children affected by armed conflict.

Much of the United Nations Security Council and UNICEF's potential strength to protecting children in armed conflict derives from the response of parties to conflict to being listed in the annexes to the report of the United Nations Secretary-General on children affected by armed conflict (CAAC). According to the expert interviewed for this study from the United Nations Secretary-General's Office of the Special Representative on CAAC: "States and non-State actors simply do not want to get onto the Annex I, and if they get onto Annex I, they want to get off it as soon as possible". There is a demonstrable deterrent effect in being listed in the annex of the United Nations Secretary-General's report. Certainly, some actors have taken steps to proactively engage with the United Nations Security Council Working Group (UNSCWG) on the issue of children affected by armed conflict. One such example was when the government of Uganda cooperated with the UNSCWG in response to censure of the widespread abductions and use of children by the Lords Resistance Army (LRA) in northern Uganda. While the recommendations and conclusions of the UNSCWG are not strictly legally binding, as a representative of the Office of the Special Representative of the United Nations Secretary-General on children and armed conflict who was interviewed put it: "State governments and other parties to conflict are taking the mechanism seriously".

As well as actions plans, one further avenue available to the United Nations Security Council (UNSC) is to call for the intervention of the International Criminal Court (ICC) against the perpetrators of crimes against humanity, where national courts are unwilling or unable to act to protect children. The link between the UNSC and ICC is of great importance in order to protect children from armed conflicts. Although the Country Task Forces are not obliged to submit information to the ICC, the ICC is urged to use and respond to the information contained in the annual country reports collected through the Monitoring and Reporting Mechanism process.

Despite the work of the UNICEF and United Nations Security Council on children affected by armed conflict (CAAC), wars and conflicts continue to put millions of children at risk worldwide. The ongoing patterns of violence described in this report are a cause for serious concern particularly as the pattern of warfare has changed. It differs from that of earlier wars where the vast majority of casualties were combatants, today more than 90 per cent of those killed and wounded are civilians, and about half of them are children¹²¹. Although considerable attention has been paid to the development of an international legislative and policy framework for CAAC in recent years, a wide gap remains between the agreed upon standards in international law and the practical reality of children's lives. While thousands of children were

¹²¹ United Nations Development Programme (UNDP), "Millennium Development Goals: A compact among nations to end human poverty". United Nations, 2003, p.61, available from http://hdr.undp.org/sites/default/files/reports/264/hdr_2003_en_complete.pdf

demobilized in countries such as Angola and Sierra Leone¹²², up to 30,000 more children are still today involved in more than 30 conflicts worldwide¹²³. Although the impact of armed conflict on children has garnered worldwide attention and action over the past two decades, for many children too little is being done to prevent the devastations of war. A consultants study done by experts on child soldiers from the University of Victoria, revealed that the little that is being done is being done far too late to aid the many thousands that have lost their lives, or have suffered rape, severe abuse, other forms of degradation, and injury¹²⁴.

Effective strategies already exist to protect children. UNICEF seeks to integrate child protection into all its emergency response programs, at every stage of the crisis. As part of this integration, UNICEF has developed strategies and programs to identify and prevent the impacts on children and families. The principle strategies include securing a protective environment, strengthening child protection in armed conflicts, and building national protective systems for children in armed conflict situations. While many assume child protection in armed conflict is about child soldiers, child protection encompasses more than stopping child soldiering. It includes measures that promote children's physical and emotional wellbeing, provide them equal access to basic services, and safeguards their legal and human rights.

UNICEF child protection in armed conflict is based on an extensive international legal framework. The United Nations Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict provides a comprehensive framework of children's rights, as well as mechanism of accountability. The Convention recognizes children's rights to be free from abuse and neglect, sexual exploitation, trafficking, abductions, torture, deprivations of liberty and other forms of maltreatment at all times and provides special protection during times of conflict. In addition, the Rome Statute defines the "most serious crimes of international concern¹²⁵" to come under the International Criminal Court (ICC). The ICC¹²⁶ recognizes a group of war crimes that particularly affect children including: rape and other forms of sexual violence, recruitment or use of children under the age of 15 into armed groups, as well as attacks against schools and hospitals.

According to a majority of the United Nations specialists interviewed for this report, UNICEF was created in order to provide post-conflict relief in the aftermath of World War II and indeed has always responded to children's needs in such circumstances. The UNICEF mandate includes development programming, however the plethora of conflicts in recent years continue to require

¹²² Coalition to Stop the Use of Child Soldiers, "Child soldier's global report", 2004, p.22-23.

¹²³ UNICEF, "Fact Sheet: Child Soldiers", available from http://www.unicef.org/wcaro/english/FactSheet100601Final_E_100603_.pdf

¹²⁴ Sibylle Artz, Marie Hoskins and Janet Newbury, "Making the case for the eradication of the use of child soldiers", University of Victoria.

¹²⁵ Rome Statute of the International Criminal Court, "Article 5 crimes within the jurisdiction of the Court shall be limited to the most serious crimes of concern to the international community as a whole, the Court has jurisdiction in accordance with this Statute with respect to the following: The crime of genocide; crime against humanity; war crimes and the crime aggression", available from <http://childrenandarmedconflict.un.org/keydocuments/english/romestatuteofthe7.html>

¹²⁶ In its definition of war crimes the statute includes "conscripting or enlisting children under the age of 15 years into national forces or using them to participate actively in hostilities" (Article 8 (2)(b) (xxi) in international armed conflict; and in the case of an internal armed conflict, "conscripting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities" (Article 8 (2) (e) (vii)). The statute also defines sexual slavery as a war crime (Article 8 (2) (b) (xxii) and Article 8(2)(e) (vii) and crime against humanity (Article 7 (1) (g)). The treaty came into force and the court came into being on 1 July 2002.

the majority of UNICEF resources. UNICEF has devoted an increasing proportion of its resources to emergencies, notably those caused by armed conflict, while at the same time retaining a development perspective in its intervention.

UNICEF protection of children's rights in situations of armed conflict is an integral part of the United Nations efforts to protect human rights. While UNICEF has a vital role to play in such efforts its protection of child rights cannot be fully effective without a wider United Nations approach. Because UNICEF provides the strongest United Nations basis for child rights protection both in the field and at the global level, the complexity of its role raises questions particularly in situations of armed conflict. Given that governments are always implicated in child rights violations, doubts have been expressed as to UNICEF's ability to pursue its development objectives and at the same time conduct active protection.

Progress has been made in protecting children in armed conflict situations (CAAC) but there is much more work to be done. As conflicts continue and erupt in nations such as the Central African Republic, South Sudan, Syria, Libya, Iraq, and Mali we can see that the work of the United Nations and UNICEF is far from over. As one of the interviewed experts stated, "the old patterns are repeating themselves". Having the International Criminal Court take on cases like that of Thomas Lubanga¹²⁷ is a mark of progress for CAAC, but if these violations are continuing then we need more action. As noted in section 4, a UNICEF specialist stated that, the international community needs a level of accountability that makes it unacceptable for children to be used as soldiers in conflict situations. In areas of changing the behaviors and attitudes of people in armed conflicts especially where there is hatred, leaves much more to be done in this area especially concerning criminal accountability for children trapped in the horror of conflict. As the United Nation's Monitoring and Reporting Mechanism was built around accountability¹²⁸, it is much more effective with governments than with armed groups. Although armed groups have been engaged in the past, it is still difficult to engage extremist armed groups such as Al-Shabaaba and Al-Qaeda because these non-state actors are not seeking legitimacy from the international community. They are aware of the time that the political process of the United Nations Security Council requires to come to agreement and respond; indeed this delay benefits them.

Another challenge at the inter-agency level is that Monitoring and Reporting Mechanism (MRM) may lack strong leadership. While MRM furthers the work of child protection, it is neither required nor mandated by the United Nations Security Council and for this reasons people do not cooperate with its implementation. This may be because agencies feel that MRM is too sensitive, or they do not see how they can contribute, or they simply do not know how. When a developmental organization, such as the World Health Organization, seeks to work inside a

¹²⁷ United Nations News Centre, "In landmark ruling, the ICC finds Congolese warlord guilty of recruiting child soldiers", United Nations, 14 March 2014. Available from <http://www.un.org/apps/news/story.asp?NewsID=41537&Cr=ICC&Cr1#.U8g6EhBnCd4>

¹²⁸ The Monitoring and Reporting Mechanism was initiated as a formal process on the basis of the United Nations Security Council Resolution 1612, and further strengthened by Resolutions 1882, and 1998. As such, these resolutions represent the immediate legal basis and frame work for MRM.

conflict region they will logically choose to avoid the politically difficult work of MRM. They are already working in a politically fragile situation. While MRM has helped improve the targeted prevention and response programming on the issue of children affected by armed conflict, there is a negative side to the publicity of the data gathered. The people who collect MRM data may then be in danger from the governments and non-state actors they have reported on.

Despite these challenges, Monitoring and Reporting Mechanism (MRM) is a worthwhile endeavor as it has credibility and promotes accountability of parties to conflict, by publically naming and shaming perpetrating parties by listing them in the annexes of the United Nations Secretary-General's Annual Report to the United Nations Security Council on children in armed conflict situations (CAAC). These reports have played a role in the release of thousands of children from armed groups and armed forces. An important milestone for MRM in protecting children is that it has raised the profile of CAAC issues on the political agenda at all levels. The power of the United Nations Security Council and Member States has provided a strong political motivation for both states and non-state parties to address and prevent violations against children.

Monitoring and Reporting Mechanism (MRM) records on grave violations against children in situations of armed conflict (CAAC) ¹²⁹ are not necessarily detailed enough to provide sufficient evidence for court proceedings. Making and keeping the records for the MRM requires specific skills. According to a UNICEF Emergency Specialist interviewed, the MRM reporting is often not systematic enough because of the breakdown of the rule of law in the conflict zone. He also noted that when you have weak institutions this limits the work of child protection in key areas. If the issue of CAAC is approached as one coordinated United Nations, it will be much more effective in addressing grave violations against children's rights. Coordination may be understood as simply information sharing. The will in the international community, as explained in the report, promotes a strong leadership in order to take action on CAAC. There is a need to place more importance on accountability to uphold children's rights and more United Nations action is needed than ever before to monitor and respond to grave violations. The United Nations needs to help governments establish national systems to prevent and sanction violations and deliver responses to most vulnerable children. This includes undertaking negotiations with armed forces and armed groups to secure the release of children who have been recruited and used in hostilities.

Despite numerous international initiatives, there is still no systematic global monitoring and reporting system in place to track the number of children affected by conflict, the specific threats they face, and the steps taken to address their needs. Efforts to date to collect information about children and armed conflict remain unreliable. A comprehensive system to ensure the

¹²⁹ The purpose of the MRM is to provide for the systematic gathering of accurate, timely, objective and reliable information on grave violations committed against children in situations of armed conflict, as well as in other situations of concern as defined by the United Nations Secretary-General (See Security Council Resolution 1612).

protection of children affected by armed conflict must include timely and reliable Monitoring and Reporting Mechanism (MRM) procedures and should be accompanied by a mechanism to ensure compliance at the field level¹³⁰. Such a system would establish consistent standards for identifying, documenting and verifying child rights violations and using this information to mobilize the public and inform policymaking and guide program interventions. The MRM must be based on legal principles of international law, accountability to the people including children and transparent. MRM must contain provisions to identify and detect early warnings signals, promote early action and deny impunity for those who commit crimes against children and their families. States and other parties should be held accountable; not only for their actions, but also for their failure to take early actions to avert well identified risks of major violations against children in armed conflict situations.

Despite Optional Protocol on the involvement of children in armed conflict being legal and binding instrument, it does not apply for the countries that have not ratified and signed to it. The United Nations Security Council (UNSC) resolutions are not also legally binding but they are in effect binding under United Nations charter 7 of the UNSC¹³¹. Generally, the mandate to protect children in armed conflict situations is strong and clear but there is no capacity on the ground to document effectively. Achieving practical delivery and implementation actions is a huge challenge facing the United Nations systems. For example, there is only one child protection officer in each United Nations Peacekeeping mission as who may be in opposition to many military officers. This imbalance must be addressed to ensure a comprehensive approach to justice and also for the Monitoring and Reporting Mechanism to bring together the United Nations and other partners to document violations.

The deployment of United Nations peacekeeping missions in risk situations where there is a breakdown of the rule of law and weak institutional capacities limit the United Nations and UNICEF work for children in armed conflict situations. With no proper Monitoring and Reporting Mechanism and accountability mechanism in place and no country infrastructure at all, the work the United Nations can do to protect children affected by armed conflict is severely limited.

As this report explains, despite the challenges of being both a humanitarian agency and a development organization, UNICEF has played an instrumental role in the milestones achieved in the last 20 years for children affected by armed conflict. Much progress has been made in the plight of children in situations of armed conflict around the world in recent years within the United Nations protection system. However, there remain many grave violations against children in armed conflicts and this is unacceptable. The current environment in South Sudan, Central Africa Republic and Syria and other countries is not conducive to the promotion and protection

¹³⁰ Watch List on children affected by armed conflict, “Protecting children in armed conflict: Blueprints for compliance” January 2004, available from http://watchlist.org/wordpress/wp-content/uploads/WL-Policy-Report-Blueprints_for_compliance-2004.pdf

¹³¹ United Nations Security Council Action under “Chapter VII” contains explicit powers to impose binding measures. The analysis in this report suggests that the Security Council has at times imposed binding measures under chapter VII, without explicitly invoking it.

of the rights of children. The political will to address children affected by armed conflict is there, but there remains significant gaps in translating this will into actual work and action.

Although it is impossible to put an accurate figure on the number of children affected by armed conflict, it is apparent that wherever armed conflict exists, children are involved. Actions taken by the United Nations Security Council (UNSC), UNICEF and other partners, have not yet significantly changed the reality for many children who find themselves trapped in armed conflicts. A concerted-effort is therefore needed to expand the existing instruments to protect children in armed conflict situations. Various UNSC resolutions have been proposed and passed to increase the effectiveness of child protection in armed conflict. Indeed, as has already been mentioned in this report, six grave violations against children in situations of armed conflict have been identified in the monitoring and reporting mechanism called for by the United Nations Security Council, and four have been added as triggers for listing and de-listing by the United Nations Secretary-General: i) recruitment/use of child soldiers, ii) killing and maiming, iii) rape and other forms of sexual violence, and iv) attacks on schools and hospitals¹³². However, the major challenge to achieving the results for children lies in the nature of the United Nations Security Council Working Group itself. This working group is hampered by political difficulties, and inaction, particularly when trying to take action against parties or conflicts that are not on the UNSC's immediate agenda.

For example, in a 2012 vote, the United Nations Security Council (UNSC) was divided over concerns on whether the United Nations envoy should be allowed to investigate any conflict as opposed to not only just those before the UNSC agenda.¹³⁴ China and Russia were opposed to such action which resulted in a veto. This situation clearly demonstrates the complications within the United Nations Security Council. The attention that children affected by armed issue is likely to receive is determined not only by the nature and extent of the grave violations of children's rights and protections that are occurring, but also whether the UNSC determines that the situation is a threat to peace and security agenda¹³⁵. The five permanent members of the United Nations Security Council¹³⁶ can veto which kills the passage of the resolution, otherwise a majority is needed without veto to pass.

As well, the Monitoring and Reporting Mechanism has only been implemented in countries where children are being recruited and used in armed forces, with the consent of relevant governments. Without accurate and reliable data we can have no real understanding of what is actually occurring in situations of conflict. The limits of what the United Nations and its agencies can do impose a serious limitation on the results that can be achieved, and there is much work that remains to be done. Moving forward will require the dedicated efforts of UNICEF and its

¹³² United Nations, "International legal foundations of the six grave violations against children during armed conflict", 21 July 2014. Available from <http://childrenandarmedconflict.un.org/publications/SixgraveviolationsBooklet.pdf>

¹³⁴ United Nations Security Council split over children and armed conflict, 20 September, 2012. Available from <http://www.moroccoworldnews.com/2012/09/57174/u-n-security-council-split-over-children-and-armed-conflict/>

¹³⁵ Ibid

¹³⁶ United Nations Security Council, "Permanent and non-permanent members" 8 August 2014. Available from <http://www.un.org/en/sc/members/>

partners, backed with the political support of the United Nations Security Council. Together, UNICEF and its partners can continue to mobilize the protective environment for children in armed conflict situation in a holistic approach.

7.0 RECOMMENDATIONS

There is no doubt that the adoption of Optional Protocol on the involvement of children in armed conflict, establishment of United Nations Security Council (UNSC) resolutions and in particular UNSC resolution 1612 have been ground breaking steps for the United Nations acting to protect children affected by armed conflict. With the work on the Monitoring and Reporting Mechanism and the United Nations Security Council Working Group, the United Nations will continue to act in situations where children are threatened, upholding its commitment to protect children. UNICEF takes a collaborative approach to child protection and in doing so it can strengthen the work of the UNSC. The UNSC has “hard power¹³⁷”; they can send peacekeepers or impose sanctions against violators of children’s human rights. As a leading United Nations agency with the principle mandate for upholding international peace and security UNICEF has “soft power”¹³⁸. They work within nations in conflict, maintaining diplomatic ties and providing humanitarian aid. UNICEF should use their influence with governments and parties to conflict to encourage parties to follow the UNSC agenda, which includes ending the use and recruitment of children in armed conflict. Specific recommendations for UNICEF and its partners in order to help governments achieve their objectives to ensure the protection of children in armed conflicts are as follows:

- UNICEF and partners should support governments to develop a comprehensive mechanism to ensure a more systematic system for the protection of children in armed conflict situations. This should include timely and reliable data on monitoring and reporting in the field. In particular, a database should be created that would enable UNICEF to manage, quickly access, and share the data on children in armed conflict in order to assess policy, programming and best practices. In particular, the Monitoring and Reporting Mechanism (MRM) data on children in armed conflict should be used as evidence of child rights violations. This information should be used to mobilize the public, inform policymaking and guide programme interventions on children in armed conflict. The MRM should include participation of children and must contain provisions to identify early warning signals of escalating, systematic violence against children and promote early action.
- UNICEF and its partners should urge the United Nations Security Council (UNSC) to take immediate, practical actions to impose targeted measures against governments and armed groups found to be carrying out any of the six grave violations named in UNSC resolution 1612. Targeted measure could include travel restrictions and restrictions on arms sales and

¹³⁷ According to Robert O. Keohane and Joseph S. Nye, hard power is the ability to get others to do what they otherwise would not do through threats or rewards. See more details from <http://www.foreignaffairs.com/articles/54395/robert-o-keohane-and-joseph-s-nye-jr/power-and-interdependence-in-the-information-age>

¹³⁸ According to Robert O. Keohane and Joseph S. Nye, Soft power is the ability to achieve goals through attraction rather than coercion. It works by convincing others to follow or getting them to agree to norms and institutions that produce the desired behavior. See more details from <http://www.foreignaffairs.com/articles/54395/robert-o-keohane-and-joseph-s-nye-jr/power-and-interdependence-in-the-information-age>

transportation of arms into the territories of these violators. UNICEF should work to ensure that measures to monitor and report on the violations named in UNSC resolution 1612 must be backed by action on the part of UNSC to ensure States and other parties to conflict are held accountable not only for their actions, but also for their failure to take early action to prevent violations when there is a well identified risk of major violations against children in armed conflict situations.

- UNICEF and partners should strengthen national governments capacity to comprehensively implement laws and policies prohibiting the use or recruitment of children in armed conflict including governments tasked with Monitoring and Reporting Mechanism on the six grave violations named in United Nations Security Council resolution 1612. This will aid United Nations child protection officers in being effective in their work. This should include aiding governments engaged in conflict with strengthening law enforcement training on child protection including legal and judicial systems that must be responsive to the protection of children in armed conflict situations.
- UNICEF and partners should undertake a quantitative study on children affected by armed conflict. At present, there is a lack of quantitative data and verified information on the global situation of children and armed conflict. A study to document and analyze the impacts of armed conflict on children would help to bring attention to the risks and vulnerabilities of children in situation of armed conflict by comprehensively gathering data and statistics from across regions on the specific situations where children are affected by armed conflict, mapping how the violations against children and the impact on the lives of children and their families.

8.0 CONCLUSION

Collaborative efforts among member states of the United Nations and non-governmental organizations, over the last 20 years since the adoption of Optional Protocol on the involvement of children in armed have resulted in notable progress in the protection of children involved in armed conflict (CAAC). The actions of the United Nations have created strong international momentum to protect children in armed conflict situations. UNICEF works to strengthen international norms and standards for the protection of children in armed conflict in order to mainstream CAAC concerns in the United Nations systems. The most significant effort of UNICEF's work for CAAC is the systematic engagement of the United Nations Security Council with this pressing issue.

One of the driving questions behind this report was to identify the progress made since the adoption of Optional Protocol on the involvement of children in armed conflict (OPAC) and analyze how UNICEF and United Nations Security Council (UNSC) have helped to shape the agenda for the protection of children affected by armed conflict (CAAC) through their contributions to the implementation of the recommendations of the 1996 Graça Machel Report and its subsequent 10 year review. The efforts of UNICEF have advanced international tools to protect children in armed conflict, including: the adoption of OPAC; the development of the UNSC resolutions on CAAC, encompassing UNSC resolution 1612 which established the Monitoring and Reporting Mechanisms on grave violations against children in armed conflict situations; and the establishment of the United Nations Security Council Working Group on children and armed conflict.

The recruitment and participation of children in hostilities was examined by the United Nations Security Council. The need for action resulted in the Monitoring and Reporting Mechanism (MRM) to monitor six grave violations against children in armed conflict. With the MRM in place, a compelling evidentiary base was gathered, detailing the spread and gravity of the situation of children involved in armed conflict. With this information and the publishing of the United Nations Secretary-General's list of naming and shaming the international community was united to combat the issue.

The results of the actions taken by the United Nations Security Council Working Group, UNICEF and other partners, including the International Criminal Court, have the ability to gain commitments from governments and other parties to conflict. These commitments include action plans to end the use and recruitment of children in armed conflict. The protection of children worldwide is advanced by child protection being at the top of the United Nations agenda.

Experts on child protection from the United Nations and non-governmental organizations who were interviewed for the purpose of this study agreed that since the adoption of Optional Protocol on the involvement of children in armed conflict (OPAC), there has been significant progress at the global level in the protection of children affected armed conflict. Those

interviewed noted that OPAC has had an impact by making states increase the age recruitment and enlistment of children in armed conflict situations specifically targeting the strategies of armed group. It was noted further that there has been vast change from the impunity of 20 years ago, now that the International Criminal Court can convict for the use of children in armed conflict. As mentioned by experts interviewed from both UNICEF and the Office of the United Nations Secretary-General's Special Representative on children and armed conflict, the listing on the Annual Report of the United Nations Secretary-General to the United Nations Security Council of parties who recruit children, kill, maim, rape, and commit other acts of violence against children, provides vital information that serves as the basis for investigations that may lead to charges by the International Criminal Court. The fact that the Annual Report of the United Nations Secretary-General lists parties to conflict that commit violations against children in armed conflict is in itself a milestone to advance the protection of children in armed conflict.

Others interviewed expressed concern that these lists against non-state actors are ineffective based on the length of time required by the United Nations Security Council to negotiate and approve sanctions against these armed groups; it was argued that this delay allowed such groups too much time to continue to use and recruit children.

The review of the United Nations Security Council resolutions, Optional Protocol on the involvement of children in armed conflict and other developments of laws and policies on children affected by armed conflict, has identified effective measures in child protection and gaps where more should be done to protect children affected by armed conflict. This report reviews the work of UNICEF, the United Nations Security Council, and the International Criminal Court over the past two decades to examine the impact of their work in protecting children affected by armed conflict. This report also acknowledges the political nature of protecting children affected by armed conflict, particularly when working with non-State parties to conflict. For as much as this report highlights the progress of child protection on the international stage there is a vital and continuing need for practical action to protect these children on the ground.

BIBLIOGRAPHY

Coalition to Stop the Use of Child Soldiers. Child soldiers global report, 2004, p.22-23.

Department of Foreign Affairs, Trade and Development Canada. Canadian International Development Agency's Action Plan on child protection, promoting the rights of children who need special protection measures. Government of Canada, June 2001, p.15-17. Available from <http://publications.gc.ca/collections/Collection/E94-314-2001E.pdf>

Former Permanent Representative of France to the United Nations Ambassador Jean- Marc de La Sabliere. Security Council Engagement on the Protection of Children in Armed Conflict: Progress achieved and the way forward, 20 June 2014. Available from http://childrenandarmedconflict.un.org/publications/Delasabliere-report_en.pdf

Global Good Practice study for MRM on grave violations against children in situations on armed conflict, 2013, p.9.

Global Protection Cluster. Working together for protection, June 25, 2014. Available from <http://www.globalprotectioncluster.org/en/areas-of-responsibility/child-protection.html>

Jo Becker, "The Global Campaign to Stop the Use of Child Soldiers", p.11-12. Available from <http://ducis.jhfc.duke.edu/wp-content/uploads/2010/06/The-Campaign-to-End-the-Use-of-Child-Soldiers.pdf>

Katy Barnett and Anna Jefferys. Full of Promise: How the UN's Monitoring and Reporting Mechanism can better protect children. Humanitarian Policy Group, September 2008, p 7.

International Network on Explosive Weapons, " Documents on the impact of explosive weapons as well as technical, policy and legal analysis", 20 August 2014. Available from <http://www.inew.org/learn-more-about-inew>

International Campaign to Ban Landmine, 20 August, 2014. Available from <http://www.icbl.org/en-gb/news-and-events/news/2013/mine-ban-treaty-record-gains-amidst-new-use-report.aspx>

Office of the Special Representative of the Secretary- General for Children and Armed Conflict. Denial of Humanitarian Access May 14, 2014. Available from <http://childrenandarmedconflict.un.org/effects-of-conflict/six-grave-violations/denial-of-humanitarian-access/>

Otunnu, Olara., 'Special Comment' on Children and Security, Disarmament Forum", No.3, United Nations Institute for Disarmament Research, Geneva, 2002, pp.3-4.

Robert O. Keohane and Joseph S. Nye, hard power and softer power 23 July 2014. Available <http://www.foreignaffairs.com/articles/54395/robert-o-keohane-and-joseph-s-nye-jr/power-and-interdependence-in-the-information-age>

Rome Statute of the International Criminal Court, 20 May 2014. Available from http://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf

Save the Children. Monitoring and reporting Mechanism (MRM) on Grave Violations against Children in Situation of Armed Conflict. Field Manual, 7 July 2014. Available from <http://resourcecentre.savethechildren.se/sites/default/files/documents/6032.pdf>

Save the Children, “Explosive weapons and grave violations against children”, 15 August 2014. Available from http://www.inew.org/site/wp-content/uploads/2013/06/Explosive_Weapons_and_Grave_Violations_Against_Children.pdf

Sophie Hodgson. Whose Action Plan? An Analysis of the UN Security Council Resolution 1612 Action Plan and Monitoring and Reporting Mechanism in Nepal. Oxford University Press, 2014, p171.

Sibylle Artz, Marie Hoskins and Janet Newbury. Making the case for the eradication of the use of child soldiers. University of Victoria.

Special Representative of Secretary- General for children and armed conflict. Child rights being violated in conflict situations with total impunity. United Nations News Centre, 1 July, 2014. Available from <http://www.un.org/apps/news/story.asp?NewsID=48180#.U8W8eBBnCd4>

United Nations Office of the Special Representative of the Secretary- General on Children and Armed Conflict and UNICEF. Machel Study Ten Year Strategic Review: Children and conflict in a changing world. 20 January 2014. Available from http://www.unicef.org/publications/files/Machel_Study_10_Year_Strategic_Review_EN_030909.pdf

United Nations. “Anti- Personnel Landmine Convention”, 16 August 2014. Available from [http://www.unog.ch/80256EE600585943/\(httpPages\)/CA826818C8330D2BC1257180004B1E?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/CA826818C8330D2BC1257180004B1E?OpenDocument)

United Nations. Graça Machel report: The Impact of Armed Conflict on Children, 23 January 2014. Available from http://www.unicef.org/Graça/a51-306_en.pdf

United Nations. Security Council Working Group on Children and Armed Conflict. 27 April 2014. Available from <http://www.un.org/sc/committees/WGCAAC/>

United Nations General Assembly and Security Council. Report of the Secretary- General on children and armed conflict, 26 April 2012. A/66/782/2012/261

United Nations. Unanimously approved, Security Council resolution demands aid access in Syria. United Nations News Centre, 22 February 2014. Available from http://www.un.org/apps/news/story.asp?NewsID=47204#.U8WFqjbn_cs.

UNICEF. The State of the World's Children: Children in war, 20 March, 2014. Available from <http://www.unicef.org/sowc96/1cinwar.htm>

United Nations Office of the High Commissioner for Human Rights. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, March 10, 2014. Available from <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPACCRC.aspx>

United Nations. Security Council establishes monitoring and reporting mechanism on use of child soldiers, unanimously adopting resolution 1612. United Nations Press Release, 26 July 2005. Available from <http://www.un.org/News/Press/docs/2005/sc8458.doc.htm>.

UNICEF. Convention on the Rights of the Child, March 15, 2014. Available from <http://www.unicef.org/crc/>

UNICEF. Strategic Plan 2014- 2017: Advancing the rights of every child, especially the most disadvantaged, 11 April, 2014. Available from http://www.unicef.org/about/execboard/files/May_3rd_informal_draft__final.pdf

United Nations General Assembly. Report of the Special Representative of the Secretary-General for Children and Armed Conflict, 7 September 2005, p.2. A/60/335

United Nations General Assembly Security Council. Report of the Secretary – General on Children and Armed Conflict, 21 December 2007. A/62/609 – S/2007/757.

United Nations. Aide Memoire for the consideration of issues pertaining to the protection of civilians in armed conflict, 10 June, 2014. SPRST/2010/25

United Nations Security Council Resolution 2143, 7 March 2014. S/RES/2143 (2014)

United Nations Security Council Resolution 2068, 19 September 2012. S/RES/2068 (2012)

United Nations Security Council Resolution 1998, 12 July 2011. S/RES/1998 (2011)

United Nations Security Council Resolution 1882, 4 August 2009. S/RES/1882 (2009)

United Nations Security Council. Resolution 1612, 26 July 2005. S/RES/162 (2005).

United Nations Security Council. Resolution 1379, 20 November 2001. S/RES/1379 (2001)

United Nations Security Council. Resolution 1314, 11 August 2000. S/RES/1314(2000)

United Nations Security Council. Resolution 1460, 30 January 2003. S/RES/1460 (2003)

United Nations Security Council. Resolution 1539, 22 April 2004. S/RES/1539 (2004)

United Nations Security Council. Resolution 1216, 21 December 1998. S/RES/1216 (1998)

United Nations Office of the Special Representative of the Secretary- General for Children and Armed Conflict. Monitoring and Reporting on the six grave violations against children in armed conflict, 12 March, 2014. Available from <http://childrenandarmedconflict.un.org/our-work/monitoring-and-reporting/>

United Nations Office of the Special Representative of the Secretary- General for Children and Armed Conflict. Role of the United Nations Security Council Working Group on Children and Armed Conflict, 10 May, 2014. Available from <http://childrenandarmedconflict.un.org/our-work/security-council-working-group/>

UNICEF. Factsheet on child soldiers, 10 February, 2014. Available from <http://www.unicef.org/emerg/files/childsoldiers.pdf>

United Nations Treaty Collection. Status on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 18 January, 2014. Available from https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=iv-11-b&chapter=4&lang=en

United Nations. In landmark ruling, ICC finds Congolese warlord guilty of recruiting child soldiers. United Nations News Centre, 14 March 2012. Available from <http://www.un.org/apps/news/story.asp?NewsID=41537#.U8XjQxBnCd4>

United Nations, “International legal foundation of the six grave violations against children during armed conflict”, 21 July 2014. Available from <http://childrenandarmedconflict.un.org/publications/SixgraveviolationsBooklet.pdf>

United Nations, Prosecutor welcomes UN-backed court’s decision to uphold Charles Taylor conviction. United Nations News Centre, 26 September 2013. Available from <http://www.un.org/apps/news/story.asp?NewsID=46031#.U8XIWRBnCd4>

Morocco World News, “United Nations Security Council split over children and armed conflict” 20 September, 2012. Available from <http://www.morocoworldnews.com/2012/09/57174/u-n-security-council-split-over-children-and-armed-conflict/>

UNICEF. Statement by UNICEF concerning the case of Omar Khadr. UNICEF Press Centre, 2 February 2008. Available from http://www.unicef.org/media/media_47928.html

UNICEF. Paris principles and Paris commitments to protect children from unlawful recruitment or use by armed forces or armed groups, 25 May, 2014. Available from http://www.unicef.org/protection/57929_58012.html

UNICEF. Child recruitment by armed forces or armed groups, 26 June, 2014. Available from http://www.unicef.org/protection/57929_58007.html

United Nations. Consolidated list maintained by the United Security Council Sanctions Committee pursuant to resolution 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, 14 July, 2014. Available from http://www.un.org/sc/committees/751/pdf/1844_cons_list.pdf

United Nations Economic and Social Council. UNICEF Child Protection Strategy. United Nations, 20 May 2008. E/ICEF/2008/5/Rev.1

United Nations Security Council, “Permanent and non- permanent members” , 8 August 2014. Available from <http://www.un.org/en/sc/members/>

UNICEF. “UNICEF’s approach to child protection“, 12 July, 2014. Available from http://www.unicef.org/protection/57929_57990.html

UNICEF. Peace and Security Agenda, 24 June 2014. Available from http://www.unicef.org/emerg/index_peace.html

UNDP. Human Development Report, Millennium Development Goals: A compact among nations to end human poverty. UNDP, 2003, p.61.

United Nations. In landmark ruling, the ICC finds Congolese warlord guilty of recruiting child soldiers. United Nations, 14 March 2014. Available from <http://www.un.org/apps/news/story.asp?NewsID=41537&Cr=ICC&Cr1#.U8g6EhBnCd4>

Watch List on children affected by armed conflict. Protecting children in armed conflict: Blueprints for compliance, 7 May 2014. Available from http://watchlist.org/wordpress/wp-content/uploads/WL-Policy-Report-Blueprints_for_compliance-2004.pdf

Watch List on Children and Armed Conflict. UN Security Council Resolution 1612 and Beyond, 27 June, 2014. Available from http://www.protectingeducation.org/sites/default/files/documents/policypaper_09.pdf

APPENDICES

Annex 1 – Recruitment Materials.

Referral for Participants

Standardised Script for email, telephone and in – person referrals:

Dear Colleague,

As you are aware, I am currently completing my Masters in Public Administration from the University of Victoria. For my final research paper, I will be conducting a review of the United Nations Security Council, International Criminal Court and United Nations Children’s Fund’s work in situations of armed conflict, a “Requirement for a completion of the University of Victoria Graduate Programme requirement in the School of Public Administration” supervised by the Dr. Susan Bissell, Chief of Child Protection and Associate Director, UNICEF Programme Division, Headquarters New York and Dr. Herman Bakvis, School of Public Administration, University of Victoria

The purpose of this study is to help inform the work of UNICEF Child Protection by strengthening a multi-level approaches/ responses at global level and in specific country offices. Recommendations will then be provided to UNICEF’s Child Protection work in situations of armed conflict based upon the findings.

I am asking for your help, as I begin to collect my data. If you know of any individuals who can speak to their experience related to UNICEF and United Nations, International Criminal Court and NGOs related to policy, programming or practice work in child protection in situations of armed conflict, would really appreciate if you can put us in contact through an introductory referral.

Commitment on the part of the participant will be 60 minute interview with the possibility of follow-up questions and/or interviews.

I will be conducting research from January – April 2014 and would therefore appreciate if you can refer to me any suitable individuals by April 11th, 2014.

Thank you for your support in this endeavour.

With much appreciation,

John Nsabimana
UNICEF’s Armed Violence & Weapons Child Protection,
Programme Division
Email: Jnsabimana@unicef.org
Tel: 212- 326-7354

Annex 2 – Invitation to participate

Standardised Script for email, telephone and in- person Invitations:

Dear#####

You are invited to participate in a study entitled Children affected by armed conflict: A review of the United Nations Security Council, International Criminal Court and UNICEF’s work on Children in situations of armed conflict, a “Requirement for a completion of the University of Victoria Graduate Programme requirement in the School of Public Administration” supervised by the Dr. Susan Bissell, Chief of Child Protection and Associate Director, UNICEF Programme Division, Headquarters New York and Dr. Herman Bakvis, School of Public Administration, University of Victoria.

The purpose of this research project is to help inform the work of UNICEF Child Protection by strengthening a multi-level approaches/ responses both at the global level and in specific country offices. Recommendations will then be provided to UNICEF’s Child Protection work in situations of armed conflict based upon the findings

Research of this type is important as it will contribute to UNICEF capacity to advocate for the protection of children affected by armed conflict; analyse UNICEF capabilities to develop a coordinated policy/programme approaches to mitigate the impact of armed conflict on children; review UNICEF capacity to implement better targeted programmes for protection of, and psychosocial support to, children affected by armed conflict and contribute to UNICEF knowledge –base for the protection of children in situation of armed conflict. You are being asked to participate in this study because you are knowledgeable about United Nation’s work to protecting children in situations of armed conflict.

If you agree to voluntarily participate in this research, your participation will include a brief telephone interview approximately 60 minutes long, with the possibility of follow- up conversations. Interview times will be held based on your preference and availability.

The research will be conducted between January – April 30th, 2014; therefore if you are interested in participating in this study, I would appreciate a confirmation by April 11th, 2014.

Once I receive your confirmation, I will contact you to find a suitable time to have a conversation over the telephone. Compliance of your confidentiality and disposal of the data will be explained to you in the interview as I will be seeking your implied consent to participant in this research, as well as per the University of Victoria Human Research Ethics Board and UNICEF Guidelines.

Should you have any questions, please do not hesitate to contact me directly.

Thank you,

John Nsabimana
UNICEF's Armed Violence & Weapons Child Protection,
Programme Division
Email: Jnsabimana@unicef.org
Tel: 212- 326-7354

Annex 3 – Interview Questions

The following list represents the type of questions that may be asked, categorized in the following themes (Sub headings). These questions are part of a larger inquiry to finding a United Nations global coordinated and effective multi-level approach to protecting children in situations of armed conflict. The questions will be adjusted depending upon the UN agency of the individual being interviewed.

Interview questions:

- 1.) Since the adoption of the Optional Protocol on Children involved in armed conflict to the CRC, what notable changes were made in the United Nations approach to shaping the global agenda on child protection in situations of armed conflict?
- 2.) How is the coordination between the partnerships impacting/affecting/or shaping child protection policies?
- 3.) Have there been any evaluations in child protection programme/policy? What constitutes success/failure?
- 4.) What priorities do the governments and United Nations, civil society and international criminal court place on the protection of children in situations of armed conflict?

Annex 4 - Implied consent letter for the study

Contacts

Individuals that may be contacted regarding this study include: Dr. Susan Bissell, Chief of Child Protection and Associate Director, UNICEF Programme Division at sbissell@unicef.org and Dr. Herman Bakvis, School of Public Administration, University of Victoria at hbakvis@uvic.ca. In addition, you may verify the ethical approval of this study, or raise any concerns you may have, by contacting the Human Research Ethics Office at the University of Victoria (250 – 472-4545 or ethics@uvic.ca).

Dear #####

You are invited to participate in a study entitled children affected by armed conflict: A review of the United Nations Security Council, International Criminal Court and UNICEF's work on Children in situations of armed conflict, a “Requirement for a completion of the University of Victoria Graduate Programme requirement in the School of Public Administration” supervised by the Dr. Susan Bissell, Chief of Child Protection and Associate Director, UNICEF Programme Division and Dr. Herman Bakvis, School of Public Administration, University of Victoria.

The purpose of this research project is to help inform the work of UNICEF Child Protection by strengthening a multi-level approaches/ responses both at the global level and in specific country offices. Recommendations will then be provided to UNICEF's Child Protection work in situations of armed conflict based upon the findings.

Research of this type is important as it will contribute to UNICEF capacity to advocate for the protection of children affected by armed conflict; analyse UNICEF capabilities to develop a coordinated policy/programme approaches to mitigate the impact of armed conflict on children; review UNICEF capacity to implement better targeted programmes for protection of, and psychosocial support to, children affected by armed conflict and contribute to UNICEF knowledge –base for the protection of children in situation of armed conflict. You are being asked to participate in this study because you are knowledgeable about United Nation's work to protecting children in situations of armed conflict.

If you agree to voluntarily participate in this research, your participation will include a brief interview approximately 60 minutes long, with the possibility of follow- up conversations.

If you request information that is obtained in connection with this study and that can be identified with you, will remain confidential and will not be disclosed.

Your decision whether or not to participate will not prejudice your future relationship with UNICEF and the United Nations in general. If you decide to participate, you are free to discontinue participation at any time and any information provided will be destroyed and will not

be used. UNICEF will be presented with the report and participants will also receive a copy of the final report.

I consent to have my name listed in the study's annex:

(Provide initials only if you agree to have your name listed).

The data obtained for the purpose of this study will be stored in the United Nations office and computer provided to me. The data will be stored until the completion of my MPA project. Any use or storage of the data beyond this will be at the discretion of United Nations Children's Fund and approval by Dr. Susan Bissell, Chief of Child Protection and Associate Director, UNICEF Programme Division.

If you have any questions, please ask. If you have additional questions later, please contact me at jnsabimana@unicef.org. Thank you for your time.

Sincerely,

John Nsabimana
UNICEF's Armed Violence & Weapons Child Protection,
Programme Division
Email: jnsabimana@unicef.org
Tel: 212- 326-7354

Annex 5 - Table1: Situations where parties to conflict are listed in the annexes of the annual report of the UN Secretary- General on children and armed conflict as of December 2013¹³⁹

Country	Countries with parties that use or recruit children, kill or maim children, commit rape and other forms of sexual violence against children, or engage in attacks on schools and/ or hospitals in situations of armed conflict on the agenda of the Security Council (A/67/845-S/2013/245, Annex I)	Countries with parties that recruit or use children, commit rape and other forms of sexual violence against children, or engage in attacks on schools and/ or hospitals in situations of armed conflict not on the agenda of the Security Council (A/67/845-S/2013/245, Annex II).
1. Afghanistan	✓	
2. Central African Republic	✓	
3. Chad	Delisted	
4. Colombia		✓
5. Côte d'Ivoire	Delisted	
6. Republic of the Congo	✓	
7. Iraq	✓	
8. India		✓
9. Lebanon	✓	
10. Libya	✓	
11. Mali	✓	
12. Myanmar	✓	
13. OPT and Israel	✓	
14. Philippines		✓
15. Pakistan		✓
16. Somalia	✓	
17. South Sudan	✓	
18. Sudan	✓	
19. Thailand		✓
20. Syrian Arab Republic	✓	
21. Yemen	✓	

¹³⁹ United Nations Security Council, “ Country situations where parties to conflict are listed in the annex of the annual report of the Secretary- General on children and armed conflict”, available from <http://www.un.org/sc/committees/WGCAAC/Table%20of%20WG%20documents.html>

Annex 6 – Biographical Data

Expert One	Program Officer of the Special Representative of the UN Secretary-General on Children and Armed Conflict. Before his current post, he worked at the UN Department of Peace Keeping Operations, the Mission to the Democratic Republic of Congo as a child protection advisor and the United Nations High Commissioner for Refugees where he worked to protect and improve the lives of children.
Expert Two	Currently Senior Advisor for Child Protection in Emergencies at UNICEF, and Previously served as Chief of Child Protection for UNICEF in occupied Palestinian territory (oPt) and Child Protection Specialist at UNICEF Innocenti Research Centre(IRC).
Expert Three	Currently, Senior Advisor for Armed Violence and Weapons at UNICEF, and previously worked for UNDP, the World Bank and Numerous NGOs accumulating over two decades of experience in conflict prevention and post-conflict reconstruction
Expert Four	An adjunct professor at the School of Child and Youth Care, who has been involved in the Child Soldier Initiative from the beginning. He has a strong background in political philosophy, a long military career that included a posting as Military Assistant during the Rwandan Genocide and nearly 10 years of experience as a member of UNICEF, the World Bank, and UN Mine Action. He is currently the chair of a UN Security Council Group of Experts that is examining the ongoing war in the Democratic Republic of Congo (DRC).
Expert Five	A highly ranking UNICEF Chief of Gaza Field Office who has worked extensively in leading UNICEF’s emergency response a cross the Gaza Strip in the occupied Palestinian territory. She has served in various other roles since joining the United Nations in 2002, including in the Philippines, Yemen, the Democratic Republic of Congo, and as UNICEF’s global advisor on child protection in emergences at Headquarters in New York.
Expert Six	The Executive Director of the International Institute for Child Rights and

	Development (IICRD). He has overseen the Institute's growth as a leader in linking children's rights and healthy development to broad issues of human development and participatory governance across diverse cultures and situational context. During this time, IICRD has been working in partnership with a cross section of UN agencies, governments, and international non-governmental organizations, and children's organizations.
Expert Seven	Currently, UNICEF occupied Palestinian territory Chief of Child Protection and previously worked as Chief of Orphaned and Vulnerable Children and Child Protection for UNICEF Malawi.
Expert Eight	Currently Child Protection Specialist at UNICEF Regional Office for the Middle East and North Africa. She was also UNICEF Child Protection Specialist, Armed Violence and Weapons at Headquarters New York.
Expert Nine	Currently a Senior Advisor with the Child Protection section at UNICEF Headquarters New York responsible for promoting the child protection systems approach. Her focus has been connecting policy and practice, reviewing institutional structures and administrative and legal frameworks, and developing protection policy and programmes. Her career has taken her to Argentina, the Balkans, Tanzania, oPt, Sierra Leone, Cambodia and Georgia working with NGOs, Governments and multi-lateral organizations.
Expert Ten	Currently, Associate expert children and armed conflict at International Labour Organization in Geneva.
Expert Eleven	Currently Child Protection Specialist, Psycho- Social Support and Community Based Protection Mechanism in Emergencies, based at UNICEF Headquarter, New York. He is also the Co-chair of the Inter-agency Standing Committee Reference Group on Mental Health and Psychosocial Support (MHPSS).
Expert Twelve	Child Protection Specialist based at UNICEF Headquarters, New York.

	<p>He is a lawyer by training, and has spent many years working in the field of Juvenal Justice/Justice with NGOs, governments, in locations as diverse as the Balkans, Haiti, Iran, Burundi, and Kazakhstan.</p>
Expert Thirteen	<p>Currently Child Protection Specialist at UNICEF Headquarters New York. Her work is focused on Monitoring and Reporting Mechanism on children affected by armed conflict.</p>
Expert Fourteen	<p>UNICEF’s Child Protection Specialist based in New York. He has previously worked with UNICEF in Afghanistan, Iraq and Sudan, managing UNICEF’s work in Mine Action in coordination with a range of government, United Nations and nongovernmental organization partners.</p>
Expert Fifteen	<p>Currently, Senior UNICEF Child Protection Specialist for emergency based at UNICEF Headquarters New York. He has previously worked in Ethiopia as Chief of Child Protection for UNICEF.</p>
Expert Sixteen	<p>UNICEF Canada’s international policy specialists, where is responsible for influencing Canadian government policies to support the respect and protection of children’s rights outside of Canada particularly in armed conflict countries. She previously worked for World Vision Canada where specialized in policy influence around issues of child protection, such as child labour and child trafficking</p>