CELEBRATING 25 YEARS OF THE UN’S CHILDREN AND ARMED CONFLICT MANDATE: HOW FAR HAVE WE COME, AND WHERE DO WE GO FROM HERE?

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INTRODUCTION

Twenty-five years ago, the international community issued an urgent call to protect children affected by armed conflict. Horrified by the findings of Graça Machel’s historic study on the impacts of war on children, the United Nations General Assembly established the Children and Armed Conflict (CAAC) mandate in December 1996.¹

Since then, the CAAC agenda has expanded and become one of the most significant, dynamic, and broadly supported multilateral initiatives within the UN system. It provides international policymakers a unique set of tools for promoting the protection of children in war and addressing grave violations of their rights. Even in today’s increasingly polarized world, policymakers can rally around the notion that no child should suffer the horrors of war.

Despite progress, children continue to face the devastating impacts of armed conflict. In 2020, the UN documented nearly 24,000 grave violations against children.² At the same time, the rapid expansion of the global counterterrorism agenda threatens to unravel established laws and norms for protecting children’s rights. The COVID-19 pandemic has further exacerbated children’s vulnerability to rights violations and other forms of exploitation and abuse.

This commentary reflects on the progress made over the past 25 years, remaining gaps and challenges, and emerging concerns for children in war. It also provides recommendations for the years ahead.

KEY PROGRESS MADE IN PROTECTING THE RIGHTS OF CHILDREN IN WAR

Over the past 25 years, the UN’s CAAC mandate has made significant strides towards improving the situation of children affected by war and ensuring the protection of their rights. The mandate is spearheaded by the Special Representative of the Secretary-General for Children and Armed Conflict (SRSG-CAAC), who plays a critical role in bringing concerns for children to high-level policymakers and influencing governments and non-state armed groups alike to take concrete actions to end and prevent grave violations. The SRSG-CAAC employs a variety of tools to influence change, including preparing the Secretary-General’s annual report and

other periodic reports on CAAC, supporting the signing and implementation of action plans
to end and prevent grave violations, making field visits to advance engagement with warring
parties for the protection of children, and issuing public statements on emerging concerns
(often in collaboration with other thematic mandates, such as those on Sexual Violence in
Conflict and Violence against Children).

UN Member States play a key role in supporting the mandate’s implementation. Since 1999,
the Security Council has adopted 13 thematic resolutions on CAAC. The Group of Friends
of CAAC—an informal coalition of over 45 Member States, chaired by Canada—further
supports the agenda through collective advocacy. Over the years, national and regional
Groups of Friends of CAAC have formed to support local efforts to protect children from the
scourges of war.

Perhaps the single greatest advancement of the CAAC agenda was the 2005 adoption
of Security Council Resolution 1612, establishing the UN’s Monitoring and Reporting
Mechanism (MRM). A unique global mechanism for collecting timely, objective, accurate, and
reliable information on grave violations against children in armed conflict, the MRM feeds
data into the Secretary-General’s annual CAAC reports and provides the Security Council
with an evidence-base for determining actions to address violations. Although the MRM
only captures a fraction of all violations committed due to its rigorous verification standard
and logistical, access, and resource challenges, it paints a representative picture of the overall
situation and plays a vital role in ending grave violations against children.

Resolution 1612 also established the Security Council Working Group on Children and Armed
Conflict (SCWG-CAAC). A subsidiary body responsible for reviewing country-specific
reports on the situation of children and armed conflict, the SCWG-CAAC tracks progress
in the development and implementation of action plans and makes recommendations to the
Council on possible measures to promote children’s protection, including through appropriate
mandates for peacekeeping missions and communications to warring parties.

Through a series of resolutions adopted between 2001 and 2015, the Security Council
requested the Secretary-General to name parties responsible for committing grave violations
against children by listing them in the annexes of the annual CAAC report. The listing of

4 In 1999, the UN Security Council adopted Resolution 1261, placing children and armed conflict
on its agenda as a matter of international peace and security. United Nations Security Council,
6 Ibid., para. 8.
7 Initially calling for the listing of parties who recruit or use children, the “triggers” for listing parties
have since expanded to include other grave violations, namely killing and maiming, rape and other
perpetrators in the annexes of the annual reports provides an important first step toward accountability and serves as the basis for the UN to engage with listed parties to sign and implement action plans to end and prevent grave violations. The annual reports and the listing mechanism have led to the signing of over 30 action plans. Since the mandate’s inception, 13 parties have fully complied with their commitments and subsequently been delisted.\(^8\) In other contexts, the cessation of hostilities and subsequent peace processes have led to an end to violations, including the release of approximately 170,000 children from armed forces and groups over the past two decades.\(^9\)

Over the years, efforts to promote the protection of children in war have been increasingly mainstreamed throughout the Security Council’s response to situations of armed conflict and post-conflict reconstruction. This has translated into the inclusion of dedicated child protection mandates for peacekeeping and special political missions, as well as, in limited cases, the employment of sanctions and other targeted measures against individuals or parties responsible for committing grave violations against children.

Beyond the Security Council’s legal framework, the CAAC agenda has also contributed to a growing international consensus that children must not be used in hostilities. The majority of UN Member States—172 at this writing—have ratified the Convention on the Rights of the Child’s (CRC) Optional Protocol on the involvement of children in armed conflict (OPAC). In 2020, the International Labour Organization’s (ILO) Convention No. 182 on the Worst Forms of Child Labour, which prohibits the forced or compulsory recruitment of children for use in armed conflict, achieved universal ratification.\(^10\)

Member States have made additional, voluntary commitments to promote children’s protection in war. Adopted in 2007, the Paris Principles and Guidelines on Children Associated with

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\(^8\) These include: the Chadian National Army (ANT); the Forces Armées des Forces Nouvelles (FAFN); the Front de libération du Grand Ouest (FLGO); the Mouvement Ivoirien de Libération de l’Ouest de la Côte d’Ivoire (MILOCI); the Alliance patriotique de l’ethnie Wé (APWé); the Union patriotique de résistance du Grand Ouest (UPRG0); the Congolese Armed Forces (FARDC) for recruitment and use of children; the Unified Communist Party of Nepal Maoist (UCPN-M); the Civilian Joint Task Force (CJTF); the Moro Islamic Liberation Front (MILF); the Tamil Makkal Viduthalai Pulikal (TMVP); Sudan government security forces, including the Sudanese Armed Forces, the Popular Defense Forces, and the Sudan Police Forces; and the Uganda People’s Defence Force (UPDF). Note: At this writing, the FARDC remains listed for rape and other forms of sexual violence against children.


Armed Forces and Armed Groups lay out a set of detailed guidelines for preventing the recruitment and use of children and promoting the release and reintegration of those affected.\(^{11}\) International policymakers have also recognized the intrinsic link between children’s access to universal, inclusive education and long-term, sustainable peace and development, through the 2015 adoption of the Safe Schools Declaration, a voluntary political commitment to protect students, teachers, and schools from attack. Governments have further sought to bridge the gap between humanitarian efforts and the security sector response through the 2017 adoption of the Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers, which seek to prevent the recruitment and use of children throughout all phases of conflict.\(^{12}\)

Today, these three sets of voluntary political commitments have become understood as a “package” for the effective protection of children in war. Over 100 governments have endorsed each set of commitments and incorporated corresponding guidelines into their national doctrines and military trainings.

GAPS IN THE RESPONSE AND EMERGING CONCERNS

Despite these advances, children continue to be impacted in conflicts around the world. Gaps in the response, including a lack of sufficient resources to deal with the scale of the problem, and new and emerging concerns for children in war pose significant obstacles to protecting this highly vulnerable population.

Although the UN’s collection of data on grave violations has significantly improved over the years, the disaggregation of data by gender, age, and disability remains limited, due to lack of capacity, access constraints, insecurity, and underreporting.\(^{13}\) Additionally, there remains a disconnect between the data and efforts to establish effective early warning systems, prevent violations, and deescalate conflict.

Child protection advisors in peacekeeping settings play a critical role in addressing child protection concerns: through monitoring and reporting on violations, negotiating the release

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13 Rape and other forms of sexual violence are especially underreported, owing to fear of reprisals, intimidation, stigma, shame, social pressures, a lack of access to response services, and a lack of trust in the justice system.
of children from armed forces and groups, and engaging with warring parties to sign and implement action plans. Yet budget cuts and the streamlining of UN mandates have reduced the resources allocated to child protection in peace operations, curtailing the UN’s ability to effectively implement the CAAC agenda. The same holds true in contexts of mission drawdown or transition.

Beyond peacekeeping and special political missions, child protection as a humanitarian sector remains chronically underfunded. Child reintegration programming is especially underfunded, with reintegration funding actually decreasing between 2006 and 2016, despite the proliferation of conflicts around the world. Without the necessary reintegration support, affected children face heightened risks of rejection from their communities, stigmatization, re-recruitment by warring parties, and other forms of exploitation and abuse.

In addition to funding and resource gaps, efforts to politicize the CAAC agenda undermine its effective implementation. The listing of perpetrators of grave violations against children in the annexes of the Secretary-General’s annual reports serves as an important first step for accountability and incentivizing offending parties to change their behavior. Yet in recent years, there have been persistent disparities between MRM-verified data in the annual report’s narrative and those perpetrators listed in its annexes. Moreover, parties have been removed from the annexes without having fully met the existing criteria for delisting. The lack of

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17 For example, the Saudi and Emirati-led coalition was removed from the annexes of the Secretary-General’s annual CAAC report in 2018 for attacks on schools and hospitals in Yemen, despite the UN verifying the coalition’s responsibility for 24 such attacks during the reporting period. In 2020, the coalition was delisted for killing and maiming children, even though it was responsible for at least 222 child casualties in 2019 and 194 in 2020. The Tatmadaw was also delisted in 2020 for recruitment and use, despite having recruited and used at least 205 children during the reporting period; it was re-listed in 2021, after the UN verified 726 cases of recruitment and use in 2020.

18 In his 2010 annual report to the Security Council on children and armed conflict, the Secretary-General defined the criteria for parties to conflict to be delisted from the annexes of his annual reports (see paras. 178-180). As part of the delisting process, a listed party—whether a state actor or a non-state actor—is required to “enter into dialogue with the United Nations to prepare
consistent, transparent application of standards calls into question the impartiality and credibility of the system and incentivizes perpetrators to play politics, rather than undertake good faith efforts to address violations.19

The ever-growing counterterrorism agenda poses serious challenges to the protection of children in armed conflict, as it all too frequently lacks adequate safeguards for children’s rights and undermines existing laws and norms for their protection.20 Governments are increasingly treating children allegedly associated with armed groups, especially those designated as terrorist, as criminals and threats to national security, rather than victims of serious violations of international law entitled to special protections. Additionally, counterterrorism measures, sanctions, and donor conditionality clauses threaten the neutrality of humanitarian actors and children’s access to lifesaving assistance.21

In at least 20 conflict-affected countries, children have been detained for their alleged association with opposing parties to conflict.22 Often, these children are deprived of liberty in deplorable conditions, where they may be subject to torture and other forms of cruel, degrading, or inhuman treatment.23 In the case of children of so-called “foreign terrorist fighters,” many home countries have refused to repatriate their nationals, including children, on the premise that they harbor extremist ideologies or pose a security threat; many of these children have spent years languishing in crowded displacement camps and de facto detention facilities, with limited access to basic services. Children in detention are likely to suffer stigmatization, disruptions to their education and social development, and separation from their communities, jeopardizing their reintegration into society.25


21 Ibid.


25 See: Neuchâtel Memorandum on Good Practices for Juvenile Justice in a Counterterrorism Context
LOOKING AHEAD

The 25th anniversary of the CAAC mandate should be a moment not only to celebrate progress made, but also to reflect on gaps, challenges, and emerging concerns and identify concrete actions to ensure continued progress. In order to more effectively protect children in war, the international community should: 1) uphold core principles for the protection of children in armed conflict; 2) continue to strengthen monitoring, reporting, and response to grave violations; 3) promote accountability for and to children; and 4) ensure a holistic approach to addressing CAAC concerns.

Uphold Core Principles for the Protection of Children in Armed Conflict

Governments, UN actors, civil society, and other stakeholders must defend and uphold existing protection frameworks, including international humanitarian law, human rights law, and juvenile justice standards. To promote global consensus to end the military recruitment and use of children, governments should support the “straight-18” standard—ending the recruitment of children for any military purpose—and encourage those who have not yet signed or ratified the OPAC to do so without delay. Member States who have not yet endorsed the Paris Principles, Vancouver Principles, and/or Safe Schools Declaration should promptly do so and take steps to incorporate the corresponding guidelines into their national military doctrines, trainings, and policies.

Governments must ensure that efforts to counter terrorism and address national security concerns are consistent with their obligations to children. Specifically, domestic laws, policies, and practices should recognize the primary status of affected children—including those allegedly associated with designated terrorist groups—as victims, and national counterterrorism strategies should prioritize the best interests of the child. In line with the Paris Principles, children accused of violent, internationally recognized crimes—beyond mere association—should be treated in accordance with juvenile justice standards. Member States with foreign nationals accused of affiliation with designated terrorist groups should facilitate, without further delay, the return of nationals and children of their nationals and provide the necessary support, in line with international standards and ensuring children’s best interests. Governments of conflict-affected countries should take steps to promote children’s protection and wellbeing, including by signing handover protocols for the swift transfer of children allegedly associated with armed forces and groups in their custody, or whom they have encountered, to child protection actors for support services, including, but not limited to, reintegration.

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Continue to Strengthen Monitoring, Reporting, and Response to Grave Violations

The concerns affecting children in war are complex and multifaceted, and addressing them requires specialized expertise and sensitivity. Better monitoring and reporting on grave violations and related abuses—including disaggregating data by gender, age, and disability—is needed to effectively protect children and address their multiple vulnerabilities. Improved data collection will, in turn, promote a more informed response to violations and associated protection concerns, such as the deprivation of liberty, forced displacement, early/forced marriage, and child labor.

Data on grave violations, including in countries not on the CAAC agenda, should be used to inform early warning and prevention efforts. Wherever there is credible information that warring parties are committing grave violations against children, the Secretary-General should promptly alert the Security Council by including such “other situations of concern” in the annual CAAC report.\(^\text{26}\) Initiatives like the Dallaire Institute’s Knowledge for Prevention (K4P) project should be utilized to strengthen the connection between monitoring, reporting, and prevention.\(^\text{27}\)

At the same time, adequate resources are needed to effectively implement the CAAC mandate. Member States should ensure peacekeeping and special political missions, as well as other child protection actors, have the necessary financial and human resources to effectively monitor, report, and respond to grave violations. This includes ensuring robust child protection mandates for peacekeeping and special political missions, requesting the timely deployment of child protection advisers in all relevant missions, and ensuring these posts are appropriately resourced through budgetary decisions of the General Assembly’s Fifth Committee. In any transitions and drawdown strategies, the Security Council should closely consider CAAC concerns and ensure that child protection functions are preserved and adequately funded.

In addition to mandates and resourcing, Member States should call upon governments of conflict-affected countries to facilitate safe, timely, and unhindered access for the UN to carry out critical child protection functions. This includes facilitating access to non-state armed groups for the purpose of humanitarian dialogue leading to the adoption of action plans and providing adequate support for the timely implementation of such plans.


\(^{27}\) For more information, please see: https://dallaireinstitute.org/k4p/.
Promote Accountability For and To Children

Accountability is essential for protecting children in war and ending grave violations of their rights. Holding perpetrators of such violations accountable increases the costs of noncompliance with international law, deters future violations, and thus, better protects children.

Governments should bring all perpetrators of grave violations to justice, including through prompt investigation and prosecution for genocide, crimes against humanity, war crimes, and other egregious crimes perpetrated against children. Furthermore, they should support national and international accountability efforts, and encourage cooperation with international justice mechanisms, including the International Criminal Court (ICC). The Security Council and the SCWG-CAAC should use all available tools to promote accountability; this includes strengthening the use of targeted measures against perpetrators through existing sanctions regimes and exploring options such as asset freezes and travel bans where sanctions regimes do not exist. In each of these cases, the Security Council must carefully safeguard principled humanitarian action.

The listing of perpetrators in the Secretary-General's annual CAAC reports remains one of the most unique and powerful tools for promoting accountability today, and it should not be undermined by political considerations. Member States who support the CAAC agenda should continue to call on the Secretary-General to list all perpetrators that deserve so in the annexes of his annual CAAC report for all relevant violations. Member States should also continue to urge all listed parties to adopt and fully implement action plans to end and prevent grave violations against children, as the path to delisting.

Promoting accountability includes not only bringing perpetrators to justice, but also ensuring that programs and policies are accountable to the very children they are designed to protect. Children's right to express their views freely in all matters affecting them is enshrined in the CRC and further elaborated upon in General Comment 12. 28 Children's participation is not only a right, but also helps build their capacity for active citizenship, contributes to breaking cycles of violence, and promotes long-term, sustainable peace. 29 Policy and decision makers—including governments, the UN, and civil society—should promote children's participation

in decision-making processes affecting them and provide accountability and response to their inputs, in line with children's best interests. Decision makers should remove barriers to children's participation, such as restrictive laws and practices, to ensure their civic activity.

Ensure a holistic approach to addressing CAAC concerns

Over the next 25 years, the UN, its Member States, civil society, and other stakeholders must work together to promote a more cohesive response to CAAC concerns in order to ensure sustainable, positive results for children.

The Security Council should continue to mainstream CAAC throughout its work, systematically addressing grave violations in all relevant country-specific and thematic issues on its agenda. This includes the authorization and renewal of mission mandates, establishment or modification of sanctions committee mandates, country-specific and thematic resolutions, presidential statements, briefings and consultations, and terms of reference of visiting missions.

Donors should prioritize long-term, sustainable funding for child protection, including reintegration, support services for survivors of sexual and gender-based violence, mental health and psychosocial support, and comprehensive case management. Response efforts should engage a broad range of stakeholders in multiple sectors and across the Humanitarian-Development-Peace Nexus (HDPN), to promote a holistic, long-term approach to child protection concerns spanning armed conflict and post-conflict reconstruction.

There has been a growing recognition in recent years of the urgent need to address child protection concerns in all phases of conflict. International decision makers should call for the integration of child protection into peace processes from the outset of any negotiation. Governments, mediators, and other stakeholders should closely consult and draw from the OSRSG-CAAC's Practical Guidance for Mediators to Protect Children in Armed Conflict to address child protection issues in peace and ceasefire agreements. Greater efforts should be made to

30 A 2021 study found that more than half (57 percent) of children living in fragile and conflict-affected countries expressed a need for mental health and psychosocial support as a direct result of the COVID-19 pandemic and lockdowns. This rose to 70 percent for refugee and displaced children, a threefold increase from pre-COVID estimates. This finding could indicate that 456 million children are currently likely to need mental health and psychosocial support worldwide. See: Nadine Haddad, Eamonn Hanson, and Phiona Naserian Koyiet, The Silent Pandemic: The Impact of the COVID-19 Pandemic on the Mental Health and Psychosocial Wellbeing of Children in Conflict-Affected Countries (War Child Holland and World Vision International, April 2021), https://www.wvi.org/sites/default/files/2021-04/The%20Silent%20Pandemic%20final.pdf.
made to facilitate children’s participation in peace processes, which contributes to breaking cycles of violence and preventing future violations.

Efforts to protect children in war are needed today, more than ever. Armed conflicts have continued, and warring parties continue to commit grave violations against children, too often with impunity. The reverberating effects of the COVID-19 pandemic have further exacerbated children's vulnerabilities to grave violations and other forms of exploitation and abuse. Despite its shortcomings, the CAAC agenda remains one of the most impactful, widely supported thematic agendas. We must do our utmost to make effective use of the tools and mechanisms at our disposal to protect children’s rights and secure a peaceful future where they can thrive.

Adrianne Lapar is the Director of Watchlist on Children and Armed Conflict, an international network of human rights and humanitarian organizations striving to end violations against children in armed conflicts and to guarantee their rights. Previously, she worked as Partnerships Officer at Watchlist, supporting the network’s partnerships with local civil society organizations in Colombia, the Democratic Republic of Congo, and Myanmar. Prior to joining Watchlist, Adrianne worked for UNHCR in Colombia, Nonviolent Peaceforce in South Sudan and separately on the migrant crisis in southern Europe, the UN Mission in South Sudan, as well as Human Rights Watch in New York. Adrianne has a Master’s in Political Science from the University of North Carolina at Chapel Hill. She speaks Spanish, Czech, Slovak, and some French, and is based in New York.