



Department of
Peacekeeping Operations

NORMATIVE FRAMEWORK FOR CHILD PROTECTION

Module **2**

Learning Outcomes

1

Understand how legal obligations and the child protection mandate should guide the work of UN Police

2

Be able to understand how the normative framework on child protection serves UN Police officers in fulfilling their mandates:

- International legal framework
- UN Security Council resolutions
- DPKO, DPA and DFS policies
- National legislation

Normative Framework

International legal framework

International Human Rights Law
International Humanitarian Law
International Refugee Law

UN Security Council resolutions

Thematic resolutions on children and armed conflict

Mission-specific resolutions on UN peacekeeping missions

DPKO, DPA and DFS policies

DPKO, DPA and DFS policy on Child Protection in United Nations Peace Operations;
Other guidance and SOPs for peace operations personnel

Normative Framework

International Legal Framework

- ❑ Humanitarian Law
- ❑ Human Rights
- ❑ Refugee Law



International
Criminal Law

Security Council

Resolutions
1261, 1314,
1379, 1460,
1539, 1612,
1882, 1998

...

DPKO / DFS / DPA

- ❑ UN Policy on Child Protection
- ❑ Roles of DPKO, DFS and DPA
- ❑ Role of UN Police

International Legal Framework



International Humanitarian Law

International Humanitarian Law:

Regulates the methods and means of warfare and the treatment of people in times of war, including civilians and combatants who are no longer taking part in combat (e.g. prisoners of war and injured soldiers)

- ❑ **Geneva Conventions (I, II, III and IV and additional protocols):**
 - **Convention IV of 1949 regulates the treatment of civilians in times of war**
 - **Additional protocol I of 1977 affords special protection to children in times of war and sets 15 years as limit for recruitment into armed forces**
 - **Additional protocol II of 1977 addresses rights of civilians (including children) in times of non-international armed conflict**
- ❑ **Laws of war (The Hague Conventions)**
- ❑ **Conventions on use of weapons:**
 - Antipersonnel landmines and cluster munitions, and trafficking of weapons**

International Human Rights Law



Can you name the main instruments relating to children ?

International Human Rights Law

in relation to children

International Human Rights Law:

Regulates the way in which States treat people under their jurisdiction. Its provisions are applicable in times of peace and in times of armed conflict.

Main instruments relating to children:

- ❑ UN Convention on the Rights of the Child of 1989
- ❑ Optional Protocol to the CRC on the Involvement of Children in Armed Conflict of 2002
- ❑ Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography of 2002
- ❑ Optional Protocol to the CRC on Communication Procedures of 2011
- ❑ African Charter on the Rights and Welfare of the Child of 1990
- ❑ ILO Convention 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor of 1999

International Human Rights Law



Can you name additional instruments that address human rights in general?

International Human Rights Law

- other

International Human Rights Law:

Regulates the way in which States treat people under their jurisdiction. Its provisions are applicable in times of peace and in times of armed conflict.

Additional instruments:

- UN Charter of 1945**
- The International Covenant on Civil and Political Rights 1966 (ICCPR)**
- The UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984**
- The Convention relating to the Status of Refugees of 1951 and its Optional Protocol of 1977**
- The Convention on the Elimination of Discrimination against Women of 1979 and Optional Protocol of 1999**
- The UN Convention on the Rights of Persons with Disabilities of 2006**

International Guidelines



Can you name international guidelines that regulate the way States treat children?

International Guidelines

- ❑ **UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing) 1985**
- ❑ **UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh) 1990**
- ❑ **UN Rules for the Protection of Juveniles Deprived of their Liberty (Havana) 1990**
- ❑ **UN Standard Minimum Rules for Non-Custodial Measures (Tokyo) 1990**
- ❑ **UN Guidelines for Action on Children in the Criminal Justice System (The Vienna Rules) 1997**
- ❑ **UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime 2005**
- ❑ **General Comment No. 10 on Children's Rights in Juvenile Justice 2007**
- ❑ **Guidance Note of the Secretary General on the UN Approach to Justice for Children 2008**

Paris Principles



The UN Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris) 2007:

- To prevent the unlawful recruitment and use of children by armed forces and armed groups
- To facilitate the release of children associated with armed forces and armed groups
- To facilitate their reintegration
- To ensure the most protective environment for all children

International Criminal Law



Rome Statute of the International Criminal Court of 1998 specifically defines crimes against children:

- Under the crime of genocide: forcible transfer of children from one group to another**
- Under crimes against humanity: trafficking of children**
- Under war crimes: deliberate attacks on schools and conscription or enlistment of children under 15 years by armed forces and armed groups**

International Criminal Law

- ICC – The Lubanga Case:

Thomas Lubanga Dyilo guilty of **forcibly recruiting and enlisting children under the age of 15** on 10 July 2012; sentenced to 14 years in prison



International Criminal Law

- Special Court for Sierra Leone – The Taylor Case:
Charles Ghankay Taylor, former president of Liberia, **guilty of conscripting and enlisting children under 15 years** on 26 April 2012; sentenced to 50 years in prison (confirmed on appeal)



UN Security Council Framework

UNSC Resolutions on Children and Armed Conflict:

- ❑ The inclusion of children and armed conflict in the peace and security agenda of the security council and a role for peacekeeping on child protection
- ❑ The concern over the recruitment and use of children and consideration of special needs of children in DDR - Disarmament, Demobilization and Reintegration - programs
- ❑ The identification of the (1) Six grave violations of children's rights in times of armed conflict, the establishment of the (2) Monitoring and Reporting Mechanism (MRM - detailed in module 5) and the creation of the (3) "List of shame"

UN Security Council Framework

UN peace operations with child protection mandates:

Peacekeeping operations	Political missions
MINUSCA MINUSMA UNAMID UNMISS MONUSCO	UNAMA UNAMI UNSOM

UN Security Council Framework

- ❑ **Protection of civilians, especially women and children affected by armed conflict or criminality, including internally displaced children and refugee children**
- ❑ **Child protection a cross-cutting issue throughout the mission mandate**
- ❑ **Protection and promotion of human rights, especially those of vulnerable groups like children**
- ❑ **Monitoring, investigation and reporting on violations and abuses against children, including all forms of sexual violence, and identification and prosecution of perpetrators**
- ❑ **Prevention of the recruitment and use of children by armed forces and groups**
- ❑ **Special attention to the needs of children in DDR - disarmament, demobilization and reintegration programs**
- ❑ **Addressing juvenile justice issues such as arbitrary or prolonged pre-trial detention and prison conditions**

DPKO, DPA and DFS Child Protection Policy

- ❑ **DPKO, DPA and DFS Policy on Child Protection in United Nations Peace Operations (2017)**
- ❑ **The purpose of this Policy is to reaffirm the role of DPKO, DFS and DPA in the protection of all children, girls and boys, affected by armed conflict in United Nations peace operations, which include both peacekeeping and special political missions**
- ❑ **Highlights:**
 - ❑ **Role and functions of Child Protection Advisers**
 - ❑ **Collective responsibility of civilian, military and police personnel**
 - ❑ **Monitoring and reporting grave violations committed against children**
 - ❑ **Negotiating action plans for the release of children from armed groups**
 - ❑ **Ensuring that all peacekeeping personnel are trained on child protection**
 - ❑ **Advocacy on child protection issues**
 - ❑ **Respecting and promoting children's rights**
 - ❑ **Prohibition of violations of children's rights: Child Labor, Sexual exploitation and abuse(SEA), and military use of schools**

UN Police in the Child Protection Policy

The role of UN Police in child protection

- Appointment of a police child protection focal point within the mission
- Ensure that child protection is integrated into their work, including in their mentoring and advising activities, as well as in their capacity building efforts in support of the host State police

Relevant issues that should be taken into account by UN Police

- Child sensitive interviewing techniques**
- Monitoring** child protection concerns through community-oriented policing
- Compliance with international norms and standards**, including those in relation to the apprehension and detention of children
- Prevention and response to violations and abuses against children**, including SEA

The Importance of National Laws

- ❑ **Host State police work within the framework of the national legal system**
- ❑ **It is important that UN Police familiarize themselves with the national laws that guide their national counterparts**
- ❑ **Some of the national legal provisions in the host State may not be in line with international standards**
- ❑ **UN Police cannot change the host state legal system, but they must build awareness with their national counterparts on international standards.**
- ❑ **UN Police shall contribute to the larger missions' efforts, to bring about positive change to the national laws and practices, promoting the highest standards for protecting children.**

The Importance of National Laws

Host State laws will determine, among other things:

- ❑ The age of criminal responsibility in the host State**
- ❑ The minimum age of consent**
- ❑ The minimum age for marriage**
- ❑ The criminalization of certain harmful practices such as female genital mutilation, corporal punishment in schools and detention centers, etc.**
- ❑ The operational framework for diversion**

The Importance of National Laws



UN Police are bound to the international norms, laws and standards and must uphold the highest international standards of protection, including child protection standards, in all aspect of their work through assisting, mentoring, advising, reporting, promoting, training, etc.

Use of the different legislative frameworks

Function	National Laws	International Laws
Behaviors of UNPOL officers	Respect National Laws: -no stealing of a bike	Respect UN standard of conduct: -no sexual intercourse with any child under 18 years
Monitoring and Reporting	Report violations of international laws in line with international definition: -even if the age of adulthood in the country is 15 years we will still report violations for children under 18 years	Report violations of international laws in line with international definition: -if a country has 15 years old for child soldier we will still monitor and report any child soldier under 18
Advising and Mentoring	Need to be aware of national laws to be able to promote international law: -If a country use arbitrary detention, the promotion of international standards on alternative methods to detention could be used	Need to be aware of international laws to report on breaches: Death penalty can be imposed by national laws but is not in international laws. Must report for advocacy at high level



Questions?



What are the key messages
of this module?

Key Messages

- 1. The work of UN Police is guided by international norms and standards on child protection.**
- 2. It is important for UN Police to be aware of UN policies, guidance and SOPs that operationalise these legal obligations on the ground.**

Key Messages

- 3. It is critical for UN Police to promote and abide by international norms and standards on child protection when mentoring and advising host state police, in the personal contact and in their monitoring activities.**