Module 2, Lesson 2
CHILD PROTECTION FRAMEWORK
Learning Objectives

• **Understand** the legal obligation, mandate and authority to protect children;

• **Understand** the main guiding frameworks on child protection:
  – The international legal framework for the protection of children in armed conflict;
  – Security Council resolutions on children and armed conflict, child protection provisions in peacekeeping;
  – The Paris Principles and the Vancouver Principles relating to peacekeeping and child soldiers.
## Overview of Frameworks

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Legal obligation of UN peacekeepers to protect children
International Humanitarian Law

• Applies in times of armed conflict;
• Aims to limit the negative impact of armed conflict, especially on civilians;
• Protects persons who are not (or no longer) participating in hostilities;
• Restricts the means and methods of warfare;

  Geneva Conventions (1949) and their Additional Protocols (1977)
Protection of Children under International Humanitarian Law

• Children shall not be the objects of attack;
• Children are entitled to special protection, care and aid;
• Children must be evacuated from besieged or encircled areas;
• If detained or interned, children must be held in separate quarters from adults;
• Prohibitions apply to recruitment of children, participation of children in hostilities, the death penalty for children under 18 years of age.
Who Is Bound By International Humanitarian Law?

- States and organized armed groups;
- United Nations peacekeeping forces;
- UN military personnel who violate IHL are subject to prosecution in their national courts.
International Human Rights Law

• Applies to all human beings in times of both war and peace;
• Human rights are universal;
• No one can take away a person’s human rights;
• Human rights are interdependent and equally important;
• Human rights are legal and internationally guaranteed.
Protection of Children under International Human Rights Law

  – Children are entitled to special protection during armed conflict;
  – Prohibition against compulsory recruitment of persons under 18 years into *national armed forces*;
  – Prohibition against voluntary or compulsory recruitment of persons under 18 years into *armed groups*. 
Rome Statute of the International Criminal Court

- There is **NO impunity** for those who commit violations against children;
- Impunity means exemption or freedom from punishment, harm, or loss.
The Case of Thomas Lubanga Dyilo

Thomas Lubanga Dyilo was found **GUILTY** of forcibly enlisting and conscripting children under the age of 15 years. Lubanga was the first war criminal convicted by the International Criminal Court and sentenced to 14 years imprisonment on 10 July 2012.
Other Relevant Conventions

• **International Labour Organization (ILO) Convention No. 182 (1999):**
  – Prohibits and eliminates the worst forms of child labour, including forced and compulsory recruitment of children for use in armed conflict.

• **Mine Ban Treaty (1997) and the Convention on Cluster Munitions (2008):**
  – Bans the use of mines and cluster munitions;
  – Offers specific provisions for risk education, and gender- and age-appropriate victim/survivor assistance for affected individuals (including children) and communities.
International Laws vs. National Laws

In some cases, the national laws and traditional customs of a State may not fully reflect or even contradict international law. In such cases, *international laws and standards supercede national laws.*
Security Council Action
Security Council Action – Child Protection

• Graça Machel’s report, *Impact of Armed Conflict on Children* (1996), revealed the terrible impact of war on children;

• In its resolution 1261 (1999), the Security Council decided that the situation of children in armed conflict was an *international peace and security concern*;

• Specific child protection language is now included in peacekeeping mandates;

• Peacekeeping missions have specific responsibilities regarding child protection.
Resolution 1261 (1999): Child protection is a concern for international peace and security. All peacekeepers must be trained on child protection;

Resolution 1612 (2005): Peacekeeping missions must monitor and report on grave violations against children. Armed groups/forces committing those grave violations will be listed in the Secretary-General’s annual reports on children and armed conflict (the “Shame List”);

✓ Peacekeepers have the responsibility to monitor and report on the six grave violations.
Resolutions 1882 (2009), 1998 (2011) and 2225 (2015): Rape and sexual violence, killing and maiming (res. 1882), attacks against schools and hospitals (res. 1998), and abduction (res. 2225) added to criteria for listing in the Secretary-General’s reports.

Resolution 2143 (2014): Reaffirms the urgency of child protection, and monitoring and reporting in peacekeeping missions; strongly encourages training for peacekeepers to effectively contribute to monitoring and reporting.

Resolution 2427 (2018): Emphasizes that children recruited in violation of applicable international law by armed forces and armed groups and who have been accused of committing crimes during armed conflicts should be treated primarily as victims of violations of international law; condemns attacks on schools and hospitals, including their military occupation; emphasizes the importance of accountability of non-State armed groups responsible for abuses and violations.

Child protection should be integrated in pre-deployment and in-mission training, standard operating procedures, security sector reform, etc.
Understanding the Child Protection Mandate

Security Council resolution 2531 (2020) - Mali

Preambular paragraph: *Strongly condemning* all violations and abuses of international human rights and violations of international humanitarian law ..., as well as *killing, maiming, recruitment and use of children, attacks against schools, humanitarian actors and services, and medical personnel and infrastructure* ...;

28(a)(iii): ...to support the cantonment, disarmament, demobilization and reintegration of armed groups ..., taking into account the *particular needs of women and children* ...;

28(c)(iii): To provide specific protection and assistance for women and children affected by armed conflict, including through Protection Advisors, Child Protection Advisors, Women Protection Advisors ..., and address the needs of victims and survivors of sexual and gender-based violence in armed conflict ...;
DPKO-DFS-DPA Policy on Child Protection in UN Peace Operations

• Designate a Child Protection Focal Point at mission HQ, and Child Protection Officers at Battalion and Company levels (military);
• Ensure that all peacekeeping personnel are trained on child protection (military, police and civilian components);
• Monitor and report on grave violations against children;
• Engage in dialogue for action plans on grave violations;
• Advocacy on child protection issues;
• Role and function of Child Protection Advisers;
• Collaborate with United Nations and non-UN actors.
Mission-specific Guidance

- Mission guidelines on child protection
- Force Commander’s directives/guidelines on child protection for the military component
- Concept of operations (CONOPS), plans and orders
- Rules of engagement
UNMISS Military Guidelines

• Know to identify who is a child and the six grave violations;
• Know how to implement plans and procedures during military operations;
• Know the specific roles and responsibilities of the Force;
• Know how to report violations;
• Recognize the warning indicators of possible violations against children:
  ✓ Presence of children
  ✓ Gender ratio in a village
  ✓ Military use of schools
  ✓ Presence of military/weaponry
  ✓ Movement of unaccompanied children
  ✓ Changes in movement patterns, etc.
Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (The Paris Principles)

• Guide international interventions to:
  - Prevent recruitment or use of children;
  - Facilitate the release and reintegration of children associated with armed groups/forces;
  - Ensure the most protective environment for children.

• Provides definitions and overarching principles for engagement with children associated with armed groups or armed forces;

• Addresses the specific situation of girls.
The Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers

- Aim to prioritize and operationalize child protection within United Nations peace missions to ensure that peacekeepers are prepared to prevent the recruitment and use of child soldiers;
- Specify actions that Member States should take with regard to training and planning, and the conduct of their national forces in peacekeeping;
- Contribute to monitoring and reporting, prevention, early warning, disarmament, demobilization and reintegration, protection and care of children, including in detention.
Child Protection Framework

UNITED NATIONS DOCUMENTS ON CHILD PROTECTION
- Security Council resolutions on children and armed conflict

MISSION MANDATE
- Mission/Force directives and guidelines
- Mission rules of engagement (ROE)
Takeaways

• Peacekeepers must know the legal instruments on child protection and the mission’s mandate.
• Military peacekeepers have a legal obligation to protect children.
• Officers and troops must be trained on child protection, the child protection mandate, the mission context, and the six grave violations against children in the mission area.
• All military operations must be in full compliance with international humanitarian law and the rules of engagement of the mission.
References (1/3)

• United Nations, DPKO (Integrated Training Service), Core Pre-Deployment Training Materials, 2017
• Convention on the Rights of the Child, 1989 (see also http://www.unicef.org/crc/index_30160.html)
• Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 2002
References (2/3)

- 1949 Geneva Conventions and their 1977 Additional Protocols
- International Labour Organization (ILO), Worst Forms of Child Labour Convention (No. 182), 1999
- Rome Statute of the International Criminal Court, 1998
References (3/3)


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

• The Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers, 2017

• International Criminal Court, Lubanga Case (https://www.icc-cpi.int/drc/lubanga)
Questions