



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
 - DPKO-DFS-DPA Policy on Child Protection in United Nations Peace Operations (2017)
 - The Paris Principles and the Vancouver Principles relating to peacekeeping and children associated with armed forces and groups
 - The Safe Schools Declaration and Guidelines on Military Use



Overview of Frameworks

International Legal Framework

International Humanitarian and Human Rights Law

Conventions relating to child protection

Treaties relating to child protection

Security Council Framework

Resolutions on children and armed conflict

Child protection provisions in peacekeeping mission mandates

DPO-DOS-DPPA Framework

Policy on Child Protection

Prohibition of sexual exploitation and abuse and child labour

Legal obligation of UN peacekeeping personnel to protect children



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



Protection of Children under International Human Rights Law

- **Convention on the Rights of the Child (1989)**
- **Optional Protocol to the Convention on the involvement of children in armed conflict (2000)**
 - 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 – 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



Security Council Resolutions – Children and Armed Conflict (1)

Resolution 1261 (1999): Child protection is a **concern for international peace and security**. All peacekeeping personnel **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”)

✓ *Peacekeeping personnel have the responsibility to monitor and report on the six grave violations.*



Security Council Resolutions – Children and Armed Conflict (2)

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**

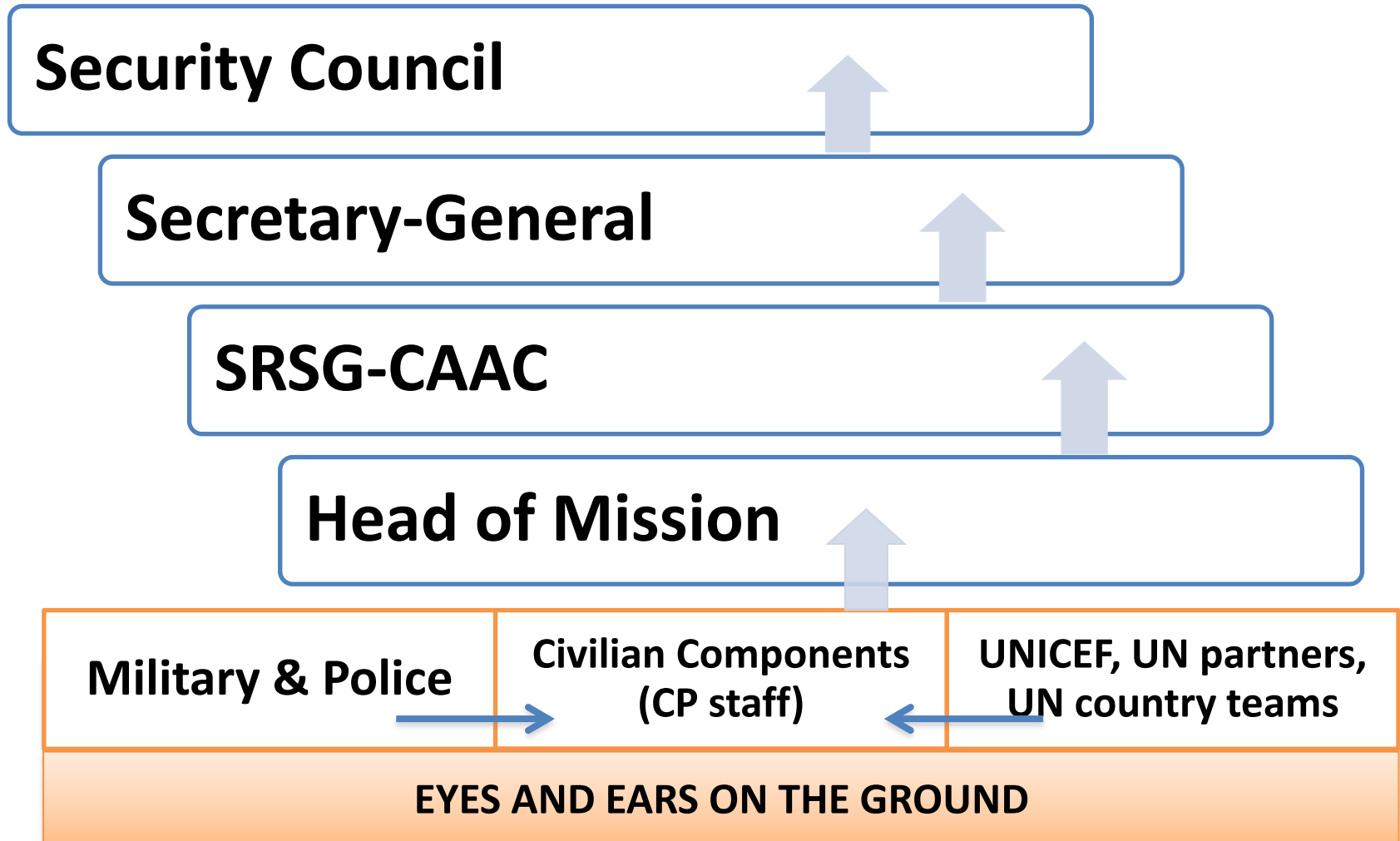
Resolution 2427 (2018): urges the inclusion of **child protection in military training and standard operating procedures**; urges appropriate preventive action, such as **mandatory pre-deployment child protection training** for peacekeepers

Resolution 2601 (2021): Condemns **attacks and threats of attacks on schools, civilians connected with schools**; and the **military use of schools**; underlines importance of adequate **pre-deployment and in-mission training** on child protection, including on **attacks on schools, prevention and response**, for peacekeepers

✓ *Child protection should be integrated in pre-deployment and in-mission training, standard operating procedures, security sector reform, etc.*



Monitoring and Reporting



Understanding the Child Protection Mandate

Security Council resolution 2640 (2022) - Mali

Preambular paragraph: *Strongly condemning* all violations and abuses of international human rights law 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 ...;**

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

26(c)(iii): To provide specific protection and assistance for women and **children affected by armed conflict, including through Protection Advisors, Child Protection Advisors, ...**, and address the needs of victims and survivors of sexual and gender-based violence in armed conflict ...;

26(d)(ii): To **monitor, ...and report** on violations and abuses committed against women and **children...and** contribute to efforts to prevent such violations and **abuses...**



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 civilian Child Protection staff
- 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 Safe School Declaration and Guidelines on Protecting Schools and Universities from Military Use

- Aim to strengthen the protection of education from attack, and restrict use of schools and universities for military purposes by armed forces and armed groups
- Specify the actions that armed forces and armed groups can take to deter military use of education facilities:
 - Functioning education facilities should not be used
 - Abandoned or evacuated education facilities should not be used
 - Schools and universities must never be destroyed
 - Parties to conflict should consider alternative measures before attacking schools or universities that are being militarily used
 - Fighting forces should not be employed to provide security for education facilities
 - Parties to conflict should incorporate the Guidelines into their doctrine, military manuals, ROE, and operational orders



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 peacekeeping missions to ensure that peacekeepers are prepared to prevent the recruitment and use of children
- 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

International
Humanitarian Law

International
Human Rights Law

UNITED NATIONS DOCUMENTS ON CHILD PROTECTION

- Security Council resolutions on children and armed conflict
- DPKO-DFS-DPA Policy on Child Protection in United Nations Peace Operations (2017)

MISSION MANDATE

Mission/Force directives
and guidelines

Mission rules of engagement
(ROE)



Takeaways

- Peacekeeping personnel must know the legal instruments on child protection and the mission's mandate
- Military personnel 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-DFS-DPA Policy on Child Protection in United Nations Peace Operations, 2017
- 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
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000



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
- Security Council resolutions on children and armed conflict: 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004), 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014), 2225 (2015), 2427 (2018), 2601 (2021)
- International Committee of the Red Cross (ICRC), “Legal protection of children in armed conflict”, Factsheet, 2003



References (3/3)

- United Nations, DPKO/UNICEF/OSRSG-CAAC, Field Manual: Monitoring and Reporting Mechanism (MRM) on Grave Violations Against Children in Situations of Armed Conflict, 2014
- 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
- Safe Schools Declaration and Guidelines for Protecting Schools and Universities from Military Use in Armed Conflict, 2015
- International Criminal Court, Lubanga Case (<https://www.icc-cpi.int/drc/lubanga>)



Questions

