

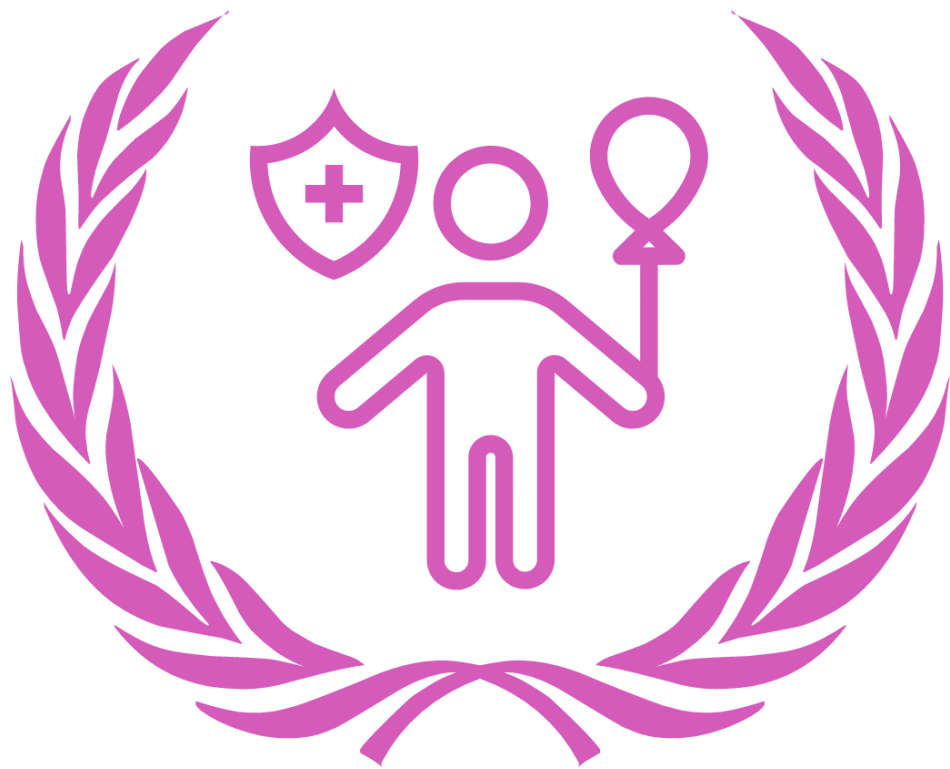
МОСКОВСКАЯ
МЕЖДУНАРОДНАЯ
МОДЕЛЬ ООН
ИМ. В.И.ЧУРКИНА 2022



**UNITED NATIONS
INTERNATIONAL
CHILDREN'S
EMERGENCY FUND**

EXPERT REPORT





**EXCLUDING THE PARTICIPATION
OF CHILDREN AND
ADOLESCENTS IN ARMED
CONFLICTS**

CONTENT

INTRODUCTION AND GLOSSARY.....	2
SCOPE OF THE PROBLEM.....	6
UNINVOLVEMENT.....	10
CHILDREN RECRUITMENT AS A WAR CRIME.....	16
ACCOUNTABILITY.....	19
CONCLUSION.....	22
ANNEX 1. LIST OF PARTIES ENGAGING IN VIOLATIONS AGAINST CHILDREN.....	24
ANNEX 2. USEFUL LINKS.....	30
REFERENCES.....	32



INTRODUCTION AND GLOSSARY

*A crime against a child is an affront to all humanity.*¹
– Fatou Bensouda, former ICC Prosecutor

Although it has not always been so, today conscripting or enlisting children under the age of fifteen into the national armed forces or using them to participate in hostilities is a war crime, provided by the **Fourth Geneva Convention of 12 August 1949**² and **Rome Statute**.³ It is also, with the systematic engagement of the UN Security Council, is an issue affecting international peace and security. The use of child soldiers is usually dictated to warring party by need to mobilize all resources, but the other side of the coin is that such treatment makes children puppets of parties to conflict and victims of multitude of war crimes. Placed in hazardous circumstances, child soldiers, as they are commonly referred to, are left dealing with psychological traumas, and face violence from their tormentors and rejection from their loved ones.

The term «child soldier» does not reflect the spectrum of work children and adolescents are being engaged in, and broader and more proper term for them would be child engaged in an armed conflict. It was laid down by **Paris Principles of 2007**. However, for the purpose of shortage, and as the definition adolescent is not yet defined⁵,

1 ICC Prosecutor, Fatou Bensouda, launches Policy on Children: “We must strengthen our resolve to end impunity for atrocity crimes against and affecting children” (2016) Available at: <https://www.icc-cpi.int/pages/item.aspx?name=pr1257> (Accessed at 4 October 2021)

2 Geneva Diplomatic Conference. (1949) The Fourth Geneva Convention, relative to the Protection of Civilian Persons in Time of War. Geneva, GN.

3 International Criminal Court. (1998) Rome Statute of the International Criminal Court. Rome, RM.

4 UNICEF. (2007) Principles and guidelines on children associated with armed forces or armed groups. Paris, PS.

in the present Report persons in question will still be referred to as «child soldiers».

For the purposes of this Report:

A child associated with an armed force or armed group refers to any person below 18 years of age who is, or who has been, recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, spies or for sexual purposes.⁶

A child is every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.⁷

A combatant is a member of the armed forces of a party to a conflict (other than medical personnel and chaplains covered by Article 33 of the Third Geneva Convention) possessing the right to participate directly in hostilities. Combatant status exists only in international armed conflicts.

A non-combatant is a person connected to the armed forces of a party to a conflict and does not fall under the definition of combatant. This definition is used to apply primarily to medical and religious personnel.

A civilian is any person who does not belong to one of the categories of persons referred to in Article 4 A (1), (2), (3) and (6) of the Third Convention and in Article 43 of Protocol

6 Ibid.

7 The UN Committee on the Rights of the Child. (1989) Convention on the Rights of the Child. New York, NY.

*Additional I*⁸

A *victim* is a person who has suffered harm as a result of the commission of any crime within the jurisdiction of the International Criminal Court.⁹

A *refugee* is a person who is outside his/her country of nationality or habitual residence; has a well-founded fear of persecution because of his/her race, religion, nationality, membership in a particular social group or political opinion; and is unable or unwilling to avail himself/herself of the protection of that country, or to return there, for fear of persecution.¹⁰

An *internally displaced person* is a persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.

A *denial of humanitarian access* is blocking the free passage or timely delivery of humanitarian assistance to persons in need as well as the deliberate attacks against humanitarian workers.¹¹

A human shield is describes a prohibited method of warfare

8 Practice Relating to Rule 5. Definition of Civilians. Available at: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2_ru_rule5 (Accessed at 4 October 2021)

9 Victims. Available at: <https://www.icc-cpi.int/about/victims> (Accessed at 4 October 2021)

10 General Assembly. (1951) Convention Relating to the Status of Refugees. New York, NY.

11 Denial of humanitarian access. Available at: <https://childrenandarmedconflict.un.org/six-grave-violations/denial-of-humanitarian-access/> (Accessed at 4 October 2021)

where the presence of civilians or the movement of the civilian population, whether voluntary or involuntary, is used in order to shield military objectives from attack, or to shield, favour or impede military operations.¹²

Recruitment is compulsory, forced or voluntary conscription or enlistment of children into any kind of armed forces or organized armed groups.

Armed forces is the military institution of a State with legal basis, and supporting institutional infrastructure (salaries, benefits, basic services, etc.).

An armed group refers to groups distinct from armed forces as defined by Article 4 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

ICC, or the Court, is International Criminal Court.

LRA is Lord's Resistance Army of Uganda.

UCP – Union des Patriotes congolais, Union of Congolese Patriots, a center-right Congolese political party.

FLPC – Forces Patriotiques pour la libération du Congo, the military wing of the UCP.

¹² Human shields. Available at: <https://casebook.icrc.org/glossary/human-shields> (Accessed at 4 October 2021)



SCOPE OF THE PROBLEM

Warring parties use children not only as fighters, but as scouts, cooks, porters, guards, messengers, for laying mines, spying and more. Whether they become part of an armed group following abduction, threats, coercion or manipulation by armed actors, driven by poverty or on other grounds, their recruitment and use in hostilities is a grave violation of their rights. They often live in poor conditions without access to nutrition and clean water, undergo harrowing training or initiation ceremonies, hazardous labour, and engage in combat with great risk of death, chronic injury and disability. They may also witness, suffer or be forced to take part in torture and killings. Often they are subjected to gender-based violence, without distinction to gender, yet girls are more vulnerable in terms of this particular kind of violence.¹³ Substance abuse is also very common.¹⁴

Surprisingly, among the places for potential recruitment are camps for internally displaced persons and refugees. It is most alarming, for these places are made for providing security for categories of persons fleeing from violence and persecution. Yet places like these lack some of the most basic characteristics of security, especially if they are located in undeveloped countries.

«The coronavirus disease (COVID-19) pandemic aggravated existing vulnerabilities of children, including by hampering their access to education, health and social services, limiting child protection activities and shrinking safe spaces»,

¹³ G.Machel. (1996) Impact of Armed Conflict on Children: Report of the expert of the Secretary-General submitted pursuant to General Assembly resolution 48/157, p. 3.

¹⁴ Children recruited by armed forces. (2021) available at: <https://www.unicef.org/protection/children-recruited-by-armed-forces> (Accessed at 4 October 2021)

Secretary-General stressed in his report. Indeed, the new virus aggravated the problem significantly, and nowadays the access to vaccines and healthcare facilities for children involved in armed conflicts should also be part of the agenda.

MODERN CHALLENGES

Consequently, some serious challenges There are collisions in international law, and the disputes of which norms to apply, to the following situations:

- *Impunity*. There is no doubt in the actual criminality of deeds in question, but nevertheless perpetrators often walk free because of the inability or unwillingness of national courts to prosecute, and plain unwillingness of foreign to extradite the accused persons. Undoubtedly, the first step towards the effective enforcement of the law is abiding by the norms of international law and criminalizing recruitment and use of child soldiers in the countries where it is not yet done.

- *Lack of security*. As it was said in previous section, children are often not protected in the places where they are supposed to be, and that includes everyplace from refugee camp to home and schools. Thus, a variety of problems arise, such as susceptibility of abduction, deception, sexual violence, and the repeated recruitment.

- *Legal age of participation in hostilities*. Optional Protocol strictly prohibits recruitment of persons under 18 years. But it is still unclear at which age a person is fully conscious of what he or she is accomplishing This gap in international law must be filled.

- *Defining term «adolescent» is crucial*. Now it is unclear whether an adolescent should necessarily be a person below the age of majority or adolescence extends above 18 years.¹⁵

¹⁵ The United Nations General Assembly. (2000) Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children In Armed Conflict. New York, NY.

- *Using children soldiers as human shield.* There is a clear prohibition of use of civilians as human shields. Children are least immune to be used in that quality.

- *Distinguishing informed consent from coercion.* This issue requires particular attention and additional regulation. Optional Protocol **permits recruitment of child soldiers in the following cases:**

(a) Such recruitment is genuinely voluntary;

(b) Such recruitment is carried out with the informed consent of the person's parents or legal guardians;

(c) Such persons are fully informed of the duties involved in such military service;

(d) Such persons provide reliable proof of age prior to acceptance into national military service.¹⁶

- *Denial of humanitarian access* is both a violation and a problem to deal with. Whether to deter it or not, and how to deter it, remains a question. Besides being a war crime, it continues to be a great challenge.

- *Ambiguity regarding arrest procedures.*

- *Distinction between child soldiers and children using their self-defense, as well as governing of the conduct of combatants and civilians who encounter child soldiers, and the limits of self-defense in this case.*

¹⁶ The United Nations General Assembly. (2000) Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children In Armed Conflict. New York, NY.

UN INVOLVEMENT

Graça Machel's groundbreaking report

In 1996, a report was made to the General Assembly by Graça Machel, a former Minister of Education of Mozambique. It is titled «**Impact of Armed Conflict on Children**», hereinafter also referred to as «Impact», and it highlighted the disproportionate impact of war on children,¹⁷ and identified them as the primary victims of armed conflict. In her report, Ms. Machel noted that «they [children] are more obedient, do not question orders and are easier to manipulate than adult soldiers».¹⁸ In the same year General Assembly created the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict and appointed Olara A. Otunnu of Uganda as the first Representative in 1997. Nowadays this office is held by Dr Virginia Gamba of Argentina.

2000 OPTIONAL PROTOCOL

In 2000, **The Optional Protocol to the Convention on the Rights of the Child** on the involvement of children in armed conflict was adopted by the General Assembly to protect children under 18 from recruitment and use in hostilities. Article 1 reads: «States Parties must take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities». Article 2 reads: «States Parties must ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces».¹⁹ The Optional Protocol entered into force in 2002. The International Com-

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

mittee of the Red Cross commentary on Protocol I makes clear that the document does not require a complete ban on the use of children in conflict. The ICRC had proposed that the Protocol require parties to "take all necessary measures" which do not mean the total prohibition on involving children into armed conflicts. Child volunteers still could be involved indirectly in hostilities, gathering and transmitting military information, helping in the transportation of arms and munitions, provision of supplies.²⁰

Nowadays the Protocol is ratified by most of the UN members, so it is indeed appropriate to talk of its binding force.²¹

SECURITY COUNCIL

Security Council In 1998, Security Council held its first debate on the matter, and here is what it has accomplished over the years:

- In 1999 by its Resolution 1261 the Council made the question of children in armed conflict part of its theme-based agenda.²²
- Resolution 1314 of 2000 reaffirmed that the deliberate targeting of civilians, including children, may constitute a threat to peace and security.²³

20 Commentary of 1987. Protection of children. Available at: <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/COM/470-750099?OpenDocument> (Accessed at 4 October 2021)

21 See Annex 2.

22 The Security Council. (1999) Resolution 1261. New York, NY.

23 The Security Council. (2000) Resolution 1314. New York, NY.

- Resolution 1379 requested the Secretary-General to identify and list parties to conflict that recruit and use children.²⁴
- Resolution 1460 called for dialogue with parties to conflict that recruit or use children to develop clear, time-bound Action Plans to end the practices.²⁵
- Resolution 1539 requested the establishment of a systematic and comprehensive Monitoring and Reporting Mechanism to provide timely, accurate and reliable information on the recruitment and use of children and other violations committed against children affected by armed conflict. It also renewed the call for parties to conflict listed by the Secretary-General to prepare concrete, time-bound Action Plans.²⁶
- Resolution 1612 endorses the Monitoring and Reporting Mechanism proposed by the Secretary-General to collect timely and reliable information on violations committed against children in situations of armed conflict. It also creates the Security Council Working Group on Children and Armed Conflict
- Resolution 2225 established “abduction of children” as a trigger to list parties to armed conflict in the annual report of the Secretary-General on children and armed conflict.²⁷
- Resolution 2143 expressed concern about the military use of schools and encourages Member States to consider concrete measures to deter the practice. It also endorsed the «Children, Not Soldiers» campaign.²⁸

24 The Security Council. (2001) Resolution 1379. New York, NY.

25 The Security Council. (2003) Resolution 1460. New York, NY.

26 The Security Council. (2004) Resolution 1539. New York, NY.

27 The Security Council. (2015) Resolution 2225. New York, NY.

28 The Security Council. (2014) Resolution 2143. New York, NY.

PARIS PRINCIPLES

In February 2007 there was a meeting held in Paris initiated by UNICEF for the purpose of the reviewing of Cape Town Principles (existing guidelines on protecting children from being used in armed conflict) and adopting them for the use of international community. As a result of this meeting the basic principles and guidelines were adopted in form of the document in order to protect child soldiers on international level. The states present on it, apart from other guidelines agreed on the following operational principles:²⁹

- *Accountability and transparency* – ensure that their actions are based on child rights and humanitarian principles, that applicable minimum standards in programmes are met and that systems for accountability are developed.
- *Context-specific programming* – strategies and programmes should be based on a comprehensive analysis of the political, social, gender, economic and cultural context.
- *Capacity strengthening* – programmes should always build on, support and develop regional, national, local and community efforts and capacity to prevent unlawful recruitment or use of children, support their release and reintegration and protect all children.
- *Funding and other support for the prevention of unlawful recruitment or use and the release and reintegration of children* – funding should be made available to child protection actors.

29 UNICEF. (2007) Principles and guidelines on children associated with armed forces or armed groups. Paris, PS.

– *Coordination, collaboration and cooperation and information sharing and transparency among all those involved* – from the community level to national institutions and international organisations.

– *Information-sharing* – the personal information regarding recruiting to be treated as confidential.

– *Media coverage* – a code of conduct for journalists, should be implemented by actors working with children associated with armed forces or armed groups to provide safeguards and prevent placing them at risk, violating confidentiality standards.

••••• **«CHILDREN, NOT SOLDIERS»** •••••

In 2014, in cooperation with UNICEF, the Special Representative launched the campaign to bring about a global consensus that child soldiers should not be used in conflict. The campaign lasted for two years and focused primarily on the situations with child soldiers in Afghanistan, Chad, the Democratic Republic of the Congo, Myanmar, Somalia, South Sudan, Sudan and Yemen.³⁰ The Action Plan introduced by the Special Representative included five steps:

One – to issue a military command orders prohibiting the recruitment and use of children.

Two – release all children identified in the ranks of security forces.

Three – ensure children’s reintegration into civilian life.

Four – criminalize the recruitment and use of children.

Five – integrate age-verification mechanisms in recruitment procedures.³¹

30 Office of the Special Representative of the Secretary-General for Children and Armed Conflict (2014) “Children, Not Soldiers”. Available at: <https://childrenandarmedconflict.un.org/children-not-soldiers/> (Accessed at 4 October 2021)

31 *Ibid.*

UNICEF

As one of the primary agencies that deal with the matter of use of child soldiers, UNICEF is engaged in rescue and release of children, their reunification with families and reintegration of child soldiers into society. Their priority is to return them to civilian life, and for that, all kinds of psychological support, including the support for victims of substance abuse and gender-based violence, are provided.³² UNHCR and ICRC aid UNICEF in its works.

UNICEF actively negotiates release of child soldiers. As an example, in 2005–2006 up to 204 children were released from militia groups in Côte d'Ivoire, 400 in Central African Republic, and an equally stable number in African countries affected by wars.³³ In 2020, the number of children released was 497, 255 of them being children from FPRC.³⁴

The other one important function of UNICEF is working with UN peacekeeping operations on ensuring child protection. According to the «Impact», the cooperation with peacekeeping missions «ensure(s) more systematic dialogue with parties to conflict to address grave violations of children's rights.³⁵ Peacekeepers are also receiving additional training on child protection with the help of child protection advisers from UNICEF.³⁶

³² Children recruited by armed forces. (2021) Available at: <https://www.unicef.org/protection/children-recruited-by-armed-forces> (Accessed at 4 October 2021)

³³ G.Machel, *Ibd.*

³⁴ António Guterres. (2021) Children and armed conflict: Report of the Secretary-General.

³⁵⁻³⁷ *Ibd.*

CHILDREN RECRUITMENT AND USE AS A WAR CRIME

The latest report of the Secretary General on the subject of child soldiers shows some alarming tendencies that do not cease to exist. In fact, according to the report, the recruitment and use of children (estimated number of cases – 8,521)³⁷ made up the highest number of all violations against children during the reported time. Also, 3,243 children were detained for actual or alleged association with armed groups, including those designated as terrorist³⁸ groups by the United Nations, or for national security reasons.

Recruitment and use of children is considered one of the so-called **Six Grave Violations** against children in armed conflict, and as they are often intertwined, it would be appropriate to mention them altogether:

- 1) child recruitment and use;
- 2) killing and maiming;
- 3) abductions;
- 4) rape and other forms of sexual violence;
- 5) attacks on schools and hospitals;
- 6) denial of humanitarian access.

But, as it was already mentioned in the present Report, using children in armed conflict is a war crime. In order to classify a deed as a crime a juridical mechanism called «element of a crime» should be applied. In the common law system it is subdivided into two elements – *actus reus* (criminal deed) and *mens rea* (guilt). In Elements of Crimes sheet, ICC gives the following official interpretation of the crime:

³⁸ G.Machel, *Ibid.*

*Elements of war crime of using, conscripting or enlisting children.*³⁹

1. The perpetrator conscripted or enlisted one or more persons into the national armed forces or used one or more persons to participate actively in hostilities.
2. Such person or persons were under the age of 15 years.
3. The perpetrator knew or should have known that such person or persons were under the age of 15 years.
4. The conduct took place in the context of and was associated with an international armed conflict.

It needs to be particularly stressed that a war crime of recruiting and using child soldiers can only be committed with intent.

For the purposes of correct implementation of international humanitarian law it is crucial to differentiate between the combatant and a child soldier. A combatant, pursuant to the Geneva Conventions, is a member of the armed forces of a party of a conflict. It means that in order to be conscripted a person should age of majority or other age laid down by the law of their land. Hence, a child soldier is not a combatant, and not a participant of hostilities, and thus cannot commit war crimes. A procedure of arrest, if applied to them, should only be used as a measure of last resort and for the shortest appropriate period of time, should be in full conformity with national law and in line with international standards.

³⁹ International Criminal Court. (2013) Elements of Crimes. The Hague.

Where there is no statutory law, these rules are considered customary international humanitarian law, applying equally in situations of international and non-international armed conflict, and to both Government armed forces and non-State armed groups. Judicial affirmation came in 2004, when the Special Court for Sierra Leone (SCSL) ruled in the Hinga Norman case that the recruitment and use of children in armed conflict is a war crime under customary international law. In addition, the statutes of the international tribunals for the former Yugoslavia, Rwanda and Sierra Leone also declared that the recruitment and use of children under the age of 15 years in armed conflict is a war crime.



ACCOUNTABILITY

Over the course of modern history international courts and tribunals have produced a significant body of jurisprudence on crimes against children. For example, the Special Court for Sierra Leone, convicted and sentenced a number of individuals, including former President of Liberia, Charles Ghankay Taylor, on a number of counts including conscripting or enlisting children into armed forces or groups and using them to participate actively in hostilities.⁴⁰ Nowadays, ICC is a primary permanent international judicial body vested with power to prosecute war crimes and crimes against humanity, and bring about accountability and justice to the victims. ICC Office of the Prosecutor is now conducting eight preliminary examinations and fourteen investigations of situations in different countries, where the problem of child soldiers is also being looked into.

The organizers of recruitment and use of child soldiers have already been tried by the ICC several times. The first case, and arguably the most famous one, is that of Thomas Lubanga Dyilo of the Democratic Republic of the Congo.⁴¹ ICC judges found that during the conflict, FPLC, of which Mr. Lubanga Dyilo was a head of, implemented a widespread youth recruitment policy, which also embraced children under the age of 15. Following training in military camps, the youths were deployed as soldiers in different parts of the country, and participated in fighting. Children were also used as military guards and for a special “Kadogo Unit” comprised primarily of children.⁴² Lubanga Dyilo was sentenced to 14 years in prison.

40 G.Machel, *Ibid.* 41 ICC-01/04-01/06. The Prosecutor v Thomas Lubanga Dyilo.

41 ICC-01/04-01/06. The Prosecutor v Thomas Lubanga Dyilo.

42 Thomas Lubanga Dyilo. (2015) Available at: <https://www.coalitionfortheicc.org/cases/thomas-lubanga-dyilo> (Accessed at 4 October 2021)

The case of Bosco Ntaganda, also of Democratic Republic of Congo, was next. The guilty verdict was reached in 2021.⁴³ It was ascertained that children under the age of 15 were used as escorts and enlisted in the FLPC to participate in hostilities, and it was found that incidents of rape and sexual enslavement occurred and that Mr. Ntaganda knew about them. The defense argued that the prosecution failed to prove that and made it one of the twelve ground for appeal, but all of them were rejected in their entirety. Mr. Ntaganda now serves his 30-year imprisonment sentence.

The most recent and ongoing case having to do with child soldiers is that of Dominic Ongwen,⁴⁴ the senior commander of the Lord's Resistance Army in Uganda, and the first former child abductee to face charges before the ICC. He is guilty of having abducted almost 30,000 children to take into its ranks, being forced to undergo military training and forced to kill.⁴⁵ His case is now on appeal.

ICC stated in its strategic plan that it is stated that «the Office [of the Prosecutor] pays particular attention to children <...>, in order, inter alia, to stress the seriousness of these forms of victimisation, which frequently are overlooked and underestimated. Children, for instance, can be affected by crimes in various ways: as victims including through the inability to receive education or medical care, as witnesses, or even as perpetrators».⁴⁶

43 ICC-01/04-02/06. The Prosecutor v Bosco Ntaganda.

44 ICC-02/04-01/15. The Prosecutor v. Dominic Ongwen.

45 Dominic Ongwen. (2016) Available at: <https://www.coalitionfortheicc.org/cases/dominic-ongwen> (Accessed at 4 October 2021)

46 International Criminal Court. (2019) The Strategic Plan of the Office of the Prosecutor 2019-2021. The Hague. HG.

They are considered victims, which involves the enjoyment of the Trust Fund for Victims, and enjoyment of procedural rights that victims have. For as far as the Court's interpretation of the Rome Statute goes, "victims are actors of international justice rather than its passive subjects".⁴⁷

In 2020, one person was charged with war crimes, him being Ntabo Ntaberi Sheka of Democratic Republic of Congo, for war crimes, including child recruitment and use.

⁴⁷ Ibid.



CONCLUSION

Although armed conflicts currently are of a more non-international character, they still lead to a great number of negative consequences. In particular, the number of victims of these armed conflicts include not only combatants, but also civilians who should not be involved in hostilities at all according to the international humanitarian law. A significant proportion of civilians are children and adolescents under the age of 18 who are not only war-affected but are also forced into hostilities.

One of the dangerous trends characterizing armed conflicts is the youth of their participants. Increasingly, and in a growing number of conflicts, it is young people, and children, equally vulnerable due to their youth. It is children who suffer the most horrific psychological and physical damage. The world recognizes the harmful and widespread impact of armed conflicts on children and their long-term consequences for durable peace, security and development. The rights of children need special legal and international protection, the situation of children without distinction of any kind, as well as their development and education, must be improved and developed.

Of course, there are many organizations and international legal instruments that seek to prevent various negative consequences, but the main problem still remains. The challenges before us are to find effective ways to enforce existing legal instruments and find new and effective solutions to prevent children from becoming involved in armed conflicts and to save future generations.

This Report is complemented by the list of parties engaging in violations against children, amongst which is conscripting or

enlisting children into the national armed forces or using them to participate in hostilities.

ANNEX 1. LIST OF PARTIES ENGAGING IN VIOLATIONS AGAINST CHILDREN⁴⁸

A. Listed parties that have not put in place measures to improve the protection of children

Parties in Afghanistan

Non-State actors

1. Haqqani Network
2. Hizb-i Islami of Gulbuddin Hekmatyara
3. Islamic State in Iraq and the Levant-Khorasan Province
4. Taliban forces and affiliated groups

Parties in Colombia

Non-State actors

Ejército de Liberación Nacionala

Parties in the Central African Republic

Non-State actors

1. Local defence militias known as the anti-balaka
2. Lord's Resistance Army

Parties in the Democratic Republic of the Congo

Non-State actors

1. Allied Democratic Forces
2. Coopérative pour le développement du Congo (CODECO)
3. Forces démocratiques de libération du Rwanda-Forces combattantes abacunguzia
4. Force de résistance patriotique de l'Ituri

⁴⁸ This list is compiled based on frequently cited Secretary General's Report

5. Lord's Resistance Army
6. Mai-Mai Apa Na Palea,e
7. Mai-Mai Mazembe
8. Mai-Mai Simba
9. Nduma défense du Congo-Rénové
10. Nyatura
11. Raia Mutombokia

Parties in Iraq

Non-State actors

Islamic State in Iraq and the Levant

Parties in Mali

Non-State actors

1. Ansar Eddine
2. Platform, including affiliated groups

Parties in Myanmar

State actors

Tatmadaw Kyi, including integrated border guard forces

Non-State actors

United Wa State Army

Parties in Nigeria

Non-State actors

Boko Haram-affiliated and splinter groups, including Jama'atu Ahlis Sunna Lidda'awati wal-Jihad and Islamic State West Africa Province

Parties in the Philippines

Non-State actors

1. Abu Sayyaf Group
2. Bangsamoro Islamic Freedom Fighters
3. New People's Army

Parties in Somalia

Non-State actors

1. Al-Shabaab
2. Ahl al-Sunna wal-Jama'aa

Parties in the Sudan

Non-State actors

1. Justice and Equality Movement
2. Sudan Liberation Army-Abdul Wahida
3. Sudan Liberation Army-Minni Minawi
4. Sudan People's Liberation Movement-North Abdelaziz al-Hilu faction
5. Sudan People's Liberation Movement-North Malik Agar faction

Parties in the Syrian Arab Republic

State actors

Government forces, including the National Defence Forces and pro-government militias

Non-State actors

1. Ahrar al-Sham
2. Army of Islam

3. Hay'at Tahrir al-Sham
4. Islamic State in Iraq and the Levant
5. Syrian armed opposition groups (formerly known as the Free Syrian Army)

Parties in Yemen

Non-State actors

1. Al-Qaida in the Arabian Peninsula
2. Houthis (who call themselves Ansar Allah)
3. Pro-government militias, including the Salafists and popular committees
4. Security Belt Forces

B. Listed parties that have put in place measures aimed at improving the protection of children

Parties in Afghanistan

State actors

Afghan National Army

Parties in the Central African Republic

Non-State actors

Front populaire pour la renaissance de la Centrafrique, Mouvement patriotique pour la Centrafrique and Union pour la paix en Centrafrique as part of the former Séléka coalition

Parties in the Democratic Republic of the Congo

State actors

Armed Forces of the Democratic Republic of the Congo

Non-State actors

Alliance des patriotes pour un Congo libre et souverain

Parties in Iraq

State actors

Popular Mobilization Forces

Parties in Mali

Non-State actors

Mouvement national de libération de l'Azawad

Parties in Myanmar

State actors

Tatmadaw Kyi, including integrated border guard forces

Non-State actors

1. Democratic Karen Benevolent Army
2. Kachin Independence Army
3. Karen National Liberation Army
4. Karen National Union/Karen National Liberation Army
Peace Council
5. Karenni Army
6. Shan State Army

Parties in Somalia

State actors

Somali Federal Defence and Police Forces

Parties in South Sudan

State actors

South Sudan People's Defence Forces, including Taban Deng-allied South Sudan People's Defence Forces

Non-State actors

Sudan People's Liberation Movement/Army in Opposition – pro-Machar

Parties in the Syrian Arab Republic

Non-State actors

Kurdish People's Protection Units and Women's Protection Units (YPG/YPJ)

Parties in Yemen

State actors

Government forces, including the Yemen Armed Forces

Non-State actors

Houthis (who call themselves Ansar Allah)

ANNEX 2. USEFUL LINKS

The States Parties to the Rome Statute – https://asp.icc-cpi.int/en_menus/asp/states%20parties/Pages/the%20states%20parties%20to%20the%20rome%20statute.aspx

Status of Ratification of Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children In Armed Conflict – <https://indicators.ohchr.org/>

States Parties to Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977 – <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?action=openDocument&documentId=D9E6B6264D7723C3C12563CD002D6CE4>

States Signatories to Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977 – https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/States.xsp?xp_viewStates=XPages_NORMStatesSign&xp_treatySelected=470

States Parties to Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977 – https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/States.xsp?xp_viewStates=XPages_NORMStatesParties&xp_treatySelected=475

States Signatories to Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977 – https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/States.xsp?xp_viewStates=XPages_NORMStatesSign&xp_treatySelected=475



REFERENCES

1. International Criminal Court. (1998) Rome Statute of the International Criminal Court. Rome, RM.
2. Geneva Diplomatic Conference. (1949) The Third Geneva Convention, relative to the treatment of prisoners of war. Geneva, GN.
3. Geneva Diplomatic Conference. (1949) The Fourth Geneva Convention, relative to the Protection of Civilian Persons in Time of War. Geneva, GN.
4. The Diplomatic Conference on the reaffirmation and development of international humanitarian law applicable in armed conflicts. (1977) Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts. Geneva, GN.
5. The Diplomatic Conference on the reaffirmation and development of international humanitarian law applicable in armed conflicts. (1977) Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts. Geneva, GN.
6. The United Nations General Assembly. (2000) Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children In Armed Conflict. New York, NY.
7. The UN Committee on the Rights of the Child. (1989) Convention on the Rights of the Child. New York, NY.
8. International Criminal Court. (2013) Elements of Crimes. The Hague.
9. UNICEF. (2007) Principles and guidelines on children associated with armed forces or armed groups. Paris, PS.
10. António Guterres. (2021) Children and armed conflict: Report of the Secretary-General.
11. Graça Machel. (1995) Impact of Armed Conflict on Children: Report of the expert of the Secretary-General, submitted pursuant to General Assembly resolution 48/157.
12. International Criminal Court. (2019) The Strategic Plan of the Office of the Prosecutor 2019–2021. The Hague. HG.
13. General Assembly. (1951) Convention Relating to the Status of Refugees. New York, NY.
14. Commentary of 1987. Protection of children. Available at: <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/COM/470-750099?OpenDocument> (Accessed at 4 October 2021)
15. International Committee of the Red Cross (ICRC). Children protected under international humanitarian law. Available at: <https://www.icrc.org/en/document/protected-persons/ch..>
16. International Committee of the Red Cross (ICRC). How the ICRC supports children. (2007) Available at: <https://www.icrc.org/en/document/what-icrc-does-child..>

17. The Security Council. (1999) Resolution 1261. New York, NY.
18. The Security Council. (2000) Resolution 1314. New York, NY.
19. The Security Council. (2001) Resolution 1379. New York, NY.
20. The Security Council. (2003) Resolution 1460. New York, NY.
21. The Security Council. (2004) Resolution 1539. New York, NY.
22. The Security Council. (2015) Resolution 2225. New York, NY.
23. The Security Council. (2014) Resolution 2143. New York, NY.
24. ICC-01/04-01/06. The Prosecutor v Thomas Lubanga Dyilo.
25. ICC-01/04-02/06. The Prosecutor v Bosco Ntaganda.
27. ICC-02/04-01/15. The Prosecutor v. Dominic Ongwen.
28. ICC Prosecutor, Fatou Bensouda, launches Policy on Children: “We must strengthen our resolve to end impunity for atrocity crimes against and affecting children” (2016) Available at: <https://www.icc-cpi.int/pages/item.aspx?name=pr1257> (Accessed at 4 October 2021)
29. Practice Relating to Rule 5. Definition of Civilians. Available at: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2_rul_rule5 (Accessed at 4 October 2021)
30. Victims. Available at: <https://www.icc-cpi.int/about/victims> (Accessed at 4 October 2021)
31. Denial of humanitarian access. Available at: <https://childrenandarmedconflict.un.org/six-grave-violations/denial-of-humanitarian-access/> (Accessed at 4 October 2021)
32. Human shields. Available at: <https://casebook.icrc.org/glossary/human-shields> (Accessed at 4 October 2021)
33. Children recruited by armed forces. (2021) available at: <https://www.unicef.org/protection/children-recruited-by-armed-forces> (Accessed at 4 October 2021)
34. Office of the special representative of the Secretary-General for Children and Armed Conflict. (2009) Available at: <https://childrenandarmedconflict.un.org/publications/> (Accessed at 4 October 2021)
35. Dominic Ongwen. (2016) Available at: <https://www.coalitionfortheicc.org/cases/dominic-ongwen> (Accessed at 4 October 2021)
36. Thomas Lubanga Dyilo. (2015) Available at: <https://www.coalitionfortheicc.org/cases/thomas-lubanga-dyilo> (Accessed at 4 October 2021)

