

大会
安全理事会Distr.: General
10 May 2024
Chinese
Original: English大会
第七十八届会议
议程项目 67
促进和保护儿童权利安全理事会
第七十九年

2024 年 4 月 26 日马耳他常驻联合国代表给秘书长的信

谨随函转递非政府组织“儿童与武装冲突问题观察清单”组织和哥伦比亚大学国际与公共事务学院于 2024 年 1 月 30 日举办的儿童与武装冲突问题年度政策讲习班的报告(见附件)。

请将本函及其附件作为大会议程项目 67 下的文件和安全理事会的文件分发给各会员国。

马耳他常驻联合国代表
特命全权大使
瓦妮莎·弗雷泽(签名)

* 仅以来件所用语文分发。



2024 年 4 月 26 日马耳他常驻联合国代表给秘书长信的附件

Report of the annual policy workshop on children and armed conflict

30 January 2024

I. Introduction

1. The non-governmental organization (NGO) Watchlist on Children and Armed Conflict (“Watchlist”) and Columbia University’s School of International and Public Affairs (SIPA) convened a policy workshop on 30 January 2024. The workshop brought together representatives of United Nations Member States, including members of the Security Council, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict (OSRSG-CAAC), the United Nations Children’s Fund (UNICEF), the Department of Peace Operations (DPO), the Office for the Coordination of Humanitarian Affairs (OCHA), the International Committee of the Red Cross, civil society organizations, and academia, to discuss priorities for the United Nations children and armed conflict (CAAC) agenda in 2024. This is the tenth such policy workshop organized by Watchlist since 2013, and the first co-organized with Columbia University. The workshop sought to engage participants in identifying priorities and developing recommendations for concrete, targeted actions to be taken in the coming year within the framework of the CAAC agenda.
2. The Special Representative for Children and Armed Conflict opened the workshop with a keynote address, delivered by video message, reflecting on recent trends and developments in the CAAC agenda from 2023 and upcoming priorities for 2024.
3. In addition to the keynote address, the workshop consisted of three closed working sessions. The first session focused on supporting implementation of the CAAC agenda through the Security Council Working Group on Children and Armed Conflict (SCWG-CAAC) and the Group of Friends (GoF) of CAAC, featuring reflections by the Deputy Permanent Representatives of Malta and Canada to the United Nations. The second session examined the impacts of explosive weapons on children living in situations of armed conflict, ongoing efforts to mitigate harm to children from such weapons, and future areas for action and research. The third session focused on progress, lessons learned, and continuing barriers to holding perpetrators accountable for grave violations against children in armed conflict at the international and domestic levels.
4. This report summarizes the discussions in these sessions and provides recommendations for action by the Security Council, the United Nations, civil society organizations, and other stakeholders to end and prevent violations against children in situations of armed conflict in 2024 and going forward.

II. Keynote Address

5. The Special Representative opened the workshop with a video message, highlighting trends, challenges, and progress made for the protection of children in armed conflict in 2023. In addition to a year of relentless undermining of international humanitarian and human rights law, children continued to be at risk of grave violations in 2023 from the use of explosive weapons in populated areas, cross-border conflicts, intercommunal violence, the relapse of situations into armed conflict or

escalation of existing conflicts, and the proliferation of armed actors, particularly in regions such as the Central Sahel, Lake Chad Basin, and Myanmar. In addition, expedited closure of UN peace operations in Mali and Sudan reduced the UN's capacity to verify grave violations against children and is likely to seriously affect their protection from grave violations. Considering these realities, sustainable financial, political, and technical support for dedicated child protection capacity, for reintegration programs, and for mine action remain vitally important. Finally, 2023 saw progress related to the protection of children in conflict in the form of a newly signed action plan in Iraq with the Popular Mobilization Forces, as well as new research produced by the Special Representative's Office on children with disabilities in armed conflict and climate insecurity impacts and CAAC.

6. Looking forward to 2024, the Special Representative highlighted four areas of strategic priority for protecting children affected by armed conflict in the coming year. First, the urgent need to re-establish a global consensus around the Convention on the Rights of the Child (CRC), including the definition of a child as any person under 18 years of age, entitled to protection under international law. Second, strengthening work on preventing grave violations, including through proactive engagement with parties to conflict supported by well-trained, dedicated child protection advisors and ample resources for child protection. Third, strengthening partnerships with regional organizations on the protection of children in situations of armed conflict. Finally, the importance of improving data collection, verification, and analysis on grave violations against children to support the effectiveness of the UN Monitoring and Reporting Mechanism (MRM).

7. During the ensuing question and answer session, participants discussed (a) the process of verifying grave violations against children, particularly in situations with active military operations and limited access, such as Gaza, and the need to increase staff capacity trained on verification; (b) the withdrawal or drawdown of UN peace operations and special political missions and the need to ensure the transfer of child protection capacities to UN Country Teams; and (c) the risks of grave violations and targeting of children from minority groups, such as indigenous children in Colombia and the Philippines, and how this is captured in data and programmatic response.

III. A Review of the CAAC Agenda: Challenges and Priorities for 2024

8. During the first working session of the workshop, the Deputy Permanent Representatives of Malta and Canada to the United Nations provided reflections in their respective roles as the current chair of the SCWG-CAAC and current chair of the GoF of CAAC on challenges to the effective implementation of the CAAC agenda over the past year and lessons learned for the future, as well as how to leverage existing tools and mechanisms for addressing CAAC concerns.

9. The panelists highlighted the escalation of grave violations against children in 2023, including attacks against schools and hospitals and denial of humanitarian access. They stressed the importance of ensuring that child protection remains at the center of the Council's deliberations and negotiations. Despite these difficulties, the SCWG-CAAC saw a number of successes in 2023, including (a) the adoption of conclusions on Mali, Nigeria, and South Sudan; (b) video teleconferences with the Country Task Forces on Monitoring and Reporting (CTFMRs) in the Democratic Republic of the Congo (DRC) and Somalia; and (c) a SCWG-CAAC field visit to Nigeria. Going forward, panelists stressed the importance of continued engagement between the SCWG-CAAC and the OSRSG-CAAC; systematic adoption of Working Group conclusions; video conferences with the CTFMRS which provide the Working

Group members with updated information on evolving situations; and field visits, allow engagement with local government officials and civil society, and follow up on implementation of SCWG-CAAC conclusions; as well as the importance of ensuring child protection is included in mandates of UN missions. Panelists also stressed the important contributions of civil society and the need for continued engagement.

10. In addition to the increasing scale of grave violations against children – including, for example, the mass abduction of Ukrainian children – the panelists further highlighted that the increasing number of situations of armed conflict and escalation of conflicts strains all of the UN’s peace and security architecture, including CAAC. The CAAC agenda is under pressure with insufficient resources to address an ever-increasing number of conflict situations with grave violations being reported at a greater scale. This poses a challenge for data collection and verification, for responding to grave violations, and for the listing process, but the SCWG-CAAC should leverage the UN’s vast policy architecture on protection to support the need for resources and staff capacity in the implementation of the CAAC agenda. Panelists further noted an increasing infringement of broader geopolitical dynamics into CAAC and other UN thematic agendas. Despite this, panelists noted that it is equally important to recognize the progress that has been made on the CAAC agenda in the past 25 years, including on the development of tools and resources such as the establishment of local GoFs of CAAC which can support the implementation of SCWG-CAAC conclusions at field level. The increasing number and changing composition of the GoFs of CAAC has led to evolving working methods – demonstrated by joint briefings held by the New York-based and local GoF in Yemen and South Sudan, as well as more active local GoFs that are closer to the situation and able to engage with officials.

11. In the ensuing discussions for this session, participants focused on (a) deteriorating situations such as Haiti that have challenging security environments, including for monitoring and reporting on grave violations against children; (b) the importance of using all tools available to the SCWG-CAAC, including video conferences with CTFMRs to link New York with realities on the ground, and to strengthen efforts to prevent grave violations; (c) the need for UN Member States to strengthen accountability for grave violations against children; (d) the importance of consistency in the listing and delisting process of perpetrators of grave violations against children named in the annexes of Secretary-General’s annual reports on CAAC, in particular to ensure that violations have ended before delisting and that decisions on listing and delisting are evidence-based; (e) the need to strengthen relationships between SCWG-CAAC and civil society organizations, including through continuing the biannual roundtable meetings organized with Watchlist; (f) the need for members of the SCWG-CAAC to support the Chair in obtaining consensus for adoption of conclusions – since 2021, the SCWG-CAAC conclusions on Afghanistan, Myanmar, Syria, and Somalia have remained stalled, and the Working Group will start negotiating on the next reports on these situations in 2024; and (g) the potential role of the Peacebuilding Commission after the withdrawal or drawdown of UN missions and the subsequent transfer of child protection capacities.

IV. Mitigating the Consequences of Explosive Weapons on Children in Armed Conflict

12. The second working session focused on the impacts of explosive weapons on children living in situations of armed conflict. The panelists discussed existing research on specific vulnerabilities of children to such weapons, ongoing efforts to mitigate harm to children from such weapons, and future areas for action and research.

Participants also examined practical steps that can be taken to address the vulnerabilities of children to these weapons, including possible action through the tools of the UN CAAC agenda.

13. The panelists first discussed the legal framework relevant to the use of explosive weapons and children in armed conflict. International humanitarian law (IHL) places limits on the means and methods of warfare to protect civilians and civilian objects, and children must be protected from the consequences of hostilities. While the use of explosive weapons is not prohibited under IHL, States must nonetheless comply with IHL for each individual use of such weapons, including obligations to take all feasible precautions and avoid indiscriminate and disproportionate attacks. Due to the wide-area impact of explosive weapons, it is almost impossible to avoid indiscriminate effects in populated areas, and therefore the ICRC has called on States to avoid their use, unless sufficient mitigation measures are taken to limit their wide area effects and the consequent risk of civilian harm. In November 2022, the Political Declaration on strengthening the protection of civilians from the humanitarian consequences arising from the use of explosive weapons in populated areas (EWIPA Declaration), was endorsed by 83 countries. International human rights law (IHRL) relating to children – such as the Convention on the Rights of the Child – complements IHL in protecting children affected by EWIPA.

14. Panelists highlighted the importance of looking at children as a distinct population when examining the impacts of explosive weapons. Children make up a large proportion of civilian casualties from explosive weapons and are impacted in distinct ways both directly and indirectly, as well as through reverberating impacts of explosive weapons. Factors such as age, gender, level of maturity, and disability all inform how children move around in urban areas, where they may be located when a blast occurs, and how they might react to a blast. Children are not small adults but are still growing and experience complex medical issues that arise from surviving a blast, posing serious challenges to trauma and rehabilitation teams. For example, lost limbs or amputations due to blast injuries impact children's growth, and obstacles to their recovery are exacerbated by the lack of prosthetics designed for children and the need for more frequent replacements as children outgrow prosthetics. Explosive weapons have long-term negative effects on the mental health of children, such as complex trauma, which can impair their development. The destruction of civilian infrastructure from explosive weapons impacts how children and their caregivers survive, including their access to food, water, nutrition, sanitation, education, vaccinations, and health care. Children are disproportionately impacted when these services start to break down in armed conflict. Schools – which represent a safe space for children in conflict and are frequently places where children and their families can access key services and information – have also been targets for explosive weapons. One fourth of all reported attacks on education in 2022 facilities involved the use of explosive weapons, which not only prevents access to education, but also causes trauma, injuries, and death of children. Landmines and explosive remnants near schools place children at further risk of death and injury and impact access to education even after a conflict ends.

15. Panelists examined current efforts to capture data on the effects of explosive weapons on children, including through the UN's MRM and how to better capture broader impacts and build the evidence-base. Panelists noted that the impact of explosive weapons on children and their families endures long after a conflict, including from explosive remnants of war and mines. Children are estimated to make up 66 percent of civilian casualties from explosive remnants of war (ERW) and 71 percent of cluster munition remnants. Though various sources have recorded data on civilian casualties, child-specific data is often lacking. The MRM can help to fill some of this gap. For example, in Afghanistan, MRM data shows as many as 718 child

casualties from explosive ordnance in 2022 alone. In addition to direct harm, the mental health impacts on children caused by explosive weapons have not been sufficiently studied or measured to date. Indirect impacts of explosive weapons include a myriad of medium- and long-term impacts for children's survival and development and are much more complex to measure fully. For example, when water infrastructure is destroyed, children under the age of five are 20 times more likely to die from lack of potable water than from direct hostilities. These impacts should also be taken into consideration in proportionality assessments when considering military action, alongside the direct impacts.

16. The panelists further highlighted specific actions that can be taken to better protect children from the impact of these weapons, such as (a) investments by States in preparedness, including by assessing the impact of explosive weapons on children; (b) changes to military doctrine, planning, practice, and medical responses by focusing on the impact of explosive weapons on children; (c) training and the collection of evidence that can result in a better understanding of the specific and distinct impacts of explosive weapons on children; (d) strengthening of prevention through improved autopsy procedures and forensic practices that focus on children; and (e) using risk education regarding explosive weapons for preparedness and protection purposes, so that children and parents can better protect themselves during airstrikes and shelling, and when they have to deal with a contamination of explosive ordnance in their immediate environment.

17. In the ensuing discussions for this session, participants focused on the need for (a) funding commitments from UN Member States; (b) disaggregation and sharing of data across multiple platforms, including data on blast injuries in children; (c) engagement with armed forces and other weapons bearers for transparency on the use of explosive weapons; and (d) increased understanding of the connection between climate change and explosive ordnance, as in certain areas climate change has exposed and displaced these ordnance from where they were buried.

V. Strengthening Accountability for Grave Violations Against Children in Armed Conflict

18. The third session of the workshop examined the progress, lessons learned, and continuing barriers to holding perpetrators accountable for grave violations against children in armed conflict. Participants also identified concrete recommendations and ongoing initiatives for strengthening accountability for grave violations and crimes committed against children in armed conflict at the international and domestic levels.

19. Panelists highlighted the increasing lack of compliance by parties to conflict with international law as a core problem and stressed the important role of the CAAC agenda in encouraging compliance by bringing visibility to grave violations against children. However, despite the CAAC agenda's robust mandate and architecture, children continue to be disproportionately affected by armed conflict, perpetrators continue to act with impunity. Investigation, documentation, and prosecution efforts remain adult-centric. Access to accountability and justice mechanisms for children is insufficient, and justice mechanisms have difficulty in accessing child victims and witnesses. Crimes against children lack visibility, and public reporting on such crimes remains scarce. As a result, convictions for violations against children are largely absent at all levels, which is compounded in contexts lacking domestic accountability and justice mechanisms. Accountability remains important to break cycles of violence against children, to work as a deterrent and to further prevention efforts, and to build societies based on the rule of law.

20. The panelists identified the following obstacles contributing to children's lack access to justice: (a) attitudinal, structural, and financial barriers within justice mechanisms, which result in a reluctance by investigation teams to engage on crimes against children; (b) absence of a robust methodology for gathering information on crimes against children, including alternatives to interviewing children as a method of data collection; (c) addressing "child rights" only through examining child-specific crimes, instead of seeing children as victims across the full spectrum of crimes committed in situations of armed conflict; (d) a shortage of child rights expertise across the large number of justice mechanisms; and (e) low-levels of cooperation and information sharing across justice and investigation mechanisms.

21. The panelists further discussed the concept of intersectionality as an important approach when investigating crimes against children to fully understand the effects of armed conflict on them as individuals. Children are not a homogenous group, and characteristics such as age, gender, disability, race, ethnicity, social status, religion, nationality, etc. can all impact how children experience armed conflict. Including considerations of intersecting identities of children in international mechanisms can have a trickle-down effect to national mechanisms and implementation. Panelists noted the absence of guidance on accountability for conflict-related sexual violence against boys and LGBTQI+ youth, which can carry stigma and is often overlooked. Finally, panelists emphasized the need for accountability mechanisms to be child-friendly to cultivate children's interaction with the mechanisms. Children can (where appropriate, safe, and willing) be a voice of their own experience in all atrocity crimes (not just child-specific ones), including as competent witnesses.

22. In the ensuing discussions for this session, participants focused on key actions needed to strengthen accountability for crimes against children, such as: (a) raising awareness on the different types of justice and investigation mechanisms, and their effectiveness; (b) securing political support from UN Member States for justice and investigation mechanisms; (c) including language on crimes against children in all resolutions of the UN Human Rights Council and UN Security Council; (d) raising awareness of how budgetary implications are triggered for justice and investigation mechanisms, including through the UN's Administrative and Budgetary Committee (Fifth Committee); (e) securing the early inclusion of child rights expertise in all justice and investigation mechanisms; and (f) raising awareness on using regional justice mechanisms or treaty body complaints mechanisms when domestic mechanisms are absent; (g) and raising awareness of UN Member States willing to hear universal jurisdiction cases. Panelists also responded to questions raised around (a) children who are also perpetrators – emphasizing the prioritization of reintegration over prosecution and the need for any prosecution of serious crimes committed during association to be carried out in accordance with international juvenile justice standards; (b) the interactions and coordination of multiple systems of justice and accountability and ensuring their cohesion; and (c) the need to ensure child rights expertise in both judicial and non-judicial mechanisms.

23. Participants also highlighted the publication of new tools that will help to support accountability for crimes against children, including the July 2023 Guidance Note of the UN Secretary General on Child Rights Mainstreaming (across the UN System), the December 2023 Policy on Children issued by the Office of the Prosecutor of the International Criminal Court (ICC), and a new child rights e-learning module for justice experts deployed to justice and investigation mechanisms developed by Save the Children and Justice Rapid Response (JRR).

VI. Recommendations

24. Throughout the workshop discussions, the following recommendations were proposed to strengthen the implementation of the CAAC agenda and the United Nations response to grave violations against children in situations of armed conflict.

Support for Implementation of the CAAC Agenda

(a) UN Member States should continue to actively integrate CAAC issues across relevant UN fora and agendas, including mainstreaming child protection throughout the work of the UN Security Council by introducing relevant language in pertinent Security Council products, discussions on mission mandates and transitions, as well as relevant discussions of the UN Human Rights Council.

(b) UN Member States should leverage the UN's vast policy architecture on protection to support the need for resources and staff capacity in the implementation of the CAAC agenda, providing political, financial, and technical support for dedicated child protection staff in UN missions and UN Country Teams.

(c) The SCWG-CAAC should leverage all available tools in its toolkit (S/2006/724), including consistent adoption of conclusions, frequent video conferences with CTFMRs for up-to-date information and connection with the field, annual field visits to countries on the CAAC agenda, and regular and sustained engagement with the OSRSG-CAAC, as well as civil society organizations.

(d) All stakeholders should strengthen their engagement with civil society organizations working at field level who can further the Council's understanding of children's needs in situations of armed conflict and advocate for the implementation of the Council's conclusions on CAAC. UN Member States can invite civil society actors to brief the Council more regularly, ensuring such briefings are conducted in ways that do not increase the risk of reprisals.

(e) The New York-based GoF of CAAC should continue to strengthen its support to local GoFs of CAAC, including by convening annual meetings with all local GoFs of CAAC in order to make information more systematically available to the Council and ensure consistency of attention to all situations on the CAAC agenda.

(f) The New York-based GoF of CAAC should sustain efforts to support the capacity of local GoFs of CAAC to engage with relevant stakeholders and advocate for the implementation of SCWG-CAAC conclusions.

Mitigating the Consequences of Explosive Weapons on Children in Armed Conflict

(a) Signatories of the EWIPA Declaration, with support from UN agencies and international organizations, should ensure its increased visibility and monitoring.

(b) UN Member States should review their military doctrine, policies, and planning around the use of explosive weapons, particularly for operating in populated areas, and adopt avoidance policies that restrict the use of EWIPA and endorse and implement the EWIPA Declaration to that end.

(c) UN Member States should systematically replicate good practices within military operations, including on moving theaters of operations away from populated areas, on allowing civilians to evacuate from active conflict zones, and on using early warnings and evacuation protocols that can be understood by all children, including children with disabilities or children in institutions.

(d) UN Member States and medical professionals working in conflict settings should improve autopsy procedures and strengthen training of forensic practices to better understand the specific and distinct impact of explosive weapons on children,

and systematically deploy pediatricians as part of response teams to preemptively work on the trauma and challenges resulting from the use of explosive weapons. The Paediatric Blast Injuries Manual is a resource to support such training.

(e) UN Member States and their armed forces should improve data collection to better understand the intersectional harm done to children, including by disaggregating data by types of weapons used in addition to disaggregating data by age, sex, disability, and other relevant diversity characteristics, and by developing tools to assess the indirect effects of explosive weapons. Indirect and reverberating impacts of explosive weapons should be considered in assessments of proportionality in military action.

(f) UN agencies, humanitarian organizations, and relevant academic institutions should invest in research on the mental health impacts of explosive weapons on children as an urgent priority area for further study.

Strengthening Accountability for Grave Violations Against Children in Armed Conflict

(a) The UN Human Rights Council and the UN Security Council should include a specific focus on children in all resolutions that establish UN justice and investigation mechanisms, with reporting obligations on crimes against children; and ensure that child rights experts are systematically included in all UN justice mechanisms and on each UN investigation team with sufficient budgetary resources to support such expertise.

(b) International, regional, and domestic justice and investigation mechanisms should ensure that a child rights approach and child rights expertise are embedded at all stages of investigation and documentation of crimes in armed conflict.

(c) OHCHR and other stakeholders should develop relevant guidance to support more robust methodology for the gathering of information on crimes against and affecting children, including guidance on an intersectional approach with gender-competent referral pathways and disaggregated data collection to capture the varied experiences of children in armed conflict.

(d) Child rights experts, UN Member States, and other relevant stakeholders should work to increase child-friendly pathways for the safe participation of children in justice and investigation mechanisms – where appropriate and in line with their best interest – recognizing children’s agency and ability to act as competent witnesses.

(e) OHCHR and other relevant stakeholders should develop guidance on alternatives to interviewing children when collecting evidence for justice and investigation mechanisms, including the sharing of information across UN monitoring mechanisms, to reduce harm caused by reinterviewing child victims and witnesses.

(f) UN Member States should strengthen their domestic war crimes units so that national jurisdictions can be on the front lines of accountability for crimes against and affecting children.

(g) OHCHR and other stakeholders should develop guidance on documenting conflict-related sexual violence against boys and LGBTQI+ youth to inform justice and investigation mechanisms, as well as tailored response services.