

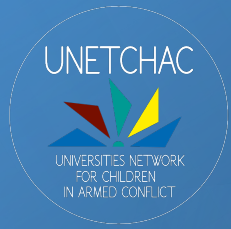
Crimes Against and Affecting Children

UNETCHAC

Universities Network for
Children in Armed Conflict

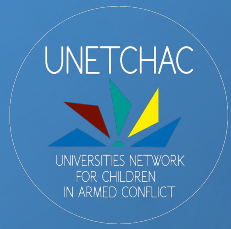
www.uninetworkforchildren.org





Crimes Against and Affecting Children

Which is the impact of
armed conflicts on
children?

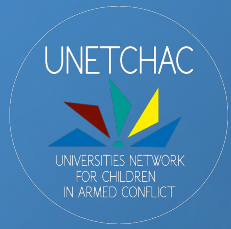


Crimes Against and Affecting Children.

The impact of armed conflicts on children

Current wars and children

- Current wars don't happen in remote battlefields, with children at a safe distance away. With a few exceptions, armed conflict no longer plays out across borders, between nations.
- In 2022, most armed conflict took place within a specific country, often raging through children's own neighbourhoods.
- The civilian casualty rate as a result of armed conflict can approach 90 per cent. Between 2004 and 2020, more than 104,000 children were verified as killed or maimed in situations of armed conflict, reports UNICEF.



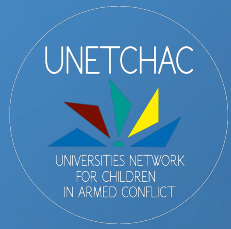
Crimes Against and Affecting Children.

The impact of armed conflicts on children

Data and countries 2020-2022

In 2020 more than [19,000 children](#) suffered recruitment and use, killing and maiming, sexual violence and abduction.

That same year, more than [26,000 girls and boys experienced grave violations](#) including attacks on schools and hospitals, says the UN. Thousands were denied access to humanitarian help.



Crimes Against and Affecting Children.

The impact of armed conflicts on children

In 2021 alone, the number of countries experiencing armed conflict was the following one.

Recruitment and Use: 6,310 children

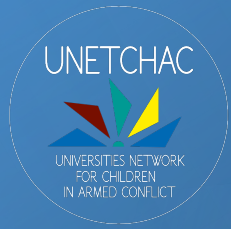
Killing and Maiming: 8,070 children

Rape and Other Forms of Sexual Violence: 1,326 children

Attacks against Schools and Hospitals: 872 incidents (475 schools, 397 hospitals)

Abductions: 3,459 children

Denial of Humanitarian Access: 13,945 incidents



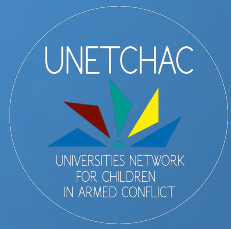
Crimes Against and Affecting Children.

The impact of armed conflicts on children

At the close of 2021.

Critical regions :

- [Syria](#) and [Yemen](#), due to long-running violent conflict and exacerbated risk from threats like famine. *In October 2021, UNICEF reported that [10,000 children had been killed or maimed in Yemen since fighting started in March 2015](#)*
- [Myanmar](#), [Afghanistan](#), [Ethiopia](#) and [Sudan](#), where fresh unrest caused serious instability in 2021.
- [Mali](#) and the [Central African Republic](#), where children and adults remained at high risk from violence of armed conflict, despite the presence of UN peacekeepers.

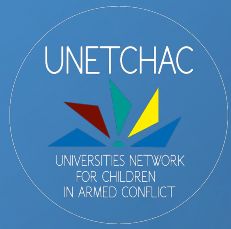


Crimes Against and Affecting Children.

The impact of armed conflicts on children

Other danger zones included:

- [Iraq](#) and [Niger](#), the scenes of deadly bomb and terror attacks.
- [Israel and Palestine](#), where escalating violence killed hundreds of people.
- [South Sudan](#), where a decade after the country declared independence from Sudan, armed conflict and other factors have left more children in humanitarian need than ever before.
- [The Democratic Republic of Congo](#), where another year of violent attacks against civilians devastated thousands of young lives.
- [Venezuela](#) and [Honduras](#), where fighting involves violent organized crime groups and children are often caught in the crossfire. Thousands have fled to [countries like Colombia](#), where they're exposed to violence from further armed conflict.



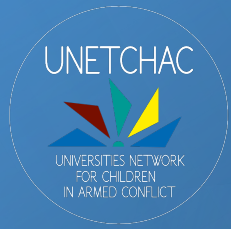
Crimes Against and Affecting Children.

The impact of armed conflicts on children

UN Report on CAAC dated June 2023

The report covers the period from January to December 2022, and it was submitted pursuant to Security Council resolution 2427 (2018).

The report includes trends regarding the impact of armed conflict on children and information on violations committed, as requested by the Council in its resolution 1612 (2005) and subsequent resolutions



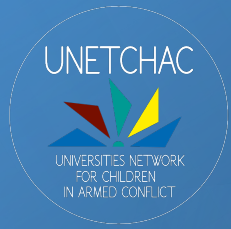
Crimes Against and Affecting Children.

The impact of armed conflicts on children

UN Report on CAAC dated June 2023

27,180 grave violations, of which 24,300 were committed in 2022 and 2,880 were committed earlier but verified only in 2022.

Violations affected 18,890 children (13,469 boys, 4,638 girls, 783 sex unknown) in 24 situations and one regional monitoring arrangement.



Crimes Against and Affecting Children.

The impact of armed conflicts on children

UN Report on CAAC dated June 2023

The highest numbers of violations were:

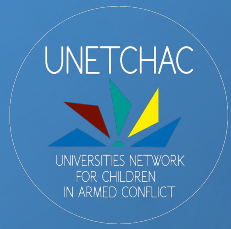
the [killing](#) (2,985) and [maiming](#) (5,655) of 8,631 children,
[recruitment](#) and [use](#) of 7,622 children
[abduction](#) of 3,985 children.

[detained](#) for actual or alleged association with armed groups (2,496), including those designated as terrorist groups by the United Nations, or for national security reasons

[Verified cases of conflict-related sexual violence](#) perpetrated against children (1,165 children) decreased by 12 per cent, but such violence continued to be vastly underreported owing to stigmatization, fear of reprisals, harmful social norms, the absence or lack of access to services, impunity and safety concerns, as also reported in my report on conflict-related sexual violence

[denial of humanitarian](#) access remained very high, with 3,931 verified incidents. The situation is expected to worsen with the adoption of restrictive laws, decrees and regulations increasing control over humanitarian work and workers, notably in Afghanistan, Myanmar and parts of Yemen

a 112 per cent increase in [attacks on schools](#) (1,163) and [hospitals](#) (647), in particular in Ukraine, Burkina Faso, Israel and the State of Palestine, Myanmar, Mali and Afghanistan



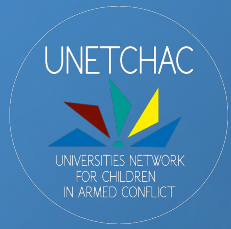
Crimes Against and Affecting Children.

The impact of armed conflicts on children

UN Report on CAAC dated June 2023

The highest numbers of grave violations were verified in the **Democratic Republic of the Congo, Israel and the State of Palestine, Somalia, the Syrian Arab Republic, Ukraine, Afghanistan and Yemen.**

The monitoring and verification of grave violations remained extremely challenging, including owing to access constraints, leading to the underreporting of such violations and an increase in violations verified in 2022



Crimes Against and Affecting Children.

The impact of armed conflicts on children

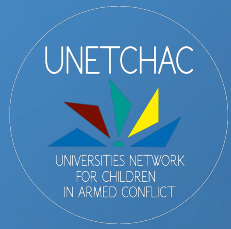
UN Report on CAAC dated June 2023

Hostilities spreading into new areas contributed to an increase in grave violations of 140 per cent in [Myanmar](#).

The splintering of armed groups and intercommunal violence affected children, contributing to a 135 per cent increase in grave violations in [South Sudan](#).

An upsurge in the activity of armed groups, including those designated by the United Nations as terrorist groups, caused severe deterioration of the situation in the [central Sahel](#), in particular in [Burkina Faso](#), leading to an 85 per cent increase in grave violations.

Grave violations also increased in [Colombia](#), [Israel](#) and the [State of Palestine](#), [Lebanon](#), [Libya](#), [Mali](#), [Nigeria](#), the [Sudan](#) and the [Syrian Arab Republic](#).



Crimes Against and Affecting Children.

The impact of armed conflicts on children

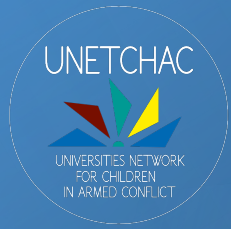
Ukraine

Since 2022, the Ukrainian war has been also having a devastating impact on the mental health and well-being of children.

Since the start of the conflict, according the UN

A total 535 children were killed and 1,047 injured. A vast majority – 87 per cent – of the casualties were caused by “explosive weapons with wide area effects”, including artillery, missile and air strikes, and “loitering munitions” also known as suicide drones.

An estimated 1.5 million children are at risk of depression, anxiety, post-traumatic stress disorder and other mental health issues, with potential long-term effects and implications.



Crimes Against and Affecting Children.

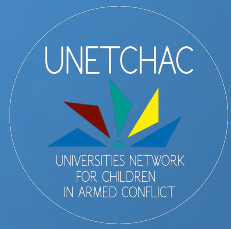
The impact of armed conflicts on children

Ukraine

In March 2022, the Commission of Inquiry on [Ukraine](#) said that cases of transfer and deportation of children which it had examined, amounted to war crimes.

That same month, the UN's rights monitoring mission released a Report documenting cases of children subjected to forced transfers, arbitrary detention, enforced disappearance, torture and ill-treatment.

On 17 March, the UN-backed International Criminal Court (ICC) issued arrest warrants for Russia's President Vladimir Putin and Commissioner for Children's Rights Maria Lvova-Belova, in connection with possible war crimes concerning the deportation and "illegal transfer" of children from occupied Ukraine.



Crimes Against and Affecting Children.

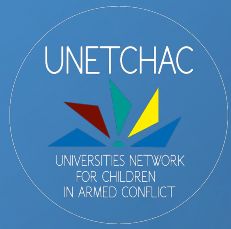
The impact of armed conflicts on children

UN CAAC Report on CAAC dated June 2023

Some good news...

Afghanistan, the Central African Republic and the Philippines saw a decrease in grave violations.

The signing of the truce in Yemen contributed to a 40 per cent decrease in violations, underlining the importance of peace in achieving security for children



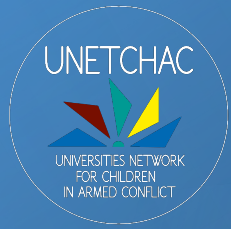
Crimes Against and Affecting Children.

The impact of armed conflicts on children

UN Report on CAAC dated June 2023

Some good news...

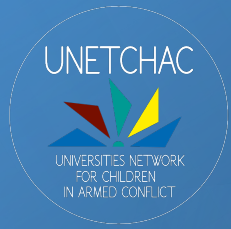
More than 12,460 children formerly associated with armed forces or groups received protection or reintegration support during 2022.



Crimes Against and Affecting Children

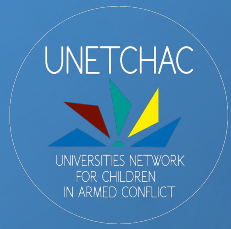


PCIC The Forgotten Ones
Save the Children



Crimes Against and Affecting Children

Which are the crimes
against Children in Armed
Conflict?

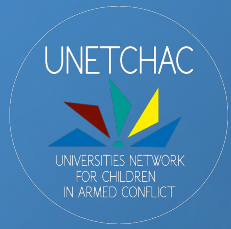


Crimes Against and Affecting Children

The overlap
between the
ICC
framework
and the Six
Grave
violations

ICC ROME
STATUTE

THE SIX GRAVE
VIOLATIONS

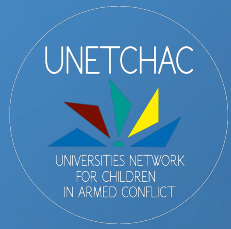


Crimes Against and Affecting Children

The overlap between the ICC framework and the Six Grave violations

Almost all crimes within the ICC's jurisdiction affect children

ICC framework: crimes in the Rome Statute that 1) refer to children, 2) other crimes directed specifically against children or those that disproportionately affect them.



Crimes Against and Affecting Children

The overlap between the ICC framework and the Six Grave violations

THE ICC Framework

Conscription, enlistment and use of children under the age of fifteen years to participate actively in hostilities

Forcible transfer of children and prevention of birth

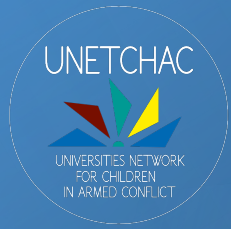
Attacks against buildings dedicated to education and health care

Torture and related crimes

Persecution

Trafficking of children as a form of Enslavement

Sexual and gender-based crimes



Crimes Against and Affecting Children

The overlap between the ICC framework and the Six Grave violations

THE ICC Framework

The Regulatory Framework

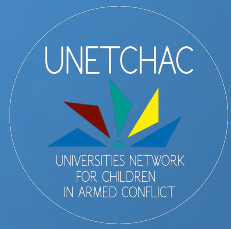
the Statute (Art.6,7,8)

the Elements of Crimes

the Rules of Procedure and Evidence

where appropriate, applicable Treaties and the Principles and Rules of international law

Very important the 2016 ICC Prosecutors' Policy Paper on Children



Crimes Against and Affecting Children

The overlap between the ICC framework and the Six Grave violations

The six grave violations against children

The UNSC Resolution 1261/1999

Killing and
maiming of
Children

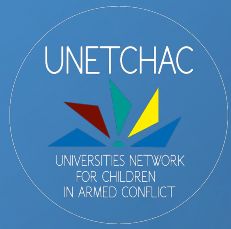
Recruitment or
use of children
as soldiers

Sexual violence

Abduction

Attacks against
schools and
hospital

Denial of
Humanitarian
access



Crimes Against and Affecting Children

The overlap between the ICC framework and the Six Grave violations

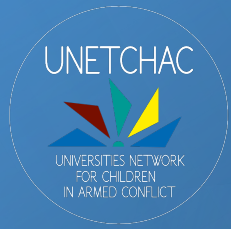
The six grave violations against children Regulatory Framework-Key legal sources

1)International Humanitarian law – “The Laws of Armed Conflict”

- The Four Geneva Conventions (1949)
- Additional Protocols to the Geneva Conventions (1977)
- Rome Statute of the International Criminal Court (1998)
- Customary international humanitarian law

2)International Human rights law

- Convention on the Rights of the Child (1989) and its Optional Protocols (2000)
- UN Declaration of Human Rights (1948)
- International Covenant on Civil and Political Rights (1966)
- International Covenant on Economic, Social and Cultural Rights (1966)
- Regional human rights instruments



Crimes Against and Affecting Children

The overlap between the ICC framework and the Six Grave violations

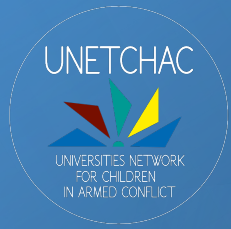
The six grave violations against children Regulatory Framework-Key legal sources

3) International jurisprudence

- Case-law of the International Criminal Tribunal for the former Yugoslavia, International Criminal Tribunal for Rwanda and the Special Court for Sierra Leone
- The Rome Statute and case-law of the International Criminal Court
- Case-law of the International Court of Justice

4) UN Security Council Resolutions on children and armed conflict

- 1261(1999), 1314(2000), 1379(2001), 1460(2003), 1539(2004), 1612(2005), 1882(2009)



Crimes Against and Affecting Children

The overlap between the ICC framework and the Six Grave violations

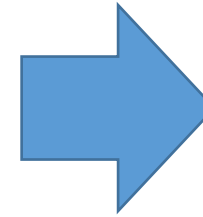
The six grave violations against children

The Six Grave Violations against children during armed conflict may constitute:

- ✓ A grave breach of the Geneva Conventions and their Additional Protocols
- ✓ A violation of customary norms of international law
- ✓ A violation of obligations contained in the Convention on the Rights of the Child and other international and regional human rights treaties
- ✓ A war crime or crime against humanity under the Rome Statute.

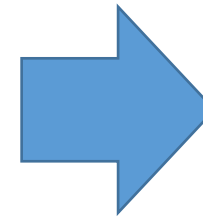
Crimes Against and Affecting Children

Conscription,
enlistment and use
of children under
the age of fifteen
years to participate
actively in
hostilities

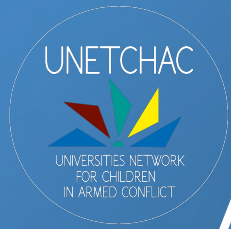


ICC Statute

Recruitment
or use of
children as
soldiers



Six grave violations



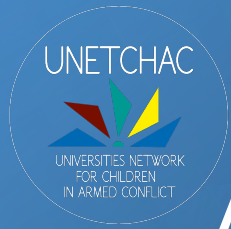
Crimes Against and Affecting Children

Conscription,
enlistment and
use of children
under the age of
fifteen years to
participate
actively in
hostilities

Conscription, enlistment and use of children under the age of fifteen years to participate actively in hostilities

The most internationally accepted definition for a child soldier is established in the [Cape Town Principles of 1997](#) by UNICEF:

“any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity.”

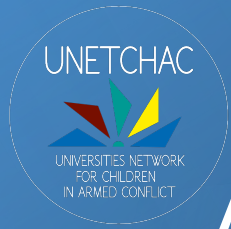


Crimes Against and Affecting Children

Conscription,
enlistment and
use of children
under the age of
fifteen years to
participate
actively in
hostilities

“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. It does not only refer to a child who is taking or has taken a direct part in hostilities.

(Paris Principles on the Involvement of Children in Armed Conflict 2007)



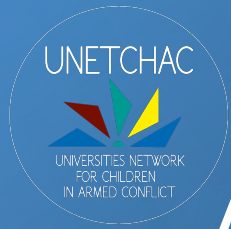
Crimes Against and Affecting Children

Conscription,
enlistment and
use of children
under the age of
fifteen years to
participate
actively in
hostilities

International legal framework

The Additional Protocols to the 1949 Geneva Conventions relating to the protection of victims of international armed conflict in 1977 (Art. 77.2).

- ✓ The First Additional Protocol (AP1), which is applicable for international armed conflicts only, allows the recruitment of children **between the ages of 15 and 18** into the state armed forces. However, it prevents them from directly taking part in hostilities. This leaves open the question of what is meant by direct participation.
- ✓ According to the Second Additional Protocol (AP2), which applies to non-international armed conflicts, **persons under the age of 15** shall not be recruited by either the state armed forces or non-state armed groups and they shall not participate in conflicts in any way.



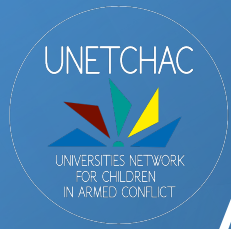
Crimes Against and Affecting Children

Conscription,
enlistment and
use of children
under the age of
fifteen years to
participate
actively in
hostilities

The convention on the Rights of the Child

Art.38

- States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
- States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
- States Parties shall refrain from recruiting any person who has not attained the age of **fifteen years** into their armed forces. In recruiting among **those persons who have attained the age of fifteen years** but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.



Crimes Against and Affecting Children

Conscription,
enlistment and
use of children
under the age of
fifteen years to
participate
actively in
hostilities

Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, 2000

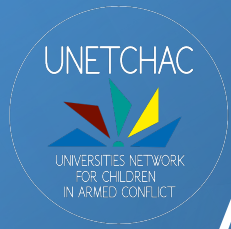
Article 1 of the OPAC imposes an obligation on the state to ensure that members of the state armed forces under the age of 18 **do not take a direct part in the hostilities**.

According to article 2, the state is responsible for ensuring that children will not **be forcibly recruited** to their armed forces.

However, article 3 permits a state to accept **voluntary recruits** without an age limit.

Non-state armed groups are prevented from recruiting and using children under the age of 18 in any situation.

The Special Court for Sierra Leone (SCSL) in the case of Issa Hassan Sesay



Crimes Against and Affecting Children

Conscription,
enlistment and
use of children
under the age of
fifteen years to
participate
actively in
hostilities

Art. 8(2)(b)(xxvi) and Art. 8(2)(e)(vii) ICC Statute

1The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.

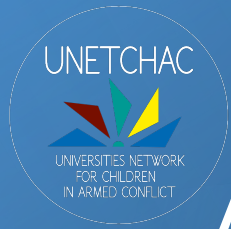
2. For the purpose of this Statute, " war crimes " means: a. Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention (.....)

b. Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:

(.....)

b(xxvi) Conscripting or enlisting children under the age of fifteen years into **the national armed forces** or using them to participate actively in hostilities.

e(vii)Conscripting or enlisting children under the age of fifteen years into **armed forces or groups** or using them to participate actively in hostilities

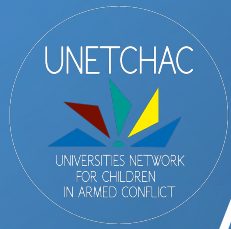


Crimes Against and Affecting Children

Conscription,
enlistment and
use of children
under the age of
fifteen years to
participate
actively in
hostilities

The Statute criminalises the act of “conscripting [...] children under the age of 15 years” in the context of both international armed conflicts and those not of an international character. Article 8 (2) (b) (xxvi) of the Statute relates to an international conflict and therefore prohibits the acts of conscripting such individuals “into the national armed forces”, while article 8 (2) (e) (vii) of the Statute, the provision under which Mr Lubanga was convicted, is applicable to armed conflicts not of an international character. In this context, the provision applies to the act of conscripting individuals under the age of fifteen years into “armed forces or groups”. Prosecutor v. Thomas Lubanga Dyilo, “Judgment on the appeal of Mr Thomas Lubanga Dyilo against his conviction”

(“Lubanga Appeals Judgment on Conviction”), ICC-01/04-01/06-3121-Red, 1 December 2014, para. 276.



Crimes Against and Affecting Children

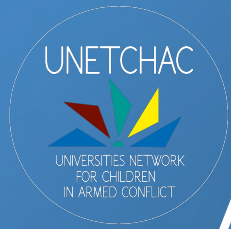
Conscription,
enlistment and
use of children
under the age of
fifteen years to
participate
actively in
hostilities

Art. 8(2)(b)(xxvi) and Art. 8(2)(e)(vii)

“Enlistment” → “to enroll on the list of a military body”

“Conscription” → “to enlist compulsorily”, for example, by means of abduction.

The element of compulsion can be established by demonstrating that the child joined the armed force or group due to, inter alia, a legal obligation, brute force, threat of force or psychological pressure amounting to coercion.



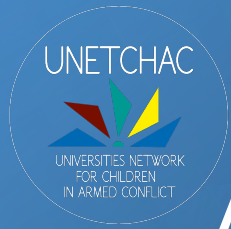
Crimes Against and Affecting Children

Conscription,
enlistment and
use of children
under the age of
fifteen years to
participate
actively in
hostilities

Art. 8(2)(b)(xxvi) and Art. 8(2)(e)(vii) ICC Statute

“The Appeals Chamber considers that the **element of compulsion necessary** for the crime of conscription can be established by demonstrating that an individual under the age of fifteen years joined the armed force or group due to, inter alia, a legal obligation, brute force, threat of force, or psychological pressure amounting to coercion”.

Lubanga Appeals Judgment on Conviction, para. 278.

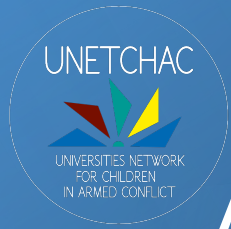


Crimes Against and Affecting Children

Conscription,
enlistment and
use of children
under the age of
fifteen years to
participate
actively in
hostilities

Art. 8(2)(b)(xxvi) and Art. 8(2)(e)(vii)

“using ... to participate actively in hostilities” → each activity must be considered on a case-by-case basis, and it is necessary to analyse the link between the activity for which the child is used and the combat in which the armed force or group of the perpetrator is engaged.



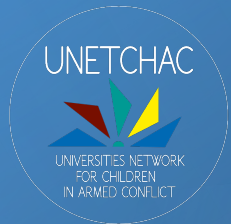
Crimes Against and Affecting Children

Conscription,
enlistment and
use of children
under the age of
fifteen years to
participate
actively in
hostilities

Art. 8(2)(b)(xxvi) and Art. 8(2)(e)(vii)

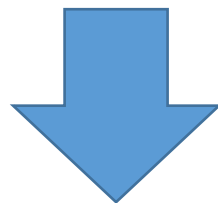
335. On the basis of the foregoing, the Appeals Chamber finds that, in order to determine whether the crime of using children to participate actively in hostilities under article 8 (2) (e) (vii) of the Statute is established, it is necessary to analyse the link between the activity for which the child is used and the combat in which the armed force or group of the perpetrator is engaged. The Appeals Chamber does not consider it appropriate to give further guidance on the parameters of the notion of “active participation in hostilities” in the abstract in view of the complex and unforeseeable scenarios presented by the rapidly changing face of warfare in the modern world. Rather, a determination as to whether a particular activity falls within this definition must be made on **a case-by-case basis**

Lubanga Appeals Judgment on Conviction, para 335

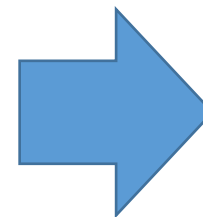


Crimes Against and Affecting Children

Forcible transfer of children and prevention of birth

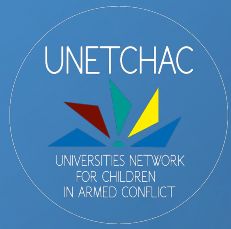


Abduction



ICC Statute

Six grave violations



Crimes Against and Affecting Children

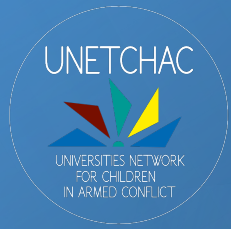
Forcible transfer of children and prevention of birth, abduction

2. Forcible transfer of children and prevention of birth

Article 6 Genocide

For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.



Crimes Against and Affecting Children

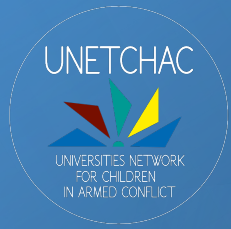
Forcible transfer of children and prevention of birth, abduction

2. Forcible transfer of children and prevention of birth

Article 6 Genocide

Elements of crimes. Art.6(d) Genocide by imposing measures intended to prevent births

(measures upon one or more persons belonged to a particular national, ethnical, racial or religious group; with the intent to destroy, in whole or in part, that national, ethnical, racial or religious group, as such)



Crimes Against and Affecting Children

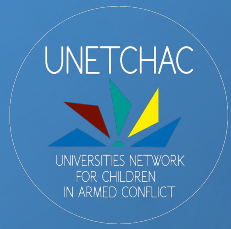
Forcible transfer of children and prevention of birth, abduction

2. Forcible transfer of children and prevention of birth

Art.6(d) Genocide by imposing measures intended to prevent births

“measures intended to prevent births within the group may be physical, but can also be mental”, and adds that “[w]ith respect to forcibly transferring children of the group to another group, the Chamber is of the opinion that, as in the case of measures intended to prevent births, the objective is not only to sanction a direct act of forcible physical transfer, but also to sanction acts of threats or trauma which would lead to the forcible transfer of children from one group to another”.

ICTR, Prosecutor v. Jean-Paul Akayesu, “Judgement”, ICTR-96-4-T, 2 September 1998, paras. 508-09



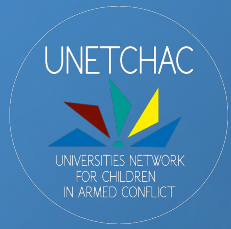
Crimes Against and Affecting Children

Forcible transfer of children and prevention of birth, abduction

2. Forcible transfer of children and prevention of birth

Elements of crimes ICC. Article 6 (e) Genocide by forcibly transferring children

(forcibly transferred one or more persons, under the age of 18 years, belonged to a particular national, ethnical, racial or religious group; intent to destroy, in whole or in part, that national, ethnical, racial or religious group, as such; the perpetrator knew, or should have known, that the person or persons were under the age of 18 years)



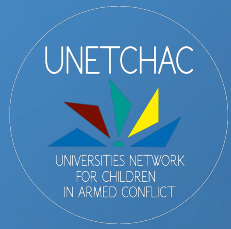
Crimes Against and Affecting Children

Forcible transfer of children and prevention of birth, abduction

2. Forcible transfer of children and prevention of birth

Elements of crimes ICC. Article 6 (e) Genocide by forcibly transferring children

The term “**forcibly**” is not restricted to physical force, but may include threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment.



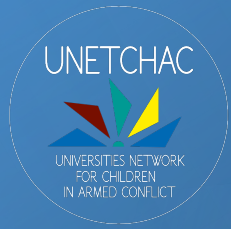
Crimes Against and Affecting Children

Forcible transfer of children and prevention of birth, abduction

Article 7 (1) Crimes against humanity

For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) **Deportation or forcible transfer of population;**
- (e) **Imprisonment** or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender (...);
- (i) **Enforced disappearance of persons;**
- (j) The crime of apartheid;
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.



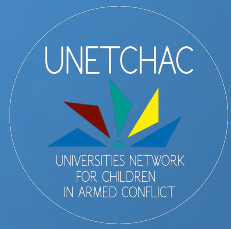
Crimes Against and Affecting Children

Forcible transfer of children and prevention of birth, abduction

Article 7 (1) Crimes against humanity of deportation or forcible transfer of population

Elements

1. The perpetrator deported or forcibly transferred, without grounds permitted under international law, one or more persons to another State or location, by expulsion or other coercive acts.
2. Such person or persons were lawfully present in the area from which they were so deported or transferred.
3. The perpetrator was aware of the factual circumstances that established the lawfulness of such presence.
4. The conduct was committed as part of a widespread or systematic attack directed against a civilian population.
5. The perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack directed against a civilian population



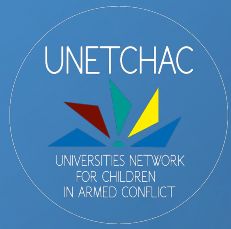
Crimes Against and Affecting Children

Forcible transfer of children and prevention of birth, abduction

Article 7 (1) (i) Crime against humanity of enforced disappearance of persons

Elements

1. The perpetrator: (a) Arrested, detained or abducted one or more persons; or (b) Refused to acknowledge the arrest, detention or abduction, or to give information on the fate or whereabouts of such person or persons.
2. (a) Such arrest, detention or abduction was followed or accompanied by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of such person or persons; or (b) Such refusal was preceded or accompanied by that deprivation of freedom.
3. The perpetrator was aware that: (a) Such arrest, detention or abduction would be followed in the ordinary course of events by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of such person or persons; or (b) Such refusal was preceded or accompanied by that deprivation of freedom.



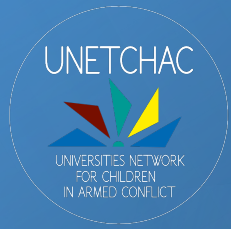
Crimes Against and Affecting Children

Forcible
transfer of
children and
prevention of
birth,
abduction

Article 7 (1) (i) Crime against humanity of enforced disappearance of persons

Elements

4. Such arrest, detention or abduction was carried out by, or with the authorization, support or acquiescence of, a State or a political organization.
5. Such refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of such person or persons was carried out by, or with the authorization or support of, such State or political organization.
6. The perpetrator intended to remove such person or persons from the protection of the law for a prolonged period of time.
7. The conduct was committed as part of a widespread or systematic attack directed against a civilian population.
8. The perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack directed against a civilian population



Crimes Against and Affecting Children

Forcible transfer of children and prevention of birth, abduction

Article 8 (2) (a) (vii)- 8 (2) (b) (viii) b

1.The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes:

2.For the purpose of this Statute, "war crimes" means:

(a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

(b) (.....)

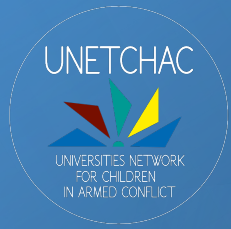
(vii) **Unlawful deportation or transfer or unlawful confinement**

(.....)

(b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:

(viii) **The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;**

(.....)



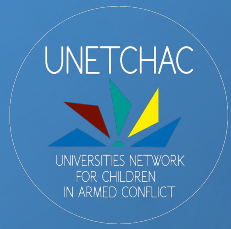
Crimes Against and Affecting Children

Forcible
transfer of
children and
prevention of
birth,
abduction

Article 8 (2) (a) (vii)-1 War crime of unlawful deportation and transfer

Elements

1. The perpetrator deported or transferred one or more persons to another State or to another location.
2. Such person or persons were protected under one or more of the Geneva Conventions of 1949.
3. 3. The perpetrator was aware of the factual circumstances that established that protected status.
4. The conduct took place in the context of and was associated with an international armed conflict.
5. 5. The perpetrator was aware of factual circumstances that established the existence of an armed conflict



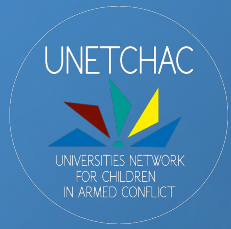
Crimes Against and Affecting Children

Forcible transfer of children and prevention of birth, abduction

Article 8 (2) (b) (viii) The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory

Elements

1. The perpetrator: (a) Transferred, directly or indirectly, parts of its own population into the territory it occupies; or (b) Deported or transferred all or parts of the population of the occupied territory within or outside this territory.
2. The conduct took place in the context of and was associated with an international armed conflict.
3. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.



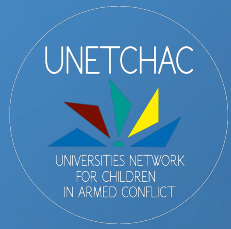
Crimes Against and Affecting Children

Forcible
transfer of
children and
prevention of
birth,
abduction

Legal cases before international justice

The ICTY, in *Kupreskic (2000)* and *Kunarac (2001)*, stated that 'enforced disappearance of persons was an inhumane act, which amounted to a crime against humanity as well.

(Prosecutor v. Kupreskic et. al, ICTY (2000);
Prosecutor v. Kunarac, Kovac and Vukovic, ICTY (2001)



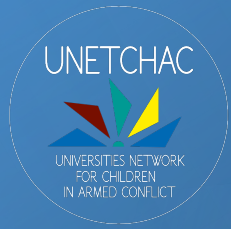
Crimes Against and Affecting Children

Forcible
transfer of
children and
prevention of
birth,
abduction

Legal cases before international justice

ICC: Ukrainian Case

17 March 2023, Pre-Trial Chamber II of the ICC issued warrants of arrest for Mr Vladimir Vladimirovich Putin and Ms Maria Alekseyevna Lvova-Belova.

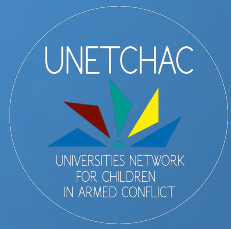


Crimes Against and Affecting Children

Forcible
transfer of
children and
prevention of
birth,
abduction

Legal cases before international justice

- Mr Vladimir Vladimirovich Putin, President of the Russian Federation, is allegedly responsible for the war crime of **unlawful deportation of population (children) and that of unlawful transfer of population (children)** from occupied areas of Ukraine to the Russian Federation (under articles **8(2)(a)(vii) and 8(2)(b)(viii)** of the Rome Statute). The crimes were allegedly committed in Ukrainian occupied territory at least from 24 February 2022.
- There are reasonable grounds to believe that Mr Putin bears individual criminal responsibility for the aforementioned crimes, (i) for having committed the acts directly, jointly with others and/or through others (**article 25(3)(a) of the Rome Statute**), and (ii) for his failure to exercise control properly over civilian and military subordinates who committed the acts, or allowed for their commission, and who were under his effective authority and control, pursuant to superior responsibility (**article 28(b) of the Rome Statute**).



Crimes Against and Affecting Children

Forcible
transfer of
children and
prevention of
birth,
abduction

Legal cases before international justice

Ms Maria Alekseyevna Lvova-Belova, Commissioner for Children's Rights in the Office of the President of the Russian Federation, is allegedly responsible for the war crime of **unlawful deportation of population** (children) and that of **unlawful transfer of population** (children) from occupied areas of Ukraine to the Russian Federation (**under articles 8(2)(a)(vii) and 8(2)(b)(viii) of the Rome Statute**).

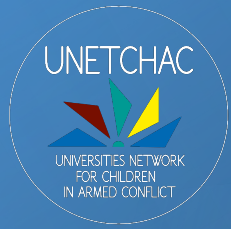
The crimes were allegedly committed in Ukrainian occupied territory at least from 24 February 2022.

There are reasonable grounds to believe that Ms Lvova-Belova bears individual criminal responsibility for the aforementioned crimes, for having committed the acts directly, jointly with others and/or through others (**article 25(3)(a) of the Rome Statute**).

Crimes Against and Affecting Children



[Children forcibly deported from Ukraine and ICC arrest warrant for Vladimir Putin: extracts from the debate | European Parliament Multimedia Centre \(europa.eu\)](#)

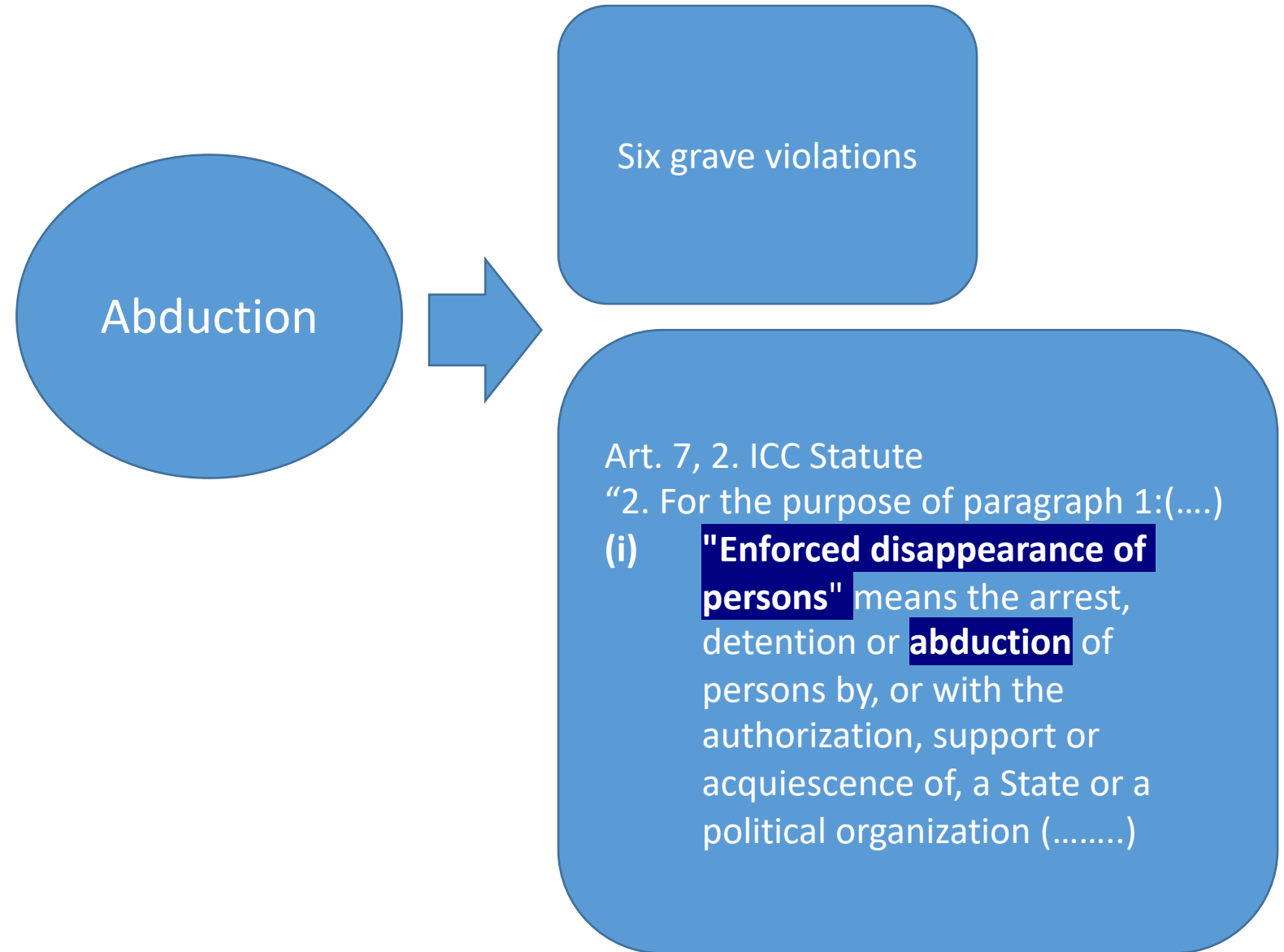


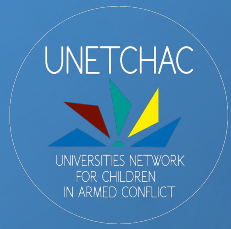
Crimes Against and Affecting Children



[Olena Krytska_Video about Ukraine.MOV - Google Drive](#)

Crimes Against and Affecting Children





Crimes Against and Affecting Children

Abduction of Children

Abduction of children

The ICC's Rome Statute

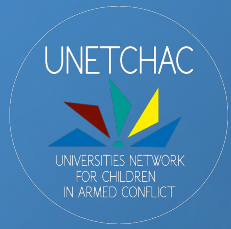
The term "Abduction" in the Rome Statutes compares in Art. 7, 2.

"2. For the purpose of paragraph 1:

(....)

- (i) "Enforced disappearance of persons" means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time

(...)

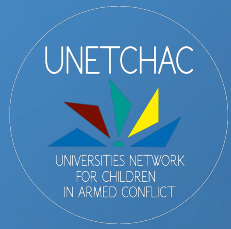


Crimes Against and Affecting Children

Abduction of Children

Abducting is the unlawful removal, seizure, capture, apprehension, taking, or enforced disappearance of a child either temporarily or permanently for the purpose of any form of exploitation of the child – this includes but is not limited to recruitment in armed forces or groups, participation in hostilities, sexual exploitation or abuse, forced labour, hostage-taking or indoctrination

In and of itself, abduction during armed conflict may amount to a serious violation of international humanitarian law and of a child's rights

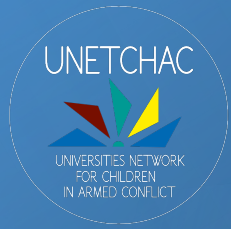


Crimes Against and Affecting Children

Abduction of Children

Enforced disappearance: Article 2 of the International Convention on the Protection of All Persons against Enforced Disappearance (2006) “for the purposes of this Convention, “enforced disappearance” is considered to be the arrest, detention, **abduction** or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”

Therefore: If the detention or the abduction is “followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law,” we could speak of enforced disappearance.



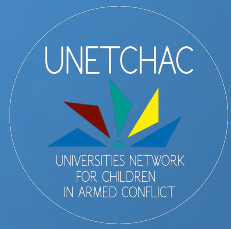
Crimes Against and Affecting Children

Abduction of Children

The Geneva Conventions' common Article 3 requirement of **humane treatment** for civilians implicitly but undeniably prohibits the abduction of children

Forced displacement, or **deportation** of a civilian population, both of which are express prohibitions in the Geneva Conventions (**Art. 49, 147 Geneva IV; art. 85(4) AP I, art. 17 AP II**) may also include instances of child-abduction.

Hostage-taking is forbidden **common Article 3** and other provisions of the Geneva Conventions (**Art. 34, 147 Geneva IV; art. 75(2) AP I; art. 4(2) AP II; Customary Rule 96 of ICRC**). It is also forbidden by the **International Convention Against Taking of Hostages**.



Crimes Against and Affecting Children

Abduction of Children

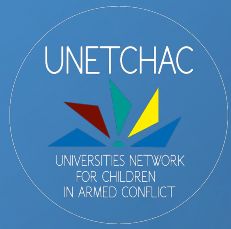
Abduction may also amount to ‘**enforced disappearance**’ and thereby proscribed by several international legal instruments, like

Art. 147, GCIV;

Art. 2, 25 International Convention for the Protection of All Persons from Enforced Disappearance (2006);

Art. 1 UN Declaration on Enforced Disappearance (1992);

Art. 1 Inter-American Convention on the Forced Disappearance of Persons (1994).



Crimes Against and Affecting Children

Abduction of Children

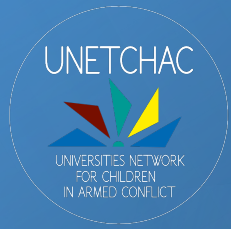
The **arbitrary deprivation of liberty** is prohibited under

customary international law (**Customary Rule 99**) – with universal application to all parties to the conflict, States or non-State armed groups alike

Art. 9 of the International Covenant on Civil and Political Rights ‘Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.’

Universal Declaration of Human Rights: Art. 3

“Everyone has the right to life, liberty and security of person”. **Art. 9** “No one shall be subjected to arbitrary arrest, detention or exile”.



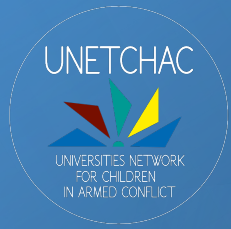
Crimes Against and Affecting Children

Abduction of Children

Article 35, Convention on the Rights of the Child

“State parties shall take all appropriate national, bilateral and multilateral measures to prevent the **abduction of**, the sale of or traffic in children for any purpose or in any form.”

Article 37(b): No child shall be deprived of **his or her liberty unlawfully or arbitrarily**. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time



Crimes Against and Affecting Children

Abduction of Children

Unlawful or arbitrary detention of children, which is prohibited under international humanitarian and human rights law, **may amount to abduction**.

Parties to a conflict may detain a child for valid security or military purposes. But in doing so, such detention must accord with the minimum standards outlined in the Geneva Conventions:

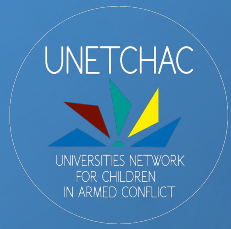
Children, and all detainees, **must be treated humanely** – including an absolute ban on torture, cruel, inhuman or degrading treatment (Common article 3, Geneva Conventions)

Children by virtue of their age, are afforded **special protections** (Art. 76 Geneva IV) to be provided to all children, even child-soldiers caught on the battlefield.

Whenever practicable, children **should be detained separately** from adults unless their parents are also detained in which case the family should be kept together (Art. 82 Geneva IV)

Children **should also be provided additional food** in line with their physiological needs (Art. 89 Geneva IV).

A child's **education should be allowed** to continue even in detention and playgrounds for their recreational needs should be provided (Art. 94 Geneva IV; art. 4 AP II).

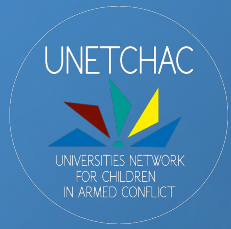


Crimes Against and Affecting Children

Abduction of Children

Es. Detention of children associated with parties to conflict, notably UN designated terrorist groups

- Children must be primarily considered as **victims & not as perpetrators**;
- The CRC requires States “to take all appropriate measures to promote **physical and psychological recovery and social integration of a child**” who is victim of “any form of neglect, exploitation or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts”.
- **Children should not be detained solely for their association or perceived association.** If they are prosecuted for a crime committed during their association, they must be processed through juvenile justice systems;
- **Detention** must remain a **measure of last resort** and for the shortest time possible & alternatives to detention should be encouraged;
- The experience of being held in detention has a detrimental and long-lasting impact on the health and wellbeing of children, impairing their cognitive and emotional development and fostering feelings of demoralization, hopelessness, and injustice.



Crimes Against and Affecting Children

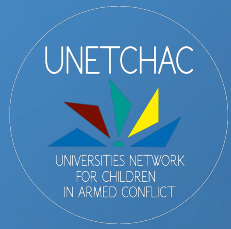
Abduction of Children

The illicit transportation of children by government and rebel groups across borders during armed conflict for exploitation constitutes one of the worst forms of **child trafficking**.

The Convention Against Transnational Organised Crime's Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Art. 8, 2003) expressly forbids all forms of human trafficking including forced recruitment, prostitution and sexual slavery .

In addition, the Protocol also recommends States repatriate and rehabilitate children who have been victims of cross-border trafficking.

Abduction for the purpose of exploitation is child trafficking that is prohibited under art. 3 of the CRC's Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution

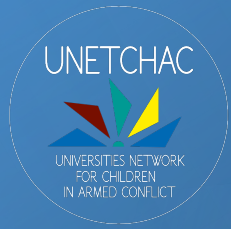


Crimes Against and Affecting Children

A legal
terminology
clarification

‘**Detained person**’ means any person deprived of personal liberty except as a result of conviction for an offense (The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (UN General Assembly Resolution A/RES/43/173, 1988)).

Detention is not illegal per se, and must conform to both nationally and internationally binding legal instruments. **In the case of children**, detention should always be a measure of last resort and for the shortest appropriate period of time as per **Article 37 b) of the CRC. 1**



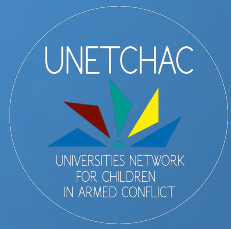
Crimes Against and Affecting Children

A legal
terminology
clarification

Deprivation of liberty – “any form of detention or imprisonment or the placement of a person in a public or private custodial setting, from which this person is not permitted to leave at will, by order of any judicial, administrative or other public authority.” (The UN Rules for the Protection of Juveniles deprived of their Liberty, Article 11, 1990)

"deprivation of personal liberty **shall not be imposed unless the juvenile is adjudicated of a serious act** involving violence against another person or of persistence in committing other serious offences and unless there is no other appropriate response" (Rule 17(c), UN Rules on the Administration of Juvenile Justice).

It is suggest using the term “detention” when referring to the holding of a child by a state authority as part of its legitimate law enforcement functions.

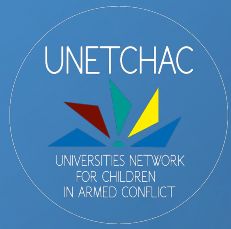


Crimes Against and Affecting Children

A legal
terminology
clarification

Illegal detention: Normally, determining whether detention is ‘legal’ or ‘illegal’ requires an analysis of conduct in the light of national law in force in that given country (e.g., legal basis for detention, guarantees of fair trial, etc.).

In addition, it is worth remembering that acts that are legal under national law may be human rights violations or even international crimes under international law.



Crimes Against and Affecting Children

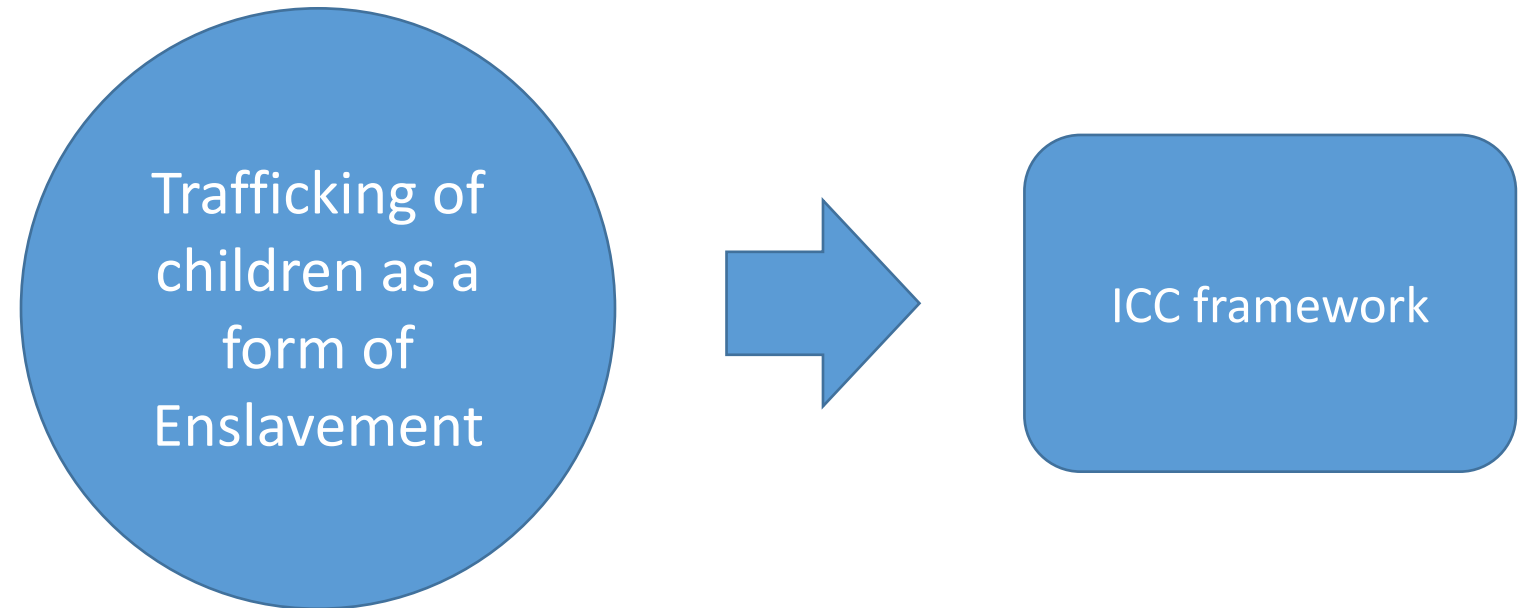
A legal terminology clarification

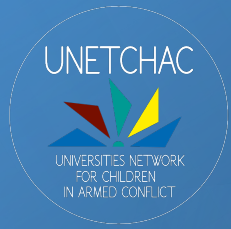
Arbitrary detention The Human Rights Committee has found that: “[a]rbitrariness’ is not to be equated with ‘against the law’, but must be interpreted more broadly to include elements of inappropriateness, injustice and lack of predictability.” (A v Australia, HRC Case No. 560/1993)

The Human Rights Committee provides that any measure of administrative detention must be based on objective grounds and necessity and proportionality criteria, and shall be a reasonable measure. If the criteria which make the administrative detention necessary and reasonable cease to exist, the detention becomes arbitrary and therefore unlawful in international law.

Therefore, the term ‘arbitrary’ can be understood as that reserved for acts that superficially appear authorized by law, but are illegitimate in the circumstances because they are disproportionate, violate the ‘last resort’ principle, are done in bad faith, based on insufficient evidence

Crimes Against and Affecting Children





Crimes Against and Affecting Children

Trafficking of children as a form of enslavement

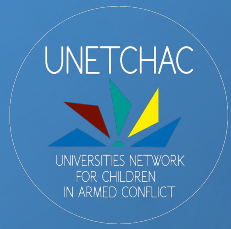
Art. 7 Crimes against humanity

1. For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(.....)

c. Enslavement

(.....)



Crimes Against and Affecting Children

Trafficking of children as a form of enslavement

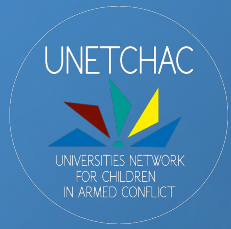
Art. 7 Crimes against humanity

Article 7(2)(c)

Enslavement is “the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children”.

Elements of crimes state, in footnote 11 to this provision, refer to children

“It is also understood that the conduct described in this element includes **trafficking in persons, in particular women and children.**”

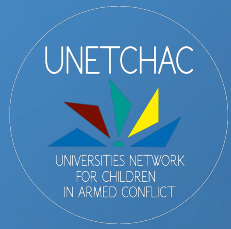


Crimes Against and Affecting Children

Trafficking of children as a form of enslavement

Elements of crimes

“It is understood that such deprivation of liberty may, in some circumstances, include exacting forced labour or otherwise reducing a person to a servile status as defined in the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956.”

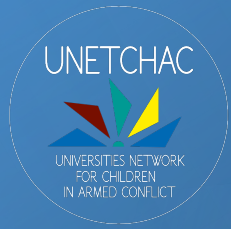


Crimes Against and Affecting Children

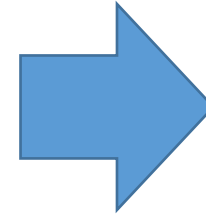
Trafficking of children as a form of enslavement

1956 Anti-Slavery Convention

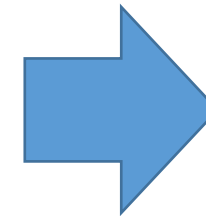
Article 1(d) calls for the abolition, inter alia, of “[a]ny institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour.”



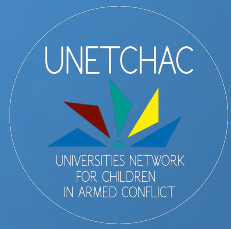
Crimes Against and Affecting Children



ICC framework



Six grave violations

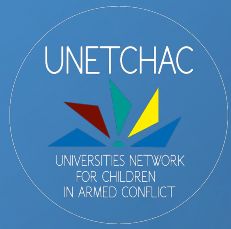


Crimes Against and Affecting Children

Attacks against schools and hospitals

Deliberately **targeting schools or hospitals** in the absence of military necessity is prohibited under the general legal principle that civilian objects must be distinguished from legitimate military objectives and protected against the consequences of military operations.

Hospitals and medical personnel – the providers of primary medical care and assistance to a population – are explicitly afforded special protections under international law dating back to the very beginnings of international humanitarian law with the 1864 Geneva Convention and the Hague Conventions of 1899 and 1907 (Art. 1 – 3 Geneva Convention for the amelioration of the condition of the wounded in armies in the field (1964); art. 15 and 27, Hague Convention 1907).

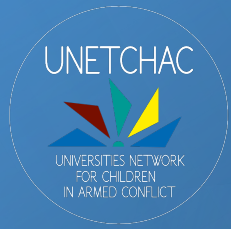


Crimes Against and Affecting Children

Attacks against schools and hospitals

According to international customary and treaty law a party to a conflict must guard against targeting or attacking schools and hospitals amidst the opposition group/country's civilian population, as well as safeguard from attack, the schools and hospitals found within its own civilian population or that fall under their control ([Customary Rules 7, 10 – 22 ICRC, art. 50 Geneva IV \(for occupying powers\)](#))

The sole exception to the blanket protection afforded to schools and hospitals is 'unless and for such time as they are military targets' – i.e. being used for military purposes ([art. 52 AP I](#))



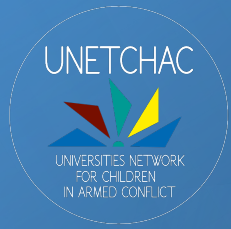
Crimes Against and Affecting Children

Attacks against schools and hospitals

The International Court of Justice has also declared the protection of civilians and civilian objects of paramount importance under humanitarian law.

“The cardinal principles... constituting the fabric of humanitarian law are the following. The first is aimed at the protection of the civilian population and civilian objects...”

(Nuclear Weapons Case, International Court of Justice (1996)).



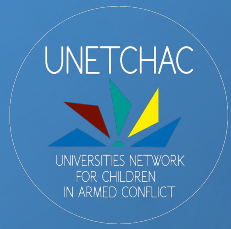
Crimes Against and Affecting Children

Attacks against schools and hospitals

The 4th Geneva Convention prohibits the targeting of civilian objects, emphasizing the importance of schools and hospitals to the civilian population especially children (**Art. 11, 18 Geneva IV, art. 48 AP I; art. 13(1) AP II**)

Article 48, Additional Protocol I, Geneva Conventions

“...the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.”

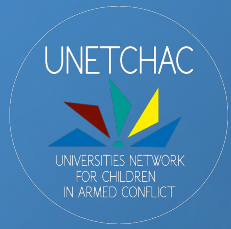


Crimes Against and Affecting Children

Attacks against schools and hospitals

Art. 15, 52 AP I; art. 9 -11, 18 AP II.

If in the “fog of war” there is a doubt whether a school or hospital is a military or civilian object, the working presumption that must be made is that a building normally dedicated to civilian purposes is presumed to remain a civilian object.

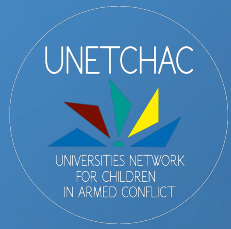


Crimes Against and Affecting Children

Attacks against schools and hospitals

Art. 3 Amended Protocol II and art. 2 Protocol III of the Convention on Certain Conventional Weapons

ban the use of mines and incendiary weapons, respectively, against schools or hospitals or similarly designated civilian objects.



Crimes Against and Affecting Children

Attacks against schools and hospitals

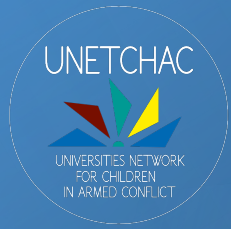
The Convention on the Rights of the Child.

Art. 24,1.

States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

Art. 28,1.

States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall



Crimes Against and Affecting Children

Attacks against schools and hospitals

The Universal Declaration of Human Rights (1948)

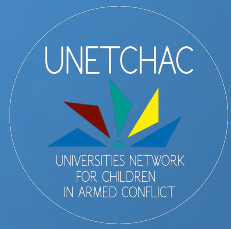
Art.26, 1. Everyone has the right to education.

The International Covenant on Economic, Social and Cultural Rights (1966)

Art. 12, 1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (...).

Art. 13, 1. 1. The States Parties to the present Covenant recognize the right of everyone to education.

The targeting and destruction of schools or hospitals may constitute an obstacle to fulfilling such rights.



Crimes Against and Affecting Children

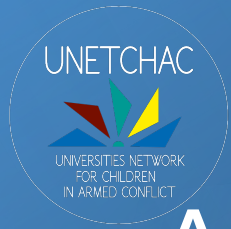
Attacks against schools and hospitals

The Safe School Declaration

In 2015, the governments of Norway and Argentina led a process among United Nations (UN) Member States to develop the [Safe School Declaration](#), an inter-governmental political agreement dedicated to protecting education in armed conflict.

The Safe Schools Declaration outlines a set of commitments to strengthen the protection of education from attack and restrict use of schools and universities for military purposes. It seeks to ensure the continuity of safe education during armed conflict.

The Declaration was opened for countries to endorse at the First International Conference on SSD in Oslo, Norway, in May 2015. To date, 118 States around the world have joined this international political agreement.



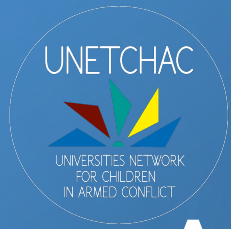
Crimes Against and Affecting Children

Attacks against buildings dedicated to education and health

Article 8(2)(b)(ix) and Article 8(2)(e)(iv) ICC Statute

Among the war crimes that may have a disproportionate effect on children are **attacks on buildings dedicated to education and health care**, as enumerated in article 8(2)(b)(ix) and article 8(2)(e)(iv) of the Statute, when committed in the context of an armed conflict.

Such attacks contribute to the multi-layered effect on the lives of children, and deprive them of the basic right to life, survival and development.

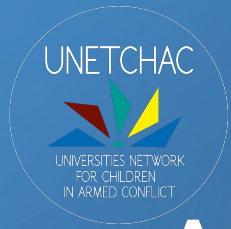


Crimes Against and Affecting Children

Attacks against buildings dedicated to education and health

Article 8 (2) (b) (ix) War crime of attacking protected objects Elements

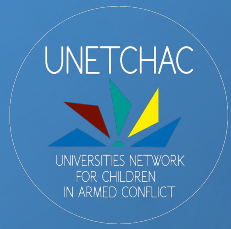
1. The perpetrator directed an attack.
2. The object of the attack was one or more buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals or places where the sick and wounded are collected, which were not military objectives.
3. The perpetrator intended such building or buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals or places where the sick and wounded are collected, which were not military objectives, to be the object of the attack.
4. The conduct took place in the context of and was associated with an international armed conflict.
5. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.



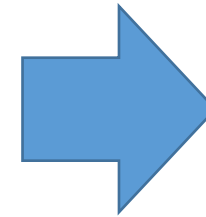
Crimes Against and Affecting Children

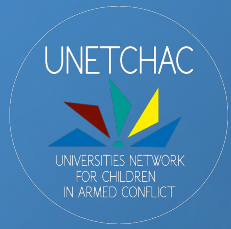
Attacks against buildings dedicated to education and health

- The ICTY Kupreskic (2000), Blaskic (2001) and Kordic & Cerkez (2001) cases.
- In Kupreskic, the court stated: ‘The deliberate **attacks on civilians or civilian objects** are absolutely prohibited by international humanitarian law.’
- In Blaskic case: The ICTY Trial Chamber found the accused guilty of ‘**unlawful attacks on civilian objects.**’



Crimes Against and Affecting Children





Crimes Against and Affecting Children

Torture and related crimes

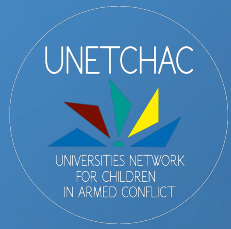
Torture is:

A crime against humanity under **Article 7(1)(f)**

A war crime under the article:

8(2)(a)(ii) *Torture or inhuman treatment, including biological experiments;*

and 8(2)(c)(i) *Violence to life and person, in particular, murder of all kinds, mutilation, cruel treatment and torture*

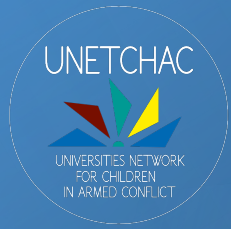


Crimes Against and Affecting Children

Torture and related crimes

Article 7(2)(e):

“Torture means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions.”

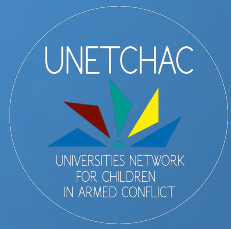


Crimes Against and Affecting Children

Torture and related crimes

Elements Article 7 (1) (f)

1. The perpetrator inflicted severe physical or mental pain or suffering upon one or more persons.
2. Such person or persons were in the custody or under the control of the perpetrator.
3. Such pain or suffering did not arise only from, and was not inherent in or incidental to, lawful sanctions.
4. The conduct was committed as part of a widespread or systematic attack directed against a civilian population.
5. The perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack directed against a civilian population.



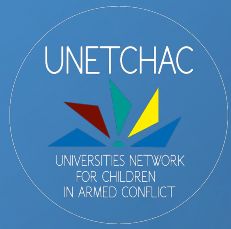
Crimes Against and Affecting Children

Torture and related crimes

The Elements of the war crime of torture under article 8(2)(a)(ii) and 8(2)(c)(i) additionally requires:

the pain or suffering to have been inflicted “for such purposes as: obtaining information or a confession, punishment, intimidation or coercion or for any reason based on discrimination of any kind”.

Elements of the war crime of torture under art.8(2)(c)(i) also provides that “The conduct took place in the context of and was associated with an armed conflict not of an international character”.



Crimes Against and Affecting Children

Torture and related crimes

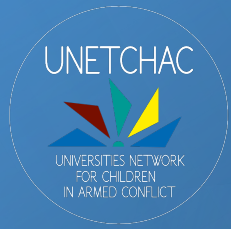
Related crimes:

- ✓ **inhumane acts** as a crime against humanity **causing great suffering** (article 7(1)(k))

Elements 1. The perpetrator inflicted great suffering, or serious injury to body or to mental or physical health, by means of an inhumane act. 2. Such act was of a character similar to any other act referred to in article 7, paragraph 1, of the Statute (nature and gravity of the act). 3. The perpetrator was aware of the factual circumstances that established the character of the act. 4. The conduct was committed as part of a widespread or systematic attack directed against a civilian population. 5. The perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack directed against a civilian population

- ✓ **inhuman treatment** (article 8(2)(a)(ii))

Elements 1. The perpetrator inflicted severe physical or mental pain or suffering upon one or more persons. 2. Such person or persons were protected under one or more of the Geneva Conventions of 1949. 3. The perpetrator was aware of the factual circumstances that established that protected status. 4. The conduct took place in the context of and was associated with an international armed conflict. 5. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.



Crimes Against and Affecting Children

Torture and related crimes

Related crimes:

✓ **cruel treatment** (Article 8(2)(c)(i))

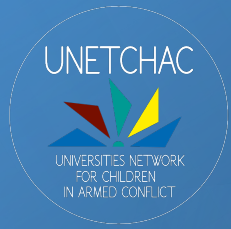
Elements

1. The perpetrator inflicted severe physical or mental pain or suffering upon one or more persons. 2. Such person or persons were either hors de combat, or were civilians, medical personnel, or religious personnel taking no active part in the hostilities. 3. The perpetrator was aware of the factual circumstances that established this status. 4. The conduct took place in the context of and was associated with an armed conflict not of an international character. 5. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

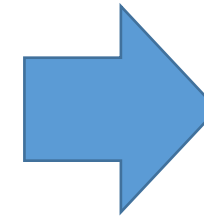
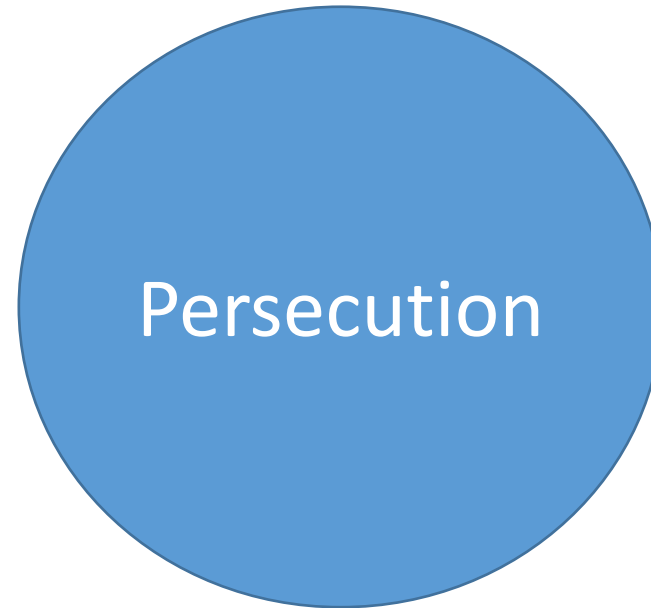
wilfully causing great suffering (article 8(2)(a)(iii))

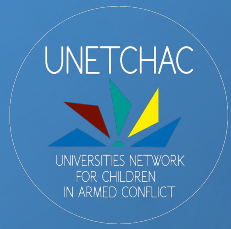
Elements Article

1. The perpetrator caused great physical or mental pain or suffering to, or serious injury to body or health of, one or more persons. 2. Such person or persons were protected under one or more of the Geneva Conventions of 1949. 3. The perpetrator was aware of the factual circumstances that established that protected status. 4. The conduct took place in the context of and was associated with an international armed conflict. 5. The perpetrator was aware of factual circumstances that established the existence of an armed conflict



Crimes Against and Affecting Children





Crimes Against and Affecting Children

Persecution

Article 7(1)(h) of the Statute

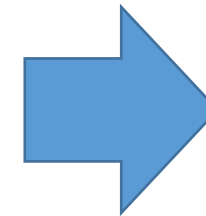
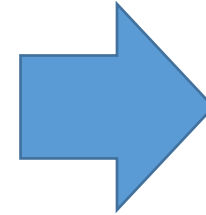
The Statute criminalises

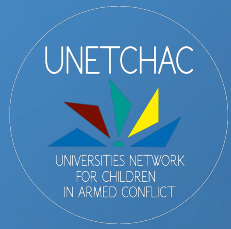
“**Persecution** against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, **or other grounds** that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court”

The Office of the ICC Prosecutors considers that, in light of article 21(3), acts targeting children on the basis of age or birth may be charged as persecution on “other grounds”.

It recognises that children may also be persecuted on intersecting grounds, such as ethnicity, religion and gender.

Crimes Against and Affecting Children



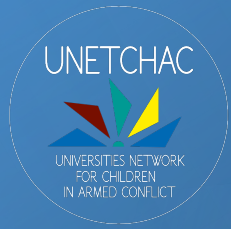


Crimes Against and Affecting Children

Sexual and gender-based crimes

Rape/attempted rape: is an act of non-consensual sexual intercourse. This can include the invasion of any part of the body with a sexual organ and/or the invasion of the genital or anal opening with any object or body part. Any penetration is considered rape. Efforts to rape someone, which do not result in penetration, are considered attempted rape.

Sexual violence: is any sexual act, attempt to obtain a sexual act, or acts to traffic a child's sexuality. Sexual violence takes many forms, including rape, sexual slavery and/or trafficking, forced pregnancy, sexual harassment, sexual exploitation and/or abuse, and forced abortion..



Crimes Against and Affecting Children

Sexual and gender-based crimes

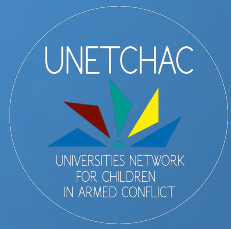
The Geneva Conventions and their Additional Protocols

Common Art. 3 The obligation of humane treatment implicitly prohibits rape or any other sexual violence - be it against women or children.

Article 27 of the 4th Geneva Convention explicitly prohibits such actions stating: 'Women [including girls] shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.'

Article 77(1), Additional Protocol I to the Geneva Convention

'Children shall be the object of special respect and shall be protected against any form of indecent assault.'

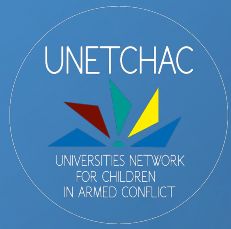


Crimes Against and Affecting Children

Sexual and gender-based crimes

Sexual violence is prohibited under **human rights law** primarily through the prohibition of torture and cruel, inhuman or degrading treatment or punishment.

- ✓ Convention against Torture (1984),
- ✓ Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)
- ✓ Vienna Declaration of the World Conference on Human Rights (1993).
- ✓ The ICCPR and the Convention for the Elimination of all Forms of Discrimination Against Women (1979) (“CEDAW”).

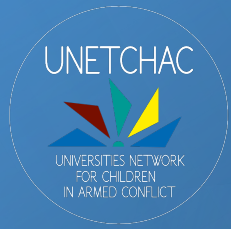


Crimes Against and Affecting Children

Sexual and gender-based crimes

Article 34 of the Convention on the Rights of the Child

- States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:
 - (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
 - (b) The exploitative use of children in prostitution or other unlawful sexual practices;
 - (c) The exploitative use of children in pornographic performances and materials.

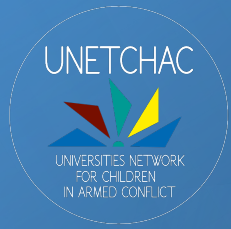


Crimes Against and Affecting Children

Sexual and gender-based crimes

The Council of Europe [Convention on Protection of Children against Sexual Exploitation and Sexual Abuse](#), adopted in 2007 and also known as “the Lanzarote Convention”, requires criminalisation of all kinds of sexual offences against children.

It sets out that states in Europe and beyond shall adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute perpetrators.

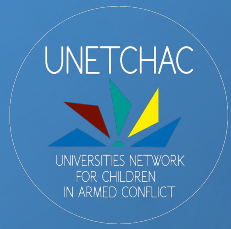


Crimes Against and Affecting Children

Sexual and gender-based crimes

The Statute of the ICTY – Article 5 (g) lists rape as a crime against humanity

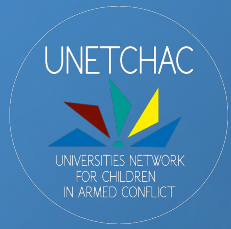
The Statute of the ICTR – Article 3 (g) lists rape as a crime against humanity, and Article 4 lists rape, enforced prostitution and indecent assault of any kind as a serious violation of Article 3 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, and of Additional Protocol II thereto of 8 June 1977



Crimes Against and Affecting Children

Sexual and gender-based crimes

The Statute of the SCSL – Article 2 (g) lists rape, sexual slavery, enforced prostitution, forced pregnancy and any other form of sexual violence as a crime against humanity, and Article 3(e) lists outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault as serious violations of article 3 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, and of Additional Protocol II thereto of 8 June 1977;



Crimes Against and Affecting Children

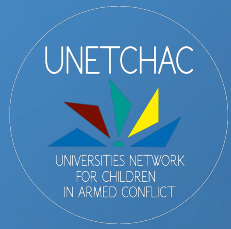
Sexual and gender-based crimes

ICTR – “Acts of sexual violence can be prosecuted as constituent elements of a **genocidal campaign.**”
Akayesu case, International Criminal Tribunal for Rwanda (*Prosecutor v. Akayesu, ICTR (1998)*, *Prosecutor v. Musema, ICTR (2000)*)

ICTY –Prosecutor v. Furundžija , ICTY (1998): The ICTY Trial Chamber noted that prohibition of rape and serious sexual assault in armed conflict under customary international law has gradually crystallized. The Tribunal found the accused guilty of a **violation of the laws and customs of war**

ICTY-Prosecutor v. Kunarac, Kovac and Vukovic (2000): The ICTY Trial Chamber found the accused guilty of “**crimes against humanity (rape)**” and “**violations of the law of customs of war (rape).**”

SCSL- “**forced marriage**” is also an offence under **international criminal law.**(Prosecutor vs. Alec Tamba Brima, Braazy Camara and Borbor Kanu,20 June 2007)



Crimes Against and Affecting Children

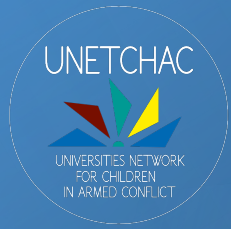
Sexual and gender-based crimes

Articles 7(1)(g) as well as 8(2)(b)(xxii) and 8(2)(e)(vi) ICC Statute

Article 7 (1)(g) lists rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity as a crime against humanity;

Article 8(2)(b)(xxii) lists rape, sexual slavery, enforced prostitution, forced pregnancy... enforced sterilization or any other form of sexual violence as serious violations of the laws and customs applicable in international armed conflict;

Article 8(e)(vi) lists rape, sexual slavery, enforced prostitution, forced pregnancy... enforced sterilization or any other form of sexual violence as a serious violation of article 3 common to the four Geneva Conventions armed conflict not of an international character.

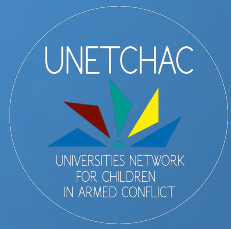


Crimes Against and Affecting Children

Sexual and gender-based crimes

The Office of ICC Prosecutor also considers that another type of sexual and gender-based crime that may prosecute is **forced marriage** as an “other inhumane act”, a crime against humanity under article 7(1)(k).

Prosecutor v. Dominic Ongwen, “Decision on the confirmation of charges against Dominic Ongwen”, ICC-02/04-01/15-422-Red, 23 March 2016, paras. 87-95. The International Criminal Court found Ongwen, amongst others, guilty of forced marriage, torture, rape, sexual slavery, enslavement, forced pregnancy and outrages upon personal dignity. He has been sentenced to 25 years imprisonment.



Crimes Against and Affecting Children

Sexual and gender-based crimes

ICC: Bemba Case

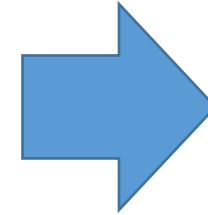
The first conviction before the ICC for crimes of sexual violence as well as the first conviction of an individual charged with command responsibility, under Article 28 of the Rome Statute. It is also the first case in which testimony from male victims of sexual violence was heard in support of the charge of rape

On 21 March 2016 the ICC unanimously convicted Jean-Pierre Bemba Gombo (Bemba) as a military commander for two counts of crimes against humanity including murder and rape and three counts of war crimes including murder, rape and pillaging.

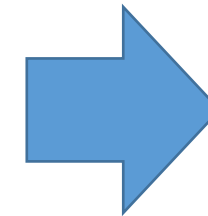
Bemba was convicted in his capacity as President and Commander-in-Chief of the Mouvement de libération du Congo (MLC).

The crimes were committed by the MLC between 25 October 2002 and 15 March 2003 on the territory of the Central African Republic (CAR).

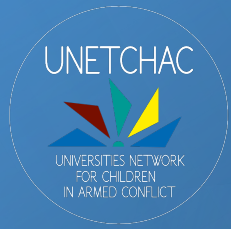
Crimes Against and Affecting Children



ICC framework



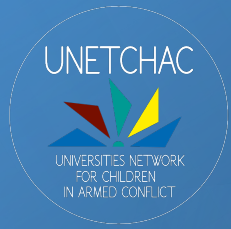
Six grave violations



Crimes Against and Affecting Children

Killing and maiming of children

With Security Council Resolution 1882 (2009), the Council defined patterns of **killing and maiming of children** in contravention of international law as a trigger for inclusion in the Report of the Secretary-General on Children and Armed Conflict



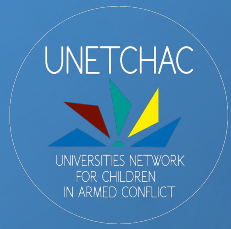
Crimes Against and Affecting Children

Killing and maiming of children

ICC Statute

- Art. 6 Genocide by killing
- Art. 7(1)(a) Crime against humanity of murder
- Art. 8(2)(a)(i) War crime of willful killing
- Article 8 (2) (b) (vi) War crime of killing or wounding a person hors de combat
- Article 8 (2) (b) (xi) War crime of treacherously killing or wounding

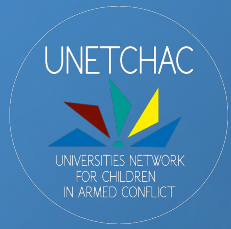
All these provisions are not specifically focused on children.



Crimes Against and Affecting Children

Killing and maiming of children

The right of civilians not to be arbitrarily deprived of life and the prohibitions against killing or maiming civilians are principles firmly enshrined in **international humanitarian law, international human rights law and international jurisprudence**

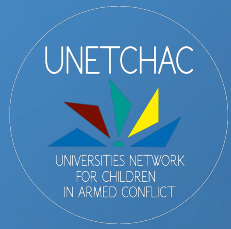


Crimes Against and Affecting Children

Killing and maiming of children

The core fundamental principles of IHL are:

- The distinction between civilians and combatants.
- The prohibition to attack those *hors de combat* (i.e. those not directly engaged in hostilities).
- The prohibition to inflict unnecessary suffering.
- The principle of necessity.
- The principle of proportionality.



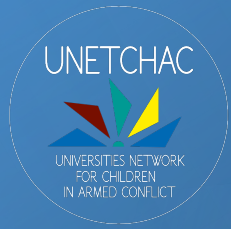
Crimes Against and Affecting Children

Killing and maiming of children

- **Common Article 3 of Geneva Conventions**

It offers an international minimum protection to persons taking no active part in hostilities, including members of armed forces in certain situations specifically stated in the article.

Humane and non-discriminatory treatment are two important protections offered under this provision.



Crimes Against and Affecting Children

Killing and maiming of children

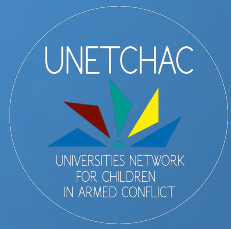
Convention on the Rights of the Child

Article 6

- 1. States Parties recognize that every child has the intrinsic right to life.*
- 2. States Parties shall guarantee to the maximum extent possible the survival and development of the child.*

Article 27

- 1. States Parties recognize the right of every child to a standard of living adequate for his or her physical, mental, spiritual, moral, and social development.*
- 2. Parents or other persons responsible for the child have the primary responsibility to provide, within their possibilities and financial means, the living conditions necessary for the child's development.*



Crimes Against and Affecting Children

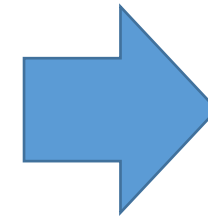
Killing and maiming of children

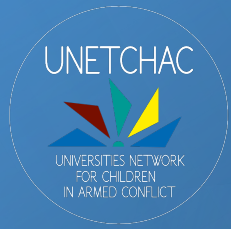
Covenant on Civil and Political Rights 1966.

Article 6,1.

Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

Crimes Against and Affecting Children





Crimes Against and Affecting Children

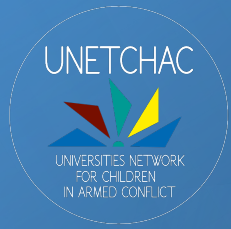
Denial of humanitarian access to children

It is a principle of customary international law that parties to a conflict must allow and facilitate aid to any civilian population in need, subject to their right of control
(Customary Rule 55 in ICRC)

This principle is reflected by the 4th Geneva Convention and its Additional Protocols.

Article 23 “Parties must also permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under 15, expectant mothers and maternity cases. And when distributing humanitarian relief priority must be given to such persons as children, expectant mothers and maternity cases.” Provision of such relief must be impartial in character and conducted without any adverse distinction, for example based on race, age or ethnicity

(See also 142 Geneva IV; art. 54, 70, 77 AP I, art. 14, 18 AP II)

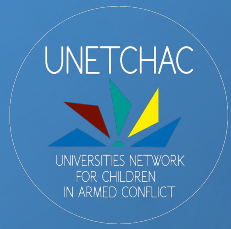


Crimes Against and Affecting Children

Denial of
humanitarian
access to
children

International Covenant on Economic, Social and Cultural Rights

Art. 11. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions

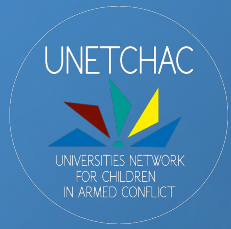


Crimes Against and Affecting Children

Denial of humanitarian access to children

Denial of access or attack has been repeatedly condemned by the UN Security Council, General Assembly and Human Rights Council ([UNSC Res 824](#), [UNGA Res 55/2](#), [UN Commission on Human Rights Res 1995/77](#)).

In relief operations, children are entitled to special attention and must be provided the care and aid they require.



Crimes Against and Affecting Children

Denial of humanitarian access to children

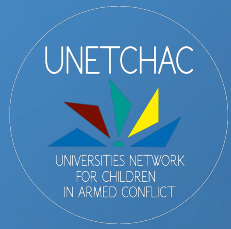
Principle 8, UN Declaration on the Rights of the Child (1959)

‘The child shall in all circumstances be among the first to receive protection and relief’

Article 22, CRC (1989)

States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

(see also Art. 6, 24 and 27 CRC)

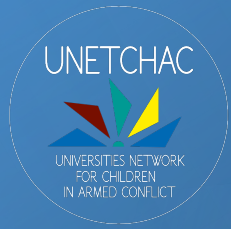


Crimes Against and Affecting Children

Denial of humanitarian access to children

The **1994 Convention on the Safety of United Nations and Associated Personnel** was enacted to reinforce the sanctity of the relief personnel.

The **Guiding Principles on Internal Displacement (AG 2005)** include the tenet that ‘the primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities... All authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced.’ (Principle 25)



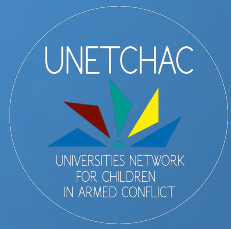
Crimes Against and Affecting Children

Denial of humanitarian access to children

The Security Council has repeatedly condemned attacks against UN humanitarian relief workers as ‘clear violations of international humanitarian law’ - and similarly, adopted resolutions after specific instances of aidworkers being targeted and/or hurt in armed conflicts, including in Afghanistan, Haiti and the former Yugoslavia.

With Res. 897 (1994): The UNSC condemned “violence and armed attacks against persons engaged in humanitarian... efforts” in Somalia.

With Resolution 913 (1994). The UNSC condemned all attacks against humanitarian relief workers in Gorade, former Yugoslavia.



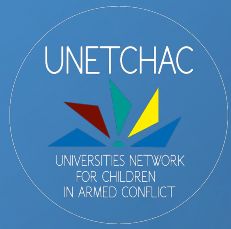
Crimes Against and Affecting Children

Denial of humanitarian access to children

The International Justice

The **SCSL** declared it a war crime and in 2009 handed down the first ever convictions from an international tribunal to three militia leaders for targeting humanitarian workers and peacekeepers with direct attacks. **Art. 4(b) Statute of the SCSL; Prosecutor vs. Sesay, Kallon and Gbao (RUF Case) (February 2009)**

The **ICTY** established that depriving food and other vital services in detention centers constitutes the basis for the charges of war crimes and crimes against humanity. **Prosecutor v. Nikolic. ICTY (2003), Prosecutor v. Krnojelac. ICTY (2002), and Prosecutor v. Delalic et al., ICTY (1998)**



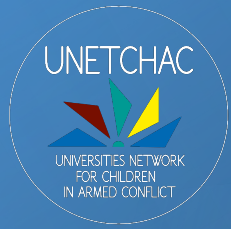
Crimes Against and Affecting Children

Denial of humanitarian access to children

The International Justice

The [Rome Statute](#) underscores that intentional attacks against a peacekeeping or humanitarian assistance mission acting in accordance with the UN Charter constitute a war crime. ([Art. 8\(2\)\(b\) and \(e\) Rome Statute](#))

Furthermore, under the Statute's definitions, using starvation as a method of warfare or willfully impeding relief supplies may amount to a war crime or even genocide. [Art. 6\(c\), 8\(2\)\(b\) and \(e\) Rome Statute](#).

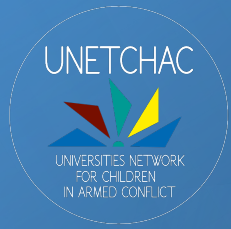


Crimes Against and Affecting Children



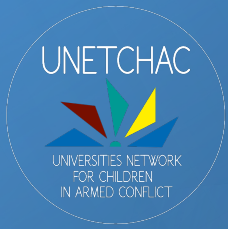
Children in Conflict: Protecting Innocence Amidst Grave Violations –
Briefing | United Nations

Ms Virginia Gamba, the Special Representative of the UN Secretary-General for
Children and Armed Conflict



Crimes Against and Affecting Children

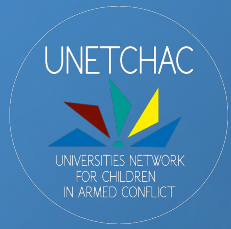
Practical exercises



Practical exercises

Identify violations and say which one can trigger a listing

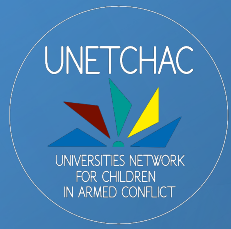
- During the period 13th to 29th September 2016 the SPL army occupied a school as a base for its operation during the conflict.
- On 14th March 2016, the DRP liberation forces attacked the village of Muso. They burnt the village and took three young girls with them. They also forced five boys to carry their goods and sexually abused them.
- During a visit to the field, one IDP woman informed the monitoring team that an armed group took her 14-year-old son to work with them manning a checkpoint. He was subsequently arrested and detained by government forces for his association with the armed group.
- A 15-year-old girl who volunteered is working as a cook with an armed group.
- Government A systematically refuse visas and work permits to aid agencies to access a territory controlled by official authorities. They also confiscate goods, block water pipes and electricity from that territory. This is causing a significant deterioration in the living conditions for the children and their families living in this territory, including increasing rate of malnutrition and spreading of diseases. Several children have died from malnutrition.



Practical exercises

Res: Identify violations and say which one can trigger a listing

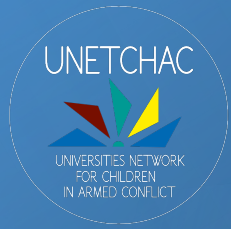
- During the period 13th to 29th September 2016 the SPL army occupied a school as a base for its operation during the conflict. - **Not in violation of IHL but against SSD/Guidelines and it's strongly to be discouraged due to the principle of proportionality on attacks.**
- On 14th March 2016, the DRP liberation forces attacked the village of Muso. They burnt the village and took three young girls with them. They also forced five boys to carry their goods and sexually abused them. - **3 violations registered (trigger) + IHL violation on attacks on civilians. Difference between AG and AF**
- During a visit to the field, one IDP woman informed the monitoring team that an armed group took her 14-year-old son to work with them manning a checkpoint. He was subsequently arrested and detained by government forces for his association with the armed group. - **trigger only for Recruitment + detention + perceived association**
- A 15-year-old girl who volunteered is working as a cook with an armed group. - **trigger: no voluntary recruitment**
- Government A systematically refuse visas and work permits to aid agencies to access a territory controlled by official authorities. They also confiscate goods, block water pipes and electricity from that territory. This is causing a significant deterioration in the living conditions for the children and their families living in this territory, including increasing rate of malnutrition and spreading of diseases. Several children have died from malnutrition. - **no trigger but highly concerning for CAAC**



Crimes Against and Affecting Children

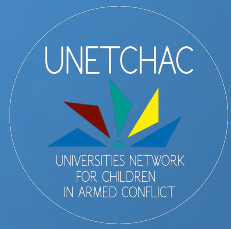


Dr. Ahmed Aubais Alfatlawi
Professor of International Criminal Law
University of Kufa, Faculty of Law



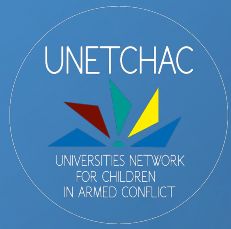
Crimes Against and Affecting Children

Q&A



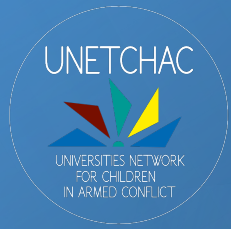
Additional resources

Office SRSG CAAC – The Six grave violations
[HERE](#)



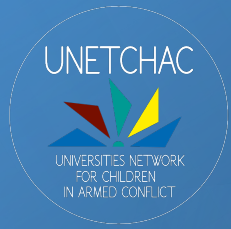
Crimes Against and Affecting Children

How do the ICC and
UN work?



Crimes Against and Affecting Children

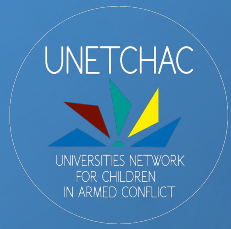
The ICC system



Crimes Against and Affecting Children

The ICC system

- ✓ Preliminary Examinations
- ✓ Investigations → (a) Initial contact and interviews with children
 - (b) Psycho-social assessment
 - (c) Protection measures
- ✓ Prosecutions → (a) Selection of charges
 - (b) Interactions with children (Pre-testimony; In-court measures, (Post-testimony follow-up and communication)
 - (c) Evidence
 - (d) Sentencing
 - (e) Reparation



Crimes Against and Affecting Children

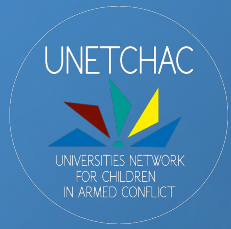
The ICC system

UNETCHAC recently submitted a Contribution to the Renewal of the Policy on Children to Office of the Prosecutor of the International Criminal Court.

The contribution is based on the experience of academics and practitioners in matters related to the involvement of children in armed conflict both at the national and international level.

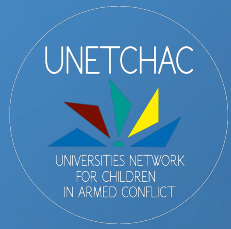
Based on said experience, UNETCHAC recommended:

- Acknowledging that all crimes under the ICC jurisdiction may affect children;
- Broadening the current interpretation of the regulatory framework to cover all types of conduct which may affect children;
- Reinforcing the adoption of an intersectionality approach;
- Reinforcing the importance of considering the diverse age phases inside the macro-area of children;
- Ensuring that crimes against and affecting children are considered since the very early stages of the proceedings and as a priority;
- Reinforcing the concept of a child-centred and child-friendly process during investigations and prosecutions;
- Reinforcing the structures providing for the security, safety and well-being of children involved in the proceedings;
- Ensuring the full participation of children in the justice process.
- It is essential to ensure that children are not rendered invisible by adult-centric approaches to accountability; that children are not seen as a homogenous group and that they are involved in accountability processes in a way which captures the full extent of their experience and victimisation.



Crimes Against and Affecting Children

The United Nations framework

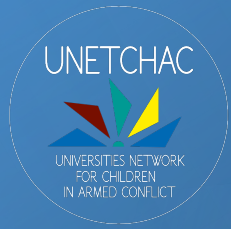


Crimes Against and Affecting Children

The UN dimension

The Special Representative for Children and Armed Conflict

The mandate of the Special Representative of the Secretary-General for Children and Armed Conflict was created in 1996 by the General Assembly ([Resolution A/RES/51/77](#)) following the publication, in 1996, of a report by Graça Machel titled the “Impact of Armed Conflict on Children”

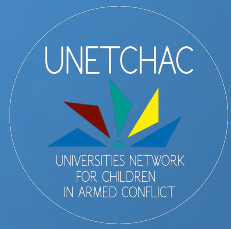


Crimes Against and Affecting Children

The UN dimension

The role of the Special Representative for Children and Armed Conflict

1. to strengthen the protection of children affected by armed conflict,
2. raise awareness, promote the collection of information about the plight of children affected by war and foster international cooperation to improve their protection
3. to report yearly to the General Assembly and the Human Rights Council and raises challenges faced by children in war to political bodies, such as the United Nations Security Council, as well as relevant Governments to maintain a sense of urgency amongst key decision makers as well as to secure political and diplomatic engagement.

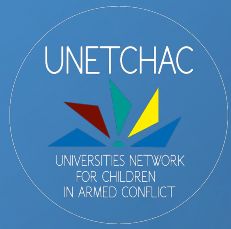


Crimes Against and Affecting Children

The UN dimension

The Monitoring and Reporting Mechanism

- in 2005, the Security Council established a [Monitoring and Reporting Mechanism \(MRM\)](#) to systematically monitor, document and report on violations committed against children in situations of concern around the world. [\(Resolution 1612\)](#)
- The purpose of the MRM is to provide for the systematic gathering of accurate, timely, objective and reliable information on six grave violations committed against children in situations of armed conflict. On the basis of this information, the United Nations Secretary-General names parties to conflict who recruit, kill or maim children, commit sexual violence, abduct children and attack schools and hospitals in his annual report on children and armed conflict for engagement with the goal of ending these violations.
- In addition to the annual report, [the Security Council Working Group on Children and Armed Conflict](#) reviews the country reports stemming from the MRM and makes recommendations on how to better protect children in specific country situations.



Crimes Against and Affecting Children

The UN dimension

The Monitoring and Reporting Mechanism

Main tools to Monitor and Report on the 6 grave violations

Resolution 1379 (2001)

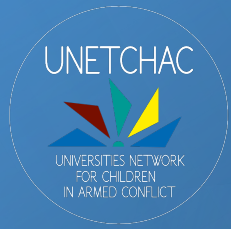
- > **Listing** of parties that have committed violations against children in the Annexes to SG's annual report

Resolution 1539 (2004)

- > Calls upon listed parties to prepare concrete, time-bound **Action Plans** to end violations

Resolution 1612 (2005)

- > Endorsed **Monitoring and Reporting Mechanism**
- > Established UNSC CAAC Working Group



Crimes Against and Affecting Children

The UN dimension

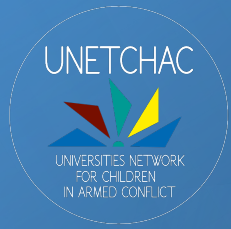
The Monitoring and Reporting Mechanism

Where is the MRM in place?

The MRM is established in country-situations where parties to conflict have been listed in the annexes of the annual report of the Secretary-General on children and armed conflict.

In the past, only parties that recruit and use children were included in the annexes of the annual report. In 2009, 2011, and 2015, the Security Council adopted resolutions to also list armed forces and groups who kill and maim children, commit sexual violence against children, attack schools and hospitals, and abduct children.

The MRM ends when violations against children have ended, mechanisms to protect boys and girls have been put in place and all parties in a country situation have been de-listed.



Crimes Against and Affecting Children

The UN dimension

The Monitoring and Reporting Mechanism

Who manages the MRM?

The Country Task Force on Monitoring and Reporting (CTFMR), co-chaired by [UNICEF](#) and the highest UN representative in-country,

UNICEF co-chairs the CTFMR in all countries on the agenda of the Office of the Special Representative.

In countries with a peacekeeping or peacebuilding mission, the Special Representative of the Secretary-General and head of the Department of Peacekeeping Mission ([DPKO](#)) or the Department of Political Affairs ([DPA](#)) mission, also co-chairs the CTFMR.

In country-situations with no peacekeeping mission, the UN Resident Coordinator co-chairs the Task Force.

It is important to note that the Office of the Special Representative does not have a field presence but promotes and supports the work of operational partners.



www.uninetworkforchildren.org