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Committee on Social Affairs, Health and Sustainable Development

Protecting children affected by armed conflicts

Report¹

Committee on Social Affairs, Health and Sustainable Development

Rapporteur: Ms Sevinj Fataliyeva (Azerbaijan, EC)

A. Draft resolution²

1. Children across Europe and the world are affected by wars and armed conflicts. They are directly concerned by having life-threatening violence inflicted on them or by witnessing such violence, by losing or being separated from their parents and other care-givers, by being deprived of basic social services, such as healthcare and education, or by being recruited as child soldiers, thus forced to take part in conflicts themselves.

2. From a European viewpoint, many of these children seem to be living in distant places and out of reach for European stakeholders, such as the children in the terrible conflict situations currently observed in Iraq, Syria, Yemen or Myanmar. However, many children also live in European areas marked by so-called unresolved or frozen conflicts or by post-conflict situations. Whatever the geographic location of conflicts, no European State can pretend not to be concerned in some way or another, be it as member of international organisations concerned, as party to ongoing conflicts, as economic partner of conflicting parties or as one of the countries receiving refugees arriving from conflict zones.

3. The Parliamentary Assembly is very worried about the short- and long-term consequences of armed conflicts on children: They are immediately affected in their daily lives, their healthy development, and their trust in other human beings and public institutions. Many of them will subsequently be traumatised for their entire lives and see their life chances reduced. Children experiencing armed conflicts are also brought up in the understanding that violence is an acceptable means of settling conflicts with other countries or between ethnic or religious groups, and may reproduce it in their later lives.

4. International law is very clear about the protection of children - any person under the age of 18 - and the need to give primary consideration to their best interest in all circumstances (as enshrined in the United Nations Convention on the Rights of the Child (UNCRC)). Children benefit from general protection to civilians and special protection granted by the Geneva Convention (of 1949) and its Additional Protocol

¹ Reference to committee: Doc. 14052, Renvoi N° 4221 du 20.06.16.

² Draft resolution adopted unanimously by the committee on 6 December 2017.

(of 1977), as recalled by Article 38 (4) of the UNCRC calling upon State Parties to “take all feasible measures to ensure protection and care of children who are affected by an armed conflict”.

5. In the light of the evident gap observed between international obligations and their respect by all State Parties, the Parliamentary Assembly calls upon Council of Europe member States to:

5.1. Invest into the prevention of conflicts and children’s involvement therein both through continuous political dialogue and negotiation, and by promoting and supporting the peaceful sustainable development of countries involved in ongoing conflicts or threatened by the outbreak of a conflict;

5.2. Intervene, wherever they have the power to do so, to put an end to ongoing conflicts by reminding conflict parties and their partners of their international commitments, bilaterally or through multilateral institutions such as the UN, the Organization for Security and Co-operation in Europe (OSCE), or the Council of Europe, and by promoting the peaceful resolution of conflicts in these contexts, thus avoiding further innocent victims amongst the civilian population, including children;

5.3. Educate children and young people having experienced traumatising armed conflicts on non-violent approaches for ending aggression and conflict, in order to make them resilient against the trans-generational transmission of violence and allow them to grow into a positive dialogue culture as a means of overcoming substantial differences between nationalities or ethnic groups, both through European initiatives taken by the Council of Europe or the OSCE and their field work with young people, but also through more bilateral approaches;

5.4. Reinforce child protection and support mechanisms and action at all levels, by:

5.4.1. Developing welfare programmes and improving socio-economic conditions and opportunities for children and their families both within conflict countries and countries welcoming refugees;

5.4.2. Facilitating the work undertaken by international organisations and NGOs working in the field by providing political and financial support according to the actual needs and international standards (e.g. in terms of the number of carers guaranteed for a given number of children);

5.4.3. Ensuring access to children in need and continuity of programmes;

5.5. Support and rehabilitate child soldiers and other children actively involved in conflicts by:

5.5.1. Treating them as children and not like adult offenders throughout all proceedings;

5.5.2. Handing them over to the care of child protection agencies instead of detention centres, thus facilitating their reintegration into society, including normal education systems, job markets and social life;

5.5.3. Involving them in peace-building action where appropriate to allow them to share their experiences with other young people (while avoiding re-traumatisation);

5.6. Welcome and support children having left conflict zones by:

5.6.1. Providing specialised support to child refugees, migrants and IDPs having experienced violent and traumatising situations, and children and young people returning from territories controlled by Daesh, when arriving in safe destinations, including in different European countries;

5.6.2. Training all professionals dealing with refugee children to avoid re-traumatising these children and breaking their natural protection barriers and to enable them to create new positive life experiences for them.

6. Get involved in European activities surrounding children in armed conflicts and promote existing Council of Europe standards in this field, such as the Council of Europe Strategy for the Rights of the

Child (2016-2021) which calls for the protection of children against violence, including in armed conflicts, for re-building their trust after having experienced such violence and for the set-up of child-friendly procedures in various contexts.

B. Explanatory memorandum by the Rapporteur, Ms Fataliyeva (Azerbaijan, EC)

1. Introduction

1. Armed conflicts in and outside of Europe regularly focus attention on the plight of children inexorably caught up in them. They reduce children's chance of living a safe and happy childhood and developing in a safe environment in the short term, prevent them from growing into healthy adults leading fulfilled lives in the mid-term, and put at stake the emergence of stable States where people can work and live in peace in the long term. In this respect, the Syrian war has attracted much attention recently, not least due to its geopolitical implications and the refugee crisis it has contributed to, the effects of which have been strongly felt by many neighbouring and European countries.

2. Through the media, this conflict in particular received "a child's face": in 2016, Omran Daqneesh, a five-year-old Syrian boy, became the symbol of the suffering of people in Aleppo and of all children affected by war. However, we must not forget that even within Europe, several regions are still caught in what may be called "unresolved conflicts", "frozen conflicts" or "post-conflict situations", often following wars or armed conflicts.

3. The purpose of my report is not to examine individual conflicts in detail or to blame any of the conflict parties, but to exclusively draw attention to the fate of children caught up in such situations. I intend to recall to what extent their daily lives and healthy development can be affected. For us as parliamentarians, feeling concerned about children must not stop at expressing our sympathy, but lead us to act to effectively protect them, including by contributing to preventing and resolving armed conflicts wherever we can, by stepping up protection of children within conflict situations and by welcoming, caring for and supporting them once they have left zones of conflict and war. It is needless to say that the situation of other vulnerable groups and adults in general deserves equal attention but falls outside the scope of this specific report.

2. The issue at stake – different ways in which children are affected by armed conflicts

4. Given their vulnerability, children are affected by armed conflict in many different ways. Apart from the life-threatening physical and psychological effects on child victims, war and conflicts all too often deprive children of their parents or other care-givers, but also of basic social services, healthcare and education, healthy living conditions, water and food supply. Children suffer from armed conflicts as witnesses of death and violence, highly traumatising events that can leave them with intense feelings of fear and mistrust for their entire lives. Finally, and especially in socio-economic conditions marked by poverty, social exclusion, unequal opportunities and discrimination, children and young people, including in Europe, are regularly recruited as fighters or child soldiers.

2.1. Children affected by war and fleeing from conflict zones as refugees or IDPs

5. Recent figures help us understand the extent to which children are affected by armed conflicts: Over 250 000 persons have died during the five-year war in Syria, including thousands of children, according to data published by the UN in 2016.³ An estimated 11 million Syrians have fled their homes since the outbreak of the civil war in March 2011. At the end of 2016, 13.5 million were in need of humanitarian assistance within the country. According to the United Nations High Commissioner for Refugees (UNHCR), 4.8 million had fled to Turkey, Lebanon, Jordan, Egypt and Iraq, and 6.6 million were internally displaced within Syria. At the same time, about one million had requested asylum in Europe (with Germany and Sweden being the top receiving countries).⁴

³ S/2016/360, Annual Report of the Secretary-General on Children and Armed Conflict, 20 April 2016: <http://reliefweb.int/sites/reliefweb.int/files/resources/N1611119.pdf>.

⁴ See data provided through the dedicated website of the European University Institute of Florence: <http://syrianrefugees.eu>.

6. Another conflict country regularly appearing in media reports is Yemen where children are amongst the first victims of the conflict that broke out again in March 2015 between an international coalition backing the president and the *Houthi* rebel movement.⁵ Already facing widespread poverty, food insecurity and lack of health services before the conflict, the country now sees more than 2.2 million people displaced, and 70% of its population in need of some kind of humanitarian assistance. Close to 4 000 civilians have died as a direct result of the conflict, including 1 332 children, whilst thousands more are wasting away because of deprivations caused by the conflict and the cholera outbreak confirmed by health authorities in October 2016. UNICEF estimates that more than 460 000 children in Yemen face severe malnutrition, while 3.3 million children and pregnant or lactating women suffer from acute malnutrition. The number of out-of-school children has reached 2 million with another 350 000 more whose schools are closed. The country's water and sanitation infrastructure has been ravaged, posing serious health risks. Facing a serious lack of funding, UNICEF and other international organisations have difficulties even providing the most basic health, education and protection services in 2017.⁶

7. Next to Syria and Yemen, many other parts of the world and countries are concerned, and Europe should not turn its back on them. In its 2015 annual report on Children and Armed Conflict, the UN Secretary General referred to specific action plans being implemented in Afghanistan, the Democratic Republic of Congo, Myanmar, Somalia, South Sudan, Sudan, Yemen and the Philippines. In this report, the UN looked at 20 conflict situations in 14 countries, and listed numerous conflict parties for five main human rights violations against children: (1) recruitment and use of children, (2) killing and maiming of children, (3) rape and other forms of sexual violence, (4) attacks on schools and hospitals, and (5) abductions. Children were found to be affected as direct targets of violent acts against civilians and communities, often separating them from their families. Many of them were recruited as child soldiers, then perceived as a security risk and ended up in detention and prosecution instead of being handed over to civilian child protection agencies or receiving support for their reintegration into society.⁷

8. Some of the most recent media reports show once again to the whole world to what extent children are the victims of armed and violent conflicts led and fuelled by adults, based on ethnic or religious differences and intolerances, and which they have no chance of escaping: Horrible stories are reaching us almost weekly from Myanmar where innocent children of the Rohingya minority are killed in what State authorities classify as a fight against terrorism, but what appears to be in reality ethnic cleansing.⁸ Since mid-August 2017 only, more than 400 000 Rohingya children and families have been reported by human rights organisations to have fled to Bangladesh⁹; Children and women are also amongst the first to suffer in the ongoing fight against Daesh in Iraq where international child protection agencies warn of extreme danger to tens of thousands of children as Iraqi and coalition forces launch an offensive on the ISIS stronghold in the city of Hawija.¹⁰ The international community needs to use their influence wherever they can to ensure that such conflicts come to an end and, in the meantime, ensure that civilians and children in particular are being protected to the greatest extent possible.

⁵ See BBC news reports: <http://www.bbc.com/news/world-middle-east-29319423>.

⁶ See UNICEF fact-sheet on "Yemen conflict: a devastating toll for children", downloaded on 21 July 2017: https://www.unicef.org/infobycountry/yemen_85651.html.

⁷ See summary of the UN report under: https://childrenandarmedconflict.un.org/wp-content/uploads/2015/10/15-18739_Children-in-Conflict_FINAL-WEB.pdf.

⁸ See the Independent (UK) of 02.09.17: <http://www.independent.co.uk/news/world/asia/rohingya-burma-myanmar-children-beheaded-burned-alive-refugees-bangladesh-a7926521.html>; or the Telegraph (UK) of 02.09.17: <http://www.telegraph.co.uk/news/2017/09/02/rohingya-minority-beheaded-burned-alive-burma-army/>.

⁹ See Save the Children: <http://www.savethechildren.org/site/c.8rKLIXMGlpI4E/b.6150543/k.D615/Myanmar.htm>.

¹⁰ See Human Rights Watch on 20.09.17: <https://www.hrw.org/news/2017/09/20/iraq/krq-1400-women-children-isis-areas-detained>, and Save the Children on 22.09.17: <http://www.savethechildren.org.uk/2017-09/iraq-30000-children-extreme-danger-hawija>.

9. Europe itself is also concerned by a number of “unresolved conflicts”, “frozen conflicts” or “post-conflict situations”. During the still ongoing war in eastern Ukraine, where military confrontations have worsened again since the beginning of 2017,¹¹ more than 1.5 million people have been displaced in recent years, one third of them children.¹² Already in February 2016, UNICEF had drawn attention to the critical situation of children in the three-year war in the eastern part of the country; estimating that the lives of more than 580 000 children were directly affected.¹³ Further evidence in 2017 has shown that in particular the more than 200 000 children living along the “contact line” continue to pay a heavy price and were in need of psychological support. UNICEF experts, for their part, regret that, in the meantime, the conflict had become a somewhat “invisible crisis” to all except those forced to suffer from ongoing violence, abuse and deprivation.

10. Other regions in the Council of Europe area are concerned by various degrees of armed conflict such as, for example over Abkhazia and South Ossetia, Transnistria and Nagorno-Karabakh. These regions may serve as examples here because, as in any conflict, many children suffer from the consequences of these unresolved conflicts which have led to large displacements of the population in these regions. In the case of Nagorno-Karabakh, persistent tensions along the line of contact have, on multiple occasions, led to outbreaks of violence that have regrettably claimed lives of innocent civilians on both sides, among which children. Following the most recent outbreaks, the co-rapporteurs for the monitoring of Armenia and Azerbaijan by the Parliamentary Assembly of the Council of Europe (PACE) recalled the need, for both countries, to resolve their differences peacefully.¹⁴ The Parliamentary Assembly has adopted several resolutions on the above mentioned conflicts in which it has called upon all parties to abide by its obligations as a Council of Europe member state with regard to these conflicts, but peace has regrettably not yet been achieved.¹⁵

2.2. *Children as victims of violence, trauma and deprivation*

11. According to the international NGO Save the Children,¹⁶ the consequences of war and armed conflicts for children are dramatic: numerous children die in conflicts or are permanently disabled; up to 80% of victims of sexual violence in conflict countries are children, notably girls; health facilities and schools are attacked in many countries and misused for military purposes; many children cannot attend schools, are internally displaced or kept in detention centres. As mentioned earlier, during unstable periods, and besides any physical harm inflicted on them by bombing or shelling, children are more likely to be victims of all kinds of violence. Whilst some are forced to take part in conflict, to kill, or to act as suicide bombers and commit other acts of violence, some are groomed to join armed groups, driven by poverty or desperation.¹⁷ Others are enslaved and are sexually abused or otherwise exploited by armed forces.

12. Evidence from various sources substantiates that children affected by and confronted with armed conflict and witnessing violence cannot develop properly and reach their full potential. They are not only kept away from their schools, or the latter are destroyed or closed, but they often have to face the loss of family members, thus the persons who provided them with care and protection. Consequently, children are confronted at a very young age with traumatising situations and have to find their own ways of surviving. As mentioned before, many of them have to flee from conflict zones, with their families or on

¹¹ See EurActiv News of 31 January 2017: <https://www.euractiv.com/section/europe-s-east/news/military-situation-in-eastern-ukraine-worsens/>.

¹² UNICEF, Ukraine Humanitarian Situation Report # 42, January 2016.

¹³ See UNICEF on 19 February 2016: https://www.unicef.org/media/media_90268.html.

¹⁴ “Armenia and Azerbaijan: monitors express concern at renewed violence along line of contact in the Fizuli region”, Parliamentary Assembly news item of 7 July 2017: <http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=6735&lang=2&cat=3>.

¹⁵ The wording of paragraph 10 (paragraph 8 in the previous version of the text) was proposed to the rapporteur by the PACE co-rapporteurs for Armenia and Azerbaijan, following the meeting of the Social Affairs Committee held on 19 September 2017 in Paris.

¹⁶ According to information provided by Ms Christine McCormick, Child Protection Adviser, Save the Children, London, United Kingdom (UK), at the hearing organised by the Social Affairs Committee on 1 June 2017 in Baku.

¹⁷ Extract of interview from Jean Claude LEGRAND, Senior advisor at UNICEF in *Afrique Relance*, “*Des soldats redeviennent de simples enfants*”, October 2001.

their own, and will then arrive as refugees or migrants in distant countries, cut off from their roots, other family members and their usual daily environment.

13. In a context of war and conflict, many children experience a sort of “normalisation” of violence. This can lead on to political radicalisation and inter-generational transmission of violence. In recent years, the latter has been evidenced in Northern Ireland where the “trans-generational impact of exposure to conflict-related trauma” was explored through the research project “Towards a Better Future” initiated by the Northern-Ireland Commission for Victims and Survivors.¹⁸

14. Countries in conflict regularly lack basic services as also reported from various countries by *Save the Children*; in some cases, services are even totally disrupted and people do not even have the capacity to buy basic goods anymore, such as in South Sudan, where the conflict has now prevailed for more than 20 years, over 20 000 children have been recruited by armed forces and over 10 000 are unaccompanied after having been separated from their families.

15. In Syria, to use again this example, children are concerned to a large extent by forced recruitment, explosive hazards, sexual violence and child labour or exploitation across the country. For many children, violence has indeed become a “normal” experience, and detention rates for children are on the increase. The greatest impact on their lives, however, happens through mental health consequences as shown in the most recent *Save the Children* report of 2017: Bombing and shelling is the first source of psychological stress in children’s daily lives; their behaviour becomes more fearful and nervous, often more aggressive; many suffer from bedwetting as a symptom of toxic stress and post-traumatic stress disorder (PTSD); others turn to drug consumption to cope with stress, feelings of grief over lost family members or sadness; and the loss of education is perceived as having a huge impact on their lives.¹⁹

2.3. *Special needs of migrant and refugee children arriving in Europe*

16. With regard to the special needs of migrant and refugee children arriving in Europe, our Committee had the opportunity to gain some insight through the detailed report at our hearing in Baku presented by a psychologist from Berlin (Germany) working with this category of children, including migrant and refugee children from Syria, Iraq, Iran, Afghanistan, Eritrea, Somalia, Nigeria, Turkey, the Russian Federation, Ukraine and the Republic of Moldova. The psychological support needed for refugees across Europe seems enormous given that Germany alone welcomed more than 1.2 million refugees over the past two years (about one third of them children); this represented a challenge for public authorities at all levels, including local authorities, civil society organisations and numerous volunteers.

17. In particular, women and children arriving in Europe are highly traumatised, anxious, insomniac, powerless and lethargic. Psychological support for them is a complex task because the needs of children and adults are very different but interconnected: whilst children suffer from the loss of family members or are in fear of it, the psychological state of parents also has an impact on children. Children’s concerns are often neglected against the background of more immediate challenges such as the father’s death, asylum procedures or a lack of decent and safe accommodation. In order to protect children, entire families therefore need support in their functioning and cohesion. Much anxiety amongst families seems to be regularly generated by long waiting periods in asylum procedures involving registration, hearings and waiting for possible recognition. During this process, families often stay in provisional emergency accommodation for long time periods, and thus in places which are not safe or child-friendly, do not provide any private sphere and are characterised by tensions between families and ethnic groups.

¹⁸ See study prepared by Ulster University, Belfast (2015): <https://www.cvsni.org/media/1171/towards-a-better-future-march-2015.pdf>.

¹⁹ Save the Children: “Invisible Wounds – The impact of six years of war on the mental health of Syria’s children”, March 2017, http://www.savethechildren.org.uk/sites/default/files/images/Invisible_Wounds.pdf.

18. Whilst many children have an “inbuilt” protective mechanism allowing them to split off traumatising experiences and segregating different spheres of their lives, they generally find safe places in nursery schools or schools where they are taken care of and can play and forget. Professionals in contact with such children will need special support and training, not least to develop their own resilience, to avoid breaking children’s protective mechanisms, and to create some kind of “normality” for these children.

19. According to the psychologist heard by our Committee, the main aim for professionals in contact with refugee children is not to make children forget the terror encountered but to integrate it into their daily lives and find forms of expression for it. Generally, children seem to be much more accessible to such approaches than the adults surrounding them who often feel ashamed or fear prejudice or negative consequences of anything they do or say. Similar to other trauma patients, refugees often show signs of depression; many have an increased risk of suicide. Besides medical and psychological intervention, a true “welcoming culture” and solidarity would be needed as part of coordinated migration policies.²⁰

20. From this insight, we can certainly retain that education and playful educational activities will be key means for reaching out to and supporting children having suffered from war and armed conflicts in whatever way. Many resources for doing so exist and many countries have gained experience in this field over the past years²¹; a learning process at the international level should therefore be initiated, involving stakeholders from national educational systems and child protection agents sharing experience.

2.4. Children returning after recruitment or use as child soldiers or from violent experiences

21. Across the world, numerous children are being recruited as child soldiers and coerced to take part in hostilities, for example in Nigeria, where terrorist groups like *Daesh* and *Boko Haram* use children to commit suicide attacks, but also in Congo or Afghanistan. In Europe, the issue of child soldiers is not as relevant even if somewhat questionable practices can be observed in some countries.²²

22. However, child protection strategies must involve welcoming and supporting children who have been fighting in armed conflicts, before arriving in Europe as refugees as well as preventing, in the first place, young Europeans from joining armed conflicts in other countries: Regularly, children and young people experiencing poverty and exclusion are seduced to join terrorist groups like *Daesh* in their fight for an “Islamic State”, making them believe that this can provide them with the social purpose they were longing for, as I have shown myself as rapporteur on “Preventing the radicalisation of children and young people by fighting the root causes”, leading to Assembly Resolution 2103 (2016).

23. Instead of being criminalised, children and young people returning from conflicts need support in their rehabilitation, re-education and reintegration into European societies. As a particular group of victims, this also concerns children who were born into territories controlled by *Daesh*. After having regularly witnessed rape, torture or murder (or even taken part in these), they very often show aggressive behaviour and low levels of empathy, and have nightmares, concentration or neurological problems. Children’s perception of their place in the world is altered, and martyrs or commanders being considered as role models lead to a new sense of moral duties and “right” or “wrong”. Experts consider that a minimum of two years of daily intervention by social workers, psychotherapists, teachers and other professionals are needed to give these children a chance at a normal life, based on security, stability and orientation.²³

²⁰ According to information provided by Ms Galina Heinzelmann, independent Psychologist and Psychotherapist based in Berlin (Germany), at the hearing organised by the Social Affairs Committee on 1 June 2017 in Baku.

²¹ See for example this publication gathering some of the Canadian experience: *Life After War: Education as a Healing Process for Refugee and War-Affected Children 2012*, https://www.edu.gov.mb.ca/k12/docs/support/law/full_doc.pdf.

²² For example, in the United Kingdom children as of 16 are allowed to join the armed forces; according to information provided by Child Soldiers International, an international human rights organisation formerly known as the Coalition to Stop the Use of Child Soldiers, and established in 1998 by a group of leading human rights organisations, including Amnesty International, Human Rights Watch and Save the Children, <https://www.child-soldiers.org>.

²³ McDonald-Gibson, Charlotte: *What Should Europe Do With the Children of ISIS?*, The New York Times Opinion Pages, 23 July 2017.

2.5. Consequences for overall societies and their stability

24. In terms of child protection, new challenges have also arisen with changes in military strategy. Recent tactics seek to blur the differences between those who fight and those who do not by camouflaging combatants within the overall population, in contravention of the Geneva Conventions. Consequently, the use of non-targeted air bombardments and shelling has also been rising, killing mostly civilians, many of them children. Hence, in many recent conflicts, combatants often directly target homes, hospitals and educational infrastructure, thus undermining the functioning of entire societies. The use of schools for military purposes and attacks on school buildings raise great concern since it dramatically increases risks for children (including through unexploded ordnance left behind).

25. Apart from some of the direct effects for children described above, armed conflicts also have the following consequences:

- They jeopardise the emergence of stable and safe societies by mitigating children's chances of developing in safe countries. Being used to function on a paradigm of violence, fear or anger may leave children unable to live a normal life, making them aggressive and dangerous for themselves and for society. At an individual level, we could say that children get "brain-washed", at a more collective level we observe the above-mentioned intergenerational transmission of conflicts.
- Armed conflicts have significant implications and consequences, not least because high shares of public budgets are spent on arms. Rebuilding societies, compensating for the damage inflicted on cities and people, and rehabilitating and supporting the victims of conflicts has a considerable cost over many years. Traumatized and handicapped people, including children, will need medical as well as psychological care that may last their entire life.

3. Child protection through law – disrespect for international standards

26. The international community has agreed to consider children, thus human beings below the age of eighteen years, as persons who have special needs and whose best interest should always be a primary consideration.²⁴ Despite this consensus in international law, children remain main victims of armed conflicts because of their youth, dependence and vulnerability, whether they are suffering from the consequences of war or become agents of hostilities, for example as child soldiers.

27. According to international law, children should be shielded from harm whatever their situation. In the event of armed conflict, children legally benefit from the general protection provided to civilians and from a special protection according to the fundamental principles of the Geneva Conventions.^{25,26} This is recalled by the UN Convention on the Rights of the Child (UNCRC) in Article 38 (4): "In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict". Children's rights are also addressed specifically through the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (which entered into force in 2002) aimed at preventing the recruitment of child soldiers which stipulates in Article 2: "States Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces".²⁷ Essential legal and policy guidance with regard to child soldiers can also be found in the so-called "Paris principles" of 2007, fully entitled "Principles and guidelines on children associated with armed forces or armed groups".²⁸

28. However, the numerous and grave violations of children's rights in past and in on-going armed conflicts show that, so far, the international community has failed in its mandate to protect children. This was confirmed to our Committee by *Save the Children*, an organisation which is very much present in the

²⁴ As enshrined in the United Nations Convention on the Rights of the Child.

²⁵ Geneva Convention IV – 1949.

²⁶ Additional protocol Geneva Convention – 1977.

²⁷ Full text to be found under: <https://childrenandarmedconflict.un.org/mandate/opac/>.

²⁸ Based on extensive reviews of legislation and practice undertaken by UNICEF and endorsed by numerous States as a complementary document to the "Paris Commitments to Protect Children Unlawfully Recruited or Used by Armed Forces or Armed Groups (Paris Commitments)": <https://www.unicef.org/emerg/files/ParisPrinciples310107English.pdf>.

field in many countries.²⁹ According to this NGO, the international legal framework aimed at protecting children in war situations is quite robust; nevertheless, children are more vulnerable today than ten years ago: Conflicts have become more international, often involve extreme violence from different sides and a shocking non-respect of international law and the institutions controlling it.

29. In the face of such harrowing figures and human rights violations, I would like to recall that it is our duty as political representatives to ensure effective protection for all children. Targeted policy responses need to be identified and implemented to ensure child protection as conflicts go on. In this respect, no later than in September 2016, in my then capacity as General Rapporteur on Children of the Parliamentary Assembly, I called on European governments to step up their action to protect and support children concerned by the armed conflict in Syria, in particular in Aleppo where, at the time, 100 000 children lived in the conflict zone and continued to experience bombing by armed forces.

30. Children are amongst the most vulnerable and defenceless party in lasting conflicts across the world, and their fate must be given all the attention required by the wealthier and more peaceful countries of Europe if we do not want to generate a lost generation as a consequence of the current wars in many countries. Even though some of the conflicts take place in countries which seem far away, Europe is directly concerned by their consequences (e.g. through refugee and migrant flows) and cannot ignore its responsibility to protect the most vulnerable, including by welcoming them in Europe and offering them the shelter and care they need.

4. Urgent need for action - a better protection of children affected by armed conflicts

31. Despite the existence of numerous legal instruments and programmes, children's rights are still too frequently violated in armed conflicts across the world and when dealing with the consequences. This reveals a significant gap between the commitments made by State parties and their implementation. I believe this is a gap we need to fill urgently and at various levels at action, including by once more calling on all Council of Europe member States to respect their obligations under international and European law and to develop effective national policies in their own realm.

32. Next to putting an end to armed conflicts and re-building societies, improving the protection of children implies identifying the various ways in which children are affected by conflicts (see above) and the weaknesses of protection systems at various levels in this respect (global, European, national and local). There also is the need to step up the political will amongst the international community and national governments, to provide sufficient financial means to strengthen child protection programmes and to develop adequate judicial levers to fight impunity.

33. European stakeholders do not always have the power to intervene directly to protect children in distant places like Aleppo or Sanaa when hospitals or schools are being attacked, or to prevent such attacks. As parliamentarians of Greater Europe, we must therefore, on the one hand, recognise the limits of European action with regard to these conflicts; on the other hand we must increase the efforts made by our respective governments, to contribute to the political resolution of such conflicts and their future prevention, also for the sake of children. Governments across Europe and globally must take coherent positions with regard to conflicts happening in distant countries, for example by refraining from publicly condemning conflicts on the one hand and allowing for large-scale deliveries of arms to conflict parties to the benefit of their own national economies on the other hand. They should also promote more child-centred views amongst conflict parties to prevent the recruitment and use of child soldiers, for example by supporting the criminalisation of child recruitment and use in law, by supporting the establishment of independent monitoring mechanisms, and by improving the capacities of criminal justice systems.³⁰

34. Wherever direct intervention in the prevention or halting of conflicts is not possible for European players, we should support children affected by armed conflicts through all possible means, including by

²⁹ As outlined by Christine McCormick, Save the Children (UK); see footnote 12.

³⁰ Child Soldiers International: Louder than words - An agenda for action to end state use of child soldiers, Report summary and 10-Point Checklist to prevent the involvement of children in hostilities in state armed forces and state-allied armed groups: <https://www.child-soldiers.org/Handlers/Download.ashx?IDMF=120a12c8-5077-43ef-864f-ae3bebee59d8>.

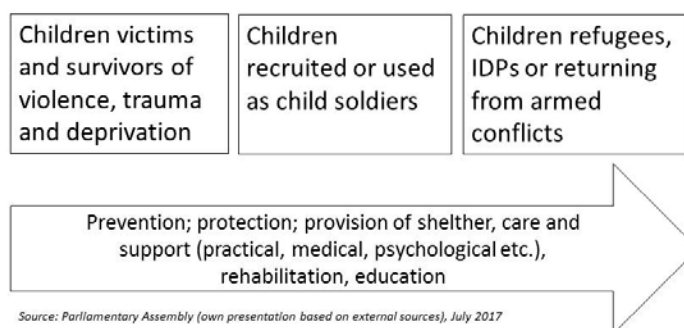
improving children's living conditions and levels of protection, by supporting their rehabilitation and reintegration into society when returning from conflicts as child soldiers, as well as through measures deployed for refugee children arriving in Europe or internally displaced within European countries.

35. According to international experts gathered at a Wilton Park conference in October 2016 (including the representatives of various governments, international organisations and NGOs), the effective protection of children from extreme violence, has to address three key issues: the prevention of child recruitment and reintegration into society, the prevention and fight against serious human rights violations (e.g. abduction and exploitation) and the impact of the armed conflict on all children.³¹

36. The support to be provided to refugees or IDPs includes the provision of basic services through government agencies at various levels, including shelter, food and health care, but also education and psychosocial and logistic support to integration. In Azerbaijan and following the Nagorno-Karabakh ceasefire in 1994, 50 000 refugee and IDP families were settled in accommodation provided to them through State programmes and community projects, also giving them access to schools, nursery schools and rehabilitation centres. Although these programmes have had a positive impact on many, the children of past hostilities are now grown-up parents who still transmit their own trauma to their descendants. Children and adolescents, even if not directly affected by hostilities anymore, very often have a continuous need for psychological assistance or other forms of support. These can include leisure activities creating positive experiences for them and relieving some of the stress they can feel in their surroundings. For many years experts even propose to offer joint integration projects to children stemming from different conflict parties as a first step towards a peaceful co-existence of future generations.³²

37. In order to better protect children affected by armed conflicts in various ways, a more child-centred approach is needed. Responding to the needs of children, their families and the communities is key for providing immediate protection, for preventing children's involvement in conflicts and for supporting recovery from violent experiences. Addressing the drivers of children's vulnerability, including lack of opportunities, lack of access to education, militarised environments, corruption and abuse of power, experiences of injustice and discrimination, will lead to more socio-economic stability of entire societies and contribute to preventing the exploitation of children.³³ This broad approach should be kept in mind by all stakeholders when addressing the issue of children and armed conflicts in Europe or elsewhere.

Main categories of children affected by armed conflicts and responses required



³¹ See final report of the Wilton Park conference on "Protecting children from extreme violence: towards a more comprehensive approach to prevention and response", organised in association with The Paris Principles Steering Group: <https://www.wiltonpark.org.uk/wp-content/uploads/WP1495-Report.pdf>.

³² As mentioned by Ms Rahmatullayeva, Head of staff of the State Committee for Family, Women and Children Affairs, Republic of Azerbaijan, at the hearing organised by the Social Affairs Committee on 1 June 2017 in Baku.

³³ See final report of the Wilton Park conference on "Protecting children from extreme violence", cited in footnote 29.

5. Conclusions and recommendations

38. The dreadful situations children experience in war and armed conflicts ongoing in many countries across the world calls for the development of fast and effective responses at all levels, but starting at the highest level of accountability, i.e. national governments and parliaments. It also requires the implementation of comprehensive strategies based on political willingness and committed public authorities that clearly determine the responsibilities of the different stakeholders involved, and are aware of their possibilities and limits for intervening. I will call upon parliaments of the Council of Europe member states to put the issue of “children and armed conflicts” high up on their political agendas and debate this issue in order to come up with effective solutions for imminent, ongoing or recent conflicts.

39. Based on some of the most valuable expert contributions received during the hearing organised by the Social Affairs Committee at its meeting in Baku (Azerbaijan) on 1 June 2017, my own research into the matter, and a very fruitful exchange of views held at the Committee meeting on 19 September 2017 in Paris, I recommend the following action to be taken by all Council of Europe member States:

39.1. Investing into the prevention of conflicts and children’s involvement: The international community has the tools and experience to prevent future conflicts, but international instruments continue to be disrespected and violated in the most shocking manner – political willingness to achieve and maintain peace and promoting the sustainable socio-economic development of countries involved in conflicts is the first element visibly missing in many situations

39.2. Intervening to put an end to ongoing conflicts: All conflict parties and external parties having committed to peace-building processes in one way or the other over the past years, should stick to their commitments and continue to do their utmost to achieve the peaceful resolution of conflicts, thus avoiding further innocent victims amongst the civilian population, including children. The most effective way to protect children is by preventing and resolving conflict and sustaining peace. Countries not directly affected by conflicts may also work towards this via their international commitments, at the UN level, for example.³⁴

39.3. Educating children and young people based on non-violent approaches to end aggression and conflict cultures: Where conflicts could be avoided, children and young people need to be made resilient against the trans-generational transmission of violence; they need to grow up with positive dialogue cultures instead of armed conflicts as a means of overcoming substantial differences between nationalities or ethnic groups. International diplomacy across countries and within organisations like the Council of Europe, the Organization for Security and Co-operation in Europe (OSCE) and others plays a key role in this area, but much can also be done through these organisations’ or international youth work and field work with children and young people.^{35,36}

39.4. Reinforcing child protection and support mechanisms at all levels: Welfare support to individual children and families, both within conflict countries and countries welcoming refugees should be stepped up. The socio-economic opportunities for children and their families need to be improved both in countries of origin and welcoming countries for refugees. International organisations and NGOs working in the field in conflict countries need governmental and financial support in order to ensure easy access to children in need and continuity of programmes according to international standards (e.g. in terms of the number of carers for a given number of children).

³⁴ See recent article published by Leila Zerrougui, (outgoing) Special Representative of the Secretary-General for Children and Armed Conflict and Margo Wallström, Minister for Foreign Affairs of Sweden, Swedish Foreign Policy News, 12 February 2017: <http://www.swemfa.se/2017/02/12/ending-the-use-of-child-soldiers/>.

³⁵ See, for example: OSCE field activities on education: <http://www.osce.org/education>.

³⁶ See for example: the outcomes of the recent Council of Europe Conference “Learning to Live Together - Conference on the Future of Citizenship and Human Rights Education in Europe”: <http://www.coe.int/en/web/youth/-/learning-to-live-together-conference-on-the-future-of-citizenship-and-human-rights-education-in-euro-1>; or previous Council of Europe peace-building initiatives such as the Youth Peace Ambassadors: <https://rm.coe.int/1680460484>.

39.5. Supporting and rehabilitating child soldiers and other children actively involved in conflicts: Children having been recruited as child soldiers by force should be treated as children and not like adult offenders.³⁷ They should not be detained in detention centres but handed over to the care of child protection agencies also supporting their reintegration into normal education systems, job markets and social life. Children themselves having experienced war and armed conflict should be involved in peace-building action where appropriate (and avoid re-traumatisation). Relevant programmes should be promoted amongst all conflict parties in the world.

39.6. Welcoming and supporting children having left conflict zones: Specialised support should be given to child refugees, migrants and IDPs having experienced violent and traumatising situations when arriving in safe destinations including in different European countries. Professionals dealing with such children need to be specially trained, to avoid re-traumatising children, breaking their natural protection barriers and instead be in a position to create new positive life experiences for them. In the own interest of European societies, this also concerns children and young people having returned from territories controlled by *Daesh* where children are profoundly “brain-washed”; they should not be treated like criminals but like mistreated children.

40. In tackling these issues related to the protection of children affected by armed conflicts, European stakeholders must keep in mind that the playing field is extremely complex. Even where interventions in ongoing conflicts or anti-terrorist strategies are well-intended in the long term, they are not necessarily always in line with immediate child protection concerns. Fighting certain conflict parties regularly affects the civilian population, thus children as well. The most thorough analyses and the most sensitive approaches to the problem are therefore required, which range from the involvement of international expertise to the consideration of national and local specificities, histories and concerns. Across Europe and the world, we regularly observe that political elites in fragile States are primarily focused on consolidating power and holding on to it, but are not concerned with international laws protecting children; to protect children in a more effective and sustainable manner, practitioners should therefore be enabled to work at the very local and community level.³⁸

³⁷ As again identified as an issue by the latest Annual report of the UN Special Representative of the Secretary-General for Children and Armed Conflict: http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/34/44&Lang=E&Area=UNDOC, to be found in the UN virtual library related to the subject matter: <https://childrenandarmedconflict.un.org/virtual-library/>.

³⁸ See final report of the Wilton Park conference on Protecting children from extreme violence, cited in footnote 29.