**Office of the Special Representative of the Secretary-General for Children and Armed Conflict (OSRSG CAAC) input for the Report on the Impact of Counter-Terrorism on Peacemaking, Peacebuilding, Sustaining Peace, Conflict Prevention and Resolution**

In most conflict-affected contexts, children, meaning every human being below the age of eighteen years,[[1]](#footnote-2) are at greater risk of exposure to violence and vulnerability to becoming victims of violations committed by armed forces and armed groups, including those designated as terrorist groups by the United Nations. It is therefore critical to protect children and their rights as well as to acknowledge their special protected status under international humanitarian law and human rights law where they are considered primarily as victims in all contexts, including countering terrorism contexts. Children are crucial agents for achieving sustainable peace and security and they must be protected regardless of the level of their actual or alleged association with parties to conflict and regardless of the party to conflict that they are associated with.

Children should be treated primarily as victims and their treatment should abide by the best interests of the child principle, in line with the [Convention on the Rights of the Child](https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child) (CRC) and other related instruments and principles, such as adhering to international standards related to juvenile justice. This includes actions taken by both public and private institutions providing services or impacting children and in legislative, judicial, and administrative procedures and decisions. Children have specific rights and protections that apply in all situations, regardless of their age, gender or other status, including actual or alleged family or personal association with a party to conflict and regardless of the designation by the United Nations of an armed group as a terrorist group.

Despite some advancements, the security response to terrorism has been, in many cases, prioritised over the need to ensure the protection of children. Some children caught in the middle of counter-terrorism operations may have been killed and maimed, while others have been arrested and detained for their alleged association with parties to conflict. Children encountered in security operations are often treated systematically as security threats rather than victims. Many are arrested and detained, often for extended periods of time and without due process provisions, in violation of international standards on juvenile justice, and risk facing further violations of their rights such as torture, physical and sexual violence and deprivation of access to health and education. In 2021, the United Nations verified the detention of more than 2,864 children for their alleged association with armed groups, including children actually or allegedly associated with armed groups or for their parents’ association with these armed groups.[[2]](#footnote-3) Some have even been tried by military courts ([A/HRC/49/58](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/000/42/PDF/G2200042.pdf?OpenElement), para 31).

Under counter-terrorism or national security laws, children may be subject to prosecution and lengthy custodial sentences based on one of many family members’ actual or alleged association. If there is evidence to suggest that a person under 18 committed a criminal act, they should be treated according to international juvenile justice standards, which emphasize alternatives to detention. In this context, the detention of children, including displaced children, should be used as a measure of last resort and for the shortest possible period, with respect for their fundamental rights, due process, and the application of international juvenile justice standards. Handover protocols should be developed and implemented to expeditiously hand over children who are captured or who surrender during military operations to civilian child protection actors who can provide them with age- and gender-specific support, including long-term support, reintegrate them into their communities as well as family tracing and family reunification programs without any discrimination. The children associated or allegedly associated with armed groups, including UN-designated terrorist groups, must be ensured that they are not denied basic documentation to access services and are not deprived of their nationality under international instruments, including the CRC. The repatriation of foreign children to their country of origin should be facilitated and prioritised, in line with international legal principles, including the principle of *non-refoulement* and with respect to the best interests of the child.

Protecting children from violations committed by armed groups, including UN-designated terrorist groups, whilst countering terrorism will have a positive impact on achieving sustaining peace. Mediation strategies that systematically tackle and try to prevent violations against children and include child protection concerns can contribute to long-lasting and sustainable peace. Failure to address the protection of children and, specifically, grave violations against children committed by armed groups, including UN-designated terrorist groups, will notably contribute to generating additional tensions in communities and lead to protracted insecurity while constraining peacebuilding efforts.

Child protection issues may serve as a means of engaging parties at an early stage in a peace process, including the pre-negotiation stage, but also have relevance throughout the negotiation and implementation of a peace agreement. During peace negotiations, it is important to ensure the commitment of negotiating parties to upholding the protection afforded to children under national, regional, and international law, including the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict, the four Geneva Conventions and their Additional Protocols, international customary human rights and humanitarian law amongst others.

To support these efforts, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict launched the [*Practical Guidance for Mediators to Protect Children in Situations of Armed Conflict*](https://childrenandarmedconflict.un.org/wp-content/uploads/2020/10/Practical-guidance-for-mediators-to-protect-children-in-situations-of-armed-conflict.pdf), in February 2020, in cooperation with the Department of Political and Peacebuilding Affairs, the Department of Peace Operations, and UNICEF. The guidance aims to provide mediators and other stakeholders supporting mediation efforts with specific measures to identify child protection and child rights issues and to assist them in their consideration of child protection and child rights issues in peace talks and peace agreements. The successful inclusion of child protection issues in peace processes can lower the impact of transition for child victims of armed conflict, at the same time, inform the development of prevention and accountability systems in the post-conflict period. This, in turn, will ultimately contribute to counter-terrorism efforts to achieve sustaining peace.

1. Article 1 of the Convention on the Rights of the Child. [↑](#footnote-ref-2)
2. Report of the Secretary-General on children and armed conflict (June 2022), A/76/871–S/2022/493. [↑](#footnote-ref-3)