

Insights on Ministerial and High-Level Open Session on the Promotion and Protection of the Rights and Welfare of Children in Situations of Conflict in Africa

Insights on Ministerial and High-Level Open Session on the Promotion and Protection of the Rights and Welfare of Children in Situations of Conflict in Africa | 3 December 2023

On December 4 and 5, the African Union (AU) Peace and Security Council (PSC) will attend the Ministerial and High-Level Open Session on the Promotion and Protection of the Rights and Welfare of Children in Situations of Conflict in Africa, to be held in Banjul, The Gambia.

Following the opening remarks of Mamadou Tangara, Minister of Foreign Affairs, International Cooperation and Gambians Abroad of the Republic of The Gambia and Chairperson of the AU PSC for the month, Bankole Adeoye, AU Commissioner for Political Affairs, Peace and Security (PAPS) and Co-chair of the Africa Platform on Children Affected by Armed Conflicts (APCAAC), is also expected to deliver a statement. The upcoming 2-day open session aims to gather representatives from AU Member States, members of the Steering Committee of the African Child Protection Architecture and APCAAC, AU Committee of Experts on the Rights and Welfare of the Child, Child Representatives, UN Special Representative of the Secretary-General (UNSRSG) and Head of UNOAU, UNSRSG CAAC, UNICEF representatives, civil society groups, think tanks, international partners and other stakeholders.

The session will focus on assessing the implementation of AU Child protection policies, the efficacy of the existing child protection mechanisms and the level of coordination between these various mechanisms and sharing lessons learned and exchanging ideas on effective strategies for preventing violations of children's rights in conflict situations across the continent.

As far as policies and normative instruments are concerned, the AU has made some significant strides. At a general level, the founding instrument in this respect is the African Charter on the Rights and Welfare of the Child, which articulates specific provision on the protection of children in conflict situations. While this is the primary legal instrument on protection of children, it is complemented by the African Charter on Human and People's Rights (ACHPR), and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol). The AU also elaborated guidelines on civilian protection in 2010, which although not specific to children, sets the context for their protection.

In addition, the AU has taken steps to ensure that child protection is integrated into all AU-sanctioned peace support operations, with the aim of preventing violations against children in armed conflict and promoting accountability in mission areas. During the 14th Ordinary Session of the AU Specialized Technical Committee on Defence, Safety and Security (STCDSS) held in Addis Ababa from 9 to 13 May 2022, two important policies were adopted which aimed at safeguarding and improving the well-being of children affected by armed conflict in Africa. These policies include the **Policy on Child Protection in African Union Peace Support Operations** and the **Policy on Mainstreaming Child Protection into the African Peace and Security Architecture (APSA)**.

Institutionally speaking, the African Committee of Experts on

the Rights and Welfare of the Child is the main AU body on the protection of child rights in general. Yet, it also has dedicated focus on children affected by armed conflict (CAAC). It has carried out study on the same theme. A special advisor on CAAC has been deployed since 2013 to the AU Peace and Security Department, before it became PAPS in 2021 with its merger with the previous Political Affairs department. A more recent major development was the establishment of Africa Platform on Children Affected by Armed Conflicts (APCAAC). The PSC has also institutionalized and has as a dedicated thematic agenda children in conflict situations since 2014.

Despite these normative and institutional measures, the situation of children in situations of conflict, crisis and emergency has not improved. In recent years, Africa has been experiencing spike in the number and impacts of conflicts. One of the major features of many of these conflicts is the fact that they are conducted without due regard to the rules of international law that govern the conduct of hostilities. As a result, these conflicts have had devastating consequences, on the civilian population, including indiscriminate killings and massacre, other forms of physical violence including rape, forced displacement and hunger and starvation.

Children are among the category of vulnerable groups who experience disproportionately the colossal impacts of today's conflicts on the continent. Beyond the fact that children on account of their age suffer disproportionately from the violent impacts of conflicts affecting other civilians, six categories of grave violations of child rights in situations of conflicts are identified under international law. These are: Killing and maiming of children, recruitment or use of children as soldiers, sexual violence against children, attacks against schools and hospitals and denial of humanitarian access to children.

These various grave violations are perpetrated in many of the various conflict settings on the continent. For example,

during the first half of 2022, a significant increase of 57% was recorded by the UN in grave violations against children as compared to the previous year. Apart from recruitment or use of children and the attacks on schools, the conflict in the Tigray region of Ethiopia also involved denial of humanitarian access of the population in the region, including children. Of the four countries globally where the highest number of recruitment and use of children by parties to conflicts were verified in 2021, three were African countries – the Democratic Republic of Congo (DRC), Mali and Somalia. Attacks against schools is a recurrent form of violence in the conflicts involving terrorist groups in Burkina Faso, Mali and Nigeria as well as in Cameroon's anglophone conflict.

Currently, we observe these various forms of violations and generally the disproportionate impact of conflict playing itself out dramatically in the war in Sudan. According to a recent report from the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA), the conflict in Sudan between the Sudanese Armed Forces (SAF) and the Rapid Support Forces (RSF) has resulted in approximately 12 million children being deprived of education since April 2023. The total number of out-of-school children in Sudan has reached 19 million, as reported by Save the Children (SC) and the UN Children's Agency (UNICEF). Moreover, out of the 12 million affected children, 6 million have lost access to schooling due to increased violence and insecurity. This has resulted in the closure of at least 10, 400 schools in conflict-affected areas. UNICEF reported that Sudan has become the world's largest child displacement crisis, with 3 million of the country's children forced from their homes due to the war. Conflict settings such as in the Lake Chad Basin involving Boko Haram and in Somalia also featured abduction of children.

Apart from the fact that the situation of children in conflict and crisis situations not showing improvement, the efficacy of the norms and protection infrastructure in effectively

monitoring, documenting, reporting and initiating accountability measures leaves a lot to be desired. Additionally, protection of children is not systematically mainstreamed not only across the APSA but also in how the AU engages with respect to specific conflict situations and across the conflict cycle from prevention to post-conflict. For example, while the PSC considers the situation of children in conflict as a thematic agenda, often in its consideration of specific country or regional conflict or crisis, the situation of children in such specific settings is rarely considered as an issue deserving particular attention. Additionally, there is no comprehensive systematic analysis and report on the nature, trends and manifestations of violations of children rights in situations of conflict or crisis as well as the challenges and requirements for an effective child protection regime which adequately establishes the need for and how the proposed special rapporteur on children affected by conflict can coordinate with other mechanisms and facilitate protection of children.

Another issue that deserves the attention of the ministerial and open session is follow up of PSC decisions. The communiqué of PSC's 5 October 2022 1110th session requested the Commission to undertake a study on the specific impact of terrorism on children and to submit the report of the study for consideration by the Council. In addition, the Chairperson of the AU Commission was requested to appoint a Special Envoy for Children Affected by Armed Conflicts in Africa to facilitate the effective implementation of the AU Child Rights Agenda. This echoes the decisions from the previous substantial meeting held by the Council on Children Affected by Armed Conflicts in Africa, which was the 1101st PSC meeting held on 18 August 2022.

The expected outcome of tomorrow's meeting is a Communiqué or a Press Statement. Council is likely to commend the Africa Platform on Children Affected by Armed Conflicts (AP CAAC) as

a platform that works to advocate for the rights of children affected by armed conflicts, promote the implementation of international legal standards on the involvement of children in armed conflict and support efforts to reintegrate and rehabilitate child soldiers. Council is also expected to emphasize the importance of strengthening advocacy efforts to ensure the safety and security of children in conflict zones. In this context, Council is likely to reiterate its call for Member States to endorse, adopt and implement the Safe Schools Declaration, which promotes education for children impacted by armed conflicts in Africa. In the same vein, Council is also expected to reaffirm its call to Member States, who have not yet done so, to sign, ratify and incorporate into domestic law the African Charter on the Rights and Welfare of the Child and other relevant international instruments. Based on the discussion on the establishment of an architecture for child protection, the PSC may also elaborate the establishment of the architecture. In light of the issues highlighted in the foregoing, the PSC may also request the systematic monitoring, documentation and reporting of the state of protection of children in armed conflict in Africa as critical vehicle for adopting relevant measures informed by such comprehensive data and analysis. The PSC may also request that the protection of children is specifically highlighted in briefings and reports on specific conflict situations in order to facilitate the adoption of measures for enhancing child protection in such specific conflict settings. The PSC may also request that report is presented to it on the institutional and financial implications of the proposed special rapporteur/envoy on children affected by conflict to ensure well informed decision and speeding up the process towards such decision.