

CALL FOR ACTION AGAINST THE DETENTION OF CHILDREN IN CONFLICT



PERMANENT MISSION
OF MALTA TO THE UN NEW YORK



**CHILDREN IN
CONFLICT**



Alarmed by the continuing detention of children for their actual or alleged association with armed forces or armed groups, the organizers of the **78th United Nations General Assembly Side Event, Breaking Chains, Building Futures: Ending Detention of Children in Armed Conflict**, strongly urge Member States to uphold their obligations under international law and commitments.

Children actually or allegedly associated with armed forces or armed groups, including those accused of having committed crimes during armed conflicts, or held on security charges as a result, should be primarily regarded as victims of violations of international law or abuses, rather than as perpetrators of such offenses, consistent with **UN Security Council Resolution 2427 (2018)**, the **Paris Principles and Guidelines**, the **Convention on the Rights of the Child** and other relevant international human rights law and international humanitarian law instruments.

Moreover, children should never be detained, prosecuted, or interrogated for their association with or membership in any armed force or armed group, or for any actual or alleged offenses committed by, or beliefs or affiliations, of their family members. The United Nations Security Council has strongly condemned the recruitment and use of children by parties to armed conflict in violation of international obligations applicable to them. Furthermore, the recruitment and use of children under the age of 15 may constitute a war crime.

In line with **SDG 16**, children should be protected from violence in all settings and provided access to justice. Consistent with **SDG 8.7**, immediate and effective measures should be taken to eradicate forced labor, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labor, including the recruitment and use of children.¹ The SDG principle of 'leaving no one behind' must apply to all children, including those in detention.

¹ Article 3(a), Worst Forms of Child Labour Convention, 1999 (182).

Building upon the recommendations of the UN Global Study on Children Deprived of Liberty, the organizers of this United Nations General Assembly Side Event call on Member States, the United Nations and the international community, civil society and donor community to urgently commit, or renew and strengthen their commitments to end the detention of children in situations of armed conflict, including:

1. For Member States and other detaining authorities to urgently review cases of detained children, treating them primarily as victims and with their best interests as a primary consideration. Member States and other detaining authorities should also establish and implement standard operating procedures or protocols for the swift and safe handover of children encountered during security operations or held in military, intelligence, or counter-terrorism custody, including children suspected of being associated with armed groups designated as terrorist organizations, to civilian child protection personnel for their protection and reintegration.
2. For Member States to treat children above the minimum age of criminal responsibility consistent with their obligations under international law and commitments, and irrespective of the nature or seriousness of the offences of which a child is suspected or charged.
3. For Member States who have not already done so, to consider endorsement of the Paris Commitments and Principles on children associated with armed forces or groups, and where already endorsed to fully implement them, along with relevant provisions of the United Nations Convention on the Rights of the Child and its Optional Protocol on child involvement in armed conflict, and the Geneva Conventions, as applicable.
4. For Member States to develop and implement non-custodial alternative measures and prioritize children's protection through appropriate reintegration assistance for children formerly associated with armed forces or armed groups.

Finally, we urge the United Nations and civil society to provide technical assistance in the development and implementation of handover protocols, non-custodial alternative measures, and reintegration programmes, and for the international community and donors to invest resources in the development, implementation and scaling up of non-custodial alternative measures and reintegration programmes.

