Humanitarian engagement of armed non-State actors in child protection

European Parliament recommendation to the Council of 12 March 2014 on humanitarian engagement of armed non-state actors in child protection (2014/2012(INI))

The European Parliament,

– having regard to the proposal for a recommendation to the Council by Catherine Grèze, Eva Joly, Isabella Lövin, Judith Sargentini, Bart Staes and Keith Taylor, on behalf of the Verts/ALE Group, on humanitarian engagement of armed non-state actors in child protection (B7-0585/2013),

– having regard to the 2013 report of the UN Secretary-General on children and armed conflict and to other reports by relevant actors,

– having regard to the 2008 EU guidelines on children and armed conflict, the 2010 implementation strategy for the EU guidelines on children and armed conflict and the 2008 Checklist for the Integration of the Protection of Children affected by Armed Conflict into ESDP Operations,

– having regard to the 2008 Council conclusions on ‘the promotion and protection of the rights of the child in the European Union’s external action – the development and humanitarian dimensions’,

– having regard to its resolutions of 19 February 2009 on a special place for children in EU external action, of 16 January 2008 entitled ‘Towards an EU strategy on the rights of the child’

2 of 3 July 2003 on trafficking in children and child soldiers

3 of 6 July 2000 on the abduction of children by the Lord’s Resistance Army (LRA)

4 and of 17 December 1998 on child soldiers

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– having regard to the United Nations resolutions on the rights of the child, especially UN Security Council resolution 1612 (2005),

– having regard to the 2002 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,

– having regard to the Paris Commitments to Protect Children from Unlawful Recruitment or use by Armed Forces or Armed Groups and to the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, both of which were adopted on 6 February 2007,

– having regard to Rule 121(3) and Rule 97 of its Rules of Procedure,

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1 OJ C 76 E, 25.3.2010, p. 3.
having regard to the report of the Committee on Development (A7-0160/2014),

A. whereas most contemporary armed conflicts involve one or more armed non-state actors fighting governments or other armed groups, with civilians and in particular children bearing the brunt of these wars;

B. whereas the spectrum of these non-state actors is very broad and encompasses a wide range of identities and motivations, as well as varying degrees of willingness and ability to observe international humanitarian law and other international law standards, but all require scrutiny in this regard;

C. whereas in order to improve the protection of civilians, and in particular children, consideration has to be given to all the parties in conflict;

D. whereas international humanitarian norms apply to and bind all parties in an armed conflict;

E. whereas armed conflicts have a particularly devastating impact on children’s physical and mental development, with long-term consequences for human security and sustainable development;

F. whereas the Statute of the International Criminal Court criminalises the act of conscripting or enlisting children under the age of 15 into armed forces or groups, or using them to participate actively in hostilities;

G. whereas international law prohibits all forms of sexual violence, including against children, and whereas acts of sexual violence may amount to war crimes, crimes against humanity or genocide;

H. whereas the use of anti-personnel mines has decreased since the adoption of the Mine Ban Convention in 1997, but still poses a threat to children, especially in armed conflicts not of an international character;

I. whereas the international community has a moral duty to seek commitments from all parties involved in conflicts, including both states and armed non-state actors, in order to protect children;

J. whereas the demobilisation, rehabilitation and reintegration of child soldiers need to be included in any negotiation process and subsequent peace treaty, in addition to being addressed during the conflict itself;

K. whereas the successful demobilisation and reintegration of child soldiers can help to end the recurring cycle of violence;

I. Addresses the following recommendations to the Commissioner for Development and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy:

(a) encourage the signing of action plans for the protection of children in armed conflict with the UN Office of the Special Representative of the Secretary-General for Children and Armed Conflict by concerned states and armed non-state actors, while recalling that such engagement with armed non-state actors does not imply support for, or recognition of the legitimacy of, these groups or their activities;
(b) recognise the efforts made by the UN and international and non-governmental
organisations to persuade armed non-state actors to protect children, while reiterating
that this does not imply support for, or recognition of, the legitimacy of the activities of
those actors;

(c) include in political dialogues with third countries, for instance within the framework of
the Cotonou Agreement, the goal of preventing and stopping the recruitment and forced
involvement of children under the age of 18 and ensuring their release and reintegration
into society;

(d) reiterate that states and armed non-state actors must comply with international
humanitarian law and international humanitarian customary law, and support them in
their efforts to take special measures to protect civilians, in particular children, while
recalling that such activity with armed non-state actors does not imply support for, or
recognition of the legitimacy of, these groups or their activities;

(e) recall that international humanitarian law is a legal framework which binds armed non-
state groups and that Common Article 3 of the Geneva Conventions and the Second
Additional Protocol of 1977 both serve to this end, as do a large number of customary
international humanitarian law rules; examine, as a matter of importance, whether
existing rules governing international humanitarian law are adequate to deal with non-
state actors or whether further regulation is needed;

(f) engage directly, or indirectly through specialised NGOs and humanitarian organisations,
with armed non-state actors on the issue of the protection of girls and boys, with a view
to alleviating child suffering in armed conflict and urging armed non-state actors to sign
the Deed of Commitment under the Geneva Call for the Protection of Children from the
Effects of Armed Conflict;

(g) support humanitarian organisations that engage in dialogue with armed non-state actors
in order to promote respect for international humanitarian norms in armed conflict, in
particular the protection of children through political, diplomatic and financial means;

(h) call on the Member States to join international efforts to prevent attacks against and the
military use of schools by armed actors through endorsing the draft Lucens Guidelines
for Protecting Schools and Universities from Military Use during Armed Conflict;

2. Instructs its President to forward this recommendation to the Commissioner for
Development, the Vice-President of the Commission / High Representative of the Union for
Foreign Affairs and Security Policy, the Commission, the Council and the European
External Action Service.