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## Call for international law reform to protect children in conflict

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Millions of children caught up in armed conflict are living in a "truly dark age" and urgently need major changes to international laws to better protect them, according to lawyers.

To mark the first International Day to Protect Education from Attack on September 9, a new executive summary of a hard-hitting report has called for a single, all-encompassing international legal instrument and accountability mechanism.

"By any measure of suffering experienced by children caught up in conflict, we are living in a truly dark age, with a culture of impunity surrounding those who deliberately harm or fail to protect children," says the report, *Protecting Children in Armed Conflict*, which was written by a team of international lawyers led by Shaheed Fatima QC.

The report states that though wars between states may have reduced in number, conflicts within borders have multiplied, and become more urbanised and improvised, increasing the dangers to vulnerable members of the population. Syria, Yemen, Myanmar, South Sudan and the Democratic Republic of Congo are among the most prominent conflicts causing suffering to children.

The report argues that there should be a single international law or instrument, that brings together in one place existing legal protections for children in armed conflict. The instrument should be buttressed by an accountability mechanism, such as a court or tribunal, to monitor and adjudicate on the implementation of that instrument. Both initiatives could be incorporated within the existing architecture of the UN Convention on the Rights of the Child.

Shaheed Fatima QC, of Blackstone Chambers, London, said: "There are numerous international laws, developed over many decades, which reflect the importance of protecting children in conflict. But those laws are undermined by the fragmented and sometimes unclear legal protection in international law and, most importantly, by the lack of implementation of what protection there is."

The full, 500-page report was published in late 2018 as part of the Inquiry on Protecting Children in Conflict, established by Gordon Brown, the former UK prime minister.

The number of children affected has increased since the report's publication. The UN Secretary General's report from June 2020 verifies more than 25,000 grave violations during 2019, and 4,400 incidents of denial of humanitarian access to children. The figures for the 12 months prior to that were 24,000 and 795 respectively.

The pandemic has made the situation worse – not only by increasing the risks to these children but also by making it harder for information on grave violations against children to be collected and verified.

The report and summary are supported by Save the Children and Theirworld, a global children's charity, and the Global Health Academy at the University of Edinburgh.

Justin van Fleet, President of Theirworld, said: "The legal analysis has been done, but now we want to make sure the findings are accessible to all of those working on children's rights and protection.

"On this new international day, we hope that this summary will focus minds on the size and severity of the problem."

The new International Day to Protect Education from Attack, created by the United Nations General Assembly, draws attention to the plight of more than 75 million children living in 35 crisis-affected countries and their urgent need for educational support, a situation only made worse by the Covid-19 pandemic.

Kirsty McNeill, Executive Director for Policy, Advocacy and Campaigns at Save the Children, said: "We continue to see reports of grave violations against children in war zones, including the killing and maiming of children, attacks on schools and hospitals, but we hope that the unifying force of protection for the young should provide that elusive factor - common ground - as the world begins to confront this issue with more rigour."

Liz Grant, Director of the Global Health Academy at the University of Edinburgh, said: "It has to be acknowledged that advancing the proposals in this report entails considerable challenges but we hope that others will join us in seeking to rise to those challenges. "Through the University's Global Health Academy we will support communities in engaging with the strategy outlined in this report, which if enacted could change 400 million children's lives for the better."

## Notes to editors:

Legal Panel and contributors to the final report:

- Sean Aughey, Essex Court Chambers
- Dr Rachel Barnes, Three Raymond Buildings
- Jessica Boyd, Blackstone Chambers
- Isabel Buchanan, Blackstone Chambers
- Ravi Mehta, Blackstone Chambers
- Hanif Mussa, Blackstone Chambers
- Jana Sadler-Forster, Blackstone Chambers
- Kevin Smith, Farris, Vaughan, Wills & Murphy
- Dr Federica Paddeu, John Tiley Fellow in Law at Queens' College, University of Cambridge

Consultants to the Legal Panel:

- Prof Dame Carolyn Hamilton
- Prof Harold Hongju Koh

The expert advisory group included:

- Prof Philip Alston (New York University School of Law)
- Prof Diane Marie Amann (University of Georgia School of Law)
- Dr Emily Baughan (University of Sheffield)
- Prof Christine Chinkin (London School of Economics)
- Conflict Dynamics International
- General Roméo Dallaire and the Roméo Dallaire, Child Soldiers Initiative;
- Elisabeth Decrey Warner (co-founder and Honorary President, Geneva Call);
- The Global Coalition to Protect Education from Attack
- The Rt. Hon. the Lord Hague of Richmond
- Kevin Hyland (the UK's Independent Anti-Slavery Commissioner)
- Kate O'Regan (Director, Bonavero Institute of Human Rights, University of Oxford)
- Navi Pillay (UN High Commissioner for Human Rights 2008–2014)
- Helle Thorning-Schmidt (CEO, Save the Children International and former Prime Minister of Denmark)
- Bede Sheppard (Deputy Director, Children's Rights, Human Rights Watch).

**Theirworld** is a global children's charity dedicated to ending the global education crisis and ensuring that every child has the best start in life, a safe place to learn and skills for the future.

**Save the Children** exists to help every child reach their full potential. In the UK and around the world, we make sure children keep safe, healthy and learning and change the future for the good.

**The Global Health Academy at the University of Edinburgh** hosts a new multi-disciplinary Learning Hub dedicated to ensuring that the protection of children in armed conflict becomes a focal point of the global agenda, sharing knowledge and improving access to evidence-based information.

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