

Operational Guidance:

Negotiating and Implementing
Handover Protocols for
the Transfer of Children
Associated with Armed Forces
and Armed Groups

March 2022



THE ALLIANCE
FOR CHILD PROTECTION
IN HUMANITARIAN ACTION

20
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Acknowledgments

This guidance note is a collaboration between Watchlist on Children and Armed Conflict (Watchlist), the Alliance for Child Protection in Humanitarian Action (The Alliance), and the Alliance's Children Associated with Armed Forces and Armed Groups Task Force (CAAFAG TF). It was researched and written by independent consultant Janine Morna, with research assistance from Ákos Baumgartner, and support from Watchlist Director Adrienne Lapar and the Watchlist Advisory Board. Lilian Cervantes Pacheco copyedited the guidance note.

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Cover Photo, also on page 1: A child formerly associated with an armed group at a demobilization, disarmament, and reintegration (DDR) ceremony in South Sudan.

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About the Publishers

Watchlist on Children and Armed Conflict (Watchlist) strives to end violations against children in armed conflicts and to guarantee their rights. As a global network, Watchlist builds partnerships among local, national, and international nongovernmental organizations, enhancing mutual capacities and strengths. Working together, we strategically collect and disseminate information on violations against children in conflicts in order to influence key decision-makers to create and implement programs and policies that effectively protect children. Watchlist on Children and Armed Conflict is a fiscally sponsored program of United Charitable, a not-for-profit organization.

The Alliance for Child Protection in Humanitarian Action (The Alliance) is a global network of operational agencies, academic institutions, policymakers, donors, and practitioners. It supports the efforts of humanitarian actors to achieve high-quality and effective child protection interventions in all humanitarian contexts. The Alliance achieves this primarily by facilitating inter-agency technical collaboration, including the production of technical standards and tools, on child protection in all humanitarian contexts.

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Watchlist on Children and Armed Conflict
405 Lexington Avenue, Suite 810
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The Alliance for Child Protection in
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3 UN Plaza
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1. Introduction and User Guide

Thousands of children in situations of armed conflict are doubly victimized; first, at the hands of armed groups or forces that recruit and use them in their ranks, and then by parties to the conflict who detain them for their alleged association with those groups or forces. Many of these children never receive the reintegration support and services they need.

Handover protocols are agreements by governments or armed groups to swiftly transfer children allegedly associated with armed forces and armed groups (CAAFAG) in their custody, or whom they have encountered, to child protection actors for appropriate support services, including, but not limited to, reintegration assistance.

Handover protocols are an explicit recognition by states and, at times, armed groups, that CAAFAG are first and foremost victims of grave human rights and humanitarian law violations. They offer CAAFAG a safe avenue to leave armed forces and armed groups and receive the care, protection, and reintegration support they need. As a practical matter, handover

protocols also systematize and standardize the process of transfer of CAAFAG, as well as strengthen coordination and cooperation between security, civilian, and child protection actors, particularly during security operations.

At the time of writing, handover protocols have been signed and operationalized in at least eight countries¹ and have provided a critical pathway to reintegration for many children. This operational guidance aims to support the signing and implementation of these agreements by providing child protection actors with good practices, lessons learned, and other useful information on previous and ongoing negotiations.



1. Introduction and User Guide

a. Background on the Recruitment, Use, and Detention of Children in Armed Conflict

In 2020, the United Nations documented the recruitment and use of 8,521 children by armed groups and forces in 22 countries around the world, although the practice also extends beyond the countries that the UN formally monitors.² This number is an increase from the reported recruitment and use of at least 7,194³ children in 2018 and some 7,747⁴ children in 2019.

Some children are forcibly recruited into armed groups or forces, while others join because of financial incentives, family pressure, to defend their communities, to seek revenge against opposing forces, or for other reasons.⁵ Children sometimes directly take part in combat, or fulfill support roles such as, for example, the wives of combatants, cooks, spies, and messengers, or are used for sexual purposes.⁶ Many children experience high levels of trauma during their association and other rights violations.

Children who are released, escape, or are otherwise separated from an armed group or force do not always receive the reintegration support and services

they need. In at least 20 countries around the world, government forces, militias, non-state armed groups, or international forces detain children for their alleged association with armed groups or forces.⁷ These parties apprehend children during military operations or other encounters following the children's separation from armed groups or forces. At times, children are harassed or detained long after leaving the armed group or force. Children are sometimes held for months or even years in deplorable conditions, lacking access to food or health care.⁸ They may also be subject to torture or other cruel, degrading, and inhuman treatment.⁹ Children who are detained are likely to suffer stigmatization, disruptions to their education and social development, and separation from their community, jeopardizing their effective reintegration.¹⁰

Between 2012 and 2017, the UN Secretary-General reported a fivefold increase in the number of children detained in the context of armed conflict, reaching a high of nearly 4,500 in 2017.¹¹ More recent data shows a drop in the number of children detained, but documented cases in 2020 remained worryingly high, with at least 3,243¹² children held, around 700 more than reported by the UN in 2019.¹³ The Secretary-General reported 85 girls were identified in detention in 2020.¹⁴



After six months on the front lines and two months in prison in Yemen, Ali was sent to a UNICEF-supported interim care center, where he is receiving psychological care and educational support.

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1. Introduction and User Guide

The rise in the number of children detained is in part explained by an increase in governments fighting groups designated as terrorist or labeled as ‘violent extremist.¹⁵ Empowered by new or amended counterterrorism legislation, these governments are more likely to treat children affected by armed conflict, including those who have no known history as combatants, as security threats or criminals and to detain them for long periods and without charges, often in facilities that do not meet the needs of children and that are known for their mistreatment of detainees.¹⁶ Children are sometimes subject to prosecution for mere membership in a designated terrorist group, in violation of international standards.¹⁷

The current trends in the recruitment, use, and detention of children in situations of armed conflict highlight the critical need for handover protocols and their operationalization, which recognize these children as victims first and foremost and systematize their transfer to child protection actors for appropriate support services.

b. Guidance Objectives and Target Groups

This operational guidance brings together information on good practices and lessons learned in the negotiation and implementation of handover protocols in various countries. It aims to support child protection actors to initiate and strategically navigate handover protocol negotiations, to strengthen the implementation of these agreements, and to safeguard children at every stage of handover.

The guidance targets child protection actors working within the UN system, governments, and civil society. It outlines possible roles and responsibilities for these various stakeholders in the negotiation and

implementation of handover protocols and provides recommendations on how they can effectively coordinate to better protect children.

c. Methodology

This guidance note is a collaboration between Watchlist on Children and Armed Conflict, the Alliance for Child Protection in Humanitarian Action (The Alliance), and its Children Associated with Armed Forces and Armed Groups Task Force (CAAFAG TF).

Between July and September 2020, January and February 2021, and during September 2021, a research consultant conducted virtual interviews with 75 representatives from nongovernmental organizations (NGOs), humanitarian agencies, UN offices and agencies, peacekeeping missions, and governments, including military and child protection experts, to produce this guidance. She spoke with stakeholders working in 13 countries: Afghanistan, Burkina Faso, the Central African Republic (CAR), Chad, the Democratic Republic of Congo (DRC), Iraq, Mali, Niger, Nigeria, the Philippines, Somalia, the Sudan, and Yemen.

She and her colleague also conducted a desk-based review of relevant literature and of existing handover protocols and standard operating procedures (SoPs) from CAR, Chad, Mali, Niger, Somalia, the Sudan, and Uganda.

The guidance was shared with a group of subject-matter experts for feedback and inputs. It was then shared with the members of the CAAFAG TF for comments and reviewed by the Watchlist Advisory Board for final approval and the Alliance Steering Committee for endorsement.



2. Introduction to Handover Protocols

a. What Are Handover Protocols?

Definition:

Handover protocols are agreements by state actors or armed groups, often supported by or in partnership with the UN, to swiftly transfer children with a real or suspected association with an armed group or force, to civilian authorities for appropriate support services, including, but not limited to, reintegration.

In this guidance, the terms “children” or “child” are used to refer to individuals believed to be under the age of 18. Many of the children encountered have been abducted or unlawfully recruited by armed groups or forces.¹⁸ In a small number of cases, the children may have been lawfully recruited, but would still fall under the scope of a handover protocol because they are legally entitled to special protection.¹⁹ The remaining children may have limited or no actual ties to the armed group or force, but may have been detained because they are found in areas where armed groups or forces are known to operate; because of alleged family ties to the armed group or force; because of their ethnic, religious, or tribal identity; or for other reasons.²⁰ In some cases, government security forces detain large numbers of children along with other civilians when they have retaken control of a territory previously under the control of an armed group.

Handover protocols often aim to capture all the different ways in which relevant armed groups or forces, as well as other relevant state security actors such as the police or gendarmerie, may encounter allegedly associated children, and establish a process for transferring them to civilian authorities. This includes children who may have escaped, been

released, or otherwise separated from an armed group or force. At times, these children may be captured in the course of security operations, or they may be detained, in the custody of, or under the command and control of armed forces, other state security actors, or armed groups. Some handover protocols also address the handover of children from within an armed group or force’s own ranks to civilian child protection actors.

Handover protocols sometimes come in the form of internal SoPs from a ministry of defense, outlining steps members of the armed forces should take to transfer CAAFAG. For the purposes of the operational guidance, the term “handover protocol” also includes such SoPs.

Handover protocols typically include provisions on procedures for the identification and transfer of CAAFAG to relevant civilian authorities; the treatment of these children while in the custody of armed groups or forces; arrangements for the cross-border repatriation of children who are non-nationals; and measures to prepare for the implementation of the protocol.²¹ Some protocols also describe the type of services to be provided once children are handed over.



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Even though the UN Security Council, the UN Secretary-General, and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) have called on governments to establish handover procedures,²² there is no legal obligation for governments or armed groups to sign such agreements. However, it is a good practice and an effective tool for promoting the protection of children's rights.

The first examples of formal handover protocols were ones in which the UN sought handover agreements with governments that were detaining children allegedly associated with opposing parties to conflict. This was the case, for example, in Uganda, where one of the first handover protocols was signed on May 15, 2011. Uganda's Chief of Defence Forces adopted SoPs to hand over children formerly associated with the Lord's Resistance Army (LRA) who were in the custody of the Uganda Peoples' Defence Forces (UPDF), to UNICEF or other humanitarian agencies. In Mali, the Government signed a handover protocol on July 1, 2013, after its national and allied forces began encountering children associated with armed groups during active combat in the north of the country. In Niger, a surge in military operations to counter Boko Haram around 2015 led to the detention of a large number of children in the Lake Chad Basin. The UNICEF country office in Niger advocated for the transfer of these children to a juvenile justice center and began negotiations for a handover protocol to secure their release. Nigerien government authorities signed a handover protocol with the UN on February 17, 2017. The detention of children for their alleged association with armed groups in Nigeria and Burkina Faso has also driven handover protocol negotiations in those countries, which are ongoing at this writing.

In other cases, governments have signed handover protocols as part of broader action plans to end grave violations²³ against children in armed conflict. The listing of a state armed force or a non-state armed group in the annexes of the Secretary-General's

annual report on children and armed conflict opens the door for the UN to formally engage with the listed party to develop an action plan with the government or armed group in question to end violations for which it is listed, and in some cases, other related child rights violations and abuses. Following the listing of the Chadian Armed Forces (*Armée Nationale Tchadienne*) and Sudan Government Security Forces (SGSF) in the Secretary-General's annual reports in 2007 and 2006, respectively, these governments entered into action plans with the UN to address grave violations against children for which they were listed. As part of the commitments under the action plan agreements, Chadian and Sudanese authorities signed handover protocols on September 10, 2014, and April 28, 2018, respectively.

In recent years, the UN has also initiated negotiations for handover protocols with armed groups. Prior to commencing negotiations on the action plan with the Ansar Allah (previously known as the Houthis) in Yemen, the UN successfully encouraged the adoption of a handover protocol by the armed group in April 2020. Prior to the coup on October 25, 2021, the UN began negotiating a roadmap with various armed groups in the Sudan, as part of the Juba Peace Agreement, to implement several different activities, including the signing of handover protocols to transfer children in their ranks or from opposing groups or forces to civilian child protection actors. These recent handover agreements with armed groups show the potential versatility of handover protocols and their effectiveness in promoting the release and reintegration of CAAFAG in different contexts.

In addition to handover protocols, there are several other types of agreements that may call for the formal release of CAAFAG to civilian authorities. They include action plans; peace agreements; ceasefires; disarmament, demobilization, and reintegration (DDR) frameworks; presidential pardons; amnesties; hostage handovers; or national legislation.²⁴ In some cases, the language in these agreements is



2. Introduction to Handover Protocols

considered sufficiently robust for the swift transfer of children. For example, despite cases of detention of CAAFAG by security forces in the DRC,²⁵ some child protection actors felt that the UN action plan with the *Forces Armées de la République Démocratique du Congo* (FARDC)—the Congolese national army—and the existing DDR framework already sufficiently

addressed the roles and responsibilities of the state to transfer associated children. Other actors, however, felt that despite these provisions, advocating for the Congolese Government to adopt a handover protocol could reinforce and more concretely outline procedures for the release of children, helping to address ongoing cases of detention.

When to Pursue a Handover Protocol Agreement

Child protection actors should evaluate whether pursuing a handover protocol is more expeditious and effective than seeking, for example, the inclusion of relevant language for transferring CAAFAG in an action plan, DDR framework, or other type of agreement.

Handover protocols are ideal in some situations because they can be less contentious to negotiate than other, more politically charged agreements, like action plans or peace agreements. They are also focused on a narrow range of issues and can often be negotiated in relatively short periods of time. They might be ideal in the following scenarios:

- 1.** When armed forces, other state security actors, or armed groups detain a large number of children from an opposing force/armed group;
- 2.** When the government or armed group has not been listed in the annexes to the Secretary-General's annual report on children and armed conflict and there is no UN mandate for the Country Task Force on Monitoring and Reporting (CTFMR) to negotiate an action plan;
- 3.** UN action plan negotiations are at an impasse, or have failed to take off, because of access constraints and/or lack of an interlocutor or dialogue with the actors concerned;
- 4.** When the current DDR framework or other agreements in place have failed to lead to the transfer of children;²⁶ and
- 5.** When a process to quickly facilitate the orderly release of children is needed.



b. Where Have Handover Protocols Been Signed?

The Detention of Children in Situations of Conflict and Handover Protocols



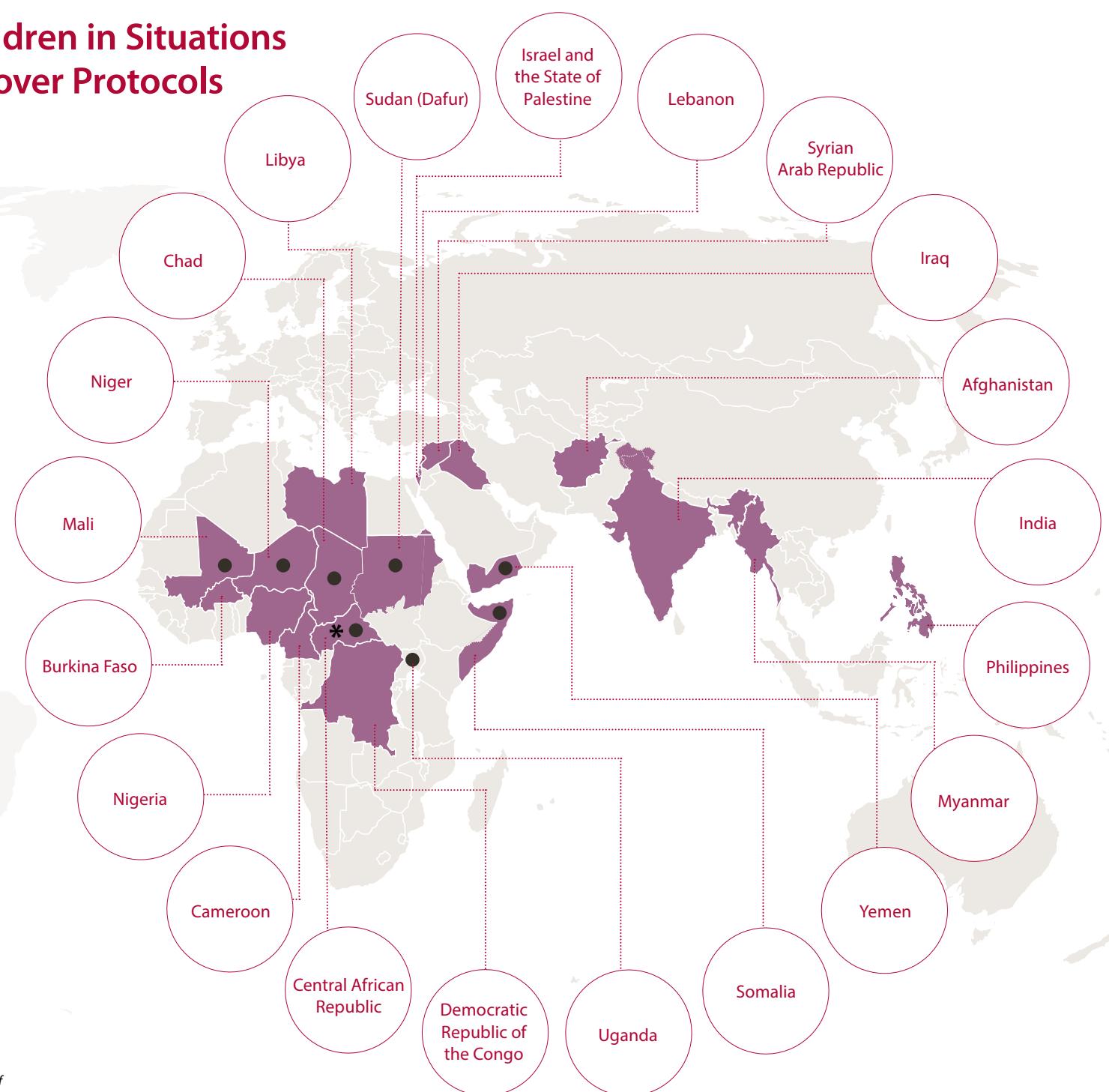
A country where the UN documented the detention of children in 2020 for their alleged or actual association with armed groups or forces, for national security reasons, or for alleged family ties to an armed group or force.¹



Indicates a country where a government or armed group signed a handover protocol or SoP on the transfer of CAAFAG to civilian actors.²



The UN and Government of CAR have initiated new protocol negotiations because one of the signatories to the first protocol, the French Sangaris forces, has left CAR, and the protocol has not been implemented since their departure.



Note: Please refer to the table in Annex 1 which provides further information on the recruitment, use, and detention of children in situations of conflict, as well as details on domestic legislation, handover protocols, and other agreements that address the demobilization, release, and/or transfer of CAAFAG.

¹ UN Security Council, Report of the Secretary-General on Children and Armed Conflict, A/75/873-S/2021/437, May 6, 2021, <https://undocs.org/s/2021/437> (accessed October 18, 2021).

² This does not include countries with national legislation on the handover of CAAFAG to civilian actors.



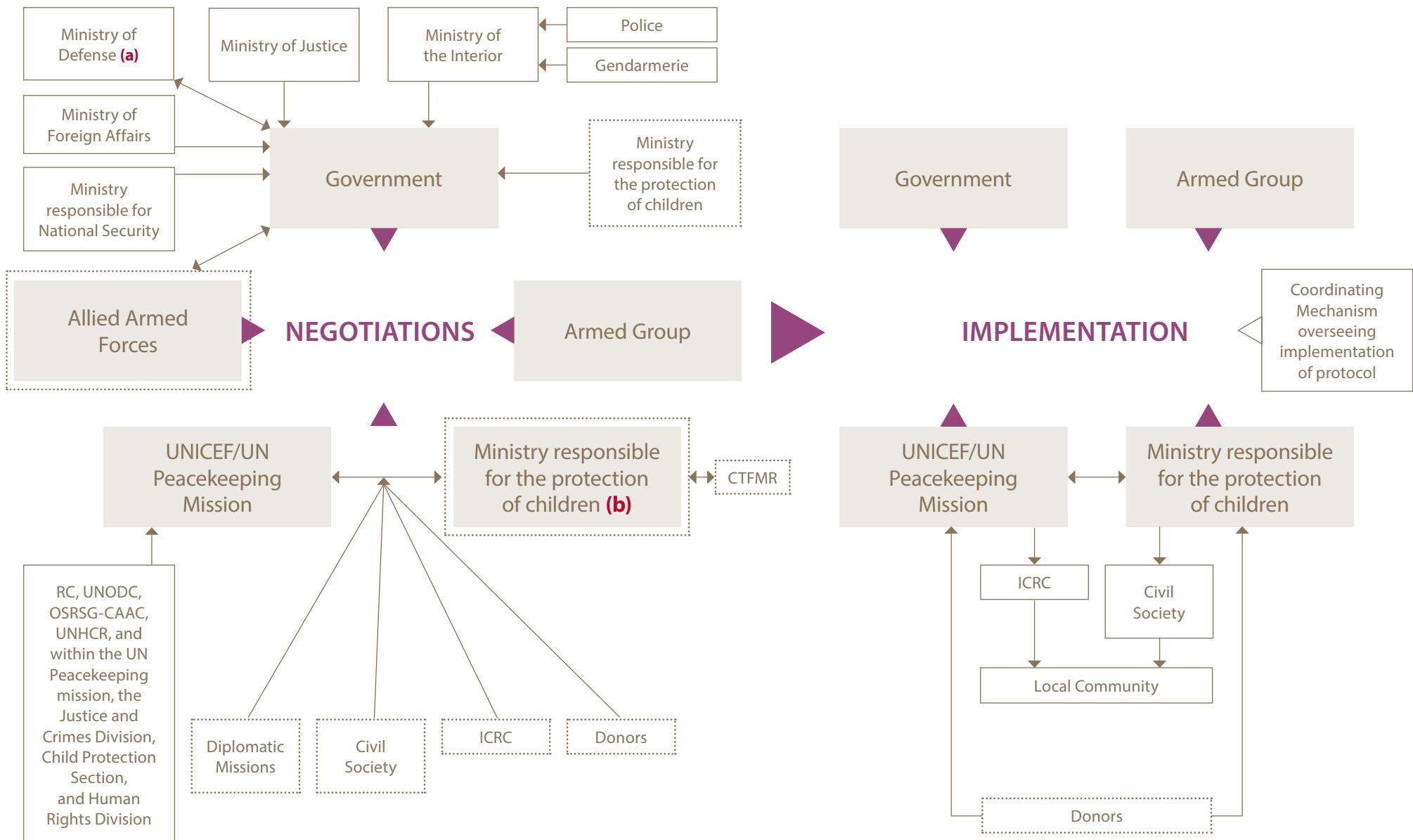
2. Introduction to Handover Protocols

Governments have signed handover protocols in a number of conflict-affected countries, including CAR, Chad, Mali, Niger, Somalia, the Sudan, and Uganda. Additionally, a non-state armed group has signed a directive for the handover of children in Yemen. The UN has also engaged in negotiations with governments in Burkina Faso, CAR,²⁷ Mozambique,

and Nigeria, and with armed groups in the Sudan. Negotiations have been attempted in Cameroon. Countries such as Iraq and Syria have large numbers of children in detention but have not yet begun discussions on handover protocols. The Philippines²⁸ and Myanmar²⁹ have national legislation that provides for the handover of CAAFAG to civilian actors.

UN peacekeeping forces have their own operational orders regarding the transfer of children in detention³⁰ and are also bound by national legislations and agreements, including handover protocols signed by the government.³¹

c. Who Is Involved in the Negotiation and Implementation of Handover Protocols?



(a) In some countries, the military has developed an SoP with directives for soldiers on the transfer of CAAFAG, involving fewer parties directly in the negotiations.

(b) Sometimes the ministry responsible for child protection leads the negotiations with other ministries for the handover protocol, with the support of the UN. In other countries the UN leads the negotiations, and the ministry responsible for child protection is among one of the ministries targeted by the UN to sign the agreement.



2. Introduction to Handover Protocols

i. Handover Protocol Negotiations with Governments

Successful handover protocol negotiations with governments typically require the coordination and input of multiple actors. Historically, handover protocol negotiations have been initiated and led by either UNICEF and/or the child protection advisors in UN peacekeeping missions.

In some countries, the UN has partnered with the ministry responsible for the protection of children, and the two have jointly led discussions. This encourages government ownership of the protocol and promotes protection of children and their rights as central to the effort. In Niger, for example, the Ministry for the Advancement of Women and Child Protection played a vital role in negotiations; at present, the ministry runs the transit centers and community-based social cohesion program for reintegration, with financial and technical support from UNICEF.

Other UN offices that may be involved in the protocol negotiations include the office of the highest-ranking representative of the UN, which could be the Resident Coordinator (RC) or the Special Representative of the Secretary-General; the UN Office of Drugs and Crime (UNODC); the Justice and Corrections Division of the UN peacekeeping operation, if there is one; and the UN High Commissioner for Refugees (UNHCR) (to support the repatriation of non-nationals).

Typically, these agencies play a secondary role in the negotiations, while UNICEF or the child protection advisors of the UN peacekeeping mission take the lead. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict (OSRSG-CAAC) may provide UN actors on the ground with political support. While the diverse mandates of these different entities might complement each other in negotiations, it is important that the UN is unified in its position and messaging to the government on the treatment of CAAFAG as victims first and foremost and coordinated in its actions.

In some contexts, the CTFMR—the main coordinating structure for the UN’s Monitoring and Reporting Mechanism³² (MRM) at the country level—can lead negotiations. The CTFMR is made up of all the relevant UN entities in-country and is co-chaired by the highest UN authority in the country and the UNICEF representative. It may also include other members of the child protection and human rights community, including NGOs. The CTFMR is tasked with developing action plans with parties to conflict who are listed in the Secretary-General’s annual report on children and armed conflict.³³ As described above, a handover protocol may be adopted as one of the commitments made by the armed group or force under an action plan with the UN. They may also be developed separately with the CTFMR if there are other contentious issues that are creating barriers to negotiating an action plan.³⁴

From the government’s side, in some cases, the ministry of defense is the main party to the negotiations. States like Uganda and Somalia have developed internal SoPs outlining procedures for the transfer of CAAFAG by their armed forces, without the involvement of other ministries and stakeholders. While this can lead to faster negotiations, it also risks excluding important stakeholders that may feel less bound by the handover protocols.

In other countries, multiple government ministries engage in handover protocol negotiations. In addition to the ministry responsible for the protection of children, this may include the ministry of defense, the ministry responsible for intelligence gathering and/or national security, and, in some cases, the ministry of justice. If other state security actors, such as the police or gendarmerie, engage with CAAFAG, then their commissioners or commanders may be involved in the negotiations as well. All state security actors who will be involved in the implementation of a protocol should be part of the negotiations. In some countries, the ministry of foreign affairs may be responsible for signing the agreement.



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If other foreign militaries or armed groups are fighting alongside the government armed forces, then they too may become parties to the protocol, as was the case of the French Sangari forces in CAR. Alternatively, child protection actors may seek a separate memorandum of understanding that outlines the need for allied groups and forces to abide by the terms of the national handover protocol.

The role of civil society throughout negotiations is primarily supportive. In at least one country, an NGO has brought the UN's attention to the treatment of CAAFAG and mounted pressure on the UN to take forward handover protocol negotiations with the government. In some cases, the UN has also consulted with NGOs to develop its strategy for negotiating with the government and has included them in the review of the protocol and accompanying documents. Successful negotiations often require a deep contextual understanding of the country, which can be enriched by the insights of local organizations, especially those with operations in remote areas. Engagement with NGOs that might be involved in reintegrating children and preparing communities for children's return after a protocol is signed can be particularly useful.

Civil society, in partnership with diplomatic missions and other actors such as the International Committee of the Red Cross (ICRC), can also engage in broader advocacy with the government on the need to treat CAAFAG as victims first and foremost and to transfer them to civilian actors. NGOs may help to reinforce the messages put forward by the UN and increase pressure on the government to act.

ii. Handover Protocol Negotiations with Armed Groups

Several armed groups have entered into agreements with the UN to end and prevent the recruitment of children and to transfer children in their ranks. Parties that have signed handover protocol agreements also commit to transfer children associated with opposing groups or forces that are either encountered or in the custody of the armed group. According to Watchlist's research, only one armed group—the Ansar Allah in Yemen—has signed a handover protocol to date. Prior to the coup on October 25, 2021, the UN also began negotiating a roadmap with armed groups in the Sudan, as part of the Juba Peace Agreement, to implement several different activities, including the signing of handover protocols.

Who Should Lead Handover Protocol Negotiations?

Historically, either UNICEF or the child protection advisors of UN peacekeeping missions have led handover protocol negotiations. Here are some important questions to consider:

1. Does the lead have a national mandate, existing relationships, and capacity to engage with a wide variety of government actors, including armed forces and other state security actors?
2. Does the lead have any potential comparative advantages? For example, are they able to access facilities where CAAFAG are being held?
3. What are the potential risks associated with negotiations? Could the negotiations impact the lead's operations and pose risks to staff members?



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In both cases, UNICEF, as a co-chair of the CTFMR, led the negotiations with the armed groups, in part because of the CTFMR's mandate to negotiate action plans to end grave violations with groups and forces that are listed in the Secretary-General's annual report on children and armed conflict.

Some armed groups, like the Ansar Allah, operate as a de facto state authority in certain territories. They have taken control over formal and informal institutions of governance in areas under their authority and representatives from these institutions can be engaged for the protocol discussions. For less organized and resourced armed groups, negotiations typically take place with relevant commanders in the armed group.

Child protection actors, particularly NGOs, may face several legal, administrative, and security hurdles in negotiating handover protocols directly with armed groups. In some countries, engaging with non-state armed actors, particularly those designated as terrorist, is prohibited. Child protection actors involved in handover negotiations with armed groups risk being framed as supporters of so-called "terrorist" organizations.

iii. Implementation of Handover Protocols

Under typical handover protocols, CAAFAG are transferred from armed forces, other state security actors, or armed groups, either to the ministry responsible for the protection of children, sometimes in partnership with UNICEF and local NGOs, or to an NGO supported by UNICEF. These entities provide interim care and reintegration support and, sometimes, with the support of the ICRC and/or UNHCR, assist with family tracing, restoration of family links, and reunifications where it is in the best interests of the child. Typically, either the ministry responsible for the protection of children or UNICEF oversees the reintegration programs to ensure a baseline quality of care.

NGOs play an important role in the implementation of handover protocols. International NGOs can provide valuable technical capacity building and case management expertise, especially in settings where protection systems and services are underdeveloped or non-existent and/or in contexts of emerging conflict where actors are new to child recruitment.

Although national NGOs in some countries may be more vulnerable to security risks and retaliation, they can provide local expertise and knowledge to help shape programming as well as potentially facilitate links to local communities where children are recruited. These relationships are important as local leaders can help to identify children from the community who may have been recruited and used, as well as prepare communities for the return of children who are at risk of retaliation upon coming home or re-recruitment. NGOs can also assist with awareness raising and dissemination of the protocol and can monitor whether transfers are taking place in the manner outlined in the protocol.

In cases where NGOs are involved in providing reintegration programming, the rapport and trust they build with local armed forces, other state security actors, and armed groups will sometimes influence the number and complexity of cases received at the local level.

d. International Standards Supporting Handover Protocols

All children recruited and used by armed forces and armed groups are entitled to release and to recovery and reintegration support. International standards, including both hard and soft law, provide a robust framework for the treatment of CAAFAG.³⁵ They include:



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- Prohibiting any recruitment of children below the age of 15 by armed forces and armed groups, any recruitment or use of children below the age of 18 by armed groups, the compulsory or forced recruitment of any child under 18 into armed forces, and the direct participation of children between the ages of 16 and 18 in hostilities. Voluntary recruitment of children between the ages of 16 and 18 is proscribed with certain conditions;
- Treating children involved in armed conflict primarily as victims of serious violations whose reintegration should be prioritized;
- During release, handing over children formerly associated with armed groups and forces to an independent civilian process with the aim of ultimately restoring links between children, their families, and their communities where appropriate;
- Only prosecuting children involved in serious crimes, beyond mere association, in line with international juvenile justice standards,³⁶ which consider alternatives to prosecution and detention; and
- Addressing children alleged to be involved in armed groups designated as terrorist in accordance with international law and international juvenile justice standards, where specialized child justice systems should have the primary and preferred jurisdiction for children charged with terrorism-related offenses.³⁷

In addition, since 1999, the UN Security Council has adopted a number of resolutions that call on Member States, the UN, and donors to ensure the reintegration of children recruited in violation of international law.³⁸

The Security Council and the Secretary-General have also explicitly called on states to adopt handover procedures for the transfer of children associated with

armed groups to civilian actors. In Resolution 2349 (2017), the UN Security Council stressed the need to pay “attention to the treatment and reintegration of women and children formerly associated with Boko Haram and ISIL, including through the signing and implementing of protocols for the rapid handover of children suspected of having association with Boko Haram to relevant civilian child protection actors, as well as access for child protection actors to all centres [sic] holding children.”³⁹ In addition, the following year, in Resolution 2427 (2018), the UN Security Council similarly stressed “the need to pay particular attention to the treatment of children associated or allegedly associated with all non-state armed groups, including those who commit acts of terrorism, in particular by establishing standard operating procedures for the rapid handover of these children to relevant civilian child protection actors.”⁴⁰ When setting the mandates for peacekeeping missions, the Security Council has also, on occasion, called on governments to establish SoPs for the handover of children.⁴¹

The Secretary-General has called for the adoption of handover protocols in several annual reports on children and armed conflict.⁴² The Security Council Working Group on Children and Armed Conflict has also made recommendations in its conclusions on the Secretary-General’s country-specific reports on children and armed conflict, in countries like CAR and Nigeria, to adopt handover protocols for the transfer of children.⁴³

Finally, in September 2020, the ACERWC issued a General Comment on Article 22 of the African Charter on the Rights and Welfare of the Child on Children in Situations of Conflict, calling for “States... [to] develop handover protocols to prevent detention and ensure that children taken into military custody are swiftly transferred to civilian child protection authorities for rehabilitation and community reintegration.”⁴⁴ In a November 2019 statement, the Committee also urged states to end military detention.⁴⁵



2. Introduction to Handover Protocols

e. The Potential Benefits of Handover Protocol Agreements

Handover protocols facilitate a critical pathway to reintegration for CAAFAG. They systematize and standardize the process of transfer of CAAFAG, ensuring equal access for all children encountered by the armed force or armed group that has signed the protocol to care, protection, and reintegration services. They strengthen cooperation between security, civilian, and child protection actors to provide clarity on roles, responsibilities, and procedures for the treatment of children, particularly during security operations. They also offer potential protection for NGOs providing services to CAAFAG who may otherwise risk being classified as supporters of designated terrorist or armed opposition groups. Once adopted, civilian authorities can take steps to adequately prepare their personnel to routinely receive CAAFAG and to establish concrete coordination and service pathways.

Handover protocols are essential for preventing or reducing the number of children detained by armed forces or groups. Without handover protocols, governments may leave children languishing in detention for years without charge. Many children are only released at the discretion of military forces, when detention facilities are full, or following the intervention of humanitarian agencies or human rights advocates.

While specific data on the number of children released through handover protocols is not readily available, anecdotal evidence suggests that in some cases, the rate of release is relatively high. In Mali, for example, between July 2017 and March 2020, 79 out of 94 children captured or apprehended for their alleged association with armed groups were transferred to national civilian child protection actors, per the terms of the protocol.⁴⁶ The Government held the remaining 15 children because of disputes about their ages.

Even when releases do not take place as routinely as stipulated in handover protocols, child protection actors have relied heavily on these agreements in their advocacy. Handover protocols have proven particularly instrumental in challenging governments that have detained children for their alleged association with armed groups, including those designated as terrorist. Advocates have also used them when calling for presidential pardons for children who have been prosecuted for crimes committed during their association.

In many cases, handover protocols are less contentious to negotiate than other, multifaceted agreements, like action plans. They can be adopted more quickly and can be applied in new and emerging conflict situations. For example, the handover protocol signed by the Government of Chad in 2014 not only facilitated the release of children allegedly associated with ex-Séléka forces from CAR, but also proved a valuable tool for the handover of children detained in the context of operations against Boko Haram in the Lake Chad Basin.

Finally, handover protocols play a critical role in shaping the normative framework around CAAFAG. In Mali, for example, the existence of the handover protocol with the Government has prompted releases of CAAFAG from armed groups and international forces, even though they are not parties to the agreement. As one former child protection actor explained, “[Handover protocols] are emblematic of the vulnerability of children... It’s a piece that impacts so many other pieces. If states recognize children as victims, it’s easier to get states to sign, for example, the Safe Schools Declaration or the action plan agreements. [They are] one of many frameworks that help to normalize the protection of children.”⁴⁷ Handover protocols may also galvanize advocacy on a host of other issues affecting children in conflict. For example, the signing of the handover protocol in Chad in 2014 laid the foundation for advocacy on strengthening justice for children.



3. Strategies for Approaching Handover Protocol Negotiations

The following section outlines possible strategies to help secure buy-in from key stakeholders and promote swift handover protocol negotiations.

STRATEGIES FOR STRENGTHENING HANDOVER PROTOCOL NEGOTIATIONS

1. **Conduct a situation analysis** to better understand the climate for handover protocol negotiations and, using some of the strategies recommended below, determine an effective path forward.
2. Identify timely **opportunities to initiate handover protocol negotiations** with the government or armed group. This could include:
 - a. Changes in the conflict leading to a rise in the number of children recruited, encountered, or detained.
 - b. Periods of relative calm when there is potentially less political sensitivity surrounding the signing of a handover protocol.
 - c. Action plan negotiations following the listing of an armed group or force in the annexes of the Secretary-General's annual report on children and armed conflict or other general dialogue with parties to the conflict that are not yet listed.
 - d. Peace talks between opposing parties, recalling, however, that unlike in adult DDR processes, there should be no preconditions for the release of children from any armed force or group.⁴⁸
3. Ensure the **engagement and buy-in of key stakeholders** in the government.
 - a. Conduct a thorough stakeholder analysis to identify the most influential actors within the government early in the negotiation process.
 - b. Where possible, identify champions within the government to support the protocol negotiations.
 - c. Take steps to secure the buy-in of armed forces and other state security actors involved in handling CAAFAG. This could include identifying an advocate for the protocol within the military. In some cases, human rights or other focal points within the military may offer valuable negotiation support.
 - d. Where possible, take steps to maintain the same negotiation focal points to ensure consistency, continuity, and momentum in the negotiations.



3. Strategies for Approaching Handover Protocol Negotiations

4. Identify **allies to support advocacy** for handover protocols. They may include:
 - a. Other humanitarian, NGOs, and child protection agencies.
 - b. Gender-based violence response actors.
 - c. Neutral and impartial actors like the ICRC.
 - d. Influential diplomatic missions including, where relevant, local/regional Groups of Friends of Children and Armed Conflict.
 - e. Donors supporting the security sector who can condition their assistance on the adoption and effective implementation of handover protocols.
 - f. Allied armed forces.
 - g. Countries who have signed handover protocols and who can describe how the protocols operate in practice.
 - h. UN offices with previous experience negotiating handover protocol negotiations, including experts from UN headquarters, senior child protection staff who have led handover negotiations in other countries, and the OSRSG-CAAC who can provide political support for the negotiations.
 - i. Local communities who can provide support for reintegrating children and who can raise questions about CAAFAG with their elected representatives.
5. Raise awareness of the **government's domestic and international commitments** to the situation of CAAFAG.
6. Prior to and during negotiations, ensure the development of **short-term and long-term care, protection, and reintegration responses** capable of providing quality care and support for all CAAFAG identified and transferred, including interventions for children with specialized needs, such as girls, ideally in locations near where CAAFAG are encountered.
7. Determine, depending on the context, **the ideal process for negotiations**. Considerations include:
 - a. Whether to conduct a series of bilateral meetings or workshops among stakeholders, or a hybrid of both.
 - b. How to engage interlocutors from the government. This could either take place through an inter-ministerial committee or could consist of one or two ministerial leads.
8. Once negotiations begin, take steps to **Maintain the momentum** of the discussions.



3. Strategies for Approaching Handover Protocol Negotiations

a. Conducting a Situation Analysis

Several actors interviewed for this guidance stressed the importance of having a strong understanding of the local context prior to initiating handover protocol negotiations. Conducting a situation analysis can lay important groundwork for handover negotiations. This could include: gathering data and information on children recruited and used in the country, in what areas, and by which groups or forces; assessing where, when, and how children might be detained by armed groups or forces; outlining the legislative framework for the treatment of CAAFAG, including legal provisions that might conflict with a handover protocol; understanding the government or armed groups' attitudes and perceptions of CAAFAG; and mapping the availability of child protection actors to provide support and reintegration services. Drawing on this information, and using the strategies outlined in this section, advocates should determine a path forward for the negotiations.

b. Identifying Opportunities to Initiate Handover Protocol Negotiations

The timing of handover protocol negotiations can influence the receptivity of the government or armed group to the handover proposal, as well as the pace of the negotiations. Changes in conflict dynamics, a listing in the Secretary-General's annual report on children and armed conflict, and peace talks have provided opportunities to initiate handover negotiations.

Changing conflict. Several handover protocol agreements were initiated in response to changes in conflict dynamics. In Niger, Mali, Nigeria,⁴⁹ and Burkina Faso,⁵⁰ the rise in the level of recruitment and use of children and the increase in the detention

of children allegedly associated with armed groups created opportunities for the UN to engage these governments on developing responses compliant with their international legal obligations. These changes may create additional incentives for government authorities to act, particularly if they lack the means or expertise to support these children.

Periods of relative calm. While the deterioration of the security situation in a given country creates an obvious need for protections for children, in some cases, the UN has initiated handover protocol negotiations during a relative period of calm. In CAR, for example, UN authorities first began handover protocol negotiations when the number of CAAFAG in government custody was relatively low. While this perhaps reduces the urgency of such an agreement, it may also make negotiations less contentious. The UN hopes that the protocol, once adopted, will serve as an important preventive measure to ensure the CAAFAG encountered by the *Forces Armées Centrafricaines* (FACA)—the Central African Armed Forces—are not detained. Such preparedness measures could also be considered in countries facing the spillover of conflict from neighboring states.

Negotiating action plans. When armed forces or armed groups are listed in the Secretary-General's annual report on children and armed conflict, this opens the door for the UN to engage with the listed party to develop an action plan to end the grave violations for which it is listed as well as other related child rights violations and abuses. During these negotiations, the UN may discuss the handover of children within the ranks of the armed force or armed group as well as children from opposing forces/groups who are in their custody. In some cases, this has led to governments committing to developing handover protocols as part of the implementation of an action plan. The handover protocols in the Sudan and Chad, for example, were both developed as benchmarks within the action plan agreements.



3. Strategies for Approaching Handover Protocol Negotiations

CASE STUDY: The Negotiation of Handover Protocols in Chad

In 2007, the Chadian National Army was listed in the annexes of the Secretary-General's annual report on children and armed conflict for killing and maiming and committing rape and other grave sexual violence against children.⁵¹ On June 15, 2011, the Government of Chad signed an action plan with the UN to address grave violations. It agreed to adopt a handover protocol agreement as part of the ongoing implementation of the action plan. In early 2014, Chadian forces detained a group of ex-Séléka armed group members, including 44 children, from CAR, who had crossed into Chad.⁵² The Government of Chad did not charge these children with crimes, and UNICEF faced a number of political and judicial barriers to visiting the detainees. The detention of these children galvanized momentum for the signing of the protocol. The Government signed the protocol on September 10, 2014, agreeing to hand over children both within their ranks and from opposing armed groups and forces, including non-nationals.⁵³ That same year, the Secretary-General delisted the Chadian National Army, following its compliance with the action plan.⁵⁴

Sometimes the mere threat of listing in the Secretary-General's annual report has served as strong leverage to influence governments to negotiate handover protocols. For example, in 2020, the Secretary-General announced that going forward, Burkina Faso would be included in the annual report as a 'situation of concern'.⁵⁵ In response, the Government of Burkina Faso at the time was keen to take measures to show its support for the protection of children affected by the conflict. This, in turn, created a favorable environment for UNICEF's engagement on a handover protocol.

In some cases, handover protocols could also be negotiated during general dialogue with parties to the conflict that are not listed.

Peace talks. Finally, peace talks have provided strategic opportunities to engage in discussions on the handover of children associated with armed groups and forces.⁵⁶ In 2021, prior to the coup on October 25, 2021, and as part of the Juba Peace Agreement in the Sudan, the UN began negotiating a roadmap with armed groups that included provisions for the development of handover protocols.

c. Ensuring the Engagement and Buy-in of Key Government Stakeholders

Stakeholder analysis. Successful handover protocol negotiations have often depended on strategic stakeholder analysis to ensure the most influential actors within a government are included early in the negotiating process. Some NGOs have helped to provide insights into whom the UN should target within a particular government. Failure to include all the relevant ministries in protocol negotiations has led, in some cases, to some stakeholders feeling less bound by the protocol's terms. One child protection actor interviewed for this guidance stressed the importance of only including stakeholders who are directly involved in the handovers, as the involvement of too many parties may delay or even derail negotiations.

Identifying individuals to champion the protocol. In some countries, UN staff have identified individuals within governments to champion the protocols;



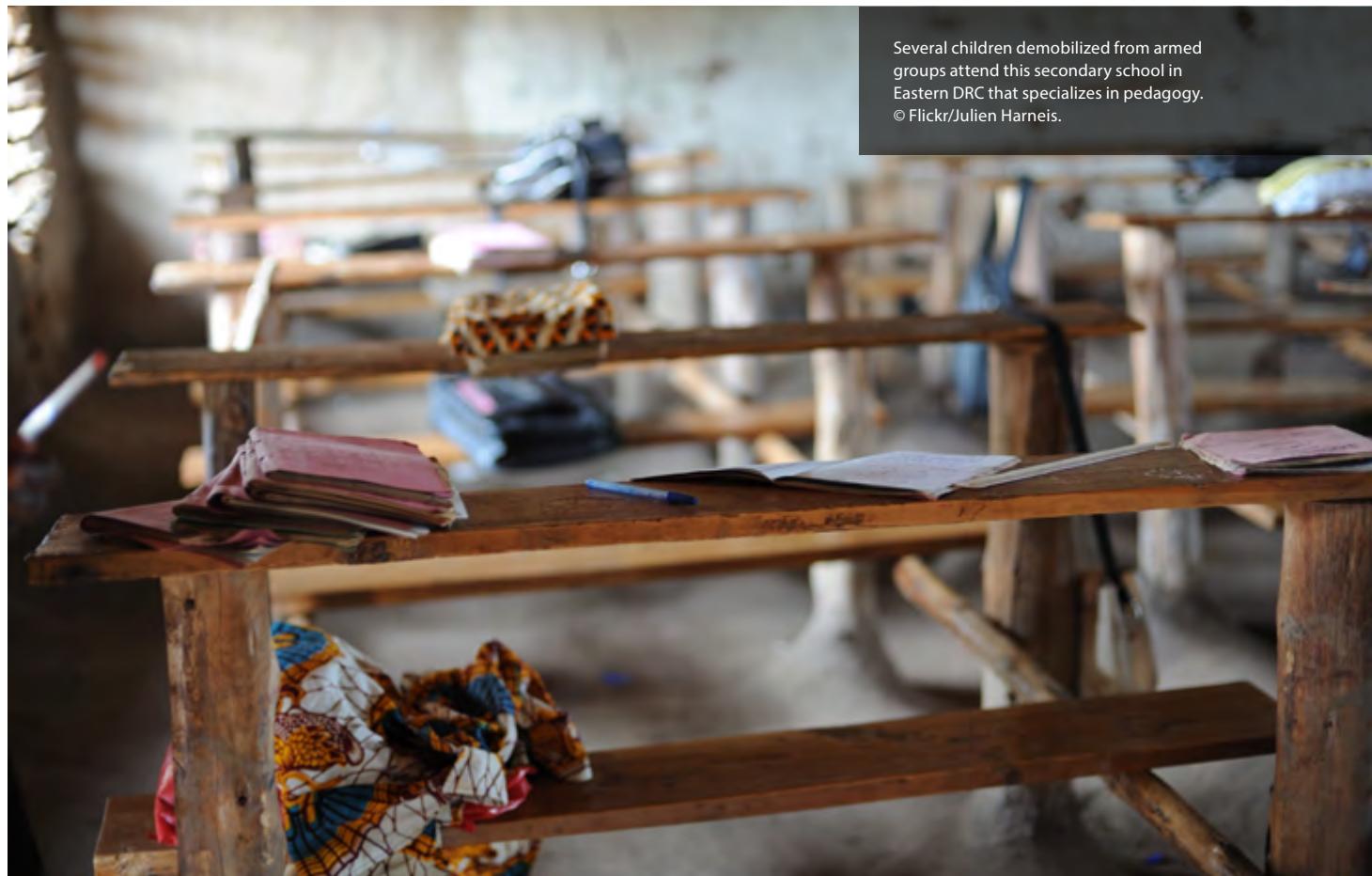
3. Strategies for Approaching Handover Protocol Negotiations

in at least one case, a government representative even drafted the first version of the protocol. These individuals can be instrumental in securing support from the various ministries.

Buy-in from armed forces and other state security actors. Although it is often challenging to secure buy-in from armed forces and other state security actors, they are among the most critical in the negotiation process. When a handover protocol is signed or sanctioned by a ministry of defense, troops implementing the protocol are directly answerable to the immediate chain of command, helping to strengthen accountability. Several countries have human rights focal points within their national militaries who have been instrumental in providing an opening for protocol negotiations. For example, in

Uganda, military officers specializing in human rights within the ranks of the UPDF conducted significant internal advocacy for the negotiation and adoption of the 2009 action plan and the 2011 SoPs for the handover of children in detention. Even without these focal points, it can be helpful to find a sympathetic representative from the military who can help UN staff gauge the receptiveness of the military to the handover protocol and accelerate discussions.

Maintaining the same focal points throughout the negotiation. Once the key interlocutors have been identified, where possible, take steps to maintain the same focal points in the negotiation process throughout its duration. This can help to ensure continuity, consistency, and momentum in the negotiations.



Several children demobilized from armed groups attend this secondary school in Eastern DRC that specializes in pedagogy.
© Flickr/Julien Harneis.



3. Strategies for Approaching Handover Protocol Negotiations

d. Identifying Allies to Support Advocacy for the Handover Protocol Agreement

Support from external actors often strengthens handover protocol negotiations. Although not directly involved in the negotiations, their voices can help to reinforce the importance of treating CAAFAG as victims first and foremost, and taking steps to ensure affected children can access relevant support and reintegration services.

Humanitarian and child protection agencies.

Lead negotiators have received and sometimes coordinated support among other humanitarian and child protection agencies and NGOs whose research and advocacy has helped to highlight the plight of CAAFAG in the country.

Gender-based violence response actors. Actors that assist CAAFAG who are survivors of rape and other sexual violence can provide advocacy support to ensure these children receive the services they need.

The ICRC. The ICRC is an impartial, neutral, and independent humanitarian organization which engages in a confidential and bilateral protection dialogue with a range of actors in armed conflict and other situations of violence. It may be constructive for negotiators to discuss handover protocols with the ICRC.

Diplomatic missions and donors. UN staff also described collaborating with influential embassies to support advocacy for the signing of protocols and to reinforce messages about international standards for child protection. In some cases, diplomatic missions have helped to facilitate access to government actors that might otherwise be difficult for lead negotiators to engage. In addition, donors and diplomatic missions may play an important role in helping to provide financial support for reintegration programs and other support services. In those countries where there is a "Group of Friends of Children and Armed

Conflict"—which brings together governments in order to address issues affecting children in conflict—negotiators could engage the group to prioritize handover protocols on its agenda and, where relevant, actively support the negotiation and implementation process.

Donors providing security sector support.

Some donors may provide security sector support to governments of countries that recruit and use children and/or that routinely detain children from opposing armed groups or forces—conduct they would unlikely tolerate from their own forces. It is important donors assess the potential these support relationships have to cause or contribute to harm to children, their families, and their communities.⁵⁷ Negotiators should encourage donors to condition their security assistance on the adoption and effective implementation of handover protocols that include provisions to transfer all children encountered or in their custody, including children in their ranks.

Countries like the United States have taken important steps in limiting security assistance to countries that recruit and use child soldiers,⁵⁸ but that legislation does not extend to the detention of CAAFAG from opposing armed groups or forces.

In some cases, donor governments' armed forces may engage in joint military operations with national armed forces in an affected country where they encounter children on the battlefield. These donor governments should be invested in establishing a strong system to support actions that are in children's best interests. In Mali, for example, the French Barkhane Forces operated closely alongside Malian forces and began encountering children believed to be associated with armed groups in the north of the country. The *Chef d'État Major* from the French forces became an important and influential advocate for the signing of the handover protocol in Mali.

Countries that have signed and implemented handover protocols. In at least one case, securing advocacy support from a country that has signed



3. Strategies for Approaching Handover Protocol Negotiations

and implemented a handover protocol has been very influential. During the handover protocol negotiations in Burkina Faso, a delegation that included representatives from the Government met with authorities in Niger—which already had a protocol in place—to learn from their experience.

Other UN entities. Securing support from other offices or agencies within the UN system has also proven valuable in handover protocol negotiations. Sometimes, if there is internal resistance to pursuing handover protocol negotiations within UNICEF or the UN peacekeeping mission in a given country, global focal points from headquarters can help to convey the importance of initiating these discussions.

In addition, child protection experts who have successfully led similar efforts in other countries can provide practical assistance during ongoing negotiations. These experts have supported negotiations in, for example, Cameroon, Nigeria, and Burkina Faso. As outsiders, they can assume the risk of being designated *persona non grata* (PNG) in the host country without jeopardizing existing humanitarian operations there. In addition, staff with relevant expertise from other country offices can provide vital training or strategic support, particularly in preparation for the adoption of a protocol. Finally, the OSRSG-CAAC can help to provide high-level political support and advocacy to advance negotiations. In both Burkina Faso and Niger, the SRSG-CAAC approached the respective presidents at the time about the detention of conflict-affected children in order to encourage their commitments.

Security Council. Resolutions or other outcome documents from the Security Council explicitly calling for the adoption of a handover protocol can also help to convey the importance of prioritizing these agreements among the senior leadership of the UN and governments.⁵⁹

Local communities. Local communities may also be important allies in negotiations. They could be encouraged to raise questions about the government’s plans to respond to children who have been recruited from their communities. They may also be able to hold their political representatives accountable for a lack of response. Engaging relevant communities is also important for laying the groundwork for the safe return, reintegration, and acceptance of CAAFAG.

e. Raising Awareness of the Government’s Legal Obligations to CAAFAG

Prior to negotiations, it is advisable to conduct an analysis of the domestic and applicable international legal framework on the treatment of CAAFAG and potential obstacles to the discussions in the target country.

Once the relevant stakeholders have been identified, trainings and awareness-raising events on relevant international law and standards for the treatment of CAAFAG are critical for building a foundation of support within a government before and during negotiations. Governments are bound, for example, by provisions in the Convention on the Rights of the Child (CRC) and its Optional Protocol on the involvement of children in armed conflict (OPAC) and may choose to adhere to the voluntary standards recommended in the Paris Principles.⁶⁰

In addition, prior to negotiations, it is useful to identify the state’s domestic commitments to protecting CAAFAG and the systems and services available for their support. Provisions that may support the reintegration of CAAFAG may be found in children’s rights laws, child protection codes, and/or child justice laws that place a strong emphasis on alternatives



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to detention and opportunities for rehabilitation. In some countries, like CAR, the state has legislation explicitly recognizing CAAFAG as victims and criminalizing the compulsory recruitment of children by the state military and the recruitment and use of children by non-state armed groups.⁶¹

A government may also have signed agreements with the UN or other humanitarian actors regarding their support for CAAFAG. For example, in 2007 in Chad, prior to engaging in the action plan and handover negotiations, the Government had signed an agreement with UNICEF that included handover procedures for Chadian children involved in the conflict. The Government considered the handover protocol signed in 2014, which included new provisions for the transfer of children of foreign nationality in Chadian territory, an extension of this pre-existing agreement.

In some cases, the domestic legislation on juvenile justice and child protection may be non-existent, weak, or poorly implemented. In addition, some counterterrorism legislation or national security legislation may undermine or conflict with child rights legislation or codes and the need to treat children as victims. In these situations, it may be advisable to focus on the country's international legal obligations and to promote the supremacy of child and youth justice laws over counterterrorism and national security legislation.⁶²

f. Developing Short-Term and Long-Term Care, Protection, and Reintegration Responses

Some governments may be reticent to sign handover protocols without strong programs to support the care, protection, and reintegration⁶³ of CAAFAG. In particular, governments may want to ensure that

any child released is not a security threat to the local population, or at risk of re-recruitment by armed groups or forces or retaliation from the community.

Governments will often assess the availability, absorption capacity, and quality of the programs on offer before relinquishing custody of the children. In the absence of such programming, or where concerns about the safety and security of CAAFAG and the local community persist, governments are more likely to detain children indefinitely without charge or services.

In some countries, reintegration and other support services are provided by the government through the ministry responsible for the protection of children. In others, reintegration and support services are provided through NGOs. In Somalia, to increase the Government's confidence in the capacity of the local NGOs to competently care for the CAAFAG transferred, the National Intelligence and Security Agency (NISA) screens the NGOs involved in reintegration and sets minimum standards to which they must adhere. A civilian liaison who assists with the transfer of children from NISA to the NGOs often visits the reintegration programs. Facilitating this type of government engagement and oversight may, in some cases, help to ensure the quality of the programs, and reduce concerns about perceived security risks that sometimes limit the transfer of CAAFAG deemed to be higher risk.

Demonstrating readiness and competency to care for, protect, and reintegrate children is an important trust-building measure. For example, even though Nigeria has not yet signed a handover protocol at the time of writing, UN staff have continued to encourage the transfer of children to UNICEF for services, including reintegration support. UNICEF funds a transit/reintegration center run by the Borno State Ministry of Women Affairs and Social Development, highlighting its readiness and commitment to support children released from detention. Over the past few years, the



3. Strategies for Approaching Handover Protocol Negotiations

Government of Nigeria has released children allegedly associated with armed groups to this facility, although this practice is neither standardized nor systematic.

Short-term care, protection, and reintegration responses.

In some situations, the swift pace of negotiations of handover protocols leaves little time to establish full-fledged reintegration programs. However, as plans are underway for a more long-term response, negotiators should ensure a minimum level of preparedness to receive children, including those with special needs, like children living with disabilities, girls, including those who are pregnant or with their own children, and children with medical issues like injuries, illness, or mental health needs. Steps should also be taken to ensure siblings can maintain contact, especially if they are in different facilities for girls and boys.

Some initial steps may include conducting a mapping of pre-existing child protection systems, including appropriate interim alternative care arrangements, that stakeholders could build on. Experts recommend care, protection, and reintegration programming be implemented through or in connection with existing child protection systems, or strengthen the capacities of existing systems, wherever possible.⁶⁴

When such services are lacking, negotiators have sought other temporary facilities to house released children. In Mali, the UN repurposed homeless shelters and turned them into interim care facilities for the first children who were transferred.

While negotiations are ongoing, plans should be put in place to build the capacity of the NGO or government staff who will be receiving and supporting released children, including in any support centers. In some cases, the staff may be new to armed conflict contexts or child recruitment, or they themselves may have been directly affected by the actions of an armed group or force. They will likely need additional training on key child protection approaches, including on comprehensive case

management and reintegration programming. The UN and NGOs with experience working on reintegration may play a critical role in the initial training.

Long-term reintegration responses.

Where more robust long-term reintegration programs exist, children transferred to civilian child protection actors may spend a few months in transit centers, interim care centers, or similar residential care facilities where children are provided with immediate care and protection and receive services to prepare them and their families for reintegration while family tracing and restoration of family contact is undertaken.⁶⁵ In some places, there has been a shift towards community-based care. This might include non-residential reintegration programs where children receive similar services as they would in the residential programs, but where they live among their communities in family-based care. Research suggests such programs are especially beneficial for affected girls.⁶⁶

Once the period of initial support programming is complete, and when it is safe to do so, civilian actors may help to restore links between the family and the child, hopefully leading to family reunification and the child's reintegration in the home and community. Choices about programming should be tailored to the individual needs of the child. The nature of the programs may depend on pre-existing services, the number of CAAFAG transferred, security considerations, programming capacity, and the needs and wishes of the involved children and families.

In some countries, the perceived lack of security around reintegration facilities has slowed and sometimes prevented handovers. Stakeholders can work together to find solutions to ease security concerns. For example, in Somalia, the Government screens the NGO transit centers and evaluates their security prior to releasing CAAFAG. In other countries, like Niger, the transit facilities remain secret, their locations known only to a few actors. When Mali first adopted its handover protocols, child protection actors had to negotiate with the *chef de quartier*—the



3. Strategies for Approaching Handover Protocol Negotiations

local administrative authority—to ensure they had the requisite permission and support of the local community to house CAAFAG in that area. In Beni in the DRC, there are very strong links between the transit center and the local police, who include the center on their regular patrol route.

Whatever the programming selected, it is important that reintegration and other support services exist locally. This allows handovers to take place at the local level, where safe to do so, and avoids lengthy and cumbersome transfers to the capital city where children are further from their families and opportunities for follow up are more limited after the child has returned home.

In some countries, CAAFAG may be identified by local community leaders or through public services. In these cases, the children may be transferred to existing reintegration programs to receive services, although this typically takes place informally and outside the framework of a handover protocol.

In all cases, care should be taken not to inadvertently incentivize children to join armed forces and armed groups by giving them attractive benefits that are not available to other vulnerable children in the community of return.

g. Process Considerations for Handover Protocol Negotiations

Experts interviewed by Watchlist emphasized that managing the negotiation process was as important as managing the political sensitivities surrounding handover protocols. Negotiators should consider when and how various stakeholders engage in the protocol negotiations and in what order.

Bilateral meetings and/or workshops. In some countries, like Mali, for example, negotiators held a series of bilateral meetings where they attempted to secure the buy-in and sign-off of each independent stakeholder. In other countries, like Burkina Faso, negotiations have taken place through a series of workshops with stakeholders, at first to raise awareness of the key issues, and then to negotiate the text of the protocol and its implementing documents.

Sometimes, the negotiations may involve a hybrid of bilateral negotiations with key actors, beginning with the most important for sign-off, like the ministry of defense, as well as workshops where all the relevant stakeholders convene.

Ministerial lead or inter-ministerial committee. In some cases, a government has assigned a ministerial lead for the negotiations who acts as the key interlocutor with the UN. In other countries, like Niger, the government has established an inter-ministerial committee that both takes forward the negotiations and oversees the implementation of the handover protocol. If a country has a pre-existing multisectoral body working on children and armed conflict, such as the DRC, that group could lead negotiations and oversee the implementation of a handover protocol.

Maintaining momentum. During the discussions, it is critical that the lead negotiators maintain the momentum of negotiations, especially in conflict-affected countries where there is often a high degree of staff turnover in government, UN, and child protection agencies. Several child protection actors stressed the importance of closely and continuously following up on discussions to hold stakeholders accountable for agreed actions so that the negotiations do not stall.



4. Considerations for Engaging with Armed Groups on the Development of Handover Protocols

KEY CONSIDERATIONS FOR DEVELOPING HANDOVER PROTOCOLS WITH ARMED GROUPS

In situations where the UN has successfully engaged an armed group on child protection concerns through, for example, general dialogue, action plan negotiations, or peace talks, negotiators should consider, where relevant, advocating for the adoption of handover protocols among the armed group's commitments.

In recent years, the UN has begun engaging with armed groups on the development of handover protocols. These agreements extend beyond the demobilization and release of children from within the ranks of armed groups and include the transfer of all children encountered or in their custody, including those from opposing armed groups or forces.

The successful adoption of handover protocols by at least one armed group shows the potential versatility of these agreements and their capacity to apply to new contexts and situations and to address the detention of children in armed conflict.

Traditional approaches to engagement may be less relevant in discussions with armed groups, many of whom lack the same resources and capacity as governments. Only one formal handover protocol has been signed with an armed group so far—the Ansar Allah (formerly known as the Houthis) in Yemen.

Children formerly associated with armed groups play together at a reintegration center in CAR.
© Flickr/Gregoire Pourtier.





4. Considerations for Engaging with Armed Groups on the Development of Handover Protocols

CASE STUDY: Development of Handover Protocol with the Ansar Allah in Yemen

The Ansar Allah is an armed religious minority group led by Abdul-Malik al-Houthi. It came to power following multiple rounds of conflict with the Yemeni Armed Forces (YAF). In 2021, the Ansar Allah controlled Northwest Yemen, including the capital Sana'a, as well as areas of Ma'rib.⁶⁷ The group operates as a de facto government authority, and around 24 million people live under its administration.⁶⁸

In 2011, the Ansar Allah was first listed in the Secretary-General's annual report on children and armed conflict for the recruitment and use of children.⁶⁹ In 2016 it was also listed for killing and maiming children and attacks on schools and/or hospitals.⁷⁰ The previous Secretary-General first reported on the detention of a child by the Ansar Allah in the 2016 annual report on children and armed conflict.⁷¹ The current Secretary-General reported increasing numbers of children detained by the group in the 2018,⁷² 2019,⁷³ and 2020⁷⁴ annual reports on children and armed conflict.

Following the listing of the Ansar Allah, the CTFMR is mandated to engage with the group to develop an action plan to end and prevent the grave violations for which it is listed. Given the political sensitivities surrounding action plan engagement, the UN actors on the ground decided to approach the Ansar Allah about signing a handover protocol, as a first step towards building confidence and trust for the more complex action plan discussions. UN actors argued that the signing of the handover protocols would signify an initial step by the Ansar Allah to strengthen the protection of children.

The relevant ministries operating under the Ansar Allah signed the handover protocol agreement in April 2020. They agreed to transfer any children captured to the Ministry of Social Affairs and Labour. Soon after signing the agreement, they released 68 children from detention.⁷⁵ The Secretary-General reported only two children detained by the Ansar Allah the following year.⁷⁶

In 2020, the Secretary-General moved the Ansar Allah from Section A to Section B for the recruitment and use of children in the annexes of the annual report on children and armed conflict.⁷⁷ Section B is for parties that have put in place measures to improve the protection of children.

The UN has also pursued handover protocol agreements with other armed groups. Prior to the military coup in the Sudan on October 25, 2021, the UN had engaged signatories to the Juba Peace Agreement to commit to various activities, including the development of handover protocols for the transfer of all CAAFAG. At the time of writing, the status of the negotiations remained unclear.

When the UN is engaging with armed groups on various child protection concerns, either through general dialogue, negotiations for an action plan (as was the case in Yemen), or as part of a peace agreement, they may include handover protocols among the armed groups' commitments, where relevant. The signing of a handover protocol could be a relatively easy and early step in discussions that can be used to show an armed group has taken good-faith measures to address grave violations against children.



5. Handover Protocols as Tools to Address Detention of CAAFAG

Governments in some countries are increasingly treating CAAFAG as perpetrators, rather than victims of serious violations (i.e., notably child recruitment), and many face increased pressure from constituents to enforce a punitive response. In some cases, contrary to the principles of international humanitarian and human rights law, governments have treated CAAFAG as “security threats” that need to be detained based on the potential risks they pose to the community.⁷⁸

Several countries have adopted expansive counterterrorism laws which explicitly or effectively criminalize association⁷⁹ with a designated terrorist group and fail to make distinctions by age. Such legislation aims to recognize the gravity of terrorism-related offenses with a focus on a punitive approach, including for children, which is contrary to international juvenile justice standards, which prioritize reintegration.

Governments detaining children with a perceived association with an armed group or force often argue that handover protocols promote impunity by releasing children who have committed crimes during their association, possibly endangering local communities. Discussions have frequently centered on whether a child who was recruited into an armed group should be held accountable for his or her actions, or whether he or she should be released to civilian child protection actors for reintegration support. The ‘actions’ of the child at issue are often left unspecified in these discussions, but are generally understood to range from mere association with the group, to potential war crimes. This ambiguity should be resolved by reference to existing international legal standards.

International laws and principles on children’s rights stress that CAAFAG should be treated primarily as victims, and criminal responsibility related to a child’s mere participation in armed conflict should lie

primarily with the individuals or groups who recruited or used them, not the child. Handover protocols, however, are not guarantees of immunity. Rather, they allow for prosecution of CAAFAG charged with more serious crimes, beyond mere association with an armed group, in line with international juvenile justice standards, and in a manner that also accounts for their status as a child and a victim. International law encourages alternatives to judicial proceedings and institutional care.⁸⁰

Most handover protocols are phrased broadly, calling for the transfer of children separated from armed groups or forces, which in several countries has included the transfer of some children in detention.

However, most handover protocols are silent on whether the government can pursue prosecutions of CAAFAG implicated in serious crimes. In many countries, however, armed forces and other state security actors keep CAAFAG who they suspect are involved in serious crimes for further investigation or prosecution, but not always in line with international child justice standards.

Handover protocols should explicitly call for the transfer of children in the custody of governments or armed groups, including in pre-trial and administrative detention,⁸¹ who are below the age of criminal responsibility, or who are above the age of criminal responsibility and not accused of committing serious crimes, namely war crimes or crimes involving physical or sexual violence. Handover protocols may also outline standards for the prosecution of children charged with serious crimes in line with international juvenile justice standards, in exceptional cases. **Please refer to the following section for recommended text.**



5. Handover Protocols as Tools to Address Detention of CAAFAG

In countries with weak or non-existent child and youth justice legislation, child protection actors may have to engage in complementary advocacy to promote

legislative amendments to strengthen safeguards for the protection of children, including CAAFAG, during prosecution.⁸²

Complementary Advocacy to Strengthen Legislative Protections for the Prosecution of CAAFAG

Strengthening the juvenile justice law to ensure children are detained only as a measure of last resort, for the shortest period of time, and with access to legal representation and appropriate services, and that alternatives to judicial proceedings and detention are available and prioritized.

Where such systems are not developed or available, children's cases should be handled by civilian authorities responsible for and trained in child-friendly justice processes, rather than military, intelligence, national security or similar special courts, and connected to child welfare systems. Any investigation or determination of culpability should be made based on processes consistent with applicable international child rights standards, including the CRC, and internationally recognized juvenile justice standards and principles, and due process and fair trial standards, prioritizing the child's recovery, reintegration, and best interests in all decisions.

Strengthening protections for children and youth in counterterrorism laws. The government in question should strengthen protections for CAAFAG by prohibiting the criminalization of mere association with armed groups, including those designated as terrorist, or for activities that would not otherwise be criminal, such as providing support to an armed group (i.e., cooking, cleaning, driving, etc.), for children under the age of 18. It should also end the detention of children based on family ties. The best interests of the child should be the primary consideration when applying counterterrorism laws and policies to children.

Raising the minimum age of criminal responsibility. Under the CRC, states are required to establish a minimum age of criminal responsibility (MACR). Authorities should raise MACR to at least 14, in line with international standards.⁸³ Note, however, that the UN Committee on the Rights of the Child has recognized that "adolescent brains continue to mature even beyond the teenage years, affecting certain kinds of decision-making," and it therefore commends states with even higher MACR of, for example, 15 or 16 years old.⁸⁴ The Committee states that children below the age of 14 should not be viewed as perpetrators and should instead be provided assistance by appropriate authorities.⁸⁵ According to the UN, "no child below the [MACR] should be investigated, prosecuted, or deprived of their liberty for any offence, including security and terrorism-related offences, in line with the provisions of the [CRC]."⁸⁶ If there is no proof of a child's age, the child should be given the benefit of the doubt and not be held criminally responsible, arrested, detained, or prosecuted.⁸⁷

Criminalizing the recruitment and use of children, including as a war crime. Children who are victims of recruitment and use are often victims of other violations such as abduction, gender-based violence, including rape and/or forced marriage, torture, trafficking, and the worst forms of child labor. When a child commits a crime during their association, it is often due to significant threat, coercion, or as a means to survive. Criminalizing recruitment helps to combat impunity by shifting the responsibility of acts committed during the period of association from children to the adults who recruited them in the first place.

Adopting a child rights law. The government should develop a comprehensive law on the rights of the child, that includes provisions recognizing CAAFAG as victims and that criminalizes the recruitment and use of children.



6. Handover Protocol Directives

KEY RECOMMENDATIONS

Please refer to Annex 3 for the handover protocol template.

While each handover protocol is unique to the country and context, below is a summary of some of the most commonly occurring handover protocol directives, as well as additional provisions suggested by practitioners who have negotiated these agreements.

Several people interviewed by Watchlist stressed that simplicity in the agreement was key to successful negotiations. Details regarding how handover protocols are operationalized may be best addressed in a comprehensive implementation plan.

Child protection practitioners may decide that, in the interest of expediency, some of the recommended provisions should rather be discussed in the implementation documents.

a. Preliminary Age Assessment and Identification of Children

[Armed forces, other state security actors, or members of the armed group] shall conduct a preliminary age assessment to identify all children encountered during security operations and/or who are in their custody or under their command and control, irrespective of the group or force they are associated with,⁸⁸ their nationality, or their current location. If there is any doubt about an individual's age, a presumption of minority shall prevail,

and a more detailed age assessment shall be carried out by [a civilian child protection actor] after handover.

[The armed force, other state security actors, or armed group] shall immediately separate children from adults, and boys from girls, unless the children are with their family members and separation is not in their best interest. Efforts shall be made to preserve family unity, providing it is in the child's best interests.

The aim of the first provision is to ensure that all children who come into contact with armed forces, other state security actors, or armed groups are identified as swiftly as possible.

b. Notification of Assigned Focal Points

[Members of the armed forces, other state security actors, or armed group] shall alert assigned focal points at the local and, if relevant in the context, state level, immediately of the presence of children, no later than 24 hours after first contact.

Some handover protocols do not include a directive for the relevant armed forces, other state security actors, or armed group to alert child protection actors to children who have been encountered. This is an important step as it allows child protection actors to track how long the child may be in the custody of armed forces, other state security actors, or armed group before handover. It also allows them to take steps to prepare for the handover.



6. Handover Protocol Directives

c. Handover of Children

i. Handover of Children Encountered During Security Operations

[Armed forces, other state security actors, or members of the armed group] shall hand over children encountered who are below the age of criminal responsibility, or who are above the age of criminal responsibility and not suspected of committing a war crime or crime involving physical or sexual violence, in the shortest time possible, and no later than 72 hours after first contact with the [armed forces, other state security actors, or armed group], to [civilian child protection actors].

In practice, even though international law requires that children are detained for the “shortest appropriate period of time,”⁸⁹ other state security actors have cited a host of reasons why they need to allow more than 72 hours for the safe transfer of children. This includes the fact that they may be in active combat when the child is first detained or that they may be a significant distance from a point where they can safely transfer a child to a civilian child protection actor. Child protection actors argue that the greater the time children spend in the custody of armed forces, other state security actors, or armed groups, the less assured their safety, security, and wellbeing especially among CAAFAG with specific needs like girls, including girls who are pregnant and/or with children, and children with injuries or illness. During the period of transfer, children face a heightened risk of coercive interrogation, torture, and other exploitation. The UN Security Council has expressed grave concern at the use of detained children for information-gathering purposes in Resolution 2427.⁹⁰

As a result of these debates, there is wide variation among existing protocols on the amount of time required for armed forces, other state security actors, or armed groups to alert and transfer children to civilian child protection actors. In Mali, the handover protocol calls for the immediate transfer of children within Bamako; outside of the capital, the protocol calls for the notification of child protection actors within 24 hours and transfer within 48 hours.⁹¹ In Somalia, the SoPs call for the UN to be alerted of children in the custody of the Somali National Security Forces (SNSF) within 72 hours and transferred to UNICEF within that same timeframe.⁹² In the Sudan, the SoPs allow for up to five days for the alert and up to two weeks for handover from the Sudan Government Security Forces (SGSF).⁹³ In several countries, armed forces and/or other state security actors have failed to meet the shorter timeframes outlined in their handover protocols or SoPs for the alert and transfer of children. One strategy to minimize the amount of time for handover is to ensure that handovers take place regionally or locally, as opposed to only in the capital.

ii. Handover of Children in Custody/Detention Not Suspected of War Crimes or Other Crimes Involving Physical or Sexual Violence

Children who are in the custody or under the command and control of [an armed force, other state security actor, or armed group], including in pre-trial or administrative detention, who are below the age of criminal responsibility, or above the age of criminal responsibility and not suspected of committing a war crime or other crimes involving physical or sexual violence, shall be transferred to [civilian child protection actors] for interim care, reintegration, and family reunification within a [predetermined period of time].



6. Handover Protocol Directives

As described in the preceding section, no handover protocol reviewed by Watchlist explicitly articulates the transfer of children in detention at the time the handover protocol is signed, although this is often inferred from the text of the protocol.

However, explicitly calling for the transfer of some children from detention ensures a clear and direct pathway for their release and reintegration, in line with international juvenile justice standards. This includes children held for their real and perceived association with armed groups or forces, as well as children who have no actual association with an armed group or force, but who are detained because they are found in areas where armed groups or forces are known to operate; because of alleged family ties to an armed group or force; because of their ethnic, religious, or tribal identity; or for other reasons.⁹⁴

The specific procedures regarding the transfer of children from detention may be outlined in an accompanying implementation plan, which may address questions such as identifying and preparing the children for their release, identifying children with special needs, details regarding the transfer process, and next steps for interim care, reintegration, and family reunification. In some contexts, child protection actors may need to outline policies and procedures for cases where a child is detained with a parent.

d. Standards and Procedures for the Prosecution of Children Suspected of Committing War Crimes or Other Crimes Involving Physical or Sexual Violence

When a child is suspected of committing a serious crime, namely war crimes or other crimes involving physical or sexual violence, a relevant authority from within the [armed forces, other state security forces, or armed group] shall report to the [authority responsible for juvenile justice], within 24 hours of the encounter, to arrange the terms of transfer of the child or for their release.

In accordance with international standards, children who are accused of crimes during their association shall be treated primarily as victims of violations of international law and not only as perpetrators.

Prosecution shall only be pursued in exceptional cases. Children shall not be prosecuted solely for membership in armed groups or forces, including groups designated as terrorist, or for activities that would not otherwise be criminal, such as cooking, cleaning, or driving. As criminal responsibility is individual, children shall not be detained, prosecuted, or profiled based on the association of their parents or relatives.

[A specialized child and youth justice system or civilian court with personnel who are trained on child-friendly procedures and connected to child welfare systems] shall have primary jurisdiction over children investigated and/or charged for crimes during their period of association, rather than military, intelligence, national security, or similar special courts. In all cases, children deprived of their liberty have a right to prompt



Former child soldiers board a UN helicopter to return to their communities.
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6. Handover Protocol Directives

legal and other appropriate assistance and shall only be held in facilities that support, protect, and prepare them for reintegration.

Detention shall only take place as a measure of last resort, for the shortest period of time, and in line with international juvenile justice standards which aim to promote children's recovery and reintegration.

To the greatest extent and as early as possible, the government or armed group shall facilitate children's conditional release and promote diversion from judicial proceedings and community-based and non-custodial alternatives to detention, including through mechanisms for restorative justice and reconciliation.

If criminal accountability measures are imposed, the court shall consider the situation and needs of the child,⁹⁵ as well as the severity of the crime to be punished, with sentencing options that support the child's rehabilitation and reintegration. Girl mothers shall receive special consideration—such as consideration of mitigating circumstances in sentencing—and the rights of their child(ren) shall be factored into judicial decisions.

Reintegration programs shall be available to all children who have either been diverted from the judicial process or who have completed custodial sentences.⁹⁶

Children that have already been sentenced for committing any crimes at the time the handover protocol is adopted shall, where possible, be considered for programs offering alternatives to detention and shall receive reintegration support upon release.

As described in the preceding section, most protocols are silent on the issue of whether the government can pursue prosecutions of children implicated in serious crimes.⁹⁷ In some contexts, this implies that the default position of the government should be to hand over all children encountered. In practice, armed forces and other security actors often keep children who are allegedly involved in serious crimes for further investigation or prosecution, although rarely through a civilian child justice process with sentencing thresholds.

The handover protocol, or accompanying implementation guide, may outline the process for transferring children suspected of committing serious crimes to relevant civilian judicial authorities and promote their prosecution in exceptional cases, in line with international juvenile justice standards which prioritize alternatives to detention, including alternatives to institutional care.

States should consider and design diversion mechanisms for children charged with crimes during their period of association which allow children's cases to be resolved by non-judicial bodies.⁹⁸ Restorative justice mechanisms and local, community-based programs which help children to appreciate the moral consequences of their acts and promote reconciliation are one such alternative to detention. Restorative justice is any process in which the victim, offender, and any other individual affected by the criminal behavior actively try to find a solution to matters arising from the crime. In some countries, this has included truth and reconciliation commissions which provide a forum for hearing children who have committed war crimes, with special safeguards for those willing to testify.⁹⁹ It could also include traditional justice systems and reparations. Children's participation in a restorative justice process should be voluntary and preceded by informed consent (given by both the child and his/her parent or guardian). Measures to prevent the child from becoming distressed must be in place.



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e. Treatment of Children While in the Custody of Armed Forces, Other State Security Actors, or Armed Group

Children in the custody or under the command or control of [armed forces, other state security actors, or armed group] shall be treated humanely and in a manner consistent with the special status, needs, and rights of children. The [armed forces, other state security actors, or armed group] shall provide the children with age and gender-sensitive basic care, including food, clothing, appropriate shelter, and urgent medical care, and shall protect them from any form of violence, abuse, neglect, or exploitation while in their custody. Special provisions should be made for pregnant girls and girls with children.

During this period, authorities shall continue to separate children from adults, and boys from girls. Where possible, efforts shall be made to preserve family unity, provided it is in the child's best interests. In some cases, this may include informing the family of the child's whereabouts or restoring contact between the child and a family member. Children should be briefed on their rights in a language and in a manner they understand.

All security and civilian actors involved in the implementation of the protocol shall receive training on child safeguarding. Failure to adhere to the standards of child safeguarding should be considered a serious breach, resulting in proportionate disciplinary action.

[Armed forces, other state security actors, or armed group members] shall only inquire about the name, age, place of usual residence, family whereabouts, and medical needs of the child. No information shall be collected for the

purpose of intelligence-gathering or criminal investigation. All communication with children shall be conducted in a child-sensitive manner, without using threat, force, or intimidation, real or implied, towards the child nor any of his or her relatives or other children.

Children's privacy shall be respected at all stages in order to avoid stigmatization or harm being caused to him or her by undue publicity or by the process of labeling. No information that may lead to the identification of the child shall be made public, including on social media; photos shall only be taken for the purpose of restoring family links. All actors engaged in the handover process will adhere to a predetermined set of data management, protection, non-disclosure, and sharing protocols from the moment of encounter through their reintegration to protect children's information.

Certain core principles and actions outlining how children are treated while in the custody of armed forces, other state security actors, or armed group should be included in the handover protocol, while other details may be included in the implementation plan for the handover protocol. Child protection actors may consider adopting a more exhaustive list of child safeguarding policies to ensure children are protected at every step in the handover process.

Among the biggest concerns for child protection actors during this period is the interrogation of children encountered to collect intelligence on the opposing armed group or force. The Paris Principles state that while children may be interviewed in order to ascertain eligibility for release programs and to facilitate family tracing, such interviews should never be conducted to collect information for military purposes.¹⁰⁰ The UN Security Council has also expressed grave concern at the use of detained children for information-gathering purposes in Resolution 2427.¹⁰¹ Moreover,



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interrogation of children for actionable military or operational intelligence could itself amount to military use of a child by the government.

Governments sometimes claim that they need to gather information to save the lives of civilians and, in some cases, have even approached children for intelligence after their release to transit centers. Gathering military intelligence may put children's lives at risk. Each protocol reviewed by Watchlist addresses the nature of the interviews a government may conduct with children; some are more permissive, while others are quite restrictive.¹⁰²

Ideally, handover protocols should articulate a robust set of safeguards, in line with the Paris Principles, which may be invoked if armed forces, other state security actors, or armed groups attempt to engage in interrogations that may endanger the child. Without clearly articulated safeguards, children will be at greater risk of coercive interrogation, without remedy.

Under the UN Integrated Disarmament, Demobilization, and Reintegration Standards (IDDRS), the UN recommends that if a government wishes to obtain evidence from a child that is either a victim or witness to a case, "child victims or witnesses, their parents or guardians, legal representatives or a designated support person, should be promptly and adequately informed of their rights, availability of services and protection measures, and procedures in relation to any adult and/or juvenile justice processes, from their first contact with the justice process and throughout, to the extent feasible and consistent with the child's best interests. Any investigative action, including interviews with or examinations of the child, shall be conducted by professionals specially trained in dealing with children using a child-sensitive approach."¹⁰³

In some countries, governments may conduct screening procedures to assess children before they are released. In these situations, screening should be carried out by civilian actors with experience in child protection, in accordance with the CRC.

The focus of the screening should be assessing the child's age and protection needs to enable the prompt and safe referral and handover of children to child protection and social welfare institutions or authorities (including child and youth justice authorities, where relevant) for the provision of age-sensitive and gender-responsive protection, legal assistance, medical care, and social services to support recovery and reintegration. There is no evidence to suggest a risk assessment is suitable for children.

f. Age Assessment

Where there is a doubt about the age of the person and therefore, whether she or he is a child, after transfer to [civilian child protection actors], [designated representatives] shall carry out a non-medical age assessment, based on predetermined guidelines, to establish the age of the suspected child. In line with the CRC, all individuals below the age of 18 are considered children. If there is a question about the child's age, the person shall be designated as a minor.

Assessing the ages of children associated with armed groups and forces in settings where adolescents are culturally considered adults and where birth registration rates are low, is one of the primary challenges with implementing handover protocols. Some interviewees said that governments have used disputes about a child's age as a pretext for keeping him or her in detention. After a child is classified as an adult, it is much harder to advocate for a presumption of minority or for his or her release.

Relying on documentary and medical evidence to determine the age of a child has several shortcomings in these settings. Not only do many children lack birth registration and other civil documents, but, in some contexts, these documents may be forged to misrepresent the individual's age. In addition, because of high rates of malnutrition in some of these areas



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and limited access to scientific diagnostic tools and experts, medical evidence may be insufficient to determine the child's age.

Alternatively, as seen in some countries, mixed teams of UN and government representatives receive training from UNICEF on age assessment guidelines, which often rely on interviews focusing on the child's history to determine their age.¹⁰⁴ In the DRC, for example, the Government has certified certain experts from its DDR unit to conduct age verification. These people, along with UN representatives, and perhaps representatives from a national force, conduct interviews with potential children. In all cases, when the team is in doubt about the individual's age, designation as a minor prevails.

Parties implementing a handover protocol agreement should establish when and how the age verification will take place and who will carry it out. Training stakeholders on age assessment guidelines is an important part of ensuring the effective implementation of handover protocols.

g. Specific Considerations for the Identification and Handover of Girls and Girls with Children

Trained¹⁰⁵ female officers from the [armed forces, other state security actors, or armed group], as well as trained female civilian focal points operating in detention centers or outside of military operations, shall work to identify girls associated with armed groups and forces, recognizing that they may play a number of non-combatant roles, and provide them with information about release, care, protection, and reintegration services. These officers will report directly to the coordinating body established to oversee the

implementation of the handover protocol to ensure gender mainstreaming takes place as an identified part of the operational plan.

In situations where girls are age 15 or above and are legally married to fighters under national law, practitioners shall explain that the girls have the right to leave the armed group or force and to access reintegration services and support. Practitioners shall be clear about the content of the support, particularly in terms of safety, and married girls shall be given the time and agency to make an informed decision about their futures.

Release and reintegration programs shall consider the unique challenges girls may face in leaving an armed group and shall be structured in a manner that encourages their participation in the handover.

In many contexts, girls are overlooked as members of armed groups or forces because they are either viewed as dependent members of the group (for example, as wives) or as contributors to the logistics or functioning of the armed group (in roles such as cooks or servants).¹⁰⁶

The handover protocol or accompanying implementing guidelines should highlight specific measures to ensure that girls encountered by armed forces, other state security actors, or armed group receive information about their right to be released and the reintegration services available for them. This discussion should take place in a safe environment to make it easier for the girl to volunteer to be handed over.

Girls face greater stigma for their association because of the presumption that they may have had sex with members of the group or force and are "less marriageable."¹⁰⁷ If they have conceived a child during their association, the child's father or the child



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themselves may be viewed as an enemy which may increase the likelihood of discrimination and rejection by the family and community.¹⁰⁸ As a result, girls may choose to go through a less formal release process where they quietly reengage in their communities. Girls associated with armed groups and forces are often at great risk of gender-based violence and may need a variety of gender-specific services and programs to support their recovery.¹⁰⁹ Research suggests that, for girls who require alternate care, reintegration outcomes are strongest when they are placed with foster families, receive kinship care, or are provided independent living arrangements.¹¹⁰

h. Cross-Border Repatriation

For children who are non-nationals of the state where the handover protocol is signed, the same handover process and set of principles should be utilized. Once handed over from [armed forces, other state security actors, or armed group] to [civilian child protection actors] in-country, the relevant parties should work with their counterparts in the other countries concerned to ensure swift and orderly cross-border repatriation, interim care, and family reunification, or other durable solution. In line with the principle of non-refoulement and the best interests of the child, guarantees will be requested from the government on guardianship, caregiver responsibility, legal and procedural safeguards, and unimpeded post-handover access for relevant child protection actors. If there are substantial grounds for believing that the child would be in danger of suffering violations of certain fundamental rights in the jurisdiction of the state to which he or she will be transferred, the child must not be repatriated, and alternative arrangements should be found.

Increasingly, today's conflicts cross multiple borders resulting in a rising number of foreign children in conflict zones detained/stranded because of their alleged or actual links or family ties to armed groups, including those designated as terrorist groups. This includes:

- Children accompanying family members who crossed borders to join designated terrorist groups;
- Children who were taken by such groups across borders;
- Children who participated in hostilities either directly or in support roles;
- Children who were born in conflict zones or areas under the control of non-state entities;
- Children who were identified by authorities to be linked with such groups by virtue of familial relationships, even when they had never traveled abroad; and
- Children who traveled on their own to areas of conflict to join such groups.

The handover protocol should ensure that children who are non-nationals are repatriated to their countries of origin and are treated in line with the provisions of the handover protocol. Child protection actors may engage governments in countries where children may be repatriated to prepare for their possible return. In some contexts, child protection actors have considered establishing a regional handover protocol, applicable to all the countries affected by the conflict.

Child protection actors or authorities should carry out a best interest assessment of every child of foreign origin to determine if repatriation is in the best interests of the child.



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A camp for internally displaced persons in Iraq.
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When in the child's best interest, child protection actors should support governments to facilitate the repatriation of children to their country of origin/nationality taking into consideration the principle of non-refoulement, which prohibits the handover of children (or any person) in the power of one authority to another authority when those children would be in danger of suffering violations of fundamental rights¹¹¹ upon transfer. In those cases, child protection actors will need to find interim or durable solutions in the country where the CAAFAG left the armed group or force.

Child protection actors should promote family unity and encourage states to provide consular assistance to children who are their nationals or children of their nationals, repatriating families together as a family

unit, identifying and caring for unaccompanied and separated children, and supporting family tracing, reunification, and family contact.

i. Civilian Access to Facilities Where Children Are Held

Commanding officers from the [armed force, state security actors, or armed group] shall allow [designated child protection actors] to have full and unimpeded access to the children during the period of handover. [Designated civilian child protection actors] should also have access to detention and other facilities where children may be held for continued monitoring of the implementation of the handover protocol.



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In many contexts where handover protocols have been adopted, child protection actors lack access to the facilities where children are held by armed forces, other state security actors, or armed groups and have no real visibility on whether all children are being handed over. As a result, it is often difficult to determine the length of time that children are being held, under what conditions, and how effectively the protocol is being implemented.

While it may be challenging in many contexts, child protection actors should advocate for civilian access to the facilities where children are being held for ongoing monitoring. Civilians should also have access to children when armed forces, other state security actors, or armed groups have notified the designated focal points of children in their custody.

The ICRC is mandated to visit detainees and monitor the conditions of detention and the treatment of detainees. Child protection actors may want to alert the ICRC to the presence of children in detention if they do not have access themselves.

j. Implementation Commitments

To promote the swift implementation of the handover protocol, relevant stakeholders shall develop an implementation plan within [a specified period of time], that includes the following actions:

- (1) Establishing a coordinating body for the implementation of the protocol;
- (2) Developing an operational guidance outlining the roles and responsibilities of various actors for the separation,

transfer, care, and reintegration of children encountered, detained, in the custody, or under the command and control of an [armed force, other state security actor, or armed group]. Within the guidance, identify national and local-level focal points with clear lines of reporting to the coordinating body on the implementation of the protocol and other relevant stakeholders;

- (3) Preparing for initial transfers;
- (4) Periodically disseminating the handover protocol;
- (5) Issuing command directives on the contents and practical implementation of the handover protocol within relevant ministries and [military, security, or armed group] command structures;
- (6) Conducting periodic trainings among implementers of the handover protocols, including on age assessment, communication with children involved in armed conflict, and child safeguarding; and
- (7) Directing the coordinating body on the implementation of the handover protocol to prepare semi-annual evaluations on the implementation of the protocol, as well as monitoring missions to military barracks and places of detention where children are held, and to local communities to assess the reintegration of children.

Please refer to the following section for further information on promoting the strong implementation of handover protocols.



7. Strategies for Promoting the Strong Implementation of Handover Protocols

In some countries with handover protocol agreements, governments were slow to initially transfer children to child protection actors, or the transfer of children was ad hoc.

Historically, handover protocols have not formally called for implementation guidance, to the detriment of the agreements. Some handover agreements have called for a meeting between stakeholders to outline implementation arrangements. The SoPs in Somalia, the Sudan, and Uganda, for example, call for a meeting among relevant stakeholders within four weeks of adoption of the protocol to agree on specific arrangements for the transfer of children.¹¹²

Several handover protocols reference some implementation activities following signing, although not in much detail. This includes the steps to identify focal points and to disseminate the protocol. The UN handover template also suggests taking steps to sensitize all actors involved in the protocol in child protection and to prepare regular compliance reports to the CTFMR, where relevant, on the implementation of the protocol.¹¹³

A call for an implementation plan was identified by many interviewees as best practice. Below is a summary of some actions recommended in handover protocols and by experts interviewed by Watchlist that could be included in such a strategy.

a. Developing an Implementation Plan

Child protection actors recommend that the relevant parties develop a costed implementation plan during the negotiations. One strong example of this is in Burkina Faso, where at this writing, parties were developing an implementation roadmap for the handover protocol.

Some experts interviewed by Watchlist recommended that in countries where government authorities have failed to implement the protocols consistently, child protection actors should advocate that the government draft or update a protocol implementation plan.

What Actions Should Child Protection Actors Take If a Government or Armed Group Refuses to Comply with the Protocol Provisions?

If the government or armed group refuses to comply with protocol provisions, child protection actors could advocate that their failure to implement the handover protocol be highlighted in the Secretary-General's annual report on children and armed conflict. They may also call on additional advocacy support from allies formed during the negotiations, including civil society, donors, security partners, diplomatic missions, and others, to secure the release of children.





7. Strategies for Promoting the Strong Implementation of Handover Protocols

b. Establishing a Coordinating Mechanism for Implementation of a Protocol

A coordinating body overseeing the implementation of the handover protocol is potentially helpful when the agreement is first adopted, but also in contexts where the implementation of the handover protocol could be strengthened. The body could address challenges as they arise and support continuous awareness-raising of the agreement.

In Niger and Chad, an inter-ministerial committee helped to oversee the implementation of the protocols. In Niger, UNICEF and its partners described providing trainings to the committee and regularly briefing its members on what was happening at the transit center where children were receiving reintegration support. The coordinating body could, however, also comprise other stakeholders, including some of the focal points tasked with implementing the protocol.

c. Developing Operational Guidance and Appointing Focal Points with Clear Lines of Reporting

As part of the implementation strategy, relevant parties should develop operational guidance that outlines the roles and responsibilities of various actors implementing the handover agreement. As part of such guidance, experts interviewed by Watchlist stressed the importance of identifying and naming focal points from all the stakeholders to promote accountability and establishing clear lines of reporting to individuals overseeing the implementation of the protocol.

Some handover protocols call for armed forces or other state security actors to designate a focal point to oversee the transfer of children to civilian authorities.¹¹⁴ Others call for local UN focal points, as well as appointed central liaison officers within UNICEF and the military, to alert the UN when children are in the custody of armed forces.¹¹⁵ In the Sudan, the SoPs state that local and centrally appointed liaison officers within key government institutions and UNICEF should alert the Ministry of Social Security and Development, the National Council for Child Welfare, and UN agencies of the presence of children formerly associated with armed groups within military custody.¹¹⁶ Ideally protocols should also name the civilian authority receiving the children.

The specific focal points will depend on the context, but experts recommend senior focal points at the national level as well as focal points at the local level who provide immediate alerts when children are encountered. The implementation plan should provide details on how these parties should be contacted and how their information will be shared. The document should be updated when there are changes to the focal points and reporting lines.

d. Preparations for Initial Transfers

Based on the experiences of child protection actors in countries that have adopted handover protocols, it is important to take some preliminary readiness measures for the initial transfers of children. In preparation for receiving the first group of children, experts interviewed by Watchlist recommended:

- Securing sufficient resources to support the first transfers;



7. Strategies for Promoting the Strong Implementation of Handover Protocols

- Providing immediate training and awareness raising for implementers of the protocol. This includes training for the social workers, child protection staff, as well as support staff in reintegration facilities who may be new to armed conflict contexts and to reintegration programming;
- Identifying an interim care facility, or foster families for the children and making special arrangements for girls and girls with children;¹¹⁷ and
- Organizing medical and psychological evaluations and immediate medical care, including for pregnant girls and babies, which might not be readily available from public hospitals.

e. Periodic Dissemination of Handover Protocols

The periodic dissemination of handover protocols is also critical to their successful implementation. Handover protocols typically include provisions for their dissemination by different stakeholders. Some task this responsibility with the UN and/or the ministry responsible for the protection of children.¹¹⁸ Some call on all relevant protocol stakeholders to take on this responsibility.¹¹⁹ The Sudan's SoPs are uniquely robust, calling out each individual ministry involved by name, requesting them to disseminate the SoPs in their departments, and requiring their security forces and the Ministry of Interior to take this action within four weeks of the signature of the SoPs.¹²⁰

Periodic dissemination is particularly important because of the fractured nature of many countries affected by conflict and the high level of turnover within government administrations. Stakeholders need to engage in repeat awareness-raising activities at the local level with those directly

involved in transferring children to ensure effective implementation of the protocols. This might require the translation of the relevant agreement and implementation plan into local languages. Child protection actors should promote ownership of the handover protocol at the local level. Continually engaging stakeholders also provides opportunities to address emerging challenges for the implementation of the protocol.

f. Command Directives

One way to promote accountability and ownership of the protocol is for all stakeholders to issue directives within their ministries on the content of the protocol and what actions staff need to take to ensure its effective implementation. This is particularly important for armed forces and other state security actors. Several interviewees recommended the military and other security forces issue command orders on the transfer of children to ensure security actors are directly answerable to their chain of command. One child protection actor recommended integrating the transfer of children into military training manuals, to raise soldiers' awareness before deployment.

If an armed group is party to a protocol, it is also important for it to issue command directives to its fighters.

g. Periodic Trainings for Key Implementers of the Handover Protocols

When handover protocols are first signed, and at different intervals thereafter, all stakeholders—including armed forces and other state security actors, including those responsible for counterterrorism,



7. Strategies for Promoting the Strong Implementation of Handover Protocols

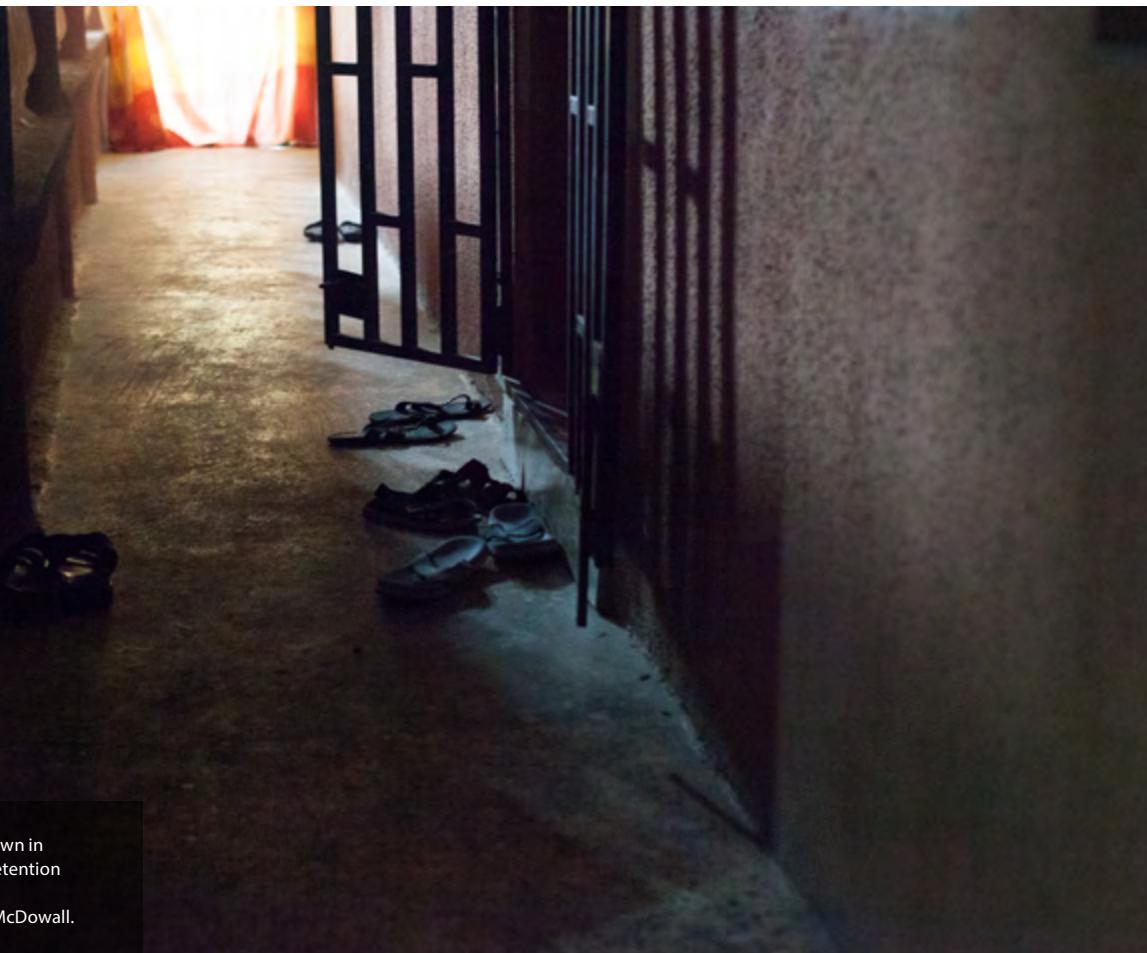
child and youth justice officials, as well as social workers and child protection staff—should receive training on their provisions. Those involved in the transfer of the children should also receive training on child safeguarding.

h. Preparing Semi-Annual Evaluations on Implementation of a Protocol

As part of implementation planning, it is recommended that child protection actors engage in periodic evaluations, potentially through the coordinating body, for the implementation of the protocol.

i. Monitoring Military Barracks, Places of Detention, and Reintegration into Communities

The coordinating body for the handover protocol should plan active monitoring missions, over an extended period of time, to ensure the regular transfer of children from military barracks and places of detention and to assess how children have been reintegrated into their communities. Evidence of the success of the program may support ongoing implementation of the handover protocol.



Children's shoes lay strewn in the halls of a juvenile detention center in Nigeria.

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8. Annex

a. Annex 1: Recruitment, Use, and Detention of Children in 2020

The table below shows the recruitment, use, and detention of children as documented in the Secretary-General's 2020 annual report on children and armed conflict. The table also highlights countries where handover protocols have been signed or where negotiations have been initiated, as well as countries with legislation or other agreements in place to support the demobilization, release, and/or transfer of CAAFAG from armed groups and forces.¹²¹

Country	Number of Children Verified in Detention in 2020		Number of Documented Cases of Child Recruitment and Use in 2020 ¹²²		Handover Protocols Signed or Negotiations Initiated	Legislation or Other Agreements for the Demobilization, Release, and/or Transfer of CAAFAG to Civilian Child Protection Actors
Afghanistan	Children detained in juvenile rehabilitation centers	165	By the Taliban	172		
	Children, primarily of non-Afghan nationality, imprisoned with their mothers who were detained for alleged or actual association with the Taliban and the Islamic State in Iraq and the Levant-Khorasan Province (ISIL-KP)	318	By the Afghan National Police	5		
			By the Afghan National Army Territorial Force	4		
			By pro-government militia	7		
			Jointly by the Afghan Local Police and pro-government militia	8		
	TOTAL	483	TOTAL	196		
Burkina Faso	Children detained	10	By unidentified perpetrators in the Sahel region	4	Handover protocol negotiations initiated	
	TOTAL	10	TOTAL	4		
Cameroon	Children detained by security forces on national security-related charges	16	By Jama'atu Ahlis Sunna Lidda'awati Wal-Jihad (JAS)	3	Handover protocol negotiations attempted	
			By unidentified Boko Haram-affiliated or splinter groups	12		
	TOTAL	16	TOTAL	15		



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Central African Republic	Children detained by internal security forces	4	By ex-Séléka factions, including <i>Front populaire pour la renaissance de la Centrafrique</i> (FPRC) (374), <i>Mouvement patriotique pour la Centrafrique</i> (MPC) (19), <i>Union pour la paix en Centrafrique</i> (UPC) (15), joint UPC/MPC (2), and <i>Rassemblement patriotique pour le renouveau de la Centrafrique</i> (RPRC) (2)	412	Handover protocol signed 2014; negotiations initiated for a new protocol	The UN has signed action plans with the following groups to end and prevent a range of violations, including the recruitment and use of children: <i>Mouvement Patriotique pour la Centrafrique</i> (June 14, 2018); <i>Front Populaire pour la Renaissance de la Centrafrique</i> (FPRC) (July 5, 2019); and <i>Union pour la paix en Centrafrique</i> (UPC) (August 31, 2019).
			By <i>Mouvement des libérateurs centrafricains pour la justice</i> (MLCJ)	46		
			By <i>Retour, réclamation et réhabilitation</i> (3R)	45		
			By Anti-balaka	42		
			By the Lord's Resistance Army (LRA)	31		
			By Internal Security Forces	4		
			By Joint Armed Forces of the Central African Republic/internal security forces	3		
			By unidentified perpetrators	1		
TOTAL		4	TOTAL	584		
Chad	Children detained by the Government of Chad	11	By Boko Haram, including unidentified affiliated or splinter groups	40	Agreement including handover procedures signed May 2007; handover protocol signed September 10, 2014, as part of the implementation of the action plan with the <i>Armée Nationale Tchadienne</i> (ANT) signed on June 15, 2011. The ANT were delisted in 2014 following compliance with the action plan.	
	TOTAL	11	TOTAL	40		



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Colombia			By Dissident Groups of the <i>Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo</i> (FARC-EP)	66		Joint Communiqué #70, signed on May 15, 2016, in Havana, Cuba between the FARC-EP and the Government of Colombia, calls for the immediate separation of children under age 15 and the reintegration of all children under age 18. ¹²³ The Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace builds on Joint Communiqué #70. ¹²⁴
			By the <i>Ejército de Liberación Nacional</i> (ELN)	22		
			By unidentified perpetrators	12		
			By the <i>Autodefensas Gaitanistas de Colombia</i> (AGC)	9		
			By <i>Los Caparrapos</i>	7		
	TOTAL		TOTAL	116		
Democratic Republic of the Congo	Children detained by the armed forces	80	By Mai-Mai Mazembe	209		The Forces Armées de la République Démocratique du Congo (FARDC) signed action plans to end and prevent the recruitment and use of children and sexual violence on October 4, 2012. The action plan on the recruitment and use of children includes provisions on the handover of CAAFAG, as does the country's DDR framework. The FARDC were delisted in 2017 for the recruitment and use of children. The action plan on ending and preventing sexual violence against children is being implemented.
	Children detained by the Congolese National Police	5	By Nyatura	109		
			By <i>Alliance des forces de résistance congolaises</i>	101		
			By <i>Nduma défense du Congo-Rénové</i> (NDC-Rénové)	66		
			By <i>Mai-Mai Apa Na Pale</i>	62		
			By <i>Coopérative pour le développement du Congo</i> (CODECO)	34		
			By <i>Raia Mutomboki</i>	34		



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(continued) Democratic Republic of the Congo			By Forces démocratiques de libération du Rwanda-Forces combattantes abacunguzi (FDLR-FOCA)	29		
			By other armed groups	143		
			By FARDC	1		
			36 armed groups who recruited children in previous years and used them until their separation in 2020	1313		
	TOTAL	85	TOTAL	2101		
India	Children detained by Indian Security Forces	4	By unidentified perpetrators	2		
	TOTAL	4	TOTAL	2		
Iraq	Children detained on national security-related charges	1114	By the Popular Mobilization Forces	1		
	TOTAL	1114	TOTAL	1		
Israel and the State of Palestine	Children detained by Israeli forces	361	By Hamas' al-Qassam Brigades	2		
	TOTAL	361	TOTAL	2		
Lebanon	Children detained	5	By Jund Ansar Allah	3		
			By unidentified perpetrators	2		
			By Fath al-Islam	2		
			By the Islamic State in Iraq and the Levant (ISIL)	2		
	TOTAL	5	TOTAL	9		
Libya	Child detained by the Libyan National Army (LNA) and affiliated forces	1	By the Libyan National Army (LNA) and affiliated forces	3		
	Children detained by the Judicial Police with their mothers for their mothers' alleged association with ISIL	67	By forces affiliated with the former Government of National Accord	3		
			By Syrian armed opposition groups formerly known as the Free Syrian Army (Mu'tasim and Samarqand brigades)	3		
	TOTAL	68	TOTAL	9		



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Mali	Children detained by the Malian Defence and Security Forces	10	By <i>Coordination des mouvements de l'Azawad</i> (CMA), including <i>Mouvement national de libération de l'Azawad</i> (MNLA) (70), <i>Haut Conseil pour l'unité de l'Azawad</i> (HCUA) (45), and <i>Mouvement arabe de l'Azawad</i> (MAA) (26)	141	Handover protocol signed July 1, 2013	Action plan signed with the <i>Coordination des mouvements de l'Azawad</i> , including the <i>Mouvement national de libération de l'Azawad</i> , to end and prevent the recruitment and use of children and sexual violence against children (March 5, 2017). The Platform, including affiliated armed groups, signed an action plan to end and prevent the recruitment and use of children and all other grave violations (August 26, 2021).
	Child detained by Operation Barkhane	1	By Platform, including <i>Ganda Lassal Izo</i> (31), <i>Groupe d'autodéfense des Touaregs Imghad et leurs alliés</i> (GATIA) (15), <i>Ganda Koy</i> (15), and <i>Mouvement pour le Salut de l'Azawad</i> (MSA) (9)	70		
	Children detained in 2019 who remained in government detention	15	By <i>Dan Nan Ambassagou</i> (DNA)	19		
			By <i>Front de libération du Macina</i> (FLM)	17		
			By unidentified perpetrators	13		
			By <i>Mouvement pour l'unicité et le jihad en Afrique de l'Ouest</i> (MUJAO)	1		
			By the Malian armed forces	23		
TOTAL		26	TOTAL	284		
Mozambique	Not included in the Secretary-General's 2021 annual report on children and armed conflict		Not included in the Secretary-General's 2021 annual report on children and armed conflict		Handover protocol negotiations initiated	



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Myanmar	Children detained by the Tatmadaw Kyi	8	By the Tatmadaw Kyi. (Note: Of the children recruited, 22 of them were recruited between 2010 and 2019, and were still being used in 2020.)	726		The Child Rights Law, Pyidaungsu Hluttaw Law No. 22/2019, July 23, 2019, paras. 60(e), 60(h), outlines handover procedures for CAAFAG. In addition, the action plan signed by the Tatmadaw Kyi on June 27, 2012, also includes a provision for treating children recruited and used by groups "outside the legal fold" in accordance with international humanitarian law and the national 1993 Child Rights Law (art. 3.12). The UN has also signed an action plan with the Democratic Karen Benevolent Army on November 20, 2020, covering the recruitment and use of children.
			By the Kachin Independence Army (KIA)	62		
			By the Arakan Army (AA)	2		
	TOTAL	8	TOTAL	790		
Niger	Children detained by the Government of Niger	10	By Boko Haram, including unidentified affiliated or splinter groups	33	Handover protocol signed February 17, 2017	
	TOTAL	10	TOTAL	33		
Nigeria	The UN reports that in 2020 the Government of Nigeria released 230 children held and, as of December 2020, had kept nine children in detention. The UN, however, was unable to verify the total number of children in detention in 2020, as the Government of Nigeria denied them access to detention facilities.		By Boko Haram-affiliated or splinter groups, including JAS (4), and the Islamic State West Africa Province (ISWAP) (1)	5	Handover protocol negotiations initiated	Action plan signed by the Civilian Joint Task Force (CJTF) (September 15, 2017) on the recruitment and use of children.
			By the Civilian Joint Task Force (CJTF)	2		
	TOTAL		TOTAL	7		
Philippines	Children detained by the Armed Forces of the Philippines (AFP)	5	By the New People's Army (NPA)	12		The legislation, An Act Providing for the Special Protection of Children in Situations of Armed Conflict and Providing Penalties for Violations Thereof, Republic Act 11188, July 23, 2018, sec. 24(e) outlines handover procedures for CAAFAG.
	TOTAL	5	TOTAL	12		



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Somalia	Children detained by the Somali Police Force	127	By Al-Shabaab	1407	SoPs signed February 13, 2014	The Somali National Army signed an action plan to end the recruitment and use of children on July 3, 2012.
	Children detained by the Somali National Army	40	By government security forces, including the Somali Police Force	101		
	Children detained by the Jubaland forces	27	By the Somali National Army	62		
	Children detained by the Puntland forces	8	By the National Intelligence and Security Agency	5		
	Children detained by the Galmudug Forces	1	By Jubaland forces	36		
	Children detained by Jubaland police	4	By Galmudug forces	31		
	Children detained by Galmudug police	3	By Puntland forces	21		
	Children detained by the Puntland police	2	By Jubaland police	3		
			By Puntland police	2		
			By Galmudug police	1		
			By clan militia	47		
	212 TOTAL		1716			
South Sudan			Sudan People's Liberation Movement/Army in Opposition - pro-Machar (SPLA-IO)	55		The Sudan People's Liberation Army (SPLA) and the Sudan People's Liberation Movement/Army in Opposition (SPLA-IO) signed comprehensive action plans, covering all grave violations, which replaced previous action plans for the SPLA and SPLA-IO as of February 2020.
			South Sudan People's Defence Forces, including the Taban Deng-allied South Sudan People's Defence Forces	6		
			South Sudan National Police Service	1		
	TOTAL		TOTAL	62		



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The Sudan (Darfur)	Children detained by the Sudanese Armed Forces	7	Sudan Liberation Movement-Transitional Council (SLM-TC)	12	Handover protocol signed by the Government of the Sudan on April 28, 2018, as part of the implementation of the action plan signed between the UN and the Sudan Government security forces, including the Sudanese Armed Forces, the Popular Defense Forces, and the Sudan Police Forces on March 27, 2016. The Sudan Government security forces were delisted in 2018, following compliance with the action plan. Handover protocol negotiations initiated with armed groups.	The following groups have signed action plans on the recruitment and use of children: Sudan Liberation Army/ Minni Minnawi (June 11, 2007); Justice and Equality Movement (September 25, 2012); and the Sudan People's Liberation Movement-North (SPLM-N) (November 23, 2016).
			Justice and Equality Movement	1		
	TOTAL	7	TOTAL	13		
Syrian Arab Republic	Deprivation of liberty by the Syrian Democratic Forces (SDF)	777	By Hay'at Tahrir al-Sham	390		The SDF signed an action plan on the recruitment and use of children (June 29, 2019). Along with the Internal Security Forces of the Autonomous Administration of North and East Syria, they have, within the framework of their action plan, adopted guidelines for the exit and exclusion of children under the age of 18 from their ranks. The SDF also signed SoPs stating the detention of CAAFAG will take place in line with international standards.
	Deprivation of liberty by the Internal Security Forces	91	By Syrian armed opposition groups formerly known as the Free Syrian Army (FSA)	170		
	Deprivation of liberty by the Syrian Government forces	2	By the Kurdish People's Protection Units and Women's Protection Units (YPG/YPJ) under the umbrella of the Syrian Democratic Forces (SDF)	119		
			By pro-government militia	42		



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(continued) Syrian Arab Republic			By Ahrar al-Sham (31), by Nur al-Din al-Zanki (3), and by the Army of Islam (Jaysh al-Islam) (3), all nominally operating under the umbrella of the opposition Syrian National Army (SNA) since October 2019	37		
			By the Patriotic Revolutionary Youth Movement (YDG-H)	30		
			By the Internal Security Forces	13		
			By Hurras al-Din	6		
			By ISIL	4		
			By the Syrian government forces	2		
	TOTAL	870	TOTAL	813		
Uganda	Not included in the Secretary-General's 2021 annual report on children and armed conflict		Not included in the Secretary-General's 2021 annual report on children and armed conflict		SoPs signed May 2011	
Yemen	Deprivation of liberty by the Yemen Armed Forces	11	By the Houthis (who call themselves Ansar Allah)	115	In April 2020, the Ansar Allah (formerly known as the Houthis) signed a directive for the handover of children in its custody to the UN and partners.	The Yemeni Government Forces (YGF) signed an action plan to end and prevent the recruitment and use of children on May 14, 2014.
	Deprivation of liberty by the Houthis	2	By the Yemen Armed Forces	34		
	Deprivation of liberty by the Security Belt Forces	1	By the Security Belt Forces	10		
			By unidentified perpetrators	4		
	TOTAL	14	TOTAL	163		



b. Annex 2:

International Legal Obligations and Principles on the Treatment of CAAFAG

The key obligations of the state regarding the recruitment and use of children and the treatment of CAAFAG in international law, as well as relevant guiding principles, are summarized below:

International Law	Key Provisions
Convention on the Rights of the Child (CRC)	The CRC defines a child as any person below the age of 18 years and requires states to "take all feasible measures to ensure protection and care of children who are affected by an armed conflict." ¹²⁵ The CRC allows for detention as a measure of last resort, for the shortest period of time, and, when a child is alleged to have committed a crime, requires treatment in line with child justice standards. ¹²⁶ The Committee on the Rights of the Child has elaborated: "Every child deprived of his/her liberty has the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his/her liberty." ¹²⁷ Wherever appropriate and desirable, the CRC calls for "measures for dealing with such children without resorting to judicial proceedings" and for states to make available alternatives to institutional care. ¹²⁸ The CRC calls on states parties to take appropriate measures to promote the physical and psychological recovery and social reintegration of child victims of armed conflict. ¹²⁹
Optional Protocol to the CRC on the Involvement of Children in Armed Conflict (OPAC)	OPAC calls on states to provide appropriate assistance for the physical and psychological recovery and the social reintegration of children who have been recruited or used in hostilities. ¹³⁰ It sets 15 as the minimum age for voluntary recruitment. ¹³¹ OPAC prohibits the forced recruitment or conscription of children under 18 by government forces ¹³² and calls on states to take all feasible measures to ensure that those children, above the age of 15, who have been voluntarily recruited, do not take part in hostilities. ¹³³ OPAC prohibits the recruitment and use in hostilities of any children under 18 by armed groups ¹³⁴ and directs states parties to take steps to prevent such recruitment and use, including by criminalizing the practice. ¹³⁵
The Rome Statute of the International Criminal Court (ICC)	The statute states that the conscription or enlisting of children under the age of 15 years or using them to participate actively in hostilities in both international and non-international armed conflict, is a war crime. ¹³⁶
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)	Additional Protocol I states that parties to the conflict shall take all feasible measures to ensure children below the age of 15 do not take a direct part in hostilities and are not recruited into the armed forces. When recruiting children ages 15 and over, but below the age of 18, parties shall endeavor to give priority to those who are oldest. ¹³⁷
Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-international Armed Conflicts (Protocol II)	Additional Protocol II states that children below the age of 15 shall not be recruited or be allowed to take part in hostilities. ¹³⁸
International Labour Organization (ILO) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	The ILO convention calls on states to take measures to secure the prohibition and elimination of the worst forms of child labor, including forced or compulsory recruitment of children [under 18] for use in armed conflict. ¹³⁹
Ibero-American Convention on the Rights of Youth	The Convention calls on states parties to assure that youth under 18 years of age shall not be called up or involved in military hostilities. ¹⁴⁰



8. Annex 2

International Law	Key Provisions
African Charter on the Rights and Welfare of the Child (ACRWC)	The ACRWC states that parties to the Charter shall refrain from recruiting any child. ¹⁴¹
Paris Principles on the Protection of Children from Unlawful Recruitment and Use of Children by Armed Forces or Armed Groups	The Paris Principles urge states to consider children who are accused of crimes during their association primarily as victims of violations of international law and not only as perpetrators. ¹⁴² They state that children who have been associated with armed groups should not be prosecuted or punished solely for their membership in those groups. ¹⁴³ They call on states to carry out release and reintegration measures without conditions. ¹⁴⁴ During release, children should be handed over to an independent civilian process, and the majority of children should be returned to their family and community, or a family and community environment, as soon as possible after their release. ¹⁴⁵ Children accused of serious crimes should be treated in accordance with international law, "in a framework of restorative justice and social rehabilitation." ¹⁴⁶ It also encourages alternatives to judicial proceedings wherever possible. ¹⁴⁷
Vancouver Principles on Peacekeeping and Prevention of Recruitment and Use of Child Soldiers	The Vancouver Principles call for children to be "handed over expeditiously to child protection actors and civilian authorities," with detention only as a last resort. ¹⁴⁸
The 2016 Neuchâtel Memorandum on Good Practices for Juvenile Justice in a Counterterrorism Context	<p>The Neuchâtel Memorandum provides guidelines for how states can uphold the rights of children in terrorism-related cases. It calls on states to "address children alleged to be involved in terrorism-related activities in accordance with international law and in line with international juvenile justice standards."¹⁴⁹ This includes applying the principle of individualization and proportionality in sentencing by considering the situation and needs of the child and the gravity of the crime.¹⁵⁰ The memorandum stresses that specialized child or youth justice systems should have the primary and preferred jurisdiction for children charged with terrorism-related offenses.¹⁵¹ It also urges particular attention to alternatives to prosecution and for any justice action to aim for the reintegration of the child into society.¹⁵²</p> <p>The Memorandum also calls for reintegration programs for children formerly associated with armed groups designated as terrorist who have been diverted from the judicial process or who have completed custodial sentences, using a multi-sector approach and seeking to restore links between children, their families, and their communities, where appropriate.¹⁵³</p>
UN Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules")	<p>The UN Standard Minimum Rules for the Administration of Juvenile Justice, adopted by General Assembly Resolution 40/33 in 1985, provide guidance for the arrest or detention of children. Children retain all the rights already covered for adults if arrested. The rules require detention of children only as a measure of last resort and for the shortest period of time.¹⁵⁴ If children are arrested and detained, their cases should be prioritized and handled expeditiously. When possible, the state should replace detention pending trial with alternative measures.¹⁵⁵</p> <p>States should ensure that accountability mechanisms are fully in line with international juvenile justice law. International child rights and juvenile justice standards call for consideration, where appropriate, of alternatives to formal judicial proceedings in criminal courts,¹⁵⁶ providing that human rights and legal safeguards are fully respected.</p>



c. Annex 3: Handover Protocol Template

The handover protocol template below is based on existing protocols, a draft UN handover protocol template, and recommendations from child protection actors.

This protocol provides a detailed list of provisions and safeguards, which may be tailored or shortened depending on the context. Negotiators may also choose to focus on a selection of the key provisions below in the handover protocol agreement and address the remaining provisions in the handover protocol implementation plan.

Protocol on the Handover of Children from [Armed Forces, Other State Security Actors, or Armed Group] to [Designated Civilian Child Protection Actors]

Noting the ratification by *[the Government]* of relevant international legal instruments relating to the rights and protection of children, including *[the Convention on the Rights of the Child (1989) and its Optional Protocol on the Involvement of Children in Armed Conflict (2000); the Geneva Conventions (1949) and their Additional Protocols (1977); ILO Convention No. 182 on the Worst Forms of Child Labour and its Recommendation No. 190 (1999); the Rome Statute of the International Criminal Court (1998); the African Charter on the Rights and Welfare of the Child (1990); the Ibero-American Convention on the Rights of Youth (2005);]* and the endorsement by *[the Government]* of *[the Paris Principles on the Protection of Children from Unlawful Recruitment and Use of Children by Armed Forces or Armed Groups (2007) and the Vancouver Principles on Peacekeeping and Prevention of Recruitment and Use of Child Soldiers (2017)]*, as well as its commitments under domestic law, including *[XXX]*;¹⁵⁷

Recognizing that since the beginning of the conflict *[in XXX]*, numerous human rights and humanitarian law violations have been perpetrated and children have been exposed to grave violations, including their recruitment and use by *[armed forces, other state security actors, or armed groups]*;

Convinced of the primary responsibility of *[the Government]* to ensure the protection of children under the age of 18 years who are associated with *[armed forces, other state security actors, or armed groups]* and have escaped or been released from those *[armed forces, other state security actors, or armed groups]*, or who were captured during security or military operations, and find themselves in the custody or under the command and control of *[an armed force, other state security actor, or an armed group]*;

Cognizant of the commitment of *[the Government]* to fulfil, protect and promote the rights of all children affected by armed conflict, including children abducted and/or recruited and used by armed groups, and the efforts of *[the Government]* to reintegrate children into their communities and support them in assuming a positive role in society;

Further cognizant of the fact that the welfare and best interests of children encountered during security operations are given priority at all times and the necessary attention and resources are provided in order to enable immediate care and swift and orderly reintegration, including basic medical, food, and psychosocial needs;



Therefore, in the best interests of [nationality] children and any children of other nationalities encountered by [armed forces, other state security actors, or armed groups] during security operations, within and outside the territory of [the country], it is directed to implement the following handover agreement:

Scope of the Handover Protocol

The terms “children” or “child” are used to refer to individuals believed to be under the age of 18. Some of the children encountered may have been abducted or unlawfully recruited by armed groups or forces. In a small number of cases, the children may have been lawfully recruited, but would still fall under the scope of the handover protocol because they are legally entitled to special protection. The remaining children may have no actual association with the armed group or force but may be detained because they are found in areas where armed groups or forces are known to operate; because of alleged family ties to the armed group or force; because of their ethnic, religious, or tribal identity; or for other reasons.

Directive 1 – Preliminary Age Assessment and Identification of Children

[Armed forces, other state security actors, or members of the armed group] shall conduct a preliminary age assessment to identify all children encountered during security operations and/or who are in their custody or under their command and control, irrespective of the group or force they are associated with,¹⁵⁸ their nationality, or their current location. If there is any doubt about an individual’s age, a presumption of minority shall prevail, and a more detailed age assessment shall be carried out by [a civilian child protection actor] after handover.

[The armed force, other state security actors, or armed group] shall immediately separate children from adults, and boys from girls, unless the children are with their family members and separation is not in their best interest. Efforts shall be made to preserve family unity, providing it is in the child’s best interests.

Directive 2 – Notification of Assigned Focal Points

[Members of the armed forces, other state security actors, or armed group] shall alert assigned focal points at the local and, if relevant in the context, state level, immediately of the presence of children, no later than 24 hours after first contact.

Directive 3 – Handover of Children

a. Handover of Children Encountered During Security Operations

[Armed forces, other state security actors, or members of the armed group] shall hand over children encountered who are below the age of criminal responsibility, or who are above the age of criminal responsibility and not suspected of committing a war crime or crime involving physical or sexual violence, in the shortest time possible, and no later than 72 hours after first contact with the [armed forces, other state security actors, or armed group], to [civilian child protection actors].



b. Handover of Children in Custody/Detention Not Suspected of War Crimes or Other Crimes Involving Physical or Sexual Violence

Children who are in the custody or under the command and control of *[an armed force, other state security actor, or armed group]*, including in pre-trial or administrative detention, who are below the age of criminal responsibility, or above the age of criminal responsibility and not suspected of committing a war crime or other crimes involving physical or sexual violence, shall be transferred to *[civilian child protection actors]* for interim care, reintegration, and family reunification within *[a predetermined period of time]*.

Directive 4 – Standards and Procedures for the Prosecution of Children Suspected of Committing War Crimes or Other Crimes Involving Physical or Sexual Violence

When a child is suspected of committing a serious crime, namely war crimes or other crimes involving physical or sexual violence, a relevant authority from within the *[armed forces, other state security forces, or armed group]* shall report to the *[authority responsible for juvenile justice]*, within 24 hours of the encounter, to arrange the terms of transfer of the child or for their release.

In accordance with international standards, children who are accused of crimes during their association shall be treated primarily as victims of violations of international law and not only as perpetrators.

Prosecution shall only be pursued in exceptional cases. Children shall not be prosecuted solely for membership in armed groups or forces, including groups designated as terrorist, or for activities that would not otherwise be criminal, such as cooking, cleaning, or driving. As criminal responsibility is individual, children shall not be detained, prosecuted, or profiled based on the association of their parents or relatives.

[A specialized child and youth justice system or civilian court with personnel who are trained on child-friendly procedures and connected to child welfare systems] shall have primary jurisdiction over children investigated and/or charged for crimes during their period of association, rather than military, intelligence, national security, or similar special courts. In all cases, children deprived of their liberty have a right to prompt legal and other appropriate assistance and shall only be held in facilities that support, protect, and prepare them for reintegration.

Detention shall only take place as a measure of last resort, for the shortest period of time, and in line with international juvenile justice standards which aim to promote children's recovery and reintegration.

To the greatest extent and as early as possible, the government or armed group shall facilitate children's conditional release and promote diversion from judicial proceedings and community-based and non-custodial alternatives to detention, including through mechanisms for restorative justice and reconciliation.

If criminal accountability measures are imposed, the court shall consider the situation and needs of the child,¹⁵⁹ as well as the severity of the crime to be punished, with sentencing options that support the child's rehabilitation and reintegration. Girl mothers shall receive special consideration—such as consideration of mitigating circumstances in sentencing—and the rights of their child(ren) shall be factored into judicial decisions.

Reintegration programs shall be available to all children who have either been diverted from the judicial process or who have completed custodial sentences.



Children that have already been sentenced for committing any crimes at the time the handover protocol is adopted shall, where possible, be considered for programs offering alternatives to detention and shall receive reintegration support upon release.

Directive 5 –Treatment of Children While in the Custody of Armed Forces, Other State Security Actors, or Armed Group

Children in the custody or under the command or control of *[armed forces, other state security actors, or armed group]* shall be treated humanely and in a manner consistent with the special status, needs, and rights of children. The *[armed forces, other state security actors, or armed group]* shall provide the children with age and gender-sensitive basic care, including food, clothing, appropriate shelter, and urgent medical care, and shall protect them from any form of violence, abuse, neglect, or exploitation while in their custody. Special provisions should be made for pregnant girls and girls with children.

During this period, authorities shall continue to separate children from adults, and boys from girls. Where possible, efforts shall be made to preserve family unity, provided it is in the child's best interests. In some cases, this may include informing the family of the child's whereabouts or restoring contact between the child and a family member. Children should be briefed on their rights in a language and in a manner they understand.

All security and civilian actors involved in the implementation of the protocol shall receive training on child safeguarding. Failure to adhere to the standards of child safeguarding should be considered a serious breach, resulting in proportionate disciplinary action.

[Armed forces, other state security actors, or armed group members] shall only inquire about the name, age, place of usual residence, family whereabouts, and medical needs of the child. No information shall be collected for the purpose of intelligence-gathering or criminal investigation. All communication with children shall be conducted in a child-sensitive manner, without using threat, force, or intimidation, real or implied, towards the child nor any of his or her relatives or other children.

Children's privacy shall be respected at all stages in order to avoid stigmatization or harm being caused to him or her by undue publicity or by the process of labeling. No information that may lead to the identification of the child shall be made public, including on social media; photos shall only be taken for the purpose of restoring family links. All actors engaged in the handover process will adhere to a predetermined set of data management, protection, non-disclosure, and sharing protocols from the moment of encounter through their reintegration to protect children's information.

Directive 6 – Age Assessment

Where there is a doubt about the age of the person and therefore, whether she or he is a child, after transfer to *[civilian child protection actors]*, *[designated representatives]* shall carry out a non-medical age assessment, based on predetermined guidelines, to establish the age of the suspected child. In line with the CRC, all individuals below the age of 18 are considered children. If there is a question about the child's age, the person shall be designated as a minor.



Directive 7 – Specific Considerations for the Identification and Handover of Girls and Girls with Children

Trained¹⁶⁰ female officers from the [armed forces, other state security actors, or armed groups], as well as trained female civilian focal points operating in detention centers or outside of military operations, shall work to identify girls associated with armed groups and forces, recognizing that they may play a number of non-combatant roles, and provide them with information about release, care, protection, and reintegration services. These officers will report directly to the coordinating body established to oversee the implementation of the handover protocol to ensure gender mainstreaming takes place as an identified part of the operational plan.

In situations where girls are age 15 or above and are legally married to fighters under national law, practitioners shall explain that the girls have the right to leave the armed group or force and to access reintegration services and support. Practitioners shall be clear about the content of the support, particularly in terms of safety, and married girls shall be given the time and agency to make an informed decision about their futures.

Release and reintegration programs shall consider the unique challenges girls may face in leaving an armed group and shall be structured in a manner that encourages their participation in the handover.

Directive 8 – Cross-Border Repatriation

For children who are non-nationals of the state where the handover protocol is signed, the same handover process and set of principles should be utilized. Once handed over from [armed forces, other state security actors, or armed group] to [civilian child protection actors] in-country, the relevant parties should work with their counterparts in the other countries concerned to ensure swift and orderly cross-border repatriation, interim care, and family reunification, or other durable solution. In line with the principle of non-refoulement and the best interests of the child, guarantees will be requested from the government on guardianship, caregiver responsibility, legal and procedural safeguards, and unimpeded post-handover access for relevant child protection actors. If there are substantial grounds for believing that the child would be in danger of suffering violations of certain fundamental rights in the jurisdiction of the state to which he or she will be transferred, the child must not be repatriated, and alternative arrangements should be found.

Directive 9 – Civilian Access to Facilities Where Children Are Held

Commanding officers from the [armed force, state security actors, or armed group] shall allow [designated child protection actors] to have full and unimpeded access to the children during the period of handover. [Designated civilian child protection actors] should also have access to detention and other facilities where children may be held for continued monitoring of the implementation of the handover protocol.

Directive 10 – Implementation Commitments

To promote the swift implementation of the handover protocol, relevant stakeholders shall develop an implementation plan within [a specified period of time], that includes the following actions:

- (1) Establishing a coordinating body for the implementation of the protocol;



- (2) Developing an operational guidance outlining the roles and responsibilities of various actors for the separation, transfer, care, and reintegration of children encountered, detained, in the custody, or under the command and control of an *[armed force, other state security actor, or armed group]*. Within the guidance, identify national and local-level focal points with clear lines of reporting to the coordinating body on the implementation of the protocol and other relevant stakeholders;
- (3) Preparing for initial transfers;
- (4) Periodically disseminating the handover protocol;
- (5) Issuing command directives on the contents and practical implementation of the handover protocol within relevant ministries and *[military, security, or armed group]* command structures;
- (6) Conducting periodic trainings among implementers of the handover protocols, including on age assessment, communication with children involved in armed conflict, and child safeguarding; and
- (7) Directing the coordinating body on the implementation of the handover protocol to prepare semi-annual evaluations on the implementation of the protocol, as well as monitoring missions to military barracks and places of detention where children are held, and to local communities to assess the reintegration of children.

The implementation of the handover protocol should be guided by the best interests of the child, non-discrimination, child participation, including consultations with children associated with armed groups and armed forces (CAAFAG), and the child's right to survival and development.

Terms and conditions

[The government/armed group] agree by the terms and conditions of the present Protocol with the *[civilian child protection actors]* to guide the orderly handover of children encountered during security operations or in other circumstances from *[armed forces, other state security forces, or armed group]* to *[designated civilian child protection actors]*.

The Protocol will enter into force on the date of signing in below, and the duration of the Protocol will remain open-ended. Its contents may be revised and amended upon written agreement of all signatories. All issues of interpretation of provisions included in the present Protocol will be resolved amicably or, if needed, through diplomatic means.

Signed on *[xx.xx.xxxx]* in *[xxxxxx]*

SIGNATORY

On behalf of *[xxx]*

SIGNATORY

On behalf of *[xxx]*



Endnotes

- 1 Handover protocols have been signed in the Central African Republic, Chad, Mali, Niger, Somalia, the Sudan, Uganda, and Yemen. *For further information, please see:* p. 7, "2b. Where Have Handover Protocols Been Signed?"
- 2 UN Security Council, Report of the Secretary-General on Children and Armed Conflict, A/75/873-S/2021/437, May 6, 2021, <https://undocs.org/S/2021/437> (accessed October 18, 2021).
- 3 UN Security Council, Report of the Secretary-General's on Children and Armed Conflict A/73/907-S/2019/509, June 20, 2019, <https://undocs.org/S/2019/509> (accessed October 20, 2021).
- 4 UN Security Council, Report of the Secretary-General on Children and Armed Conflict, A/74/845-S/2020/525, June 9, 2020, <https://undocs.org/S/2020/525> (accessed October 20, 2021), para. 6.
- 5 Office of the Special Representative of the Secretary-General for Children and Armed Conflict (OSRSG-CAAC), "Child Recruitment and Use," <https://childrenandarmedconflict.un.org/six-grave-violations/child-soldiers/> (accessed December 22, 2021).
- 6 Ibid.
- 7 UN Security Council, Report of the Secretary-General on Children and Armed Conflict, A/75/873-S/2021/437, May 6, 2021.
- 8 Human Rights Watch, "Extreme Measures: Abuses against Children Detained as National Security Threats," July 2016, https://www.hrw.org/sites/default/files/report_pdf/crd_detained0716web_1.pdf (accessed October 18, 2021); Nowak, Manfred, "The United Nations Global Study on Children Deprived of Liberty," November 2019, <https://omnibook.com/view/e0623280-5656-42f8-9edf-5872f8f08562> (accessed October 4, 2021), pp. 596-598.
- 9 Human Rights Watch, "Extreme Measures: Abuses against Children Detained as National Security Threats"; Nowak, Manfred, "The United Nations Global Study on Children Deprived of Liberty," pp. 599-601.
- 10 See: Global Counterterrorism Forum, "Initiative to Address the Life Cycle of Radicalization to Violence: Neuchâtel Memorandum on Good Practices for Juvenile Justice in a Counterterrorism Context" ("Neuchâtel Memorandum"), https://toolkit.thegctf.org/Portals/1/Documents/En/Neuchatel_Memorandum_on_Juvenile_Justice.pdf (accessed November 9, 2021), Good Practice 8.
- 11 Annual Reports of the UN Secretary-General on Children and Armed Conflict, 2013-2019, available at <https://childrenandarmedconflict.un.org/virtual-library/>.
- 12 UN Security Council, Report of the Secretary-General on Children and Armed Conflict, A/75/873-S/2021/437, May 6, 2021, para. 4.
- 13 UN Security Council, Report of the Secretary-General on Children and Armed Conflict, A/74/845-S/2020/525, June 9, 2020, para. 13 (which reports over 2,500 children were held in detention).
- 14 UN Security Council, Report of the Secretary-General on Children and Armed Conflict, A/75/873-S/2021/437, May 6, 2021.
- 15 Nowak, Manfred, "The United Nations Global Study on Children Deprived of Liberty," November 2019, pp. 567-568.
- 16 Human Rights Watch, "Extreme Measures: Abuses against Children Detained as National Security Threats"; Nowak, Manfred, "The United Nations Global Study on Children Deprived of Liberty," pp. 596-602.
- 17 The Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, February 2007 ("Paris Principles"), <https://www.unicef.org/mali/media/1561/file/ParisPrinciples.pdf> (accessed October 4, 2021), para. 8.7; Committee on the Rights of the Child, General Comment No. 24 (2019), replacing General Comment No. 10 (2007), Children's rights in juvenile justice (CRC/C/GC/24), September 18, 2019, <https://undocs.org/CRC/C/GC/24> (accessed October 4, 2021), para. 100.
- 18 These children are entitled to reintegration support under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC), adopted May 25, 2000, G.A. res 54/263, annex I, 54 U.N. GAOR Supp. (No. 49) at 7, U.N. Doc. A/54/49, Vol. III (2000), entered into force February 12, 2002, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPACCRC.aspx> (accessed November 12, 2021), art. 6.3. See Annex 2 for further information.



Endnotes

- 19 UN Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. res 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx> (accessed November 12, 2021), arts. 38.4 and 39; International Committee of the Red Cross (ICRC), IHL Database, Customary International Humanitarian Law, "Rule 135. Children," https://ihl-databases.icrc.org/customary-ihl/eng/docindex/v1_rul_rule135 (accessed January 16, 2022).
- 20 For more information on why children are detained in situations of armed conflict, see: Nowak, Manfred, "The United Nations Global Study on Children Deprived of Liberty," November 2019, pp. 584-591, 613.
- 21 See Annex 3 for a handover protocol template.
- 22 See: Section "2d. International Standards Supporting Handover Protocols," p. 11.
- 23 The Security Council has identified and condemned six grave violations against children during armed conflict: killing and maiming; recruitment and use by armed forces and armed groups; attacks on schools and hospitals; rape and other forms of sexual violence; abductions; and denial of humanitarian access for children. They are violations of international humanitarian law, international human rights law, and international criminal law. Every year, the Secretary-General releases an annual report on children and armed conflict where parties to conflict responsible for certain grave violations are listed in the annexes. The listing prompts the establishment of a country-specific Monitoring and Reporting Mechanism (MRM) on grave violations against children during armed conflict. A Country Task Force on Monitoring and Reporting (CTFMR) negotiates with listed parties to develop concrete and time-bound action plans to end and prevent grave violations against children. For more information, see: www.mrmtools.org.
- 24 In the Philippines, for example, on January 10, 2019, the Government signed into law *An Act Providing for the Special Protection of Children in Situations of Armed Conflict and Providing Penalties for Violations Thereof*, which requires authorities to transfer children detained in armed conflict to the local social welfare and development officer within a maximum of 72 hours. See: *An Act Providing for the Special Protection of Children in Situations of Armed Conflict and Providing Penalties for Violations Thereof*, Republic Act 11188, July 23, 2018, <https://www.officialgazette.gov.ph/downloads/2019/01jan/20190110-RA-11188-RRD.pdf> (accessed October 13, 2021), sec. 24(e)).
- 25 UN Security Council, Report of the Secretary-General on Children and Armed Conflict, A/75/873-S/2021/437, May 6, 2021, para. 50.
- 26 Note: Unlike in adult DDR, there should be no preconditions for release of children from any armed force or group. United Nations Disarmament, Demobilization and Reintegration Resource Centre (UN DDR Resource Centre), "Integrated Disarmament Demobilization and Reintegration Standards (IDDRS), Module 5.20 Children and DDR," on file at Watchlist. Publicly available soon on the following website: <https://www.unddr.org/the-iddrs/level-5/>.
- 27 Note: The UN and Government of CAR have initiated new protocol negotiations because one of the signatories to the first protocol, the French Sangaris forces, has left CAR, and the protocol has not been implemented since their departure.
- 28 *An Act Providing for the Special Protection of Children in Situations of Armed Conflict and Providing Penalties for Violations Thereof*, Republic Act 11188, July 23, 2018, sec. 24(e).
- 29 *The Child Rights Law*, Pyidaungsu Hluttaw Law No. 22/2019, July 23, 2019, on file at Watchlist, paras. 60(e), 60(h).
- 30 See: UN Department of Peace Operations, Department of Political and Peacebuilding Affairs, and Department of Safety and Security, "Standard Operating Procedure: The Handling of Detention in United Nations Peacekeeping Operations and Special Political Missions," January 1, 2021, https://peacekeeping.un.org/sites/default/files/dpo-2021-00276_revised_sop_on_detention_jan_2021_for_attachment.pdf (accessed November 17, 2021), Annex B. Under the SoPs, a child should only be detained by UN peacekeeping forces as a measure of last resort, for the shortest possible period of time and, where possible, priority should be given to alternatives to detention. Any child that is detained should be handed over to the host state child protection authorities or humanitarian child protection actors within 48 hours, until family reunification or other durable solution occurs. The UN must receive special assurances from the host state that the child will not be subjected to judicial measures, or, if the state asserts their prerogative to prosecute the child for the alleged commission of a crime, handover shall be conditional on international child-specific standards on fair trial and conditions for detention.
- 31 In Mali, for example, MINUSMA's detention SoPs reference the 2013 handover protocol.
- 32 The MRM is a mechanism established by the UN Security Council to gather information on grave violations committed against children in situations of armed conflict. The MRM is activated when the Secretary-General lists a party to an armed conflict in the annexes of the annual report on children and armed conflict.



Endnotes

- 33 See: UN Security Council, Resolution 1539 (2004), S/RES/1539 (2004), <http://unscr.com/files/2004/01539.pdf> (accessed January 16, 2022), paras. 5(a)-5(b); UN Security Council, Resolution 1612 (2005), S/RES/1612 (2005), <http://unscr.com/files/2005/01612.pdf> (accessed January 16, 2022), paras. 7-8, 20(c); UN Security Council, Resolution 1882 (2009), S/RES/1882 (2009), <http://unscr.com/en/resolutions/doc/1882> (accessed January 16, 2022), paras. 5(a)-5(b), 6; UN Security Council, Resolution 1998 (2011), S/RES/1998 (2011), <http://unscr.com/files/2011/01998.pdf> (accessed January 16, 2022), paras. 6(a)-6(c); UN Security Council, Resolution 2143 (2014), S/RES/2143 (2014), <http://unscr.com/files/2014/02143.pdf> (accessed January 16, 2022), paras. 2-4, 7.
- 34 See, e.g.: p. 25, "CASE STUDY: Development of Handover Protocol with the Ansar Allah in Yemen."
- 35 See: Annex 2 for a detailed list of relevant international treaties and principles.
- 36 In its General Comment 24, the UN Committee on the Rights of the Child encourages the "use of non-stigmatizing language relating to children alleged as, accused of or recognized as having infringed criminal law," including the use of the term "child justice" (or "youth justice"), rather than the traditionally used term "juvenile justice." Committee on the Rights of the Child, General Comment No. 24 (2019), replacing General Comment No. 10 (2007), Children's rights in juvenile justice (CRC/C/GC/24), paras. 7-8.
- 37 For more on the treatment of CAAFAG in counterterrorism contexts, see: Global Counterterrorism Forum, Neuchâtel Memorandum.
- 38 UN Security Council, Resolution 1261 (1999), S/RES/1261 (1999), [https://undocs.org/en/S/RES/1261\(1999\)](https://undocs.org/en/S/RES/1261(1999)) (accessed February 27, 2021), para. 15; UN Security Council, Resolution 1314 (2000), S/RES/1314 (2000), [https://undocs.org/S/RES/1314\(2000\)](https://undocs.org/S/RES/1314(2000)) (accessed February 27, 2021), paras. 11, 13; UN Security Council, Resolution 1379 (2001), S/RES/1379 (2001), [https://undocs.org/en/S/RES/1379\(2001\)](https://undocs.org/en/S/RES/1379(2001)) (accessed February 27, 2021), paras. 8(e), 11(c), 11(f), 12(a); UN Security Council, Resolution 1460 (2003), S/RES/1460 (2003), [https://undocs.org/en/S/RES/1460\(2003\)](https://undocs.org/en/S/RES/1460(2003)) (accessed February 27, 2021), para. 13; UN Security Council, Resolution 1539 (2004), S/RES/1539 (2004), para. 8; UN Security Council, Resolution 1612 (2005), S/RES/1612 (2005), para. 17; UN Security Council, Resolution 1882 (2009), S/RES/1882 (2009), para. 13; UN Security Council, Resolution 1998 (2011), S/RES/1998 (2011), para. 18; UN Security Council, Resolution 2225 (2015), S/RES/2225 (2015), [https://undocs.org/en/S/RES/2225\(2015\)](https://undocs.org/en/S/RES/2225(2015)) (accessed February 27, 2021), paras. 5-6, 9; UN Security Council, Resolution 2427 (2018), S/RES/2427 (2018), [https://undocs.org/S/RES/2427\(2018\)](https://undocs.org/S/RES/2427(2018)) (accessed February 27, 2021), paras. 21, 24, 26, 28, 37.
- 39 UN Security Council, Resolution 2349 (2017), S/RES/2349 (2017), [https://undocs.org/S/RES/2349\(2017\)](https://undocs.org/S/RES/2349(2017)) (accessed November 15, 2021), para. 30.
- 40 UN Security Council, Resolution 2427, para. 19.
- 41 See, e.g.: UN Security Council, Resolution 2499 (2019), S/RES/2499, [https://undocs.org/en/S/RES/2499\(2019\)](https://undocs.org/en/S/RES/2499(2019)) (accessed September 29, 2020), para. 24.
- 42 See, e.g.: UN Security Council, Report of the Secretary-General on Children and Armed Conflict, A/75/873-S/2021/437, May 6, 2021, paras. 32, 176, 203, 231, 259, 278; UN Security Council, Report of the Secretary-General on Children and Armed Conflict, A/74/845-S/2020/525, June 9, 2020, paras. 39, 194, 215; UN Security Council, Report of the Secretary-General on Children and Armed Conflict, A/73/907-S/2019/509, June 20, 2019, paras. 42, 215; UN Security Council, Report of the Secretary-General on Children and Armed Conflict, A/72/865-S/2018/465, May 16, 2018, <https://undocs.org/en/A/72/865> (accessed January 16, 2022), para. 232.
- 43 UN Security Council Working Group on Children and Armed Conflict, Conclusions on children and armed conflict in the Central African Republic, S/AC.51/2020/3, June 17, 2020, <https://undocs.org/en/S/AC.51/2020/3> (accessed September 29, 2020), paras. 5(n), 7(b); UN Security Council Working Group on Children and Armed Conflict, Conclusions on children and armed conflict in Nigeria, S/AC.51/2017/5, December 13, 2017, <https://undocs.org/en/S/AC.51/2017/5> (accessed September 29, 2020), paras. 5(q), 7(k), 9(d).
- 44 ACERWC, General Comment on Article 22 of the African Charter on the Rights and Welfare of the Child: Children in Situations of Conflict, September 2020, https://www.acerwc.africa/wp-content/uploads/2020/10/General-Comment-on-Article-22-of-the-ACRWC_English_Web_version_final-1.pdf (accessed October 26, 2020), para. 58.
- 45 ACERWC, Outcome Statement for the Day of General Discussion on Children Affected by Armed Conflict, November 26, 2019, https://www.acerwc.africa/wp-content/uploads/2019/12/Outcome-Statement_-ACERWC-Day-of-General-Discussion_-final.pdf (accessed October 4, 2020), para. A(7).
- 46 UN Security Council, Report of the Secretary-General on Children and Armed Conflict in Mali, S/2020/1105, November 11, 2020, <https://undocs.org/S/2020/1105> (accessed October 23, 2021), para. 19.
- 47 Watchlist interview (name and location withheld), September 15, 2021.
- 48 See: UN DDR Resource Centre, "IDDRS, Module 5.20 Children and DDR."



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- 49 Note: The handover protocol negotiations in Nigeria are still ongoing at this writing.
- 50 Note: The handover protocol negotiations in Burkina Faso are still ongoing at this writing.
- 51 UN Security Council, Report of the Secretary-General on Children and Armed Conflict, A/62/609-S/2007/757, December 21, 2007, <https://undocs.org/A/62/609> (accessed October 20, 2021), Annex I.
- 52 UN Security Council, Report of the Secretary-General on Children and Armed Conflict, A/69/926-S/2015/409, June 5, 2015, <https://undocs.org/A/69/926> (accessed January 7, 2022), para. 53.
- 53 Ibid.
- 54 OSRSG-CAAC, "Action Plans," <https://childrenandarmedconflict.un.org/tools-for-action/action-plans/> (accessed January 7, 2022).
- 55 UN Security Council, Report of the Secretary-General on Children and Armed Conflict, A/74/845-S/2020/525, June 9, 2020, para. 243.
- 56 *For recommendations to mediators and their teams on incorporating relevant child protection language and provisions in peace agreements, including on the release and reintegration of children, see: Watchlist on Children and Armed Conflict, "Checklist for drafting children and armed conflict provisions in ceasefire and peace agreements," October 31, 2016, https://peacemaker.un.org/sites/peacemaker.un.org/files/Watchlist_ProvisionsChildrenArmedConflict-PeaceAgreements_2016.pdf (accessed November 9, 2021).*
- 57 *For more on this topic, see: War Child, "Being a 'Force for Good': How the UK's Military Partnerships can Better Protect Children in Conflict," October 2021, https://www.warchild.org.uk/sites/default/files/link-files/War%20Child%20UK_Being%20A%20Force%20for%20Good%202021%20Report.pdf (accessed January 7, 2022).*
- 58 See: Congressional Research Service, "Child Soldiers Prevention Act: Security Assistance Restrictions," November 6, 2020, <https://sgp.fas.org/crs/misc/IF10901.pdf> (accessed December 22, 2021).
- 59 See, e.g.: Security Council Resolution 2427, para. 19; Security Council Resolution 2499, para. 24.
- 60 See: Annex I which provides further details on the international legal framework for the treatment of CAAFAG.
- 61 See: OSRSG-CAAC, "CAR: UN official welcomes new legislation criminalizing child recruitment," March 17, 2020, <https://childrenandarmedconflict.un.org/2020/03/car-un-official-welcomes-new-legislation-criminalizing-child-recruitment/> (accessed November 16, 2021). See also: US Department of Labor, Bureau of International Labor Affairs (ILAB), "2020 Findings on the Worst Forms of Child Labor," September 2021, https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2020/2020_TDA_BigBook_Online_optimized.pdf (accessed November 18, 2021), p. 361 (*the report also provides further information on national legislation criminalizing recruitment and use globally*); ICRC, "National Implementation of IHL," https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/vwLawsByCountry.xsp?xp_topicSelected=GVAL-992BUD (accessed November 11, 2021) (*which provides national legislation on the implementation of international humanitarian law, including on the recruitment and use of children*).
- 62 *For more on this topic, see: "5. Handover Protocols to Address Detention of CAAFAG," p. 26.*
- 63 The Paris Principles define reintegration as "the process through which children transition into civil society and enter meaningful roles and identities as civilians who are accepted by their families and communities in a context of local and national reconciliation." Paris Principles, para. 2.8. Daily work is guided by the following principles: the best interests of the child, the notion that children allegedly associated with armed groups should be considered primarily as victims, and the belief that children have the right to life, survival, and development. OSRSG-CAAC, "Reintegration of former child soldiers," <https://childrenandarmedconflict.un.org/wp-content/uploads/2018/09/Reintergration-brochure-layout.pdf> (accessed October 29, 2020).
- 64 Global Coalition for Reintegration of Child Soldiers (GCRCS), "Gaps and Needs for the Successful Reintegration of Children Associated with Armed Groups or Armed Forces" ("Gaps and Needs"), October 2020, <https://childrenandarmedconflict.un.org/wp-content/uploads/2020/12/GCR-Gaps-and-Needs-10.2020.pdf> (accessed October 23, 2021), p. 8.
- 65 *For further reading on reintegration, see: The Alliance for Child Protection in Humanitarian Action (ACPHA), "CAAFAG Programme Development Toolkit Guidelines," February 2022, https://alliancecpa.org/en/system/tdf/library/attachments/caafag_toolkit_-_guidelines_en.pdf?file=1&type=node&id=47503 (accessed February 14, 2022); UN DDR Resource Centre, "IDDRS Module 5.20 Children and DDR," pp. 26-43.*
- 66 ACPHA, et al., "Girls Associated with Armed Forces and Armed Groups: Lessons learnt and good practices on prevention of recruitment and use, release and reintegration," December 2020, https://alliancecpa.org/en/system/tdf/library/attachments/tn_gaafag_eng.pdf?file=1&type=node&id=41543, p. 29.



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- 67 UN Security Council, Report of the Secretary-General on Children and Armed Conflict in Yemen, S/2021/761, August 27, 2021, <https://undocs.org/S/2021/761> (accessed October 19, 2021), para. 4.
- 68 Lara Jakes and Ben Hubbard, "U.S. Rush to Declare Houthis Terrorists Threatens to Halt Aid to Yemen," *The New York Times*, January 11, 2021, <https://www.nytimes.com/2021/01/11/us/politics/trump-pompeo-houthis-yemen.html> (accessed January 17, 2022); Lara Jakes and Eric Schmitt, "Biden Reverses Trump Terrorist Designation for Houthis in Yemen," *The New York Times*, February 5, 2021, <https://www.nytimes.com/2021/02/05/us/politics/biden-houthi-yemen-terrorist-designation.html> (accessed October 19, 2021).
- 69 UN Security Council, Report of the Secretary-General on Children and Armed Conflict, A/65/820-S/2011/250, April 23, 2011, <https://undocs.org/A/65/820> (accessed November 9, 2021), Annex II.
- 70 UN Security Council, Report of the Secretary-General on Children and Armed Conflict, A/70/836-S/2016/360 April 20, 2016, <https://undocs.org/A/70/836> (accessed November 9, 2021), Annex I.
- 71 Ibid., para. 166.
- 72 UN Security Council, Report of the Secretary-General on Children and Armed Conflict, A/72/865-S/2018/465 May 16, 2018, para. 203 (13 children detained by the Ansar Allah).
- 73 UN Security Council, Report of the Secretary-General on Children and Armed Conflict, A/73/907-S/2019/509, June 20, 2019, para. 190 (53 children detained and released by the Ansar Allah).
- 74 UN Security Council, Report of the Secretary-General on Children and Armed Conflict, A/74/845-S/2020/525, June 9, 2020, para. 187 (68 children detained and released by the Ansar Allah in early 2020).
- 75 Ibid., para. 196.
- 76 UN Security Council, Report of the Secretary-General on Children and Armed Conflict, A/75/873-S/2021/437, May 6, 2021, para. 196.
- 77 UN Security Council, Report of the Secretary-General on Children and Armed Conflict, A/74/845-S/2020/525, June 9, 2020, Annex I.
- 78 Watchlist on Children and Armed Conflict, "Countering Terrorism and Violent Extremism: The Erosion of Children's Rights in Armed Conflict," January 2020, https://watchlist.org/wp-content/uploads/watchlist-policy-note_jan2020_lr.pdf (accessed January 17, 2022), pp. 17-18.
- 79 Note: The Paris Principles state that "children who have been associated with armed forces or armed groups should not be prosecuted or punished, or threatened with prosecution or punishment, solely for their membership with those forces or groups." Paris Principles, para. 8.7. The UN Committee on the Rights of the Child states that governments should refrain from charging and prosecuting children for mere association with a non-state armed group, including those designated as terrorist groups. Committee on the Rights of the Child, General Comment No. 24 (2019), replacing General Comment No. 10 (2007), Children's rights in juvenile justice (CRC/C/GC/24), para. 101.
- 80 CRC, arts. 40(3)(b) – 40(4); Paris Principles, art. 3.7.
- 81 Administrative detention, also known as internment, can be defined as the deprivation of liberty of a person by the executive branch of government without criminal charges being brought against them. Pejic, J., "Procedural principles and safeguards for internment/administrative detention in armed conflict and other situations of violence," *International Review of the Red Cross*, Volume 87, Number 858 (June 2005), p. 375. Administrative detention/internment often occurs in situations of armed conflict and can be lawful under international humanitarian law if conducted with the necessary grounds, procedures, and material conditions of detention.
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- 83 Committee on the Rights of the Child, General Comment No. 24 (2019), replacing General Comment No. 10 (2007), Children's rights in juvenile justice (CRC/C/GC/24), para. 22.
- 84 Ibid., para. 22.
- 85 Ibid., para. 23.
- 86 UN DDR Resource Centre, "IDDRS, Module 5.20 Children and DDR," p. 1.
- 87 Committee on the Rights of the Child, General Comment No. 24 (2019), replacing General Comment No. 10 (2007), Children's rights in juvenile justice (CRC/C/GC/24), para. 24.



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- 88 Note: This includes children from within the armed forces or armed group's own ranks.
- 89 CRC, art. 37(b).
- 90 Security Council Resolution 2427, para. 20.
- 91 *Protocole D'Accord entre Le Système des Nations Unies au Mali et Le Gouvernement de la République du Mali Relatif au Transfert des Enfants Associés aux Forces ou Groupes Armés*, on file at Watchlist, paras. I(2)-I(4).
- 92 Federal Republic of Somalia and Somali National Security Forces, Standard Operating Procedures (SoPs) for the Reception and Hand-Over of Children Separated from Armed Group(s) in Somalia, on file at Watchlist, paras. 1-2.
- 93 The Republic of Sudan High-Level Committee for the Implementation of the Action Plan on Child Protection in Armed Conflicts, Manual of Standard Operating Procedures (SoPs) for the Reception and Handover of Children Separated from Armed Groups in the Sudan, on file at Watchlist, paras. 1, 5.
- 94 For more information on why children are detained in situations of armed conflict, see: Nowak, Manfred, "The United Nations Global Study on Children Deprived of Liberty," pp. 584-591, 613.
- 95 This could include, for example, "the child's best interests, [their] age at the time of the commission of any alleged crime, the coercive environment under which the child may have been living, and any other mitigating circumstances." See: UN DDR Resource Centre, "IDDRS, Module 5.20 Children and DDR," p. 44.
- 96 According to the UN: "For all children, reintegration processes should be focused on addressing the root causes of their association and recovery, rather than punishment for any actions." See: UN DDR Resource Centre, "IDDRS, Module 5.20 Children and DDR," p. 44.
- 97 Of the protocols reviewed, Niger and the Sudan require children who are encountered to be handed over to a judicial authority before being transferred to civilian child protection actors. In Niger, when children are arrested by armed forces for their suspected association with an armed group designated as terrorist, they are transferred to an "anti-terrorist unit" in Niamey and brought before specialized judges for dealing with cases concerning child justice. The specialized judge determines whether to transfer the child to civilian child protection actors for reintegration in a *Centre de Transit et d'Orientation (CTO)*—a facility specifically for children affiliated with armed groups. In the event that the child has committed a "flagrant," he or she may be held for prosecution. *Protocole D'Accord entre Le Gouvernement de la République du Niger et Le Système des Nations Unies au Niger Relatif aux Enfants Présumés Associes aux Groupes Armes et Groups Terroristes*, on file at Watchlist, para. I(2). The Manual of SoPs for the Reception and Handover of Children Separated from Armed Groups in the Sudan requires the Sudan Government Security Forces (SGSF) to hand over children allegedly associated with armed groups to the Child Prosecutor in the Family Child Protection Department who, pending the completion of an investigation within seven days, may release the children to their families in accordance with their best interests. The Republic of Sudan, High-Level Committee for the Implementation of the Action Plan on Child Protection in Armed Conflicts, Manual of SoPs for the Reception and Handover of Children Separated from Armed Groups in the Sudan, on file at Watchlist, para. 5.
- 98 See: CRC Art. 40(3)(b); Global Counterterrorism Forum, Neuchâtel Memorandum, Good Practice 7.
- 99 See, e.g., the example of children's participation in transitional justice in Colombia: ACPHA, "CAAFAG Programme Development Toolkit Guidelines," February 2022, p. 101. Also examples of transitional justice for girls: ACPHA, et al., "Girls Associated with Armed Forces and Armed Groups: Lessons learnt and good practices on prevention of recruitment and use, release and reintegration," p. 48.
- 100 Paris Principles, para. 7.25.
- 101 Security Council Resolution 2427, para. 20.
- 102 The handover protocols signed by authorities in Mali, Chad, and Niger state that the only information that the security sector or civilian authority can gather from a child while in the custody of government armed forces, is the child's identity, origin, and health status. *Protocole D'Accord entre Le Système des Nations Unies au Mali et Le Gouvernement de la République du Mali Relatif au Transfert des Enfants Associés aux Forces ou Groupes Armés*, on file at Watchlist, para. I(6); *Protocole D'Accord entre Le Gouvernement de la République du Tchad et Le Système des Nations Unies au Tchad Relatif au Transfert des Enfants Associés aux Forces ou Groupes Armés*, on file at Watchlist, para. I(4); *Protocole D'Accord entre Le Gouvernement de la République du Niger et Le Système des Nations Unies au Niger Relatif aux Enfants Présumés Associes aux Groupes Armes et Groups Terroristes*, on file at Watchlist, para. I(4).



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The SoPs on the handover of children signed in Uganda and Somalia do not explicitly prohibit the gathering of military intelligence and instead include provisions that allow interviewers to collect information about how the child was recruited and/or abducted into the armed group, as well as about any other crimes committed against him or her. Standard Operating Procedures (SoPs) for Reception and Hand Over of Children Rescued from the Lord's Resistance Army (LRA), on file at Watchlist, para. 4; Federal Republic of Somalia and Somali National Security Forces, SoPs for the Reception and Hand-Over of Children Separated from Armed Group(s) in Somalia, on file at Watchlist, para. 4.

At the time the SoPs were adopted in Uganda, the UN and the Government agreed that the children could speak with military intelligence for a limited period of time, with a representative of UNICEF or other adult sitting outside, in order to provide information about the location of the LRA. The children that were transferred at this time were prebriefed about the interview and about what they might have to answer. The children were cautioned not to say anything that would put them in danger or incriminate anyone else. The handover protocol states that the information cannot be taken under force or threat of force, real or implied. SoPs for Reception and Hand Over of Children Rescued from the LRA, on file at Watchlist, para. 5.

The Sudan is unique in that it provides for the legal advisors of the Sudanese Government Security Forces (SGSF) to brief the children on their rights. The protocol prohibits intelligence-gathering but makes an exception for information that could help in the rescue of other groups of children. The Republic of Sudan, High-Level Committee for the Implementation of the Action Plan on Child Protection in Armed Conflicts, Manual of SoPs for the Reception and Handover of Children Separated from Armed Groups in the Sudan, on file at Watchlist, para. 3.

- 103 UN DDR Resource Centre, "IDDRS, Module 5.20 Children and DDR," p. 44.
- 104 *For a publicly available example of an age assessment guideline developed between a government and UNICEF, please see: Afghan National Security Forces (ANSF), Age Assessment Guidelines to Prevent and Respond to Child Recruitment in the Afghanistan National Security Forces (ANSF), 2015, https://reliefweb.int/sites/reliefweb.int/files/resources/afghanistan_age_assessment_guidelines_eng_0.pdf. Please note, these age assessment guidelines were developed between the ANSF and UNICEF prior to the Taliban's takeover of Afghanistan in August 2021.*
- 105 This includes training on working with children and with survivors of gender-based violence.
- 106 ACPHA, et al., "Girls Associated with Armed Forces and Armed Groups: Lessons learnt and good practices on prevention of recruitment and use, release and reintegration," p. 20.
- 107 Ibid., p. 26.
- 108 Ibid.
- 109 UN DDR Resource Centre, "IDDRS, Module 5.20 Children and DDR," p. 20.
- 110 ACPHA, et al., "Girls Associated with Armed Forces and Armed Groups: Lessons learnt and good practices on prevention of recruitment and use, release and reintegration," p. 29.
- 111 This includes torture or cruel, inhuman, or degrading treatment or punishment; arbitrary deprivation of life (including as the result of a death sentence pronounced without the fundamental guarantees of fair trial); or persecution on account of race, religion, nationality, membership of a particular social group, or political opinion.
- 112 Federal Republic of Somalia and Somali National Security Forces, SoPs for the Reception and Hand-Over of Children Separated from Armed Group(s) in Somalia, on file at Watchlist, para. 7(a); The Republic of Sudan, High-Level Committee for the Implementation of the Action Plan on Child Protection in Armed Conflicts, Manual of SoPs for the Reception and Handover of Children Separated from Armed Groups in the Sudan, on file at Watchlist, para. 18(a); SoPs for Reception and Hand Over of Children Rescued from the LRA, on file at Watchlist, para. 10(a).
- 113 Draft Protocol on the handover of children encountered in the course of security operations from military authorities to civilian child protection actors, UNICEF and DPO, on file at Watchlist, directives 5-6.
- 114 *Protocole D'Accord entre Le Système des Nations Unies au Mali et Le Gouvernement de la République du Mali Relatif au Transfert des Enfants Associés aux Forces ou Groupes Armés, on file at Watchlist, para. I(1); Protocole D'Accord entre Le Gouvernement de la République Centrafricaine, L'Opération Française en Centrafrique "Sangaris" et Le Fonds des Nations Unies pour L'Enfance en Centrafrique, "UNICEF" Relatif au Transfert des Enfants Associés aux Forces ou Groupes Armés, on file at Watchlist, para. I(1).*
- 115 SoPs for Reception and Hand Over of Children Rescued from the LRA, on file at Watchlist, para. 1; Federal Republic of Somalia and Somali National Security Forces, SoPs for the Reception and Hand-Over of Children Separated from Armed Group(s) in Somalia, on file at Watchlist, para. 1.



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- 116 The Republic of Sudan, High-Level Committee for the Implementation of the Action Plan on Child Protection in Armed Conflicts, Manual of SoPs for the Reception and Handover of Children Separated from Armed Groups in the Sudan, on file at Watchlist, para. 1.
- 117 *For more details on interim reintegration arrangements, see: "3f. Developing Short-Term and Long-Term Care, Protection, and Reintegration Responses," p. 21.*
- 118 SoPs for Reception and Hand Over of Children Rescued from the LRA, on file at Watchlist, para. 10(b); *Protocole D'Accord entre Le Système des Nations Unies au Mali et Le Gouvernement de la République du Mali Relatif au Transfert des Enfants Associés aux Forces ou Groupes Armés*, on file at Watchlist, para. I(11); Federal Republic of Somalia and Somali National Security Forces, SoPs for the Reception and Hand-Over of Children Separated from Armed Group(s) in Somalia, on file at Watchlist, para. 7(b).
- 119 *Protocole D'Accord entre Le Gouvernement de la République du Tchad et Le Système des Nations Unies au Tchad Relatif au Transfert des Enfants Associés aux Forces ou Groupes Armés*, on file at Watchlist, para. I(8); *Protocole D'Accord entre Le Gouvernement de la République du Niger et Le Système des Nations Unies au Niger Relatif aux Enfants Présumés Associés aux Groupes Armés et Groupes Terroristes*, on file at Watchlist, para. I(9).
- 120 The Republic of Sudan, High-Level Committee for the Implementation of the Action Plan on Child Protection in Armed Conflicts, Manual of SoPs for the Reception and Handover of Children Separated from Armed Groups in the Sudan, on file at Watchlist, paras. 18(b)-(f).
- 121 The table is based primarily on information provided in: UN Security Council, Report of the Secretary-General on Children and Armed Conflict, A/75/873-S/2021/437, May 6, 2021; OSRSG-CAAC, "Action Plans."
- 122 Note: This includes children who were recruited in previous years, but who the UN documented were used by the armed group or force in 2020.
- 123 "Joint Communiqué #70," adopted May 15, 2016, <https://www.peaceagreements.org/viewmasterdocument/1655> (accessed November 10, 2021).
- 124 "Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace," November 24, 2016, <https://www.peaceagreements.org/viewmasterdocument/1845> (accessed November 10, 2021).
- 125 CRC, arts. 1, 38(4).
- 126 Ibid., arts. 37(b), 40.
- 127 Committee on the Rights of the Child, General Comment No. 24 (2019), replacing General Comment No. 10 (2007), Children's rights in juvenile justice, para. 100.
- 128 CRC, arts. 40(3)(b), 40(4).
- 129 Ibid., art. 39.
- 130 OPAC, art. 6.3.
- 131 Ibid., art 3(1).
- 132 Ibid., art. 2.
- 133 Ibid., arts. 1, 3(1).
- 134 Ibid., art. 4(1).
- 135 Ibid., art. 4(2).
- 136 Rome Statute of the International Criminal Court (Rome Statute), UN Doc. A/CONF.183/9, July 17, 1998, entered into force July 1, 2002, https://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf (accessed November 12, 2021), arts. 8(2)(b)(xxvi), 8(2)(e)(vii).
- 137 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), adopted June 8, 1977, 1125 U.N.T.S. 3, entered into force December 7, 1978, <https://www.icrc.org/ihl.nsf/7c4d08d9b287a42141256739003e636b/f6c8b9fee14a77fdc125641e0052b079> (accessed November 12, 2021), art. 77 (2).
- 138 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-international Armed Conflicts (Protocol II), 1125 U.N.T.S. 609, entered into force December 7, 1978, <https://www.icrc.org/ihl.nsf/7c4d08d9b287a42141256739003e636b/d67c3971bcff1c10c125641e0052b545> (accessed November 12, 2021), art. 4(3)(c).



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- 141 African Charter on the Rights and Welfare of the Child (ACRWC), OAU Doc. CAB/LEG/24-9/49 (1990), entered into force November 29, 1999, https://au.int/sites/default/files/treaties/36804-treaty-african_charter_on_rights_welfare_of_the_child.pdf (accessed October 23, 2021), art. 22(2). The ACERWC clarifies in General Comment on Article 22 of the ACRWC: Children in Situations of Conflict, para. 30, that "State Parties shall not under any circumstances recruit children under the age of eighteen years. State Parties shall put in place all necessary measures, such as legislative, administrative, and policy to prevent such recruitment by other non-state armed groups."
- 142 Paris Principles, para. 3.6.
- 143 Ibid., para. 8.7.
- 144 Ibid., para. 3.11.
- 145 Ibid., paras. 7.21, 7.45.
- 146 Ibid., para. 3.6.
- 147 Ibid., para. 3.7.
- 148 Government of Canada, "Vancouver Principles on Peacekeeping and Prevention of Recruitment and Use of Child Soldiers," November 15, 2017, https://www.international.gc.ca/world-monde/assets/pdfs/issues_development-enjeux_developpement/human_rights-droits_homme/principles-vancouver-principles-english.pdf (accessed November 12, 2021), principle 9, detention.
- 149 Global Counterterrorism Forum, Neuchâtel Memorandum, Good Practice 1.
- 150 Ibid., Good Practice 9.
- 151 Ibid., Good Practice 1.
- 152 Ibid.
- 153 Ibid., Good Practice 11.
- 154 See: United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"), November 1985, <https://www.ohchr.org/documents/professionalinterest/beijingrules.pdf>, Rule 13.1.
- 155 Ibid., Rule 13.2.
- 156 Ibid., Rule 11.
- 157 *For national legislation on the implementation of international humanitarian law, including on issues specific to children, see: ICRC, "National Implementation of IHL,"* https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/vwLawsByCountry.xsp?xp_topicSelected=GVAL-992BUD (accessed November 11, 2021).
- 158 Note: This includes children from within the armed forces or armed group's own ranks.
- 159 This could include, for example, the child's best interests, their age at the time of the commission of any alleged crime, the coercive environment under which the child may have been living, and any other mitigating circumstances.
- 160 This includes training on working with children and with survivors of gender-based violence.

The Alliance for Child Protection in Humanitarian Action
C/O UNICEF
3 UN Plaza
New York, NY 10017 USA

Watchlist on Children and Armed Conflict
405 Lexington Avenue, Suite 810
New York, NY 10174 USA

