



## Protecting children from the use of explosive weapons<sup>1</sup> in populated areas

June 2015

At the United Nations Security Council Open Debate on Children in Armed Conflict on 18 June 2015, the International Network on Explosive Weapons (INEW)<sup>2</sup> calls on states to address the humanitarian impact of explosive weapons in populated areas. INEW encourages states to use the debate to:

- Acknowledge the severe impact on children, and civilians more broadly, from the use of explosive weapons in populated areas;
- Endorse the UN Secretary-General's recommendation and that of the UN Special Representative for Children and Armed Conflict, that states should avoid the use in populated areas of explosive weapons with a wide area effect.<sup>3</sup>
- Indicate support for the development of an international commitment to stop the use in populated areas of explosive weapons with wide area effects.
- Collect and make available to the UN and other relevant actors information on civilian harm resulting from the use of explosive weapons including age and gender disaggregated data, to better understand the impacts of such use.

### An urgent humanitarian issue

Save the Children has noted the ways in which the use of explosive weapons in populated areas directly contributes to grave violations against children in armed conflict, including killing and maiming, attacks on schools and hospitals and denial of humanitarian access: "In addition to killing and injuring children, use of explosive weapons, particularly in populated areas, results in children being denied access to healthcare and the opportunity to go to school. It can also prevent life-saving humanitarian aid from reaching children, causing them to be displaced from their homes, exposing them to the risk of separation from their families and communities, and increasing their vulnerability to exploitation and abuse."<sup>4</sup>

Action on Armed Violence (AOAV) documents the impact of explosive weapons on children in its forthcoming report on global incidents of explosive violence recorded in media reporting in 2014.<sup>5</sup> Child casualties are poorly reported in media sources. However, in incidents where the age of at least one casualty was reported, children made up 17% of casualties from explosive weapons.

- In 2014, AOAV recorded 1,942 child casualties (deaths and injuries) reported from the use of explosive weapons. This is a 33% increase from 2013.
- 86% of child casualties took place in populated areas.
- Child casualties from explosive violence were reported in 28 countries and territories in 2014. Of the total reported child casualties, 40% were killed or injured by explosive violence in Gaza, and 25% were reported in Syria.

In 2012 the UN Special Representative for Children and Armed Conflict urged states to refrain from using explosive weapons with wide-area effects in populated areas and noted the humanitarian problem again in her 2013 report to the UNGA.<sup>6</sup>

### An opportunity for new standards

Recognition of the distinct problems associated with the use of explosive weapons in populated areas has grown strongly in recent years. The 2012 and 2013 UN Secretary-General's Reports on the

<sup>1</sup> Explosive weapons include explosive ordnance such as mortars, rockets, artillery shells and aircraft bombs, as well as improvised explosive devices (IEDs). These weapons use blast and fragmentation, and kill and injure people in the area around the point of detonation. When these weapons have been used in public places such as markets and residential areas, people that should be protected have often been severely affected, both directly, from the blast and fragment projection, and through damage to vital infrastructure such as to hospitals, housing and water and sanitation systems.

<sup>2</sup> INEW is a network of NGOs established in 2011 by Action on Armed Violence, Article 36, Handicap International, Human Rights Watch, PAX, Medact, Norwegian People's Aid, Oxfam and Save the Children.

<sup>3</sup> See <http://www.inew.org/acknowledgements>.

<sup>4</sup> [Explosive weapons and grave violations against children](#), Save the Children, 2013, p. 3.

<sup>5</sup> Action on Armed Violence, *Explosive States: Monitoring explosive violence in 2014*, June 2015.

<sup>6</sup> Reports of the Special Representative of the Secretary-General for Children and Armed Conflict, September 2012, A/67/256, and August 2013, A/68/267

Protection of Civilians in Armed Conflict urged parties “to refrain from the use in populated areas of explosive weapons with a wide-area effect” and called on states to address this issue.<sup>7</sup> In 2011, the ICRC stated that “due to the significant likelihood of indiscriminate effects and despite the absence of an express legal prohibition for specific types of weapons, the ICRC considers that explosive weapons with a wide impact area should be avoided in densely populated areas.”<sup>8</sup>

Since 2013 there has been a growing international discussion on how this humanitarian harm can be prevented. Around 40 countries and territories have already expressed concern about the impact of the use of explosive weapons in populated areas.<sup>9</sup> The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) has co-hosted two expert meetings on this topic<sup>10</sup> and has highlighted the need to focus on the wide area effects that certain explosive weapons cause, and to identify practical operational steps that can be taken to move away from using wide area effect weapons near civilian populations.

Further discussions are expected this year with a view to compiling existing good practices and developing an international commitment to stop the use in populated areas of explosive weapons with wide area effects. Building on existing international law, such a commitment would serve to articulate a clearer standard of practice. Under international humanitarian law (IHL), certain types of attacks are prohibited (attacks that are “indiscriminate” or that deliberately target civilians, for example), but there is no clear boundary that specifically prevents the use of wide area effect explosive weapons in populated areas. By developing and endorsing an international commitment to this effect, states could significantly enhance the protection of civilians.

Building on this, the June 2015 Open Debate on Children and Armed Conflict presents another opportunity for states to express their support for concrete steps that will help to prevent the use of explosive weapons in populated areas and to provide stronger protection to children in the future.

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<sup>7</sup> United Nations Secretary-General Ban Ki-moon, “Report of the Secretary-General on the protection of civilians in armed conflict,” UN Security Council, S/2013/689, 22 November 2013, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2013/689](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2013/689).

<sup>8</sup> ICRC, *International Humanitarian Law and the challenges of contemporary armed conflicts*, October 2011, 31IC/11/5.1.2.

<sup>9</sup> See <http://www.inew.org/acknowledgements>.

<sup>10</sup> The first meeting was hosted by OCHA with Chatham House in London in September 2013 and the second with Norway in Oslo in June 2014.