

Children and Armed Conflict



Rebels stand guard in Colombia, January, 1999.

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This is Security Council Report's sixth *Cross-Cutting Report on Children and Armed Conflict*, continuing a series that began with the publication of our first report on the subject in 2008. These reports systematically track Security Council involvement in children and armed conflict over the years, highlighting emerging trends for the issue since it first emerged as a separate thematic agenda item in 1998. The present report covers relevant developments at the thematic level over the 2012-2013 period. It analyses Council action in country-specific situations relating to children and armed conflict, as well as the output of the Working Group on Children and Armed Conflict. It examines two sanctions regimes—Côte d'Ivoire

and the Democratic Republic of the Congo—to illustrate the impact of sanctions on children and armed conflict. It also discusses Council dynamics and outlines some possible options that could help strengthen the Council's work on this issue. One of the main conclusions of the report is that while in the last two years the children and armed conflict agenda has managed to retain the key elements that have made it a role model for other thematic issues on the agenda of the Council, there are signs that without additional effort to address persistent perpetrators it may be difficult to take this issue from prescription to implementation and accountability.

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During the period covered by this report, there continued to be pushback within the Security Council on children and armed conflict at the thematic level, making it difficult to move forward with any new initiatives. The children and armed conflict agenda has remained in a holding pattern for the last two years, with energy spent in ensuring there is no rollback. The more difficult dynamic within the Council on human rights-related issues in general in 2012-2013 has resulted in protracted negotiations on thematic decisions related to children and armed conflict. The sense on the part of some members that the issue has gone beyond its mandate led to a concerted effort to restrict the scope of the Secretary-General's Special Representative for Children and Armed Conflict. It also resulted in a general reluctance to introduce new initiatives or make changes to the overall children and armed conflict architecture. As a result some key actors are beginning to look beyond the Council to regional organisations and bilateral partners to develop this issue further.

There was one open debate (19 September 2012) and one debate (17 June 2013) during the period covered by this report. The Council adopted one resolution (S/RES/2068) and one presidential statement (S/PRST/2013/8) on children and armed conflict. For the first time since the Council began adopting resolutions on children and armed conflict in 1999, a resolution on this issue was not adopted unanimously. Four countries—Azerbaijan, China, Pakistan and Russia—abstained. The resolution and the presidential statement generally reiterated and reinforced previous commitments by the Council on the children and armed conflict agenda without introducing any new strategies or initiatives.

However, the divisions over this issue at the thematic level did not appear to affect the inclusion of child protection issues at the country-specific level. Overall, the Council continued to include children and armed conflict language in relevant decisions. Agreed language from previous resolutions and presidential statements was often simply repeated, but there was also evidence of new language responding to a changing dynamic. There has been a greater focus on sexual violence and its impact on children as a result of the attention the Council has paid to this

issue in particular, as well as more language on justice and accountability. There has also been an increase in attention to issues of child protection when setting up or renewing UN mission mandates.

Some of the added children and armed conflict language in Council decisions can be attributed to Germany and Luxembourg. As the 2012 and 2013 chairs of the Working Group on Children and Armed Conflict, respectively, both were proactive in ensuring that language on children and armed conflict was retained and expanded where possible in country-specific resolutions. In addition, NGOs, such as Watchlist on Children and Armed Conflict, have increasingly focused on the Council, providing examples of language that could be included in country-specific resolutions

Also of note is the increased attention paid to the situation of children in fast-changing and deteriorating situations already under consideration by the Council, such as the Central African Republic (CAR), the Democratic Republic of the Congo (DRC) and Mali. Regular briefings to the Working Group by the Special Representative have also become more common, allowing the Working Group to stay abreast of new developments in situations on its work programme. However, there were very few briefings to the Council itself that focused specifically on how children were affected by an unfolding crisis.

There was a push from some Council members for greater accountability on children and armed conflict. The 19 September 2012 and 17 June 2013 debates focused on accountability and persistent perpetrators (parties that have been listed in the Secretary-General's report for at least five years). While there were discussions on the need to find innovative practical approaches to address persistent perpetrators, there was little movement in this direction.

The general reluctance by some members of the Working Group to impose targeted sanctions continued to block any possibility of using this tool to put pressure on persistent perpetrators. While all four relevant Security Council sanctions committees—1572 Côte d'Ivoire, 1533 DRC, 751/1907 Somalia and 1591 Sudan—have language that amounts to allowing violations against children to be used as designation criteria, there was little movement in 2012-2013 in terms of

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new listings. In 2012, only the 1533 DRC Sanctions Committee listed an additional five individuals and two entities for targeted sanctions based on violations against civilians. There were no new listings in 2013.

This *Cross-Cutting Report* focuses on two sanctions committees, 1533 DRC and 1572 Côte d'Ivoire, in order to assess the impact of targeted sanctions on compliance with action plans and violations against children. The two sanctions case studies also examine the links among sanctions committees, the Working Group and the International Criminal Court (ICC) and how these bodies might be able to work together more efficiently.

Action plans signed by governments to stop violations against children now feature regularly in Council resolutions. As has been the case in previous years, the most important factor in the removal of government armed forces from the Secretary-General's list of parties that have committed certain violations against children is political will. It often coincides with a government wanting to be seen as a responsible member of the international community. This was the case with Somalia, in 2012, when it signed the action plan to stop recruitment and use of children and to prevent sexual violence. The Transitional Federal Government (TFG) was particularly keen to show that it was serious about not having child soldiers. Another key factor is bilateral pressure. As we found in our case study on the DRC, the possibility of

having aid from a key donor suspended, especially for arms purchases, serves as a strong motivation. A third factor that might encourage a government to sign an action plan to stop violations against children in armed conflict situations is if doing so is a necessary condition to participate in UN activities that are important to it. This was the case with Chad, which was interested in participating in the new UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) as a troop-contributing country, yet had to ensure that there were no underage soldiers among its peacekeepers. This strong motivation led to an acceleration of the implementation of an action plan that had seen little progress for a number of years. The initiative launched by the Office of the Special Representative for Children and Armed Conflict to move toward an end to recruitment of children in government forces by 2016 may lead to more rapid progress in the signing and implementation of action plans among government forces.

The Working Group, which in its early days was an innovative, nimble body, shows signs of stagnating as a result of increasingly rigid working methods. However, there is a great reluctance among some members to make any substantive changes and no appetite to experiment with recommendations or use new tools. At the same time, there is increasing awareness that changes are needed to deal with current realities and that,

without greater flexibility and efficiency in its working methods, the Working Group risks becoming irrelevant.

Including references to combating violations against children in UN mission mandates is crucial. However, this is only the first step, as it does not always translate to having a dedicated child protection component within the mission. Often progress in highlighting child protection needs in a resolution does not correspond to concrete action on the ground. The head of the mission, the Department of Peacekeeping Operations (DPKO) and budget considerations all play a crucial role in making this happen.

If the Security Council is serious about moving towards an era of accountability, there is a need for it to pay sustained attention to the issue of children and armed conflict and for the Working Group to insist on more thorough follow-through. As has been seen with other issues on its agenda, the Council has a tendency to decrease its attention to an issue once it believes it has dealt with it adequately. To ensure that the issue does not stagnate, there is a need to consider new approaches and possible changes to the children and armed conflict architecture. The lack of follow-up to Council and Working Group decisions points to a need for both bodies to be willing to take stronger action together with more focused follow-up.

Key Developments at the Thematic Level in 2012 and 2013

Security Council Activity on Children and Armed Conflict

19 September 2012 Open Debate and Resolution

On 19 September 2012, the Security Council held an open debate on children and armed conflict, which focused on the issue of accountability for persistent perpetrators of violations against children in armed conflict (S/PV.6838 and Resumption). (The Secretary-General's reports since 2002 have contained "naming and shaming" annexes of parties to armed conflict: its Annex I lists armed conflict situations that are on the

Council's agenda while Annex II consists of armed conflict situations not on the Council's agenda but are considered situations of concern regarding children. Four criteria are used to trigger an inclusion in the annexes: recruitment of children in armed conflict; sexual violence against children; killing and maiming of children and attacks on schools and/or hospitals. The Secretary-General's report defines persistent perpetrators as parties that have been listed in the annexes of the annual report for at least five years.)

In her first appearance before the Council, the new Special Representative for Children and Armed Conflict, Leila Zerrougui,

presented the Secretary-General's 2012 report on children and armed conflict (S/2012/261). Under-Secretary-General for Peacekeeping Operations Hervé Ladsous and UNICEF Executive Director Anthony Lake also spoke. The President of the International Center for Transitional Justice, David Tolbert, briefed as a civil society representative on accountability for crimes against children. Besides the 15 Council members, 43 other member states and the representative from the EU spoke during the open debate.

In advance of the debate, Germany, as the lead Council member on the issue in 2012, circulated a concept note that highlighted

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increasing concern over the growing number of persistent perpetrators and suggested that the debate could be an opportunity to discuss ways of ensuring accountability for perpetrators (S/2012/685).

Before the debate, the Council adopted resolution 2068 by a vote of 11 in favour to none against with four abstentions (Azerbaijan, China, Pakistan and Russia). This was the first time since the Council began adopting resolutions on children and armed conflict in 1999 that a resolution on the subject was not adopted unanimously.

Originally, it seems Germany had in mind a presidential statement rather than a resolution. Aware that a presidential statement, which requires consensus, could result in a weak outcome, Germany eventually decided to have a resolution instead. Some Council members, including Germany, felt strongly that consensus was desirable but that it should not be obtained at the expense of the children and armed conflict agenda, particularly if it weakened existing UN mechanisms.

The first draft of this resolution was circulated on 10 September, and it was put in blue the day before the debate on 18 September. There were intense discussions at the expert and political coordinator levels as well as bilateral negotiations. To avoid the protracted negotiations that had taken place in 2011, Germany decided on a short first draft largely focused on the issue of persistent perpetrators, as well as reinforcing the need for accountability and requesting that the Secretary-General continue to submit reports. However, some Council members were keen to include language on the mandate of the Special Representative on Children and Armed Conflict in order to curtail what they saw as “mandate creep” and inequality in the treatment of situations in the Secretary-General’s reports. Other members, however, felt strongly that it was important not to weaken the Special Representative’s mandate.

Resolution 2068 largely restates agreed language from resolution 1998 (2011), the previous resolution on children and armed conflict. Expressing concern about persistent perpetrators, it calls upon member states to bring to justice those responsible for such violations through national and international justice systems. It also reiterates the readiness of the Council to adopt targeted and graduated measures against persistent perpetrators.

As for follow-up action, the resolution invites the Special Representative to brief the Council on the process of removal of parties to conflict from the annexes to the Secretary-General’s annual report and reiterates its call for the Working Group to consider a range of options for increasing pressure on persistent perpetrators. It also requests the Secretary-General to continue to submit annual reports to the Council.

The polarisation of positions was not new, having emerged during the negotiations in 2011 on resolution 1998, but by 2012 the positions had become further entrenched. Following the adoption of resolution 2068, there appeared to have been some unhappiness from Council members who felt that, given more time, consensus could have been reached on the text. Others, however, believed that the substantive differences clearly expressed by a number of Council members, not only in the explanations of vote following the adoption of resolution 2068, but also in statements made during the debate, rendered consensus impossible.

Two members that abstained on the resolution, Azerbaijan and China, provided an explanation of vote. China felt that resolution 2068 failed to accommodate reasonable concerns of some Council members and was hastily put to a vote without adequate consultation. Azerbaijan stated that protection efforts needed to be free of selectivity and had to address all situations of armed conflict. It therefore felt that the mandate and methodology of the work of the Special Representative should clearly reflect this understanding so that children would be protected in all situations of armed conflict. It felt that resolution 2068 did not accommodate these concerns explicitly enough. Colombia voted in favour but made clear in its explanation of vote that the Council should focus on situations in which armed conflict threatened international peace and security. Although Russia did not offer an explanation of vote, it said in its statement that it was regrettable that the draft resolution was not adopted unanimously and indicated that consultations on the text should have continued. In its view, positions were converging, and there were prospects for consensus.

On persistent perpetrators, a number of Council members spoke about the need to consider a broader range of options to

increase pressure. There were also calls to strengthen measures to combat impunity. An issue that was raised by a number of members, including France and Portugal, was the need for a way to consider targeted measures against persistent perpetrators in situations where a dedicated sanctions committee does not exist. The importance of national protection and accountability mechanisms was also highlighted.

17 June 2013 Debate and Presidential Statement

The 2013 debate on the Secretary-General’s annual report on children and armed conflict was held on 17 June 2013 (S/PV.6980). Unlike all previous debates on children and armed conflict, this was a public debate rather than an open one, due apparently to the full programme of work expected in June. (Under Rule 37 of the Provisional Rules of Procedure of the Security Council, a public debate allows only Council members plus “specially affected” parties to speak, unlike an open debate, during which any UN member state can speak.) Although the trigger for the debate was the annual report on children and armed conflict, there was a particular focus, as in the 2012 debate, on persistent perpetrators and the need to hold them accountable.

Among the briefers at the debate were Zerrougui; the Deputy Executive Director of UNICEF, Yoka Brandt; Under-Secretary-General for Peacekeeping Operations Hervé Ladsous; and Greg Ramm, Associate Vice-President of Save the Children. Among the 11 parties allowed to participate under Rule 37, nine were mentioned in the Secretary-General’s annual report for 2013 and therefore clearly constituted “specially affected” parties (S/2013/245). After intense negotiations, two other speakers were invited to participate: Ambassador Guillermo Rishchynski (Canada), as chair of the Group of Friends on Children and Armed Conflict, and a representative from the EU.

A presidential statement drafted by Luxembourg, the chair of the Working Group on Children and Armed Conflict in 2013, was adopted during the debate (S/PRST/2013/8). Negotiations on the draft text, as on the draft resolution in 2012, were intense. Despite several rounds of negotiations at the expert and Deputy Permanent Representative levels, as well as bilateral discussions, agreement was

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not reached until the morning of the debate.

The presidential statement reiterated the Council's concern over persistent perpetrators and its commitment to deal with them effectively. It also highlighted the importance of concrete, time-bound action plans and the Council's readiness to adopt targeted and graduated measures against persistent perpetrators. Like resolution 2068, it encouraged the relevant sanctions committees to invite the Special Representative to brief but also added the new element of encouraging the Special Representative to share information with the Panels or Groups of Experts of the relevant sanctions committees. For the first time, it also contained a reference to the ICC although the overall language in relation to the work of the ICC was weaker than in the original draft.

While many of the issues that were raised during the negotiations were not new, some positions had become even more entrenched since the adoption of resolution 2068. (Azerbaijan, China, Pakistan and Russia, which had abstained on resolution 2068, had the strongest objections to various elements in the draft presidential statement.) The most contentious issues revolved around language related to the mandate of the Special Representative—and more specifically, authority to entertain contact with non-state actors—as well as action plans, sanctions and the reporting line to the UN Resident Coordinator and the ICC. It seems Azerbaijan, China, Pakistan and Russia were particularly keen to ensure that state sovereignty, territorial integrity and national ownership were clearly specified. Rwanda had concerns over the language relating to the ICC.

The issue of the Special Representative communicating with non-state actors appears to have been a particularly sensitive one. Azerbaijan, China, Pakistan and Russia apparently wanted language stressing that any contact with non-state parties needed to be made at the request, and with the consent, of the concerned government. Other members, however, saw this as a restriction that would make it difficult for the Office of the Special Representative to carry out its mandate. The final draft does not include any language on non-state actors except for a reference to the importance of engaging both armed forces and armed groups in peace talks.

In contrast to the tough positions taken

during the negotiations, the overall tone of the 17 June debate was more positive than in 2012. Some Council members continued to raise concerns about such issues as the need to restrict the Special Representative's mandate for protection of children affected by situations of armed conflict and the need for clear criteria for listing and delisting, but there was also strong support shown for implementing the children and armed conflict agenda. Other key areas that were highlighted included justice and accountability, strengthening of action plan implementation and the importance of mainstreaming children and armed conflict.

The difference in tone can be attributed to the change in the composition of the Council. Some of the more critical members in 2012, such as Colombia and India, had left the Council and had been replaced by members more amenable to the issue, such as Argentina and the Republic of Korea (ROK). In addition, some of the remaining members that had previously expressed critical positions seem to have taken on a more constructive tone in 2013.

During the debate Zerrougui introduced a global initiative aimed at ending the association of children with state armed forces in conflict situations by 2016. Of the eight parties listed, so far six have signed action plans, and of the last two, Sudan is in active dialogue with the UN over an action plan whereas Yemen has made a commitment to ending recruitment and use of children in its armed forces. The aim of this initiative is to deepen cooperation with governments to achieve the end of underage recruitment by government security forces.

Arria Formula Meeting on Persistent Perpetrators, 9 July 2012

On 9 July 2012, France and Germany co-chaired an Arria formula meeting to discuss ways of dealing with persistent perpetrators. This meeting was a response to the request in resolution 1998 directing the Working Group and the Special Representative to look into “a broad range of options for increasing pressure on persistent perpetrators of violations and abuses committed against children in situations of armed conflict”. Some Council members felt that it would be appropriate to have a discussion with NGOs and UN actors to gather ideas about how to deal with this issue.

The briefers at the Arria formula meeting were Special Representative Radhika Coomaraswamy, Professor Cecile Aptel from Tufts University and Dr. Bijaya Sainju from Partnerships for Protecting Children in Armed Conflict (PPCC), an NGO network in Nepal.

The basis for the discussion was a report prepared at the request of the Office of the Special Representative by Ambassador Jean-Marc de La Sablière, a former Permanent Representative of France who was the first chairperson of the Working Group on Children and Armed Conflict. Among his key recommendations for increasing pressure on persistent perpetrators were:

- addressing the problem at the appropriate political level;
- adding the four trigger violations used as the basis for placing parties on the Secretary-General's annexes as grounds for imposing sanctions under all relevant sanctions regimes; and
- for situations with no sanctions committee: creating a sanctions committee to identify individuals and entities to be targeted; using the Working Group, as necessary, as a sanctions committee; and pursuing a complementary approach with the ICC to exert pressure on individuals and entities.

Although it was clear from the reaction of some Council members that there were reservations about creating a thematic Security Council sanctions committee to impose targeted sanctions, there was an overall sense that something needed to be done about persistent perpetrators.

Suggestions included expanding the existing sanctions regimes in Annex I situations (i.e., 1572 Côte d'Ivoire, 1533 DRC, 751/1907 Somalia and 1591 Sudan) to include violations against children among the criteria for imposition of sanctions. In addition, working with states to enforce their national legislation to put an end to impunity and ensure that those guilty of violations against children in armed conflict are held accountable was also mentioned. The possibility of greater cooperation with national and international courts, especially the ICC, and with regional organisations, was also raised.

The idea of putting pressure on persistent perpetrators through criminal accountability measures was also discussed, as was the idea of criminalising participation of children in

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hostilities under national laws to send a signal that crimes against children will not be tolerated. Another point taken up for further discussion was that ending violations does not necessarily mean the end of impunity. Sainju from PPCC explained that in Nepal, for example, the action plan brought an end to the recruitment and use of child soldiers but did not translate into legal accountability for the crime of child recruitment as no perpetrators have been prosecuted to date.

Arria Formula Meeting on Child Protection Advisors in UN Peacekeeping Operations, 4 December 2012

On 4 December 2012, Portugal organised a closed Arria formula meeting with child protection advisers (CPAs) from the UN missions in South Sudan and the DRC. Zerrougui and Assistant Secretary-General for Peacekeeping Operations Edmond Mulet also participated. A key message from many participants was the importance of a strong mandate with robust language and the necessary human resources for child protection to be successfully carried out in a peacekeeping mission.

Another message from many of the participants, including Zerrougui in her opening remarks, was the important role CPAs play in advocating for the implementation of action plans with UN partners (i.e., UNICEF, UNHCR), NGOs and government departments. Zerrougui also noted that having strong language in mandates and a stand-alone child protection section made it more likely that child protection would be given priority in a peace mission.

Mulet highlighted lessons learnt, noting that CPAs play important roles both within and outside the mission, that child protection expertise should be maintained throughout the peace consolidation process and early phases of mission deployment, and that partnerships were essential to successful peacekeeping. Like Zerrougui, Mulet emphasised the importance of strong Security Council mandates and continued engagement by the Council if CPAs were to be successful in the field.

The meeting was an opportunity for Council members to gain a better understanding of the work of CPAs and the challenges they face in the field. Council members were keen to have more information

on a number of issues, including why posts were cut in the UN Assistance Mission in Afghanistan (UNAMA) and what was being done to protect children in the eastern DRC following the insurgency by the March 23 (M23) rebel group. There was also interest in how success in releasing children from armed forces and armed groups and combating impunity can be measured. Some members also stressed the need for the Council to be more regularly informed about the work and progress of the CPAs. Council members appeared to have understood the message that they should support the work of the CPAs by including stronger language in mandates and by responding more forcefully to grave violations of children in situations of armed conflict.

Other Developments Related to the Protection of Children in Armed Conflict

Paris Commitments and Principles

The Paris Commitments to Protect Children from Unlawful Recruitment or Use by Armed Forces or Armed Groups (Paris Commitments) and the *Paris Principles and Guidelines on Children associated with Armed Forces or Armed Groups* (Paris Principles) were adopted on 6 February 2007 at the “Free Children from War” conference. They are examples of how the international community has become involved in the development of guidelines to protect children affected by armed conflict. In the Paris Commitments, states commit themselves to make every effort to uphold the Paris Principles. The Paris Commitments, which are consistent with existing international legal standards, seek to reinforce that recruitment against applicable international law is not acceptable and reiterate the measures states can take to protect children who are at risk of becoming involved in hostilities, as well as help them reintegrate into civilian life.

Ministerial follow-up forums to the Paris Commitments and Paris Principles have generally been held annually since 2008. The fifth ministerial follow-up forum was held on 3 December 2012 in New York with a theme of prevention of child recruitment. (To commemorate the fifth anniversary, this was a stand-alone event, as opposed to previous years when it had been a side event during the

UN General Assembly. There was no follow-up forum in 2013.)

Five additional states endorsed the Paris Commitments at the meeting (Bolivia, Comoros, Guinea-Bissau, Kuwait and Yemen), bringing the total number of states that have endorsed the Paris Principles to 105.

Office of the Special Representative of the Secretary-General for Children and Armed Conflict

Leila Zerrougui became the Special Representative of the Secretary-General for Children and Armed Conflict in September 2012. Radhika Coomaraswamy, the former Special Representative, held the position from April 2006 until August 2012, a period that covered the implementation of resolution 1612, including the setting up of the Working Group, development of the monitoring and reporting mechanism and action plans and the expansion of the criteria for inclusion in annexes of the Secretary-General’s report on children and armed conflict. (In 2006 the sole criteria for being listed was recruitment of children; by 2012, killing or maiming, committing sexual violence and attacking schools and hospitals had been added.)

Among the priorities Zerrougui has outlined for the mandate are working with regional organisations and focusing on implementing tasks, particularly monitoring and reporting and action plans. In addition, her office is expected in 2014 to also focus on peace plans and the global initiative aimed at ending the association of children with state armed forces in armed conflict by 2016, which was announced at the 2013 debate on children and armed conflict. The 2016 Campaign, as this initiative is known, will be formally launched in March 2014.

Press Releases

In 2012 the Office of the Special Representative continued to use press releases to signal concern about children caught in conflict situations. Before 2011 the press releases tended to be about field visits by the Special Representative. However, in recent years they have focused more on the impact on children of an escalation in a particular conflict. In 2012 there were nine press releases reacting to such situations and four regarding visits by the Special Representative (Myanmar, South Sudan, Syria and Yemen). In 2013 there were

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five on the impact of a conflict on children and seven pertaining to five visits (Chad, CAR, the DRC, Luxembourg and Syria).

There were four press releases on Syria alone in 2012. In 2013, despite the continuing and rising humanitarian toll of the conflict on children, there were only two on Syria: one condemning child casualties in attacks and the other following a field visit to the region.

Other situations that merited press releases in 2012 were Afghanistan, the DRC, Gaza/southern Israel, Pakistan and Sudan/South Sudan. In 2013 press releases on Afghanistan, CAR, Iraq and Nigeria highlighted the plight of children as a situation deteriorated.

Interestingly, there were media reports of children being affected by the situation in northern Mali in 2012, but the Office of the Special Representative did not issue any press releases on Mali. The Office did respond to the changed situation in the CAR in December 2012 by the end of January 2013. In both 2011 and early 2012, the Office of the Special Representative used press releases as a tool to comment on new crisis situations—Libya and Syria—that were not yet in the Secretary-General's reports. However, it seems that as of the second half of 2012 the trend was to comment on situations already on the Secretary-General's annexes rather than highlight new situations where children were being affected. In 2013 this trend continued, with the exception of a press release about an attack on a school in Nigeria.

A new development in 2012 was the use of press releases to highlight important developments in justice and impunity. There were four such press releases covering the conviction and sentencing by the ICC of Thomas Lubanga for child recruitment, one on the conviction of Charles Taylor for war crimes by the Special Court for Sierra Leone, as well as on the capture of a senior Lord's Resistance Army (LRA) commander responsible for grave violations against children. This continued in 2013 with a press release calling for the immediate transfer of M23 rebel leader Bosco Ntaganda to the ICC following his surrender at the US embassy in Kigali.

In 2012 and 2013, press releases were also used to highlight either the signing of an action plan or progress made. In 2012 press releases were issued when the governments of the DRC, Myanmar, Somalia and

South Sudan signed action plans. In 2013 there was a press release when Chad committed to accelerate the action plan it had signed in 2011. A second press release on Chad in November 2013 was the first time a press release was issued to highlight progress made in implementing an action plan.

In 2012 and 2013 press releases were issued for the publication of reports about Myanmar, the LRA and Yemen. For the first time as well, a press release specifically about attacks on schools was issued following a spike in incidents affecting schools and children in northeastern Nigeria.

Field Visits

There were four field visits in 2012: Coomaraswamy visited South Sudan in March and Myanmar in June, and Zerrougui visited Yemen in November and Syria in December.

In 2013 Zerrougui visited Chad in May and Iraq, Jordan, Lebanon, Syria and Turkey in July as part of a Syria-focused field visit. She also visited the DRC in November and the CAR in December.

Field Visits in 2012

South Sudan: Coomaraswamy was in South Sudan from 12-16 March 2012. She witnessed the signing of the 13 March 2012 action plan by the Sudan People's Liberation Army (SPLA), renewing its commitment to release all children within its ranks, including within the militias incorporated into the SPLA. During her visit to South Sudan, Coomaraswamy met with President Salva Kiir and other high-level government representatives. On 14 March, she travelled to Upper Nile state, where she met with the Governor and discussed SPLA recruitment of children at its regional barracks. She travelled to Renk, where she assessed the situation of children returning from Sudan to South Sudan and living in refugee camps. She was unable to go to Jonglei state where child abduction has been one of the drivers of the conflict between the Lou Neur and Murle communities. She was, however, briefed on the situation there by NGOs and UN partners.

Myanmar: Coomaraswamy visited Myanmar to witness the signing of the 27 June 2012 action plan for the prevention of recruitment, release and reintegration of children associated with the *Tatmadaw*, the national armed

forces in Myanmar. The action plan sets up a timetable and measurable activities for the release and reintegration of children. (In February 2013, 24 children were released by the armed forces as part of the implementation of the action plan.) Under the action plan the government agreed to identify all children in the *Tatmadaw* and ensure their unconditional release and discharge, facilitate the reintegration of released children into their families and communities and facilitate processes that seek to end child recruitment by the seven non-state armed groups that are also listed in the Secretary-General's annual report. Coomaraswamy also met with President Thein Sein and government and parliamentary officials, NGOs and child soldiers.

Yemen: Zerrougui visited Yemen from 27-28 November 2012 to take stock of the situation of conflict-affected children there. This was the first visit by a Special Representative for Children and Armed Conflict to Yemen, which was added to the Secretary-General's Annex situations in 2011. During her visit, Zerrougui secured commitments from the government to end the recruitment and use of children by the Yemeni Armed Forces. She met with President Abd Rabbo Mansour Hadi and Prime Minister Mohammed Saleh Basindwa, as well as the Military Affairs Committee for Security and Stability, General Ali Mohsen, commander of the First Armoured Division, and civil society members. Zerrougui also met with the leader of the Al Houthi armed group, Abdul Malik Badraldeen Al Houthi, who pledged to work towards the reintegration of children. (The Al Houthi armed group is one of the three parties in Yemen on the Secretary-General's list for recruitment and use of children, together with *Ansar al-Sharia* and the military and security forces of Yemen, including the Armed Forces, the First Armoured Division, the military police, the special security forces, the Republican Guards and pro-government militias.) The initial commitment has been translated into a draft action plan, which was endorsed by an interministerial committee in July 2013 and is awaiting government approval.

Syria: While in Syria from 18-22 December 2012, Zerrougui expressed concern to government authorities about the impact of fighting on children and advocated for the proactive protection of schools and the

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prevention of using them for military means. The government was added to the Secretary-General's lists in Annex 1 for the killing and maiming of children as well as attacks on schools and hospitals in 2012. Zerrougui was unable to meet with the armed opposition in person but contacted two armed-opposition commanders to raise concerns about the allegations of the presence of children in opposition forces. She also met with internally displaced and refugee children during her visit.

Field Visits in 2013

DRC: From 18-25 November 2013, Zerrougui visited the DRC shortly after the surrender of the M23 rebel group. She met with authorities in Kinshasa, Goma, Rutshuru and Beni. One of her main aims was to review progress on the implementation of the action plan signed in October 2012 by the government to end and prevent recruitment of children by national security forces and sexual violence against children.

CAR: Zerrougui visited the CAR from 17-21 December 2013 with the Special Advisor on the Prevention of Genocide, Adama Dieng, and a representative from the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict. The three representatives visited Bangui and Bossangoa and met with transitional President Michel Djotodia, the Prime Minister and the Transitional National Council, as well as with the diplomatic community, religious leaders and civil society, IDPs and UN officials. During the visit, Djotodia agreed to allow access to all cantonment sites so that children that had been in the ranks of the ex-*Seleka* rebels could be handed over to UNICEF.

Chad: Zerrougui made a joint visit to Chad with UNICEF from 12-14 May 2013. During the visit, the government adopted a 10-point road map committing to short- and medium-term measures to accelerate the implementation of the action plan to end the recruitment and use of children in the army.

Syria and its Neighbours: During her visit to Syria and neighbouring Iraq, Jordan, Lebanon and Turkey from 5-18 July 2013, Zerrougui was able to witness the impact of the Syrian conflict on children in Syria and the region. In Syria she met with government officials and spoke with members of opposition groups by phone, urging both sides

to take measures to protect children and to allow humanitarian access. She also met with civil society members, families and affected children and visited centres for internally displaced persons (IDPs). During her visit to the neighbouring countries, Zerrougui focused on the refugee situation and its impact on children, lack of access to education in host countries and on-going recruitment of children in refugee camps.

(See Annex IV for a list of field trips by the Special Representative for Children and Armed Conflict since 2006.)

Briefings by the Special Representative for Children and Armed Conflict

In both 2012 and 2013 the Special Representative kept the Working Group updated on changing situations for children in situations of armed conflict through regular briefings. Having the Special Representative brief on fast changing situations like the CAR, the DRC and Mali appears to have become a common practice. Except for one briefing in 2012 which was specifically held so that the Special Representative could brief on Syria, the other briefings took place during regular meetings of the Working Group.

Briefings in 2012

Coomaraswamy briefed Council members in consultations on 10 January 2012, following up on the request in resolution 1998 to provide more information on the "modalities of the inclusion of parties" into the annexes of the Secretary-General's reports on children and armed conflict.

On 15 February 2012, at an emergency meeting of the Working Group, Coomaraswamy briefed on the grave violations against children in Syria. She informed the Working Group that by the time of the briefing an estimated 400 children had been killed and an unspecified number maimed, detained, ill-treated and tortured. She also said that schools were subject to military use and hospitals had been hit by indiscriminate shelling.

On 31 May 2012, following a request from Council members, Coomaraswamy briefed the Working Group on the situations in Libya, Mali and Syria at a meeting at which reports from the Secretary-General on children and armed conflict in Colombia (S/2012/171) and Sri Lanka (S/2011/793) were introduced.

At the 5 October 2012 Working Group

meeting, Zerrougui, who had taken over as Special Representative in August 2012, briefed the Working Group on developments related to children in the DRC. For the remainder of 2012 there were no other briefings on any other current situations despite new developments in the CAR and Mali, as well as the continuing deterioration of the situation for children in Syria that may have deserved attention by the Working Group.

Briefings in 2013

On 18 April 2013, Zerrougui briefed the Council on the humanitarian situation in Syria together with Under-Secretary-General for Humanitarian Affairs Valerie Amos, High Commissioner for Refugees António Guterres and Special Representative of the Secretary General on Sexual Violence in Conflict Zainab Bangura. This was the first time Zerrougui briefed the Council on a country-specific situation. It seems Luxembourg, as chair of the Working Group on Children and Armed Conflict, had requested that the Special Representative participate in this meeting. Zerrougui was invited to participate in a similar humanitarian briefing on Syria on 16 July but was unable to do so as she was on a mission in Syria.

Zerrougui also kept the Working Group updated on fast-changing situations through briefings during its formal and informal meetings. In 2013 she briefed on the CAR in January and April and on Mali in February, April, May and December. She also briefed the Working Group following her field trips to Chad, the DRC, Syria and the region and Yemen.

Working with Regional Organisations

European Union: In collaboration with the Office of the Special Representative, the EU has adopted and updated guidelines on children and armed conflict in which it commits itself to addressing the impact of armed conflict on children in non-EU settings. Among the tools suggested are the monitoring and reporting of violations by EU heads of missions, military commanders and Special Representatives and identification of political and diplomatic actions by the EU to advocate for the protection of children, such as political dialogue, demarches and multilateral cooperation. The EU has also prepared a checklist for the integration of measures for the

Key Developments at the Thematic Level in 2012 and 2013 (con't)

protection of children affected by armed conflict into operations mandated through the Common Security and Defence Policy. This seeks to ensure that child rights and protection concerns are systematically addressed.

North Atlantic Treaty Organisation: The Office of the Special Representative has been engaging with NATO since 2009 to strengthen cooperation and protect children affected by armed conflict. On 20 May 2012, NATO Heads of State and Government signed the Chicago Summit Declaration, in which they stated their commitment to the implementation of Security Council resolutions on children and armed conflict and noted with concern the growing range of threats to children in armed conflict. They also pointed out that NATO-led operations, such as the International Security Assistance Force (ISAF) in Afghanistan, were taking an active role in preventing, monitoring and responding to violations against children, including through predeployment training and a violations alert mechanism. In February 2012, NATO appointed its Assistant Secretary-General for Operations as the high-level focal point for children and armed conflict in charge of maintaining close dialogue with the UN and working on opportunities for mainstreaming child protection in NATO training and operations.

African Union: The Special Representative began discussing ways of strengthening cooperation with the AU in late 2012. On 17 September 2013 the Office of the Special Representative signed an agreement with the Peace and Security Department of the AU Commission, in partnership with UNICEF, to strengthen measures to protect children from armed violence. By signing this agreement, the AU agreed to include protection of children in its peace and security activities. Future collaboration is likely to include the development of a joint programme of work to align national legislation with regional and international child rights and to develop guidelines on child protection. In addition there is likely to be cooperation in capacity-building, developing guidelines for protection of children affected by armed conflict and improved training programmes on child protection for AU peacekeepers.

Given the AU's increasing role in prevention, mediation and stabilisation in Africa there is likely to be a greater focus

on developing stronger ties and a more systematic approach to engagement between the child protection actors in the UN and the AU. As a first step towards that, UNICEF now has a focal point within the AU.

Application of International Norms/ Laws in International Courts and Trials

ICC

Established by the Rome Statute, which came into force on 1 July 2002, the jurisdiction of the ICC covers crimes against humanity, war crimes (including the use of child soldiers), genocide and the crime of aggression. It has opened investigations into eight situations: CAR, Côte d'Ivoire, DRC, Kenya, Libya, Mali, Sudan and Uganda. Of significance to the issue of children and armed conflict is that war-crime charges relating to the conscription, enlistment and active participation of children under the age of 15 in hostilities are key charges against members of armed groups in the DRC and Uganda. (The Rome Statute, in Article 8(2b-xxvi and 2e-vii), describes a child soldier as a child under the age of 15 years and disallows the recruitment or conscription of such a child into the military.)

ICC Trial Judgments 2012

In its first judgment on 14 March 2012, the ICC found Thomas Lubanga Dyilo guilty of the war crime of conscripting and enlisting children under the age of 15 into the *Forces patriotiques pour la libération du Congo* (FPLC) during the conflict in the eastern DRC between September 2001 and August 2003. On 10 July 2012, ICC Trial Chamber I sentenced Lubanga to 14 years in prison for using children in the FPLC. Given that this was the first judgement rendered by the ICC it was seen as an important step in efforts to end impunity for violators of child rights in armed conflict by bringing perpetrators to justice. Also of significance was the decision by the Trial Chamber to accept that "conscription" and "enlistment" were both forms of recruitment. This was in line with the *amicus curiae* brief submitted by Coomaraswamy in 2008 in which she argued that there was no distinction between voluntary enlistment and forced recruitment, given that the circumstances under which a child might choose to enlist could not be seen as truly voluntary. The Trial Chamber also applied a broad interpretation

of the term "participate actively in hostilities" to include those on the front line as well as children involved in roles supporting the combatants; in all these roles the child was a potential target. (Lubanga filed an appeal in December 2012, challenging both the conviction and the sentence.)

In its second judgment, the ICC acquitted Mathieu Ngudjolo Chui of all crimes based on the absence of sufficient evidence to prove his criminal responsibility. Chui had been tried jointly with Germain Katanga for war crimes and crimes against humanity. The case centred on an attack on the village of Bogoro in the Ituri region by the *Front des nationalistes Intégrationnistes* (FNI) and the *Force de Résistance Patriotique en Ituri* (FRPI) on 24 February 2003. Katanga and Chui are the alleged commanders of the FRPI and FNI, respectively.

Pending Cases

Bosco Ntaganda: On 18 March 2013, Ntaganda voluntarily surrendered at the US embassy in Kigali, Rwanda, and asked to be transferred to the ICC. (The ICC took him into custody and escorted him to detention in The Hague on 22 March.) Ntaganda is the alleged former deputy chief of staff and commander of operations of the FPLC and, at the time of his surrender, was the leader of the M23 rebel group.

He faces seven charges of war crimes and three charges of crimes against humanity. The ICC first indicted Ntaganda in 2006 for allegedly recruiting child soldiers between September 2002 and September 2003 in the DRC. His first arrest warrant lists three counts of war crimes on the basis of his criminal responsibility under Article 25(3) (a) of the Rome Statute: enlistment of children under the age of 15; conscription of children under the age of 15; and using children under the age of 15 to participate actively in hostilities.

Additional charges of war crimes and crimes against humanity, including rape and sexual slavery, murder, persecution based on ethnic grounds and the deliberate targeting of civilians, were added in July 2012 as a result of evidence given during the Lubanga trial. In his first appearance in court on 26 March 2013 Ntaganda pleaded not guilty. His trial was scheduled to start on 23 September 2013 but prosecutors asked for more time to prepare.

Key Developments at the Thematic Level in 2012 and 2013 (con't)

Jean-Pierre Bemba Gombo: The ICC initiated its trial of former Vice-President of the DRC, Jean-Pierre Bemba Gombo, on 22 November 2010. Bemba was the alleged president and commander-in-chief of the *Mouvement de libération du Congo* (MLC). This was the first time sexual violence was central to an ICC case and was the first major prosecution of a case involving rape as a weapon of war under Article 8(2)(e)(vi) of the Rome Statute). Bemba, who was arrested on 24 May 2008, faces three counts of war crimes and two counts of crimes against humanity for allowing the MLC to commit murder, pillage and rape in the CAR between 25 October 2002 and 15 March 2003.

Victims began to testify in person on 1 May 2012. On 14 August 2012, the defense team began presenting evidence, with almost 50 witnesses expected to be called to testify for the defense. However, in September and October 2012, proceedings were suspended for three weeks due to the disappearance and non-appearance of two witnesses, and on 2 October a status conference was held to address a number of witness issues. On 13 December the trial was suspended to allow the defence to prepare for a possible legal re-characterisation of facts by the judges. Proceedings resumed on 25 February 2013 but were suspended again in May due to the non-availability of witnesses. The trial resumed on 5 June, and the defence concluded its presentation of evidence in November 2013. However, the case has been complicated by the arrest of the lead defense counsel and case manager, together with two others, in Belgium for witness tampering.

New ICC Investigations

On 16 January 2013, ICC Prosecutor Fatou Bensouda formally opened an investigation into alleged war crimes committed in Mali since January 2012. In July 2012, Mali invited the ICC to investigate cases of crimes under international law committed since January 2012 in northern Mali, including extrajudicial killings, sexual violence, torture, enforced disappearance and the use of child soldiers. The investigations are expected to focus on crimes in the three northern regions of Mali. Following the assessment of evidence, Bensouda announced that there was reasonable basis to believe the following war crimes had been committed since January 2012: murder; mutilation, cruel treatment and torture; intentionally directing attacks against protected objects; and the passing of sentences and carrying out of executions without previous judgement pronounced by a regularly constituted court. Bensouda also announced that the ICC will continue to investigate allegations relating to the use, conscription and enlistment of children.

Special Court for Sierra Leone and Charles Taylor: On 26 April 2012, the SCSL found the former President of Liberia, Charles Taylor, guilty of planning, aiding and abetting war crimes and crimes against humanity committed by the Revolutionary United Front (RUF) during the 1991-2002 civil war in Sierra Leone. Taylor had been on trial for 11 charges of war crimes and crimes against humanity, including the recruitment and use of child soldiers. In convicting Taylor for conscripting, enlisting and using children under the age of 15, among other counts, the SCSL was the first international court to decide that these violations constituted a

war crime under customary international law. What was also significant is that the judgment marked the first time that a former head of state had been convicted of war crimes against children that were committed by an armed group that was not under his direct command and control. The SCSL established that the practical assistance, encouragement and moral support Taylor gave to the RUF in neighbouring Sierra Leone while serving as president of Liberia were sufficient to make him criminally responsible for the recruitment and use of children, as well as the killing, mutilating, raping and enslaving of civilians, including children, carried out by the RUF.

Council members issued a press statement welcoming the Taylor verdict and highlighting their concern about serious crimes under international humanitarian law, including the murdering, raping and enlisting of children into armed forces (SC/10630). The statement also reaffirmed the Council's determination to end impunity for such crimes.

Coomaraswamy also released a press statement after the verdict, calling the decision a "groundbreaking achievement" in prosecuting those who commit or are responsible for the most horrendous crimes against children. She also noted that the SCSL took a clear decision not to prosecute child soldiers but rather to bring to justice those who bear the greatest responsibility: political leaders and military commanders.

On 26 September 2013 the SCSL Appeals Chamber upheld the conviction. Coomaraswamy issued a press statement saying that the decision sent a clear message that those who recruit and use children in hostilities will be held accountable.

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Working Group on Children and Armed Conflict

Information Gathering by the Working Group

The Global Horizontal Note (GHN) from the Office of the Special Representative and UNICEF continues to be used to provide updates to the Working Group every two months on developments in situations being

considered by the Working Group as well as emerging situations of concern. It is also used to update the Working Group as it develops its recommendations on a particular situation. However, some members have objected to using the information in the GHN, as the Working Group develops recommendations, given that it is not a formal UN document.

There has also been increasing criticism

of the GHN. While acknowledging that it has some useful facts, members increasingly are looking for more analysis in the GHN. When it was first introduced, the GHN was seen as an innovative development that helped keep Working Group members up-to-date as the cycle between the Secretary-General's reports on children and armed conflict in specific situations lengthened. However, it

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now appears that, while still a useful resource for basic information, it may need to be updated to address the current needs of the Working Group.

As noted above, briefings by the Special Representative on recent conflict situations provided opportunities for information gathering by the Working Group on fast-changing situations falling within its programme of work. On 15 February 2012 an “urgent meeting” of the Working Group was held for the first time for a briefing on Syria from Coomaraswamy. Over the year, the Special Representative provided information on new developments in the DRC, Libya, Mali and Syria at the Working Group’s formal meetings.

In 2013, Zerrougui briefed several times on developments in the CAR and Mali. She also briefed on her visits to Syria and the region, Yemen and the DRC.

In addition, there were two briefings during informal meetings of the Working Group. On 23 January 2013, Luxembourg and Germany organised a briefing on the LRA by Crisis Action and the Watchlist on Children and Armed Conflict ahead of discussions of the Secretary-General’s report on the situation of children and armed conflict affected by the LRA (S/2012/365). On 7 May 2013 the Working Group received a briefing from an International Labor Organisation representative as it was about to begin negotiations on the conclusions to the Secretary-General’s report on the situation of children and armed conflict in Myanmar (S/2013/258).

Follow-up to Council Decisions

On 20 May 2013 the Working Group held a discussion on persistent perpetrators. Resolutions 1998 and 2068 had asked the Working Group to consider a broad range of options for increasing pressure on persistent perpetrators of violations and abuses committed against children. Ambassador Christian Wenaweser (Liechtenstein) presented a report, “How to Deal with Persistent Perpetrators” (S/2013/158), based on discussions at a 7-8 February 2013 workshop held at Princeton University organised by Liechtenstein with the Watchlist on Children and Armed Conflict and the Liechtenstein Institute on Self-Determination. It provided 17 recommendations to the Security Council, the Working Group, member states and the Secretariat for addressing persistent

perpetrators of violations against children and for integrating the protection of children affected by armed conflict into the country-specific work of the Council. The Special Representative of the Secretary-General for Children and Armed Conflict also made a statement on persistent perpetrators.

Reports Published and Working Group Conclusions

Only two Secretary-General’s reports on children affected by armed conflict were published in 2012: Colombia on 21 March 2012 (S/2012/171) and the LRA on 25 May 2012 (S/2012/365). This is in contrast to the six country-specific reports on children and armed conflict submitted by the Secretary-General in 2011. In 2013 reports were published on Myanmar (S/2013/258), the Philippines (S/2013/419) and Yemen (S/2013/383).

The time gap between reports has widened. For country-specific situations with more than one report, the gap between reports has grown to more than two and a half years. A number of active situations on the agenda of the Council, such as Afghanistan, the CAR, Chad, the DRC, Somalia and Sudan, have not been considered since either 2010 or 2011.

It would appear that in the last two years the Office of the Special Representative has chosen to try to align the publication of reports to the progress of the Working Group in adopting conclusions. However, it can be argued that such a practice, while perhaps helping to keep the Secretary-General’s reports current, may also lead the Working Group to feel less pressure to move more rapidly through the reports. In addition, given the fast-changing situations being considered, it is likely that a longer gap between reports may result in lost opportunities to put pressure on groups at opportune moments in a conflict.

Working Group on Children and Armed Conflict: Conclusions

In 2011, Germany took over as chair of the Working Group, determined to speed up the adoption of conclusions. It aimed to keep to a precise schedule that would allow the Working Group to end the 2010 backlog of reports while processing the reports expected in 2011. In 2010, it took the Working Group an average of 10 months after a report was published to adopt conclusions. In 2011, the

Working Group managed to do so in 3.9 months on average.

For 2012 and 2013 we have chosen to show not just the gap between the publication of a report on children and armed conflict in country-specific situations and the adoption of conclusions, but also the time lag between the start of negotiations and the adoption of conclusions. This allows for a better sense of what caused the slow-down in the adoption of a report. For example, in 2012 it took only a month for the Working Group to agree on the Sri Lanka conclusions but the gap between the publication of the report and adoption of conclusions was 12 months. This was largely due to the Working Group not being able to start the negotiations until Sudan and South Sudan had been adopted.

Conclusions in 2012

In 2012, conclusions were adopted on the reports on Colombia (S/AC.51/2012/4), Sri Lanka (S/AC.51/2012/3), South Sudan (S/AC.51/2012/2) and Sudan (S/AC.51/2012/1). The average gap between publication of a report and adoption of conclusions was 13 months. The main factor leading to this larger gap in 2012 was the 15-month period from the time of publication to adoption of conclusions on the Secretary-General’s report on children and armed conflict on Sudan and about a nine-month period of negotiation. (South Sudan had been agreed upon much earlier, but because the two conclusions were based on a single report, the Working Group agreed to hold back publishing the South Sudan conclusions until agreement was reached on the Sudan conclusions.) Following adoption of the Sudan and South Sudan conclusions in October 2012, the conclusions for Sri Lanka and Colombia were negotiated simultaneously to try to make up for lost time. The average negotiation time for these two reports was 3 months.

Colombia: The Colombia conclusions had a nine-month gap, from publication to adoption of conclusions although the actual negotiation time was about 5 months. Negotiations were complicated by Colombia being on the Council during this period. For example, while strongly condemning violations against children by non-state armed groups, the conclusions have a more conciliatory tone in recommendations addressed

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NEGOTIATION TIME 2012 AND 2013 CONCLUSIONS

Situation	Date Report Published	Date Report Introduced to WG	Date Negotiations Started	Date Conclusions Adopted	Interval from Publication to Adoption	Negotiation Time
Colombia	21 March 2012	31 May 2012	18 July 2012	19 December 2012	9 months	5 months
LRA	25 May 2012	18 January 2013	26 January 2013	19 April 2013	11 months	3 months
Myanmar	1 May 2013	20 May 2013	1 June 2013	16 August 2013	3 months	2 months
Philippines	12 July 2013	25 October 2013	22 November 2013		4 months	(Not yet adopted)
Sri Lanka	21 December 2011	31 May 2012	16 November 2012	19 December 2012	1 year	1 month
South Sudan	5 July 2011	30 September 2011	14 February 2012	5 October 2012	1 year 3 months	8 months
Sudan	5 July 2011	30 September 2011	23 January 2012	5 October 2012	1 year 3 months	9 months
Yemen	28 June 2013	26 July 2013	16 August 2013	5 December 2013	5 months	4 months

to the government, commending it for its efforts to prevent and respond to the recruitment and use of children and its efforts to address sexual violence. Significantly, for the first time ever the views of a state whose children and armed conflict situation was being discussed were fully reflected as the Working Group agreed, on an exceptional basis, to attach a statement by Colombia to the conclusions. Colombia had unusual leverage as it was a Council member at the time the second report on the situation of children and armed conflict in Colombia was discussed in the Working Group. While it was made clear that this was not to become a standard practice, it is possible that future Council members that are likewise on the Secretary-General's annexes may seek to have their views similarly presented.

Sri Lanka: The Sri Lanka report had a 12-month gap from publication to adoption of conclusions. The start of negotiations had been delayed by 11 months because of the impasse on the Sudan conclusions. Once negotiations began, it took only three meetings for the Working Group to reach agreement. However, these conclusions were unusual as Sri Lanka had already come off the Secretary-General's annex by the time the Working Group began discussing the report.

Sudan and South Sudan: The Secretary-General's fourth report on the situation on children and armed conflict in Sudan was published on 5 July 2011. With the

independence of South Sudan on 9 July 2011, the Working Group decided that there should be two separate conclusions, one on Sudan and one on South Sudan, and that they would be adopted together. Negotiations began only in January 2012, six months after the report was published. While agreement on conclusions was reached on South Sudan relatively easily, on Sudan it proved far more difficult.

A formal meeting was held on 31 May 2012 with the aim of adopting conclusions. However, Azerbaijan, China and Pakistan had some concerns over the language on humanitarian access. Negotiations continued over the next few months, with an increasing level of frustration among members. Suggestions to break the impasse included adding references to the improvement of the humanitarian situation, making more positive references to the situation in Darfur and using agreed language from presidential statements and resolutions on Sudan. But agreement still eluded the Working Group. Given that denial of humanitarian access is one of the six grave violations against children in armed conflict enumerated in Council resolutions, some Council members were unwilling to weaken previously used language on the matter.

Among the issues faced in discussing this report were criticisms that the situation had changed substantively since the report covered the period from January 2009 to

February 2011. In addition, some of the sensitivities seen in Council discussions on Sudan at the time were also reflected in the Working Group. For example, there were differences among Council members on the best way to depict the security situation. Some members argued that there had been an improvement, but others were less convinced, given the many incidents of fighting between the Sudanese Armed Forces and the rebel movements cited in the Secretary-General's report.

Towards the middle of 2012, discussions over this issue were directly affected by the upcoming AU-UN Hybrid Operation in Darfur (UNAMID) renewal before its mandate expired on 31 July 2012. It seems that there was concern that the proposed language in the Working Group's conclusions on humanitarian access in the Sudan might be seen as pre-empting the discussions on the UNAMID renewal. Humanitarian access had been a particularly sensitive issue in relation to the situation in Darfur in past Council negotiations. However, after the UNAMID renewal in resolution 2063 on 31 July 2012, new issues emerged that needed further protracted discussion, and finding a compromise took another two months.

Conclusions in 2013

In 2013 the Working Group adopted conclusions on the situation of children in armed conflict affected by the LRA (S/

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AC.51/2013/1), Myanmar (S/AC.51/2013/2) and Yemen (S/AC.51/2013/3).

The gap between reports published and conclusions adopted in 2013 was an average of 6.3 months. Actual negotiation time was an average of three months. In 2013 there were no significant issues that delayed the adoption of reports, but some countries had specific issues that required some negotiation on the language used.

LRA: This report on children and armed conflict affected by the LRA was the first that took a regional approach to the issue. The report was introduced on 18 January 2013, shortly after Luxembourg took over as chair of the Working Group (S/2012/365). Negotiations on the conclusions began on 26 January, and adoption took place on 19 April. The gap between the publication on 25 May 2012 and the adoption of conclusions on 19 April 2013 was almost 11 months, with an actual negotiation time of about three months.

The LRA report was the first time the Working Group was faced with a cross-border report featuring four countries, one of which (Uganda) is not on the Council's agenda. As a result, agreement had to be reached on how to address this type of report. Most of the issues that arose were over technical details, including how to characterise children in non-combat roles. There was also some discussion over language, including stronger language on combating sexual violence, which was an issue that the UK, at the time, was particularly interested in. Another issue that came up concerned the ICC, as China, Russia and the African members of the Council were not comfortable about having strong ICC language, particularly with reference to arrest warrants and suggestions that governments should be doing more.

During these negotiations it became clear that attempting to create what some members considered new mechanisms, such as asking governments or donors to provide feedback on actions taken following letters from the Working Group, was going to be met with strong resistance. The general sentiment from these members was that the Working Group did not have the mandate to request governments and donors to provide such information. It was only possible to include such a request to an organisation within the UN system, such as the World Bank.

Myanmar: The second set of 2013 conclusions was on the Secretary-General's report on the situation of children and armed conflict in Myanmar, which came to the attention of the Working Group at its 20 May 2013 meeting (S/2013/258). Negotiations began on 1 June and conclusions were adopted on 16 August. The negotiations were relatively smooth and largely focused on finding an appropriate tone. China was particularly keen to ensure that the Working Group's messages were conveyed without sounding too harsh. One issue that was discussed was how to phrase language related to access to military bases. Some members, including China and Russia, felt that language suggesting that the UN should have full and unhindered access to military bases was unrealistic. The Working Group finally agreed on using the same language on access contained in the action plan.

Yemen: The Yemen report was introduced during the 26 July Working Group meeting. Negotiations began on 16 August, and the conclusions went under silence procedure on 20 November. These conclusions could have been adopted earlier, but they were held up in the hope that Yemen might adopt an action plan in September or October. When it became clear this would not happen, the conclusions were put under silence, but due to the unavailability of meeting facilities and the Working Group's visit to Myanmar, adoption did not take place until 6 December.

Working Group Conclusions: Analysis and Observations

Examination of the conclusions adopted by the Working Group in 2012 and 2013, has led us to the following observations:

- Over time, the Working Group has grown increasingly reluctant to tell governments what to do. At the same time, the conclusions now rarely involve direct action from the Security Council. The result is that the conclusions overall use weaker language than in the past.
- No new tools were used by the Working Group in either 2012 or 2013. Some members oppose any working methods changes, making it difficult to get agreement on the introduction of new tools.
- The process of adopting conclusions has become such an entrenched working method that any major change is likely

to face resistance. Council members are aware that there might be a more efficient method, but there does not seem to be much appetite for revising current working methods.

- Given the amount of time spent negotiating even technical issues, there is a need to assess if the use of public statements or letters to governments has really had any impact on the situation on the ground and if it is the most effective use of the Working Group. In addition, Working Group members rarely get feedback on how governments have reacted to their carefully negotiated conclusions, making it difficult to assess the impact of letters sent or public statements made. There could be other ways to convey the Council's views about what needs to be done to improve the lives of children in armed conflict situations.
- Too big a gap between the publication of the report and the start of negotiations is a problem, as the Working Group is expected to draw its conclusions based on the information in the Secretary-General's reports. This could be rectified by using other sources of information, such as the GHN, but some members are unwilling to do this.

Tools Used: Visiting Missions

Unlike 2011, the Working Group did not have any visiting missions in 2012. In 2013 it went on a visiting mission to Myanmar from 30 November to 4 December. (The Working Group delegation, chaired by Luxembourg, also included Australia, Azerbaijan, France, Guatemala, Russia, the UK and the US.)

The main aim of the visit was to review progress in implementing the 27 June 2012 action plan to prevent the recruitment of children in the *Tatmadaw*, including the Integrated Border Guard Forces, and to assess the challenges and issues for monitoring and reporting as well as the reintegration of children.

While in Myanmar the delegation met with government ministers, members of parliament, UN officials, civil service representatives, affected children and the donor community. It also visited *Tatmadaw* Recruitment Unit Number One.

The visit was also an opportunity for members of the Working Group to assess steps taken by Myanmar to implement the action

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plan. Although there were some encouraging signs, including the release of 176 children since the signing of the action plan, the delegation stressed the need for further progress for full compliance with the action plan. Among the areas discussed was the need for increased access for monitoring and reporting and proactive identification, registration and discharge of children.

The issue of the seven non-state armed groups listed in the annexes of the Secretary-General's report on children and armed conflict was also raised during meetings with government officials and civil society organisations involved in the ongoing peace process. The need to facilitate contacts with non-state armed groups and to include child-protection concerns in the ceasefire and peace negotiations was also covered.

CROSS-CUTTING ANALYSIS

Analysis of 2012 and 2013 Resolutions

Following the methodology used in our previous *Cross-Cutting Reports on Children and Armed Conflict*, we divided the resolutions adopted in 2012 and 2013 into country-specific and thematic categories. For both categories, we looked at the total number of resolutions adopted and then focused on those reasonably expected to address child protection issues to identify those that actually did so.

In 2012 the Council adopted 53 resolutions. This was a sharp decline (-19.7 percent) in resolutions relative to 2011, when 66 resolutions were adopted. In 2013, 47 resolutions were adopted, marking a further decline in Council output.

For country-specific resolutions, it seemed reasonable to expect references to children in armed conflict when the Council established or extended peacekeeping operations or political missions in situations of armed conflict or post-conflict. As in our five previous *Cross-Cutting Reports*, we excluded technical resolutions (such as a roll-over mandate extension or redeployment of helicopters) and the extensions of Panels or Groups of Experts assisting sanctions committees not reasonably expected to address child protection issues (non-proliferation, for example).

For the thematic resolutions, we excluded from the count issues such as non-proliferation, counterterrorism and international tribunals.

Country-Specific Resolutions

The Security Council adopted 43 country-specific resolutions in 2012. We found that 39 resolutions on country-specific situations could be reasonably expected to contain references to children. The actual number of relevant resolutions with references to children was 29 (74.3 percent). This is significantly higher than 2011, when the percentage of

relevant resolutions containing references to children was 50 percent.

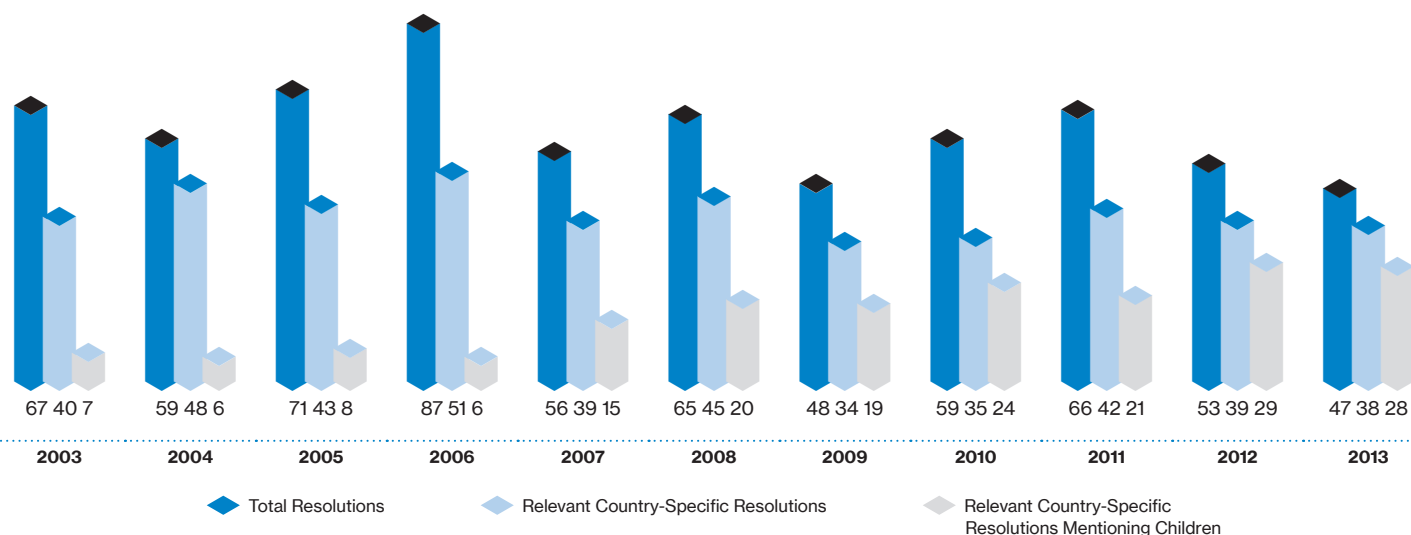
In 2013, the Council adopted 41 country-specific resolutions. It was reasonable to expect 38 of them to contain references to children. The actual number with references to children was 28, or 73.7 percent, very similar to 2012.

An analysis of references to children in the resolutions adopted by the Security Council in 2012 and 2013 reveals the following trends:

Early inclusion and strong references to children-and-armed-conflict issues in deteriorating situations already on the Council's agenda is becoming increasingly common.

CAR: The situation in the CAR is a good example, as resolution 2088 renewed the UN Integrated Peacebuilding Office in the CAR (BINUCA) on 24 January 2013 in the midst of a rapidly changing situation in the CAR. The *Séléka* rebels had made extensive gains since taking arms on 10 December 2012 due to grievances against President François Bozizé for not upholding the terms of peace deals signed in 2007, 2008 and 2011. Council members had already issued press statements on 19 and 27 December 2012 (SC/10867 and SC/10874), expressing their concern about the situation in the CAR and condemning the attacks by armed groups and related human rights

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abuses. Resolution 2088, however, was significant as it included strong language on violations of international humanitarian and human rights law, including the recruitment and use of children, as well as sexual violence. While some members preferred to tone down this language, overall those who wanted stronger language were able to prevail. The resolution called on the *Séléka* to prevent recruitment and use of children and for relevant armed groups (*Convention des patriotes pour la justice et la paix* and *Armée populaire pour la restauration de la démocratie*) to implement the provisions of the action plans signed in November 2011. There was particularly strong language on the need to identify and release recruited children and to prevent and address sexual violence.

DRC: The DRC has been a long-standing issue on the children and armed conflict agenda, but towards the end of 2012 there were new developments related to M23 activities in eastern DRC. As the situation there deteriorated the Council adopted resolution 2076 on 20 November 2012, condemning the actions of the M23, and more specifically its recruitment of child soldiers, as well as external support given to the rebels. The resolution also expressed the intention of the Council to consider additional targeted sanctions against the leadership of the M23 and those providing it with external support. Resolution 2078, adopted on 28 November 2012, specifically called for those responsible for violence against children to be apprehended, brought to justice and held accountable. The resolution also highlighted the importance of disarming, demobilising, repatriating, resettling and reintegrating child soldiers.

Resolution 2098, adopted on 28 March 2013, renewed and reinforced the UN Organization Stabilization Mission in the DRC (MONUSCO) mandate and established an intervention brigade to neutralise rebel groups in the eastern DRC. This resolution contained strong language about the need for training in child protection and for those involved in violence against children and acts of sexual and gender-based violence to be brought to justice, as well as language on the disarmament, demobilisation and reintegration (DDR) of children. What is particularly significant about this resolution is that the child-protection aspects of MONUSCO's reinforced mandate are clearly spelled out.

There were some concerns from the human rights community about protection of civilians, including child protection, coming under the military component of MONUSCO, but overall there was a sense that the mission had been given a strong protection mandate. However, there were some gaps, including no mention of either the child protection advisors or the conclusions of the Working Group.

There is an increase in justice-related references, possibly as a result of the focus over the two years on justice and accountability issues in relation to children and armed conflict.

Côte d'Ivoire: Resolutions 2101 and 2045, adopted 26 April 2012 and 25 April 2013, respectively, to renew the mandate of the sanctions regime in Côte d'Ivoire, contained identical language condemning violence against civilians, including women and children, and stressing that perpetrators must be "brought to justice, whether in domestic or international courts." The resolutions also encouraged the government to continue its cooperation with the ICC.

DRC: Resolution 2053, adopted on 27 June 2012, contained strong justice language, focusing on the need for crimes, including crimes against children, to be investigated and perpetrators to be brought to justice. It also urged the DRC to continue to combat impunity. Resolution 2098, adopted on 28 March 2013, called on those responsible for abuses of human rights, including violence or abuses against children and acts of sexual and gender-based violence, "to be swiftly apprehended, brought to justice and held accountable".

Liberia: Resolution 2116, adopted on 18 September 2013, renewed the UN Mission in Liberia (UNMIL) and included language on improving women and girls' access to justice. The relevant 2012 resolution did not contain any language on justice related to children.

Libya: Resolution 2095, adopted on 14 March 2013 to renew the mandate of the UN Support Mission in Libya (UNSMIL), called for those responsible for violations and abuses against children to be held accountable in accordance with international standards. It also urged member states to cooperate closely with the government to end impunity for such violations. The 2012 UNSMIL resolution also included language on justice

but with a different focus (S/RES/2040). It stressed protecting the rights of children through building transparent and accountable correctional systems and supporting the development and implementation of a comprehensive transitional justice strategy.

Somalia: Resolution 2093, adopted on 6 March 2013 to renew the mandate of the AU Mission in Somalia (AMISOM), expressed concern over violence against women, children and journalists and the pervasive sexual violence in camps for internally displaced persons. It underscored the need to "end impunity, uphold human rights and to hold accountable those who commit such crimes". Similar language was used in resolution 2111, adopted on 24 July 2013 to renew the mandate of the Monitoring Group assisting the 751/1907 Somalia and Eritrea Sanctions Committee. In 2012, resolution 2060 singled out gender-based violence against civilians, including children; strongly condemned the recruitment of child soldiers; and stressed that perpetrators must be brought to justice. Resolution 2102, establishing the UN Assistance Mission in Somalia (UNSOM) on 2 May 2013, decided that its mandate would include strengthening justice institutions and helping to ensure accountability in Somalia, in particular with respect to women and children. Resolution 2067, adopted on 18 September 2012 to mark the end of the transitional period in Somalia, stressed that perpetrators involved in killing, maiming and recruiting children must be brought to justice.

The two new peacekeeping missions established in 2012 and 2013 showed very different approaches to language on children in armed conflict.

Syria: The Council adopted resolution 2042 on 14 April 2012, authorising the deployment of 30 military advisers to Syria, requesting proposals for a UN supervision mechanism and underscoring its expectation that the government would abide by the six-point plan of then-Special Envoy Kofi Annan. This resolution did not contain any references to children, although it condemned widespread violations of human rights by the government, as well as other human rights abuses by armed groups. Resolution 2043, adopted a week later to set up the UN Supervision

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Mission in Syria (UNSMIS), also did not contain any references to children although it again condemned the widespread violation of human rights in Syria, emphasising that those responsible must be held accountable. The more general human rights language was due to differences between Council members who wanted more specific language on the type of civilian capacity needed to fulfil the implementation of the six-point plan and condemnation of specific human rights including abuses against children, and Russia, which pushed for more general language for both human rights and civilian capacity. The other resolution on UNSMIS—resolution 2059, adopted on 20 July 2012—was a final technical rollover signalling the end of the mission due to the increasingly dangerous security situation and did not mention children.

The lack of references to children in these resolutions can be attributed to the overall difficult atmosphere during the negotiations on these Syria resolutions. Although the issue of children was not the crux of the problem, the fallout from the divisive environment in the Council was an inability to get more specific human rights language.

Council members were well aware of the impact of the Syrian conflict on children. The Special Representative had briefed the Working Group on Children and Armed Conflict on the situation in Syria on 15 February 2012, and by 26 April the Secretary-General's annual report on children and armed conflict was published, listing the Syrian armed forces in its annexes for killing and maiming children and for attacking schools and hospitals. Despite this the Council dynamics made it difficult to get language on child protection in these Council decisions on Syria.

Mali: On 25 April 2013, the Council adopted resolution 2100, establishing the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). A key component of MINUSMA's mandate is the protection of civilians, including monitoring, helping to investigate and reporting to the Council specifically on violations and abuses against children, including all forms of sexual violence in armed conflict. MINUSMA's mandate also includes language on the DDR of children, the need for specific protection for children affected by armed conflict and the needs of victims of sexual violence

in armed conflict. Its protection of civilians mandate also allows for the deployment of human rights and child-protection advisors, who are key to proper monitoring and reporting of violations against children.

MINUSMA was given robust rules of engagement, allowing for all necessary means to address threats to the implementation of its mandate. While there is specific language on the need to protect civilians, there is also language on the need to mitigate risk to civilians, including children, in the performance of the mandate.

An issue that came up as a result of the re-hatting of 6,000 troops from the African-led International Support Mission in Mali (AFISMA) into MINUSMA was whether Chad, whose armed forces are on the Secretary-General's annexes for recruitment of children, should be part of a UN peacekeeping force. This gave rise to strong views from some NGOs about the need for a UN peacekeeping force to meet UN human rights standards

A number of factors contributed to significant child protection references with regard to Mali as compared to Syria. Overall, setting up a UN peacekeeping mission in Mali received strong backing from the majority of Council members. There had been questions at the end of 2012 when AFISMA was authorised by the Council about how quickly it should move from an African-led to a UN peacekeeping mission, but by early 2013 the rapidly deteriorating situation in Mali as well as the beginning of French military operations meant that Council members were generally in agreement over the need for a more robust mission. In addition, having the support of the interim president of Mali for a UN peacekeeping presence made it a very different situation from Syria.

Action plans continue to feature in a number of relevant resolutions.

Afghanistan: There was little difference in the language referring to the action plan signed in 2011 in the resolutions renewing the UN Assistance Mission in Afghanistan (UNAMA) in 2012 and 2013. Resolutions 2041, of 22 March 2012, and 2096, of 19 March 2013, both welcomed the signing of the action plan and its annex on children associated with the Afghan National Security

Forces (ANSF) and called for the full implementation of the plan. Moreover, the ISAF reauthorisation resolutions, adopted on 9 October 2012 (S/RES/2069) and 10 October 2013 (S/RES/2120), both welcomed progress made in implementing the action plan, but the 2013 resolution included an update on the Afghan government's endorsement of a road map to accelerate compliance with the action plan. Language welcoming the progress on the action plan was more controversial in 2013, as some members felt that although there had been some positive developments, more needed to be done.

Somalia: In 2012 there was a concerted effort from the UN to get Somalia to sign an action plan, which culminated in the signing of two action plans in July and August 2012. The action plan on recruitment and use of child soldiers was reflected in resolution 2060, adopted on 25 July 2012. Resolution 2067 adopted on 18 September 2012 welcomed the signing of the action plan to eliminate the killing and maiming of children, noting that this was the first such action plan of its kind. The resolution also asked Somalia to implement both this and the 3 July action plan on recruitment and use of child soldiers. The relevant 2013 resolution, however, did not have any language on children. In 2012, resolution 2073 renewing AMISOM was not expected to contain references to the action plan, as it was a four-month technical rollover adopted on 7 November. However, resolution 2093 renewing AMISOM in 2013 and resolution 2124, which on 12 November increased its force strength and expanded the logistical support package, both contained references to implementing the action plan. This was also true of resolution 2102 establishing UNSOM on 2 May 2013.

Sudan: The same language requesting the Secretary-General to ensure continued dialogue with the parties towards the development and implementation of time-bound action plans can be found in resolution 2063, adopted on 31 July 2012, and resolution 2113, adopted on 30 July 2013.

South Sudan: Resolution 2057, adopted on 5 July 2012, and resolution 2109, adopted on 11 July 2013, both refer to the signing of the action plan to end child recruitment by the government of Sudan. In 2013 the language was updated slightly to refer also

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to progress made on the demobilisation of child soldiers.

There is an increasing trend to include language on DDR in relation to children.

CAR: On 10 October 2013 the Council adopted resolution 2121 updating and reinforcing BINUCA's mandate to include support of stabilisation of the security situation by advising on DDR of combatants, including "all children associated with armed forces and groups". There was no BINUCA resolution in 2012.

Côte d'Ivoire: On 26 July 2012, resolution 2062 renewed the UN Operation in Côte d'Ivoire (UNOCI) making reference to the mandate established in resolution 2000, which included clear language on DDR. Resolution 2112, adopted on 30 July 2013, mandated the mission to assist the government with the new national programme for DDR of former combatants, "taking into account rights and needs of the distinct categories of persons to be disarmed, demobilized and reintegrated including children and women".

DRC: Resolution 2078, adopted on 28 November 2012, included language on the importance of disarming, demobilising, repatriating, resettling and reintegrating the armed groups operating in the DRC, "with a particular focus on child soldiers".

Mali: In resolution 2100, the Council mandated MINUSMA to assist the transitional authorities in developing and implementing DDR programmes for former combatants, "taking into account the specific needs of demobilized children".

South Sudan: In 2012, resolution 2057 made reference to the mandate of UNMISS as set out in resolution 1996 which included supporting the government in DDR with attention to the needs of women and child combatants. Resolution 2109, which renewed UNMISS in 2013, called upon the government of South Sudan to fully implement the national DDR strategy, including for women and child soldiers. As mentioned earlier, it also highlighted progress made in the demobilisation of child soldiers following the signing of an action plan.

Resolutions renewing the mandate of sanctions committees contained language on violations against children in armed conflict but made

scarce mention of the need to follow-up designation criteria on children and armed conflict with more information that could lead to listings.

DRC: In 2012, resolution 2078, which renewed the DRC sanctions regime and the Panel of Experts assisting the 1533 DRC Sanctions Committee, contained strong language on children and noted with concern the recruitment and use of child soldiers by the M23 and other armed groups. It also called for all perpetrators responsible for violence against children and acts of sexual violence to be apprehended, brought to justice and held accountable for violations. It also included several references to violations against children by the M23 and other armed groups and the need for this to cease. There was no renewal resolution in 2013 because resolution 2078 renewed the sanctions regime until 1 February 2014.

Sudan/Darfur: In 2012 and 2013, the resolutions renewing the Panel of Experts of the 1591 Sudan Sanctions Committee demanded an "immediate and complete cessation by all parties" to recruitment and use of children. Both resolution 2035, adopted on 17 February 2012, and resolution 2091, adopted on 14 February 2013, also asked all armed actors to refrain from acts of violence against vulnerable groups, including children. Resolution 2091 in addition asks the Panel of Experts to assess in its interim and final reports progress toward reducing violations by all parties, removing impediments to political process, and the removal of violations of international humanitarian or human rights law, including sexual and gender-based violence and grave violations and abuses against children. Significantly, it also asks for the Committee to be provided with information on individuals and entities that meet the listing criteria.

Somalia: Resolution 2060 renewed the Monitoring Group on 25 July 2012 and contained specific language on sexual violence committed against children, condemned the recruitment of child soldiers and strongly urged vigorous follow through on the action plan. Resolution 2111, which renewed the Monitoring Group on 24 July 2013, expressed concern over reports of human rights violations, including those against children, but did not spell out specific violations against children.

Sexual violence is prominently highlighted, largely as a result of the focus on this issue in the women, peace and security agenda.

CAR: The two resolutions on the CAR adopted in 2013 both include language condemning sexual and gender-based violence. Resolution 2088, adopted on 24 January, called on parties to issue clear orders regarding sexual violence and to facilitate immediate access for victims of sexual violence to services. It also welcomed the commitment made to prevent and address sexual violence. Resolution 2121, adopted on 10 October, highlighted sexual violence against children and women as part of its protection of human rights mandate.

Liberia: Resolution 2066, adopted on 17 September 2012, recalled resolutions on women, peace and security and stressed concern over the continuing high incidence of sexual and gender-based violence. It also reaffirmed the importance of appropriate gender expertise and training in missions. Resolution 2116, adopted on 18 September 2013, includes more comprehensive language on sexual violence, calling on the government to combat sexual violence, especially against children, and, together with UNMIL, to combat impunity for perpetrators of such crimes.

Mali: Resolution 2100, adopted on 25 April 2013, requests the new mission to address the needs of victims of sexual and gender-based violence in armed conflict as part of its protection of civilians mandate.

South Sudan: The resolutions renewing UNMISS in 2012 and 2013 featured basically the same language on sexual violence, listing it among the violations against the civilian population that must cease. It also asks for time-bound commitments to combat sexual violence in accordance with resolution 1960. Unlike the 2012 and 2013 resolutions on UNAMID as shown below, which mention both women and children, the focus of the sexual-violence aspect of these two UNMISS resolutions is only on women.

Sudan: The UNAMID resolutions in both 2012 and 2013 contained specific language on the need to protect women and children from sexual and gender-based violence and for UNAMID to report on such violence. They also included protection of women and children from sexual violence as part of the

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protection of civilian's strategy. Resolution 2113, adopted on 30 July 2013, goes further by demanding that specific and time-bound commitments to combat such violence be made in accordance with resolution 2106 on women, peace and security.

References to attacks on education and medical institutions are scarce, with Afghanistan and South Sudan being the exceptions.

Afghanistan: In both 2012 and 2013, all of the resolutions renewing UNAMA and reauthorising ISAF included language on the targeting of schools. The ISAF reauthorisation resolutions in both years also included specific reference to attacks by armed groups targeting girls' education, singling out the Taliban and welcoming its listing in the annex of the Secretary-General's report.

South Sudan: In the resolutions renewing UNMISS in both 2012 and 2013, attacks on schools and hospitals are listed as violations against children that must cease.

There continued to be references to child protection advisors.

Afghanistan: Resolution 2041, of 22 March 2012, requested the Secretary-General to give priority to the child-protection component of UNAMA, but resolution 2096, of 19 March 2013, simply asked him to "continue to give priority to the child protection activities and capacity of UNAMA." The change in emphasis might have been due to attempts to change the human rights reporting structure within UNAMA during this period of time.

CAR: The deployment of child protection advisors is mentioned as an integral part of the BINUCA mandate to monitor violations and abuses committed against children, as seen in resolution 2121.

Mali: Resolution 2100 stated that the mission would provide specific protection for women and children affected by armed conflict, including through the deployment of child protection advisors and women protection advisors.

Somalia: Resolution 2102 included in its mandate helping the Somalia government promote child protection including through the provision of child protection advisors.

South Sudan: The UNMISS resolutions

in both 2012 and 2013 requested the Secretary-General to strengthen child protection in the UN system. Resolution 2109 in 2013 went a step further by suggesting that this should be done through the continued deployment of child protection advisors.

References to the Secretary-General's country-specific reports on children and armed conflict and the conclusions of the Working Group are not consistent.

Afghanistan: The 2011 Secretary-General's report on children and armed conflict in Afghanistan and subsequent Working Group conclusions are mentioned in the UNAMA resolutions in 2012 and 2013. The ISAF resolutions for both 2012 and 2013 mention the 2011 conclusions of the Working Group. However, only resolution 2069 cites the Secretary-General's report on children and armed conflict in Afghanistan as resolution 2120 only mentions the 2013 Secretary-General's annual report on children and armed conflict but not the last country-specific report on children and armed conflict in Afghanistan.

CAR: Resolution 2088, adopted on 24 January 2013, recalled the conclusions of the Working Group. However, resolution 2121, adopted on 10 October 2013, simply calls on parties to engage with the Special Representative for Children and Armed Conflict with no mention of the Working Group's conclusions.

DRC: In 2012, resolution 2053 recalled conclusions in relation to the adoption of an action plan to put an end to recruitment and use of children. In 2013, resolution 2098, failed to mention either the reports of the Secretary-General on children and armed conflict in the DRC or the Working Group's conclusions. The DRC signed an action plan in October 2012 and it is possible that references to the conclusions in previous years were aimed at getting the action plan signed.

Somalia: Resolution 2093 included language on the conclusions of the Working Group as well as the report of the Secretary-General on children and armed conflict in Somalia. Neither resolution 2102 or 2124 mention the conclusions of the Working Group.

Sudan: Resolution 2063 recalls the 2011 report on children and armed conflict in Sudan and its recommendations. Resolution

2113 updated the information to include the Working Group's conclusions, which were adopted on 11 October 2012.

South Sudan: The resolutions renewing UNMISS in 2012 and 2013 both mentioned all the reports of the Secretary-General on the situation of children and armed conflict in Sudan. Resolution 2057 adopted in 2012 referred to the 2009 conclusions, while in 2013, resolution 2109 included all the conclusions on Sudan (until 2012 Sudan and South Sudan were considered together), as well as the first set of conclusions on South Sudan adopted in 2012.

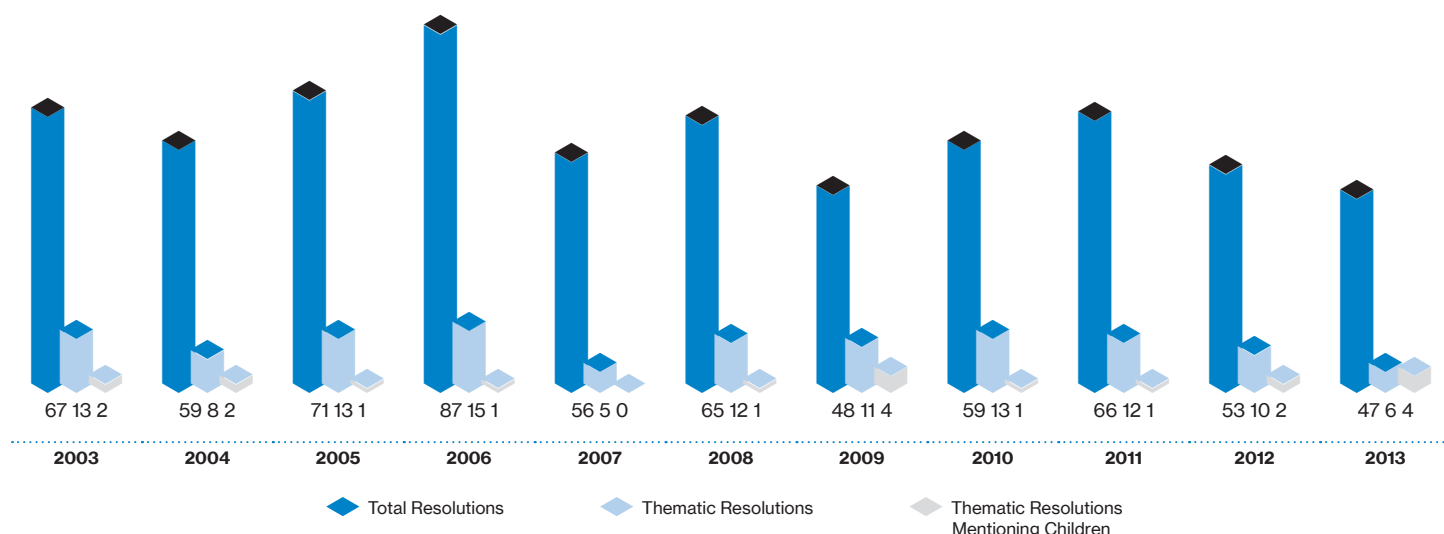
Thematic Resolutions

The Security Council adopted 10 thematic resolutions in 2012 and six in 2013. Of the 10 resolutions in 2012, five were on staffing issues related to international justice bodies while the others covered terrorism, non-proliferation, cooperation with regional organisations, piracy and children and armed conflict. The resolutions on cooperation with regional organisations and children and armed conflict contained references to children. The resolution on cooperation with regional organisations encouraged initiatives for protection of children by regional organisations. It is not surprising that none of the other resolutions contained any references, as we have seen in the past that these are not issues that are likely to have strong children and armed conflict content.

Of the six thematic resolutions in 2013, two were on women, peace and security (S/RES/2122 and S/RES/2106), one on UN peacekeeping (S/RES/2086), one on small arms (S/RES/2117) and one on terrorism (S/RES/2129). Of the six, the ICTY resolution has no reference to children and the terrorism resolution does not highlight protection of children issues, although it does reference how terrorism can affect human rights. Issues related to children featured in the women, peace and security resolutions, particularly with respect to sexual violence and DDR. The small arms resolution asked for comprehensive approaches to DDR that provided for the needs of children. More language on how children often bear the brunt of violence caused by small arms might reasonably have been expected given that a number of speakers during the debate during which this resolution was adopted brought up this

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point. There was significant language in the resolution on UN peacekeeping about the need to include provisions on children and armed conflict in establishing and renewing missions, including the appointment of child protection advisors.

Analysis of 2012 and 2013 Presidential Statements

Although they do not have the same weight as a resolution, presidential statements are considered formal decisions and are very thoroughly negotiated. They require the agreement of all 15 Council members.

In 2012, the Security Council adopted 29 presidential statements, whereas in 2013 it adopted 22, the same number as in 2011. As we have done in past *Cross-Cutting Reports*, presidential statements have been differentiated as either country-specific or thematic in nature. In 2012 there were 11 thematic and 18 country-specific statements, while in 2013 there were 9 thematic and 13 country-specific.

Country-Specific Presidential Statements

The number of country-specific presidential statements that could reasonably be expected to address child protection issues in 2012 was 11, with six actually including some reference. With 43.5 percent of relevant presidential

statements containing a reference to children, 2012 placed significantly higher than 2011, when 36.4 percent of relevant presidential statements contained references to children.

In 2013, we assessed that 11 country-specific presidential statements could reasonably be expected to address child protection issues. With seven (53.8 percent) actually including references, 2013 placed higher than 2011 and 2012 in terms of actual references to children in armed conflict.

As we have noted in past years, presidential statements that focus on a specific development are unlikely to have substantive language on protection of children. In 2012 examples of this type of presidential statement include the 12 April 2012 presidential statement (S/PRST/2012/12) on Sudan and South Sudan which sought to put pressure on the governments of Sudan and South Sudan following the seizure of Heglig, as well as the 31 August 2012 presidential statement (S/PRST/2012/19) on the need to implement the AU High-Level Implementation Panel road map. Similarly the 30 November 2012 presidential statement on the elections in Sierra Leone (S/PRST/2012/25), as well as the 19 December 2012 presidential statement (S/PRST/2012/27) on the end of the UN mission in Timor-Leste did not include

any language on protection of children.

Two 2013 presidential statements which exemplified this trend of not including references when focusing on a specific development were the 10 July statement (S/PRST/2013/9) on cross-border fire between Lebanon and Syria and the 23 August statement (S/PRST/2013/14) on the challenges to the implementation of the agreements between Sudan and South Sudan.

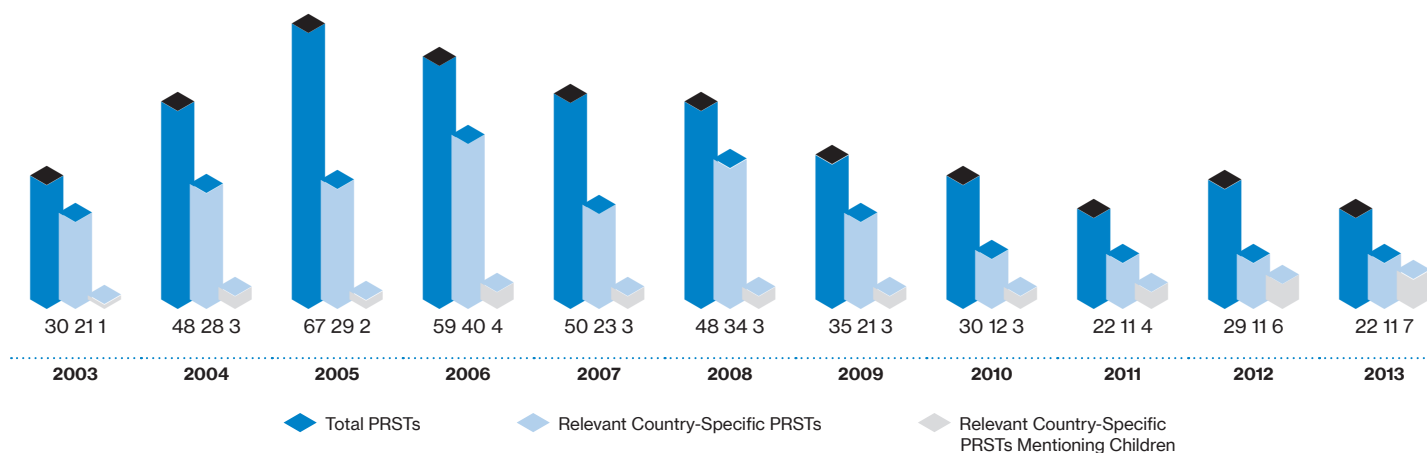
In contrast, country-specific presidential statements in 2012 and 2013 adopted following a meeting or debate on an active situation tended to include substantive references to children.

Central African Region and the LRA:

Two presidential statements were adopted on the LRA in both 2012 and 2013. While there is some language repeated from 2011 in the 29 June 2012 presidential statement (S/PRST/2012/18), it also included new language, such as the importance of coordination among the child protection actors in the region. The coordination language, however, was missing in the 19 December 2012 presidential statement (S/PRST/2012/28). Language on child protection was further strengthened in the 29 May 2013 presidential statement, which welcomed the conclusions adopted on 19 April 2013 by the Working

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Group and highlighted the regional strategy that had been developed, as well as the need for child protection advisors and the importance of DDR programmes for children abducted by the LRA (S/PRST/2013/6). The 25 November presidential statement reinforced a number of the points made in previous presidential statements on the LRA (S/PRST/2013/18). In addition, while reiterating the need for swift implementation of the conclusions of the Working Group, it also urged states to establish standard operating procedures for the reception and handover of LRA children to civilian child protection actors.

DRC: The activities of the M23 rebel group in eastern DRC prompted the Council to adopt a presidential statement on 19 October 2012, demanding that all support to armed groups cease and expressing its intention to apply targeted sanctions against the M23 leadership in violation of the DRC sanctions regime (S/PRST/2012/22). In condemning the M23 for its attacks, sexual violence and large scale recruitment and use of child soldiers was highlighted by Council members. The statement also included strong language on the need for perpetrators responsible for violence against children to be brought to “justice and held accountable for violations of applicable international law”. Besides reiterating language condemning the recruitment of children, the 25 July 2013 presidential statement following the DRC

and Great Lakes High Level Meeting singled out children and women as needing special attention in the demobilisation of M23 combatants who fled from the DRC into Rwanda in March (S/PRST/2013/11). It also called on the DRC to “implement its action plan to prevent and end the recruitment and use of children as well as prevent and end all acts of sexual violence against children by the FARDC”. The second presidential statement on the DRC in 2013 was adopted on 14 November following the surrender of the M23 rebel group (S/PRST/2013/17). There is a strong focus in this presidential statement on the need to demobilise children from the M23 ranks and the need to implement Council decisions on children and armed conflict as well as the action plan.

Libya: The 16 December 2013 presidential statement on the worsening security situation in Libya expressed the urgent need for a political settlement (S/PRST/2013/21). The statement also expressed the Council’s concern about all human rights violations and abuses, calling upon Libya to investigate and bring to justice the perpetrators of all such acts, including those committed against children.

There were several presidential statements where we might have expected to see language on protection of children but did not.

Somalia: The presidential statement on Somalia in 2012 did not contain references

to children. Given that parties in Somalia, including *Al-Shabaab*, are listed in the Secretary-General’s annexes and that there has been increasingly strong language in resolutions on Somalia, it would have been reasonable to expect some child-protection language due to the impact of the conflict in Somalia on them, yet the presidential statement of 5 March 2012 welcoming the 23 February 2012 London Conference and expressing support for its communiqué, failed to do so (S/PRST/2012/4).

In 2013, the 6 June presidential statement on the launch of UNSOM contained language on the Somalia government’s commitments to eliminate killing and maiming and recruitment of children (S/PRST/2013/7).

Mali: Neither of the presidential statements on Mali in 2012—adopted on 26 March (S/PRST/2012/7) and on 4 April (S/PRST/2012/9)—contained references to children. In the 26 March statement, the Council condemned the 22 March 2012 seizure of power in Mali and called for the restoration of constitutional order. While the statement expressed concern about the humanitarian situation, as well as the proliferation of weapons, it did not react specifically to human rights violations. This is not surprising, as this was a reaction to a discrete incident. As the extent of the Tuareg rebellion became clearer, the Council responded in its 4 April statement by condemning the

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seizure of territory by rebels and expressing alarm over the presence of Al-Qaida-affiliated terrorists. Unlike the 26 March statement, it expressed the importance of human rights and safety of civilians yet did not make reference to the impact of the conflict on children.

Syria: Similarly, the 5 April 2012 presidential statement on Syria, while focused on the cessation of violence and the need to implement the six-point plan for a political solution to the crisis, could be expected to contain language on violations against children, particularly as the Special Representative for Children and Armed Conflict had briefed the Working Group on the situation of children in Syria in February 2012 (S/PRST/2012/10). However, with the difficult negotiations at the time over any decision relating to Syria, Council members were not keen to fundamentally change the six-point plan, leaving little room for protection language.

Thematic Presidential Statements in 2012

There were 11 thematic presidential statements issued, with seven reasonably expected to address children and five (71.4 percent) actually doing so. The thematic presidential statements in 2012 addressed such issues as rule of law; transnational organised crime; non-proliferation; counterterrorism; UN cooperation with the Arab League; women, peace and security; piracy; post-conflict peacebuilding; and international judicial mechanisms.

Rule of Law: On 19 January 2012, the Council adopted a presidential statement on justice and the rule of law as an indispensable element for peaceful coexistence and the prevention of armed conflict (S/PRST/2012/1). The Council reiterated its concern about those who are the most vulnerable in situations of armed conflict, including women, children and displaced persons, expressing particular concern about sexual and gender-based violence. Given the topic, language on accountability for such crimes might have been useful.

Women, Peace and Security: Following the 2012 open debate on the Secretary-General's first report on conflict-related sexual violence, the Council adopted a presidential statement on 23 February 2012 (S/PRST/2012/3). It noted with concern that sexual violence disproportionately affects women and girls while also affecting men and boys. There was also a reference to how the fight against impunity for serious crimes of concern committed against women and girls had been strengthened through the work of the ICC and national tribunals while drawing attention to the full range of justice and reconciliation mechanisms.

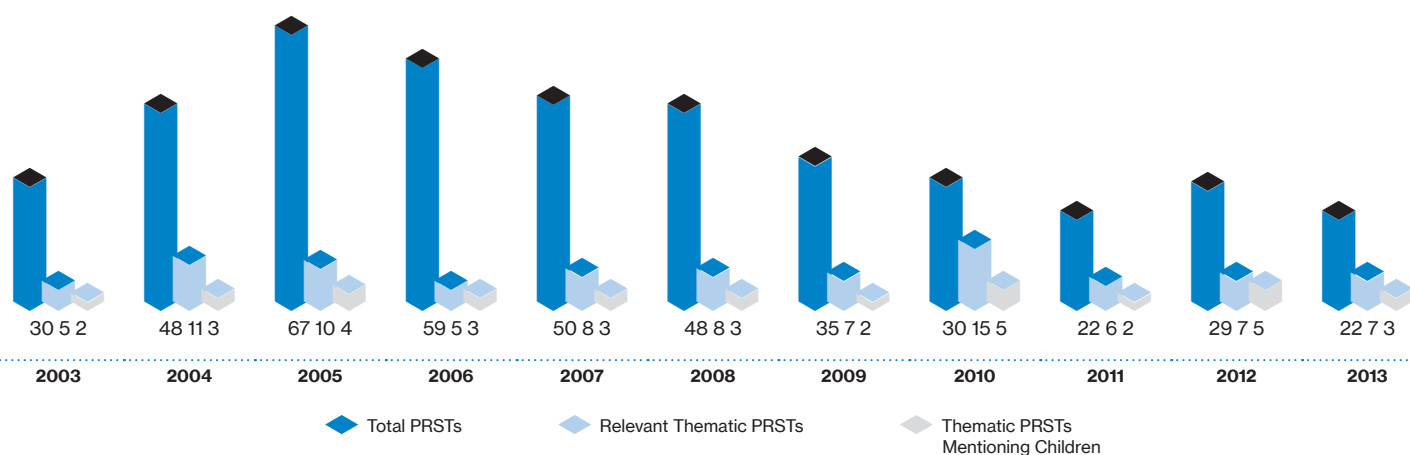
A second presidential statement on women, peace and security was adopted on 31 October, recognising the need for more systematic attention by the Council to the women, peace and security agenda and welcoming the call for enhanced women's participation in conflict prevention, conflict resolution and

peacebuilding (S/PRST/2012/23). The statement included language on the importance of promoting and protecting the human rights of women and girls in the context of resolution 1325, acknowledging that the human rights of women and girls are at particular risk during armed conflict and post-conflict situations and asking states to pay particular attention to these risks. The Council also reiterated its condemnation of all violations of applicable international law committed against women and girls, singling out sexual and gender-based violence and killing and maiming in armed conflict and post-conflict situations and asking for those responsible to be brought to justice. Like the 23 February 2012 presidential statement, there was also a reference to how the fight against impunity for serious crimes of concern committed against women and girls had been strengthened through the work of the ICC and national tribunals.

Special Court for Sierra Leone: On 9 October 2012, the Council issued a presidential statement commending the SCSL for its contributions to international criminal justice (S/PRST/2012/21). More specifically, the Council also recognised the SCSL for its work in the area of protection of children affected by armed conflict through its outreach and witness protection programmes.

Post-Conflict Peacebuilding: On 20 December 2012, following an open debate on the Secretary-General's post-conflict peacebuilding report (S/2012/746), the

THEMATIC PRESIDENTIAL STATEMENTS



Analysis of Council Action in Specific Cases (con't)

Council adopted a presidential statement reaffirming its decision to continue to include specific provisions for the protection of children in the mandate of relevant UN missions (S/PRST/2012/29). In contrast to this minimal reference to children, there were extensive references to the critical role of women in conflict resolution and peacebuilding although there had been difficulties in getting agreement on the language. The final version of the presidential statement contained language on the importance of addressing crimes committed against women in armed conflict from the outset of peace processes, mediation efforts, ceasefires and peace agreements as well as in the context of security sector reform. It is surprising that in this context there is no similar reference to children.

There were two thematic presidential statements that we considered relevant in 2012 but did not contain references to children. One is the 25 April 2012 statement on threats to international security caused by illicit cross-border trafficking and movement (S/PRST/2012/16). Given that the trafficking of children is an issue of concern, this statement could reasonably be expected to include a reference to children. Language on the impact of small arms on children is also something that might have been expected.

The second is the 19 November 2012 presidential statement on piracy as a threat to international peace and security, which expressed grave concern about the threat posed by piracy, condemned hostage-taking and violence against hostages and called for a continuation of efforts to combat piracy at the national, regional and international levels (S/PRST/2012/24). Since 2010, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict has highlighted the presence of children among pirates in Somalia, and it would have been reasonable to expect some language on children being recruited as pirates in this statement.

Thematic Presidential Statements in 2013

There were nine thematic presidential statements in 2013. Of the nine issued, seven could reasonably be expected to address protection of children, yet only three did (42.9 per cent). The thematic presidential statements addressed such issues as protection of civilians, prevention of conflict, counterterrorism,

children and armed conflict, regional organisations and the settlement of disputes, piracy in the Gulf of Guinea and UN cooperation with the Organisation of Islamic Cooperation (OIC).

Prevention of Conflict: Following a briefing on 15 April 2013 from the Secretary-General under the heading “Prevention of Conflicts in Africa: Addressing the Root Causes”, the Council adopted a presidential statement recognising the importance of a comprehensive strategy comprising operational and structural measures for prevention of armed conflict and encouraging the development of measures to address the root causes of conflicts (S/PRST/2013/4). The Council stressed the importance of addressing causes of conflict, such as all forms of discrimination and political exclusion, including against women and children. The statement also supported the reintegration and rehabilitation of child soldiers, focused on the importance of protecting children in armed conflict by building sustainable peace and encouraged initiatives by regional organisations for the protection of children. Significantly it also encouraged integrating the child-protection agenda into the advocacy, policies and programmes of regional organisations.

Protection of Civilians: On 12 February 2013, the Council adopted a presidential statement during its biannual debate on protection of civilians (S/PRST/2013/2). The statement established a regular reporting cycle for the Secretary-General’s reports and reconfirmed the Council’s commitment to protection of civilians with a particular emphasis on fighting impunity, implementing peacekeeping mandates and humanitarian issues. In reaffirming the need for parties to take steps to protect civilians and address the impact of armed conflict and its consequences on civilians, it asked for particular attention to be paid to the needs of women and children as well as other civilians who might be vulnerable. Most significantly the Council expressed concern about the continuing violations and abuses being committed against children in disregard of applicable international law and Council resolutions, called on all parties to stop the violations and reaffirmed its readiness to adopt targeted and graduated measures. It also called on states to ensure that perpetrators of these violations are held fully accountable.

Regional Organisations and Settlement of Disputes: On 6 August 2013, the Council held a high-level debate on cooperation between the UN and regional and sub-regional organisations in maintaining international peace and security. Overall, the presidential statement adopted during this debate included a considerable amount of language on human rights, including gender and child protection issues (S/PRST/2013/12). It encouraged the continued integration of child-protection themes into the advocacy, policies, programmes and mission planning of regional and sub-regional organisations, as well as training of personnel and inclusion of child protection staff in their peacekeeping and field operations and the establishment within their secretariats of child protection mechanisms, including through the appointment of child-protection focal points.

UN Cooperation with OIC: On 28 October Council members adopted a presidential statement on acknowledging the continuing dialogue between the UN and the OIC in the fields of peacemaking, preventive diplomacy, peacekeeping and peacebuilding (S/PRST/2013/16). Given the concerted efforts being made by the Office of the Secretary-General’s Special Representative for Children and Armed Conflict to reach out to regional organisations, it was reasonable to expect some language on children and the need for the OIC to incorporate children and armed conflict issues, as was seen in the presidential statement on regional organisations and the settlement of disputes.

Among the presidential statements that we did not expect to have language on children was the 14 August statement on piracy in the Gulf of Guinea (S/PRST/2013/13). The main purpose for having the presidential statement was to welcome the summit on maritime safety and security held in Yaoundé, Cameroon on 24-25 June. As there has been no evidence of child pirates in the Gulf of Guinea, it is not surprising that there was no language on children in this presidential statement.

Of the three presidential statements related to terrorism, we might have expected some language on children in the 13 May 2013 presidential statement, adopted following the open debate on the challenges to combating terrorism in Africa, particularly

Analysis of Council Action in Specific Cases (con't)

given the situation in Mali where children have been affected by armed groups believed to be involved in terrorist activities (S/PRST/2013/5). The Council also expressed concern over the connection between terrorism and transnational organised crime and illicit activities such as drugs, arms and human trafficking. While not directly relevant to children and armed conflict, in a number of situations children are victims of human trafficking. Including language on children in this presidential statement

might have been difficult, as it seems that some Council members insisted on keeping to agreed language. While willing to include language on protecting the “right to life” and other human rights in Africa, they were unwilling to acknowledge that terrorism also violates human rights and fundamental freedoms. Similarly, the presidential statement adopted on 18 December 2013 on terrorism and transnational crime in the Sahel covered similar areas but did not make any reference to children (S/PRST/2013/22).

The 15 January 2013 presidential statement on counterterrorism was assessed as less likely to contain language on children and armed conflict (S/PRST/2013/1). This presidential statement focused on a global approach to counterterrorism, stressing that it requires a sustained and comprehensive approach with active participation and collaboration of all states, international and regional organisations.

Secretary-General's Reports

In resolution 1460, the Security Council requested that all the Secretary-General's reports to the Council on country-specific situations “include protection as a specific aspect”. In the Secretary-General's 2012 and 2013 country-specific reports, child protection was part of a larger section (e.g., mandate implementation, human rights or humanitarian assistance). Only the BINUCA report had child protection as a stand-alone issue. We observed an increasing trend to include child protection as a sub-section under human rights, possibly signaling how this issue is being handled within certain UN missions.

This year we have chosen to track the reporting on various aspects of the children and armed conflict agenda in the

Secretary-General's country-specific reports in 2012 and 2013 by means of a chart. The chart shows whether there was a child protection section in the report(s) and if there was mention of children in the “Observations” section. The chart tracks the following categories: child recruitment, sexual violence, killing and maiming, attacks on schools and hospitals, humanitarian access, references to Council resolutions on children and armed conflict, references to Working Group reports and conclusions, the monitoring and reporting mechanism, action plans, peacebuilding, presence of a child protection advisor in the mission, DDR, impunity and justice issues and training activities being carried out by the UN.

The chart on the following page shows

how Secretary-General's reports covered these aspects of children and armed conflict. It also contains an assessment of whether the reporting in 2012 and 2013 could be considered as robust (r); appropriate to the mandate (a); minimal reference (mr); or not relevant (n). We have attempted to judge the reporting not just on the number of reports which contain information on these aspects of the children and armed conflict agenda, but also by giving greater weight to substantial and recurring narrative reporting and less weight to short and ad-hoc references. The presence of a section on child protection, coverage of the six grave violations against children in armed conflict and substantive information on action plans was also a key factor in assessing the reporting.

Secretary-General's Reports (con't)

Situation	Year	Number of Reports	Report	Child Protection Section	Child Recruitment	Sexual Violence	Killing & Maiming	Attacks on Schools & Hospitals	Abductions	Humanitarian Access	CAC SC Resolutions	WG Report/Conclusions	MRM	Action Plans	SG Observations	Peacebuilding	CPA in Mission	DDR	Impunity/Justice/Sanctions	Training	Assessment			
Afghanistan (UNAMA)	2012	4	S/2012/133		•		•						•	•	•							r		
			S/2012/462		•	•	•	•	•	•	•					•	•							r
			S/2012/703				•	•											•					
			S/2012/907					•	•			•												
	2013	4	S/2013/133		•	•	•							•	•	•							r	
			S/2013/350			•	•	•						•										
			S/2013/535					•						•	•									
			S/2013/721		•		•	•								•	•							
Burundi (BNUB)	2012	0																				mr		
	2013	1	S/2013/36	•																•		mr		
Central Africa (UNOCA/LRA)	2012	2	S/2012/421	•			•		•				•									a		
			S/2012/923	•			•		•	•													a	
	2013	2	S/2013/297	•	•	•	•		•							•			•	•		a		
			S/2013/671	•																				
CAR (BINUCA)	2012	2	S/2012/374	•	•						•		•	•	•			•				a		
			S/2012/956	•						•						•	•		•	•				
(3rd Report on MISCA Planning)	2013	4	S/2013/261		•	•	•	•					•									r		
			S/2013/470		•	•	•	•						•										
			S/2013/677		•	•	•	•									•					•		
			S/2013/787		•	•	•	•	•	•	•						•							
Cote d'Ivoire (UNOCI)	2012	3	S/2012/186			•													•			a		
			S/2012/506	•		•	•																	
			S/2012/964	•		•	•	•	•							•					•			
	2013	3	S/2013/197			•																	a	
			S/2013/377	•		•								•									•	
			S/2013/761			•																	•	
Cyprus (Status of Negotiations)	2012	1	S/2012/149																			n		
	2013	0																				n		

Secretary-General's Reports (con't)

Situation	Year	Number of Reports	Report	Child Protection Section	Child Recruitment	Sexual Violence	Killing & Maiming	Attacks on Schools & Hospitals	Abductions	Humanitarian Access	CAC SC Resolutions	WG Report/Conclusions	MRM	Action Plans	SG Observations	Peacebuilding	CPA in Mission	DDR	Impunity/Justice/Sanctions	Training	Assessment				
Cyprus (UNFICYP)	2012	1	S/2012/507																			n			
	2013	3	S/2013/7																				n		
			S/2013/392																						
			S/2013/781																						
DRC (MONUSCO)	2012	3	S/2012/65	•	•									•					•				r		
			S/2012/355	•	•	•	•		•							•				•	•				
			S/2012/838	•	•		•	•												•	•				
	2013	4	S/2013/119	•	•	•																		r	
			S/2013/388	•	•		•		•								•				•	•	•		
			S/2013/581	•	•	•	•								•										
			S/2013/757	•	•		•										•				•	•			
DRC (Special Report)	2013	1	S/2013/96	•	•	•	•	•						•					•			r			
DRC (PSC Framework)	2013	3	S/2013/387																				a		
			S/2013/569		•	•															•				
			S/2013/773	•	•	•	•																		
Guinea-Bissau (UNOGBIS & Constitutional Order)	2012	4	S/2012/280																				mr		
			S/2012/554																						
			S/2012/704																						
			S/2012/887																						
	2013	4	S/2013/123																					mr	
			S/2013/262																						
			S/2013/499																						
			S/2013/680																						

Secretary-General's Reports (con't)

Situation	Year	Number of Reports	Report	Child Protection Section	Child Recruitment	Sexual Violence	Killing & Maiming	Attacks on Schools & Hospitals	Abductions	Humanitarian Access	CAC SC Resolutions	WG Report/Conclusions	MRM	Action Plans	SG Observations	Peacebuilding	CPA in Mission	DDR	Impunity/Justice/Sanctions	Training	Assessment			
Golan Heights (UNDOF)	2012	2	S/2012/403																			n		
			S/2012/897																					
	2013	4	S/2013/174																					
			S/2013/345																					n
S/2013/542																								
			S/2013/716																					
Haiti (MINUSTAH)	2012	2	S/2012/128	•		•																	mr	
			S/2012/678	•		•																•		
	2013	2	S/2013/139	•		•																	mr	
			S/2013/493	•		•																		
Iraq (UNAMI)	2012	3	S/2012/185		•		•	•						•									r	
			S/2012/535		•		•	•			•	•	•											
			S/2012/848		•		•	•			•		•											
	2013	3	S/2013/154				•	•																r
			S/2013/408				•						•											
			S/2013/661				•	•					•								•			
Iraq (Escrow Account)	2012	1	S/2012/191																				n	
	2013	1	S/2013/191																				n	
Iraq (Compensation)	2012	2	S/2012/508																				n	
			S/2012/933																					
	2013	2	S/2013/378																				n	
			S/2013/749																					
Iraq-Kuwait	2012	2	S/2012/443																				n	
			S/2012/931																					
	2013	2	S/2013/357																				n	
			S/2013/654																					

Secretary-General's Reports (con't)

Situation	Year	Number of Reports	Report	Child Protection Section	Child Recruitment	Sexual Violence	Killing & Maiming	Attacks on Schools & Hospitals	Abductions	Humanitarian Access	CAC SC Resolutions	WG Report/Conclusions	MRM	Action Plans	SG Observations	Peacebuilding	CPA in Mission	DDR	Impunity/Justice/Sanctions	Training	Assessment			
Kosovo (UNMIK)	2012	4	S/2012/72																			mr		
			S/2012/275				•																	
			S/2012/603				•																	
			S/2012/818																					
	2013	4	S/2013/72																				mr	
			S/2013/254				•																	
			S/2013/444																					
			S/2013/631																		•			
Lebanon (UNIFIL)	2012	3	S/2012/124																			mr		
			S/2012/502																					
			S/2012/837																					
	2013	3	S/2013/120																				mr	
			S/2013/381																					
			S/2013/650																					
Lebanon (1559 Report)	2012	2	S/2012/244																			n		
			S/2012/773																					
	2013	2	S/2013/234																			n		
			S/2013/612																					
Liberia (UNMIL)	2012	2	S/2012/230			•																mr		
			S/2012/641			•																		
	2013	2	S/2013/124																		•	mr		
			S/2013/479																		•			
	Libya (UNSMIL)	2012	2	S/2012/129				•															mr	
				S/2012/675																				
2013		2	S/2013/104																				mr	
			S/2013/516																					

Secretary-General's Reports (con't)

Situation	Year	Number of Reports	Report	Child Protection Section	Child Recruitment	Sexual Violence	Killing & Maiming	Attacks on Schools & Hospitals	Abductions	Humanitarian Access	CAC SC Resolutions	WG Report/Conclusions	MRM	Action Plans	SG Observations	Peacebuilding	CPA in Mission	DDR	Impunity/Justice/Sanctions	Training	Assessment			
Mali (MINUSMA)	2012	1	S/2012/894		•	•												•		•	a			
	2013	3	S/2013/189		•	•																r		
			S/2013/338	•	•	•	•																	
			S/2013/582	•	•	•	•							•										
Israel-Palestine	2012	1	S/2012/701				•															mr		
	2013	1	S/2013/524				•															mr		
Sahel (Sahel Strategy)	2013	1	S/2013/354		•	•			•													mr		
Sierra Leone (UNIPSIL)	2012	2	S/2012/160																			mr		
			S/2012/679																					
	2013	2	S/2013/118																			mr		
			S/2013/547																					
Somalia (AMISOM & UNSOM)	2012	2	S/2012/283	•	•	•					•			•	•							r		
			S/2012/643	•	•	•	•									•	•			•				
	2013	5	S/2013/69	•	•																		r	
			S/2013/326	•	•			•	•	•										•				
			S/2013/521	•	•			•	•	•											•			
			S/2013/606				•																	
			S/2013/709	•	•			•	•										•					
Somalia (Piracy)	2012	1	S/2012/50																			mr		
	2013	2	S/2012/783																					
S/2013/623																						mr		
Somalia (Special Report on Additional Support)	2012	1	S/2012/74																					

Secretary-General's Reports (con't)

Situation	Year	Number of Reports	Report	Child Protection Section	Child Recruitment	Sexual Violence	Killing & Maiming	Attacks on Schools & Hospitals	Abductions	Humanitarian Access	CAC SC Resolutions	WG Report/Conclusions	MRM	Action Plans	SG Observations	Peacebuilding	CPA in Mission	DDR	Impunity/Justice/Sanctions	Training	Assessment			
Sudan (Darfur)	2012	3	S/2012/231	•	•									•						•	a			
			S/2012/548	•	•	•										•			•					
			S/2012/771	•	•											•								
	2013	3	S/2013/22	•							•												a	
			S/2013/225	•												•			•		•			
			S/2013/420	•												•					•			
Sudan/South Sudan (Status of Negotiations)			S/2012/877			•															n			
South Sudan (UNMISS)	2012	3	S/2012/140	•		•	•		•				•	•								r		
			S/2012/486	•	•	•				•					•				•					
			S/2012/820	•																		•		
	2013	3	S/2013/140	•	•				•	•					•				•		•		r	
			S/2013/366	•			•		•	•										•				
			S/2013/651	•		•			•	•										•				
Sudan (Abyei) UNISFA	2012	6	S/2012/68																			mr		
			S/2012/175																					
			S/2012/358																					
			S/2012/722																					
			S/2012/583																					
			S/2012/722																					
	2013	5	S/2013/59																				mr	
			S/2013/198																					
			S/2013/294																					
			S/2013/577																					
S/2013/706																								
Syria (UNSMIS)	2012	1	S/2012/523			•	•	•						•					•		a			
Syria (Chemical Weapons)	2013	2	S/2013/591																			n		
			S/2013/629																					

Secretary-General's Reports (con't)

Situation	Year	Number of Reports	Report	Child Protection Section	Child Recruitment	Sexual Violence	Killing & Maiming	Attacks on Schools & Hospitals	Abductions	Humanitarian Access	CAC SC Resolutions	WG Report/Conclusions	MRM	Action Plans	SG Observations	Peacebuilding	CPA in Mission	DDR	Impunity/Justice/Sanctions	Training	Assessment	
Timor-Leste (UNMIT)	2012	2	S/2012/43																			n
			S/2012/765																			
West Africa (UNOWA)	2012	2	S/2012.510		•			•														mr
			S/2012/977		•																	
	2013	2	S/2013/384																			mr
			S/2013/732						•													
Western Sahara (MINURSO)	2012	1	S/2012/197																			n
	2013	1	S/2013/220																			n

Reports of the Security Council's Visiting Missions

The Council undertook three visiting missions in 2012: to Haiti, West Africa and Timor-Leste. In 2013 the Council went to Yemen and to the Great Lakes Region of Africa and Ethiopia (Addis Ababa). In this section, for each visiting mission, we examined the terms of reference, the stakeholders with whom Council members met and subsequent reporting back to the Council.

Visiting Missions in 2012

Haiti: The Council visited Haiti from 13-16 February 2012. The mission was led by the US and included the participation of 14 Council members (China at the last minute was unable to participate).

While Haiti was removed from the body of the Secretary-General's annual report on children and armed conflict in 2012 and has never been in the annexes, the MINUSTAH renewal resolutions have paid attention to the situation of children in Haiti, particularly in relation to sexual violence in camps.

It is particularly in relation to the security situation and the Haitian National Police (HNP) that the situation of children might

have been expected to come up. The terms of reference of the Haiti visiting mission highlighted interest in assessing the capacity of the HNP to take full responsibility for the country's security needs in the future and to discuss progress made by the government in rebuilding since the earthquake (S/2012/534). It also said that the Council would assess how the government of Haiti had addressed security challenges, singling out threats to IDPs and other vulnerable groups as well as sexual and gender-based violence and cross-border trafficking of persons.

The 2011 MINUSTAH resolution (S/RES/2012), which was adopted on 14 October 2011, just four months before the visiting mission to Haiti, singles out children as among the vulnerable groups, including the trafficking of children. We might therefore have expected this to be an issue that should have been highlighted during the visiting mission. Even more significantly, resolution 2012 condemns grave violations against children affected by rape and other sexual abuse and calls on the government of Haiti to continue to promote and protect the rights of women and children.

The problem of overcrowding in prisons, with special regard to women and children, was also highlighted in resolution 2012. This is the one aspect that appears to have come up in relation to children during the visiting mission. The report issued by the Council mission to Haiti states that the non-separation of minors in an overcrowded prison in the north of Haiti was raised as an issue of concern (S/2012/534).

There is also an indication from the 28 February briefing to the Council by Ambassador Susan Rice (US) that police training in combating sexual and gender-based violence and efforts being made to protect vulnerable groups from sexual violence were touched upon during a visit to the HNP Academy in Port-au-Prince (S/PV.6724). It is unclear, however, if there was any specific focus on dealing with the issue of sexual violence and children. This is also the case in the discussions on allegations of sexual exploitation by MINUSTAH personnel. Although it was clearly a key issue during the visit, it does not appear that the aspect of sexual violence against children was a particular focus.

Reports of the Security Council's Visiting Missions (con't)

In the case of the visit to Haiti, Council members did not attempt to align their country-specific pronouncements with the terms of reference of the visit.

West Africa: The Council visited West Africa from 19-23 May 2012. Morocco and the US co-led the Liberia leg of the mission; France and Togo co-led during the visit to Côte d'Ivoire, which also included a meeting in Abidjan with a delegation from the Economic Community of West African States (ECOWAS); and South Africa and the UK co-led during the Sierra Leone part of the trip.

In Liberia, the primary focus of the visiting mission was the country's efforts to improve its security and rule of law institutions in preparation for the eventual draw-down of the UNMIL.

The aim of the visit to Côte d'Ivoire was to assess the stabilisation process in the wake of the post-electoral crisis and included a trip to the border of Liberia and Côte d'Ivoire. Council members also met with ECOWAS to discuss such situations as Guinea-Bissau and Mali, where the subregional organisation had played an active role following the coups in those two countries.

In the one day spent in Sierra Leone, Council members were hoping to reaffirm support for peace consolidation, see for themselves progress being made by the peacebuilding agenda and emphasise the importance of ensuring that the 17 November 2012 elections were peaceful, free and fair.

Côte d'Ivoire is no longer listed in the Secretary-General's annexes but is still part of the body of the Secretary-General's report as a situation of concern in relation to children and armed conflict. (It was originally listed in Annex 1 but was taken off in 2009.) Following the post-election violence, both the 2012 Secretary-General's children and armed conflict report (S/2012/261) and Council resolutions on Côte d'Ivoire in 2011 (S/RES/1975) and 2012 (S/RES/2062) clearly reflected concerns about violence against children. Resolution 1975, for example, made specific reference to sexual violence against children, as well as recruitment and use of children during the post-election crisis.

During the briefing to the Council following the visiting mission, none of the co-chairs made reference to child protection issues during their meetings. Also, children

are mentioned only in the terms of reference for the Liberia leg (S/2012/344). In the terms of reference, the Council states that it would like to emphasise civilian protection, "especially women and children", and assess progress in combating sexual and gender-based violence. Given the awareness of violations against children during the post-election crisis, the terms of reference for the Côte d'Ivoire leg might have been expected to include some reference to children that could have allowed for follow-up by Council members during the visit. The visit to a refugee camp on the Liberia side of the border with Côte d'Ivoire largely focused on the security situation but could have included a stronger children and armed conflict angle.

Although not in either the terms of reference nor mentioned during the briefing to the Council, Ambassador Peter Wittig (Germany), who was then also the chair of the Working Group on Children and Armed Conflict, did in fact ask questions about children in a number of meetings. The answers, however, were not particularly insightful, possibly because many of the meetings generally did not have a children and armed conflict dimension. Including child protection as a key component in relevant meetings could allow Council members on mission to obtain first-hand information on this issue.

Timor-Leste: The Council conducted a "mini" visiting mission to Timor-Leste from 3-6 November 2012, led by South Africa with the participation of Azerbaijan, India, Pakistan, Portugal and Togo. The primary focus of the visiting mission was to reaffirm commitment to the promotion of the country's long-term stability in the lead-up to the conclusion of the UN Mission in Timor-Leste (UNMIT) on 31 December.

The children and armed conflict agenda was not one of the issues raised during the visiting mission. The terms of reference, written report and briefing to the Council (S/PV.6858) did not contain any relevant references to children. This is in line with recent resolutions and Secretary-General's reports on Timor-Leste, where references to children are minimal.

Visiting Missions in 2013

Yemen: On 27 January 2013, Council members visited Yemen. The mission—co-led by the UK and Morocco and comprising all

15 members—represented the first Council visiting mission to Yemen and its first visit to the Middle East in five years. The mission's objectives were to evaluate implementation of resolution 2051 adopted on 12 June 2012 and to assess progress on the political transition.

The terms of reference for this mission did not contain any references to protection of children (S/2013/61). Following the mission, on 7 February, the Council was briefed by Ambassadors Mohammed Loulichki (Morocco) and Mark Lyall Grant (UK) (S/PV.6916). During the briefing the only reference to children was in relation to a claim made by the Defence Minister in Yemen that the military did not use children in armed conflicts.

However, the 19 March 2013 report of the visiting mission provided more information (S/2013/173). It seems the delegation raised concerns about child recruitment and suggested that the issue of child protection should be included in the agenda of the National Dialogue Conference. The government responded by noting that national law prohibits the recruitment of any person under age 18 into the military and that child soldiers were recruited by other militias. Significantly, the Council delegation appears to have highlighted commitments made by the government to the Special Representative of the Secretary General for Children and Armed Conflict in November 2012 and discussed its willingness to develop and implement an action plan to end the recruitment and use of child soldiers.

In this case, although there was no reference to children in the terms of reference, it seems that the fact that there are three parties from Yemen, including the Yemen armed forces, listed in the Secretary-General's annexes for recruitment led to a greater focus on child protection issues. Between July 2011 and March 2013, the UN documented 84 cases of recruitment and use of children within the armed forces. While no action plans had been signed at the time of the Council visiting mission, the UN was working on getting the government to implement an action plan for the armed forces to end the recruitment and use of children.

Great Lakes Region and Addis Ababa: The Council visited Addis Ababa, Kigali, Goma, Kampala and Kinshasa from 3-9

Reports of the Security Council's Visiting Missions (con't)

October 2013. France and Morocco were the co-leads on the DRC leg of the visiting mission, the US led for the Rwanda leg, the UK led the Uganda leg, and Azerbaijan and Rwanda led the Addis Ababa leg.

The visit to the DRC focused on the implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region (PSC Framework) and on the M23 rebel movement.

In Rwanda and Uganda, two key areas of focus were obligations under the PSC Framework and Uganda-mediated talks between the M23 and the DRC. In Addis Ababa, Council members held their seventh annual consultative meeting with the members of the AU Peace and Security Council on 8 October at AU headquarters.

It is reasonable to expect the Security Council to pay attention to the issue of children and armed conflict in its visiting mission to the DRC. There has been a long history of violations against children in the DRC, with parties to the conflict being listed in the Secretary-General's annual report on children and armed conflict since 2002. There are currently eight groups from the DRC listed in the Secretary-General's annexes. There have also been four reports by the Secretary-General on the situation of children and armed conflict in the DRC and four conclusions issued by the Working Group on Children and Armed Conflict. Since April 2012, the resurgence of conflict in the eastern DRC following the creation of the M23 has led to an increase in the number of grave violations against children. In October 2012, the DRC government finally signed an action plan on preventing the recruitment and use of children in the FARDC.

In line with this the terms of reference for this visiting mission included a number of references to children and armed conflict issues (S/2013/579). For the Great Lakes portion of the trip, the terms of reference covered the issue of strengthening child protection and encouraging parties and governments to ensure that those responsible for violations of human rights and humanitarian law are brought to justice. For the DRC portion, the terms of

reference indicated that Council members would address sexual violence and child protection issues, including through the implementation of the action plan on children and armed conflict. This reference to specifically address an action plan on children and armed conflict was a particularly substantive reference for the terms of reference of a Council visiting mission.

While in Kinshasa, it seems MONUSCO provided Council members with information indicating a pattern of child recruitment by the M23 in both the DRC and Rwanda. Luxembourg, the chair of the Working Group on Children and Armed Conflict, had additional meetings with the child protection officers in MONUSCO, as well as government officials involved in the implementation of the 2012 action plan to end recruitment of children by the FARDC.

On 21 October, the leads and co-leads of the visiting mission reported to the Council (S/PV.7045). Although the issue of children and armed conflict had been brought up in the DRC, there was little mention of children in the briefing on the DRC. The only reference was in relation to fighting impunity and the fact that the Council had raised this in its meetings in the DRC, not just in the context of the Kampala talks, but also in relation to serious crimes against humanity, especially sexual violence and violence against children, including child recruitment.

Observations from Visiting Missions

The 2012 Council missions showed little awareness of child protection issues. However, in 2013 greater attention was paid to issues of child protection on Council visiting missions to states that are or have parties listed on the Secretary-General's annexes for violations against children in armed conflict. It seems that Council members interested in children and armed conflict issues were able to include a child protection dimension in their interactions with authorities on the ground.

Generally, Council members have a very busy programme during these visiting missions and a compelling argument has to be made for including issues that do not fall

clearly within the main goals of the mission. There is also a tendency for the lead Council member(s) on these visits to dictate the programme of work, making it difficult for other members to insert additional issues. This was very likely the case in Liberia, where the US had a clear idea about the focus of the visiting mission and child protection issues were not a priority.

The Working Group appears to have stopped recommending that the Council include the situation of children affected by armed conflict in its visiting missions as both the 2012 and 2013 conclusions of the Working Group do not include this recommendation. It might be useful for the Working Group to consider adding this recommendation in future conclusions, particularly in regards to states that are likely to involve a Council visiting mission.

Council visiting missions to states where governments have signed action plans to stop violations against children offer an opportunity to add pressure on governments to implement the action plans. This was seen in the case of Yemen and could have been the case with the DRC. In addition, recent relevant Working Group conclusions could be highlighted during these trips in order to emphasise their importance.

On a working methods point, until the 2012 Haiti visiting mission there had generally only been a briefing to the Council after the missions, followed by a written report. However, a public briefing and closed consultations were used following the Haiti and West Africa visiting missions in 2012, as some Council members wanted to have a broader exchange of views about those visits in a more informal setting. No closed consultations were used to discuss the results of the Timor-Leste or for any of the visiting missions in 2013. If a briefing followed by closed consultations is instituted as a regular practice, it could be an opportunity for Council members interested in the issue of children and armed conflict to assess whether this issue had been addressed adequately during the visiting mission and if any follow-up is needed.

Progress on Action Plans

Over the past seven years 18 action plans on recruitment and use of children in armed conflict have been adopted since resolution 1539 (2004) called upon parties to prepare concrete, time-bound action plans to halt such practices. (Two parties in Sudan, SLA/Free Will and SLA/Abu Gasim, which signed action plans, no longer exist. The Sudan People's Liberation Army [SPLA] signed twice, first as a non-state actor in 2009 and then as a state actor in 2012.)

Of the action plans, 27 are to stop recruitment and use of children in conflict. Two have references or an annex on sexual violence. There is also one action plan on killing and maiming, which was signed by the Transitional Federal Government of Somalia on 6 August 2012. There are none on the newest trigger, attacks on schools and hospitals. So

far, only seven parties have fully complied with their action plans and have been subsequently de-listed. (The Liberation Tigers of Tamil Eelam came off the list because they were disbanded.)

Bilateral pressure may be a key factor in getting governments to sign action plans. In 2012 the US blocked military assistance to the DRC as it had not yet signed a UN action plan to stop recruitment making it difficult for the US to provide certain types of military assistance under the Child Soldiers Protection Act of 2008. This resulted in significant progress on child recruitment issues by the DRC and led to partial restoration of military funding from the US in 2013. The suspension of military aid to the DRC in 2012 may have also played a part in persuading its government to sign the action plan against child recruitment.

Parties that have Signed Action Plans

Currently eight parties have signed action plans. Seven are national armed forces and one, the Moro Islamic Liberation Front, is a non-state party. The last time a non-state party signed an action plan was 2009. Of the groups that have signed, six are persistent perpetrators who have been on the Secretary-General's annexes for more than five years.

Parties that have yet to Sign Action Plans

There are 54 parties on the Secretary-General's annexes that have yet to sign an action plan, including national armed forces in three states—Sudan, Syria and Yemen.

PARTIES ON ANNEX 1 THAT HAVE SIGNED ACTION PLANS

Situation	Parties	Violation	Year Action Plan Signed	Persistent Perpetrator
Afghanistan (Annex I)	Afghan National and Local Police	Recruitment	January 2011 (Recruitment and use with annex on sexual violence)	
CAR (Annex I)	<i>Convention des patriotes pour la justice et la paix (CPJP)*</i> <i>Armée Populaire pour la Restauration de la Démocratie (APRD)*</i>	Recruitment	October 2011 (Recruitment) October 2011 (Recruitment)	
Chad (Annex I)	National Army of Chad	Recruitment	June 2011 (Recruitment)	Yes
DRC (Annex I)	Armed Forces of the Democratic Republic of the Congo (FARDC)	Recruitment, Sexual Violence	September 2012 (Recruitment)	Yes
Myanmar (Annex I)	<i>Tatmadaw Kyi</i> , including integrated border guard forces	Recruitment	June 2012	Yes
Philippines (Annex II)	Moro Islamic Liberation Front (MILF)	Recruitment	July 2009 (Recruitment)	Yes
Somalia (Annex I)	Transitional Federal Government (TFG)	Recruitment, Killing and Maiming	July 2012 (Recruitment) August 2012 (Killing and Maiming)	Yes
South Sudan (Annex I)	Sudan People's Liberation Army (SPLA)	Recruitment	November 2009 (as non-state actor) (Recruitment) March 2012 (as state actor following independence)	Yes

* These groups no longer exist in the same form as when they signed the action plan.

Progress on Action Plans (con't)

PARTIES THAT HAVE YET TO SIGN ACTION PLANS

Situation	Party	Violation	Persistent Perpetrator
Afghanistan (Annex I)	1. Haqqani Network	Recruitment, Killing and Maiming	
	2. <i>Hezb-e-Islami</i> of Gulbuddin Hekmatyar	Recruitment, Killing and Maiming	
	3. Taliban	Recruitment, Killing and Maiming, Attacks on Schools and Hospitals	Yes
CAR region (Annex I)	1. Lord's Resistance Army (LRA)	Recruitment, Killing and Maiming, Sexual Violence	Yes
CAR (Annex I)	1. <i>Convention des patriotes pour la justice et la paix fondamentale</i> (CPJP fondamentale), as part of the Séléka	Recruitment	
	2. <i>Convention patriotique pour le salut du Kodro</i> (CPSK), as part of the Séléka	Recruitment	
	3. <i>Front démocratique du peuple centrafricain</i> (FDPC)	Recruitment	Yes
	4. <i>Mouvement des libérateurs centrafricain pour la justice</i> (MLCJ)	Recruitment	
	5. <i>Union des forces républicaines</i> (UFR), as part of the Séléka	Recruitment	
Colombia (Annex II)	1. <i>Ejército de Liberación Nacional</i> (ELN)	Recruitment	Yes
	2. <i>Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo</i> (FARC-EP)	Recruitment	Yes
DRC (Annex I)	1. <i>Forces démocratiques de libération du Rwanda</i> (FDLR)	Recruitment, Sexual Violence, Attacks on Schools and Hospital	Yes
	2. <i>Front de résistance patriotique en Ituri/Front populaire pour la justice au Congo</i> (FRPI/FPJC)	Recruitment, Sexual Violence	
	3. <i>Mai Mai Alliance des patriotes pour un Congo libre et souverain</i> (APCLS) "Colonel Janvier"	Recruitment	
	4. <i>Mai Mai "Lafontaine"</i> and former elements of the <i>Patriotes résistants congolais</i> (PARECO)	Recruitment	
	5. <i>Mai Mai Simba "Morgan"</i>	Sexual Violence	
	6. <i>Mai Mai "Tawimbi"</i>	Recruitment	
	7. <i>Mouvement du 23 Mars</i> (M23)	Recruitment, Sexual violence	
Iraq (Annex I)	1. Islamic State of Iraq (ISI)/Al-Qaida in Iraq (AQ-I)	Recruitment, Killing and Maiming, Attacks on Schools and Hospitals	
Philippines	1. Abu Sayyaf Group (ASG)	Recruitment	Yes
	2. New People's Army (NPA)	Recruitment	Yes

Progress on Action Plans (con't)

PARTIES THAT HAVE YET TO SIGN ACTION PLANS

Situation	Party	Violation	Persistent Perpetrator
Mali (Annex I)	1. <i>Ansar Dine</i>	Recruitment, Sexual Violence	
	2. <i>Mouvement national de liberation de l'Azawad (MNLA)</i>	Recruitment, Sexual Violence	
	3. <i>Mouvement pour l'unicité et le jihad en Afrique de l'Ouest (MUJAO)</i>	Recruitment, Sexual Violence	
Myanmar (Annex I)	1. Democratic Karen Benevolent Army (DKBA)	Recruitment	Yes
	2. Kachin Independence Army (KIA)	Recruitment	Yes
	3. Karen National Liberation Army (KNLA) *	Recruitment	Yes
	4. Karen National Liberation Army Peace Council	Recruitment	Yes
	5. Karenni Army (KA) *	Recruitment	Yes
	6. Shan State Army South (SSA-S)	Recruitment	Yes
	7. United Wa State Army (UWSA)	Recruitment	Yes
Somalia (Annex I)	1. <i>Al Shabaab</i>	Recruitment, Killing and Maiming	Yes
Sudan (Annex I)	1. Government forces, including the Sudanese Armed Forces, the Popular Defence Forces (PDF), the Sudan police forces (Border Intelligence Forces and Central Reserve Police)	Recruitment	
	2. Justice and Equality Movement (JEM)	Recruitment	Yes
	3. Pro-Government militias	Recruitment	Yes
	4. Sudan Liberation Army/Abdul Wahid	Recruitment	Yes
	5. Sudan Liberation Army/Historical Leadership	Recruitment	
	6. Sudan Liberation Army Minnawi (SLA Minnawi) **	Recruitment	Yes (Signed action plan on 25 Sept 2011 but might have merged with JEM)
	7. Sudan Liberation Army/Unity	Recruitment	
	8. Sudan People's Liberation Movement North (SPLM-N)	Recruitment	
Syria (Annex I)	1. Free Syrian Army	Recruitment	
	2. Government forces, including the Syrian Armed Forces, the intelligence forces and the Shabbiha militia	Killing and Maiming, Sexual Violence, Attacks on Schools and Hospitals	

Progress on Action Plans (con't)

PARTIES THAT HAVE YET TO SIGN ACTION PLANS

Situation	Party	Violation	Persistent Perpetrator
Yemen (Annex I)	1. <i>Al Houthi</i>	Recruitment	
	2. <i>Ansar al-Sharia</i>	Recruitment	
	3. Government forces, including the Yemen Armed Forces, the First Armoured Division, the military police, the special security forces, the Republican Guards and pro-Government militias	Recruitment	

*These parties sought to conclude an action plan with the UN in line with Security Council resolutions 1539 (2004) and 1612 (2005), but the government of Myanmar has prevented the UN from doing so.

**SLA/Minni Minawi signed an action plan on 11 June 2007 but dropped it when it reneged the Darfur Peace Plan.

Parties that have Implemented Action Plans

Action plans have been fully implemented in four situations: Côte d'Ivoire (five parties), Nepal (one party), Sri Lanka (one party) and Uganda (one party). As a result, eight parties were delisted from the Secretary-General's

annexes because they had implemented all commitments in their action plans to end recruitment and use of children.

Burundi was delisted in 2010 following the release of all children associated with the *Forces nationales de libération* (FNL) in April 2009. The FNL is one of the few examples of

a party being delisted without having signed an action plan. There have also been cases of parties that no longer exist, like the Liberation Tigers of Tamil Eelam, or cases of parties merging, which have resulted in them no longer being listed.

PARTIES THAT HAVE SIGNED AND IMPLEMENTED ACTION PLANS

Situation	Party	Violation	Year Action Plan Signed (all on recruitment)	Action Plan Implemented	Year Delisted
Côte d'Ivoire (Annex I)	<i>Forces armées des Forces nouvelles</i> (FAFN)	Recruitment and Use	November 2005	2007	2009
	<i>Front de libération du Grand Ouest</i> (FLGO)	Recruitment and Use	September 2006	2007	2009
	<i>Mouvement Ivoirien de Libération de l'Ouest de la Côte d'Ivoire</i> (MILOCI)	Recruitment and Use	September 2006	2007	2009
	<i>Alliance patriotique de l'ethnie Wè</i> (APWé)	Recruitment and Use	September 2006	2007	2009
	<i>Union patriotique de résistance du Grand Ouest</i> (UPRGO)*	Recruitment and Use	September 2006	2007	2009
Nepal (Annex I)	Unified Communist Party of Nepal – Maoist (UCPN-M),	Recruitment and Use	December 2009	2010 (with discharge of verified minors)	2012
Sri Lanka (Annex II)	<i>Tamil Makkal Viduthalai Pulikal</i> (TMVP)	Recruitment and Use	2008	2010	2012
Uganda (Annex II)	Uganda People's Defense Force (UPDF)	Recruitment and Use	August 2007	2009	2009

* One action plan was signed with four parties in 2006.

Issues Involving Peacekeeping

Child protection advisers (CPAs) are currently part of six UN peacekeeping missions (Côte d'Ivoire, the DRC, Haiti, Mali, South Sudan and Sudan) and four political missions (Afghanistan, the CAR, Iraq and Somalia).

In the last two years, budget cuts have begun to affect CPA positions. For example, in 2012 there was a proposal to abolish two out of the three international positions from the UNAMA child protection unit and to redeploy the remaining national staff to the human rights unit. In addition there was a proposal to reduce the budget of the human rights unit by 11 percent (A/RES/67/246). This would have the effect of subsuming the child protection unit under the human rights unit, a trend that appears to be increasingly common across UN missions. Although some member states fought hard within the Third Committee of the General Assembly and were able to retain the CPA positions in 2012, it seems the positions were left vacant in 2013 and that they may be eliminated in the 2014 budget. The potential reduction of CPAs in UNAMA gives rise to questions about whether the mission would be able to support the implementation of the action plan on recruitment and use of children, with an annex on sexual violence, signed with the ANSF on 30 January 2011.

Better language has begun to be included in resolutions with regard to CPAs, as

seen in resolution 2100 (2013) establishing MINUSMA, which specifically asked for the deployment of child and women protection advisors for the protection of women and children affected by armed conflict in Mali. However, it has not been easy to fill the positions with people with the right expertise.

There are other missions, such as BINUCA, where there is a clear need for child protection monitoring, but there are no CPAs.

Missions that have a large number of CPAs include UNMISS and MONUSCO. It is interesting to note that while having a good number of CPAs might contribute to better reporting and awareness of child-protection issues in the Secretary-General's country-specific reports, it does not necessarily lead to separate child-protection sections within these reports, as requested in a number of children and armed conflict resolutions. The format and content of the Secretary-General's reports go through a complex approval process, with political, rather than protection issues, often taking precedence.

The DPKO has been updating its core redeployment training and specialised training materials used for training peacekeepers prior to their deployment to peacekeeping operations. It convened a Child Protection Training Validation Workshop at the International Peace Support Training Centre in Nairobi from 27-29 March 2013 for 18

leading troop-contributing countries, military personnel from peacekeeping missions and child-protection actors to review and discuss the materials. Peacekeepers from MONUSCO, UNAMID, UNMISS and UNOCI shared their practical experiences in responding to child protection issues in the field. Based on these presentations participants recommended that DPKO collect and integrate good examples of child protection interventions by peacekeepers into the training modules. In late November, two pilot courses were conducted in Asia and the Americas to test the materials, which were expected to be ready for use by early 2014.

The DPKO is also in the process of updating its best-practices policy, which was published in 2007. In recent months it has obtained feedback on the status of the policy implementation and will be publishing an updated best-practices policy in 2014.

Following a request from the Special Committee on Peacekeeping Practices (C34) and member states, DPKO has also been providing training to national armed forces in child protection and monitoring of violations against children. This has been useful in giving some states a better idea of how to translate the child protection elements of UN mission mandates into activity on the ground.

Developments in the Area of Sanctions

Since the adoption of resolution 1539 on 22 April 2004, the Security Council has consistently signalled, in all its resolutions and presidential statements on children and armed conflict, its willingness to take action against parties violating applicable international law relating to children and armed conflict by imposing targeted and graduated measures on parties to situations of armed conflict that are on its agenda.

Since resolution 1882 (2009), the Council has also emphasised the need for enhanced communication between the Office of the Special Representative, the Working Group and relevant Security Council sanctions committees. This call was reiterated in the 16 June 2010 presidential statement and resolution

1998 (2011). Resolution 2068 (2012), the most recent one on the issue, did not contain references to sanctions committees as it was a more focused resolution that concentrated on a smaller number of key issues.

Resolution 1998 (2011) also encouraged the relevant sanctions committees to continue to invite the Special Representative of the Secretary-General for Children and Armed Conflict to brief them on specific information pertaining to her mandate that would be relevant to the work of the committees. It also encouraged the sanctions committees to bear in mind the relevant recommendations of the Secretary-General's report on children and armed conflict and for the Special Representative to share specific information from the

Secretary-General's reports with the Panels or Groups of Experts assisting the relevant sanctions committees.

Four sanctions committees now include violations against children in their designation criteria. The 751 Somalia and 1533 DRC Sanctions Committees have specific language related to violations against children while the 1572 Côte d'Ivoire and 1591 Sudan Sanctions Committees include language on human rights and humanitarian violations, which has generally been taken to cover violations against children. The 1998 Taliban Sanctions Committee has not imposed sanctions specifically for charges of violations against children despite the Taliban being on the Secretary-General's annexes for

Developments in the Area of Sanctions (con't)

recruitment of children between 2002 and 2003 and then again since 2007.

In its May 2011 conclusions on the Secretary-General's report on children and armed conflict in Afghanistan, the Working Group recommended to the Council that it share the Secretary-General's report on children and armed conflict in Afghanistan with the 1998 Taliban Sanctions Committee (S/AC.51/2011/3).

Even when a sanctions committee includes violations against children as a designation criterion, actually imposing sanctions on individuals has been a protracted process. So far only one individual in the 1572 Côte d'Ivoire

and 14 individuals in the 1533 DRC consolidated lists have been sanctioned for grave violations against children. The 751 Somalia Sanctions Committee, despite expanding its listing criteria in 2012 to include recruitment and sexual violence against children, had not at press time added any individuals for violations relating to children to its consolidated list. And the 1592 Sudan Sanctions Committee, which has included violations of human rights and humanitarian law as criteria since it was set up in 2005, has also not used violations against children in imposing sanctions on any individuals on the list.

The impact of sanctions has also been

questioned. It is clear that the threat of sanctions is not effective for some individuals and armed groups that either do not travel much or hold assets overseas. In addition, it is debatable if placing sanctions on individuals necessarily leads to a change in behaviour, particularly if the individual(s) continue(s) to operate in armed forces or groups. In the case of the DRC, for example, the FARDC still includes several individuals who are under UN sanctions for grave violations against children. Until March 2013, Bosco Ntaganda, who was subject to arrest under an ICC warrant and under UN sanctions, continued to hold a senior position in the FARDC.

Case Studies: Children and Armed Conflict and Sanctions

In this section we examine two sanctions committees that have imposed sanctions against individuals for violations against children. The 1533 DRC Sanctions Committee was the first to include violations against children as a designation criterion but took three years before adding individuals to the consolidated list using this criterion. The 1572 Côte d'Ivoire Sanctions Committee, despite not having specific language on violations against children, was able to use the violations of human rights and humanitarian law designation criteria in February 2006 to include the recruitment and use of children as designation criteria when adding an individual to the sanctions list. We examine the evolution of the issue of children and armed conflict in relation to these two sanctions committees, focusing on the linkages between Council decisions, Working Group conclusions and action taken by the sanctions committees in order to assess the factors that contribute to the ability to impose sanctions on individuals committing violations against children in armed conflict.

Côte d'Ivoire

A military coup in 1999 led to fighting between the government and the rebel *Forces nouvelles*. Former combatants from the civil wars in Liberia and Sierra Leone were recruited by both sides and committed many of the serious human rights abuses perpetrated in those neighbouring armed conflicts,

including the recruitment of children. Thousands of children were killed, maimed and orphaned, and more than a million people displaced.

The 2002-2004 civil war effectively split the country in two, with the *Forces nouvelles* controlling the north and the government of then-President Laurent Gbagbo controlling the south. The two territories were separated by a "zone of confidence" under the authority of UNOCI and the French *Operation Licorne* in support of UNOCI. In the years since the end of the civil war, serious instability and human rights violations have continued to be a problem, most recently following the 28 November 2010 second-round elections.

On 15 November 2004 the Council adopted resolution 1572, which established the 1572 Côte d'Ivoire Sanctions Committee. It was the first sanctions committee to include as designation criteria for targeted financial and travel-related sanctions any person determined as "responsible for serious violations of human rights and international humanitarian law" on the basis of relevant information. Resolution 1572 imposed an arms embargo on Côte d'Ivoire and the possibility of sanctions against individuals found to be obstructing the peace process, violating human rights, publicly inciting hatred and violence and violating the embargo. The human rights designation criteria opened up the possibility of the Sanctions Committee addressing violations against children.

It took the Council more than a year to impose targeted sanctions on specific individuals. On 7 February 2006, the Council imposed a travel ban and financial sanctions on three individuals (SC/8631). Recruitment of child soldiers was cited as part of the justification for the designation of one of the individuals, Martin Kouakou Fofie, the commandant of the Korhogo Sector. There were no further listings until after the 28 November 2010 post-electoral crisis and the adoption of resolution 1975 on 30 March 2011. However, Fofie was not listed as a result of pressure from the Working Group on Children and Armed Conflict, and it is likely that he would have been listed without the child soldier recruitment designation criteria. This did, however, indicate that the Council was willing to impose sanctions for violations against children within the framework of existing sanctions regimes.

At about the same time as the Council set up the Côte d'Ivoire sanctions regime, the Secretary-General released his 2005 children and armed conflict report, which placed the *Forces armées des forces nouvelles* (FAFN) and the four pro-government militias in the west—*Mouvement ivoirien de libération de l'ouest de la Côte d'Ivoire*, *Front pour la libération du grand ouest*, *Alliance patriotique de l'ethnic Wé* and *Union patriotique de résistance du Grand Ouest* (UPRGO)—on Annex I. (In July 2005 the Council adopted resolution 1612, creating the architecture that would lead to a process

Case Studies: Children and Armed Conflict and Sanctions (con't)

for parties to get off the Secretary-General's list through the adoption of action plans.)

When the situation of children affected by armed conflict in Côte d'Ivoire came to the Working Group in 2006, it was estimated that there were 3,000 children associated with the *Forces nouvelles* and 1,000 with militia groups. In November 2005 FAFN agreed to an action plan, and in 2006 it renewed this commitment and agreed to establish an independent verification commission with UNICEF to ensure compliance with the action plan. In September 2006, following dialogue with the UN, the four pro-government militias on the Secretary-General's annexes submitted an action plan to end their association of children with their armed forces. These were the first action plans to be negotiated under the framework established by resolution 1612.

The Working Group issued its conclusions (S/2007/93) on the Secretary-General's first report on children and armed conflict in Côte d'Ivoire (S/2006/835) in February 2007. It requested that a letter be sent by the President of the Council to the Secretary-General asking that a list of individuals for possible consideration for future targeted measures be included in the next Secretary-General's report on children and armed conflict in Côte d'Ivoire. This was one of the rare times the Working Group included a recommendation that threatened the use of sanctions. It should be noted, however, that this was done only after the Council had imposed targeted sanctions on specific individuals.

By the Secretary-General's second report on children and armed conflict in Côte d'Ivoire published in August 2007 (S/2007/515), significant progress had been made in dialogue with parties to the conflict and in the implementation of action plans on ending the recruitment of children. The Secretary-General's seventh annual report on children and armed conflict, which came out in December 2007, noted that there were no new cases of recruitment into the groups and that the action plans were being fully implemented. This led to the *Forces nouvelles* and the four militia groups being removed from the Secretary-General's annexes, effectively delisting all the parties to the conflict.

Some stakeholders have argued that the action plan implementation and verification in Côte d'Ivoire was not transparent enough

and that some of the parties may have continued to recruit and use child soldiers after being delisted.

However, Côte d'Ivoire is often cited as a success story for the approach taken in dealing with the issue of children and armed conflict. UNOCI began dialogue with the parties to conflict in 2006. By the end of 2007, 1,400 children had been released from armed groups. The factors that led to success in this case include the ability to identify leaders of the listed armed groups, the presence of a UN peacekeeping mission that could establish dialogue with the parties, strong support from UNOCI CPAs and particular attention being paid to this issue by the Office of the Secretary-General's Special Representative on Children and Armed Conflict. Although more difficult to measure, it seems that the threat of targeted sanctions on individuals recruiting children as recommended by the Working Group in February 2007 may have contributed to ending the recruitment of children and development of viable action plans.

The issue of sexual violence continued to be a concern in Côte d'Ivoire for both the Working Group and the Council after Côte d'Ivoire came off the Secretary-General's annexes. The 2009 UNOCI resolution (S/RES/1880) mentioned the Working Group's recommendations on sexual violence, as did the UNOCI resolutions adopted on 28 January 2010 (S/RES/1911) and 30 June 2010 (S/RES/1933). This did not lead, however, to further scrutiny of sexual violence violations against children or to parties in Côte d'Ivoire being added to the Secretary-General's annexes once sexual violence became a trigger in 2009.

The situation in Côte d'Ivoire sharply deteriorated following the second round presidential elections on 28 November 2010. President Laurent Gbagbo refused to concede defeat to Prime Minister Alassane Ouattara, who had received 54.1 percent of the vote. Violent clashes ensued between Gbagbo forces and Ouattara supporters, resulting in a high number of civilian casualties and serious violations of human rights and humanitarian law. Post-election violence left about 3,000 people dead and 500,000 displaced.

The Council paid close attention to this issue as it unfolded, and on 16 December 2010 issued the first of what would be a series of press statements warning that all

stakeholders would be held accountable for attacks against civilians and would be brought to justice, in accordance with international law (SC/10124). The press statement had little impact on the situation; between 16-19 December 2010, another 50 people were killed and 200 wounded.

The third UNOCI resolution in 2010, was adopted on 20 December following these clashes (S/RES/1962). Although the resolution did not single out children for separate attention, it had a strong focus on sexual violence and the protection of civilians. The Council also reiterated its readiness to impose measures, including targeted sanctions against persons who threatened the peace process or committed serious violations of international human rights or international humanitarian law. Unusually, the Council on the same day followed up the adoption of resolution 1962 with a press statement stating that those responsible for attacks against civilians and peacekeepers would be brought to justice in accordance with international law (SC/10135).

On 19 January 2011, the Council adopted what was essentially a technical resolution that authorised the deployment of an additional 2,000 military personnel to UNOCI until 30 June and extended the temporary deployment of troops from UNMIL (S/RES/1967). The resolution included language on accountability for human rights violations and targeted sanctions, but it was in the preambular as opposed to the operative paragraphs, as was the case in resolution 1962. It seems Russia and China had argued strongly for a technical resolution rather than one that also focused on continuing violence and human rights violations.

Finally, four months after the conflict began the Council adopted resolution 1975, which contained very comprehensive language on accountability, including the possibility that the attacks taking place in Côte d'Ivoire could amount to crimes against humanity and that the ICC could decide on its jurisdiction over the situation. Resolution 1975 also imposed targeted sanctions on Gbagbo and four members of his inner circle and demanded an "immediate end to violence against civilians, including women, children and internally displaced persons". It also had clear references to the need to protect children, condemning violence against

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children as well as the killing and maiming of children. However, the designation criteria for the five individuals listed did not include violations against children. Gbagbo was captured on 11 April 2011.

On 3 May 2011, President Ouattara, who was inaugurated on 21 May after the Constitutional Council ruled in his favour, asked the ICC Prosecutor to investigate serious crimes committed since the elections. (Côte d'Ivoire is not a state party to the Rome Statute, only a signatory, yet has accepted the jurisdiction of the ICC under Article 12(3) of the Rome Statute.) The ICC Prosecutor requested ICC Pre-Trial Chamber III on 23 June 2011 to authorise an investigation into crimes committed following the election. On 23 November 2011 the ICC issued an arrest warrant for Gbagbo on four counts of crimes against humanity as an indirect co-perpetrator of murder, rape or other sexual violence, persecution and other inhuman acts. Gbagbo was transferred to The Hague on 30 November 2011 after the 1572 Côte d'Ivoire Sanctions Committee had lifted the travel ban against him the day before.

The Working Group did not receive a briefing from the Special Representative on the changed situation in Côte d'Ivoire until 21 July 2011. There was also no attempt to react to violations against children by issuing a statement or requesting the Special Representative to brief the 1572 Côte d'Ivoire Sanctions Committee so that information on individuals committing violations against children could be taken into consideration.

The next significant Côte d'Ivoire resolution was resolution 2000, which renewed the UNOCI mandate until 31 July 2012. In the preamble, the resolution condemned atrocities and human rights violations during the post-election crisis and highlighted acts against children as well as the "alleged recruitment and use of children in the conflict throughout the country and particularly in Abidjan and the west". It contained significant language on accountability, acknowledging the request by the ICC Prosecutor to open investigations and stressing the importance of investigating human rights abuses and pursuing accountability. The resolution also mandated UNOCI to help investigate and support national and international efforts to bring perpetrators to justice and to bring to the attention of the Council "all

individuals identified as perpetrators of serious human rights violations" while keeping the 1572 Côte d'Ivoire Sanctions Committee "informed of developments in this regard".

Resolution 2045, adopted on 26 April 2012, renewed the Côte d'Ivoire sanctions regime and the Group of Experts (GoE) assisting the Committee for 12 months. It stressed accountability for post-election violence, noting that violence had been committed against children, and welcomed close cooperation with the ICC. It again welcomed information-sharing between the Committee and the Special Representative for Children and Armed Conflict, yet to date no information has been exchanged.

Resolution 2101, which renewed the Côte d'Ivoire sanctions regime in 2013, includes language on information-sharing between the Committee and the Special Representative for Children and Armed Conflict. Resolution 1980 of April 2011 and resolution 2045 of 26 April 2012 both welcomed information-sharing between the Special Representatives of the Secretary-General for Children and Armed Conflict and for Sexual Violence. The 2009 and 2011 children and armed conflict resolutions, resolution 1882 and resolution 1998, respectively, had both requested enhanced communication between the Working Group and relevant Security Council sanctions committees, including through the exchange of pertinent information on violations and abuses committed against children in armed conflict. Despite the Council suggesting the need for greater interaction between the various actors involved in protecting children, so far the Special Representative has not provided any information to the 1572 Côte d'Ivoire Sanctions Committee. There has also not been any communication between the Working Group on Children and Armed Conflict and the Committee. The GoE for the Côte d'Ivoire Sanctions Committee reports of 2011 (S/2011/272 and S/2011/642), 2012 (S/2012/196 and S/2012/766) and 2013 (S/2013/228 and S/2013/605) also did not include any information on violations against children.

Observations

Côte d'Ivoire is often held up as a success story as the first situation to be taken off the Secretary-General's annexes on children and armed conflict. The 1572 Côte d'Ivoire

Sanctions Committee was also the first to use child recruitment as part of the designation criteria when imposing sanctions on an individual. However, closer examination of recent events show that there are clear weaknesses in the children and armed conflict architecture that have led to a lack of follow-up after the parties in Côte d'Ivoire were taken off the Secretary-General's annexes. Despite awareness that sexual violence was an issue, there does not appear to have been a concerted effort to focus on this issue in relation to children, particularly following the addition in 2009 of sexual violence as a trigger for adding parties on the annexes.

While it took the Council four months to single out violations against children in a resolution, the Working Group was even slower to act. It was only on 22 July 2011, seven months after the post-election conflict began, that the Working Group received a briefing from the Special Representative on the situation in Côte d'Ivoire. As an issue that had been on the Secretary-General's annexes for children and armed conflict, more interest in at least having an update on the situation could have been expected. The Working Group now has entrenched working methods that appear to make it difficult for it to respond quickly to crisis situations where children are involved.

Although Council resolutions in 2011 showed awareness that recruitment and use of children and sexual abuses against minors were taking place during the Côte d'Ivoire conflict, there was no follow-up from the 1572 Côte d'Ivoire Sanctions Committee. The Secretary-General's 2012 report on children and armed conflict said that in 2011, 271 cases of sexual violence were registered by the country task forces on monitoring and reporting, as were 45 cases of children killed and 66 cases of children maimed.

It does not seem that there was a flow of information from the Office of the Special Representative on Children and Armed Conflict to the Côte d'Ivoire Sanctions Committee. If there was any information provided, it did not translate into information in either the GoE reports or a listing using violations against children as designation criteria following the unrest in 2010. Unlike the situation in the DRC (see case study below for more details), the Special Representative did not at any point brief the Côte d'Ivoire

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Sanctions Committee. Possibly because this situation was no longer on the Secretary-General's annex, the UN system had stopped collecting the type of verifiable information on violations against children that could have been used to list individuals.

In the case of Côte d'Ivoire the Council did not take advantage of the existing sanctions criteria to manage the ongoing conflict. It is possible that some members may have been wary of affecting the peace process by imposing sanctions, but the fact remains that the Council failed to impose sanctions for serious violations of international human rights and humanitarian law violations in the post-2010 election period. Better sharing of information between the ICC, the Council and the Sanctions Committee might also have led to crimes against children related to sexual violence being included in the charges against Gbagbo.

Overall, it can be argued that not having violations against children in armed conflict as a clear designation criterion makes it less likely violations against children will be used as a reason for imposing sanctions and for the GoE reports to include significant details about violations against children.

Democratic Republic of the Congo

Since independence in 1960, the DRC has never fully consolidated its peace. The ongoing conflict in the DRC began in the aftermath of the 1994 genocide in Rwanda, with diverse rebel groups as well as armed forces from neighbouring states fighting each other and the regime of President Mobutu Sese Seko, who had ruled the country since 1965.

Children have been some of the main victims of this conflict, with many snatched from their families and forced to become soldiers in rebel groups and used as sex slaves. An estimated 10,000 children were conscripted by the Alliance of Democratic Forces for Liberation (ADFL) under the leadership of Laurent Kabila, which fought Mobutu from 1996 to 1997. Of the more than 5 million people who died, 2.7 million were children. In addition more than 200,000 women and girls have been victims of rape or other acts of sexual violence.

Sanctions were first imposed through resolution 1493 adopted on 28 July 2003. The resolution imposed an arms embargo on all foreign and DRC armed groups and

militia operating in North and South Kivu and Ituri regions. On 12 March 2004, the Council adopted resolution 1533, establishing the 1533 DRC Sanctions Committee and its associated GoE. Over the years the sanctions regime has been modified and strengthened to include, among other things, travel bans and asset freezes on individuals and expanded designation criteria.

The protection aspect of the UN Mission in the DRC (MONUC) was authorised in resolution 1592 of 30 March 2005, to include the use of "all necessary means" to protect civilians. However, the protection of children at this point came under the broader protection umbrella rather than being given a separate focus.

In 2006, at about the same time the Working Group took up the issue of protection of children in the DRC, the Council adopted resolution 1698, which extended the scope of possible sanctions in the DRC to include designation of political and military leaders recruiting or using children in armed conflict, as well as individuals targeting children in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement.

This allowed the Working Group to make a rare recommendation for targeted sanctions in its conclusions on the Secretary-General's first report on children and armed conflict in the DRC. The Working Group in 2006 singled out the *Mouvement révolutionnaire congolais* (MRC) and General Laurent Nkunda as targets for the sanctions. This is the first of only two occasions when the Working Group recommended the use of sanctions, and it probably would not have come about if the Council had not adopted resolution 1698.

Resolution 1698 also led the GoE to include a section on recruitment and use of children in its case studies on groups in the DRC. In its first report following the adoption of resolution 1698, the GoE indicated in January 2007 that it did not have sufficient independently verifiable evidence to recommend that the individuals under investigation be considered for sanctions by the Sanctions Committee (S/2007/40).

From 2007 onwards, Council resolutions on the DRC also began to include stronger language on protection of children. For example, on 21 December 2007, the Council adopted resolution 1794, in which it

demanding that all armed groups, in particular Nkunda's group, the National Congress for the Defence of the Congolese People (CNDP) and the FDLR, immediately stop recruiting and using children and release all children associated with them.

The GoE's report to the Sanctions Committee in February 2008 contained detailed information about the recruitment and use of children as well as references to rape and sexual abuse in relation to children (S/2008/43). It also cross-referenced the Secretary-General's second report on children and armed conflict in the DRC, published on 28 June 2007, which detailed Nkunda's receiving child recruits from refugee camps in North Kivu (S/2007/391).

Following widespread atrocities in eastern DRC in the latter half of 2008, the MONUC mandate was revised in resolution 1856 of 22 December 2008 to better focus on protection of civilians. While there is reference in this resolution to the need to pay attention to children as a vulnerable group, it is included as part of the larger need to protect human rights.

More significantly, the Council adopted two resolutions strengthening the DRC sanctions regime. Resolution 1807, adopted on 31 March 2008, extended the travel and financial measures to individuals committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement. Resolution 1857, adopted on 22 December 2008, extended the sanctions regime until 30 November 2009 and applied sanctions to those obstructing access to, or distribution of, humanitarian assistance in the eastern part of the DRC.

The 2008 final report of the GoE, published on 12 December 2008, highlighted the widespread recruitment as well as the violence against women and children as a result of the fighting in 2008 (S/2008/773). The report extensively covered details of recruitment of children by a number of armed groups and included a separate section on international law targeting women and children, which included reports of sexual violence.

Despite the increased attention to the issue of children in armed conflict by the Working Group, the 1533 DRC Sanctions

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Committee and its GoE and the Council, it took three years before any individuals were listed by the Sanctions Committee for violations against children. On 3 March 2009, the Sanctions Committee listed three leaders of the FDLR, using abduction and sexual abuse of girls and recruitment of boys as part of the criteria.

The sexual atrocities committed against women and children in 2009 and 2010 led to a greater focus from the Council, the GoE and the Working Group on sexual violence. In 2009 two joint military campaigns—*Kimia* and *Kimia II*—conducted by the DRC and Rwanda against the FDLR in the east and the LRA in the north, resulted in a dramatic increase in violence against civilians by all sides. Estimates indicate that over 8,000 women and children were raped in 2009 in North and South Kivu. From 30 July through 2 August, a major atrocity took place when several hundred armed men—apparently elements of the FDLR and the *Mai-Mai* tribal militia—raided a dozen villages in the Walikale region and committed mass rape.

The GoE reports published in May and November 2009 (S/2009/253 and S/2009/603) and November 2010 (S/2010/596) included details of the attacks and identified cases of command responsibility by members of rebel groups and DRC forces. Besides containing significant sections on child soldier recruitment and sexual violence, the 2009 final GoE report also focused on the need for strengthened information-sharing with the MONUC child-protection section. This may have been prompted by the fact that there was not enough sharing of information between MONUC and the GoE at this point, but it was one of the early signs of a growing awareness of the need to share information between the various bodies involved in trying to protect children.

The 2010 GoE report also included substantive reporting on child recruitment and other violations against children. Among the recommendations was to identify, suspend and prosecute FARDC commanders using children as escorts or obstructing efforts to separate children from ranks. Resolution 1952, adopted on 29 November, renewed the sanctions regime and the mandate of the GoE and called on the DRC authorities to continue their fight against impunity. That effort, it stated, should be directed against all

perpetrators of human rights and humanitarian law violations, including sexual violence committed by illegal armed groups or elements of the FARDC.

On 21 May 2010, the Special Representative was invited to brief the 1533 DRC Sanctions Committee. This was her first briefing to a sanctions committee, and it resulted in the Committee updating its consolidated list on 13 August to include recruitment and use of children as designation criteria for nine individuals already on the list, using information from the Office of the Special Representative. On 1 December, the Committee added four more people to the list of individuals and entities subject to targeted sanctions in the DRC, including an FARDC leader, Innocent Zimurinda. One of the designation criteria was violations of international law regarding children, including the direct and command responsibility for the recruitment of child soldiers.

The Council and the Working Group on Children and Armed Conflict both responded to the attacks in Walikale in the eastern DRC. On 7 September 2010, Assistant Secretary-General of DPKO Atul Khare and UN Special Representative of the Secretary-General on Sexual Violence in Conflict Margot *Wallström* provided a detailed briefing to the Council about the rape of at least 303 people, including children. Following this, the Council President delivered remarks to the press in which he reiterated the Council's strong condemnation of the events.

This incident led the Working Group on Children and Armed Conflict to respond to a crisis for the first time through remarks to the press. It agreed to “elements to the press” (which are less formal than a press statement) on 8 September 2010, which were read out by the Permanent Representative of Mexico, as the then-chair. The Working Group expressed strong condemnation of the events and highlighted the fact that there had been 32 rapes of children. It is likely, given that there was some resistance to any pronouncement from the Working Group, that even press elements would have been unlikely had the Council not made a similar statement the day before.

The Council continued to follow up on the Walikale event, issuing a presidential statement on 17 September 2010, calling on the DRC to bring to justice those

responsible for gross human right violations (S/PRST/2010/17). The lack of any real progress led the Council to urge the DRC to insist upon accountability for these events, first in a presidential statement on 18 May 2011 (S/PRST/2011/1) and then in resolution 1991 of 28 June. It was only on 28 November 2011 that the 1533 DRC Sanctions Committee added an individual to its travel ban and assets freeze list: Ntabo Ntaberi Sheki, leader of the *Mayi-Mayi Sheka* armed group. Among the designation criteria used was the targeting and rape of children and the abduction and recruitment of boys.

During 2011 there were several documented incidents of mass rapes. The Working Group's conclusions, published on 1 March 2011, included agreement to send messages to all the parties to the armed conflict through a public statement by the chair of the Working Group (S/AC.51/2011/1). Among the key points was concern over the findings of direct and command responsibility for the recruitment and use of children by the leaders of the armed groups and two FARDC military commanders in the 2010 final report of the GoE (S/2010/596). The public statement also made reference to the fact that travel and financial sanctions applied not only to political and military leaders operating in the DRC who recruited or used children in armed conflict but also to individuals who committed serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement. Reference was also made to the Committee's decision in August 2010 to add recruitment and use of children to charges against nine individuals already on the consolidated list, as well as the addition of four individuals to the list in December 2010.

More specifically addressing the incidents of mass rape, the Special Representative on Sexual Violence briefed the Council in November and December 2011 and provided the name of an individual for potential listing for acts of sexual violence, but this was not followed up by the 1533 DRC Sanctions Committee.

A period of instability followed the 28 November 2011 election, which President Joseph Kabila won, as post-election violence led to a number of people being killed and wounded as well as arbitrarily detained.

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Resolution 2021, adopted on 29 November, renewed the GoE assisting the 1533 DRC Sanctions Committee, while paying more attention to child protection. It called on specific groups to cease all violence, human rights abuses and international humanitarian law violations, particularly against women and children, including rape and other forms of sexual abuse. However, unlike the corresponding resolution in 2010, it did not contain an explicit request for MONUSCO to share information with the PoE on recruitment and use of children and the targeting of children in situations of armed conflict.

In 2012, the emergence of the M23 rebel group, led by Bosco Ntaganda and made up largely of ex-CNDP members who defected from the FARDC, led to a sharp deterioration in the security situation in the eastern DRC, particularly in North Kivu. Between April and July 2012, hundreds of thousands of civilians were displaced. The intensification of the conflict led to new waves of child recruitment and use by groups in the eastern DRC. The 21 June interim GoE report recommended updating the sanctions list and called on the Council to strongly condemn the practice of child recruitment in the DRC (S/2012/348). (This interim report was controversial as it contained an addendum that addressed the M23 rebellion and provided evidence of Rwandan support for it.) In August 2012, MONUSCO reported about 150 incidents of child recruitment by the M23, Mayi Mayi groups, the FDLR and the LRA since the beginning of 2012.

On 19 October 2012, the Council adopted a presidential statement strongly condemning M23 activities, including the large-scale recruitment and use of child soldiers (S/PRST/2012/22). It also called for perpetrators to be apprehended for violations of applicable international law and brought to justice, singling out those responsible for violence against children and acts of sexual violence. The Council also signalled its intent to impose targeted sanctions on the M23 leadership acting in violation of the sanctions regime, including recruitment and use, killing and maiming, sexual violence, abduction and forced displacement of children. The intention to consider targeted sanctions was reiterated in a 17 November press statement (SC/10819).

At about this time, the annual GoE report

was released publicly (S/2012/843). It caused some strong reactions as it asserted that Defence Minister General James Kabarebe of Rwanda was the *de facto* head of the chain of command of the M23 and that both Rwanda and Uganda had funnelled weapons and troops to the rebels. Council members were aware that with Rwanda joining the Council as an elected member on 1 January 2013, the issue was likely to become divisive the following year.

The GoE report stated clearly that the use and recruitment of child soldiers by armed groups, notably the M23, had increased, and it highlighted that several commanders with histories of child recruitment had overseen the enrolment and training of hundreds of young boys and girls. The GoE estimated that since the formation of the M23 on 4 April 2012, it had recruited more than 250 children in the DRC.

The GoE report also included an annex with information on child recruitment. It named individuals, as well as groups that were recruiting and using children in armed conflict and also provided information on recruitment by foreign armed groups. In addition, the report contained information on sexual violence against minors committed by the M23, FDLR and other rebel groups, as well as the killing of children. It recommended that all armed groups, including the FDLR and M23, immediately release all child soldiers and cease any future recruitment of minors.

On 12 November 2012, the GoE met with the 1533 DRC Sanctions Committee to discuss the GoE's report, and it provided the Committee with a confidential file containing 35 individuals whom the GoE thought should be added to the sanctions list. On the same day, the first new listing in response to the M23 rebellion was added to the consolidated list. The rebellion had begun on 4 April 2012, and it took the Council five-and-a-half months to respond with a sanctions listing. The M23 leader who was listed, Colonel Sultani Makenga, was cited for targeting of children, including killing and maiming, sexual violence, abductions and forced displacement, as well as specific cases of recruitment and rapes, as part of his listing criteria (SC/10812). His name had been put forward by France and the US.

A significant development in October 2012 was the signing of an action plan by the

DRC on preventing the recruitment and use of child soldiers. The action plan included a series of commitments from both sides to end the recruitment and use of children by the FARDC and security services, as well as to end sexual violence against children by these forces. (The FARDC has been on the Secretary-General's list since 2002, when the Secretary-General began listing parties that recruit children in his annual report.)

It appears that the decision to sign the action plan can be traced to the Child Soldiers Protection Act passed by the US Congress in 2008, which came into effect in 2010. According to the act, governments that recruit or use child soldiers in armed forces or government-supported militias are only eligible for assistance to address the issue of child soldiers through the professionalisation of their military. However, the US government in 2010 gave a blanket waiver to a number of offenders, including the DRC. In the next two years it granted only a partial waiver to the DRC, and in 2012 it released a policy statement indicating that the US would not train a second light infantry battalion until the DRC signed a UN action plan to prevent the use and recruitment of child soldiers. It is significant that after years of not agreeing to an action plan, it was the loss of military assistance from the US that prompted the DRC to finally sign an action plan.

The situation deteriorated on 15 November 2012 when, after three months of a *de facto* ceasefire between the M23 and FARDC, fighting broke out in the north of Goma, the provincial capital of North Kivu. By 20 November, the M23 had taken Goma and went on to seize control of towns west of Goma. Also on 20 November, the Council adopted resolution 2076, again signalling its intention to consider additional targeted sanctions against not only the leadership of the M23 but also those providing it with external support—an indirect reference to the allegations made by the GoE about Rwanda and Uganda. It also condemned attacks against the civilian populations and all violations of international humanitarian and human rights law while calling for perpetrators to be held accountable. Additionally, it stressed the need to prevent the forced recruitment of children.

On 28 November 2012, the Council adopted resolution 2078, renewing the DRC

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sanctions regime and the mandate of the GoE. The resolution noted the persistence of human rights abuses and humanitarian law violations committed by the M23 and other armed groups against civilians in the eastern part of the DRC, including the use of child soldiers. It also specifically condemned the M23 attacks and abuses of human rights as well as large-scale recruitment and use of child soldiers and reiterated that those responsible for the crimes would be held accountable. In addition, it demanded that the M23 and other armed groups immediately release child soldiers.

On 30 November 2012, the Sanctions Committee added two M23 leaders to the sanctions list, Baudoin Ngaruye and Innocent Kaina, whose designation criteria included training and recruitment of children (SC/10842). Of note is that the GoE recommended Ngaruye for designation in 2008 and 2009, but it was only in 2012, as the Council focused its attention on the M23, that the Committee moved to add him to the sanctions list.

In an unusual move, the Sanctions Committee issued a press release on 21 December drawing attention to the recommendation in the GoE final report that all armed groups, including the FDLR and M23, immediately release all child soldiers and cease any future recruitment of minors (S/10872).

Finally, on 31 December, at the last possible moment before Rwanda joined the Council on 1 January 2013, the Committee added two more M23 leaders—Eric Badege and Jean-Marie Lugerero Runiga—and two entities—the FDLR and M23—to the sanctions list (SC/10876). Badege and Runiga were included for executing children who were trying to escape, while the indiscriminate killing of women was also used as a designation criterion for Badege. The press statement also specifically stated that the M23 had been receiving assistance from the Rwandan Defence Forces (RDF).

Despite the sustained attention of the Council on this issue, throughout much of 2013 the conflict in eastern DRC persisted. The new listings at the end of 2012 did not slow down violations against children in any discernable way, and the Committee made no additional designations in 2013 despite the continuing conflict. It seems in August 2013 the US put forward the names of two M23 members to be added to the sanctions

list, but Rwanda blocked them. (The US did not, however, take the issue to the Council for a vote.) In addition, the GoE had difficulty operating in Rwanda in 2013. Only four of the six experts were allowed into Rwanda during their visit in March. Rwanda stated in the Committee that it refused to cooperate with two of the experts after the GoE 2012 annual report (S/2012/843) accused Rwanda of providing support to the M23.

While there were difficulties in the Sanctions Committee as a result of push-back from Rwanda, there were a number of major developments on the political front that by the end of the year led to the surrender of the M23 rebels.

On 24 February 2013, the Secretary-General signed the PSC Framework in Addis Ababa, along with eight countries in the region (Angola, Burundi, Congo, the DRC, Rwanda, South Africa, Tanzania and Uganda). This political framework agreement committed the DRC to enhancing the DDR process. Countries in the region signing the agreement committed to not assisting rebel groups operating in the DRC.

On 22 March, Bosco Ntaganda surrendered to the ICC. The Council released a press statement that same day welcoming his surrender while expressing concern that Sylvestre Mudacumura, commander of the FDLR, was still at large (SC/10956).

On 28 March, the Council extended MONUSCO's mandate in resolution 2098 and authorised an intervention brigade specifically mandated to neutralise and reduce the threat posed by armed groups operating in the eastern DRC. As part of MONUSCO, the brigade was also mandated to perform all of the regular mission tasks, including the protection of civilians, which included grave violations of children.

MONUSCO and the Special Representative for Children and Armed Conflict issued a joint statement on 10 June 2013, expressing concern over children at risk of being recruited by the M23 in North Kivu. Of particular concern was a group of 53 children in Nyiragongo that had been previously recruited by the M23 and escaped from the rebels but were again being sought by the M23.

The mid-term report of the GoE published on 19 July 2013 includes a section on child recruitment that contained substantive information on the recruitment of children

by a number of armed groups, including the M23 (S/2013/433). It also noted that Innocent Kaina, a colonel with the M23 who is on the sanctions list, continued to be involved in the recruitment of children. The listing of an individual for recruitment of children in this case did not appear to have much effect in stopping the violations against children.

Following the suspension of the Ugandan-mediated Kampala peace talks between the DRC and the M23, fighting resumed between the latter and the FARDC on 25 October 2013. The FARDC offensive forced the M23 to retreat until finally on 5 November the rebel group declared an end to its military operations, adding that “commanders are requested to prepare the troops for the process of disarmament, demobilisation and social reintegration whose terms are to be agreed with the Congolese government”. The head of the M23, Sultani Makenga, who is on the Sanctions Committee list, surrendered to Ugandan officials on 7 November, reportedly along with roughly 1,500 rebels.

The Council adopted a presidential statement on 14 November 2013 following the surrender of the M23, calling for the conclusion and implementation of an agreed outcome that provides for the DDR of the M23 and accountability for human rights abuses (S/PRST/2013/17). In this statement, the Council paid particular attention to the need to protect and consider as victims those children who had been released or otherwise separated from armed forces and armed groups and to pay attention to the protection, release and reintegration of these children. The Council also urged the DRC to continue implementing the action plan. It also condemned the recruitment and use of children and called on armed groups to demobilise children from their ranks.

Following a few weeks of wrangling over the peace agreement, on 10 December 2013 the DRC signed a peace deal with the M23.

MONUSCO and the intervention brigade are now focused on working to neutralise the threat posed by the FDLR, in addition to other rebel groups such as the Allied Democratic Forces-National Army for the Liberation of Uganda, the LRA and various Mai Mai groups. In its 14 November presidential statement on the DRC, the Council stressed the importance of accomplishing this goal.

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The ICC and the DRC

In 2012 and 2013 there were key developments involving ICC indictees accused of violations against children.

On 14 March 2012, ICC Trial Chamber I found Thomas Lubanga Dyilo guilty of the war crime of enlisting and conscripting children under the age of 15 and using them to participate actively in hostilities in the DRC. He was sentenced on 10 July 2012 to a total of 14 years imprisonment and is currently appealing this sentence.

Since the 19 April 2004 referral of the situation in the DRC to the ICC, seven arrest warrants have been issued for war crimes and crimes against humanity against Thomas Lubanga Dyilo, Germain Katanga, Mathieu Ngujolo Chui (who was acquitted of all charges and released by the ICC in December 2012), Bosco Ntaganda (two arrest warrants were issued for him and he surrendered in March 2013), Sylvestre Mudacumura (who is still at large) and Callixte Mbarushimana (who was released in 2011 as the ICC could not confirm the charges against him due to insufficient evidence). Four of these arrest warrants were issued on counts of enlisting and using children under the age of 15 to participate actively in hostilities (Lubanga, Katanga, Chui and Ntaganda). All six individuals are also on the 1533 DRC Sanctions Committee list.

Observations

Unlike Côte d'Ivoire, the DRC can be seen as an example of how, despite the Security Council and the Working Group having all the right conditions for putting pressure on

those involved in violations against children, for many years there was little progress. The lack of a unified, strong political will among Council members to impose sanctions was a major stumbling block. While the Council over the years provided MONUC/MONUSCO with a strong protection mandate, including a focus on child protection and sexual violence, divisions within the Council led to poor implementation of Council decisions.

The first glimmer of change was seen in 2009 with the inclusion in resolution 1882 of the recommendation for “enhanced communication” between the Working Group, the Special Representative for Children and Armed Conflict and relevant sanctions committees. This created a communication channel, which seemed to speed up adding violations against children to the designation criteria of individuals and entities committing violations against children in the DRC.

However, real change came only with the emergence of the M23 and the continuing unrest in the eastern DRC, moving the Council towards greater unity as the rapidly deteriorating situation called for a new approach. This led to listings of individuals and entities at the end of 2012, as well as the decision in 2013 to authorise an intervention brigade with the mandate to deal with the threat posed by armed groups. While there were questions raised about possible implications if peacekeepers in the brigade were seen as parties to the conflict, over the year the success of joint operations with the FARDC led to a positive view of the more assertive MONUSCO role among Council members.

While there have been positive developments in the last two years in the sanctions area and with relation to the signing of an action plan, the full impact from listing individuals and the DRC committing to an action plan to end recruitment and use of children has yet to be seen. With the surrender of the M23, there may be an opportunity to increase pressure on other armed groups involved in recruiting children that the Working Group on Children and Armed Conflict and the Sanctions Committee may wish to pay attention.

Our examination of the relationships among the Council, the 1533 DRC Sanctions Committee and the ICC shows that better linkages allowing for a flow of information would be beneficial given the overlap in individuals and entities that are on the sanctions list and those with ICC arrest warrants.

This case study shows that while the political will to apply pressure through sanctions can send a strong signal of commitment to ending violations against children, ultimately real change in behaviour may require significant change in the political situation or the denial of resources. While pressure through the Working Group and the 1533 DRC Sanctions Committee may not have been the main driver in improving the situation for children in the DRC, the focus on this issue in recent years has helped raise the profile of the situation of children and armed conflict in the Council, creating a greater interest in holding those responsible for violations against children accountable.

Council Dynamics

Since 2011 the composition of the Council has not been particularly conducive to moving the children and armed conflict agenda forward. Getting consensus on the resolution in 2012 and presidential statement in 2013 on children and armed conflict proved difficult, largely as a result of a shift by some Council members to try to narrow the focus of this issue. In 2012 there were two members on the Council (India and Pakistan) that were mentioned in the body of the Secretary-General's report, and one member

(Colombia) was listed in Annex II of the Secretary-General's annual report. All these countries, together with such members as Azerbaijan, China and Russia, felt strongly that the children and armed conflict agenda had gone beyond its mandate, and there was strong pushback to limit the scope of the agenda to a more narrowly defined idea of “situations of concern”.

In line with this sentiment, Azerbaijan, China, Pakistan and Russia abstained on resolution 2068. While this was in line with

the increasingly difficult negotiations on decisions about thematic issues with a human rights dimension, the abstentions were also a protest by these Council members, who felt this issue had in fact begun to be too widely interpreted by the Special Representative. Many of these member countries also had issues with what they saw as discrimination and double standards. They felt that there was selectivity in the issues being highlighted.

Negotiations over Council decisions and Working Group conclusions have been

Council Dynamics (con't)

affected by these dynamics. Overall, there appears to have been a clear desire by a number of members not to introduce new language or concepts and a strong preference for language from past resolutions, particularly resolution 1612 (2005) and resolution 2068 (2012). Some members believed it was important to stay within the framework of resolution 1612, as they felt that over the years there had been too wide an interpretation of the Special Representative's mandate. Negotiations over some of the Working Group conclusions have also been slowed down at times by other members who, while supportive of the issue of children and armed conflict, had specific concerns, often related to national interest.

As a couple of members with strong views on limiting the scope of this agenda left the Council on 31 December 2012, the composition in 2013 was expected to be more conducive to more innovative approaches to this issue. However, it became clear with the negotiations over the presidential statement in 2013 that differences that had emerged over the last two years were still present among several permanent and elected members. In addition, the impact of the constant wrangling over certain issues appeared to have led members who might have been more innovative in the past to lower their expectations of what could be achieved.

Even the push for greater accountability and pressure on persistent perpetrators appears to have diminished. Overall, the efforts to ensure that the scope of this issue was not limited has meant that little energy has been devoted to the next steps for achieving progress in ending violations against children in situations of conflict.

Elected members such as Argentina, Australia, Republic of Korea and Luxembourg (which is also the chair of the Working Group), together with France and the UK, are very supportive of the issue. Faced with strong pushback from some of the other members, they channelled their energy into ensuring that there was no rollback on this issue. As noted in 2011, permanent members that have been involved in developing the children and armed conflict agenda over the years, such as France and the UK, continue to support it, but their focus has shifted to other issues more recently. The UK, for example, has channelled its energies into the issue of sexual violence. For some years now, the US has shown little interest in this issue, to the extent that it refused to have the annual children and armed conflict debate during its July 2013 presidency of the Council.

The role of the chair of the Working Group has emerged over these two years as a key factor in ensuring that the issue of children and armed conflict is integrated into the

country-specific work of the Security Council. Germany in 2012 and Luxembourg in 2013 brought their own styles to this position, but both were strongly committed to the issue, working to insert appropriate child-protection language in Council decisions whenever possible.

As a result, as we saw in our analysis of country-specific resolutions and presidential statements, the issue of children and armed conflict continues to be included at the country-specific level. It appears that the outcome of decisions at the thematic level has been particularly affected by the difficult dynamic on the Council, which has affected all thematic issues over the period under study.

A number of Council members are aware that after a period of innovative developments, the children and armed conflict agenda has stagnated and is at risk of being overshadowed by other thematic issues, such as women, peace and security. However, the current mood in the Security Council is not particularly conducive to making major changes in the children and armed conflict architecture. In the last few years, it has been a challenge simply to ensure that the very qualities that have made this such a unique issue—such as the Secretary-General's ability to look at all situations of armed conflict rather than just those on the agenda of the Security Council—was not curtailed.

Looking Ahead: Possible Future Options

More systematic follow-up of Council decisions is needed. The children and armed conflict architecture set up by resolution 1612 has allowed for regular monitoring and reporting on the ground, but over time the Council has allowed the Working Group to take the lead on this issue. A first step towards giving the Council a better understanding of what is happening to children in conflict situations would be to provide more systematic feedback on this issue. Options that would allow for this are:

- requesting the Secretary-General to include a separate section on the implementation of Working Group recommendations in his country-specific reports on children and armed conflict;
- requesting the Special Representative for Children and Armed Conflict to regularly brief the Council on situations on the agenda that have a children and armed conflict dimension (this could be particularly useful when establishing or renewing a UN mission);
- having the Working Group chair brief the Council when Working Group conclusions are adopted on a children and armed conflict country-specific report or following a field visit by the Working Group (this could be done informally by using the “any other matters” part of Council consultations);
- having DPKO, DPA and relevant senior officials, as part of their regular briefings, update the Security Council on issues relevant to children and armed conflict, including implementation and issues related to resources and capacity building;
- including children and armed conflict issues in regular briefings by the Secretary-General, Special Envoys and Special Representatives; and
- ensuring that commissions of inquiry, as well as their missions and briefings, include a children and armed conflict dimension with an emphasis on recommendations to advance accountability, justice and protection for children affected by armed conflict.

While children and armed conflict issues have become more firmly established in

Looking Ahead: Possible Future Options (con't)

Council country-specific decisions over the years, the approach generally has been to tack on new information rather than reframing the information more holistically. This has sometimes led to a pattern of similar language emerging in different mandate renewals. Rather than reusing previously agreed to language, a possible option as a general practice would be for the Working Group to meet before a UN mission is established or renewed to brainstorm what sort of children and armed conflict language would be most appropriate on a case-by-case basis.

As we highlighted earlier, the Working Group has moved from being a nimble, flexible body to a more rigid, formal structure with entrenched working methods. Among the issues faced by the Working Group in recent years are: obtaining relevant, current information that can be used as the basis for its conclusions; long negotiation periods due to lack of consensus; and little response to recommendations. Options for the Working Group include:

- having more sessions on specific issues, such as the one it held on persistent perpetrators in 2013;
- requesting feedback from parties on requests in conclusions in order to track the impact of the tools being used. In this regard, inviting representatives from the state being considered in a Secretary-General's report on children and armed conflict to meet with the Working Group following the adoption of conclusions might be useful;
- discussing alternatives to conclusions as a means of conveying the Working Group's messages to the parties on the Secretary-General's annexes;
- brainstorming new tools that could be used to put pressure on the parties, particularly persistent perpetrators;
- agreeing on a process to adopt conclusions on a regular cycle so that all situations listed in the annual report are considered before the publication of the next annual report (not having a deadline has meant that negotiation times have varied widely over the last two years from three months to more than a year);
- making the GHN a formal UN document so that the information can be used in conclusions; and
- holding regular Arria formula meetings

with relevant parties, including CPAs and NGOs involved in child protection, in order to obtain more current information.

Another option which would tap into existing resources would be to institute more regular contact with CPAs in UN missions for situations being considered by the Working Group, as well as with the child protection or human rights experts on the GoEs and PoEs of sanctions committees. This could provide the Working Group with up-to-date, relevant information which could be useful in creating specific recommendations for parties on the Secretary-General's annexes. In addition, creating such channels of communication might provide the Working Group with new insights that could provide the impetus to create new tools to put pressure on persistent perpetrators, or to develop a strategy for imposing sanctions when there is no sanctions committee, as is the case with Annex II situations and new situations on the Council's agenda such as Mali and Syria. It would also provide an insight into any difficulties in implementing Council resolutions on the ground, as well as provide greater clarity on the training and resource needs for protection of children in UN missions.

Options related to greater accountability include:

- making interaction between the Working Group, the Special Representative and PoEs or GoEs of relevant sanctions committees a more regular practice (We saw in our analysis of Council decisions less focus on communicating with sanctions committees and weaker language on sanctions in 2013. The case study on the DRC showed the usefulness of greater interaction between the Special Representative and the 1533 DRC Sanctions Committee. A regular exchange of information could also provide useful information to the Working Group on the activities of individuals from groups listed in the Secretary-General's annexes.);
- developing specific practices in relation to the ICC, such as:
- having the Chair transmit the Working Group's conclusions of relevant situations to the ICC Prosecutor as a matter of course; and
- having regular briefings of the Working Group by the ICC Prosecutor (One possibility might be to schedule these briefings

at the same time as the ICC Prosecutor's Security Council briefings; currently the Council gets at least three briefings a year from the ICC Prosecutor: one general briefing on ICC activities, as well as briefings on ICC activities related to Sudan and Libya.);

- harmonising designation criteria for listed individuals in sanctions committees with relevant charges in international justice mechanisms;
- spelling out violations against children as clear designation criteria for all relevant sanctions committees (All four relevant sanctions committees—1572 Côte d'Ivoire, 1533 DRC, 751 Somalia and 1591 Sudan—have language that amounts to allowing violations against children to be used as designation criteria. Only the DRC and Somalia Sanctions Committees clearly specify children, rather than human rights abuses, as the designation criterion.);
- making a concerted effort in the sanctions committees to list individuals involved in violations against children (There was little movement in 2012 and 2013 in terms of new listings.); and
- expanding the designation criteria of the 1267 Al-Qaida Committee and 1988 Afghanistan Sanctions Committee to include violations against children. Particular effort should be made to include attacks on schools and hospitals as designation criteria for the 1988 Afghanistan Committee since the Taliban have been listed in the Secretary-General's annexes for such attacks. So far the 1988 Sanctions Committee, which is the appropriate vehicle to tackle this violation, has shown no willingness to do so.

While the “naming and shaming” approach has worked in terms of getting some armed groups to stop recruitment of children, it might be useful to combine this with a greater focus on prevention. The Secretary-General could use his Article 99 powers to draw the attention of the Council, during briefings under “any other business” or as part of the DPA “horizon scanning” briefings, to situations where child violations are likely to take place in situations which in his opinion threaten the maintenance of international peace and security. In line with this approach, the Council may also wish to consider trying

Looking Ahead: Possible Future Options (con't)

to prevent violations against children in conflict situations by offering possible “carrots” as well as highlighting the repercussions of violations, such as targeted sanctions.

In 2014, there may be two open debates.

The first debate is expected to take place while Luxembourg is presiding over the Council in March, with the second later in the year to consider the Secretary-General’s annual report. This provides an opportunity

for a two-step process that could result in providing a new direction for the children and armed conflict agenda.

Annex I: UN Documents and Useful Additional Resources

SECURITY COUNCIL THEMATIC RESOLUTIONS

Children and Armed Conflict

[S/RES/2068](#) (19 September 2012) was on children and armed conflict and expressed the Council’s commitment to deal with persistent perpetrators of violations against children.

[S/RES/1998](#) (12 July 2011) expanded the criteria for listing parties to conflict in the Secretary-General’s report on children and armed conflict to include parties that attack or threaten schools and hospitals.

[S/RES/1882](#) (4 August 2009) was the children and armed conflict resolution that expanded the trigger to include killing and maiming and sexual violence.

[S/RES/1612](#) (26 July 2005) requested the Secretary-General to implement a monitoring and reporting mechanism and set up a working group on children and armed conflict.

[S/RES/1539](#) (22 April 2004) asked for an action plan for a systematic and comprehensive monitoring and reporting mechanism on recruitment and use of child soldiers.

[S/RES/1460](#) (30 January 2003) requested specific proposals to ensure more efficient and effective monitoring and reporting on children and armed conflict. It also asked the Secretary-General to include this issue in his country-specific reports.

[S/RES/1379](#) (20 November 2001) requested the Secretary-General to attach to his annual report on children and armed conflict a list of parties that recruit or use children.

[S/RES/1314](#) (11 August 2000) identified areas of concern.

[S/RES/1261](#) (30 August 1999) condemned the targeting of children in situations of armed conflict, urged parties to armed conflict to take into consideration protection of children and requested states to facilitate DDR.

Other Thematic Resolutions

[S/RES/2122](#) (18 October 2013) was on women, peace and security and addressed persistent gaps in the implementation of this issue.

[S/RES/2117](#) (26 September 2013) was on small arms and the illicit transfer, destabilising accumulation and misuse of small arms and light weapons in conflict prevention and post-conflict peacebuilding.

[S/RES/2106](#) (24 June 2013) was on women, peace and security and focused on accountability for perpetrators of sexual violence in conflict.

[S/RES/2086](#) (21 January 2013) was on UN peace-keeping, reiterating the importance of including provisions on children and armed conflict, including through the appointment of child protection advisers, in establishing and renewing the mandates of UN missions.

Security Council Sanctions Resolutions

[S/RES/2111](#) (24 July 2013) renewed the Somalia/Eritrea Monitoring Group and sanctions regime.

[S/RES/2091](#) (14 February 2013) renewed the Sudan sanctions regime and the Panel of Experts, and requested the Panel of Experts to provide the Sudan 1591 Sanctions Committee with information on individuals who commit atrocities, including grave abuses against children and other individuals.

[S/RES/2078](#) (28 November 2012) on the DRC sanctions regime and decided to take measures against individuals committing serious human rights abuses, including sexual and gender-based violence, specifically mentioning the M23.

[S/RES/2045](#) (26 April 2012) and [S/RES/1980](#) (28 April 2011) were on the Côte d’Ivoire sanctions regime and welcomed information-sharing between the Special Representative and the 1572 Sanctions Committee.

[S/RES/2002](#) (29 July 2011) expanded the targeted sanctions relating to Somalia to include violations of international law involving the recruitment and use of children in armed conflict and the targeting of civilians, including children and women.

[S/RES/1807](#) (31 March 2008) expanded the DRC sanctions regime to include individuals operating in the DRC and committing serious violations of international law involving the targeting of children or women.

[S/RES/1698](#) (31 July 2006) expanded the DRC sanctions regime to include in the designation criteria recruitment or use of children in armed conflict or the targeting of children.

Other Country-Specific Security Council Resolutions

[S/RES/2127](#) (5 December 2013) authorised MISCA and a French intervention force.

[S/RES/2124](#) (12 November 2013) increased the troop ceiling of AMISOM.

[S/RES/2121](#) (10 October 2013) updated BINUCA’s mandate in five areas.

[S/RES/2120](#) (10 October 2013) reauthorised ISAF.

[S/RES/2119](#) (10 October 2013) renewed MINUSTAH.

[S/RES/2113](#) (30 July 2013) extended UNAMID’s mandate for one year.

[S/RES/2112](#) (30 July 2013) renewed UNOCI’s mandate until 30 July 2014.

[S/RES/2109](#) (11 July 2013) extended UNMISS’ mandate until 15 July 2014.

[S/RES/2102](#) (2 May 2013) established UNSOM.

[S/RES/2100](#) (25 April 2013) established MINUSMA.

[S/RES/2098](#) (28 March 2013) reinforced MONUSCO and established the intervention brigade.

[S/RES/2096](#) (19 March 2013) renewed UNAMA.

[S/RES/2093](#) (6 March 2013) reauthorised AMISOM.

[S/RES/2085](#) (20 December 2012) authorised the deployment of AFISMA.

[S/RES/2076](#) (20 November 2012) was on the situation in the DRC and condemning attacks by the M23 rebel group.

[S/RES/2071](#) (12 October 2012) was on the situation in Mali.

[S/RES/2053](#) (27 June 2012) extended the mandate of MONUSCO.

[S/RES/2057](#) (5 July 2012) extended the mandate of UNMISS.

[S/RES/2046](#) (2 May 2012) called for an immediate cessation of all hostilities between Sudan and South Sudan.

[S/RES/2043](#) (21 April 2012) established UNSMIS.

SECURITY COUNCIL PRESIDENTIAL STATEMENTS

Children and Armed Conflict

[S/PRST/2013/8](#) (17 June 2013); [S/PRST/2010/10](#) (16 July 2010); [S/PRST/2009/9](#) (29 April 2009); [S/PRST/2008/28](#) (17 July 2008); [S/PRST/2008/6](#) (12 February 2008); [S/PRST/2006/48](#) (28 November 2006); [S/PRST/2006/33](#) (24 July 2006); [S/PRST/2005/8](#) (23 February 2005); [S/PRST/2002/12](#) (7 May 2002); [S/PRST/1998/18](#) (29 June 1998)

Security Council Country-Specific Presidential Statements

[S/PRST/2013/17](#) (14 November 2013) called for a swift conclusion and implementation of a final and comprehensive agreement that provides for the disarmament and demobilisation of the M23 rebel group including children.

Annex I: UN Documents and Useful Additional Resources (con't)

[S/PRST/2013/15](#) (2 October 2013) was on the humanitarian situation in Syria condemning grave violations against children.

[S/PRST/2012/28](#) (19 December 2012) was on the Central African region and the LRA.

[S/PRST/2012/22](#) (19 October 2012) was on the DRC, condemning the activities of the rebel group M23.

[S/PRST/2012/19](#) (31 August 2012) welcomed an agreement between the government of Sudan and the SPLM-N to enable the delivery of humanitarian aid in Southern Kordofan and Blue Nile.

[S/PRST/2012/18](#) (29 June 2012) was on the Central African region and the LRA.

SECRETARY-GENERAL'S REPORTS

Thematic Reports on Children and Armed Conflict

[S/2013/245](#) (15 May 2013); [S/2012/261](#) (26 April 2012); [S/2011/250](#) (23 April 2011); [S/2010/181](#) (13 April 2010); [S/2009/158](#) (26 March 2009); [S/2007/757](#) (21 December 2007); [S/2006/826](#) (26 October 2006) and [Corr.1](#) (5 December 2006); [S/2005/72](#) (9 February 2005); [S/2003/1053](#) (10 November 2003), [Corr. 1](#) (20 February 2004) and [Corr. 2](#) (19 April 2004); [S/2002/1299](#) (26 November 2002); [S/2001/852](#) (7 September 2001); [S/2000/712](#) (19 July 2000)

Country-Specific Reports on Children and Armed Conflict

[S/2013/419](#) (12 July 2013) was on the Philippines.

[S/2013/383](#) (28 June 2013) was on Yemen.

[S/2012/365](#) (25 May 2012) was on the Central African Region (CAR, the DRC, Sudan and South Sudan).

[S/2012/171](#) (21 March 2012) was on Colombia.

[S/2011/793](#) (21 December 2011) was on Sri Lanka.

[S/2011/413](#) (5 July 2011) was on Sudan and South Sudan.

SECURITY COUNCIL MEETING RECORDS

Debates on Children and Armed Conflict

[S/PV.6980](#) (17 June 2013); [S/PV.6838](#) and [Resumption 1](#) (19 September 2012); [S/PV.6581](#) and [Resumption 1](#) (12 July 2011); [S/PV.6341](#) and [Resumption 1](#) (16 June 2010); [S/PV.6176](#) (4 August 2009); [S/PV.6114](#) and [Resumption 1](#) (29 April 2009); [S/PV.5936](#) (17 July 2008); [S/PV.5834](#) and [Resumption 1](#) (12 February

2008); [S/PV.5573](#) and [Resumption 1](#) (28 November 2006); [S/PV.5494](#) and [Resumption 1](#) (24 July 2006); [S/PV.5129](#) (23 February 2005) and [Resumption 1](#) (23 February 2005); [S/PV.4948](#) (22 April 2004); [S/PV.4898](#) and [Resumption 1](#) (20 January 2004); [S/PV.4695](#) (30 January 2003); [S/PV.4684](#) and [Resumption 1](#) (14 January 2003); [S/PV.4528](#) (7 May 2002); [S/PV.4423](#) (20 November 2001); [S/PV.3896](#) (29 June 1998)

WORKING GROUP CONCLUSIONS

[S/AC.51/2013/3](#) (9 December 2013) was on Yemen.

[S/AC.51/2013/2](#) (16 August 2013) was on Myanmar.

[S/AC.51/2013/1](#) (22 April 2013) was on the Central African region.

[S/AC.51/2012/4](#) (21 December 2012) was on Colombia.

[S/AC.51/2012/3](#) (21 December 2012) was on Sri Lanka.

[S/AC.51/2012/2](#) (11 October 2012) was on South Sudan.

[S/AC.51/2012/1](#) (11 October 2012) was on Sudan.

SECURITY COUNCIL LETTERS

[S/2013/710](#) (27 November 2013) was the letter conveying the annual report of the activities of the Working Group on Children and Armed Conflict to the president of the Security Council.

[S/2013/158](#) (13 March 2013) was from Liechtenstein transmitting the report from the Princeton Workshop that focused on approaches to increase pressure on persistent perpetrators.

[S/2012/685](#) (6 September 2012) was from Germany conveying the concept note for the 19 September debate on children and armed conflict.

GENERAL ASSEMBLY DOCUMENTS

[A/68/267](#) (5 August 2013); [A/67/257](#) (6 August 2012); [A/66/256](#) (3 August 2011); [A/65/219](#) (4 August 2010); [A/64/254](#) (6 August 2009); [A/63/227](#) (6 August 2008); [A/62/228](#) (13 August 2007); [A/61/275](#) (17 August 2006); [A/60/335](#) (7 September 2005) and [Corr.1](#) (23 November 2005); [A/59/426](#) (8 October 2004); [A/58/328](#) (29 August 2003) and [Corr. 1](#) (16 January 2004); [A/57/402](#) (25 September 2002); [A/56/453](#) (9 October 2001); [A/55/442](#) (3 October 2000); [A/54/430](#) (1 October 1999); and [A/53/482](#) (12

October 1998) were the reports by the Special Representative to the Secretary-General for Children and Armed Conflict.

[A/RES/51/77](#) (20 February 1997) recommended that the Secretary-General appoint for a period of three years a Special Representative for the impact of armed conflict on children.

[A/51/306.Add1](#) (9 September 1996) was the Machel Report on children and armed conflict.

[A/RES/48/157](#) (7 March 1994) recommended that the Secretary-General appoint an independent expert to study the impact of armed conflict on children.

[A/44/736](#) (17 November 1989) and [Corr.1](#) (20 November 1989) adopted and opened for signature, ratification and accession the Convention on the Rights of the Child.

USEFUL ADDITIONAL RESOURCES

Briefing on the Situation of Underage Recruitment and Use of Armed Forces and Groups in Myanmar, Child Soldiers International, May 15, 2013.

Action Plans to Prevent and End Violations Against Children, Watchlist on Children and Armed Conflict, April 2013.

A Checklist for Mainstreaming: Children and Armed Conflict-Friendly Security Council Resolutions, Watchlist on Children and Armed Conflict, March 2013.

Working Methods 2006-2012: Strengthening the Impact of the Security Council Working Group on Children and Armed Conflict, Watchlist on Children and Armed Conflict, January 2013.

Strengthening the Impact of the Security Council Working Group on Children and Armed Conflict, Briefing Note to the Security Council, Watchlist on Children and Armed Conflict, July 2012

Security Council Engagement on the Protection of Children in Armed Conflict: Progress Achieved and the Way Forward, Ambassador Jean-Marc de La Sabliere, June 2012.

Mainstreaming the protection rights, and well-being of children affected by armed conflict within UN Peacekeeping Operations, DPKO and DFS, 1 June 2009.

Machel Study 10-year strategic review, Children and Conflict in a Changing World, UNICEF, April 2009.

Annex II: Methods of Research

This is Security Council Report's sixth *Cross-Cutting Report on Children and Armed Conflict*. The first report in 2008 examined relevant data from 2003 to 2007 in resolutions, presidential statements, Council missions, Secretary-General's reports, peace agreements and peacekeeping mandates and tried to assess the degree to which the thematic issue of children and armed conflict had been addressed and reflected in the mainstream of the Council's overall work on country-specific situations.

That report also examined the impact of the 2005 adoption of resolution 1612, which set up a monitoring and reporting mechanism and established the Security Council Working Group on Children and Armed Conflict.

Our 2008 report also provided a baseline for subsequent reports published in April 2009, June 2010, July 2011, and August 2012. These reports built on the historical

background of the issue and analysed data for the years following our first report. They also highlighted key trends and options for the Council and the Working Group on Children and Armed Conflict over those years. This sixth report continues the series by assessing developments in 2012 and 2013, analysing statistical information on this thematic issue in country-specific decisions of the Council and trends in 2012 and 2013.

Information was obtained through research interviews with past and present members of the Working Group on Children and Armed Conflict, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, members of the Group of Friends of Children and Armed Conflict and NGOs, as well as from publicly available documents.

Statistical data was obtained from documents of the Council and international legal documents. In analysing Council statistics,

only those decisions that were relevant (i.e., decisions that could reasonably be expected to include some consideration of child-protection issues) were assessed, rather than the total number of Council decisions adopted. As a result, several technical and other decisions not relevant to children's issues were excluded from the comparison. In the case of Secretary-General's country-specific reports, because the Council had made a decision that children's issues should be included in all reports our analysis is based on the total number of these reports.

The relatively small number of relevant decisions made in the period studied does not allow for accurate statistical conclusions. Rather, the study uses the numerical data to establish possible evolving patterns in the work of the Council on children and armed conflict.

Annex III: Background Information

Historical Development of the Issue of Children and Armed Conflict

From the late 1990s the Council started to pay sustained attention to the issue of children in war zones. Members expressed concern about the huge rise in the numbers of displaced families and communities, refugee flows across borders and the use of child soldiers—conditions conducive to long-term regional and international instability.

The protection of war-affected children was first spotlighted at the World Summit for Children in 1990. In the follow-up to the World Summit, the General Assembly debates on children and armed conflict continued to draw international attention to the fate of children in war-torn areas.

In 1993, the General Assembly asked the Secretary-General to undertake a study of the impact of armed conflict on children. The Secretary-General appointed Graça Machel, a former Minister of Education in Mozambique, to conduct it. Her 1996 report, *Impact of Armed Conflict on Children*, laid the foundation for a comprehensive international agenda for action. Among her recommendations was that:

The Council should therefore be kept continually and fully aware of humanitarian concerns, including child specific concerns in its actions to resolve conflicts, to keep or to enforce peace or to implement peace agreements. (A/51/306, para.282)

The Machel Report led to the creation of the post of the Special Representative of the Secretary-General for Children and Armed Conflict and the appointment in September 1997 of Olara Otunnu as the first executive. In June 1998, he was invited to brief the Security Council in what was the Council's first open debate on the subject. The debate gave rise to the first Council decision on the issue, a presidential statement adopted on 29 June 1998, which placed this issue squarely on the international security agenda.

Since 1998, the Council has been actively seized of this issue. In recent years this topic has emerged as the most developed and innovative of the thematic issues. Regular Council debates are held, nine resolutions have been adopted and a working group and monitoring and reporting mechanism have been created to provide regular country-specific reports and recommendations.

Security Council Resolutions on Children and Armed Conflict

The first two resolutions, 1261 of 1999 and 1314 of 2000, identified areas of concern, such as the protection of children from sexual abuse; the linkage between small arms proliferation and armed conflict; and the inclusion of children in DDR initiatives. At this early stage, the resolutions contained essentially generic statements and had a limited impact.

From 2001 onwards the resolutions included concrete provisions. One of the most groundbreaking and controversial was the request in resolution 1379 of November 2001 for the Secretary-General to attach to his report:

a list of parties to armed conflict that recruit or use children in violation of the international obligations applicable to them, in situations that are on the Security Council's agenda or that may be brought to the attention of the Security Council by the Secretary-General, in accordance with Article 99 of the Charter of the United Nations, which in his opinion may threaten the maintenance of international peace and security...

Nevertheless, there was little evidence on

Annex III: Background Information (con't)

the ground that these measures were successful in getting armed groups and governments to stop violations of international norms. In light of this, in 2003 in resolution 1460, the Council endorsed the Secretary-General's call to move into an "era of application". The Secretary-General was asked:

- to report on the progress made by parties in stopping the recruitment or use of children in armed conflict;
- to develop specific proposals for monitoring and reporting on the application of international norms on children and armed conflict; and
- to include protection of children in armed conflict as a specific aspect of all his country-specific reports.

A further decision in 2004, in resolution 1539, requested that the Secretary-General "devise urgently" an Action Plan for a comprehensive monitoring and reporting mechanism that could provide accurate and timely information on grave violations against children in war zones. The resolution asked for parties listed in the Secretary-General's reports to prepare concrete plans to stop the recruitment and use of children in armed conflict.

A major breakthrough came the following year in resolution 1612 with the establishment of a formal monitoring and reporting mechanism and a Security Council Working Group on Children and Armed Conflict. The Council agreed to set up a mechanism to report on killings, abduction, abuse and sexual exploitation of children in armed conflict, the recruiting of child soldiers and attacks on schools and hospitals. The resolution was partly a response to the lack of accurate information and action plans requested in resolution 1539 and aimed at stopping the use of child soldiers and the exploitation of children in war zones by governments and insurgent armed groups.

Negotiations, led by France and Benin, took months, with many states wary about targeting individual countries. The resolution also reaffirmed the Council's intention to consider imposing targeted sanctions, including arms embargoes, travel bans and financial restrictions, against parties that continued to violate international law relating to children in armed conflict.

Resolution 1882 was adopted on 4 August 2009. It expanded the criteria for identifying

state and non-state parties that could be included in the Secretary-General's annexes to include killing and maiming and/or rape and other sexual violence against children. The resolution also called on parties engaged in killing and maiming and sexual violence against children to prepare action plans outlining steps to stop these crimes.

Resolution 1998 was adopted on 12 July 2011. It expanded the criteria for inclusion in the annexes of the report on children and armed conflict to parties that engage in recurrent attacks on schools and hospitals in armed conflicts, as well as recurrent attacks or threats of attacks against schoolchildren and educational medical personnel. This resolution also asked the Working Group to consider within one year a broad range of options for increasing pressure on persistent perpetrators of violations and abuses committed against children in situations of armed conflict.

Resolution 2068 was adopted on 19 September 2012 by a vote of 11 in favour to none against with 4 abstentions (Azerbaijan, China, Pakistan and Russia). This is the first time a resolution on children and armed conflict was not adopted unanimously. This resolution had a strong focus on persistent perpetrators and justice and impunity, reiterating concern about persistent perpetrators and calling upon member states to bring to justice those responsible for such violations through national and international justice systems. It also reiterated the Council's readiness to adopt targeted and graduated measures against persistent perpetrators. It also reiterated its call to the Working Group on Children and Armed Conflict to consider a range of options for increasing pressure on persistent perpetrators. Significantly, it requested the Secretary-General to continue to submit annual reports to the Council, triggering an annual cycle of reports.

Secretary-General's Reports on Children and Armed Conflict

The Secretary-General's reports have played a key role in the conceptual development of this issue in partnership with the Council. The early reports began by documenting the problem and describing situations where children were affected by armed conflict. But beginning in 2002, the reports of the Secretary-General began to call for a strengthened

framework and a move towards action. This sought to address the lack of real progress in stopping groups from recruiting and using children in armed conflict. In 2003, the Council in resolution 1460 endorsed the Secretary-General's call for an "era of application". This was the first step towards a system that could afford a higher degree of accountability for those committing crimes against children.

A controversial aspect of the Secretary-General's reports had been the proposal for "naming and shaming" annexes, lists of parties to armed conflict that recruit or use children in violation of international obligations. The Council accepted the challenge and in 2001, in resolution 1379, requested the Secretary-General to create two sets of lists: one for situations on the Council's agenda, and one for situations that could be brought to the attention of the Security Council by the Secretary-General in accordance with Article 99 of the UN Charter. (The latter provision allows the Secretary-General to refer to the Council a situation that may threaten international peace and security.) Having a list, identified by the Secretary-General and endorsed by the Council, that actually named parties was significant. It was the first step towards putting pressure on those concerned to stop abusing children, or at minimum, devising plans to reach this goal.

In 2002, the Secretary-General provided the first list of parties involved in recruiting and using children in armed conflict. It was a relatively conservative list and attached only an annex of parties involved in conflict situations that were already on the agenda of the Council. In that report conflict situations not on the agenda of the Council were mentioned in the body of the report but not listed separately. The following year the Secretary-General's report began the practice of having two annexes, Annex I listing the situations of armed conflict where parties recruit or use children on the Council's agenda, and Annex II listing situations not on the agenda of the Council.

The situations listed in Annex I and Annex II in the Secretary-General's reports since 2002 are tabulated below.

The Council's Tools

The Council has developed a systematic framework and a concrete set of tools to

Annex III: Background Information (con't)

REPORTS	SITUATIONS OF ARMED CONFLICT WHERE PARTIES RECRUIT OR USE CHILDREN	
	Annex I (situations on the agenda of the Council)	Annex II (situations not on the agenda of the Council)
3rd Report (26 November 2002)	Afghanistan, Burundi, DRC, Liberia, Somalia	
4th Report (10 November 2003)	Afghanistan, Burundi, Côte d'Ivoire, the DRC, Liberia, Somalia	Chechnya, Colombia, Myanmar, Nepal, Northern Ireland, Philippines, Sri Lanka, Sudan, Uganda
5th Report (9 February 2005)	Burundi, Côte d'Ivoire, the DRC, Somalia, Sudan	Colombia, Myanmar, Nepal, the Philippines, Sri Lanka, Uganda
6th Report (26 October 2006)	Burundi, Côte d'Ivoire, the DRC, Myanmar, Somalia, Sudan	Chad, Colombia, Nepal, Philippines, Sri Lanka, Uganda
7th Report (21 December 2007)	Afghanistan, Burundi, CAR, the DRC, Myanmar, Nepal, Somalia, Southern Sudan, Darfur	Chad, Colombia, the Philippines, Sri Lanka, Uganda
8th Report (26 March 2009)	Afghanistan, Burundi, CAR, Chad, the DRC, Iraq, Myanmar, Nepal, Somalia, Southern Sudan, Darfur	Colombia, Philippines, Sri Lanka, Uganda
9th Report (13 April 2010)	Afghanistan, CAR, Chad, the DRC, Iraq, Myanmar, Nepal, Somalia, Southern Sudan, Darfur	Colombia, Philippines, Sri Lanka, Uganda
10th Report (23 April 2011)	Afghanistan, CAR, Chad, the DRC, Iraq, Myanmar, Nepal, Somalia, Southern Sudan, Darfur	Colombia, the Philippines, Sri Lanka, Uganda, Yemen
11th Report (26 April 2012)	Afghanistan, CAR, Chad, DRC, Iraq, Myanmar, Somalia, South Sudan, Sudan, Syria	Colombia, Philippines, Yemen
12th Report (15 May 2013)	Afghanistan, CAR region (LRA) CAR, Chad, DRC, Iraq, Mali, Myanmar, Somalia, South Sudan, Sudan, Syria, Yemen	Colombia, Philippines

enable the Council to pay serious attention to children and armed conflict.

The Council has:

- a Working Group on Children and Armed Conflict;
- a monitoring and reporting mechanism;
- support from a task force made up of UN agencies including UNICEF, the UNDP and the DPKO focused on gathering information on violations against children in armed conflict; and
- regular Secretary-General's reports containing two annexes of parties to armed conflict that recruit children: Annex I

is made up of situations that are on the Council's formal agenda and Annex II are those not on the Council's agenda.

These tools were developed as a result of resolution 1612 adopted on 26 July 2005. It established the monitoring and reporting mechanism—a procedure for collecting data from the field, organising and verifying information on violations against children in armed conflict and monitoring progress being made on the ground in complying with international norms by groups listed in the Secretary-General's annexes, which feed into his reports on children and armed conflict.

The Working Group was set up to consider the regular reports by the Secretary-General for each situation in the annexes.

The six grave violations used for monitoring and reporting are:

- recruiting and/or use of child soldiers;
- killing and/or maiming of children;
- sexual violence against children;
- attacks against schools and/or hospitals;
- abductions of children; and
- denial of humanitarian access for children.

The monitoring and reporting mechanism has now been established in the following conflicts listed in Annex I (those on the Council agenda): Afghanistan, CAR, Chad, Côte d'Ivoire, the DRC, Iraq, Myanmar, Nepal, Somalia, Southern Sudan and Darfur (which are considered together); and Annex II situations (those not on the Council's agenda): Colombia, Philippines, Sri Lanka and Uganda. The mechanism has yet to be established in the newly listed situations of Mali, Syria and Yemen.

The recruitment of children was the original trigger for placing a group on the Secretary-General's annexes. With the adoption of resolution 1882 in August 2009 two additional triggers were added: parties that engage in patterns of killing and maiming of children and/or rape and other sexual violence against children in situations of armed conflict. Resolution 1998 adopted in July 2011 added the fourth trigger, attacks against schools and/or hospitals.

The Working Group's original aim was to meet every two to three months to consider two situation-specific reports from the Secretary-General and to adopt its conclusions on the last two reports considered. In the last two years it has found it difficult to keep to this schedule, particularly for the issuing of conclusions. Since its establishment in 2005, the Working Group has considered 45 reports and adopted 43 sets of conclusions. During its meetings it also reviews a "global horizontal note" presented by UNICEF or the Secretariat, which provides an overview of conflicts not on the Secretary-General's annexes and an update of some situations on the annexes. In the last two years it has also begun to receive briefings on current crisis situations where children are affected, including CAR, the DRC, Mali and Syria.

Annex IV: Field Trips By the Special Representative for Children and Armed Conflict since 2006

SITUATION	VISIT
Afghanistan	June 2008, February 2010, January 2011
Burundi	March 2007
CAR	May 2008, November 2011, December 2013
Chad	May 2008, June 2011, May 2013
Côte d'Ivoire	September 2007
DRC	March 2007, April 2009, November 2013
Iraq	April 2008
Kenya	October 2010
Israel and Lebanon and the occupied Palestinian territories	April 2007, February 2009
Myanmar	June 2007, June 2012
Nepal	December 2008, December 2009
Philippines	December 2008, April 2011
Sri Lanka*	November 2006, December 2009
Somalia	October 2010, November 2011
South Sudan	March 2012
Sudan	January 2007, November 2009
Syria and neighbouring countries	December 2012, July 2013
Uganda (LRA)	June 2006, May 2010
Yemen	November 2012

*Sri Lanka was visited by Special Envoys of the Special Representative: Allan Rock visited in November 2006 and Patrick Cammaert visited in December 2009.

Annex V: Time Gap between the Secretary-General's Reports and Working Group Conclusions

TIME GAP BETWEEN THE SECRETARY-GENERAL'S REPORTS AND WORKING GROUP CONCLUSIONS

ANNEX I SITUATIONS	REPORT	CONCLUSIONS	INTERVAL
Afghanistan	10 November 2008	13 July 2009	8 months
	3 February 2011	3 May 2011	3 months
Burundi (delisted)	6 November 2006	13 February 2007	3 months
	28 November 2007	5 February 2008	2 months
	10 September 2009	21 December 2009	3 months
CAR Region/LRA	25 May 2012	22 April 2013	11 months
CAR	3 February 2009	13 July 2009	5 months
	13 April 2011	6 July 2011	3 months
Chad	3 July 2007	24 September 2007	3 months
	7 August 2008	5 December 2008	4 months
	9 February 2011	3 May 2011	3 months
Côte d'Ivoire (delisted)	25 October 2006	13 February 2007	4 months
	30 August 2007	5 February 2008 and 25 March 2008 (corrigendum)	5 months
DRC	13 June 2006	8 September 2006	3 months
	28 June 2007	25 October 2007	4 months
	10 November 2008	13 July 2009	8 months
	9 July 2010	1 March 2011	8 months
Iraq	15 June 2011	3 October 2011	4 months
Myanmar	16 November 2007	25 July 2008	8 months
	1 June 2009	28 October 2009	5 months
	1 May 2013	16 August 2013	3 months
Nepal (delisted)	20 December 2006	12 June 2007	6 months
	18 April 2008	5 December 2008	8 months
	13 April 2010	12 November 2010	7 months
Somalia	7 May 2007	20 July 2007	3 months
	30 May 2008	5 December 2008	6 months
	9 November 2010	1 March 2011	4 months
Sudan/Darfur	17 August 2006	1 December 2006	4 months
	29 August 2007	5 February 2008	5 months

Annex V: Time Gap between the Secretary-General's Reports and Working Group Conclusions (con't)

	10 February 2009	21 December 2009	10 months
	5 July 2011	11 October 2012	15 months
South Sudan	5 July 2011	11 October 2012	15 months*
ANNEX II SITUATIONS	REPORT	CONCLUSIONS	INTERVAL
Colombia	21 March 2012	21 December 2012	9 months
	28 August 2009	30 September 2010	13 months
Philippines	24 April 2008	3 October 2008	5 months
	21 January 2010	12 November 2010	10 months
	12 July 2013		
Sri Lanka (delisted)	20 December 2006	13 June 2007	6 months
	21 December 2007	21 October 2008	10 months
	25 June 2009	3 June 2010	11 months
	21 December 2011	21 December 2012	12 months
Uganda (delisted)	7 May 2007	20 July 2007	3 months
	23 June 2008 (additional report)	5 December 2008	5 months
	15 September 2009	16 June 2010	9 months
Yemen	28 June 2013	9 December 2013	5 months

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