

## Children and Armed Conflict



An internally displaced child plays outside a war-ravaged building in Mogadishu, Somalia.

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Security Council Report's fifth *Cross-Cutting Report on Children and Armed Conflict* analyses statistical information on children and armed conflict in country-specific decisions of the Security Council and trends in 2011 and early 2012. It also suggests options for improving Security Council and Working Group decision making on this issue. After several years of largely positive developments and progress, in 2011 the protection of children in armed conflict agenda faced a number of challenges. Although it was possible for the Council in 2011 to adopt resolution

1998, expanding the criteria for inclusion in the Secretary-General's annexes to include attacks on schools and hospitals, the repercussions of the differences that emerged during the negotiations are still being felt in 2012. While resolution 1973 on Libya set off a series of reactions that significantly affected Council dynamics in most areas of its work, our findings indicate that this did not affect the children and armed conflict agenda substantively although it may have led to a more cautious approach to the issue in order not to roll-back progress made in the past. •

# Summary and Conclusions

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After several years of largely positive developments and progress, in 2011 the protection of children in armed conflict agenda faced a number of challenges. Although it was possible for the Security Council in 2011 to adopt resolution 1998, expanding the criteria for inclusion in the Secretary-General's annexes to include attacks on schools and hospitals, questions related to the definition of "situations of concern" and the process of listing and delisting of parties from the annexes to the reports of the Secretary-General were raised. Some members also appeared keen to revisit issues related to why situations not on the agenda of the Council were being considered at all by the Working Group of the Security Council.

Resolution 1973 on Libya set off a series of reactions that significantly affected Council dynamics in most areas of its work. While our recent *Cross-Cutting Report on Protection of Civilians in Armed Conflict* (published 31 May 2012) came to the conclusion that the level of mistrust in the Council following resolution 1973 did not negatively affect its approach to protection of civilians in terms of measurable outcomes, our findings for children in armed conflict indicate that the more difficult dynamic in the Council, while not affecting this issue substantively, may have led to a more cautious approach in order not to roll-back progress made in the past. In addition, the apparent reduced attention to thematic issues among several Council members, either due to other priorities or the belief that these issues are best addressed in the General Assembly, may have led to a lessening of political will to advance this issue. As a result the picture in 2011 and early 2012 is a mixed one for the children and armed conflict agenda.

Among the findings of this *Cross-Cutting Report* are:

- While the Council continued to address child protection issues in relevant country-specific decisions, there was a decrease in the overall percentage of resolutions and presidential statements addressing the issue of protection of children in armed conflict. However, when there was child protection language it was not only updated but often strengthened compared to previous years. The number of presidential statements with child protection references also increased slightly.

- There are some signs that political will within the Council on this issue is weakening. With the Working Group on Children and Armed Conflict now being the main driver the Council is becoming increasingly divorced from the issue.

- The greater interaction and transmission of information between the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, the Working Group and relevant Security Council sanctions committees appear to have produced some results. Four sanctions committees (Côte d'Ivoire, the Democratic Republic of the Congo [DRC], Somalia and Sudan) now have designation criteria on grave violations against children. The decision to add recruitment and use of children to the Somalia sanctions regime came about after a briefing by the Special Representative.

- Addressing the issue of persistent perpetrators and finding better ways of reaching out to non-state actors has grown in urgency. There has been a significant increase in the number of persistent perpetrators (parties that have been listed by the Secretary-General for more than five years). The 2012 report on children and armed conflict (S/2012/261) lists 32 parties that come under the category of persistent perpetrators. Of these, 13 were similarly designated in previous years, while 19 were newly added to the 2012 annual report.

- While there has been little movement with getting non-state actors to agree to action plans to stop recruitment of children, there has been some progress made with government armed forces to move towards ending recruitment and use of children. Four action plans on recruitment and use of children were signed in 2011 and another two in the first half of 2012.

- Although the monitoring and reporting triggers have been expanded to include sexual violence and killing and maiming, the main signs of progress appear to be in the area of the original trigger, recruitment of children. There has been only one action plan signed on killing and maiming and none on sexual violence. (Both were added as triggers for the listing of parties in the annexes following the adoption of resolution 1882 on 4 August 2009.) There were no action plans signed for the most recent trigger, attacks on schools and hospitals, but it is probably too early to assess its impact as it was only added

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## Summary and Conclusions (con't)

following the adoption of resolution 1998 on 12 July 2011.

- Child protection was usually addressed in the reports of the Secretary-General as part of a broader section (e.g. peace consolidation, mandate implementation, human rights or humanitarian assistance). Only the reports on the UN Integrated Peacebuilding Office in the Central African Republic (BINUCA) had child protection as a stand-alone section. This may suggest that in many UN missions child protection has been subsumed under a larger human rights agenda. At the same time there were more direct references to child protection and to progress made with action plans in the “observations” sections of the reports indicating higher awareness of the specific aspects of the issue.

- There was a greater focus on child protection issues in relation to the activities of the Lord’s Resistance Army (LRA) as evidenced in resolutions, presidential statements and reports related to the Central African region and the LRA. This might be due to the overall increased Council attention to the LRA issue in 2011 and the efforts of some Council members to highlight the violations against children by the LRA.

- Three new missions — two peacekeeping and one political — were set up in 2011. While all three were in situations that had a protection of civilians dimension, only the UN Mission in the Republic of South Sudan (UNMISS) included a strong child element in its mandate. Neither the UN Interim Security Force in Abyei (UNISFA) nor the UN Support Mission in Libya (UNSMIL) had much attention paid to child protection in their mandates. In spite of the significant protection of civilians angle of the situation in Libya, there was no attempt to highlight the needs of children in a situation of on-going armed conflict in the resolutions adopted on Libya in 2011.

- As a result of the Arab Spring two new country situations have been added to the body of the 2012 report: Libya and Syria. Syria was added to the annexes for the killing and maiming of children and attacks on schools and hospitals by government forces. The UN will now need to monitor and report on these violations against children and a report from the Secretary-General on children and armed conflict in Syria will be added to the Working Group’s programme

of work. Regarding Libya, it seems there was insufficient concrete evidence of violations against children to warrant adding Libya to the annex.

- There was some interest from within the UN to find ways of creating coherence within the Secretariat on some thematic issues. This led to senior level UN discussions on coordination and coherence of overlapping thematic issues such as: children and armed conflict; women, peace and security; and sexual violence in conflict.

- The convictions by international courts of Thomas Lubanga Dyilo and Charles Taylor have helped raise awareness of the criminal nature of the recruitment and use of children in armed conflict. There is some interest from certain Council members and the Office of the Special Representative in using the increased awareness generated to exert pressure on the international community to ensure that there is no impunity for individuals and entities involved in violations against children.

Observations on the Working Group on Children and Armed Conflict:

- The Working Group has begun to find effective ways to be kept up-to-date on current conflicts. It received a number of briefings in 2011 and 2012 on current conflict situations like Libya, Mali, and Syria. However, there is little appetite to take any action following these briefings.

- While coming up with comprehensive conclusions, the Working Group continued to stay away from stronger recommendations such as targeted sanctions and specific time-lines that might put pressure on persistent perpetrators. No new tools were suggested in any of the Working Group’s conclusions for 2011.

- The time gap between the adoption of the conclusions by the Working Group and the publication of the Secretary-General’s reports was substantially reduced in 2011. The average time spent negotiating conclusions fell from 10 months in 2010 to 3.9 months in 2011. This was due to determined efforts by Germany, as chair of the Working Group, to narrow the gap in order to establish a more efficient and effective cycle of reporting and follow-up action. However, difficulties over the Sudan/South Sudan conclusions have led to a slowdown in 2012 which is likely to affect the cycle of country-reports going forward.

- The Working Group continued to use field

trips as a way of pressuring parties named in the annexes: in June 2011 it visited Afghanistan. However, the self-funding requirement has resulted in very few Working Group members participating in the trips.

Observations from the Somalia Case Study:

- In a situation where there is little appetite for significant UN involvement, it is unlikely that any attention will be paid to an issue like children and armed conflict, even when there is a clear protection of civilians aspect. In such cases, a subsidiary body like the Working Group on Children and Armed Conflict can play a pivotal role in highlighting a significant protection issue.

- From the time children and armed conflict came on the Council’s agenda the thematic decisions on this issue have been the driver in bringing the issue of violations against children in Somalia to the Council’s country-specific agenda on Somalia. With the creation of the Working Group, and its ability to make recommendations on country-specific reports of the Secretary-General on children and armed conflict, a structure was set up which not only spotlighted the issue but also provided the possibility of putting pressure on perpetrators.

- Particularly from 2009 onwards, the Council’s overall increased awareness of the effect of the conflict in Somalia on children can be attributed largely to the efforts of the Working Group and reporting from the Secretariat.

- Having children and armed conflict resolutions which encouraged sharing of information between the Secretariat, the Working Group and the Security Council sanctions committees was instrumental in getting violations of children as grounds for designation in the Somalia/Eritrea Sanctions Committee.

- Getting the Transitional Federal Government (TFG) to sign an action plan on recruitment and use of children in 2012 can be attributed to a number of factors including pressure over the years from the Working Group, a more stable political situation and a greater desire from the TFG for professional armed forces. However, the main reason for signing appears to have been a desire not to lose out on military aid from the US, thereby underlining the significance of bilateral pressure. •

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## Background and Normative Framework

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The underlying normative framework is set out in a range of international legal instruments, based on humanitarian and human rights law, which provide the legal framework for the six grave violations against children. They include:

- the Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social and Cultural Rights (1966) and the International Covenant on Civil and Political Rights (1966);
- the Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) (1977), the Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) (1977);
- the Convention on the Rights of the Child (1989) and its Optional Protocol on the Involvement of Children in Armed Conflict and Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography;
- the Rome Statute of the International Criminal Court (1998); and
- customary international humanitarian law.

On 19 December 2011, the General Assembly adopted a new Optional Protocol to the Convention on the Rights of the Child (CRC) which established a communications procedure for violations of children's rights. This quasi-judicial mechanism applies to any violation of any right in the CRC and its

protocols, including the Optional Protocol on the Involvement of Children in Armed Conflict.

Since 1999 the issue of children in war zones has been a significant theme in the work of the Security Council. Between 1999 and 2011 the Council adopted nine resolutions, each one containing progressively more concrete provisions to protect children. (For more details on the background and substance of these resolutions please see the annexes of this report.) Among these, resolution 1612, adopted on 26 July 2005, was particularly significant as it authorised the establishment of a monitoring and reporting mechanism covering six grave violations against children: recruiting or use of child soldiers; killing or maiming of children; rape and other grave sexual abuse of children; attacks against schools and hospitals; abduction of children; and denial of humanitarian access for children. It also created the Security Council Working Group on Children and Armed Conflict.

The body of the Secretary-General's reports contains information on the six grave violations against children in situations both on the Council's agenda as well as those not on its agenda. Separately, and more controversially, 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 considered

situations of concern regarding children.

Until 2009 the sole criterion used to trigger an inclusion in the annexes was recruitment of children as soldiers. More recently sexual violence against children, killing and maiming of children and attacks on schools and/or hospitals were added as triggers. Inclusion in the body of the reports does not lead to any follow-up action from the Council. However, inclusion in either of the two annexes is another matter: parties that are listed in the annexes need to adopt and implement action plans to remedy the trigger violations in order to be removed from the list. Lack of compliance could lead to further pressure including Security Council mandated sanctions. (The terms listing and delisting are commonly used in relation to the annexes and there is specific listing and delisting criteria for each of the triggers.)

Since 2009, two resolutions on children and armed conflict have added new criteria for listing parties in the two annexes:

- resolution 1882 (2009) expanded the criteria to killing and maiming and/or rape and other sexual violence; and
- resolution 1998 (2011) most recently expanded the criteria to engaging in attacks on schools and/or hospitals in situations of armed conflict.

The addition of this last trigger resulted in five parties being listed in the annexes for attacks on schools and/or hospitals in the Secretary-General's 2012 report. •

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## Key Developments at the Thematic Level

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### Security Council Activity on Children and Armed Conflict

#### *12 July 2011 Debate and Resolution*

On 12 July 2011, the Council held a day-long open debate on the report of the Secretary-General on children and armed conflict (S/2011/250), presided over by the Foreign Minister of Germany, Guido Westerwelle. (Germany, the chair of the Working Group, also held the Council presidency that month.) There were over 60 speakers including the Secretary-General, the Special

Representative of the Secretary-General for Children and Armed Conflict, and representatives from the Department of Peacekeeping Operations (DPKO) and the UN Children's Fund (UNICEF).

At the start of the debate, the Council adopted resolution 1998, expanding 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 and

medical personnel. (Until this resolution, Annex I contained parties reported to be recruiting, killing or maiming, or committing sexual violence against children in situations of armed conflict that are on the agenda of the Council, whereas Annex II listed parties responsible for the same violations in situations of armed conflict not on the Council's agenda but of concern for children. Resolution 1998 dropped the term "situations of concern" and the heading in the 2012 report consequently makes references to "in other situations", although it is understood that

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## Key Developments at the Thematic Level (con't)

these situations need to have the characteristics of armed conflict.)

The resolution also directed the Working Group (with the support of the Special Representative) 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. It also reiterated the Council's readiness to adopt targeted and graduated measures against persistent perpetrators. In addition the Council also expressed its intention when establishing, modifying or renewing the relevant sanctions regimes to consider including measures against parties to armed conflict that violate international law relating to the rights and protection of children in armed conflict.

In adopting the resolution, the Council reiterated its call on parties that have not done so to prepare and implement action plans and for parties to sign on to action plans to halt killing and maiming, sexual violence, attacks on schools and/or hospitals and those working in schools and/or hospitals.

The negotiations over this resolution were difficult and continued into the day of the debate. While initially there had been concerns that some members may have difficulty with the scope of the new criteria, the issue that created the most difficulty during the negotiations was reference to "situations of concern". In essence, there was a push to eliminate Annex II from the reporting mandate.

This was not a new issue but one many thought had been resolved some years back. The annexes were created following resolution 1379 (2001) which asked the Secretary-General to attach a list of parties to armed conflict that recruit or use children in situations that are either on the Council's agenda or that may be brought to the attention of the Council by the Secretary-General, in accordance with Article 99 of the Charter of the United Nations, because in his opinion they may threaten the maintenance of international peace and security. While in the early years including situations not on the Council's agenda in a report was an issue for those concerned that this would be used as a "back door" for getting situations onto the agenda of the Council, more recently it appeared to have become an accepted practice. However, during the negotiations on resolution 1998,

Annex II became a divisive issue once again. There were suggestions that Annex II should be removed altogether or at least limited to situations that were clearly of armed conflict. As a way of addressing some of these concerns, the Council agreed in resolution 1998 to invite the Special Representative to brief it on the "modalities of the inclusion of parties" into the annexes of the reports.

Some members were likewise uncomfortable with requesting recommendations from the Secretary-General on ways of imposing sanctions in contexts where there are no existing Council sanctions regimes. As a result, resolution 1998 requests the Working Group, with the support of the Special Representative, to consider options for increasing pressure on persistent perpetrators, but makes no mention of imposing sanctions. In accordance with the resolution, the Special Representative commissioned a report on this issue which will form the basis for further discussions on persistent perpetrators, including ways of imposing sanctions and coordinating with national and international courts.

These matters divided the Council between those members who felt strongly that these issues needed to be clearly dealt with in the resolution and others who were adamant that the resolution should not in any way roll back the existing language or open up a debate on Annex II.

It is clear from statements made during the 12 July debate that, despite the adoption of resolution 1998, there were a number of issues that some members continued to feel strongly about. India expressed concern about the interpretation that some resolutions are at times given and the need to check "mandate creep". Colombia emphasised the need for the monitoring and reporting mechanism to operate with the participation of and in cooperation with national governments as well as the UN and civil society actors. It also expressed concern about governments of affected countries being excluded from the working mechanisms and direct UN interaction with non-state actors without the consent of the government concerned. Russia disputed the references in the 2011 report to Haiti, India, Pakistan, the Philippines, and Thailand, claiming that the situations in those countries could not be called armed conflicts.

### *18 February 2011 Joint Thematic Briefing to the Council*

There was an attempt made on 18 February 2011 to look at the issues of protection of civilians, women, peace and security and children and armed conflict in a more holistic manner. Under the February presidency of Brazil, Council members had informal consultations on these three thematic areas on the Council's agenda with briefings from the head of the Office for the Coordination of Humanitarian Affairs (OCHA), Valerie Amos, the Special Representative on Sexual Violence in Conflict, Margot Wallström, and the Special Representative on Children and Armed Conflict, Radhika Coomaraswamy.

This is the first time Council members considered the three areas together and the aim was to discuss how the Council could work more efficiently on protection issues. Some members were interested in looking at ways of streamlining the Council's work on these thematic issues including adjusting the timing of the thematic reports to make them less spread out. On the other hand, there were concerns over the effectiveness of bringing the separate mandates under a larger protection umbrella. However, this combined briefing did not go on to become a regular feature on the Council's programme of work: later in 2011, Amos and Wallström briefed the Council on separate occasions, and Coomaraswamy briefed in early 2012 as a follow-up to resolution 1998.

### *Council Consideration of the Working Group's Annual Report*

Between 2006 and 2008, the Working Group's annual report due every July, was considered by Council members under the agenda item "Other Matters". However, in 2011, just as in the two preceding years, the report was simply submitted directly to the President of the Council with no attempt to present it to the Council. While there may not have been much discussion around the annual report, presenting it orally to the Council provided the Chair of the Working Group an opportunity to highlight challenges and achievements during the course of the year.

### *Arria Formula Meeting on Persistent Perpetrators*

On 9 July 2012, France and Germany co-chaired an "Arria formula" meeting to discuss

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## Key Developments at the Thematic Level (con't)

ways of dealing with parties to conflict committing grave violations against children that have been listed in the annexes of the Secretary-General's annual reports on children and armed conflict for more than five years, otherwise known as persistent perpetrators. (Resolution 1998 directed 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 a wider range of ideas on how to deal with this problem.)

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

The meeting provided Council members and representatives from civil society and UN bodies an opportunity to exchange ideas on a topic that is expected to occupy the Working Group's attention in the coming years. The suggestions put forward during the meeting can be expected to form the basis for further discussion in the Working Group.

A report prepared at the request of the Office of the Special Representative by a former Permanent Representative of France, Ambassador Jean-Marc de La Sablière (who between 2006 and 2008 served as the first chairperson of the Working Group on Children and Armed Conflict), was used as a basis to discuss possible options. Among his key recommendations for increasing pressure on persistent perpetrators were:

- addressing the problem at the appropriate political level;
- adding the four trigger violations as grounds for imposing sanctions under all relevant sanctions regimes;
- 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 International Criminal Court (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 in order to impose sanctions when there is no sanctions regime for a particular situation, there was an overall sense that something needed to be done about persistent perpetrators. While there may be different ideas about how to do this there appears to be an emerging sense that expanding the already existing sanctions regimes in Annex I situations to include violations against children among the criteria for the imposition of sanctions would be the best place to start.

Other suggestions included the need to work 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. The possibility of greater cooperation with national and international courts, especially the ICC, as well as 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 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. 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.

### Other Developments Related to Protection of Children in Armed Conflict

#### *General Assembly Third Committee Resolution*

In October 2011, Thailand introduced in the Third Committee a draft resolution (A/C.3/66/L.22) on "strengthening the coordination of the UN system on child protection". The resolution referred to UNICEF and to five independent special mandate-holders that have been assigned by the General Assembly or the UN Human Rights Council (HRC) to monitor and report on child protection-related issues, including the Special Representative on Children and Armed Conflict (the others are: the Special

Representative of the Secretary-General on Violence against Children, the HRC Special Rapporteur on the Right to Education, the Special Rapporteur on Trafficking in Persons, especially women and children, and the HRC Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography).

The draft resolution proposed that UNICEF would coordinate all child protection activities within the UN system. It also suggested the creation of a new annual report on UN child protection activities which would also evaluate the satisfaction of member states with these activities. There were concerns among some members and NGOs that the resolution would undermine the independence of the UN special mandate-holders. There were also doubts about the added value of a single comprehensive annual report on the coordination of child protection activities.

Following much wrangling amongst those who wanted such a resolution and members who felt strongly that it would not be helpful to the child protection agenda, a compromise resolution (A/C.3/66/L.22/Rev.1) was adopted in the Third Committee on 21 November 2011. While it does ask for a report by the Secretary-General to the General Assembly on UN coordination of the child protection system and calls for an interactive dialogue in two years, it is less comprehensive than the original draft and reiterates the importance of relevant UN child protection actors carrying out their functions in an independent manner.

This resolution was one of several attempts over the year to increase coordination of thematic issues which could have resulted in a redistribution of tasks within the child protection system. Some members of the Security Council, as well as some among the larger UN membership, believe that there should be greater oversight of child protection issues. There was discussion of possibly merging the Office of the Special Representative for Children and Armed Conflict with other areas in the UN but that does not appear to be on the cards anymore (although there might still be a possibility of merging some administrative functions).

#### *Paris Commitments and Principles*

Adopted on 6 February 2007, the Paris Commitments are an example of the international

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## Key Developments at the Thematic Level (con't)

community getting involved in the development of guidelines to protect children affected by armed conflict. States who sign on are making a voluntary commitment to work together to halt child recruitment, support the release of children from armed groups and help reintegrate these children into civilian life. Ministerial follow-up forums to the Paris Principles have been held annually since 2007.

Most recently, the fourth ministerial forum was held on 26 September 2011 on the margins of the 66th session of the General Assembly. Five additional countries endorsed the Paris Commitments at the meeting: Angola, Armenia, Bosnia and Herzegovina, Costa Rica and San Marino. This brought the number of countries that have endorsed the Paris Commitments to 100.

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

The Office of the Special Representative of the Secretary-General for Children and Armed Conflict has a number of tools to advance its mandate that deserve particular attention, including annual reports, press releases, action plans, field visits, briefings, guidance documents and campaigns.

#### *The 11th Secretary-General's Report on Children and Armed Conflict*

The 11th Secretary-General's report on children and armed conflict (S/2012/261), dated 26 April 2012 but only circulated in June, included a total of 23 country situations. The 16 in the body of the report *and* on the agenda of the Council are: Afghanistan, the Central African Republic (CAR), Chad, Côte d'Ivoire, the DRC, Iraq, Lebanon, Libya, the Lord's Resistance Army (LRA) and the Central African Region (covering CAR, DRC, South Sudan and Uganda), Myanmar, Nepal, Occupied Palestinian Territory (OPT) and Israel, Somalia, South Sudan, Sudan and Syria. The seven situations in the body *and not* on the agenda of the Council during the period covered by the report are: Colombia, India, Pakistan, the Philippines, Sri Lanka, the southern border provinces of Thailand, and Yemen. In 2012, two new country situations on the Council's agenda, were added to the body of the report (Libya and Syria), while two were removed (Haiti and Burundi).

Annex I of the 2012 report lists 43 parties operating in a total of ten situations (Afghanistan, CAR, Chad, DRC, Iraq, Myanmar, Somalia, South Sudan, Sudan and Syria). Annex II contains nine parties active in three situations (Colombia, the Philippines and Yemen).

Since the 2011 report (S/2011/250), one party was delisted from Annex I and one from Annex II, after both fully implemented previously developed and signed action plans: the Unified Communist Party of Nepal-Maoist (UCPN-M) in Nepal and the *Tamil Viduthalai Pulikal* (TMVP)-Inya Barrathi faction in Sri Lanka.

Three parties were removed from the annexes because the armed groups no longer exist and no violations against children were reported during the period covered by the report: the *Front des Nationalistes et Intégrationnistes* (FNI) in the DRC, armed opposition groups in Chad and the Movement of Popular Force for Rights and Democracy (PFMRD) in Sudan.

The report for the first time listed parties for attacks on schools and hospitals in accordance with resolution 1998. The five parties listed are: the Taliban forces, the *Forces Démocratiques de Libération du Rwanda* (FDLR), *Al-Qaida* in Iraq (AQI), the Islamic State of Iraq and the Syrian government forces.

There were also the following new additions to the annexes: the Sudan People's Liberation Movement North (SPLM-N) for recruitment and use of child soldiers, the Yemeni armed forces and the breakaway First Armoured Division (FAD) in Yemen, each for recruitment and use of children in armed forces, and the Syrian government forces, including the armed forces, the intelligence forces and the *Shabbiha* militia for killing and maiming and attacks on schools and hospitals. Among the groups listed in the two annexes, there are nine government security forces (Afghanistan, Chad, DRC, Myanmar, Somalia, South Sudan, Sudan, Syria and Yemen) and 42 non-state armed groups.

The report voiced concern about the growing number of persistent perpetrators of grave violations against children: out of the 52 parties in the annexes to the report, 32 have been listed for five years or more (27 of the persistent perpetrators are listed in Annex I with 5 listed in Annex II).

In the report, the Secretary-General encourages the Council to put increasing pressure on persistent perpetrators and to consider applying targeted sanctions, expanding designation criteria for grave violations against children to all relevant Security Council sanctions committees and to consider ways of imposing sanctions when there is no existing sanctions committee. He also suggests that greater cooperation between the Working Group and national and international courts may also help address the problem of persistent perpetrators.

#### *Press Releases*

Press releases have become a frequent tool for the Office of the Special Representative to signal concern about the situation of children caught in conflict situations. During 2011 the Office of the Special Representative issued press releases on the situation in Côte d'Ivoire, Libya and Syria, all active conflict situations. It also issued press releases on suicide attacks in Pakistan, and on children killed and hospitals attacked in Afghanistan. This trend continued into 2012 with press releases on South Sudan, Sudan and Syria. This is a new trend when compared with previous years when press releases from the Office of the Special Representative were largely on field visits undertaken by the Special Representative and a means of indicating progress on releasing children or signing an action plan.

#### *Field Visits*

Since 2006 the Special Representative has made 26 field visits, including five in 2011 and two in the first semester of 2012. In six of the seven places visited since 2011, the Special Representative witnessed the signing of action plans. This continues to be a practice that started when she visited Nepal in 2009. Her presence at the signing of an action plan has been effective in ensuring that any last minute issues are resolved. (The only action plans she did not witness were the ones signed between the UN and the TFG in Somalia in July and August 2012.)

**Afghanistan:** the Special Representative visited Afghanistan to sign the 30 January 2011 action plan which committed the government to preventing the recruitment and use of children in the National Security Forces.

## Key Developments at the Thematic Level (con't)

**Philippines:** the Special Representative visited the Philippines from 6–9 April 2011 and met with the communist-led National Democratic Front of the Philippines (NDFP), which agreed to develop an action plan to ensure no children remained in the ranks of the New People's Army (NPA) or were involved in the conflict. She also met with the Moro Islamic Liberation Front (MILF), which had signed an action plan on 31 July 2009, and announced that the ongoing process of registration of children associated with the armed group would be completed in nine months. The deadline was not met largely due to the lack of UN resources rather than unwillingness on the part of the MILF. The Special Representative also had meetings with senior government and defence officials.

**Chad:** the Special Representative visited Chad to sign the 15 June 2011 action plan by Chad to end recruitment and use of child soldiers. The action plan spells out concrete steps, which if taken, would allow Chad to get off the list of parties who recruit and use children. The Special Representative also visited Iriba on the border with Sudan where she spoke with children who had fled the violence in Darfur. During her visit local state and traditional authorities pledged to end the recruitment and use of children.

**CAR:** the Special Representative visited the CAR to sign the 20 November action plan for the release of child soldiers with the rebel *Convention des Patriotes pour la Justice et la Paix* (CPJP). The CAR visit was also an opportunity for the Special Representative to assess the LRA situation and to travel to the LRA-affected area of Obo where she spoke to child victims and local authorities. She also met with the Uganda People's Defence Force (UPDF)—deployed by Uganda to assist the government of the CAR to track LRA movements—during which she stressed the need for the UPDF to protect civilians, especially children, and abide by their standard operating procedures for the handover of abducted children to child protection actors.

**Somalia:** the Special Representative visited Somalia in November 2011 and was informed that the TFG would begin a process to end the recruitment and use of children by government forces. In line with a prior commitment to the signing and implementation of a Security Council mandated

plan to end the recruitment and use of children by its forces in 2010, the TFG pledged to nominate military and civilian focal points within the government to work with the UN to this end. While in Somalia, the Special Representative visited a camp with former *Al-Shabaab* soldiers, including child soldiers. She also met with the AU Mission in Somalia (AMISOM) force commander who reiterated AMISOM's commitment to protecting civilians and children and pledged to provide maximum support for efforts to identify and separate children from the TFG forces, including through the appointment of a child protection advisor in AMISOM.

**South Sudan:** the Special Representative visited South Sudan to sign the 13 March 2012 action plan by the Sudan People's Liberation Army (SPLA) renewing its commitment to release all children within its ranks. The plan also ensures that all militia incorporated into the SPLA are child-free. During her visit to South Sudan, the Special Representative also met with President Salva Kiir Mayardit on 15 March, travelled to Renk in Upper Nile state to assess the status of returnee children from Sudan to South Sudan and was briefed on the situation in Jonglei state by NGOs and UN partners.

### 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
Chad	May 2008, June 2011
Côte d'Ivoire	September 2007
DRC	March 2007, April 2009
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
Uganda	June 2006, May 2010

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

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## Key Developments at the Thematic Level (con't)

**Myanmar:** the Special Representative visited Myanmar to sign the 27 June action plan for the release and reintegration of children associated with government forces in Myanmar. The action plan also opens up the possibility of the government facilitating dialogue between the UN and seven armed groups who are also listed in the Secretary-General's annual report. During her visit the Special Representative also met with President Thein Sein and government and parliamentary officials, NGOs and child soldiers.

### Briefings

In 2011 the Special Representative briefed the Somalia/Eritrea Sanctions Committee on 23 May and continued the practice of briefing the Working Group at its formal meetings.

During her briefing to the Somalia/Eritrea Sanctions Committee, the Special Representative proposed a new listing criterion related to children for the sanctions regime. On 29 July 2011, the Council adopted resolution 2002 expanding the criteria for targeted sanctions on Somalia and Eritrea to include grave violations against children, including recruitment and using children in armed conflict, killing and maiming, sexual violence, abductions, attacks on schools and hospitals and forced displacement in Somalia.

This was only the second briefing of a sanctions committee by the Special Representative. The first briefing was to the DRC Sanctions Committee on 21 May 2010, which most likely led the committee to add the recruitment and use of children as criteria against nine individuals already under sanctions. On 1 December 2010, the committee added one additional individual under the same designation criteria.

The Special Representative has also briefed the Working Group on several ongoing conflicts. On 22 June 2011, at the same meeting at which the Secretary-General's report on children and armed conflict in the CAR (S/2011/241) was introduced, she briefed on the conflict in Côte d'Ivoire.

On 15 February 2012, at an emergency meeting of the Working Group, she 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, an unspecified number maimed, detained, ill-treated and tortured and that schools were subject to

military use while hospitals were hit by indiscriminate shelling.

On 31 May 2012, following a request from Council members, the Special Representative 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).

Outside the context of the Working Group, the Special Representative 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.

### Other Tools

Following the adoption of resolution 1998, the Office of the Special Representative, together with DPKO and UNICEF, began developing a guidance document for action plans on attacks against schools and hospitals. These plans are expected to be implemented in the field later this year. Guidance documents on killing and maiming and sexual violence were developed following the adoption of resolution 1882 and are currently being used in the field. Since May 2010, the Office of the Special Representative has also been actively involved in a campaign entitled "Zero under 18", aimed at achieving universal ratification of the two Optional Protocols to the Convention on the Rights of the Child (Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography and Optional Protocol on the Involvement of Children in Armed Conflict) by the tenth anniversary of their entry into force in 2012. Using different tools, including social media platforms like Facebook, Flickr and Twitter, it has worked alongside the Office of the Special Representative on Violence against Children, the Office of the High Commissioner for Human Rights and UNICEF at increasing the number of countries that have ratified the Optional Protocols. Since the campaign began 16 countries have ratified and four have signed the Optional Protocol on the Involvement of Children in Armed Conflict.

### Application of International Norms/Laws in International Courts and Trials

Established by the Rome Statute, which came into force on 1 July 2002, the jurisdiction of the ICC covers three categories of crime: crimes against humanity, war crimes (including the use of child soldiers) and genocide. Of particular significance in the present context, it has taken up cases of war crime charges relating to the conscription, enlistment and active participation of children under the age of 15 in hostilities 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.)

### The Case against Thomas Lubanga Dyilo

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 Ituri region in the DRC between September 2001 and August 2003. This was the first judgement rendered by the ICC and it is being seen as an important step in efforts to end impunity for violators of child rights in armed conflict by bringing perpetrators to justice.

On 7 January 2010, Coomaraswamy testified as an expert witness in the case following the submission by the Office of the Special Representative of an *amicus curiae* in March 2008. She gave testimony on the need to adopt a case-by-case method in deciding what constitutes enlistment and conscription in terms of the Rome Statute and underlined that the involvement in armed conflict must take into account children serving in support roles during combat such as spies, messengers, porters, scouts, and cooks. She also highlighted that girls often experience sexual slavery, repeated rapes, and forced marriages and pregnancies which should be recognised as active participation. In its judgment the Court quoted extensively from the *amicus curiae*.

The case against Lubanga Dyilo also set a number of significant precedents pertaining to children. For the first time there was a clear ruling that consent was irrelevant as a child cannot fully conceive of what it

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## Key Developments at the Thematic Level (con't)

means to go to war or to die. It is also the first ICC case involving victim representation. The prosecution called nine witnesses who testified that they were former child soldiers who were all under the age of 15 when the alleged crimes were committed. These witnesses were given protective measures and some received anonymity.

On 10 July, Lubanga Dyilo was sentenced to 14 years in prison, with the six years he has spent in custody to be deducted from the sentence.

### *The Case against Germain Katanga and Mathieu Ngudjolo Chui*

The ICC's second trial also covers the use of child soldiers. Germain Katanga, a commander of the *Forces de Résistance Patriotique en Ituri* (FRPI), and Mathieu Ngudjolo Chui, the former head of the *Front des Nationalistes et Intégrationnistes* (FNI) and a colonel in the *Forces Armées de la République Démocratique du Congo* (FARDC), are accused of war crimes and crimes against humanity allegedly committed in the Ituri district of eastern DRC from July 2002 till the end of 2003. The crimes they are being tried for include using children under the age of 15 to take active part in the hostilities, as well as attacks against civilians, pillaging, destruction of property, murder, rape and sexual slavery.

Their joint trial began on 24 November 2009. On 15 August 2011, the defense of Ngudjolo Chui began to present its evidence before the Trial Chamber, calling on eight

witnesses. Both Katanga and Ngudjolo Chui testified in their own defense, doing so beginning on 27 September 2011 and 27 October, respectively.

In January 2012, the judges of Trial Chamber II of the ICC visited the scenes of the alleged crimes in Ituri. At press time, the trial had entered its final stages following closing statements that took place from 15-23 May 2012, with a decision expected in the near future.

### *The Case against Jean-Pierre Bemba Gombo*

The ICC initiated its trial of former Vice-President of the DRC, Jean-Pierre Bemba Gombo, on 22 November 2010. This was the first time sexual violence was central to an ICC case and the first major prosecution of rape as a weapon of war. Bemba Gombo was arrested on 24 May 2008 and is being charged with war crimes and crimes against humanity for allowing his troops to murder, pillage and rape in the CAR between 25 October 2002 and 15 March 2003.

On 22 February 2012, judges authorised two victims to present evidence and three victims to express their views and concerns after the prosecution closed its arguments. Victims began to testify in person on 1 May. At press time, the defence began presenting its case.

### *Special Court for Sierra Leone and the Case against Charles Taylor*

On 26 April 2012, the Special Court for Sierra Leone (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 during the 1991–2002 civil war in Sierra Leone. Taylor had been on trial on 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 fifteen, among other counts, the SCSL was the first international court to decide that these violations constituted a war crime under customary international law.

Council members put out a press statement (SC/10630) welcoming the verdict and highlighting their concern with serious crimes of international humanitarian law, including murder, rape and enlisting children into armed forces and reaffirming their determination to end impunity for such crimes.

The Special Representative for Children and Armed Conflict 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 Court 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. •

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## Analysis of Council Action in Specific Cases

### **Working Group on Children and Armed Conflict**

Over the years the Working Group has been an innovative subsidiary body of the Council. Its terms of reference of 2 May 2006, while in line with resolution 1612, gave it the flexibility to devise working methods that allowed for significant progress in the children and armed conflict agenda. From early on it maintained close ties with the Special Representative and UNICEF, receiving regular briefings and updates allowing for two-way communication benefitting all parties. Since its establishment, the Working Group has

examined 38 reports and adopted 37 sets of conclusions. Over time the conclusions have become more substantive, demanding specific behaviour changes of the parties referred to in the reports and seeing results on the ground in some cases. Although not all the tools in the “tool-kit” contained in a 2006 Working Group document (S/2006/724) have been utilised, there has been some creative use of the tools.

The Working Group has over the years also been proactive in reaching out to relevant actors that could provide it with useful information. Its formal meetings have included

not just the representatives of the situations being considered but also the Peacebuilding Commission (PBC) chairs, allowing for a useful exchange of information. The emphasis in recent years on better communications between the Working Group, the Special Representative and sanctions committees, may have helped fan the interest of some on the Council in using sanctions as a tool in certain circumstances. Informal meetings of the Working Group have included briefings from NGOs and the Group of Friends of Children and Armed Conflict, led by Canada.

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

### *Information Gathering by the Working Group*

The “global horizontal note” from the Office of the Special Representative and UNICEF continued 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. The information in the “global horizontal note” has also been useful in providing more current information to the Working Group as it develops its recommendations. During the meeting on 30 September 2011 when the Sudan report (S/2011/413) was introduced, the “global horizontal note” provided critically important additional information on the situation in Abyei, Blue Nile and South Kordofan since the report only covered the period from January 2009 to February 2011.

A key development which began in 2010 but appears to have taken off in 2011 and 2012 are the verbal updates from the Special Representative on current crisis situations affecting children. In 2011 she briefed on Côte d'Ivoire on 22 June and on 31 May 2012 she briefed on Libya, Mali and Syria. On 15 February 2012, Germany, as chair, called for an urgent meeting of the Working Group to hear a briefing on Syria from the Special Representative. (While the terms of reference of the Working Group include the possibility of an “urgent meeting at the request of the chair or members of the Working Group”, this was the first time such a meeting was called.

Getting agreement on these briefings has not always been straightforward. The divisions in the Council over action taken with regard to the situation in Libya have sometimes led to a difficult dynamic over these briefings. While agreeing to be briefed on Syria on 15 February, for example, some members made it clear that it would seem inappropriate not to have a briefing on Libya as well. It has also been very difficult to get agreement to take any action following these briefings. This is unlike 2010, when following a briefing on the DRC, Ambassador Claude Heller (Mexico), as chair of the Working Group at the time, made remarks to the press on behalf of the Working Group.

Reactions to the briefings have also been mixed with some members not finding them particularly useful while others are keen to be kept more regularly informed of the situation of children in crisis situations. However, at

this point Working Group members do not appear to be thinking of ways of conveying the information on children affected by current crisis more directly to the Council to ensure that child protection issues are kept front and centre during Council deliberations on these situations.

### *Briefings by PBC Country-Specific Configuration Chairs*

Briefings by the chairs of the country-specific configurations of the PBC continued with Ambassador Jan Grauls (Belgium) briefing in his capacity as chair of the CAR configuration on 2 May during a formal meeting of the Working Group during which the report on the CAR (S/2011/241) was being introduced.

### *Discussions on the Working Methods of the Working Group*

The Working Group had a preliminary discussion on its working methods in June 2012. Among the issues discussed were the difficulties getting rooms for Working Group meetings, ways of streamlining the Working Group discussions on the first half of its conclusions (i.e. the summary of the remarks made during the introduction of the new reports presented) and ways of working more efficiently. At this stage there does not seem, however, to be much appetite within the Working Group for making any major changes to its working methods.

### *Synchronising Reports Published and Working Group Conclusions*

The delay in adopting conclusions by the Working Group following the consideration of the Secretary-General's situation-specific reports on children and armed conflict has been a persistent problem. The reporting cycle is now biannual rather than annual, so often data included in the reports is outdated by the time the Working Group begins its consideration of the reports. More significantly this has also led to less timely recommendations to the Council on developments which could potentially have had an impact on its deliberations on country-specific situations, and possibly impacted the situation on the ground. In addition, having the reports published in a more timely manner would facilitate faster implementation of the recommendations by various parties.

2011 began very promisingly for the Working Group, with Germany, as chair starting 1 January, determined to close the time gap. Besides adopting a precise schedule for 2011, the Working Group also began to consider two reports at the same time in order to speed up adoption of conclusions. Following an average negotiation time of 10 months for conclusions in 2010, in 2011 the Working Group managed to bring the negotiation time down to 3.9 months. It took three months for conclusions to be agreed to on the reports on Afghanistan (S/AC.51/2011/3), the CAR (S/AC.51/2011/5) and Chad (S/AC.51/2011/4), and four months to issue conclusions on the reports on Iraq (S/AC.51/2011/6) and Somalia (S/AC.51/2011/3). The DRC report (S/AC.51/2011/1) had an 8-month gap, largely because it was held up by the back-log in 2010.

In 2011, the Working Group adopted conclusions on four of the six country-specific reports on children and armed conflict submitted by the Secretary-General in 2011, with the exception of Sudan (S/2011/413) and Sri Lanka (S/2011/793), as well as conclusions on two 2010 reports: the DRC and Somalia.

As indicated, the negotiations over the conclusions for Afghanistan, the CAR, Chad, the DRC, and Somalia, went relatively smoothly. There were, however, some difficulties over the Iraq conclusions largely due to differences regarding the language characterising the violence in Iraq. Russia was concerned about what it saw as higher civilian casualties caused by foreign forces while others, particularly the US, felt that the report showed that strict rules of engagement were being observed.

In the case of the Sudan report, which was published on 5 July 2011, and taking into account that South Sudan became independent on 9 July, the Working Group decided to negotiate separate documents for Sudan and South Sudan. Negotiations began in early 2012 and while getting agreement on conclusions for South Sudan was relatively easy, this was not the case for Sudan. Despite frequent meetings, the Working Group was unable to come to an agreement. It held a formal meeting on 31 May hoping to adopt the conclusions but the lack of consensus on the issue of humanitarian access prevented it from doing so. At press time, in spite of

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

## 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	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	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 IN 2009)	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
NEPAL	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
SUDAN/DARFUR	17 August 2006.....	1 December 2006.....	4 months
	29 August 2007.....	5 February 2008.....	5 months
	10 February 2009.....	21 December 2009.....	10 months
	5 July 2011.....	Still pending at press time	
<b>ANNEX II SITUATIONS</b>	<b>REPORT</b>	<b>CONCLUSIONS</b>	<b>INTERVAL</b>
COLOMBIA	28 August 2009.....	30 September 2010.....	1 year, 1 month
PHILIPPINES	24 April 2008.....	3 October 2008.....	5 months
	21 January 2010.....	12 November 2010.....	10 months
SRI LANKA	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.....	Still pending at press time.....	
UGANDA	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

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

bilateral negotiations at Deputy Permanent Representative level, there was still no agreement. The discussions appear to have been complicated by the current dynamic in the Working Group as well as the divisions in the Council on Sudan.

For conclusions to be adopted, the Working Group needs to do so in a formal meeting. This was done as needed in 2011 when the Working Group met formally to adopt conclusions and have new reports introduced. But the speed at which conclusions were adopted in the first-half of the year ebbed in the second semester of 2011. The difficult negotiations on the thematic resolution to be adopted following the 12 July Council debate on children and armed conflict took up a lot of time and possibly also affected the dynamics within the Working Group. In 2012, although there have been two formal meetings, no conclusions have been adopted. (The two meetings were the 15 February meeting on Syria and a 31 May meeting for the introduction of the Colombia and Sri Lanka reports at which the Special Representative briefed on Libya, Mali and Syria.)

In addition, as usually happens in the second semester of the year, the Working Group is affected by the fact that many of its members are also involved in the work of the Third Committee of the General Assembly, which covers human rights and meets intensively between September and December.

### *Analysis of the Conclusions Adopted by the Working Group*

The conclusions adopted by the Working Group are the basis upon which possible action is taken by the Working Group and the Council regarding parties involved in violations against children in armed conflict. Over time they have become more detailed and contain the exact language that will go into any communications with governments or non-state actors. As demonstrated in the table below on the use of the “tool-kit”, some tools have been used very frequently, while others have yet to be used. The “tool-kit” was meant to be a “living document” but has not been formally updated since it was adopted on 8 September 2006 (S/2006/724). Currently, the Working Group is coming under increasing pressure to use tools such as communicating with relevant justice mechanisms

as a way of putting pressure on persistent perpetrators.

### *Observations Regarding the Conclusions of the Working Group*

*Conclusions did not include options to put additional pressure on persistent perpetrators.* In the past, the option of considering follow-up reports from the Secretary-General together with additional measures was used in conclusions to persuade parties to act on previous conclusions. In 2011, although there were a number of parties that had been listed for more than five years, the Working Group only increased pressure on the parties concerned—either through follow-up reports, time-lines for compliance or the threat of sanctions—in one situation. In the case of the DRC, the Working Group included in the public statement to non-state parties a reminder of its readiness to assist the Security Council in imposing targeted measures on persistent perpetrators. Unlike the early days when the Working Group appeared more willing to take bolder decisions, more recently there has been a general reluctance to use the threat of sanctions or to set deadlines.

*Conclusions gave more attention to communicating with relevant Security Council sanctions committees.* In 2011, the conclusions on Afghanistan, the DRC, Iraq and Somalia included a request for the Security Council to transmit the conclusions of the Working Group to the relevant sanctions committees. (Under other measures, the “tool-kit” recommends that the Council forward relevant information and conclusions from the Working Group to the appropriate sanctions committee.) There was also a specific recommendation in the conclusions on Somalia for the Special Representative to participate in the next meeting of the Monitoring Group on Somalia. This may be in part due to resolution 1882, which requested enhanced communication between the Working Group, the Secretariat and the relevant sanctions committees.

*Conclusions have begun to include a call for action plans on the recent triggers.* While the call for time-bound action plans phasing out the recruitment of children has been a regular feature of the conclusions of the Working Group, the 2011 conclusions generally included requests for additional action plans to prevent killing and maiming and sexual

violence as asked for in resolution 1882. One notable exception, however, were the 2011 conclusions on Iraq, which for the first time did not mention any action plans at all. In fact, although conclusions following an initial report on a particular situation tend to include a request for the Secretary-General to work with the parties concerned to develop time-bound action plans, as it might be deemed too early in the monitoring and reporting process to urge them to sign on to these plans, this was not the case with the 2011 conclusions on Iraq.

*Recommendations to the Security Council focused largely on increasing awareness of child protection in peacekeeping.* Four of the six conclusions in 2011 included a recommendation from the Working Group for the Council to ensure adequate resources for child protection activities in peacekeeping missions, with a particular focus on the need for a strong child protection mandate. The conclusions for the CAR and Chad did not contain this recommendation as in the former case it was addressed to the chair of the PBC owing to the fact that the CAR became a peacebuilding mission in 2011 and that, in the latter case, Chad is not regularly considered by the Council (although it is still a matter of which it is seized).

*Recommendations to include the situation of children affected by armed conflict in the terms of reference for Security Council visiting missions were dropped.* This recommendation began to appear in Working Group conclusions in 2009. It was included in the 2009 conclusions for Afghanistan, the CAR, and the DRC and indeed included in the terms of reference for the Council 2009 visiting missions to the DRC and Liberia and the 2010 missions to Afghanistan, the DRC and Sudan. However, the 2011 conclusions for those same situations did not make any reference to possible Council visiting missions taking account of the children affected by the armed conflict agenda.

## CROSS-CUTTING ANALYSIS

### Resolutions Adopted by the Security Council

We analysed all 66 resolutions adopted by the Council in 2011, dividing them into country-specific and thematic categories. For both these categories we looked at the

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

### The “Tool-Kit” (S/2006/724)

Resolution 1612 decided that the Working Group should:

“(a) Make recommendations to the Council on possible measures to promote the protection of children affected by armed conflict, including through recommendations on appropriate mandates for peacekeeping missions and recommendations with respect to parties to the conflict;

(b) Address requests, as appropriate, to other bodies within the United Nations system for action to support implementation of this resolution in accordance with their respective mandates.”

With this in mind, on 6 September 2006, the Working Group agreed on a document which became known as the “tool-kit” containing the range of possible actions in response to violations. Over the years this tool-kit has been used by the Working Group as a guide for its conclusions. The actions in the tool-kit are divided into the following categories: démarches; assistance; enhanced monitoring; improvement of mandates; and other measures.

Within these categories there are 26 possible tools that could be used. The most commonly used tools have been letters and appeals to parties to the conflict or to UN bodies for technical assistance; open or closed meetings with parties; invitations to stakeholders to pay attention to recommendations regarding disarmament, demobilisation and reintegration (DDR) of child soldiers; advocacy for accountability; requests for official visits of the Special Representative and letters to donors for contributions.

Over time the Working Group began to explore other tools and to adapt some of them. For example in 2007 it began to use public statements to reach out to non-state actors, using this approach for the first time with the conclusions on Sri Lanka (S/AC.51/2007/9) in an effort to engage the Liberation Tigers of Tamil Ealam and the Karuna faction of the *Tamil Makkal Viduthala Puligal*.

More recently, the conclusions have suggested field trips by members of the Working Group,

total number of resolutions adopted and then focused on those reasonably expected to address child protection issues to identify those that did.

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 previous years, we excluded technical resolutions (like a roll-over extension or liquidation of a UN mission or redeployment of helicopters) and the

requested specific reports from the Secretary-General or from concerned parties, asked for the strengthening of the children and armed conflict dimension of peacekeeping or political missions, and requested that information be given to relevant Security Council sanctions committees.

Some tools that were used in the past but are now less frequently employed include:

- requesting that the specific needs of children be considered in peace processes and in ceasefire and peace agreements as well as in reform and transitional processes;
- ensuring that Council visiting missions incorporate the children and armed conflict dimension in their terms of reference and reports;
- requesting additional information from the countries concerned;
- démarches to parties listed in the annexes to the reports; and
- information briefings by experts, including NGOs.

A number of tools have never been used, including:

- recommending the adoption of a Security Council resolution or presidential statement that is children and armed conflict specific in response to violations;
- addressing letters to the relevant justice mechanisms to bring information on violations to their attention; or
- holding press conferences by the Working Group chair to raise awareness on a specific issue.

### The Working Group's Visit to Afghanistan

This “tool” was used for the first time when the Working Group visited Nepal from 22–26 November 2010. In May 2011 in its conclusions on Afghanistan the Working Group stressed its intention to visit the country to follow up on the progress made in the protection of children and to focus on the remaining challenges. The 4-9 June visit had the dual purpose of also collecting information on attacks on schools and hospitals which was already under consideration as a new trigger.

A delegation representing the working group on

children and armed conflict visited Afghanistan from 4-9 June. Germany, as chair of the Working Group, sent representatives from New York, while the rest of the delegation was made up of representatives from China, France, Russia, the UK and the US accredited in Kabul.

The main purpose of the visit was to take stock of progress made by the Afghan government in the implementation of the actions plans to end recruitment of children and sexual violence signed on 31 January 2011. Keeping in mind the forthcoming resolution (S/RES/1998) which would include attacks on schools and/or hospitals as a new trigger, the delegation was keen to assess the impact of the conflict on the safety and accessibility of schools and hospitals for children. Although they had hoped to visit some schools that had been attacked, the security situation made it difficult for the delegation to travel outside of Kabul. The Working Group also followed up on recommendations made in its conclusions of 3 May 2011 (S/AC.51/2011/3).

During the visit the delegation met with senior government officials, International Security Assistance Force and UN representatives, civil society partners and children affected by the conflict. A meeting with religious leaders or *Ulema Shura* was particularly significant as it had proclaimed a fatwa in March 2011 asking for a halt in the recruitment and use of children in armed forces and armed groups, and requesting the government to ensure education for children.

The fact that these field trips are financed by the individual members is likely to be the determining factor in whether they can be sustained. Unlike Security Council visiting missions, which are financed from the UN budget and some subsidiary bodies which have a travel budget, Working Group field trips do not have a budget. The field trips to Nepal in 2010 and Afghanistan in 2011 showed that it was difficult for most Working Group members to cover for their travel expenses. If more members of the Working Group are to participate in future visits, an adequate budget for these trips will need to be addressed.

extensions of Panel of Experts assisting sanctions committees dealing with issues where child protection issues were not reasonably expected (non-proliferation, for example).

For the thematic resolutions, we excluded from the count those relating to the appointment of the Secretary-General or to issues such as non-proliferation, counterterrorism and international tribunals.

### Country-Specific Resolutions

Of the 66 resolutions adopted by the Security Council in 2011, 54 were country-specific.

We found that 42 resolutions on country-specific situations could be reasonably expected to contain references to children. However, the number of actual resolutions with references to children was 21, exactly 50 percent. While this is a decrease from the 68 percent registered in 2010, upon closer examination all 2010 resolutions with references to children had a corresponding resolution in 2011. In other words, the total number of resolutions with references to children was relatively constant with the difference in the overall percentage being mostly a direct

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

result of the overall higher number of resolutions adopted in 2011.

More significantly, 71.4 percent (15 of 21) of the relevant resolutions in 2011 contained substantive references to children or issues related to children, whereas 2010 registered 66.7 percent (16 out of 24).

The analysis of references to children in the resolutions adopted in 2011 by the Security Council reveals the following trends:

*Strengthening of the language used in references to child protection in country-specific resolutions has expanded.* As seen in our previous *Cross-Cutting Reports*, resolutions on situations that are or have been in the annexes to the Secretary-General's reports are likely to contain substantive references to child protection. The resolutions adopted on the situations in Afghanistan, CAR, Chad, the DRC and Sudan, all currently listed in the annexes and under consideration by the Working Group, as well as on the situations in Burundi and Côte d'Ivoire, which were taken off the annexes in recent years, all had sections on child protection. While several of the resolutions used language similar to that included in the 2009 and 2010 resolutions on the respective situations, additional information and emphasis were added.

**Afghanistan:** Resolution 1974, adopted on 22 March to renew the UN Assistance Mission in Afghanistan (UNAMA), added an expression of concern regarding the high number of civilian casualties, particularly women and children. The resolution also welcomed the signing of the 30 January 2011 action plan by the government agreeing to stop the recruitment and use of children.

Resolution 2011, adopted on 12 October to reauthorize the International Security Assistance Force (ISAF), reiterated the language added in 2010 regarding the recruitment of children by Taliban forces as well as the killing and maiming of children. Resolution 2011 also included language on the link between terrorist activities and the threat to the local population, including children. The high number of civilian casualties, in particular women and children, was also highlighted, asking all parties to take all feasible steps to ensure protection of affected civilians, especially women, children and displaced persons. Furthermore, for the first time in a resolution on Afghanistan, the Council noted the conclusions of the Working Group.

**Somalia:** The country-specific resolutions on Somalia revealed increased attention to the issue of child protection. The most significant development relating to children and armed conflict came in the renewal of the mandate of the Eritrea/Somalia Monitoring Group. Resolution 2002, adopted 29 July, expanded the criteria for targeted sanctions to include recruiting, killing and maiming, abducting and forcibly displacing children, attacking schools and hospitals, targeting of civilians, including children in situations of armed conflict, and sexual and gender-based violence.

Resolution 2010, adopted on 30 September to reauthorize the AMISOM, recalled the most recent conclusions by the Working Group and called "on all parties to end grave violations and abuses committed against children." It also urged the TFG to develop and implement a time-bound action plan to halt the recruitment of children and asked the Secretary-General to continue dialogue with the TFG on this. It also reiterated its request to the Secretary-General to strengthen the child protection component of the UN Political Office in Somalia (UNPOS).

*Updating of developments on the ground affecting children has been uneven across country-specific situations.*

**Côte d'Ivoire:** The clearest example of keeping up with a changing situation was seen in the case of Côte d'Ivoire. Resolution 1975, adopted on 30 March, reflected the drastically changed situation in the first half of 2011, demanding an immediate end of "violence against civilians, including women, children and internally displaced persons". In addition it condemned violence against children as well as the killing and maiming of children.

Resolution 1981, adopted 13 May to renew the mandate of the UN Operation in Côte d'Ivoire (UNOCI), contained substantive language on children. In condemning atrocities and human rights violations that occurred in the post-election crisis, it singled out acts against children and the "alleged recruitment and use of children in the conflict throughout the country and particularly in Abidjan and the west."

**Libya:** Unlike Côte d'Ivoire, in Libya the Council focused on protection of civilians in general without paying particular attention to the child protection agenda.

The Council adopted five resolutions on Libya in 2011 with only one containing a reference to children. Although in resolution 1973, adopted 17 March, the Council took the unprecedented step of authorising member states to use force to protect civilians in Libya, the authorisation did not translate into specific child protection provisions. Resolution 2009, adopted 16 September to establish the UN Support Mission in Libya (UNSMIL), contained preambular language referring to sexual violence against women and girls and recruitment and use of children. This relatively weak reference to protection of children has been attributed to the desire for UNSMIL to have a light footprint and to adhere to the parameters identified by the Libyan government. Despite the lack of attention paid by the Council to child protection issues in Libya throughout 2011, there was enough evidence of grave violations against children to warrant including Libya in the body of the Secretary-General's 2012 report although not in the annexes.

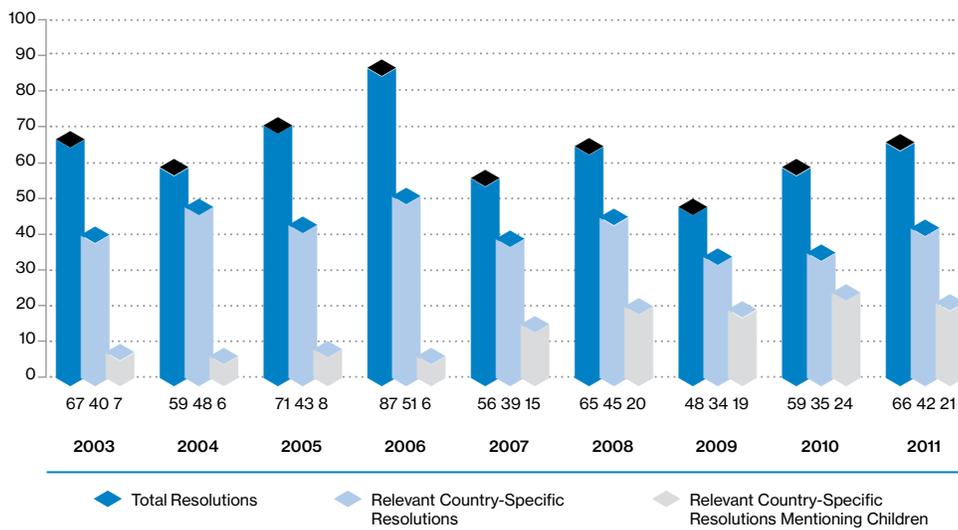
**South Sudan:** Following the independence of South Sudan on 9 July 2011, the Council adopted resolution 1997 on 11 July terminating the mandate of the UN Mission in Sudan (UNMIS). Anticipating the independence of South Sudan, it established the UN Mission in South Sudan (UNMISS) through resolution 1996 on 8 July. This resolution contained substantive language on protection of children including references to the need to pay special attention to the needs of women and child combatants in disarmament, demobilisation and reintegration.

Resolution 1996 also called for facilitation of a protective environment for children affected by armed conflict through implementation of a monitoring and reporting mechanism as part of UNMISS' mandate. In addition it demanded that all parties cease "all violations and abuses against children in violation of applicable international law such as their recruitment and use, killing and maiming and abduction with view to specific and time-bound commitments to combat sexual violence and abuses against children."

Resolution 1990 set up UNISFA on 27 June in response to growing tensions in the Abyei border area between Sudan and South Sudan. The only mention of children is limited to a preambular reference to resolution 1882. While it created a protection of

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

Country-Specific Resolutions



civilians component within UNISFA, there is no specific reference to children.

**Yemen:** In the case of Yemen, the Council responded to increasing violence against civilians during anti-government protests, adopting resolution 2014 on 21 October and expressing regret at the deaths of civilians, including women and children. Resolution 2014 additionally called upon all concerned parties to ensure the protection of children and demanded that all armed groups refrain from the recruitment of children. It moreover contained more general protection language, including a condemnation of human rights violations by the government, and demanded it immediately comply with obligations under applicable international humanitarian law and human rights law and cease attacks against civilians and civilian targets by security forces.

*Singling out specific groups for child protection issues has gained a foothold.*

**CAR:** In the case of the CAR, resolution 2031 adopted on 21 December to renew the UN Integrated Peacebuilding Office in the CAR (BINUCA), singled out the LRA among the armed groups that threaten children. The specific attention awarded to the LRA may have come about as a result of the more regional perspective the Working Group has taken in its consideration of the LRA threat to children.

**DRC:** Resolution 2021 of 29 November renewing the Group of Experts assisting the

DRC Sanctions Committee also showed more attention to detail relevant to child protection. It called on specific armed groups—FDLR, the LRA, *Mai Mai Yakutumba*, the *Forces Nationales de Libération* (FNL), and the Allied Democratic Forces (ADF)—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.

*Including references to child protection in sanctions and Panel of Experts renewal resolutions is becoming a more frequent practice.*

**Côte d'Ivoire:** Resolution 1980, adopted 28 April to renew the sanctions regime on Côte d'Ivoire, welcomed the information-sharing between the Côte d'Ivoire Sanctions Committee and the Special Representatives of the Secretary-General for Children and Armed Conflict and Sexual Violence, reflecting the developments on the ground and highlighting the issue of sexual and gender-based violence and children and armed conflict.

**Somalia:** Resolution 2002, adopted 29 July to renew the mandate of the Somalia/Eritrea Monitoring Group, also condemned violations committed against children and added as potential targets for sanctions “political or military leaders recruiting or using children in armed conflicts” as well as the “targeting of civilians including children and women in situations of armed conflict, killing and maiming, sexual and gender-based violence,

attacks on schools and hospitals and abductions and forced displacements”.

**DRC:** As previously noted, resolution 2021 renewing the mandate of the DRC Panel of Experts included language demanding that specific armed groups cease violations particularly against women and children, including rape, and other forms of sexual abuse. However, unlike the corresponding 2010 resolution, it did not contain an explicit request for the UN Stabilisation Mission in the DRC (MONUSCO) to share information on recruitment and use of children and the targeting of children in situations of armed conflict with the Panel of Experts.

*There have been an increasing number of references to thematic resolutions on children and armed conflict in country-specific resolutions.* However, there is no consistent pattern as to which thematic resolutions on children and armed conflict are referenced in the preambular paragraphs of the different country-specific resolutions. Resolutions 1990 and 1991 on UNISFA and MONUSCO respectively, for example, included references to resolution 1882 but not to resolution 1612. (These resolutions could not reference resolution 1998, which was adopted later in the year.) Resolution 2021 on the DRC Panel of Experts likewise made reference to resolution 1882 but not to resolution 1612, which had been consistently mentioned for some years. Following the adoption of resolution 1998, all relevant resolutions referenced the three thematic resolutions on children and armed conflict, with the exception of resolution 2012 on Haiti which referenced 1612 and 1882 but not 1998. In some cases like resolution 2010 on the reauthorisation of AMISOM, a more general reference was made to previous resolutions on children and armed conflict.

**Iraq:** The only country-specific situation in which the relevant 2011 resolutions did not mention any children and armed conflict thematic resolutions was Iraq. It did, however, reaffirm a number of resolutions on women, peace and security. Resolution 2001 renewing the UN Assistance Mission in Iraq (UNAMI) moreover made no reference to the conclusions of the Working Group or the action plans. The lack of any specific child protection language may be partly a result of not having a child protection adviser in

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

the mission. (At press time, the child protection adviser position created by the relevant UNAMI resolutions in 2009 and 2010 had not been filled.)

*Including references to the conclusions of the Working Group is becoming a more frequent practice for situations which are in Annex I. Including references to action plans to end the recruitment and use of child soldiers is also becoming more frequent.* References to the conclusions of the Working Group regarding country-specific situations followed a pattern similar to the one identified for 2010. They tended to appear in resolutions on African situations like Chad/CAR, the DRC, Somalia, South Sudan and Sudan (Darfur). Although there was no such reference in resolution 1974 renewing UNAMA, resolution 2010 on the reauthorisation of ISAF did take note of the latest set of conclusions adopted by the Working Group on 3 May 2011.

*Tailoring references to situation-specific action plans to end the recruitment and use of child soldiers is becoming a more frequent practice.*

**Afghanistan:** Resolution 1974, renewing the mandate of UNAMA, welcomed the 31 January action plan signed by the Afghan government to halt the use and recruitment of children by the Afghan National Security Forces.

**DRC:** Resolution 1991, renewing the mandate of MONUSCO, recalled the conclusions of the Working Group especially in relation to the adoption of action plans to put an end to the recruitment of children. It also urged the government to meet its commitments to adopt and implement an action plan to halt recruitment and use of children by the FARDC.

**South Sudan:** Resolution 1996, adopted to establish UNMISS, called upon the government to renew the 20 November 2009 action plan to end recruitment and use of child soldiers by the Sudan People's Liberation Army (SPLA).

**Sudan:** Resolution 2003, renewing the mandate of UNAMID, urged the Secretary-General to continue dialogue with the parties to the conflict towards the preparation of "time bound action plans to end the recruitment and use of child soldiers".

**Somalia:** Resolution 2010, renewing the mandate of AMISOM, urged the TFG to develop and implement a concrete, time-bound action plan to halt the recruitment

and use of children.

**CAR:** Resolution 2031, renewing the mandate of BINUCA, highlighted the signing of action plans by the rebel groups APRD and CPJP.

As expected, following the delisting of Burundi and Côte d'Ivoire from Annex I in 2010 and 2007 respectively, the relevant 2011 resolutions on both situations no longer contained references to the conclusions of the Working Group.

While we did not expect to see in 2011 any reference to an action plan addressing attacks on schools and hospitals given that it was only added as a trigger in July 2011, it is noteworthy that two years after sexual violence and killing and maiming were added as triggers, no 2011 resolutions included references to action plans to end these violations.

*Including references to child protection in piracy and peacebuilding-related resolutions has not become an established practice.* Only one (S/RES/2020) of the three 2011 piracy resolutions adopted on Somalia (1976, 2015 and 2020) contained a reference to children. In 2011, the Council also focused its attention on the problem of piracy in the Gulf of Guinea for the first time, but so far there seems to be no evidence of children being involved in or affected by piracy there.

In 2011 there were no acknowledgements in peacebuilding related resolutions, namely resolution 2027 on Burundi, of child protection issues being important in a post-conflict situation.

### *Thematic Resolutions*

The Security Council adopted 12 thematic resolutions in 2011. Of the 12 resolutions, six were on staffing issues related to the international tribunals and five dealt with counter-terrorism and non-proliferation, the appointment of the Secretary-General and HIV/Aids. Apart from resolution 1998 on children and armed conflict, none of the other thematic resolutions made any mention of child protection needs. This can be attributed to the fact that almost all the thematic resolutions were on issues where one would not expect to have any reference to child protection issues. Unlike 2010, in 2011 there were no resolutions on the peace continuum—conflict prevention, peacekeeping and peacebuilding—or on thematic issues which have some overlap with children and armed conflict like

protection of civilians or women, peace and security. Arguably, the one thematic resolution where one could expect some reference to children is resolution 1983 on HIV/Aids. However, apart from underlining the importance of "curbing the vertical transmission of HIV from mother to child in conflict and post-conflict situations", the resolution is otherwise silent on child protection.

### **Presidential Statements Adopted by the Security Council**

The Security Council usually issues a presidential statement in response to a significant development on the ground in situations on its agenda or to highlight key points following a thematic open debate or the release of key documents by the Secretariat. 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.

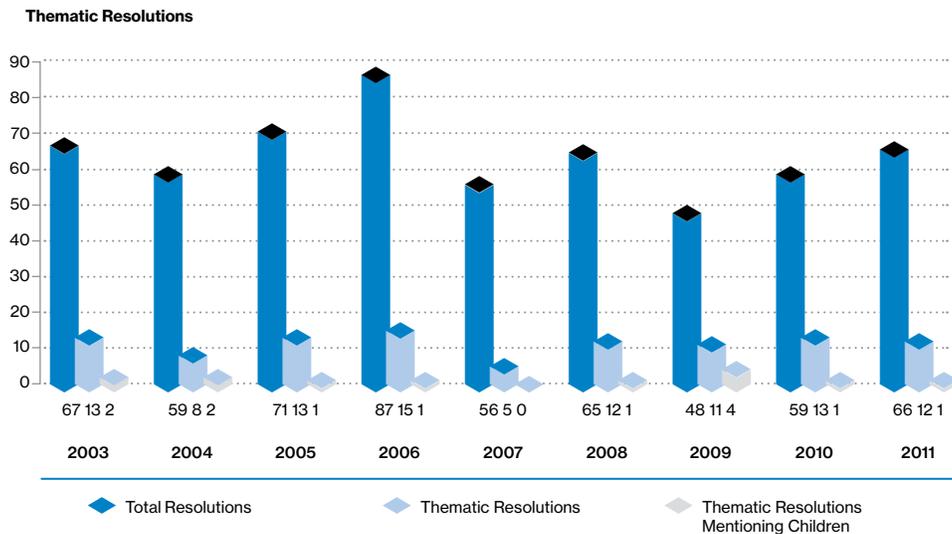
In 2011, the Security Council adopted 22 presidential statements compared with 30 in 2010. In fact, 2011 registered the lowest number of presidential statements in 20 years. This was partly due to the continuation of a relatively new practice to issue press statements on a broad range of issues rather than adopting formal decisions. A number of issues in 2011 that previously might have been addressed in a presidential statement (and sometimes a resolution) were instead covered in press statements.

As was done with the resolutions in the previous section, the 22 presidential statements adopted in 2011 have been differentiated as either country-specific or thematic in nature. In 2011 there were thematic presidential statements on: women, peace and security; security sector reform; preventive diplomacy; peacekeeping; peacebuilding; the linkage between security and development; climate change; and terrorism.

### *Country-Specific Presidential Statements*

The number of country-specific presidential statements that could reasonably be expected to address child protection issues was 11, with four actually including some reference to children. With 36.4 percent of the relevant presidential statements containing a reference to children, 2011 placed higher than the 25 percent registered in 2010 (three

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



of 12 relevant country-specific presidential statements).

The number of country-specific presidential statements with references to children has generally been low, arguably due to the generally reactive nature of presidential statements, which tend to focus on an immediate message rather than a comprehensive outline of issues connected to the larger situation. In 2011, however, several presidents of the Council chose to hold debates on country-specific situations. In the presidential statements following these debates, there were substantive references to children.

**Somalia:** The 28 February presidential statement on Somalia (S/PRST/2011/6) included expressions of concern about continuing violations and abuses committed against children in Somalia by parties to the conflict and urged immediate implementation of the conclusions of the Working Group pertaining to Somalia.

**DRC:** The 18 May presidential statement on the DRC (S/PRST/2011/11) made reference to sexual violence affecting children as well as the use and recruitment of children.

**Haiti:** The 10 March presidential statement on Haiti (S/PRST/2011/7) expressed concern about children as “victims of trafficking”. It also made a more general reference to the need to provide adequate protection and attention to the needs of children as part of vulnerable groups.

**LRA:** The 14 November presidential statement on the LRA (S/PRST/2011/21)

contained the most substantive children-related language of the 2011 presidential statements. It condemned the recruitment and use of children, killing and maiming, rape, sexual slavery and other sexual violence and abductions; had a reference to the escape of children from the LRA; and included a reference to the ICC arrests of LRA leaders on charges that included murder, rape and enlistment of children through abduction.

The presidential statements identified above paid particular attention to child protection issues, apparently marking a departure from the past practice of generally not referring to children as a separate issue but as part of the larger protection agenda.

The three presidential statements on Sudan (S/PRST/2011/3 on the South Sudan referendum, S/PRST/2011/8 on UNAMID, and S/PRST/2011/12 on Abyei) had strong protection language but had no references to protection of children.

The 14 January presidential statement on Nepal (S/PRST/2011/1) marking the closing down of the UN mission in the country might also have been expected to contain references to children given that the separation and reintegration of former Maoist combatants was a key aspect of the peace process but contained no references to child-related issues.

### *Thematic Presidential Statements*

In 2011 there were nine thematic presidential statements compared to 15 in 2010. Of the

nine issued, six could reasonably be expected to address child protection, yet only two actually did.

The 28 October presidential statement on women, peace and security (S/PRST/2011/20) contained a number of references to girls in the context of human rights. It also mentioned the importance of the mandate of the Special Representative for Children and Armed Conflict in contributing to the work on the women, peace and security agenda. It contained stronger language than the two presidential statements on women, peace and security adopted in 2010. The 27 April 2010 presidential statement on women, peace and security (S/PRST/2010/8) simply asked the Secretary-General to ensure that “all country reports to the Security Council provide information on the impact of situations of armed conflict on women and girls”, while the 25 October presidential statement (S/PRST/2010/22) reiterated the Council’s support for the Special Representatives for children and armed conflict and sexual violence.

The presidential statement (S/PRST/2011/19) issued following the 12 October debate on security sector reform noted that child protection and protection from sexual and gender-based violence are key areas that are part of security sector reform programmes which peacekeeping and special political missions have been mandated to support.

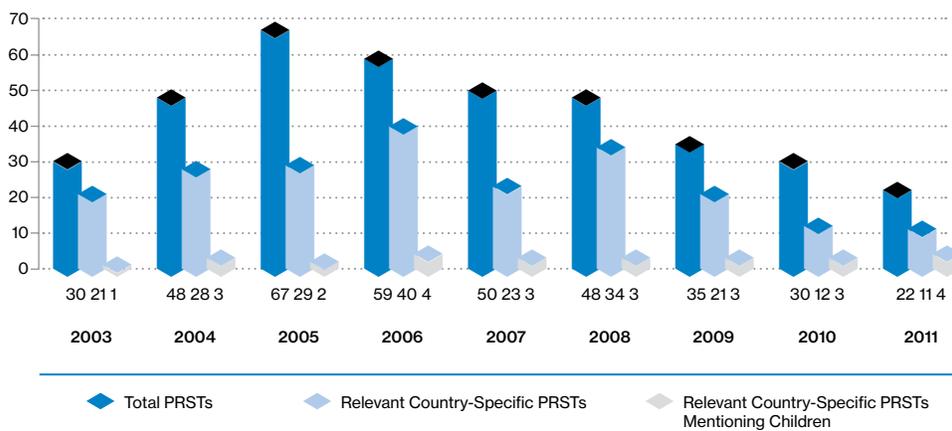
Four presidential statements following debates related to the peace continuum did not make any references to protection of children, in stark contrast to 2010. The presidential statement (S/PRST/2011/7) adopted following the 16 April debate on post-conflict peacebuilding emphasised the importance of the empowerment of affected people, “in particular vulnerable civilians, such as children, the elderly, refugees and internally displaced persons.”

In the 23 September presidential statement (S/PRST/2011/18) adopted after a high-level debate on peacekeeping, peacebuilding and conflict prevention, the Council reaffirmed its conviction that the “protection of civilians in armed conflict, particularly women and children, should be an important aspect of any comprehensive strategy to resolve conflicts.”

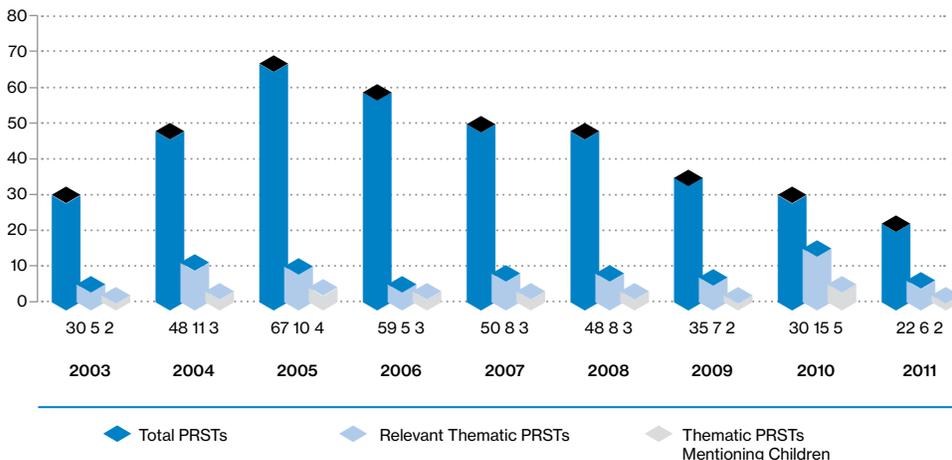
The three other presidential statements

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

Country-Specific Presidential Statements



Thematic Presidential Statements



(S/PRST/2011/9, S/PRST/2011/5 and S/PRST/2011/5) adopted in 2011 with no reference to children were on climate change, Osama bin Laden's death and terrorism.

It appears that compared to 2010 there was less attention paid to child protection issues during thematic debates, particularly when they were focused on conflict prevention and peacebuilding.

### Secretary-General's Reports

All our *Cross-Cutting Reports* on children and armed conflict have analysed the Secretary-General's reports taking into account that in resolution 1460 the Council requested that all such reports on country-specific situations "include protection of children as a specific aspect."

In 2011 the Secretary-General submitted 88 reports. Of these 72 were either country-specific reports or regional reports relating to country-specific situations. (This compares with 90 reports in 2010, of which 76 were country-specific reports.)

Of the 72 reports on country-specific situations, 67 could reasonably be expected to address the children and armed conflict agenda pursuant to resolution 1460. (Technically, if resolution 1460 is taken literally, all 72 reports should do so, but our *Cross-Cutting Reports* have always excluded from the count those country-specific reports addressing issues that are quite divorced of a child protection angle: the reports on the Development Fund for Iraq, progress towards ratification of the Additional Protocol to

the Comprehensive Safeguards Agreement and the Comprehensive Nuclear-Test-Ban Treaty by Iraq, the Tribunal in Lebanon and on missing Kuwaiti nationals and property.) Of the remaining 67 relevant country-specific reports, 36 (53.7 percent) had references to child protection concerns. This is a slight decline from 2010 when 55 percent of relevant reports had references to children and a reversal in the steadily upward trend first identified in 2008 when it stood at 46 percent.

Questions may be raised about whether reports on country-specific situations like Cyprus, the Golan Heights, Kosovo, Sierra Leone and Western Sahara should be counted as these mandates do not include children and armed conflict issues. However, in light of the fact that resolution 1460 asked for all country-specific reports to reference protection of children, we have included these situations in our analysis.

*Reports with a distinct section or sub-section on child protection in 2010 generally contained similar sections in the corresponding 2011 report.* Generally child protection was a sub-section of a larger section (for example "peace consolidation", "mandate implementation", "human rights" or "humanitarian assistance") with the reports on BINUCA presenting child protection as a stand-alone section.

**Afghanistan:** In the case of UNAMA, one of the three 2010 reports contained a stand-alone section on child protection, but in all four 2011 reports on developments in Afghanistan references to child protection came under a human rights or humanitarian assistance subheading.

**Iraq:** Iraq has been in the annexes to the Secretary-General's annual reports on children and armed conflict since 2009 yet the Secretary-General's periodic reports to the Council on Iraq have never had a section on child protection. The March report (S/2011/213), however, contained relevant information regarding children affected by violence in Iraq. Resolution 2001 renewing UNAMI in 2011 also contains only a weak reference on the need to take all feasible steps and develop modalities to ensure the protection of children. The lack of a separate focus on children in Iraq may be partly attributed to the absence of a child protection adviser in UNAMI.

*Reports on post-conflict and peacebuilding*

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

*situations are not likely to focus on child protection issues unless there is a specific child protection mandate for the mission.* Generally references to children in reports on peacebuilding missions tend to be related to post-conflict concerns such as the rule of law and security sector reform. This was clearly seen in the 2011 reports on Guinea-Bissau, Sierra Leone, Timor-Leste and the UN Disengagement Observer Force (UNDOF). There were two exceptions to this: BINUCA and UN Office in Burundi (BNUB).

**CAR:** From the start, BINUCA has included child protection allowing it to recruit a child protection adviser. As a result the relevant reports have always contained a separate child protection section.

**Burundi:** Despite being delisted from the annexes in 2010, reports on Burundi continued to cover child protection issues. Like BINUCA, BNUB has highlighted the rights of children as a specific peace consolidation challenge for the government of Burundi. In addition, because in the past the monitoring and reporting mechanism covered Burundi, it might have been easier for the mission staff to continue to report on child protection issues.

*The regional approach to the LRA issue has resulted in solid information on child protection issues.* The LRA situation is an example of how synchronised work between the Council and the Working Group can be effective in dealing with a particularly difficult party. The first set of conclusions adopted by the Working Group on Uganda/LRA in 2007 asked the Secretary-General for a follow-up report with possible further steps. Stronger recommendations were then made by the Working Group in response to the follow-up report including the suggestion that the UN task forces on the LRA based in the CAR, the DRC, Sudan and Uganda should work together to develop a joint monitoring capacity strategy.

This eventually led to a regional monitoring and reporting mechanism being set up in 2011. In the meantime the Council was also looking at a regional strategy for dealing with the LRA based on a Secretariat assessment mission that took place in early 2011. This led to the governments of the CAR, the DRC, Sudan and Uganda setting up a regional task-force under AU auspices to deal with the LRA issue.

This coalescence between the Security Council and the Working Group in developing cross-border information-sharing and collaboration between the child protection components of BINUCA, MONUSCO, UNMISS and UNICEF country offices in the region has resulted in a strong child protection focus in reporting on the LRA. This in turn is reflected in the more substantive child protection references in the Secretary-General's reports and Security Council resolutions relating to the mandates of these missions.

*The "observations" section of the Secretary-General's reports had more direct references to child protection.* Contrary to 2010, when no reports by the Secretary-General had separate references to children in the "observations" section, the relevant section in the 2011 reports on Afghanistan, the CAR, Chad, the DRC, Iraq, Somalia and the LRA had specific references to children.

**CAR:** The two 2011 reports on BINUCA contained a reference to children in the "observations" section. In the 16 May report (S/2011/311), the Secretary-General urged the government and the politico-military groups to develop and implement action plans to end recruitment and use of child soldiers. The 28 November report (S/2011/739) welcomed the signing of an action plan to end the recruitment and use of children by the APRD and CPJP armed groups and urged other listed parties to sign similar action plans. It also reinforced concern about recruitment and use of children by self-defence militias.

**Chad:** The 29 April report on protection of civilians in Chad (S/2011/278) included language in the "observations" section about strengthening the monitoring and reporting of grave violations against children and encouraged the government to adopt and implement the draft action plan on recruitment and use of children.

**DRC:** The "observations" section of the 17 January report on MONUSCO (S/2011/20), while focusing on protection of civilians, touched upon the recruitment and abduction of children by armed groups.

**Somalia:** The 30 August report on Somalia (S/2011/549) expressed concern over international law violations against children and urged an end to the recruitment and use of children by the TFG. The 9 December report (S/2011/759) welcomed the recommitment

of the TFG to signing an action plan on recruitment and use of children.

*Reports are increasingly highlighting progress made with the signing and implementation of action plans.* This is partly due to the increase in the number of plans signed in 2011. The 9 March report on Afghanistan (S/2011/120) conveyed information on the signing of an action plan on recruitment by the government, while the 13 December report (S/2011/772) talked about its implementation. The 29 April Chad report (S/2011/278) and the 28 November report on the CAR (S/2011/739) both contained information about the signing of action plans while three UNAMID reports—14 April (S/2011/244), 12 October (S/2011/643) and 30 December (S/2011/814)—contained information on progress on action plans. The 12 May report on MONUSCO (S/2011/298) highlighted the lack of progress in the development of an action plan to halt recruitment of children.

*While child soldiers still feature prominently in reports with child protection sections, the other triggers, killing and maiming and sexual violence, are now referenced more prominently.* Although no action plans have been signed on killing and maiming and sexual violence, there has been heightened awareness and improved reporting on these two triggers since the adoption of resolution 1882. The 2011 Secretary-General's reports on the UN missions in Burundi, Côte d'Ivoire, Haiti and Somalia included a mix of reporting on different violations against children rather than focusing only on recruitment.

### Peace Agreements and Protection of Children and Armed Conflict

Since 2001, the resolutions on children and armed conflict adopted by the Security Council have asked for protection of children to be factored into peace agreements, including provisions relating to disarmament, demobilisation, reintegration and rehabilitation. The relevant resolutions adopted since 2003 have furthermore called upon parties to conflict to ensure that the protection and rights of children are integrated into peace processes, peace agreements and post-conflict recovery and reconstruction phases. Resolution 1998 called upon all parties to include protection and rights of children in peace processes but does not explicitly mention peace agreements.

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

The government of Sudan and the Liberation and Justice Movement signed a protocol agreement on 14 July 2011 committing to the Doha Document for Peace in Darfur (DDPD). The DDPD, which is the framework for the comprehensive peace process in Darfur, contained a number of significant provisions addressing violations against children. The needs of children were addressed in provisions relating to early recovery, reconstruction, rehabilitation and education policies and programmes and special mention was made of the importance of providing protection to displaced children. In the section on ceasefire and security arrangements, the DDPD highlighted the importance of specific measures for vulnerable groups such as children taking into account their special status in international law and recognising that they have disproportionately suffered during the conflict. There was a specific call to refrain from all acts of violence against civilians, in particular vulnerable groups such as children, and from violations of human rights and international humanitarian law. Significantly, the section entitled “Prohibited Activities and Positive Undertakings” includes prohibition of recruitment of children under the age of 18 by armed forces and armed groups in hostilities “in accordance with Sudan’s obligations under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and obligations under Protocol II (1977) of Geneva Conventions of 1949.” It also called for all children recruited by armed forces or armed groups to be released unconditionally through the development of action plans.

The DDPD also noted that child soldiers accused of crimes should be seen as victims of violations of international law and not alleged perpetrators. Children were also covered in the DDR process with parties asked to ensure that the release process be as brief as possible.

### Reports of Security Council Visiting Missions

The Security Council only organised one visiting mission in 2011: Africa from 19–26 May. The annual consultations with the AU Peace and Security Council (PSC) was the main focus of the 20–21 May visit to Addis Ababa. The 21–24 May visit to Sudan, just weeks prior to the independence of South

Sudan, included both a leg in the northern and southern parts of the still unified country. The implementation of the Comprehensive Peace Agreement, the work of both UNMIS and UNAMID and the situation in Abyei were all on the agenda. However, the events related to the takeover of Abyei by the Sudanese Armed Forces on 21 May shifted the focus of the visit. The 24–25 May visit to Nairobi was designed to enable Council members to discuss issues relating to Somalia with key actors and reiterate concern about the continued inability of the Transitional Federal Institutions (TFI) components to work constructively with each other or the UN.

In the terms of reference for the Sudan part of the visit the Council included a “call on parties to give attention to the specific needs of women and children— especially regarding protection against sexual violence”. The terms of reference for the Nairobi visit indicated that Council members planned to express their concern about continuing violations and abuses committed against children in Somalia by parties to the conflict and to urge the immediate implementation of all conclusions regarding Somalia adopted by the Working Group on Children and Armed Conflict.

The inclusion of child protection issues in the terms of reference for the visiting mission seems to follow the 2009 recommendations by the Working Group to the Council to include the situation of children affected by armed conflict in its field trips. This recommendation came about partly because of interest in 2009 and 2010 from elected members, in particular Austria, and civil society and appears to have been followed in the terms of reference for subsequent visiting missions. Our analysis above of the conclusions of the Working Group, however, shows that this recommendation was not included in the 2011 conclusions. While this did not preclude references to child protection being included in the terms of reference for the 2011 visiting mission to Africa, it is difficult to ascertain if any issues related to children were effectively raised as there has been no report published so far and the oral briefing to the Council did not highlight any particular focus on protection of children.

With Somalia and Sudan both included in the annexes to the reports, this could have been an opportunity to press for

commitments from the relevant parties. However, from the scant evidence available it appears that there was no concerted effort to do so.

### Progress on Dialogue, Action Plans, DDR, Convictions and National Legislation

There have been 19 action plans on recruitment and use of children in armed conflict signed since resolution 1539 called upon parties to prepare concrete, time-bound action plans to halt recruitment and use of children in armed conflict. The first step towards signing these action plans is dialogue between the UN and the relevant parties, which if successful leads to the formulation of an action plan to stop violations against children. If parties implement commitments to the action plans, this could lead to them being removed from the annexes. Nine parties have been taken off the annexes through this process so far. Currently, eight government armed forces are listed in the annexes to the reports by the Secretary-General: Afghanistan, Chad, the DRC, Myanmar, Somalia, South Sudan, Sudan and Yemen, five of which are engaged in an action plan process (Afghanistan, Chad, Myanmar, Somalia and South Sudan). There are separate on-going negotiations between the UN and the DRC and Sudan for action plans and a dialogue is expected to start soon between the UN and Yemen, which was added to Annex II just two years ago.

Of the 19 action plans signed on recruitment and use of children so far, four were signed in 2011 and three had been signed by press time in 2012:

#### 2011 Signatories

Afghanistan: Afghan National Security Forces (ANSF);

CAR: *Armée populaire pour la Restauration de la République et la Démocratie* (APRD) and *Convention des Patriotes pour la Justice et la Paix* (CPJP); and

Chad: *Armée Nationale Tchadienne* (ANT).

#### 2012 Signatories

Myanmar: *Tatmadaw* (Myanmar Armed Forces);

Somalia: Transitional Federal Government (TFG); and

South Sudan: Sudan People’s Liberation Army (SPLA).

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

### *Situations where Parties are Currently Engaged in Developing, Implementing or Renewing Action Plans*

**Afghanistan:** On 30 January 2011, the government of Afghanistan and the UN signed an action plan for the prevention of underage recruitment by the Afghan National Security Forces (ANSF), as well as annexes on sexual violence and killing and maiming (the two triggers added in 2009 in resolution 1882 which also called upon parties to prepare action plans to halt these violations). A working group within the Afghan government was established and the first compliance report was submitted in early 2012. There have been some government initiatives such as training of the Afghan National Police (ANP) on age-assessment procedures, investigations into alleged underage recruitment, and the provision of unimpeded access for the UN to ANP and ANSF recruitment and training centres. However, full implementation of the action plan has been delayed by the lack of a comprehensive inter-ministerial strategy. A signal that religious community leaders were paying attention to this issue came when the *Ulema Shura* issued a fatwa in March 2011 condemning child recruitment, attacks against education and killing and maiming.

**CAR:** As indicated earlier, the rebel *Armée Populaire pour la Restauration de la République et la Démocratie* (APRD) and the *Convention des Patriotes pour la Justice et la Paix* (CPJP) both signed action plans with the UN to end the recruitment and use of children on 19 October and 20 November 2011, respectively. The *Union des Forces Démocratiques pour le Rassemblement* (UFDR), which on 16 June 2007 had signed an action plan, on 20 November 2011 reiterated its commitment to release children remaining in its ranks and agreed to allow for UN verification. Implementation committees have been set up with the CPJP and UFDR but this has not been possible with the APRD due to the arrest of its leader, Jean-Jacques Démafouth, by the CAR police.

**Chad:** On 14 June 2011, Chad signed an action plan with the UN to end child recruitment by the *Armée Nationale Tchadienne* (ANT). The action plan committed the government to allow the UN to verify the presence of children in the ranks of the ANT and to criminalise the recruitment and use

of children in armed conflict under domestic law. Although a road map has been developed, implementation of the action plan has been limited.

**Myanmar:** On 27 June 2012 an action plan was signed between the *Tatmadaw* (Myanmar Armed Forces) and the UN, committing the former to stopping and preventing the recruitment of children, and releasing and reintegrating underage recruits with UN support. Under the action plan, Myanmar also agreed to strengthen recruitment vetting procedures as well as disciplinary action against perpetrators, and to allow the UN unimpeded access to military bases and prisons. If these commitments are kept it is possible that the *Tatmadaw* will be removed from the Secretary-General's annex by 2013. There was no dialogue with non-state actors operating in Myanmar, but now that an action plan has been signed with the *Tatmadaw*, the government may be more open to facilitating access to non-state actors.

**Philippines:** The Moro Islamic Liberation Front (MILF) signed an action plan to stop recruitment and use of child soldiers with the UN on 1 August 2009, which expired on 31 July 2011. Dialogue between the UN and the MILF has been restored after a period when it had been interrupted due to stalled peace talks and renewed armed skirmishes by the latter.

There has been little progress in getting the National Democratic Front of the Philippines (NDFP), the political front of the communist New People's Army (NPA), to sign an action plan. The NDFP denies it has any children in its ranks as it claims to have a policy of no underage recruitment. The Armed Forces of the Philippines (AFP) have committed to developing a strategic plan to address the association of children with AFP paramilitary units.

**Somalia:** On 3 July 2012, the TFG signed an action plan committing to end the recruitment and use of children by the Somali National Forces (SNF) at the margins of the Somalia International Contact Group meeting in Rome. This was followed on 9 August by the TFG signing an action plan committing the SNF, as well as allied militia and military groups under its control, to ending the killing and maiming of children. In anticipation of the signature for the

action plan to end recruitment, a number of steps had been taken by the TFG, including issuing a general order which underlined that recruitment and use of children by members of the SNF was a violation of international law and the Code of Conduct of the armed forces. Military and civilian focal points were also appointed to interact with the country task forces on monitoring and reporting and the development of an action plan. There was no engagement with *Al-Shabaab* in 2011.

**South Sudan:** On 13 March 2012, during the visit of the Special Representative, the Sudan People's Liberation Army (SPLA) and the UN signed an action plan renewing the SPLA's commitment to release children from its ranks. While it had committed to the action plan in 2009, the renewed agreement to refrain from recruiting or using children was significant as the SPLA has since become the national army of newly independent South Sudan. With the deployment of UNMISS, the UN established a country task force to monitor and report on violations against children.

### *Situations where there has been Little Progress on Action Plans*

**Colombia:** There was no dialogue in 2011 between the UN and the non-state armed groups operating in Colombia. In December 2008 Colombia, which is not on the agenda of the Council, voluntarily agreed to the establishment of a UN mechanism to monitor and report on violations against children on the condition that dialogue between the UN and armed groups would only take place with the prior and explicit consent of the government. As a result there has not been much progress in implementing resolution 1612.

**DRC:** Throughout 2011, the government of the DRC and the *Forces Armées de la République Démocratique du Congo* (FARDC) made little progress on developing and implementing an action plan to stop recruitment and use of children, although the FARDC has been on the Secretary-General's annexes for seven years. However, in June 2012 the Office of the Special Representative was informed that the FARDC might be ready to sign an action plan by the end of the year. At press time, no formal commitment had been made.

**Sudan:** There were discussions in 2011

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

with both the Sudanese Armed Forces and the Sudan Liberation Army/Abdul Wahid (SLA/AW) rebel group on action plans to end recruitment and use of children. The Sudan Liberation Army/Historical Leadership, a splinter formed by dissidents from SLA-AW, submitted a written commitment to the UN to end recruitment of children in Darfur.

**Yemen:** The government issued a statement in May 2011 expressing its commitment to end the recruitment and use of children and reaffirming its commitment to work with the UN towards this goal. The UN has been working with a committee established in November 2011 to rehabilitate combatants who do not meet conditions for service within the armed forces. However, no progress was made in releasing children from pro-government militia. There has also been no dialogue with the *Al-Houthi* armed group on the development of an action plan on grave violations against children.

### *Situations Removed from the Annexes to the Reports of the Secretary-General*

**Nepal:** A technical mission from the Office of the Special Representative went to Nepal from 12-16 December 2011 to ensure that the United Communist Party of Nepal-Maoist (UCPN-M) was in full compliance with the action plan that it had signed on 16 December 2009. After the UCPN-M took steps to address the remaining challenges towards full compliance, including the payment and provision of housing to minors, it was removed from the annexes in the 2012 report on children and armed conflict.

**Sri Lanka:** By 2009, child recruitment had come to an end, largely due to the disbanding of the Liberation Tigers of Tamil Eelam (LTTE), responsible for most child recruitment cases reported in Sri Lanka, after its military defeat. By 2011, only the *Inya Bharathi* faction of the *Tamil Makkal Viduthalai Pulikal* (TMVP) was still listed in the annexes. Following UN verification that the government had made efforts to locate five children allegedly still associated with the *Inya Bharathi*, Sri Lanka was removed from Annex II of the 2012 report.

### Issues Involving Peacekeeping

The two most recent resolutions on children and armed conflict (resolution 1882,

adopted on 4 August 2009 and resolution 1998 adopted on 12 July 2011), as well as the 16 June 2010 presidential statement (S/PRST/2010/10), encouraged the deployment of child protection advisers to relevant peacekeeping, peacebuilding and political missions and called on the Secretary-General to ensure that such advisers were recruited and deployed. Child protection advisers are involved in training peacekeepers and in the implementation of the monitoring and reporting mechanism including documenting child rights violations and engaging in dialogue with parties to conflict to develop action plans.

Currently child protection advisers are working in seven peacekeeping and political missions:

- UN Mission in South Sudan (UNMISS);
- AU/UN Hybrid operation in Darfur (UNAMID);
- UN Organization Stabilization Mission in the DRC (MONUSCO);
- UN Stabilization Mission in Haiti (MINUSTAH);
- UN Assistance Mission in Afghanistan (UNAMA);
- UN Mission in Liberia (UNMIL); and
- UN Operation in Côte d'Ivoire (UNOCI).

The UN Political Office for Somalia (UNPOS), the UN Assistance Mission for Iraq (UNAMI) and the UN Integrated Peacebuilding Office for the CAR (BINUCA), all have positions that are in the process of being filled.

The UN Department of Peacekeeping Operations (DPKO) has updated training materials with the assistance of UNICEF and Save the Children with the aim of better equipping peacekeepers to deal with child protection issues. As part of a training project on child protection, DPKO is also developing guidelines for military contingents serving in peacekeeping missions.

Child protection guidelines prepared by DPKO for military members of national contingents serving in peacekeeping missions, are expected to be published later in 2012.

### Developments in the Area of Sanctions

Since the adoption of resolution 1539 on 22 April 2004, in its resolutions and presidential statements on children and armed conflict, the Council has signalled its willingness to take action against parties violating

applicable international law relating to children in armed conflict by imposing targeted and graduated measures, such as arms embargos, on parties to situations of armed conflict which are on its agenda.

However, an additional factor that appears to have brought about some action in the area of sanctions is emphasis on the need for enhanced communications between the Office of the Special Representative, the Working Group and relevant Security Council sanctions committees. This was first seen in resolution 1882 and then reinforced in the 16 June 2010 presidential statement and resolution 1998.

As noted earlier, in resolution 2002 adopted on 29 July 2011, the Council expanded its criteria for sanctions designations in the case of Somalia and Eritrea to include grave violations against children, including recruitment and use, killing and maiming, sexual violence, abductions, attacks on schools and hospitals and forced displacement in Somalia. Although the Côte d'Ivoire, DRC and Sudan Sanctions Committees have decided to include designations on grave violations against children, the actual designation of targets for sanctions can take some time. Resolution 1698, adopted on 31 July 2006, established the possibility of applying sanctions to political and military leaders recruiting or using children in armed conflict in the DRC. Yet it took the DRC Sanctions Committee nearly three years to agree on designating anyone under this criteria. At press time, no designations on child rights violations have been made by the Somalia/Eritrea Sanctions Committee. •

## Case Study: Somalia

Somalia has been chosen as a case-study for this *Cross-Cutting Report* for a number of reasons. Children have been directly affected by the conflict in Somalia over the decades. They have been killed and maimed and have suffered as a result of forced recruitment as soldiers, forced marriage and rape, as well as attacks on schools. Together with other civilians, they have also been severely affected by the humanitarian crisis which has devastated Somalia since the early 1990s.

Attention to the situation of children in Somalia has come about in spite of, rather than because of, the Security Council's involvement in Somalia as a country-specific situation. Somalia has been on the agenda of the Council for more than two decades. However, the UN's profound failure in the early 1990s to carry out the mandate of restoring peace and stability and protecting civilians while providing a secure environment for humanitarian access, together with the heavy losses sustained by UN peacekeepers and US forces, left deep scars which coloured decision-making in the Council for many years.

As our case-study will show, as a result of the Council's hands-off approach to Somalia for more than a decade, it was *not* its interest in Somalia which was the driving force in developing the children and armed conflict agenda for this situation. This came instead from the energy generated by developments in children and armed conflict as a thematic issue, which resulted in a separate track allowing inroads into a situation which the Council largely ignored until 2007. Our comparison of what was happening in the Council and the Working Group in their consideration of Somalia shows that in many ways it was the Working Group and the Secretariat that were influencing the Council on children and armed conflict in Somalia as the issue began to seep into the Council's country-specific work on Somalia.

In 2002, the dire situation faced by children in Somalia was taken up by the Secretary-General when Somalia appeared on the first list of parties recruiting and using children in his annual report on children and armed conflict that year (S/2002/1299). When the Working Group on Children and Armed Conflict was formed in 2006, Somalia was included in its programme of work. Since then there have been three Secretary-General's reports on children and armed

conflict in Somalia and three sets of conclusions from the Working Group with specific recommendations for getting the parties in Somalia to stop violations against children. After years of little progress there were significant developments related to sanctions and action plans from the government forces in Somalia in 2011 and 2012.

### *The Early Years and the Debacle: 1992-1994*

Somalia experienced large-scale political violence in late 1991, leading up to the eventual fall of the regime of President Mohamed Siad Barre. The country first came to formal attention of the Security Council as a result of a letter from Interim Prime Minister, Omer Arteh Ghalib, to the President of the Council requesting an immediate meeting of the Council on the deteriorating security situation (S/23445). In response, on 23 January 1992, the Council adopted resolution 733 imposing an arms embargo. The imposition of the embargo was largely a symbolic measure with little impact on the different factions fighting on the ground. (The resolution did not even establish a sanctions committee to monitor the implementation of the arms embargo. While a Somalia Sanctions Committee was eventually established on 24 April in resolution 751, there was no obligation on states to report to the Committee. Except for holding an average of two meetings annually, the Committee was largely inactive during its first several years.)

On 29 April 1992, the Council established the UN Operation in Somalia (UNOSOM, also known as UNOSOM I) to monitor the ceasefire in Mogadishu and to provide protection for UN personnel and delivery of humanitarian supplies. The civil war combined with a drought had led to a dire humanitarian situation in Somalia. There was a strong desire in the Council at this point to respond to this humanitarian crisis. However, as the security situation worsened, it proved difficult for the UN to carry out this part of the mandate. Strengthening UNOSOM I did not produce the desired improvements. On 3 December 1992, through resolution 794, the Council authorised a group of member states to use military force when it welcomed the offer by the US to lead a military operation. For the first time a military action under Council auspices was being taken solely for humanitarian ends in an internal

conflict. Resolution 794 authorised a military operation, the Unified Task Force (UNITAF), led by the US. Its primary aim was to create a secure environment for the delivery of humanitarian assistance as well as restore law and order. With resolution 814, adopted on 26 March 1993, the Council approved a phased transition from UNITAF to a new peacekeeping operation, UNOSOM II.

However, the presence of UNOSOM II had little effect on the overall security and stability of the country and, as the situation deteriorated, the UN was drawn into the conflict between rival clans in Somalia. An attack by one of the clans on 5 June 1993 left 24 Pakistani peacekeepers dead and 57 injured and starkly brought to the fore the challenge the UN was facing in trying to deal with Somalia.

The situation deteriorated even further when on 3 October the US (without informing or securing the consent of the UN) launched a raid in Mogadishu to capture one of the Somali clan leaders, General Mohamed Farah Aidid. A battle ensued in which hundreds of Somalis, combatants and civilians, were killed and two US Black Hawk helicopters were shot down. The operation resulted in 18 US soldiers and over 1,000 Somalis killed and the subsequent withdrawal of the US from Somalia and pressure on other contingents to withdraw.

### *Keeping a Distance: 1995-2001*

The debacle of 1993 led to gradual disengagement of the international community from Somalia. By March 1995 all remaining UN peacekeepers were withdrawn. Somalia was left with no government and no international presence on the ground that could serve as a stabilising factor. The UN relocated its country team to Nairobi and in 1995 established UNPOS. The failure of the UN as a whole in Somalia in the 1990s was an important factor in the Council's approach to Somalia for the next decade. For several years, the Council would pay scant attention to either the political or humanitarian situation there.

Between November 1994 and June 2001, the Council failed to adopt any resolutions on Somalia, although in 1999 it adopted two presidential statements (S/PRST/1999/16 and S/PRST/1999/31). The two statements focused on the deteriorating political, military

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## Case Study: Somalia (con't)

and humanitarian situation in Somalia and expressed concern over violations of the arms embargo imposed by resolution 733. Both presidential statements make a reference to children being affected by the conflict. The first, adopted on 27 May, mentioned children in the context of condemning attacks against civilians. The latter, adopted on 12 November, highlighted the fact that children were not receiving health care and access to education. This coincided with the placement of the thematic issue of children and armed conflict on the agenda of the Council. This was also the first instance since the UN withdrawal in 1995 where the Council hinted at reengaging with the situation in Somalia. The 12 November presidential statement encouraged the Secretary-General to review the role of the UN towards the country, including the possibility of relocating some of the UN programmes and agencies, as well as UNPOS, to Somalia. The next substantive action taken by the Council with respect to Somalia came in resolution 1356, adopted on 19 June 2001, which created exemptions for humanitarian reasons to the sanctions regime on protective clothing, flak jackets and military helmets related to UN personnel and others.

### *Moving towards Reengagement: 2002-2009*

In the early part of this period, although Somalia continued to be enmeshed in bitter conflict, the UN was only involved in a very limited way. There was an average of three to four Council meetings a year on the situation in Somalia, but the Council stayed away from making major decisions on Somalia.

Resolution 1425, adopted on 3 May 2002, established a sanctions monitoring mechanism in the form of a Panel of Experts to provide independent information on violations of the arms embargo. For the next four years the only resolutions on Somalia related to the renewal of the mandate of the Panel of Experts (which in 2003 was renamed a Monitoring Group). Although in its resolutions the Council expressed its determination to review the implementation of the arms embargo, there was little attempt to stem the flow of arms which were clearly going into Somalia in violation of the UN embargo. There was a combination of reasons for this: the limited scope of the sanctions and perhaps, more importantly, the Council's aversion to engage once more with Somalia.

Although the arms that were reaching Somalia in violation of the embargo had a direct impact on children being killed and maimed, there was no mention of children in the Council's decisions or public discussions on Somalia during this period. For example, from 2002 to 2009, the Council adopted two to three presidential statements each year following discussions on Somalia, yet only one (S/PRST/2002/8) in 2002 included a reference to children. Some children references were seen in the Secretary-General's country-specific reports on Somalia from 2002 onwards, but it was only from 2005 on that a specific section on child protection began to appear. This was a direct result of resolution 1460 on children and armed conflict which asked for country-specific reports to include "protection of children as a specific aspect".

At a thematic level the issue was beginning to gain prominence through regular debates in the Council beginning in 1999 and the Secretary-General's reports on children and armed conflict which, by 2002, had begun to attach a list of parties that recruit or use children in armed conflict situations. Parties in Somalia were included in that first list and have continued to be in the annexes of the Secretary-General's reports ever since. As will be seen, this was a significant development in highlighting child protection issues which by the end of the decade, would begin to have an impact on the Council's consideration of Somalia as a country-specific issue.

In the meantime, however, the Council was still reluctant to play the leading role in dealing with the situation in Somalia. It appeared content to let the Intergovernmental Authority on Development (IGAD), a regional organisation comprised of Djibouti, Eritrea (from 1993 to 1997), Ethiopia, Kenya, Somalia, Sudan and Uganda (South Sudan became a member in 2011), as well as the AU play a mediation role. In 2004 an agreement signed by some Somali clan factions paved the way for the formation of the Transitional Federal Government (TFG). This brought some hope for stability in southern Somalia. IGAD began planning for a peacekeeping operation, which was endorsed by the AU Peace and Security Council (PSC) in 2006. The Council seemed poised at this point for the first time since the UN withdrawal from Somalia, to engage with the situation once again. The key reasons for this, however,

were counter-terrorism concerns, issues relating to piracy and wider African regional concerns rather than the deteriorating situation for civilians or children.

Any optimism that the situation in Somalia might improve dimmed with the rise of the Union of Islamic Courts (UIC) based in Mogadishu. The UIC took control of the capital on 5 June 2006 and its territorial control grew in late 2006. The Council came under pressure to take sides and support the TFG as well as facilitate the deployment of an IGAD/AU mission. On 6 December 2006, as concerns about the possibility of links between the UIC and *Al-Qaida* emerged, the Council endorsed the deployment of an IGAD force in resolution 1725. (Eventually the AU assumed responsibility for the situation and the mission never deployed as IGAD.) However, civilian protection was not a strong factor and there was no mention of the need to protect children. Meanwhile, Ethiopia intervened unilaterally and, working with the TFG, captured Mogadishu on 28 December.

Around that time, Council members appeared to agree on the need to take advantage of the window of opportunity created by the reinstatement of the TFG in Mogadishu. The AU PSC established the AU Mission in Somalia (AMISOM) on 19 January 2007 and on 20 February the Security Council adopted resolution 1744 authorising AMISOM. While there was a clear understanding in the AU that this mission would evolve into a UN operation, the next few years would show that there was no agreement on this in the Council.

Part of the Council's early support for AMISOM may have been due to the composition of the Council at the time. There were several Council members with an active interest in the region. Ghana was seen as a possible troop contributor to AMISOM. It was also the AU chair at the time and was expected to press for an early transfer to UN control and funding. South Africa, also a key player in the AU, was vocal about the need for the Council to be more involved in Somalia while Italy, another member of the Council at the time, showed signs of being willing to become actively involved in this issue.

The Council authorised AMISOM with an understanding that the Ethiopian presence would provide the security needed for

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## Case Study: Somalia (con't)

inclusive political reconciliation. The Council's focus at this point was on the political and reconciliation process and protection for the Transitional Federal Institutions (TFIs). There was little interest in child protection issues although there was some attention paid to the overall need for security for humanitarian assistance. Resolution 1744 did not include any provisions for child protection in the mission.

The window of opportunity did not materialise. The security situation deteriorated as the Ethiopian intervention triggered a rebellion by the Alliance for the Re-liberation of Somalia (ARS), a group spear-headed by the UIC and other opposition groups from Eritrea. Ethiopian troops, TFG officials, and eventually AMISOM contingents began to be targeted in attacks. Civilians bore the brunt of this violence and in March 2007 an estimated 1.1 million were facing a humanitarian crisis in the south. Human rights violations were committed by all parties.

The first report of the Secretary-General on children and armed conflict in Somalia (S/2007/259), published on 7 May 2007, covered violations against children from January 2006 to March 2007. There were grave violations against children reported, largely as a result of high-intensity conflict between the UIC and the TFG. The Secretary-General's 13 April 2007 country-specific report on the situation in Somalia (S/2007/204) stated that it was too dangerous for a UN peacekeeping operation to take over as there was no peace to keep. In spite of calls from the AU for a transition to a UN peacekeeping operation there was little appetite in the Council to take the UN back into an unstable Somalia.

On 30 April 2007, the deteriorating humanitarian situation prompted the Council to adopt a presidential statement (S/PRST/2007/13) calling on all parties to end hostilities and agree to a comprehensive ceasefire and to comply with international humanitarian law, protect the civilian population and guarantee access for humanitarian assistance. There is, however, no separate mention of the need to protect children in the statement.

In spite of information from the Somalia Monitoring Group that the country was "awash with arms" that "continued to flow heavily" and were being delivered in violation of the arms embargo, the Council showed no signs of following up on any of the

recommendations of the Monitoring Group to increase the effectiveness of the arms embargo. By staying out of the situation in Somalia, the Council had not only failed to stem the flow of arms and lessen hostilities in Somalia, but had in fact sat by and watched the number of arms grow. By July 2007, after 15 years of an arms embargo, the number of arms in Somalia exceeded those of the early 1990s. (For more details of the failure of Council sanctions in Somalia please see our 2008 *Special Research Report: Anatomy of a Sanctions Regime*.)

The Working Group on Children and Armed Conflict published its conclusions on the Secretary-General's first report on children and armed conflict on Somalia on 20 July 2007 (S/AC.51/2007/14). For the first time the impact of the conflict in Somalia on children was being considered by a subsidiary body of the Council. The Working Group's conclusions urged the TFG to demobilise children from its armed forces and prevent further recruitment of children. Expressing grave concern in a public statement to non-state actors, the Working Group urged an end to recruitment and for parties to engage with the UN in discussions on an action plan. It also asked that child protection considerations and provisions be reflected in the reconciliation process. Another area that was highlighted was the need to make child protection a priority for AMISOM.

The Council first included an explicit mention of children in a resolution on Somalia when it adopted resolution 1772 on 20 August 2007 to renew AMISOM. This inclusion can be directly traced to the Council's thematic work. The resolution reaffirmed resolution 1612 which had set up the Working Group and monitoring and reporting mechanism on children and armed conflict and recalled the subsequent conclusions of the Working Group pertaining to parties to armed conflict in Somalia. This reference became a standard paragraph in all subsequent resolutions renewing AMISOM. Resolution 1772, however, made no substantive mention of child protection. The Council's main preoccupation at this point was trying to ensure an all-inclusive political process leading towards a ceasefire, peace process, roadmap and elections. Growing impatient with the lack of progress with political reconciliation by the end of 2007, Council

members seemed inclined to adopt a slightly different attitude towards security and political reconciliation issues in Somalia.

In 2008, the Council focused on whether or not the UN should take over peacekeeping responsibilities in Somalia. While some African Council members were keen to have AMISOM transfer its peacekeeping responsibilities to the UN sooner rather than later, the general consensus was that the conditions for UN peacekeeping were not present and that significant progress with political reconciliation was needed. In renewing AMISOM in resolution 1801, adopted on 20 February 2008, the Council asked the Secretary-General to explore the possibilities for UN peacekeeping in Somalia. However, by 19 August, when the Council adopted resolution 1831 renewing AMISOM again, there seemed to be less support for a UN peacekeeping role as the Council instead encouraged the Secretary-General to continue to explore with the AU ways of strengthening UN logistical, political and technical support for AMISOM.

In its 4 September 2008 presidential statement on Somalia (S/PRST/2008/33), the Council requested that the Secretary-General present a detailed plan for an international stabilisation and peacekeeping force. While the Council used protection language in its call on the parties to ensure humanitarian access and end all acts of armed confrontation, the presidential statement did not include any references to children. For the remainder of 2008, the Council continued to deliberate on the issue, with members divided between whether there should be a multinational force or a UN peacekeeping operation. While some members emphasised concern for the civilian population as a reason for having a UN force, there did not seem to be awareness of the need for specific attention to be paid to protection of children.

It became clear by the end of the year that there was little willingness to participate in a multinational military operation. However, towards the end of December 2008, as the administration of President George W. Bush was in its last weeks, the US circulated a draft resolution authorising the establishment of a UN peacekeeping operation in Somalia. But there was little support from the Council. It was clear by the time resolution 1863 reauthorised AMISOM on 16 January 2009 that the Council was going to keep its options

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## Case Study: Somalia (con't)

open. Resolution 1863 essentially deferred the issue by expressing the Council's intention to "establish a UN peacekeeping operation in Somalia as a follow-on force to AMISOM". It did however provide for a limited package of UN resources to be made available to the mission. The resolution also included a request for the Secretary-General to develop recommendations to facilitate humanitarian assistance to "internally displaced persons, children and other affected persons". It also for the first time mentioned the conclusions adopted by the Working Group (S/AC.51/2007/14).

The Council also began to focus more on the problem of piracy off the coast of Somalia. This took away some of its attention from the conflict on land, including the violations against children. In 2008 the Council adopted four resolutions calling for action against piracy off the coast of Somalia. Children were being recruited as pirates but references to children and piracy did not start showing up in Council resolutions on this matter until 2010.

The Secretary-General's second report on children and armed conflict in Somalia was published on 30 May 2008 (S/2008/352). It covered the period March 2007 to March 2008, over which violations against children had increased, especially recruitment and use of children in armed conflict, killing and maiming and rape and denial of humanitarian access. The increase in recruitment by *Al-Shabaab* was particularly noticeable.

With the adoption of resolution 1844 on 20 November 2008, the Council adopted targeted sanctions on Somalia and finally started to take the poor implementation of the sanctions regime more seriously. Resolution 1844 expanded the sanctions regime to include a travel ban and assets freeze on violators of the arms embargo, individuals who threaten the peace, security and stability of Somalia or impede the delivery or access to humanitarian assistance. This was the first case of the Council imposing sanctions related to the obstruction of humanitarian assistance. But soon after the adoption of the expanded sanctions regime the question arose whether there was the political will within the Somalia Sanctions Committee to actually establish a list of entities or individuals to be targeted by the new sanctions resolution.

It was following these developments that

the Working Group published its second set of conclusions on children and armed conflict in Somalia on 5 December 2008 (S/AC.51/2008/14). As in the first set of conclusions, the TFG was urged to ensure no recruitment or use of children in the armed forces and the non-state parties were urged to engage with the UN on an action plan. New issues such as detention of children, compliance with international humanitarian law by Ethiopian forces and piracy were also covered. A further focus was on getting the Secretary-General to include child protection advisors in UNPOS. The conclusions also mentioned the possibility of a visit by the Special Representative of Children and Armed Conflict. In its public statement aimed at the non-state actors, the Working Group used stronger and more detailed language and also added concerns about sexual violence and the use of children to plant explosive devices. The role of UIC remnants and *Al-Shabaab* in violations against children was also highlighted.

By the end of 2008 it became evident that the Council did not have a clear strategy for Somalia and seemed either unwilling or unable to play a role in maintaining the political momentum there. Despite the strengthening of the sanctions regime there was no attempt to make changes to its implementation. There was also a waning appetite for a transition from AMISOM to a UN operation as many members were convinced that in the absence of a sustainable political process peacekeeping would not be possible. All the evidence points to the Council once again backing off from making hard decisions on Somalia. Not surprisingly there was also a lack of interest in focusing on children or any sort of protection of civilians issues in Somalia.

In 2009, the new configuration of the Council, coupled with a new US administration with less interest in having a UN peacekeeping operation in Somalia, led to the Council basically dropping the idea of the UN taking over from AMISOM. In resolution 1872, adopted on 26 May 2009, the Council simply endorsed the incremental approach to a UN peacekeeping operation proposed by the Secretary-General. The resolution contained no references to children.

It was in 2009 that Council members began to make stronger statements related

to the recruitment and use of children in armed conflict in public debates on Somalia. By this time the Working Group had been functioning for three years and had adopted two sets of conclusions on Somalia. The mix in the Working Group in 2009 included non-permanent members such as Austria, Costa Rica, Croatia and Mexico who were active supporters of the idea of incorporating the issue of children and armed conflict into the country specific work of the Council. As a result, the statements made by these members, as well as some permanent members, contained stronger language on recruitment of children, particularly by *Al-Shabaab*. The choice to focus on this issue in public debates on Somalia may also have been influenced by the Secretary-General's annual report on children and armed conflict which indicated that recruitment of child soldiers had become more systematic and widespread in Somalia in 2009.

However, the increase in references to children in debates did not immediately translate into inclusion of this issue into Council decisions in 2009. For example, on 9 July, the Council adopted a presidential statement (S/PRST/2009/19) condemning attacks against the TFG and the civilian population without referencing the effects of the conflict on children. In its decisions on piracy, the Council similarly made no reference to children despite the evidence of children being recruited as pirates.

A growing concern in 2009 was the increasing evidence of foreign interference in Somalia, both in terms of support from Eritrea to the insurgents and links between *Al-Shabaab* and *Al-Qaida*. This led on 23 December 2009 to the Council adopting resolution 1907 imposing sanctions on Eritrea to complement those already in effect with respect to Somalia. The Somalia/Eritrea sanctions regime included an arms embargo, as well as targeted measures (travel ban and assets freeze) on Eritrean nationals and entities that violate the arms embargo, provide support to insurgent groups, obstruct implementation of resolution 1862 concerning the Djibouti/Eritrea border dispute or obstruct the work of the Somalia Monitoring Group. The possibility of including violations against children in the sanctions regime does not appear to have been a consideration at this point.

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## Case Study: Somalia (con't)

### *A Multi-Prong Approach: 2010-2012*

The situation for civilians did not improve in 2010. As the conflict intensified, the humanitarian and security situation deteriorated further. The Office for the Coordination of Humanitarian Affairs (OCHA) estimated that access for aid organisations in southern Somalia was at its lowest point since 2006 and the UN High Commissioner for Refugees (UNHCR) reported that civilian deaths had reached “alarming levels”. At this point the Council began to show a stronger interest in civilian suffering in Somalia. When it renewed the mandate of the Monitoring Group in resolution 1916 adopted on 19 March, it decided that the assets freeze provisions of resolution 1844 would not apply to funds “necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia”. This was largely to ensure that humanitarian agencies, which were sometimes forced to pay fees in order to operate in insurgent controlled territory, would not be seen as violating the sanctions regime. On 12 April the Sanctions Committee for Somalia and Eritrea announced its first nine designations for targeted sanctions, with obstruction of humanitarian assistance being the justification for the designation of one of the groups.

During 2010, the Council continued to focus on the issue of piracy, adopting resolution 1918 which requested states to criminalise piracy under domestic law and the Secretary-General to provide options for ensuring prosecution for persons involved in piracy off the coast of Somalia. On 23 November, the Council adopted resolution 1950 renewing the anti-piracy provisions already in place. For the first time in a piracy resolution the Council expressed concern about the involvement of children off the coast of Somalia.

In 2010 the Council also began to pay closer attention to the issue of children and armed conflict in Somalia. This tied in with its increasing concern about protection of civilians but can largely be attributed to the overall increase in awareness of this issue as a result of the work done by the Working Group. For example, during the debate on the periodic report of the Secretary-General on Somalia on 12 May (S/PV.6313), seven Council members raised the issue of children, with most of them focusing on the recruitment and use of children as soldiers.

In a similar debate on Somalia on 16 September (S/PV.6386), seven members spoke on the effects of the conflict on children. Some members at the time may have been prompted to include language on children in their statements in anticipation of the Secretary-General's third report on children and armed conflict in Somalia which was about to be published. In addition, the TFG, which had earlier denied that it had any children in its ranks, had agreed to begin investigating the presence of children in its armed forces.

Resolution 1964, which renewed AMISOM on 22 December, called on all parties to end grave violations committed against children in Somalia, welcomed the commitment by the TFG to appoint a focal point to address the issue of recruitment of child soldiers and mentioned the need to strengthen the child protection component of UNPOS and the need for an action plan from the TFG. This is a clear example of how the focus on children and armed conflict at a thematic level had begun to influence the Council's overall approach to Somalia. Many of the points on children in resolution 1964 came from the conclusions of the Working Group.

The Secretary-General's third report on children in Somalia (S/2010/577) was published on 9 November 2010 and covered the period from 31 May 2008 to 31 March 2010. This was a period when the scale of grave violations against children increased in tandem with the deteriorating security and political situation. Over this period of time, with the adoption of resolution 1882, the Council had added new triggers – killing and maiming and sexual violence – which could lead to parties being included in the Secretary-General's annexes. On a positive note, the TFG appeared more serious about addressing the issue and had appointed a high-level focal point for human rights and child protection and set up camps for the rehabilitation of former child soldiers.

Throughout 2010, however, the Council remained divided on the issue of providing greater support to AMISOM. Even a mini-summit on Somalia at the side-lines of the opening session of the General Assembly with high-level representation from the region and international community failed to shift the position of some members on this issue. The AU PSC also urged the Council to endorse

an increase in the authorised troop strength from 8,000 to 20,000 as well as an expansion of its funding from UN-assessed contributions. While some Council members were open to some sort of funding increase, the P3 were strongly against it and only agreed to increase the troop strength to 12,000, without changing the funding, in adopting resolution 1964 on 22 December 2010.

Early on in 2011, the Council began to move from a hands-off position to a more multi-pronged strategy which involved regular briefings and reports on the political process, piracy off the coast of Somalia, the humanitarian situation, the implementation of the Somalia/Eritrea sanctions regime and protection of Somali natural resources and waters. At the same time the issue of children and armed conflict began to make real inroads into the Council's country-specific decisions on Somalia in 2011.

This was also the point where some Council members saw a window of opportunity to give Somalia a higher profile in the work of the Council. On 10 March, at the initiative of China as Council President, the Council held a strategic debate on Somalia (S/PV.6494). During the debate, a number of members expressed concern over violations of the rights of children and recruitment of child soldiers. There was also mention of the Working Group's conclusions and the TFG's commitment to end recruitment and its appointment of a high-level focal point for child protection and human rights.

The presidential statement (S/PRST/2011/6) following the debate stressed the need for a comprehensive strategy for Somalia and called for further action in the political process, including on post-transitional arrangements; security and support for AMISOM; humanitarian assistance; protection of civilians; socioeconomic development; counter-terrorism; and counter-piracy efforts. Significantly, the Council also expressed concern about continuing violations and abuses committed against children in Somalia and urged the immediate implementation of all conclusions of the Working Group related to Somalia.

The third set of conclusions on Somalia adopted by the Working Group, published on 1 March (S/AC.51/2011/2), reflected the changes that had taken place since it had last considered the issue in 2008. Language in

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## Case Study: Somalia (con't)

the recommendations that had been in earlier conclusions was considerably stronger and new information was added. There was a greater focus on *Al-Shabaab* activities particularly in relation to recruitment of children. However, the conclusions did not suggest the possibility of sanctions for non-compliance. This is largely because by this point the Working Group appears to have stopped using the threat of sanctions as a tool to put pressure on groups. In addition, the UN had not had any engagement with *Al-Shabaab* and other insurgent Somali groups. (The difficulty of dealing with groups like *Al-Shabaab* had given rise to an ongoing debate in 2011 in the Working Group about how best to engage with non-state actors.)

The 2011 set of conclusions also added language on the new triggers asking for action plans from the TFG on killing and maiming and sexual violence. A new aspect in the conclusions directly connected to resolution 1882 and the 16 June 2010 presidential statement on children and armed conflict is the request for enhanced communication between the Working Group and relevant sanctions committees and the proposal for the Special Representative to participate in the next meeting of the sanctions committee.

This led to a briefing by the Special Representative to the Somalia/Eritrea Sanctions Committee on 23 May. She called for expanding the criteria for sanctions designations in the case of Somalia and Eritrea to include violations against children and suggested the appointment of an expert on child protection to the Monitoring Group. In a significant move for the issue of children and armed conflict in Somalia, on 29 July the Council adopted resolution 2002 expanding its criteria for targeted sanctions on Somalia and Eritrea to include grave violations against children, including recruitment and use of child soldiers, killing and maiming, sexual violence, abductions, attacks on schools and hospitals and forced displacement in Somalia. This decision appears to have been made on the basis of the information provided by the Office of the Special Representative. Additional pressure came from Germany (the chair of the Working Group for 2011–2012), and other interested elected members, who worked closely with their experts in the Somalia/Eritrea Sanctions Committee to persuade the Monitoring Group of the need

to include violations against children in its listing recommendations. It appears that the Monitoring Group was open to this as it had evidence of violations against children but because it was not in its mandate it had not been able to report on these violations.

There was a significant setback on the political track early in 2011. The transitional period in Somalia was due to end on 20 August but in February, the Parliament voted to extend its mandate for another three years. The vote was widely criticised by the international community and much of the Council's attention in the first semester of 2011 was on reversing that decision. The signing of the Kampala Agreement on 9 June 2011 by President Sheikh Sharif Sheikh Ahmed and the Speaker of Parliament Sharif Hassan Sheikh Aden shortened the transitional period to 20 August 2012. The Council welcomed this agreement in a presidential statement on 24 June (S/PRST/2011/13) but made no reference to children. Subsequently, the Council was largely focused on the political progress towards the transition in Somalia. The Council was also grappling with the request from the AU to adjust the mandated troop levels of AMISOM and to consider a partial re-hatting of AMISOM as a UN peacekeeping operation in Mogadishu.

On 23 September 2011, just as in 2010, a mini-summit on the political and security, as well as humanitarian developments in Somalia, was held on the margins of the General Assembly with key stakeholders, including the AU PSC. On 30 September, the Council adopted resolution 2010 renewing AMISOM and calling for an expansion of the logistical support package for AMISOM from UN assessed contributions. One of the factors that might have contributed to this is the inputs from the informal experts group on the protection of civilians which apparently made suggestions for specific language on protection of civilians and children to be included in resolution 2010.

Interestingly, this resolution also included new language on children and armed conflict recalling the 1 March 2011 conclusions of the Working Group, calling on parties to end grave violations against children and on the TFG to adopt an action plan. It also reiterated the Council's earlier request for the child protection component of UNPOS to be strengthened.

In 2012, the most significant development so far for the children in armed conflict agenda in Somalia has been the signing of two action plans. On 3 July, the Deputy Prime Minister and Defence Minister of Somalia, Hussein Arab Isse, and the Special Representative for Somalia, Augustine Mahiga, signed an action plan committing the TFG to end the recruitment and use of children by the SNF. On 8 August, the TFG became the first party to sign an action plan on killing and maiming when it committed the SNF to ending the killing and maiming of children in Somalia. Since 2007, the TFG has been on the Secretary-General's list of parties to conflict who recruit and use children. While it had committed in late 2010 to develop an action plan to end the use of children by its forces, which was reaffirmed during the Special Representative's visit to Mogadishu on 23 November 2011, it was only as the recruitment of children began to affect its bilateral aid that the TFG took this issue more seriously. (With the passing of the Child Soldiers Act in 2008, the US can no longer provide aid to countries that recruit child soldiers. The EU has a similar framework in place.) Other factors that led to the signing of the action plan included the fact that the TFG was now in a more secure position having consolidated its gains making it easier for the UN to have a more sustainable dialogue with relevant officials. The TFG was also now more concerned about professionalism within its army. While there are some concerns about the follow-up to the action plan, particularly given the uncertainty of the political landscape following the end of the transitional period on 20 August, having a party like the TFG sign an action plan is a significant development for the children and armed conflict agenda.

Regarding AMISOM, on 22 February, the Council adopted resolution 2036 authorising an increase in the troop ceiling for AMISOM and expanding the UN support package for the mission. Concern about accountability led to a new reporting requirement for the AU and resolution 2036 requested the Secretary-General to keep the Council informed of the implementation of AMISOM's mandate through monthly reports. This resolution, while urging efforts to protect civilians, did not single out protection of children for special mention. •

## Council Dynamics

In 2011, the Council adopted resolution 1998 adding a significant new trigger for listing parties in the annexes of the reports by the Secretary-General: attacks on schools and hospitals. However, adoption came at a cost, and the repercussions of the differences that emerged during the negotiations are still being felt in 2012.

This is partly due to the current composition of the Security Council. In 2011, two Council members (Colombia and India) were mentioned in the body of the Secretary-General's annual report, with the former also having parties listed in Annex II. In 2012, Pakistan, which is also mentioned in the body of the report, joined the Council adding its voice to those who felt strongly that the concept of "situations of concern" (both in the body of the report and Annex II) needed to be reconsidered. There is scepticism among these members about the situations listed actually constituting a threat to peace and security or indeed armed conflict. These members feel that some of the situations in the reports are there due to a liberal interpretation of the relevant resolutions on children and armed conflict and refer to the phenomenon as "mandate creep". They have also expressed concern that this "mandate creep" actually takes away resources from more serious situations.

Colombia has been consistent in its position that the UN should not initiate dialogue with non-state actors operating within its territory without the approval of the government. It seems that while adhering closely to this position, it has tried to be constructive within the Working Group. Colombia has also argued that if the Council is to take up the issue of persistent perpetrators it should concentrate on those listed in Annex I only, a position shared by a number of other Council members.

Several other non-permanent members have reacted to what they perceive as unequal treatment. Some of this relates to alleged differences over how some permanent members have been treated in the past, with parties operating within their territories being taken off the agenda. Additionally, there is a sense that situations that may be otherwise sensitive for some permanent members are deliberately not given much attention.

While the permanent members most intensely involved in developing the children

and armed conflict agenda continue to support it, more recently they appear less engaged. In part, foreign policy priorities have apparently shifted for some of them. The UK awards greater attention to women and protection of civilians issues than children at the moment. The US appears to be far more focused on sexual violence than children and armed conflict (a practical result has been that in recent years its diplomats handling the latter issue did so on a short-term basis). France, the first chair of the Working Group and in many ways the driver on this issue in the past, has more recently taken a back seat approach as the chairmanship began to rotate among non-permanent members.

Several non-permanent members in the 2011 configuration of the Security Council, like Bosnia-Herzegovina, Gabon and Lebanon, were supportive of and interested in children and armed conflict issues, but they struggled to devote the resources needed. Some members affected by the global economic downturn experienced personnel cuts: this is the case of Portugal, which intended to assign a dedicated person to the issue but was unable to do so, yet continued to play an active role despite its stretched resources. Other non-permanent members like Morocco, South Africa and Togo do not appear to have taken a marked interest in the issue and have not been actively participating in the Working Group.

Germany has taken its role as chair of the Working Group very seriously. It worked with great efficiency in the first semester of 2011 and looked like it was headed towards adopting a record number of conclusions during its tenure as chair. Given the ease with which conclusions were generally adopted in the first half of 2011, Germany, as well as many of the other members, were surprised to find that some members had serious concerns with resolution 1998. There are some who suspect that these issues had been there all along and that the resolution provided the opportunity to bring them to the surface. It is also possible that certain members have felt the need to slow down the issue following a period where it had progressed quite rapidly.

The differences which emerged during the negotiations on resolution 1998 were a warning sign that there might be rough

times ahead for the children in armed conflict agenda. Indeed, soon after the negotiations on the conclusions on Sudan and South Sudan halted the Working Group's progress and its streak of adopting conclusions in a timely fashion. These problems are likely to impact the scope of what may be possible in the near future. A number of the questions raised last year regarding "situations of concern" and other related issues have not been satisfactorily answered as far as some Council members are concerned, and are likely to be raised again if there is a move to adopt a presidential statement or a resolution during the next debate on children and armed conflict scheduled for September when Germany will preside over the Security Council.

A matter where there does seem to be a degree of consensus is that more needs to be done to put pressure on persistent perpetrators. Several Council members believe that the first step could be to ensure that all relevant sanctions regimes include violations of applicable international law involving children and armed conflict as grounds for designation for targeted measures. But there is likely to be disagreement over the idea of imposing sanctions on parties in Annex II, that is, on actors in situations that are not on the agenda of the Council. Some members, for example Colombia, believe that there is no UN Charter foundation for imposing sanctions under such circumstances. Most members also do not seem comfortable with the idea of a thematic sanctions regime or committee. •

## Looking Ahead: Possible Future Options

With the signs of political will flagging on the issue of children and armed conflict and the Security Council becoming increasingly divorced from the details of this agenda, it might be useful to look at ways to reengage the Council. Some possible options include:

- reviving some former practices such as the Council President making statements to the press or sending letters to governments;
- holding regular briefings by the chair of the Working Group and the Special Representative. This would be particularly pertinent on unfolding conflicts which involve children and when peacekeeping mandates are about to be renewed in situations where children are affected. The chair of the Working Group could also brief following Working Group field visits; and
- exploring ways of working more closely with regional organisations like the AU, Arab League, Economic Community of West African States (ECOWAS), and EU on children and armed conflict issues.

If the Security Council decides to proactively focus on the problem of persistent perpetrators (on which there is a degree of consensus), possible options include:

- holding a meeting or debate on the issue to start the process;
- exploring further the idea of having all relevant sanctions committees add violations against children to their designation criteria;
- increasing pressure on persistent perpetrators through greater interaction between the Council, the Secretariat and national courts and the ICC. (The threat of referral to the ICC could be explored as a possible tool to persuade persistent perpetrators to agree to action plans.); and
- suggesting that the Secretary-General, following the signing of action plans on stopping violations against children, encourage governments to enforce national legislation to ensure there is no impunity against those accused of perpetrating these violations against children.

Options for the Working Group that could help revive direct engagement by the Security Council with the issue of children and armed conflict include:

- holding more frequent briefings by the chair of the Working Group, including reinstating the practice of presenting the Working Group's report to the Council when it is published in July;

- having the chair of the Working Group convey relevant information on children in current crisis situations to the Council so child protection concerns can be included in Council decisions on these situations;

- having the chair of the Working Group occasionally use the “any other matters” part of Council consultations to call attention to developments in the Working Group; and
- agreeing on a process to allow for Working Group conclusions to be adopted on a more regular cycle. (This may require negotiations being moved to a higher level after a set period of time if there is no agreement.)

On persistent perpetrators, there are several steps the Working Group could take to signal resolve on the part of the international community to curb violations against children. Among the possible options are:

- updating the “tool-kit” to include new actions specifically for persistent perpetrators. (The “tool-kit” was meant to be a “living document” but has not been updated since it was adopted in 2006.) An assessment of the reactions from parties to different recommendations could be useful in providing information on which tools have had the most impact over the years; and
- adding a separate section for recommendations concerning persistent perpetrators to the conclusions adopted by the Working Group. This would heighten attention and allow for recommendations to be better tailored for the different parties.

As a follow-up to the adding of triggers through resolutions 1882 and 1998, the Working Group may wish to discuss the reasons why there has been little progress on adopting action plans on killing and maiming, sexual violence and attacks on schools and hospitals. Possible options include:

- asking the Secretariat for an assessment of progress made in getting traction on action plans relevant to these triggers; and
- considering a review of the monitoring and reporting mechanism in order to ensure that it is able to cope with the increased workload caused by the additional triggers.

Options for enhancing the effectiveness of the Working Group and improving its working methods include:

- changing the structure of conclusions so consensus on the summary of the discussion portion of the meeting can be reached more quickly. One possibility would be to attach

the statement delivered by the representative of the country situation under discussion;

- exploring ways of highlighting the work being done on children and armed conflict including by reinstating the practice of press conferences by the chair of the Working Group following its formal meetings;

- issuing press releases from the chair of the Working Group on a more regular basis for appropriate situations would also help to highlight the impact of a new crisis on children;

- exploring other ways to increase the visibility of the conclusions of the Working Group on the ground;

- using some of the tools from the “tool-kit” which have been either underutilised or remain unused;

- agreeing on a procedure to deal with a set of conclusions if no agreement has been reached after two months. The option of moving the issue for consideration by the Council could be considered in order to break a difficult deadlock;

- securing funding for field trips so that more Working Group members can participate;

- requesting the Secretariat to address the meeting room and interpretation services problems that have affected the work of the Working Group; and

- increasing transparency by issuing all Working Group-related correspondence, including follow-up correspondence, as UN documents (under the S/AC.51 document heading). Currently, letters to follow-up on the conclusions of the Working Group are occasionally issued as a UN document but not on a consistent basis.

There are also a number of options relating to the use of sanctions to further the children and armed conflict agenda that could be considered, including:

- having the Special Representative address sanctions committees ahead of mandate renewals;

- establishing a regular flow of information on alleged perpetrators to sanctions committees;

- ensuring that new sanctions regimes, where relevant, include armed conflict-related violations against children among the designation criteria for the imposition of targeted sanctions;

- reducing the timespan to designate

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## Looking Ahead: Possible Future Options (con't)

individuals and entities to be targeted with sanctions so that the threat of sanctions is taken seriously by parties guilty of violations against children in armed conflict;

- requesting the Secretary-General to include child protection experts, as

appropriate, in the Panels of Experts that assist the sanctions committees and Panels to include information on violations against children in their reports;

- imposing sanctions for violations against children, for situations on the agenda of the

Council for which there are currently no sanctions; and

- exploring the establishment of a common sanctions committee for child protection related sanctions. •

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## Annex I: UN Documents

### UN DOCUMENTS

#### Security Council Resolutions

[S/RES/2036](#) (22 February 2012) authorised an increase in AMISOM's troop ceiling.

[S/RES/2031](#) (21 December 2011) renewed BINUCA's mandate.

[S/RES/2021](#) (29 November 2011) renewed sanctions on the DRC and renewed the Group of Experts.

[S/RES/2020](#) (22 November 2011) renewed the anti-piracy measures in Somalia.

[S/RES/2015](#) (24 October 2011) called for additional measures to strengthen prosecution of Somali pirates.

[S/RES/2014](#) (21 October 2011) expressed regret at the deaths of civilians, including women and children in Yemen.

[S/RES/2011](#) (12 October 2011) renewed ISAF.

[S/RES/2010](#) (30 September 2011) renewed AMISOM and called on parties to end grave violations against children, on the TFG to adopt an action plan and for the child protection component of UNPOS to be strengthened.

[S/RES/2009](#) (16 September 2011) authorised the deployment of UNSMIL and partially lifted sanctions.

[S/RES/2003](#) (29 July 2011) renewed UNAMID's mandate.

[S/RES/2002](#) (29 July 2011) renewed the mandate of the Somalia/Eritrea Panel of Experts and expanded the criteria for targeted sanctions to include recruitment and use of children in armed conflict and targeting of civilians.

[S/RES/2001](#) (28 July 2011) renewed UNAMI's mandate.

[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/1997](#) (11 July 2011) terminated the mandate of UNMIS.

[S/RES/1996](#) (8 July 2011) established UNMISS.

[S/RES/1991](#) (28 June 2011) renewed MONUSCO's mandate.

[S/RES/1990](#) (27 June 2011) set up UNISFA.

[S/RES/1982](#) (17 May 2011) renewed the Sudan Panel of Experts.

[S/RES/1981](#) (13 May 2011) renewed UNOCI's mandate.

[S/RES/1980](#) (28 April 2011) renewed sanctions on Côte d'Ivoire.

[S/RES/1976](#) (11 April 2011) was on Somalia piracy.

[S/RES/1975](#) (30 March 2011) was on the situation in Côte d'Ivoire

[S/RES/1974](#) (23 March 2011) renewed UNAMA.

[S/RES/1973](#) (17 March 2011) was adopted with ten votes and five abstentions and authorised all necessary measures – excluding an occupation force – to protect civilians in Libya and enforce the arms embargo, imposed a no-fly zone, strengthened the sanctions regime, and established a Panel of Experts.

[S/RES/1970](#) (26 February 2011) referred the situation in Libya to the ICC, imposed an arms embargo and targeted sanctions (assets freeze and travel ban).

[S/RES/1964](#) (22 December 2010) renewed AMISOM and called on all parties to end grave violations committed against children in Somalia.

[S/RES/1960](#) (16 December 2010) was on women, peace and security.

[S/RES/1959](#) (16 December 2010) reconfigured BINUB into BNUB with effect 1 Jan 2011.

[S/RES/1950](#) (23 November 2010) renewed the anti-piracy measures in Somalia.

[S/RES/1918](#) (27 April 2010) requested a report from the Secretary-General within three months on options to ensure prosecution and imprisonment of persons responsible for piracy off the coast of Somalia.

[S/RES/1916](#) (19 March 2010) extended the mandate of the Monitoring Group on Somalia and decided that the assets freeze provisions 1844 would not apply to funds "necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia".

[S/RES/1907](#) (23 December 2009) imposed an arms embargo and targeted sanctions on Eritrea.

[S/RES/1897](#) (30 November 2009) renewed for 12 months the anti-piracy measures with no reference to child pirates.

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

[S/RES/1872](#) (26 May 2009) renewed authorisation of AMISOM.

[S/RES/1863](#) (16 January 2009) renewed authorisation of AMISOM and made a specific reference to children.

[S/RES/1853](#) (19 December 2008) renewed the mandate of the Monitoring Group on Somalia.

[S/RES/1851](#) (16 December 2008) expanded the anti-piracy authorisation to include operations on land.

[S/RES/1846](#) (2 December 2008) authorised states and regional organisations to enter Somalia's territorial waters to combat piracy for a further period of 12 months.

[S/RES/1844](#) (20 November 2008) imposed targeted sanctions in Somalia.

[S/RES/1838](#) (7 October 2008) called for intensified action against piracy in Somalia.

[S/RES/1831](#) (19 August 2008) renewed authorisation of AMISOM for six months.

[S/RES/1820](#) (19 June 2008) stressed that sexual violence as a tactic of war can significantly exacerbate situations of armed conflict; demanded all parties to immediately protect civilians from all forms of sexual violence; and affirmed its intention to consider targeted sanctions against perpetrators.

[S/RES/1816](#) (2 June 2008) authorised action against piracy in Somalia.

[S/RES/1801](#) (20 February 2008) renewed authorisation of AMISOM for six months.

[S/RES/1772](#) (20 August 2007) renewed the authorisation of AMISOM and was the first direct mention of children in a Council resolution on Somalia.

[S/RES/1744](#) (20 February 2007) authorised AMISOM, which did not include any provisions for child protection in the mission.

[S/RES/1725](#) (6 December 2006) endorsed the deployment of an IGAD force to Somalia.

[S/RES/1724](#) (29 November 2006) renewed the Monitoring Group's mandate on Somalia.

## Annex I: UN Documents (con't)

[S/RES/1698](#) (31 July 2006) renewed sanctions and extended them to political and military leaders responsible for recruiting children and individuals who use children in armed conflict in the DRC.

[S/RES/1688](#) (16 June 2006) requested the Secretary-General to assist in the transfer of former Liberian President Charles Taylor to the Hague.

[S/RES/1676](#) (10 May 2006) renewed the Monitoring Group's mandate on Somalia.

[S/RES/1630](#) (14 October 2005) renewed the Monitoring Group's mandate on Somalia.

[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/1592](#) (30 March 2005) authorised MONUC to use "all necessary means" to ensure protection of civilians.

[S/RES/1587](#) (15 March 2005) re-established the Monitoring Group on Somalia.

[S/RES/1565](#) (1 October 2004) further expanded MONUC's mandate to include seizing of arms, monitoring compliance with the arms embargo and assisting the government.

[S/RES/1558](#) (17 August 2004) re-established the Monitoring Group on Somalia.

[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/1519](#) (16 December 2003) established the Monitoring Group on Somalia.

[S/RES/1474](#) (8 April 2003) re-established the Panel of Experts on Somalia.

[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/1425](#) (22 July 2002) established a Panel of Experts on Somalia.

[S/RES/1407](#) (3 May 2002) requested a Panel of Experts on Somalia.

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

[S/RES/1325](#) (31 October 2000) recognised that conflict has a disproportionate impact on women and promoted women's participation in peace and security processes.

[S/RES/1314](#) (11 August 2000) urged member states to sign and ratify the Optional Protocol on the Rights of the Child on the Involvement of Children in Armed Conflict.

[S/RES/1267](#) (15 October 1999) insisted that the Taliban take appropriate action to comply with previous resolutions, cease the provision of sanctuary for the training of terrorists including Osama bin Laden, and imposed sanctions against the Taliban.

[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.

[S/RES/1214](#) (8 December 1998) expressed grave concern at the ongoing conflict in Afghanistan, and called on the Taliban and other factions to call a cease-fire, and to resume negotiations.

[S/RES/814](#) (26 March 1993) established UNOSOM II under Chapter VII.

[S/RES/794](#) (3 December 1992) authorised UNITAF.

[S/RES/775](#) (28 August 1992) expanded and strengthened UNOSOM's mandate to protect humanitarian convoys and distribution centres.

[S/RES/751](#) (24 April 1991) established UNOSOM I.

[S/RES/733](#) (23 January 1992) imposed an arms embargo on Somalia.

### Presidential Statements

[S/PRST/2011/21](#) (14 November 2011) was after the LRA debate.

[S/PRST/2011/20](#) (28 October 2011) was on women, peace and security.

[S/PRST/2011/19](#) (12 October 2011) followed the security sector reform debate.

[S/PRST/2011/15](#) (20 July 2011) was on climate change.

[S/PRST/2011/13](#) (24 June 2011) welcomed the signing of the Kampala Accord by the Somali president.

[S/PRST/2011/12](#) (3 June 2011) was on Abyei.

[S/PRST/2011/11](#) (18 May 2011) made reference to sexual violence affecting children as well as the use and recruitment of children.

[S/PRST/2011/9](#) (2 May 2011) was on Osama bin Laden's death.

[S/PRST/2011/8](#) (21 April 2011) was on UNAMID

[S/PRST/2011/7](#) (6 April 2011) was on Haiti.

[S/PRST/2011/6](#) (10 March 2011) expressed concern about continuing violations and abuses committed against children in Somalia and urged the immediate implementation of all conclusions of the Working Group related to Somalia.

[S/PRST/2011/5](#) (28 February 2011) was on terrorism.

[S/PRST/2011/3](#) (9 February 2011) was on the Sudan referendum.

[S/PRST/2011/1](#) (14 January 2011) terminated UNMIN.

[S/PRST/2010/25](#) (22 November 2010) was on protection of civilians in armed conflict.

[S/PRST/2010/22](#) (26 October 2010) was on women and peace and security.

[S/PRST/2010/10](#) (16 June 2010) was on children and armed conflict.

[S/PRST/2010/8](#) (27 April 2010) was on women and peace and security.

[S/PRST/2010/7](#) (16 April 2010) was adopted during an open debate on peacebuilding.

[S/PRST/2009/24](#) (5 August 2009) was on peacekeeping.

[S/PRST/2009/23](#) (22 July 2009) was on post-conflict peacebuilding.

[S/PRST/2009/19](#) (9 July 2009) condemned attacks against the TFG and civilian population.

[S/PRST/2009/15](#) (18 May 2009) was on the fighting in Somalia.

[S/PRST/2009/9](#) (29 April 2009) was on children and armed conflict.

[S/PRST/2009/5](#) (7 April 2009) set up BINUCA.

[S/PRST/2009/1](#) (14 January 2009) was on protection of civilians.

[S/PRST/2008/33](#) (4 September 2008) requested detailed planning on an international stabilisation force and peacekeeping force in Somalia.

[S/PRST/2008/28](#) (17 July 2008) reiterated the need for stronger focus by all parties concerned on the long-term effects of armed conflict on children and the impediments to their rehabilitation and reintegration.

[S/PRST/2008/6](#) (12 February 2008) reaffirmed the Council's commitment to address the impact of armed conflict on children and expressed its readiness to review past resolutions and build on the resolution 1612.

[S/PRST/2007/13](#) (30 April 2007) on Somalia called on all parties to comply with international humanitarian law, protect the civilian population and guarantee access for humanitarian access but did not have any separate mention of the need to protect children.

[S/PRST/2006/48](#) (28 November 2006) was on children and armed conflict.

[S/PRST/2006/33](#) (24 July 2006) was on children and armed conflict.

[S/PRST/2005/8](#) (23 February 2005) was on children and armed conflict.

[S/PRST/2002/12](#) (7 May 2002) was on children and armed conflict.

[S/PRST/1999/31](#) (12 November 1999) was on the Somalia arms embargo.

[S/PRST/1999/16](#) (27 May 1999) expressed concern over violations of the arms embargo in Somalia.

[S/PRST/1998/18](#) (29 June 1998) was the first presidential statement on children and armed conflict by the Council.

## Annex I: UN Documents (con't)

### Secretary-General's Reports on Children and Armed Conflict

- [S/2012/365](#) (25 May 2012) was on the LRA.
- [S/2012/261](#) (26 April 2012) was the 2012 annual report.
- [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.
- [S/2011/366](#) (15 June 2011) was on Iraq.
- [S/2011/250](#) (23 April 2011) was the 2011 annual report.
- [S/2011/241](#) (13 April 2011) was on CAR.
- [S/2011/64](#) (9 February 2011) was on Chad.
- [S/2011/55](#) (3 February 2011) was on Afghanistan.
- [S/2010/577](#) (9 November 2010) was on Somalia.
- [S/2010/369](#) (9 July 2010) was on the DRC.
- [S/2010/183](#) (13 April 2010) was on Nepal.
- [S/2010/181](#) (13 April 2010) was the ninth annual report.
- [S/2010/36](#) (21 January 2010) was on the Philippines.
- [S/2009/462](#) (15 September 2009) was on Uganda.
- [S/2009/450](#) (10 September 2009) was on Burundi.
- [S/2009/434](#) (28 August 2009) was on Colombia.
- [S/2009/325](#) (25 June 2009) was on Sri Lanka.
- [S/2009/278](#) (1 June 2009) was on Myanmar.
- [S/2009/158](#) (26 March 2009) was the eighth annual report.
- [S/2009/84](#) (10 February 2009) was on Sudan.
- [S/2009/66](#) (3 February 2009) was on CAR.
- [S/2008/695](#) (10 November 2008) was on Afghanistan.
- [S/2008/693](#) (10 November 2008) was on the DRC.
- [S/2008/532](#) (7 August 2008) was on Chad.
- [S/2008/409](#) (23 June 2008) was on Uganda.
- [S/2008/352](#) (30 May 2008) was on Somalia.
- [S/2008/272](#) (24 April 2008) was on the Philippines.
- [S/2008/259](#) (18 April 2008) was on Nepal.
- [S/2007/758](#) (21 December 2007) was on Sri Lanka.
- [S/2007/757](#) (21 December 2007) was the seventh annual report.
- [S/2007/686](#) (28 November 2007) was on Burundi.
- [S/2007/666](#) (16 November 2007) was on Myanmar.
- [S/2007/515](#) (30 August 2007) was on Côte d'Ivoire.
- [S/2007/520](#) (29 August 2007) was on Sudan.
- [S/2007/400](#) (3 July 2007) was on Chad.
- [S/2007/391](#) (28 June 2007) was on the DRC.
- [S/2007/260](#) (7 May 2007) was on Uganda.
- [S/2007/259](#) (7 May 2007) was the first report on Somalia.
- [S/2006/1007](#) (20 December 2006) was on Nepal.
- [S/2006/1006](#) (20 December 2006) was on Sri Lanka.
- [S/2006/851](#) (27 October 2006) and [Corr. 1](#) (6 November 2006) was on Burundi.
- [S/2006/835](#) (25 October 2006) was on Côte d'Ivoire.
- [S/2006/826](#) (26 October 2006) and [Corr. 1](#) (5 December 2006) was the sixth annual report.
- [S/2006/662](#) (17 August 2006) was on Sudan.
- [S/2006/389](#) (13 June 2006) was on the DRC.
- [S/2005/72](#) (9 February 2005) was the fifth annual report which contained the details of a monitoring and reporting mechanism and a working group for children and armed conflict.
- [S/2003/1053](#) (10 November 2003), [Corr. 1](#) (20 February 2004) and [Corr. 2](#) (19 April 2004) was the fourth annual report and suggested that six egregious violations against children should receive priority in monitoring operations. It also attached for the first time a list of other parties to armed conflict that recruit or use children in Annex II.
- [S/2002/1299](#) (26 November 2002) was the third annual report and called for a move towards an "era of application" and included a list of parties to armed conflict that recruit or use children in situations on the Council's agenda.
- [S/2001/852](#) (7 September 2001) was the second annual report and reported on the implementation of resolution 1314 and covered the measures needed to protect children during and after armed conflict.
- [S/2000/712](#) (19 July 2000) was the first report of the Secretary-General on children and armed conflict to the Council.
- Secretary-General's Country-Specific Reports**
- [S/2012/283](#) (1 May 2012) was on Somalia.
- [S/2011/814](#) (30 December 2011) was on UNAMID.
- [S/2011/772](#) (13 December 2011) was on Afghanistan.
- [S/2011/759](#) (9 December 2011) was on Somalia.
- [S/2011/751](#) (30 November 2011) was on BNUB.
- [S/2011/739](#) (28 November 2011) was on BINUCA.
- [S/2011/662](#) (25 October 2011) was on Somalia.
- [S/2011/643](#) (12 October 2011) was on UNAMID.
- [S/2011/590](#) (21 September 2011) was on Afghanistan.
- [S/2011/549](#) (30 August 2011) was on Somalia.
- [S/2011/435](#) (7 July 2011) was on Iraq.
- [S/2011/381](#) (23 June 2011) was on Afghanistan.
- [S/2011/360](#) (15 June 2011) was on Somalia.
- [S/2011/311](#) (16 May 2011) was on BINUCA.
- [S/2011/298](#) (12 May 2011) was on MONUSCO.
- [S/2011/278](#) (29 April 2011) was on the protection of civilians in Chad.
- [S/2011/277](#) (28 April 2011) was on Somalia.
- [S/2011/244](#) (14 April 2011) was on UNAMID.
- [S/2011/213](#) (31 March 2011) was on Iraq.
- [S/2011/120](#) (9 March 2011) was on Afghanistan.
- [S/2011/22](#) (18 January 2011) was on UNAMID.
- [S/2011/20](#) (17 January 2011) was on MONUSCO.
- [S/2010/675](#) (30 December 2010) was on Somalia.
- [S/2010/630](#) (10 December 2010) was on Afghanistan.
- [S/2010/318](#) (16 June 2010) was on Afghanistan.
- [S/2010/604](#) (24 November 2010) was on the implementations of resolutions 1820 (2008) and 1888 (2009).
- [S/2010/600](#) (23 November 2010) was the twenty-sixth progress report on UNOCI.
- [S/2010/579](#) (11 November 2010) was on protection of civilians in armed conflict.
- [S/2010/512](#) (8 October 2010) was on MONUSCO.
- [S/2010/498](#) (28 September 2010) was on women and peace and security.
- [S/2010/463](#) (14 September 2010) was on Afghanistan.
- [S/2010/447](#) (9 September 2010) was on Somalia.
- [S/2010/394](#) (26 July 2010) was on Somalia.
- [S/2010/245](#) (20 May 2010) was on UNOCI.
- [S/2010/234](#) (11 May 2010) was on Somalia.
- [S/2010/173](#) (6 April 2010) was on women and peace and security.
- [S/2010/164](#) (30 March 2010) was on MONUC.
- [S/2010/127](#) (10 March 2010) was on Afghanistan.
- [S/2009/684](#) (8 January 2010) was on Somalia.
- [S/2009/623](#) (4 December 2009) was on the DRC.
- [S/2009/611](#) (30 November 2009) was on Burundi.
- [S/2009/553](#) (26 October 2009) was on Nepal.
- [S/2009/545](#) (21 October 2009) was on Sudan.
- [S/2009/535](#) (14 October 2009) was on Chad/CAR.
- [S/2009/503](#) (2 October 2009) was on Somalia.
- [S/2009/495](#) (29 September 2009) was on Côte d'Ivoire.
- [S/2009/472](#) (18 September 2009) was on the DRC.
- [S/2009/373](#) (20 July 2009) was on Somalia.
- [S/2009/362](#) (15 July 2009) was on sexual violence.
- [S/2009/359](#) (14 July 2009) was on Chad/CAR.
- [S/2009/357](#) (14 July 2009) was on Sudan.
- [S/2009/351](#) (13 July 2009) was on Nepal.
- [S/2009/335](#) (30 June 2009) was on the DRC.
- [S/2009/270](#) (22 May 2009) was on Burundi.

## Annex I: UN Documents (con't)

[S/2009/211](#) (17 April 2009) was on Sudan.

[S/2009/210](#) (16 April 2009) was on Somalia.

[S/2009/201](#) (14 April 2009) was on UNAMID.

[S/2009/199](#) (14 April 2009) was on Chad/CAR.

[S/2009/196](#) (13 April 2009) was on Côte d'Ivoire.

[S/2009/160](#) (27 March 2009) was on the DRC.

[S/2009/135](#) (10 March 2009) was on Afghanistan.

[S/2009/132](#) (9 March 2009) was on Somalia.

[S/2009/129](#) (6 March 2009) was on Haiti.

[S/2009/83](#) (10 February 2009) was on UNAMID.

[S/2009/61](#) (30 January 2009) was on Sudan.

[S/2009/1](#) (2 January 2009) was on Nepal.

[S/2008/709](#) (17 November 2008) was on Somalia.

[S/2008/662](#) (20 October 2008) was on Sudan contained a child protection section.

[S/2008/466](#) (16 July 2008) was on Somalia.

[S/2008/454](#) (10 July 2008), [S/2008/313](#) (12 May 2008) and [S/2008/5](#) (3 January 2008) on Nepal included a section on "Gender, Social Inclusion and Child Protection" and within this section is the mention of children in Maoist cantonments.

[S/2008/451](#) (10 July 2008) was on Côte d'Ivoire contained a separate section on child protection.

[S/2008/433](#) (3 July 2008) mentions reports of child soldiers among armed groups and contains a section on child protection.

[S/2008/330](#) (15 May 2008) was on Burundi contained a child protection section and mentioned the successful separation of children from FNL sites in its "Observations" section.

[S/2008/218](#) (2 April 2008) was on the DRC contained a separate section on children in armed groups.

[S/2008/202](#) (26 March 2008) was on Haiti contained a child protection section and voiced concern over the kidnapping and trafficking of children and rape of girls.

[S/2008/178](#) (14 March 2008) was on Somalia.

[S/2007/658](#) (7 November 2007) was on Somalia.

[S/2007/381](#) (25 June 2007) was on Somalia.

[S/2007/204](#) (20 April 2007) was on Somalia.

[S/2007/115](#) (28 February 2007) was on Somalia.

[S/2006/838](#) (23 October 2006) was on Somalia.

[S/2006/418](#) (20 June 2006) was on Somalia.

[S/2006/122](#) (21 February 2006) was on Somalia.

[S/2005/642](#) (11 October 2005) was on Somalia.

[S/2005/392](#) (16 June 2005) was on Somalia.

[S/2005/89](#) (18 February 2005) was on Somalia.

[S/2004/804](#) (8 October 2004) was on Somalia.

[S/2004/469](#) (9 June 2004) was on Somalia.

[S/2004/115](#) (12 February 2004) and [Corr. 1](#) (23 February 2004) was on Somalia.

[S/2003/987](#) (13 October 2003) was on Somalia.

[S/2003/636](#) (10 June 2003) was on Somalia.

[S/2003/231](#) (26 February 2003) was on Somalia.

[S/2002/1201](#) (25 October 2002) was on Somalia.

[S/2002/709](#) (27 June 2002) was on Somalia.

[S/2002/189](#) (21 February 2002) was on Somalia.

[S/1999/836](#) (30 July 1999) was on Sierra Leone highlighted the need for UNOMSIL to address the needs of children and sought approval for child protection advisers to be part of the mission.

### Security Council Debates on Children and Armed Conflict

[S/PV.6581](#) and [Res. 1](#) (12 July 2011)

[S/PV.6341](#) and [Res. 1](#) (16 June 2010)

[S/PV.6176](#) (4 August 2009)

[S/PV.6114](#) and [Res. 1](#) (29 April 2009)

[S/PV.5936](#) (17 July 2008)

[S/PV.5834](#) and [Res. 1](#) (12 February 2008)

[S/PV.5573](#) and [Res. 1](#) (28 November 2006)

[S/PV.5494](#) and [Res. 1](#) (24 July 2006)

[S/PV.5129](#) (23 February 2005) and [Res. 1](#) (23 February 2005)

[S/PV.4948](#) (22 April 2004)

[S/PV.4898](#) and [Res. 1](#) (20 January 2004)

[S/PV.4695](#) (30 January 2003)

[S/PV.4684](#) and [Res. 1](#) (14 January 2003)

[S/PV.4528](#) (7 May 2002)

[S/PV.4423](#) (20 November 2001)

[S/PV.3896](#) (29 June 1998)

### Conclusions of the Working Group

[S/AC.51/2011/6](#) (3 October 2011) was on Iraq.

[S/AC.51/2011/5](#) (6 July 2011) was on CAR.

[S/AC.51/2011/4](#) (3 May 2011) was on Chad.

[S/AC.51/2011/3](#) (3 May 2011) was on Afghanistan.

[S/AC.51/2011/2](#) (1 March 2011) was on Somalia.

[S/AC.51/2011/1](#) (1 March 2011) was on DRC.

[S/AC.51/2010/5](#) (12 November 2010) was on the Philippines.

[S/AC.51/2010/4](#) (12 November 2010) was on Nepal.

[S/AC.51/2010/3](#) (30 September 2010) was on Colombia.

[S/AC.51/2010/2](#) (3 June 2010) was on Sri Lanka.

[S/AC.51/2010/1](#) (16 June 2010) was on Uganda.

[S/AC.51/2009/6](#) (21 December 2009) was on Burundi.

[S/AC.51/2009/5](#) (21 December 2009) was on Sudan.

[S/AC.51/2009/4](#) (28 October 2009) was on Myanmar.

[S/AC.51/2009/3](#) (13 July 2009) was on the DRC.

[S/AC.51/2009/2](#) (13 July 2009) was on CAR.

[S/AC.51/2009/1](#) (13 July 2009) was on Afghanistan.

[S/AC.51/2008/15](#) (5 December 2008) was on Chad.

[S/AC.51/2008/14](#) (5 December 2008) was on Somalia.

[S/AC.51/2008/13](#) (5 December 2008) was on Uganda.

[S/AC.51/2008/12](#) (5 December 2008) was on Nepal.

[S/AC.51/2008/11](#) (21 October 2008) was on Sri Lanka.

[S/AC.51/2008/10](#) (3 October 2008) was on the Philippines.

[S/AC.51/2008/8](#) (25 July 2008) was on Myanmar.

[S/AC.51/2008/7](#) (5 February 2008) was on Sudan.

[S/AC.51/2008/6](#) (5 February 2008) was on Burundi.

[S/AC.51/2008/5](#) (1 February 2008) and [Corr. 1](#) (25 March 2008) was on Côte d'Ivoire.

[S/AC.51/2007/17](#) (25 October 2007) was on the DRC.

[S/AC.51/2007/16](#) (24 September 2007) was on Chad.

[S/AC.51/2007/14](#) (20 July 2007) was on Somalia.

[S/AC.51/2007/12](#) (20 July 2007) was on Uganda.

[S/AC.51/2007/9](#) (13 June 2007) was on Sri Lanka.

[S/AC.51/2007/8](#) (12 June 2007) was on Nepal.

[S/2007/93](#) (13 February 2007) was on Côte d'Ivoire.

[S/2007/92](#) (13 February 2007) was on Burundi.

[S/2006/971](#) (1 December 2006) was on Sudan.

[S/2006/724](#) (8 September 2006) was on the DRC and the tool-kit.

### Public Statements by the Working Group

[S/AC.51/2007/15](#) (20 July 2007) was the statement by the chair addressed to all the parties to the conflict in Somalia.

[S/AC.51/2007/13](#) (20 July 2007) was the message to the head of the LRA delegation to the Juba peace talks through a public statement by the chair to be transmitted by the Special Envoy for the areas affected by the LRA.

[S/AC.51/2007/11](#) (13 June 2007) was the statement by the chair addressed to the leadership of the TMVP and its military wing, the Karuna faction.

[S/AC.51/2007/10](#) (13 June 2007) was the statement by the chair addressed to the leadership of the LTTE.

### General Assembly Documents

[A/C.3/66/L.22/Rev.1](#) (17 November 2011) was the Thai resolution in the Third Committee on "strengthening the coordination of the UN system on child protection".

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## Annex I: UN Documents (con't)

[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 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.

### Letters

[S/2011/319](#) (18 May 2011) contained the terms of reference for the 19-26 May Council mission to Africa.

[S/2009/378](#) (20 July 2009) was from the chair of the Working Group submitting his report on its activities from 1 July 2008 to 30 June 2009.

[S/2008/455](#) (11 July 2008) was from the chair of the Working Group submitting his report on its activities from 1 July 2007 to 30 June 2008.

[S/AC.51/2008/4](#) (14 January 2008) was from the President of the Council following up the recommendations of the Working Group to write to the chair of the DRC sanctions committee.

[S/AC.51/2008/2](#) (14 January 2008) was from the

President of the Council following-up recommendations from the Working Group to welcome the cooperation of the Government of the DRC.

[S/2007/428](#) (10 July 2007) was from the chair of the Working Group submitting a report on its activities since July 2006.

[S/2007/189](#) (4 April 2007) was from the Permanent Representatives of Myanmar, Nepal, the Philippines, Sri Lanka, Sudan and Uganda urging the Secretary-General to ensure the monitoring and reporting mechanism on children and armed conflict abided by the provisions of resolution 1612.

[S/2006/497](#) (10 July 2006) was from the chair of the working group submitting a report on its activities since the adoption of resolution 1612.

[S/23445](#) (29 November 1992) was the letter from Interim Somalia Prime Minister, Omer Artehd Ghalib to the President of the Security Council requesting a meeting of the Council on the situation in Somalia.

### Other

[S/PV.6494](#) and [resumption 1](#) (10 March 2011) was a debate on Somalia during which a number of members expressed concern over violations of the rights of children and recruitment of child soldiers.

[S/PV.6386](#) (16 September 2010) was a briefing on Somalia during which five members spoke on the effects of the conflict in Somalia on children.

[S/PV.6313](#) (12 May 2010) was a briefing on Somalia during which seven Council members raised in the issue of children.

[SC/9904](#) (12 April 2010) was from the Sanctions Committee for Somalia and Eritrea announcing its first nine designations for targeted sanctions.

[S/2006/275](#) (2 May 2006) set out the terms of reference for the Working Group on Children and Armed Conflict.

[S/2005/659](#) (20 October 2005) was a note announcing the election of France as the chair of the working group.

[A/CONF.183/9](#) (17 July 2002) was the Rome Statute for ICC (entered into force 1 July 2002).

[A/RES/54/263](#) (16 March 2001) was the Optional Protocol to the Convention on the Rights of the Child.

Convention 182 (17 June 1999) was the convention on the worst forms of child labour.

### USEFUL ADDITIONAL SOURCES

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

UN Security Council Resolution 1612 and Beyond: Strengthening Protection for Children in Armed Conflict, Watchlist on Children and Armed Conflict, May 2009

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

Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges, Independent Study Commissioned by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, November 2009. •

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## Annex II: Methods of Research

This is Security Council Report's fifth *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 and July 2011. 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 fifth report

continues the series by assessing developments in 2011 and analysing statistical information on this thematic issue in country-specific decisions of the Council and analysing trends in 2011 and early 2012. (Please see the Annex III for historical and background information.)

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

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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 which 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 and peace agreements, because the Council had made a decision that children's issues should be included in all reports and all peace agreements, our analysis is based on the total number of these reports and agreements.

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. •

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## 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 1999, 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, seven 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 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

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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.

### 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

REPORT	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, DRC, Liberia, Somalia	Chechnya, Colombia, Myanmar, Nepal, Northern Ireland, Philippines, Sri Lanka, Sudan, Uganda
5th Report (9 February 2005)	Burundi, Côte d'Ivoire, DRC, Somalia, Sudan	Colombia, Myanmar, Nepal, Philippines, Sri Lanka, Uganda
6th Report (26 October 2006)	Burundi, Côte d'Ivoire, DRC, Myanmar, Somalia, Sudan	Chad, Colombia, Nepal, Philippines, Sri Lanka, Uganda
7th Report (21 December 2007)	Afghanistan, Burundi, CAR, DRC, Myanmar, Nepal, Somalia, Southern Sudan, Darfur	Chad, Colombia, Philippines, Sri Lanka, Uganda
8th Report (26 March 2009)	Afghanistan, Burundi, CAR, Chad, DRC, Iraq, Myanmar, Nepal, Somalia, Southern Sudan, Darfur	Colombia, Philippines, Sri Lanka, Uganda
9th Report (13 April 2010)	Afghanistan, CAR, Chad, DRC, Iraq, Myanmar, Nepal, Somalia, Southern Sudan, Darfur	Colombia, Philippines, Sri Lanka, Uganda
10th Report (23 April 2011)	Afghanistan, CAR, Chad, DRC, Iraq, Myanmar, Nepal, Somalia, Southern Sudan, Darfur	Colombia, Philippines, Sri Lanka, Uganda, Yemen
11th Report (26 April 2012)	Afghanistan, CAR, Chad, DRC, Iraq, Myanmar, Somalia, South Sudan, Sudan, Syria	Colombia, Philippines, Yemen

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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 in the preceding page.

### The Council's Tools

The Council has developed a systematic framework and a concrete set of tools to 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 all the conflicts listed in Annex I (those on the Council agenda) in the Secretary-General's 2011 report: 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 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 being established in 2005 the Working Group has considered 38 reports and adopted 37 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 DRC, Syria, Libya and Mali. •

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