



# SECURITY COUNCIL REPORT

## CROSS-CUTTING REPORT

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A child with his AK-47 assault rifle taking part in Mai Mai military training in the Democratic Republic of the Congo



## Children and Armed Conflict

Since 2007 Security Council Report has been tracking the implementation of Security Council thematic decisions on children and armed conflict in individual country-specific situations and publishing the results of this research in “cross-cutting” reports. In general, the research shows that there has been an upward trend in the incorporation of children and armed conflict issues into the country-specific work of the council although there are some areas where implementation of key resolutions on children and armed conflict is weak. This is our fourth *Cross-Cutting Report on Children and Armed Conflict* and we continue to detail key trends over the past year and to suggest options for improving Council and Working Group decision making on this issue. This report builds on the previous reports released in 2008, 2009 and 2010.

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## 1. Summary and Conclusions

2010 was a year of consolidation and implementation of earlier Council decisions on children and armed conflict. 2009 had been a high-profile year for this issue with the Council adopting a presidential statement and a resolution that expanded the scope for inclusion in the Secretary-General's reports for parties to conflict that commit violations against children. There had been intense activity around the adoption of resolution 1882 on 4 August 2009 which opened up the criteria for listing of the parties in the annexes to the Secretary-General's report to include killing and maiming and rape and sexual violence against children. By contrast, in 2010 there was little appetite for another resolution or a further expansion of the criteria for listing. Rather, the Council appeared content to leave its Working Group on Children and Armed Conflict space for implementation and the Working Group became the main driver on the issue during the year.

This is Security Council Report's fourth *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 the second and third reports published in April 2009 and June 2010. These two reports built on the historical background of the issue and analysed data for 2008 and 2009. They also highlighted key trends and options for the Council and the Working Group on Children and Armed Conflict over those years.

Continuing with this series of reports, the 2011 *Cross-Cutting Report on Children and Armed Conflict* now provides data on and analysis of trends in 2010.

Among the main findings are:

- Incorporating children and armed conflict issues into the country-specific work of the Council continued the upward trend in 2010. There was an increase in the number and quality of substantive references to children in resolutions as well as in Secretary-General's reports. However, presidential statements remained at the same level. The most substantial references to child protection tend to arise from situations that are or have been on the Secretary-General's annexes.
- The conclusions of the Working Group are still not being consistently addressed in resolutions, presidential statements or Secretary-General's reports as a standard practice. In fact, in some situations the references seem to be consciously omitted. This appeared to be the case with Afghanistan.
- There is an increase in the number of Secretary-General's reports containing child protection sections. But the substance of these sections tends to focus only on recruitment of children. Information on sexual violence and killing and maiming is less common. This may change with further development of the monitoring and reporting structures for killing and maiming and sexual violence.



- There are notably better linkages between the Council's children and armed conflict agenda and its sanctions committees following resolution 1882 of August 2009 and the 2010 presidential statement which called for improved communications between the Working Group, the Special Representative for children and armed conflict and the sanctions committees.
- There are indications that the Council is more aware of the need for child protection to continue into post-conflict situations. The Council's focus on the overlap between conflict prevention, peacekeeping and peacebuilding may have led to a greater understanding of the continuing needs of children adversely affected during conflict as well as the need to include children's needs in any conflict prevention strategy.
- In its resolutions on children, the Council has begun to pay more attention to the need to protect women and girls. While sexual violence is a key issue in the protection of children, the Council tends to see this issue through the "women" lens which may over time result in the specific needs of children affected by sexual violence being side-lined.
- The focus in 2010 on the issue of women, peace and security and sexual violence may have contributed to the decision that the issue of children and armed conflict should be less of a priority in the Council's work programme.
- Progress has continued in the release of child soldiers and commitment to action plans from groups involved in using children in armed conflict. (These time-bound action plans were asked for in resolutions 1539 (2004) and 1612 (2005) and they are generally seen as the first step towards getting off the Secretary-General's list of shame.) However, there is little

evidence that groups have responded to the two new triggers— sexual violence and killing and maiming— by signing action plans.

- While there has been some success getting governments to sign action plans to release children and stop violations, there has been very little impact on certain non-state actors, particularly groups like the Lord's Resistance Army (LRA) and Al-Shabaab where no contact has been possible.
- The role of the Special Representative for Children and Armed Conflict has grown over the last four years with her field missions now serving multiple purposes, including dissemination of the Working Group's recommendations.

Observations on the Working Group on Children and Armed Conflict:

- The Working Group showed renewed innovation in its working methods in 2010. For the first time, members of the Working Group went on a visit to a situation on its work agenda and reacted to violations against children in real time, through a press statement. It also recommended a regional strategy for monitoring and reporting on the LRA.
- However, the Working Group continues to be hesitant about stronger recommendations such as targeted sanctions and specific time-lines that might put pressure on persistent perpetrators.
- While there were some difficult moments in various negotiations during the year, overall political sensitivities do not seem to have obstructed the work of the Working Group as much as in 2008 and 2009.
- The Working Group struggled to close the time gap between the date of publication of the Secretary-General's reports on children and armed conflict in country-specific

situations and the date of adoption of its Conclusions.

- The rotation of the chair of the Working Group every two years to an elected member appears to have evolved into a practice and the Working Group seems to have matured to a point where changes such as the rotation of the chairman and members do not appear to fundamentally affect its ability to function.
- There are some signs that the Working Group is becoming entrenched in its ways and possibly risks losing some of its previous flexibility and adaptability. The formal meetings tend to follow a relatively rigid format which may not always encourage members' active participation. The informal meetings, however, continue to be effective and allow for greater interaction and discussion.
- With the development of the Working Group into a mature subsidiary body and given its workload, a more long-term solution for administrative and substantive support may need to be found.
- If the Working Group is to continue using field missions as a means of pressuring parties on the Secretary-General's annexes, it will need to work out a regular means of financing for these trips. Self-funding has meant that very few members have been able to go on the trips.
- A growing problem is the logistics of holding both the informal and formal meetings. The shortage of space and translators have sometimes made it difficult to keep to the schedule for adoption of conclusions.

Some of the findings from the case studies include:

- Commitment from the government in addressing the issue of violations against children, as seen in the case study on Afghanistan, can provide the impetus needed to begin seriously

addressing this issue. On the other hand, when recommendations of sanctions are made and there is no speedy imposition (coupled with poor government capacity and lack of will), as is the case in the Democratic Republic of the Congo (DRC), the impact in terms of changing the situation of affected children can be negligible.

- The current process of adding violations against children as a reason for imposing targeted sanctions and then designating individuals or entities is a long and cumbersome one. Although the Council first expressed its intention to impose such sanctions in its 2004 resolution on children and armed conflict, it took another two years before it took up this recommendation in its resolution on the DRC. (This resolution [S/RES/1698] extended sanctions to political and military leaders recruiting or using children and targeting children in situations of armed conflict.) The gap between the Working Group on Children and Armed Conflict recommending sanctions and an individual being designated by the DRC Sanctions Committee was almost three years. There is a need for more rapid progression from the initiation to the practical implementation when sanctions are suggested as a tool.

## 2. Background and Normative Framework

Since 1999 the issue of children in war zones has been a significant theme in the work of the Security Council. Between 1999 and 2009 the Council adopted seven 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 Annex II.)

Resolution 1612 of July 2005 was ground-breaking. It authorised the establishment of a monitoring and reporting mechanism to focus on 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 most recent resolution, 1882, was adopted in 2009. It expanded the criteria for listing parties as violators in the Secretary-General's report to include killing and maiming and/or rape and other sexual violence among the grounds for inclusion. (Regular Secretary-General's reports since 2002 have contained 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. Naming and shaming parties involved in the recruitment of children through including them in the annexes has been an effective tool in putting pressure on them to stop recruitment and to release children.)

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 (1977) and Relating to the Protection of Victims of International Armed

Conflicts (Protocol I), 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 Protocols on armed conflict and sex trafficking;
- The Rome Statute of the International Criminal Court (ICC, 1998); and
- Customary international humanitarian law.

In addition, the seven resolutions and the structures set up by the Council for monitoring the issue of children in armed conflict have greatly reinforced the normative framework and helped guide the Council's approach to this issue.

## 3. Key Developments at the Thematic Level

### 3.1 Security Council Activity on Children and Armed Conflict in 2010

#### *June 2010 Debate and Presidential Statement*

On 16 June 2010 the Council held a day-long open debate on the report of the Secretary-General on children and armed conflict, presided over by the Mexican Secretary of Foreign Affairs, Patricia Espinosa (Mexico, the chair of the Working Group, held the Council presidency that month). There were over 60 speakers including the Secretary-General's Special Representative for Children and Armed Conflict, Radhika Coomaraswamy, representatives from the Department of Peacekeeping Operations (DPKO) and the UN Children's Fund (UNICEF) as well as a child soldier from Nepal.

At the end of the debate, the Council adopted a presidential statement (S/PRST/2010/10). The presidential



statement picked up a number of themes from resolution 1882, which was adopted the previous year, including:

- the Council's intention to take action against persistent perpetrators; and
- the need for enhanced communication between the Working Group and relevant Security Council Sanctions Committees.

The presidential statement also reiterated the Council's condemnation of all violations of international law committed against children in situations of armed conflict. The Council also expressed its particular concern about "the growing number of attacks...in contravention of applicable international law against schools and educational facilities, and teachers and pupils, in particular the specific targeting of girls".

The Council also reaffirmed its decision in resolution 1882 to continue to include specific provisions for the protection of children in the mandates of all relevant UN peacekeeping, peacebuilding and political missions and encouraged the deployment of child protection advisers to these missions. It also emphasised the importance of child rights and child protection training for UN personnel involved in peacekeeping, peacebuilding and political missions.

A key focus of the 2010 presidential statement was the issue of sanctions. The Council expressed its readiness to adopt targeted and graduated measures against persistent perpetrators. With this in mind it invited:

- its Working Group on Children and Armed Conflict to exchange information with relevant Sanctions Committees particularly by communicating the Working Group's relevant recommendations;
- its relevant sanctions committees to consider inviting more regularly the Special Representative of Children

and Armed Conflict to brief them on information in the Secretary-General's report on Children and Armed Conflict; and

- the Special Representative to share information with relevant sanctions committees expert groups.

In the presidential statement the Council also expressed its intention, when establishing or renewing the mandate of relevant Sanctions Committees, to consider provisions relevant to parties that are in violation of applicable international law relating to the rights and protection of children and armed conflict. In addition the Council expressed its readiness to consider action on specific recommendations from the Working Group on violations and abuses committed against children by parties listed in the annexes to the Secretary-General's reports. While this has not happened as yet, it is an indication that the Council may be willing to at some point take action on parties in situations which are on its agenda as well as for parties in situations currently not on its agenda.

The Council also reiterated its request for UN mission and country teams to develop appropriate strategies and coordination mechanisms for information exchange and cooperation on cross-border child protection concerns. With a number of conflicts involving children having a regional dimension, the Council's request is an important step towards monitoring violations against children in regional conflict situations.

Several areas relevant to the practices of the Working Group were addressed in the presidential statement including:

- the importance of continuing timely conclusions and recommendations;
- fully implementing the Working Group's tool-kit;
- carrying out a country-specific visit within one year; and

- the need for administrative and substantive support (the Secretary-General was requested to take action on the matter within a month of the adoption of the statement).

By the end of 2010 the arrangements for administrative and substantive support for the Working Group had been worked out. By the end of the year the Working Group followed up on the Council's request for a visit by making a field trip to Nepal.

#### *Other Developments*

2010 also saw some important developments relating to the overlap between the issues of protection of civilians; women, peace and security; and children and armed conflict.

The most significant was the adoption on 16 December of resolution 1960 establishing a monitoring, analysis and reporting mechanism on conflict-related sexual violence in situations on the Council's agenda. The Council requested the Secretary-General to include in his annual reports on conflict-related sexual violence an annex listing the parties credibly suspected of committing or being responsible for patterns of rape and other forms of sexual violence in situations of armed conflict on the Council's agenda, using the same listing and delisting criteria as the current annexes prepared for children and armed conflict reports. In the resolution the Council indicated its intention to use the annex list as a basis for decisions on sanctions, as appropriate. The resolution also calls on parties to armed conflict to make specific, time-bound commitments to prohibit and punish sexual violence and asks the Secretary-General to monitor those commitments.

Special Representative for Children and Armed Conflict Radhika Coomaraswamy is working closely with the

Special Representative on Sexual Violence in Conflict, Margot Wallström, on how best to coordinate their work on monitoring and reporting on sexual violence and the listing and delisting of parties to conflict that commit sexual violence against children in situations of armed conflict. The resolution made it clear that any arrangements should retain the integrity of the children and armed conflict monitoring mechanism. One possibility is a common system of information-gathering in areas where the two mandates overlap.

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

Between 2006 and 2008 under the French chair, the Working Group's annual report due every July, was considered by Council members under "Other Matters". However, in 2009 and 2010, the report has been submitted directly to the president of the Council and there has been no discussion. While there may not be much discussion around the annual report, presenting it orally to the Council provided the Working Group chair an opportunity to highlight key issues that arose during the course of the year.

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

Since 2006 the Special Representative has made 24 field visits. In 2010 she visited Afghanistan in February, Uganda in June and Somalia and Kenya in November. In 2011 she has made three trips so far: Afghanistan in January the Philippines in April and Chad in June.

The reasons for the Special Representative's visits vary depending on the case and timing. When a situation is first being considered by the Working Group, the Special Representative's visits function as fact-finding missions as was the case with her first visits to the

DRC, Sudan and Chad. In the early stages of setting up a monitoring and reporting mechanism the Special Representative has used her visits to sort out teething problems and provide advice on the monitoring mechanism. She has also been occasionally invited to its inauguration. She has also been asked to go on a field visit when there could be a need to get commitments from the government or parties. More recently the Special Representative has visited a country when the government is ready to sign an action plan. She did this in 2009 for Nepal and in 2011 for Afghanistan and Chad. Her presence during the final stages of negotiation of an action plan ensures that the plan meets the requirements of the UN and allows her to act as a witness to the signing.

Over time a key task during her visits has been to convey the conclusions of the Working Group directly to either the relevant governments or groups and to seek the appropriate attention and follow-up to the recommendations. The Special Representative's acceptance by some non-state actors as an appropriate representative and the access she has been given to some non-state actors have been particularly significant. (In some contexts in the past, governments had been very sensitive towards the Council or the Working Group dealing directly with non-state actors making access to them difficult.) The Special Representative has also been able to help disseminate and explain recent recommendations from the Working Group to the country task forces.

The Special Representative's first visit in 2010 was to Afghanistan where her main objective was to access the situation of children and to advocate for protection and programme interventions for war-affected children. The

Special Representative also followed up on the specific commitments made during her previous visit, in June 2008. (In January 2011 she visited Afghanistan again to witness the signing of the Action Plan which committed the Afghan government to preventing the recruitment and use of children in the National Security Forces.)

During her field visit to Uganda the Special Representative met with Major General Aronda Nyakairima, head of Uganda's military, the Uganda People's Defence Force (UPDF). During her meeting she discussed the procedures for the release and repatriation of children associated with the LRA throughout the region in the follow-up to the Security Council Working Group recommendations for children and armed conflict. She also met children who had been with the LRA. Her visit to Uganda also included the delivery of a keynote address at the International Criminal Court (ICC) Review Conference.

Following the Special Representative's visit to Somalia, the government committed to eradicating the practice of child soldiering in Somalia and agreed to put together measures to prevent the recruitment of children. She also went to Somaliland where she met the president of Somaliland as well as former child pirates. In Kenya she visited an internally displaced persons camp in Bossaso and met with UN child protection staff and NGOs.

During the Special Representative's January 2011 visit to the Philippines, the National Democratic Front of the Philippines agreed to develop an Action Plan to ensure that no children are among the ranks of the New People's Army (NPA) or involved in the conflict. In Mindano she met with the Moro Islamic Liberation Front (MILF) leadership who had earlier signed an Action Plan. The MILF agreed that the ongoing



<b>The Special Representative for Children and Armed Conflict's Field Trips Since 2006</b>	
<b>Situation</b>	<b>Visit</b>
Afghanistan	June 2008, February 2010, January 2011
Burundi	March 2007
CAR	May 2008
Chad	May 2008
Côte d'Ivoire	September 2007
DRC	March 2007, April 2009
Iraq	April 2008
Lebanon and Israel and the occupied Palestinian territories	April 2007, February 2009
Myanmar	June 2007
Nepal	December 2008, December 2009
Philippines	December 2008, April 2011
Somalia/Kenya	November 2010
Sudan	January 2007, November 2009
Uganda	June 2006, June 2010

process of registration of children associated with the armed group would be completed in nine months. The Special Representative also had meetings with senior government and defence officials.

There were also two visits to Sri Lanka by Special Envoys of the Special Representative for Children and Armed Conflict, Allan Rock (who was the Special Envoy at the time) visited in November 2006 and Patrick Cammaert, the present Special Envoy, went to Sri Lanka in December 2009.

The Special Representative has also helped develop greater awareness of both the issue of children and armed conflict, as well as the Council's consideration of this issue in other UN bodies, through annual briefings to the General Assembly and the Human Rights Council in Geneva.

On 21 May 2010 the Special Representative was invited to brief the DRC sanctions committee. This was the first time she had briefed a sanctions committee. Her briefing to the DRC

Sanctions Committee most likely led in August 2010 to the Committee adding the practice of recruitment and use of children as criteria against nine individuals already under sanctions. On 23 May 2011 she briefed the Somalia Sanctions Committee and proposed that it consider adding a new listing criteria related to children to its sanctions regime. The next opportunity for this idea to be taken up may be when the sanctions committee's mandate comes up for renewal at the end of July 2011.

Following the adoption of resolution 1882, the Special Representative's office, together with DPKO and UNICEF, began developing a guidance document for action plans on the killing and maiming of children and on sexual violence against children. These plans are expected to be implemented in the field later this year. The guidance on the recruitment and use of children is currently being updated to take into consideration the best practices since the monitoring and reporting mechanism was proposed in resolution 1539 (2004).

The Special Representative in January 2010 appeared as an expert witness at Thomas Lubanga Dyilo's trial. This trial is seen by many as an important step in establishing responsibility for the use of children in military operations and in showing that the use of children is a war crime that can be prosecuted at the international level.

The Office of the Special Representative has also been involved in a campaign, "Zero under 18" to promote the universal ratification of the Optional Protocol to the Convention on the Rights of the Child by the tenth anniversary of its entry into force in 2012.

### **3.3 Application of International Norms/Laws in 2010**

#### **International Courts and Trials** *ICC*

The ICC has the power to investigate and try 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 Uganda and DRC. (The Rome Statute which formed the ICC 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 first Review Conference of the Rome Statute took place in Kampala, Uganda from 31 May to 11 June 2010. This was the first global meeting of the parties to the Rome Statute since the 1988 Rome Conference which adopted the Statute. The area that was most directly relevant to children was the stocktaking session on "Victims and Affected Communities" which focused on victim participation in proceedings before the ICC and reparations,

including protection of victims and witnesses; the role of outreach; and the role of the Trust Fund for Victims. The resolution which was adopted following the Conference encouraged the ICC to improve the way it addressed the concerns of victims and affected communities, with special attention to the needs of women and children.

The trial against Thomas Lubanga Dyilo, which began in 2009, has put a global spotlight on the crime of using child soldiers. Lubanga faces charges of recruiting, conscripting and using child soldiers during the conflict in the Ituri region between September 2002 and August 2003. In 2010 Special Representative for Children and Armed Conflict Radhika Coomaraswamy testified as an expert witness on this case following the submission 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 statute and urged an interpretation that would not exclude girl children. The closing statements by the defence, prosecution and victims are scheduled to be delivered on 25 and 26 August 2011.

Also on trial at the ICC over the use of child soldiers are Germain Katanga and Mathieu Ngdolo Chui. Their joint trial began on 24 November 2009. Katanga, a commander of the *Forces de Résistance Patriotique en Ituri*, and Chui the former head of the *Front des Nationalistes et Intégrationnistes*, and a colonel in *Forces Armées de la République Démocratique du Congo* (FARDC) are accused of war crimes and crimes against humanity, including using children under the age of fifteen to take active part in the hostilities, as well as attacks against civilians, murder, rape and sexual slavery.

Jean-Pierre Bemba Gombo’s trial began on 22 November 2010 in the ICC. This is the first time sexual violence is central to an ICC case and first major prosecution of rape as a weapon of war. Bemba who was arrested on 24 May 2008 is being charged with war crimes and crimes against humanity for allowing his troops to murder, pillage and rape in the CAR between 2002 and 2003. While a witness in February 2011 has testified to seeing child soldiers among Bemba’s troops, Bemba is not being charged with the use of child soldiers, which is also a war crime.

#### *Special Court for Sierra Leone and Charles Taylor*

The trial of former Liberian president Charles Taylor which started on 6 January 2008 has ended on 11 March 2011. One of the charges against Taylor is the recruitment and use of children. Following the prosecutors cross-examination of Taylor in the first weeks of February, defence witnesses for Taylor took the stand on 11 March after which the trial closed at The Hague. A judgement is expected before the end of the year. Any appeals would then be heard, with a final conclusion to the trial expected in early 2012.

### **3.4 Treaties and International Agreements and Conventions**

#### *Optional Protocol to the Convention on the Rights of the Child*

In 2010, three countries—CAR, Ethiopia and Iran—signed the Optional Protocol on the Rights of the Child on the involvement of children in armed conflict. Nine countries—the DRC, Cyprus, Gabon, Georgia, Guyana, Hungary, Iran, Seychelles, and Malawi—ratified it. Altogether 134 countries have ratified the Optional Protocol, 23 countries have signed but not ratified and 35 countries neither signed nor ratified or acceded to it.

#### *Paris Commitments and Principles*

Eleven new countries signed the Paris Commitments on Children Associated with Armed Forces or Armed Groups on 27 September 2010, bringing the total number of signatories to 95. Adopted in 2007, the Paris Commitments are a voluntary promise by states 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, usually around September.

## **4. Analysis of Council Action in Specific Cases**

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

#### *An Increasing Time Gap Between Reports Published and Conclusions*

The Working Group met formally four times in 2010. The majority of the formal meetings were for the Special Representative to introduce the Secretary-General’s reports and for conclusions to be adopted based on the reports that were considered previously. But there was also a formal meeting on 4 February 2010 to discuss the report on Sri Lanka by the Special Representative’s Special Envoy to Sri Lanka, Patrick Cammaert, and another meeting in December 2010 to discuss the terms of reference for the Working Group’s field visit to Nepal.

The formal meetings are of course supplemented by numerous informal meetings where the Secretary-General’s reports are discussed in detail and draft working group conclusions are negotiated. In 2010, for each set of “Conclusions” the Working Group held approximately between 3 and 5 informal meetings.



In 2010 there were four country-specific reports of the Secretary-General to the Working Group on Children and Armed Conflict (a considerably lower number than the seven published in 2009). The reports published in 2010 were DRC (July 2010), Nepal (April 2010), Somalia (September 2010) and the Philippines (January 2010).

Five sets of Conclusions were issued in 2010 compared with six the previous year. Of these, three were from reports that had been released in 2009 (Colombia in August 2009; Sri Lanka in June 2009 and Uganda in September 2009). Nepal and the Philippines were the two reports received in 2010 which had conclusions adopted the same year by the Working Group.

The gap in 2010 between the time of receiving a Secretary-General's report and the time that the Working Group's conclusions were adopted appears on average to have increased (7 months for Nepal, 13 months for Colombia, 10 months for the Philippines and 11 months for Sri Lanka).

When the Working Group was set up in 2005 the general understanding was that it would seek to issue conclusions no later than two to three months after considering a report. A problem with a large gap between reports and Conclusions is that by the time the Council adopts the conclusions information becomes out-dated and no longer reflects the reality on the ground.

As seen in previous years, sometimes there can be a key issue that holds up the adoption of the conclusions. This was the case with the report on the LRA/Uganda. There appeared to be some agreement on a regional monitoring mechanism during the Working Group's negotiations. However, when it came time to adopt the conclusions it became apparent that Uganda needed further clarification on how this regional

mechanism would be set up before it could agree to the language in the conclusions. After further discussions, which included getting more information from the Secretariat, agreement was reached and the conclusions were adopted.

In the case of the Philippines there was disagreement over how to address actions towards non-state actors, particularly as there were groups in the Philippines on the US terrorist list. Appropriate language had to be found to address some members' sensitivity as to how the Working Group interacted with non-state actors.

Another factor that may have caused the time difference is that there seemed to be little pressure from members of the Working Group for the conclusions to be published quickly. Often once they had agreed to the conclusions members moved on to the next report and attention was not paid to when the report would be published. While it is difficult to determine the actual reasons for the lag, some of it can be attributed to the UN bureaucracy and the internal processes involved in publishing reports. However, until the conclusions are actually published they cannot be implemented, making timely publication an issue worth addressing.

It seems also that negotiations on the presidential statement, which was adopted in June 2010, also affected the Working Group's ability to act more swiftly in adopting conclusions on some of the Secretary-General's reports on children and armed conflict.

However, a closer look at some of the underlying issues leading to the large gap between the publication of reports and the Working Group taking them up in 2010 reveals that the actual discussions were not as protracted as it might appear. In fact, none of the actual negotiations were as difficult as those on earlier conclusions like Afghanistan

in 2009 and Myanmar in 2008. Most of the delay appears to be technical rather than political in nature and in most cases related to capacity limitations.

One of main reasons for the gap was the long lag time in 2010 between reports being published and being taken up by the Working Group. For example the Secretary-General's report on children and armed conflict in Colombia was published in August 2009. However the Working Group did not begin discussing it until early 2010, as it was still clearing its back-log from earlier in the year. While there were a few sensitive areas, conclusions were agreed quite quickly by the middle of the year. However, following the presidential elections in Colombia in June, the Working Group was asked to hold off adopting the conclusions due to uncertainty as to who would attend the formal meeting on behalf of Colombia.

Another issue that has affected the Working Group's ability to adopt timely conclusions has been the fact that many of the individuals representing Working Group members have other commitments that slow down the work of the Working Group in the second half of the year. A large number of the delegates are involved in the Third Committee of the UN General Assembly which covers human rights and meets intensively between September and December 2010. This has led to difficulty scheduling meetings during this period. The start of the General Assembly in September is also generally a difficult month as missions are involved in dealing with high-level delegations in town for the General Debate. In addition, August is traditionally a month where many of the delegates are away, often leading to a slow-down in the output of the Council. In 2010, however, the Working Group did manage to adopt conclusions on Nepal and the Philippines during this period.

<b>Timing between Secretary-General's Reports and Working Group Conclusions</b>			
<b>Annex I Situations</b>	<b>Report</b>	<b>Conclusions</b>	<b>Interval</b>
<b>Afghanistan</b>	10 November 2008	13 July 2009	8 months
	3 February 2011	3 May 2011	3 months
<b>Burundi</b>	6 November 2006	13 February 2007	3 months
	28 November 2007	5 February 2008	2 months
	10 September 2009	21 December 2009	3 months
<b>CAR</b>	3 February 2009	13 July 2009	5 months
	13 April 2011		
<b>Chad</b>	3 July 2007	24 September 2007	3 months
	7 August 2008	5 December 2008	4 months
	9 February 2011	3 May 2011	3 months
<b>Côte d'Ivoire (delisted in 2009)</b>	25 October 2006	15 February 2007	4 months
	30 August 2007	5 February 2008 and 25 March 2008 (corrigendum)	5 months
<b>DRC</b>	13 June 2006	11 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	7 months
<b>Myanmar</b>	16 November 2007	25 July 2008	8 months
	1 June 2009	28 October 2009	5 months
<b>Nepal</b>	20 December 2006	15 June 2007	6 months
	18 April 2008	5 December 2008	8 months
	13 April 2010	12 November 2010	7 months
<b>Somalia</b>	7 May 2007	20 July 2007	2 months
	30 May 2008	5 December 2008	6 months
	9 November 2010	1 March 2011	6 months
<b>Sudan/Darfur</b>	17 August 2006	13 December 2006	4 months
	29 August 2007	20 February 2008	6 months
	10 February 2009	21 December 2009	10 months
<b>Annex II Situations</b>	<b>Report</b>	<b>Conclusions</b>	<b>Interval</b>
<b>Colombia</b>	28 August 2009	30 September 2010	1 year, 1 month
<b>Philippines</b>	24 April 2008	3 October 2008	5 months
	21 January 2010	12 November 2010	10 months
<b>Sri Lanka</b>	20 December 2006	15 June 2007	6 months
	21 December 2007	21 October 2008	10 months
	25 June 2009	3 June 2010	11 months
<b>Uganda</b>	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

Moving into 2011, under the chairmanship of Germany, the Working Group appears to be making a concerted effort to close the time gap. By the end of April 2011 the Working Group had adopted four conclusions and was on track to complete one more by the end of June.

#### *Developments in the Working Group*

At the formal meetings of the Working Group, the Special Representative for Children and Armed Conflict and a representative from UNICEF presents recent developments in the form of a "horizontal note". In late 2010 changes were made to the horizontal note, adding a section on follow-up to dialogue and action plans. Some members have indicated that the new format has been useful in being able to provide information on issues related to children and armed conflict to the experts covering situation-specific issues.

On 9 September 2010 the Working Group broke new ground by publicly responding to a current crisis. Following a discussion on the DRC, Claude Heller, the Mexican permanent representative and then-chair of the Working Group, in remarks to the press on behalf of the Working Group, expressed strong condemnation of events which had occurred in Walikale territory and in the Kivus, highlighting that there had been 32 cases of rape against children. The Council president the day before had also delivered remarks to the press reiterating the Council's strong condemnation of the mass rapes following a briefing by DPKO and the Special Representative for Sexual Violence in Conflict. While the fact that the Council had reacted to the situation made it easier for members of the Working Group to agree on its remarks, there were nevertheless some members who were hesitant to agree to this innovation without seeking approval from their capitals.



However, the chair of the Working Group convinced members that it was important to react quickly in this situation and agreement was reached to deliver the remarks following the meeting.

At the end of 2010, after strong lobbying from both members of the Working Group and NGOs, agreement was reached with the Secretariat for the provision of administrative and substantive support to the Working Group. In spite of several direct requests from the Council in resolution 1882 and three presidential statements (S/PRST/2008/28, S/PRST/2009/9 and S/PRST/2010/10) and it took over a year from the adoption of resolution 1882 before the Secretariat complied. The provision of support has now given the Working Group the resources to start building a central database of information. This is particularly important to the institutional memory of the Working Group now that the chair rotates every two years.

Mexico, as chair of the Working Group, in early 2010 initiated a lessons learned session for members to discuss improvements that could be made, particularly to working methods of the Group. Areas covered included the need for more timely conclusions, better follow-up to the conclusions and greater transparency. But while there is now some follow-up to the Conclusions contained in the horizontal notes presented at the formal meetings, this document is still only available to Working Group members and does not provide a comprehensive analysis of the impact of the Working Group's recommendations. Also as indicated above, the gap between considering a Secretary-General's report on children and armed conflict and adopting its conclusions continued to be wide and no significant new measures to increase transparency were agreed.

#### *Analysis of the Working Group's Conclusions*

In 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 (S/2006/724). This tool-kit has been used as a guide for the Working Group's conclusions. The actions in the tool-kit are divided into the following categories: demarches; assistance; enhanced monitoring; improvement of mandates; and other measures.

Within these categories there are 26 possible tools that could be used. In the first few years, letters and appeals to parties to the conflict, to UN bodies for technical assistance and to donors for contributors were the most common tools used. But over time the Working Group began to be more creative with how it used the possible tools within the tool-kit. In 2007 it began to use public statements as a way of reaching out to non-state actors. This was used for the first time in conclusions on Sri Lanka and has been the consistent approach used since 2007 for sending a message to non-state actors.

In 2010 the Working Group used a new tool from the tool-kit—a country visit. Its conclusions on Nepal had recommended a field trip by the Working Group. (The Working Group had started discussing the possibility of a field mission in 2009 but it took some time to agree on the place.) In November 2010 the Working Group followed up the suggestion in the Nepal conclusions by making a visit to Nepal. Unfortunately, as there was no UN budget provision for the visit, not all members were able to go. (The difficulty of getting representation from the Working Group members in New York was an even bigger problem with the Working Group's second field trip in 2011. A delegation went to Afghanistan from 4-9 June. However,

only Germany, who is the current chair of the Working Group, sent representatives from New York. Representatives from the UK, US, France, China and Russia's mission in Kabul made up the rest of the Working Group delegation.)

From our analysis of the Conclusions adopted in 2010 the following points emerge:

*The Working Group showed innovation in its 2010 recommendations.* The LRA situation is a good example of how the Working Group has used different tools over time. In its first set of conclusions on Uganda, adopted on 20 July 2007, one of the recommendations was that the Council address a message to the head of the LRA delegation to the Juba peace talks through a public statement of the chair of the Working Group. The public statement was to be transmitted by the Special Envoy for LRA-affected areas. In this set of conclusions the Working Group also asked the Secretary-General for a follow-up report and suggested that further steps might be taken. Conclusions based on this follow-up report were adopted in December 2008. Stronger recommendations were made including a request for a list of names and ages for complete verification as the LRA had claimed that it had released all women and children and the LRA were asked to respond positively within one month. An interesting recommendation based on the Secretary-General's report was the suggestion that the Task Forces based in CAR, DRC, Sudan and Uganda should work with the UN Organisation Mission in the Democratic Republic of Congo (MONUC) and the UN Mission in Sudan (UNMIS) to develop a joint monitoring capacity strategy.

The most recent set of conclusions which were adopted on 16 June 2010 follow up this suggestion with an

invitation to the governments of Uganda, the DRC, CAR and Sudan to work together “to develop a regional strategy to address the violations and abuses committed against children by the LRA, taking into account existing regional mechanisms, to facilitate appropriate reporting on violations committed against children.” This in effect sets up a regional monitoring and reporting mechanism. In early January the modalities for such reporting was finalised and focal points identified throughout the region. So far there have been two meetings held in 2011. In related developments in the Council, in July the Council is expected to be briefed on a regional strategy for the LRA based on a Secretariat assessment mission that took place earlier this year. It also appears that the governments of Uganda, DRC, CAR and Sudan are going to set up a regional task-force under AU auspices to deal with the LRA issue.

In addition, the 2010 conclusions asked for the Secretary-General to prepare a comprehensive report on the situation of children and armed conflict affected by the LRA, with a special emphasis on cross-border issues to be issued in 2010. (The report was not issued in 2010 and is now scheduled to come out towards the end of 2011.) It also agreed that the Working Group may recommend to the Council “further steps to protect children affected by the LRA”.

The LRA case shows the evolution since 2007 in the Working Group’s use of different tools in trying to deal with a particularly difficult party.

*Overall the substance of letters and public statements has proved adaptable to changing circumstances. Over time Conclusions have been better tailored to reflect the evolution of the situation on the ground. Often in the first report*

quite strong language, with more specific requests and condemnations, is used in order to convey the seriousness of the violations. Both content and tone change once parties have signed action plans and the UN moves towards encouraging and assisting the parties in the implementation of these plans.

The most recent conclusions of the Working Group on the Special Representative’s Special Envoy to Sri Lanka’s report were clearly well adapted to reflect the post-conflict environment. This was also the case for the November 2010 conclusions on Nepal which took into account developments over 2010, including the discharge of the minors and the possibility that the UN Mission in Nepal (UNMIN) would shortly leave Nepal.

*It has become a practice for the Chair of the Working Group to write to governments informing them of the Working Group’s Conclusions with the letter being forwarded by the president of the Security Council. This practice, which began in 2008, came about as a result of some members wanting to draw a distinction between the Annex I situations (on the Council’s formal agenda) and Annex II situations, with the president of the Council only transmitting rather than writing letters in Annex II situations. This practice now appears to be also consistently applied to situations that are on the Council’s agenda. In 2010, the one conclusion on the Council’s agenda—Nepal—contained a recommendation for the Chair of the Working Group to write a letter to the Nepalese government and for the president of the Council to transmit the letter. There has been no request for the Council president to write a letter since 2008.*

*For the first time the Working Group asked for a report from the Secretary-General on a specific group, the LRA,*

*with a focus on border issues. This request coming out of the Working Group’s recommendation to set up a regional monitoring mechanism is a significant move towards considering the regional dimensions of the LRA issue. Previously in 2007 the Working Group had asked for the Secretary-General to submit a report on the LRA’s follow-up to messages addressed to it by the Chair of the Working Group.*

*Generally there appears to be a continued reluctance on sanctions and hard timelines. Targeted sanctions have not been recommended by the Working Group since the Conclusions on Côte d’Ivoire in February 2007. Deadlines for complying with the Working Group’s demands also no longer appear to be common. In the past the Working Group made demands for action such as the release of children or fulfilment of commitments to an Action Plan, to be undertaken within a 30 or 90 day period. However, some Council members now appear reluctant to impose a strict timeline for complying with demands.*

## **4.2 Cross-Cutting Analysis**

### **Resolutions**

In determining whether there was an increased reflection of children’s issues in the Council’s work in 2010, we analysed Council resolutions from January 2010 through December 2010.

The resolutions were separated into country-specific resolutions and thematic resolutions. For both these categories we looked at the total number of resolutions adopted; resolutions where one might expect to find a reference to protection of children; and resolutions where a reference was indeed found.

For the country-specific resolutions it seemed reasonable to expect references to the issues of children in armed conflict in resolutions which 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 of a UN mission) and extension of panel of experts of sanctions committees.

In the analysis of thematic resolutions we included resolutions on: conflict prevention; peacebuilding (including the Peacebuilding Commission, PBC); peacekeeping; the Security Council's relationship with regional organisations; protection of civilians; women, peace and security; international tribunals; non-proliferation; and counterterrorism.

#### *Country-Specific Resolutions*

In 2010 the Council adopted 59 resolutions. The number of resolutions relevant to children's issues was 35. The number of resolutions with reference to children was 24. Accordingly over 68 percent of relevant resolutions in 2010 therefore contained references to children. This is a significant increase over 2009 when the figure was 56 percent. Moreover, 16 (46 percent) of the relevant resolutions contained substantive new references (i.e. more than just recalling past resolutions) to children or issues related to children. By contrast, in 2009 14 (41 percent) out of the 34 relevant resolutions contained substantive references.

Analysis of references to children in the 2010 resolutions reveals the following:

*Situations that either are or have been on the Secretary-General's annexes are likely to contain substantive references to child protection.* Resolutions on Afghanistan, Nepal, DRC, Chad/CAR and Sudan, which are currently on the Secretary-General's annexes and are being considered by the Working Group, as well as Burundi and Côte d'Ivoire which were taken off the annexes in the last few years, all had

### **The Working Group's Visit to Nepal**

For the first time since it was formed in 2006, the Working Group in November 2010 made a visit to a situation on its work programme. This type of visit had been envisaged from the start of the Working Group as a possible tool which would allow it to reinforce its recommendations and follow-up on progress made in the protection of children. (The non-paper attached to the Working Group's first conclusions on the DRC [S/2006/724] provides options for possible actions by the Children and Armed Conflict Working Group of the Security Council and under "direct action by the Working Group is "specific field trips on Children and Armed Conflict by members of the Working Group followed by a report, subject to availability of funding".) The idea of a Working Group mission began being discussed in 2009 but it took some time before members could agree on the right country for a first visit. In its 12 November 2010 conclusions on Nepal (S/AC.51/2010/4) the Working Group stressed its intention to visit Nepal in the coming months.

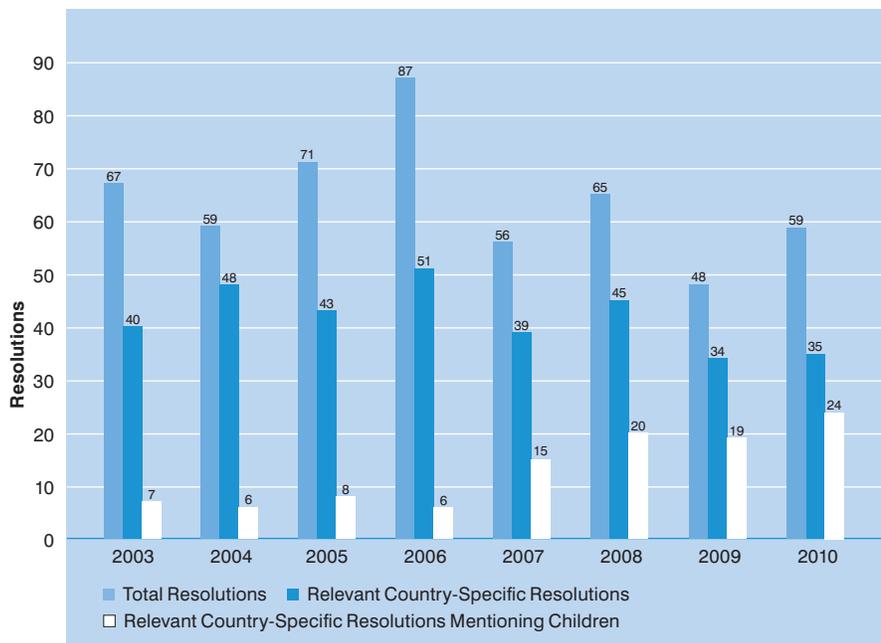
A Security Council Working Group delegation visited Nepal from 22 to 26 November 2010. The members of the delegation were Austria, France, Japan, Russia, UK, US and Mexico, who as chair of the Working Group, led the mission. Besides Kathmandu, the delegation travelled to the Gorkha, Ilam and Morang districts where they visited a cantonment site and re-integration projects for minors discharged by the Maoist army.

The main purpose of the visit was to follow up on the Action Plan which had been signed by the government of Nepal, the United Communist Party of Nepal-Maoists (UCPN-M) and the UN on 16 December 2009. The Action Plan which focused on the separation and reintegration of former Maoist combatants was also a key aspect of the peace process. The Working Group also planned to assess remaining challenges for monitoring and reporting and assess opportunities for sustainable long-term opportunities for the minors.

In Nepal the Working Group met with senior government officials and the Maoist leadership as well as with the UN and affected children. A number of commitments were given to the Working Group:

- The Nepal army committed to increasing the training of its personnel on the protection of children in line with UN peacekeeping policy.
- UCPN-M chairman, Pushpa Kamal Dahal, agreed to strengthen coordination with the UN monitoring team.
- The Nepal government committed to approving and implementing the National Plan of Action for the Reintegration of Children Affected by Armed Conflict.
- The chairmen of the Political Youth Wings agreed to work with the UN in Nepal on a dialogue to find ways to end the use of children in potentially violent political activities and to exclude schools, school children and school personnel from strikes.

### Country-Specific Resolutions



sections on child protection. While many of the resolutions on these situations used language and references similar to 2008 and 2009, additional information and emphasis were often added.

A good example is resolution 1943 reauthorising ISAF in Afghanistan, adopted on 13 October 2010, which contained much stronger language on children’s rights violations than in previous years. The Council expressed its strong concern about recruitment and use of children by Taliban forces in Afghanistan as well as the killing and maiming of children and welcomed the establishment of the Afghan Inter-Ministerial Steering Committee on Children and the Afghan government’s intention to develop an action plan.

*References to both resolution 1612 and 1882 are regularly included in resolutions on situations being considered by the Working Group but references to conclusions of the Working Group are not as consistent. We noted in our 2010*

report that references to resolution 1612 were included for resolutions on every situation on Annex 1 of the Secretary-General’s report and therefore on the Council’s formal agenda. Since its adoption in August 2009, resolution 1882 is also mentioned in these resolutions. The only exception appears to be resolutions renewing the UN Assistance Mission in Iraq (UNAMI), where neither resolution is mentioned.

Resolution 1612 and 1882 are also mentioned in resolutions on Burundi and Côte d’Ivoire, which have been taken off Annex 1, and for Haiti which was never on the Secretary-General’s annexes.

References to the conclusions of the Working Group follow a similar pattern to the previous year with references appearing in resolutions on African situations like Somalia, Sudan, Chad/CAR and DRC but not in Afghanistan and Nepal. It seems that there is more openness among Council members to include the Working Group’s conclusions

in situations on Africa than on Asia. Attempts by some members to have the Working Group’s conclusions added to resolutions renewing the UN mission in Afghanistan met strong resistance from some permanent members. It appears that the inclusion of specific mention of the Working Group’s conclusions has political implications for some members.

Following Burundi’s removal from Annex 1 in 2010, the Council’s 2010 resolutions setting up the UN Office in Burundi (BNUB) did not contain any reference to the Working Group’s conclusions on Burundi. However, Côte d’Ivoire which was taken off Annex 1 in 2008 still had a reference to implementing the recommendations of the Working Group, particularly on the national Action Plan for preventing sexual violence.

Also of note is that the language used in referring to the Working Group’s conclusions varies considerably. In the Somalia resolution reauthorizing AMISOM (S/RES/1910 of 28 January 2010) the conclusions are simply recalled. By contrast, the UNMIS, UN/African Union Hybrid Operation in Darfur (UNAMID) and UNOCI resolutions (resolutions 1919, 1934 and 1911) use the phrase “recalling the conclusions endorsed by the Security Council Working Group on Children and Armed Conflict”. In the Chad/CAR resolution on the UN Mission in the Central African Republic and Chad (MINURCAT) the phrase used is “recalling the conclusions adopted by the Working Group” (S/RES/1923).

*A higher number of resolutions show awareness of the need to protect women and girls from sexual violence. There appear to be a growing number of situations where sexual violence is an issue of concern, such as Côte d’Ivoire and Haiti. This has led to strong*



references to sexual violence against women and girls in resolutions on these two situations.

The issue of sexual violence and children has been one of concern in Côte d'Ivoire for some time. The 2009 UN Operation in Cote d'Ivoire (UNOCI) resolution (S/RES/1880) mentioned the Working Group's recommendations on sexual violence as did the resolutions on UNOCI's mandate adopted on 28 January 2010 (S/RES/1911) and 30 June 2010 (S/RES/1962). The third UNOCI mandate renewal resolution in 2010 was adopted in December as the security situation began to deteriorate following the second round of the presidential elections on 28 November 2010. This resolution had a strong focus on sexual violence and protection of civilians but did not single out protection of children for separate attention.

The Haiti resolution extending MINUSTAH on 14 October 2010 (S/RES/1944) showed a high awareness of the need to protect internally displaced groups, particularly women and girls from sexual abuse. A resolution on Haiti adopted on 4 June (S/RES/1927) increasing the levels of troops and police referred to issues of sexual violence in camps focusing particularly on the needs of women and children.

By contrast, a resolution on Sierra Leone (S/RES/1941) adopted on 29 September 2010 made reference to the importance of the government continuing its effort in addressing sexual and gender-based violence, but there was no mention of girls or children.

*Resolutions with a strong protection of civilians focus are likely to also include language on child protection but within the context of protection of civilians.* Resolution 1925 of 28 May which set up MONUSCO, the follow-up mission to

MONUC is a good example of the connection between child protection and protection of civilians. This resolution condemned targeted attacks against the civilian population, widespread sexual violence and recruitment and use of child soldiers. This resolution also gave MONUSCO a mandate where protection of civilians was a top priority. It included language on working with the DRC government to implement commitments to address violations against children, particularly the finalisation of the Action Plan to release children present in the FARDC and to prevent further recruitment. The resolution also includes under the category of stabilisation and peace consolidation a request for the DRC government to build on its cooperation with the Special Representatives on Children and Armed Conflict and Sexual Violence.

*References to children are appearing in some new areas such as piracy and peacebuilding.* For the first time a Somalia piracy resolution expressed concern "about the reported involvement of children in piracy off the coast of Somalia" (S/RES/1950).

Although as noted above the resolution which set up BNUB did not have a reference to the Working Group's Conclusions on Burundi, it did have several references to issues related to children. This may be an indication of an increasing awareness of the need to consider child protection issues in post-conflict situations. The Burundi resolution 1959 of 16 December 2010 encouraged the Burundi government to pursue its efforts in peace consolidation challenges with a special focus on women and children. It also commends the Burundi government on its completion of reintegration of the last group of children formerly associated with armed groups and significantly encourages

it to ensure that these results are sustainable, while encouraging the Peacebuilding Commission to consider what specific actions it could undertake to bolster its support to the "sustainable integration of war-affected populations".

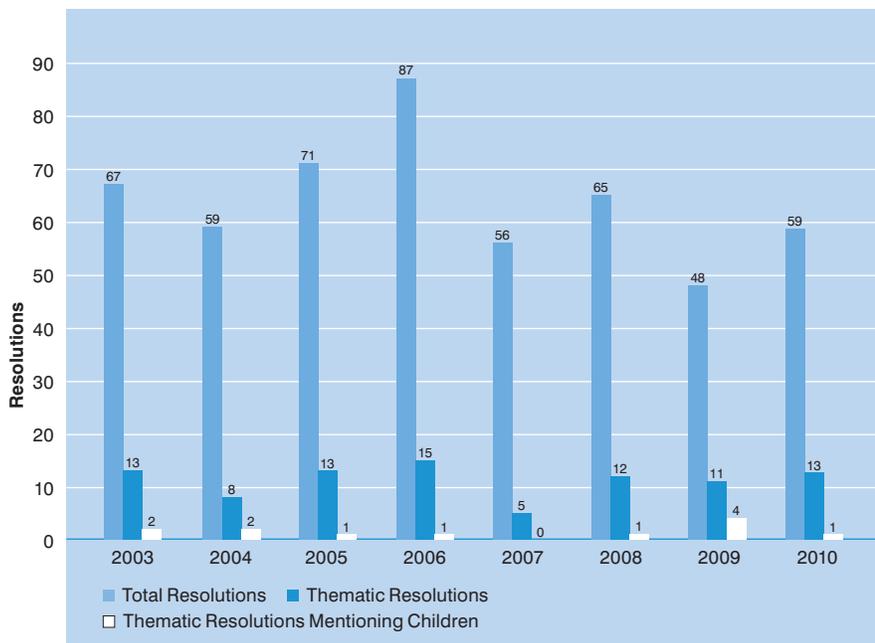
*Sanctions committee-related resolutions which previously included references to children in 2009 have continued to do so but it has not become a common practice.* The 29 November 2010 DRC resolution (S/RES/1952) renewing arms, travel and financial sanctions on individuals and entities in the DRC asked MONUSCO to share relevant information with the Group of Experts, especially information on the recruitment and use of children, and on the targeting of women and children in situations of armed conflict. Similar language was used in both the 2008 and 2009 resolutions renewing DRC sanctions.

The 2010 resolution 1945 extending the mandate of the Sudan panel of experts demands the cessation of the recruitment and use of children in line with resolution 1612 and 1882. Similar language was used in the 2009 resolution but not in 2008.

#### *Thematic Resolutions*

There were 13 thematic resolutions in 2010. Only one thematic resolution, on sexual violence, had any mention of children's protection needs. The other thematic resolutions were mainly on the international tribunals, international justice or non-proliferation, making the absence of any reference to children and armed conflict not surprising. The resolution on post-conflict peacebuilding on the report of the PBC was one resolution that in terms of subject matter could have referred to child protection strategies during the peacebuilding phase, but the resolution did not take up this possibility.

## Thematic Resolutions



## Presidential Statements

Presidential statements are usually issued in response to a significant development on the ground in situations on the Council's 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 formal decisions which are very thoroughly negotiated. They also require the agreement of all 15 Council members.

As with the 2010 resolutions we have categorised the 2010 presidential statements into country-specific and thematic presidential statements. In 2010 there were thematic presidential statements on the UN and regional organisations; acts of terrorism; peacekeeping/peacebuilding and conflict prevention; preventive diplomacy in Africa; rule of law; children and armed conflict; women, peace and security (resolution 1325 and sexual violence); post-conflict peacebuilding;

and weapons of mass destruction and nuclear activities.

### Country-Specific Presidential Statements

In 2010 the number of presidential statements dropped from 35 to 30. This was largely due to a reduction in the number of presidential statements condemning terrorist incidents (there were none in 2010 and four in 2009). This appears to reflect a new practice to issue press statements on specific terrorist incidents rather than adopting formal decisions.

The number of country-specific presidential statements that were assessed as having potential relevance to protection of children was 12, and of those only 3 had some reference to children. The low figure might seem disappointing but in fact it is an increase over 2009. There were 21 relevant country-specific presidential statements in 2009, and only 3 had references to children. Therefore, the 2010 figure of 25 percent of the relevant country-specific presidential

statements containing references to children compares higher to 14 percent in 2009. Although the percentage increase seems to indicate a large jump, this is largely due to the small number of relevant country-specific presidential statements in 2010. In actual numbers there was no increase in country-specific presidential statements that included a mention of children.

The number of country-specific presidential statements containing references to children has been low over the years. This is largely because of the generally reactive nature of presidential statements, as explained above. They tend to focus on an immediate message rather than a comprehensive outline of issues connected to the larger situation.

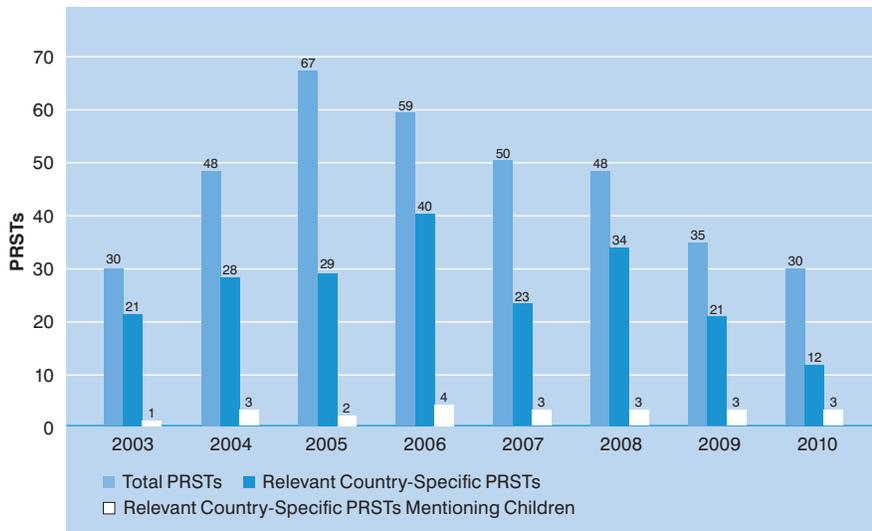
In 2010 there were references to children in presidential statements on the situation in Chad and CAR (withdrawal of MINURCAT), Iraq (elections) and DRC (reactions to the rapes in July and August). However, none of them refer to children as a separate issue, but rather within the larger protection agenda.

In the DRC presidential statement (S/PRST/2010/17), which has a strong focus on sexual violence, the Council reaffirms its resolve to "eliminate all forms of violence against women and children during and after armed conflict".

The 20 December presidential statement on the withdrawal of MINURCAT (S/PRST/2010/29) includes a commitment by the Chadian government to assume full responsibility for the security and protection of the civilian population in eastern Chad with a particular focus on women and children.

In the presidential statement on Iraq, children, together with women and members of religious and ethnic minority groups, are mentioned as part of the UNAMI's activities under protection of civilians.

### Country-Specific Presidential Statements



The South Sudan referendum was the subject of two presidential statements (S/PRST/2010/24 and S/PRST/2010/28) adopted on 16 November 2010 and 16 December 2010. There was no reference to protection of children although it would have been reasonable to have expected some mention of children given that protection of civilians, including children, was a key issue in the lead-up to the referendum.

#### Thematic Presidential Statements

There were an unusually high number of thematic presidential statements in 2010. Of the 15 thematic presidential statements issued, eight were deemed as having potential relevance to children. Out of these, five actually had references to children.

Of the thematic presidential statements adopted following debates on protection issues other than children, the one on protection of civilians contained references to children in connection with women, and the need to give attention to these two groups, as well as address the impact of armed conflict on them.

There were two presidential statements related to women—one on women, peace and security in April and the other on sexual violence in October (S/PRST/2010/8 and S/PRST/2010/22). The October presidential statement on sexual violence makes reference to the potential role of the newly formed UN Women on the prevention of sexual violence in conflict, “including through coordination and coherence in policy

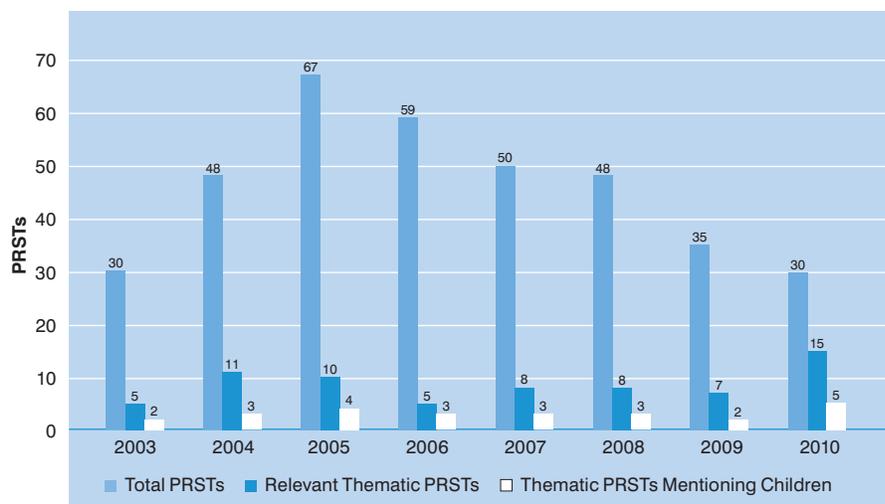
and programming for women and girls”. It also reiterated the Council’s support for the Special Representatives of the Secretary-General on Sexual Violence and Children and Armed Conflict.

The reference in the April presidential statement on women, peace and security was less substantive. It asked for the Secretary-General to continue to ensure that “all country reports to the Security Council provide information on the impact of situations of armed conflict on women and girls”.

The presidential statement (S/PRST/2010/6) following the 19 March 2010 debate on small arms, particularly in CAR, contains a clear reference to children within the context of small arms. It highlights the Council’s concern that the illicit manufacture, transfer and circulation of small arms and light weapons, “exacerbates the risks of gender-based violence and recruitment of child soldiers”.

In 2010 for the first time a presidential statement on post-conflict peace-building contained a reference to children. The presidential statement

### Thematic Presidential Statements



(S/PRST/2010/7) adopted following the 16 April debate on post-conflict peacebuilding emphasised the importance of increased attention and coherent policies to the empowerment of affected people, “in particular vulnerable civilians, such as children, the elderly, refugees and internally displaced persons.” However, there was specific reference to two resolutions on women—1325 and 1880—but no reference to resolutions on children and armed conflict.

The 13 October 2010 presidential statement (S/PRST/2010/20) following another debate on peacebuilding, however, did not contain a reference to children although it emphasised the need for support in priority sectors of peacebuilding, which included voluntary return of refugees and internally displaced persons (and this could include children).

A strong reference to children is seen in the 23 September presidential statement (S/PRST/2010/18) adopted after a high-level debate on peacekeeping, peacebuilding and conflict prevention. In this statement 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.”

It appears that there is increasing awareness of the need for attention to children’s protection issues not just during periods of conflict but also in considering strategies on conflict prevention and peacebuilding. This may have come about as a result of the Council’s increased focus on the issues of peacebuilding and conflict prevention in 2010 which could have resulted in a more holistic approach to the peace continuum than previously.

#### *Secretary-General’s Reports*

In analysing Secretary-General’s reports we have taken into account that in

2003 in resolution 1460 the Council requested that all the Secretary-General’s reports to the Council on country-specific situations include protection of children as a specific aspect.

In 2010 there were 90 Secretary-General’s reports. Of these, 76 were country-specific reports. If resolution 1460 were implemented all 76 should contain information on protection of children. Of the 76 reports on country-specific situations, 71 had a relevant children and armed conflict dimension which might have made it reasonable to expect resolution 1460 to be applied. (We excluded from our assessment of relevant reports Secretary-General’s reports on the Development Fund for Iraq and on the issue of missing Kuwaiti nationals and property.) Of the 71 relevant country-specific reports 39 (or 55 percent) had references to protection of children.

This continues the upward trend we identified in 2008. In 2009 the number of relevant reports with references to children was 49 percent. But at 55 percent it is still far from real compliance with resolution 1460.

There are a number of country-specific situations like Sierra Leone, Guinea Bissau, the Golan Heights, Cyprus, Western Sahara and Kosovo where the need for a focus on children is less acute but our analysis had to count these situations given that resolution 1460 asked for all country-specific reports to include protection of children. It might be useful for a future resolution to define more specifically the type of reports which should address protection of children.

*There was a small increase in the country-specific reports which include a section on child protection.* In 2010 the Secretary-General’s reports on Somalia began to consistently include

a section on child protection. Similarly, the MINURCAT reports, which in 2009 had child protection sections in July and October but not in April, in 2010 consistently included a child protection section in all its reports.

Other situations were less consistent. Only one UNAMA report had a separate child protection section, although the other two reports in 2010 contained some information on child protection. This was also true of Côte d’Ivoire and Sudan where in both cases one report in 2010 did not contain a separate child protection section.

Iraq, which appeared on the Secretary-General’s annexes in 2009, still does not have a section on child protection. The reports which have included such a section most consistently over time are on Burundi and Haiti.

*In the Secretary-General’s “observations” section there are several examples where issues of protection of civilians, sexual and gender-based violence and disarmament, demobilisation and reintegration (DDR) were highlighted but there was no separate reference to children’s needs.* In 2010 specific reference to children in the observations section was made only in reports on Afghanistan (on Afghan children and women being killed), Burundi (reintegration of demobilised ex-combatants), Côte d’Ivoire (sexual violence against children as well as resolutions 1612 and 1882) and UNAMID (on the release of children).

Children were not singled out in references to sexual violence in the observations section of the report on Sierra Leone (although girls were mentioned) and MONUSCO, nor when DDR of former combatants were mentioned. Several reports included protection of civilians issues in the Secretary-General’s observations but



specific child protection issues were not highlighted.

*The Secretary-General's reports on country-specific situations still do not contain references to the Working Group's conclusions or a cross-reference to the recommendations in the Secretary-General's country-specific reports on children and armed conflict.* Being able to document follow-up and connect the information in the main report to specific details from the reports on children and armed conflict would help mainstream the issue in a significant way.

*Having child protection in the mandate of a political or peacebuilding mission is likely to lead to references to child protection in the Secretary-General's country-specific reports.* The integrated peacebuilding office, BINUCA, is a good example of a post-conflict mission which has a mandate containing references to children. The Secretary-General's reports on BINUCA in 2010 contained a separate child protection section and substantive information on child recruitment, reintegration and sexual violence. This could be due to a combination of reasons. When it was set up in 2009, it was given a mandate that included child protection allowing it to recruit a child protection adviser to oversee child protection and child rights. In addition, the N'Djamena Declaration signed in June 2010 called specifically for an end to recruitment and use of children in armed conflict and for the release and reintegration of children.

The Secretary-General's reports on Burundi have always contained extensive references to protection of children. This has not changed in spite of Burundi's coming off the Secretary-General's annex last year and the mission moving from BINUB to BNUB. In spite of BNUB's focus being democracy and

institution-building, the BNUB report is one of the few where the Secretary-General makes specific reference to an issue related to children and armed conflict in his "observations" section. It is a good example of an increasing awareness that child protection is a longer-term problem that needs to be considered beyond the period of conflict.

*Reports with child protection sections focus largely on issues related to child soldiers.* The information in child protection sections tends to be on the recruitment, release or reintegration of children in armed conflict. The other two triggers that could lead to a group being placed on the Secretary-General's lists—sexual violence and killing and maiming—are generally not addressed or are only focused on under human rights or a separate sexual violence section. This could be partly explained by the fact that the monitoring and reporting mechanism for sexual violence and killing and maiming is still being set up in many places and there is not enough concrete information coming out yet.

*Only some Secretary-General's reports made separate reference to children when reporting on sexual and gender violence.* The Côte d'Ivoire reports began to contain more information on sexual violence as the situation deteriorated over 2010. The 20 May report (S/2010/245), in its human rights section warns of sexual violence being on the rise against children, with the Secretary-General reinforcing his concerns about "sexual and gender-based violence including against children". The 23 November report (S/2010/600) also highlighted a significant increase in sexual violence, including against children, during the reporting period.

In contrast, in the Secretary-General's reports on the DRC, another situation where the issue of sexual violence was

prominently highlighted in 2010, there were references to sexual violence with women and girls sometimes being mentioned but no specific reference to children.

*References to children in the Secretary-General's country-specific reports tend to be limited, at most, to the type of violations that result in a group being listed in the Secretary-General's annual report on children and armed conflict.* The main areas of focus are child recruitment, sexual violence and killing and maiming with very little attention paid to the other violations being monitored by the reporting and monitoring mechanism, such as attacks on schools and hospitals, abductions and humanitarian access.

#### *Peace Agreements*

Since 2001, Council resolutions on children and armed conflict have asked for protection of children to be factored into peace agreements, including provisions relating to disarmament, demobilisation, reintegration and rehabilitation. Resolutions adopted since 2003 have called upon parties to conflict to ensure that protection and rights of children were integrated into peace processes, peace agreements and post-conflict recovery and reconstruction phases.

In 2010 there were two key peace agreements which had a children and armed conflict dimension. The N'Djamena Declaration was adopted in June 2010 following a regional conference in N'Djamena organised by UNICEF and the Chadian government on ending recruitment and the use of children in armed forces and groups. It was signed by representatives from Chad, Cameroon, CAR, Niger, Nigeria and Sudan. The signatories pledged to stop the use of children in armed conflict and to establish a strategy to fight arms proliferation, to implement

relevant regional and international instruments on child rights and child protection, and to harmonise national legislation. The Declaration outlines the six countries' commitments to international standards for the protection of children including the two Optional Protocols to the Convention on the Rights of the Child and the Paris Commitments and Paris Principles. A special committee was established to implement the Declaration and is expected to meet regularly and develop a plan and a timetable for reporting. This Declaration is viewed by some observers as a positive signal that African governments are beginning to take leadership in the area of children and armed conflict. In August 2010 there was a follow-up meeting in Chad during which experts from five of the signatory states, excluding Cameroon, developed an Action Plan to implement the Declaration. A second meeting was held in October 2010 in the CAR to discuss the Action Plans and further strategies.

The Framework Agreement and Cease-fire Agreement between the Sudanese Government and the Liberation and Justice Movement was signed in Doha on 18 March 2010. The agreement (although still unimplemented) contains important provisions to protect children affected by the conflict. The commitment requires the immediate release to the UN of all boys and girls associated with fighting forces in line with the African Charter on the Rights and Welfare of the Child and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. However, the Framework Agreement between the Sudan government and the Justice and Equality Movement (JEM) signed on 20 February in which the parties agreed to a ceasefire, a prisoner release, and the opening of a new round of formal

negotiations, did not include any reference to children.

#### **4.3 Reports of Security Council Visiting Missions**

The Security Council visited the DRC from 13 to 16 May 2010, Afghanistan from 21 to 24 June 2010 and Uganda and the Sudan from 4 to 10 October 2010.

In 2009 the Working Group for the first time included recommendations that the Council include the situation of children affected by armed conflict and the conclusions of the Working Group in the terms of reference for its next Council missions to the DRC, CAR and Afghanistan.

The drafters of the terms of reference for the 2010 DRC mission appear to have taken this recommendation into consideration. The document contained a specific reference to the need to "address sexual violence and child-protection issues, bearing in mind the conclusions of the Security Council Working Group on children and armed conflict". (These conclusions were published in July 2009.) In March 2009 when the Council visited the DRC the terms of reference called for the "need to enhance child protection" also bearing in mind the conclusions of the Working Group. It appears that following the adoption of resolution 1882 which added sexual violence as a criterion for being put on the Secretary-General's lists, there has been increased sensitivity to having this element when looking at children's issues on a Council mission. The report of the Council mission to the DRC in 2010 (S/2010/288), however, does not include any information that would lead to the conclusion that the issue of protection of children was raised in any significant manner.

The terms of reference for the 2010 June mission to Afghanistan mentions

the protection of children affected by armed conflict within the context of reviewing progress made by the Afghanistan government in addressing challenges. However, there was no reference to the Working Group's conclusions on the situation of children and armed conflict in Afghanistan which were published in July 2009. In the written report of the Council mission (S/2010/564) under the "Observations" section there is mention of the Council's concern about the protection of children affected by armed conflict. However, there are no indications in the report as to how this concern was expressed by Council members during the visit. The verbal report given by Ambassador Ertugrul Apakan of Turkey, who led the Council mission to Afghanistan, made a general reference to protection of children within the context of the government of Afghanistan upholding the rule of law, human rights, women's rights and children's rights.

The Council visited Uganda and Sudan in October 2010. The terms of reference for the Kampala leg of the mission contained no references to children. Given that the Working Group had issued its most recent set of conclusions on children and armed conflict in Uganda in June 2010, this could have been an opportunity for Council members to follow-up on some of the recommendations, particularly the invitation to the Ugandan government to develop with the governments of the DRC, the CAR and Sudan, "a regional strategy to address the violations and abuses committed by the LRA, taking into account regional mechanisms." The Working Group had asked particularly for the support of the Ugandan government. In the written report following the trip there was no indication that issues relating to children had been part of the Council's discussions with the president of Uganda (S/2011/7).



The terms of reference for the Sudan leg of the trip did contain a reference to children within a paragraph on the Council's concern about the upsurge in violence in Darfur, the number of civilian casualties and victims of sexual and gender-based violence, illegal arms flow and restrictions on humanitarian access. According to the mission report the issue of recruitment of children was brought up, together with other issues mentioned above, in meetings with representatives of humanitarian agencies. The issue of loss of educational opportunity also appears to have been raised during discussions with Southern Sudanese representatives residing in Northern Sudan.

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

There have been 15 action plans on recruitment and use of children in armed conflict and five parties delisted as a direct result of completing action plans.

Among the developments in 2010 are:

##### *Afghanistan*

The government of Afghanistan and the Secretary-General's Special Representative in Afghanistan signed an Action Plan on 30 January 2011 for prevention of underage recruitment. On 24 April 2010 the government issued an executive order prohibiting children being recruited or used within the Afghan National Police (ANP), requiring children found in the ANP to be separated within 30 days and calling for investigations and disciplinary action against those violating the order. A government steering committee on children and armed conflict was launched on 18 July 2010. It set up a technical working group composed of government ministries and the UN to implement the Action Plan.

##### *CAR*

Five hundred and twenty five children were separated from the *Armee populaire pour la restauration de la republique et de la democratie* between 2009 and 2010. All these children have been reunited with their families.

##### *Chad*

The Chadian government signed an Action Plan on 16 June to end recruitment and use of child soldiers. The Action Plan commits the government to ensure that the Chadian National Forces and recently integrated armed groups are child-free; enable the UN to monitor compliance with the Action Plan and align national legislation with international obligations for children.

One hundred and eighty-one children were released over the last year by 13 armed groups.

##### *Colombia*

According to the Colombia Family Welfare Institute, 338 children were separated from illegal armed groups between January and December 2010.

##### *DRC*

Little progress has been made in convincing the DRC government to engage with the UN on an Action Plan.

A total of 1,656 children escaped or were separated from armed forces and groups or had escaped during the year. Of this number, 240 were separated by child protection actors, with the majority escaping and approaching MONUSCO for help. Although resolution 1925 on setting up MONUSCO required the screening of all FARDC units to verify the presence of children, this exercise only resulted in five children being separated as troops were often not available for screening.

##### *Myanmar*

The Committee for the Prevention of Military Recruitment of Underage

Minors agreed to form a technical panel to negotiate the Action Plan between the UN and the Myanmar government. There have been general commitments made by the government but some crucial elements, including access for monitoring, require further discussion. No progress was made on dialogue with non-state armed groups listed in the Secretary-General's annexes. The government continued to refuse access to these groups.

According to the Myanmar government 110 child soldiers were released from the Tatmadaw Kyi during the year. The government appears to be implementing more stringent screening procedures to prevent underage recruitment.

##### *Nepal*

The formal discharge of Maoist army personnel verified as minors was completed in early 2010. A UN monitoring team was set up to monitor and report on compliance with the provisions of the Action Plan. The UCPN-M continues to be listed in the annexes of the Secretary-General's 2011 report as there seems to be continuing links between some verified minors and the Maoist army, including monthly payments and accommodation.

##### *Philippines*

MILF issued a supplemental general order to its 1 August 2009 Action Plan restating the policy of non-recruitment of children, setting out punitive sanctions for non-compliance and establishing child protection units within the ranks of Bangsamoro Islamic Armed Forces. In 2010 the Philippines government officially gave its support to the UN to engage with NPA, the military arm of the National Democratic Front, in order to develop an Action Plan. In April 2011 the National Democratic Front of the Philippines agreed to develop an Action Plan to eliminate children from the ranks of the NPA. The

UN has initiated discussions with the Philippines government on developing a strategy for engaging with government forces to protect children in armed conflict. The Philippines House of Representatives passed a bill criminalising the use of children in armed conflict on 30 May 2011.

#### *Somalia*

The TFG appointed a focal point to work with the UN in developing an Action Plan to address the issue of child recruitment with the Transitional Federal Government and its allied militia. There has been no engagement with Al-Shabaab and other insurgent groups due to difficulties in contacting the group's leadership.

#### *Sri Lanka*

Limited progress has been made in the full implementation and completion of the Action Plan signed by the Tamil Makkal Viduthalai Puligal (TMVP), the Sri Lankan government and UNICEF in December 2008. Since December 2008, 122 children have been reported as released by TMVP, including 32 boys released in 2010.

#### *Sudan*

The SLA/Free Will and the SLA/Mother Wing (Abu Gasim) submitted Action Plans to the UN on 14 June 2010 and 15 August respectively. It committed the group to releasing all children found within its ranks, fully cooperate with the North Sudan DDR Commission and grant access to the UN to monitor its implementation. JEM took the first step towards signing an Action Plan by signing a MOU with the UN on 21 July. The JEM/Peace Wing submitted to the UN on 22 December a draft Action Plan for Western Darfur. SLA/Abdul Wahid commanders committed on 23 December to continue dialogue with the UN and agreed to consider the establishment of an Action Plan. The Sudanese Armed Forces agreed to work

towards an Action Plan on 21 October 2010 and discussions are ongoing. The Action Plan signed between the UN and SPLA on 20 November 2009 lapsed on 20 November 2010.

From February 2009 to March 2010, 957 children were released and demobilised by SLA/Free Will, SLA/Mother Wing (Abu Gasim), SLA/Peace Wing and the Popular Forces for Rights and Democracy. A total of 210 children associated with the SPLA were released in 2010.

#### **4.5 Issues Involving Peacekeeping**

There are currently more than 60 child protection advisers and officers in nine peacekeeping missions, four political missions and two peacebuilding missions. 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. Both resolution 1882, adopted in August 2009, and the presidential statement adopted in June 2010 encouraged the deployment of child protection advisers to relevant peacebuilding and political missions.

At the 2010 debate on children and armed conflict, Atul Khare, Assistant Secretary-General for Peacekeeping Operations acknowledged that the inclusion of child protection provisions in peacekeeping mandates has helped the DPKO to strengthen its child-protection activities in countries where there are peacekeeping missions.

However, there are new challenges to peacekeeping which may affect the implementation of child protection mandates in UN peacekeeping operations. Among them is getting the resources needed to respond to mandates. Protecting civilians, including children, with limited resources while

confronting armed groups, has been a challenge to peacekeepers particularly in places like the DRC.

Another significant issue that arose in 2010 was managing host country consent, particularly with Chad and the DRC. Both MONUC in the DRC and MINURCAT in Chad and CAR were involved in the monitoring and reporting mechanisms set up to monitor violations against children in these countries. With the peacekeeping missions in the DRC and Chad and CAR having been forced to respectively, scale down and withdraw, the impact on protection of children remains to be seen.

#### **4.6 Developments in the Area of Sanctions**

In 2010 there continued to be attention given in Council decisions on the need for compliance with international law against persistent violators and better communications between the structures set up for monitoring issues of children and armed conflict and sanctions committees.

In resolution 1882 adopted on 4 August 2009 and the 29 April presidential statement on children and armed conflict, the Council reaffirmed its intention, previously expressed in resolution 1612 of 2005 and 1539 of 2004 to take action through country-specific resolutions against parties violating applicable international law relating to the rights and protection of children in armed conflict by imposing targeted and graduated measures such as an arms embargos on parties to situations of armed conflict which are on the Council's agenda. In both the 2009 resolution and presidential statement the Council called for enhanced communications between the Working Group and relevant sanctions committees.

The importance of developing a linkage with sanctions committees was also



highlighted in the June 2010 presidential statement where the Council invited the Working Group to exchange information with relevant sanctions committees, for relevant sanctions committees to consider inviting the Special Representative to brief them regularly and for the Special Representative to share specific information contained in the Secretary-General's reports with relevant Sanctions Committee expert groups.

## 5. Case Studies

### 5.1 The DRC: Are Sanctions a Promising Option?

#### *Background*

The DRC has been in a situation of war and instability for many years. Children have been one of the main victims of this conflict, with many snatched from families and forced to become soldiers by rebel groups and used as sex slaves. An estimated 10,000 children were conscripted by the Alliance of Democratic Forces for Liberation (ADFL) under the leadership of Laurent Kabila against President Mobutu Sese Seko in 1996-1997.

Today as many as 30,000 Congolese children are still fighting or living with armed forces and militia groups. Of this number, 30 to 40 percent are girls. It is clear that children continue to be severely affected by this conflict but in spite of deploying one of its largest and most costly peacekeeping operations, and one with a strong protection of civilians mandate, the UN has found it difficult to prevent the on-going recruitment of child soldiers. Children continue to be on the front lines, particularly in eastern DRC where they could make up more than a third of the fighting forces.

This situation prevails despite the fact that the DRC is the only situation on the children and armed conflict agenda

where the Council has put tools in place to impose sanctions against individuals for violations against children. The DRC sanctions regime is the only UN sanctions regime that is authorised to use recruitment of children, sexual violence and killing and maiming of women and children as criteria for targeted sanctions.

This case study shows that targeting individuals for violations against children with sanctions has been a difficult and cumbersome process, and one that is yet to demonstrate that it can meaningfully improve the situation for children in the DRC.

#### *The Council and the DRC*

The UN peacekeeping mission in the DRC, MONUC, was established by resolution 1279 of 30 November 1999 following the Lusaka Ceasefire Agreement which brought an end to a war in the DRC. From very early on it has had a strong protection of civilians mandate. At the first renewal of MONUC on 24 February 2000 the Council authorised MONUC to take necessary action including the use of force to protect UN personnel and facilities and to protect civilians under imminent threat of physical violence.

Sanctions were first imposed in 2003 through resolution 1493 adopted on 28 July 2003. The resolution imposed an arms embargo on all foreign and Congolese armed groups and militia operating in North and South Kivu and Ituri. In March 2004 the DRC sanctions were strengthened by creating a Panel of Experts. The sanctions regime has been modified and strengthened over the years to include among other things, travel bans and asset freezes on individuals.

The protection aspect of the UN mandate in the DRC was strengthened in resolution 1592 of 30 March 2005,

which authorised MONUC to use "all necessary means" to ensure the protection of civilians. The protection of children came under the broader protection umbrella. But there was no separate reference to children's protection needs.

The Council appears to have begun to pay more attention to the situation of children at about the same time as the Working Group on children and armed conflict began looking at the DRC. In 2006 the Council adopted its most significant DRC resolution with regard to children in armed conflict. Resolution 1698 extended the scope of possible sanctions in the DRC to include designation of political and military leaders recruiting or using children in armed conflict, as well as individuals targeting children in situations of armed conflict.

Following the adoption of 1756 in May 2007 which focused MONUC's mandate on protection of civilians, security, DDR and security sector reform, children began to be mentioned as part of the section on DDR. By 2007 references to 1612 and the Working Group's conclusions were beginning to appear regularly in the preambular paragraphs of MONUC resolutions.

In December 2007 in resolution 1794 the Council specifically demanded that all armed groups, in particular the forces of renegade general Laurent Nkunda and the FDLR, immediately stop recruiting and using children and release all children associated with them.

Beginning on 28 August 2008, violence intensified again in eastern DRC. The forces of Laurent Nkunda and the *Congrès national pour la défense du peuple* (CNDP) commenced wide-scale hostilities between FARDC and the CNDP. There was a tremendous humanitarian impact on the civilian population. Given the developments,

MONUC's mandate was revised in resolution 1856 of 22 December 2008 to better focus on protection of civilians. Just as in resolution 1756 (2007) resolution 1856 highlights the needs of children in DDR. There is also a reference to the need to pay attention to children, together with women and vulnerable groups, in promoting and protecting human rights.

During this period the Council adopted two resolutions strengthening the DRC sanctions regime. Resolution 1807 (2008) extended travel and financial measures to perpetrators of serious human rights abuses involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement. Resolution 1857 (2008) extended the sanctions regime till 30 November 2009 and applied sanctions to those obstructing access to or distribution of humanitarian assistance in the eastern part of the DRC.

The problem of child recruitment was addressed directly in the 23 December 2009 resolution renewing MONUC's mandate. It demanded that all armed groups, in particular the FDLR and LRA immediately stop recruiting and using children and release all children associated with them. It also called for the DRC government to work with MONUC, the monitoring and reporting mechanism and other actors to finalise an Action Plan to release children present in FARDC and to prevent future recruitment.

Following pressure from DRC President Kabila to downsize the number of UN peacekeepers by June 2010, an agreement was reached to keep the UN mission in the DRC under a reworked mandate. On 28 May 2010 the Council decided in resolution 1925 that from 1 July 2010, MONUC would

be renamed the UN Organization Stabilization Mission in the DRC (MONUSCO) and would be deployed until 30 June 2011. MONUSCO's mandate now would be firstly protection of civilians and secondly stabilisation and peace consolidation.

The Council's protection focus in the DRC intensified following the rapes perpetrated in North Kivu's Walikale territory between 30 July and 2 August 2010. At the same time the Council began to pay increased attention to the impact of the situation on women and children in the DRC. On 7 September, Assistant Secretary-General Atul Khare and Special Representative on Sexual Violence in Conflict Margot Wallström provided a detailed briefing to the Council on the rape of at least 303 people, including children. Following this the Council president delivered remarks to the press in which he reiterated the Council's strong condemnation of the events.

The impact of this incident on children prompted the Working Group on Children and Armed Conflict to respond for the first time publicly to a crisis through remarks to the press. They agreed on press elements on 8 September 2010 expressing strong condemnation of the events and highlighting the fact that there had been 32 rapes against children.

The situation in eastern DRC continued to deteriorate into 2011 and on 7 February 2011 the Council released a press statement voicing concern over the high levels of insecurity in eastern DRC which they said was mostly affecting women and children. Members also condemned the recent sexual violence in North and South Kivu provinces by elements within the Congolese army highlighting that dozens of women and girls were raped.

On 18 May 2011 the Council had an open debate on the DRC. Although during the debate none of the speakers raised the issue of protection of children, in the presidential statement following the debate the Council reiterated its concern about the persistent high levels of violence which mostly affected women and children and specifically mentioned of the use and recruitment of children particularly by parties in eastern DRC (S/PRST/2011/11).

#### *The Working Group on Children and Armed Conflict and the DRC*

The situation of children and armed conflict in the DRC was the first report on children and armed conflict in a country-specific situation considered by the Working Group in 2006. Since then there have been four Secretary-General's reports and four sets of Working Group conclusions on the matter.

The Working Group's strongest recommendation was made at its 6 September 2006 meeting following consideration of the first report on children and armed conflict in the DRC. The Working Group agreed to a set of recommendations relating to the DRC covering both cooperative measures and targeted sanctions on individuals. The Working Group singled out a specific group (the *Mouvement Revolutionnaire Congolais* or MRC) and a specific individual, General Laurent Nkunda as targets for the sanctions. (Nkunda was arrested during a joint operation between the Congolese and Rwandan militaries and is currently being held in Rwanda.)

Given the general reluctance of some members of the Council towards imposing sanctions, this decision of the Working Group may not have been taken if not for the fact that the Council had just adopted resolution 1698 which opened up the possibility of imposing sanctions on political and military



leaders recruiting or using children in armed conflict. By passing this resolution, the Council empowered its Sanctions Committee on the DRC to include individuals responsible for such violations on the list of persons subject to targeted sanctions.

However, this did not bring about swift action from the Sanctions Committee. Concerned about the lack of response from the Sanctions Committee, the Working Group in its second and third set of Conclusions on the DRC in 2007 and 2009 respectively requested the Council president to write to the chair of the Sanctions Committee expressing “grave concern” about “repeated violations” of Council resolutions by named persons (S/AC.51/2007/17 and S/AC.51/2009/3). A letter (S/AC.51/2008/4) was sent by the Council president on 14 January 2008 to the chair of the DRC Sanctions Committee. In early 2008 the chair of the DRC Sanctions Committee, Indonesian Ambassador Marty Natalegawa, informed members that he planned to follow-up on the letter. On 15 April 2008 the chair of the DRC sanctions committee informed the Council president that his letter had been brought to the attention of the Committee.

It took almost three years before recruitment of children and sexual violence resulted in the sanctioning of individuals in the DRC. On 3 March 2009, the DRC sanctions committee listed three leaders of the FDLR using abduction and sexual abuse of girls and recruitment of boys as part of the criteria.

On 13 August 2010 the DRC sanctions committee updated its list to include the recruitment and use of children among the reasons for imposing sanctions against nine individuals already designated on its list. And on 1 December 2010 the Committee added an individual who was designated for holding direct and command

responsibility for child recruitment and maintaining children within troops under his command.

It also took the Council several years before it began to pay attention to the practical aspects of imposing sanctions on political or military leaders involved in violations against children. The last two resolutions renewing the DRC sanctions and extending the Group of Experts mandate, resolutions 1896 (2009) and 1952 (2010), both requested that MONUC share all relevant information with the Group of Experts, especially information on the recruitment and use of children, and on the targeting of women and children in situations of armed conflict.

The increased awareness of the need for better coordination is also seen in the reports of the Group of Experts. The 2009 final report of the Group of Experts contained significant sections on child soldier recruitment and sexual violence. Significant observations included the need for strengthened information-sharing with the MONUC child protection section and the difficulty of reporting on sexual violence because often those who are discovered to have given information are attacked again.

The most recent final report of the Group of Experts published in November 2010 also contained substantive reporting on child recruitment and other violations against children. Among the significant recommendations was to identify, suspend and prosecute FARDC commanders using children as escorts or obstructing efforts to separate children from ranks.

#### *Some Observations*

In spite of some progress in adding criteria and names related to children in armed conflict situations to the DRC sanctions list, and the Council's protection of civilians focus, the situation on

the ground for children in the DRC has not improved significantly, with child recruitment in fact increasing in some areas.

The deterioration of security in some regions of the country, notably north and south Kivu, over the last year has led to a worsening situation for children largely as a result of their recruitment and re-recruitment, their being killed and their being subject to widespread sexual violence. The military operations conducted by FARDC in 2009 had a heavy toll on civilians, including children.

The fast-track integration process of armed groups into the Congolese national army at the end of January following the cessation of hostilities on 16 January 2009 between FARDC and the CNDP, has also led to an increase in child recruitment as some of the newly integrated units appear to have been recruiting children both for military purposes and sexual use. A large number of these children were quietly integrated into FARDC. As a result FARDC, which had stopped systematically recruiting children in 2007 and 2008, showed a large increase in the number of children within its ranks in 2009. On the other hand, the fast-track integration did allow for a number of children to formally separate from the military, tripling the number of children separated in 2009 compared with 2008.

Part of the reason for the lack of progress on the ground maybe due to the fact that the DRC government has been reluctant to take decisive action on recruitment and use of children by FARDC. The Secretary-General's 2011 report notes that many children continue to be recruited and remain associated with FARDC, and many have been recruited repeatedly. A continuing problem is the presence of perpetrators of child rights violations in FARDC's military chain of command. In March

2009 MONUC initiated a dialogue with the DRC government and FARDC on an Action Plan and were given verbal agreement that they would cooperate. This was followed-up by the Special Representative for Children and Armed Conflict when she visited the DRC in April 2009. An Action Plan has been drafted and submitted but so far the DRC government has yet to engage formally in the process. Until a political commitment is made at the highest levels of government to move forward on an action plan this situation is unlikely to improve.

One avenue which MONUC was able to use to obtain commitments on releasing children was through its support to FARDC in Operation Kimia II. (Kimia II was a joint operation launched in March 2009 by FARDC and Rwandan troops against the mainly Rwandan Hutu rebel group FDLR in eastern DRC which the UN had supported with helicopter lifts, medical evacuation, fuel, rations and firepower.) MONUC made its logistical and military support conditional on the absence of children from integrated FARDC brigades. This in some cases allowed for the release of children and helped in gathering information on the presence of children in some battalions although there has been criticism of the effectiveness and value of these joint operations.

Among the other challenges have been resource limitations and the difficulty obtaining concrete information on individuals. This has been made more difficult by the somewhat contentious relationship between the DRC panel of experts and the UN Mission in the DRC over the years. UN child protection officers have objected to the panel of experts' methodology, in particular the practice of re-interviewing children who are alleged victims of violence and have at times been unwilling to share information with the panel.

A lack of a unified strong political will among Council members on this issue has also been a problem. While it has over the years moved towards a strong protection mandate, including a focus on child protection and sexual violence, at the same time Council members have often been divided and lacked the political will to insist on full implementation of key aspects of Council decisions. Other issues that have affected Council members' political will have been the high cost of the peacekeeping operation in the DRC and concerns about the feasibility of pushing the peacekeeping operation to be more assertive both politically and in the field.

It appears that the inclusion in resolution 1882 of a recommendation for enhanced communication between the Working Group, the Special Representative for children and armed conflict and relevant sanctions committees has opened up a communication channel which may help speed up the process of targeting individuals and entities committing violations against children in the DRC.

While there has been progress in the use of sanctions in the case of the DRC, the limited practical application of these sanctions raises questions about the effectiveness of a tool that is not implemented in any meaningful timeline. In order to maintain its credibility the Council may need to consider ways of speeding up the process between suggesting sanctions and actually holding individuals accountable.

## **5.2 Afghanistan: A Case of "Name and Shame" Working**

### *Council Involvement in Afghanistan*

Afghanistan appeared on the Council's agenda in January 1980 when a draft resolution on the Soviet invasion was considered. This resolution was vetoed by the Soviet Union. This led to a long

period when the Council was unable to respond to events in Afghanistan.

During the 1980s and early 1990s the UN's involvement in Afghanistan was through General Assembly-mandated UN missions (the UN Good Offices Mission in Afghanistan and Pakistan [UNGOMAP], the Office of the Secretary-General in Afghanistan and Pakistan [OSGAP], and the UN Special Mission in Afghanistan (UN SMA)) set up to support the Secretary-General's Personal Representatives and Special Envoys who were deployed in Afghanistan during this period.

The Council became engaged in Afghanistan only following the establishment of the Taliban government in 1996. Over the next five years the Council responded to the worsening humanitarian and human rights situation by issuing eleven presidential statements (1996/6, 1996/40, 1997/20, 1997/35, 1997/55, 1998/9, 1998/22, 1998/24, 1998/27, 1999/29 and 2000/12). It also adopted four resolutions condemning the violence (resolutions 1076, 1193, 1214 and 1267) and eventually imposed sanctions against the Taliban in resolutions 1267, 1333 and 1363. Afghanistan during the Taliban period was the target of Council resolutions with strong human rights language, but none of them contained a child protection dimension.

Following the 2001 Bonn Agreement which requested the Security Council to authorise the deployment of a multinational force to assist the government in providing security, the Council adopted resolution 1386 on 20 December 2001, authorising the International Security Assistance Force (ISAF). In 2002 the Council, in resolution 1401, established the UN Assistance Mission in Afghanistan (UNAMA). These two structures have continued to be key to the Council's involvement in Afghanistan.



*Afghanistan and Children and Armed Conflict in the Council*

While the Council may have begun focusing attention on Afghanistan from 2001 onwards, children and armed conflict issues did not feature prominently until 2008. For six years there was little awareness shown by the Council of the needs of children involved in the Afghanistan conflict.

Only after 2007 when Afghanistan was again listed in Annex 1 of the Secretary-General's report (it had been included in 2002 and 2003 and removed in 2005) and the Working Group began paying closer attention to the issue of children in Afghanistan did the situation change. By 2007 new structures had been set up following the adoption of resolution 1612 in 2005 and were giving the issue of children and armed conflict a much higher profile in the Council. These structures and processes also created a system which made it possible to channel relevant information on children to the Council when it was considering country-specific situations on its agenda.

The only reference to children before 2008 was in the Council's resolution on 26 June 2002 (S/RES/1419) commending the Loya Jirga, which established the Transitional Authority and elected Hamid Karzai as president. The resolution urged "the Transitional Authority to build further on efforts of the Interim Administration to promote the welfare and interests of Afghan women and children and to provide education to boys and girls".

As mentioned above, there was no mention of children in the resolutions the Council adopted on Afghanistan between 2002 and 2007. But in 2008 the resolution renewing UNAMA's mandate (S/RES/1806) expressed concern about the recruitment and use of children by the Taliban as well as the killing and

maiming of children as a result of the conflict. This sudden attention to children in the context of the Afghan conflict was a direct result of Afghanistan and the Taliban coming back in 2007 onto Annex 1 of the Secretary-General's reports on children and armed conflict. The Taliban continued to be listed in Annex 1 of the Secretary-General's annual report on children and armed conflict in 2009, 2010 and 2011, with the Afghan National Police being included in 2010 and 2011. In subsequent resolutions on UNAMA since 2008 the language on children continued to be strengthened, particularly in relation to the violations against children by the Taliban forces. The 2010 and 2011 resolutions also asked for the child protection component of UNAMA to be strengthened through the appointment of child protection advisers.

As a result of the 2007 inclusion of Afghanistan in Annex 1 both the Working Group and the Office of the Special Representative for Children and Armed Conflict began to follow the issue.

In June 2008 the Special Representative for children and armed conflict made a field visit to Afghanistan to discuss the setting up of a monitoring and reporting mechanism. On this visit she found generally low awareness of the issue and not a lot of enthusiasm from the government. In subsequent visits in 2009 and 2010, however, she observed a growing awareness of both the fact that the issue of children in Afghanistan was on the Council's agenda and that commitment to an Action Plan was needed in order to be removed from the Secretary-General's list.

The issue of children and armed conflict in Afghanistan subsequently became a key focus of the Working Group on children and armed conflict following the publication of the first report of the Secretary-General on children and

armed conflict in Afghanistan on 10 November 2008 (S/2008/695). The report covered the period from 1 July 2007 to 15 August 2008 and provided information on the recruitment and use of children in the armed forces and other groups, as well as on the other grave violations. However, the monitoring and reporting mechanism was in the early stages of being developed during the reporting period and it had encountered difficulty obtaining information due to lack of access and resources. Following the publication of the 2008 Secretary-General's report on children and armed conflict in Afghanistan, the Afghan government questioned the credibility of some of the information in the report. They also expressed concern that insufficient data collected by the task-force in areas covered by anti-government forces may have prevented adequate reporting on the violations committed against children by the Taliban and other armed groups.

The Working Group on Children and Armed Conflict took up this report in early 2009. However, it was not able to agree on conclusions till July that year. This was largely due to differences between Russia and the US on whether ISAF had caused civilian casualties and if this was a violation of international humanitarian law applicable to children and armed conflict.

At the same time as the Working Group was trying to negotiate its first set of conclusions on Afghanistan, Council members were considering a resolution to renew UNAMA's mandate which was expiring on 23 March 2008. Surprisingly, the differences that were seen in the Working Group did not come up during the negotiations on the UNAMA resolution and middle ground was reached relatively easily on the issue of civilian casualties. Resolution 1806 became the first resolution by the

Council on Afghanistan to have significant reference to children. There appears to have been greater political will to overcome differences at the Council level but some attributed the stand-off in the Working Group at least in part to the personalities involved in its work at the time.

Interestingly, the Working Group's conclusions on the Afghanistan report have never been reflected in resolutions on UNAMA. Some elected member states have tried to get agreement on including the reference but have been met with resistance from some P5 members. It is unclear if this was due to any lingering unhappiness over the compromises made in order to adopt the conclusions of that first report or an issue with not wanting to highlight the Working Group's work on children and armed conflict in the case of a situation like Afghanistan where the focus is more political and security-related.

By 2010, the combination of the Council's attention to the issue of children and armed conflict in Afghanistan through its Working Group and UNAMA resolutions, and the Afghan National Police being listed in 2010, together with the Taliban, as a group that recruited children, spurred the Afghan government into taking substantive action on this issue

The Secretary-General's second report on children and armed conflict in Afghanistan was published on 3 February 2011 and covered the period from 1 September 2008 to 30 August 2010. It highlighted that the 2010 UNAMA mid-year report on protection of civilians in Afghanistan reported that child casualties increased by 55 percent from the same period in 2009. It also noted that over the reporting period grave violations against children increased and due to deterioration in security and lack of access by the UN

taskforces involved in monitoring and reporting these violations it is likely that the available data underrepresents the actual impact of the conflict on children. However, there were also some promising developments over the reporting period which can be traced to a change in the Afghan government's attitude to the issue following the listing of the Afghan National Police in 2010 in the same category as the Taliban and other non-state actors. Among them were:

- the appointment in October 2009 of a high-level focal point in the Afghan Foreign Ministry to act as interface between the government and the Country Taskforce for Monitoring and Reporting;
- the launch of a Government Steering Committee on 18 July 2010 tasked with developing and implementing an Action Plan to prevent recruitment and use of children in the Afghan National Security Forces;
- approval of the Action Plan together with its annexes on prevention of sexual violence against children and the killing and maiming of children by the Steering Committee on 30 November 2010;
- an executive order on 24 2010 for the prevention of recruitment of children into the Afghan National Police issued by the Ministry of Interior; and
- the Action Plan was signed on 30 January 2011.

#### *Observations*

The case of the Afghan government's signing of the Action Plan appears to be a direct reaction to the fact that the Afghan National Police was listed in the Secretary-General's 2010 report on children and armed conflict to the Council on the same footing as the Taliban, Al-Qaida and other non-state actors. This certainly seems to have played a large part in leading them to cooperate more with the relevant UN actors.

It appears that the strong desire within the government to be taken off the Secretary-General's annexes has helped create a very cooperative environment. The Steering Committee appears to be working well and is proving to be a useful partner to the UN taskforce in Afghanistan. Apparently ISAF has also been helpful in disseminating information for the UN taskforce, particularly in areas that are difficult for civilians to access.

The role of the Special Representative was significant in helping to bring attention to the issue. As documented in the section on the Office of the Special Representative above, her three trips to Afghanistan between 2008 and 2011 served to put in place the monitoring and reporting mechanism, convey the Working Group's conclusions to the government and finally to ensure that the Action Plan was signed.

There is likely to be increasing difficulty in getting information in areas outside Kabul given the security situation. If the situation does not improve child protection advisers in Afghanistan are likely to have their movements restricted making it difficult for them to do their job.

Getting the Taliban to stop recruitment of children, killing and maiming and sexual violence against children may need different tactics. Most non-state actors have shown that they do not fear being shamed as a result of being on the Secretary-General's annexes and may need a different type of pressure to persuade them to comply with the Council and Working Group's demands.

## 6. Council Dynamics

The issue of children and armed conflict was not given high-level political attention by Council members in 2010. This seems to have been partly because of

the attention being paid to other thematic issues like women, peace and security (with 2010 being the year of the tenth anniversary of the trailblazing resolution on this matter, 1325). But it also reflected an increased comfort level among members of the Council with the output of the Working Group. After a few years, when some members appeared concerned that the Working Group might be over-stepping its boundaries, it seems that in 2010 there was generally more acceptance of the role and responsibility of the Working Group in shaping this issue.

By 2010 all the original members who had developed the Working Group following the adoption of resolution 1612 had left. While these founding members had a very strong stake in the success of the Working Group, many of them also had very strong personal views about some issues which may have coloured some of the negotiations.

The mix of members in the Working Group in 2010 contained a number of elected members with a strong interest in human rights and protection issues, like Austria and Mexico. Permanent members UK and France continued to show strong interest in the issue. The US was interested in some issues of particular interest but appeared less focused on this thematic issue compared to the issues of sexual violence and women, peace and security.

In 2010, Mexico as chair of the Working Group in 2009 had also become more settled in its role. France had been chair for the first three years of the Working Group's existence. Mexico had taken over during a time when there were increasing gaps between the publication of Secretary-General's reports on children and armed conflict and the Working Group's conclusions as well as increasingly divisive discussions over a number of issues. However,

Mexico was able over the period of its chairmanship to see the adoption of the first resolution since 2005 and of two substantive presidential statements, as well as the first field mission by the Working Group.

There initially had been some concern about the role Uganda might play once it came on the Council in 2009 given that the LRA is listed under in Uganda in the Secretary-General's annexes. However, when the situation came up for discussion in 2010 although Uganda did have questions about how the regional mechanism would function, which slowed down final agreement on the LRA conclusions, overall it appears to have acted in a constructive manner and was able to provide very useful insights into the LRA issue.

While there were some sensitive areas such as the negotiations over Colombia, and how to convey the need for dialogue with FARC without giving it political recognition, overall political sensitivities in 2010 did not obstruct the progress of the Working Group as much as in 2008 and 2009.

One of the difficulties faced by the group is that many of the members are also involved in other thematic issues or cover for their missions the 3rd Committee of the UN General Assembly which meets intensively between September and December every year. It was a problem at times for these members to give sufficient time to the issue of children and armed conflict in the context of the Security Council, leading to difficulties in scheduling meetings and making progress on conclusions.

A significant administrative development for the Working Group was the provision of administrative and substantive support by the Secretariat at the end of 2010. This did not come about easily and required a great deal of time and

energy from Mexico, as chair of the Working Group. In the short period since it became operational in early 2011, this sort of support has allowed the Working Group to start archiving its records and building a database which will contribute significantly to its institutional memory.

## 7. Possible Future Options

Options for the Council include:

- Given that 2010 was a low priority year for children's issues, in 2011 the Council could adopt a resolution adding one more trigger as an additional violation to be used as criteria for inclusion in the Secretary-General's annexes (e.g. attacks against schools and hospitals).
- Requesting the Secretary-General to provide alternatives to action plans for non-state actors. Among the possibilities are using a third party organisation or group to negotiate directly with rebel groups/non-state actors. An interactive dialogue which includes NGOs on the impact of non-state actors on thematic issues on the Council's agenda may help generate innovative, new ideas on this issue.
- Requesting a report from the Secretariat reviewing the mechanisms set up by resolution 1612 to be presented in early 2012.
- Reporting recommendations from the Secretariat on developing a system for monitoring cross-border perpetration of grave violations. (While a regional monitoring mechanism between Sudan, CAR and the DRC appears feasible because there are country mechanisms already in place, this becomes more difficult in situations where there is no existing monitoring mechanism in a neighbouring country.)

- Deciding (and incorporating that decision in a letter from the president of the Council) on a regular schedule of briefings at Council level from the chair of the Working Group and the Special Representative. This would bring back the Council's attention to this issue and provide members with an opportunity to assess the situation of children and armed conflict in a more informal setting than the annual debate. The chair of the Working Group might also be requested to brief following field visits.
- Requesting the DPA from time to time where appropriate in its monthly "horizon scanning" briefings to include a child protection dimension in situations where clear violations against children are present. This would allow Council members to keep an eye on emerging situations that might need to be considered by the Working Group.

Options for the Working Group include:

- Establishing a work programme involving briefings from relevant individuals to the Working Group. The formal meeting on CAR on 2 May 2011 included a briefing by Ambassador Jan Grauls of Belgium, the chair of the PBC configuration on CAR. Inviting the PBC chairs and the chairs of the sanctions committees could be possibilities.
- Initiating a lessons learnt exercise with the idea of making improvements to the effectiveness and functioning of the Working Group.
- Re-instituting holding of press conferences by the chair of the Working Group following the Working Group's formal meetings. In the early years this was a regular practice but in 2007 it died out. Issuing press releases from the chair of the Working Group on a more regular basis for appropriate situations. This would help to highlight the impact of a new

crisis on children.

- The Working Group could meet with either DPKO or DPA ahead of mandate renewals in order to raise substantive inputs on situations with children and armed conflict dimensions.
- Holding open sessions of the formal meetings of the Working Group where new reports are presented. This would be a boost to the transparency of the Working Group.

Options relating to sanctions issues

- Having more regular briefings by the Special Representative to country-specific sanctions committees.
- Deciding to include the designation of child protection criteria in the renewal or establishment of mandates of relevant sanctions committees and where appropriate requesting the Secretary-General to include child protection experts in sanctions expert groups and for these groups to include information on violations against children in their reports.
- Requesting advice from the Secretary-General on an appropriate process for imposing sanctions when there are no existing Council sanctions committees and on actions that could be taken against some of the most persistent violators.

Among the options outlined in Security Council Report's previous *Cross-Cutting Report on Children and Armed Conflict* of 2010 which are still relevant are:

- Requesting the Secretary-General to provide the Working Group with a mid-term review of the conclusions of each situation. For easy comprehension the review could be set out in a chart which clearly shows what has been asked for and action taken by the responsible parties.
- Agreeing on having Arria formula meetings if there is a crisis with protection of children's issues so that

NGOs can brief members.

- Considering ways of making the Working Group's work programme more flexible so that it can take up fast changing situations ahead of what may be on the agenda.
- Improving information flowing to the Working Group through greater interaction with NGOs and the Canadian-led Friends on Children and Armed Conflict. One possibility would be to start regular briefings with these groups as the Working Group considers conclusions to situations on its agenda.
- Improving efficiency and transparency and keeping track of documents over the years by issuing all Working Group-related correspondence, including follow-up correspondence, as UN documents (under the S/AC.51 document heading). Currently, letters from the president of the Council to the Secretary-General are occasionally issued as a UN document but this is not being done consistently.
- Requesting the Secretary-General to provide an assessment of the impact of different recommendations since 2006 and using this as a basis for a review of the options in the tool-kit and updating it with new tools and additional information capturing developments in the use of the tools over the years.

## 8. UN Documents

### Security Council Resolutions

- S/RES/1961 (20 December 2010) renewed the mandate of UNOCI until 30 June 2011.
- S/RES/1960 (16 December 2010) was on women, peace and security.
- S/RES/1959 (16 December 2010) reconfigured BINUB into the new UN Office in Burundi (BNUB) with effect 1 Jan 2011.



- S/RES/1952 (29 November 2010) extended the DRC sanctions and the mandate of the group of experts to 30 November 2011.
- S/RES/1944 (14 October 2010) renewed the mandate of MINUSTAH.
- S/RES/1943 (13 October 2010) reauthorised ISAF in Afghanistan and expressed its strong concern about recruitment and use of children by Taliban forces in Afghanistan as well as the killing and maiming of children.
- S/RES/1941 (29 September 2010) extended the mandate of UNIPSIL until 15 September 2011.
- S/RES/1939 (15 September 2010) extended UNMIN until 15 January 2011.
- S/RES/1927 (4 June 2010) expressed concern over new challenges and threats resulting from the 12 January earthquake in Haiti, authorised the deployment of 680 additional officers for the police component of MINUSTAH as a temporary surge with a particular focus on building the capacity of the Haitian National Police and encouraged the mission, within available means, to provide temporary logistical and technical support to the government of Haiti that will be phased out as Haiti's national capacity grows.
- S/RES/1925 (28 May 2010) extended the mandate of MONUC until 30 June 2010 and decided that from 1 July 2010, MONUC shall bear the title of the UN Organization Stabilization Mission in the DRC (MONUSCO) and that MONUSCO shall be deployed until 30 June 2011. It also condemned targeted attacks against the civilian population, widespread sexual violence and recruitment and use of child soldiers.

- S/RES/1945 (14 October 2010) renewed the panel of experts on Sudan.
- S/RES/1909 (21 January 2010) renewed UNMIN for four months.
- S/RES/1917 (22 March 2010) renewed UNAMA's mandate.
- S/RES/1911 (28 January 2010) extended UNOCI until 31 May 2010.
- S/RES/1910 (28 January 2010) reauthorised AMISOM.
- S/RES/1896 (30 November 2009) recommended that the government of the DRC promote stockpile security, accountability and management of arms and ammunition as an urgent priority, and to implement a national weapons marking programme.
- S/RES/1894 (11 November 2009) was on protection of civilians.
- S/RES/1889 (5 October 2009) was on women, peace and security.
- S/RES/1888 (30 September 2009) was on sexual violence.
- S/RES/1885 (15 September 2009) renewed UNMIL.
- S/RES/1883 (7 August 2009) was on UNAMI.
- S/RES/1882 (4 August 2009) was the latest children and armed conflict resolution which expanded the trigger to include killing and maiming and sexual violence.
- S/RES/1880 (30 July 2009) extended UNOCI's mandate till 31 January 2010.
- S/RES/1868 (23 March 2009) renewed UNAMA's mandate.
- S/RES/1857 (22 December 2008) renewed the arms embargo in the DRC and travel and financial measures against individuals targeting children in armed conflict.
- S/RES/1856 (22 December 2008) renewed MONUC for one year and demanded that all armed groups, in particular the LRA, immediately

- stop recruiting and release all children associated with them.
- 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/1812 (30 April 2008) reauthorised UNMIS until 30 April 2009 and contained significant references and requests relating to the protection, release and reintegration of children.
- S/RES/1807 (31 March 2008) was on the DRC and extended travel and financial measures to perpetrators of serious human rights abuses involving the targeting of children or women in situations of armed conflict, including killing and maiming and sexual violence.
- S/RES/1806 (20 March 2008) was the first UNAMA resolution to express concern about the recruitment and use of children by the Taliban as well as the killing and maiming of children as a result of the conflict.
- S/RES/1794 (21 December 2007) requested MONUC to pursue a mission-wide strategy to strengthen prevention, protection and response to sexual violence and to regularly report on actions taken and progress achieved.
- S/RES/1756 (15 May 2007) renewed MONUC's mandate, recognised the link between natural resources and conflict in the DRC, and urged the government to extend its authority and improve the transparent management of those resources.

- S/RES/1755 (30 April 2007) renewed UNMIS.
- 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/1663 (24 March 2006) specified that the 1653 report should include recommendations on dealing with the LRA and should be issued by 24 April 2006.
- 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/1565 (1 October 2004) further expanded UN Mission in the Democratic Republic of the Congo’s mandate to include seizing arms, monitoring compliance with the arms embargo and assisting the government.
- 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/1493 (28 July 2003) imposed an arms embargo on the DRC.
- 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/1419 (26 June 2002) welcomed the peaceful holding of the Emergency Loya Jirga from the 11-19 June 2002.
- S/RES/1401 (28 March 2002) created UNAMA.
- S/RES/1386 (20 December 2001) authorised the establishment of ISAF to provide security in Kabul.
- 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/1363 (30 July 2001) stressed every state’s obligation to comply with the sanctions imposed on the Taliban.
- S/RES/1333 (19 December 2000) strengthened the sanctions against the Taliban and imposed sanctions against Al-Qaida.
- 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/1279 (30 November 1999) established the UN Mission in the Democratic Republic of the Congo.
- 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 Usama 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/1193 (28 August 1998) expressed grave concern at the conflict in Afghanistan, and called it a growing threat to regional and international peace and security, demanded that all factions stop fighting and seek a peaceful resolution.
  - S/RES/1076 (22 October 1996) called on all parties in Afghanistan to stop fighting, and engage in political dialogue. The Council also denounced the discrimination against girls and women.

#### **Security Council Presidential Statements**

- S/PRST/2011/11 (18 May 2011) stressed the need for a strong partnership with the UN for the next phase of the DRC’s emergence from conflict.
- S/PRST/2010/29 (20 December 2010) urged Chad to assume full responsibility for the sustainment of DIS as soon as possible and requested that the Secretary-General report on the progress made in eastern Chad on the protection of civilians by 30 April 2011.
- S/PRST/2010/28 (16 December 2010) reaffirmed Council support to the efforts of both parties to the full and timely implementation of the CPA ahead of the Southern Sudan referendum scheduled for 9 January.



- S/PRST/2010/25 (22 November 2010) was on protection of civilians in armed conflict.
- S/PRST/2010/24 (16 November 2010) was issued at the high-level debate on Sudan, in which the Council expressed its readiness to act as necessary in support of full implementation of the CPA by the parties.
- S/PRST/2010/22 (25 October 2010) was on women and peace and security.
- S/PRST/2010/20 (13 October 2010) was on post-conflict peacebuilding.
- S/PRST/2010/17 (17 September 2010, reissued 26 October 2010) was on the situation in the DRC.
- S/PRST/2010/18 (23 September 2010) was the presidential statement on peacekeeping, peacebuilding and conflict prevention.
- 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 on peacebuilding.
- S/PRST/2010/60 (19 March 2010) was the debate on small arms, particularly in the CAR.
- S/PRST/2009/9 (29 April 2009) was on children and armed conflict.
- 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 of 1612.

- 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/2000/12 (7 April 2000) condemned the Taliban for launching a new offensive in March, and for forced entry into the UN compound in Kandahar resulting in the withdrawal of the UN presence in southern Afghanistan. It further condemned the use of Afghan territory to shelter terrorists.
- S/PRST/1999/29 (22 October 1999) condemned the Taliban for launching a new offensive, using numerous foreign nationals and undermining international efforts to negotiate a peaceful settlement.
- S/PRST/1998/27 (15 September 1998) condemned the killing of Iranian diplomats by the Taliban, and expressed deep concern at the escalating military operations, and targeting of civilians.
- S/PRST/1998/24 (6 August 1998) urged all parties to return to the negotiating table.
- S/PRST/1998/22 (14 July 1998) expressed concern at the ethnic nature of the conflict in Afghanistan and deplored the outside military assistance that warring factions were receiving.
- S/PRST/1998/18 (29 June 1998) was the first presidential statement on children and armed conflict by the Council.
- S/PRST/1998/9 (6 April 1998) commended the consolidation of the negotiation process with the convening of the "six-plus-two" group

(Afghanistan's neighbours plus Russia and the US).

- S/PRST/1997/55 (16 December 1997) called on all states to stop supplying the warring parties in Afghanistan with weapons and ammunition, and requested support for the UN mission (UNSMIA).
- S/PRST/1997/35 (9 July 1997) called on warring parties to return to the negotiating table.
- S/PRST/1997/20 (16 April 1997) called on all parties to cooperate with UNSMA.
- S/PRST/1996/40 (30 September 1996) expressed grave concern at the situation in Afghanistan, the violation of the UN compound, and expressed dismay at the brutal execution of former President Mohammad Najibullah.
- S/PRST/1996/6 (15 February 1996) called on all parties to end hostilities, and to allow for the distribution of humanitarian aid, and called on all states to assist UNSMA.

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

- S/2011/366 (15 June 2011) in Iraq
- S/2010/241 (13 April 2011) in CAR
- S/2011/55 (3 February 2011) in Afghanistan
- S/2010/64 (9 February 2011) in Chad
- S/2010/577 (9 November 2010) in Somalia
- S/2010/369 (9 July 2010) in the DRC
- S/2010/181 (13 April 2010) was the ninth annual report.
- S/2010/183 (13 April 2010) in Nepal
- S/2010/36 (21 January 2010) in the Philippines
- S/2009/462 (15 September 2009) in Uganda
- S/2009/450 (10 September 2009) in Burundi

- S/2009/434 (28 August 2009) in Colombia
- S/2009/325 (25 June 2009) in Sri Lanka
- S/2009/278 (1 June 2009) in Myanmar
- S/2009/158 (26 March 2009) was the eighth annual report.
- S/2009/84 (10 February 2009) in Sudan
- S/2009/66 (3 February 2009) in CAR
- S/2008/693 (10 November 2008) in the DRC
- S/2008/695 (10 November 2008) in Afghanistan
- S/2008/532 (7 August 2008) in Chad
- S/2008/409 (23 June 2008) in Uganda
- S/2008/352 (30 May 2008) in Somalia
- S/2008/272 (24 April 2008) in the Philippines
- S/2008/259 (18 April 2008) in Nepal
- S/2007/758 (21 December 2007) in Sri Lanka
- S/2007/757 (21 December 2007) was the seventh annual report.
- S/2007/686 (28 November 2007) in Burundi
- S/2007/666 (16 November 2007) in Myanmar
- S/2007/515 (30 August 2007) in Côte d'Ivoire
- S/2007/520 (29 August 2007) in Sudan
- S/2007/400 (3 July 2007) in Chad
- S/2007/391 (28 June 2007) in the DRC
- S/2007/260 (7 May 2007) in Uganda
- S/2007/259 (7 May 2007) in Somalia
- S/2006/1007 (20 December 2006) in Nepal
- S/2006/1006 (20 December 2006

- in Sri Lanka
- S/2006/851 (27 October 2006) and Corr. 1 (6 November 2006) in Burundi
- S/2006/835 (25 October 2006) in 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) in Sudan
- S/2006/389 (13 June 2006) in 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/2010/630 (10 December 2010) was on Afghanistan.
- S/2010/318 (16 June 2010) was on Afghanistan.
- S/2010/608 (30 November 2010) was on Burundi.
- 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/2010/245 (20 May 2010) was on UNOCI.
- S/2010/213 (28 April 2010) was on UNAMID.
- S/2010/173 (6 April 2010) Women and peace and security.
- S/2010/164 (30 March 2010) was on MONUC.
- S/2010/127 (10 March 2010) was on Afghanistan.
- S/2009/623 (4 December 2009) was on the DRC.
- S/2009/611 (30 November 2009) was on Burundi.
- S/2009/545 (21 October 2009) was on Sudan.
- S/2009/535 (14 October 2009) was on Chad/CAR.
- S/2009/495 (29 September 2009) was on Côte d'Ivoire.
- S/2009/472 (18 September 2009) was on the DRC.
- 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/2009/335 (30 June 2009) was on the DRC.
- S/2009/270 (22 May 2009) was on Burundi.
- S/2009/211 (17 April 2009) was on Sudan
- 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/1999/836 (30 July 1999) on Sierra Leone highlighted the need for UNAMSIL 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.6341 and S/PV.6341 (Resumption 1) (16 June 2010)
- S/PV.6176 (4 August 2009)
- S/PV.6114 and Res. 1 (29 April 2009)
- S/PV.5936 and Res. 1 (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 resumption 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.51/2011/4 (3 May 2011) on Chad
- S/AC.51/2011/3 (3 May 2011) on Afghanistan
- S/AC.51/2011/2 (1 March 2011) on Somalia
- S/AC.51/2011/1 (1 March 2011) on DRC
- S/AC.51/2010/5 (12 November 2010) on the Philippines
- S/AC.51/2010/4 (12 November 2010) on Nepal
- S/AC.51/2010/3 (30 September 2010) on Colombia
- S/AC.51/2010/2 (3 June 2010) on Sri Lanka
- S/AC.51/2010/1 (16 June 2010) on Uganda
- S/AC.51/2009/6 (21 December 2009) on Burundi
- S/AC.51/2009/5 (21 December 2009) on Sudan
- S/AC.51/2009/4 (28 October 2009) on Myanmar
- S/AC.51/2009/3 (13 July 2009) on the DRC
- S/AC.51/2009/2 (13 July 2009) on CAR
- S/AC.51/2009/1 (13 July 2009) on Afghanistan
- S/AC.51/2008/15 (5 December 2008) on Chad
- S/AC.51/2008/14 (5 December 2008) on Somalia
- S/AC.51/2008/13 (5 December 2008) on Uganda

- S/AC.51/2008/12 (5 December 2008) on Nepal
- S/AC.51/2008/11 (21 October 2008) on Sri Lanka
- S/AC.51/2008/10 (3 October 2008) on the Philippines
- S/AC.51/2008/8 (25 July 2008) on Myanmar
- S/AC.51/2008/7 (5 February 2008) on Sudan
- S/AC.51/2008/6 (5 February 2008) on Burundi
- S/AC.51/2008/5 (1 February 2008) and Corr. 1 (25 March 2008) on Côte d'Ivoire
- S/AC.51/2007/17 (25 October 2007) on the DRC
- S/AC.51/2007/16 (24 September 2007) on Chad
- S/AC.51/2007/14 (20 July 2007) on Somalia
- S/AC.51/2007/12 (20 July 2007) on Uganda
- S/AC.51/2007/9 (13 June 2007) on Sri Lanka
- S/AC.51/2007/8 (12 June 2007) on Nepal
- S/2007/93 (13 February 2007) on Côte d'Ivoire
- S/2007/92 (13 February 2007) on Burundi
- S/2006/971 (1 December 2006) on Sudan
- S/2006/724 (8 September 2006) on the DRC and the tool-kit

#### **Public Statements by the Working Group**

- S/AC.51/2008/9 (12 September 2008) was the statement by the chair addressed to the non-state armed groups in Myanmar.
- 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/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/Add.1 (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) adopted and opened for signature, ratification and accession the Convention on the Rights of the Child.

#### Security Council Letters

- S/2010/410 (2 August 2010) was from the chair of the Working Group submitting his report on the activities of the Working Group since July 2009.
- 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/2009/243 (12 May 2009) contained the terms of reference for the 14-21 May Council mission to Africa.
- 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.51/2008/1 (14 January 2008) was from the president of the Council following up recommendations from the Working Group to remind the Secretary-General of MONUC's mandate to protect children and to invite him to call on the international community to increase funding for reintegration programmes.
- S/2007/423 (16 July 2007) was from the chair of the DRC Sanctions Committee submitting the report of the Group of Experts. The report discussed child recruitment and protection of children in combat zones.
- S/2007/428 (10 July 2007) was from the chair of the Working Group submitting a report on its activities since July 2006.
- S/2006/1048 (28 December 2006)

was from the chair of the DRC Sanctions Committee transmitting its report which described the extension of sanctions to individuals targeting children in conflict situations.

- 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.

#### Other

- SC/10167 (7 February 2011) was the Council press statement on DRC.
- S/2011/7 (7 January 2011) was the report of the Security Council's visit to Uganda and Sudan from 4 to 10 October.
- S/2010/564 (1 November 2010) was the report of the Security Council's visit to Afghanistan.
- S/2010/288 (30 June 2010) was the report of the Security Council's visit to the DRC.
- S/2008/773 (12 December 2008) was the Group of Experts on DRC report that found Nkunda's party complicit in human rights abuses.
- S/2008/442 (7 July 2008) was the concept paper by Viet Nam for a Council debate on children and armed conflict.
- S/2006/275 (2 May 2006) set out the terms of reference for the Working Group on Children and Armed Conflict.
- A/CONF./183/9 (1 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.

## 9. Useful Additional Sources

- *Next Steps to Protect Children in Armed Conflict*, Briefing Note to the Security Council, Watchlist on Children and Armed Conflict, June 2011
- *Setting the Right Priorities: Protecting Children Affected by Armed Conflict in Afghanistan*, Watchlist on Children and Armed Conflict, June 2010
- *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

## 10. Annexes

### 10.1 Methods of Research

Our first cross-cutting report was published in 2008. It focused on the five years from 2003 through 2007 in an attempt to assess the impact of resolution 1612 and the level of success in mainstreaming children's issues into the Council's activities across the range of issues and situations on its agenda. The second report followed-up by assessing key developments in 2008. Comparisons were made between the findings for 2008 and previous years to try and establish Council trends in the

protection of children. This fourth report continues the series by assessing developments in 2010 and analysing statistical information on this thematic issue in country-specific decisions of the Council. (Please see the Annex II for historical and background information.)

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

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

Our report does not attempt to delve into the success of the monitoring and

reporting mechanism on the ground. This is an aspect that has been well covered elsewhere. Several NGOs with extensive field experience are involved in researching this issue and have published significant reports.

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

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

*The Council's Tools*

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

Reports	Situations of Armed Conflict where Parties Recruit or Use Children	
	Annex I (situations on the agenda of the Council)	Annex II (situations not on the agenda of the Council)
3rd Report (26 November 2002)	Afghanistan, Burundi, DRC, Liberia, Somalia	
4th Report (10 November 2003)	Afghanistan, Burundi, Côte d'Ivoire, the DRC, Liberia, Somalia	Chechnya, Colombia, Myanmar, Nepal, Northern Ireland, Philippines, Sri Lanka, Sudan, Uganda
5th Report (9 February 2005)	Burundi, Côte d'Ivoire, the DRC, Somalia, Sudan	Colombia, Myanmar, Nepal, Philippines, Sri Lanka, Uganda
6th Report (26 October 2006)	Burundi, Côte d'Ivoire, the DRC, Myanmar, Somalia, Sudan	Chad, Colombia, Nepal, Philippines, Sri Lanka, Uganda
7th Report (21 December 2007)	Afghanistan, Burundi, CAR, the DRC, Myanmar, Nepal, Somalia, Southern Sudan, Darfur	Chad, Colombia, Philippines, Sri Lanka, Uganda
8th Report (26 March 2009)	Afghanistan, Burundi, CAR, Chad, the DRC, Iraq, Myanmar, Nepal, Somalia, Southern Sudan, Darfur	Colombia, Philippines, Sri Lanka, Uganda
9th Report (13 April 2010)	Afghanistan, CAR, Chad, the DRC, Iraq, Myanmar, Nepal, Somalia, Southern Sudan, Darfur	Colombia, Philippines, Sri Lanka, Uganda
10th Report (23 April 2011)	Afghanistan, CAR, Chad, the DRC, Iraq, Myanmar, Nepal, Somalia, Southern Sudan, Darfur	Colombia, Philippines, Sri Lanka, Uganda, Yemen

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.

Six criteria, or types of violations, are used for monitoring and reporting:

- recruiting and use of child soldiers;
- killing and maiming of children;
- rape and other grave sexual violence against children;

- attacks on schools and hospitals;
- abduction of children; and
- denial of humanitarian access to children.

The monitoring and reporting mechanism has now been established in all the conflicts listed in Annex I (those on the Council agenda): Afghanistan, Burundi, CAR, Côte d’Ivoire, the DRC, Myanmar, Nepal, Somalia, Southern Sudan and Darfur (which are considered together); and Annex II situations (those not on the Council’s agenda): Chad, Colombia, Philippines, Sri Lanka and Uganda.

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.

The Working Group 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 37 reports and adopted 35 sets of conclusions. During its meetings it also reviews a “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.

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