

**SECURITY COUNCIL ENGAGEMENT ON THE  
PROTECTION OF CHILDREN IN ARMED CONFLICT :  
PROGRESS ACHIEVED AND THE WAY FORWARD<sup>1</sup>**

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<sup>1</sup> Original: French

## FOREWORD

*It is just over a decade since the Security Council of the United Nations began its engagement with the issue of children and armed conflict. Since 2000, the Council receives annual reports from the Secretary-General including annexes where parties are named who recruit and use children, commit sexual violence against children, kill and maim children and who attack schools and hospitals. A Security Council Working Group on Children and armed Conflict has been created along with a Monitoring and Reporting Mechanism dedicated to grave violations against children in armed conflict. A great deal has been achieved in just a few years.*

*Ambassador de la Sablière was the French Permanent Representative at the inception of this process and played a significant role in the negotiation of Security Council Resolution 1612 which now provides the framework for Security Council engagement on the issue of children and armed conflict. His paper therefore records the history of the political negotiations of the Security Council process on children and armed conflict, while analysing the successes and challenges that remain. Ambassador de La Sablière also highlights some recommendations giving guidance for the way forward.*

*We hope this paper will assist Member States, UN Funds, Agencies and Programmes, and civil society in understanding the Security Council Process on children and armed conflict, and we expect that his recommendations will generate discussion and analysis about the way forward. We hope it will contribute effectively to a system that will actually produce results for children on the ground.*

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## INTRODUCTION

On 26 August 1996, the Graça Machel study on the impact of armed conflict on children, requested by the United Nations General Assembly, was issued<sup>2</sup>. The remarkable personality of the expert appointed by the Secretary-General ensured that the report would be of the highest quality. Rarely, however, has a report gained such an audience in international public opinion. That was due to the information on the depth of the tragedy, but also to another clear and evident reason: the cause of children in armed conflict cuts across all civilizations and cultures, and impacts our conscience. As Graça Machel so aptly wrote: "It is unforgivable that children are assaulted, violated, murdered and yet our conscience is not revolted nor our sense of dignity challenged".

The Machel study concluded with a **call for action**. The United Nations rose to the challenge: the Secretary-General promptly created the position of Special Representative for Children in Armed Conflict. This voice, more political by nature, reinforced the multifaceted action led for many years by the United Nations Children's Fund (UNICEF) and other child protection partners in the field. The creation of the position of Special Representative set in motion an incredible dynamic. Two remarkable figures, **Olara Ottunu and Radhika Coomaraswamy**, occupied the position for two consecutive terms, first driven towards communication and policy-making, and then towards the determined and effective implementation of that policy.

In concert with the Secretary-General and his Representative, the Security Council was soon at the heart of the United Nations' action. In a matter of a few years, it became, so to speak, the keystone of an architecture created to address the problem with concrete results. The Council's involvement goes back to 1999 with the adoption of **resolution 1261**, only three years after the publication of the Machel study. This first resolution was a historic step: while firmly condemning the violations of children's rights in armed conflict, the Council appealed to parties to conflict to respect international law and already raised the question of separation of children from armed forces and groups and their reintegration. As it was the Council's first approach to the problem, the resolution remained very much at the level of principles. But it did not fail to prompt further action. By requesting the Secretary-General to submit within a year a global report, the Security Council showed its determination to ensure that resolution 1261 was the beginning of a process. **From then on, the approach was action-oriented.**

Since then, nearly every year, a resolution or a presidential statement (see annex) has been adopted, showing that this issue remains a constant concern of the Security Council. The content of the resolutions also shows the Council's concern to act in close cooperation with the Secretary-General and his Representative and, through him/her, with other competent specialized agencies, especially UNICEF, so that **the Council's actions become part of a global policy**, to which it also contributes with its own recommendations.

The Council's engagement on children and armed conflict is directly linked to the nature of the issue: the protection of children in armed conflict is deeply related to international peace and security. As the Council itself noted in its resolution 1314, adopted on 11 August 2000, **"violations of international humanitarian and human rights law, including that relating to children, in situations of armed conflict, may constitute a threat to international peace and**

<sup>2</sup> United Nations Report by Graça Machel on the *Impact of Armed Conflict on Children*, 26 August 1996, A/51/306.

**security**<sup>3</sup>. The Council's commitment is also consistent with the solutions that should be pursued to end the problem. Ending the recruitment of children, and more generally violations against children in armed conflict, largely relies on a combination of pressure and other measures that can only come from the Council, notably with regard to non-State actors. That is why the Council declared itself ready to take such measures as early as in resolution 1314. The Council reiterates this readiness with remarkable regularity since.

In general, the Security Council is living up to its commitments to the issue. As noted in 2009 by *The Machel study 10-year strategic review, Children and Conflict in a Changing World*, **"the greatest advances in political action on children and armed conflict have taken place within the Security Council"**<sup>4</sup>. **The results are indeed significant. But they must not lead to complacency.** To take the example of recruitment of children, it is estimated that some 250,000 children are still involved in fighting and turned into killers. The conclusions of the present report therefore aim at drawing lessons from the policy pursued to date by the Council, and at making recommendations for the way forward, for the task remains immense.

## **I. THE SECURITY COUNCIL'S ENGAGEMENT AND THE IMPLEMENTATION OF ITS POLICY**

Since 2000, the Security Council has developed an incremental approach aimed at achieving concrete results. Just as with the Machel study, the starting point was the dramatic plight of child recruitment, an issue the international public opinion has again been sensitized to recently through a documentary on Joseph Kony, notorious for his horrendous crimes. In its action, the Council has been largely guided by the reports of the Secretary-General, sometimes adapting and completing his recommendations as resolutions were adopted. The analysis of these resolutions clearly shows the Council's approach: it first defined a policy and then envisioned the means to implement it. Once these means were created with the adoption of resolution 1612 in 2005, it started implementing the policy with the support the newly created Working Group on Children and Armed Conflict ("the Working Group"), and of the Secretary General and his Representative.

### **A. The Security Council first defined an ambitious policy and the means to implement it**

It took several years for the Security Council to fine-tune its vision and establish, through successive resolutions, an ambitious mechanism. That mechanism was never truly operational until it was perfected and completed by **resolution 1612 that remains the centrepiece of the undertaking**. Discussions within the Council were sometimes difficult. Differences of view were, however, overcome thanks to a common determination to raise to the moral challenge posed by the issue. Thus, consensus decisions gradually emerged on **seven fundamental points** that were at the heart of the debate.

<sup>3</sup> S/RES/1314 (2000), para. 9.

<sup>4</sup> *Machel Study 10-year Strategic Review: Children and Conflict in a Changing World*, April 2009, p. 45.

**1. Early on, the Council established a framework for action by identifying six “grave violations against children” deserving of particular attention**

As of 2004, resolution 1539, building on resolution 1261, condemned in addition to recruitment of children, five other grave violations against children in armed conflict: killing and maiming, sexual violence, abductions and forced displacement, denial of humanitarian access, and attacks against schools and hospitals<sup>5</sup>. **These violations of international humanitarian and human rights law drew the attention of the Council, first because they were particularly grave, and second because they could be monitored.**

While setting a very broad framework for action, the Security Council consciously chose to take **a gradual approach by focusing first on ending child recruitment and use**. This choice was made early on with the adoption of resolution 1379 in 2001 that requested the listing of parties to conflict responsible for such crimes on “naming and shaming” lists annexed to the Secretary-General’s annual report. It was foreseen that all actions on the ground would be based on these lists. This gradual approach was solely adopted out of a concern for effectiveness. At a time when the “Monitoring and Reporting Mechanism” (MRM) was still under consideration, the focus of resolution 1379 prevented the structure from being overwhelmed from the outset.

In 2009, after the MRM had already been operational for four years, the Council decided in resolution 1882 to also focus on parties to conflict who, in violation of international human rights and humanitarian law, were responsible for the **killing and maiming of children and/or sexual violence against children**. In 2011, with resolution 1998, it further decided to add attacks **on schools and hospitals as triggers to the listing**. Concretely, this meant that parties who committed one or more of the these violations would also be included in the lists annexed to the Secretary-General’s report.

These additions, called for by many Member States and non-governmental organizations (NGOs) were reasonable in the author’s view and made in the spirit of the original resolutions of the Council. Their implementation remains difficult but they represent considerable steps in setting up standards. Four violations are now in principle considered on equal footing by the Council. One could even argue that these are actually five violations: by recognizing that attacks against protected personnel related to hospitals and schools, or in other words crimes against adults, have consequences on children, the Council with resolution 1998 implicitly added another violation to those it had initially identified.

**2. Secondly and from the outset, the “naming and shaming” lists were conceived as a key policy instrument**

This was a calculated risk. The Secretary-General and the Security Council took the view that, by exerting this kind of pressure, at least some of those who were guilty of these criminal practices would put an end to them. The list is an operational tool which serves as a basis for United Nations action on the ground, but it also has a strong symbolic significance. The growing importance of the list

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<sup>5</sup> S/RES/1539 (2004), para. 1.

led the Security Council to request that the criteria be spelled out and made public by the Secretary-General in his 2010 annual report. In relation to killing and maiming of children, and to sexual violence, a key element that was highlighted was the need to identify patterns of violations committed in order to list parties.

**3. Thirdly, the Security Council expressed the hope that all child victims of these violations would be protected. Accordingly, it decided that all parties committing these crimes would be listed, whether the violations occurred in the context of a situation on the Council's agenda or in other situations.**

i) **This choice was made at the outset** with resolution 1379 that requested the Secretary-General, in drawing up lists of parties that recruited children, to take into account not only situations on the Council's agenda but also those which might be brought before the Council pursuant to **article 99 of the United Nations Charter**<sup>6</sup>. This was consistent with the position already taken by the Security Council, which noted in resolution 1314 that **violations of international humanitarian and human rights law, including the rights of children in armed conflict, could constitute a threat to international peace and security**. Addressing only some of the conflicts concerned but not others, would automatically have curtailed the scope of the United Nations action. Moreover, it would have raised a moral problem because such a restriction would have implicitly given a green light to certain parties to commit heinous crimes without even the risk of being reported. In line with resolution 1379, the Secretary-General presented two lists for the first time in 2003: the first dealt with situations on the Security Council's agenda, and the second pertained to other situations of armed conflict.

It should be noted that **article 99 of the Charter, while giving the Secretary-General authority to bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security, does not have a direct impact on the Council's agenda**. The Council is the master of its agenda and decides upon it independently. This matter is well known and has no ambiguity. In the context of the issue of children and armed conflict, the Security Council went even further with respect to the independence of its agenda when it stated that its willingness to examine the recommendations of the Working Group regarding measures against parties recruiting children would not prejudice the decision it might take to include any given situation on its agenda<sup>7</sup>.

It should likewise be noted that, in response to these concerns, the Council clearly stated early on that its resolutions did not seek to draw legal conclusions on whether the situations addressed in the report of the Secretary-General were armed conflicts **in the context of the Geneva conventions and their protocols and that they did not prejudice the legal status of parties participating in those situations**. That crucial issue is consistently reiterated in resolutions of the Council and reports of the Secretary-General.

ii) **The question therefore asked was how to characterize situations that should be taken into consideration beyond the Council's agenda**. That question was the subject of discussions in 2004 for resolution 1539 after the publication of the Secretary-General's report. **A broad approach prevailed**. In the resolution, the

<sup>6</sup> S/RES/1379 (2001), para. 16.

<sup>7</sup> S/PRST/2010/10, para 12.

Council simply referred to “other situations of armed conflict” mentioned in the report of the Secretary-General, who ultimately entitled his annexes as follows:

- Annex I: “Updated list of parties that recruit or use children in situation of armed conflict on the Agenda of the Security Council”,
- Annex 2 (after corrigendum)<sup>8</sup> : “Parties that recruit or use children either in situations of armed conflict not on the Agenda of the Security Council or in others situations of concern”.

**In later years, the Security Council always confirmed or stressed this approach.** Therefore, in resolution 1882 (2009), it referred to “annexed lists of parties in situations of armed conflict on the agenda of the Security Council or in other situations of concern (...)”<sup>9</sup>. The term “of concern” even disappeared in resolution 1998 (2011)<sup>10</sup>. With prudence, no practical consequence was drawn from this last change in the implementation of the mandate. The Special Representative, in her statement to the Council of 10 January 2012, indeed explained the line followed by the Secretary-General in preparing his annual report, according to which the situations of concern had to have the characteristics of armed conflicts.

**iii) While listing parties in the two annexes according to whether the situation was on the agenda of the Council, the Secretary-General consistently took the view, in keeping with the resolutions, that this distinction was without consequence for the substantive work to be done on the ground under the leadership of the Special Representative.** The only consequence of that classification was chronological: in resolution 1612 in 2005, the Council requested the Secretary-General when establishing the MRM to begin with the situations listed in annex 1 of his report.

In 2011, a number of years after the implementation of the Security Council’s decisions, questions were raised with regard to continuing to refer in the lists to situations that were not on the Council’s agenda. The author of the present report can only recall that, beyond the moral and efficiency considerations previously mentioned, that discussion was brought to a conclusion previously by the Council itself.

#### **4. Fourth, in order to protect children in armed conflict, the Security Council action was guided by the willingness to follow an effective operational approach**

In consultation with the Secretary-General, the Council favoured the establishment of an exceptional architecture that was both centralized and inclusive. This mechanism, the basis of which goes back to 2001, was gradually strengthened and expanded. Resolution 1612, adopted 26 July 2005, made it both more ambitious and much more coherent. Resolution 1612 is often cited in this report because it is the basis on which the system has been built. Negotiated at length in 2005, it ultimately led to a consensus, to the satisfaction of all. The Heads of States and Governments at that year’s summit at the United Nations even

<sup>8</sup> S/2003/1053/Corr. 1.

<sup>9</sup> S/RES/1882 (2009), para. 19a.

<sup>10</sup> S/RES/1998 (2011), para. 22a.



welcomed the adoption of the resolution. Its operative part, initially confined to ending the recruitment of children, relies on several key elements:

– **a monitoring and reporting mechanism, MRM**, implemented in countries concerned, with the cooperation of the Government, regional organizations and NGOs. The Security Council stressed both in resolutions 1539 and 1612 the concern that information communicated to its Working Group that would look into the MRM reports should be objective, accurate and timely. There lied indeed the credibility of the whole system.

– **action plans** whereby the parties listed in the annex to the annual report of the Secretary-General committed to cease their criminal practices. Those plans were conceived as key instruments aiming at **concrete goals and at allowing the verification of these commitments**. It was, however, a delicate approach since the implementation of this instrument implied a dialogue with the parties guilty of violations, which often are rebel movements.

– **establishment of a working group**, as a subsidiary body of the Council, entrusted with receiving and reviewing reports on all situations, assessing progress achieved in implementing action plans, and making recommendations to the Security Council on measures against parties. The Council also wished the Working Group to make any recommendation deemed necessary for the protection of children in armed conflict, including those aimed at improving the mandates of peace-keeping operations.

5. **Fifth, the Security Council consistently declared its determination to take measures against parties who refused to cooperate with the United Nations to enter into an action plan or who failed to implement it.**

From the outset, the question of sanctions was part of the discussions in the Council. It is a central element, without which the system would collapse. The principle was quickly agreed upon but the discussion on the frequency and modalities of sanctions dominated part of the debate leading to resolution 1612. In that context, the creation of the Working Group represented a compromise at the time. It was accompanied by the recognition of the importance of sanctions, but at the same time responded to the concern of delegations to be able, through the rule of consensus, to exercise control over recommendations made to the Council in this area. With resolution 1539, the question had been limited to situations on the Council's agenda<sup>11</sup>. Recently, the Security Council reiterated its intention to use targeted measures against those who persistently violate the rights of children, in its presidential statement of 29 April 2009 and in its resolutions 1882 (2009) and 1998 (2011).

Thus, a clear policy to ending the recruitment of children as a priority and separating them from armed forces and groups was gradually defined and decided upon in 2005, with institutions and mechanisms to put it into practice. This policy, under the aegis of the Security Council, relies on the Special Representative and the Working Group, in cooperation with UNICEF and the Department of Peace-Keeping Operations (DPKO). It depends on a judicious use of "the carrot and the

<sup>11</sup> S/RES/1539 (2004), para. 5c.

stick.” The process envisaged is sequential. Schematically, it has been designed as follows:

- identification of parties recruiting and using children
- listing of these parties on one of the two lists according to the situation
- review of the reports concerning each situation by the Working Group
- as needed, recommendations of the Working Group to the Security Council

At this stage, it was hoped that the pressure upon the parties created by the “naming and shaming list”, and the focused attention of the Security Council and its Working Group on those lists, would allow dialogue between the United Nations and parties concerned, and the **signing of action plans, including for the release of children. Where real and significant progress was made, delisting of the parties concerned would follow. In case of failure to implement action plans, the Working Group would recommend new means of pressure to the Security Council, including the threat of targeted measures, followed, if necessary, by the implantation of such measures, in line with resolution 1612.**

- 6. Sixth, the system put in place also relies on the idea that cooperation with the Governments concerned is necessary, including in the context of action plans with armed groups that the same Governments fight with.**

This point was discussed at length during the negotiations of resolution 1612. Operative paragraphs 2 and 3 of the resolution reflect the balanced result reached by the negotiators. It should be noted in particular that the Council asked that implementation of the mechanism in a given country take place with the cooperation of Governments, United Nations agencies and civil society stakeholders. It added in the same resolution that any dialogue established under the framework of the MRM by United Nations entities with non-State armed groups in order to ensure protection for and access to children must be conducted in the context of peace processes where they exist and the cooperation framework between the United Nations and the concerned Government.

- 7. Seventh, the Security Council, in line with the recommendations of the Machel study, sought to encourage contributions of all relevant United Nations institutions to the protection of children in armed conflicts.**

This concern was repeatedly expressed in several resolutions. UNICEF is regularly mentioned in the Council’s resolutions, including for its contribution to the separation of children from armed forces and groups, and its presence in all situations of concern. The United Nations High Commissioner for refugees (HCR) and the International Labor Organisation (ILO), keeping in mind the need to bring all the necessary expertise at the table.

However, the Council logically focused on the contributions of DPKO to this policy. Several goals have been set out for the Secretary General in this regard, in particular:

- **the contribution of peacekeeping operations to the MRM**, so that information transmitted to Headquarters is well coordinated.
- the deployment of **child protection advisers (CPAs)** in peacekeeping missions. In resolution 1612, the Council calls for systematically assessing the need for CPAs in the initial plans concerning the establishment of a mission
- the obligation to **pay particular attention to the question** of child protection in the “mission reports” regularly prepared by the Secretariat for the Council.
- Finally, in keeping with those goals, the Security Council decided repeatedly, notably in resolution 1612, that it would continue to **incorporate child protection provisions in the mandates of the peacekeeping operations**.

#### **8. The implementation of the Security Council’s policy has been prompt and sustained**

It emerges clearly from a review of the implementation of the Security Council’s policy that a momentum was initiated early and has been sustained. This holds true for the Working Group and for the MRM.

##### **a. The Working Group created by the Security Council proved to be a key element of the mechanism set in place**

The Working Group was successively presided over by the Permanent Representatives of France (2006-2008), Mexico (2009-2010) and Germany (from 2011). From the outset and during the six years following its creation, it worked in a constructive spirit, striving to combine the rule of consensus embodied in its mandate as a subsidiary body of the Security Council with the need to take action in order to prove equal to the responsibility unanimously given by the Council. Its working methods, based on transparency, soon helped to create a momentum. That general positive spirit, reinforced at least during several years by the collective awareness of being in the vanguard of an innovative Council policy, goes a long way towards explaining the remarkable progress achieved, as described below.

##### **i) The Working Group was active from the outset**

In the year following the adoption of resolution 1612 on 26 July 2005, the Working Group set to work. Mindful of the innovative character of the mechanism established and careful to maintain the positive dialogue initiated in the Council towards ending the recruitment of children, the members of the Working Group devoted their early consultations to a clear goal: laying the foundations that would enable the Group to fulfil its mission. For about a year, its core activity, including during consultations between meetings, dealt first and foremost with questions related to working methods, procedures and goals: establishment of the Working Group’s mandate; definition of a provisional programme of work for 2006; guidelines for reports of the Secretary-General to the Working Group; types of recommendations which could be made to the Security Council; and instruments available to the Group for its action, referred to as the “toolkit”.

While building a solid foundation, the Working Group had to begin its substantive work as soon as possible, i.e. reviewing the first situations. As the new Special Representative of the Secretary-General, Ms. Radhika Coomaraswamy, was appointed in February 2006, the first situation, the Democratic Republic of the Congo, was examined on 26 June 2006.

Since 2010, under the Mexican presidency, the Working Group, like other subsidiary bodies of the Security Council, has been receiving administrative support from the Secretariat. This was a vital step, as it ensured that the Working Group would be able to carry out its task over time.

**Three documents adopted in the first year in order to start the work in an effective manner deserve special attention:**

- **The Group adopted its Terms of Reference** (see annex) on 2 May 2006. Adopted in line with the spirit of resolution 1612, it was circulated as a Security Council document. In parallel with its recommendations to the Security Council for actions, the Group, with the consent of the Council, adopted the possibility of making direct recommendations to the parties to conflict. While its meetings were normally closed, it also wished to be able to invite member-States of the United Nations to participate in the consideration of any issue before it, in particular if a member was directly concerned. This policy of **dialogue** with delegations concerned was consistently followed and was highly appreciated from the outset. It has been applied by all successive chairs of the Working Group. Finally, from the beginning and in line with resolution 1612, which called for coordination between United Nations departments, the Working Group planned to make recommendations on the mandate of peacekeeping operations, as well as to ask other United Nations entities to take necessary measures to facilitate the implementation of resolution 1612.

Since its creation six years ago, the Group's link with the Security Council has been maintained, as envisioned by resolution 1612, through the submission of an annual report on its activities. Oral statements have also occasionally been made by the Chair, especially when the system was just starting up.

Finally, the activities of the Group have been broadly publicised thanks to their dissemination by the Office of the Special Representative, to their promotion by other child protection partners, and as provided for under the mandate, to contacts of the Chair with the press, more frequent in the early years. The fact that the conclusions of the group regarding the situations under review were broadly disseminated within the United Nations, including the General Assembly, as well as outside, in particular to regional organizations and NGOs, was consistent with the desire for transparency sought from the beginning.

**- The first programme of work sought to be both ambitious and balanced. It responded to two concerns:**

**First, beginning with addressing situations on the Council's agenda before turning to other situations.** This sequence was respected, since the group first examined situations in the Democratic Republic of the Congo, Sudan, Burundi and Côte d'Ivoire, before turning on 9 February 2007, at its seventh meeting, to the recruitment of children in Nepal and Sri Lanka, where the authorities had shown particular interest in cooperating with the Group.

**Second, keeping up the pace of work**, meaning frequent meetings, if possible every two months, and examining two situations at each meeting, as well as adopting conclusions on the situations examined at the previous meeting. This pace made it possible to give sufficient impetus to the work.

- **The “toolkit” (see annex) was also widely disseminated as a working paper of the Council in September 2006. Discussed at length, it met the need for efficiency and reflected a compromise within the Working Group on the question of sanctions.** By listing the types of interventions possible in a non-exhaustive manner, the Working Group showed its intention to use a broad range of actions to promote the separation of children from armed forces and groups. In doing so, it showed that its approach was determined by a search for results and that such results could be obtained by dialogue, by incentives to positive action, but also, if necessary, by warnings, resort to national and international justice systems, and finally by sanctions. In this regard, **it was agreed at the time that sanctions could be recommended in situations where sanctions committees existed and to which the group could forward its conclusions.**

**ii) The initial momentum was generally maintained.**

- **During the seven years following the adoption of resolution 1612, the group examined 38 reports (see annexed list).** The number of annual conclusions adopted declined slightly starting in 2009. The sensitivity of some situations sometimes led to delays in the adoption of conclusions. These delays, regrettable from a child protection point of view, occurred for example with the reports concerning Afghanistan, Myanmar and Sudan/Darfur in 2008 and 2009. Despite these delays resulting from internal negotiations, the Group held firm, as noted in the *Machel study 10-year strategic review*. The study also rightly takes note of the fact that the Group drew attention to cooperation with the International Criminal Court (ICC) during the review of the situation in the Democratic Republic of the Congo and in Uganda.

- In the years following its creation, **the informal character of contacts among members of the Group, including between formal meetings, continued and facilitated discussions.** The use of e-mails proved helpful in the drafting of conclusions by the end of the year 2009. The practice of country visits for the past two years (the Working Group visited Nepal in 2010 and its Chair visited Afghanistan in 2011) also fostered a better understanding of issues on the ground.

- In parallel, **recommendations became more elaborate.** This trend, based on experience, no doubt fostered by a deeper understanding of the situations.

**2. The MRM was established in keeping with the concern for reliability imposed by the Security Council.**

**i) The MRM quickly extended to cover the situations referred to in the two annexes:**

The first group of countries were all situations on the agenda of the Security Council. Two countries were added on a voluntary basis. In total, the mechanism was initially launched in seven countries with an uneven UN presence: Burundi, Côte d'Ivoire, Nepal, the Democratic Republic of Congo, Somalia, Sudan and Sri

Lanka. By the end of 2007, the acquired experience allowed the mechanism to extend. After only a year, all relevant situations had been examined, so that the review of second-cycle "country reports" began by the second year.

**ii) The MRM is a complex structure based on teamwork:**

**- Everything starts at the field level:**

By definition, it is in the field that the relevant information is gathered and that action plans are developed with the Parties, including with armed groups. This is done thanks to a "**Country Task Force on Monitoring and Reporting**" (CTFMR) made of all relevant United Nations entities (funds, agencies, programmes, peacekeeping or political missions) as well as NGOs and independent national human rights commissions. The CTFMR meets regularly and is convened at the principals' level at least twice a year. The responsibility of chairing the CTFMR falls on the in-country Special Representative of the Secretary-General (if there is a UN field mission), or on the Resident Coordinator. The UNICEF representative always acts as co-chair, based on the traditional role UNICEF plays in the field with regard to child protection.

The MRM builds on existing in-country UN capacities. This stresses the need for these entities active in the MRM to be provided with the necessary resources to fulfil their role (UNICEF, UNHCR, ILO, child protection sections in peacekeeping and political missions). When a United Nations field mission (peacekeeping or political mission) is deployed, the MRM largely depends on the robust structures of the mission. These often include "child protection advisors" who add their specific expertise to the work of humanitarian child protection partners. **A practical division of labour has thus been worked out in order to make optimal use of human resources available.** In this regard, it should here be stressed that political missions do not always have the capacity to deploy child protection dedicated personnel, and or the human resources necessary to bear the burden of the mechanism in parallel to their own functions.

**- Regular reporting to Headquarters and to the Council is provided through several channels:**

The first channel is provided by the country-reports of the Secretary-General to the Security Council and submitted to its Working Group. They are prepared under the responsibility of the Special Representative, on the basis of information collected in each situation on the Group's work plan. These reports refer to the six grave violations against children identified in resolution 1539, but continue to focus on progress made on actions plans to end the recruitment and use of children, on constraints and on the status of the dialogue with the parties to that end. The recommendations of the Secretary-General, presented by his Special Representative, are crucial to help the group fulfil its the task in terms of leadership and oversight, entrusted to it by the Security Council.

A second channel adds to the first. The Working Group, whose function for the Security Council is essential, needed to have regular and general information on violations of children's rights in armed conflicts around the globe. To that end, it receives a bi-monthly "**Global Horizontal Note**" (GHN) that covers all situations on its work plan, as well as emerging situations of concern. These notes are also useful as they keep the group abreast of discussions on and implementation

of action plans, as well as of the follow-up to the Group's own recommendations. The GHNs are of an informal character and are not public.

The Secretary-General when submitting reports to the Security Council on a peacekeeping operation, also provides information on child protection in the country concerned and the mission's activities to that end.

The most important document remains **the Secretary-General's "annual report" to the Security Council and the General Assembly**. The drafting of this report represents a heavy burden of work as it requires a thorough verification of the information provided and lengthy consultations with relevant entities within the United Nations. These entities actively participate in the development of analyses and recommendations within the UN Task Force on children and armed conflict at Headquarters. These heavy procedures, both at field and Headquarters level, respond to a concern for reliability expressed by the Council. The so-called "annual" report is therefore actually prepared every eighteen months. This remains an acceptable cycle in light of the number of situations covered.

The annual report includes a general account of the activities on the ground and in the Secretariat since the previous report, notably on the implementation of action plans and initiatives under way to conclude new ones. But it also provides, based on the information collected, an assessment of the extent of violations against children in armed conflicts. While taking into account the "six violations", the Secretary-General, in line with Council resolutions, has until now given more weight in his reports to the issue of child recruitment and use. Since the adoption of resolution 1882 in 2008, increased focus has been given to the killing and maiming of children and on sexual violence committed against children in armed conflict. In line with resolution 1998, he has since followed the same approach with respect to attacks on schools and hospitals. Only these four violations of an exceptional gravity trigger the listing of parties in the annexes to the annual report. Several years after their establishment, these lists continue to be the focus of attention, which also proves their efficiency.

**iii) This complex and heavy process, which relies on the Special Representative and her team, ensures the reliability of the reports.**

The Special Representative is at the heart of the process. He/she is an independent voice, capable of raising sensitive issues that are difficult to address by humanitarian actors. His/her office provides advice and guidance for the work in the field in close cooperation with relevant United Nations partners. He/she personally travels to the countries concerned in order to foster cooperation with the Governments and assist in the action plans negotiations between the United Nations and parties to the conflict. In parallel, at Headquarters, the Special Representative maintains relations with all stakeholders involved in the framework of the UN Task Force on children and armed conflict at Headquarters, which she convenes twice a year. UNICEF, other relevant agencies, relevant Secretariat departments, particularly DPKO and the Department of Political Affairs, therefore engage in discussions, at the highest level under the Special Representative's leadership, on the draft annual report and its annexes before it is presented to the Secretary-General. The close relationship established by the current Special Representative with the Security Council Working Group, notably its Chair, has been instrumental to the success of the process.

## II. PROGRESS ACHIEVED

It is widely recognized that the United Nations has made very significant progress over the past ten years in protecting children in armed conflict. There is no doubt that this progress is due to the system established under the impetus and supervision of the Security Council, with the active contribution of the Special Representative of the Secretary-General. There is clearly a “before and after” resolution 1612. The issue of children in armed conflict is thus firmly embedded in the international peace and security agenda. **The issue is better mainstreamed in the mandates of the structures involved in the field and at Headquarters.** While the results may be very significant in some areas, they should not obscure the fact that shortcomings also remain to be addressed.

### A. The results are notable

#### 1. The system established has generated a strong mobilization but also enhanced coordination to better protect children in armed conflict

This may be seen even beyond the United Nations, at the level of Governments and in relation with civil society.

##### i) Within the United Nations family

The framework that has been put in place allows for defining responsibilities and measuring progress. The architecture is now well understood and accepted by entities who ten years ago were unclear in terms of their lines of competence. The system also perfectly fits with the United Nations reforms. Everyone agrees that in recent years the implementation of resolution 1612 and the introduction of the MRM fostered a very close coordination between United Nations entities. Such coordination is unprecedented, since it takes place between United Nations departments, funds, agencies, and programmes both at Headquarters and field level. **In particular, the relationship between the Office of the Special Representative and UNICEF has become exemplary, as shown in particular in a well planned and effective division of tasks. The commitment of DPKO, already mentioned, has also contributed over the years to consolidating the Security Council’s policy on children and armed conflict.** Its presence in over half of the situations on the work plan of the Working Group, the substantial resources available to peacekeeping missions strengthened by some one hundred child protection advisers, have made it possible for DPKO, in seven situations, to play a leading role in collecting information and in negotiating action plans. Therefore, depending on the country, DPKO or UNICEF have proven to be, as planned, the cornerstone of the MRM in the field and instrumental in ensuring its coordination.

In order to consolidate its commitment and give it a global and coherent scope, DPKO adopted in 2009 a **Policy directive on mainstreaming the protection, rights and wellbeing of children affected by armed conflict in UN peacekeeping operations.** Taking advantage of this momentum, the directive was adopted the same year by the Department of Political Affairs for immediate implementation in special political missions. An updated directive is currently being prepared with the Office of the Special Representative to take into account inter alia the specificities of political missions. In parallel, the Department of



Political Affairs has created a limited number of child protection advisers positions. Three posts have already been secured in Somalia, Iraq and the Central Africa Republic. This represents the beginning of a policy but is not yet a global policy.

The growing engagement of other actors of the United Nations should also be noted. This is a positive development and an asset at a time when a special effort is called for to take into account the three other violations identified by resolutions 1882 and 1998. These actors are the ILO who contributes to the reintegration of children, the Office of the High Commissioner for Human Rights who is key in the verification of violations, UNHCR who is responsible for many refugee and internally displaced persons, UNESCO and the WHO who partner with the Office of the Special Representative on issues related to attacks on schools and hospitals, and finally UN-Woman who cooperates on sexual violence.

Finally, the Working Group and the Special Representative have received significant support from committed countries active in the Group of Friends currently chaired by Canada.

## ii) With the Governments concerned

**The approach of dialogue with Governments has succeeded.** The most striking development is that this dialogue has often been spontaneous. It initially takes place on the ground. The Special Representative systematically visits countries whose situation is on the work plan of the Working Group. Since 2006, she has conducted 26 visits (see annex). She is generally welcome and succeeds in concluding discussions on action plans under negotiation between the United Nations and parties to conflict. In the second part of her mandate, these visits have also been an opportunity to support the implementation of recommendations of the Working Group, including by presenting them publicly. This very committed approach has shown its effectiveness.

After seven years of implementation, a notable result has been achieved: with the exception of the persistent case of the Democratic Republic of the Congo, the problem of recruitment and use of children by Government forces is on its way to being resolved. Of the seven armed forces listed in 2011, five have already signed an action plan, and two are currently negotiating such a plan.

There are no doubt two reasons for this positive reaction by Governments. The first is the effectiveness of the “naming and shaming” process. It constitutes a means of pressure that has worked on Governments and, over time, has not lost its relevance. On the contrary, each time the number of Governments listed on the annexes goes down, the shame of remaining on the list goes up. The second factor is that Governments soon realized that the dialogue in the Working Group and by the Special Representative was conducted in an open and constructive manner. In other words, they understood that the system protected those who cooperated because there was a very real prospect of being delisted and because Governments efforts to that end were given due attention.

Dialogue with Governments was surely facilitated by the possibility offered to Permanent Representatives concerned to participate in the Working Group when the situation of their country was discussed. Those invitations have been generally accepted. Several ambassadors, understanding the working methods and the positive spirit in which problems were addressed, may have contributed to the practice that emerged in 2006, under which **concerned countries whose situations**

were not on the Security Council's agenda voluntarily expressed their wish to participate to the MRM. In some cases, delegations even came from capitals to present their countries' positions before the Working Group.

Finally, the dialogue with Governments is an in-depth, inclusive dialogue. In some countries, inter-ministerial working groups have been established to address the discussions and the implementation of action plans. There is also growing involvement by other institutions, including the legislative branch, in situations where action plans require the adoption of new laws to criminalize certain practices. That was the case, for example, in the Philippines and Afghanistan. The system established has therefore allowed for the emergence of a true "collective awareness" of the need to protect children. In that spirit, the Special Representative during some of her visits also met with the presidents of legislatures, parliamentarians, and leaders of the judiciary.

There is one point, however, on which dialogue remains sometimes problematic: that of contacts with non-State armed groups. Governments sometimes oppose it, which is understandable in certain situations. But it is regrettable that, in at least two cases, the United Nations' inability to conclude action plans that were possible prevented the expected separation of children from armed forces or groups.

### iii) With civil society

Relations with NGOs close to this issue have been, even in their own view, very fruitful from the outset. Their knowledge of the field and the close attention they pay to the work of the Working Group and the implementation of its conclusions have been considerable advantages. This cooperation has flourished in the spirit of respect of all participants specific mandate, which also guarantees its effectiveness.

## 2. Progress on the ground

### i) As seen in the number of action plans and the dynamism of this instrument

The first goal being the release of children, the number of action plans signed is a particularly significant in assessing progress achieved. The results of this policy are here. **Since the adoption of resolution 1539, 18 action plans have been signed<sup>12</sup>.** This means that eighteen parties have entered into dialogue or are undertaking dialogue with the United Nations to implement specific commitments to which they subscribed. It is also significant to note that after a somewhat slow start, the momentum has picked up, with four action plans signed in 2011, two action plans signed since the beginning of 2012, and an additional four currently under negotiation.

Two other points are also worth noting. Chronologically, the first signatories of the plans were non-state actors. As mentioned above, this trend has been reversed. It is also interesting that the majority of action plans were signed in situations that are not on the Security Council's agenda, which also shows that the mechanism established for child protection is relevant.

An analysis of the negotiations also shows that the visits of the Special Representative in the field were often crucial, as was the pressure exerted by the

<sup>12</sup> The eighteenth action plan is expected to be signed with the Armed Forces in Myanmar at the end of June 2012.

Working Group through letters sent to Governments, public statements to the armed groups, and follow-up reports requested for particularly alarming situations, as was the case at times in Nepal, Sri Lanka and Myanmar. The bi-monthly horizontal notes that describe the progress and challenges in relation to action plans, also proved useful. By keeping members of the Working Group abreast of latest developments, the horizontal notes allow for the possibility of adapting the means of pressure to the evolving situation.

It is also noteworthy that the dialogue on action plans had, in some cases, positive effects that were less predictable. For instance, the Afghan Security Forces, listed on Annex I for recruitment and use of children, have sought to extend the plan to include preventive actions concerning other violations. Measures to prevent sexual violence, and the killing and maiming of children have therefore been introduced as annexes to the action plan.

**ii) As seen, more importantly, in the number of children released**

These releases stem first from the 18 action plans concluded with parties, and in particular in Chad, Cote d'Ivoire, Nepal, Sri Lanka and Uganda. **Thousands of children have been saved and reintegrated into society.** Taking 2007 as the base year, over 10,000 children have been released, often pursuant to action plans. But the system implemented has beneficial effects that go beyond these countries. The creation of the MRM has favourably influenced major United Nations players on the ground, especially UNICEF and the peacekeeping missions. It resulted, in continuity of their action, in an even more proactive and systematic approach of these child protection actors for the release of children. These efforts also continue in situations where it has not been possible to sign an action plan yet. This was the case notably from 2004 to 2008 in the Democratic Republic of the Congo, where an action plan would be nevertheless necessary and a priority now.

**iii) As we are beginning to see in the number of parties delisted from the annexes to the reports of the Secretary-General**

To date, **nine parties have been delisted from the annexes** after having successfully implemented all commitments made as part of their action plans, and having therefore ended recruitment and use of children conducted in the past. This number may seem low compared to some sixty parties listed in the annexes, but it is understandable. It reflects the need to ensure that commitments are met, which requires a period of time for verification. **The number of parties delisted should, however, increase significantly soon.** This expected acceleration is welcome, as it will confirm what the nine delistings already indicate: the listing is not immutable, permanent, as was sometimes claimed. **There is indeed a beginning and an end to the process; and the cooperation by parties is truly acknowledged and rewarded.**

**iv) As may be seen, finally and significantly, in changes in behaviour**

The Ugandan armed forces began to implement the commitments they were about to make in an action plan even before signing the document. The same dynamic has been seen in Myanmar. The Myanmarese civil and military authorities are already taking substantial steps to end child recruitment, even though the action

plan is expected to be signed at the end of June only. In the Philippines, where the parties on Annex II of the report of the Secretary-General are armed groups, the Government, which is not directly involved, embodied in a law the main provisions of resolution 1612.

### 3. The success is recognized

#### i) By the Security Council and the General Assembly

The Security Council has consistently supported the implementation of resolution 1612 as well as action by all entities concerned. This support is expressed regularly in glowing terms. More importantly, the Council explicitly recognized, for example in its latest resolution 1998, progress on the release and reintegration of children into their families and communities, dialogue between the United Nations and parties to conflicts, and the implementation of action plans. It is noteworthy that these achievements are echoed by the General Assembly, which demonstrates that the vast majority of Member States support the innovations that were introduced, and the determination and professionalism with which Resolution 1612 was implemented.

#### ii) To the extent that it was replicated

For some twenty years, the Security Council has included on its agenda thematic issues in relation to the maintenance of international peace and security, such as the protection of civilians in armed conflict, the need to end sexual violence or other issues addressed under the thematic "Women, peace and security." In all these cases the Council faces a challenge: to go beyond general resolutions or statements. Such general positions are of course important in the normative sense because they enable the Council to reaffirm that a given violation constitutes a threat to international peace and security. They are also an opportunity for the Council to make recommendations. But now, the goal has become more ambitious: it is to achieve tangible, verifiable results and follow-up to the resolutions, which requires the Council to be informed and able to take action, if necessary.

In this context, the synergies and dynamics created in the struggle for child protection, thanks to the framework implemented by Resolution 1612 have been universally recognized, and it is now starting to be referred to as a "model". The temptation for replication has become strong. And this indeed happened: **with the exception of the creation of a working group, this model inspired the system put in place in 2011 to combat sexual violence in conflicts.**

Finally, the system established pursuant to resolution 1612 has, in seven years of implementation, **led to creating real expertise within the Security Council.** In each delegation, a significant investment was made to participate actively in the Working Group. Remarkably, according to many observers, this expertise has spread beyond the issue of children in armed conflict, extending to all thematics concerning violations of humanitarian law and human rights that threaten international peace and security. This is probably due to the fact that the same experts deal with all these thematics. It is, in any case, a very positive development.

### **iii) Success reflects on the United Nations system as a whole**

The results achieved in the implementation of resolution 1612 are often cited as examples in reports published outside the United Nations and even in the media. But perhaps the most important element in terms of image comes from the fact that the United Nations was able to show, through this issue, its ability to create synergies and to bring together the members of the Security Council, the Secretary-General and his Special Representative, the departments of the Secretariat, funds, agencies and programmes, and also civil society. These entities are all oriented towards the same goal, within a system exceptionally well suited to yield results. It is hard to recall another example of such a virtuous circle.

#### **B. These results remain insufficient**

The progress made should not create the illusion that the protection of children in armed conflicts is now a reality. In several respects the results are still short of satisfactory.

##### **1. The protection of children in armed conflicts is still far from being achieved**

In fact, this protection is not yet guaranteed. Complacency is not in order. Thousands of children still need to be released from armed forces and groups. The mobilization of the United Nations system to end the killing and maiming of children, sexual violence in conflict and attacks against schools and hospitals has barely begun; and those responsible for these exactions continue to perpetuate their crimes. At the same time, new and particularly worrisome trends are appearing, especially in Afghanistan and Somalia. Indoctrinated children are committing suicide attacks, while others are "victim-bombers" carrying without their knowledge remotely-operated explosive devices. All are victims of fanaticism combined with a depravity that knows no bounds.

##### **2. Many non-state actors continue to commit violations and abuses**

The so-called "persistent perpetrators" remain **the greatest concern**. Those who continue to recruit and use children in armed conflict, despite warnings and attempts for dialogue, have been identified as "persistent perpetrators" for being on the annexes of the Secretary-General's reports for more than five years. Their number is significant: 32 parties are in this situation. The resulting list compiled by the Office of the Special Representative and annexed to the present report, is growing longer every year despite the signing of action plans, as if the great majority of these parties were oblivious to the concerns of the international community, and the repeated calls by the Council or by those authorized to speak on its behalf.

By the end of 2012, it is expected that action plans will be concluded with all armed forces listed, with the exception maybe of those of the Democratic Republic of the Congo. The fact that the Government of that country, which enjoys considerable support from the international community, continues to allow children in their armed forces deserves particular attention. This situation is paradoxical because, some years ago the same armed forces had made a very significant effort to release some 35,000 children.

But, in most cases, **the persistent perpetrators of violations against children are non-state actors**, rebel groups or bands like the Lord's Resistance

Army (LRA) led by the sinister Kony. The system put in place by resolution 1612 has failed, with eleven exceptions, to convince most of these non-state actors. **This has become, at this stage of the implementation of the system, the major problem.** The Security Council also recognized it in resolution 1998, by requesting its Working Group, with the support of the Special Representative, to make recommendations within one year, to increase pressure on the persistent perpetrators of violations against children in armed conflict. This decision of the Security Council raises, among others, the question of sanctions. They have so far been little used, since only three individuals have been targeted on the basis of violations committed against children. The difficulty to target those who continue to commit abuses weakens the whole system. The architecture is fundamentally based on dialogue but it has often been found that it could not succeed with recalcitrant individuals and groups unless there was a credible threat of sanctions. While targeted measures such as travel bans and freezing of assets might leave some non-state actors indifferent, those who have political goals might be more sensitive to them.

### **3. The system has some weaknesses that can be corrected**

#### **i) One weakness than constantly weighs down the system is the delays in adopting conclusions in the Working Group**

Since 2006, all reports of the Secretary-General on situations on the work plan of the Working Group have been followed by conclusions and recommendations. That the Group has been able to manage this, despite the sensitivity of some situations and the rule of consensus, shows a real willingness to cooperate. It remains, however, that there have been increasing delays in relation to the time required for adopting conclusions, a shortcoming that has been only partially resolved. In 2009, due to sensitive situations, it took an average of six months and a week of negotiations to adopt conclusions. That period reached nine months and nine days in 2010. In 2011, a determined effort was made to return to a more normal situation. However, the period for adopting conclusions, which had been brought down to three months and nine days, is again on the rise in 2012. In all cases, it still remains above the target of two months initially set when the Working Group was created.

These delays have consequences for the periodicity of formal meetings of the Working Group, which has slackened considerably, especially recently. They also affect the cycle of country-reports. While originally all situations were to be reviewed annually, they are now reviewed every two years. These delays are unfortunate as some of the data submitted to the Working Group became outdated. It is crucial to ensure that solutions are found so that these delays do not affect the system's responsiveness.

#### **ii) The Working Group's toolkit has been insufficiently used**

Commendable efforts have been made by all successive Chairs of the Group to gradually make more use of the means of action that were identified in 2006 to help the Group fulfill its mandate. An analysis of the conclusions shows that the Working Group frequently uses procedures such as addressing letters to the parties, public statements, meetings with representatives of the countries concerned, requests for support from the World Bank and potential donors for the release and reintegration of children. **However, despite some notable efforts, several "tools" considered as useful, remain underused,** such as field visits of members of the

Working Group, requests for additional information from Resident Coordinators, forwarding information to sanctions committees, and emergency meetings. The Group should also ensure that its messages actually reach non-state actors.

#### **4. Resolution 1882 is still underutilized**

Two years after the adoption of resolution 1882 by which the Security Council decided also to target the parties who, in violation of international humanitarian and human rights law, are responsible for patterns of killing and maiming of children or of sexual violence, the implementation of these provisions remains insufficient. Despite the understandable enthusiasm of civil society and the United Nations in general, **it is appropriate to question the system's ability to fully "absorb" these additional tasks in a timely manner.** Several factors are involved. First, the lack of financial resources makes it difficult to strengthen the necessary capacities for monitoring and reporting. Second, the creation in 2009 of a specific mandate for a Special Representative on sexual violence in conflicts required from the two offices efforts towards useful cooperation, which are still under way. The collaboration between the two offices is, according to many opinions, satisfactory and geared to efficiency.

In the mean time, the implementation of provisions related to the killing and maiming of children is also underway. In 2011, for reasons of a technical nature, only one party was listed solely on the basis of this violation. Unlike for the recruitment of children, the mechanism must provide evidence that the parties concerned are responsible for **patterns of killing and maiming of children.** But, the systematic nature of this violations remains difficult to document.

Finally, **it is too early to assess the implementation of resolution 1998 adopted in 2011.** The MRM will have to strengthen the monitoring of violations related to attacks on schools and hospitals, but it will also have for the first time to deal with an adult population, since the resolution also requested information on parties responsible for attacks on protected personnel of schools and hospitals.

These factors explain why no action plan on the new violations addressed by resolutions 1882 and 1998 has yet been signed. The case of Afghanistan, mentioned above, suggests that the other violations might more likely be introduced as annexes to action plans on recruitment and use of children, at least initially.

### **III. RECOMMENDATIONS**

Much has been achieved since the adoption of resolution 1612 but much remains to be done. In line with the course laid out, the system put in place, based on solid foundations, must retain its dynamism and responsiveness. This requires some adjustments and improvements. With that aim in mind, the following recommendations address the mandate, the relationship between the Security Council and its Working Group, the functioning of the Working Group, the Secretary-General's report, the dialogue inherent to the implementation of resolutions 1612, 1882 and 1998, and the strengthening of certain entities. But for a strengthened system to be able in the coming years to yield results as significant as those already achieved, it is crucial to address a major problem of the system : the growing list of persistent violators who continue to ignore the resolutions of the Security Council. There lies the major challenge for the coming years.

## A. General recommendations

**The Security Council's clear commitment to protect children in armed conflicts should be preserved.**

1. Grave violations against children in armed conflict have been addressed so far by the Council not only because they threaten international peace and security but also for **moral reasons common to all civilizations**. This approach, which has enabled the Council to implement a long-term, action-oriented policy based on trust and good faith, **must be maintained**.

2. In order to consolidate the system before moving forward, the Security Council decided at the outset on a **phased approach, which should be preserved**. This choice was based on a common willingness to act effectively, and to avoid temptations to move forward until it was verified that achievements were firmly anchored, and that the Secretariat had the capacities to manage each step taken. Therefore, **it is recommended, while maintaining the focus on the very prominent issue of child recruitment and use, to ensure that resolutions 1882 and 1998 are properly implemented in the coming years before considering adding new violations as triggers for the listing in the annexes to the annual report of the Secretary-General**.

3. The resolutions and presidential statements adopted by the Security Council since 2005 have all respected the compromises embodied in resolution 1612. **In order to maintain the trust that is essential to the functioning of the system, any new advance should be made unanimously, as was the case with resolutions 1612, 1882 and 1998**.

4. The system in place that produced tangible results in terms of protection of children depends to a large extent on the Office of the Special Representative. **This office, probably because it had to meet the challenges of an innovative policy; one that was action-oriented and specific in relation to other protection mandates, is today characterized by strong team spirit, cohesion and dynamism**. These assets facilitate personalized relationships of Office staff members with the Country Task Forces, coordination with other UN structures, and frequent and useful contacts with delegations of the Working Group, most notably with the Chair. **Maintaining team spirit, cohesion and dynamism of a strong focal office is crucial for the proper functioning of the system**.

## B. Recommendations concerning the Security Council

The Working Group operates within the framework of the Council's resolutions and presidential statements. Over the years, the role delegated to the Working Group by the Council has increased, creating a de facto distance between the Council and its Working Group. To give further weight to the implementation of the framework adopted by the Council, it is recommended that the Working Group be brought closer to the Council, using the following procedures, some of which were in use a few years ago.

1. **The President of the Security Council could, upon recommendation of the Working Group or its Chair, in certain specific situations, make statements to the press, send letters to Governments, or conduct démarches**.



2. **The Chair of the Working Group should report** on the implementation of his/her mandate **at least once a year to the Security Council**, in consultations. Specific situations that require the Council's guidance **could also be addressed, even briefly, during consultations** and possibly under any other business.

3. **The Special Representative should be invited from time to time** to address the Council directly on emerging concerns, and **also during consultations** to update Council members on the situation of children in specific conflict.

4. **Visits by the Security Council in the field should be put to better use** so that the chair of the Working Group, in conjunction with the Ambassador leading the delegation, can address the implementation of the recommendations of the Working Group. The mandate of the field trips of the Council, established before the missions, should incorporate, as appropriate, the issue of children affected by armed conflict, so that it is mentioned in high level meetings in-country. The chair of the Working Group should also take this opportunity to meet with the Country Task Force in charge of the mechanism on the ground.

5. In order to encourage the full implementation of its latest resolutions, the Council could request the Secretary-General in his next annual report to include a **specific section on challenges related to the new triggers**, as well as suggestions to address them.

## 9. Recommendations concerning the Working Group

1. In order to ensure closer ties between the Council and its Working Group, the Permanent Representatives of Working Group delegations or their deputies should participate occasionally to the meetings, as has been done in the past. **The appointment of deputies to head delegations** to the Working Group, even if they often assign a representative, **could help the President to speed up negotiations** that are sometimes of unwarranted length.

2. The Working Group must **preserve the qualities that enabled innovation and a dynamic approach: an innovative spirit but also flexible procedures**, by using e-mails, as well as bilateral discussions, and informal consultations led by the chair between meetings, to address specific problems encountered by some delegations in negotiating conclusions.

3. In the same spirit, consultations should be conducted with a view to update the working methods. They should deal, in particular, with the following:

i) Arrangements to be made with a view to returning to **the goal of two months for adopting conclusions**, and to keeping the whole cycle of situations on the work plan within a period of eighteen months. This includes, on one hand, securing in the long term the administrative support to the Working Group, and on the other hand, ensuring that the Working Group has the logistical ability (room and translation) to meet every week to discuss the conclusions, as this is the case for any other subsidiary organ of the Council.

ii) **Conclusions need to be shortened**. This could be achieved by removing the first part of the conclusions, which is a summary of the previous session, and attaching to these conclusions the statements of the Special Representative and of the Ambassador of the country invited to the meeting.

iii) The toolkit needs to be updated and better used. Discussions on this matter should involve: the question of **funding the annual field trip of all members of**

**the Working Group; including on the agenda specific thematics of concern; holding basis emergency meetings on a more regular basis to hear the Special Representative on emerging situations in relation to child protection. Some meetings may be best preceded or followed by a field visit of the Special Representative, if the situation allows, or by members of his/her Office.**

**4. The follow-up to the Working Group recommendations, presently ensured by the bi-monthly horizontal note, should be more regular and systematic.** In some cases of concern, this might call for sending technical missions of the Office of the Special Representative to the field, on which the Special Representative would report to the Group.

**5. The link between the Working Group, the financial institutions and the donor community should be strengthened.** The follow-up with the World Bank or the United Nations Peacebuilding Fund for example, could be more systematic in order to ensure the implementation of the Working Group's recommendations. Discussions should also take place on how to ensure that the financial and human resources are made available as soon as an action plan is signed and until its successful implementation.

#### **D. Recommendations to the Secretary-General and his Special Representative**

**1. In order to ensure that the Office of the Special Representative has the capacities to carry out the additional missions provided for by resolutions 1882 and 1998, the Secretary-General could consider the possibility of a limited but necessary strengthening of the team.**

**2. Progress made by parties in implementing action plans could be highlighted more** in the annual report. This approach would enable Council members to distinguish those parties who made progress versus those who continued to commit abuses. Statements and public documents of the United Nations on this issue should also highlight these positive developments in a more systematic manner.

**3. The so-called "annual" reports of the Secretary-General should respect the current eighteen-month cycle.**

**4. In order further to tighten ties between Headquarters and the Country Task Forces, those who are active in the mechanism on the ground should be more regularly informed, by informal channels, about the procedures under way.**

#### **E. Recommendations relating to dialogue with Governments**

In line with resolution 1612, cooperation with Governments in order to conclude action plans with armed groups is essential. Governments should encourage such dialogue between the United Nations and armed groups to the fullest possible extent. In particular:

**1. When a non-state actor listed expresses the willingness to enter into dialogue with the United Nations to conclude an action plan for the release of children, the Government of the country concerned must be informed and seek to assess the situation in a positive manner. If it nevertheless objects to such dialogue, it should transparently state the reasons for the objection, which should be brought the attention of the Security Council in the annual report.**

2. **When discussions with non-state actors listed** are taking place with the concerned Government in the framework of a peace process, **the Government should, in the framework of the peace agreement and in line with resolution 1612, facilitate the conclusion of action plans.** Negotiation for these action plans by the United Nations should be treated as a matter of priority, in close cooperation with the Government.

#### **F. Recommendations related to dialogue with regional organizations**

At this stage of implementation of resolution 1612, it is desirable to strengthen the dialogue between the Special Representative and the relevant regional and sub-regional organizations. Some organizations, like the European Union, ECOWAS or NATO, already have a more or less formalised policy on the protection of children in armed conflict. Others might adopt one. **In line with resolution 2033 (2012) on partnerships with regional organizations, regular contacts (including through the appointment of high level focal points) would be useful to increase awareness of these issues in some regions or sub-regions, to foster preventive action at the regional level with the adoption of national legislation, and to formulate strategies with regard to persistent perpetrators.**

#### **G. Recommendations to increase pressure on persistent perpetrators of violations against children in armed conflict.**

Addressing this issue is key to the credibility of the whole system and should be given high priority. As stressed in Security Council resolution 1998, this problem calls for increased pressure against those who persistently violate Council resolutions on the protection of children in armed conflict. These pressures should be applied in at least three ways:

##### **1. Addressing the problem at the appropriate political level is necessary in order for persistent perpetrators to realize that they are the target of special attention:**

- i) **Security Council consultations** could be devoted to this specific problem, followed by a widely disseminated statement to the press, that would be relayed by Country Task Forces.
- ii) As done in 2010, the annual report of the Secretary-General should include a special section on the issue **with a list of persistent perpetrators** who have been on the annexes to the report for at least five years.
- iii) Relevant Special Representatives of the Secretary-General and Resident Coordinators should be consulted and report on possible actions against persistent perpetrators, on discussions undertaken, in keeping with resolution 1612, to address the issue in the country where they are posted. These reports should be presented to the Working Group by the Special Representative for consideration. The Working Group should dedicate all or part of a session each year to the consideration of these reports, unless they involve situations that are already on the agenda of one of its forthcoming meetings.

**2. The threat of sanctions, consistently reiterated by the Council, should be put into practice more often so that it is not ultimately perceived as an empty threat.** The system put in place by resolution 1612 does not aim so much at punishing as to creating the conditions for dialogue with a view to ending unacceptable practices. It is of the utmost importance that the system established preserve its credibility. It would therefore be appropriate to sanction additional individuals responsible for persistent abuses, in order to give the Council's warnings greater credibility. Such action by the Council, in a manner that is determined, should have an effect beyond the individual or entity sanctioned by holding up an example for other individuals. **Several approaches could be explored or implemented:**

i) One option, which has been repeatedly discussed, particularly in 2004 but without leading to a consensus within the Council, could be to create a **sanctions committee**. This committee would decide on individuals and entities to be targeted upon recommendation by the Special Representative. Delisting from the sanctions committee's list would also be based on his/her recommendation, as soon as the individual/party or entity is delisted from the Secretary-General's report.

ii) **Another option would be to use the Working Group acting, as necessary, as a sanctions committee.** This solution would be less expensive and cumbersome than the aforementioned one. The Special Representative could present to the Working Group, as has already been done with the Sanctions Committee for the Democratic Republic of Congo, the names of individuals or entities he/she would recommend for targeted measures based on verified information of grave violations committed against children. The MRM could be used to prepare the rationale behind this recommendation. Since the MRM already reports UN verified information to the Group pursuant to resolution 1612, it would be unnecessary to duplicate these efforts by setting up another experts' panel to monitor application of the measures adopted.

iii) If the discussions on the possibility of sanctioning individuals and entities included in Annex 2 of the annual report of the Secretary-General could not reach agreement, **a less ambitious solution could be proposed. It would be to target, at this stage, only individuals and entities who are persistent perpetrators of crimes in the context of situations on the agenda of the Security Council.** In this more limited approach, the Working Group could act, as necessary, as a sanctions committee for cases that are not taken up by existing sanctions committees.

iv) **In any event, it would be advisable to put efforts at this stage into adding the four trigger violations to the mandates of all relevant sanctions committees, in line with paragraph 9 of resolution 1998.** This could in some cases also serve a preventive function. These committees should also update their lists of sanctioned individuals and entities to include grave violations against children as an additional criteria for listing when relevant.

**3. Finally, it would be advisable to pursue a complementary approach with the ICC, which would exert strong pressure on certain individuals and entities at a time when the conviction of Thomas Lubanga has increased awareness of the criminal nature of the recruitment and use of children.**

This approach should be pursued with the respective competencies of the Court and of the Security Council in mind, primarily with the aim of drawing up action plans. It should be complementary to but independent from the sanctions' process. This would also be coherent with the concern of the Court to enhance its preventive action. The basis for such an approach has already been laid, since the Special Representative testified before the Court in the trial of Lubanga, whose conviction was welcomed in a statement to the press by the President of the Security Council. In light of the Rome Statute and the policy followed and made public by the Prosecutor, the following actions, of gradually increasing intensity, are recommended with a view to making known to those who persistently violate the rights of children in conflicts that the risk of being prosecuted is real.

**i) The Working Group might in the future, based on paragraph 11 of resolution 1998, include in its "toolkit" provisions for sending stronger signals to persistent violators.** In relevant cases, the Group could at first in its conclusions on an individual or entity note that the crimes are tantamount to "war crimes / crimes against humanity / acts of genocide" under the Rome Statute and make this assessment public. It could even go further and note that those responsible must be brought to justice before the national courts of the country or, as a last resort, before the ICC.

ii) In case the ICC Prosecutor makes it known, within the framework of his crime prevention policy, that he/she intends to place under preliminary investigation a situation where crimes were committed against children, the Working Group should take note of that and announce publicly through its chair that the Special Representative has been mandated to **transmit information to the ICC Prosecutor pursuant to Article 15 of the Rome Statute** and to resume contacts with parties with a view to concluding an action plan.

iii) Finally, to further highlight the cooperative relations between the ICC and the United Nations on the issue of children in armed conflict, **the Prosecutor could be invited to brief the Security Council on his/her action in this area or to delegate his/her deputy to report to the Working Group.** With the same spirit in mind, once prosecutions are initiated and the trial is under way, **the Special Representative should be invited to testify as an expert witness, as happened in the Lubanga case.** He/she should also consider submitting an *amicus curiae*. Finally, in case an action plan has been concluded in a relevant situation, the Special Representative should inform the Prosecutor and keep him/her abreast of the status of implementation.

iv) These public positions of the Working Group and this cooperation framework with the ICC should be made public in a manner that ensures the information is broadly disseminated in all countries where individuals or entities are committing such crimes.

## CONCLUSION

The protection of children in armed conflict is an area in which significant progress can be accomplished and measured. The ultimate goals are broadly shared by the international community. Many actors each hold a piece of the solution: first and foremost the Governments, but also the United Nations and other international organizations and institutions, as well as civil society. Their actions are often complementary, as illustrated by the action on child recruitment and use: the efforts of the United Nations to release children are commendable, but their reintegration into society and communities is even more crucial, to avoid the risk of their being drawn back into the horrors of war. Bringing together the international organizations and institutions, the donor community and the leading NGOs, whose expertise in conducting programmes is well recognized, is key. At the heart of this global architecture, the Security Council plays a pivotal role. The progress to date compels the Council to stay the course, and to strive for further achievements. More than ever, the Council's action will decide the fate of hundreds of thousands of children, or possibly more. This challenge deserves the international community's best efforts.

*15 June 2012*

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## **SECURITY COUNCIL RESOLUTIONS AND PRESIDENTIAL STATEMENTS ON CHILDREN AND ARMED CONFLICT**

- Resolution 1998, S/RES/1998 (12 July 2011)
- Presidential Statement, S/PRST/2010/10 (16 June 2010)
- Resolution 1882, S/RES/1882 (4 August 2009)
- Presidential Statement, S/PRST/2009/9 (29 April 2009)
- Presidential Statement, S/PRST/2008/28 (17 July 2008)
- Presidential Statement, S/PRST/2008/6 (12 February 2008)
- Presidential Statement, S/PRST/2006/48 (28 November 2006)
- Resolution 1612, S/RES/1612 (25 July 2005)
- Resolution 1539, S/RES/1539 (22 April 2004)
- Resolution 1460, S/RES/1460 (30 January 2003)
- Resolution 1379, S/RES/1379 (20 November 2001)
- Resolution 1314 S/RES/1314 (11 August 2000)
- Resolution 1261 S/RES/1261 (25 August 1999)

## COUNTRY-SPECIFIC REPORTS OF THE SECRETARY-GENERAL ON CHILDREN AND ARMED CONFLICT

- Reports of the Secretary-General on Children and Armed Conflict in Afghanistan ([S/2008/695](#) and [S/2011/55](#))
- Reports of the Secretary-General on Children and Armed Conflict in Burundi ([S/2006/851](#) and [S/2009/450](#))
- Reports of the Secretary-General on Children and Armed Conflict in the Central African Republic ([S/2009/66](#) and [S/2011/241](#))
- Reports of the Secretary-General on Children and Armed Conflict in Chad ([S/2007/400](#), [S/2008/532](#) and [S/2011/64](#))
- Reports of the Secretary-General on Children and Armed Conflict in Colombia ([S/2009/434](#) and [S/2012/171](#))
- Reports of the Secretary-General on Children and Armed Conflict in Côte d'Ivoire ([S/2006/835](#) and [S/2007/515](#))
- Reports of the Secretary-General on Children and Armed Conflict in the Democratic Republic of the Congo ([S/2006/389](#), [S/2007/391](#), [S/2008/693](#) and [S/2010/369](#))
- Report of the Secretary-General on Children and Armed Conflict in Iraq ([S/2011/366](#))
- Reports of the Secretary-General on Children and Armed Conflict in Myanmar ([S/2007/666](#) and [S/2009/278](#))
- Reports of the Secretary-General on Children and Armed Conflict in Nepal ([S/2006/1007](#), [S/2007/758](#) and [S/2010/183](#))
- Reports of the Secretary-General on Children and Armed Conflict in the Philippines ([S/2008/272](#) and [S/2010/36](#))
- Reports of the Secretary-General on Children and Armed Conflict in Somalia ([S/2007/259](#), [S/2008/352](#) and [S/2010/577](#))
- Reports of the Secretary-General on Children and Armed Conflict in Sri Lanka ([S/2006/1006](#), [S/2007/686](#), [S/2009/325](#) and [S/2011/793](#))
- Reports of the Secretary-General on Children and Armed Conflict in the Sudan ([S/2006/662](#), [S/2007/520](#), [S/2009/84](#) and [S/2011/413](#))
- Reports of the Secretary-General on Children and Armed Conflict in Uganda ([S/2007/260](#), [S/2008/409](#) and [S/2009/462](#))



## **FIELD TRIPS UNDERTAKEN BY THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL FOR CHILDREN AND ARMED CONFLICT**

- Afghanistan (June 2008, February 2010 and February 2011)
  - Burundi (March 2007)
  - Chad (May 2008 and June 2011)
  - Central African Republic (May 2008 and November 2011)
  - Côte d'Ivoire (September 2007)
  - Democratic Republic of the Congo (March 2007)
  - Iraq (April 2008)
  - Israel/occupied Palestinian territory (April 2007 and February 2009)
  - Lebanon (April 2007)
  - Myanmar (June 2007)
  - Nepal (December 2008 and December 2009)
  - Philippines (December 2008 and April 2011)
  - Somalia/Kenya (November 2011 and November 2010)
  - South Sudan (March 2012)
  - Sudan (January 2007)
  - Uganda (June 2006 and June 2011)
- With the support of her Office, the Special Representative also appointed a Special Advisor to travel to Sri Lanka on her behalf (November 2006 and December 2009).

## **Terms of reference for the Working group of the Security Council on Children and armed conflict**

### **I. Title**

The Working Group established pursuant to paragraph 8 of Security Council resolution 1612 (2005) of 26 July, 2005 will be known as Working Group on Children and armed conflict.

### **II. Composition**

The Working Group should consist of all members of the Security Council.

### **III. Chairmanship**

The Chairman of the working group is designated by members of the Security Council .

### **IV. Secretariat and interpretation**

The Secretariat of the working group is provided by the Secretariat of the United Nations.

Interpretation in the six official languages of the United Nations will be provided for all meetings of the Working Group.

### **V. Meetings of the Working Group**

Formal meetings will be held at least every two months.

The Working Group may hold urgent and/or informal meetings at the request of the Chairman or a Member of the Working Group.

Five working days notice will be given for any meeting of the Working Group, although shorter notice may be given in urgent situations.

The Working Group will meet in closed sessions. The Working Group may invite any Member of the United Nations to participate in the discussion of any question brought before the Working Group, in particular when a Member is specifically concerned. The Working Group may invite members of the Secretariat or other persons, whom it considers competent for the purpose, to supply it with appropriate expertise or information or to give it other assistance in examining matters within its competence.

## **VI. Mandate**

The Working Group shall conduct its work in accordance with the provisions of resolution 1612 (2005).

The Working Group shall :

- (a) review the reports of the monitoring and reporting mechanism referred to in paragraph 3 of resolution 1612 (2005) ;
- (b) review progress in the development and implementation of the action plans mentioned in paragraph 5(a) of resolution 1539 (2004) and paragraph 7 of resolution 1612 (2005) ;
- (c) consider other relevant information presented to it.

The Working Group shall also :

- (d) make recommendations to the Council on possible measures to promote the protection of children affected by armed conflict, including through recommendations on appropriate mandates for peacekeeping missions and recommendations with respect to parties to the conflict;
- (e) address requests, as appropriate, to other bodies within the United Nations system for action to support implementation of Security Council resolution 1612 (2005) in accordance with their respective mandates.

The Working Group will examine information on compliance and progress in ending the recruitment and use of children and other violations being committed against children in situations of armed conflict on the agenda of the Security Council and in situations of armed conflict not on the agenda of the Security Council mentioned in Annex II of the SG's report S/2005/72. The discussion on the latter situations shall be done in close consultation with countries concerned. The Working Group will review this arrangement one year after the adoption of its terms of reference. The consideration of any information by the WG shall not prejudice or imply a recommendation as to whether or not to include a situation on the SC's agenda.

The recommendations of the Working Group to the Security Council do not prejudice of the Council's decisions thereon.

## **VII. Methods of work**

Decisions will be taken by consensus. If consensus cannot be reached on a particular issue, the Chairman should undertake such further consultations as may facilitate agreement.

Where the Working Group agrees, decision may be taken by a written silence procedure. In such cases the Chairman will circulate to all members of the Working Group the proposed decision of the Working Group, and will request members of the Working Group to indicate any objection they may have to the proposed decision within five working days (or in urgent situations, such shorter period as the Chairman shall determine). If no objection is received within such a period, the decision will be deemed adopted.

The Chairman of the Working Group will report to the Council whenever appropriate, either orally or in writing. He will submit a written report at least once a year.

The Security Council will conduct a review of the work of the Working Group against its mandate once a year.

In order to enhance the transparency of the work of the Working Group, the Chairman will brief interested Member States and the press following formal meetings of the Working Group, unless the Working Group decides otherwise. In addition, the Chairman will be authorized, after prior consultations with and approval of the Working Group, to hold press conferences or issue press releases on the Working Group's work.

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**Annex to the letter dated 8 September 2006 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council**

**Options for possible actions by the Working Group of the Security Council on Children and Armed Conflict (“toolkit”)**

Extract of UNSC 1612 mandate (OP 8):

*(...) Decides further that the Working Group shall:*

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

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

The Working Group shall design a specific approach for each case, proceeding in a constructive way, putting emphasis on dialogue and cooperation.

On the basis of the above-mentioned mandate, the following list of possible recommendations can be envisaged. This list is *indicative* and *non-limitative*, and this non-paper must be considered as a “living document”:

**1. Assistance**

**Direct action by the WG**

- Recommendations for additional technical assistance to the country concerned, in order to strengthen its national capacities to promote and protect the rights of the child (UNICEF, OHCHR, DPKO, UNDP ...)
- Recommendations to the relevant bodies for improving humanitarian coordination and assistance to children affected by armed conflict (OCHA, UNHCR, UNICEF ...)
- Specific requests to other United Nations bodies (PBC, GA, HRC ...) or agencies (ILO, World Bank ...)
- Request for advocacy and official visits of the SRSG for CAAC to countries of concern, including, where appropriate, engaging with parties on action plans, M&R implementation, assistance for adoption of the Optional Protocol to the CRC and other relevant instruments

**Direct action by the WG or possible recommendations to the UNSC, as appropriate**

- Support to transitional justice and truth-seeking mechanisms, including support in the development and implementation of child-sensitive procedures, e.g. building capacity of investigators, statement takers and other officials involved in how to address cases involving children and how to interview and take testimonies from children

**Possible recommendations to the UNSC**

- Letters to donors (public/private) to invite them to contribute more, including for strengthening child protection capacities of regional organizations

**2. Démarches**

**Direct action by the WG**

- Advocacy for accountability for crimes against children in situations of armed conflict and calls on the United Nations and Members to provide support to programmes ensuring the protection of children involved in accountability or truth-seeking mechanisms

**Direct action by the WG or possible recommendations to the UNSC, as appropriate**

- Letters/appeals to the parties concerned
- Démarches to parties in situations of armed conflict listed in the annexes of the Secretary-General's report, based on terms of reference clearly defined by the Working Group and aiming to achieve specific and verifiable results

**Possible recommendations to the UNSC**

- Letters to regional organizations
- Draw attention to the full range of justice and reconciliation mechanisms to be considered, including national, international and "mixed" criminal courts and tribunals, while emphasizing the responsibility of States to comply with their relevant obligations to end impunity

**3. Enhanced monitoring**

**Direct action by the WG**

- Request from the Secretary-General of additional information/reports on specific issues or parties
- Request from the representatives of the affected country of additional information/clarification on the Secretary-General's report
- Organization of informational briefing by outside experts (civil society, academia ...)

**Direct action by the WG or possible recommendations to the UNSC,  
as appropriate**

- Specific field trips on CAAC by Members of the Working Group followed by a report, subject to availability of funding
- Convening of a closed or open meeting with the participation of the State concerned and/or parties concerned as appropriate
- Press conferences to highlight a specific issue and to raise awareness about the CAAC provisions of international humanitarian and human rights law, as well as about UNSC resolutions and decisions regarding CAAC (in addition to the usual press releases following the meetings of the WG)

**Possible recommendations to the UNSC**

- Ensure that UNSC field trips incorporate CAAC dimension in their terms of reference and reports
- Specific PRST or resolution, if appropriate

**4. Improvement of mandates**

**Direct action by the WG**

- Invitation to stakeholders concerned to pay particular attention to children, including girls exploited by armed forces and groups, in DDR processes

**Direct action by the WG or possible recommendations to the UNSC,  
as appropriate**

- Letter to the Secretary-General suggesting the strengthening of the “CAAC dimension” of the mandate of a peacekeeping mission or of a DPA assistance mission, whenever there is a specific need, and requesting that periodic reports include an analysis on the issue
- Request that the specific needs of children are considered in forthcoming peace processes and/or peacekeeping mandates, including advocacy for inclusion of child protection provisions in ceasefire and peace agreements as well as throughout the consolidation of peace in the aftermath of conflict (including during reform and transition processes)
- Setting strong child protection standards for troop-contributing countries and other actors involved in peacekeeping operations and providing adequate and regular training

**Possible recommendations to the UNSC**

- Identify and focus on specific areas for developing UNSC’s action on CAAC, including through consideration of drafting a new UNSC resolution on CAAC

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**5. Other measures**

**Possible recommendations to the UNSC**

- Consider and forward to the existing Sanctions Committees, bearing in mind their respective mandates and paragraphs 9 of resolution 1612 (2005) and 5 (c) of resolution 1539 (2004), relevant information received by the Working Group and its conclusions thereon; in particular on issues of concern, including the views requested from the Working Group upon request of the existing Sanctions Committees
  - Letters to the relevant justice mechanisms, in order to bring information to their attention and contribute to ending impunity of violators
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## **LIST OF PERSISTENT PERPETRATORS**

Thirty-two parties to conflict have been in the annexes of the Secretary-General's annual report on Children and Armed Conflict for at least five years. They are therefore considered persistent perpetrators who violate children's rights and Security Council's resolutions on children and armed conflict. The list below was established on the basis of the Secretary-General's annual report of the on children and armed conflict published on 11 June 2012 (S/2012/261).

### **Afghanistan**

- Taliban Forces, including the Tora Bora Front, the Jamat Sunat al-Dawa Salafia and the Latif Mansur Network

### **Central African region (CAR, DRC, South Sudan and Uganda)**

- Lord's Resistance Army (LRA)

### **Central African Republic**

- Armée populaire pour la restauration de la république et la démocratie (APRD)
- Union des forces démocratiques pour le rassemblement (UFDR)
- Front démocratique pour le peuple centrafricain (FDPC)
- Lord's Resistance Army (LRA)

### **Chad**

- Justice and Equality Movement (JEM)
- Armee nationale tchadienne (ANT)

### **Colombia**

- Ejército de Liberación Nacional (ELN)
- Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo (FARC-EP)

### **Democratic Republic of the Congo**

- Forces armées de la République Démocratique du Congo (FARDC), including fast-track integrated units of the Congres national pour la defense du peuple (CNDP), formerly led by Laurent Nkunda and Bosco Ntaganda
- Forces démocratiques de libération du Rwanda (FDLR)
- Mai-Mai groups in North and South Kivu, including Patriotes résistants congolais (PARECO)
- Lord's Resistance Army (LRA)

## **Somalia**

- Transitional Federal Government (TFG)

## **South Sudan**

- Police forces, including the Central Reserve Police (CRP) and Border Intelligence Forces (BIF)
- Sudanese Armed Forces (SAF)
- Justice and Equality Movement (JEM)
- Justice and Equality Movement / Peace Wing (JEM/Peace Wing)
- Sudan Liberation Army / Mother Wing (Abdul Gasim)
- Sudan Liberation Army / Minni Minawi (SLA/Minni Minawi)
- Sudan Liberation Army / Abdul Wahid (SLA/Abdul Wahid)
- Sudan Liberation Army / Free Will (SLA/Free Will)
- Pro-government militias in Darfur

## **Myanmar**

- Karenni Army (KA)
- Karen National Liberation Army (KNLA)
- Tatmadaw Kyi
- Democratic Karen Buddhist Army (DKBA)
- Kachin Independence Army (KIA)
- Shan State Army South (SSA-S)
- United Wa State Army (UWSA)

## **Philippines**

- Abu Sayyaf Group (ASG)
- Moro Islamic Liberation Front (MILF)
- New People's Army (NPA)