



Ending Abuses against Children in War

Implementing United Nations
Security Council Resolution 1612



Foreign Affairs and
International Trade Canada

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Canada

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against Children
in War*

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Written by Kathy Vandergrift for Foreign Affairs and International
Trade Canada

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Foreword

It has been six years since Canada hosted the International Conference on War-Affected Children. Much has been accomplished in the broader efforts to respond to the needs of war-affected children and on the specific challenges of halting the recruitment and use of child soldiers. However, the reality on the ground for too many children caught in armed conflict remains grim. Our challenge is still the full and effective implementation of these international commitments to ensure real changes in the lives of children at risk.



As Minister of Foreign Affairs, I intend to continue making the protection of civilians in conflict, and in particular children, a priority. During my recent address at a workshop on child soldiers in Winnipeg, I spoke about the concerted action that is required by actors at all levels to prevent and respond to violations of the rights of children. States, including Security Council members, must demonstrate their willingness to ensure that populations at risk have access at all times to the greatest protection possible. They must also ensure that perpetrators of abuse will be held accountable for their actions, and that advocacy, monitoring and capacity-building become the watch words for our work. Our multilateralism, in short, must deliver results.

This document is intended to take note of the advances made since the adoption of Security Council Resolution 1612 in July 2005 which introduced a robust monitoring and reporting mechanism for children in armed conflict. It also outlines the challenges to implementation that remain. The document is based on a one-day workshop hosted by Canada in New York in July 2006 and the subsequent Security Council Open Debate that marked the one-year anniversary of the adoption of the Resolution.

The gap between words and deeds is not limited to the case of child soldiers. The UN Security Council has progressively raised the bar with statements on issues such as the role of women in the promotion of peace and security, the protection of civilians in situations of armed conflict, and the responsibility to protect populations facing crimes against humanity and genocide. These are areas in which Canada has worked hard—supporting diplomatic and programming initiatives in New York, Geneva and the field, to help the Security Council and aid agencies increase the tools at their disposal to promote civilian protection. They are areas in which we will continue to work in the months and years ahead.

**The Honourable Peter MacKay
Minister of Foreign Affairs of Canada**

Ending Abuses against Children in War: Implementing United Nations Security Council Resolution 1612

**Written by Kathy Vandergriff for Foreign Affairs and
International Trade Canada***

"The Security Council reiterates its commitment to address the widespread impact of armed conflict on children and its determination to ensure respect for and implementation of its Resolution 1612 and all its previous resolutions on children and armed conflict."

Statement by the UN Security Council President
July 24, 2006

Introduction

July 2006 marked one year since the UN Security Council passed Resolution 1612 on children and armed conflict (see Appendix A) and 10 years since Graça Machel released the groundbreaking global report *Impact of Armed Conflict on Children*. On July 21, 2006, a workshop at the UN, hosted by Canada, focused on practical measures to implement Resolution 1612 and protect the rights of children threatened by armed conflict (see Appendix B for the workshop agenda). The workshop was followed by an open debate at the Security Council on July 24. It reviewed progress made in the last seven years, since the first of six Security Council resolutions on children and armed conflict was passed. The six resolutions are UN Security Council Resolutions 1261, 1314, 1379, 1460, 1539 and 1612.

Some progress has been made, but major challenges remain. Actions taken in the next year will test whether the determination expressed by Security Council members will be translated into tangible benefits for young people.

UN Security Council Resolution 1612 went beyond the policy statements of earlier resolutions and the listing of offending parties, started in Resolution 1460. It put in place specific mechanisms to ensure the implementation of the provisions in past resolutions and established a working group of its members

* The views and positions provided by this report are not intended to reflect the views and positions of Foreign Affairs and International Trade Canada or the Government of Canada.

to follow up on specific situations of concern. Resolution 1612 showed that the Security Council means business when it comes to protecting children from the impacts of armed conflict. Successful implementation of this resolution would go a long way to bridge the gap between international norms and practice in contemporary conflicts, a gap that is common to all international efforts to protect civilians.

This report focuses on the actions that need to be taken at all levels, from specific conflict situations to UN agencies and member states. As the workshop highlighted, the link between persistent and coordinated action at all levels holds the key to successful implementation.

Consensus on Need for Strong Measures

The workshop and the Security Council debate highlighted important directions for the ongoing international effort to improve protection for children caught in armed conflicts.

Strong action was supported by all the member states and UN officials who spoke during the Security Council debate. Existing laws were deemed adequate by speakers and participants, and Resolution 1612 was seen as establishing the mechanisms for enforcement. All efforts can now focus on implementation. While there are different views on specific modes of implementation, there is unanimous support for pressing ahead. The debate recognized progress made, but emphasized the fact that the reality facing millions of children has not improved and that this remains an urgent issue for international peace and security. The debate also raises expectations that there will be serious action taken in the next year.

Parties to armed conflict are watching. Workshop speakers from the Democratic Republic of the Congo (DRC), Nepal and Colombia, and statements by member states such as Uganda and Myanmar all indicated that parties engaged in conflict are paying attention to what happens with Resolution 1612. It is apparent that parties do not want to be listed as violators and this can be used as an incentive for improvement. It is equally true that failure to follow up in the next year will reinforce perceptions that child protection is just talk without consequences. The stakes are high.

Many member states expressed support for steps to **apply 1612 to all situations of armed conflict**, whether they are on the Security Council agenda for other reasons or not. Workshop speakers from countries not on the priority list emphasized the benefits of systematic monitoring and early response.

Other speakers emphasized the universality of human rights and the importance of equitable treatment to foster respect for international law. While resource limitations may justify an initial focus on a few situations, in principle the mechanisms should be available for implementation in all situations and the Security Council should receive reports from all situations. This would be consistent with the commitment of all member states to the universality of human rights (see Appendix C for UN Secretary-General listing of offending parties, divided into Annex I—situations on the Security Council's agenda, and Annex II—situations not on the SC agenda).

Synergy between actions taken in the conflict situation and initiatives taken at the international level is the key to success. Effective implementation is a matter of leveraging influence from all directions at once, not a debate about whose responsibility it is. Everyone has a role to play.

Resolution 1612 sets a precedent for the wider **protection of civilians** agenda. It breaks new ground by using 21st century tools to apply international laws in the contemporary dynamics of conflict that defy traditional rules of war.

“The process illustrates that, when political determination is present in the Council, our efforts can move beyond mere rhetorical declarations. We hope that all Council members will keep this in mind as we move forward on other related issues, including the protection of civilians, and women, peace and security.”

Ms. Loj, Denmark
Security Council Debate, July 24, 2006
S/PV.5494/p.25

Effective Use of New Tools

Resolution 1612 provided a mandate for new mechanisms to implement measures adopted in earlier Resolutions 1539 and 1460. These mechanisms bridge the gap from country-context to Security Council chambers, and from international law to specific action in specific situations.

Monitoring and Reporting Mechanisms in Specific Countries

The goal of monitoring is reliable information with enough detail and analysis to develop practical response strategies. The new monitoring and reporting system has started in seven countries: Burundi, the DRC, Somalia, Sudan, Côte d'Ivoire, Nepal and Sri Lanka. In each country, the most senior UN official is

responsible for coordinating a Task Force on Monitoring and Reporting, transmitting reports on grave abuses to the Office of the Special Representative of the Secretary-General (SRSG) for Children and Armed Conflict, and taking action to stop abuses and ensure that assistance is provided to victims.

Resolution 1612 mandates that the following offences are reported on to the Security Council:

- Killing and maiming of children
- Recruiting or using child soldiers
- Attacks against schools or hospitals
- Rape or other grave sexual violence against children
- Abduction of children
- Denial of humanitarian assistance

UNICEF has a leading role in implementation at the country level. Sensitivity to local context means that each system has unique features, but general guidelines issued by UNICEF provide some consistency between countries.

The first report on the DRC was issued by the Secretary-General in June 2006 and considered by the Security Council Working Group on Children and Armed Conflict. On July 31, Resolution 1698 on the DRC expanded the scope of targeted sanctions to include those who recruit child soldiers and those who violate other child protection laws. On September 6, the Working Group on Children and Armed Conflict recommended several additional measures, including: specific names for consideration by the sanctions committee, technical assistance for the government to establish tribunals to deal with other violators, a mandate for the UN force in the DRC to assist in apprehending child abusers, and a visit by the SRSG for Children and Armed Conflict. If these recommendations are implemented, it will send an important message that there are serious consequences for parties that continue to abuse children.

The essential role of civil society organizations in the monitoring process is officially recognized, but the scope of their participation and the acceptance of their role varies greatly from one situation to another. This remains an important area for development, along with issues such as security for those who report violations, ownership and use of the information collected, training and resources.

Lack of information must no longer be an acceptable excuse for inaction on child protection. Monitoring and reporting was a top priority at the First International Conference on War-Affected Children, hosted by Canada in Winnipeg in 2000. Speakers at the workshop in July 2006 recognized the potential of this new tool, but also voiced some concerns about how it is being implemented. Public confidence and willingness to provide information will depend on early indications that it produces effective results as well as written reports. Implementation of follow-up measures in the DRC and response to subsequent reports in the next year will be important to enlist the level of participation needed for its effectiveness.

Key factors for progress in the next year will be:

- Evidence of effective responses to specific reports in specific situations
- Reports that are reliable and demonstrate that information from the field is not being politically filtered as it moves through the UN system
- Strong working partnerships between various actors, resources and local ownership to make the system sustainable

Action Plans with Measurable Steps

Starting with Resolution 1379 in 2001, the Security Council has repeatedly called for the development and implementation of action plans by countries in cooperation with the Office of the SRSG to end the forced recruitment and use of child soldiers in specific situations. The use of action plans was chosen to provide:

- specific steps to be taken to achieve compliance
- targets and timelines for programming that could be supported by donors
- regular reporting on progress and accountability for actions taken
- a basis for more punitive measures if progress is not made

Slowness within the UN system to make use of this tool resulted in the "lack of progress" cited in Resolution 1612 and it has contributed to current tensions about the use of targeted sanctions. Interim steps to achieve compliance have been inadequate. Steps toward action plans have been taken in Sri Lanka, Côte d'Ivoire and other places. But after five years, there appears to be no good example of using this tool. Statements during the Security Council debate about action plans being developed in Myanmar and Uganda are hopeful signs. Timelines for submitting these plans should be established by the Security Council Working Group, with regular reporting on progress toward measurable targets.

As the new SRSG for Children and Armed Conflict, Ms. Radhika Coomaraswamy will provide leadership on the development and implementation of the plans with the country in question. Field visits, sustained dialogue with state and non-state armed forces, and co-operation with local child protection networks, along with regular reporting, will help to make the use of action plans more effective. The SRSG will also play a key support role for senior UN country representatives who now have responsibility for monitoring, reporting and responding to child protection issues.

Substantive progress in the use of action plans within the next year is essential for implementation of Resolution 1612. Once established, action plans will broaden in scope to include all violations, in addition to the use of child soldiers.

Security Council Working Group

The Security Council Working Group on Children and Armed Conflict, established by Resolution 1612, has a mandate to:

- review reports of the monitoring and reporting mechanism
- review progress in development and implementation of action plans
- consider other relevant information on specific situations
- make recommendations to the Security Council on possible measures of response
- address requests to other bodies within the UN system for action

The Working Group, chaired by France, has committed itself to a work plan that will consider specific situations on a schedule and regularly review all situations of concern, with public reporting after each meeting to increase the transparency of the process. In an attempt to clarify what measures they could use, the Working Group has developed a “toolkit” for use in developing response strategies to individual country reports (see Appendix D for the Working Group’s terms of reference and Appendix E for its tool kit).

The Working Group will provide a focal point within the UN system for the consistent and persistent follow-up needed to make Resolution 1612 effective. It can play an important and influential role by developing response strategies based on country reports; reviewing subsequent progress reports; taking further measures and reviewing progress on them; and, if progress is not made, recommending that the Security Council use more punitive measures against violators. As stated by the current Chair, the Security Council’s real test over the next year will be tangible results.

UN Children and Armed Conflict Task Force

Within the UN Secretariat there is now an established task force to facilitate inter-agency cooperation on children and armed conflict issues, with a steering committee composed of the main agencies, chaired by UNICEF and the SRSG. Linked to the UN teams in specific countries, this should strengthen the direct response of UN agencies to reports and facilitate timely responses to requests from the Security Council Working Group (see Appendix F for Flow-Chart for Children and Armed Conflict Monitoring and Reporting). With these systems now in place, the challenge will be effective communication to ensure that action is taken quickly in the country and followed up effectively at UN headquarters.

Friends of Children and Armed Conflict

Member states of the UN can actively support this work through activities planned by an informal group, Friends of Children and Armed Conflict. Through diplomatic channels, public awareness and special activities, members sustain focused attention on children and armed conflict issues and work toward full implementation of Resolution 1612. Given the increasing importance of regional organizations in international peace and security issues, members of the Friends group can also encourage attention to children and armed conflict issues in each region and broaden the base of international support for effective action to protect the rights of all children threatened by armed conflicts.

Practical Strategies, from Communities to Security Council Chambers

The July Resolution 1612 workshop focused on practical action at different levels, from local communities to international agencies. At the international level, discussion was informed by presentations from the Chair of the Security Council Working Group on Children and Armed Conflict, the SRSG for Children and Armed Conflict, and UNICEF. At the country level, discussion was informed by presentations from child protection networks in three countries—the DRC, Nepal and Colombia. They illustrated how the new monitoring and reporting mechanisms can provide positive outcomes for children, but also highlighted the challenges in implementation. The following are suggested actions to close the gap between international child protection laws and the reality faced by children in conflict zones.

Public Awareness

When young people and communities know about the rights of children, the impacts of war on children, and avenues for protection, they are less vulnerable to abuse. Community-based initiatives in Nepal, the DRC and Colombia highlighted the importance of public awareness for both reporting and local responses that protect children from abuse. Greater attention to this component of implementation is needed.

Pilot projects in several countries have developed effective methods; scaling up small initiatives would be a good investment in child protection. In Nepal, for example, comic books with local appeal conveyed important child protection messages. Youth radio programs have been used in Liberia, Sierra Leone, and other countries, with local cultural content, broad-based appeal, and extensive reach at affordable cost. In Colombia, youth groups have designed their own creative awareness-raising initiatives.

Strategies for public awareness need to be incorporated into early implementation stages of monitoring initiatives. They can also help to build strong partnerships between youth groups, local groups interested in protecting their children, and UN agencies and officials.

Early Response to Reports

“Compilation of information on violations against children will remain of little relevance if it does not serve as a trigger for action to hasten compliance with Resolution 1612.”

Mr. Christian, Ghana
Security Council Debate, July 24, 2006
S/PV.5494/p.17

UNICEF, the lead agency for the monitoring system, has focused on guidelines for collecting information. Until now, limited attention has been focused on how the information can be used most effectively. The workshop highlighted agreement that stopping abuses, not official reports at UN headquarters, must be the primary focus of monitoring and reporting initiatives. Essential components to stop abuses include early, practical responses to reported violations and feedback to local participants as reports filter through the UN system.

This is a high priority for both UN officials and non-governmental agencies engaged in child protection. UN officials acknowledged that they need the

cooperation and active participation of local communities. Speakers involved in early initiatives at the country level warned UN officials that local actors will only stay engaged if they see that it leads to results. There is little interest in a system that extracts information from local sources for centralized UN purposes, but seems to provide little in return.

To support a plea for more attention to the response element in monitoring plans, community leaders provided evidence of its effectiveness. In Nepal, for example, local child rights advocates, working with local governing authorities, used reports from the monitoring exercise to engage with armed forces for the release of abducted children and re-opening of schools. In the DRC, local community networks, working in remote areas, were able to use Resolution 1612 to convince local military leaders to stop recruiting children in their communities. In Colombia, local participants in child protection networks emphasized that local and international efforts to protect children reinforce each other, but a two-way exchange of information will be essential to gain local confidence in UN mechanisms.

Concern about the response component has been present from the beginning of discussions on a monitoring system. Resolving it in the next year will be key to continued success. Some youth organizations have indicated that continued participation will be conditional on evidence of early response and two-way exchange of information.

Actions for Early Response

Practical response activities that have been used include:

- Getting assistance for specific children, e.g. medical care, shelter, protection
- Engagement of local governing authorities and community leaders in child protection strategies
- Direct, local-level negotiations with leaders of armed forces, when safe to do so
- News stories and community information
- Training initiatives with armed forces and local community leaders
- Letters to armed forces and/or governing authorities

Visits and Follow-Up Strategies by the SRSG

In the last decade, visits by the SRSG to situations of conflict have been important for dialogue with governments and armed groups on child protection issues, public awareness, and mobilization of communities of

interest. The importance of such visits becomes clear when leaders use as an excuse for inaction the fact that the SRSG has not paid a visit.

More attention to follow-up strategies after visits has been identified as a focus for increased effectiveness. Follow-up to the recent trip to Uganda, for example, should ensure that the welcome commitment by the Government of Uganda to develop an action plan to end the use of child soldiers is implemented with timelines, achievable targets, and regular reporting of progress.

Depending on the specific context, UN agencies and/or local and international non-governmental organizations could be engaged in specific initiatives designed to encourage compliance with the provisions of the resolutions on children and armed conflict. As part of a co-coordinated strategy, the SRSG can use her diplomatic access to heads of state in support of such action plans. Regular reporting by the SRSG to the Security Council Working Group could facilitate implementation of action plans and, if needed, provide the basis for targeted sanctions against violators. The level of support for targeted sanctions is likely to be higher and the claims of arbitrariness or political motivation less feasible if they are the result of a deliberate and progressive process.

Diplomacy for Children

Diplomatic support for thematic resolutions at the Security Council has been essential for the adoption of the strong resolutions on children and armed conflict. Now is the time for more strategic diplomacy to achieve tangible results in specific situations. Some have used the term "demanding dialogue" to describe diplomacy that addresses specific failures to comply with international norms for child protection and makes them an important factor in bilateral relations between countries. Progress in Uganda shows the value of other UN members refusing to be silent about abuses of children, raising them through diplomatic channels, and putting them on the table in international meetings.

Most non-state armed groups, as well as state forces, have points of international contact, either directly or indirectly. Some efforts are being made, for example, to use international links with the Tamil Tigers in Sri Lanka to persuade them to stop using child soldiers. A planned visit to Sri Lanka by a Special Advisor to the SRSG will provide an opportunity to assess the situation and determine what additional measures can be taken to ensure compliance with international law. International linkages can also be used to stop the flow of arms and resources to armed groups that abuse children.

All members of the UN made commitments on this issue in the 2002 UN General Assembly Special Session on Children outcome document, *A World Fit for Children*, and most national statements during the Special Session highlighted protecting children in armed conflict as a top priority. If more members of the UN would include child protection issues in their diplomatic relations with the listed parties, it would send an important signal that international legitimacy requires compliance with international law. Embassies in listed countries could include this as part of their in-country programming, and, in some cases, provide strategic support to civil society networks trying to implement Resolution 1612.

Members of the Security Council Working Group and the Friends of Children and Armed Conflict, working together, could bring to this issue a strategically significant amount of diplomatic activity.

Disclosure and Accountability Actions

Exposure of human rights abuses helps to stop recurrence and deters future violations. The Working Group's commitment to public reporting is a good step. In addition, public meetings on specific situations, sponsored by the Working Group, might be useful to hold all armed groups publicly accountable for reported violations of the rights of children.

Strategic communications, based on country reports, could enlist the support of actors with influence in particular situations. Leaders in various sectors of society, such as religious leaders and the private sector, might take action if they knew what is contained in the reports going to the Security Council.

Media accounts of reported information could help to mobilize broader public support for initiatives to end violations.

Inclusion in Country Resolutions and Mandates for Peacekeeping Missions

Child protection officers have been added to many peacekeeping missions as a result of earlier resolutions, and some country resolutions include implementation of components of Resolution 1612. The Working Group could ensure that all country-based resolutions include specific strategies to stop abuses and reintegrate children who have been involved in the conflict.

In addition, UN members spoke about engaging the new Peacebuilding Commission and the Human Rights Council in efforts to implement Resolution 1612. Successful reintegration of young people in the post-conflict period would be an appropriate focus for the Peacebuilding Commission, given the high percentage of young people in the population of most post-conflict countries. The Human Rights Council could also include prevention aspects that go beyond the mandate of the Security Council.

Reinforcement through Regional Organizations

Regional organizations are gaining importance in international peace and security, and some have supported thematic resolutions in the past. Addressing specific situations within their sphere of influence and using regional diplomacy with listed parties are two ways that regional organizations could assist in implementation of Resolution 1612.

Recent strategies by the European Union to implement its Guidelines on Children and Armed Conflict provide an example. In addition to focusing on specific countries, the European Union adopted a checklist for the integration of this issue into its regular crisis-management operations. A gender-sensitive approach is applied to ensure that disarmament, demobilization and reintegration, and security sector reform programs pay special attention to the needs of girls.

Other regional mechanisms of significance for the implementation phase are the Inter-America Human Rights mechanisms and the implementation mechanisms included in the African Charter on the Rights and Welfare of the Child. The Economic Community of West African States, for example, has adopted a peer review framework for the protection of children and established a child protection unit in its secretariat.

Members of the Working Group and Friends of Children and Armed Conflict could take a leadership role to incorporate implementation of Resolution 1612 within the regional organizations of which they are members.

Targeted Sanctions

Dialogue, diplomacy and co-operation in action plans are first choices for child protection, but it is important that the Security Council also follow through on its determination to hold violators accountable if they refuse to end violations. Incentives, diplomacy and more punitive measures combine to provide a range of tools within specific strategies for each situation. The

judicious use of targeted sanctions encourages compliance by providing a "credible threat" as a last resort to reports of continued violations.

Improved enforcement of existing embargoes on arms supplies is one feasible option. Special attention to stop the supply of arms to forces that abuse children, as specifically mandated in Resolution 1612, would demonstrate that the Security Council means business when it comes to protecting children.

Resolution 1698 on the DRC (July 31, 2006) sets a good example by specifically asking all states to prevent the flow of arms and resources to forces engaged in abduction of children, forced displacement, sexual violence, or forced recruitment of child soldiers, and to prevent the transit of military leaders and other persons engaged in these activities through their territories. Close monitoring and immediate follow-up on any violations would help to stop the continuing atrocities documented in the report on the DRC.

Ending Impunity

The Security Council can provide information from reports to appropriate judicial bodies with a request for prosecution of known violators, or other appropriate action, such as the establishment of tribunals, truth and reconciliation commissions, or other modes of transitional justice. The transfer of Thomas Lubanga from the DRC for trial by the International Criminal Court on charges of forced recruitment of child soldiers sets an important precedent, as do the arrest warrants for four leaders of the Lord's Resistance Army in Uganda; but these cannot remain isolated high-profile cases, while the vast majority of violations continue with impunity. Bringing violators to justice must gradually become standard practice rather than the exception.

Development and Donors

A repeated theme in the Security Council debate is the link between the involvement of children in armed conflicts and development issues, such as education, health, skills training and economic livelihoods. This is especially true for prevention and the successful reintegration of children. The recent report on the DRC, for example, highlights the need for additional development resources to provide education, basic health services, and livelihood opportunities for young people.

The reintegration element of programs for the demilitarization, demobilization and reintegration of young people needs special attention. Experience in

Sierra Leone, Liberia, Colombia and the DRC has shown that more effective reintegration programming is crucial to prevent re-recruitment and the formation of youth gangs. Alternative livelihoods for youth who are drawn to military engagement for economic reasons and economic livelihoods for youth in the post-conflict period are named as a top priority for organizations that work with youth. In 2006, France will host a conference focused on new guidelines for reintegration programming with children.

The Statement by the President of the Security Council, at the outcome of the debate “invites donors to provide additional resources to fund the development of the monitoring and reporting mechanisms and the reintegration of children.”

Monitoring Progress in Security Council Actions

At the beginning of July 2006, Security Council Report released a report on the history of Security Council actions on children and armed conflict (see Appendix G). One of the suggestions from the workshop was regular monitoring of Security Council actions as a tool to encourage adequate follow-up. Civil society organizations, such as the Watchlist on Children and Armed Conflict and the Coalition to Stop the Use of Child Soldiers also play an important role by bringing forward progress reports on specific situations, specific themes or global trends. It was also suggested that another workshop be held in 2007 to take stock again of progress made.

Conclusion

The potential for effective implementation of Resolution 1612 is high. The Security Council has stated its determination to see results (see Appendix H for Statement by the President of the Security Council, July 24, 2006), and the systems are in place to make that possible. Special events throughout the year will provide opportunities to focus attention on children and armed conflict issues.

Progress in the coming months will need to demonstrate tangible benefits for young people and effective steps toward ending impunity for violators of the rights of children. The implementation of Resolution 1612 could also set an important precedent for other measures to improve protection for all civilians.

The follow-up actions outlined in this report are feasible; if implemented, they would result in significant progress toward the goal of preventing abuses

against children. What they require is a high level of co-operation between local and international players committed to protecting the rights of children. As Graça Machel has stated,

“The impact of conflict on children is everyone’s responsibility and it must be everyone’s concern.”

Graça Machel
Impact of Armed Conflict on Children, 1996

Key Actions for the Next Year

- Regular and substantive reports by monitoring task forces
- Evidence of early responses to reporting in affected countries
- Persistent follow-up by the Working Group on Children and Armed Conflict
- Action plans with timelines, targets and mechanisms to measure progress
- Visits by the SRSG and follow-up actions
- International diplomatic activity to support compliance
- Progress to end impunity through serious and persistent action

Websites for Quick Reference

The following websites provide updates and reference documents:

Special Representative of the Secretary-General for Children and Armed Conflict: Current developments at the UN, Secretary-General's reports to Security Council, and background documents. www.un.org/special-rep/children-armed-conflict

Security Council Report: Information on Security Council agenda, updates and summaries by country and theme, resolutions and statements. www.securitycouncilreport.org

Coalition to Stop the Use of Child Soldiers: Civil society monitoring reports on child soldiers by country; education and advocacy materials. www.child-soldiers.org

Watchlist on Children and Armed Conflict: Country reports, analysis of Security Council resolutions on children and armed conflict. www.watchlist.org

Child Rights Information Network: Broad base of information on child rights and theme page on armed conflict. www.crin.org

Foreign Affairs and International Trade Canada: Special web feature in late 2006. www.international.gc.ca/cip-pic/library/childsoldiers-en.asp

Report appendices

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| Appendix B | Agenda for One-Day Meeting – Resolution 1612: Making Implementation Work, July 21, 2006 |
| Appendix C | List of offending parties that recruit or use children in situations of armed conflict |
| Appendix D | UNSC Working Group on Children and Armed Conflict, Terms of reference |
| Appendix E | UNSC Working Group on Children and Armed Conflict, Toolkit |
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Security Council

Distr.: General
26 July 2005

Resolution 1612 (2005)

**Adopted by the Security Council at its 5235th meeting,
on 26 July 2005**

The Security Council,

Reaffirming its resolutions 1261 (1999) of 25 August 1999, 1314 (2000) of 11 August 2000, 1379 (2001) of 20 November 2001, 1460 (2003) of 30 January 2003, and 1539 (2004) of 22 April 2004, which contribute to a comprehensive framework for addressing the protection of children affected by armed conflict,

While noting the advances made for the protection of children affected by armed conflict, particularly in the areas of advocacy and the development of norms and standards, *remaining deeply concerned* over the lack of overall progress on the ground, where parties to conflict continue to violate with impunity the relevant provisions of applicable international law relating to the rights and protection of children in armed conflict,

Stressing the primary role of national Governments in providing effective protection and relief to all children affected by armed conflicts,

Recalling the responsibilities of States to end impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes and other egregious crimes perpetrated against children,

Convinced that the protection of children in armed conflict should be regarded as an important aspect of any comprehensive strategy to resolve conflict,

Reiterating its primary responsibility for the maintenance of international peace and security and, in this connection, its commitment to address the widespread impact of armed conflict on children,

Stressing its determination to ensure respect for its resolutions and other international norms and standards for the protection of children affected by armed conflict,

Having considered the report of the Secretary-General of 9 February 2005 (S/2005/72) and stressing that the present resolution does not seek to make any legal determination as to whether situations which are referred to in the Secretary-General's report are or are not armed conflicts within the context of the Geneva Conventions and the Additional Protocols thereto, nor does it prejudge the legal status of the non-State parties involved in these situations,

Gravely concerned by the documented links between the use of child soldiers in violation of applicable international law and the illicit trafficking of small arms and light weapons and stressing the need for all States to take measures to prevent and to put an end to such trafficking,

1. *Strongly condemns* the recruitment and use of child soldiers by parties to armed conflict in violation of international obligations applicable to them and all other violations and abuses committed against children in situations of armed conflict;

2. *Takes note* of the action plan presented by the Secretary-General relating to the establishment of a monitoring and reporting mechanism on children and armed conflict as called for in paragraph 2 of its resolution 1539 (2004) and, in this regard:

(a) Underlines that the mechanism is to collect and provide timely, objective, accurate and reliable information on the recruitment and use of child soldiers in violation of applicable international law and on other violations and abuses committed against children affected by armed conflict, and the mechanism will report to the working group to be created in accordance with paragraph 8 of this resolution;

(b) Underlines further that this mechanism must operate with the participation of and in cooperation with national Governments and relevant United Nations and civil society actors, including at the country level;

(c) Stresses that all actions undertaken by United Nations entities within the framework of the monitoring and reporting mechanism must be designed to support and supplement, as appropriate, the protection and rehabilitation roles of national Governments;

(d) Also stresses that any dialogue established under the framework of the monitoring and reporting mechanism 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;

3. *Requests* the Secretary-General to implement without delay, the above-mentioned monitoring and reporting mechanism, beginning with its application, within existing resources, in close consultation with countries concerned, to parties in situations of armed conflict listed in the annexes to the Secretary-General's report (S/2005/72) that are on the agenda of the Security Council, and then, in close consultation with countries concerned, to apply it to parties in other situations of armed conflict listed in the annexes to the Secretary-General's report (S/2005/72), bearing in mind the discussion of the Security Council and the views expressed by Member States, in particular during the annual debate on Children and Armed Conflict, and also taking into account the findings and recommendations of an independent review on the implementation of the mechanism to be reported to the Security Council by 31 July 2006. The independent review will include:

(a) An assessment of the overall effectiveness of the mechanism, as well as the timeliness, accuracy, objectivity and reliability of the information compiled through the mechanism;

(b) Information on how effectively the mechanism is linked to the work of the Security Council and other organs of the United Nations;

(c) Information on the relevance and clarity of the division of responsibilities;

(d) Information on the budgetary and other resource implications for United Nations actors and voluntary funded organizations contributing to the mechanism;

(e) Recommendations for the full implementation of the mechanism;

4. *Stresses* that the implementation of the monitoring and reporting mechanism by the Secretary-General will be undertaken only in the context of and for the specific purpose of ensuring the protection of children affected by armed conflict and shall not thereby prejudice or imply a decision by the Security Council as to whether or not to include a situation on its agenda;

5. *Welcomes* the initiatives taken by UNICEF and other United Nations entities to gather information on the recruitment and use of child soldiers in violation of applicable international law and on other violations and abuses committed against children in situations of armed conflict and invites the Secretary-General to take due account of these initiatives during the initial phase of implementation of the mechanism referred to in paragraph 3;

6. *Notes* that information compiled by this mechanism, for reporting by the Secretary-General to the General Assembly and the Security Council, may be considered by other international, regional and national bodies, within their mandates and the scope of their work, in order to ensure the protection, rights and well-being of children affected by armed conflict;

7. *Expresses* serious concern regarding the lack of progress in development and implementation of the action plans called for in paragraph 5 (a) of its resolution 1539 (2004) and, pursuant to this, calls on the parties concerned to develop and implement action plans without further delay, in close collaboration with United Nations peacekeeping missions and United Nations country teams, consistent with their respective mandates and within their capabilities; and requests the Secretary-General to provide criteria to assist in the development of such action plans;

8. *Decides* to establish a working group of the Security Council consisting of all members of the Council to review the reports of the mechanism referred to in paragraph 3 of this resolution, to review progress in the development and implementation of the action plans mentioned in paragraph 7 of this resolution and to consider other relevant information presented to it; *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 the 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;

9. *Recalls* paragraph 5 (c) of its resolution 1539 (2004), and reaffirms its intention to consider imposing, through country-specific resolutions, targeted and

graduated measures, such as, inter alia, a ban on the export and supply of small arms and light weapons and of other military equipment and on military assistance, against parties to situations of armed conflict which are on the Security Council's agenda and are in violation of applicable international law relating to the rights and protection of children in armed conflict;

10. *Stresses* the responsibility of United Nations peacekeeping missions and United Nations country teams, consistent with their respective mandates, to ensure effective follow-up to Security Council resolutions, ensure a coordinated response to CAAC concerns and to monitor and report to the Secretary-General;

11. *Welcomes* the efforts undertaken by United Nations peacekeeping operations to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of their personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take appropriate preventive action including predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of misconduct involving their personnel;

12. *Decides* to continue the inclusion of specific provisions for the protection of children in the mandates of United Nations peacekeeping operations, including the deployment, on a case-by-case basis, of child-protection advisers (CPAs), and requests the Secretary-General to ensure that the need for and the number and roles of CPAs are systematically assessed during the preparation of each United Nations peacekeeping operation; welcomes the comprehensive assessment undertaken on the role and activities of CPAs with a view to drawing lessons learned and best practices;

13. *Welcomes* recent initiatives by regional and subregional organizations and arrangements for the protection of children affected by armed conflict, and encourages continued mainstreaming of child protection into their advocacy, policies and programmes; development of peer review and monitoring and reporting mechanisms; establishment, within their secretariats, of child-protection mechanisms; inclusion of child-protection staff and training in their peace and field operations; sub- and interregional initiatives to end activities harmful to children in times of conflict, in particular cross-border recruitment and abduction of children, illicit movement of small arms, and illicit trade in natural resources through the development and implementation of guidelines on children and armed conflict;

14. *Calls upon* all parties concerned to ensure that the protection, rights and well-being of children affected by armed conflict are specifically integrated into all peace processes, peace agreements and post-conflict recovery and reconstruction planning and programmes;

15. *Calls upon* all parties concerned to abide by the international obligations applicable to them relating to the protection of children affected by armed conflict as well as the concrete commitments they have made to the Special Representative of the Secretary-General for Children and Armed Conflict, to UNICEF and other United Nations agencies and to cooperate fully with the United Nations peacekeeping missions and United Nations country teams, where appropriate, in the context of the cooperation framework between the United Nations and the concerned Government, in the follow-up and implementation of these commitments;

16. *Urges* Member States, United Nations entities, regional and subregional organizations and other parties concerned, to take appropriate measures to control illicit subregional and cross-border activities harmful to children, including illicit exploitation of natural resources, illicit trade in small arms, abduction of children and their use and recruitment as soldiers as well as other violations and abuses committed against children in situations of armed conflict in violation of applicable international law;

17. *Urges* all parties concerned, including Member States, United Nations entities and financial institutions, to support the development and strengthening of the capacities of national institutions and local civil society networks for advocacy, protection and rehabilitation of children affected by armed conflict to ensure the sustainability of local child-protection initiatives;

18. *Requests* that the Secretary-General direct all relevant United Nations entities to take specific measures, within existing resources, to ensure systematic mainstreaming of CAAC issues within their respective institutions, including by ensuring allocation of adequate financial and human resources towards protection of war-affected children within all relevant offices and departments and on the ground as well as to strengthen, within their respective mandates, their cooperation and coordination when addressing the protection of children in armed conflict;

19. *Reiterates* its request to the Secretary-General to ensure that, in all his reports on country-specific situations, the protection of children is included as a specific aspect of the report, and expresses its intention to give its full attention to the information provided therein when dealing with those situations on its agenda;

20. *Requests* the Secretary-General to submit a report by November 2006 on the implementation of this resolution and resolutions 1379 (2001), 1460 (2003), and 1539 (2004) which would include, inter alia:

(a) Information on compliance by parties in ending the recruitment or use of children in armed conflict in violation of applicable international law and other violations being committed against children affected by armed conflict;

(b) Information on progress made in the implementation of the monitoring and reporting mechanism mentioned in paragraph 3;

(c) Information on progress made in the development and implementation of the action plans referred to in paragraph 7 of the present resolution;

(d) Information on the assessment of the role and activities of CPAs;

21. *Decides* to remain actively seized of this matter.

Agenda
One-Day Meeting
Resolution 1612: Making Implementation Work
July 21, 2006
New York

- 0830-0900 Breakfast
- 0900-1000 Opening High-Level Panel (Chair – Ambassador McNee, Permanent Mission of Canada to the UN)
1612 Status Review
Speakers:
1. Chair of UNSC Working Group (Ambassador de La Sablière, Permanent Mission of France to the UN)
2. SRSR Rhadika Coomaraswamy
3. UNICEF Deputy Executive Director Rima Salah
4. Watchlist Chair Kate Hunt
- 1000-1015 Coffee Break
- 1015-1200 Panel 2 (Chair – Counsellor Heidi Hulan, Permanent Mission of Canada to the UN)
Challenges to implementation of 1612 and recommendations for ways forward
Speakers:
1. UN perspective (UNICEF – Hazel De Witt)
2. Field Rep – Nepal (Nisha Pandey)
3. Field Rep – DRC (Bukeni Tete Waruzi Beck)
4. Field Rep – Colombia (Ana Maria Jimenez)
- 1215-1400 Working Lunch - Roundtable Sessions
Three break-out groups
1. Discussion Area 1 – Strengthening Monitoring and Reporting at the field level (Facilitator – Manuel Lafontaine, UNICEF)
2. Discussion Area 2 – Translating Political Will into Action at the UN (Facilitator – Michal Mlynar, Permanent Mission of Slovakia to the UN)
3. Discussion Area 3 – Effective Responses to Reported Violations (Facilitator – Stefan Barriga, Permanent Mission of Liechtenstein to the UN)
- 1400-1415 Coffee Break
- 1415-1500 Review of Roundtable discussion and Wrap-Up (Counsellor Heidi Hulan, Permanent Mission of Canada to the UN)

List of offending parties that recruit or use children in situations of armed conflict

**Extract from the report of the Secretary-General (S/2005/72)
On Children and Armed Conflict**

VI. Annexed lists

166. The present report contains two annexes. Annex I lists parties that recruit or use children in situations of armed conflict on the agenda of the Security Council, bearing in mind other violations and abuses committed against children. Annex II lists parties that recruit or use children either in situations of armed conflict not on the agenda of the Security Council or in other situations of concern, also bearing in mind other violations and abuses committed against children.

167. The other grave violations and abuses taken into account are the killing or maiming of children; rape and other grave sexual violence against children; attacks on schools and hospitals; and abduction.

168. It should be noted that the annexes do not list countries as such. The purpose of the annexed lists is to identify particular parties to conflict which are responsible for specific grave violations against children. In this respect, the names of countries are referred to only in order to indicate the locations or situations where offending parties are committing the violations in question.

Annex I

List of parties that recruit or use children in situations of armed conflict on the agenda of the Security Council, bearing in mind other violations and abuses committed against children

Parties in Burundi

1. Conseil national pour la défense de la démocratie (CNDD) of Leonard Nyangoma
2. Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD) of Pierre Nkurunziza
3. Parti de libération du peuple hutu-Forces nationales de libération (PALIPEHUTU-FNL)-Agathon Rwasa

This party has also been responsible for the killing and maiming of children and attacks on schools and hospitals in the reporting period.

Parties in Côte d'Ivoire

1. Forces armées des forces nouvelles (FAFN)
 - (a) Mouvement pour la paix et la justice (MPJ)
 - (b) Mouvement populaire ivoirien pour le Grand Ouest (MPIGO)
 - (c) Mouvement patriotique de Côte d'Ivoire (MPCI)
2. LIMA *force supplétive*

Parties in the Democratic Republic of the Congo

1. Forces armées de la République démocratique du Congo (FARDC)
2. Laurent Nkunda and Jules Mutebutsi, dissident elements of FARDC

This party has also been responsible for rape and other grave sexual violence against children and attacks on schools and hospitals in the reporting period.

3. Force démocratique de libération du Rwanda (FDLR)

This party has also been responsible for killing, maiming and committing rape and other grave sexual violence against children in the reporting period.

4. Forces armées populaires congolaises (FAPC)

This party has also been responsible for the killing and maiming of children in the reporting period.

5. Front nationaliste et intégrationniste (FNI)

This party has also been responsible for the killing and maiming of children in the reporting period.

6. Mai-Mai in the Kivus, Maniema and Katanga
This party has also been responsible for the killing and maiming of children in the reporting period.
7. Mudundu-40
8. Parti pour l'unité et la sauvegarde du Congo (PUSIC)
9. Union des patriotes congolais (UPC)-Thomas Lubanga and Floribert Kisembo factions

Parties in Somalia

1. Lower Shabelle Administration^a
2. Juba Valley Alliance^a
3. Rahanwein Resistance Army (RRA/SNSC) of Mohamed Ibrahim Habsade^a
4. United Somali Congress/Somali Salvation Alliance (USC/SSA)-faction of Muse Sudi Yalahow^a
5. Middle Shabelle Administration^b
6. Puntland Administration^b
7. Rahanwein Resistance Army (RRA/SRRC) of Mohamed Nir "Sharti gadud"^b
8. Somali Patriotic Movement/Somali Reconciliation and Restoration Council (SPM/SRRC)^b
9. United Somali Congress (USC) of Mohamed Kanyare Afrah^c
10. United Somali Congress/Somali Salvation Alliance (USC/SSA) of Omar Mohamed^c

Parties in the Sudan

1. Janjaweed
This party has also been responsible for killing, maiming, abducting and committing rape and other grave sexual violence against children in the reporting period.
2. Justice and Equality Movement (JEM)
3. South Sudan Unity Movement (SSUM)
4. Sudan Liberation Movement/Army (SLM/A)
5. Sudan People's Liberation Movement/Army (SPLM/A)

^a Alliance member factions of the Somali National Salvation Council (SNSC).

^b Alliance member factions of the Somali Reconciliation and Restoration Council (SRRC).

^c Alliance member factions of the Group 8.

Annex II

List of parties that recruit or use children either in situations of armed conflict not on the agenda of the Security Council or in other situations of concern, bearing in mind other violations and abuses committed against children

Parties in Colombia

1. Autodefensas Unidas de Colombia (AUC)
 - (a) Autodefensas Unidas del Sur del Casanare (AUSC)
 - (b) Autodefensas Campesinas de Córdoba y Urabá (ACCU)
 - (c) Autodefensas de Magdalena Medio (ACMM)
 - (d) Autodefensas del Meta (AM)
 - (e) Autodefensas Campesinas del Sur del Cesar (ACSC)
 - (f) Autodefensas del Puerto Boyaca (APB)
 - (g) Autodefensas de Cundinamarca (AC)
 - (h) Autodefensas Unidas de Colombia — Bloque Centauros
 - (i) Autodefensas Unidas de Colombia — Bloque Norte
 - (j) Autodefensas Unidas de Colombia — Bloque Mineros
 - (k) Autodefensas Unidas de Colombia — Bloque Pacífico
2. Ejército de Liberación Nacional (ELN)
3. Fuerzas Armadas Revolucionarias de Colombia (FARC)

Parties in Myanmar

1. Karen National Liberation Army (KNLA)^a
2. Karenni Army (KA)^b
3. Tatmadaw Kyi (Government army)

Parties in Nepal

Communist Party of Nepal-Maoist (CPN-Maoist)

This party has also been responsible for killing, maiming and abducting children in the reporting period.

Parties in the Philippines

1. Moro Islamic Liberation Front (MILF)
2. New People's Army (NPA)

^a KNLA is the military wing of the Karen National Union (KNU), named in the 2003 report.

^b KA is the correct name for the “Karenni National Liberation Army (KNLA)”, named in the 2003 report.

Parties in Sri Lanka

1. Liberation Tigers of Tamil Eelam (LTTE)

This party has also been responsible for the abduction of children in the reporting period.

Parties in Uganda

1. Local Defence Units (LDUs)
2. Lord's Resistance Army (LRA)

This party has also been responsible for killing, maiming, abducting and committing rape and other grave sexual violence against children in the reporting period.

3. Uganda People's Defence Force (UPDF)
-

**Security Council**

Distr.: General
3 May 2006
English
Original: French

**Letter dated 2 May 2006 from the Permanent
Representative of France to the United Nations
addressed to the President of the Security Council**

I write to you in my capacity as Chairman of the Working Group of the Security Council on Children and Armed Conflict established pursuant to Security Council resolution 1612 (2005).

The Working Group adopted its terms of reference (see annex) at its third meeting on 2 May 2006.

I should be grateful if you would have this text issued as a document of the Security Council.

(Signed) Jean-Marc **de la Sablière**
Ambassador
Permanent Representative

Annex to the letter dated 2 May 2006 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council

[Original: English]

Terms of reference of 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 the 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 to the report of the Secretary-General (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 Working Group shall not prejudice or imply a recommendation as to whether or not to include a situation on the agenda of the Security Council.

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.

**Security Council**

Distr.: General
11 September 2006
English
Original: French

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

I write in my capacity as Chairman of the Security Council Working Group on children and armed conflict established by resolution 1612 (2005).

At its fifth meeting, on 6 September 2006, the Working Group adopted its conclusions with respect to the report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo (S/2006/389), as well as a document setting out a list of options for possible actions by the Working Group (see annex).

I would be grateful if you could arrange to have these texts published as documents of the Security Council.

(Signed) Jean-Marc **de La Sablière**
Ambassador
Permanent Representative



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

Security Council Working Group on children and armed conflict

Conclusions on parties in the armed conflict of the Democratic Republic of the Congo

At its fourth meeting, on 26 June 2006, the Working Group examined a report by the Secretary-General on children and armed conflict in the DRC, introduced by the SRSG. The Permanent Representative of the DRC participated in the subsequent discussion.

The main elements of the exchange of views among the WG were as follows:

- The quality of the report was emphasized by everyone, and the Secretary-General's analysis and recommendations met with a favourable response;
- There was encouraging and positive cooperation by the authorities of the Democratic Republic of the Congo;
- Measures to combat impunity were essential; several speakers referred to the additional steps taken by the International Criminal Court and to the transfer of Thomas Lubanga. Some members called for firm measures against L. Nkunda in particular;
- Most of the participants called for the adoption of vigorous specific recommendations;
- The role of donors was critical in assisting the Congolese authorities in discharging their obligations;
- The Working Group should ensure that, in the discussions to be held with the authorities yet to be elected on the continuation of an international presence in the country, the protection of children remains a priority;
- There was general support for the Secretary-General's intention to send his Special Representative on a mission to the Democratic Republic of the Congo, in particular to contribute to discussion of renewal of the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). Ms. Coomaraswamy stated that she would travel to the Democratic Republic of the Congo and base her activities on the recommendations of the Council following its consideration of the report, which she expected to see adopted in the very near future.

Further to this meeting, the Working Group has agreed to the following:

- Letter by the Chair of the WG to the new elected authorities of DRC urging them to take appropriate legal action against members of FARDC accused of grave crimes against children, and to take corrective measures at top level of military hierarchy;
- Letter by the Chair of the WG bringing to the attention of United Nations agencies and donor Governments the need to support the Government of the

DRC with technical assistance for *Auditeurs Militaires* in bringing an end to impunity for grave violations against children committed by military forces or armed groups present in the DRC, as well as the need to develop and strengthen sustainable DDR programmes in DRC in close cooperation with non-governmental organizations and local communities;

- Letter by the Chair of the WG to the Secretary-General reiterating the responsibility of MONUC in its mandate (S/2004/1565, para. g) to aid the Government of the DRC in apprehending and bringing to justice child abusers, specifically dissident General Laurent Nkunda and asking MONUC to update the WG on the status of dissident General Nkunda every 2 months;
- Letter by the President of the Security Council to the authorities of DRC inviting them to pay particular attention to girls exploited by armed forces and groups, in the DDR process;
- Recommend UNSC to consider and forward [draw from the toolkit — point 5] to its Sanctions Committee on DRC the WG’s grave concern on the repeated violations by the leaders of the MRC, including by their activities in neighbouring States, of the Security Council resolutions on children and armed conflict;
- Démarche by the President of the Security Council with the Government of Rwanda on the need to cease any movements of dissident General Laurent Nkunda into and out of the territory of the Republic of Rwanda;
- Recommend the Secretary-General and UNSC, when renegotiating with the authorities of the DRC the mandate of MONUC, to preserve and strengthen the framework in place for the protection of children, including MONUC’s capacity to protect girls from rape and other forms of gender-based violence;
- Letter by the Chair of the WG to the Secretary-General welcoming his intention to ask SRSG to visit DRC.

Addendum

Non-paper

Options for possible actions by the CAAC Working Group of the Security Council (“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

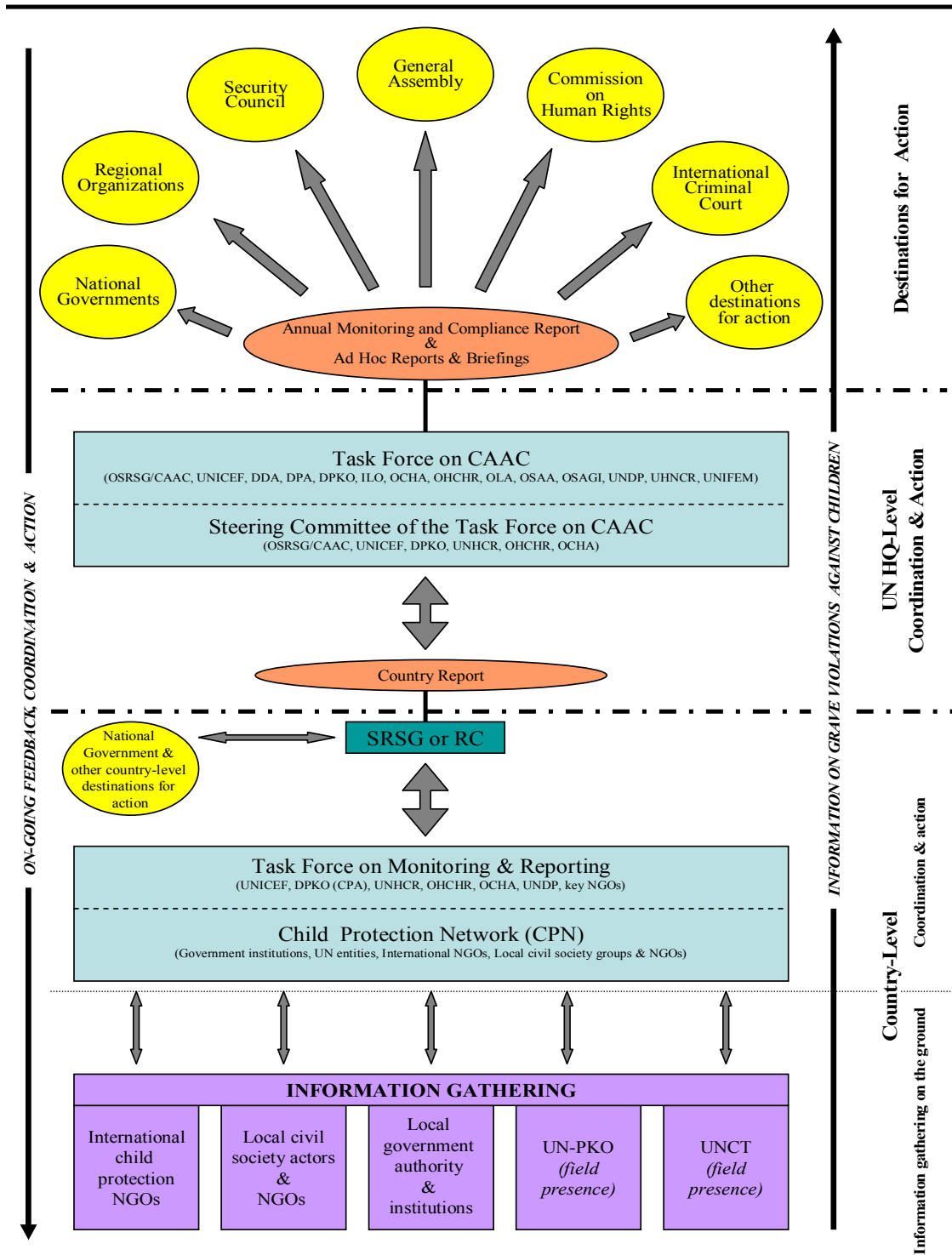
5. Other measures

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
-

Annex I¹

FLOW-CHART FOR CAAC MONITORING AND REPORTING



¹ Secretary-General's Report – Children and Armed Conflict (2005) - A/59/695–S/2005/72

Security Council Report

Children and Armed Conflict (July 2006)

(Available at:

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Expected Council Action

In July the Council is expected to have an open debate on children and armed conflict, chaired by the French foreign minister. It will consider a report from the chair of the Working Group on Children and Armed Conflict and be briefed by the Secretary-General's Special Representative on the issue and a representative from UNICEF. The World Bank, UNDP and some regional organisations are likely to be invited to join in the discussion. A presidential statement is likely.

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Key Facts

Children and Armed Conflict took on a high profile in the General Assembly after the World Summit for Children in 1990. In 1993 the Assembly asked the Secretary-General to undertake a study on the impact of armed conflict on children. He appointed Graça Machel, formerly Minister of Education in Mozambique. Her [1996 report](#), *Impact of Armed Conflict on Children*, laid the foundation for a comprehensive international agenda for action.

The Machel report led in September 1997 to the appointment of Olara Otunnu as Special Representative of the Secretary-General on Children and Armed Conflict. In 1998 he was invited to informally brief the Council for the first time. Concerned about the risk to peace and security posed by the growing problem of children and armed conflict, the Council held its first open debate and issued a presidential statement in June 1998 putting this issue on the international security agenda.

Since 1999 there have been six resolutions and regular open debates on the issue. The first two resolutions, [1261](#) of 1999 and [1314](#) of 2000, identified areas of concern such as the protection of children from sexual abuse, the linkage between small-arms proliferation and armed conflict, and the inclusion of children in disarmament, demobilisation and reintegration (DDR) programmes and peace agreements. At this early stage the resolutions contained generic statements, and they had little impact on groups recruiting and using children in armed conflict.

Starting in 2001, the resolutions began to include more concrete requests. One of the most groundbreaking and controversial was the request in resolution [1379](#) of November 2001 for the Secretary-General to attach to his report a "list of parties to armed conflict that recruit or use children in violation of international obligations in situations" which were already on the Council's agenda or could be brought to its attention as a matter which in his opinion may threaten the maintenance of international peace and security, in accordance with article 99 of the Charter.

But there continued to be a lack of real progress in getting armed groups using children in armed conflict to comply with international norms. As a result, resolution [1460](#) in 2003 endorsed the Secretary-General's call to move the issue into an "era of application." The Secretary-General was asked to report on the progress made by parties in stopping the recruitment or use of children in armed conflict and to develop specific proposals for monitoring and reporting on the application of international norms on children and armed conflict. He was also asked to include the protection of children in armed conflict in all his country-specific reports.

In 2004, resolution [1539](#) requested the Secretary-General to "devise urgently" an action plan for a comprehensive monitoring and reporting mechanism that could provide accurate and timely information on grave violations against children in situations of armed conflict. The resolution asked for parties listed in the Secretary-General's reports to prepare concrete plans to stop the recruitment and use of children.

Most recently, resolution [1612](#) of 22 July 2005 created a formal monitoring and reporting mechanism and a Working Group on Children and Armed Conflict. The monitoring and reporting mechanism is a process for the systematic collection of information on violations against children in armed conflict and on progress made by parties in complying with international norms on children and armed conflict. The information is then channelled through various UN bodies and committees to the Working Group. Resolution 1612 also asked for an independent review of the monitoring and reporting mechanism by 31 July 2006.

The Working Group, chaired by France, has held four meetings and adopted its terms of reference and a work programme. At its last meeting, on 26 June, the group considered the [country report](#) of the Democratic Republic of Congo (DRC) and an informal document listing the range of possible measures, referred to as a tool-kit, to be used against parties that continue to recruit child soldiers and commit crimes against children. The Working Group will consider Sudan and Sri Lanka in August; Côte d'Ivoire and Burundi in October; Somalia and possibly Nepal in December. At each meeting, the Working Group will also consider an overview of other situations involving parties that recruit or use children in armed conflict.

Two months after consideration of a country report, the Working Group will issue its recommendations on possible action to be taken against groups involved in using children in armed conflict in that particular country. The understanding is that the recommendations will be taken to the Council for formal approval by the chairman of the

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Key Issues

The main issue before the Council in 2006 is the question of what can be added at this stage to the work already being done on children and armed conflict. The review, called for in resolution 1612, of the monitoring and reporting mechanism needs to be undertaken. However, it is perhaps too early to assess the monitoring and reporting mechanism or the Working Group effectively. Delays both in the establishment of the Working Group and in appointing the current Special Representative of the Secretary-General on Children and Armed Conflict meant that the process did not become fully operational until 2006.

An emerging issue is whether other actors like the World Bank can be persuaded to join forces and work closely with the monitoring and reporting process.

A practical issue that may need to be addressed relates to the procedures of the Working Group and how it will make concrete recommendations to the Council, particularly in cases involving countries contained in Annex II of the Secretary-General's [2005 report](#), that are not involved in situations with which the Council is seized.
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Council Dynamics

While there is broad consensus that the UN should focus on the impact of children's involvement in armed conflict, some members like Russia, China and the United States feel that this is largely a human rights issue that does not need to be regularly on the Council's agenda. Russia and China have also made it clear that they are uncomfortable with Annex II, which was attached to the last three reports of the Secretary-General and lists parties to armed conflict that recruit or use children in armed conflict from countries not on the Council's agenda. (Russia and China may see this as a possible back door that could lead to these situations being put on the Council's formal agenda.)

In the past, Russia and the United Kingdom had national reasons for being displeased with Annex II. Chechnya and Northern Ireland were listed in 2003 and 2004. They were excluded from the 2005 list after the United Kingdom and Russia successfully argued that these were not situations of armed conflict. Countries still on the list and some other members of the Council were unhappy as they felt that the lists had become politicised.

France, with the strong support of European countries like Denmark and African members like Benin (on the Council until the end of 2005), has been the driving force behind this issue. These countries see children and armed conflict as an important thematic issue with peace and security implications that fully deserves the Council's attention.

Japan has taken a cautious position. Together with the United States, it maintains that results are needed before moving to the next stage and remains wary of potential

budgetary implications. It has also been sensitive to the concerns of Asian countries on the list. In the past, South American countries like Argentina and Brazil were reluctant to support initiatives involving situations not on the Council's agenda. (Colombia is regularly listed in Annex II). However, Argentina and Peru now appear more open to considering all situations where children are affected by armed conflict.

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Options

The most likely option is that the Council will issue a presidential statement that would reinforce its commitment to improving the situation of children caught in armed conflict, highlight developments since the last debate, and reschedule the review called for in resolution 1612. The presidential statement may also refer to the need for partnerships with other international actors that are interested in working with the UN on this issue.

Other possible options include:

- Attaching as an annex to the presidential statement a list of possible measures to be used against groups that have shown no progress in stopping the use of children in armed conflict. (But this remains highly unlikely as neither the Working Group nor the Council have come to an agreement on the measures that could be used.)
- Deciding to draft a resolution for adoption later in the year. (This is unlikely as the general feeling is that it is too early for another resolution.)
- Initiating regular briefings from the chairman of the Working Group so that the group's recommendations can be considered by the Council.

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Underlying Problems

Despite the progress made, there are deep divisions among members. China, Russia and to some extent Japan and the United States are reluctant to have the Council become deeply involved in this issue. On the other hand, France, Denmark and possibly now the United Kingdom would like to see more action-oriented initiatives.

Further down the track, measures like targeted sanctions and restrictions on military assistance are likely to be identified as the kinds of tools the Council may need to apply to bring about real change in the attitudes of the groups involved in using children in armed conflict. But this will be a contentious area.

Another problem is that for the monitoring and reporting mechanism to be effective there must be confidence in the accuracy and objectivity of the information collected and presented to the Working Group. The process is still at an early stage. The UN country teams and NGOs on the ground are often operating in difficult conditions in which it is not always possible to verify information.

A problem that could arise in the future is the need for greater resources if the monitoring and reporting mechanism is to be fully implemented. It currently uses existing resources

that may not be sufficient to properly monitor some situations and is likely to stretch the capacity of the UN country teams involved in monitoring.

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UN Documents

Security Council Resolutions

- [S/RES/1612](#) (26 July 2005) requested the Secretary-General to establish a monitoring and reporting mechanism and set up the Council's Working Group on Children and Armed Conflict.
- [S/RES/1539](#) (22 April 2004) asked for an action plan for a systematic and comprehensive monitoring and reporting mechanism.
- [S/RES/1460](#) (30 January 2003) requested specific proposals to ensure more efficient and effective monitoring and reporting. It also requested the Secretary-General to include the issue in country-specific reports.
- [S/RES/1379](#) (20 November 2001) requested the Secretary-General to attach to his report a list of parties to armed conflict that recruit or use children.
- [S/RES/1314](#) (11 August 2000) urged member states to sign and ratify the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.
- [S/RES/1261](#) (30 August 1999) condemned targeting of children in situations of armed conflict, urged parties to armed conflict to take into consideration protection of children and urged states to facilitate DDR.

Selected Presidential Statements

- [S/PRST/2005/8](#) (23 February 2005) reiterated the Security Council's intention to complete the process of setting up a monitoring and reporting mechanism and indicated that the Council had started work on a new resolution.
- [S/PRST/1998/18](#) (29 June 1998) was the first presidential statement on the issue. It condemned targeting of children in armed conflict and expressed its intention to pay serious attention to children affected by armed conflict.

Secretary-General's Reports

- [S/2006/389](#) (13 June 2006) was the first country specific report on children and armed conflict in the DRC.
- [S/2005/72](#) (9 February 2005) was the latest report.

Selected Security Council Debates

- [S/PV.5129](#) (23 February 2005) and [Resumption 1](#)
- [S/PV.4898](#) (20 January 2004) and [Resumption 1](#)

Selected General Assembly Documents

- [A/51/306](#) (6 September 1998) Graça Machel's report on children and armed conflict.

- [A/RES/48/157](#) (20 December 1993) recommended that the Secretary-General undertake a study on the impact of armed conflict on children.

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Security Council

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Statement by the President of the Security Council

At the 5494th meeting of the Security Council, held on 24 July 2006, in connection with the Council's consideration of the item entitled "Children and armed conflict", the President of the Security Council made the following statement on behalf of the Council:

"The Security Council reiterates its commitment to address the widespread impact of armed conflict on children and its determination to ensure respect for and implementation of its resolution 1612 (2005) and all its previous resolutions on children and armed conflict, which provide a comprehensive framework for addressing the protection of children affected by armed conflict.

"As part of this comprehensive framework, the Security Council welcomes the progress made since the adoption of resolution 1612 (2005) in particular in the three following areas:

- the Security Council welcomes the appointment of a new Special Representative of the Secretary-General for children and armed conflict (SRSG), Ms. Radhika Coomaraswamy. The Security Council also welcomes her field activities in situations of armed conflict and her intention to carry out new visits in such situations. The Security Council urges parties to armed conflict to cooperate with the SRSG, as well as with UNICEF and other relevant United Nations entities, with a view to ending recruitment and use of child soldiers in violation of applicable international law and all other violations and abuses committed against children by parties to armed conflict.
- the Security Council welcomes the ongoing implementation of the monitoring and reporting mechanism on children and armed conflict, invites the Secretary-General to accelerate it in accordance with resolution 1612 (2005) and looks forward to receiving the forthcoming independent review on the implementation of this mechanism. The Security Council acknowledges that the application of the mechanism has already produced results in the field and welcomes the efforts by national Governments, relevant United Nations actors and civil society partners to make the mechanism operational. The Security Council therefore invites relevant States affected by armed conflict that are not yet involved in the implementation of the monitoring and reporting mechanism to join it on a voluntary basis, in cooperation with the SRSG and UNICEF.



- the Security Council welcomes the activities of its Working Group on children and armed conflict, as outlined in the report by its Chair (S/2006/497). The Security Council welcomes the fact that the Working Group has achieved commendable progress in its implementation phase and is now discussing specific reports of the Secretary General on parties in situations of armed conflict”. The Security Council invites the Working Group to propose effective recommendations for consideration by the Council.

“The Security Council underlines the importance of a sustained investment in development, especially in health, education and skills training, to secure the successful reintegration of children in their communities and prevent re-recruitment. The specific situation of girls exploited by armed forces and groups must be recognised and adequately addressed.

“The Security Council calls for a reinvigorated effort by the international community to enhance the protection of children affected by armed conflict. In this regard, it invites all parties concerned, including Member States, regional organisations, relevant United Nations entities acting within their mandates including UNICEF, UNDP, UNHCR, OHCHR, ILO and UNESCO, international financial institutions including the World Bank, as well as civil society, to build partnerships to that effect. In particular, the Security Council invites donors to provide additional resources to fund the development of the monitoring and reporting mechanism and the reintegration of children. The Security Council also looks forward to the contribution of the newly established Peace-building Commission and Human Rights Council to this effort.

“The Security Council looks forward to the next report of the Secretary General on the implementation of resolution 1612 (2005) and its previous resolutions on children affected by armed conflict, to be submitted by November 2006, and expresses its determination to address this important issue.”
