

next steps to protect children in armed conflict

Briefing Note to the UN Security Council

-June 2011

This briefing note outlines practical and achievable steps that the UN Security Council can take to ensure stronger protection for children affected by armed conflict. The recommendations detailed in this note are based on 32 interviews with child protection stakeholders, including members of the Security Council Working Group on Children and Armed Conflict (Working Group), UN agencies, field- and headquarters-based nongovernmental organization (NGO) staff, members of the Group of Friends, and subject experts. The note is timed to coincide with the Security Council's annual Open Debate on Children and Armed Conflict (CAC), scheduled for July 2011, and seeks to inform any discussions regarding a new Security Council resolution.

The Security Council and its Working Group on CAC have made significant strides in establishing a strong normative framework for ensuring protection of children in armed conflict, and in moving towards the implementation of that framework at the field level. Through its CAC agenda, the Security Council sends a strong message to potential and actual perpetrators that the international community is watching, reporting, and responding to grave violations against children. These efforts are made within the context of the Security Council's overall mandate to protect international peace and security

about watchlist

The Watchlist on Children and Armed Conflict strives to end violations against children in armed conflicts and to guarantee their rights. As a global network, Watchlist builds partnerships among local, national and international nongovernmental organizations, enhancing mutual capacities and strengths. Working together, we strategically collect and disseminate information on violations against children in conflicts in order to influence key decision-makers to create and implement programs and policies that effectively protect children.

watchlist@watchlist.org

www.watchlist.org

“ To have been seen is important. This [CAC agenda] is a way to prove that the world pays attention. The other side of the coin is when there’s not enough of a response. But this has taken away the attitude that ‘no one knows, no one cares’, and that’s very powerful. ”

– NGO Worker, New York

The following is a summary of the key recommendations presented in this note:

- 1) **Expand the Monitoring and Reporting Mechanism (MRM) trigger violations to include attacks on schools and hospitals:**
 - Request the Secretary-General to include in the annexes to his reports on children and armed conflict those parties to armed conflict that engage, in contravention of applicable international law, in attacks against schools and hospitals, and credible threats or attacks against schoolchildren and educational and medical personnel, in situations of armed conflict.
- 2) **Take targeted measures against perpetrators:**
 - Urge existing sanctions committees to consider children’s issues as central to their mandates for peace and security, specifically by including the targeting of children as sanctionable criteria in the renewal or establishment of mandates of relevant sanctions committees.
 - Request the Working Group to designate individuals and entities who persistently violate the rights of children, in violation of applicable international law, and subject them to targeted measures, thus establishing the Working Group as a thematic sanctions committee for those country situations where no Security Council committee for sanctions is established.
- 3) **Ensure an efficient and effective Working Group:**
 - The Working Group should consolidate currently used tools (such as field trips) and expand the use of underutilized – but potentially very effective – options available to the Working Group, such as emergency meetings, to respond to surges in violations.
- 4) **Ensure follow-up and implementation of all resolutions and conclusions**
 - Call for a response by the country or party concerned, in all of its letters and public statements, including a report of their implementation of Working Group recommendations when relevant.
 - Ensure that all relevant United Nations peacekeeping operations, political and peacebuilding missions include specific provisions for the protection of children, such as the deployment of child protection advisers, and that monitoring and reporting of violations is consistently linked to response services, such as reintegration programming and support to sexual violence survivors.
- 5) **Acknowledge difficulties with “problematic” perpetrators:**
 - Request the Secretary-General to resume, in his next annual report, the list of persistent perpetrators as was included in his 2010 Annual Report, and incorporate the “problematic” perpetrators as a section of the report.
 - Urge stronger collaboration with regional organizations to address cross-border child protection concerns, and introduce deadlines for the most egregious persistent perpetrators who are active in countries for which sanctions committees exist, clearly stating that unless specific actions are taken, the Security Council will actively engage relevant sanctions committees in the pursuit of targeted measures against individuals.

1. expanding the trigger violations: progress and next steps

With the passage of UN Security Council Resolution (SCR) 1882 in August 2009, the Security Council advanced the CAC agenda beyond its focus on child soldiers, recognizing the disastrous impact of systematic forms of sexual violence and killing and maiming of children on a country's prospects for building or rebuilding a peaceful society. While it is too soon to assess the full impact of this expansion, early indications are positive: the action plan agreed upon with the government of Afghanistan includes annexes on sexual violence and killing and maiming of children,¹ action plan templates are being finalized for both new trigger violations, and the Islamic State of Iraq, an armed group, is now listed in the annexes of the Secretary-General's 2011 report, solely due to killing/maiming of children.²

UN agencies and NGOs report that SCR 1882, and particularly its expansion of the trigger violations, has led to more awareness about the grave violations, improved information collection, and increased coordination. A UN-led global training initiative began in 2010, and an updated version of the global field manual for the MRM is being finalized.

Yet, challenges remain. When asked about their experiences thus far in monitoring and reporting on sexual violence and killing and maiming of children, field- and New York-based NGOs and UN staff identified several key areas for further guidance. These include coordination between the various systems currently being developed to monitor sexual violence in conflict, reinforcement of appropriate methods for verifying incidents of sexual violence, and development of data sharing arrangements with relevant partners (for example, UN Office for the Coordination of Humanitarian Affairs (OCHA) Protection of Civilians teams, which monitor killing and maiming due to explosive weapons).³



recommendations

To the Office of the Special Representative of the Secretary-General for Children and Armed Conflict (OSRSG-CAC) and the UN Children's Fund (UNICEF):

- Reinforce the global MRM training begun last year with ongoing support to the country-level Task Forces on Monitoring and Reporting, with particular attention to challenges identified in monitoring and reporting of killing/maiming and sexual violence. This support should extend to local NGOs and community-based organizations, which are uniquely positioned to assess the appropriateness and sustainability of training provided, tools used and actions taken.

Attacks on Schools and Hospitals

United Nations agencies, NGOs, and networks such as the Global Coalition to Protect Education from Attack have documented the widespread use of attacks on schools, hospitals, students and personnel as a tool of aggression utilized by armed forces and armed groups with disturbing regularity and impunity.⁴ Increasingly concerned with attacks on schools and their impact on children and youth and whole communities, General Assembly (GA) member states unanimously adopted the GA Resolution on Education in Emergencies (A/RES/64/290) in 2010.

In his latest report on children and armed conflict, the Secretary-General noted that "attacks against schools are a significant concern and a growing trend. The infrastructure of schools have been physically destroyed by armed actors, and students and education personnel have been attacked, threatened or intimidated. In some situations, girls and girls' schools have been specifically targeted. The use of schools by armed elements has, in certain circumstances, compromised the civilian nature of schools and put students at risk" and recommended that the Security Council "consider expanding the gateway to the annexes of my report to include parties that attack schools and/or hospitals."⁵

The government opened fire from pod-mounted guns on a Maoist meeting on the school grounds, killing and injuring several children, and forcing other students to witness horrific violence and killing... Following the incident, various area schools reportedly remained shut for several days.

Excerpt from: Watchlist on Children and Armed Conflict, Caught in the Middle: Mounting Violations Against Children in Nepal's Armed Conflict, 2005

The LTTE has recruited children on their way to and from school and in the past used schools as recruitment sites. In Trincomalee, 35 schools in Muttur town are still closed due to past conflict, or are in a High Security Zone (HSZ) and/or area not suitable for resettlement due to mines and explosive remnants of war (ERW).

Excerpts from: Watchlist on Children and Armed Conflict, No Safety No Escape: Children and the Escalating Armed Conflict in Sri Lanka, 2008

The MRM currently monitors a wide range of acts falling within the scope of this grave violation, including threats,⁶ in recognition of the range of actions that harm or disrupt educational or medical services.⁷ The inclusion of both schools and hospitals in this grave violation reflects the relationship between access to educational and medical services and the survival, development, and well-being of children. Educational and medical services must be protected for children coming of age amid armed conflict, who risk becoming part of the cycle of insecurity that threatens international peace and security.

In keeping with the momentum of previous UN resolutions and statements,⁸ the letter and spirit of international law and customs,⁹ and the prohibitions found within a growing corpus of domestic legislation and military operational standards, the Security Council should expand the SCR 1612 listing criteria to include the grave violation of attacks on schools and hospitals.



recommendations

(attacks on schools and hospitals)

To the Security Council:

- Request the Secretary-General to include in the annexes to his reports on children and armed conflict those parties to armed conflict that engage, in contravention of applicable international law, in attacks against schools and hospitals, and credible threats or attacks against schoolchildren and educational and medical personnel, in situations of armed conflict.
(Suggested inclusion in a new CAC resolution)
- Consistent with their mandates, request the UN country-level task forces to monitor attacks against schools and hospitals, credible threats or attacks against schoolchildren and educational or medical personnel, the use of schools for military purposes, and other relevant disruptions to educational and medical facilities, and to ensure a coordinated strategy to prevent and respond to such actions.
(Suggested inclusion in a new CAC resolution) ▶

- Strongly urge parties to refrain from actions that impede the provision of educational and medical services, such as their use for military or propaganda purposes, or otherwise causing harm to educational or medical facilities or their personnel. (Suggested inclusion in a new CAC resolution)
- Request the Secretary-General and his Special Representative on Children and Armed Conflict (SRSG-CAC) to develop an action plan template that details commitments from armed groups or forces for the cessation and prevention of all relevant disruptions to educational and medical services. (Suggested inclusion in a new CAC resolution)
- Stress the responsibility of governments to prohibit attacks on schools and hospitals within domestic law and military standard operating procedures (SOPs),¹⁰ and to ensure implementation of these laws and SOPs where they already exist; and the obligation of governments and their relevant ministries (such as education and social welfare) in documenting and responding to such attacks. (Suggested inclusion in a new CAC resolution)
- Urge all member states, UN entities, NGOs and donors to ensure access to education and healthcare in emergencies and to provide timely responses to attacks on schools and hospitals, adhering to the *Minimum Standards of the Inter-Agency Network for Education in Emergencies (INEE)* for quality, safe, and relevant responses.¹¹ (Suggested inclusion in a new CAC resolution)

To UNICEF and the OSRSG-CAC:

- Facilitate sharing of lessons learned between situations of concern where monitoring and reporting on attacks against schools and hospitals is particularly strong, such as Afghanistan, Nepal, or the Occupied Palestinian Territory (OPT)/Israel, and situations of concern where MRM Task Forces are in the initial stages of monitoring this violation.

The fear for their personal security has forced thousands of children in conflict areas to interrupt or drop out of school. The SPDC has burned villages, including schools, to prevent villagers from returning to these areas as part of its relocation policy.

Excerpt from: Watchlist on Children and Armed Conflict, No More Denial: Children Affected by Armed Conflict in Myanmar (Burma), 2009

The majority of attacks are related to the burning of school buildings or inventory, explosions close to or in school buildings and direct attacks against students and education personnel. Armed groups have also used “night letters” to threaten families and deter them from sending their children to government-run schools.

Taliban militants reportedly threw acid into the faces of more than a dozen girls and several of their teachers en route to school in Kandahar, leaving some severely disfigured.

Excerpts from: Watchlist on Children and Armed Conflict, Setting the Right Priorities: Protecting Children Affected by Armed Conflict in Afghanistan, 2010

2. strengthening accountability: dialogue, action plans, and sanctions

6

“The Council’s decision to expand the triggers requires that we further develop our methodologies and practices to collect reliable information and to guide the field with regard to action plans.”

- SRSB-CAC in her June 16, 2010 statement

Dialogue and Action Plans

The UN engages in dialogue with armed forces or armed groups for the purpose of developing and implementing time-bound action plans. These written and signed commitments are a step toward bringing perpetrators into compliance with international law, and a tool to protect children from current and future abuses.¹²

Practically speaking, they lay out the necessary steps a party must take to be de-listed, in the form of a checklist that is time-bound, linked to technical support, and clear in its assignment of responsible authorities.

In a number of instances, most recently in Afghanistan and Chad, the SRSB-CAC has been able to use field trips to engage in a dialogue with governments and secure commitments to action plans. Other groups, such as the Armée Populaire pour la Restauration de la République et de la Démocratie (APRD) in Central African Republic, may be motivated to participate in dialogue by the practical benefits that engagement with UN agencies, such as UNICEF, and the international community can offer, including disarmament, demobilization, and reintegration (DDR) programs for children.

To date, only 15 of the more than 100 armed forces or groups listed in the annexes of the Secretary-General’s reports since action plans were first called for in SCR 1539¹³ have entered into action plans.¹⁴ Of those 15, only five parties have been de-listed after completion of the action plans. These statistics reveal the significant obstacles that remain in signing and/or implementing action plans, including:

- Lack of political will by listed parties
- Lack of knowledge or awareness about the listing or de-listing process, including the benefits or consequences of listed parties’ participation or lack thereof
- Inability of UN Country Teams (UNCTs) to access armed groups for the purposes of dialogue or compliance monitoring, due to insecurity, poor transport

infrastructure, reluctance on the part of governments to allow such contacts, or refusal by listed parties to allow monitoring

- Lack of capacity of UNCTs to maintain the longer-term commitment and resources that may be necessary during lengthy negotiations or de-listing processes, and in light of competing priorities
- Lack of resources and personnel to monitor implementation of action plans
- Difficulties verifying the age of children released from fighting forces.



recommendations

(dialogue and action plans)

To the Security Council:

- As recommended in the 10th Annual Report on Children and Armed Conflict, stress the responsibility of governments, particularly those that do not allow the UN to enter into dialogue with listed parties, to protect the rights of all children in their territory.¹⁵ (Suggested inclusion in a new CAC resolution)
- Maintain high-level engagement and an open dialogue with relevant SRSBs and UNCTs regarding the development of dialogues and action plans with listed parties, including communication of obstacles that have arisen and options to address them.

To the Working Group:

- Call on the Secretary-General to ensure that UNCTs partner, to the fullest extent possible, with civil society and NGOs to support activities in action plans, including monitoring, reporting and verifying information, training and awareness-raising, and follow-up.

“ I went back to the SG [Secretary-General] reports and Security Council documents. Lots has been written about making people more accountable, but it’s not clear...we need more information on how signees to action plans can be held accountable. ”

- NGO Worker, United Kingdom

Sanctions

By channeling data on the six grave violations in each conflict situation directly to the Security Council, the MRM system puts direct responsibility for holding perpetrators accountable on the Security Council and its Working Group, especially in cases where national justice mechanisms are failing. Targeted measures, such as the imposition of sanctions, constitute one of the Working Group’s strongest tools for doing so.¹⁶

Notable progress has been achieved in communications between the Working Group, the OSRSG-CAC, and existing sanctions committees, following recommendations such as those contained in SCR 1882, the June 2010 Presidential Statement, and the Secretary-General’s 2011 Annual Report. The OSRSG-CAC has briefed sanctions committees for the Democratic Republic of the Congo (DRC) and Somalia/Eritrea. Most notable to date is the listing of individuals by the DRC Sanctions Committee due to violations they perpetrated against children.

There are several steps the Security Council should take to build on this progress.



recommendations

(sanctions)

To the Security Council:

- As recommended in the 10th Annual Report on Children and Armed Conflict,¹⁷ encourage the Working Group, the Secretary-General, the SRSR-CAC, and sanctions committees to continue to engage to the fullest extent possible, including through the exchange of information regarding violations committed against children in armed conflict, briefings by the SRSR and systematic communication of pertinent Working Group texts to relevant sanctions committees, and the designation of political and military leaders for sanctions. **(Suggested inclusion in a new CAC resolution)**
- As recommended in the 10th Annual Report on Children and Armed Conflict, urge sanctions committees to consider children’s issues as central to their mandates for peace and security, specifically by including the targeting of children as sanctionable criteria in the renewal or establishment of mandates of relevant sanctions committees. **(Suggested inclusion in a new CAC resolution)**
- Request the Secretary-General in his next annual report to update the Security Council on actions taken by existing sanctions committees regarding such provisions, and suggest additional steps that may be taken to ensure accountability by perpetrators. **(Suggested inclusion in a new CAC resolution)** ▶

“ The first problem is lack of awareness. Some armed groups aren’t aware that they are listed by the Security Council. This may be overcome through the advocacy work of the SRSR, and dissemination of the ‘name and shame’ lists at national and local levels. ”

- Working Group Member, New York

“ The Chair of the Security Council Working Group could invite the Chair of relevant sanctions committees, such as Sudan, to attend a formal Working Group meeting in order to open up communications before making formal Working Group recommendations. ”

– Civil society member, New York

To the Working Group:

- Demonstrate the Working Group's readiness to communicate to the Security Council pertinent information with a view to assisting the Security Council in the imposition of targeted measures on persistent perpetrators.

In situations where no sanctions committees exist, the Security Council has yet to respond to calls for establishing a mechanism by which to employ targeted measures against individuals.¹⁸

recommendations

(where no sanctions committees exist)

To the Security Council:

- In line with paragraph 5(c) of SCR 1539 (2004), and the 2010 Presidential Statement, reiterate the Security Council's ability, in egregious cases, to consider action following specific recommendations from its Working Group on Children and Armed Conflict on violations and abuses committed against children by parties listed in the annexes of the Secretary-General's reports.
(Suggested inclusion in a new CAC resolution)

- Reiterate the Security Council's ability, in egregious cases, to rely upon information from its Working Group to refer cases to relevant national and international justice mechanisms such as the International Criminal Court (ICC). In such situations, the Security Council should consult with the OSRSG-CAC and UNICEF to address potential repercussions of a referral to the ICC for the MRM process on the ground.
(Suggested inclusion in a new CAC resolution)
- Request the Working Group to designate individuals and entities who persistently violate the rights of children, in violation of applicable international law, and subject them to targeted measures, thus establishing the Working Group as a thematic sanctions committee for those country situations where no Security Council committee for sanctions is established.
(Suggested inclusion in a new CAC resolution)

“ If the Working Group is considering targeted measures in a particular situation where a sanctions committee does not exist...perhaps as a first step to know what to do in those situations, they could ask the legal department of the UN Secretariat to brief the Working Group on the relevant processes. ”

- Civil society member, New York

3. ensuring an efficient and effective working group: working methods

The “Toolkit”

The Working Group has made notable progress in using the full range of tools¹⁹ at its disposal to promote the protection of children affected by armed conflict. Almost all actors interviewed commented that Working Group field trips to Nepal and Afghanistan have demonstrated high-level commitment to the CAC agenda, provided Working Group members a better sense of the situation on the ground, and remain a potentially powerful tool for removing political blockages or securing commitments by listed parties. Administrative support for the Working Group has been secured, leading to improvements in the timeliness and quality of its work, and the provision of innovative resources such as an RSS feed page on children and armed conflict-related issues. Several actors commended the current and past Working Group Chairs for continued progress in addressing the backlog of work, speeding up the review of reports and adoption of conclusions, and providing training for new Security Council members on the CAC agenda.

Several embryonic developments are also worth noting. Earlier this year, a country-specific Group of Friends was established in DRC. The group connects Kinshasa-based staff through an electronic network, and encourages information sharing and country-specific advocacy on CAC-related issues, such as the signing of action plans. It represents a potentially powerful ally for the UNCT, and could serve as a model for other countries. Secondly, the SRSG’s briefing on Cote d’Ivoire during the Working Group’s formal meeting in May could be seen as a *de facto* emergency meeting. Increasing the use of emergency or irregular briefings is vital in allowing the Working Group to respond to surges in grave violations in a timely and flexible manner, particularly when they occur outside of the cycle of country reports and conclusions.

Despite these advances, areas for improvement remain. These include the consolidation of currently used tools (such as field trips), and increasing the employment of underutilized—but potentially very effective—options available to the Working Group, such as emergency briefings.



recommendations

(the “toolkit”)

To the Security Council:

- Stress the crucial role of field trips in strengthening high-level commitment to the CAC agenda, and the need to ensure participation of local civil society during such visits.

To the Working Group:

- Call on the Security Council for high-level involvement in some Working Group actions, for example, by requesting the President of the Security Council to write letters to governments or parties of concern, as opposed to having letters written by the Chair of the Working Group and transmitted via the President.
- Establish (by the Working Group Chair) a voluntary fund to which donors or member states can contribute to allow less-resourced member states to attend field trips. This would serve as an interim measure, in response to concerns expressed by many Working Group members about lack of representation on field trips, due to a lack of funding that prevents some Working Group members from joining, and the inability of the OSRSG-CAC and the UN Secretariat to come to agreement regarding the funding mechanism.



“ It’s important to brief new members before they enter the Security Council to improve their understanding of this agenda, who to ask, where to go. The Chair could also organize meetings with Child Protection Advisers from specific countries to present the situation on the ground, and the things they’re dealing with. ”

– Working Group Member, New York

- Ensure a more timely response to new developments, such as surges in violations, through démarches,* special letters, and emergency meetings. Démarches should use sufficiently strong terms to send clear messages to government entities. Emergency meetings (convened at the discretion of the Working Group Chair in consultation with other members) could take the form of briefings by outside experts or the SRSG during regularly scheduled meetings, on situations not already on the agenda for that meeting.
- Explore, with the Group of Friends, other ways to more consistently leverage the Friends’ potential through targeted advocacy, such as briefings and joint statements, undertaking joint démarches, or financial support.
- Encourage further innovation in working methods. Ideas include improving communication and accessibility between the Working Group and UNCTs via teleconference briefings; and supporting the UN Secretariat’s efforts to establish an electronic-room (“e-room”) in which the full institutional memory of the Working Group would be available to delegation members through a username and password-protected site.
- Work with the UN Secretariat to address administrative constraints on the Working Group’s ability to meet, including lack of interpretation services and meeting rooms.

* A démarche is a diplomatic representation or statement of views, complaints, or protest.

Participation of Civil Society

The Working Group should be commended for its issuing of public conclusions, which allow civil society actors to follow the group’s progress and better hold the system to account. The efficiency and effectiveness of the Working Group would be further strengthened from a more active approach to engaging civil society.

Several Working Group members noted the importance of independent analysis and feedback on which of the Working Group’s tools or actions are most effective in obtaining desired results. Yet, it is difficult to evaluate the use of these tools based on conclusions alone. For example, in researching which actions lead to de-listing of armed forces or armed groups, it is sometimes unclear from the available documents whether a party is de-listed following a Working Group intervention, or whether it is due to the party splintering or joining a larger group.

recommendations (participation of civil society)

To the Working Group:

- Request the Chair to host a public meeting open for civil society participation, and which would be held following the SRSG-CAC’s presentation of the Secretary-General’s report to the Working Group in its formal session.
- Increase transparency through publishing, to the extent possible, Working Group letters and official correspondence as official UN documents, and sharing its monthly and annual work plans with relevant actors, including NGOs.

4. making progress matter: follow-up and implementation

SCR 1882 stressed the importance of follow-up regarding the implementation of Security Council resolutions and of Working Group recommendations. In line with this call for action, UNICEF noted that the bi-monthly Global Horizontal Note (GHN)** was revised this year to include a section on reporting progress against requests and recommendations contained in Working Group conclusions. The field trips to Nepal and Afghanistan have also provided an avenue through which the Working Group can express to relevant governments its intention to follow up on their progress and the remaining challenges to protecting children.

What the mechanism is still lacking is an automatic system of local, national, and global responses triggered once a violation has reportedly been committed or is likely to occur. The Security Council's requests and recommendations must translate into change at the field level if the MRM is to maintain the engagement of monitoring agencies, and the trust of children and their families who may face extreme risks in reporting violations perpetrated against them. Dedicating adequate resources to support the technical and logistical capacities of relevant bodies underlie this ability.

 recommendations

To the Security Council:

- In line with the June 2010 Presidential Statement, ensure that specific provisions for the protection of children continue to be included in all relevant United Nations peacekeeping operations, as well as in political and peacebuilding missions, including by means of the deployment of

** Global Horizontal Notes (GHNs) are bi-monthly reports produced by the OSRSG-CAC in coordination with country task forces or teams, with comments from UNICEF headquarters. They are considered an informal method of providing information on grave violations to the Working Group. For more information, see Barnett and Jeffreys, *Full of promise: How the UN's Monitoring and Reporting Mechanism can better protect children*. HPN Network Paper #62, September 2008.

child protection advisers.²⁰ Guidance for troop- and police-contributing countries on actions to reduce harm to civilians should also be strengthened.

(Suggested inclusion in a new CAC resolution)

- Urge the Secretary-General to highlight concerns about children in all his reports, and stress the cross-cutting nature of this thematic area.

(Suggested inclusion in a new CAC resolution)

To the Working Group:

- Call for a response by the country or party concerned, in all of its letters and public statements, including a report of their implementation of Working Group recommendations when relevant.
- Continue to call on the international community and donors to support response activities, including reintegration programming and support to sexual violence survivors. Request the Secretary-General and his SRSO-CAC to ensure that action plans are consistently packaged with such programs and funding to avoid re-recruitment and ensure achievements, such as the release of children from armed groups, are sustained.
- Establish donor groups, following the adoption of country-specific conclusions, to raise the awareness and resources necessary to implement Working Group recommendations.
- Organize (by the Working Group Chair) press conferences to follow adoption of Working Group conclusions, in addition to press releases. The press conferences could review the highlights of the conclusions, and the Working Group Chair could invite the Permanent Representative of the countries concerned to these briefings.

“ Its impact can be improved, if and only if the UN pleads with donors, diplomatic missions, UN agencies, international NGOs, and governments to provide substantial support for the activities of civil society actors on the ground, in order to support the sustainability of programs targeted to communities affected by conflict. ”

- NGO worker, DRC

5. acknowledging difficulties: problematic perpetrators

- Non-traditional armed groups
- Cross-border perpetrators
- Persistent perpetrators

The nature of conflict is changing, with some parties to conflict challenging the traditional understanding of what constitutes a non-state armed group in non-international armed conflict as provided by international humanitarian law.²¹ Examples include self-defense militias in CAR (listed in Annex 1 of the Secretary General's report), and emerging armed groups operating in the Terai region of Nepal. These **non-traditional armed groups** (in some cases referred to as "emerging" armed groups or "criminal" groups) may pose a challenge to accountability and compliance measures, especially when they lack a clear hierarchy or political goal with which UNCTs and other actors can engage. **Cross-border perpetrators** commit violations against children in multiple countries, and present a challenge to existing, country-based coordination and response structures. **Persistent perpetrators**, i.e., those who have been listed by the Secretary-General for five years or more,²² represent an important demographic with which the Security Council must engage if its MRM is to maintain its legitimacy in the eyes of armed forces and armed groups. Of the 56 parties listed in the annexes of the Secretary-General's report, 16 are persistent perpetrators, two of which²³ have entered into action plans.

Progress Thus Far

- The regional mechanism set up to address violations by the Lord's Resistance Army (LRA), in line with recommendations in the Working Group's conclusions on Uganda,²⁴ is an innovative and creative use of existing tools, and could serve as a model in dealing with other cross-border perpetrators.
- Coordination and information sharing between MRM Task Forces in neighboring countries, such as Sudan and Chad, is commendable and improves monitoring and reporting of violations committed by cross-border perpetrators.
- The Security Council and individual member states should reiterate calls for cooperation between countries that have a MRM Task Force and those that don't, such as Afghanistan and Pakistan.²⁵

“There are lots of political parties and emerging groups that make it difficult for us to do fact-finding. Earlier with the Maoists, they knew the rules of the game and abided by human rights principles. Especially the Terai groups, many are very grassroots, they have no idea of national or international laws, they clearly don't care and think they will gain attention if they threaten human rights activists or the UN. They don't understand that they need to follow human rights and humanitarian principles.”

- NGO worker, Nepal

recommendations

(progress thus far)

To the Security Council:

- Request the Secretary-General to resume, in his next annual report, the list of persistent perpetrators as was included in his 2010 Annual Report, and incorporate the “problematic” perpetrators as a section of the report. (Suggested inclusion in a new CAC resolution)
- Ensure that mandates of Child Protection Advisers within UN missions include attention to cross-border recruitment of children. (Suggested inclusion in a new CAC resolution)

To the Working Group:

- In relevant country-specific conclusions, urge stronger collaboration between national governments, UNCTs, and regional organizations, such as the African Union and Arab League, as recommended in the 9th Annual Report on Children and Armed Conflict, to “accelerate the development of appropriate strategies and coordination mechanisms for information exchange and cooperation on cross-border child protection concerns.”²⁶
- Develop joint démarches between the President of the Security Council and governments affected by the actions of listed parties located in neighboring countries on the need to cease movement into and out of their territory.
- In relevant country-specific conclusions, introduce deadlines for the most egregious persistent perpetrators who are active in countries in which sanctions committees exist, clearly stating that unless specific actions are taken, the Security Council will actively engage relevant sanctions committees in the pursuit of targeted measures against individuals.²⁷

A tiered approach: targeting the “low-hanging fruit”

Many respondents emphasized the use of a tiered approach in calling persistent perpetrators to account for their actions, noting that not all such parties are the same in terms of motivation or potential pressure points. For example, some may express a willingness to engage in dialogue with UN actors, but are prevented from doing so by national governments, while others express blatant disregard for the opinions or actions of the international community.

6. measuring impact

With the establishment of the UN-led MRM, the Security Council has created a global system aimed to respond to violations committed against children. What has been the impact of this work on the ground—in terms of “naming and shaming” perpetrators, responding to the needs of affected children, and protecting children from future abuses?

When asked these questions, some interviewees cited output measures as indications of positive impact. These included the release of thousands of children from armed forces or armed groups, the de-listing of several listed parties, and the adoption of seven resolutions on CAC. Others listed process indicators, such as the existence of a formal Working Group and strong attendance at its meetings, increased references to CAC in country-specific documents, letters from the Working Group to a broad range of donors active in the countries concerned, and improved channels through which UNCTs can engage with non-state actors. All agreed that steps could be taken to better document the impact of the CAC agenda at the local, national, and global level. This would assist the Security Council, the Working Group, and independent actors in assessing the effectiveness of various tools, and the progress made by listed parties.

recommendations

To the Working Group:

- Seek to structure Working Group conclusions in such a way that it is easy to track progress achieved against the tools utilized.

To the OSRSG-CAC:

- Include descriptive data (such as increases or decreases in the number of violations against children) in a consistent format in all of the annual reports on children and armed conflict, in order to facilitate comparisons between countries and over different reporting periods.
- Organize an annual review of all situations of concern listed in the Secretary-General's annual report. This could build on the format of the GHN, and provide snapshots of progress made and concerns that remain. It would also provide a systematic way in which the Security Council could follow up on the activities of parties recently de-listed, to ensure their continued compliance.
- Ensure that information on MRM-related issues in all situations of concern is consistently available on the website of the OSRSG-CAC (or through other publicly accessible channels); in particular, lists of parties that have signed action plans; parties that have been de-listed and the grounds for their de-listing; and the number of children released, to date, from armed forces or armed groups.

“We need wider knowledge on what has worked, on the success of advocacy or actions taken, so we can say to our colleagues at the country-level, ‘There are ways we can use this information.’”

- NGO worker, United Kingdom

Endnotes

- ¹ United Nations, *Conclusions on Children and Armed Conflict in Afghanistan*, S/AC.51/2011/3, 2011.
- ² United Nations, *Children and Armed Conflict Report of the Secretary-General*, A/65/820-S/2011/250, 2011.
- ³ See also: Save the Children UK, *Devastating Impact: Explosive Weapons and Children*, 2011. Available online at: [http://www.savethechildren.org.uk/assets/images/Devastating_Impact_low_res_\(3\).pdf](http://www.savethechildren.org.uk/assets/images/Devastating_Impact_low_res_(3).pdf)
- ⁴ Key documents include: UNESCO, *Education Under Attack 2007, 2007*; Save the Children, *Preventing Attacks on Schools: Policy Brief 2009, 2009*; UNESCO and Oxford University Press, *EFA Global Monitoring Report 2010: Reaching the marginalized*, 2010; United Nations, *Children and Armed Conflict Report of the Secretary-General*, A/65/820-S/2011/250, 2011; Human Rights Watch, *Schools as Battlegrounds: Protecting Students, Teachers, and Schools from Attack*, 2011; and GCPEA, *Briefing Note on Attacks on Education: Expanding the Monitoring and Reporting Mechanism (MRM) Trigger*, 2011.
- ⁵ See paragraphs 211–214 in United Nations, *Children and Armed Conflict Report of the Secretary-General*, A/65/820-S/2011/250, 2011.
- ⁶ The MRM Field Manual of April 2010 defines attacks on schools or hospitals as follows: “Attacks include the targeting of schools or medical facilities that cause the total or partial destruction of such facilities. Other interferences to the normal operation of the facility may also be reported, such as the occupation, shelling, targeting for propaganda of, or otherwise causing harm to schools or medical facilities or its personnel.” The manual includes explanations of the terms “occupation”, “school”, and “medical facilities”.
- ⁷ See paragraphs 211–214 in United Nations, *Children and Armed Conflict Report of the Secretary-General*, A/65/820-S/2011/250, 2011.
- ⁸ Including the 2009 and 2010 Presidential Statements (S/PRST/2009/9 and S/PRST/2010/10), the 2010 and 2011 annual reports of the Secretary-General (A/64/742-S/2010/181 and A/65/820-S/2011/250), and the 2010 General Assembly resolution on the right to education in emergency situations (A/RES/64/290).
- ⁹ For example, the 1907 Hague Regulations (Art. 27); the 1949 Geneva Conventions, specifically Common Article 3, the Fourth Geneva Convention (Art. 18, Art. 27, Art. 50), and Additional Protocol I (Art. 15, Art. 48, Art. 51(2), Art. 52(3), Art. 57, Art. 58), and Additional Protocol II (Art. 4(3), Art. 13(2)); the Rome Statute of the International Criminal Court (Art. 8(2)(b)(i, ii, ix)); and Rules 1, 2, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 28, 30, 135 of the International Committee of the Red Cross Study on Customary International Humanitarian Law (available at <http://www.icrc.org/eng/resources/documents/publication/p0860.htm>).
- ¹⁰ See para. 12j in United Nations, *Conclusions on Children and Armed Conflict in the Democratic Republic of the Congo*, S/AC.51/2011/1, 2011.
- ¹¹ INEE, *Minimum Standards for Education: Preparedness, Response, Recovery*, 2010; United Nations, *Resolution adopted by the General Assembly 64/290: The right to education in emergency situations*, (A/RES/64/290, 2010; and United Nations, *ECOSOC draft resolution: Strengthening of the coordination of emergency humanitarian assistance of the United Nations*, (E/2010/L.1), 2010.
- ¹² Many actors identified a need for clarity in terms of how the CAC architecture relates to compliance and accountability. For more information, see the forthcoming report by Conflict Dynamics International, *Bridging the Accountability Gap: New Approaches to Addressing Violations Against Children in Armed Conflict*, scheduled for release in June 2011.
- ¹³ See paragraph 5 (a) of SC Resolution 1539 (2004).
- ¹⁴ This includes the action plan signed on June 14, 2011, with the Chadian National Army (ANT) and associated forces, during the trip of the SRSF-CAC to Chad. Statement available at: http://www.un.org/children/conflict/_documents/Statement%20APChad.pdf
- ¹⁵ See paragraph 216 in United Nations, *Children and Armed Conflict Report of the Secretary-General*, A/65/820-S/2011/250, 2011.
- ¹⁶ Paragraph 5(c) of SCR 1539 (2004) states that the Security Council, “Expresses its intention to consider imposing targeted and graduated measures, through country-specific resolutions, such as, inter alia, a ban on the export or supply of small arms and light weapons and of other military equipment and on military assistance, against these parties if they refuse to enter into dialogue, fail to develop an action plan or fail to meet the commitments included in their action plan, bearing in mind the Secretary-General’s report.”
- ¹⁷ See: paragraph 217 in United Nations, *Children and Armed Conflict Report of the Secretary-General*, A/65/820-S/2011/250, 2011
- ¹⁸ See: paragraph 188 in United Nations, *Children and Armed Conflict Report of the Secretary-General*, A/64/742-S/2010/181, 2010; paragraph 206 in United Nations, *Children and Armed Conflict Report of the Secretary-General*, A/65/820-S/2011/250, 2011; and United Nations, *Statement by the President of the Security Council*, S/PRST/2010/10, 2010.
- ¹⁹ United Nations, *Toolkit & Conclusions on parties in the armed conflict of the Democratic Republic of the Congo*, S/2006/724, 2006.
- ²⁰ *cf.* Children and Armed Conflict Report of the Secretary-General, Recommendations, p. 45, A/64/742-S/2010/181 para. 194.
- ²¹ For example, Common Article III of the Additional Protocols to the Geneva Conventions refers to a “responsible command” structure, and territorial control sufficient to carry out “sustained and concerted military operations and to implement this Protocol”.
- ²² The following parties have been on the Secretary-General’s annex lists for at least five years: 1) Abu Sayyaf Group (ASG); 2) Ejército de Liberación Nacional (ELN); 3) Forces armées de la République démocratique du Congo (FARDC), including recently integrated units of the Congrès national pour la défense du peuple (CNDP), formerly led by Laurent Nkundwa and currently led by Bosco Ntaganda; 4) Forces démocratiques de libération du Rwanda (FDLR); 5) Front nationaliste et intégrationniste (FNI); 6) Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP); 7) Karenni Army (KA); 8) Karen National Liberation Army (KNLA); 9) Lord’s Resistance Army (LRA); 10) Mai-Mai groups in North and South Kivu, including Patriotes résistants congolais (PARECO); 11) Moro Islamic Liberation Front (MILF); 12) New People’s Army (NPA); 13) pro-government militias in Darfur; 14) Sudan People’s Liberation Army (SPLA); 15) Tatmadaw Kyi; and 16) Transitional Federal Government of Somalia (TFG).
- ²³ The Sudan People’s Liberation Army (SPLA) and the Moro Islamic Liberation Front (MILF). The 10th Annual Report on Children and Armed Conflict notes, within Annex I, that both the Karen National Liberation Army and the Karenni Army have “sought to conclude an action plan with the United Nations in line with Security Council resolutions 1539 (2004) and 1612 (2005), but the United Nations has been prevented from doing so by the Government of Myanmar.”
- ²⁴ United Nations, *Conclusions on Children and Armed Conflict in Uganda*, S/AC.51/2010/1, 2010.
- ²⁵ Watchlist on *Children and Armed Conflict and Save the Children, Children Affected by Armed Conflict in Afghanistan*, 2011. Available online at: <http://watchlist.org/wordpress/wp-content/uploads/WL-Afghanistan-Briefing-Note-2011.pdf>
- ²⁶ See paragraph 193 in United Nations, *Children and Armed Conflict Report of the Secretary-General*, A/64/742 S/2010/181, 2010. This was echoed in the June 2010 Statement by the President of the Security Council.
- ²⁷ In his 2011 report, as in previous reports (2010, 2009), the Secretary-General encouraged the Security Council “to continue considering the application of targeted measures against persistent perpetrators of grave violations against children who are listed in my annual reports.”

Watchlist on Children and Armed Conflict c/o Women's Refugee Commission
122 East 42nd Street, 11th floor - New York, NY 10168-1289 • Phone: 212.551.2941 • Fax: 212.551.3180
Email: watchlist@watchlist.org • Access reports at: www.watchlist.org