

# a checklist for mainstreaming:

## Children and Armed Conflict-Friendly Security Council Resolutions

For over a decade, the United Nations Security Council has steadily advanced the development of a thematic children and armed conflict (“CAC”) agenda. However, these thematic developments have not been reflected consistently in the Council’s country-specific work. Watchlist on Children and Armed Conflict has developed a ten-point checklist to assist Security Council experts and others in mainstreaming the protection of children affected by armed conflict in country-specific Security Council resolutions. Each item in the checklist is derived from Security Council thematic resolutions on children and armed conflict and is supported by additional detailed recommendations.

## about watchlist

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 non-governmental 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 on Children and Armed Conflict is a project of Tides Center, a nonprofit public charity.

## Checklist for Mainstreaming Children and Armed Conflict in Security Council resolutions

1. Reference all relevant CAC resolutions, reports and conclusions
2. Condemn and call for an end to all violations against children by all parties to conflict and for strict compliance with international humanitarian law and human rights law
3. Encourage conclusion and implementation of action plans to halt violations
4. Use sanctions to increase pressure on perpetrators of violations against children
5. Demand accountability for perpetrators
6. Include specific provisions on the protection of children and the deployment of child protection advisers in any mission mandate
7. Call for compliance with international humanitarian law and human rights law by peacekeeping forces
8. Encourage support to DDRRR (Disarmament, Demobilization, Repatriation, Reintegration and Resettlement) for children associated with armed forces and armed groups
9. Include child protection concerns in peace processes
10. Request specific reporting by the Secretary-General on children and armed conflict in all country reports

# 1. Reference all relevant CAC resolutions, reports and conclusions

“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, 1539 (2004) of 22 April 2004, 1612 (2005) of 26 July 2005, 1882 (2009) of 4 August 2009 and 1998 (2011) of 12 July 2011, and all relevant Statements of its President, which contribute to a comprehensive framework for addressing the protection of children affected by armed conflict.”

## –Security Council Resolution 2068 (2012), preamble

When drafting a resolution on a situation involving children affected by armed conflict, reference should be drawn, in particular, to

- all relevant Security Council thematic resolutions and presidential statements on CAC;
- the Secretary General’s most recent relevant country report on CAC; and
- the most recent relevant country conclusions of the Security Council Working Group on CAC.

Particular reference should be drawn to the following resolutions:

- 1612 (2005) which establishes a Monitoring and Reporting Mechanism (MRM), creates the first “trigger violation” of the recruitment and use of children, and establishes the Security Council Working Group on CAC (SCWG);
- 1882 (2009) which extends the trigger violation to killing and maiming and/or rape and other forms of sexual violence;
- 1998 (2011) which extends the trigger violations to attacks on schools and/or hospitals
- 2068 (2012) which calls on member states to bring perpetrators to justice and expresses readiness to adopt targeted and graduated measures against persistent perpetrators.

In referring to Working Group conclusions, it is particularly useful to explicitly mention particular recommendations such as those on action plans or accountability in the body of the resolution.

## 2. Condemn and call for an end to all violations against children by parties to conflict and for strict compliance with international humanitarian law and human rights law

“Strongly *condemns* all violations of applicable international law involving the recruitment and use of children by parties to armed conflict, as well as their re-recruitment, killing and maiming, rape and other sexual violence, abductions, attacks against schools or hospitals and denial of humanitarian access by parties to armed conflict and all other violations of international law committed against children in situations of armed conflict.”

**–Security Council resolution 1998 (2011), o.p. 1**

A CAC-friendly resolution should condemn all violations against children by all parties to conflict, in particular the 6 grave violations, namely:

- recruitment and use of children;
- killing and maiming;
- rape and other forms of sexual violence;
- attacks on schools and/or hospitals;
- abductions; and
- denial of humanitarian access.

Furthermore, language in the resolution should:

- call on all relevant parties to cease the violations which are being condemned as well as any other violations of applicable international humanitarian law or human rights law;
- call on all parties to respect international humanitarian law and human rights law obligations pertaining to the protection of children including those contained in:
  - the Geneva Conventions of August 12, 1949, in particular the Fourth Geneva Convention;
  - the additional protocols to the Geneva Conventions;
  - the Convention on the Rights of the Child and its Optional Protocol on the Involvement of Children in Armed Conflicts; and
  - the Rome Statute of the International Criminal Court.

### 3. Encourage conclusion and implementation of action plans to halt violations

“ (a) *Reiterates* its call on parties to armed conflict listed in the annexes of the Secretary-General’s report on children and armed conflict that have not already done so to prepare and implement, without further delay, action plans to halt recruitment and use of children and killing and maiming of children, in violation of applicable international law, as well as rape and other sexual violence against children; ”

...

“ (c) *Calls* upon those parties listed in the annexes of the Secretary-General’s report on children and armed conflict that commit, in contravention of applicable international law, recurrent attacks on schools and/or hospitals, recurrent attacks or threats of attacks against protected persons in relation to schools and/or hospitals, in situations of armed conflict, to prepare without delay, concrete time-bound action plans to halt those violations and abuses; ”

...

“ (e) *Urges* those parties listed in the annexes of the Secretary-General’s report on children and armed conflict to implement the provisions contained in this paragraph in close cooperation with the Special Representative of the Secretary-General for Children and Armed Conflict and the United Nations country-level task forces on monitoring and reporting. ”

**–Security Council resolution 1998 (2011), o.p. 6**

The Security Council has consistently called on parties to conflicts to conclude action plans to address grave violations against children. Action plans lay out concrete and time-bound steps parties will take to bring an end to violations and should also provide for accountability for perpetrators. Depending on the status of or obstacles encountered in negotiations on or implementation of action plans, the Security Council may:

- call on all parties to the conflict to enter into negotiations with the United Nations for the preparation and implementation of concrete, time-bound action plans in relation to all reported violations against children;
- call on Governments to allow access to the United Nations to non-state armed groups for humanitarian dialogue for the purpose of adopting and implementing such action plans;
- welcome progress in concluding action plans;
- call on parties to ensure the full implementation of action plans within established timeframes;
- encourage the United Nations, through the Secretary-General or relevant offices or missions, to prioritize support to action plan implementation; and
- welcome the de-listing of parties from the Secretary-General’s annual report on CAC upon the successful implementation of action plans.

## 4. Use sanctions to increase pressure on perpetrators of violations against children

“Reiterates its readiness to adopt targeted and graduated measures against persistent perpetrators, taking into account relevant provisions of its resolutions 1539 (2004), 1612 (2005), 1882 (2009), and 1998 (2011).”

**–Security Council resolution 2068 (2012), o.p. 3 (b)**

If used appropriately, sanctions can increase pressure on perpetrators of violations against children to put an end to such violations. To use sanctions to pressure such perpetrators, the Security Council should:

- ensure that violations against children are specifically listed as criteria for the designation of individuals or groups for sanctions by all new or existing sanctions committees;
- designate individuals or groups responsible for violations against children and encourage Member States to provide names and identifying information of such individuals or groups for designation;
- request relevant panels of experts to investigate violations against children with a view to designating perpetrators for sanctions;
- encourage the sharing of information between the Special Representative of the Secretary-General for Children and Armed Conflict or the Security Council Working Group on Children and Armed Conflict and relevant sanctions committees;
- reflect publicly the violations committed against children by those subject to sanctions in the narrative summaries issued by sanctions committees; and
- ensure that sanctions are appropriately targeted and that any impact on humanitarian assistance is minimized and effectively mitigated including through exemptions for humanitarian activities.

## 5. Demand accountability for perpetrators

“Calls upon Member States concerned to take decisive and immediate action against persistent perpetrators of violations and abuses committed against children in situations of armed conflict, and further calls upon them to bring to justice those responsible for such violations that are prohibited under applicable international law ... through national justice systems, and where applicable, international justice mechanisms and mixed criminal courts and tribunals, with a view to ending impunity for those committing crimes against children.”

**–Security Council resolution 1998 (2011), o.p. 11**

The threat of accountability can help to put an end to violations. Accountability is also essential in itself to enabling societies to deal with past violations and to further sustainable peace. The Security Council should:

- emphasize that there should be no impunity for war crimes, crimes against humanity or other violations committed against children in situations of armed conflict;
- call on all parties to the conflict to ensure that all violations of international humanitarian law by their members are effectively investigated and prosecuted;
- call on governments to bring those responsible for violations and abuses against children to justice;
- call on other Member States to take action and fully support domestic efforts to bring perpetrators to justice;
- refer, where appropriate, situations involving grave violations of international humanitarian law against children to the International Criminal Court (ICC), or invite concerned States Parties to the Rome Statute to refer such situations themselves;
- Where the ICC is investigating or prosecuting, require all Member States to cooperate fully in the investigation and prosecution of crimes; and
- Draw attention to the full range of transitional justice and reconciliation mechanisms, including criminal prosecutions, truth-seeking mechanisms and reparations for victims, and call on Member States and donors to support such efforts.

## 6. Include specific provisions on the protection of children and the deployment of child protection advisers in any mission mandate

“Reaffirms its decision to continue to include specific provisions for the protection of children in the mandates of all relevant United Nations peacekeeping, peacebuilding and political missions, encourages deployment of Child Protection Advisers to such missions and calls upon the Secretary-General to ensure that such advisers are recruited and deployed in line with the Council’s relevant country specific resolutions and the Department of Peacekeeping Operations (DPKO) Policy Directive on Mainstreaming the Protection Rights and Wellbeing of Children by Armed Conflict.”

### –Security Council resolution 1998, o.p. 14

All missions authorized by the Security Council, including missions carried out by the UN directly or by regional organizations or other actors, should have in their mandates specific provisions on the protection of children. Child protection functions include enhancing the dialogue with perpetrators to end violations against children, identifying and securing the release of children from armed groups, working to ensure children’s rights in national legislation, mainstreaming child protection throughout the mission, advocating child protection issues within the mission, and monitoring and reporting on violations against children. The specific functions to be accorded to each mission will depend on the nature of the mission and on other UN presences performing similar functions in country. Dedicated child protection advisers are necessary to ensure child protection concerns are given adequate attention. The Security Council should:

- incorporate child protection within the priorities of any mission and call for dedicated child protection advisers to be deployed in sufficient numbers to carry out the mission’s child protection functions;
- encourage the mainstreaming of child protection concerns throughout the mission as a priority;
- ensure that the following essential functions are covered either within the mandate of an appropriately qualified and staffed mission or by other UN presences:
  - implementing the monitoring and reporting mechanism (“MRM”) under resolution 1612 (2005), 1882 (2009) and 1998 (2011);
  - ensuring effective follow-up to Security Council resolutions on CAC and reporting thereon to the Council;
  - working closely with the Government and/or other parties to the conflict in order to ensure the adoption and full implementation of action plans to halt violations against children;
  - disarmament, demobilization, repatriation, reintegration and resettlement (“DDRRR”) of former child soldiers; and
- give careful consideration to the impact on the protection of children of decisions related to mission structure, integration of functions within a mission, and assignment of responsibilities between a UN mission and other actors, both UN and non-UN, on the ground.



## 7. Call for compliance with international humanitarian law and human rights law by peacekeeping forces

“ 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. ”

**–Security Council resolution 1612 (2005), o.p. 11**

The Security Council should ensure that any mission it authorizes complies fully with relevant international humanitarian law and human rights law. This includes not only UN missions, but also missions carried out by regional organizations with a Security Council mandate. In authorizing a mission, the Security Council should call on that mission to:

- fully comply with all relevant obligations of international humanitarian law or human rights law including those related to the protection of children;
- ensure adequate training in international humanitarian law and human rights law, including specific training in relation to children, both before and during deployment;
- conduct after action-reviews and investigations of any reported violations or incidents;
- enforce accountability for violations of international humanitarian law and human rights law by mission forces; and
- adopt standard operating procedures for encountering children associated with or separated from armed groups.

## 8. Encourage support to DDRRR (Disarmament, Demobilization, Repatriation, Reintegration and Resettlement) for children associated with armed forces and armed groups

“Stresses that effective disarmament, demobilisation and reintegration programmes for children, building on best practices identified by UNICEF and other relevant child protection actors, including the International Labour Organization, are crucial for the well-being of all children who, in contravention of applicable international law, have been recruited or used by armed forces and groups, are a critical factor for durable peace and security, and urges national Governments and donors to ensure that these community-based programmes receive timely, sustained and adequate resources and funding.”

**–Security Council resolution 1998, o.p. 18**

DDRRR is of particular importance not only for the children themselves but also for the preventing re-recruitment and ensuring sustainable peace. In any situation involving the recruitment and use of children, the Security Council should:

- request the Secretary-General and/or relevant UN agencies as well as UN missions, civil society and the Government to cooperate closely in developing and implementing DDRRR programmes with specific attention to the rights and needs of children;
- urge all military forces and UN missions operating in the regions to adopt standard operating procedures on encountering children associated with armed groups and transferring them to DDRRR programmes; and
- call on donors to provide support to DDRRR programmes which take into account the rights and needs of children.

## 9. Include child protection concerns in peace processes

“Calls upon Member States, United Nations entities, including the Peacebuilding Commission and other parties concerned to ensure that the protection, rights, well-being and empowerment of children affected by armed conflict are integrated into all peace processes and that post-conflict recovery and reconstruction planning, programmes and strategies prioritize issues concerning children affected by armed conflict.”

**–Security Council resolution 1998 (2011), o.p. 19**

To achieve lasting, sustainable peace and appropriate treatment of child victims of armed conflict, the Security Council should ensure the incorporation and prioritization of child protection concerns in peace processes. In particular, the Security Council should:

- call on parties to ensure that the cessation of violations against children, including the full demobilization of child soldiers, are essential components of any peace process;
- call on all parties to peace negotiations to include specific provisions for the reparation, reintegration and resettlement of former child soldiers in any agreement;
- call on parties to forswear amnesties for grave violations against children and to ensure that the ones responsible for such violations are being prosecuted.

# 10. Request specific reporting by the Secretary-General on children and armed conflict in all country reports

“*Reiterates* its request to the Secretary-General to ensure that, in all his reports on country-specific situations, the matter of children and armed conflict is included as a specific aspect of the report, and expresses its intention to give its full attention to the information provided therein, including the implementation of relevant Security Council resolutions and of the recommendations of its Working Group on Children and Armed Conflict, when dealing with those situations on its agenda.”

**–Security Council resolution 1998 (2011), o.p. 13**

The Security Council has requested the Secretary-General to include children and armed conflict as a specific aspect of all country-specific reports, but this has not always been done. A separate section on children and armed conflict serves to highlight children and armed conflict concerns for Member States and to provide clearer guidance to decision-makers in the Security Council.