

Protecting Children in Armed Conflicts as a New Imperative of International Peace and Security*

Tonderai W. Chikuhwa

More and more of the world is being sucked into a desolate moral vacuum. This is a space devoid of the most basic human values; a space in which children are slaughtered, raped, and maimed; a space in which children are exploited as soldiers; a space in which children are starved and exposed to extreme brutality....Millions of children are caught up in conflicts in which they are not merely bystanders, but targets. Some fall victim to a general onslaught against civilians; others die as part of a calculated genocide. Still other children suffer the effects of sexual violence or the multiple deprivations of armed conflict that expose them to hunger or disease.

Children are both our reason to eliminate the worst aspects of armed conflict and our best hope of succeeding in that change.

Graca Machel, 1996

One may say that there is no clearer mirror on the soul of who we are than the reflection of how we treat our children. The horrors that are being visited on children in more than thirty conflicts around the world today are a shadow over our collective conscience. The most conservative estimates suggest that in the past decade more than two million children have been killed in armed conflict. Three times that number have been seriously injured or permanently disabled. Millions of others have been forced to witness and even partake in terrible acts of violence. Hundreds of thousands of children continue to be exploited as child soldiers, and tens of thousands of girls are being subjected to rape and other forms of sexual violence. Abductions of children are a more common and widespread enterprise than ever before. And, since 2003, over fourteen million children have been forcibly displaced within and outside their home countries, and between 8,000 and 10,000 children are killed or maimed every year as a result of landmines.

Our most sacred covenant to care for and protect our children is being broken in every part of the world. The 2011 annual report of the Secretary-General to the Security Council on Children and Armed Conflict¹ documented grave violations against children in 21 situations of concern: Afghanistan, Burundi, Central African Republic, Chad, Colombia, Côte d'Ivoire, the Democratic Republic of the Congo, Haiti, India, Iraq, Lebanon, Myanmar, Nepal, the Occupied Palestinian Territory and Israel, Pakistan, the Philippines, Somalia, Sri Lanka, Sudan, Thailand, and Yemen. Furthermore, the report explicitly cited 59 parties—both state and non-state actors—for committing grave violations against children.

This essay focuses on the plight of children in the context of conflict. It looks at the problem specifically through the lens of United Nations' response. The central argument is that the changing nature of conflict has generated an acute protection crisis for civilian

populations in general and children in particular. This has led to a fundamental conceptual and operational shift at the level of the United Nations, namely, a recognition that the protection of children cannot be treated exclusively as a human rights or child rights consideration. It has to be viewed first and foremost as a peace and security concern that requires an operational security response. Grave violations being perpetrated against children in the context of war constitute a direct and legitimate threat to the maintenance of international peace and security.

This conceptual shift is manifested primarily in the sustained priority that the United Nations Security Council has given to children in armed conflict in the last decade, and in particular the structured regime put in place by the Council to engender compliance with international standards for the protection of children. The Security Council's purposeful engagement with the status of children has established a number of important precedents, which carry implications for the human rights agenda as a whole. The Security Council's engagement has increased the pressure on perpetrators of violations by shining a spotlight on the crimes that they commit. It has increased pressure on the United Nations Secretary-General and his Secretariat to react to this crisis. It has increased pressure on the Security Council itself, as it recognizes that its ability (or otherwise) to protect children is a fundamental component of its own credibility. The essay argues that as a result there have been important gains in the protection of children in war. However, the sustained political will of states and a strategic approach to leverage the infrastructure and tools of the United Nations system are required to translate these gains into consistent physical protection for children on the ground.

Graca Machel asked, "Why are children so brutally exposed during modern warfare—not just as collateral damage but as deliberate targets?" This fundamental question marks the point of departure of this essay. Part One begins by examining the changing character of modern warfare, outlining a number of emerging child protection themes. Part Two looks at how children and armed conflict concerns have progressively taken center stage on the international peace and security agenda. The essay looks specifically at how acute concerns for the protection of the rights of children in conflict situations has resulted in prioritization and development of this agenda in the work of the United Nations, leading to deeper integration of this issue in terms of policies, priorities, and operations. Part Three examines in particular the emergence of children and armed conflict as a policy and operational priority for the key departments of the United Nations Secretariat charged with implementing mandates of the Security Council in situations of conflict. Part Four highlights some of the progress that has been made to bring protection to children and outlines some of the remaining challenges.

PART I: The Changing Character of Modern Warfare and Critical Child Protection Themes

In the last decade a number of United Nations reports, including the Graca Machel study and the Machel 10-Year Review Report,² have noted with concern that the character and tactics of war are changing, bringing new and unprecedented threats for children. Most notably, today's wars are being fought *within* states rather than *between* states. In many of these new wars, especially in Asia and Africa, conflict is located in peripheral areas where access is difficult. In many cases religious and ethnic affiliations are being manipulated to

exacerbate hatreds or aggression. As a result, the proportion of war victims who are civilians has increased dramatically in recent decades, from five percent to more than ninety percent. At least half of these casualties are children.

It is also evident that children and other vulnerable segments of the civilian population are the direct targets of violence. In addition to thousands of children being killed and wounded as a direct result of fighting, many more children in conflict contexts die from malnutrition and disease. Other fundamental rights, such as education and recreation, are also being denied children in situations of armed conflict. This led Graca Machel to declare that, “War violates every right of a child—the right to life, the right to be with family and community, the right to health, the right to the development of the personality and the right to be nurtured and protected.”³

The new face of war blurs the lines between military and civilian targets, and has constricted humanitarian space and access to affected populations. Traditional safe havens and critical infrastructures, such as educational institutions and medical facilities, are being deliberately targeted. The rise of terrorism—as well as counter-terrorism measures—has made children more vulnerable than ever before. Conflicts create environments that exacerbate grave violations against children. Therefore, the changing nature of conflict and its impact on children must serve as the overarching framework of analysis for a global agenda to protect children in war.

A. Protection of Children in the Course of Military Operations

New tactics of war, the absence of clear battlefields, and increasingly numerous and diverse parties to conflict (in terms of their composition, motivations, and character) have complicated matters. Moreover, the rise of terrorism has been met with counter-terrorism action that often blurs the line between what is legitimate (and what is not) in addressing security threats. Raids against predominately civilian targets, including night raids and the use of heavy artillery in civilian-populated areas, make children more vulnerable to being killed or maimed and often serve to fuel resentment and further conflict.

Rules of engagement of armed forces stipulate that the protection of civilians should remain the foremost consideration in the course of military operations. However, increasingly the record indicates that these strictures are inadequate to ensure the safety of children. Moreover, as noted by the Secretary-General in his 2010 report to the Security Council on Children and Armed Conflict,⁴ there is also a growing practice of putting children in the direct line of danger, for instance through their use for intelligence for military operations. This includes the interrogation of children separated from armed groups during military actions in contravention of standards that require their immediate transfer to protection actors.

The Security Council is now including more explicit civilian protection provisions in its peacekeeping mandates. This has led to development of new arrangements in U.N. peacekeeping operations, such joint civilian, military, and police protection teams and rapid reaction and early warning arrangements. The objective of these initiatives is to deepen information as a basis for more effective action; to better coordinate action across civilian, police, and military components of peacekeeping operations; and to leverage more effectively peacekeeping resources, particularly the advantage of physical presence in remote areas where the access of humanitarian actors may be limited.

B. Terrorism and Counter-Terrorism

The concept of terrorism has come to dominate the security discourse in many places around the globe. Both terrorist actions and counter-terrorism measures have a profound impact on children. Terrorist attacks disproportionately target civilians in hitherto sacrosanct locations, such as places of worship, schools and hospitals, markets, and other public spaces. Children are also increasingly being used to perpetrate these attacks because they can be more easily compelled to such acts and they are less conspicuous. In some locations child suicide bombers have been used.

As a result, anti-terrorism measures often target children, including through the arrest and detention of children suspected of having links to terrorist organizations. Many of these children are detained for extended periods of time for relatively minor offences like stone throwing or demonstrating. In a number of conflicts around the world, children as young as twelve are detained without due process provisions, in violation of international juvenile justice standards. In detention they sometimes suffer beatings, sexual violence, and physical and psychological torture. "Precision" aerial bombardment and other types of military operations also result in what is termed "collateral damage," and children are often the victims.

International humanitarian law is built on the principle of *separation of combatants from civilians* and on *proportionality in the use of force*. Both of these cornerstone elements are being challenged by new types of military actions, with major consequences for children.

C. Asset Wars and Small Arms

There is increasingly a "grey area" in which criminality and politically motivated action intersect. Asset or resource wars have become more common. Such conflicts often revolve around the domination of territory or the state apparatus as a direct means of controlling natural resources, such as oil, diamonds, gold, coltan, timber, or cocoa. There are often a multiplicity of actors vying for a stake, from government armed forces to armed groups opposed to the state, to international interests such as "third-party" states, multinational corporations, and criminal networks. There is often close inter-linkage with other lucrative and mainly illicit trade, for example in weapons and drugs, which serves to fuel and prolong conflict. Beyond conscription as soldiers, children may also be forced to labor in mining activities or be subject to child trafficking.

Asset wars have given rise to complex war economies and have frequently internationalized armed conflict. As a result, the international community faces a considerable challenge in responding. Sanctions regimes and other measures must be increasingly sophisticated and multifaceted to affect those who wage, fuel, and otherwise benefit from conflict. Higher standards of corporate responsibility are required of those enterprises and industries that benefit from the illicit trade of natural resources.

Widespread and ready availability of small arms and light weapons fuels and exacerbates conflict, undermines peace processes, impedes peace building, and hinders the provision of humanitarian assistance. There is a direct correlation between the increased use of children in conflict and the ready availability of small arms. Such weapons are easy even for

the youngest children to manipulate and master. The proliferation of small arms helps to sustain cultures of violence in fragile post-conflict societies.

D. Recruitment of Child Soldiers

Recruitment and use of children has become a common practice of many armed groups for waging war. At root there are numerous and often inter-related factors that drive the recruitment and use of child soldiers. Children are recruited by force or may “voluntarily” join armed groups to safeguard themselves and their families. Many are compelled by poverty and lack of livelihood opportunities, domestic violence, or lack of parental care altogether. Some have seen family members killed in conflict and these children may be motivated by a desire for retribution or revenge. For some, the lack of legitimate avenues for political dissent and participation or ideologies of nationalism or ethnic identity become powerful motivating factors. Particularly in situations of protracted conflict that may have lasted for several decades and decimated the adult male population, the recruitment of children becomes a calculus of the urgent “demand” for fighters and the ready “supply” of children.

Compared to adults, children are easier and cheaper to recruit. While adults often have to be paid, children may be compelled by the promise of protection and basic sustenance. Children are easily indoctrinated, manipulated, and exploited by adults wielding guns and authority. For many children these adults represent their only role models.

Reintegration of former child soldiers into communities is a complex and long-term proposition. It begins with negotiating the release of children and their physical extrication from armed groups. The tracing of family and the reunification phase that follows are often complicated, time-consuming, and resource intensive. Beyond the practical challenge of locating the families and communities of children who have sometimes been “lost” for years, successful reunification must also address the challenge of “spiritually” reconnecting children and their communities. This includes dealing with the sense of alienation, guilt, or anger that children may harbor against families whom they may accuse of failing to protect them. At the same time, reintegration programs must also take into account challenges related to the communities themselves being prepared to accept the return of their children in contexts in which atrocities may have been committed by those very children in their communities.⁵

E. Sexual Violence

Sexual violence is one of the most cynical and devastating tactics of war. It is used to achieve military, political, and social objectives through, for instance, the targeting of specific ethnicities or terrorizing populations to force displacement. Data indicates that children are particularly vulnerable to sexual violence in and around refugee and internally displaced population settings and when they are directly associated with armed forces and groups. Child survivors of sexual violence suffer debilitating physical and psychological consequences. This is particularly true for girls who have been raped or forced to “marry” combatants, as well as for their children born of rape.

Women and girls remain the main victims of sexual violence in armed conflict. However, there are increasingly reports of sexual abuses committed against boys. Information on

sexual violence against boys continues to be thin in part because boys are more reluctant to speak out about these violations and there is inherently a bias against questioning boys about such abuse. Another aspect that tends to be overlooked is the trauma boys face as perpetrators or witnesses of sexual violence. They may be forced to commit rapes either directly by their commander or indirectly through peer pressure. Many may be forced to witness sexual violence perpetrated by others. Landmark jurisprudence related to the conflict in the former Yugoslavia determined that forcing an individual to witness acts of rapes and other sexual violence is considered to be sexual torture under international law.⁶

There are significant challenges in collecting data and reporting on sexual violence against children in armed conflict. Part of the problem lies in the fact that these acts are considered as deep taboos and, as such, survivors and communities are not encouraged to speak out. The lack of trust in judicial processes and the fear of reprisals accentuate the culture of silence. Yet, more precise and comprehensive information, including incident details and identity of perpetrators, is required in order to combat impunity and for more effective programs for survivors. It is recognized that monitoring, reporting, and response to sexual violence requires new perspectives and methodologies, as well as more extensive partnerships across the U.N. system and beyond. For example, in the context of U.N. peacekeeping, collaboration between civilian components and the U.N. military and police may entail the matching of information on sexual violence with intelligence gathered on movements of armed parties and their command structures and *modus operandi*. At the same time, more precise incident-related information must be complemented by macro-level information related to scope, trends, and patterns of sexual violence. More timely and effective programming and dedication of sufficient resources depends on the deepening of all aspects of the information base on sexual violence. This has emerged as a central operational priority of the U.N. system.⁷

F. Targeting Schools and Teachers

The changing nature of conflict is characterized by deliberate attacks against and destruction of educational infrastructures, including the targeting of schoolchildren and teachers. This is illustrated by data which indicates that over one-third of the 72 million out-of-school children of primary school age reside in low-income countries affected by conflict.⁸

Beyond the destruction of educational facilities through deliberate targeting or as collateral damage of armed confrontations, attacks against education also have other faces. For instance, there are reports of the use of acid and gas on girl students on their way to or at school, as well as shootings and suicide bombings on school premises. In some contexts, schools are a prime recruiting ground for armed groups. Elsewhere, school buildings are used as training centers or as military bases, turning them into high-value military targets.

There are numerous motivations for attacking teachers, students, and school buildings, including the achievement of military, political, or socio-cultural objectives. In some cases attacks are perpetrated as a means of creating a general climate of insecurity, to destabilize local communities or target them for retribution for perceived support of the government or to undermine the government by destroying symbols of state institutions. The result is a growing disregard for the notion that schools above all other places should be safe havens

for children. The consequence is the growing fear of children to attend school, of teachers to give classes, and of parents to send their children to school.⁹

G. Diversity of Armed Actors

The nature of armed conflict in recent years is also changing insofar as the character of armed actors is increasingly varied and difficult to define. The 59 parties to conflict cited in the Secretary-General's 2010 report include government forces, armed political opposition forces, rebel groups or liberation movements, community-level self-defense militias, paramilitary and proxy forces, and illegal armed groups. This array of labels reflects the diverse character and motivations of armed actors in contemporary conflicts and the rapidly shifting realities on the ground. The objectives and organizational structures of armed actors are increasingly fluid. Often there is a grey area where political motivations coincide with criminal intent. Prominent examples include the political motivations of the FARC rebels in Colombia and their deep-rooted involvement in the narco-trade, and the criminal gangs in Haiti who have frequently been mobilized by political parties as part of election campaigns. A central emphasis of the United Nations child protection agenda is to engage in child protection dialogue with all parties to a conflict. This continues to be a sensitive issue for national governments, which consider such engagement by the U.N. as conferring legitimacy on their opponents and constitutes a fundamental encroachment on their sovereignty.

PART II: Placing Children on the United Nations Peace and Security Agenda

As the dangers for children in situations of armed conflict have become more acute, the United Nations system has moved to treat their plight as a legitimate threat to international peace and security requiring an operational security response. In a practical sense this has signified an extension of the debate on children and conflict. It has moved it from its traditional human rights frame, under the rubric of the United Nations Human Rights Council and the General Assembly, to becoming a standing concern on the agenda of the Security Council as the pre-eminent global body for the maintenance of international peace and security. This shift has brought a new level of attention, energy, and resources. In the past decade the most notable progress on the children and armed conflict agenda has been the concerted, purposive, and systematic engagement by the U.N. Security Council and the consequent gains that have been made in addressing the impunity of perpetrators and the resourcing of protection programs for children in situations of conflict.

The engagement of the Security Council has raised the stakes on all sides. From the perspective of state and non-state parties who are committing grave violations, the perceived and actual consequences for abusing children has risen as the Security Council has put in place a monitoring and compliance regime and moved toward the adoption of sanction measures against violators in successive resolutions. From the perspective of the Secretary-General and other United Nations system actors, the engagement of the Security Council has resulted in a new sense of urgency and pressure within the system to re-evaluate and redirect priorities and to better coordinate actions on the ground. From the perspective of the Security Council itself, the stakes have also risen because as the rigor of

its engagement on this issue has increased, so has the level of outside interest, understanding, and scrutiny of the work of the Council in this area. Concerted action for children is increasingly perceived by the Security Council as a matter reflecting its own credibility. The children and armed conflict agenda has also raised the stakes by opening the door for more systematic engagement of the Security Council on a number of other critical thematic human rights concerns, such as *Women, Peace, and Security* and *Protection of Civilians in Armed Conflict*.

A. Critical Precedents in the Work of the Security Council

The engagement of the Security Council on a thematic issue like children and armed conflict has necessitated a fundamental shift in the mode of business of the Council and, to some extent, a redefinition of the scope of its engagement. In its mode of work the Security Council typically adopts a situation-specific approach, focusing primarily on country situations of concern. The threshold consideration for inclusion on the agenda of the Council is a determination by its fifteen members that a given situation poses a legitimate threat to international peace and security. Hence, the Security Council has on its present agenda some of the most pressing situations of conflict and instability, such as Sudan and South Sudan, Côte d'Ivoire, the Democratic Republic of the Congo, Somalia, Iraq, Afghanistan, and Haiti. Yet, it is clear that what makes it onto the formal agenda (and what does not) is also a political determination by Security Council members. It is conspicuous, for instance, that a number of grave situations in which there has been protracted conflict are not formally on the agenda of the Security Council, such as the cases of Colombia, Myanmar, and Chechnya.

The engagement of the Security Council on the thematic issue of children and armed conflict must be viewed against this backdrop of political considerations. When the Council adopted the first resolution on children and armed conflict, SCR1261 (1999), it signaled that the issue as a cross-cutting theme constitutes a legitimate threat to international peace and security that belongs on its agenda. The practical implication of this decision is that the Council now focuses on all situations of concern in which children are suffering in the context of armed conflict. As the substantive gatekeeper of the children and armed conflict agenda, the Secretary-General makes the determination of situations of concern requiring Council attention. Therefore, the central political preoccupation and concern within the Security Council, and more broadly among many member states of the United Nations, is that thematic issues such as children and armed conflict may be used to “back-door” specific country situations onto the agenda of the Security Council.¹⁰ This has been a concern, for example, for Colombia, as well as for permanent members of the Security Council, such as the United Kingdom and the Russian Federation, as the children and armed conflict agenda over the past years has focused on violations by paramilitary groups in Northern Ireland and by Chechen rebels.

This central political dilemma has become an increasingly vexed question as the children and armed conflict agenda has evolved and the Security Council moves closer to adoption of sanction measures against violators. It is a testament to the political will of states to address this issue that these high-line political considerations have so far been overridden by a deep consensus and imperative to protect children in situations of armed conflict.

Traditionally in the context of United Nations institutional frameworks, human rights issues have been addressed primarily in the Human Rights Council and the General Assembly. The adoption of Resolution 1261 set an important precedent as the first thematic human rights concern to be formally taken up by the Security Council. Therefore, the treatment of children and armed conflict by the Security Council sparked a highly charged discourse among member states. Many consider that the Council has encroached on the prerogative of the General Assembly and Human Rights Council, which do not have selective membership but include all member states of the United Nations. However, over the years since the Security Council's adoption of 1261, it has been broadly recognized that the Council has unique tools that it may bring to bear, particularly to address impunity, and that this does not preclude the treatment of the issue by the General Assembly and Human Rights Council. The precedent-setting adoption of 1261 opened the door for the Security Council to include other thematic human rights issues as formal and standing concerns on its agenda, including the *Protection of Civilians*;¹¹ *Women, Peace and Security*; and *Sexual Violence in Conflict*.¹²

The active consideration of such thematic issues by the Security Council represents a deeper penetration than ever before of human rights into the realm of international peace and security. It has translated into a more fundamental and systematic integration of such concerns into the peacekeeping and peace-building mandates of the Security Council. It is exemplified by more specific and operational language on the protection of civilians and children and on conflict-related sexual violence in country-specific resolutions on the Democratic Republic of the Congo, Côte d'Ivoire, Sudan, and Somalia, to name a few.¹³

B. Establishing a Monitoring and Compliance Regime through Security Council Resolutions on Children and Armed Conflict

Since 1999, the Security Council has adopted eight resolutions on children and armed conflict: 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004), 1612 (2005), 1882 (2009), and 1998 (2011). These resolutions represent an important pillar in the international normative protection infrastructure for children. Their central aim has been to put in place a monitoring and compliance regime to compel parties to conflict to adhere to international child protection standards. There are four key elements of the compliance regime:

- Review of the conduct of parties to conflict, resulting in the systematic naming and listing of offending parties for grave child rights violations;
- Establishment of a monitoring and reporting mechanism to provide systematic and reliable information on violations and compliance, as a basis for action;
- Initiation of dialogue with parties to conflict leading to the development and implementation of actions plans to halt grave child rights violations;
- Ensuring accountability through action by key policy and decision-making bodies.

Security Council Resolution 1261 (1999) marked the entry point of the Council on children and armed conflict. It affirms that the protection of children in situations of armed conflict constitutes a legitimate international peace and security concern. The resolution outlines a broad framework for the protection of children and may be read alongside Graca Machel's report on the "Impact of Armed Conflict on Children." The resolution essentially draws out the major themes and priorities outlined by Graca Machel as the broad

framework for the engagement of the Security Council. The seven subsequent resolutions do not add substantively new elements but rather focus on and refine critical aspects of Res. 1261. In this sense the first resolution may be viewed as the foundation stone of the Council's formal engagement on children and armed conflict.

The subsequent resolutions have sought to advance the children and armed conflict agenda by refining critical substantive elements and orienting them toward concrete measures on behalf of children. The resolutions have dealt with multiple aspects of the agenda, such as the inclusion of child protection in peacekeeping mandates, the responsibility and engagement of regional groups, and the importance of programs for disarmament, demobilization, and reintegration of children. The unifying strand and central emphasis has been to structure a monitoring, reporting, and compliance regime. Therefore, Security Council Resolution 1314 (2000) provides a more specific plan of action for child protection, calling for an end to impunity for those who abuse children, including their exclusion from amnesty provisions; intensification of efforts to obtain the release of abducted children; and inclusion of child protection advisers in United Nations peacekeeping operations. The key feature of Security Council Resolution 1379 (2001) is to formally establish the practice of monitoring, reporting, and compliance by mandating the Secretary-General to prepare and publish a formal list of parties that recruit or use children in situations of armed conflict as an annex to his annual report to the Security Council on children and armed conflict. Resolution 1460 (2003) reinforces accountability by calling on parties identified in the Secretary-General's list to provide information on steps they have taken to halt the recruitment and use of children, with the Security Council expressing its intention to take appropriate steps when insufficient progress has been made.

Resolution 1539 marks a watershed moment in that it specifies, concretizes, and unifies the key elements of the monitoring, reporting, and compliance regime that were introduced in the previous resolutions. Through Resolution 1539, the Security Council requests that the Secretary-General provides information on progress and compliance by parties named in the annexes to his report, taking into account information concerning other violations and abuses being committed against children. The broadening of the focus to other grave violations has been critical, because hitherto the Council's formal engagement was focused on the issue of recruitment and use of child soldiers as a violation of international law. Security Council Resolution 1539, for the first time, articulates other categories of grave violations against children, thereby expanding the protection framework. The agenda now also addresses the killing and maiming of children, rape and other forms of sexual violence, abductions, attacks on schools and hospitals, and denial of humanitarian access for children. The Security Council, for the first time, requested parties to conflict to prepare concrete, time-bound action plans to end grave violations for which they have been cited.¹⁴ The Secretary-General was also requested to outline modalities of a systematic and comprehensive monitoring and reporting mechanism. The Council expresses its intention to consider imposing "targeted and graduated measures" against those parties who commit grave violations against children, *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." The Security Council also formally assigned the primary responsibility to ensure effective follow-up to resolutions and commitments on children affected by armed conflict to the heads of United

Nations country presence, namely, the Special Representatives of the Secretary-General and United Nations Resident Coordinators. This marked the first time that the most senior U.N. officials on the ground were formally and explicitly made responsible for overall follow up on the agenda, while specialized agencies, such as UNICEF and peacekeeping operations, are still required to lead in day-to-day implementation.

Under the new framework established by Res. 1539, Security Council Resolution 1612 also advances the protection of children in a number of crucial respects. The Council requests the Secretary-General to implement the monitoring and reporting action plan as specified in the 2005 report of the Secretary-General to the Security Council, to record the six categories of grave violations against children. The Security Council requests the heads of U.N. country presence to initiate contact with the parties to conflict listed in the Secretary-General's report with a view to engaging in dialogue leading to the preparation and implementation of time-bound action plans to halt the recruitment of child soldiers and other grave abuses. The Security Council establishes a dedicated Working Group on Children and Armed Conflict to review reports on violations and action plans by parties to conflict. The Security Council mandates the Secretary-General to continue reporting specific information on grave violations against children and to prepare monitoring lists naming offending parties in situations on the Council's agenda and other situations of concern.

The import of the Security Council Working Group on Children and Armed Conflict is that it further deepens and systematizes the engagement of the Council on children and armed conflict. In a practical sense, through the working group, the Security Council adjusts its frequency and mode of engagement on the issue. Even though children and armed conflict has formally been on the agenda of the Security Council since 1999, until the establishment of the working group the Council continued to deal with this issue on a "seasonal basis" in its annual Open Debate on children and armed conflict. This was inadequate from the perspective of timely response to rapidly evolving situations on the ground. The establishment of the working group provides a vehicle for in-country child protection actors to seize the attention of the Security Council about situations and incidents of concern for children on an as-needed basis throughout the course of the year. The annual Open Debate of the Council on children and armed conflict continues to serve as an important moment on the calendar of the Security Council to advance the children and armed conflict agenda, but the day-to-day work of monitoring compliance is being driven at the level of its working group.

Resolutions 1882 (2009) and 1998 (2011) build two important new aspects into the monitoring and compliance regime. As already noted, although the Security Council has begun to consider a broad range of violations against children in its review, hitherto its mandate to the Secretary-General to list parties to conflict has been restricted to those who recruit and use child soldiers. Res. 1882 for the first time mandates the Secretary-General to list parties *credibly suspected* of committing systematic acts of sexual violence against children, while Res. 1998 extends the list to include parties who target schools and hospitals. These two new triggers for the Secretary-General's list have brought greater balance to the children and armed conflict agenda and have expanded the protection framework for children.

PART THREE: Children and Armed Conflict as an Operational Priority of the Secretary-General and the United Nations Secretariat

A. Secretary-General's Report on Children and Armed Conflict as a Protection Instrument

The annual report of the Secretary-General to the Security Council on children and armed conflict defines the United Nations' substantive agenda on this issue, including the situations designated of concern for children. The report has always sought to establish the highest possible threshold of protection. In terms of the substantive elements they advance, the Security Council resolutions respond to the policy recommendations contained in the Secretary-General's annual report. Thus, the Secretary-General's report has been the driver in shaping the evolution of the children and armed conflict agenda in the Security Council. At the same time, the vigorous responses of the Council in its resolutions have, in turn, challenged the United Nations system, NGOs, and other key stakeholders to act more effectively and be more accountable in their work. The exchange between the United Nations Secretariat and the Security Council (through the "tandem-instruments" of the Secretary-General's report and resolutions of the Security Council) has been the primary vehicle for advancing the global child protection agenda. The report has served as an authoritative narrative account of the plight of children in conflict zones, thereby elevating the understanding of this problem. At the same time, it has progressively evolved into a more precise monitoring and compliance report—a "report-of-record"—on parties to conflict and the violations they commit, which serves as a basis for targeted measures against the perpetrators.

It was recognized early on that the report of the Secretary-General must be crafted in a specific way if it is to serve as an instrument to facilitate concrete action by the Security Council and other policy-level actors. At a minimum, the report has to represent the different dimensions and nuances of the children and armed conflict *problematique*, and serve as a tool to enhance global understanding and awareness. It has to focus the attention of the Council more explicitly on those parties to conflict that are committing violations. Hence, the Secretary-General is mandated to list these parties as a focal point for the Council and a clear signal of its intent to perpetrators. The report has to ensure that the spotlight is maintained on all parties to conflict that commit violations, both state and non-state actors. This has been achieved, notwithstanding the intense political sensitivity of the Secretary-General naming states. It has to ensure that the Security Council maintains its focus on all situations of concern for children, beyond the limited number of situations that are on its country-specific agenda (hence the gradual expansion of the listing exercise to include parties in situations not on the country-specific agenda). It has to ensure that the level of specificity regarding the listed parties is gradually increased, as a basis for action against explicitly named groups or even individuals (i.e., it is possible for the Security Council to adopt direct sanctions, such as a travel ban or asset freeze on Laurent Nkunda of the FDLR, whereas targeted measures against a broader category, such as "fighting groups in Afghanistan," is not possible in terms of sanction mechanics). The report has to serve as a means to forge a consensus understanding and agreement on the grave violations that constitute the basis for monitoring and reporting. This is also a process of ensuring an expansion beyond the initially rigid focus of the Security Council on the child soldiering dimension of children and armed conflict. It has to offer a viable technical roadmap for a monitoring, reporting, and compliance regime. Furthermore, it has to ensure that

information contained in the report is unimpeachable in its reliability, accuracy, and timeliness, if it is to serve as a basis for Security Council action (including possible sanctions measures).

B. Secretary-General's Monitoring and Reporting Mechanism

The Fifth Report of the Secretary-General to the Security Council on Children and Armed Conflict¹⁵ represents the culmination of a strategic process begun in 1999 to build-in all of the features outlined above, and develop a compliance report-of-record on grave violations against children. The centerpiece of this report is the specification by the Secretary-General of a structured mechanism to monitor and report on grave violations against children. The monitoring and reporting mechanism operates at three principal levels:¹⁶ (1) Country level: Information gathering, coordination, action and preparation of reports at country-level; (2) Headquarters Level: Coordination, scrutiny and integration of information, and preparation of reports at headquarters-level; (3) Destinations for action: Monitoring information included in reports used to obtain concrete action to ensure compliance to be taken particularly by bodies that constitute “destinations for action,” such as national governments, regional organizations, the Security Council, the General Assembly, the Human Rights Council and Committee on the Rights of the Child, the International Criminal Court, United Nations Country Teams, and United Nations Peacekeeping Operations, among others.

The mechanism monitors and reports on the six categories of violations against children. It has enabled U.N. operational actors to determine and agree upon coordination arrangements and has specified accountabilities in the U.N. system.

C. Strengthening the Child Protection Role of U.N. Peacekeeping and Political Missions

United Nations peacekeeping and political missions are the operational arm of the Secretary-General, responsible for executing mandates of the Security Council, including the operational aspects of the children and armed conflict agenda as articulated in the resolutions cited above. There has been significant progress to integrate child protection in the policies, priorities, and operations of United Nations peacekeeping and political missions.

Notably, in 2009, the Department of Peacekeeping Operations (DPKO) and the Department of Field Support (DFS) adopted a Policy Directive on Mainstreaming the Protection, Rights and Well-being of Children Affected by Armed Conflict (“the Directive”). This ground-breaking policy enshrines and reinforces the role of peacekeeping missions in the protection of children. The Directive is built around the key operational elements of Security Council Resolutions 1612 and 1882. The Directive specifies the role of peacekeeping operations in key areas. It includes such instructions as the monitoring and reporting of grave violations against children; the conduct of dialogue with parties to the conflict for the preparation of time-bound action plans to address the grave violations for which they have been cited by the Secretary-General; and other responsibilities such as the provision of regular training for civilian, police, and military personnel in peacekeeping operations on child protection issues.

In 2010, in an effort to bring consistency throughout all U.N. missions, the Department of Political Affairs (DPA) transmitted the DPKO-DFS Child Protection Directive to all relevant Special Political Missions under its purview. This is seen as an interim measure, pending DPA's internal review of the implications for its political missions of Security Council resolutions on children and armed conflict and the institution of a similar DPA policy.

It has been evident that the effective implementation of the Directive and consistent follow up of key operational elements of the Security Council resolutions depends on the deployment of the requisite child protection expertise to United Nations missions. In recognition, the Security Council has called for the deployment of Child Protection Advisers (CPAs) to all relevant peacekeeping and political missions. The broader General Assembly has also welcomed the deployment and role of Child Protection Advisers, including through General Assembly Resolution A/RES/62/141 on the Rights of the Child, and through its Special Committee on Peacekeeping Operations as referenced in the Secretary-General's report to the General Assembly A/64/19.

To date, CPAs have been appointed in nine peacekeeping missions and two Special Political Missions of the U.N. CPAs have ensured that reports of the Secretary-General on peacekeeping operations and specific country reports on children and armed conflict have more consistently included reliable and timely information and analysis as well as feedback to states about concrete child protection measures that are being undertaken. CPAs have also ensured that mission senior management is increasingly engaged on child protection at the highest level. More and more, child protection is being understood and reflected as part of the overall mission success criteria and performance benchmarks for which United Nations Special Representatives and Resident Coordinators are directly accountable.

D. Child Protection in Mediation, Peace Processes, and Agreements

Experience has shown that the long-term sustainability of peace depends on addressing the specific needs of children in peace-mediation processes and resultant agreements. Not to do so carries the risk of children ultimately becoming "spoilers" into the future. Since 2000, a number of peace processes and ceasefire agreements have reflected child protection considerations.¹⁷ However, the specific provisions have not necessarily been consistent or crafted in such a manner as to have a practical bearing as the agreements are operationalized.

One of the key challenges is to overturn the perception (including that of many United Nations mediators) that the broader political considerations and dynamics of a peace process may be adversely affected or compromised by raising child protection issues at the negotiation table. There is often a reticence to consider the protection of children as a "high-line" priority on par with achieving or maintaining ceasefires, for instance. Yet such issues as the immediate cessation of grave violations against children or the unconditional release of all children associated with fighting forces should be seen as primordial to any ceasefire agreement. Continued violations, such as child recruitment or unwillingness to identify and release children already in fighting forces, must be formally stipulated as violations of ceasefire agreements by parties to conflict. Other specific issues that should be reflected as integral provisions of peace agreements include terms for child disarmament, demobilization, and reintegration; care of internally displaced children; participation of

children in transitional justice frameworks; and specific attention and resources for children in the recovery and reconstruction phases.

In negotiation terms, the universal moral consensus on the protection of children may be viewed as an entry point and “comparative advantage,” a common point of agreement around which parties can be brought to the negotiating table, and a good-will prerequisite for broader negotiations. It is imperative that children are not made to wait until peace is settled. Parties should be required to make child protection commitments at all stages of the peace process, whether a ceasefire or peace agreement is imminent or not. In a practical sense this means that child protection elements should be routinely included in guidance materials for mediators, in mediation training programs, and in development of mediation tools.¹⁸

PART FOUR: Progress in the Protection of Children

A strong momentum for the protection of children in situations of conflict has been generated over the past ten years. A comprehensive normative protection framework is now in place. The sustained engagement of the Security Council has been a critical factor in advancing the child protection agenda, particularly in terms of engendering compliance with international law. The preceding sections have outlined important precedents and progress in norm building at the level of the U.N. Security Council and in the operational responses of the Secretary-General and the United Nations Secretariat. Highlighted below are a number of examples that may be considered as pivotal developments specifically to address the impunity of the perpetrators of grave child rights violations. These examples represent important precedents in themselves, and are indicative of the priority focus at all levels of the international system on holding perpetrators to account.

A. Building a Comprehensive Normative Infrastructure for the Protection of Children

The past decade has seen the elaboration and strengthening of the international normative infrastructure for the protection of children. The international community has put in place a robust and comprehensive legal framework specifically for the protection of children in situations of armed conflict. The Convention on the Rights of the Child, which enshrines many of these protections, is the only international treaty that enjoys near universal ratification (only the United States of America and Somalia have yet to ratify the convention). The international community has adopted the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The Rome Statute for the International Criminal Court (ICC) has been adopted and classifies crimes against children as war crimes under international law. African countries have adopted the African Charter on the Rights and Welfare of the Child, the first regional treaty establishing 18 years as a minimum age for any recruitment or participation in hostilities. International Labour Organization Convention 182 has been adopted, which defines child soldiering as one of the worst forms of child labor. It also sets 18 as the minimum age for forced or compulsory recruitment.¹⁹ In addition the international community has expressed its commitment to address the plight of children in conflict situations through ten General Assembly resolutions on the Rights of the Child. Furthermore, the eight resolutions of the U.N. Security Council on children and armed conflict are designed

specifically to “give teeth” to children’s interests by holding perpetrators of violations to account and thereby compelling parties to conflict to respect international law. As “paper promises” for children, these standards represent a remarkably high threshold of protection. The emphasis now has to shift to application on the ground.

B. Indictment by the International Criminal Court of Thomas Lubanga Dyilo

On March 18, 2006, the Chief Prosecutor of the International Criminal Court issued a statement announcing the indictment of Thomas Lubanga, founder and leader of a militia group in Ithuri, in the Democratic Republic of the Congo, for commission of war crimes: *conscripting and enlisting children under the age of 15 years and using children to participate actively in hostilities*. In his statement, the prosecutor also stressed:

This is the first case, not the last. The investigation is ongoing, we will continue to investigate more crimes committed by Thomas Lubanga Dyilo and we will also investigate other crimes committed by other groups. This is important, it’s a sequence. We will investigate crimes committed by other militias and other persons—this is the first case, not the last....We are totally committed to staying in Congo—to make sure justice is done.²⁰

This was the very first case of the ICC and it sent a signal that the protection of children is the highest priority.

C. Successful Prosecution of Jean-Pierre Biyoyo in the Democratic Republic of the Congo

On March 19, 2006, Major Jean-Pierre Biyoyo became the first person to be convicted in a national judicial process for recruiting child soldiers. He was sentenced to five years imprisonment by a military tribunal. The case establishes an important precedent in that it represents the first time that a Congolese court has tried and convicted a soldier of its national army for recruitment of children.

D. Indictment of Charles Ghankay Taylor by the Special Court for Sierra Leone

Former President of Liberia, Charles Taylor, was transferred into the custody of the Special Court for Sierra Leone on March 17, 2006, indicted on eleven counts of war crimes and crimes against humanity, including: *“conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities.”*²¹ The case sets an important precedent by indicting, for the first time, a former head of state for recruitment and use of children. It should also be noted that the recruitment of children has been included in the list of counts against all eleven individuals indicted by the Special Court.

E. Submission of Action Plan to End Recruitment and Release Children by Force Nouvelles, Côte d’Ivoire

In November 2005, the Force Nouvelles, one of the parties cited by the Secretary-General for recruitment and use of child soldiers in Côte d'Ivoire, signed a time-bound action plan in the context of dialogue established under the framework of SCR 1612 (2005). In the action plan the group committed to taking measures to prevent recruitment of children and to the release of all children associated with their fighting forces. This commitment led to the release of more than 1,600 children. The pressure exerted on the group in the framework of SCR 1612 (2005) also opened the door for child protection dialogue beyond the issue of recruitment and use of children. For example, the top leadership of the Force Nouvelle, at the behest of the United Nations, also issued a Command Order to its forces in April 2006, ordering the release of all children in detention in the northern half of Côte d'Ivoire, which was under its administrative control, putting an end to the practice of detention of children. The issue of juveniles in detention had been a major child protection concern in rebel controlled and administered territory, given the nonexistence of a functional system of the administration of justice.²² Since the Forces Nouvelle action plan, the U.N. has concluded similar agreements with parties in places such as the Philippines, Uganda, Sudan, Chad, and Myanmar, to name a few, resulting in the release of thousands of children from state forces and non-state armed groups.

F. Sanctions by the U.N. Security Council for Child Recruitment in Côte d'Ivoire and the Democratic Republic of the Congo

On February 7, 2006, the Security Council Sanctions Committee for Côte d'Ivoire, established pursuant to Resolution 1572 (2004), approved a list of individuals subject to specific sanction measures, including travel ban and attachment of financial assets. Martin Kouakou Fofie of Force Nouvelles, Commandant of Korogo Sector, was listed in this regard under the citation that forces under his command had engaged in recruitment of child soldiers, abductions, and sexual abuse and exploitation. Similarly, in 2009 under the framework of Resolution 1533, the Security Council Sanctions Committee for the DRC designated several individuals for targeted measures specifically for the crime of recruitment and use of children. These sanction measures were not adopted in the framework of the specific resolutions on children and armed conflict but it signals the willingness of the Council to consider imposing sanction measures for violations against children under the frame of existing sanctions regimes. As such it represents a first critical step towards establishment of a thematic sanctions regime on children and armed conflict.

G. Recommendation of Sudan Expert Panel for Sanctions for Violations against Children

On April 19, 2006, the Secretary-General's Panel of Experts on Sudan issued a recommendation that:

The Security Council should request the Committee to consider information on children and armed conflict presented to the Council by the Secretary-General under the monitoring and reporting mechanism established in Council resolution 1612 (2005). The Committee would then use this information to assist in the deliberations on possible designation of individuals

who commit violations of international humanitarian or human rights law as being subject to the measures in subparagraphs 3(d) and 3(e) of resolution 1591 (2005).

Subparagraphs 3(d) and 3(e) of Security Council Resolution 1591 (2005) refer to sanction measures as follows:

3(d) that all States shall take the necessary measures to prevent entry into or transit through their territories of all persons as designated by the Committee pursuant to subparagraph (c) above, provided that nothing in this paragraph shall obligate a State to refuse entry into its territory to its own nationals;

3(e) that all States shall freeze all funds, financial assets and economic resources that are on their territories on the date of adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons designated by the Committee pursuant to subparagraph (c) above, or that are held by entities owned or controlled, directly or indirectly, by such persons or by persons acting on their behalf or at their direction, and decides further that all States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories to or for the benefit of such persons or entities.²³

The recommendation illustrates the increasing cohesion of various frameworks of the Security Council. It reinforces the assertion that the Council is prepared to consider sanctions measures against those who commit grave violations against children under the framework of existing country-specific regimes. This level of language is unprecedented in its specificity and focus on violations against children and it opened the door for similar language in the context of several other country-specific sanctions regimes.

H. Adoption of U.S. Legislation on Conflict Minerals

In response to grave human rights violations, particularly sexual violence, in the conflict in the Democratic Republic of the Congo, the United States Congress adopted the Conflict Minerals Trade Act in 2009. This legislation is intended to help prevent deadly conflict over minerals in eastern Congo. The objective of the bill is to regulate the importation and trade of tin, tungsten, and tantalum, which are minerals used in cell phones, laptop computers, and other electronic devices. The bill entails the audit of mineral mines to certify them as conflict free (or not), and the mapping of such mines. Importers must certify that they are not importing conflict minerals. This legislation represents an important innovation and catalyst for greater accountability in the corporate sector. It is crucial in that it attacks in a practical sense the root causes of conflict.²⁴

I. Integrating the Protection of Children Affected by War into the Agendas and Programs of Regional and Other International Organizations

Regional organizations and groupings have also begun to incorporate children and armed conflict concerns more systematically into their agendas, policies, and programs, including the area of post-conflict reconstruction and rehabilitation. The most notable examples are the adoption by the European Union of far-reaching guidelines on children and armed

conflict²⁵ and the establishment by the Economic Community of West Africa of a Child Protection Unit within its Secretariat as a locus of advocacy to ensure more systematic orientation of ECOWAS to children's issues, particularly in its peace-making and peacekeeping engagements.²⁶ The past several years have also seen deeper collaboration on child protection between the United Nations and the African Union, including in the context of the U.N.-AU hybrid peacekeeping missions for Darfur and the political mission for Somalia.

J. Increased Global Awareness and Advocacy on Children Affected by Armed Conflict and Engagement of Civil Society

The past several years have seen a significant increase in overall coverage of children and armed conflict, as well as a more sophisticated treatment of the issue, particularly by the media. This awareness and publicity of the plight of war-affected children has been an important factor in maintaining the pressure on the United Nations system and other important policy-level institutions to make commitments and undertake concrete actions and initiatives on behalf of children. Civil society organizations and groupings are also engaging more concertedly on children and armed conflict concerns. Among these entities are NGOs, faith-based groups and communities, academia, women's groups, and children and youth themselves. NGOs have played an especially critical role in the development and advancement of the agenda. In recent years space has also been opened for more direct exchange between civil society and key United Nations bodies such as the Security Council.²⁷ The role of academia is also crucial, particularly to ensure that the significant gaps in knowledge that exist on children and armed conflict issues are systematically assessed and addressed. Conspicuous gaps in our knowledge are hampering effective advocacy and program response.²⁸

PART FIVE: Several Challenges for Study and Implementation

Addressing the root causes, including the issues of corporate responsibility and natural resource wars.

Applying the strong norms to the reality for children on the ground, which is getting progressively worse.

Increasing the cost of committing crimes against children as an effective deterrent to state and non-state parties who contravene their most basic rights. In other words, how do we make the cost of recruitment prohibitive? There must be no pay-off.

Ensuring that sanctions against perpetrators are applied equitably and consistently.

Information/knowledge challenge. We cannot address what we do not understand.

Rethinking partnerships with academia, the research community, communities of faith, practitioners, etc. We must broaden the circle of stakeholders.

How do we reach and mobilize the global community? How do we sustain media focus and persuade media to treat complex problems in a more sophisticated way? How do we keep children on the agenda?

Resource challenges. We must significantly ramp up funding at a moment of global austerity. We need a “surge” investment.

Risks of locating children under the peace and security rubric. There is the danger of politicizing human rights issues.

Fostering national “ownership,” rather than relying solely on the United Nations.

PART SIX: Conclusion: Distance between Norms and Reality on the Ground

Although the plight of children in many situations of armed conflict around the globe remains grave and unacceptable, collaborative efforts over the last ten years among national governments, regional organizations, United Nations entities, NGOs, and civil society organizations, have resulted in notable progress. In fact, these efforts have created a strong momentum for the protection of children on the ground. Notable advances include the elaboration and strengthening of international norms and standards for the protection of children; more fundamental mainstreaming of children and armed conflict concerns in the United Nations system and beyond; and, increasingly, the broadening of the global circle of stakeholders and actions on behalf of children. Perhaps most significantly, the purposeful engagement of the Security Council has raised the stakes considerably on this issue, not only for those who are committing grave violations, but also for the United Nations system and other actors that are charged with advocacy and program interventions for children and armed conflict.

We are beginning to witness a turning of the tide for children as commitments translate to concrete action for their protection. However, it is also evident that the progress that has been registered thus far remains fragile and may dissipate if not consolidated and reinforced.

*The views expressed herein are those of the author and do not necessarily reflect the views of the United Nations.

Notes

1. 10th Report of the Secretary-General to the Security Council on Children and Armed Conflict, April 2011, United Nations document A/65/820-S/2011/259.
2. Reference to Machel report and the 10-Year Machel Review report.
3. “Impact of Armed Conflict on Children,” Report of the Expert of the Secretary-General, Ms. Graca Machel, submitted pursuant to General Assembly Resolution 48/157 (1996).

4. Reference (S/2010/181).
5. For the approach and framework of the U.N. on reintegration of children formerly associated with armed forces and groups, refer to the Paris Principles and Commitments. For the perspective of war-affected children on reintegration programs, refer to “Will You Listen?: Young Voices from Conflict Zones,” Youth report prepared in the context of the 10-Year Graca Machel Study Strategic review.
6. Refer particularly to the jurisprudence of the International Criminal Tribunal for Yugoslavia (1998 Furundjiza case).
7. For information on the system being put in place by the U.N. to monitor conflict-related sexual violence refer to “Guidelines on Monitoring, Reporting and Analysis Arrangements on Conflict-Related Sexual Violence established pursuant to Security Council Resolution 1960,” Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (2011).
8. UNESCO report.
9. There has been a concerted campaign in recent years as a response to this crisis of education in conflict and other emergency settings. This resulted in the adoption of General Assembly Resolution A/64/L.58 on “The Right to Education in Emergency Situations,” in July 2010. The resolution affirms that attacks on educational buildings is a war crime and threatens the achievement of the Millennium Development Goals, especially as relates to “education for all.” Attacks against schools and hospitals have been designated as one of six grave violations that are now systematically recorded under the Secretary-General’s “Monitoring and Reporting Mechanism on Grave Violations Against Children in Armed Conflict”; and in 2011, the Security Council, through Resolution 1998, gave the Secretary-General the mandate to list state and non-state parties to conflict who target schools and hospitals. A Global Coalition for Protecting Education from Attack has also been created, comprising U.N. agencies, NGOs, and researchers. The coalition focuses on the prevention of attacks on education, effective response, enhanced monitoring and reporting, increased accountability, and development of stronger international norms.
10. The Secretary-General has made it clear that the focus of the children and armed conflict agenda is not on situations of concern, but rather on parties that commit grave violations against children. The mention of country situations is for the purpose of geographically locating these parties to conflict rather than to name specific countries as situations of concern.
11. Refer to Security Council resolutions on the Protection of Civilians in Armed Conflict.
12. Refer to Security Council Resolutions 1325, 1820, 1888, 1889, and 1960, on Women, Peace and Security and Sexual Violence in Conflict.
13. Refer, for example, to Security Council Resolutions 1880 and 1881 on Côte d’Ivoire and Sudan.

14. Action plans are formal undertakings by parties to conflict which include at a minimum the following: (i) Commitment by the listed party to immediately end violations; (ii) Commitment by the listed party to release all children within its ranks; (iii) Commitment by the listed party to cooperate with DDR program; (iv) Specific measures to prevent recruitment and re-recruitment of children; (v) Designation by listed parties of a high-level focal point to liaise with the U.N. team during the implementation of the action plan; (vi) Agreed, time-bound benchmarks for measuring progress and compliance; (vii) Issuance of formal instructions by the political and military leadership of the listed party to their chain of command, reflecting commitments contained in the action plan; (viii) Agreed arrangements for access by the U.N. team for monitoring and verification of the action plan.

15. Report of the Secretary-General to the Security Council on Children and Armed Conflict, United Nations document symbol-number: A/59/695-S/2005/72).

16. As specified in the report cited above.

17. Peace processes and peace agreements that reflect children and armed conflict concerns include:

- i. Agreement on Disarmament, Demobilisation and Reintegration between the Government of Uganda and the Lord's Resistance Army/Movement of 29 February 2008;
- ii. Acte d'Engagement for North Kivu between several armed groups in North Kivu of 23 January 2008;
- iii. Acte d'Engagement for South Kivu between several armed groups in South Kivu of 23 January 2008;
- iv. Pact on Security, Stability and Development in the Great Lakes Region between eleven countries of the Great Lakes Region of 15 December 2006;
- v. Agreement on the Monitoring of Arms and Armies in Nepal of 8 December 2006;
- vi. Comprehensive Peace Agreement between the Government of Nepal and the Communist Party of Maoist (Nepal) on 21 November 2006;
- vii. Comprehensive Ceasefire Agreement between the Government of Burundi and the Parti de Libération du Peuple Hutu (Palipehutu)-Forces Nationales pour la Libération (FNL) of 7 September 2006;
- viii. Darfur Peace Agreement between the Government of Sudan, the Sudan People's Liberation Movement/Army (SPLM/A) and the Justice and Equality Movement of 5 May 2006;
- ix. Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur between the Government of Sudan, the Sudan People's Liberation Movement/Army (SPLM/A) and the Justice and Equality Movement of 5 July 2005;
- x. Agreement on Permanent Ceasefire and Security Arrangements Implementation Modalities between the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) of 31 December 2004;
- xi. Dar-es-Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region between all countries in the Great Lake region of 20 November 2004;
- xii. The Protocol between the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) on Power Sharing of 26 May 2004;

- xiii. The Transitional Federal Charter of the Somali Republic of February 2004;
- xiv. Peace Agreement between the Government of Liberia, the Liberian United for Reconciliation and Democracy (LURD), the Movement for Democracy in Liberia (MODEL) and the Political Parties of 18 August 2003;
- xv. Accord de Cessez-le-Feu between the Forces Armées nationales de Côte d'Ivoire (FANCI) and Forces Nouvelles of 3 May 2003;
- xvi. Inter-Congolese Negotiations (The Sun City Agreement) of 2 April 2003;
- xvii. Ceasefire Agreement between the Transitional Government of Burundi and the Conseil National pour la Defense de la Democratie – Forces pour la Defense de la Democratie of 2 December 2002;
- xviii. Nuba Mountains Ceasefire Agreement on Sudan between the Government of Sudan and the Sudan People's Liberation Movement/Nuba of 19 January 2002; and
- xix. Arusha Peace and Reconciliation Agreement for Burundi of 28 August 2000.

18. For further information on initiatives of the U.N. in this regard refer to the *UN Peacemaker* (<http://peacemaker.unlb.org/>), which is a databank resource managed by the Department of Political Affairs, which provides guidance to mediators on children and sexual violence issues in peace processes.

19. For a compendium of protection standards refer to “Children and Armed Conflict: International Standards for Action,” Human Security Network and the Office of the Special Representative of the Secretary-General for Children and Armed Conflict (2003).

20. Statement by Luis Moreno-Ocampo, Chief Prosecutor of the International Criminal Court, The Hague, 18 March 2006; and International Criminal Court, Public Document no: ICC-01/04-01/06 (17 March 2006), “Decision to Unseal the Warrant of Arrest against Mr. Thomas Lubanga Dyilo and Related Documents.”

21. Special Court for Sierra Leone, Case No. SCSL-2003-01-I, The Prosecutor against Charles Ghankay Taylor, Amended Indictment.

22. United Nations Department of Peacekeeping Operations confidential Code Cable no: 396 (28 November 2005); and Code Cable no: 151 (4 May 2006).

23. Second Report of the Panel of Experts established pursuant to resolution 1591 concerning the Sudan, United Nations S/2006/250. Rec. 11 (2005).

24. For the text of the Conflict Minerals Trade Act (H.R.4128), refer to website opencongress.org/bill/111-h4128/.

25. Refer to “European Union Guidelines on Children and Armed Conflict,” Council of the European Union document, adopted by the Political and Security Committee (PSC) at its meeting on 4 December 2003.

26. Refer to the “Accra Declaration and the Plan of Action on War-Affected Children in West Africa,” African Union document.

27. A case in point is the annual Arria Formula briefings of NGOs to the Security Council, preceding the annual Open Debates of the Security Council on Children and Armed Conflict.

28. In this regard, reference may be made to the initiative of the Research Consortium on Children and Armed Conflict, which was established in 2002 under the auspices of the New York-based Social Science Research Council, bringing together nineteen academic and research institutions to engage on a number of specific projects, such as data collection on Children and Armed Conflict; research into changing trends in warfare that detrimentally impact children; and traditional norms, values, and practices that protect children in times of war and in post-conflict recovery.