



Security Council

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Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in South Sudan

1. At its 74th meeting, on 10 October 2018, the Security Council Working Group on Children and Armed Conflict examined the second report of the Secretary-General on children and armed conflict in South Sudan (S/2018/865), which was introduced by the Special Representative of the Secretary-General for Children and Armed Conflict. The Permanent Representative of South Sudan to the United Nations also addressed the Working Group.
2. The members of the Working Group welcomed the report of the Secretary-General, in accordance with Security Council resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014), 2225 (2015) and 2427 (2018), and took note of the analysis and recommendations contained therein.
3. The members of the Working Group strongly condemned all violations and abuses which continued to be committed against children, and expressed grave concern at the scale and brutal nature of violations and abuses against children in South Sudan and about the lack of accountability. The members of the Working Group noted that the conflict in South Sudan had had a devastating effect on the children in the country and had left deep scars in the next generation, and welcomed the opportunity the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, signed in Addis Ababa on 12 September 2018, represents for making the protection of children a priority as the country moves forward. The members of the Working Group also acknowledged the efforts of the Government of South Sudan to protect children, in particular the role played by the Government in the release and reintegration of hundreds of children in 2018 and the recent accession of the Government of South Sudan to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, but further emphasized that more concerted efforts must now be made by the Government to demonstrate its genuine commitment to the protection of children in South Sudan.
4. The Working Group visited South Sudan from 4 to 7 November 2018. During the visit, the Working Group was encouraged by the commitment to improve the situation of children affected by armed conflict in South Sudan expressed by senior government officials. The Working Group also presented recommendations to the Government on the way forward (the statement by the Chair of the Working Group on the visit is attached).
5. Further to the 74th meeting, and subject to and consistent with applicable international law and relevant Security Council resolutions, including resolutions



1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014), 2225 (2015) and 2427 (2018), the Working Group agreed to the direct action as set out below.

Public statement by the Chair of the Working Group

6. The Working Group agreed to address a message to all parties to the armed conflict in South Sudan, in particular the South Sudan People's Defence Forces, formerly the Sudan People's Liberation Army (SPLA), the pro-Taban Deng SPLA in Opposition, the pro-Machar SPLA in Opposition and other armed groups such as the White Army, through a public statement by its Chair:

(a) Strongly condemning all violations and abuses that continue to be committed against children in South Sudan by all parties to the armed conflict and expressing grave concern at the scale and brutal nature of violations and abuses against children, reminding them of their obligations under applicable international law, and urging them to take without delay all measures to immediately end all such violations and abuses and to prevent their reoccurrence, including those involving the recruitment and use of children, killing and maiming, rape and other forms of sexual violence, abductions, attacks against schools and hospitals and denial of humanitarian access as well as the military use of schools in violation of applicable international law;

(b) Welcoming the opportunity the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, signed in Addis Ababa on 12 September 2018, represents for making the protection of children a priority as the country moves forward;

(c) Urging the Government of South Sudan to engage with the United Nations in developing and adopting a comprehensive action plan addressing all six grave violations against children, so that its implementation can commence without delay to end all violations and abuses against children and to ensure the issuance and enforcement of military command orders and punitive directives on all violations and abuses against children;

(d) Urging the Government of South Sudan to implement all provisions of the current action plan of 2012 to end and prevent the recruitment and use of children, as well as the recommitment agreement of 2014;

(e) Calling upon the Government to prioritize the release and reintegration of children associated with armed forces and armed groups as part of the implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan and to ensure that the national disarmament, demobilization and reintegration programme and the security sector reform take fully into account at all stages the specific needs of girls and boys, including those with disabilities, and the protection of their rights, including through the development of a gender- and age-sensitive disarmament, demobilization and reintegration process, and to allocate sufficient resources to this end;

(f) Welcoming the accession of the Government of South Sudan to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 27 September 2018 and calling upon the Government to take immediate action to ensure its provisions are adhered to;

(g) Welcoming the commitments to improve the situation of children affected by armed conflict expressed by the Government during the visit of the Working Group to South Sudan in November 2018, including working with the United Nations to expand the current action plan into a comprehensive action plan that would address

all six grave violations against children in order to end and prevent all violations and abuses against children;

(h) Expressing deep concern over the lack of accountability for violations and abuses committed against children by all parties to the armed conflict, and urging the Government of South Sudan to put an end to impunity by ensuring that all perpetrators of violations and abuses are swiftly brought to justice and held accountable, including by signing without further delay the Memorandum of Understanding with the African Union to establish the Hybrid Court for South Sudan, and through rigorous, timely, independent and impartial investigation and prosecution;

(i) Expressing deep concern at the systematic recruitment and use during the reporting period and continuing cases of recruitment and use of children in violation of applicable international law, strongly urging all parties to the armed conflict to immediately and without preconditions release all children within their ranks, and calling upon parties to the armed conflict that have not done so to grant the United Nations unhindered access for verification and release of children associated with all parties;

(j) Stressing the need to address intercommunal tensions and violence in South Sudan through inclusive dialogue, and urging parties to intercommunal conflict to take immediate and specific measures to protect children and prevent all violations and abuses, including those based on tribal or other affiliations;

(k) Expressing grave concern about the systematic nature and high number of rapes and other forms of sexual violence perpetrated against children, including displaced children, strongly urging all parties to the armed conflict to take immediate and specific measures to put an end to and prevent the perpetration of rape and other forms of sexual violence against children by members of their respective groups, and stressing the importance of accountability for those who commit sexual and gender-based violence against children;

(l) Expressing deep concern at the high number of children killed and maimed, including as a direct or indirect result of hostilities between parties to armed conflict and of incidents of indiscriminate attacks against civilian populations, and urging all parties to comply with their obligations under international humanitarian law, in particular the principles of distinction and proportionality and the obligation to take all feasible precautions to avoid and in any event minimize harm to civilians and damage to civilian objects;

(m) Calling upon all parties to the armed conflict to comply with applicable international law and to respect the civilian character of schools and hospitals, including their personnel, and to end and prevent attacks or threats of attacks against those institutions and their personnel as well as the military use of schools and hospitals in violation of applicable international law;

(n) Condemning the attacks against humanitarian personnel and facilities, emphasizing that impediment of the delivery of humanitarian assistance can constitute a breach of international humanitarian law, and calling upon all parties to the armed conflict, including the South Sudan People's Defence Forces, to ensure full, safe and unhindered humanitarian access for the United Nations and its humanitarian partners to deliver timely humanitarian assistance to the affected population, including children;

(o) Urging all parties to the armed conflict to immediately release abducted children and allow for reunification with their families;

(p) Calling upon the Government of South Sudan to address conflict-related sexual violence, including through the completion of specific action plans for the

South Sudan People's Defence Forces and the South Sudan National Police Service developed with the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Team of Experts on the Rule of Law and Sexual Violence in Conflict;

(q) Urging SPLA in Opposition to implement the action plan to end and prevent the recruitment and use of children and killing and maiming of children, signed between SPLA in Opposition and the United Nations in December 2015, and to renew engagement with the country task force on monitoring and reporting on its implementation;

(r) Encouraging the Government to focus on comprehensive and sustainable reintegration and rehabilitation opportunities for children affected by armed conflict that are gender- and age-sensitive, including equal access to health care, psychosocial support and education programmes, as well as raising awareness and working with communities to avoid stigmatization of these children, facilitate their return and minimize the risk of rerecruitment, while taking into account the specific needs of girls and boys, in order to contribute to the well-being of children and to sustainable peace and security;

(s) Urging all parties engaged in the implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan to ensure that the protection, rights, well-being and empowerment of children affected by armed conflict are fully incorporated in all efforts on peacebuilding and sustaining peace, including efforts related to disarmament, demobilization and reintegration programmes and security sector reform and encourage and facilitate consideration of the views of children in these processes;

(t) Welcoming the endorsement of the Safe Schools Declaration and the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict by the Government of South Sudan and calling for their swift implementation, and encouraging the Government to ensure that attacks on schools in contravention of international humanitarian law are investigated and that those responsible are held accountable;

(u) Urging all parties to the conflict to implement the previous conclusions of the Working Group on Children and Armed Conflict in South Sudan ([S/AC.51/2012/2](#) and [S/AC.51/2015/1](#));

(v) Recalling that the Security Council, by its resolutions [2206 \(2015\)](#) and [2428 \(2018\)](#), decided to apply financial and travel measures to individuals and entities as designated for such measures by the Committee established pursuant to paragraph 16 of resolution [2206 \(2015\)](#) for actions that may include:

- (i) Planning, directing or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in South Sudan;
- (ii) The use or recruitment of children by armed groups or armed forces in the context of the armed conflict in South Sudan;
- (iii) Planning, directing or committing acts involving sexual and gender-based violence in South Sudan;
- (iv) The targeting of civilians, including women and children, through the planning, directing or commission of acts of violence (including killing, maiming or torture), abduction, enforced disappearance, forced displacement or attacks on schools, hospitals, religious sites or locations where civilians are seeking refuge, or through conduct that would constitute a serious violation or abuse of international human rights law or international humanitarian law;

(v) The obstruction of the activities of international peacekeeping, diplomatic or humanitarian missions in South Sudan, including the Ceasefire and Transitional Security Arrangements Monitoring Mechanism, or of the delivery or distribution of, or access to, humanitarian assistance;

(w) Expressing its readiness to communicate to the Security Council pertinent information with a view to assisting the Council in the imposition of targeted measures on perpetrators.

7. The Working Group agreed to address a message, through a public statement by the Chair of the Working Group, to community and religious leaders:

(a) Emphasizing the important role of community and religious leaders in strengthening the protection of children affected by armed conflict;

(b) Urging them to publicly condemn and continue to advocate ending and preventing violations and abuses against children, in particular those involving the recruitment and use of children, rape and other forms of sexual violence against children, killing and maiming, abductions, attacks and threats of attacks against schools and hospitals, and denial of humanitarian access, and to engage with the Government, the United Nations and other relevant stakeholders to support reintegration and rehabilitation of children affected by armed conflict in their communities, including by raising awareness to avoid stigmatization of these children.

Recommendations to the Security Council

8. The Working Group agreed to recommend that the President of the Security Council transmit a letter addressed to the Government of South Sudan:

(a) Welcoming the opportunity the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, signed in Addis Ababa on 12 September 2018, represents for making the protection of children a priority as the country moves forward;

(b) Calling upon the Government to prioritize the release and reintegration of children associated with armed forces and armed groups as part of the implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan and to ensure that the national disarmament, demobilization and reintegration programme and the security sector reform take fully into account at all stages the specific needs of girls and boys and the protection of their rights, including through the development of a gender- and age-sensitive disarmament, demobilization and reintegration process, and to allocate sufficient resources to this end;

(c) Expressing grave concern at the violations and abuses committed against children in the armed conflict during the reporting period, including those involving the recruitment and use of children, killing and maiming, rape and other forms of sexual violence, abduction, attacks on schools and hospitals and denial of humanitarian access, also expressing concern at the continued military use of schools in violation of applicable international law, and calling for an immediate halt to these violations and abuses, recalling that the primary responsibility for the protection of children in South Sudan lies with the Government of South Sudan, and urging the Government to take immediate steps in this regard;

(d) Expressing grave concern at the lack of accountability over violations and abuses committed against children in armed conflict, and urging the Government of South Sudan to end impunity through rigorous, timely, independent and impartial investigation and prosecution without any distinction on crimes committed against

children and by signing without further delay the Memorandum of Understanding with the African Union to establish the Hybrid Court for South Sudan;

(e) Welcoming the accession of the Government of South Sudan to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 27 September 2018 and calling upon the Government to take immediate action to ensure its provisions are adhered to;

(f) Welcoming the commitments to improve the situation of children affected by armed conflict expressed by the Government during the visit of the Working Group to South Sudan in November 2018, including working with the United Nations to expand the current action plan into a comprehensive action plan that would address all six grave violations against children in order to end and prevent all violations and abuses against children;

(g) Calling upon the Government of South Sudan to ensure the enforcement of military command orders and punitive directives, in particular those prohibiting the recruitment and use of children, and to continue to ensure unhindered United Nations access for verification and release of children associated with the South Sudan People's Defence Forces, and ordering the vacation of all schools used by government security forces;

(h) Urging the Government of South Sudan to engage with the United Nations in developing and adopting a comprehensive action plan addressing all six grave violations against children, so that its implementation can commence without delay in order to end all violations and abuses against children and to ensure the issuance and enforcement of military command orders and punitive directives on all violations and abuses against children;

(i) Urging the Government of South Sudan to implement all provisions of the current action plan of 2012 to end and prevent the recruitment and use of children, as well as the recommitment agreement of 2014;

(j) Urging the Government of South Sudan to address conflict-related sexual violence, including through the completion of specific action plans for the South Sudan People's Defence Forces and the South Sudan National Police Service developed with the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Team of Experts on the Rule of Law and Sexual Violence in Conflict;

(k) Calling upon the Government to revitalize the interministerial high-level and technical committees at the national and state levels before the end of the year, as these committees will be key in developing and overseeing the implementation of the action plan together with the United Nations;

(l) Calling upon the Government to enforce existing national legislation and establish specialized national capacity within key civilian and military justice authorities to investigate and prosecute serious conflict-related cases, including violations and abuses against children;

(m) Urging the Government to expedite the review of the Penal Code and to ensure the criminalization of the six grave violations against children in the revised Penal Code;

(n) Further urging the Government to strengthen birth registration by expediting the signing into law of the Civil Registry Law;

(o) Further urging the Government of South Sudan to establish an effective vetting mechanism to ensure that no perpetrators of violations or abuses against children are integrated or recruited into government security forces and to

systematically dismiss all perpetrators of violations and abuses committed against children from its forces, irrespective of their ranks, and hold them accountable;

(p) Encouraging the Government to focus on comprehensive and sustainable reintegration and rehabilitation opportunities for children affected by armed conflict that are gender- and age-sensitive, including equal access to health care, psychosocial support and education programmes, as well as raising awareness and working with communities to avoid stigmatization of these children, facilitate their return and minimize the risk of rerecruitment, while taking into account the specific needs of girls and boys, in order to contribute to the well-being of children and to sustainable peace and security;

(q) Welcoming the endorsement of the Safe Schools Declaration and the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict by the Government of South Sudan and calling for their swift implementation, and encouraging the Government to ensure that attacks on schools in contravention of international humanitarian law are investigated and that those responsible are duly prosecuted;

(r) Inviting the Government of South Sudan to keep the Working Group on Children and Armed Conflict informed of its efforts to implement the recommendations of the Working Group and the Secretary-General, as appropriate.

9. The Working Group agreed to recommend that the President of the Security Council transmit a letter to the Secretary-General:

(a) Requesting the Secretary-General to ensure that the United Nations Mission in South Sudan (UNMISS) and the United Nations Children's Fund (UNICEF), as well as other relevant United Nations agencies, continue and strengthen their efforts to support, in line with their respective mandates, the South Sudanese authorities in fighting impunity, including through the strengthening of the criminal justice system, in implementing procedures to screen, divert and prevent children from recruitment and use by the national armed and security forces in South Sudan, in mainstreaming the specific needs of children affected by armed conflict and the protection of their rights in all disarmament, demobilization and reintegration programmes, including through the development of a gender- and age-sensitive disarmament, demobilization and reintegration process, and in security sector reform, in providing comprehensive rehabilitation and reintegration programmes and opportunities to children formerly associated with national armed forces and non-State armed groups and training of the national armed and security forces on the protection of children, in bolstering the education and health system and in establishing standard operating procedures for the handover of children formerly associated with national armed forces and groups and for the protection of children in the course of military operations, and to give full attention to violations against children in the application of the human rights due diligence policy on United Nations support to non-United Nations security forces;

(b) Further requesting the Secretary-General to ensure that the country task force on monitoring and reporting in South Sudan continues its engagement with the Government of South Sudan to swiftly revise the existing action plan into a comprehensive action plan addressing all six grave violations against children affected by armed conflict in South Sudan and to continue advocacy for the release and reintegration of children associated with armed forces and armed groups, including in the context of the implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan;

(c) Requesting the Secretary-General to call upon the country task force on monitoring and reporting in South Sudan to continue its engagement with SPLA in

Opposition, in line with resolution [1612 \(2005\)](#), to facilitate the full implementation of the action plan to end and prevent the recruitment and use of children and killing and maiming of children, signed between SPLA in Opposition and the United Nations in December 2015;

(d) Requesting the Secretary-General to continue to ensure the effectiveness of the monitoring and reporting mechanism on children and armed conflict in accordance with relevant Security Council resolutions and to strengthen its monitoring and reporting activities regarding all violations and abuses committed against children affected by armed conflict in South Sudan and of the child protection component of UNMISS;

(e) Noting the various measures taken by UNMISS and troop- and police-contributing countries to combat sexual exploitation and abuse, while expressing grave concern that sexual exploitation and abuse of children by peacekeepers continued to be a serious protection concern, calling for the continued implementation by United Nations peacekeeping operations of the Secretary-General's zero-tolerance policy on sexual exploitation and abuse, as well as ensuring full compliance of their personnel with the United Nations code of conduct, and reiterating its request to the Secretary-General to continue to take all necessary measures in this regard and to keep the Security Council informed.

10. The Working Group agreed to recommend that the President of the Security Council transmit a letter to the Intergovernmental Authority on Development (IGAD):

(a) Welcoming the key role of IGAD in the peace talks that led to the signing of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan in Addis Ababa by the Government of South Sudan and SPLA in Opposition on 12 September 2018;

(b) Emphasizing the importance of mainstreaming child protection issues into the Ceasefire and Transitional Security Arrangements Monitoring Mechanism, which monitors, investigates and reports on compliance of the parties to the armed conflict with the Cessation of Hostilities Agreement;

(c) Urging all parties engaged in the implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan to ensure that the protection, rights, well-being and empowerment of children affected by armed conflict are fully incorporated into all reconstruction planning, programmes and strategies as well as in efforts towards peacebuilding and sustaining peace.

11. The Working Group agreed to recommend that the President of the Security Council transmit a letter to the Chair of the Security Council Committee established pursuant to resolution [2206 \(2015\)](#) concerning South Sudan:

(a) Recalling paragraph 9 (c) of resolution [1998 \(2011\)](#), in which the Security Council requested enhanced communication between the Working Group and relevant Security Council sanctions committees, including through the exchange of pertinent information on violation and abuses committed against children in armed conflict, and paragraph 22 of resolution [2428 \(2018\)](#), in which the Security Council requested the Special Representative of the Secretary-General for Children and Armed Conflict to share relevant information with the Security Council Committee established pursuant to resolution [2206 \(2015\)](#) concerning South Sudan in accordance with paragraph 7 of resolution [1960 \(2010\)](#) and paragraph 9 of resolution [1998 \(2011\)](#);

(b) Encouraging the Committee to consider the designation for sanctions of individuals and entities, in accordance with the rules and guidelines of the Committee, and in this regard also encouraging exchange of pertinent information between the

Special Representative of the Secretary-General for Children and Armed Conflict and the Committee.

12. The Working Group agreed to recommend the following to the Security Council:

(a) Ensuring that the situation of children affected by armed conflict in South Sudan continues to be taken into consideration by the Council when reviewing the mandate and activities of UNMISS;

(b) Ensuring the continuation of a child protection mandate for UNMISS, especially with regard to monitoring, reporting, training, capacity-building and mainstreaming, as well as dialogue with parties to conflict on action plans and support in their implementation;

(c) Communicating the present document to the Security Council Committee established pursuant to resolution [2206 \(2015\)](#) concerning South Sudan.

Direct action by the Working Group

13. The Working Group agreed to send letters from the Chair of the Working Group addressed to the World Bank and other donors:

(a) Calling upon the World Bank and donors to support, with funding and technical assistance, the efforts of the Government of South Sudan and relevant humanitarian and development agencies in the following:

(i) Establishing effective recruitment procedures and age assessment mechanisms in the national security forces to prevent the recruitment and use of children consistent with its action plan;

(ii) The development of comprehensive rehabilitation and reintegration programmes that are gender- and age-sensitive to children formerly associated with national armed and security forces or non-State armed groups;

(iii) Timely and appropriate care for child survivors of sexual and gender-based violence by facilitating the provision of services for survivors;

(iv) Long-term and sustainable funding for mental health and psychosocial programming in humanitarian contexts and ensuring that all affected children receive timely and sufficient support, and encouraging the World Bank and donors to integrate mental health and psychosocial services in all humanitarian responses;

(v) Bolstering the education and health system;

(vi) Strengthening the criminal and military justice system to address impunity for violations and abuses committed against children in the armed conflict;

(vii) Supporting the signing into law of the Civil Registry Law and its implementation as a means to protect the rights of children and prevent underage recruitment and to guarantee the comprehensive disarmament, demobilization and reintegration of children associated with armed forces and armed groups;

(b) Inviting the World Bank and donors to keep the Working Group informed of their funding and assistance efforts, as appropriate.

Annex

Statement by the Permanent Representative of South Sudan to the United Nations to the Working Group on Children and Armed Conflict

10 October 2018

Mr. President

Thank you for inviting us to this Working Group meeting.

Mr. President

On behalf of our Government, I would like to thank Mrs. Virginia Gamba, Special Representative of the Secretary-General for Children and Armed Conflict, for her successful visit to South Sudan. Her visit has opened new channels and avenues regarding the protection of children and her advice to the government officials on how to put laws and certain policies in place to protect and promote the wellness of the children is being considered. Some of her ideas and suggestions are being implemented. For example, because of her positive interaction in South Sudan, it is the reason the Government of the Republic of South Sudan has submitted two protocols on the margins of the United Nations General Assembly.

The instruments submitted for accession on 27 September 2018 are:

- Instrument of Binding Declaration related to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.
- Instrument of Binding Declaration related to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children.

Mr. President

The Mission is encouraging the momentum for the close relationship her goodwill visit has established. That is why the First Vice-President of the Republic of South Sudan, General Taban Deng Gai, requested to meet on the sidelines of the United Nations General Assembly last month with Mrs. Gamba. Furthermore, we expect the government members to constitute and appoint the expected working groups soon in order to work with the team from the United Nations on streamlining the government programmes on the protection of children legally, politically and socially within the country.
