



UN Security Council Resolution 1612 and Beyond:

Strengthening Protection for Children in Armed Conflict



May 2009

Watchlist Mission Statement

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

Watchlist works within the framework of the provisions adopted in Security Council Resolutions 1261, 1314, 1379, 1460, 1539 and 1612, the principles of the Convention of the Rights of the Child and its protocols and other internationally adopted human rights and humanitarian standards.

General supervision of Watchlist is provided by a Steering Committee of international nongovernmental organizations known for their work with children and human rights. The views presented in this policy paper do not represent the views of any one organization in the network or the Steering Committee.

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Methodology and Limitations of Research

The recommendations and observations detailed in this policy paper are based on over 40 interviews with former and current Security Council Working Group members and representatives of UN and NGOs conducted during January and February 2009. Interviewees were asked to identify the challenges in the Security Council's efforts to protect children affected by armed conflict and to make recommendations on how to resolve these challenges (see Annex 1). In addition, Watchlist consulted several local, grass-roots NGOs working directly with children affected by the armed conflicts in Africa, Asia and Latin America. Consultations with local NGOs focused on expectations of the Security Council and its Working Group's efforts to protect children from a field perspective. Finally, Watchlist conducted a desk study review of the reports of the Secretary-General and the Working Group's conclusions, as well as many NGOs' reports on children and armed conflict issues.

Watchlist acknowledges the limitations of this policy paper. While Watchlist attempted to meet with all 15 members of the Working Group, some members were unable to meet with Watchlist. Similarly, Watchlist reached out to NGOs in many conflict-affected situations but was only able to obtain feedback from NGOs working in four countries. A few interviews were conducted by phone, while the rest were conducted in person, thus creating inconsistencies in the methodology for soliciting information. In addition, interviews with local, grassroots NGOs focused on the expectations that they have of the Security Council's ability to tangibly protect children affected by armed conflict, while interviews with Working Group members, UN and NGO staff in New York focused on understanding the operations of the Working Group and on generating recommendations for improving the Working Group's ability to create real impact on the ground.

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Acronyms

CAC	Children and Armed Conflict
DDR	Disarmament, Demobilization and Reintegration
DFAIT	Department of Foreign Affairs and International Trade
DPA	United Nations Department of Political Affairs
DPKO	United Nations Department of Peacekeeping Operations
DRC	Democratic Republic of Congo
FDLR	<i>Forces Démocratiques de Libération du Rwanda</i>
FDS-FN	<i>Forces de Défense et de Sécurité des Forces Nouvelles</i>
FPLC	<i>Forces Patriotiques pour la Libération du Congo</i>
FRGO	<i>Forces de Résistance du Grand Ouest</i>
GBV	Gender-Based Violence
HQ	Headquarters
ICC	International Criminal Court
IRC	International Rescue Committee
LDUs	Local Defence Units
LRA	Lord's Resistance Army
LTTE	Liberation Tigers of Tamil Eelam
MONUC	<i>Mission de l'Organisation des Nations Unies en République Démocratique du Congo /</i> United Nations Organization Mission in the Democratic Republic of Congo
MRM	Monitoring and Reporting Mechanism
NGO	Nongovernmental Organization
OHCHR	United Nations Office of the High Commissioner for Human Rights
OSRSG-CAC	Office of the Special Representative of the Secretary-General on Children and Armed Conflict
RHRC	Reproductive Health Response in Conflict Consortium
SCR	Security Council Resolution
SRSR-CAC	Special Representative of the Secretary-General on Children and Armed Conflict
UN	United Nations
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UPC	<i>Union des Patriotes Congolais</i>
UPDF	Uganda People's Defence Force



Executive Summary and Key Recommendations

The United Nations Security Council has made important and groundbreaking progress to date on its children and armed conflict agenda. These important efforts are squarely placed within the context of the Council's overall mandate to protect international peace and security. Yet, significant work remains to be done to consolidate progress and to guarantee that these efforts ultimately lead to tangible impact on the ground. The Security Council should take further action to ensure that children caught in armed conflict are protected from violence and related threats to their security and well-being.

The following is a summary of the key findings presented in this paper:

- The first urgent step to strengthen child protection on the ground is to expand the trigger of the MRM to include rape and other grave sexual violence against children in an incremental approach to the inclusion of all six violations as triggers over time.
- The Working Group should make better use of the full range of tools available in its Toolkit. Almost 50 percent of the tools have either never or very rarely been used. The Working Group field visits, for example, should be used immediately.
- Negotiations to complete the Working Group's conclusions have been consistently delayed and in some cases severely protracted. Furthermore, there is no consistent system to follow up on the implementation of the requests and recommendations put forward in each set of conclusions. Steps should be taken to improve the efficiency and political will to complete negotiations in a timely manner and to consistently follow up on the conclusions.
- Rapidly deteriorating situations of armed conflict, such as the situation in the Democratic Republic of the Congo in 2008 and Sri Lanka in early 2009, require the urgent attention of the Working Group. This attention could be provided through convening emergency

sessions of the Working Group, which is within its mandate. To date, the Working Group has not convened a single emergency session.

- Greater transparency in the activities of the Working Group and stronger technical knowledge among Working Group members are urgently needed. Smooth transitions between the incumbent and newly elected members can significantly improve the operations of the Working Group. Transitions should include an annual training for new members delivered by the OSRSG-CAC, UNICEF and the Working Group Chair in collaboration with NGOs.
- The workload of the Working Group and its Chair has increased, and strong consensus exists on the need of administrative support for the Working Group. There are several options for financing this position. The participation of other stakeholders in the child protection process should also be strengthened.
- The lack of UN access to certain areas of conflict has limited the Secretary-General's ability to list and delist from the annexes to his annual report certain armed forces and non-state armed groups that recruit and use child soldiers. Clearer criteria and procedures for the listing and delisting processes would ensure stronger child protection on the ground.
- Only nine out of 64 armed forces and groups listed in the annexes to date have signed action plans to stop the recruitment and use of child soldiers. UN country teams would benefit from a stronger mandate allowing them to pursue the development and implementation of action plans with armed forces and non-state armed groups. A consistent process is also needed to regularly track progress on action plans. Furthermore, some stakeholders express frustration that action plans are limited to the recruitment and use of child soldiers and implore that they be expanded to cover rape and other grave sexual violence against children and/or other violations.

- In most cases, the Security Council has not taken strong steps to address accountability and end impunity for perpetrators of violations against children, especially for “persistent violators.” The Security Council should do more to make real use of targeted measures, including improving linkages between its Working Group and existing Sanctions Committees, and to develop procedures for imposing targeted measures in cases where Sanctions Committees do not already exist. More consistent efforts should also be made to collaborate with the International Criminal Court and other relevant international, regional, national and/or local justice mechanisms.
- The cooperation and involvement of local and international NGOs in child protection efforts should be strengthened at both field and headquarter levels in relation to involvement in the MRM, collaboration with the Working Group and coordination with other protection-related efforts. Security precautions should be taken into account at all stages.
- All stakeholders working on the Children and Armed Conflict, Protection of Civilians, and Women, Peace and Security agendas should maximize the synergies among them. Monitoring and reporting efforts on the three agendas should be complementary and should avoid duplication.

There is a wide range of actions that the Security Council can and should take to improve the protection of children in armed conflict. Some of these actions will require the Security Council to adopt a **new resolution** on children and armed conflict (see Annex 2):

- Expand the trigger of the MRM to include rape and other grave sexual violence against children. This would be a first step in an incremental approach, which would eventually expand the trigger to include all six grave violations.
- Request that the Secretary-General list in the annexes of his annual report all armed forces and groups that recruit and use child soldiers and also those that commit rape and other grave sexual violence against children.
- Explicitly authorize relevant UN personnel to enter into dialogue with armed forces and groups for the purpose of developing and verifying the implementation of time-bound action plans to halt violations against children.
- As a first step for following up on conclusions of the Working Group, request that the Secretary-General include information on the implementation of all requests and recommendations made in the Working Group's conclusions in each subsequent follow-up

report on that country presented to the Working Group.

- Conduct an annual Open Debate on Children and Armed Conflict based on an annually requested and published report of the Secretary-General, unless urgent and extenuating developments require greater frequency.
- Secure administrative support for the Working Group. To this end, request that the Secretary-General allocate at least one staff member of the Secretariat to provide administrative support to the Working Group.
- Urge all member states, UN entities and other donors to support with financial, human and technical resources the capacity of civil society organizations, national institutions and UN agencies working to implement the MRM and other related child protection activities.

In addition to these important steps, many other actions that **do not require a new resolution** could be taken to strengthen the protection of children affected by armed conflict. Each section of this policy paper lists recommendations.



Background: The Security Council (2005–2009) and CAC Violations

On July 26, 2005, the Security Council unanimously adopted United Nations (UN) Security Council Resolution (SCR) 1612 on the protection of children affected by armed conflict. This groundbreaking resolution built on child protection efforts in the previous SCRs 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003) and 1539 (2004), and set out important advancements for the protection of children at the ground level and for holding perpetrators of violations accountable. With the adoption and implementation of SCR 1612, the children and armed conflict (CAC) agenda became a hallmark of the Security Council's thematic work.

SCR 1612 established the UN-led Monitoring and Reporting Mechanism (MRM) on Children and Armed Conflict and its operational country-level Task Forces. The MRM and its Task Forces monitor and report on six grave violations:¹

- killing and maiming of children
- recruiting and using child soldiers
- attacks against schools or hospitals
- rape or other grave sexual violence against children
- abduction of children
- denial of humanitarian access for children

In order to ensure that grave violations reported through the MRM receive consistent and ongoing attention from the Security Council, SCR 1612 also established the first-of-its-kind Security Council Working Group on Children and Armed Conflict (Working Group). The Working Group is an official subsidiary body of the Security Council, which consists of all 15 Members of the Security Council. The Working Group is empowered to take concrete actions towards halting violations and holding perpetrators accountable, and also to make recommendations for concrete actions to the Security Council.

By establishing and working through this unprecedented system, the Security Council and its Working Group have created tangible changes on the ground for children since 2005, such as winning the release of children from armed forces and groups and securing commitments by armed forces and groups to cease future recruitment of children.²

To ensure that these successes are consolidated and expanded, now is the time for the Security Council and its Working Group to step up their actions towards halting violations and holding perpetrators accountable and to ensure that the system works as effectively and efficiently as possible. This paper spells out concrete steps that should be urgently taken by the Security Council and its Working Group to strengthen this system and thereby create real changes in children's lives.

For more detailed background information on the Security Council's CAC agenda, please see the following resources:

- *The Security Council and Children and Armed Conflict: Next Steps towards Ending Violations Against Children, Watchlist on Children and Armed Conflict and the Coalition to Stop the Use of Child Soldiers* (January 2008)
- *Getting It Done and Doing It Right: A Global Study on the United Nations-led Monitoring & Reporting Mechanism (MRM) on Children and Armed Conflict, Watchlist on Children and Armed Conflict* (January 2008)
- *Full of Promise: How the UN's Monitoring and Reporting Mechanism Can Better Protect Children, Humanitarian Practice Network* (September 2008)
- *1st and 2nd Cross-Cutting Reports on Children and Armed Conflict, Security Council Report* (February 2008 and April 2009)
- *Taking the Next Step: Strengthening the Security Council's Response to Sexual Violence and Attacks on Education in Armed Conflict, Human Rights Watch* (April 2009)

Country-specific reports on violations against children in specific situations of armed conflict are available on Watchlist's website (www.watchlist.org). More information on the background and actions of the Working Group is available on the website of the Office of the Special Representative of the Secretary-General on Children and Armed Conflict (OSRSG-CAC) (www.un.org/children/conflict/english/index.html).



Expanding the Triggers of the Monitoring and Reporting Mechanism

The first urgent step required by the Security Council to strengthen the protection of children on the ground is to expand the trigger of the MRM to include rape and other grave sexual violence against children in addition to the recruitment and use of children as soldiers. The expansion to include rape and other grave sexual violence would be the first step in a longer-term incremental expansion, which would eventually include all six violations as triggers.

In today's system, the MRM is established in situations of concern when the UN Secretary-General reports to the Security Council evidence of armed forces and groups that recruit and use children as soldiers. This evidence is presented through the listing of the perpetrators in the annexes to the Secretary-General's "annual" report on CAC, which is issued approximately every 16 months (see below: Listing and Delisting of Armed Forces and Groups). In other words, the only "trigger" of the MRM, currently, is the recruitment and use of child soldiers.

In the early days of the CAC agenda, the Security Council deemed it important to approach the agenda by focusing specifically on one violation, the recruitment and use of children, to assess the possibilities of the system. Today, it is clear that progress has been achieved in this area. At the same time, the focus on one violation has created a significant gap in the ability of the Security Council to ensure protection of children affected by all six grave violations.

For example, through the current system, perpetrators of rape or other grave sexual violence against children are not officially "listed" by the Secretary-General in the annexes of his annual report and therefore the MRM is not triggered. The Security Council and other entities are thus limited in the scope of their mandate and ability to protect children and hold perpetrators of rape and other grave sexual violence accountable. By expanding the trigger of the MRM to include other violations, the Security Council will ensure that its system provides the opportunity to protect equally all children who are violated in armed conflicts.

Ideally, the trigger of the MRM would include all six violations. However, based on the previous experience of the Council, it would be prudent to adopt an incremental approach, which would begin by including rape and other grave sexual violence against children as the next trigger, and over time expand the triggers to include the other violations. Potentially, the intentional killing and maiming of children would follow next.

Expanding the trigger to first include rape and other grave sexual violence against children is sensible because of the brutal scourge of sexual violence against children in armed conflict that is raging across the globe. Already most country-specific reports of the Secretary-General and annual reports on children and armed conflict by the Secretary-General provide evidence of rape and sexual violence against children. The 8th report of the Secretary-General on CAC specifically highlights perpetrators of rape and other grave sexual violence, thus already setting the wheels in motion for this advancement.³ Local and international nongovernmental organizations (NGOs) repeatedly report on rape and other grave sexual violence against children in all situations of concern. For example, Watchlist has reported on rape and other grave sexual violence in all country-specific reports issued since 2001.⁴ Additionally, a commonly accepted international definition of sexual violence exists, unlike many of the other violations.

Of the other five violations identified by the Security Council, it may be more practical to document and report on rape and other grave sexual violence against children. This is particularly true as the UN system is currently devising a comprehensive system of monitoring sexual violence in armed conflicts in the context of SCR 1820 (2008) (see below: Synergies). To this end, the strong engagement of local and international NGOs in monitoring, reporting and response activities on rape and other grave sexual violence against children is essential to ensuring accurate and ethical structures.

Additional reasons for the expansion of the MRM trigger to include rape and other grave sexual violence as the first step in an incremental approach include the following:

- rape and other grave sexual violence against children, like recruiting and using children as soldiers, are intentional acts committed by individual perpetrators who can be held accountable for their actions
- armed forces and groups can reasonably be expected to adopt and disseminate policies against rape and other grave sexual violence and hold perpetrators accountable for their egregious violations
- progress in ending rape and other sexual violence can be measured, allowing armed forces and groups to be delisted from the annexes of the Secretary-General's annual report, and therefore creating an incentive for change

Although it is not yet possible to determine which situations of concern would be added to the annexes of the Secretary-General's annual report, or even a precise number of how many situations would be added if the trigger is expanded, the OSRSG-CAC and UN Children's Fund (UNICEF) generally believe that the number would be relatively limited. This means that the additional trigger would not create a significant new workload for the Working Group (see below: Workload of the Working Group). At the same time, by adding the new trigger, the scope for possible opportunities to better protect children who survive rape and other grave sexual violence and hold perpetrators accountable would increase significantly.

Local NGOs interviewed for this paper expressed concern about various security-related issues pertaining to the process of monitoring, reporting and responding to CAC violations. Each step of the MRM process should take into account the security of local NGOs and communities in order to ensure that their crucial engagement in the child protection process is sustainable.⁵

Recommendations to the Security Council

1. Expand the trigger of the MRM to include rape and other grave sexual violence against children. This would be a first step in an incremental approach, which would eventually expand to all six grave violations.
(Suggested inclusion in a new CAC resolution)
2. Request that the Secretary-General list in the annexes of his annual report all armed forces and groups that recruit and use child soldiers and also those that commit rape and other grave sexual violence against children.
(Suggested inclusion in a new CAC resolution)
3. Urge all member states, UN entities and other donors to support with financial, human, and technical resources the capacity of civil society organizations, national institutions, and UN agencies working to implement the MRM and other related child protection activities.
(Suggested inclusion in a new CAC resolution)

Recommendations to the Working Group

1. Call on UNICEF and the OSRSG-CAC, in consultations with NGOs, to finalize and publish the draft guidelines on the implementation of the MRM in a timely manner, which would include definitions of all six violations that are consistent with international law and standards.
2. Call on the MRM Task Forces at the country level to work towards improved involvement of local and international NGOs in the Task Forces to strengthen monitoring, reporting and response related to the recruitment and use of child soldiers and rape and other grave sexual violence against children.
3. Call on the MRM Task Forces at the country level to closely coordinate and collaborate with other field-based structures working around issues of rape and other grave sexual violence, such as clusters, subclusters or other Working Groups.



Listing and Delisting of Armed Forces and Groups and Action Plans

Listing and Delisting of Armed Forces and Groups

SCR 1612 requests that the Secretary-General list armed forces and groups that recruit and use child soldiers in the annexes to his annual report on children and armed conflict. Annex I lists armed forces and groups in situations that are already on the agenda of the Security Council. Annex II lists armed forces and groups in all other situations (see Figure 1). Figure 2 (opposite page) of this policy paper describes the process for listing an armed force or group in the annexes.

Armed forces and groups that do not recruit and use child soldiers but commit other grave violations against children are not formally listed. This limits the ability of the Security Council and its Working Group to protect children on the ground through the MRM process, which is only established in situations listed in the annexes of the Secretary-General's annual reports (see above: Expanding the Triggers of the Monitoring and Reporting Mechanism).

Most interviewed Working Group members expressed concern about their lack of technical knowledge of the process of listing and delisting of armed forces and groups. This is partly because the procedures for delisting are not completely transparent (see below: Greater Transparency).

Many interviewed Working Group members are also unaware that they can request such information at any time from the OSRSG-CAC, which, in consultations with the UN country teams, makes the final decisions on the listing and delisting of the armed forces and groups. Greater technical knowledge will allow Working Group members to make better informed decisions to protect children trapped in armed conflict.

The Secretary-General reports that the criteria for delisting are whether an armed force or group has taken the following steps:

- ceased recruiting and using child soldiers
- refrained from committing other grave violations against children

- engaged in dialogue with the country-level Task Forces on monitoring and reporting or with UN country teams
- developed and implemented action plans to end the use of child soldiers and released all children from their ranks
- made specific commitments to address other grave violations against children⁶

To date, five armed forces and groups operating in Côte d'Ivoire and two in Uganda have been delisted. However, several key stakeholders argue that the process in Côte d'Ivoire was not sufficiently transparent and that in fact the delisted Forces de Défense et de Sécurité des Forces Nouvelles, (FDS-FN) and Forces de Résistance du Grand Ouest (FRGO) still continue to recruit and use child soldiers.⁷

In another complicated situation, several armed groups operating in eastern Burma/Myanmar have voluntarily adopted "Deeds of Commitment" to stop the recruitment and use of children and have made significant progress in reducing child recruitment and use in their troops. Various reliable civil society sources report that the Karenni Army, for example, has significantly reduced its recruitment and use of child soldiers.⁸ However, the UN lacks access for verifying the actions of several armed forces and groups in eastern Burma/Myanmar. This significantly hinders the ability of the UN system to ensure child protection on the ground.⁹

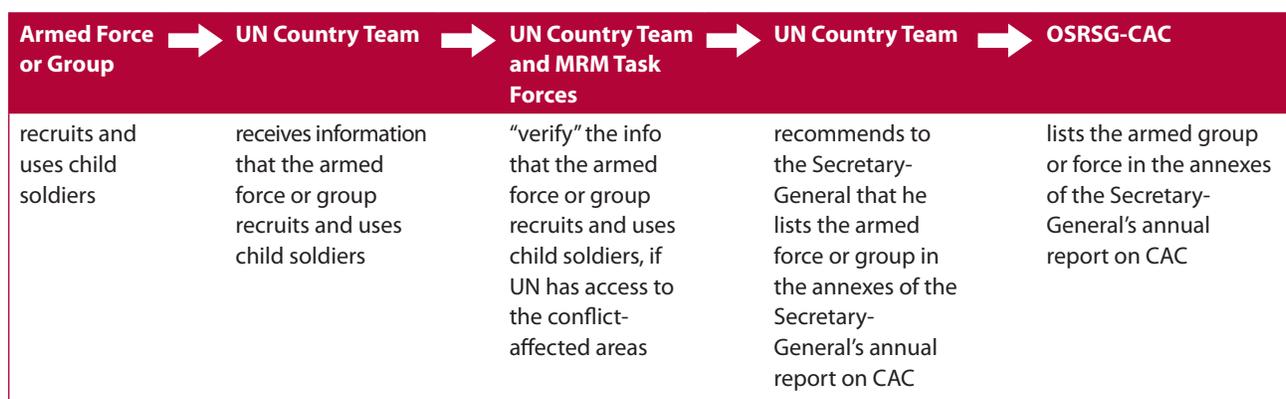
Local civil society organizations interviewed for this paper expressed concern about the increasing number of violations committed by emerging or new armed forces and groups in existing or new situations of concern, and urged the UN system to closely monitor such forces and groups. However, the lack of capacity by the UN to verify such evidence may result in a failure to list these parties in the reports of the Secretary-General. In 2008, for example, credible independent sources documented evidence of use of children by Indian security forces and Naxalite rebels in Chhattisgarh State in central India; these armed forces and

Figure 1. Situations Listed in the Annexes of the Secretary-General's Annual Reports on CAC

Annual Reports of the Secretary-General on CAC	3rd Report* S/2002/1299	4th Report A/58/546- S/2003/1053	5th Report A/59/695 S/2005/72	6th Report A/61/529 S/2006/826	7th Report A/62/609 S/2007/757	8th Report A/63/785 S/2009/158
Annex I	Afghanistan Burundi DRC Liberia Somalia	Afghanistan Burundi Cote d'Ivoire DRC Liberia Somalia	Burundi Cote D'Ivoire DRC Somalia Sudan	Burundi Cote D'Ivoire DRC Myanmar Somalia Sudan	Afghanistan Burundi CAR Darfur DRC Myanmar Nepal Somalia Southern Sudan	Afghanistan Burundi CAR Chad Darfur DRC Iraq Myanmar Nepal Somalia Southern Sudan
Annex II		Chechnya Colombia Myanmar Nepal Northern Ireland Philippines Sri Lanka Sudan Uganda	Colombia Myanmar Nepal Philippines Sri Lanka Uganda	Chad Colombia Nepal Philippines Sri Lanka Uganda	Chad Colombia Philippines Sri Lanka Uganda	Colombia Philippines Sri Lanka Uganda
Total Situations	5	15	11	12	14	15
Total Armed Forces & Groups	23	52	54	40	40	56

*The 3rd report lists only one annex.

Figure 2. Process for Listing of Armed Forces and Groups



groups, however, were not listed in the annexes and not mentioned in the narrative on situations of concern in the 8th report of the Secretary-General.¹⁰ These gaps in the listing and delisting process result in missed opportunities to provide protection for children on the ground.

The Secretary-General clarified in his 8th report that the noncommitment of violations by a particular force or group, which leads to delisting, is verified “to the satisfaction of the country-level task force on monitoring and reporting and the Task Force on Children and Armed Conflict” (A/63/785-S/2009/158, para. 9). Despite this clarification, detailed procedures and standards for listing and delisting continue to be unclear to most stakeholders. Finally, any delisted armed force or group should be subject to regular monitoring to ensure that a relapse does not occur.

Recommendations to the Working Group

1. Request that the Secretary-General promptly develop and submit to the Working Group clearer and more detailed criteria and procedures for the listing and delisting of armed forces and groups that recruit and use child soldiers [and perpetrate rape and other grave sexual violence against children]. The criteria and procedures should be made publicly available.
2. Following the delisting of an armed force or group, request that the Secretary-General continue to monitor the situation. If further violations are verified, the armed force or group should be addressed in the horizontal note and re-listed in the annexes of his annual report.

Action Plans

Through SCRs 1539 and 1612, the Security Council requested that the UN country teams enter into dialogue with the armed forces and groups for the purpose of developing and implementing time-bound action plans to end the recruitment and use of child soldiers and to demobilize children associated with armed forces and groups. Action plans are written and signed commitments by the armed forces and groups. Currently, there is no standard universal format for action plans. Entering into dialogue to achieve agreements on action plans does not constitute recognition of an armed force or group. Rather, it represents an attempt by the UN to win the release of children and ensure protection for children affected by armed conflict. In some cases, governments have blocked the UN’s access to armed groups for the purpose of

developing and verifying the implementation of action plans. The 8th report of the Secretary-General states that in certain situations of concern, such as in Myanmar and Colombia, the government has been reluctant to allow for further dialogue with certain armed groups, thus impeding progress on securing the release and rehabilitation of children associated with these groups.

Many past and present Working Group members interviewed for this paper expressed a general lack of technical knowledge about action plans (see below: Education), as well as a lack of information on the current status of action plans for listed armed forces and groups. Interviewees also expressed concern about the lack of follow-up on the development and implementation of the time-bound action plans. A related challenge is the lack of consistency in verifying implementation of action plans due to limited resources, lack of access or other reasons (see above: Listing and Delisting of Armed Forces and Groups).

Some progress has already been achieved in the area of tracking action plans with the publication of the 8th report of the Secretary-General (A/63/785-S/2009/158), which provides a detailed chart on the status of action plans. Only nine out of 64 armed forces and groups listed to date in the annual reports of the Secretary-General have signed action plans. The UN has entered into dialogue with five armed forces and groups for the purposes of developing action plans. However, 49 armed forces and groups do not have formal action plans. In the case of the Liberation Tigers of Tamil Eelam (LTTE) operating in Sri Lanka, the current action plan does not meet the minimum criteria.¹¹

Most interviewees also expressed disappointment that the Security Council has not made significant use of potentially strong actions to address cases of armed forces or groups that are listed by the Secretary-General year after year and continue to fail to develop action plans. For example, the Security Council has for the most part not used targeted measures to address these cases of “persistent violators” (see below: Sanctions).

Some interviewees also expressed frustration that action plans are limited to the recruitment and use of child soldiers. They explain that when negotiations begin with a commander in order to halt the recruitment and use of children, it is neither ethical nor responsible for the negotiators to ignore other violations that these same children may be facing, and that the commanders should be encouraged to work towards halting all violations equally. At the very least, with the expansion of the MRM trigger to include rape and other grave sexual violence, action plans to halt rape and all other grave sexual violations should also be required.

Recommendations to the Security Council

1. Explicitly authorize relevant UN personnel to enter into dialogue with armed forces and groups for the purpose of developing and verifying implementation of time-bound action plans to halt violations against children.
(Suggested inclusion in a new CAC resolution)
2. Call on all member states to cooperate in order to provide UN personnel or other designated personnel access to armed forces and groups in order to develop and monitor time-bound action plans.

Recommendations to the Working Group

1. Call for regular “review [of] progress in the development and implementation of [time-bound] action plans.”¹² To this end, request that the Secretary-General include any developments related to action plans by armed forces or groups in the relevant country reports submitted to the Working Group. Furthermore, request that all country reports and follow-up reports provide information on the status of engagement by UN personnel with armed forces or groups towards development and implementation of time-bound action plans.
2. Adopt a Press Statement or a Presidential Statement each time an armed force or group signs a time-bound action plan or makes considerable progress on the implementation of the time-bound action plans, welcoming the armed force or group’s actions towards ending the violations. Also, welcome the complete implementation of time-bound action plans, emphasizing that its future actions will continue to be closely monitored.

Recommendations to the Secretary-General

1. Request that all relevant UN country teams, peacekeeping operations and/or MRM Task Forces closely monitor and verify the implementation of time-bound action plans.
2. In cases where UN personnel are not able to enter into dialogue with a particular armed force or group or verify the implementation of an action plan, request that the UN presence work with relevant NGOs or civil society partners that have access in order to develop action plans and/or verify their implementation.
3. Request the OSRSG-CAC and UNICEF to jointly and promptly develop a universal template for action plans that armed forces and groups will find easy to use and understand. This template should also have flexibility for adaptation in different contexts.



Greater Accountability and End to Impunity¹³

Sanctions

All local NGOs and other stakeholders, including all Working Group members, interviewed for this paper expressed grave concern about the atmosphere of impunity and lack of accountability for perpetrators of egregious violations against children in armed conflict.

The Security Council has long committed itself to addressing impunity and demanding accountability for perpetrators of violations. To maintain its own credibility, it is important for the Security Council to follow through on its commitments made in SCRs 1539 and 1612 regarding targeted measures against persistent violators who do not make progress in halting violations.

By following through on its commitments, the Security Council will signal to persistent perpetrators that there is no impunity for recruitment and use of child soldiers and for other grave violations against children. This will also act as a deterrent to potential future perpetrators. Without real repercussions for violations against children, armed forces or groups will not have incentives to halt violations, and the threat of targeted measures will become empty over time.

At a minimum, the Security Council has committed to considering targeted measures in several cases (SCR 1539, para. 5c). These are when an armed force or group:

- refuses to enter into dialogue
- fails to develop an action plan
- fails to meet its commitments to halt the recruitment and use of child soldiers outlined in an agreed action plan

To date, the Security Council has only taken targeted measures in connection to the recruitment and use of children in two cases, Côte d'Ivoire and the Democratic Republic of Congo (DRC). In both cases, sanctions were already imposed on the parties, but the recruitment and use of children was added to the preexisting sanctions as additional criteria. For the first time in 2009, the Sanctions

Committee concerning DRC subjected three individual commanders of the Forces Démocratiques de Libération du Rwanda (FDLR) to existing asset freezes and travel bans citing the abduction and sexual abuse of girls and the recruitment and use of boys as young as 10 years old as soldiers as the sole reasons for the imposed sanctions.¹⁴

Stakeholders interviewed for this paper commonly agreed that better connections could be forged between the Working Group and the already existing Sanctions Committees on Côte d'Ivoire, DRC, Somalia and Sudan. Improved linkages between these groups would facilitate the Security Council's commitment to hold persistent perpetrators accountable for their violations against children.

In the case of the other situations listed by the Secretary-General where Sanctions Committees do not already exist, interviewees for this paper generally concurred that if political consensus can be reached among the Working Group members, then targeted measures could be imposed independently. Several current members of the Working Group indicated that they would not oppose such an action.

Sanctions against Perpetrators of CAC Violations

March 2009: The Security Council Sanctions Committee concerning DRC subjected three FDLR commanders to existing asset freezes and travels bans because of their recruitment and use of boy child soldiers and abductions and sexual abuse of girls (SCR 1596 and SC/9608).

July 2006: The Security Council subjected 22 DRC leaders and entities to existing travel bans and asset freezes because of their recruitment and use of child soldiers (SCRs 1698 and 1596).

February 2006: The Security Council Sanctions Committee concerning Côte d'Ivoire subjected Martin Koukakou Fofie to a travel ban because of his recruitment and use of child soldiers (SCRs 1572, 1584, 1643, 1727, 1782 and 1842).

Recommendations to the Security Council

1. Impose targeted measures, which are carefully tailored to particular individuals or entities that persistently violate children or refuse to enter into dialogue, develop action plans or implement action plans to halt violations against children.
2. Request that the Working Group and existing Sanctions Committees cooperate closely and consistently with each other to develop tailor-made and effective measures against violators.
3. Encourage individual member states or groups of member states to adopt national legislation that imposes travel restrictions, asset freezes and bans on arms trade with armed forces or groups that are listed in the annexes of the Secretary-General's annual report.

Recommendations to the Working Group

1. Strongly recommend that the Security Council impose carefully tailored targeted measures against persistent violators, as outlined in SCR 1539, para. 5(c).¹⁵
2. Establish closer cooperation with the Sanctions Committees, which should include regular information-sharing on persistent violators who fail to halt the recruitment and use of child soldiers and continue to commit other egregious violations against children. Cooperate with Sanctions Committees to develop measures that are tailored to the targeted individual or entity.
3. Develop and present to the Security Council in a timely manner a set of clear procedures that would be followed in cases where the Working Group recommends imposing targeted measures on persistent violators who operate in situations that do not already have Sanctions Committees.

The International Criminal Court and Other Justice Mechanisms

The Working Group has taken some steps to address impunity to date. These include calls to the UN Organization Mission in the DRC (MONUC) and the government of DRC to arrest Laurent Nkunda and calls to the government of DRC to confirm charges against Kyungu Mutanga and rearrest Jean-Pierre Biyoyo (S/AC.51/2007/17). In January 2009, General Nkunda was arrested in Rwanda.¹⁶ The Security Council has also

referred the situation in Darfur of continuing egregious violations against civilians, including children, to the International Criminal Court (ICC), and the Court has subsequently issued an arrest warrant for Sudanese President Omar al-Bashir.

In January 2009, the ICC began a landmark trial against Thomas Lubanga Dyilo for war crimes, including the recruitment and use of child soldiers. Lubanga allegedly founded two armed groups, the Union des Patriotes Congolais (UPC) and the Forces Patriotiques pour la Libération du Congo (FPLC), and served as a Commander-in-Chief of the FPLC. Since 2001, the FPLC and UPC have been listed in the annexes of the Secretary-General's annual report. The ICC has issued arrest warrants for six other individuals because of their recruitment and use of child soldiers. While the Lubanga trial was not a result of referral from the Security Council, it nevertheless sets a precedent that is likely to impact future actions by the international community to end impunity and hold violators accountable.

Many interviewees for this paper expressed hope that the Lubanga trial would demonstrate to other violators the determination of the international community to hold violators accountable and bring them to justice. Some interviewed Working Group members also shared their hope that the trial would serve as a deterrent against possible future violators. Local civil society organizations interviewed for this paper expressed hope that the Security Council would use its power to end impunity and hold perpetrators accountable and also expressed the need for strong security measures to be developed in relation to their collaboration with the ICC.

As demonstrated by steps already taken, the Working Group has various means of interacting with the ICC or other justice mechanisms to combat impunity. Interviewees for this paper explained that information collected and reported through the MRM, while not intended to serve as legal evidence for the prosecution of individuals, may be shared with the ICC as background information. The same is true for other relevant justice mechanisms, such as the International Criminal Tribunals on Rwanda and former Yugoslavia and the Special Court for Sierra Leone,¹⁷ national justice systems, truth and reconciliation commissions and other local justice mechanisms.

Recommendations to the Security Council

1. Consider referring cases of persistent violators of egregious violations against children, who do not demonstrate progress in halting such violations, to the ICC.
2. Vigorously support local, national, regional and international justice mechanisms to end impunity and bring accountability for perpetrators of violations against children in armed conflict.
3. As appropriate, consider establishing international criminal tribunals for specific situations where violations of international humanitarian and human rights law, including violations against children, have taken place.

Recommendations to the Working Group

1. Regularly submit information on all six grave violations reported through the MRM to the ICC and other justice mechanisms, to be considered as background information to support the work of these systems. Ensure that strong security precautions are in place for all entities supporting these efforts.
2. In meetings and letters to concerned parties, Press Statements, Presidential Statements and conclusions, emphasize the ability and willingness of the Working Group to share information on reported violations with the ICC and other justice mechanisms.

Strengthening the Impact of the Security Council Working Group on Children and Armed Conflict

Use of the Toolkit

When the Working Group first formed in 2005, it agreed on a Toolkit of potential actions it would take to respond to reports of violations (S/2006/724). These actions would be set out through the Working Group's conclusions on each situation of concern. An analysis of the 20 sets of conclusions issued by the Working Group between 2006 and 2008 reveals that the Working Group has not used the full range of available tools that it set out for itself in the Toolkit (see Figure 3).

In fact, the Working Group has either never used or very rarely used almost 50 percent of the tools in the Toolkit. In its conclusions, the Working Group generally uses a combination of different tools to address a particular situation of concern. For example, in the case of Somalia in

December 2008, the conclusions utilized a total of 13 tools, the most it has ever used (S/AC.51/2008/14). Yet, even in this case, the Council only used half of the tools at its disposal. On average, the Working Group uses approximately eight tools in each set of conclusions, or 30 percent of all available tools, revealing that the Toolkit is severely underutilized. The following is a brief illustration:

Actions **most often** used:

- letters or appeals to parties concerned (27)
- open or closed meetings with parties concerned (20)
- requests to UN bodies and agencies (18)
- requests to donors (17)

Figure 3. Number of Tools Used (2006-2008)



Actions **sometimes** used:

- requests for visits or advocacy by the Special Representative of the Secretary-General (SRSG) on CAC (12)
- recommendations for humanitarian cooperation (10)
- invitations to stakeholders to pay attention to disarmament, demobilization and reintegration (DDR) of child soldiers (10)
- full range of justice mechanisms (9)
- CAC issues in peacekeeping missions (7)

Actions **least often** used:

- letters to regional organizations (6)
- advocacy for accountability (6)
- children's needs in peace processes (5)
- requests additional info from the Secretary-General (5)
- technical assistance (3)
- submission of information to existing Sanctions Committees (2)
- stronger child protection standards for troop-contributing countries (2)
- requests for additional information from the country concerned (2)
- demarches to armed forces or groups (1)
- information briefings by experts, including NGOs (1)
- new areas of Security Council action, including Resolutions (1)
- support to transitional justice and truth-seeking mechanisms (1)

Actions **never** used:

- letters to relevant justice mechanisms with information on violations
- field visits by either the Security Council or the Working Group (see below: Rationale for Urgently Needed Working Group Field Visits)
- specific Presidential Statements¹⁸ or Resolutions
- press conferences

Due to the Working Group's severe underutilization of its tools and the types of tools it tends to use, the Security Council is in effect restricting its own capacity to create better protection for children (see Figures 4 and 5, opposite page). The Working Group should use a mix of tools carefully tailored to the specific context and dynamics of each conflict. In particular, the Working Group should consider what tools may be more effective in dealing with armed forces and groups with a clear leadership structure and those that act more like criminal gangs.

Recommendations to the Security Council

1. Respond in a timely manner to recommendations submitted by the Working Group to take strong actions. Particular attention should be given to instances of "persistent violators," which have not demonstrated progress in halting grave violations (see above: Sanctions).

Recommendations to the Working Group

1. Utilize the full range of actions available in the Toolkit.²¹ In particular, employ underutilized but potentially very effective tools, including recommending that the Security Council take targeted measures, forward information to relevant international justice mechanisms, adopt strong Presidential Statements and/or Resolutions and carry out demarches.
2. Immediately conduct a Working Group field visit to one of the situations of concern requiring urgent attention (see Annex 3).
3. Recommend to the Security Council to strengthen the CAC aspects of peacekeeping missions by increasing the number of Child Protection Advisors and Child Protection Officers in all situations listed in the annexes of the Secretary-General's annual report and in all other situations of concern whenever peacekeeping mission mandates are reviewed.

Figure 4. Tools Used (2006-2008)

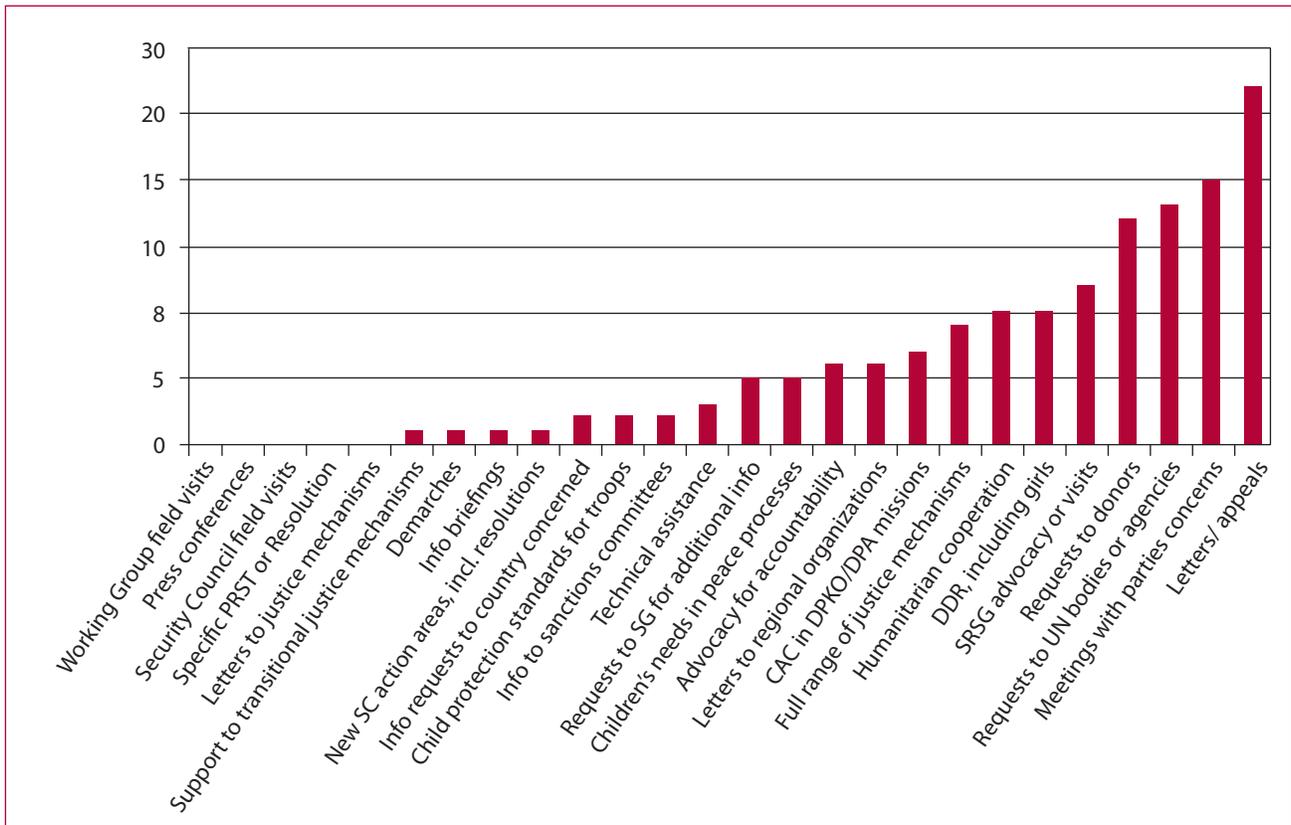
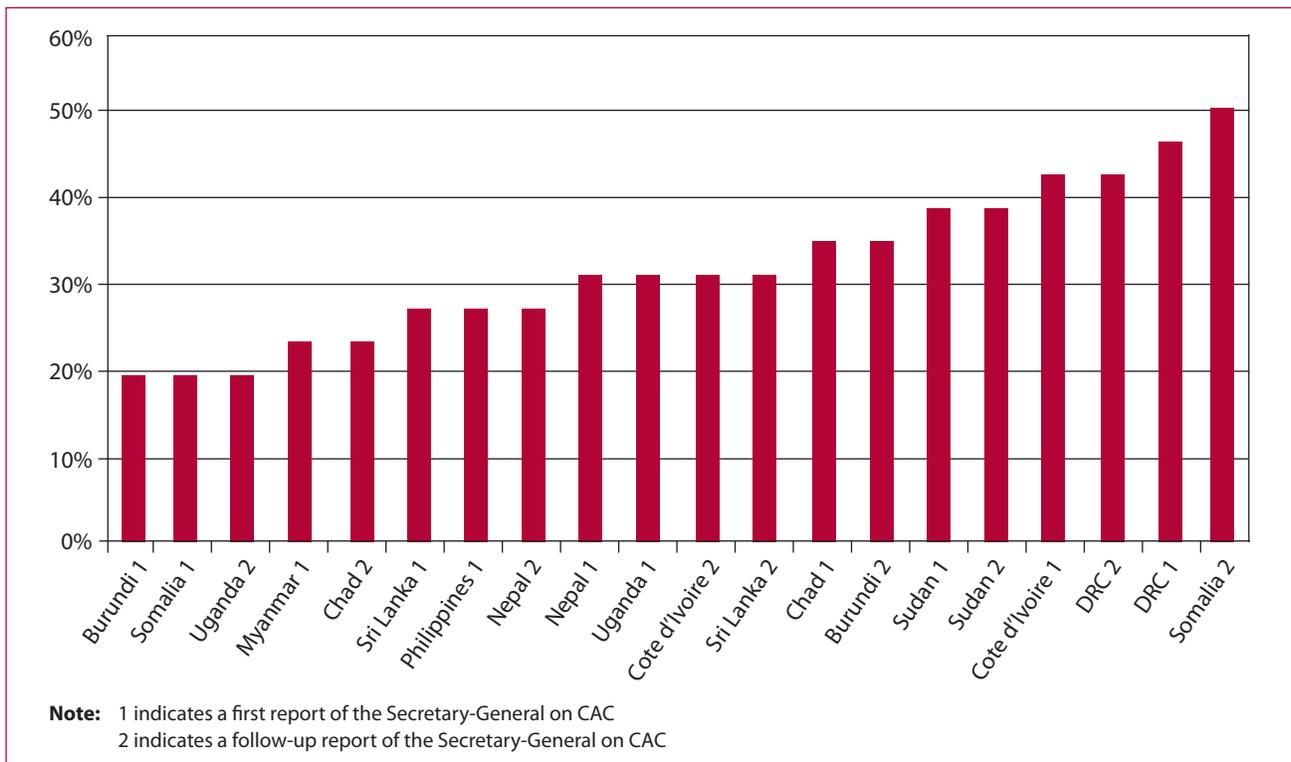


Figure 5. Percentage of Tools Used (2006-2008)



Rationale for Urgently Needed Working Group Field Visits

Burundi:

Working Group members would be able to see for themselves the impact of their actions and advocacy on an armed group. Forces Nationales de Libération (FNL), an armed group that operates in Burundi, is moving towards greater compliance with international child protection standards. The dedicated attention during a field visit by the Working Group may be decisive in making the FNL's full compliance with child protection norms a reality.

Members of the international community have shown willingness to assist the Working Group with all logistical matters in preparation for the field visit. This includes support from South Africa in its role as a mediator, the Executive Representative of the Secretary-General for Burundi, the UN Country Team and many NGOs operating in Burundi. The Working Group members may wish to travel with the SRSG-CAC, who is also planning a trip to the region at the same time.

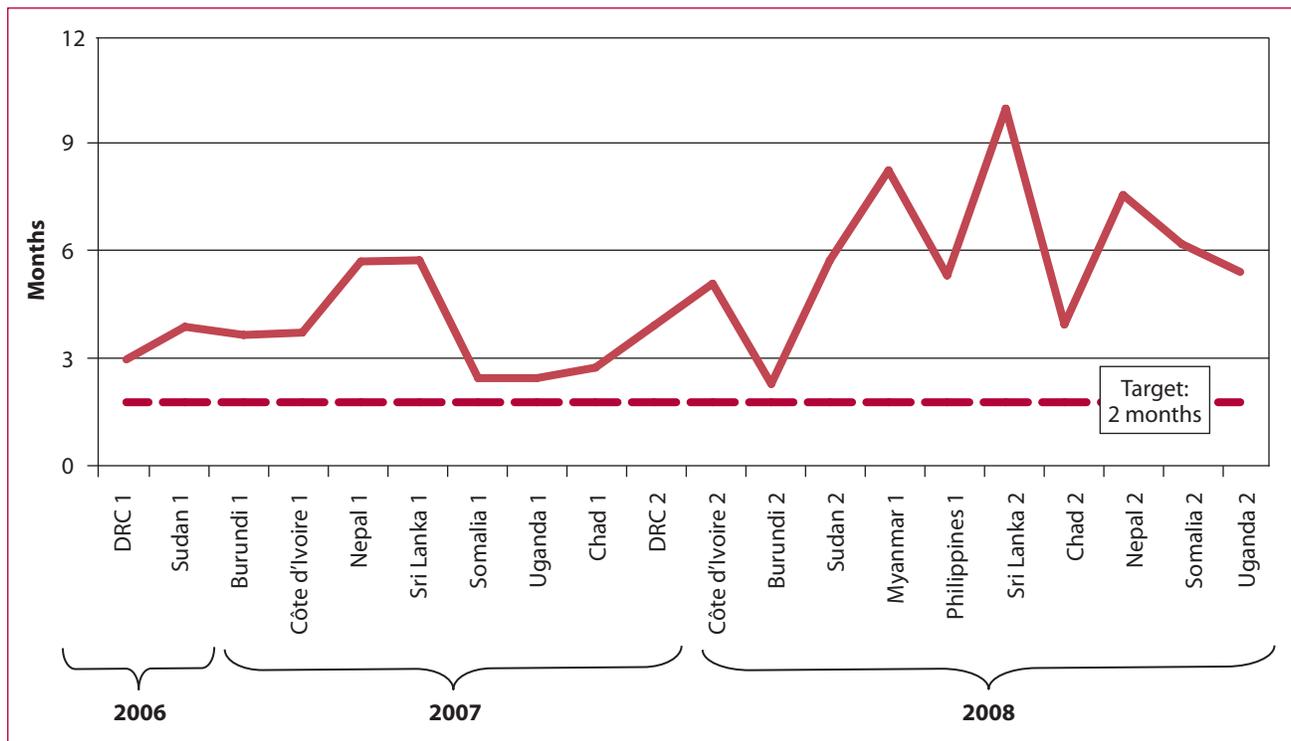
Sri Lanka:

Following his visit to Sri Lanka in February 2009, Sir John Holmes, the UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, said that the "bloodbath on the beaches of northern Sri Lanka seems an increasingly real possibility."¹⁹ The human rights and

humanitarian situation in Sri Lanka has deteriorated significantly since the outset of 2009 and requires urgent attention.²⁰ Violations against children are regularly reported, including several of the SCR 1612 violations such as killing and maiming, attacks on hospitals, denial of humanitarian access, and recruitment and re-recruitment of children. Sir John Holmes reported on the humanitarian situation in an informal session of the UN Security Council. However, no further action has been taken by the Council to address this situation. The situation in Sri Lanka is squarely on the agenda of the Working Group and must be given top priority due to the gravity of the situation there.

During a field visit to Sri Lanka, the Working Group could review the situation, given the significant escalation in the conflict since its last meeting. The Working Group could address a variety of pressing matters, including the obstruction of children and other civilians from fleeing the fighting areas, the killing and maiming of children and the attacks on hospitals. The Working Group could meet with eyewitnesses of the situation, contribute to confidence-building for children and communities and conduct high-level discussions with the government of Sri Lanka. The Working Group could also follow up on the child protection efforts within the MRM system.

Figure 6. Negotiation Time Taken on Conclusions (2006-2008)



Timely Conclusions and Consistent Follow-Up

The Working Group's conclusions are often delayed, and no clear and consistent system currently exists for following up on the requests and recommendations set forward in the conclusions. When conclusions are delayed by several months, the Working Group's requests and recommendations may become outdated, thereby limiting the potential for making effective impact at the ground level. Additionally, such delays may signal to the perpetrators of violations that the Security Council and its Working Group are not serious about addressing accountability and impunity or about ensuring that conclusions are implemented at the field level.

At the time of its establishment, the Working Group agreed to meet in formal sessions every two months, and that conclusions on the situations reviewed at the previous session would be adopted in the subsequent session (S/2006/275). This indicates the Working Group's original intention to complete negotiations on its conclusions within a two-month timeframe.

Since 2006, the average negotiation time has increased significantly. In 2006, the Working Group negotiated each set of conclusions over an average of 3.4 months, still taking longer than the original two-month expectation. In 2007, this increased to an average of 3.8 months and went up to an average of 6 months in 2008 (see Figure 6, previous page). The Working Group took on average

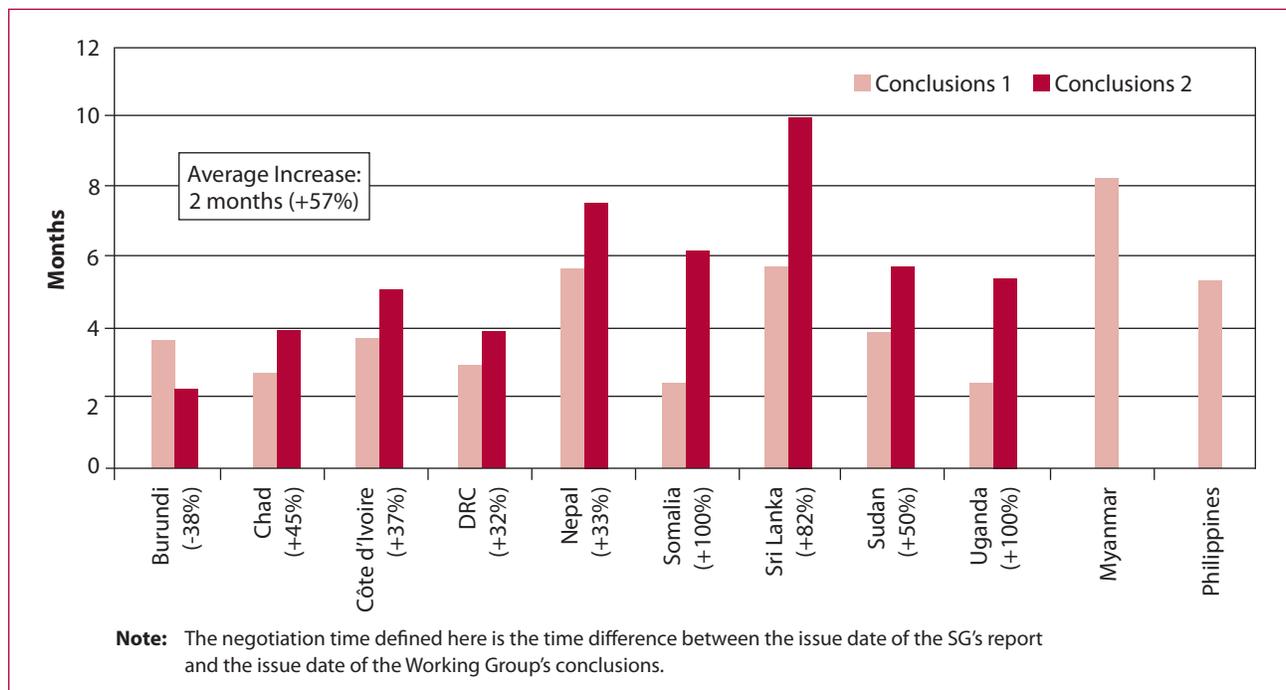
76 percent more time to negotiate conclusions in 2008 than in 2006. This could indicate a diminishing ability or willingness of the Working Group to respond to reported violations in a timely and effective manner.

Also interesting is that the Working Group generally takes on average 57 percent more time to negotiate conclusions on a follow-up report (i.e., a situation that has already been previously discussed) than on a first-time country-specific report. The comparison between the negotiation time for first and second conclusions reveals a 100 percent increase in time for negotiations on Uganda and Somalia and an 82 percent increase in time for negotiations on Sri Lanka. The only exception is Burundi—the Working Group took 38 percent less time to reach consensus (see Figure 7).

In the past three years, the Working Group has taken the longest time to negotiate the conclusions on Sri Lanka (S/AC.51/2008/11), Myanmar (S/AC.51/2008/8) and Nepal (S/AC.51/2008/12)—10, 8.2 and 7.5 months, respectively. Many stakeholders interviewed for this paper explained that these long negotiations were the result of difficult political dynamics within the Working Group in mid-to-late 2008, in which some members intentionally stalled and hampered the negotiations.

Another important step to improve the effectiveness of the Working Group's conclusions would be to establish consistent follow-up on the requests and recommendations made in the conclusions. Currently, neither the

Figure 7. Negotiation Time Taken on Conclusions (by country)



Working Group nor the UN system has official procedures in place for tracking the proper implementation of the requests and recommendations of the Working Group. This limits the ability of the Working Group to track the actual impact of its actions on the ground. Moreover, actors, to whom the requests and recommendations of the Working Group are addressed, may have lower incentives to respond.

Recommendation to the Security Council

1. As a first step for following up on conclusions of the Working Group, request that the Secretary-General include information on the implementation of all requests and recommendations made in the Working Group's conclusions in each subsequent follow-up report on that country presented to the Working Group.

(Suggested inclusion in a new CAC resolution)

Recommendation to the Working Group

1. Strive to achieve consensus on conclusions within the two-month time frame that the Working Group originally set for itself, which will also ensure that the Working Group stays on schedule for its regular review of situations of concern.

Emergency Sessions of the Working Group

All stakeholders interviewed for this paper expressed concern about the failure of the Working Group to address emergency situations in a timely manner. This reflects the stakeholders' understanding that armed conflicts are dynamic and situations have the potential to deteriorate rapidly and require urgent attention. The long time periods between the Working Group's regular reviews of a particular situation may prohibit it from acting effectively to address emergencies that arise.

The Terms of Reference of the Working Group include provisions for convening urgent meetings: "The Working Group may hold urgent and/or informal meetings at the request of the Chairman or a member of the Working Group" (S/2006/275). However, no emergency sessions have been convened to date. Most interviewed Working Group members are unaware that all members, not only the Chair, may request such emergency sessions.

Two examples from 2008—DRC and Sri Lanka—underline the need for the Working Group members to have a clear understanding of how and when emergency sessions can be called and to actually hold such sessions. In December 2008,

over 48 hours during Christmas, the Lord's Resistance Army attacked the Doruma, Duru and Faradje areas of Haut-Uele District of northern Congo, killing more than 865 civilians and abducting more than 160 children. The violence spilled over to southern Sudan.²² Several Working Group members subsequently acknowledged that the situation in DRC required the urgent attention of the Working Group. However, at the time, the Working Group did not convene an emergency session because, in the words of one member, it was the "Christmas holiday season" and the end of the calendar year. In other words, the timing and lack of clear procedures made it logistically too complicated to arrange the session. Several interviewed Working Group members regretted not addressing this case.

In the first quarter of 2009, the denial of humanitarian assistance for civilians, recruitment and re-recruitment of children, shelling of hospitals and other grave violations committed in northern Sri Lanka necessitated the urgent attention of the Working Group. However, no action to set up an emergency session has yet been taken. Some Working Group members have considered an emergency session on Sri Lanka but explained that it has not moved forward because the Working Group is "too busy dealing with the conclusions" on other situations; time does not permit; and the technicalities of how such an emergency session should proceed are not clear enough. In the meantime, approximately 150,000 civilians, including children affected by grave violations, remain in dire need of attention and assistance in northern Sri Lanka.

Recommendations to the Working Group

1. Convene emergency official or informal sessions of the Working Group. These sessions should be convened at the discretion of the Chair of the Working Group in consultations with other members, who may also request an emergency session. This may be done on the basis of issues raised in the horizontal note or elsewhere. The Working Group should immediately develop clear guidelines for convening such emergency sessions.²³
2. Take the strongest possible action or combination of actions available in the Toolkit to respond to emergency situations in a timely manner.²⁴
3. Invite local and international NGOs to submit information in advance of emergency sessions or to provide a briefing to the Working Group at the beginning of such emergency sessions. Invite local NGOs to provide such a briefing via teleconference (see below: Greater Transparency).

Greater Transparency

Greater transparency would allow for greater accountability of the Working Group to all actors in the child protection process, including accountability to the children and the communities that the Working Group seeks to protect. Transparency would also allow the UN agencies, civil society and other actors to support the efforts of the Working Group with better precision and more useful and substantive interactions. Greater transparency can be created in various ways. Here are three examples:

- The Working Group can improve information-sharing with other child protection stakeholders, such as the MRM Task Forces, civil society members and affected children and communities. This would allow other actors to better understand the Working Group's efforts to protect children and to better plan their efforts to support the Working Group.
- The Working Group can strengthen its cooperation with NGOs, which could provide timely and reliable information that the Working Group needs. This is particularly relevant in situations, such as Myanmar, where the UN has limited access to conflict-affected communities but reliable NGOs are already working directly with communities.
- Greater transparency vis-à-vis the action plans and the listing and delisting of armed forces and groups would help track progress towards halting grave violations. In this context, greater transparency means that the actions of all armed forces and groups would be tracked and scrutinized according to a standard set of criteria that would lead to delisting when appropriate (see above: Listing and Delisting of Armed Forces and Groups and Action Plans). The 8th report of the Secretary-General already makes progress towards this goal by including a detailed chart mapping progress towards developing and implementing action plans by all listed armed forces and groups (A/63/785-S/2009/158).

Recommendations to the Working Group

1. Improve the transparency of the operations of the Working Group. To the extent possible, publish as official UN documents all letters and official correspondence sent from the Chair of the Working Group to the Secretary-General, the President of the Security Council, concerned member states,

cont'd ►

◀ cont'd

armed forces and groups, international justice mechanisms, UN entities and others. Share the monthly and annual work plans of the Working Group with all relevant actors, including NGOs focused on the CAC agenda.

2. Request that the OSRSG-CAC publish in a timely manner all official Working Group conclusions and correspondence on its website.
3. Allow for invitations to international and/or local NGOs to give a briefing at the beginning of each official Working Group Meeting (including regular and emergency sessions).
4. Request that the Secretary-General make all horizontal notes (which would remain unofficial documents) available to all primary CAC stakeholders.

Workload of the Working Group

The workload of the Working Group and its Chair has been high from the outset and has increased over the past three years. The Working Group reviewed 11 situations with 54 armed forces and groups, 12 situations with 40 armed forces and groups, and 14 situations with 40 armed forces and groups listed, respectively, in the annexes of the 5th, 6th and 7th reports of the Secretary-General. The 8th report, released in April 2009, lists 15 situations with 56 armed forces and groups. One new armed group, Al Qaeda in Iraq, is listed in Annex I. Yet, the report delists the Uganda People's Defence Force (UPDF) and Local Defence Units (LDUs) in Uganda. The number of situations listed in the annexes has increased by almost 36 percent between 2005 and 2009.

The larger number of situations and the establishment of a more regular work schedule for the Working Group have increased the workload of its members and particularly its Chair. Several interviewees for this paper also explained that the workload is demanding due to the long and often delayed negotiations over conclusions (see above: Timely Conclusions and Consistent Follow-Up). Additionally, the Chair must spend significant time tending to administrative and logistical needs, which detracts from potential time spent on drafting conclusions, following up on conclusions or other substantive work.

Working Group members interviewed for this paper underlined the urgent need for administrative support for the Working Group, emphasizing that if there is a consensus within the Working Group on this point, the logistics and funding for the administrative position can

be subsequently secured. For example, there are several options for funding such an administrative position:

- The Security Council can request the Office of Security Council Support to allocate one staff member.
- The Security Council could invite member states to make voluntary contributions for such a position.
- The Secretary-General could invite member states to sponsor a junior professional position.

Other stakeholders have also increased their workload in order to participate effectively in the MRM and other related systems. The OSRSG-CAC, UNICEF and the field-based Task Forces have increased their activities with extremely limited or no additional resources. Resources that have been provided have been strictly voluntary contributions. Moreover, local NGOs participating in the MRM at the field level carry out monitoring, reporting and response activities for the system, often without additional resources.

As the scope and reach of the MRM and related systems continue to expand, the workload of the Working Group and its Chair will continue to increase. In order to ensure the sustainability of the system, more resources must be provided at both field and headquarter (HQ) levels and to both UN and civil society participants in the system.

Recommendations to the Security Council

1. Request that the Secretary-General submit a regular annual report on CAC and conduct an annual Open Debate on Children and Armed Conflict based on this report, unless urgent and extenuating developments require greater frequency.
(Suggested inclusion in a new CAC resolution)
2. Secure administrative support for the Working Group. To this end, request that the Secretary-General allocate at least one staff member of the Secretariat to provide administrative support to the Working Group (see Annex 4).
(Suggested inclusion in a new CAC resolution)
3. Encourage all Working Group members to allocate sufficient diplomats/experts to efficiently work on the Working Group.
4. Call on donors to ensure that voluntary contributions sufficiently fund the MRM, including UN and civil society organizations at field and HQ levels.

Recommendations to the Working Group

1. To reduce time spent on negotiation of each set of conclusions, revise the format of conclusions to eliminate summaries and focus on requests, recommendations and other actions of the Working Group.²⁵
2. Encourage the Chair of the Working Group to ensure that both the Chair seat and its expert-level Working Group member seat are filled at all official meetings.²⁶

Education and Smooth Transitions of Working Group Members

Many interviewed Working Group members explained that the general lack of historical knowledge about the CAC agenda poses a challenge to the efficiency and efficacy of the Working Group. They explained that this is especially true during their first few months when members join the Working Group. While many members have made individual efforts to learn about the CAC agenda independently, there is interest in receiving a CAC training to ensure that all new members have an equal and firm understanding.

Many interviewees, including members who have worked on the agenda for several years, also admitted some gaps in their technical knowledge, particularly on the action plans and delisting. This indicates a need for greater transparency in existing processes, such as the development and implementation of action plans and the delisting of armed forces or groups, and a need for more education of the Working Group members (see above: Greater Transparency).

The Working Group can significantly improve its operations by taking simple steps to guarantee smooth transitions between the incumbent and the newly elected members and between Chairs. Smooth transitions allow the Working Group to stay on schedule in reviewing reports of the Secretary-General and adopting timely conclusions. All this will contribute to stronger impact of the Working Group at the field level.

Recommendation to the Working Group

1. Request the OSRSG-CAC, UNICEF and the Working Group Chair, in collaboration with NGOs, to develop and deliver jointly a brief training on the CAC agenda to all new Working Group members shortly after their election to the Security Council. The training should cover the history and recent developments of the CAC agenda as well as progress on the development and implementation of relevant action plans (see Annex 5).



Synergies among the Security Council's Agendas on Protection of Children, Women and Civilians

Over the past 10 years, the Security Council has made significant strides in efforts to protect children, women and civilians in situations of armed conflict. These protection efforts are part and parcel of its overall agenda to guard international peace and security.

The Security Council's progress on its three distinct protection agendas (children and armed conflict; protection of civilians; and women, peace and security) has led to several innovative developments. These include the development of the UN-led MRM, the Protection of Civilians Aide Memoire and SCR 1820 on halting sexual violence.

However, the road from Security Council mechanisms to actual protection on the ground is often indirect and difficult to follow. For this reason, some stakeholders tend to measure Security Council success based on the structures it creates, rather than the real impact these structures create at the field level. The Security Council and other stakeholders should not be blinded by the innovation of its systems, but must recognize that major gaps still exist in securing the protection for children, women and civilians in armed conflicts.

To this end, it is important that the Security Council and other stakeholders maximize synergies between the three protection agendas, which can reduce workloads and costs, improve efficiency and increase impact at the field level. Today, the Security Council's protection agendas are fragmented like individual slices of a bigger pie. This situation has developed intentionally so as to ensure that focused and detailed attention can be provided to each agenda—or slice of pie. This approach has indeed led to progress—although uneven—in each area. While it is still prudent to keep these pieces separate to allow for each agenda to develop to its fullest potential, with the focused attention of the Security Council, it is critical to recognize that the three agendas are interconnected and some level of collaboration can be beneficial.

The synergies among the three agendas are many, and actors working on the three agendas should strive towards practical cooperation and collaboration at both the field and HQ levels to work towards a broader “system wide coherence.”²⁷ In the future, this will lead to an overall protection system that is effective, efficient and meaningful on the ground.

Recommendations to the Security Council

1. Expand the trigger of the MRM, starting with rape and other grave sexual violence against children, as the next trigger in an incremental approach to the inclusion of all six violations as triggers over time. This will incorporate the progress achieved in SCR 1820 in the CAC agenda and vice versa.
2. Each time a new country-specific resolution is drafted and adopted, appoint a focal point within the Council to ensure that all the proper steps are taken to meet the UN's obligations under each of the three protection agendas and that the linkages between the three agendas are realistic and practical in each country situation.
3. Encourage donors to increase funding for monitoring, reporting, response and follow-up at the field level. This will strengthen each of the monitoring systems under the three agendas and encourage closer collaboration among protection actors at the field level.
4. Do not replicate the monitoring and reporting system of one agenda in the other agendas. Each agenda is unique and must develop and evolve individually in a way that is most practical and realistic for each agenda. However, lessons learned from the development of each agenda and collaboration amongst the three agendas should increasingly become part of the evolution of each agenda.

Recommendations to the Secretary-General

1. Strengthen cooperation with and involvement of local and international NGOs at both field and HQ levels and ensure that efforts to gather and report information on violations against children, women and civilians are complementary.
2. Ensure that all gender advisors, HIV/AIDS advisors, child protection advisors and independent human rights monitors at the field level work closely with all monitoring and reporting structures, in a joint effort to protect children, women and civilians.
3. Request that the UN country teams and UN entities cooperate closely with NGOs at the local level on all protection areas. Greater involvement of NGOs will guarantee strengthened protection of children, women and civilians.

Annex 1. Watchlist's Questionnaire on the Security Council's Efforts to Protect Children

I. The Security Council Working Group on Children and Armed Conflict

1. What steps can be taken to enable the Working Group to work more effectively?
2. What Toolkit actions should be used more often and why?
3. What steps are likely to be effective in encouraging the Working Group to use a broader scope of actions from its Toolkit?
4. How can NGOs help/facilitate the work of the Working Group?
5. How can the Working Group be more effective in working with armed forces and groups listed in the annexes of the Secretary-General's annual report?

II. Dialogues and Action Plans

1. How can the Security Council make better use of the existing action plans, developed by armed forces and groups?
2. How can the Security Council strengthen its cooperation with and support of the UN country teams, which have entered into dialogue with armed forces and groups for the purpose of developing and verifying implementation of action plans?
3. In some cases, action plans exist but are not being implemented. What can the Security Council do to change this?
4. What actions can the Security Council take against armed forces and groups that refuse to enter into dialogue and refuse to develop action plans for halting CAC violations?

III. Monitoring and Reporting Mechanism

1. How can the MRM be strengthened? In what ways can the Security Council and the Working Group improve the operations of the MRM?
2. So far, the MRM has exclusively focused on child soldiers. Should the trigger of the MRM expand to include all six CAC violations? Is an incremental approach to the expansion of the trigger appropriate, or is it better to consider expanding it to include all six violations at once?
3. SCR 1612 (paragraph 3) envisioned the MRM to work in all situations listed in the annexes of the Secretary-General's annual report. What are the obstacles to expanding the MRM and how can they be overcome?
4. Should the MRM expand to automatically include all situations listed in the annexes of the Secretary-General's annual report? How can the Security Council and Working Group contribute to this process?
5. How should the response component of the MRM be strengthened? What steps can the Security Council take to strengthen the MRM response to reported violations?
6. An international-level response from the Security Council to reported violations may strengthen the normative framework while holding accountable armed forces and groups. What forms should this international-level response take?

IV. Use of Targeted Measures

1. SCRs 1539 and 1612 envision the use of targeted measures to halt violations against children. Should the Security Council be more open to using targeted measures against perpetrators of CAC violations? What may be some of the obstacles? What may be the advantages of resorting to targeted measures?

2. How does the Working Group cooperate with the Sanctions Committees? What can be done to strengthen their cooperation?
3. The use of targeted measures has been hampered by the nonexistence of Sanctions Committees for all situations listed in the annexes of the Secretary-General's annual report. What may be some obstacles to the creation of such Sanctions Committees? How can the Security Council overcome these obstacles?
4. In the cases where the Sanctions Committees do not exist, should the Working Group recommend the use of targeted measures directly to the Security Council?

V. Accountability and Ending Impunity

1. What are some concrete and practical steps for the Security Council to end impunity and hold perpetrators of violations accountable for their actions?
2. What actions should the Security Council take against persistent violators?

VI. Synergies among the Council's Agendas on the Protection of Children, Women and Civilians

1. What synergies do you see between the three protection agendas? How can they best reinforce each other?

Annex 2. Key Items in a New CAC Resolution

The United Nations Security Council has made important and groundbreaking progress to date on its children and armed conflict agenda. Yet, significant work remains to be done to consolidate progress and to guarantee that this progress ultimately leads to tangible impact on the ground. The Security Council should take further action to ensure that children caught in armed conflict are protected from violence and related threats to their security and well-being. To this end, Watchlist calls on the Security Council to adopt a **new resolution** on children and armed conflict, which includes the following crucial steps:

- Expand the trigger of the MRM to include rape and other grave sexual violence against children. This would be a first step in an incremental approach, which would eventually expand the trigger to include all six grave violations over time.
- Request that the Secretary-General list in the annexes of his annual report all armed forces and groups that recruit and use child soldiers and also those that commit rape and other grave sexual violence against children.

- Explicitly authorize relevant UN personnel to enter into dialogue with armed forces and groups for the purpose of developing and verifying implementation of time-bound action plans to halt violations against children.
- As a first step for following up on conclusions of the Working Group, request that the Secretary-General include information on the implementation of all requests and recommendations made in the Working Group's conclusions in each subsequent follow-up report on that country presented to the Working Group.
- Conduct an annual Open Debate on Children and Armed Conflict based on an annually requested and published report of the Secretary-General, unless urgent and extenuating developments require greater frequency.
- Secure administrative support for the Working Group. To this end, request that the Secretary-General allocate at least one staff member of the Secretariat to provide administrative support to the Working Group.
- Urge all member states, UN entities and other donors to support with financial, human and technical resources the capacity of civil society organizations, national institutions and UN agencies working to implement the MRM and other related child protection activities.

Annex 3. Sample Terms of Reference for the Working Group Field Visits

Key Objectives of Field Visits

- Demonstrate commitment to children and communities affected by armed conflict
- Build confidence in Security Council's commitment to implementation of SCR 1612 and previous CAC resolutions
- Obtain firsthand information about the status of violations, action plans, functionality of the MRM, DDR programs and role of civil society

Key Activities to Be Undertaken during a Field Visit by the Working Group or the Security Council

- Meet with the MRM Task Force to review progress on the MRM, including a review of its response component
- Meet with UN Country Team to review progress on the development and implementation of action plans
- Meet with high-ranking officials from the host government to discuss the situation for children in the country and national-level child protection efforts

- Visit DDR programs to meet with demobilized children to learn firsthand about the violations and perpetrators
- Meet with local and international NGOs working on child protection to discuss successes and challenges in monitoring, reporting and response initiatives and visit related protection programs for children

Other Logistics

- Field visits should be open to all members of the Working Group, but not required of all members
- One Working Group member should take the lead as the sponsor of the field visit
- The delegates may break into smaller groups once in the country in order to achieve all key activities during the visit
- All field visits should culminate in a press conference or press statement
- Upon return to New York, delegates should present a trip report to the entire Working Group, including recommendations for action

5. Provide administrative support the Working Group Chair and Security Council President in planning the annual Open Debate of the Security Council on Children and Armed Conflict
6. Draft the summaries of the official meetings of the Working Group, which are included in the beginning of each conclusion. This will allow the summary to be impartial and objective. This will also allow the Chair to focus his/her time and efforts on drafting the language in each conclusion related to the requests and recommendations to the Secretary-General and the Security Council.
7. Communicate with the concerned member state on scheduling issues whenever the Chair has invited the concerned member state to attend the official Working Group meeting, which reviews the progress in child protection of the concerned member state.
8. Distribute letters from the Working Group Chair to various recipients.

Annex 4. Proposed Responsibilities of the Administrative Support Position

Many interviewees underlined the need for administrative support of the Working Group. Some of the responsibilities of the administrative support position are listed below:

1. Book meeting rooms in the Secretariat in advance of official and informal meetings and emergency sessions of the Working Group. Inform all Working Group members and other invited participants of the time and location of each meeting.
2. Work closely with the Chair of the Working Group in all scheduling meetings and other administrative tasks.
3. Inform all Working Group members of upcoming official and informal meetings. Closely cooperate with all Working Group members to ensure timely coordination of meetings.
4. Work with the UN Secretariat to secure the timely publication of all Working Group conclusions, Presidential Statements and press statements as official UN documents.

Annex 5: Draft CAC Training Module and Materials

Topic	Key Issues	Experts and Resources
Resolution 1612 and the MRM (½ day)	<ul style="list-style-type: none"> • Origins of SCR 1612 • Key issues in SCR 1612 • MRM operations and goals • Reporting and response 	<p>EXPERTS</p> <ul style="list-style-type: none"> • Coalition to Stop the Use of Child Soldiers • DPKO Child Protection Section • UNICEF • Watchlist on Children and Armed Conflict <p>RESOURCES</p> <ul style="list-style-type: none"> • Children and Armed Conflict Working Group, Canadian Peacebuilding Coordinating Committee. <i>War Harms Children... What Can Be Done? UN Security Council Resolution 1539.</i> • Save the Children UK. <i>Can the Powerful Protect? (2007)</i> • United Nations Security Council. Resolution 1612 (2005) • UNICEF, Draft Guidelines on the MRM, (expected 2009) • Watchlist on Children and Armed Conflict. <i>Getting It Done and Doing It Right: A Global Study on the United Nations-led Monitoring & Reporting Mechanism (MRM) on Children and Armed Conflict</i> and four companion, country-specific reports. (2008) • Watchlist on Children and Armed Conflict and Coalition to Stop the Use of Child Soldiers. <i>The Security Council and Children and Armed Conflict: Next Steps towards Ending Violations Against Children.</i> (2008)
Understanding Gender-Based Violence (1 day)	<ul style="list-style-type: none"> • GBV and human rights • Definitions of GBV • Consequences of GBV • Responding to GBV • Ethical issues related to GBV data 	<p>EXPERTS</p> <ul style="list-style-type: none"> • International Rescue Committee (IRC) • Reproductive Health Response in Conflict Consortium (RHRC) • UNFPA • UNHCR • UNICEF • Women's Refugee Commission <p>RESOURCES</p> <ul style="list-style-type: none"> • Family Health International, IRC, and the RHRC. <i>Communication Skills in Working with Survivors of GBV.</i> (2004) • Inter-Agency Standing Committee. <i>Guidelines for Gender-Based Violence Interventions in Humanitarian Settings.</i> (2005) • Vann, Beth. <i>Training Manual, Facilitator's Guide: Interagency & Multisectoral Prevention and Response to Gender-Based Violence in Populations Affected by Armed Conflict.</i> (2004) • WHO. <i>Ethical and Safety Recommendations for Researching, Documenting and Monitoring Sexual Violence in Emergencies.</i> (2007) • Human Rights Watch. <i>Taking the Next Step: Strengthening the Security Council's Response to Sexual Violence and Attacks on Education in Armed Conflict.</i> (2009)
Ethics in Data Collection (½ day)	<ul style="list-style-type: none"> • Informed consent • Confidentiality • Safety and security • Working with survivors of violence 	<p>EXPERTS</p> <ul style="list-style-type: none"> • IRC • OHCHR • Save the Children • UNICEF <p>KEY RESOURCES</p> <ul style="list-style-type: none"> • WHO. <i>Ethical and Safety Recommendations for Researching, Documenting and Monitoring Sexual Violence in Emergencies.</i> (2007) • IRC, Save the Children UK and UNICEF. <i>Inter-agency Child Protection Database: Example of Data Protection Protocols for Children.</i> (2007)



Endnotes

- ¹ During armed conflict, children suffer many other violations of their rights, such as forced displacement, forced labor, exploitation, trafficking, threat of HIV/AIDS and others, which also require urgent attention.
- ² The Secretary-General reports that there were no cases of recruitment of child soldiers by the Ugandan People's Defence Forces (UPDF) and the Local Defence Units (LDUs) since December 2007. The UN confirmed this through on-site visits; however, the report does not clarify the frequency of the site visits and whether they were unannounced. See United Nations, 8th Report of the Secretary-General on Children and Armed Conflict (A/63/785-S/2009/158), paras. 139-144.
- ³ United Nations, 8th Report of the Secretary-General on Children and Armed Conflict (A/63/785-S/2009/158), paras. 154-160.
- ⁴ Watchlist reports on Afghanistan, Angola, Burundi, Colombia, DRC, Liberia, Nepal, OPT/Israel, Sri Lanka, Sudan and Burma/Myanmar are available online at www.watchlist.org.
- ⁵ See also Watchlist on Children and Armed Conflict, *Getting It Done and Doing It Right: A Global Study on the United Nations-led Monitoring & Reporting Mechanism (MRM) on Children and Armed Conflict* (January 2008).
- ⁶ United Nations, 8th Report of the Secretary-General (A/63/785-S/2009/158), para. 8.
- ⁷ Conflict Dynamics, *Strengthening Protection of Children through Accountability: The role of the UN Security Council in holding to account persistent violators of children's rights and protections in situations of armed conflict* (April 2009), pp. 14-15.
- ⁸ See Watchlist on Children and Armed Conflict, *No More Denial: Children Affected by Armed Conflict in Myanmar (Burma)* (May 2009), available at www.watchlist.org, Coalition to Stop the Use of Child Soldiers, *Child Soldiers: Global Report 2008*, available at www.childsoldiersglobalreport.org, Human Rights Watch, *World Report 2009*, available at www.hrw.org/world-report-2009.
- ⁹ The UN lacks access to areas of operation of the Democratic Karen Buddhist Army (DKBA), Karen National Union/Karen National Liberation Army Peace Council, Kachin Independence Army (KIA), Karenni National People's Liberation front (KNPLF), Myanmar National Democratic Alliance Army (Kokang) in northern Shan State, and the Shan State Army-South. See 8th report of the Secretary-General (A/63/785-S/2009/158), paras. 77-78.
- ¹⁰ Human Rights Watch, *Dangerous Duty: Children and the Chhattisgarh Conflict*, (September 2008) available at www.hrw.org/en/reports/2008/09/05/dangerous-duty-0.
- ¹¹ See 8th Report of the Secretary-General on Children and Armed Conflict (A/63/785-S/2009/158), pp. 31-41.
- ¹² SCR 1612 (2005), para. 8.
- ¹³ For more detailed rationale, information and recommendations on accountability and sanctions, please see Conflict Dynamics, *Strengthening Protection of Children through Accountability* (April 2009).
- ¹⁴ United Nations, *Sanctions Committee Concerning Democratic Republic of Congo Adds Four Individuals to Asset Freeze, Travel Ban List* (March 2009), available at <http://un.org/News/Press/docs/2009/sc9608.doc.htm>.
- ¹⁵ Targeted measures may include an arms embargo, an embargo on luxury goods, international travel restrictions for top leaders and the withholding of financial assets. For a list of different targeted measures, see Conflict Dynamics, *Strengthening Protection of Children through Accountability* (April 2009), pp. 32-33.
- ¹⁶ Nkunda was arrested in January 2009. Biyoyo was arrested in May 2004, but was subsequently granted provisional release and is believed to have fled DRC. Mutanga has not been arrested yet. See BBC, *Rwanda Arrests Congo Rebel Leader* (January 2009), available at <http://news.bbc.co.uk/2/hi/africa/7846339.stm>; and United States Department of State, *U.S. Department of State: 2005 Trafficking in Persons Report - Democratic Republic of the Congo* (June 2005), available at www.unhcr.org/refworld/docid/4680d83ac.html.

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- ¹⁷ In February 2009, the Special Court convicted former commanders of the Revolutionary United Front (RUF) for recruitment and use of child soldiers and for other war crimes and crimes against humanity.
- ¹⁸ Presidential Statements or Resolutions in response to violations detailed in reports of the Secretary-General have never been used. However, at least three Presidential Statements have been used following Open Debates on CAC in the past.
- ¹⁹ John Holmes, "Let Them Decide: Civilians Trapped with Tamil Tiger Fighters Must Be Offered an Exit before a Bloodbath Ensues" *The Guardian* (April 8, 2009), available at www.guardian.co.uk/commentisfree/2009/apr/08/tamil-protests-sri-lanka-john-holmes.
- ²⁰ Watchlist on Children and Armed Conflict, *Briefing Note and Recommendations: Urgent Actions Needed in Sri Lanka* (February 12, 2009), available at www.watchlist.org.
- ²¹ To facilitate a fuller use of the Toolkit, copies of the Toolkit should be available during discussions on conclusions.
- ²² Human Rights Watch, *The Christmas Massacres: LRA Attacks on Civilians in Northern Congo* (February 16, 2009), available at www.hrw.org/en/reports/2009/02/16/christmas-massacres-0.
- ²³ Emergency sessions of the Working Group should include briefings by the OSRSG-CAC, UNICEF and/or NGOs. Sessions should result in clear actions to be taken based on the Toolkit, but should not necessarily require formal conclusions.
- ²⁴ For example, issue a Press Statement or Presidential Statement immediately following the emergency session of the Working Group, calling on all concerned parties to immediately halt all violations against children and/or organize a Working Group field visit.
- ²⁵ While all past conclusions have included summaries of official meetings, many interviewees expressed that the process of drafting the summaries was cumbersome and time-consuming and the summaries did not provide significant value.
- ²⁶ Many interviewees explained that this would facilitate the position of Chair remaining neutral.
- ²⁷ Liam Mahony and Roger Nash, *A Framework for a Holistic Approach to UNSC Resolutions on Protection of Civilians, Children and Armed Conflict, and Women, Peace and Security* (November 2008), p. 25.



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