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# *MRM FIELD MANUAL*

Monitoring and Reporting Mechanism (MRM) on Grave Violations Against Children  
in Situations of Armed Conflict.



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## ***ANNEXES PENDING DEVELOPMENT & FINALISATION***

## A. Introduction to the Field Manual

The information contained in the manual is meant to guide UN and its partners to implement a mechanism to monitor, report and respond to grave violations against children in line with UN Security Council Resolution 1612 and 1882; and in particular to assist persons at the technical level to establish an effective application of MRM.

This information should be read in conjunction with the **Guidelines on Implementing the Monitoring and Reporting Mechanism**.

The sections in the Field Manual cover the basic elements for implementing MRM. The annexes provide additional or detailed information and some specific examples that may be used or adapted for country specific needs.

Figure 1 illustrates the key elements of the MRM. The contents of the manual are arranged in an order that is likely to be required for understanding and taking action, to properly implement MRM.



**Figure 1:** Elements of the Monitoring and Reporting Mechanism

Security of monitoring staff, child victims and any witnesses is of primary importance to work of this nature and in recognition of how this manifests itself in different aspects of implementation; this has been mainstreamed throughout the field manual where appropriate attention needs to be paid. There is therefore no distinct Section on security.

For quick reference “**key messages**” and “**further reading**” are highlighted in boxes within each section.

*For clarification or guidance on implementation of MRM beyond the Field Manual contact the focal point for MRM in one of the following: O/SRSG-CAAC, UNICEF or DPKO*



## *B. When is MRM Established?*

The purpose of MRM is to provide for the systematic gathering of accurate, timely, objective and reliable information on grave violations committed against children<sup>1</sup> in situations of armed conflict, as well as in other situations of concern as determined by the Secretary-General.<sup>2</sup>

Such information should lead to well-informed, concerted and effective advocacy and responses to protect and care for children and foster compliance with international child protection standards and norms

**MRM is formally established when parties in country-situations are listed in the annexes of the annual Report of the Secretary-General on Children and Armed Conflict.** UN country teams will be formerly notified to launch a formalized monitoring and reporting via official correspondence from the Special Representative of the Secretary-General on Children and Armed Conflict.

### *B.1 Countries where MRM must be implemented*

The implementation of MRM is mandatory in all situations covered in the two Annexes to the annual Report of the Secretary-General on CAAC. The United Nations should seek the cooperation of the national Government concerned for the implementation of the formal MRM process.<sup>3</sup>

### *B.2 Other countries of concern*

Some situations addressed in the annual Report of the Secretary-General on CAAC are not included in either of the two Annexes to the report. This may be due to insufficiency of verified information, or the determination that current information does not satisfy the threshold for inclusion of a party in the Annexes. Since such situations have been deemed of concern by virtue of their inclusion in the report of the Secretary-General, the United Nations Country Teams, Peacekeeping or Political missions should seek to establish alternative arrangements to strengthen MRM activities, such as an informal working group on children and armed conflict aided by practice as laid out in these Guidelines and the accompanying Field Manual in order to strengthen monitoring and reporting activities.

It should be stressed that monitoring and reporting on child rights violations represents a core mandate and responsibility of the United Nations in all situations of concern, and the conduct of such activities where not formalised as the MRM do not require the prior agreement of governments.

Civil society, child protection networks and human rights groups as well as treaty body mechanisms, particularly the CRC Committee, can be driving forces advocating for stronger monitoring and reporting on child rights violations.

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<sup>1</sup> Article 1 of the UN Convention on the Rights of the Child, .... a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

<sup>2</sup> See UNSC Resolution 1612, Para 3.

<sup>3</sup> Ref relevant OP in 1612



## C. Steps to Establish MRM

For UNCTs newly establishing MRM the following are steps that need to be covered to carry out the functions of the MRM. Whilst this is in a logical sequence some of these steps will need to be taken in parallel and the order may differ depending on the context. In countries where monitoring is previously activated not all of the steps detailed below will be necessary.

**Given that reporting requirements begin immediately (Global Horizontal Notes are typically required every two months), it should be stressed that the steps below may be necessary for the complete roll out of MRM, but they are not a prerequisite for monitoring and reporting activities. The most successful MRMs have evolved and strengthened gradually over time through practice.**

### 1. Orientating the UNCT on the MRM

It will be necessary to provide an orientation to the UNCT and its partners at the management level on UN SC Resolutions 1539, 1612 and 1882 and of the MRM. Such an orientation should highlight the key areas of responsibilities and requirements of the Security Council. The session should spell out clearly for management and technical levels what the process is, what reports and activities are expected and the time line concerned.

### 2. Establish MRM Country Task Force (CTFMR)

The MRM Country Task Force (CTFMR) is the main MRM coordinating structure, at the country level. The MRM Task Force is typically situated in the country's capital, however locally based sub-task forces may also be established to ensure the effective implementation of the MRM throughout the conflict affected areas of the country.

#### **Determine membership of the CTFMR**

The CTFMR shall be composed of all relevant UN entities, represented at the most senior level in country. These may include at a minimum and as relevant to the country context: representatives of the peacekeeping, political or peace building mission, UNICEF, Office for the Coordination of Humanitarian Affairs, UNHCR, UNHCHR, UNDP, UNFPA/UNIFEM.

**The CTFMR will be co-chaired by the highest UN authority in the country, whether SRSG or Resident/Humanitarian Coordinator, and the UNICEF Representative. Designation of an additional co-chair may also be considered in contexts where specific UN entities play a lead role in the MRM process.**

Invitations to become a member of the MRM Task Force may also be extended by the Co-chairs of the MRM Task Force to other members of the human rights and child protection community operating in country as appropriate. Such entities must be neutral, impartial and independent from all parties to the conflict. This may include NGOs and independent national bodies such as a Human Rights Commission or Ombudsman. The composition of the MRM Task Force may be reviewed and amended by its Co-chairs on a yearly basis, to ensure the most appropriate representation.

At an early stage members should agree on key areas of responsibility including information management and security and final preparation of reports (co-chairs). Information collection and protection response should be mainstreamed throughout the CTFMR.

### 3. Inform the Government

Governments are not part of the CTFMR, as monitoring and reporting needs to be necessarily an independent and neutral activity. However, as States have particular responsibility vis a vis the



protection of children, the highest level of transparency and dialogue is required, at the earliest opportunity whilst ensuring the confidentiality of sensitive information and the protection of all involved.

The establishment of a parallel forum is encouraged to enable the MRM task force chairs to regularly meet with the Government and other parties to discuss violations, action plans and response; and to discuss reports, recommendations and Security Council Working Group conclusions. The appointment of focal points in key governmental bodies, and the formation of an inter-ministerial coordination body which should include relevant ministries and institutions. **footnote:** This could include relevant ministries such as the Ministries of Children's Welfare, Social Affairs, Human Rights, Interiors, Foreign Affairs and Defence, etc.

#### 4. Implementation Assessment and Planning

It is recommended that at an early stage, if necessary, a study be carried out to enable the most effective implementation to be made. This should be a consultative process with UN, NGOs and donors.

The areas recommended to be included in such a study are as follows:

In the overall assessment the following need to be considered:

- ⇒ Monitoring capacities – of different organisations and in different geographical locations
- ⇒ Available sources of information
- ⇒ Assessment of the security situation
- ⇒ Assessment of potential risks
- ⇒ Evaluate human resource implications
- ⇒ Identify funding needs / gaps
- ⇒ To the extent possible, a baseline assessment of grave violations against children in situation of armed conflict: at a minimum this should include the nature of the violations being committed, the parties to the conflict and the geographical locations of violations being committed.

To develop an implementation plan

- ⇒ Identify key organisations
- ⇒ Determine focal points in the capital and other key locations
- ⇒ Advise on standard operating procedures that will be required
- ⇒ Advise on guidelines required for maintaining confidentiality
- ⇒ Determine the information management mechanism that will be employed
- ⇒ Determine the nature of the potential use of information (beyond the reporting requirements) – this will assist in implementation planning
- ⇒ Ensure that services and other protection response to violations are available

The completion of this study would assist the CTFMR to operationalise the MRM and highlight areas of concern that need to be addressed.

#### 5. Roles and Responsibilities

At an early stage it is essential to determine key areas of responsibility. These include:

- ⇒ Focal point for collation of information and preparation of reports – both in the capital and at field level. This would normally be either DPKO Child Protection Advisors or UNICEF Protection Officers, but depending on the country context may be determined and mutually agreed by CTFMR members, under the leadership of the CTFMR co-chairs.
- ⇒ Determine how the CTFMR will compile, manage and store information and who will be primarily responsible for this. However, more than one CTFMR member, in certain circumstances, may operate their own databases, which can feed into the consolidated shared one.



## 6. Planning for roll out of MRM

At an early stage it is recommended that key actors should come together – possibly a workshop – to comprehend the MRM Guidelines and Field Manual and its application within the country.

It is vital that the development of how this will be implemented is worked out in a multi-agency setting to ensure the buy-in of all organisations involved – both UN and civil society.

It will take some time to develop key aspects for the MRM and put this in place – some of the key areas will be:

- ⇒ Briefing the UNCT and UNCT/ Mission management on roles and responsibilities.
- ⇒ Setting up a plan for ensuring monitoring and reporting coverage in conflict-affected areas. NB: In situations where this can not be guaranteed, a prioritization exercise should be undertaken..
- ⇒ In addition to the CTFMR members, identify which additional organisations may be involved in the MRM but not formally members of the CTFMR<sup>4</sup>
- ⇒ Planning any necessary training for staff who may be involved in monitoring
- ⇒ Planning for orientation / awareness raising of MRM for non-protection specialists, other organisations and community as appropriate

## 7. Development of Information Management System

At an early stage it is necessary to develop a system that can manage information that is received.

## 8. Training of staff

The information collected needs to be timely, accurate, reliable and objective; and conducted in an ethical and appropriate manner. It is thus key that any staff who will be involved in MRM receive training on all aspects related to MRM including monitoring, verification and reporting of information, security and ethical considerations, etc. This includes staff who are full time monitors and staff who may provide reports on grave violations in addition to their normal programme activities.

## 9. Establish a Verification System

The SRSG or RC is ultimately responsible for ensuring that the information reported through the MRM is timely, objective, accurate, and reliable. Designated members of the CTFMR should review all information submitted to the MRM CT to verify that it is credible, according to the criteria set out in this manual.

## 10. Orientation

It is vital that programme staff in humanitarian organisations are aware of MRM and can provide alerts when they become aware of violations during the course of their work. It is also important that staff are aware of security implications due to the nature of this work but also the benefits for children.

Any additional security staff in organisations should be briefed and kept informed of MRM activities; and they may be a source of information for alerts.

## 11. Reporting

It is important that the reporting process enables all members of the CTFMR to be involved in preparation of reports.

## 12. Responses

It is vital to provide orientation and liaise with the Protection cluster or child protection and GBV sub-clusters or sector groups for the purposes of creating a bridge between the MRM and development of appropriate programmatic responses.

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<sup>4</sup> Due to security concerns some NGOs involved with the MRM do not wish to be members of the CTFMR; therefore some NGOs will be MRM participating organisations but not formally CTFMR member organisations.





Mechanisms should be put in place to ensure that participating organisations are consulted on advocacy strategies to ensure for security of staff, organisations, victims and sources of information.

### **13. Feedback**

Many people, including victims but also NGOs and staff in the UN, contribute information to MRM. It is essential that feedback is provided where possible and as appropriate at different levels – to staff, victims and communities. It is suggested that feedback be provided on accountability, advocacy and on programmatic responses. It is only through providing feedback that staff of participating organisations will continue to be motivated to provide information.

For details on the above and other areas within the MRM see under the relevant sections in this field manual and its annexes.



## D. The Violations

The below descriptions are provided as guidance for inclusion under each of the listed violations in UNSC Resolutions 1612 and 1882. The six categories of grave violations as defined, constitute acts that contravene international humanitarian law, international human rights law, international criminal law or other international protection norms.

For further information please refer to *Annexe II International Legal Foundations and Standards*

<b>i. Context</b>	<b>The acts must be committed in the context of and be associated with an armed conflict.</b>
<b>ii. Victim</b>	<b>A child or children i.e. persons under 18 years of age</b>
<b>iii. Perpetrator</b>	<b>Members of state armed forces or non-state armed group</b> (NB: <b>Armed forces</b> : refers to the armed forces of a State. <b>Armed groups</b> : refers to groups distinct from armed forces as defined by Article 4 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The MRM does not focus activities on civilians, although international practice shows that civilians may also be responsible for war crimes).
<b>Violation</b>	<b>Meaning for MRM purposes and types of incidents to report</b>
<b>1. Killing and maiming</b>	<p><b>Killing:</b> Any action in the context of the armed conflict that results in the death of one or more children.</p> <p><b>Maiming:</b> Any action that causes a serious or permanent or disabling or scarring or mutilation injury to a child.</p> <p>Killing and injuring of children as a result of direct targeting and also indirect actions including: cross-fire, landmines, cluster munitions, improvised explosive devices or other indiscriminate explosive devices are included.</p> <p>Killing or injuring can take place in the context of military operations, house demolitions, search and arrest campaigns, suicide attacks.</p> <p>Torture can also be reported under this category.</p>
<b>2. Recruitment or use of children in armed forces and groups</b>	<p><b>Recruitment:</b> refers to compulsory, forced or voluntary conscription or enlistment of children into any kind of armed force or armed group(s) under the age stipulated in the international treaties applicable to the armed force or armed group in question.</p> <p><b>Use of children:</b> refers to the use of children by armed forces or armed groups in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, messengers, spies, collaborators. It does not only refer to a child who is taking or has taken direct part in hostilities<sup>5</sup>.</p>

<sup>5</sup> See the “Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (February 2007)”



<p><b>3. Attacks on schools or hospitals</b></p>	<p>Attacks include the targeting of schools or medical facilities that cause the total or partial destruction of such facilities. Other interferences to the normal operation of the facility may also be reported, such as the occupation<sup>6</sup>, shelling, targeting for propaganda of, or otherwise causing harm to schools or medical facilities or its personnel.</p> <p><i>Note: A “school” denotes a recognizable education facility or learning site. Education facilities and learning sites must be recognized and known by the community as a learning space and marked by visible boundaries.</i></p> <p><i>“Medical facilities” are places where the sick and wounded are collected and /or provided with health care services.</i></p>
<p><b>4. Rape or other grave sexual violence</b></p>	<p>A violent act of a sexual nature to a child. It could include rape, other sexual violence, sexual slavery, enforced prostitution, forced marriage/pregnancy, or enforced sterilization.</p> <p>Rape / attempted rape: is an act of non-consensual sexual intercourse. This can include the invasion of any part of the body with a sexual organ and/or the invasion of the genital or anal opening with any object or body part. Any penetration is considered rape. Efforts to rape someone, which do not result in penetration, are considered attempted rape.</p> <p>Sexual violence: is any sexual act, attempt to obtain a sexual act, or acts to traffic a child’s sexuality. Sexual violence takes many forms, including rape, sexual slavery and/or trafficking, forced pregnancy, sexual harassment, sexual exploitation and/or abuse, and forced abortion.</p>
<p><b>5. Abduction</b></p>	<p>The unlawful removal, seizure, capture, apprehension, taking or enforced disappearance of a child either temporarily or permanently for the purpose of any form of exploitation of the child – this includes but is not limited to recruitment in armed forces or groups, participation in hostilities, sexual exploitation or abuse, forced labour, hostage-taking, or indoctrination<sup>7</sup>. If a child is recruited by force by an armed force or group, this is considered as two separate violations – being abduction and recruitment.</p>
<p><b>6. Denial of humanitarian access for children</b></p>	<p>The intentional barring by physical force or administrative barriers of the unhindered and safe movement of personnel and humanitarian material into and out of the affected area to enable the timely delivery of humanitarian assistance to persons in need.</p> <p>Humanitarian assistance includes all acts, activities, and the human and material resources for the provision of goods and services indispensable for the survival and the fulfilment of essential needs of conflict-affected persons.</p> <p>Include the denial of medical, food, education, other essential supplies into areas, threats to and killing / injuring of humanitarian workers, and other significant impediments to humanitarian agencies that affect access to children.</p> <p>Denial of humanitarian access also includes incidents where the child is denied access to assistance including food, medical and education services. Denial through administrative, political or military obstacles including check points, administrative procedures. This can be directly or indirectly (e.g. the child is denied a permit or a care giver who needs to accompany the child)</p>

These six categories of violations are the primary focus of reporting to the Security Council. However, in order to provide comprehensive protection for children, the MRM should seek to monitor and respond to other violations as relevant to a particular context. Such information should inform advocacy and response at country-level. For example, detention of children for alleged association with non-State armed groups has been reported on because of its close relation to recruitment and use violation. As well, forced displacement has been covered when it has been related to fear of child recruitment, sexual violence or any of the other grave violations.

<sup>6</sup> Violations covered in situations of occupation as covered in the Geneva conventions and additional protocols thereto should be related to active armed occupation and the impact of that armed occupation on children insight of the 6 grave violations.

<sup>7</sup> For additional clarification on determining abduction see *Annexe III Abduction & Detention - Clarification*



**Violations are such that contravene international humanitarian law, international human rights law, international criminal law or other international protection norms.** Note that the UN Convention on the rights of the Child is non-derogable – this means that even in situations of armed conflict all rights of children must always be respected. For applicable legal basis and further reading see Annexe II “Legal Instruments and International Standards”

### Key Messages

- ⇒ Ensure that violations reported fall under one of the noted definitions.
- ⇒ Although the violations are clear, there are certain situations and certain peripheral violations which need case by case deliberations. **YOU ARE NOT ALONE!** Contact the OSRSG-CAAC or HQ focal points to discuss at any time.

### Further Reading – The Violations

- Annexe II: Legal Instruments and International Standards
- Working paper I: The Legal Foundations of the Six Grave Violations  
<http://www.un.org/children/conflict/documents/SixGraveViolationspaper.pdf>
- Annexe III: Abduction and Detention - Clarification
- UN Convention on the Rights of the Child. <http://www.unicef.org/crc/>
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.
- International Humanitarian Law.  
[http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/section\\_ihl\\_in\\_brief?OpenDocument](http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/section_ihl_in_brief?OpenDocument)
- ICRC, Summary Table of IHL Provisions specifically applicable to Children. Available at:
- International Human Rights Law.  
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalLaw.aspx>



## E. Guiding Principles

### E.1 Basic Principles

The chief guiding principle of the MRM is the best interests of the child as articulated in the Convention on the Rights of the Child – which must be a primary consideration in implementing all aspects of the MRM as well as response and prevention activities. Key principles that guide the MRM are the principles of impartiality, accuracy, objectivity and neutrality.

See Annexe VI: “MRM Guiding Principles” for specific details on how humanitarian principles guide the MRM’s monitoring, reporting and response activities.

### E.2 Ethical Considerations

Ethical considerations should guide all MRM activities. These include the principles of “do no less harm”, humanity, sensitivity to local customs and culture. Monitoring, reporting and response should aim to do no harm to those whom MRM practitioners seek to assist and protect. For example, by gathering information within a particular community on violations of children’s rights, humanitarian workers should not expose that community to any adverse consequence. Further, the monitoring, reporting and response should be undertaken with due regard and respect for culture and custom. There is also a need to be accountable to children and information providers as primary stakeholders; informing children and information providers of the purpose of the MRM and securing consent in the limited situations where it is appropriate. The safety and security of child victims and witnesses is paramount.

Monitors should respect cultural and customs on issues of sexuality and gender. Additionally where sexual violence violations have occurred, allowing the child survivor & survivor family to play an active and informed role in the process is an important safeguard to ensure no further harm to the survivor.

The MRM process should not impose unnecessary burdens on children and families and MRM staff should ensure that there is as little duplication of interviews being conducted as possible.

It is essential that the monitoring and reporting of violations be closely linked to appropriate responses to relevant violations, whether it is a referral of a child to a service provider, for advocacy or other form of response. The MRM was envisioned to not only monitor and report but also to lead to appropriate protection response. It is also essential that specific information gathered through the MRM is used ethically, protects the identity of child victims; and is used for the reasons as consented by the source of information.

### E.3 Gender Considerations

There are several ways in which gender considerations should be reflected in the design and implementation of the MRM. Information on the violation of children’s rights should be disaggregated according to sex (girls and boys) during the data collection.

Further, certain violations of children’s rights may constitute gender based violence as the violation is particularly directed against children due to her / his sex or identity. MRM practitioners should be sensitive to the specific needs and coping mechanism of girls and boys, when dealing with all violations against children but particularly those that may relate to a child’s sexuality or self-image. Interviews of child victims should also be conducted with due consideration to the sex of the interviewer and the victim.<sup>8</sup>

<sup>8</sup> For further information, please see the IASC Gender Handbook, accessible at:



In respect of all violations girls and boys have different ways of experiencing violations, different coping mechanisms and different needs – MRM staff need to be sensitive to this and the responses needed by children.

## **E.4 Child Participation**

Children cannot be directly involved with the MRM Task Force, though appropriate ways in which the MRM and youth or children's groups can interact may be cautiously explored, with due consideration to safety and security concerns. All efforts must be taken to ensure that the participation of youth and children's groups does not increase the risks of threats, attacks or other violence against the participants or communities.

The MRM must actively seek out the meaningful participation of children, both as victims and as agents of protection themselves.

Child victims should be fully informed when they are being interviewed by MRM staff. This means that they, and their families, are made aware of the purpose of the MRM and the options available to them post-interview, including any follow-up on activities or services which may be offered.

Children have, in certain situations and under supervision by responsible adults, been involved in advocacy, awareness and protection alert activities through their community activities and in schools. For example, children have undertaken community-based awareness activities in conflict-affected areas informing parents and children of where they can report in the event of recruitment of children or other grave violations. Children may also be consulted and their opinions sought on the effectiveness of protection efforts and the accessibility of protection programs for children in affected communities.

Children should be given a platform to hold duty bearers to account for actions taken on their behalf; child participation can ensure this happens.

### **Key Messages – Guiding Principles**

- ⇒ The best interests of the child and the humanitarian principles of humanity, neutrality, impartiality, and do no or less harm – guide the implementation of the MRM.
- ⇒ Respect for culture and custom.
- ⇒ Victims need a response – not just seen as information providers.
- ⇒ Protect the identity of the child and other information providers.
- ⇒ Be sensitive to the specific needs of boys and girls.



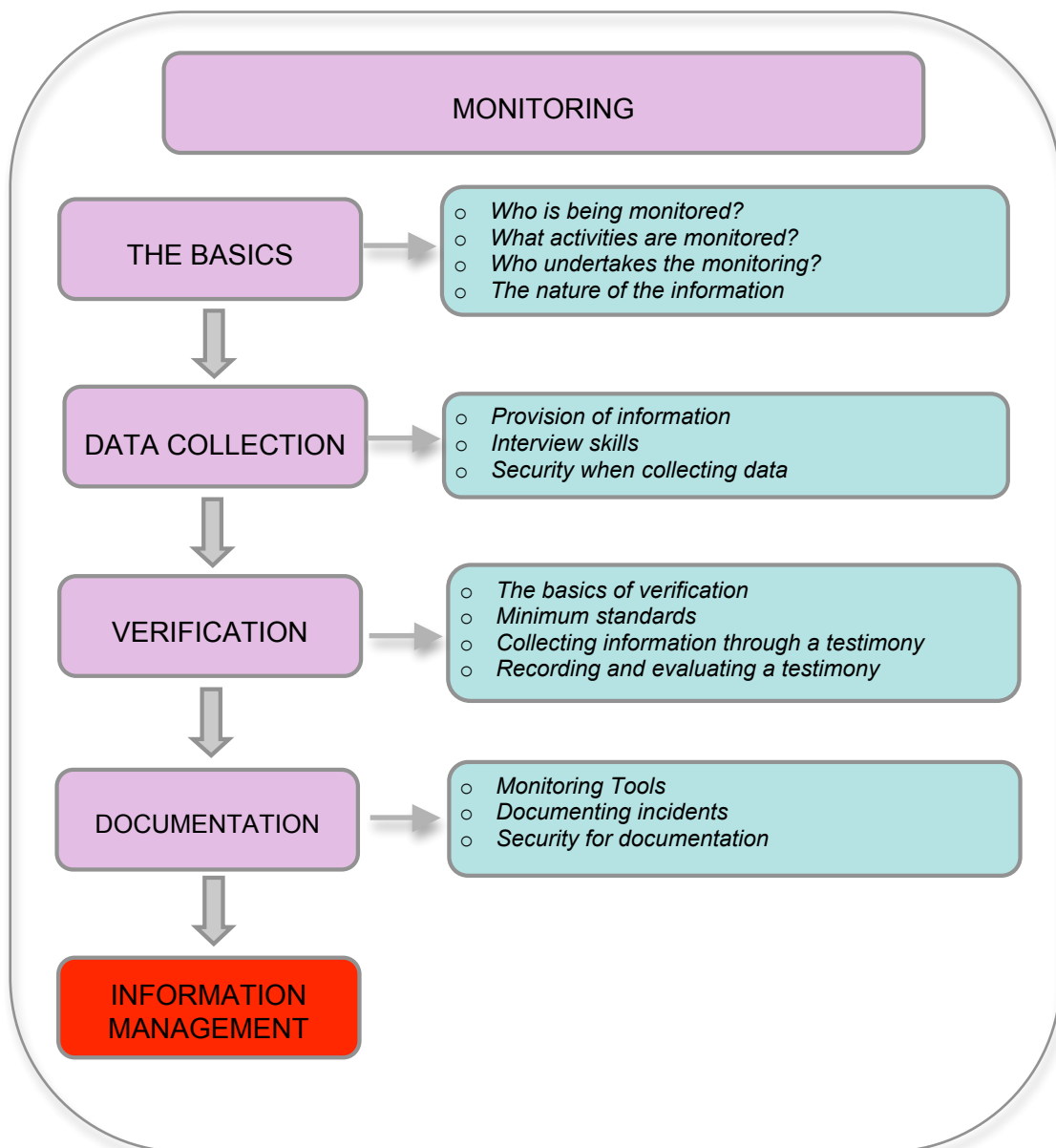
### ***Further Reading – Guiding Principles***

- Annexe VI: MRM Guiding Principles
- Guiding Principles for Human Rights Field Officers Working in Conflict and Post-conflict Environments  
<http://www.reliefweb.int/rw/lib.nsf/db900SID/OCHA-7H2QBE?OpenDocument>
- SGBV against Refugees, Returnees and IDPS: Guidelines UNHCR  
[http://www.rhrc.org/resources/gbv/gl\\_sgbv03\\_02.pdf](http://www.rhrc.org/resources/gbv/gl_sgbv03_02.pdf)
- IASC Gender Handbook: <http://www.humanitarianinfo.org/iasc/pageloader.aspx?page=content-subsidi-common-default&sb=1>

## F. Monitoring

### F.1 Introduction to Monitoring

The monitoring of grave violations of child rights is a complex task. Four sections are included in this section: An introduction to monitoring; data collection; verification and documentation. All information obtained needs to be managed – whilst part of monitoring, information management is a complex area in its own right and is therefore covered in the next chapter of the manual.



**Figure 2:** An overview of Monitoring and its components.





### F.1.1 What is being monitored?

The violations that are monitored are:

1. Killing or maiming
2. Recruitment or use of children
3. Attacks on schools or hospitals
4. Rape or other forms of sexual violence
5. Abduction
6. Denial of humanitarian access for children

All six grave violations should be monitored regardless of which violations have triggered the MRM. For example, if the MRM has been triggered in a country situation where one group has been listed for recruitment and use, this does not imply that the MRM should be limited to recruitment and use; it should undertake monitoring on all six grave violations.

### F.1.2 Whose activities are monitored?

**All parties to the conflict**, whether State armed forces, paramilitaries, or non-State armed groups should be monitored. Parties to be monitored are not limited to those listed in the annexes of the annual Secretary General's report on children and armed conflict. For example, if the MRM has been triggered in a country situation because of the listing of one party, this does not imply that the MRM should be limited to the activities of that party; all parties to conflict in that country situation should be covered.

Should an armed group change its name or fragment into multiple groups, monitoring would continue for new factions as well as the original groups. It should be noted that the monitoring and reporting of an armed group does not provide any form of recognition or legal determination to that group, and this should be communicated to all parties concerned.

### F.1.3 Who should be undertaking the monitoring?

Monitoring should be undertaken by personnel from the CTFMR, and partners, who have been specifically trained in the MRM. All information must be verified as per the standards outlined in section *G3 Verification* below.

### F.1.4 Roles of different actors in MRM

#### **UN Mission and UN Agencies**

As detailed in the Guidelines and above, the SRSG or the RC co-chair the CTFMR with the UNICEF Representative and take the leadership of MRM. Other UN agencies, such as OHCHR, UNHCR, UNDP, ILO, OCHA, WFP, UNIFEM, UNFPA, UNESCO etc. will play different roles depending on their presence and mandate in the country.

DPA and DPKO missions are subject to a particular child protection policy which gives added attention and strength to MRM activities in their areas of operations. A key aspect of the policy is the deployment of specialised child protection advisors (CPAs) among whose main tasks are monitoring and reporting, training, and mainstreaming of child protection in the missions. Child protection advisors often play the key coordinating and drafting role on behalf of the SRSG. Please see Annex e

#### **NGOs**

NGOs, both international and local, can be invited to take part in the CTFMR upon consent of the CTFMR members. NGOs may associate themselves to the work of the CTFMR either as formal members or, in situations where security or other considerations preclude this, they may be associated informally. As with all task force members, NGOs involved in MRM task forces either formally or informally should be actively involved in monitoring and reporting activities and able to contribute to the work of the task force.



### *Additional child protection actors and monitoring networks*

The MRM Task Force should also seek to build and support local networks that can contribute to the MRM. Though many of the organisations in child protection networks of the child protection sub-clusters may not actively participate in the MRM due to their mandate, capacity, security concerns and or sensitivity of the issues to be monitored, but the networks can contribute to the MRM by:

- alerting Task Force members to violations
- increasing information sharing through existing thematic groups
- assisting Task Force members to access communities
- being involved in the response component of the MRM

The relationship between the MRM Task Force and the broader networks does not need to be formal, however the MRM Task Force should establish a clear focal point or procedure through which alerts and other assistance can be channelled.

### **International Committee for the Red Cross (ICRC)**

The ICRC is not a formal member of the CTFMR, but it remains a key actor in ensuring respect for international humanitarian law, and as such is a party that should be consulted. The CTFMR may invite the ICRC to attend relevant meetings, with observer status, if deemed appropriate.

### **Government**

Security Council resolution 1612 (2005) emphasised the need for the MRM to operate with the “participation of and in cooperation with” national Governments<sup>9</sup>. However, *governments are not part of the CTFMR, as monitoring and reporting is, by definition, an independent and neutral activity*. The “participation of and in cooperation with” national Governments does not require that Governments to be involved with monitoring nor “consent” to the report. In respect of States there is a requirement for Governments to be engaged with the MRM by facilitating and supporting the collection of information by granting access to conflict affected areas; allowing contact with non-state armed groups; respecting and ensuring the respect of the protection owed to victims, eye-witnesses and monitors.

Governments hold the key responsibility for children in the country and are therefore the key actor responsible to provide prevention, appropriate responses and ensure accountability mechanisms for grave violations against children. The establishment of a parallel forum is encouraged to enable the MRM task force chairs to regularly meet with the Government and other parties to discuss violations, action plans and response; and to discuss reports, recommendations and Security Council Working Group conclusions. The appointment of focal points in key governmental bodies, and the formation of an inter-ministerial coordination body, which should include relevant ministries and institutions<sup>10</sup>.

### **Parties to the conflict**

Parties to the conflict, including States and non-State armed groups, should not be involved in the monitoring and reporting components of the MRM, however they have an important role to play in relation to prevention, response and accountability.

Government departments and agencies, and non-State armed groups may, however, be sources of information for the monitoring and reporting activities, to alert Task Force members to violations that subsequently require independent verification.

### **Humanitarian Clusters**

Whilst the MRM Task Force is unique and distinct from the humanitarian clusters operating in the country, the Task Force should work closely with and keep the clusters informed of its work. However, the distinction is an important principle as some of the NGOs, involved in clusters, for security reasons may not wish to be associated with the MRM. When clusters are developing assessment tools, they may choose to develop definitions that are consistent with those of MRM where applicable.

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<sup>9</sup> See paragraph 2(b) of UN Security Council resolution 1612 (2005).

<sup>10</sup> This should include ministries such as the Ministries of Children’s Welfare, Social Affairs, Human Rights, Interiors, Foreign Affairs and Defence, etc.



The Task Force should also seek support from the protection and other clusters for programmatic response to grave violations against children's rights, in particular the child protection area of responsibility or sub-cluster and the GBV sub-cluster. Cluster organisations should also refer cases to MRM as appropriate.

#### F.1.5 The nature of information collected for MRM

For the purposes of MRM and reporting to UN SC it is imperative that information provided is timely, accurate, reliable and objective.

Grave violations against children fall into three different groupings:

- ⇒ Incident involving **one child**
- ⇒ Incident involving **a number of children**
- ⇒ **Impersonal** violations (i.e. attack on a school or hospital, and denial of humanitarian access), which may not have physically impacted on a specific child at that point in time. [However, the physical or other impact on these sites or lack of access in the case of humanitarian efforts may later have an impact on children, which is important not to miss].

For the purposes of MRM and reporting to UN SC it is imperative that information provided is timely, accurate, reliable and objective. Therefore the core information required and verification standards remain the same, regardless of whether it concerns a large scale incident such as an attack on a village, or an individual violation such as sexual violence, or multiple children, such as a group of children abducted (See more under G3 Verification below). Note that whilst the core information required remains the same it is vital that in cases of sexual violations that the interview is conducted by specialist trained staff.

For the purposes of monitoring grave violations it is possible to monitor incidents accurately but to be recorded in MRM reports sent to the Security Council with anonymous information<sup>11</sup> and therefore provide protection for victims, sources of information and staff from NGOs and UN agencies. (See more detail under G4 Documentation below).

For the purposes of appropriate accountability and response measures more detailed information should be held on each child against whom grave violations have been committed. Whilst the child profile is needed by the CTFMR, personal information is not essential to be held on the CTFMR information system, but can remain with the partner organisation. This would allow reports to be generated from information held and provides the possibility of referring back to the organisation holding the individual information if further clarification is required.

#### Key Messages - Monitoring

- ⇒ Ensure clarity to all parties and to staff involved in MRM on what is being monitored
- ⇒ All parties to the conflict are monitored – State armed forces and non-state armed groups
- ⇒ Personnel undertaking monitoring must be specifically trained in the MRM
- ⇒ All information must be UN verified. The chair of the CTFMR is responsible for establishing a verification system to ensure that the inputs provided are timely, objective, accurate, and reliable State and non-State parties should not be involved in the monitoring but can provide an alert to an incident

<sup>11</sup> Anonymised means non-personalised information but can include child profile – age, gender, ethnicity, religion, status (IDP, refugee etc); and details about the violation, date, location, perpetrator etc. Appropriate qualitative detail to be included but no names, addresses etc. Full data to be held by the organisation that collected the report. See documentation sections for more details.



## F.2 Information Gathering

### F.2.1 Accessing information

Some personnel who are full time monitors (e.g. human rights officers, child protection officers) will be in a position to actively seek and collect information whilst other staff may not be in this position but may access information during the course of their normal programme activities. This highlights the importance of awareness raising and training of all partners in the field.

Some of the ways in which information can be accessed or reported through alerts to CTFMR members. This information should then be verified as spelled out in section G.3.

- *Networks and contacts* – For example, a CPA who establishes a network of partners interested in child protection and who is alerted by this network on a regular basis as part of his/ her work.
- *Special investigations* – For example, an Office such as OHCHR which undertakes a special thematic or incident-based investigation and comes across relevant child rights violations.
- *Programme providers* – For example, NGOs, civil society or service providers such as hospitals who, in the course of their work, are alerted to child rights violations.
- *Trained staff from other disciplines* – For example, trained peacekeepers who provide information on child rights violations in the course of their missions or tasks.
- Non-trained staff from other disciplines who become aware of an incident but does not have the training or specialist background to take a report. (E.g. WASH officer, DPKO logistics officer or UN driver).
- *Victim or Witness-driven contact* - For example, victims or families who access field offices of CTFMR members to report or seek assistance.
- *Media Reports* – For example, a reliable media source highlighting serious allegations of grave violations.

Members of the CTFMR should be conscious of potential biases that may exist in data collection if it depends upon self-reporting by individuals and witnesses to the UN or NGOs, and should actively seek to rectify such potential biases through active inquiries where necessary. For example, where Demobilization programmes exist with attractive incentives, child and or care-givers may falsely report their association with an armed group.

### F.2.2 Interviewing children and other persons providing information

Below are some general pointers when taking information on sensitive or painful subjects.

- **Ensure the best interests of the child:** persons involved in the MRM should uphold the fundamental principle that the best interests of the child are to be protected.
- From the outset, consideration must be paid to the approach depending on the person being interviewed and the situation.
  - Speaking to children generally requires different approaches depending on age.
  - Girls and women may feel more comfortable speaking to a female interviewer.
  - In some cultures boys may find it difficult to discuss sensitive subjects with a woman.
  - Is the information likely to be sensitive or break cultural taboos if discussed?
  - What may be the implications for the victim or witness if they tell their story?
- It is important where possible to avoid interviewing victims and witnesses repetitively regarding the same violation. One of the first questions a field worker should ask is if the person has already provided information to another organisation. If this is the case, the



field worker should consider contacting the relevant organisation to see if they have sufficient verified information on the case.

- Children and their care-givers providing information should be informed of the purpose of the interview. From the outset, the field worker must ensure that the child, parents, family, and community understand what they will (and will not) get out of their participation in the data collection process and whether there could be any other potential implications from their participation. It should also be clearly explained at the time a statement is provided, that the information collected does not necessarily intend to secure criminal prosecutions, and that these are steps that the information provider can separately do through appropriate channels<sup>12</sup>. The field worker should not indicate or promise that the MRM will improve the participant's individual situation.
- Once information has been provided, ask if consent is provided to share information for the purpose of monitoring. Explain what information will be shared and what would not. Ask this at the start or end of the interview as appropriate to the situation.
- Informed consent for advocacy may also be desirable. Where appropriate, consent of the child and/or his/her guardian may be required in order to engage with local, regional, national or international actors (e.g. communication with human rights mechanisms) on responsive action in related to the case. Informed consent can be given by signature on a consent form if appropriate or orally, after which the field worker would note that consent was given. If deemed appropriate in the given setting, a consent form could be made available in the local language and should be read to those who are illiterate. Written consent is recommended where individual advocacy is being undertaken.
- Information on sensitive subjects is normally easier for the victim or a witness to share if they are allowed to tell their own story, at their own pace, rather than in the format of an interview. Also children may not have the words to describe sexual assaults – listen carefully and do not expect specific words or descriptions that an adult may use.
- Rephrase and feedback information to ensure it is understood correctly.
- Ask questions to clarify.
- It can be off-putting for people if an official looking document is used whilst they are being interviewed and it may be preferable for the staff member to complete later from notes.
- On the contrary some persons actually like to see that their story is being taken seriously and documented.
- Finding a quiet space can be challenging in small villages where everyone crowding round is the norm; if information is provided in this manner, people must be informed that it is impossible to ensure confidentiality when stories are told with an audience.
- Be aware that a child may have suffered multiple violations and may not disclose the more sensitive of these initially. Listen carefully to pick-up clues to this.

### F.2.3 Security when collecting information

Security is of great importance and must be a prime consideration when collecting information of grave violations against children.

#### *Who is at risk?*

- **Children and their Families** – the children who have suffered the violations and their immediate families, whether they have reported the incidents themselves or the information has come to the MRM via a third party.
- **Witnesses and other information providers** – Any individual who reports an incident or who provides information about one, whether first hand or as a third party, or anyone who provides access to relevant documentary evidence.

<sup>12</sup> Staff should be in a position to supply details, of organisations that can provide advice and support for persons who wish to pursue legal redress.



- **Monitoring Staff** – both the staff who take reports on incidents AND those who are responsible for storing and analysing the data involved can also be vulnerable. It should be stressed that local staff working for NGOs and/or at the UN are typically more vulnerable and due consideration should be given to their protection.

*Minimising risk when collecting information*

- A general risk assessment should be carried out in areas of operation prior to undertaking monitoring activities in conflict areas. This may be UN security assessment; specific organisation assessment or the assessment by the individual staff member on the day. Staff should be continually aware of the risk level in all situations and make decisions on information gathering accordingly.
- When asking children specific questions or information relating to the activities of the armed force or armed group, great care should be taken to ensure the child’s safety and confidentiality. When a child or a witness wishes to tell you details allow them to speak at their own pace and what they feel comfortable to do so.
- For the security of the individual staff member, the organisation, children and individual witnesses, the Section on confidentiality must be adhered to, and persons advised on this (see *Section H.2 Confidentiality* below).
- To ensure security, staff should be advised that information received on grave violations of Children’s Rights should only be discussed with others on an essential need to know basis.

See also *Annexe VIII: “Guidelines for Information Management and Data Security”*

**Key Messages – Information collection**

- ⇒ Staff should continually be aware of the situation and risk levels for both themselves and persons being interviewed.
- ⇒ If at any time a staff member becomes concerned regarding immediate security for themselves, the victim or the witness the interview should be halted.

**F.3 Verification**

**F.3.1 Basics of verification for MRM**

The UN Secretary-General, the heads of the UN country presence [SRSGs\RCs] are responsible and accountable for the veracity and accuracy of the information provided in the reports, and as such the information must reach the standards of verification used within the UN system. Hence the CTFMR must have a verification system and the Chair of the CTFMR must be satisfied that the inputs reach the minimum standards of verification outlined below and endorses reports.

Information in the reports generated under the MRM identifies individuals and parties to the conflict as perpetrators of grave violations against children and this information has potentially serious political and other implications. It is therefore important that the information is verified to the highest standards.

Verification includes three general considerations:

- Identifying and weighting the source of the information, is it a primary source (an eye witness) or a secondary source, someone who is aware of the general circumstances prevailing or has



non-eye-witness information pertaining to the case in question (see figure 4 below). Primary sources are always more reliable than secondary sources.

- Triangulation or cross-checking of information concerning the case in question. For example, this includes testimony from various independent sources (primary or secondary) regarding the incident in question so that the MRM staff member is able to reasonably assess the veracity of the allegations.
- Analysis of the veracity of the allegations through application of the MRM staff members' reasonable sound judgement in light of additional information provided by other specialists (security specialists, Peacekeeping staff, relevant political and human rights experts).
- The information has to ultimately be endorsed by the heads of the UN country presence [SRSGs/RCs]

Primary Sources	Supporting Sources	
	Testimony	Material
Testimony from: <ul style="list-style-type: none"> <li>• Victims</li> <li>• Witnesses (including adult caregivers if applicable)</li> <li>• Adult caregivers</li> <li>• Perpetrators</li> </ul>	<ul style="list-style-type: none"> <li>• Relatives</li> <li>• Adult Caregivers</li> <li>• Community leaders</li> <li>• Teachers</li> <li>• Religious institutions</li> <li>• Lawyers</li> <li>• Prosecutors</li> <li>• Journalists</li> <li>• Medical personnel</li> <li>• National Human Rights Commission</li> <li>• Local human rights activists</li> <li>• Members of civil rights groups, trade unions, ethnic groups, etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Hospital and/or autopsy records</li> <li>• Police Reports</li> <li>• Weapons and ammunition left behind, bullet shells, landmine casings</li> <li>• Photographs, video tapes</li> <li>• Body scars and wounds</li> <li>• Documents left behind by the deceased</li> <li>• Official acknowledgement or response to the alleged violations</li> <li>• Reports of independent investigative bodies</li> </ul>

Figure 3 – Primary and supporting sources of information

### F.3.2 Minimum standard of verification

Whilst multiple sources of information are ideal, information from one primary source is acceptable when the following criteria is met:

- i. Information has been received from a primary source. A primary source is a testimony from the victim, perpetrator or direct eye-witness.
- AND
- ii. The information has been deemed credible by a trained and reliable monitor.
- AND
- iii. The information has been verified as such by designated person(s) of the CTFMR.

### F.3.3 Collecting information through a testimony<sup>13</sup>

The field worker should in each instance ask the victim or witness to explain what happened from start to finish. The following provides guidance on minimum key aspects to be documented and which will aid verification:

1. Violation(s) – what violation(s) were committed.
2. Circumstances and details of the violation.
3. Location: be as specific as possible. Ask the person to draw a map of the village if it will support the process.
4. Date and time of day: Depending on when it happened, this can sometimes be difficult. Field workers should be aware of any calendars unique to ethnic groups in the area.
5. Identity of the victim: Attain the information on the name, age, sex and number of children affected by the incident if relevant. Other information relating to specific vulnerabilities and

<sup>13</sup> See also United Nations *Guidelines on Justice in matters involving child victims and witnesses of crime*; ECOSOC resolution 2005/20 of 22 July 2005; and UN *common approach on justice for children 2008*.



status of the individual/group may be useful: ethnicity, religion, IDP, refugee, unaccompanied minor, separated child etc.

6. It may be necessary to ask further questions to determine the age of a child particularly when in adolescence.

For date of birth the parent or carer may only know the year – if there is any doubt about the year of birth, then check the year by asking relevant questions, for example: (*NOTE: these sample questions are only for situations where the interviewer is unsure of the age*)

- *Age of other siblings and ages. Determine age differences*
  - *Any significant event that occurred during the year of his/her birth (or before or after)*
  - *Whether he/she had been to school? – how long ago did he/she finish primary school? (secondary if appropriate)*
  - *Has the child met different age appropriate cultural signposts / events?*
  - *How tall is he/she?*
  - *Point out another child who looks the same age.*
7. Alleged perpetrator(s): Try to identify the armed group / force. Some people will be able to identify the perpetrator as they are familiar with the person, or group by recognising the uniform. Be sure to ask, if the perpetrator was wearing a uniform and, if not, how the respondent was able to identify his group membership. Be aware that in some situations fighters from one group will wear the uniform of another to try to place blame on an enemy or sow confusion within a population. Ask the respondent if they know which brigade or battalion the perpetrator is from (be aware of how the armed forces or groups in your areas are organised and the numbers or names of their divisions). See also if the person is able to identify an individual perpetrator by name or rank (e.g. you can ask the respondent whether the perpetrator had any stripes or other markings on his uniform). At the minimum, it is sufficient for the perpetrator to be identified to the level of armed group / force, although for advocacy and accountability purposes further details would be needed.
  8. How and why the armed group / force committed this violation: although this may be speculation, it could provide useful information that the field worker may verify later.
  9. Details of others who may have witnessed it that could provide additional information and aid verification.
  10. How does the person know what he/she has told you? This is a key question that must be answered and will aid verification – decisions on the credibility of the information provided.

### F.3.3 Recording and evaluating a testimony

The quality and reliability of a victim's or witness' testimony can be influenced by a range of factors including the amount of time that has elapsed since the event, age of the witness, emotional stress, and possibly intent to deceive.

One key challenge affecting the reliability of testimony in highly politicised conflict areas is that bias can lead an interviewee to skew the information to favour one side in the conflict over another. To the extent possible, the interviewer must be aware of the information provider's background, particularly suspected political allegiances and sympathies and make sure to detail the case carefully. As a way to test the reliability of testimony, the interviewer should check for apparent inconsistencies throughout the interview and clarify contradictory statements.

Beyond the "who did what to whom, where, when and how" queries that are the foundation of incident documentation, the interviewer must also take care to document answers to the question of "how do you know?" When witnesses describe an event, the interviewer must check how the person knows what happened. For example:

- *How was the person able to see or hear what happened? Where were they standing? Was it during the day or night?*
- *How did they know the alleged offender came from a particular armed group?*
- *How did they know the name of the offender?*
- *What language was spoken?*





### Key Messages – Verification

- ⇒ Ensure that all participating organisations agree and implement minimum standards of verification.
- ⇒ Designated person(s) should review all information to determine it is credible.
- ⇒ Cross reference to determine credibility of information.
- ⇒ Verify ages, perpetrators etc by asking same question in different ways to ensure information is correct
- ⇒ Document precise and specific information.
- ⇒ How does the witness know the information? Ask questions to ensure credibility.

## F.4 Documentation

### F.4.1 Monitoring Tools

Whilst preferable it is not essential that all incidents be documented in a standard format. Organisations who need information for providing a service to victims may already collect very detailed case information and it is not necessary to create extra work in duplicating reporting. However what is important is that an agreed minimum set of indicators are reported on.

- Determine minimum data set that will be collected in the country on each of the violations. Use of a standard format can be helpful – see Annexe VII “Monitoring Tools” for samples that can be adapted for use in different contexts.
- Reports should be completed as soon as possible after the interview; greater accuracy is achieved when information is fresh in a person’s mind.
- If organisations are not all using the same format, unilateral arrangements on how information will be shared will be required.

### F.4.2 Documenting Incidents

For the purpose of analysis and reporting on incidents, anonymised information can be provided to the UN whilst the agency or organisation that documented the incident will hold more detailed information on the victim and sources of information. For violations against individual children sufficient information should be held by the reporting organisation to enable case management and protection follow-up as appropriate; and this also ensures that if clarification were needed at a later stage then information is available.

It is suggested that the minimum data provided for MRM:

- Source of information (e.g. if child, parent, witness, community leader – name not essential)
- Date incident happened;
- Location;
- Numbers of children involved;
- Nature of the violation
- Entity responsible;
- Description and details of the incident; ensure that this is well described as will be key for purposes of accountability and advocacy.
- Action taken – if any;
- Child profile – age, sex, nationality, ethnicity, religion, status (e.g. refugee, displaced), care situation (e.g. UAM, separated).
- Date of interview / monitoring report with monitor’s identification when possible.;



For non-personalised incidents (e.g. attack on a school or denial of humanitarian access) whilst it is highly preferable for child profiles to be provided, it is not mandatory for the reporting of the incident. However, where possible child profiles on each individual victim should be provided and therefore allow for greater analytical capacity and use of information.

Whilst the above is the minimum information, the MRM also requires sufficient qualitative information or case studies to include within the reports, to illustrate and substantiate patterns of violations.

### F.4.3 Security for Documentation

- Documentation is important but at times being in possession of documentation may pose risks for monitors; consider the security risks and if necessary complete documentation back at the office. See also below *Section H Information Management*.
- Security may be a concern if a staff member is in possession of a tape or involved in recording a testimony with the use of a tape; it is therefore strongly recommended that tape recording should be avoided.
- In situations that pose security risks, it is suggested that names of organisation or staff are not included on hard copies nor on the information management system but that a code system is developed. See details in *Section H2 Confidentiality*.

#### Key Messages – Documentation

- ⇒ All participating organisations must agree on the indicators and the minimum data required to be documented.
- ⇒ Staff should complete documentation / writing up reports when in a safe place to do so.
- ⇒ Do not include names of staff on documents

### F.5 Quality Control

The credibility of MRM reports and the whole MRM mechanism relies on the quality and timeliness of information provided and recorded. Whilst the MRM Task Force has the ultimate responsibility to endorse information contained in reports, MRM reporting coordinators are key to ensuring that information is of a high standard and information gathering is carried out in a manner fitting with UN humanitarian principles.

**The MRM reporting coordinators must ensure that for every case the following aspects are considered and appropriate standards met.**

1. Who gathered the information and provided the report? Personnel trained in the MRM?
2. How were the victims interviewed?
3. Was consent asked for? How?
4. Ensure highest ethical standards including avoidance of multiple interviewing of victims.
5. Is there enough information to evidence the case?
6. Is the source of information credible?
7. Has documentation achieved a high level of confidentiality?
8. Has security been considered for staff member, victim and witnesses?
9. Has an appropriate response been offered to the child or a referral been made for service provision.



## F.6 Caring for staff

Personnel carrying out a monitoring function may hear some very difficult testimonies and it is vital that appropriate mechanisms be in place to support field staff. This can be particularly important for national staff who live in the effected communities and are unable to seek peer support due to the need for confidentiality, and for security reasons – for both them and their families.

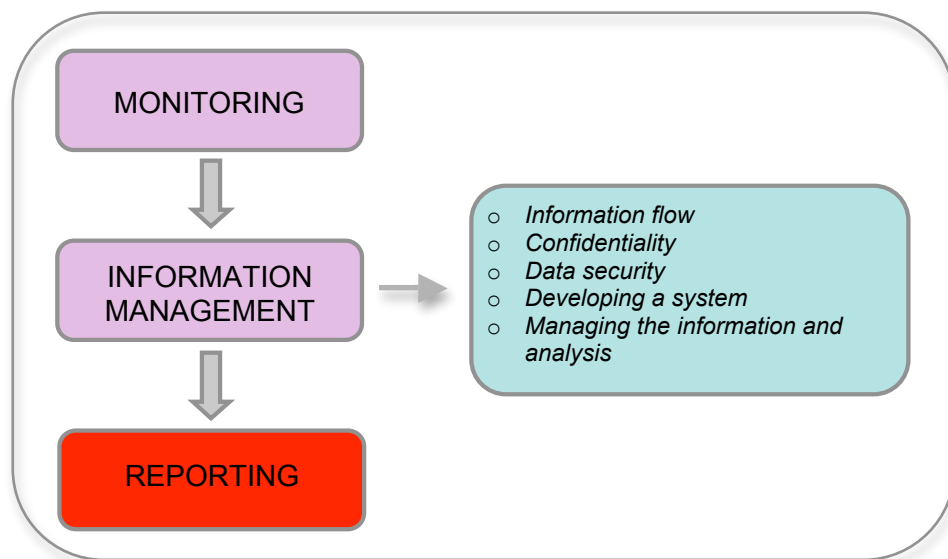
### **Further Reading – Monitoring**

- “Protection” An ALNAP Guide for humanitarian agencies. <http://www.alnap.org/pool/files/alnap-protection-guide.pdf>
- For more on interviewing children: “Working with Children” Action for the Rights of the Child (ARC)
- Growing the Sheltering Tree. [http://protection.unsudanig.org/data/general/IASC-Growing%20the%20Sheltering%20Tree%20\(2002\).pdf](http://protection.unsudanig.org/data/general/IASC-Growing%20the%20Sheltering%20Tree%20(2002).pdf)

## G. Information Management

### G.1 What is Information Management for MRM?

Information comes in many different forms and can be organised in different ways depending on the aims of the system and it can be managed using many different techniques and tools. Information management for MRM will vary in different countries and contexts but should cover the management of information from the time it is collected in the field, to recording that information in regular reports, through to analysis of the information and how this is presented and made accessible for specific reports etc. The objective is to implement efficient, confidential and secure management of information that leads to sound analysis for reports and responses; this will ensure MRM operates efficiently and provides as accurate a picture as possible.



**Figure 4:** An overview of Information Management and its components.

### G.2 Information Flow

The following are some comments and questions to be taken into account for processing information. It is suggested that an agreed process is determined and clear written guidance provided on the specifics of who does what.

1. When information has been collected in the field, clarify whom the field staff should provide the report to (designated information manager)? This will vary within different organisations but needs to be clearly outlined.
2. Is a centralised information management system safe or necessary?
3. Do field staff provide a hard copy report or electronic?
4. How is information shared among organisations? i.e. what information sharing protocols are in place if any?



5. Identify one focal point in each field location for managing information if appropriate.
6. How is information transferred from field office to central location?
7. Who is responsible for input of information into the information management system – field level or centrally?
8. Who is responsible for ensuring information is recorded accurately in the information management system? Who does the checks for accuracy in information input?
9. Who is responsible for analysing and generating reports?

### G.3 Confidentiality

The greatest area of concern for participating organisations and particularly NGOs has been in the aspect of confidentiality. The MRM can be secure and confidential but certain parameters have to be agreed and clear guidance provided and adhered to. The below provides some comments and poses questions that need consideration when establishing MRM.

1. What information is required? Does this need to be detailed with personal information or can this be anonymised? It is possible for the reporting agency (e.g. NGO) to hold the personal data but for anonymous information be provided for MRM data recording and analysis (does this work for application of MRM in your country?).
2. When interviewing, confidentiality can only be assured if the interview is conducted in private. If others are listening, the staff member cannot assure confidentiality.
3. If information is provided when in a group situation, inform the group that in such a setting you cannot assure confidentiality.
4. Witness name & address may be recorded but should remain confidential. Names and addresses would only be used with consent (and this would be rare).
5. No personal information to be shared with the government or other groups (except for where advocacy has been requested and consent provided – see *Section K Responses*).
6. Concern is not only for the victims but also for monitoring staff and the organisations. This risk can be reduced by using codes or reference numbers in place of the names of monitoring staff and organisations (can also be used for victims/survivors and witnesses). A list cross-referencing the codes with the individual organisation details can then be kept separately in another location.

### G.4 Information Security

1. In certain circumstances, highly sensitive information may need to be subject to additional security precaution such as restrictive access etc. Information which is not deemed highly sensitive should be accessible to a larger number of CTFMR partners. Security protocols should be worked out at the CTFMR level at an early stage.
2. Information should be held in a secure location with named people as key holders or with access to passwords.
3. All paper records require a lockable filing cabinet or cupboard available exclusively for this purpose.
4. All electronic information must be protected. Filed level IT experts should be consulted at an early stage to assist the CTFMR.
5. Design an emergency strategy. If you need to evacuate an office, how will the information be protected and confidentiality be preserved?

For detailed information on data security see Annexe VIII “Guidelines for Information Management and Data Security”



## **G.5 Developing an Information Management System**

**CONTENT PENDING**

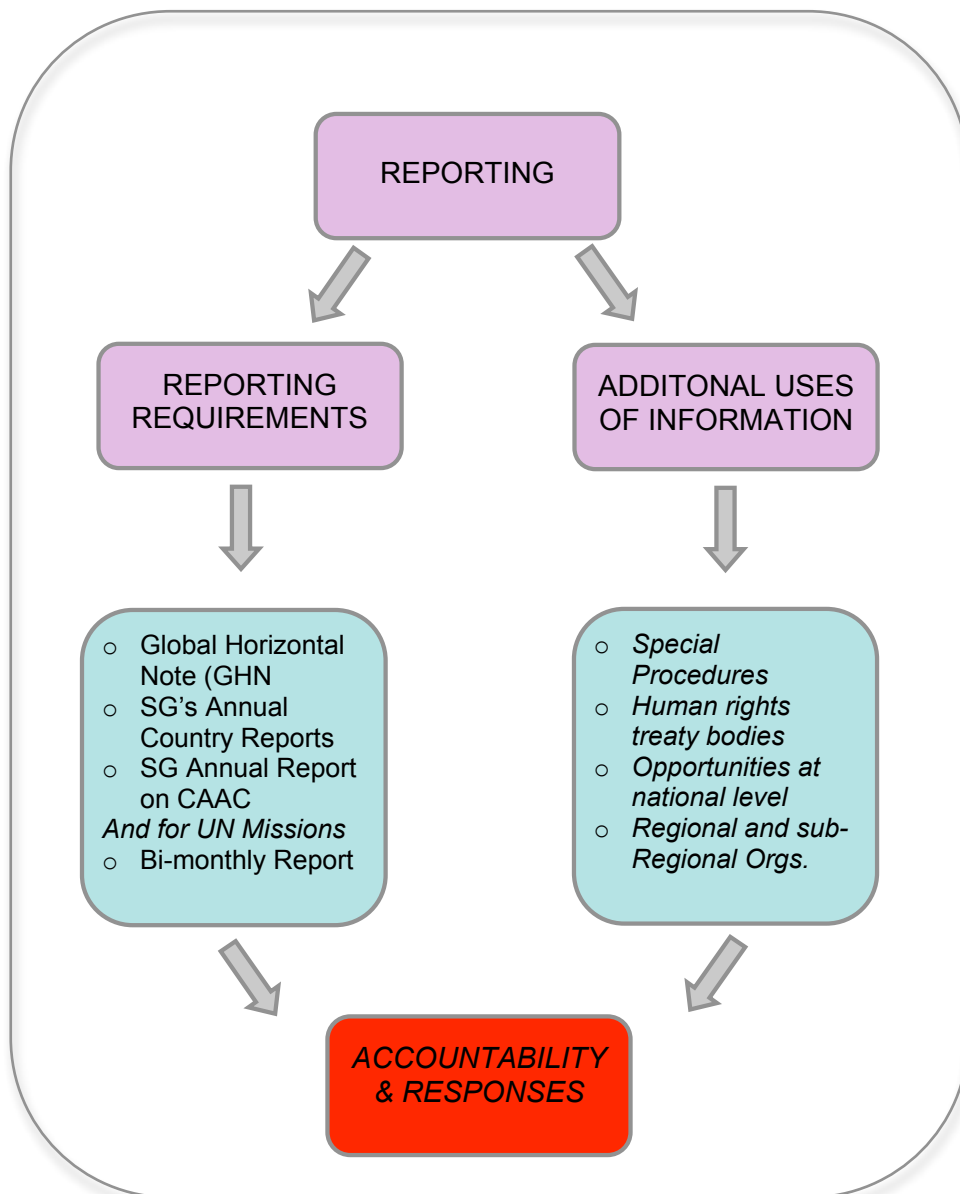
## **G.6 Information Analysis**

**CONTENT PENDING**



## H. Reporting

Reporting is a crucial aspect of the MRM as it is the CTFMR’s tool for packaging and presenting information on grave violations for the Security Council, Government and parties concerned. An important aspect of reporting is the CTFMR’s proposals, which form the basis of the Secretary-General’s recommendations for action to the Council (see SCWG toolkit of page?). Regular reporting for SG’s annual country reports and periodic global horizontal notes also allows the CTFMR to track trends and to report upon remedial measures and gaps in protection throughout the year; as well as progress or challenges in fulfilling the SCWG conclusions from previous reporting cycles. Additionally, reports, once formalized at the Headquarters level, have proven very useful in galvanizing advocacy efforts at the country and/ or regional level, and can serve as a first step in accountability efforts.



**Figure 5:** MRM Reporting Requirements and Additional Uses of Information



## H.1 Reporting Requirements

The primary reporting pathway for presentation of the reports on the six grave violations is to the UN Security Council and its Working Group on Children and Armed Conflict. The CTFMRs provide three types of reporting inputs to the Secretary General, which is subsequently considered by the Security Council and its Working Group, being inputs to:

- i. The Global Annual Report of the Secretary General on children and armed conflict
- ii. The Global Horizontal Note (GHN)
- iii. The Secretary General's country specific report on children and armed conflict

The Working Group provides a political response, upon consideration of the Secretary General's annual country reports on children and armed conflict and determines conclusions to enhance the protection of children affected by conflict in each country situation.

Additionally there is a reporting requirement for UN Missions to provide reports to the UN Security Council (see Mission reports below).

Also see under *Section J Accountability* for the UN SCWG Toolkit, which can provide a reference when developing appropriate recommendations to the UN SCWG.

### H.1.1 Secretary General's Global Annual Report on Children and Armed Conflict

Since 2000 the Secretary General has issued an Annual Report on children and armed conflict. Each year the SRSG CAAC sends out a request for contributions to the report, and details the requirements.

All countries in conflict are invited to contribute to this but specific attention is paid to countries that are listed in the Annexes to the Report. Annexe 1 lists those parties on the Security Council's agenda and Annexe 2 lists other countries of concern. Until 2009 the trigger to be included in the annexes was parties that recruited or used children. UNSC Resolution 1882 expanded this and now will include parties that have patterns of killing and maiming children or grave sexual violence against children by armed forces or non-state armed groups in situations of conflict.

It is emphasised that in order for parties to be listed information has to identify clear trends or patterns of the violation, in contravention to applicable international law. However, it is imperative that obtaining this information must conform to the child centred and ethical approaches discussed above.

Information on the grave violations is required and crucially updates on developments, action plans and responses to recommendations made; plus specific challenges. And has in recent years asked for an update on implementation of MRM. The contributions for the report should closely follow the guidance given to ensure consistency in the report.

### H.1.2 Global Horizontal Note

The GHN provides a timely update of the situation of children affected by armed conflict across several situations, that enables the Working Group to be kept informed of important trends and developments that can lead to earlier action and response, than that which may follow from the Secretary-General's annual country reports. A GHN covers the situation in countries on the Work Plan of the Working Group and other situations of concern and is presented to the Working Group at every meeting, which is usually held on a bi-monthly basis. The GHN provides a situational update on documented cases of violations against children (with a primary focus on the six grave violations), and on updates on important developments in response taken over the period covered. A copy of the GHN reporting format is provided in Annexe X.

The CTFMR must provide bi-monthly inputs (one every two months) for the GHN, which is compiled by the Office of SRSG-CAAC and UNICEF at the global level.

As with all MRM reports, it is essential to ensure that no identifying or other information is included in the GHN which could be to harmful to the source of information, victims, communities or monitors. It is important to note that the GHN is confidential and not a public document; and not a formal "report."

See Annexe XI for detailed information on the reporting pathway for Global Horizontal Notes.





### H.1.3 Secretary General's Annual Country Report

The Working Group adopts a provisional Work Plan at the beginning of each year, which is used by the SRSG CAAC and UNICEF to prepare a provisional schedule for the CTFMRs' inputs to the Secretary General's Annual Country specific Report. It is important to note that the provisional Work Plan is not fixed and is subject to change.

The Secretary General's Annual Country Report on children and armed conflict ("Annual Country Report") is generally prepared for each country on the Work Plan of the Working Group. The Annual Country Report provides a detailed analysis of the six grave violations over the one year reporting period or since the previous Annual Country Report was presented (if the timeframe was more or less than one year).

The Annual Country Report reflects ongoing protection concerns and progress made for children and makes specific recommendations on how to improve the situation for children affected by conflict in the country. The CTFMR submits the country inputs through the SRSG or RC, to the Office of SRSG CAAC and copied to UNICEF (and DPKO Headquarters where DPKO or DPA missions are operating).

Unlike the GHN, the SG's Annual Country Reports are public reports of the United Nations once it is signed by the Office of the Secretary General, adopted and published by the United Nations for general distribution. These reports are subject to strict length restrictions of 8,500 words. The CTFMR inputs constitute an important, but not the sole, input to the Secretary General's report. The Secretary-General's Office is the final editor and signatory of the report and can therefore edit some of the information provided by the CTFMR in accordance with its own sources of information.

The SG's Annual Country Report includes not only information regarding violations, but recommendations for action by the Security Council. The CTFMR should consider recommendations for the SG that may effectively address violations, bearing in mind the SCWG's "toolkit", which outlines actions that they may take, as well as the Security Council's commitment (SCR1539 and 1612) to consider the application of targeted measures against parties that refuse to end violations.

Country MRM Task Forces are encouraged to develop a strategy on how to use the Secretary General's report after it becomes a public document. This includes distributing the report to national authorities, non-State armed groups, CTFMR members, UN Country Teams, international and national NGOs, donors, civil society actors and communities for advocacy; planning; feedback to monitors and communities; programmatic responses and resource mobilization purposes.

### H.1.4 Periodic Reports of the Secretary-General on peacekeeping operations

Whilst the periodic mission reports are not specific requirements of MRM itself, Security Council Resolutions 1460, 1539 and 1612 all require SG's Reports on country specific situations in peacekeeping operations to include a specific section on child protection.

The Secretary-general's reports are usually issued on a quarterly basis or at the request of the Security Council and are used inter-alia to inform Security Council members on a (future or) existing peacekeeping operation(s) including:

- The situation in a country/region in which the Council has declared its readiness to authorize or has authorized a peacekeeping operation;
- Progress made by the peacekeeping operation towards its establishment and/or the implementation of its mandate;
- Latest and significant developments on a conflict situation outside of the SG's standard reporting cycle; and/or
- A specific aspect of, or a specific request relating to, a peacekeeping operation

Country MRM Task Forces are encouraged to collaborate with child protection advisers in peacekeeping operations in integrating child protection concerns into these periodic reports including information on grave violations committed against children focusing on trends, progress on the implementation of the MRM, and critical observations that should be brought to the attention of the Security Council.



## H.2 Additional Avenues for use of Information

In addition to the regular reporting pathways to the Security Council, published reports or other information pertaining to violations against children generated from the MRM, may be shared by the Country MRM Task Force with other reporting mechanisms as appropriate for further advocacy action, accountability and response. Human rights mechanisms provide additional reporting avenues and other opportunities at national level.

**The CTFMR is the owner of the information collected on the grave violations and may chose to use the information for a number of different advocacy and response purposes.**

**The information provided by the CTFMR to the SG for the SG Global Annual Country Reports on CAAC and the Country specific Annual Report on CAAC, should not be shared in the actual format as provided to the SG until after they have been released as public documents.**

**Similarly, the GHN document itself should remain confidential and not be shared in the GHN format with other partners or stakeholders.**

### H.2.1. Special Procedures

The human rights “Special Procedures,” established by the Commission on Human Rights, and now assumed by the Human Rights Council, address either specific country situations or thematic human rights issues in all parts of the world. The Office of the High Commissioner for Human Rights (OHCHR) supports these mechanisms with personnel, substantive and logistical assistance.

There are three main ways in which the MRM can interact with the Special Procedures:

- ⇒ Annual Reports: Many of the Special Procedures mandate-holders submit annual reports to the Human Rights Council and, in some cases, to the UN General Assembly. Information from the MRM can be shared with the OHCHR during the drafting stage for these reports so that issues relating to children affected by armed conflict can be integrated in the reports. The Country MRM Task Force should contact OHCHR to discuss ways to share information.
- ⇒ Country visits: The Special Procedure mandate-holders also carry out country visits at the invitation of the country concerned or on the basis of a "standing invitation."<sup>14</sup> After their visits, mandate-holders issue a mission report including their findings and recommendations. The Country MRM Task Force can similarly share information with the OHCHR prior to, during and subsequent to missions and, in some instances, may wish to advocate for a visit and assist in follow-up to their recommendations.

### H.2.2 Human rights treaty bodies

There are nine human rights treaties bodies<sup>15</sup>, which are committees of independent experts who monitor implementation of the core international human rights treaties. When a State ratifies a human rights treaty, it assumes a legal obligation to implement the rights recognised in that treaty and allows the relevant expert committee to monitor the degree of progress made at the national level.<sup>16</sup>

To meet their reporting obligation, States must submit an initial report usually one year after the treaty entered into force (two years in the case of the CRC) and then periodically in accordance with the provisions of the treaty (usually every four or five years). In addition to the government report, the treaty bodies may receive information on a country's human rights situation from other sources,

<sup>14</sup> As of August 2008, 62 countries had extended standing invitations to the special procedures.

<sup>15</sup> The nine human rights treaty bodies are the Human Rights Committee, Committee on Economic, Social and Cultural Rights, Committee on the Elimination of Racial Discrimination, Committee on the Elimination of Discrimination Against Women, Committee Against Torture, the Subcommittee on Prevention of Torture, Committee on the Rights of the Child, Committee on Migrant Workers and the Committee on the Rights of Persons with Disabilities.

For further information on the human rights treaties bodies, please see [www.ohchr.org](http://www.ohchr.org)

<sup>16</sup> For further information, OHCHR *Fact sheet 30 on the United Nations Human Rights Treaty System*, 2005



including non-governmental organizations, UN agencies, other intergovernmental organizations, academic institutions and the press.

The Country MRM Task Force should seek to contribute to reviews by treaty bodies, when relevant, as these provide a valuable opportunity to raise concerns relating to violations of children's rights in armed conflict.

The treaty bodies of particular relevance to the MRM, but not exhaustive, are:

1. Committee on the Rights of the Child (CRC): Monitors implementation of the Convention on the Rights of the Child and its two optional protocols
2. Human Rights Committee (CCPR): Monitors implementation of the International Covenant on Civil and Political Rights
3. Committee Against Torture (CAT): Monitors implementation of the Convention Against Torture or Other Cruel, Inhuman or Degrading Treatment
4. Committee on the Elimination of Discrimination Against Women (CEDAW): Monitors implementation of the Convention on the Elimination of Discrimination Against Women

#### *Interaction between the MRM and the Committee on the Rights of the Child*

The Convention on the Rights of the Child and its Protocols and the Committee that monitors their implementation are of particular relevance to the MRM Task Force.

The Optional Protocol on the Involvement of Children in Armed Conflict review is an important opportunity for the MRM task force to advocate for legislative reform and propose specific recommendations, e.g. regarding accountability of perpetrators and in the area of recovery and reintegration of victims. Thus, it is important that the MRM task force engage during the review in order to ensure that the outcome of the process and the concluding observations, provide a useful basis for follow-up at the national level.

For full information on additional avenues for reporting see Annexe XI "Additional International and Regional Reporting Avenues".

### **H.2.3 Universal Periodic Review (UPR)**

The Universal Periodic Review (UPR) is a relatively new (commenced 2008) and unique human rights mechanism of the United Nations (UN) Human Rights Council aiming at assessing and improving the human rights situation in all countries. Under this mechanism, the human rights situation of all UN Member States is reviewed every 4 years. Three reports serve as a basis for each State review; i.e. a national report (prepared by the State under review); a compilation of UN information (from all relevant official UN documents, including specific UPR specific submissions by UN entities); as well as a summary of stakeholders (summary of information from non-governmental organizations (NGOs), national human rights institutions and other relevant stakeholders). The compilation and the summary are prepared by the Office of the High Commissioner for Human Rights (OHCHR).

Submissions can be sent to OHCHR before the review (guidelines and deadlines are available on its website) and comments can be made by NGOs with ECOSOC status, UN entities and other relevant stakeholders in the plenary session. The UNCT may wish to coordinate submissions of relevant information through the Resident Coordinator's office to OHCHR. Individual UN entities may also consider sending to OHCHR UPR-specific country submissions, based on their entity's particular mandate. UN entities may send their submissions to <UPRsubmissions@ohchr.org> The UPR is an inter-governmental process and Member States have ultimate control over the review. However, UN entities, as well as stakeholders including NGOs have opportunities to influence the UPR process.

### **H.2.4 Regional and Sub-regional organisations**

The Country MRM Task Force may also share public Secretary General's reports on children and armed conflict and provide updates to inter-governmental and regional institutions, as appropriate, such as the African Union, African Commission on Human and People's Rights, European Union<sup>17</sup>, Inter-American Commission on Human Rights and the Organisation of American States, as well as

<sup>17</sup> Of additional relevance, on 8 December 2003, the European Union (EU) General Affairs Council approved the European Union's Guidelines on Children Affected by Armed Conflict.



other inter-governmental and regional institutions, in order to enhance advocacy, accountability and policy issues pertaining to children and armed conflict.

### H.2.5 Opportunities for Reporting at a National Level

In addition to the formal reporting mechanisms the CTFMR is encouraged to periodically and systematically update relevant stakeholders, such as Governments, non-state armed groups, donors, partners and communities on the situation and progress for children affected by conflict within the country. The updating of stakeholders is used for accountability, response and feedback purposes.

Information that has been collected by the MRM can be utilised to provide regular information at the country and regional levels, and also for briefing foreign delegations visiting the country. Additionally information can be shared with national and international human rights organisations.

Analysis of the information collected may at times be used as appropriate in press statements and to respond to queries from the national and international media.

#### **Key Messages – Additional Avenues for use of Information**

- ⇒ Use the information collected for MRM but do not quote it as being part of GHN
- ⇒ Do not release or use content from the SG's Country or Annual Reports until they have been made public.
- ⇒ As with all reports ensure information is objective, accurate and reliable.
- ⇒ If providing reports for Special Procedures or to other treaty bodies ensure that appropriate guidelines are followed.

#### **Further Reading – Additional Avenues for use of Information**

- Annexe XI: Additional International and Regional Reporting Avenues
- For full information on reporting bodies and mechanisms for reporting visit the OHCHR website [www.ohchr.org](http://www.ohchr.org)
- For details on the UPR process see: <http://www.upr-info.org/-UPR-Process-.html?q=&siteurl=www.upr-info.org%2F-UPR-Process-.html>



## J. Accountability

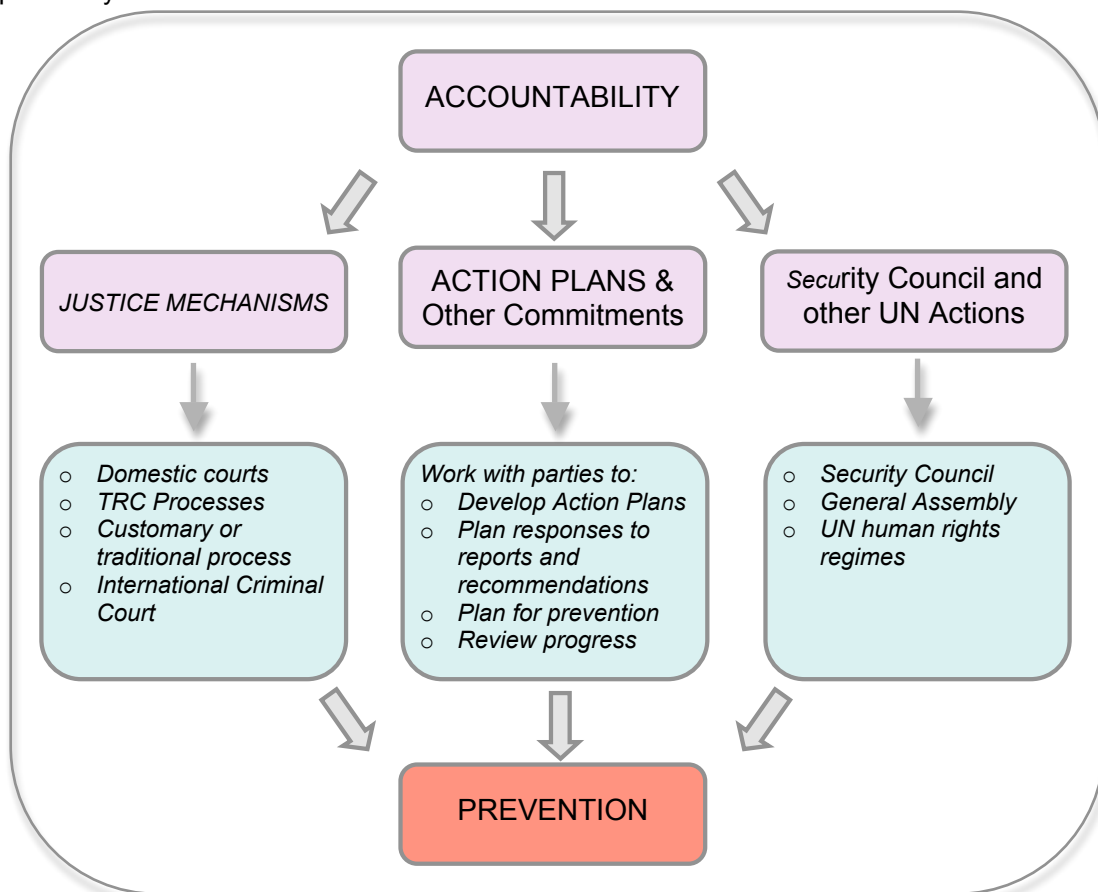
“The purpose of a monitoring, reporting and compliance mechanism is to provide for the systematic gathering of objective, specific and reliable information on grave violations committed against children in situations of armed conflict, leading to well-informed, concerted and effective responses to ensure compliance with international and local children and armed conflict protection norms.”<sup>18</sup>

*Secretary General’s report on children and armed conflict; 2005*

A key objective of the MRM, is to enhance the accountability of State and non-State armed groups of grave violations against children.

Accountability includes, inter alia, responsabilisation of parties to armed conflict for their actions which negatively impact the lives of children in armed conflict. This includes holding parties to armed conflict to their responsibilities during armed conflict, including actions or inactions, monitoring and sharing reports of violations and obtaining remedial action and in certain cases judicial or other redress.

As such, this chapter focuses on the accountability of State and non-State actors of grave violations against children at all times, at the national, regional and international levels, which not only seeks justice for affected children and their communities, but also acts as a preventative tool against future violations by contributing to a culture of enforcement of norms and applicable legal instruments and responsibility.



**Figure 6:** Overview of the components of Accountability

<sup>18</sup> Report of the Secretary General on children and armed conflict, United Nations A/59/695–S/2005/72.



The substantive content of the MRM and the main basis for the UNSC Resolutions establishing the MRM process is drawn from international law – primarily human rights law and international humanitarian law. It is human rights law that indicates what rights must be protected; and it is international humanitarian law that allows a determination, for example, of when children in a situation of armed conflict have been killed or maimed “in contravention of international law”.

The MRM exists in parallel with a range of other monitoring and reporting mechanisms - largely established under the umbrella of the UN human rights framework of laws and mechanisms - that monitor, investigate, report and advocate in favour of protecting people from violations of their rights under human rights law or IHL.

Treaty Bodies (see below) and Special Procedures gather information on specific human rights concerns, frequently including a specific or even exclusive focus on children (e.g. the Committee on the Rights of the Child), and issue public conclusions and recommendations. In some instances, the positions taken by Treaty Bodies can be used as an actual source of international law. UN Member States have a legal obligation to respect and implement the Treaties to which they are a party, or which form a part of international customary law. They also have an obligation to report to the Treaty Bodies on their progress and must take the Treaty Bodies recommendations into account.

Special Procedures focus on specific countries or themes and do similar monitoring and reporting. The UN Secretariat frequently also conducts monitoring and investigations in certain countries (for example through the human rights components or peacekeeping operations or through Security Council mandated investigations).

Under the requisite conditions of consent, any information collected under UN auspices can be used to pursue accountability, whether through domestic, regional or international proceedings. Accountability can range from truth and reconciliation mechanisms to individual criminal prosecutions.

The work that MRM Country Task Forces are doing in implementing Security Council Resolution 1612 and 1882 in conflict-affected countries has led to a more evidence-based approach in advocacy and action to address child rights violations. It has also led to raised responsibility for the UN and other organisations to do something with the information that is collected.

As noted in paragraph 102 of the above-mentioned Secretary General’s report<sup>19</sup>, “reports compiled should serve as triggers for action on the part of the appropriate international, regional and national bodies, each employing the means and levers of influence at its disposal to ensure the protection, rights and well-being of war-affected children. Such actions may range from calls for compliance to condemnation of violations to the application of targeted measures. Key “destinations for action” include national Governments, the Security Council, the General Assembly, the International Criminal Court, the Human Rights Council, the Committee on the Rights of the Child, the Universal Periodic Review and regional organisations.”

The Security Council may use information provided by the MRM as the basis for recommending investigations of violations by the International Criminal Court, ad hoc or national justice mechanisms. However, the MRM is not implemented to automatically feed directly into national or international criminal processes. There is a different evidentiary process and standard of proof to determine criminal responsibility for violations against children and criminal intent, which goes beyond the scope and purpose of the MRM. National and international criminal bodies according to their mandates separately pursue investigations with a view to securing criminal prosecutions for grave violations against children. Some of these bodies may use the public documents emanating from the MRM – such as the Secretary-General’s Annual Country Reports – to inform their own investigations.

For some of the actions that could be taken towards achieving accountability, NGOs may be in a better a position (as opposed to the CTFMR) to provide support to individuals, families and community groups who wish to pursue legislative action. An appropriate role for the CTFMR could be in provision of appropriate legal advice and support to NGOs who are supporting victims and their families to pursue accountability.

National Governments have the primary responsibility for the protection of children. As stated in Security Council Resolution 1612 (2005), the MRM does not intend to replace or to substitute the protection or rehabilitation role of local governments, but rather aims to support and complement this role. The national Government should remain the ultimate guarantor of the respect of the rights of

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<sup>19</sup> *Report of the Secretary General on children and armed conflict, United Nations A/59/695–S/2005/72.*



children even in situations of armed conflict, and remains the main actor to ensure accountability and to establish mechanisms to prevent further violations. It is fundamental that national Governments play a key role in the response, accountability and prevention activities associated with MRM.

The recommendations of the Secretary General's report and the Security Council's conclusions provide important accountability tools for CTFMRs to advocate, monitor and ensure implementation by parties to the conflict. The Security Council's attention and ultimate power to compel compliance is a prime motivator for many parties to armed conflict to cooperate with CTFMRs on the ground. This should not be underestimated.

#### **Key Messages – Accountability:**

- ⇒ *National Governments have the primary responsibility and accountability for the protection of children, however all actors including non-state armed groups, humanitarian actors, donors and civil society have accountabilities to protect children.*
- ⇒ *Accountability for grave violations against children can be held at the national, regional and international levels:*
- ⇒ *The MRM is not directly linked to any form of criminal procedure or investigation, truth and reconciliation processes or customary accountability mechanisms. However, information provided through public Secretary General's reports has triggered the interest of competent judicial organs in the past.*

## **J.1 Action Plans and Other Commitments**

As stated in paragraph 75 of the Secretary General's 2005 Annual Report<sup>20</sup>, "it is crucial to engage in protection dialogue with all entities whose actions have a significant impact on children, without any implications as to their political or juridical status. My Special Representative for Children and Armed Conflict, UNICEF and other MRM partners have developed a systematic practice of engaging in dialogue with and obtaining concrete commitments from all parties to conflict, and the Security Council has called on all parties to conflict to observe the concrete commitments they have undertaken."

The UN led MRM Country Task Force, is also required by Security Council Resolutions 1539, 1612 and 1882 to develop Action Plans with the parties to the conflict to address the grave violations against children for accountability purposes with specific reference to action plans to address recruitment and use of children; killing and maiming of children; and grave sexual violence of children.

Action Plans are an essential tool that the MRM Country Task Force has the responsibility of developing concrete, time-bound and verifiable agreements with the parties to the conflict in order to enhance the accountability of the alleged perpetrators; respond to and prevent future grave violations against children affected by conflict. The MRM Country Task Force is also responsible for monitoring and reporting on progress and compliance to the Action Plan, to the Security Council Working Group on CAAC.

Similarly, once the Secretary General's report on children and armed conflict is published, the MRM Country Task Force should discuss the Secretary General's key findings, recommendations and a plan of action to follow up on the recommendations with the parties to the conflict. Similarly, once the Security Council Working Group's Conclusions are publicly issued, dialogue and follow up to the conclusions by the parties of the conflict, should be regularly maintained by the MRM Country Task Force.

<sup>20</sup> Report of the Secretary General on children and armed conflict, United Nations A/59/695–S/2005/72.



Note: templates for Action Plans are currently being developed. In the absence of an agreed template, O/SRSG-CAAC can provide examples of previous action plans, by the Global MRM Steering Committee.

### Key Messages – Action Plans and Commitments

CTFMRs should:

- ⇒ Enter into dialogue with parties to the conflict to prepare and implement concrete, time-bound and verifiable action plans on the 3 trigger violations - recruitment or use, patterns of killing and maiming and or rape or other acts of sexual violence, in lines with Resolutions 1539, 1612 and 1882.
- ⇒ Seek concrete commitments from parties to the conflict to end other violations, if being committed, including specific actions to be taken.
- ⇒ Meet with Government and other parties to the conflict, on a periodical basis to:
  - Monitor the implementation of Action Plans and other commitments received from parties to the conflict to put an end to violations against children in armed conflicts.
  - Discuss reports, recommendations and conclusions when issued by the UNSC Working Group;
- ⇒ Review progress in the development and implementation of the various action plans to stop the use of children recruited and or used by armed forces; to prevent killing and maiming of children; and to cease grave sexual violence against children.

## J.2 SECURITY COUNCIL AND OTHER UN ACTIONS

### J.2.1 Security Council

Due to its primary responsibility for peace and security, the Security Council has a special responsibility for ensuring the protection and well-being of children exposed to armed conflict and the MRM has its closest, though not exclusive, interaction with the Security Council through regular meetings of its Working Group on children and armed conflict. The SCWG holds regular detailed sessions on country-situations of concern throughout the year and proposes concrete recommendations to the parties which carry great weight, and failing which sanctions may be applied. As noted in the Secretary General's report, "With respect to ensuring compliance with children and armed conflict protection norms, the Security Council is by far the most important international "destination for action."<sup>21</sup> The Secretary General's monitoring and compliance reports on children and armed conflict received by the Security Council serve as triggers for action. As noted in the Secretary General's report on children and armed conflict in 2005, "In order to end impunity, it is critical that grave and persistent violations lead to targeted and concrete measures of response by the Council. The SCWG has a number of options at its disposal that have been outlined in the Options for possible actions by the CAAC Working Group of the Security Council ("toolkit") - see *Annexe XIV Security Council Working Group Toolkit*.

### J.2.2 General Assembly

The annual regular session of the General Assembly provides an important opportunity to review the monitoring and compliance reports and take appropriate action. The annual report of the Secretary-General to the Security Council on children and armed conflict, which records grave abuses and lists parties responsible for the violations, is submitted simultaneously to the General Assembly to enable it to take appropriate action within the context of its own mandate.

<sup>21</sup> Report of the Secretary General on children and armed conflict, United Nations A/59/695–S/2005/72.





### **Summary Outline of the Security Council Working Group Toolkit:**

#### Assistance

- ⇒ *Specific requests to other United Nations bodies (PBC, GA, HRC ...) or agencies (ILO, World Bank ...)*
- ⇒ *Request for advocacy and official visits of the SRSG for CAAC to countries of concern*

#### Demarches

- ⇒ *Advocacy for accountability for crimes against children in situations of armed conflict and calls on the United Nations and Members to provide support to programmes ensuring the protection of children involved in accountability or truth-seeking mechanisms*
- ⇒ *Letters/appeals to the parties concerned*
- ⇒ *Draw the attention of the UNSC to the full range of justice and reconciliation mechanisms to be considered, including national, international and “mixed” criminal courts and tribunals, while emphasizing the responsibility of States to comply with their relevant obligations to end impunity*

#### Enhanced monitoring

- ⇒ *Request from the Secretary-General of additional information/reports on specific issues or parties*
- ⇒ *Specific field trips on CAAC by Members of the Working Group followed by a report, subject to availability of funding*
- ⇒ *Convening of a closed or open meeting with the participation of the State concerned and/or parties concerned as appropriate*
- ⇒ *Press conferences to highlight a specific issue and to raise awareness about the CAAC provisions of international humanitarian and human rights law*

#### Improvements of Mandates

- ⇒ *Invitation to stakeholders concerned to pay particular attention to children, including girls exploited by armed forces and groups, in DDR processes*
- ⇒ *Request that the specific needs of children are considered in forthcoming peace processes and/or peacekeeping mandates*
- ⇒ *Setting strong child protection standards for troop-contributing countries and other actors involved in peacekeeping operations and providing adequate and regular training*

#### Other measures

##### Possible recommendations to the UNSC

- ⇒ *Consider and forward to the existing Sanctions Committees, relevant information received by the Working Group and its conclusions thereon, in particular on issues of concern*
- ⇒ *Letters to the relevant justice mechanisms, in order to bring information to their attention and contribute to ending impunity of violators*

See *Annexe V SCWG Toolkit* for the full text and options available



### J.2.3 United Nations human rights mechanism

The United Nations human rights special procedures and treaty bodies play a crucial role in enhancing accountability and are systematically channelled to promote effective monitoring and compliance. For further details on reporting to human rights committees, please see *Section 12 Additional Avenues for Reporting*

## J.3 Justice Mechanisms

### **Possible roles for the MRM Country Task Force – Justice Mechanisms:**

- ⇒ *Based on patterns of violations documented by the CTFMR, the CTF may recommend that the SG request formal investigations by national, ad hoc, or international justice mechanisms in order to establish criminal responsibility and possible prosecution of perpetrators*
- ⇒ *It is important to note that the MRM is not directly linked to the below processes, however MRM Country Task Forces may link or provide advice to appropriate processes if desired; and the public Secretary General's country annual reports may be utilized as a reference.*
- ⇒ *There may be circumstances that individual MRM Country Task Forces choose to pro-actively disseminate certain information from the MRM data through amicus briefs to relevant courts and tribunals, which would contextualize specific cases.*
- ⇒ *The CTFMR should ensure that any procedures are in accordance with the UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime and children's participation must be guided by the principles of their best interests.*
- ⇒ *The CTFMR may provide legal advice and appropriate support to NGOs who are working with individuals and their families on pursuance of actions described above.*

### J.3.1 Domestic Courts

Domestic courts have the primary responsibility for dealing with HR and IHL violations, and cases can be pursued independently to be considered by the court. It would be possible to also promote more child-focused cases. This could for instance require the engagement of a local lawyer(s) or a legal NGO. For example, the DPKO child protection section in coordination with UNDP in the DRC initiated a program to support the DRC military courts martial for cases of armed forces or group members who were suspected of recruiting children or engaging in sexual violence against children to some success. The process should include identification of issues, which might be most appropriately addressed through this legal procedure. In such proceedings it is important to consider violations undertaken by all parties to the conflict as well as ensuring procedure is in line with UN Guidelines on justice in matters involving child victims and child witnesses of crime.

### J.3.2 Truth and Reconciliation Processes

Truth and reconciliation processes can include investigation and documentation of past events and violations; provide a forum for victims to be heard and for perpetrators to acknowledge their actions; and can also recommend further action by other bodies<sup>22</sup>. Truth and reconciliation processes are generally non-punitive, which can encourage perpetrators to openly acknowledge violations they may have committed and to face their victims. Truth and reconciliation processes should be

<sup>22</sup> For more detailed information on truth commissions and the protection of children involved as victims, witnesses and active citizens see *Children and Truth Commissions*, UNICEF Innocenti Research Centre, 2008.



complementary to other justice processes in seeking accountability for grave violations against children. An example of this is the Truth and Reconciliation process that took place in Sierra Leone; children participated in this with child protection agencies involved in ensuring victims and witnesses were supported appropriately.

### J.3.3 Customary or traditional processes

Customary or traditional accountability processes are generally non or quasi judicial processes, which have evolved in societies. Many customary or traditional processes were established due to the absence of formal judicial or justice mechanisms. Also, many such processes were undertaken with a philosophy of conciliation or restitution rather than applying punitive measures. As long as they comply with human rights principles of fairness in proceedings and do not employ certain types of punitive sentences customary accountability processes can be useful in facilitating reconciliation, as often the practitioners are respected and neutral community leaders. Again here we have to remember the specificity of need for child-friendly proceedings.

In relation to transitional justice processes and mechanisms, it is advised that children's concerns need to be included in the discussions related to transitional justice processes from the outset so that, for example, the mandates of the transitional justice mechanisms cover child rights violations. Provisions are also to be made to ensure children's fully-fledged participation and protection. It is recommended that in any procedures that the UN's Children and Transitional Justice: Truth-telling, Accountability and Reconciliation be consulted for best practice and for protection of children.

### J.3.4 International Criminal Court

The International Criminal Court (ICC) and ad hoc international and hybrid criminal tribunals provide further enhancement of the accountability of perpetrators in certain circumstances. As noted in paragraphs 121 to 123 of the 2005 Secretary General's report, "The establishment of the International Criminal Court is important because of both its deterrence effect and the prospect of prosecution for war crimes against children... Concrete steps should be taken to ensure the earliest possible prosecution of persons responsible for war crimes against children. Some initiatives are already under way in this direction. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict, and the Task Forces on monitoring and reporting can contribute to this by providing the International Criminal Court Prosecutor with relevant information at their disposal. The deterrence role of the International Criminal Court needs to be actively promoted through proactive advocacy and public information activities by United Nations and CTFMR partners at all levels."

#### **Further Reading – Accountability**

*Children and Transitional Justice: Truth-telling, Accountability and Reconciliation*

[http://www.unicef-irc.org/publications/pdf/tj\\_publication\\_eng.pdf](http://www.unicef-irc.org/publications/pdf/tj_publication_eng.pdf)

*Strengthening Protection of Children Through Accountability* by Gerard McHugh

[http://www.cdint.org/Conflict\\_Dynamics-](http://www.cdint.org/Conflict_Dynamics-)

[UNSC Actions CAC Report MASTER March 2009 PR.pdf](#)



## K. Engaging with Parties to the Conflict

### K.1 Introduction to Engaging with Parties to the Conflict

“The United Nations should undertake dialogue for the explicit purpose of child protection with all parties to the conflict, irrespective of whether they are State or non-State parties; non-State parties should be held accountable to international protection standards.”<sup>23</sup> The MRM Country Task Forces should regularly meet with the parties to the conflict to raise child protection concerns and discuss violations, provided that the identity of victims, sources of information, communities and monitors are protected. As such, it is recommended that credible interlocutors within armed groups or armed forces who have the necessary authority to engage in dialogue on all six grave violations, other relevant child protection concerns and the development and implementation of action plans, are identified early in the process, as appropriate.

As stated in paragraph 75 of the Secretary General’s report<sup>24</sup>, “it is crucial to engage in protection dialogue with all entities whose actions have a significant impact on children, without any implications as to their political or juridical status”. The UN led MRM Country Task Force, is also required by Security Council Resolutions 1539, 1612 & 1882 to develop Action Plans on recruitment and use, rape and sexual violence and killing and maiming with the parties to the conflict to address the grave violations against children for accountability purposes. Action Plans are an essential tool that the MRM Country Task Force has the responsibility of developing with the parties to the conflict in order to enhance the accountability of the alleged perpetrators; respond to and prevent future grave violations against children affected by conflict. The MRM Country Task Force is also responsible for monitoring and reporting on progress and compliance to the Action Plans, to the Security Council Working Group on CAAC through the SRSG-CAAC.

Once the Secretary General’s report on children and armed conflict is published, or the Security Council Working Group’s Conclusions are publicly issued, the MRM Country Task Force should discuss the key findings, recommendations and a plan of action to follow up on the recommendations with the parties to the conflict. To effectively undertake this area of work, the CTFMR should interact with both national governments and non-State armed groups. Depending on the context and intended outcomes, engagement with these different actors can take several forms, including: advocacy, negotiation, mediation and liaison interactions. These different types of engagement generally share some common elements of process and objectives.

### K.2 Practical Steps in Negotiations

**CONTENT PENDING**

<sup>23</sup> See recommendations A2, page 14, *Report of the Special Representative of the Secretary-General for Children and Armed Conflict to the General Assembly*, 6 August 2008, A/63/227.

<sup>24</sup> *Report of the Secretary General on children and armed conflict*, United Nations A/59/695–S/2005/72.



## L. Responses

### L.1 Overview of Responses

Monitoring and reporting is not an end to itself but it should trigger appropriate responses to all of the grave violations against children in order to make a real difference to children's lives. The purpose of the MRM as articulated in the Secretary General's report on children and armed conflict in 2005, "is to provide for the systematic gathering of objective, specific and reliable information on grave violations committed against children in situations of armed conflict, leading to well-informed, concerted and effective responses to ensure compliance with international and local children and armed conflict protection norms."<sup>25</sup> Security Council resolution 1612, additionally, "stressed the responsibility of United Nations peacekeeping missions and United Nations country teams, consistent with their respective mandates, to ensure effective follow-up to Security Council resolutions, ensure a coordinated response to CAAC concerns and to monitor and report to the Secretary-General." This was reiterated in Security Council resolution 1882, which further requested, "the Secretary-General to continue to take the necessary measures including, where applicable, to bring the monitoring and reporting mechanism to its full capacity, to allow for prompt advocacy and effective response to all violations and abuses committed against children and to ensure that information collected and communicated by the mechanism is accurate, objective, reliable and verifiable."<sup>26</sup>

Ultimately, the MRM can make a real improvement to the situation of conflict-affected children on the ground.

#### ***Objectives of the MRM response:***

- *addressing the immediate needs of affected children;*
- *taking action to enhance the protection and situation of children;*
- *preventing further violations; and*
- *enhancing the accountability of perpetrators of violations against children.*

Responses are required from multiple actors and can take place at the community, national, regional and international levels.

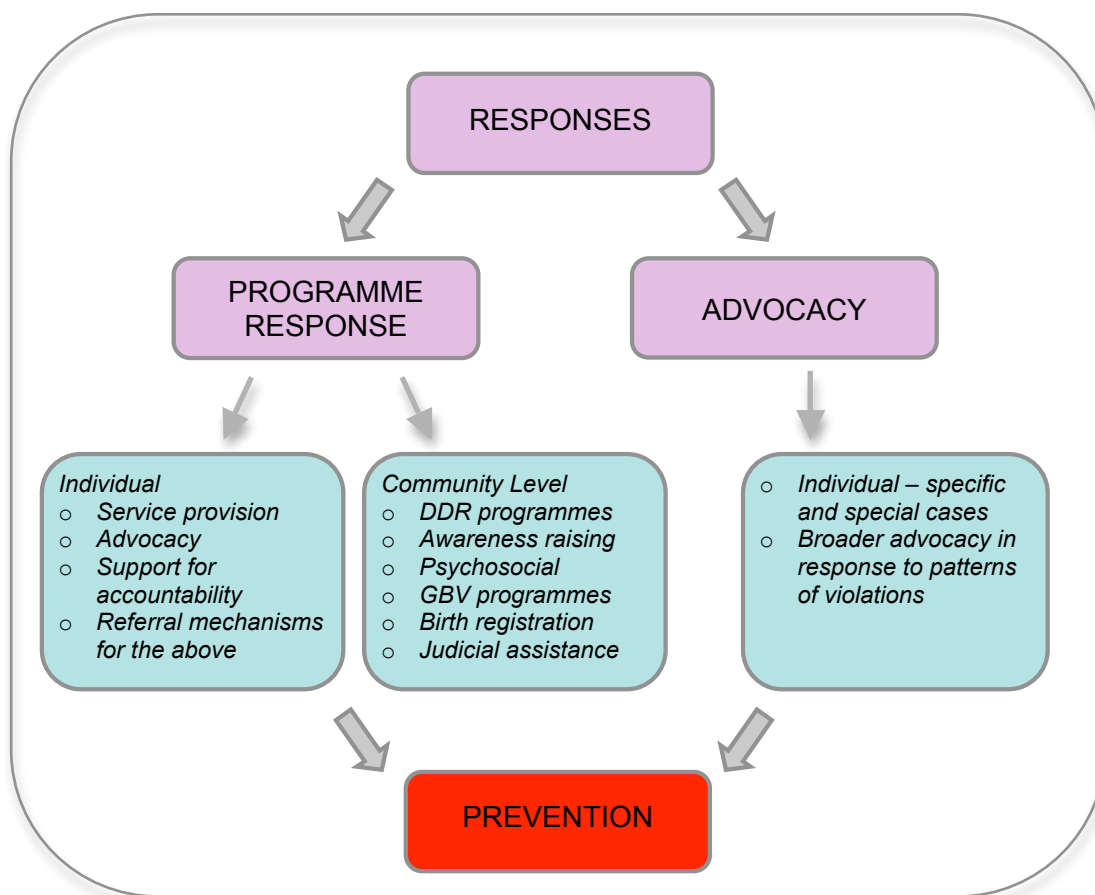
National Governments have the primary responsibility for the protection of children and to ensure an adequate response to each of the grave violations against children through a myriad of actions such as supporting humanitarian assistance, legislative and policy reforms and other activities. The CTFMR should establish regular meetings with the Government, to discuss the impact of conflict upon the children and to develop collaborative initiatives for responding to grave violations against children; enhancing accountability of perpetrators and preventing future grave violations. The CTFMR may meet with Government but the responsibility to enhance response lies with the protection cluster and in particular the child protection sub-cluster. Therefore, the CTFMR should have a close relationship with the protection cluster and ensure they are briefed on a regular basis on information on grave violations against children.

All responses should contribute towards a protective environment for children; an environment where everyone – from children, teachers and health workers to governments, non-state entities and the private sector – fulfil their responsibilities to ensure that children are protected from violence, abuse and exploitation<sup>27</sup>.

<sup>25</sup> *Report of the Secretary General on children and armed conflict, United Nations A/59/695–S/2005/72.*

<sup>26</sup> As per paragraph 8 and 17, *Security Council resolution 1882 (2009).*

<sup>27</sup> For further information on a protective environment for children, please see [http://www.unicef.org/protection/index\\_action\\_children.html](http://www.unicef.org/protection/index_action_children.html)



**Figure 7:** Responses – provides some examples of implementing programme and advocacy Responses, but is not exhaustive.

## L.2 Programme Response

### L.2.1 Individual Responses

Not all MRM actors are service providers but all have a responsibility to ensure that a victim of grave violations is referred appropriately and so receives appropriate service or other support. Responses for individual victims fall into three main categories;

1. *Service provision* – support for the immediate and long term needs of the child and/or the family.

Child victims of any form of neglect, exploitation or abuse are entitled to care and non-discriminatory access to basic social services. Health workers, teachers, police, social workers and others who interact with children need to be equipped with the motivation, skills and authority to identify and respond to the grave violations.

Potential responses for this component include:

- Ensure that child survivors have access to appropriate medical services.
- Provision of appropriate psychosocial care for children and their families. This may be through community programmes (see *Section K.2.2* below) but for some children who require specialist individual services these must be available and support provided for the child to attend.



- Specialist services to support children who have been sexually assaulted.
- A referral mechanism should be developed within the child protection actors to ensure that all children who require a service are referred appropriately for either service provision or to an organisation that can support them to pursue this.
- A referral mechanism should be developed to ensure that any child who was previously part of an armed force or armed group receives the services established for children being reintegrated into communities.

2. *Advocacy* – for individual children or groups of children.

At times advocacy for individual is appropriate. See *Section K3: Advocacy* below for details.

3. *Accountability*

Some children and their families may wish to pursue accountability through legal mechanisms for individual violations committed against them, for example filing complaint with the police or other authorities. Accountability is key to the MRM process and protection actors should be in a position to advise children and their families.

It is recommended that a mechanism be established to refer victims to appropriate organisations, in the country, who are supporting children and families to pursue legal action.

**Key Messages – Individual Response**

- ⇒ Develop a clear easy to understand referral mechanism.
- ⇒ Referrals for victims can be for a) service provision or b) to an organisation that can advise and/or support a family pursue legal redress.
- ⇒ Whatever action is taken for and on behalf of children, consent must be provided to share information and/or act on their behalf.

**L.2.2 Community Level Programmatic Response**

In developing a programmatic response that will enhance the protective environment of children, particular consideration should be given to providing essential services and rehabilitation; and supporting programmes that enhance the capacity to protect children; enables open discussions and engagement on child protection issues; and supports children's life skills, knowledge and participation.

The capacity of families and communities to protect their children is essential in a protective environment. Children also need to be free if they so wish, to speak up about child protection and child rights concerns affecting them or other children. At the national level, media attention and civil society engagement with child protection and child rights issues need to strengthen and promote a protective environment.

Children are also less vulnerable to abuse when they are aware of their right not to be exploited, or of services available to protect them. With the correct information, children can draw upon their knowledge, skills and resilience to reduce their risk of exploitation and the risk of being victim of grave violations.

Potential responses for this component include:

- Developing and implementing community based prevention, release and reintegration programmes for children associated with armed forces and groups in accordance with the



Paris Principles on children associated with non-State armed groups and armed forces, which is inclusive of all children affected by conflict in order to minimise stigmatisation.<sup>28</sup>

- Developing and implementing programmes to prevent and respond to violations against children committed in specific localities, including awareness raising campaigns amongst perpetrators and communities.
- In response to all violations it is appropriate to develop awareness campaigns based on international legal obligations of the parties to the conflict to protect civilians, particularly children; and ensuring that community members are aware of reporting and referral mechanisms for children whose rights have been violated.
- Providing appropriate psychosocial support and care for victims and their families<sup>29</sup>
- Ensuring that special measures for children (and those recruited whilst a child) are incorporated in Disarmament Demobilization and Reintegration processes<sup>30</sup>.
- Developing and implementing programmes to prevent and respond to cases of sexual violence against children<sup>31</sup>. Such programmes may aim to raise awareness with families, communities and armed forces and groups enhance capacity of health care and social workers through training by actors with the requisite skills to train on the clinical management of sexual violence; support child survivors with medical, psychosocial and legal assistance; develop appropriate referral mechanisms; strengthen community protection mechanisms to enhance the security for victims in the reintegration process.
- Developing and implementing programmes to prevent and respond to grave violations, such as enhancing community based protection networks and promoting birth registration. Developing and implementing programmes to prevent and respond to attacks on schools and hospitals, such as the “Schools as Zones of Peace” programmes implemented in Nepal.
- Developing and implementing programmes to prevent and respond to the killing and maiming of children; including supporting child friendly judicial assistance programs for the victims and their families.
- Supporting community based NGOs to develop child friendly spaces that enable children’s discussions of issues of concern; and children’s life skills to enable their participation in all aspects of their communities, including in decision making in matters affecting them.

### Further Reading – Programme Responses

- For further information on a protective environment for children, please see [http://www.unicef.org/protection/index\\_action\\_children.html](http://www.unicef.org/protection/index_action_children.html)
- A Fighting Chance: Guidelines and implications for programmes involving children associated with armed groups and armed forces. Save the Children
- Paris Commitments, Principles and Guidelines on Children Associated with Armed Forces or Armed Groups. <http://www.un.org/children/conflict/english/parisprinciples.html>
- IASC Guidelines on Mental Health and Psychosocial Support in Emergency Settings: <http://www.humanitarianinfo.org/iasc/pageloader.aspx?page=content-products-products&sel=22>

<sup>28</sup> The Paris Principles are based on global experience to prevent recruitment of children, protect children, support their release from armed forces or groups and reintegrate them into civilian life.

<sup>29</sup> For further information, please see “IASC Guidelines on Mental Health and Psychosocial Support in Emergency Settings,” June 2007.

<sup>30</sup> For further information, please see “Integrated Disarmament, Demobilisation and Reintegration Standards,” 1 August 2006.

<sup>31</sup> For further information, please see, “Guidelines for Gender-based Violence Interventions in Humanitarian Settings Focusing on Prevention of and Response to Sexual Violence in Emergencies,” September 2005





## L.3 Advocacy

Advocacy for the purposes of this manual is defined as:

*Deliberate efforts, based on demonstrated evidence, international law and humanitarian principles; to persuade decision-makers to adopt certain policies or actions in order to protect children's rights in situations of armed conflict.*

Advocacy plays a crucial role in responding to all six grave violations monitored and reported on through the MRM; enhancing the accountability of perpetrators, and ultimately contributing to the prevention of further violations against children. Advocacy can be undertaken at the local, national, regional and global levels.

### L.3.1 Local Level – Advocacy for individual victims

In some situations it may be appropriate to conduct advocacy on behalf of an individual child or small group of children. For example where a known armed group is holding recently recruited children in a specific known location, experience has shown that immediate advocacy can deliver results with the children being released.

To conduct advocacy on behalf of specific children requires the informed consent of the parents or the child themselves (if age appropriate and depending on the situation). The risks of advocacy, appropriate to the situation, should be fully explained to the child and/or family. When feasible, it is strongly recommended that signed consent be obtained prior to any action being taken on behalf of individuals.

### L.3.2 Local Level – Broader Advocacy Responses

Advocacy at the local or national level may be targeted at changing policies or behaviour, enhancing accountability or aimed at achieving an immediate result in response to a specific grave violation. The CTFMR may also be able to reach out to international level advocacy to effect policies and actions in the country. This can be done through the Office of the SRSG-CAAC who can enhance advocacy and raise awareness on specific situations at the international level.

There are many resources available on advocacy strategy (see further reading below); this section confines itself in highlighting key aspects for MRM. Effective advocacy strategies should lead to specific actions which may, for example, lead to greater humanitarian access or the release of children in armed forces or groups; attract greater political, human and financial support; promote adherence to international laws and standards such as to enhance the protection of civilians and schools and hospitals under International Humanitarian Law; and lead to accountability for perpetrators of grave violations against children. Ultimately the goal is to enhance accountability of perpetrators of violations against children; increase humanitarian response capacity; and prevent further violations.

#### **MRM advocacy should be:**

- ⇒ *Rights-based, participative where appropriate, and guided by the best interests of the child;*
- ⇒ *Evidence-based and guided by international legal instruments, particularly international humanitarian and human rights laws; humanitarian principles and other relevant agreements and commitments such as peace agreements and commitments made by Government and non-state armed groups.*
- ⇒ *Strategic and linked to programmatic responses: advocacy mechanisms should be part of an integrated approach to problem solving.*
- ⇒ *Tailored to the specific context, including the security situation at any given time.*
- ⇒ *Addressing any of the six grave violations that may be applicable in the context.*
- ⇒ *Based in partnership and cooperation with other actors.*
- ⇒ *Multi-faceted and diverse, depending on audience, message and priority.*



Advocacy can take place by the MRM Country Task Forces direct with Government or other parties to the conflict; additionally and when appropriate, advocacy at the global and regional levels by advocates such as the SRSG CAAC, UNICEF, High Commissioner for Human Rights, Committee on the Rights of the Child, Special Rapporteur on Torture etc.

At times a dual approach to advocacy can provide solutions; for example with UN senior personnel meeting with the leader of an armed group whilst other staff meet on a regular basis with known commanders from their field duty station localities on specific localised issues. Ideally advocacy efforts should reach leaders who are responsible for the chain of command and to give direct orders to their troops to stop grave violations against children. However, according to the shape and dynamics of an armed group, parallel low key advocacy may give faster results (this is very common in trying to get children released from an armed group).

Examples of specific advocacy that MRM Country Task Forces must engage into include:

- Regular updates of the impact of the conflict on children with key stakeholders such as the Government, donors, child protection networks, humanitarian community and other actors with influence (such as diasporas) at the national and regional.
- Press releases of the Secretary General's report on children and armed conflict, providing a synopsis of key findings and recommendations (once the report is officially published). Similarly, once the Security Council Working Group's Conclusions are publicly issued, awareness campaigns could be conducted, as appropriate.
- In relation to the **killing and or maiming of children**: press releases raising concern of the incident; advocacy at the global and regional levels by advocates such as the SRSG CAAC.
- In relation to the **recruitment or use of children**: community level prevention of recruitment campaigns with community leaders, families, youth groups, schools etc; advocacy for national legal reform in conformity with international legal standards, considering children as victims and ensuring their security; direct advocacy with the Government and or offending parties to the conflict to advocate for immediate cessation of recruitment of children and release of children in their armed forces and groups.
- In relation to **abduction of children**: community level prevention of abduction campaigns with community leaders, families, youth groups, schools etc.
- In relation to **sexual violence of children**: use of non- identifying information to conduct specific advocacy on sexual violence to highlight issue but maintain confidentiality. Where appropriate community leaders or the media may be used to break the silence and to raise awareness on the prevalence of sexual violence.
- In relation to **attacks on schools and hospitals**: press releases raising concern of the attack; awareness raising and training of the parties to the conflict's international legal obligations to protect schools and hospitals that may lead to policy or legislative amendments; "Schools as Zones of Peace" campaigns and community partnerships including collaborations with schools.
- In relation to **denial of humanitarian access**: direct dialogue with the Government or other parties to the conflict raising concern of a specific incident or to negotiate and ensure future access, reiterating the parties to the conflict's obligations to enable access and for the Government to ensure the rights of children to access certain humanitarian assistance<sup>32</sup>; press releases raising concern of the incident and the impact upon the communities, particularly children.

### L.3.3 Global and Regional Level

At the global and regional levels, MRM Country Task Forces can request the advocacy support of the SRSG CAAC, UNICEF, the Watchlist on Children and Armed Conflict and a

<sup>32</sup> *General Assembly resolution 46/182*, which calls for strengthening the coordination of UN humanitarian emergency assistance, is a useful negotiation tool used by the UN to advocate for access.



number of other key UN, NGO, civil society, donors and global and regional human rights bodies.

The OSRSG-CAAC serves as an independent advocacy office for the protection and well-being of children affected by armed conflict. The Office works with partners to propose ideas and approaches to enhance the protection of children and to promote a more concerted protection response. The Special Representative undertakes humanitarian and diplomatic initiatives to dialogue with parties to conflict for specific commitments to protect children. The MRM Country Task Forces should also seek further guidance and technical support from the MRM Technical Reference Group, led by the OSRSG CAAC and UNICEF HQ, to bolster global inter-agency and inter-institutional advocacy support at the global and regional levels.

**Key Messages for MRM Country Task Force's advocacy strategy:**

- ⇒ *Identify the issue and establishes the expected outcome.*
- ⇒ *Care must be taken and assessed on a case-by-case basis, as to the appropriateness of advocacy, given particular sensitivities of child victims.*
- ⇒ *Consider the different levels and advocacy avenues and decide which is the most appropriate given the context and desired outcome.*
- ⇒ *Determine the key actors: Who should be targeted by the advocacy efforts and who should bring the advocacy message? A variety of actors, including governments and policymakers, non-state armed groups, additional reporting and accountability mechanisms, international organizations, NGOs and civil society, as well as the public itself could be targeted.*
- ⇒ *Adapt the delivery of the message to the intended target.*
- ⇒ *Identify the possible adverse effects of engaging in advocacy strategies on staff security, country programmes and vulnerable populations. The humanitarian community should not be silent but risks do need to be taken into account – advocacy should be discussed with partners and their views taken into account when planning for advocacy.*
- ⇒ *Include a plan of action that details the most appropriate channels for action; identifies key responsibilities for realizing that action; and adapts tools to the intended audience.*
- ⇒ *Feedback should be provided where possible and as appropriate at different levels – to staff, victims and communities. It is suggested that feedback be provided on accountability,*

**Further Reading – Advocacy**

- Handbook for the Protection of Internally Displaced Persons. Global Protection Cluster Working Group (includes an excellent section on Advocacy) <http://ocha.unog.ch/humanitarianreform/Default.aspx?tabid=294>
- “Protection” An ALNAP Guide for humanitarian agencies. <http://www.alnap.org/pool/files/alnap-protection-guide.pdf>
- Proactive Presence: Field strategies for civilian protection. Liam Mahoney – Centre for Humanitarian Dialogue. <http://www.hdcentre.org/files/Proactive%20Presence.pdf>



## M. MRM PHASING OUT

### M.1 When should MRM stop?

The CTFMR should engage in a discussion about the termination of the formal MRM in a particular country-situation following the de-listing of all parties to the conflict in the Global Annual Report of the Secretary-General on CAAC. The Co-Chairs of the CTFMR should seek out discussion with their respective Headquarters and with O/SRSG-CAAC on their initial informal assessment in order to ensure a systematic overview of the situation and the risks and/or other relevant issues in the short to medium term future are properly taken into account. After completing technical-level discussion with the O/SRSG-CAAC and their respective Headquarters, the CTFMR co-chairs may make a recommendation on this basis in writing to the SRSG-CAAC in New York. Final decision to terminate the MRM will be made with consultation and agreement of the Special Representative of the Secretary-General on children and Armed Conflict in consultation with the UN Task Force on CAAC in New York.

### M.2 Moving forward – a phased approach

MRM cannot simply be switched off but a mechanism needs to be in place to ensure violations against children continue to be monitored and addressed. It is ultimately the responsibility of Government to protect, monitor and respond to violations of child rights within the country. Whilst the final goal of phasing out should be to reach a reliable system of monitoring that is implemented by the Government with the support of UN and NGOs, in the short term the CTFMR must continue to fulfil this function.

The method for achieving a fully functioning national child rights monitoring system will vary in each context but some basic suggestions are detailed below.

It is recommended that this should be a phased approach.

1. The CTFMR may take on implementation of a wider group of violations and more partners to be involved. However, it must be noted that whilst a country is still seized by the UNSC that the CTFMR must continue to implement MRM with a focus on the six grave violations.
2. Whilst the MRM is still active, a parallel mechanism should be put in place for monitoring violations of child rights that would allow over time for the CTFMR to finally phase out. This could be one of the following:
  - a. A mechanism that was previously in place for this purpose or ....
  - b. A new mechanism established by the Government and supported by NGOs or .....
  - c. A new mechanism established by the child protection sub-cluster or sector to support Government and NGOs to fulfil this role.

and/or as appropriate

  - d. National Human Rights Commission

**The new (or strengthened) mechanism should not attempt to mirror that of the CTFMR** – this was established for a specific purpose; for named grave violations committed by armed forces and non-State armed groups in a conflict situation. The new mechanism should be that of a *normal* State system for monitoring all violations of child rights committed by any persons.

**NOTE:** Whilst the CTFMR should maintain links, this development will appropriately be the responsibility of the protection cluster or sector.

3. During the period in which two systems will be operating it will be necessary to address the following with staff involved with the new (or strengthened) mechanism:
  - a. Capacity building of Government and NGO staff in the following areas:



- i. Monitoring functions – interviewing, verification and documentation. Materials developed for MRM training may be used as appropriate.
    - ii. Information management and data security, noting that confidential data gathered for the purposes of the MRM should not be shared with the Government for security reasons.
    - iii. Referral mechanism for appropriate services and justice mechanisms
  - b. Development of appropriate monitoring tools – this may be based on the tools used for MRM but will require to provide a broader function, responding to a wider range of child rights and enabling case management.
  - c. Development of an information management system. It might be applicable to build on software developed for MRM but it should not contain any data if this is provided.
4. Awareness raising on child rights is important to effect among local populations and community based organisations.
  5. During the period of parallel activity the CTFMR or the UNCT should continue to provide the GHN; and input to the SG's Annual Report will continue to the responsibility of the UNCT after phasing out is complete. It is not the role of State child rights monitoring mechanisms to provide these reports.
  6. The UN and NGOs as appropriate should maintain or develop relationships with armed forces and non-State armed groups to ensure that there can be a response to any violations committed.
  7. Once a country has been de-listed the CTFMR may decide an appropriate time to dismantle the CTFMR; if the country is still a country of concern on the annexes of the SG's Annual Report MRM must continue.
  8. The requirement for provision of a GHN will cease when a country is no longer on the Annex to the SG's Annual Report.
  9. When the country is no longer listed as a country of concern, and the CTFMR or the UNCT are confident in the Government mechanism to monitor and respond to violations of child rights the MRM mechanism should be finally disbanded.
  10. Prior to final cessation of the MRM, the CTFMR must decide what to do with the data that it holds. A number of points need to be taken into consideration:
    - a. It would be unethical to transfer MRM data to the government. This could put victims and witnesses at risk.
    - b. Should the data remain the *property* of the UN and kept in a safe country or moved to a safe location within the country?
    - c. What happens to computers that stored data? If computers are to be transferred to the government or NGO then it is essential that any deleted data is not recoverable.
    - d. If the victim/survivor would later wish access to the data held, how will they be able to access it?
  11. Following complete cessation of the MRM the Government and NGOs should continue to receive support through regular programmes as appropriate.



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## *Annexes*

***ANNEXES PENDING DEVELOPMENT & FINALISATION***