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Full of promise
How the UN's Monitoring and Reporting Mechanism can better protect children

Katy Barnett and Anna Jefferys

In brief

• In July 2005, UN Security Council Resolution (SCR) 1612 requested the immediate implementation of a Monitoring and Reporting Mechanism (MRM) to keep under review six categories of grave violations of children's rights in armed conflict. This resolution is regarded by many as a ground-breaking step in the protection of children affected by conflict.

• Although the implementation process of the MRM and the other provisions of SCR 1612 have been much discussed and reviewed, the Security Council has not made public any assessment of the impact of SCR 1612, and no account has yet been published analysing what changes the MRM has delivered on the ground.

• This report aims to fill this gap. It describes the main components of the MRM, presents indications of its impact, and examines factors which may be limiting positive impact. In particular, it looks at three areas: developments in international policy debates and processes; changes in the behaviour of duty-bearers and parties to conflict; and changes in children's lives. The report concludes with key recommendations for policy-makers and practitioners engaged in assisting children affected by armed conflict.

About HPN

The Humanitarian Practice Network at the Overseas Development Institute is an independent forum where field workers, managers and policymakers in the humanitarian sector share information, analysis and experience. *The views and opinions expressed in HPN's publications do not necessarily state or reflect those of the Humanitarian Policy Group or the Overseas Development Institute.*

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Introduction

In July 2005, UN Security Council Resolution (SCR) 1612 requested the immediate implementation of a Monitoring and Reporting Mechanism (MRM) to keep under review six categories of grave violations of children's rights in armed conflict. This resolution is regarded by many as a groundbreaking step in the protection of children affected by conflict. By December 2007 a Working Group, set up under the Security Council, had considered 15 reports generated by the MRM, and had issued a number of conclusions and recommendations aimed at reducing the levels of grave violations described in the reports.

The implementation process of the MRM and the other provisions of SCR 1612 have been much discussed and reviewed. A great deal of this commentary has been echoed in the most recent annual report of the Secretary-General on Children and Armed Conflict, the ensuing Security Council debate, a presidential statement expressing the Council's readiness to build on the provisions of SCR 1612, and the most recent report of the Special Representative of the Secretary-General on Children and Armed Conflict to the General Assembly. However, to date the Security Council has not made public any assessment of the impact of SCR 1612,[1] and where independent reviews have touched on impact, this has tended to be at the political and process level. No account has yet been published assessing what kinds of changes the MRM and related provisions of SCR 1612 have delivered on the ground for the children it is intended to protect. This report aims to fill this gap.

The report begins by describing the main components of the MRM, the principal locus of engagement for humanitarian actors with SCR 1612. The reporting process in the mechanism presents a direct challenge and opportunity for service-providing NGOs to use their latent knowledge about grave violations in new ways, potentially to significant effect. It then describes some of the apparent impacts of the MRM and related provisions of SCR 1612 as well as examining factors which may be limiting positive impact. In particular, it looks at three areas: developments in international policy debates and processes; changes in the behaviour of duty-bearers and parties to conflict; and changes in children's lives. The report concludes with key recommendations.

This report does not address the same issues as the recently published report from the Watchlist on Children and Armed Conflict, which examines the participation of NGOs in the MRM, the use of other resources and networks in implementing the mechanism, its links to response actions and the safety and security of respondents and information collectors.[2] However, our findings are consistent with those of the Watchlist report, and some correlate with, and are supported by, work by Security Council Report, an independent organisation which reviews the work of the Security Council.[3]

Methodology

The findings set out in this report are based on information from a wide range of sources. These include interviews and focus group discussions with children and communities in three case study countries during October and November 2007; documents issued by the Security Council Working Group on Children and Armed Conflict (SCWG); reports of the Secretary-General; documents from the Office of the Special Representative of the Secretary-General on Children and Armed Conflict (OSRSG/CAAC); reports published by NGOs such as Save the Children, Human Rights Watch and Amnesty International; interviews and correspondence with key informants; and Internet research.

The case study countries selected were the Democratic Republic of Congo (DRC), Côte d'Ivoire and Nepal. In each of these contexts separate focus group discussions were held with up to six girls or boys of different ages, as well as adults in communities affected by conflict. During these discussions, children were asked to list violations which they considered to be grave occurring in their context, and to rank them by frequency and severity. Other exercises elicited children's assessment of levels of impunity, changes in the patterns of violations during the application period of the MRM in their country, and suggested improvements in the application of the MRM following a brief pictorial presentation of the information flows and responses that make up the mechanism. Interviews were also conducted with members of the UN country team, humanitarian and human rights workers and, where possible, other actors, such as representatives of the national government and the World Bank. Finally, interviews were conducted in New York with members of the SCWG, humanitarian and human rights workers and other commentators on the UN's political and humanitarian responses for children affected by armed conflict.

Limitations of this report

Three main factors limit the extent to which this report can present anything more than indications of apparent positive and negative impacts of the MRM. One is the scope of information gathered from children and other key informants in case study countries, the second is the short time frame within which the MRM has been operational, and the third is the difficulty of identifying the MRM as the causal factor in changes.

In relation to the first of these factors, the numbers of children and adults with whom we were able to consult was modest in statistical terms. In total, 65 children between the ages of ten and 17 participated in interviews and/or focus group discussions.

Unfortunately, both the overall number and the geographical spread of children included in this study were limited by logistical and time constraints, as well as ethical considerations, such as the need to be able to offer each child the opportunity to talk further with a trained child protection officer.

Although it was impossible to eliminate all factors which may unduly influence the outcome of group discussions, care was taken to minimise these – for example by interviewing boys and girls separately, ensuring an even spread of ages and sex within the overall group and inviting the participation of children with little or no known previous experience of discussing the issues covered. During discussions, children were asked questions and invited to work through structured exercises, such as rankings, but no guidance was given on what their answers should be.

Notwithstanding these limitations, children's personal and collective accounts of the risks they face gave a wealth of indicative evidence, which was particularly valuable given the dearth of data in each context. On many points, the testimonies of groups of children in different contexts reinforced each other, and interviews conducted with male and female community members served in part to review the evidence from children, and further explore recurring themes.

The second limiting factor – the fact that the MRM has only been operational for three years – was problematic in at least two ways. First, in many countries the process of annual reporting to the SCWG has only occurred once. Country-level Task Forces responsible for developing the mechanism in each context are evolving rapidly, as are their ways of working. This made it difficult for interviewees to attribute an effect to one action or approach rather than another. Second, as noted by some interviewees, it may be too early for impacts to be discernible. However, most were still willing to give commentaries and to illustrate these with specific examples from country contexts. A further limitation was that, due to the sensitivity of the topic, we opted to conduct interviews with only one of the parties to conflict in one of the case study countries.

The final limiting factor relates to the complexity of conflict and post-conflict environments, where a range of variables, such as the level of military activity, influences the protection of children. Efforts directly relating to SCR 1612 take place within this evolving military and political context, where peace processes often play a role. Given this plurality of factors influencing child protection, conclusions about the direct impact of the provisions of SCR 1612 can only be drawn tentatively.

The conclusions and recommendations in this report reflect key points that recurred consistently in the evidence provided by children and other community members, practitioners and policy-makers. It is in the light of this, and the methodology and limitations described here, that this report and its conclusions should be read.

Chapter 2
The Monitoring and Reporting Mechanism

During conflict, children are at extreme risk of violence, abuse, exploitation and neglect. In the decade preceding 2005, over two million children were killed in armed conflict, and a further six million disabled.[4] Conflict and political violence have forced millions of children and their families to flee their homes. In 2006, the Machel Study ten-year Strategic Review found that an estimated 15 million children were displaced (5.8 million as refugees and 8.8 million internally displaced), and as a result likely to spend years in situations of uncertainty and insecurity.[5] Evidence shows that a high proportion of children in conflict and post-conflict situations suffer sexual violence and exploitation. For many, there is also the risk of recruitment into armed forces and groups, and the violence, deprivation and social exclusion that they can suffer as a result: as of 2006, a quarter of a million children were associated with armed forces.[6]

Children's access to essential services such as health care and education is dramatically reduced by conflict. Indeed, of the 72 million children out of school today, 37 million live in conflict-affected states.[7] According to UNESCO, attacks against schools and academic staff have increased dramatically in recent years. In Nepal, 79 schools were destroyed and 21,998 students abducted in the five years preceding 2007. For all children affected by conflict there are also serious risks associated with poverty brought on by war. In the course of our conversations with boys and girls in the DRC, Côte d'Ivoire and Nepal, these children described threats such as being forced into hazardous work or early marriage, as well as the direct violence associated with insecurity, such as killings, beatings, rape and illegal imprisonment.

The above risks and many others have led the UN Security Council to take increasing notice of the situation of children in armed conflict. The Children and Armed Conflict Agenda, as it is known, has rapidly developed a profile. The Security Council has requested that the situation of children be addressed in all reports of the Secretary-General on country-specific situations, and the Secretary-General now submits regular reports on Children and Armed Conflict to the Security Council. A series of resolutions by the Security Council has initiated increasingly well-defined processes intended to protect children in situations of conflict. These include resolutions 1261 in 1999, 1379 in 2001, 1460 in 2003 and 1539 in 2004. In 2005, the Secretary-General's report specified a mechanism to monitor and report on six categories of grave violations of children's rights. This informed Security Council Resolution 1612, which called for the immediate implementation of a Monitoring and Reporting Mechanism in countries where there were parties named in Annex I of the Secretary-General's report, that is, parties which use or recruit children in situations of armed conflict which are on the Security Council's agenda: Burundi, Côte d'Ivoire (delisted in early 2008), the DRC, Somalia and Sudan, and allowed the review of two Annex II country situations, Nepal and Sri Lanka. The Mechanism was later extended to cover all countries named in Annex II, which lists parties which use or recruit children in situations of armed conflict which are not on the Security Council's agenda. Thus far, the Mechanism has also been implemented in Nepal, the Philippines, Colombia, Chad, CAR, Myanmar and Uganda.

The purpose of the Monitoring and Reporting Mechanism

Resolution 1612 states that 'the implementation of the monitoring and reporting mechanism … will be undertaken only in the context of and *for the specific purpose of ensuring the protection of children affected by armed conflict* [authors' emphasis]'.

Whilst response is not emphasised in the resolution, and some argue that the MRM was never intended in itself to facilitate or improve the provision of assistance or services to children, UNICEF and most actors present at a Global MRM workshop in April 2007 in Pretoria, South Africa, have made a strong case that both prevention and response (the latter at four levels: local, national, regional and international) are central to the mechanism's purpose.

The country reports generated by the MRM are considered by the Security Council Working Group (SCWG), which is made up of those permanent and temporary members sitting on the Security Council at the time, and which was set up to oversee the 1612 MRM. Having considered the reports, the SCWG then issues recommendations and conclusions with the aim of reducing the number of grave violations.

The six categories of grave violations to be monitored under the MRM

The six violations the MRM covers are:

- killing or maiming of children;[8]
- recruiting or using child soldiers;
- attacks against schools or hospitals;
- rape or other grave sexual violence against children;
- abduction of children; and
- denial of humanitarian access for children.

Although forced labour and all forms of slavery were mentioned in SCR 1539 (2004), they are not retained in the Annual Report of the Secretary-General on Children and Armed Conflict – the document which sets out the parameters of the MRM.

Who is to be monitored?

The Mechanism monitors parties to conflict in situations listed in annexes of the Secretary-General's most recent report on Children and Armed Conflict. This may include government forces and armed groups. However, current guidance states that, should an armed group change its name or fragment, monitoring will continue for new factions as well as the original groups, should they continue to exist.

There has been much debate in the SCWG as to the applicability of the MRM in those countries listed in Annex II of the Secretary-General's report. Even in the first year of application, however, the SCWG reviewed reports from two Annex II countries (Nepal and Sri Lanka). It appears that there is now acceptance that the mechanism is applicable in these countries, although they have so far only come under scrutiny of the SCWG with the consent of the government in question. Further contexts may be brought to the attention of the SCWG based on urgent concerns as identified by the UN Country Team, through the mechanism of an informal Horizontal Note presented at each session of the SCWG. Under this mechanism, there is no obligation for the Council to issue recommendations and conclusions.

Whilst the MRM focuses on parties to conflict, including non-state actors, this does not detract from states' recognised role as duty-bearers, and their ultimate responsibility for the protection of children.

The components of the Monitoring and Reporting Mechanism

The Security Council Working Group
The Security Council Working Group on Children and Armed Conflict was set up in 2005. Its membership reflects that of the Security Council exactly, and it meets roughly every two months in closed session.[10] The Group is mandated to:

- review the reports of the MRM;
- review progress in the development and implementation of Action Plans (as mentioned in resolutions 1539 and 1612);
- make recommendations to the Council on possible measures to promote the protection of children affected by armed conflict, including recommending appropriate mandates for peacekeeping missions and recommendations regarding parties to the conflict;
- address requests to other bodies within the UN system for action to support SCR 1612; and

Table 1: Situations where the MRM was operational as of December 2007[9]

Country	Countries where the MRM was operational as of December 2007	Countries with parties that recruit or use children on the agenda of the Security Council (A/61/529-S/2006/826, Annex I)	Countries with parties that recruit or use children not on the agenda of the Security Council (A/61/529-S/2006/826, Annex II)	Other situations on the Security Council agenda that feature child rights violations (A/61/529-S/2006/826)
1. Afghanistan				X
3. Burundi	X	X		
5. Chad	X		X	
6. Colombia			X	
7. Côte d'Ivoire	Delisted	X		
8. DRC	X	X		
9. Haiti				X
10. Iraq				X
11. Israel				X
12. Lebanon				X
13. Liberia				X
14. Nepal	X		X	
16. Myanmar	X	X		
17. OPT and Israel	X			X
18. Philippines	X		X	
21. Somalia	X	X		
22. Sri Lanka	X		X	
23. Sudan	X	X		
24. Uganda	X		X	

- consider other relevant information presented to it.

The SCWG is responsible for receiving and reviewing annual country-specific reports and the Global Horizontal Note (both produced by the OSRSG/CAAC in coordination with relative country task forces, and in consultation with the Steering Committee on Monitoring and Reporting, but officially issued by the Secretary-General). It then provides conclusions for each country situation based on the information and recommendations in the reports. The provisional annual workplan of the Group is flexible and can accommodate changes as they arise during the year. All SCWG decisions are taken consensually. The chair reports to the Security Council after each meeting, and also submits a written report once a year. The Security Council is committed to conducting an annual review of the SCWG's work against its mandate.

The SCWG aims to take a collaborative approach with governmental perpetrators of grave violations, inviting comments from government representatives when considering country reports. These comments can be reflected in the SCWG's conclusions. However, the SCWG also has the power to recommend punitive measures against listed parties; it can, for instance, recommend that an existing Sanctions Committee impose sanctions against perpetrators of grave violations.

Information received by the SCWG through the MRM can be sent to further 'destinations for action', both within the UN system and beyond. These include decision-making bodies such as the General Assembly; accountability mechanisms such as the Human Rights Council, the Committee on the Rights of the Child and the Committee Against Torture; donors; and bodies that can take legal action such as the International Criminal Court (ICC). There appears to be consensus that these linkages have been underused by the SCWG. Furthermore, regional bodies such as the African Union (AU), the European Union (EU) and the South Asian Association for Regional Cooperation (SAARC) are not systematically mobilised to support or follow up the work of the MRM.

Finally, a practical consideration is the limit of the SCWG's capacity. In its current format, the group has a finite amount of time to devote to an increasing number of country situations, and the administrative burden associated with this. The French, as Chair of the SCWG, have, according to all, put an enormous amount of energy and resources into making it work, but this may not be true of future chairs. As its work progresses, Security Council members will have to assess questions around the coverage and resources of the group, bearing in mind the Security Council's commitment to protect children, and the important role the SCWG plays in this.

The Steering Committee for the MRM

The MRM is implemented globally by the Secretary-General through his Special Representative on Children and Armed Conflict in coordination with relevant UN country task forces. The OSRSG is assisted on technical questions by a Steering Committee made up of UN agencies, and co-chaired by UNICEF and the OSRSG/CAAC. The Steering Committee is charged with:

- developing guidelines and other tools to support the implementation of the MRM;
- providing technical support to the in-country Task Force;
- reviewing and providing comments on reports received from the field; and
- assessing progress on the implementation of the MRM.

NGOs participating in the MRM and with representation in New York have been invited to meet the OSRSG/CAAC, to discuss implementation of the MRM and relevant country situations.

The Secretary-General's Annual Country Report

The Secretary-General's annual reports on Children and Armed Conflict are pivotal to the MRM process. Not only do they form the only basis upon which it is decided which country situations fall under the mechanism and are on the workplan of the SCWG, they are also the means through which the information collected is made public.[11] Annual reports are submitted to the OSRSG/CAAC (and copied to DPKO/DPA or UNICEF as appropriate) by the Chair of the country's Task Force on monitoring and reporting.

There is some flexibility in the format and content of the annual reports. All reports give contextual information, including political, social and military developments during the reporting period, as well as providing information on each of the six categories of grave violations the MRM covers. However, the level of detail provided varies for a range of reasons, including the capacities and constraints in different contexts of application: not all reports give extensive indicative information such as the number of reported violations (as well as those confirmed), and limitations in the monitoring and reporting process may result in under-reporting. A few reports also contain information on further, related grave violations, such as illegal detention. All reports give some indication of the progress of efforts by the UN Country Team to secure the compliance of the parties to conflict to their obligations under law, and their stated commitments in Action Plans, if these exist. All reports end with recommendations to the SCWG.

Horizontal Notes

Global Horizontal Notes are another means by which information on grave violations reaches the SCWG informally. These notes cover several different country situations, and are produced by the OSRSG/CAAC in coordination with relevant country task forces or teams, with comments from UNICEF-HQ. On top of the annual report requirement, Task Forces are also required to submit information collated on grave violations via this route at least every second meeting of the SCWG, if their situation is on the workplan of the group, and for each meeting if there is a UN peacekeeping mission in the country. A Horizontal Note is presented to the SCWG by the Secretary-General at each of the Working Group's bimonthly meetings.

Table 2: Responses available to the Working Group

1. Assistance	
Direct action by Working Group	Recommendations for additional technical assistance to country concerned, in order to strengthen national capabilities to promote and protect the rights of the child (e.g. to UNICEF, the Office for the High Commissioner for Human Rights (OHCHR), the Department of Peacekeeping Operations (DPKO) and the UN Development Programme (UNDP).
	Recommendations to the relevant bodies for improving humanitarian coordination and assistance to children affected by armed conflict (e.g. to the Office for the Coordination of Humanitarian Affairs (OCHA), the UN High Commissioner for Refugees (UNHCR) and UNICEF).
	Specific requests to other UN bodies (e.g. Peacebuilding Commission (PBC), General Assembly, Human Rights Council or agencies (e.g. International Labour Organisation (ILO), World Bank).
	Request for advocacy and official visits of the OSRSG/CAAC to countries of concern, including, where appropriate, engaging with parties on Action Plans, M&R implementation, assistance for adoption of the Optional Protocol to the Convention on the Rights of the Child (CRC) and other relevant instruments.
Direct action by Working Group or possible recommendations to the UNSC	Support to transitional justice and truth-seeking mechanisms, including support in the development and implementation of child-sensitive procedures, e.g. building capacity of investigators, statement-takers and other officials involved in addressing cases involving children, and training in interviewing and taking testimonies from children.
Possible recommendations to the UNSC	Letters to donors (public or private) to invite them to contribute more, including for strengthening child protection capacities of regional organisations.
2. Démarches	
Direct action by Working Group	Advocacy for accountability for crimes against children in situations of armed conflict, and calls on the UN and members to provide support to programmes ensuring the protection of children involved in accountability or truth-seeking mechanisms.
Direct action by Working Group or possible recommendations to the UNSC	Letters/appeals to the parties concerned.
	Démarches to parties in situations of armed conflict listed in the annexes of the SG's report, aiming to achieve specific and verifiable results.
Possible recommendations to the UNSC	Letters to regional organisations.
	Draw attention to the full range of justice and reconciliation mechanisms to be considered, including national, international and 'mixed' criminal courts and tribunals, while emphasising the responsibility of states to comply with their obligation to end impunity.
3. Enhanced monitoring	
Direct action by Working Group	Request to SG for additional information/reports on specific issues or parties.
	Request to state representatives of the affected country for additional information/clarification on the annual report on grave violations.
	Organising informational briefings by outside experts (e.g. civil society, academia).
Direct action by Working Group or possible recommendations to the UNSC	Specific field trips by members of the Working Group followed by a report, subject to availability and funding.
	Convening of a (closed or open) meeting with the participation of the state 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, as well as about UNSC resolutions and decisions regarding CAAC (in addition to the usual press releases following meetings of the WG).
Press recommendations to the UNSC	Ensure that UNSC field trips incorporate a CAAC dimension in their terms of reference and reports.
	Specific Presidential Statement or Resolution, if appropriate.

Table 2: Responses available to the Working Group (continued)

4. Improved mandates	
Direct action by Working Group	Invitation to stakeholders concerned to pay particular attention to children, including girls exploited by armed forces and groups, in Disarmament, Demobilisation and Reintegration processes.
Direct action by Working Group or possible recommendations to the UNSC	Letter to SG suggesting the strengthening of the CAAC dimension of the mandate of a peacekeeping mission or of a DPA assistance mission, whenever there is a specific need, and requesting that periodic reports include an analysis of the issue.
	Request that the specific needs of children are considered in forthcoming peace processes and/or peacekeeping mandates, including advocacy for the inclusion of child protection provisions in ceasefire and peace agreements as well as throughout the consolidation of peace in the aftermath of conflict (including during reform and transition processes).
	Setting strong child protection standards for troop-contributing countries and other actors involved in peacekeeping operations, and providing adequate and regular training.
Possible recommendations to the UNSC	Identify and focus on specific areas for developing UNSC's action on CAAC, including through consideration of drafting a new UNSC resolution on CAAC.
5. Other measures	
Possible recommendations to the UNSC	Consider and forward to existing Sanctions Committees relevant information received by the Working Group and its conclusions thereon, in particular on issues of concern, including views from the Working Group upon the request of the Sanctions Committees.
	Letters to the relevant justice mechanisms, in order to bring information to their attention and contribute to ending the impunity of violators.

The Horizontal Note can also cover situations of concern not on the SCWG's workplan. However, it is not published, nor is the SCWG obliged to issue recommendations or conclusions, or detail any actions taken following discussion of a Horizontal Note. To date, no action has ever been taken on a Horizontal Note.

The roles of the OSRSG/CAAC and other UN agencies and departments
The OSRSG/CAAC, DPKO, UNICEF and other operational UN departments and agencies all support the implementation of the MRM in different ways. UNICEF, an operational agency with a presence in each country of application, is a major actor in the implementation of the MRM, along with DPKO, which co-chairs the Task Force in five country situations. In these situations Child Protection Advisers (CPAs) deployed in peacekeeping missions are a significant resource for implementation. Other UN bodies, such as DPA, OHCHR, ILO and UNHCR, also support implementation of the MRM. The OSRSG/CAAC vets and consolidates draft reports submitted from the field into final versions issued as reports from the Secretary-General. The OSRSG/CAAC also raises the profile of violations through its own reports to the Security Council, and engages in advocacy and negotiations with parties under the scrutiny of the SCWG, often through visits to countries of application.

Country Task Forces on Monitoring and Reporting
At country level, a Task Force, chaired by the highest-ranking UN authority in the country, is charged with monitoring violations and reporting to the OSRSG/CAAC.

Informal task forces or working groups monitoring grave violations of children's rights have also been set up in some contexts where the MRM is not formally applied, such as the Occupied Palestinian Territories.

Although in the case of Sri Lanka a government body sits on the Task Force, current guidance advises against this kind of government participation, unless the independent Human Rights mechanism in question meets the criteria for human rights organisations set out in the Paris Principles.[12]

Box 1

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

This post was established following the groundbreaking 1996 Machel report. The Special Representative serves as a moral voice and independent advocate for the protection and wellbeing of boys and girls affected by armed conflict; works with partners to propose ideas and approaches to enhance the protection of children in armed conflict and to promote a more concerted protection response; undertakes humanitarian and diplomatic initiatives to facilitate the work of operational actors on the ground with regard to children and armed conflict; and advocates, builds awareness and gives prominence to the rights and protection of children in armed conflict.

Action Plans

An Action Plan is a time-bound commitment to desist from recruiting child soldiers, release all child soldiers present in an orderly fashion and prevent new recruitment, together with a schedule of activities (for example, a timetable for demobilising children associated with the armed group in question). Action Plans are not yet in use in every context where the MRM is applied, although their use appears to be increasingly routine wherever the MRM is applied.

Action Plans are intended to be developed jointly by the Task Force in-country and the armed force or group to which the Action Plan applies, with technical assistance at the global level from OSRSG/CAAC and UNICEF. DPKO and other agencies in the UN Country Team generally take the lead in establishing and maintaining the dialogue with armed actors that leads to the development and implementation of an Action Plan. These plans are seen as a means of making parties to conflict accountable, since they provide a tool which the Task Force can then use to monitor progress against stated intentions. All Action Plans to date have focused on the recruitment and use of children, as stipulated in SCR 1539 and 1612.

The UN mission in Côte d'Ivoire (UNOCI) assesses that the impact of the Action Plan on the Forces Nouvelles, an armed opposition group, was significant, since active recruitment by parties to the conflict appears to have ceased. Other UN agencies in the country identified the establishment of a productive dialogue with parties to the conflict, under the framework of Action Plans, as a valuable part of the Action Plan process. However, critics also point out that Action Plans can be weak, and cite Côte d'Ivoire as an example, since they avoid explicit acknowledgement of illegal recruitment by the parties in the first place. Furthermore, in some cases, it has proven difficult for Task Forces to provide the close monitoring of compliance which Action Plans require, particularly in situations of insecurity, or where there is a large territory to cover.

Finally, Action Plans do not reward compliance explicitly, and rely on the enhanced profile that compliance brings as an incentive, and the threat of targeted measures such as sanctions as a deterrent to non-compliance. However, the finalisation of an Action Plan and verification of compliance is the sole route to removal of a group from the SG's annual report annexes.

NGO engagement at field level

The clearest roles that international and national NGOs have played to date in the MRM is in the collection and collation of information, and the provision of responses to survivors of reported violations. Indeed, many NGOs have indicated that opportunities for monitoring violations often arise at the point of service delivery, although within the MRM there is a requirement for UN verification of reported violations. Linking response to monitoring provides an opportunity for collaboration between service providers (who may have access to information about violations through their work) and human rights actors such as CPAs in DPKO missions.

In some cases, Task Forces include both national and international NGOs alongside a range of UN agencies, although NGO membership is in the minority. In the DRC just two NGOs sit on the Task Force, and in Côte d'Ivoire the Task Force is made up exclusively of UN agencies and co-chaired by UNICEF and UNOCI. There are several reasons why NGO engagement in the Task Forces is uneven and, overall, limited.[13] Commentators told us that, in the case of the DRC, the minimal engagement of civil society appears to be linked to limited funding for child protection programming once child disarmament, demobilisation and rehabilitation activities officially ended. Limited awareness of the mechanism and its implications for NGOs is also seen as a contributing factor. In the case of Côte d'Ivoire, NGOs declined to participate when the Task Force was established, for a range of reasons including concerns about compromising humanitarian access.

Delisting

Delisting is the removal of an armed force or group from the annexes of the Secretary-General's annual report. Since the annexes list those parties known to be recruiting and using children, when the party in question ceases to commit this violation the UN Country Team recommends delisting to a headquarters-level UN body made up of all agencies and departments working on the children and armed conflict agenda and convened by the OSRSG/CAAC – the Task Force on Children and Armed Conflict – which makes a final recommendation to the Secretary-General. However, the Task Force may opt to continue monitoring and reporting activities even where parties have been delisted.

Chapter 3
Findings

Indications of impact

Interviews and focus group discussions with children, adult community members, humanitarians and other key informants in the DRC, Côte d'Ivoire and Nepal, as well as interviews with others outside these contexts and reviews of documentation, give an indication of some of the positive and negative impacts of the MRM to date in three areas:

1. Developments in international policy and processes.
2. Changes in the behaviour of duty-bearers and parties to conflict.
3. Changes in children's lives.

As discussed above, these findings are necessarily indicative rather than definitive due to the relatively new nature of the mechanism, as well as the various limitations involved in the information gathering process for this report.

Developments in international policy and processes
Improved profile for the Children and Armed Conflict agenda
The establishment of the SCWG affords the subject of children and armed conflict a consistent, long-term position on the Security Council agenda as an issue relevant to peace and security. The MRM is an important part of this architecture, and the regular reporting that it demands is evidence of the gravity of the violations in the Security Council's eyes. As one SCWG member put it: 'The most important thing the SCWG has done has been to set up the reporting mechanism with the Secretary-General because it lodged children's violations high up on [the Security Council's] agenda. It's difficult to argue now that violations of children's rights are not important enough to warrant action'. Furthermore, the ability of the SCWG to recommend targeted measures, such as sanctions against perpetrators, is also seen as groundbreaking. According to a UN sanctions expert: 'Now we find that recruitment and abuse of children could become criteria for targeted sanctions'.

The increased international profile of the children and armed conflict agenda is a major achievement. It has also had secondary benefits. One of these, attributable to the MRM in particular, is that there is an impetus now for UN Country Teams in countries where the MRM is applied to dedicate staff and resources to monitoring and reporting grave violations of children's rights. In relation to this, DPKO continues to benefit from increasing numbers of CPAs – between 2000 and 2007, 60 CPA posts were established in six UN peacekeeping missions[14]; and there is evidence that, as well as providing a human resource for monitoring and responses work, CPAs can also be powerful advocates for the child protection agenda within the UN Country Team (please see the section on improvements to peacekeeping mandates in Table 3 for more detail on this).

However, these developments within the UN system are tempered by the fact that responsibility for child protection, and allocation of resources to this, are largely seen as the preserve of UNICEF and the CPAs. This leaves other UN agencies with protection responsibilities, such as UNHCR and OCHA, with insufficient capacity to respond to children's protection needs, despite the fact that the majority of their populations of concern are under 18.

Reputational incentives for parties to conflict to release children
Some commentators, including members of the SCWG, cited the demobilisation of children by parties to conflict who have committed to Action Plans, such as the Forces Nouvelles in Côte d'Ivoire or the armed groups active in eastern DRC, as another effect of the pressure associated with the higher profile of children and armed conflict. In a similar way, according to the UN mission in the DRC (MONUC), the Armed Forces of the DRC (FARDC) and the Front for Patriotic Resistance of Ituri (FRPI) appear to be changing behaviour under scrutiny. The MRM has been an important contributory and complementary initiative (working alongside others) in encouraging the release of children by parties to conflict, and also to some extent deterring recruitment.

It is certainly possible that, as one commentator from the International Rescue Committee put it, 'the kudos that demobilisation brings' is an incentive for armed groups seeking political legitimacy – and this can have beneficial effects for children. In Myanmar, for example, the Karenni National Progressive Party (KNPP) has approached the SRSG/CAAC with a request to develop and implement an Action Plan. In Sri Lanka, the release of 135 children by the Tamil Tigers on 18 June 2007 may also be attributable to the group's concern for its reputation.

In addition to the responses of the SCWG, the actual or potential involvement of the ICC is reported to be an influential factor in the behaviour of states and non-state actors. Interviewees for this report indicated that the indictment of three commanders in the DRC, including Thomas Lubanga, the first person to be tried in the ICC on the sole charge of recruitment of children, had caught the attention of commentators far more than any of the measures and achievements associated with SCR 1612. This accords with our finding that children and adults in all case study countries emphasised the importance of perpetrators of violations being seen to 'pay' for their crimes. According to a UK government source, parties to conflict 'are much more frightened of the ICC than they are of sanctions'.[15]

Finally, other developments in the political and military environment are likely to play a central role in parties' decision to release children. Where political goals have begun to take precedence over military ones – as has been

the case in the DRC, Côte d'Ivoire and Nepal – releasing children and desisting from recruitment of children are consistent with the agendas of the parties to conflict. Were the peace process to collapse, levels of recruitment of children may well rise again, as was the case in eastern DRC when violence escalated in the latter half of 2007.[16] In fact, monitoring and reporting activities are arguably most needed when Action Plans or demobilisation programmes have broken down. Chad was cited by commentators as another case in point: humanitarian NGOs report very high levels of recruitment of children by a number of parties to conflict as fighting continues, although the opportunities to monitor are restricted due to insecurity and ongoing displacement.

Changes in the behaviour of duty-bearers and parties to conflict

Change in attitudes

As discussed above, much of the MRM's potential strength derives from the response of parties to conflict to being listed in the annexes to the Report of the Secretary-General on Children and Armed Conflict. According to one SCWG member: 'State and non-state actors simply do not want to get onto annex one, for this spells unwelcome interference from the Security Council. And if they do get onto annex I, they want to get off it as soon as possible'. The assumption that there is indeed a deterrent effect in being 'listed' is widespread, though critics report that many state and non-state actors feel very removed from the decisions of the Security Council, and may even be ignorant for some time of the fact that they have been listed.

Certainly, some actors have taken steps to proactively engage with the SCWG. One example is the Ugandan government, possibly because of the widespread abduction and use of children by the Lord's Resistance Army (LRA), though the government itself has also come under scrutiny. Similarly the Sudan Liberation Movement/Army reportedly engaged in discussions with members of the international community for the first time through commitments to carry out an Action Plan for the demobilisation of children in its ranks. In a similar vein, the dialogue with armed groups led by UNOCI in Côte d'Ivoire on the issue of recruitment and use of children paved the way for productive discussions on further violations, such as the unlawful detention of children.

Where the recommendations and conclusions of the SCWG are concerned, although these are not legally binding there is a strong feeling in New York that parties to conflict do take heed of them. As a representative of the OSRSG/CAAC put it: 'State governments and other parties to conflict are taking the mechanism seriously. The tools the SCWG is using are beginning to send out the right messages. We get calls all the time from [UN] Missions: they're engaging'. An example given by the SCWG chair was that of Sudan, where measures under 1612 have had an impact on the Government of National Unity, alongside other processes, by spurring it to pass a number of legislative reforms on children's rights.

In some cases, states have demonstrated avoidance and non-compliance, rather than cooperation. For example in Colombia, where grave violations against children are widely documented, the government's resistance to being identified as a legitimate country of application for the MRM has stalled its implementation. Another example is Chad, where a Human Rights Watch report on the behaviour of the national army makes for depressing reading: despite being committed to the demobilisation of all children through an Action Plan, a senior army officer confided that 'Some of the child soldiers will be demobilised, but most will be hidden … They will be stationed on the frontlines and other places that are off-limits'. Human Rights Watch notes that none of the children demobilised from Chadian government military installations have been from the national army. All of them were former rebel fighters who had been integrated into government forces shortly before demobilisation.[17]

Reduction in levels of recruitment of children

Reduction in the recruitment and use of children was a consistent finding in all three of our case study countries. According to children interviewed in November 2007 in Man, an area of Côte d'Ivoire where the Forces Nouvelles routinely used children, active recruitment was 'extremely rare or non-existent' – although some children recruited during the conflict were reported to have stayed within armed groups through forced marriages or partnerships, work (cleaning, cooking or running errands for small rewards) or friendships. Three-quarters of girls and half of boys in this area ranked recruitment as the least frequent of all the violations they faced. In the DRC, UNICEF's most senior child protection officer assessed that the number of children in the Congolese government armed forces in October 2007 was a tiny fraction of what it had been three years before. In Nepal, where the Maoists were known for recruiting significant numbers of children, children now ranked recruitment as less prevalent than rape or abduction.

Whist it is notable that the MRM, covering all six grave violations, has been implemented in each of these contexts, like many other sources the Machel Review emphasises in particular Action Plans and an ongoing peace process as common factors in the reduction of recruitment. In Côte d'Ivoire, Action Plans predated the establishment of the Task Force and have always had their own momentum. UNOCI, for whom supervision of demobilisation was anyway included in its mandate, assessed that demobilisation of children may have taken place regardless of the existence of a Task Force for monitoring and reporting of the full range of grave violations.
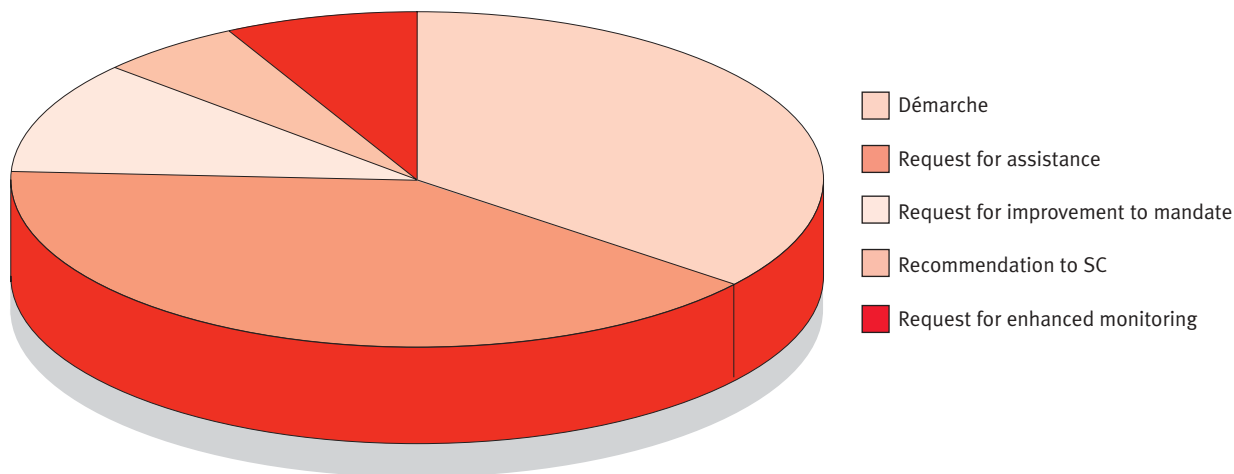
As well as Action Plans, one further avenue available to the Security Council is to call for the intervention of the ICC against perpetrators of crimes against humanity, where national courts are unwilling or unable to act. However, as one Security Council member put it, the link between the MRM and the ICC is one of 'helpful ambiguity'. At country level, Task Forces are not obliged to submit information to the ICC, but the ICC is at liberty to use and respond to information contained in annual country reports.

Table 3: Responses to reports of grave violations by the Security Council Working Group

Response	Indications of effectiveness
Visits	Representatives from NGOs and UNICEF as well as the OSRSG/CAAC believe these are helpful, particularly where follow-up visits are made to assess progress against commitments such as Action Plans, or against recommendations made by the SCWG. However, one Working Group member indicated that visits can also be overwhelming for the visitors, and can have the effect of paralysis on the part of decision-makers.
Démarches	The Working Group uses démarches in the form of letters, direct or indirect statements and appeals to parties, far more than any other tool. It is hard to evaluate the impact of these statements since they are almost all issued behind closed doors and are often unpublished.
	Démarches are likely to resonate differently with different actors – having most impact on those seeking political legitimacy. In one interesting case, on receiving a letter from the Working Group the Karuna faction in Sri Lanka contacted Human Rights Watch to present and publicise their version of the situation.
	One Working Group member said that démarches can be particularly effective when championed by an individual from the Working Group. For instance, when the Chadian government was addressed in a series of démarches, the French representative's efforts were seen as an important factor in securing agreement to a demobilisation process for children.
Improvements to peacekeeping mandates	Since 2001, specific provisions on child protection have been included in at least 12 peacekeeping mandates. Since the deployment of the first Child Protection Adviser in 2001, which was advocated for by the OSRSG/CAAC and UNICEF, the number of CPA posts has grown to at least 60 in six different missions. CPAs perform the following tasks:
	• Training military and civilian peacekeeping personnel on children's rights.
	• Engaging in dialogue with parties to conflict for the development of Action Plans to end the recruitment of child soldiers, and leading advocacy for the release of children from armed groups. In 2005, UNOCI, in close collaboration with partners, initiated a dialogue with the parties to the conflict in Côte d'Ivoire for commitment to Action Plans to end the recruitment and use of child soldiers. In DRC, MONUC is leading advocacy efforts for the release of children associated with armed groups in the east.
	• Monitoring and reporting the situation of children in armed conflict, including monitoring grave violations. With UNICEF, DPKO co-chairs the UN Country Task Force on monitoring and reporting in five country situations.
	• Advocacy on children's rights. DPKO's efforts in this area support operational partners who may be unable to engage in overt advocacy on politically sensitive issues such as grave violations of children's rights.
	A recent DPKO lessons-learned study noted a positive impact achieved by CPAs in increasing attention to the rights of war-affected children,[18] and Watchlist's recent report on the implementation of the MRM in DRC found that: 'The active leadership of MONUC's child protection Section in the MRM has helped garner the support of other departments and sections of MONUC for the MRM'. The Machel Review recommended that the role of CPAs be clarified and strengthened, and the Security Council has recently expressed its intention to enhance the presence of CPAs in the mandates of all relevant UN peacekeeping operations and political missions.[19]
Financial aid	All of the Working Group's conclusions thus far have called for increased financial assistance for countries where the MRM is applied. Evidence from case study countries on the allocation of funding following these calls is anecdotal, with little to indicate consistently increased funding for responses to the six categories of violations.
Technical assistance	In theory, the OHCHR can provide technical assistance on human rights monitoring to those that ask for it. However, this assumes that resources are available in the right place at the right time – both in terms of OHCHR field teams and expertise on children's rights within these teams. Although efforts are being made to mainstream the children and armed conflict agenda within OHCHR country teams, in practice expertise on children's rights is uneven.
	In the DRC, in response to the SCWG's conclusions that donors should support the local justice system, the Belgian government seconded a legal adviser to the government to support human rights investigations. The impact of this step is unknown.
Sanctions[20]	Many of those consulted in New York believed that the threat of sanctions is the Working Group's strongest tool, and can have a significant impact in terms of preventing violations. However, others are sceptical. An OCHA desk officer gave the following example: 'Take sanctions in Sudan – by the time they're applied, it's too late. Either that or they are too insignificant or their enforcement is too complex so they can be ignored. Ultimately, they are just symbolic'.
	Thus far, the threat of sanctions has been a source of pressure in Côte d'Ivoire, the DRC and Sri Lanka. The outcome in each has been different. In the DRC, few commentators believe the threat of sanctions has had much traction, since a number of armed groups are unaware that they have been threatened. Furthermore, given that the DRC was already on the agenda of the sanctions committee anyway, it is unclear how far the threat of sanctions specifically linked to the MRM could make a difference. In Côte d'Ivoire, the threat of sanctions has been seen by some as one of the triggers leading the Force Nouvelles to release children. Similarly, an interviewee from the OSRSG/CAAC made a link between the threat of sanctions and the LTTE's release of large numbers of children in the first half of 2007.

Figure 1

Breakdown of tools used by the Working Group up to the end of 2007

- Démarche
- Request for assistance
- Request for improvement to mandate
- Recommendation to SC
- Request for enhanced monitoring

Many respondents characterised the ICC as an institution that is vital to the fight against impunity for grave violations; this view is emphasised in recent reports on children and armed conflict such as the Machel Review.[21] Some respondents see some role for the ICC in contexts where the MRM is active, suggesting selective, high-profile prosecutions as a deterrent. They linked this to the lack of functioning national justice systems which could otherwise fulfil this function. However, several interviewees expressed reservations about using information collected under the MRM to indict and try war criminals. One concern was that the safety and confidentiality of victims would be threatened. Another is that it would be unethical to use information in this way without first obtaining consent from the child concerned. A further issue is the likely constraints imposed on actors seen to be associated with investigations by the ICC – a number of NGOs have experienced problems of this kind in Sudan, for example, and in the DRC. Lastly, some believe that there is a trade-off between achieving justice and securing peace. As the Sierra Leone Truth and Reconciliation Commission put it: 'Those who argue that peace cannot be bartered in exchange for justice, under any circumstances, must be prepared to justify the likely prolongation of an armed conflict'.[22]

Changes in children's lives
Many grave violations continue
The SCWG's implementation of the MRM has focused on the recruitment of children into armed forces and groups. Unsurprisingly, our findings in case study countries did not indicate that the application of the MRM had noticeably reduced the incidence of grave violations other than the recruitment and use of children by armed forces or groups with one exception – where unlawful detention of children by the Forces Nouvelles had been addressed through a command order following advocacy by UNOCI.[23] Although

most children and community members in the three countries consulted stated that general levels of violence had fallen since the height of the conflict, they associated this directly with limited improvements in security and the end of high levels of fighting, rather than any other factor.

The ongoing patterns of violence children described are cause for serious concern. In all three countries, according to children, killing and maiming of children by a range of perpetrators continues. In Côte d'Ivoire girls and boys described several cases of ritual killing to achieve political or other success. This highlights the fact that, although many perpetrators are now officially 'civilians' following demobilisation, they are still viewed as and retain the power of their former membership of an armed force or group. In the case of the DRC, children's assessment of ongoing killing and maiming was corroborated by an ex-CPA for MONUC: 'Killing and maiming of children is a daily occurrence in the Congo, yet there is very little information being passed on about it'.

'I heard of three boys taken away in a car. Then two were killed, things like that happen at election time.' Girl, Côte d'Ivoire.

The incidence of sexual violence
Across the board, children and adults noted that the most frequent grave violation that children experienced was sexual violence and rape. In the DRC, some adults and children we consulted believed that levels of sexual violence had escalated since the official end of the conflict, rather than diminished. According to Médecins Sans Frontières (MSF), among the patients at its Bunia hospital the number of rapes of children, as a proportion of overall civilians who are raped, has tripled since 2005.[24] In Nepal, children reported that the main perpetrators of sexual

Box 2

Findings from Côte d'Ivoire, the DRC and Nepal on levels of sexual violence[25]

Côte d'Ivoire
- Three-quarters of boys rated rape as the most frequent violation, and over half of the girls said that it was one of the top two.
- Boys stated that children were at greater risk of sexual violence during detention. Half of the boys interviewed had been detained.
- Half of the girls ranked rape as the most severe violation, in most cases with killing in second place.

The DRC
- Two-thirds of girls and over half the boys rated sexual violence as the most frequent violation. In Bunia, all girls interviewed rated sexual violence as the most severe of all violations.
- MSF treated 2,708 victims of sexual violence in the 18 months between May 2006 and October 2007. In July 2007, 70% of rape patients were under 19 years of age.
- 73% of the rape victims treated by MSF between September 2005 and December 2006 said that the rape had been committed by a member of an armed group.

Nepal
- Children ranked rape and abduction as the most frequent violations.
- The Maoist Party (CPN-M) was named by all interviewees as the leading perpetrator of violations.
- UNICEF research in 2005 found that on average nearly one in ten children were subject to rape or other serious sexual abuse.[26]

violence were the military. Similarly, in Bunia most community members we consulted said that the most common perpetrators of sexual violence against children were members of armed groups. In other parts of the DRC and in Côte d'Ivoire children cited both military and civilians as perpetrators of sexual violence.

> *'It's so serious because so many children have been raped during the war. It has gone down since the war, but not completely at all.'* Girl, 12, Bunia, DRC.

Children, adult community members, humanitarian agencies and other commentators all emphasised the need for the same kind of intolerance of sexual violence as the recruitment of children currently receives. The MRM has the potential to play a significant role in terms of attitudinal change and provision of incentives to reduce the incidence of both killing and maiming, and sexual violence. However, similar efforts would need to be exerted with regard to these

violations as on recruitment in order to achieve this. Arguably the ongoing debate on sexual violence has been given further impetus by reference to it as an area of concern in the latest Security Council Resolution.

Impunity is still rife
Children and adult community members in all case study countries asserted that impunity for all grave violations was widespread. When asked what percentage of perpetrators of grave violations would be brought to justice, the average assessment of children in Côte d'Ivoire was 19%. In the DRC community members thought that only 15% of reported rapes would go on to be punished. The likely punishments respondents described included having to pay a bribe to police to avoid imprisonment, being jailed for a week, or having to pay off the family of the child with one or two goats. Such responses, alongside a lengthy and ineffectual judicial process, meant that cases were rarely tried, particularly in rural areas.

> *'Sexual violations are committed by everyone: the military, the police and community members.'* Boy, 14, the DRC.

> *'Nobody punishes the rebels. Even bandits who used to be rebels are not punished. Only people without any connection to the rebels are punished.'* Female community member, Côte d'Ivoire.

> *'The authorities [the Forces Nouvelles] are no good. You can't go to them – it's them that did the harm in the first place. Everyone is very frightened to go and report things, or to testify, because of the rebels. Even village elders risk getting attacked or raped if they go to the Forces Nouvelles with a complaint.'* Male community member, Côte d'Ivoire.

No improvement in assistance to children who have suffered grave violations
There has been a vigorous debate amongst those involved in the implementation of the MRM about what kinds of responses it should initiate or inform, beyond those in the toolbox of the SCWG. Some stress the need to separate the justice response from the programmatic response to grave violations. In Côte d'Ivoire, the co-chairs of the all-UN Task Force supported the idea of separating the two strands of responses to reported violations, stating that, in sensitive environments, it could be more expedient for agencies that do not provide any kind of programme response to carry out monitoring activities. However, the majority of commentators considered that programmatic responses were a central function of any effort to monitor grave violations, for a number of reasons, both practical (such as the fact that many disclosures of grave violations happen at the point of service provision) and ethical (such as the imperative to provide at least a minimum response to ensure the survival and basic wellbeing of survivors of grave violations), a position supported by children and community members in all case study countries. Programmatic response is also included in all the SCWG's conclusions, and recommending responses and elements to facilitate them is a recurring theme.

Box 3

Problems in reporting: the case of Côte d'Ivoire

After two years of implementation of the MRM in Côte d'Ivoire, the parties to the conflict were 'delisted' in early 2008, thus removing the requirement for formal annual reporting by the Task Force. The reason for this was the success of Action Plans in stopping recruitment of children by parties to the conflict. However, consultations with children, humanitarian organisations and human rights groups revealed differences between the range of apparent ongoing violations at community level and the second and final Côte d'Ivoire report received by the SCWG in 2007. Whilst the report states that 'There have been no confirmed reports of violations committed by armed forces and groups',[27] children and community members reported ongoing violations, including high levels of sexual violence, arbitrary detention and the use of children by armed groups (although active recruitment was reported as having more or less stopped). Furthermore, humanitarian NGO workers in one area described responding to cases of rape or sexual violence against children on a weekly basis. About half of the victims stated that the perpetrator was an armed actor.

The Task Force in Côte d'Ivoire faced a range of challenges affecting the collation of comprehensive and accurate information on grave violations. First, the Task Force is made up exclusively of UN agencies, since, on its establishment in 2006, NGOs had declined to participate because of perceived risks. The Task Force therefore relied heavily on UNOCI's CPAs and Human Rights Officers to supply information on violations. Coverage was a huge challenge: the nearest CPA to communities with whom we consulted was over 100km away. Furthermore, when asked whom they would report grave violations to and what the final destination for this kind of information might be, none of the children or community members we interviewed mentioned the CPAs or any other member of the UN Country Team. This is not surprising: the main motivations people described for reporting a grave violation was to seek some kind of redress – in which case, they reported to the actual or de facto authorities – or immediate care and assistance, in which case they spoke to operational NGOs or health services.

Despite this increasing agreement on the importance of response, our conversations with children, other community members and humanitarians did not indicate that there is a clear link between the implementation of the MRM and improved responses to grave violations apart from demobilisation programmes and Action Plans, which are not routinely followed up with investment in reintegration for children. While only a fraction of children in Nepal, and none in either of our other two case study countries, had heard of the MRM, and thus could not link it to improved response, most said follow-up and response in general had not improved after the point at which the MRM was put in place in their country. In Nepal the single most common frustration for Task Force members – including international and national NGOs – was the lack of adequate programmatic follow-up for children reporting violations. Some respondents raised the possibility of an automatic response at the individual level as an ethical consideration when undertaking any kind of investigation or enquiry with vulnerable children.

In 2005, before the MRM Task Force was set up and outside of the mechanism, a small 'emergency' fund was established in Nepal within the Partnerships for Protecting Children in Armed Conflict (PPCC). This enabled agencies to meet children's immediate needs in life-threatening situations, such as medical evacuations, as well as enabling local NGOs in some cases to secure other responses, such as the release of abducted children or negotiating the reopening of schools closed by armed groups. With the help of other grants humanitarian agencies have also supported the reintegration

of thousands of children who have left armed groups in the last two years. However, overall responses to grave violations were described as falling short of both immediate needs and the sustained programme work required.

There appear to be several reasons why essential follow-up for victims of grave violations is currently weak within the MRM. One issue is that funding for implementation of the mechanism is scarce, and does not usually extend beyond covering the increased capacity needed just to carry out monitoring activities. Another is the typically thinly spread patchwork of services to which victims can be referred. In the DRC for instance, UNICEF initially received just $130,000 to help MONUC set up and run the mechanism – a tiny amount for a geographical area the size of Europe, and where only a handful of child protection agencies operate. The agencies that are present are working with minimal funds to follow up on individual cases, and have very little capacity to provide assistance and protection to children who have suffered grave violations. For example, in Bunia MSF provides a medical response, COOPI (an Italian NGO) follows up on some aspects of sexual violence, and Save the Children works to reintegrate children who have been associated with armed forces. However, coverage is not universal and capacity is far from sufficient to follow up on all cases.

On a more general level, the enhanced understanding of child protection needs which the monitoring and reporting work can create has the potential to generate more and better programming and advocacy efforts to improve

protection for children. In the DRC, both MONUC and UNICEF asserted that gathering better information and evidence on violations had given them a better chance of promoting child protection within their own organisations, amongst external actors in the DRC and at the international level. Overall, the potential for this kind of strategic use of aggregate or trend information on grave violations appears to be under-explored.

Reporting grave violations can put children and adults at risk

The risks associated with reporting war crimes and other grave violations are well known. In the DRC and Côte d'Ivoire, children cited retribution attacks, punishments and losing the respect of others as common threats facing those who choose to report grave violations. This is consistent with the findings of research carried out by Save the Children into sexual violence and the exploitation of children in these countries, where the perceived risk to survivors and witnesses emerged as a central reason for massive under-reporting. In Nepal, respondents in the present study described how children who reported or were thought to have reported their recruitment were at risk of retribution from those who had recruited them. In the DRC, respondents alleged that a national NGO member had been killed for his role in monitoring and reporting grave violations of children's rights. These concerns underline the importance of well-managed, confidential service provision, not just as a protective measure for children who have suffered grave violations, but also to facilitate safe and unobtrusive reporting. This can only be achieved with the systematic engagement of all agencies concerned.

Limitations of the MRM as it is currently implemented

Information gathered in the preparation of this report indicated three key aspects of implementation of the MRM where certain factors appear to be limiting its positive impact.

Lack of child participation in the MRM and reporting of violations

A major gap in the MRM as it currently functions concerns the participation of children. Children's interaction with the mechanism is limited to that of witnesses or victims, providing information on grave violations. This is particularly worrying given the possible risks to children detailed above, which need to be assessed and addressed in consultation with children and others in each context.

Low levels of reporting in general, and even lower levels of reporting into the MRM, were evident in all our case study countries. Children in Côte d'Ivoire told us that on average 40% of violations went unreported. In Nepal figures differed for children of different ages, with older girls saying that 75% of violations are not reported. In the DRC, girls said that two-thirds of rapes went unreported. Adults painted an even bleaker picture, putting reporting levels at 15%, or just 5% if the rape was committed by an armed actor. The majority of

children said that if they did report violations they would do so to family members or friends, or directly to the hospital or service-providing organisation, if they were receiving treatment. A few older children said that they would report violations to their teachers, but would be least likely to tell human rights organisations, which might submit the information to Task Forces. Therefore, even when incidents are reported to someone, there is not an automatic conduit to bring this information into the MRM. Children gave a range of reasons for the low reporting of violations, whether to the MRM or other structures (some of which are discussed above), including lack of awareness of who to report to, fear of retribution and further violations, exposure to shame and social exclusion (especially for victims of rape), and a feeling that nothing would be done about violations even if they were reported.

In terms of further participation beyond reporting, in Côte d'Ivoire and the DRC children, their families and other carers are not systematically consulted in the preparation of reports by Task Forces. This is despite the fact that these reports contain sections on which children would be well placed to comment, such as the background, the extent and quality of programme responses for children and recommendations. Genuine participation of children in the MRM would mean allowing them to shape application of the mechanism in country so that it gathers the fullest and most accurate information possible, and so that this information, as well as being reported 'upwards', is used to the greatest effect to improve protection efforts on the ground. Greater participation of children could improve the mechanism's quality and relevance, and help to minimise negative effects such as the risks to children's security associated with reporting violations. An interesting example comes from Liberia in 2006, where children and adults set up kiosks in camps to which children could report directly. Over time, children ended up creating up to 80% of the weekly reports, as well as organising committees to monitor follow-up on individual cases.

Children interviewed for this report wanted to input into processes set up to protect their rights, and to receive feedback about the outcomes of these processes. Furthermore, in all three case study countries children responded quickly to an explanation of the MRM and suggested a range of ways in which they could use and improve the mechanism. The MRM should address this desire to contribute and act to ensure children's participation in a meaningful way.

One of the reasons repeatedly identified by both UN and NGO staff as a limiting factor for both the reporting and the response elements of Task Force work was a lack of human resource capacity. UNICEF has received a very limited amount of funding to support implementation of the MRM, although the numbers of CPAs in DPKO missions have risen steadily. The remainder of actors supporting the implementation of the MRM have added this to their existing workload, with little or no additional capacity. Three areas of concern arise in relation to capacity for implementation: the lack, for some actors, of technical expertise required to

ethically and responsibly collect, store and transfer case information; the lack of resources required to achieve meaningful coverage in each context of application; and the lack of human and financial resources for programmatic responses to improve protection for children.

Emphasis on recruitment instead of the violations which preoccupy children the most

Currently, monitoring, reporting and responding to grave violations other than recruitment – killing and maiming, rape and other sexual violence, abduction, attacks on schools and hospitals and denial of humanitarian access – are limited and patchy. To date, Action Plans have only addressed recruitment, and whilst the reports and conclusions of the MRM do cover all six violations, a disproportionate amount of consideration is given in both types of document to the recruitment and use of children by armed forces and groups. As long as the application of the MRM is guided by the annexes to the Secretary-General's reports, and the recruitment and use of children by armed forces and groups remains the only criterion for inclusion in the annexes, the mechanism will only be oriented around one subject. This represents a serious impediment to the MRM fulfilling its objective of protecting children in situations of conflict from the gravest of violations. Several Security Council members we interviewed expressed concern that, in situations where schools are subject to attack, such as the Occupied Palestinian Territories and Afghanistan, or where large numbers of children are being killed, maimed or abducted, their situation will not be afforded any thorough scrutiny by the SCWG unless specific instances of recruitment are found. In other words, it is not the *level* of grave violations against children, but evidence of one *type* of violation (with the other five demoted to secondary consideration), which triggers involvement of the SCWG. However, the SCWG does not seem too concerned; as one member put it: 'We haven't yet discussed the balance of the reports'.

Neither prevalence nor severity are plausible justifications for prioritising recruitment over other violations. It emerged in our discussions with children in Côte d'Ivoire, the DRC and Nepal that in fact children do not currently view recruitment as either the most prevalent or the most serious violation of their rights (although it is possible that children's responses may have been different had armed conflict been ongoing in these contexts). In Côte d'Ivoire for example, no child ranked recruitment as the most severe violation, and for over half of girls (58%) recruitment was ranked as the least serious of the violations mentioned in SCR 1612.[28] Sexual violence and rape, on the other hand, was consistently ranked highly, in terms of both frequency and severity (boys put killing just above sexual violence in terms of severity but considerably lower in terms of frequency).

> *'Rape is the most serious crime because armed groups commit violence on girls and, this also happens in the community. It happens more during war and it also happens to boys.'* Boy, 14, Bunia, the DRC.

Many justifications continue to be given for the MRM's focus on the illegal recruitment and use of children. One is that this violation is easier to measure than any other. For instance, it is more difficult to attribute violations such as rape to an armed actor. There are also challenges in proving whether deaths of children in conflict are targeted or not. However, when it comes to accurate measurements, recruitment and use are in fact no easier to deal with than any other grave violation. In almost every situation assessed by UNICEF, the Coalition to Stop the Use of Child Soldiers or other experts in this area, it was impossible to give accurate figures on the numbers of children illegally being used by armed forces or groups. In most cases only an estimate is used, rounded up to the nearest thousand. In Côte d'Ivoire, UNICEF has stated that there are no reliable estimates of children associated with armed groups and forces in the country. Actual figures can be more accurately estimated for demobilisation, though the experience of aid agencies from the DRC has shown that demobilisation figures under-represent the real extent of recruitment, in particular for girls, since they tend to bypass formal demobilisation processes.[29] In Côte d'Ivoire, there is no formal demobil-isation process through which children pass, and information on the cessation of recruitment and use of children by armed forces and groups is gathered through verification visits. As with any attempt to prove an absence of a violation, there are difficulties inherent in such an exercise. Additionally, humanitarian agencies invited to participate in the verification exercise noted that the internationally accepted definition of a child soldier, which includes children used as cooks, cleaners, 'wives', porters and in other roles, was replaced by a far narrower definition, excluding many cases from the exercise.

There may be further reasons for the emphasis on recruitment and use of child soldiers. One SCWG member expressed the view that 'the other violations basically relate to criminal activity' – i.e. they are not clearly conflict-related. However, this is a difficult argument to sustain given the strategic use of violations by parties to a conflict in furthering their aims, and the resulting impact on peace and security. It is also out of step with the ICC, which has said that rape and sexual violence can be considered both a war crime and a crime against humanity.

This focus on recruitment alone may be changing. There is an ongoing discussion at policy level about establishing one or more of the remaining five violations as a trigger for application of the MRM. Furthermore, some in-country groups have expanded their monitoring and reporting work to cover grave violations additional to those listed in SCR 1612. For example, in the Occupied Palestinian Territories, the current chair of the Working Group told us that 'the list of six violations is not adequate to capture the most serious child protection concerns here', and three further violations are monitored and reported: torture, arbitrary detention and forced displacement, with the first two being mentioned in Horizontal Notes. The prevalence of arbitrary detention was also noted in a Côte d'Ivoire report, and UNOCI worked with

commanders in the Forces Nouvelles to draft a command order forbidding the arbitrary detention of children. In Nepal, 'unlawful detention' was also reported.

In all three of our case study countries, the range of violations that children told us they experienced exceeded the parameters of the six violations listed in SCR 1612. Some children also described how some grave violations are more likely to occur together, such as arbitrary detention and sexual violence, arbitrary detention and torture, or rape and forced labour. Responses generated by the Mechanism will be ill-equipped to improve protection for children unless they are informed by a full account of the multiple violations children face.

Failure to develop sustainable responses and solutions at the national level

Since the MRM is limited in time and scope, in order for the considerable efforts that support its implementation to achieve sustainable improvements in child protection, it is essential that links are built between the MRM and more enduring efforts to protect children. The text of SCR 1612 emphasises in particular the need to build national capacity 'for advocacy, protection and rehabilitation of children affected by armed conflict to ensure the sustainability of local child-protection initiatives'. Despite this, at both the country level (for our case study countries) and the international level, the MRM seems to have minimal links with other bodies and processes which could reinforce and sustain its positive impact through long-term strategic investment, maintaining accountability, and building government capacity to protect children effectively.

Indeed, a finding in all three case study countries was that, although there are some examples of effective use of the valuable information collected through the MRM to press for improvements at the national level, including for example efforts on the part of MONUC's Child Protection Section in DRC, the potential of the MRM could be used to greater effect in each context to push for the development of a national child protection system. Given the complexity of post-conflict situations, the importance of evolving programmatic and justice responses into eventual national child protection systems to address future violations is all the more necessary. For instance, MRM-generated information could be used more routinely in local and national-level advocacy with governmental and non-governmental authorities on reducing violations, in the

capacity-building of civil society and national institutions, in the prosecution of perpetrators in national justice systems and in the development of local and national reconciliation processes. These steps could potentially have an important impact on the levels of violations and on responses on the ground.

However, in the contexts assessed for this report, Task Forces did not routinely pursue such options at the national level, including linking up with other UN agencies working on overlapping issues. For instance, OCHA staff working on civilian protection in Côte d'Ivoire identified a number of processes with which the structure could usefully link, but information generated by the MRM appears to be routinely underused. Several Task Force members in all case study contexts described their country reports as disappearing into a 'black hole', leaving them with no idea how the information was used. A Task Force member in Nepal described one lost opportunity as follows: 'The parties (and specifically the Maoists) do not pay attention to it [the MRM]. The factor that will influence their behaviour is their support base. The MRM report could have been used more strategically to prevent violations … The report was just made public without proper follow up'. Opportunities are also being missed to capitalise on the political currency generated by the attention of the SCWG. As an NGO based observer put it: 'Outsiders need to take a leap of faith that the SCWG actually does what it says it will in its conclusions'.

A local-level disconnect appears in the DRC, between outlying local NGOs and child protection network members and the INGOs on the Task Forces, such as Save the Children, to whom they report grave violations. Whilst MONUC is in ongoing conversation with many actors working on human rights on the ground, some local NGOs supporting the implementation of the MRM in-country reported that they did not get any feedback on how the information which they had passed on was used. The lack of engagement between actors at this level brings added cause for concern because of the high level of risk that some are exposed to when collecting information on violations.

A final serious constraint to the development of national child protection systems is the availability of resources for this work. Currently, the potential of the MRM to mobilise investment in broader, longer-term child protection efforts is under-realised.

Chapter 4
Conclusions and recommendations

There is no doubt that the establishment of the MRM has been a groundbreaking step by the Security Council. It requires the Council to react to situations where the protection of children is threatened on a regular basis, thereby holding it to its commitment to protect children in armed conflict.

At the policy and process level, the MRM has played a significant part in promoting and progressing the Children and Armed Conflict agenda, both within the Security Council and the broader humanitarian and human rights communities. It has brought country-specific accounts of grave violations of children's rights to the attention of the Security Council, including violations in several situations not previously on the Council's agenda. This in turn has provided a platform where the Council can demonstrate, and be assessed on, its commitment to ending all grave violations of children's rights in armed conflict. The decisions and actions of the Council are an outward expression of policy that is evolving fast in response to new considerations presented through the MRM. For these reasons, the MRM can be said to have had a significant impact on the direction and profile of the issue of children and conflict within the peace and security agenda.

On the ground, the release of children by some parties to conflict where the MRM is applied is a notable positive apparent impact of the mechanism. Unfortunately, there appears to be little evidence that inter-agency monitoring and reporting of grave violations under the MRM has had a direct impact on reducing the incidence of grave violations other than recruitment by armed forces and groups. In the three case study countries we looked at, children continue to suffer grave violations, most of which are not reported to anyone, and perpetrators, who include armed actors and civilians, enjoy extremely high levels of impunity.

The potential scope of the MRM to provide a structure to link efforts to protect children in conflict on every level, from the individual child through to the political decisions of the Security Council, is of major value. Children we spoke to were inspired – indeed at times astonished – to learn that their stories and experiences were heard by such a high-level decision-making body. They had great hopes for the potential of this connection to deliver better protection for them, both during conflict and in the long-term post-conflict. There is now growing pressure for the MRM to start achieving and demonstrating more consistent improvements in protection for all children in armed conflict from the full range of grave violations. In the February 2008 Debate on Armed Conflict in the Security Council, many calls were made for the Council to strengthen the MRM, to implement it more fully and to take a robust and consistent approach towards perpetrators.

In this context, it is essential that enhancements to the mechanism promote the achievement of sustained improvements in protection for children. To date, there has been little provision during the application of the MRM for child protection efforts to continue and develop once a situation moves off the workplan of the SCWG. Demobilisation is a hollow success if the very same children continue to live under the threat of violence, neglect, abuse and exploitation. This report identifies three main areas of improvement to the mechanism as central to enhancing impact, and ensuring that this impact is sustained. These are:

- Ensuring children's participation and improving the coverage and quality of reporting.
- Addressing the violations that children and communities identify as being the greatest threat to them.
- Generating consistent and appropriate responses to all violations, including improving the promotion of, and transition to, national protection systems.

Finally, if impact is to be assessed and demonstrated, it is essential for the mechanism itself to be monitored.

Recommendations

1) Improvements in children's participation and the quality and coverage of reporting

- Country-level Task Forces should use the expertise of child-focused UN agencies and NGOs to facilitate the participation of children in the following aspects of the MRM:
  - safely reporting violations to the mechanism;
  - inputting into country reports, including on contextual information and on overall deficits in child protection;
  - receiving information on reports submitted, and decisions and actions taken;
  - benefiting from, shaping and assessing individual responses to survivors of violations;
  - developing recommendations for actions and decisions to be taken by the SCWG; and
  - assessing the work of the Task Force, the implementation of the MRM and the decisions and actions of the SCWG.
- Country-level Task Forces should facilitate the engagement of all reputable international and national NGOs able to contribute to the coverage and quality of reporting on violations.
- Country-level Task Forces should give an indication of the level of alleged and reported violations as well as confirmed violations in country reports so that SCWG members have the benefit of fuller information.

- The OSRSG/CAAC and the focal point for CPAs at DPKO should develop a constructive working relationship with the Child Protection Working Group under the Protection Cluster, in order to promote collaboration between those monitoring child protection concerns and those providing child protection services, and better support humanitarian agencies undertaking the former.
- UNICEF should ensure that Task Forces routinely receive resources, in order to facilitate capacity-building for Task Force members in monitoring and reporting, ensure that monitoring and reporting work is taken to sufficient scale for reports to achieve acceptable quality and coverage and to facilitate coordination between the Task Force and those managing the provision of child protection services.

2) Improvements in addressing the violations that children and communities identify as being the most pressing priority

- The Security Council should establish sexual violence as a trigger for the application of the MRM by the end of 2009, and require the SCWG to oversee the development and implementation of Action Plans in relation to sexual violence.
- The Security Council should establish the other four categories of grave violations as triggers for the application of the MRM as soon as possible, prioritising killing and maiming, and should require the SCWG to oversee the development and implementation of Action Plans in relation to these violations.
- Country-level Task Forces should monitor and report on further grave violations, such as arbitrary detention, as the context requires.

3) Improvements in the provision of consistent and appropriate responses, including the promotion of, and transition to, national protection systems

- Country-level Task Forces should collaborate closely with those coordinating the provision of child protection services in order to achieve the following:
  - Development and implementation of advocacy activities to ensure that information gathered through the MRM is used to greatest effect at national level.
  - Mobilisation of sufficient resources for national and local-level responses.
  - Provision of assistance meeting minimum standards to all survivors of grave violations.

- Development and enhancement of broad protection programming to meet the priorities of children and to develop durable child protection systems at local and national level.
- In-country Task Forces should consider the prevalence of all grave violations that children continue to suffer before recommending delisting, and should urge the SCWG to request ongoing reporting in situations where grave violations continue.
- Humanitarian donors and OCHA as a coordinator for humanitarian funding within the UN system should ensure that adequate funds are allocated through interagency funding mechanisms in-country to facilitate child protection programming of the nature and coverage required to respond to grave violations reported through the MRM.
- UNICEF and the OSRSG/CAAC should provide guidance for Task Forces on the transition to longer-term national monitoring mechanisms and the development of national child protection systems which can respond to and prevent violations of children's rights in the long term.
- UNICEF and the OSRSG/CAAC should, in close consultation with all actors implementing the MRM at field level, develop and implement a long-term plan to achieve the following:
  - Mobilisation of sufficient resources to ensure that all Task Forces have the expertise, capacity and resources to carry out monitoring to sufficient coverage and quality standards.
  - Mobilisation of significantly increased resources for child protection programming to facilitate the provision of assistance meeting minimum standards to all survivors of grave violations.
  - Mobilisation of significantly increased resources through links with the major investors in development in post-conflict situations to facilitate the development of broad child protection programming and, eventually, durable child protection systems at local and national level.
  - Increased engagement in the MRM of reputable international and national NGOs able to contribute to the implementation of the MRM as well as to the overall development and enhancement of the mechanism and the responses it generates.

4) Ensuring ongoing assessment and improvement of the MRM

- The Security Council should set up a procedure for ongoing or regular evaluation of the work and impact of the MRM.

Annex 1
Summary of the case studies

Case study: Côte d'Ivoire

Background

- September 2002: conflict breaks out between the government and the Forces Nouvelles in the north of the country. Large numbers of children are recruited into armed groups and more than half a million people are displaced.
- November 2005: the Forces Nouvelles submits an Action Plan to the UN Special Representative for Ivory Coast committing to end the use of child soldiers. This Action Plan is cleared by OSRSG/CAAC as meeting minimum standards.
- April 2006: following advocacy from the UN Country Team a command order is issued by the Forces Nouvelles to end the illegal detention of children.
- September 2006: the national Task Force on the MRM is set up; Action Plans to end the use of child soldiers are agreed with four militia groups.
- October 2006: the first annual report on Children and Armed Conflict in Ivory Coast is issued; the SCWG issues conclusions and recommendations the following February expressing concern and recommending the issuing of letters.
- March 2007: a peace agreement between the main parties to conflict is signed.
- August 2007: the second annual report on Children and Armed Conflict in Ivory Coast is issued; it states that 'There have been no confirmed reports of violations committed by armed forces and groups'.
- December 2007: no new cases of recruitment are noted in the Secretary-General's annual report and the Forces Nouvelles and the four militia groups are removed from the report's annexes – all main parties to the conflict are therefore 'delisted'.

Violations as seen by children and community members[30]

All children and adults reported that the incidence of grave violations, as described in Resolution 1612 and perpetrated by armed groups, had decreased since the peace process began. Three-quarters of girls and half the boys consulted ranked recruitment as the least frequent of the grave violations included in 1612. However, children and adults stated that some children are still associated with armed forces and groups, providing services such as cooking, cleaning, laundry and washing-up for soldiers in barracks, either voluntarily for some form of payment or under duress. Some girls have remained with armed groups because of relationships established, either voluntarily or forcibly.

'I had a cousin of 13 years who was taken by force by a rebel from the Forces Nouvelles. Now she is 16. She has been with them for three years. We went to go and get her and bring her back. The rebel said that he wouldn't let her go, and threatened her; he said he would kill her if she tried to go. He said that he had spent a lot of money on her. We went to the commander but he said we should go and sort this out amongst ourselves. We said to the rebel if you want to keep her as your wife then you will have to go through a proper ceremony, but he refused.' Male community member.

Rape and sexual violence were rated the most prevalent forms of violation. Although levels of rape were described by many as having peaked during the height of the conflict and having dropped since, there was unanimous agreement that this violation had not been eliminated. Three-quarters of boys rated rape as the most frequent violation, and over half the girls assessed it as one of the top two.

Over three-quarters of children ranked maiming as one of the top two most frequently occurring grave violations. However the cases children described varied in severity and were most often beatings and other forms of violence at the hands of soldiers or ex-soldiers, in conjunction with demands for money, and therefore would not all fall into accepted definitions of maiming.

Whilst boys ranked killings as very low frequency, girls' assessments differed. Boys identified arbitrary detention as a serious ongoing threat, which was corroborated by adult men. Over half of boys ranked arbitrary detention above both abduction and recruitment in terms of frequency, and half of all the boys interviewed had been detained themselves. In all the cases cited, the detention was imposed as a means of threat or punishment or for personal gain.

'I was going to the village with my older sister, and a rebel stopped us. He offered my sister a cigarette. She refused it. He said "well if you don't have a smoke with me I'll put your little brother in prison". She said "in that case you will have to put us both in prison". So we stayed in prison for two days. Then their commander came and set us free.' Boy aged 10–14.

Given the high levels of violence and abuse children described across the board, it is possible that, in some cases, children interviewed did not make a distinction between violence committed by armed groups and violence committed by others. However, children attributed many incidents to a member of an armed group, most often to '*les militaires*' or '*les rebelles*'. Children living on their own or with other families were described as being particularly at risk. Male community members said that violence at the hands of armed groups and impunity were more prevalent in the countryside than in towns.

Reporting and responses

On average, children assessed that 40% of grave violations went unreported. Children said that, when violations were reported, this was to parents, other relatives or friends. They also said that some reports of violations were made to the rebels themselves, as they are 'the only people who can arrest people'. However, few reports of violations were described as leading to arrests.

Children's overall assessment was that 19% of those who commit grave violations were held to account, and the rest went unpunished. Children and adults alike described widespread impunity enjoyed by almost anyone committing a crime, particularly rebels.

In 2005 UNOCI, in close collaboration with partners, initiated a dialogue with parties to the conflict for a commitment to Action Plans to end recruitment and use of child soldiers. These were the first such Action Plans to be spearheaded by the UN under SCR 1612, and followed earlier, less successful attempts at productive dialogue initiated by other actors. Following the implementation of the UN-led Action Plans and the establishment of a peace process, the Task Force assessed that the recruitment and use of children by listed armed groups had ended. UNOCI asserts that the successful dialogue on the child soldiers issue paved the way for addressing other child protection issues, and following advocacy by the mission, a command order to end the detention of children was issued within the Forces Nouvelles. This command order was widely disseminated and is seen to have had a significant impact in addressing this violation. In 2007 the government of Côte d'Ivoire sought the support of UNOCI in developing a National Action Plan to combat sexual violence.

Children's and community members' views on the MRM

No children, and only one adult community member, interviewed had prior knowledge of the MRM. On being presented with a simple account of the MRM, suggestions made by children and adults for improving its effectiveness included:

- The mechanism should apply some kind of special justice system for rape cases.
- The Security Council should apply more sanctions, and take a tougher stance towards perpetrators, including engagement of the ICC.
- The MRM should put pressure on and work through NGOs.
- Children should tell their individual stories, for example through radio programmes and in print, so that crimes are better understood both at the national and international levels.

Case Study: Democratic Republic of Congo
Background

- Between 1997 and 2007: an estimated 5.4 million excess deaths are caused by fighting between multiple

armed groups. Many children are recruited into armed forces and groups and many separated from their families. Girls are raped and mutilated as a deliberate tactic of the warring parties.
- Early 2006: the national Task Force for the MRM is set up.
- March 2006: rebel leader Thomas Lubanga is arrested following an ICC indictment. His trial is currently ongoing in The Hague.
- June 2006: the first annual report on Children and Armed Conflict in the DRC is issued.
- January 2007: a surge of recruitment of both Congolese and Rwandan children occurs in North Kivu. The SCWG chair sends a recommendation to the President of the Security Council referring DRC armed groups to the DRC sanctions committee. The SCWG also asks the World Bank to support DDR processes for children. Recommendations are also made by the SCWG on responses to sexual violence and support for national justice mechanisms.
- June 2007: the second annual report on Children and Armed Conflict in the DRC is issued, describing an overall decrease of 8% in cases of recruitment of children. Decreases in killing and maiming and children being illegally detained[31] are also reported. The report states that sexual violence continued virtually unabated. SCWG conclusions and recommendations follow in October.
- January 2008: a peace agreement is signed in Goma.

Violations as seen by children and community members[32]

Two-thirds of conflict-affected girls interviewed in Bunia said that sexual violence, specifically rape, was the most extensive violation among the six noted by the UN. The rest of the girls said that recruitment was most common. Among boys, 40% said that rape was the most frequent violation, while 20% said abduction, 20% killing and maiming and 20% recruitment were still the most frequent crimes. All of the girls interviewed in Bunia stated that sexual violence was the most severe of all the crimes experienced by children. The boys differed, with the vast majority seeing violence and killing and abduction as being equally serious.

Female community members said that up to 70% of sexual violation offences were carried out by members of the military. According to boys and girls interviewed in Bunia and Goma, sexual violations used to be carried out mainly by the military, but were increasingly carried out also by community members. According to children, the most vulnerable to sexual violence were children separated from their parents, those living on the street or who had dropped out of school, as well as children in detention and orphans.

Interviewees linked the decline in recruitment, a shift since 2003, when recruitment was seen to be the most common violation, with three factors: the abatement of conflict, the pressure put on recruiting commanders by the International Criminal Court and engagement by the government in a

demobilisation programme built into the peace agreement and supported by the UN mandate in-country.

Reporting and responses

Where rape or assault was reported both children and adults said that communities often came to a 'friendly agreement' with the perpetrator and the family of the victim. This usually involved them paying some sort of fine for having committed the act. Perpetrators may also come to agreements with police to avoid punishment, sometimes through bribery.

> 'Reporting can be as risky for the victim and witness, as it can be for the violator.' Female community member, Bunia.
>
> 'A girl may not be able to marry, if she reports.' Girl, Bunia.
>
> '... it's become habitual. Everyone is so accustomed to it.' Boy, Bunia.

Community members in Bunia said that reporting of rape and other sexual violations represented perhaps 5% of violations committed. Girls interviewed in Bunia and Goma said just over a third of rapes were likely to be reported; boys said that half would be. Children in Bunia and Goma said that the majority of reports would be made directly to parents and in some cases the child would be taken directly to hospital. The majority said that it would be too risky to go to the authorities – the police, the military or local authorities – if the perpetrators came from any of these groups.

In Bunia, local child protection networks, some of them including members of the community, passed information onto the mechanism via international NGOs. As such, local NGOs were minimally engaged in direct reporting, seeing international NGOs as their interlocutors with the UN.

According to the MONUC CPA in Bunia, the quality and quantity of information that local and international NGOs were providing in their reports was continually improving, giving MONUC and UNICEF representatives a stronger evidence base for monitoring and for internal and external advocacy. Additionally an OSRSG/CAAC representative felt that the SCWG's June 2007 report, which called for more support from donors for the local justice system, led the Belgian government to assist the DRC government with its investigations and prosecutions of individuals responsible for the recruitment and use of child soldiers and other grave violations of children's rights.

Children's and community members' views on the MRM

Knowledge of the MRM amongst children and community members was non-existent. After being informed of the MRM, suggestions made by children and adults for improving its effectiveness included:

- Raise awareness and engage local protection actors in the MRM: community members said that the MRM simply would not work unless it was linked more closely with local information networks.

- Set sanctions and responses that allow the MRM to deliver tangible results for children and communities suffering violations.

Case Study: Nepal
Background

- 1996: conflict breaks out when Maoists launch an armed insurgency against the royalist government. During ten years of fighting, more than 13,000 people are thought to have been killed and hundreds of thousands displaced. Hundreds of children are reported to have died in the conflict and many are recruited into armed groups.
- November 2005: the national Task Force for the MRM is established.
- November 2006: a Comprehensive Peace Agreement is signed, to be monitored by the United Nations Mission in Nepal.
- April 2008: the Maoists win Constituent Assembly elections.
- December 2006: the first report on Children and Armed Conflict in Nepal is issued by the Secretary-General. Conclusions and recommendations are issued by the SCWG the following June, including recommendations for letters from the SCWG to the government of Nepal, the Secretary-General and the World Bank.
- April 2008: the second report on Children and Armed Conflict in Nepal is released, noting that grave violations have decreased 'significantly' since the signing of the peace agreement, but that substantial numbers of children recruited by the CPN-M prior to the agreement have not been formally released, although many may have been informally. The report recommends that the CPN-M create an Action Plan for the formal release of recruited children. It also states that there are no reports of sexual violence in the context of the conflict during the reporting period.

Violations as seen by children and community members[33]

One-third of all those interviewed cited rape as the most frequent violation, and a quarter rated rape as the second most frequent violation. This was followed by abduction, which 20% of the group saw as the most prevalent violation, and a further 20% as the second most prevalent. Recruitment into armed forces followed in terms of prevalence. The CPN-M was named by all participants as the leading perpetrator of violations. Most stated that the lower ranks continued to commit these acts, rather than the leadership. Additionally, half of the groups thought that the Nepali army was also responsible for violations, stating that sexual violence against girls was mostly perpetrated by the security forces. However, older girls stated that sexual violence went beyond armed forces and was prevalent in the community – attackers were strangers and also family members. Other groups mentioned as committing violations included armed gangs and criminals operating along the Terai border with India.

In addition to the grave violations mentioned in SCR 1612, participants identified psychological trauma as being

prevalent, both from the time of the conflict and due to uncertainty about the future of the peace process. Girls of 15+ cited the bombing and destruction of private homes as being particularly traumatic.

Reporting and responses

All children expressed the view that violators should be punished under law, specifically national law. There was a strong sense among children, young people and adults that justice needed to be delivered by Nepali authorities under the national criminal justice system. Women believed that the current legal framework was failing to protect them from violations such as sexual violence. A third of participants thought that dialogue with perpetrators should be initiated to ensure that they did not commit the same 'mistakes' again. Older boys felt that they should be prepared to pay damages to victims of abuses.

> 'Practically speaking, they are too powerful to be punished, so we should try and convince them, otherwise.' Girl.

> 'We need to make sure that our national institutions, such as the Nepal human rights commission, has the ability to try and solve some of these problems; we need to do this within our own society.' Adult man.

Estimated levels of reporting varied widely. Younger girls believed that 80% of violations were reported, whereas older girls (15+) said that just 25% were. Older boys stated that only 20% of violations were reported as did adult women, while adult men thought that 60% were likely to be reported. All participants agreed that girls would be less likely to tell anyone about grave violations (particularly sexual violence) for fear of incurring further violence, stigma and rejection. All children and adults agreed that children would be most likely to tell their friends or an immediate family member about a violation.

The Nepal Task Force has undertaken a range of activities to respond to reported violations, including setting up a referral mechanism, advocacy work and liaison with mine action groups.

Children's and community members' views on the MRM

Only two male community members had prior knowledge of the MRM. When presented with its basic premise and structure children and adult community members made the following suggestions to improve it:

- Share more information about the system with affected communities.
- Monitors should access remote areas where the majority of violations occur, and should operate at all levels, from village development committees to the national level.
- Children's clubs should be established to encourage children to share their experiences, informing both country reports and the implementation of responses.

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International Center for Transitional Justice: http://www.ictj.org

Office of the Special Representative of the Secretary-General for Children and Armed Conflict: http://www.un.org/special-rep/children-armed-conflict

Coalition to Stop the Use of Child Soldiers: http://www.child-soldiers.org

Notes

1 A review of the mechanism was conducted after a year of implementation, but the findings were not discussed by the Security Council Working Group on Children and Armed Conflict, whose members reportedly disagreed on their substance.

2 Watchlist on Children and Armed Conflict, *Getting It Done and Doing It Right: A Global Study on the UN-led Monitoring and Reporting Mechanism on Children and Armed Conflict*, January 2008.

3 Security Council Report, Cross-Cutting Report No. 1, 4 February 2008.

4 Protection of Children Affected by Armed Conflict, Report of the Special Representative of the Secretary-General for Children and Armed Conflict, UN Office of the Special Representative of the Secretary-General for Children and Armed Conflict, 2005.

5 Machel 10-Year Strategic Review, Part 2 of A/62/228, *Children and Conflict in a Changing World*, OSRSG/CAAC and UNICEF, 2007.

6 Coalition to Stop the Use of Child Soldiers, http://www.child-soldiers.org.

7 Save the Children, *Last in Line, Last in School*, 2008.

8 Maiming of children is defined as any action that results in death or permanent or disabling injury, scarring, disfigurement or mutilation.

9 Sourced from the Machel review team.

10 The Canadian Mission to the UN has created a Group of Friends on SCR 1612, which monitors the implementation of the measures in the resolution, and undertakes a range of activities. The group acts as an alternative forum for countries not represented on the SCWG.

11 The reports are published on the website of the OSRSG/CAAC.

12 The 1991 Paris Principles relate to the status and functions of national institutions for the protection and promotion of human rights.

13 These are extensively documented in the Watchlist report *Getting It Done and Doing It Right*.

14 Funmi Olonisakin, *The Impact of Child Protection Advisers in Peacekeeping Operations*, Peacekeeping Best Practices Section, United Nations, May 2007.

15 Views as to the impact of ICC prosecutions on rates of recruitment vary. Critics say those recruiting children have developed strategies to avoid indictment, such as withdrawing their participation in peace processes or targeting children over the age of 15, which is not classified as a war crime under the Rome Statute of the ICC.

16 A press release issued by the UN News Centre on 14 December 2007, entitled *DR Congo: UN Mission Says Recruitment of Child Soldiers Is Surging*, states that: 'Hundreds of under-age boys and girls are being forcibly recruited by rival armed groups in the Democratic Republic of the Congo (DRC) and sent to the front lines of the escalating conflict in North Kivu province in the far east of the country … Many of the estimated 8,500 former child soldiers who have been rescued by the UN and other humanitarian organizations since 2004 have been re-recruited in the last few months or used as sex slaves'.

17 *Early to War: Child Soldiers in the Chad Conflict*, Human Rights Watch, July 2007.

18 Olonisakin, *The Impact of Child Protection Advisers in Peacekeeping Operations*.

19 Security Council Presidential Statement on Children and Armed Conflict, 12 February 2008, PRST/2008/6.

20 There is uncertainty amongst Working Group members as to whether sanctions could be imposed under the MRM in situations which are not on the Security Council's agenda (i.e. 'Annex II' countries), or for which there is no pre-existing sanctions committee.

21 One of the submissions to the review published as a separate report, *Stolen Futures: The Reintegration of Children Affected by Armed Conflict* (MacVeigh, Maguire and Wedge, 2007), recounts how war crimes trials for recruiters of children in Sierra Leone delivered clear messages on the negative effects of recruitment.

22 Sierra Leone Truth and Reconciliation Commission text, at www.ictj.org.

23 A further exception is that of abductions in the DRC, which were described by children as being a common means of recruitment.

24 Médecins Sans Frontières, *Les civils restent les premières victimes : Permanence des violences sexuelles et impact des operations militaries*, October 2007.

25 These statistics are intended to illustrate the overall experience of children affected by armed conflict in the particular context, and are therefore not restricted to the official periods or geographic locations of hostilities in each case.

26 UNICEF, *No More Suffering: Child Sexual Abuse in Nepal: Children's Perspectives*, 2005.

27 Report of the Secretary-General on Children and Armed Conflict in Côte d'Ivoire, S/2007/515, 30 August 2007.

28 Excluding attacks on schools and hospitals, and denial of humanitarian access, which children were not asked to rank as the undetermined scale of these would make them hard to classify. Killing and maiming were two separate violations for the purposes of ranking exercises.

29 Beth Verhey, *Reaching the Girls: Study on Girls' Association with Armed Forces and Groups in the DRC*, Save the Children UK and the NGO Group (CARE, IFESH and IRC), November 2004.

30 This section summarises the findings from guided discussions in October 2007 with 24 children and ten adult community members in the Man area (which is under Forces Nouvelles influence), and interviews with humanitarian staff working with children. *The consensus from interviewees with experience across the country was that the level and pattern of violations committed did not vary significantly in areas where other armed groups such as militias were operating*.

31 This finding was backed up by boys and community members consulted in Bunia and Goma.

32 This section summarises the findings from guided discussions in October and November 2007 with 28 children and adults in Bunia and Goma.

33 This section summarises the findings from guided discussions in October 2007 with 37 children, youths and community members.

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