

where are they...?

The situation of children and armed conflict in Mali

June 2013



“Where are they?”, the title of the report, refers to multiple layers of the findings: It asks where are the recruited children, many of whom seemingly disappeared with the retreat of the armed groups in early 2013; it refers to the number of children against whom grave violations are being committed, unknown due to the lack of data and monitoring; and finally, it asks where is the international community, specifically the child protection actors with the expertise and knowledge for responding to conflicts of this nature. Where are they all?

Three months after the start of the current conflict in Mali, which began in January 2012, the non-state armed groups the National Movement for the Liberation of Azawad (MNLA) and Ansar Dine, with assistance from Al-Qaida in the Islamic Maghreb (AQIM) and the Movement for Unity and Jihad in West Africa (MUJAO), captured the three northern regions in Mali: Gao, Kidal, and Tombouctou. Ideological differences led to clashes amongst the four armed groups. By July 2012, Ansar Dine, AQIM, and MUJAO were in control of most of the captured territory and were enforcing their own severe interpretation of Sharia on the remaining population through threat of force.

In December 2012, the United Nations (UN) Security Council authorized the establishment of the African-led International Support Mission in Mali (AFISMA) to assist the Malians in reclaiming control over their territory. However, on 10 January

2013, Ansar Dine, AQIM, and MUJAO began advancing south towards the capital, Bamako, prompting the launch of a French-led military intervention, Operation Serval, and the hurried deployment of AFISMA. As a result, the armed groups retreated into the surrounding areas and desert, shifting the conflict to asymmetric warfare. In late April 2013, the UN Security Council authorized the establishment of a UN-led peacekeeping force for Mali, the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), expected to begin 1 July 2013. The conflict has led to the displacement of nearly 475,000 Malians: 300,783 of them internally displaced.

Given the dearth of information on the conflict's effect on children, Watchlist undertook two missions to Mali in November–December 2012 and in February–March 2013, to research grave violations, notably: the recruitment or use



“ You didn’t even want to look at them; they were really minors, small children. The guns they carried were too big. ”

of children, killing and maiming, attacks on schools, and rape and sexual violence; as well as the response in place to protect children.

1. Findings

Recruitment or use of children

Ansar Dine, AQIM, MUJAO, and the MNLA all recruited and used children, some as young as seven years old. An accurate figure on the number of children associated with armed groups cannot be drawn, but based on estimates and witness reports on recruitment, training, and use, by the end of 2012 there were many; likely hundreds. Witnesses described three recruitment

modalities: “voluntary” recruitment, recruitment through association with family or guardians, and forced recruitment and retention.

Armed groups used children for all manner of activities; Ansar Dine, AQIM, and MUJAO used children to enforce their interpretation of Sharia. Almost all sources reported seeing armed children, “truly (young) children”, at checkpoints. A couple from Gao counted seven checkpoints as they fled Gao in April 2012. They reported large groups of 20-30 people at each, at least one-third of whom were children of about 12-15 years old.

Armed groups also trained children in the use of arms and prepared them to fight in active combat. In July 2012, community members in Tessalit counted 82 children between the ages of 8 and 17, recruited by Ansar Dine and being trained by a Mauritanian AQIM leader called “Moudir” at the Ahmed Assalat École fondamentale de Tessalit. Ansar Dine recruited children from the city and surrounding villages. AQIM employed a strategy using “local” members of Ansar Dine and MUJAO to recruit children. Community members described the group as being very discreet in their actions.

With the commencement of Operation Serval in January 2013, the subsequent defeat and/or retreat of Ansar Dine, AQIM, and MUJAO, and the re-appearance of the MNLA in some areas, the most dominant and pressing question amongst child protection actors with regards to the recruited children was, “Where are they?” While there are some indications that children may have left with the armed groups, self-demobilized or escaped from armed groups during the turmoil of combat, and taken part in combat, through March 2013, the whereabouts and fates of most of the children remained unknown.

Community members repeatedly expressed their fears, with urgency and worry, that Ansar Dine, AQIM, and MUJAO were brainwashing children into practicing and enforcing an interpretation of Islam and Sharia that is rejected by the majority of Malians. Community members reported that children who escaped the armed groups and returned to their families were traumatized and “unrecognizable”. Indoctrinated children require particular and sensitive care for their rehabilitation and reintegration, including attention to cultural and religious factors to counter the extreme thoughts and belief patterns instilled in them.

Killing and maiming

By all accounts, the armed groups did not directly target children while fighting throughout 2012. This did

“ Just because it hasn't come out yet, it doesn't mean it doesn't exist. ”

3

not, however, protect children from significant injury or death related to the presence of conflict in their daily lives. The open availability of explosive remnants of war, the use of recruited children in hostilities, and the presence of combat in their communities all resulted in the injury or death of children.

Attacks on schools

Since January 2012, schools and education buildings in northern and parts of central Mali have been pillaged, sacked, burned, and destroyed; they have been used as training camps and bases; and occupied by armed groups, paramilitary groups, and the Malian Armed Forces (MAF), resulting in the closure of most schools in Gao, Kidal, and Tombouctou. Although some schools began to re-open in early 2013, many had not at the time of writing; thousands of students were at risk of losing two school years.

Rape and sexual violence

Girls have experienced conflict-related sexual violence, including rape, forced marriages, and sexual exploitation and abuse perpetrated by armed actors operating in Mali. All four armed groups are implicated in the rape of girls while Ansar Dine, AQIM, and MUJAO are accused of forced marriage. There are certain factors that indicate the forced marriage of girls in Mali can be associated with the conflict, including that the marriages occurred out of step with the traditions and practices

of the communities pre-conflict. Increasingly, risks of sexual exploitation and abuse of girls by international armed forces are also reported.

Protecting children from violations

While government holds the primary responsibility for the protection and care of children, during conflict, military and civilian (humanitarian) actors must contribute to their protection as well. However, when the current conflict began, government, local, and international actors, accustomed to operating in vastly different contexts, found themselves lacking the capacity and ability to respond to the child protection concerns, risks, and violations occurring. Legal frameworks and military protocols were not in place, nor were the capacity and funds to develop the specialized types of programmes required. To better understand the true scale, strong monitoring systems to help document cases are needed. From these, appropriate mechanisms to provide assistance to survivors and bring perpetrators to justice can be developed.

Protection of children by military actors

The military plays a large role in the protection of children, both through the protection of civilians and as a primary point of contact for children believed to be associated with armed groups. Clear standard operating procedures (SOPs) and guidance within

about watchlist

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

For further information please visit:
www.watchlist.org



“ We are in the process of being spectators, we only watch. ”

4



rules of engagement for encountering children in combat help extend the greatest level of protection for vulnerable children. Widespread dissemination and enforcement of these is required. Yet, despite knowing since April 2012 that armed groups were recruiting children, by the end of April 2013 there were no SOPs in place for any of the armed forces operating in Mali, nor had the MAF or AFISMA troops received comprehensive child protection training.

The SOPs for MINUSMA should be developed in advance of troop deployment as a matter of urgency so that they can be included in pre-deployment trainings. In addition, full vetting of troops, including those to be re-hatted, must take place *in advance* of deployment. More crucially for children, a clear line must be drawn on parties listed in the Secretary-General's annexes of those who commit grave violations against children. Inclusion of listed parties as troop contributors to MINUSMA would greatly undermine and discredit the human rights work and mandate of the mission. There is, however, no official policy within the Department of Peacekeeping Operations (DPKO) or the UN as yet that prevents listed parties from contributing to peacekeeping missions.

Protection of children by civilian actors

Watchlist identified four key areas contributing to a slow-evolving child

protection response: a lack of capacity, gaps in cluster functioning, a void in leadership, and limited financial resources, all of which exacerbate one another. Through early 2013, the greatest needs from the start of the response remain: monitoring systems to provide a sense of scale and inform response, and referral pathways, crucially necessary to link monitoring to response in order to provide children and their families with appropriate assistance and support.

Steps towards the establishment of a protection monitoring system, a movement tracking system, and a child protection information management system in February and March of 2013 are positive and encouraging, but the general lack of monitoring and available data has been and continues to be a primary gap, persistent challenge, and principal need. It severely hinders a true understanding of the problems and precludes a comprehensive and appropriate response.

2. Recommendations:

To the Government of Mali:

- Sign with urgency and immediacy the Protocole d'Accord, take necessary steps to disseminate it to all actors concerned, and comprehensively monitor its enforcement.
- Include as an essential condition for dialogue and as a component for

any reconciliation agreements the full demobilization of all children under age 18 within the ranks of armed groups and the cessation of acts of sexual violence. Ensure accountability of perpetrators.

- Take preventative actions to ensure that the MAF and any associated groups do not commit grave violations against children. Capitalize on the knowledge and experience of the Country Task Force on Monitoring and Reporting (CTFMR) and the Monitoring and Reporting Mechanism (MRM) to set up concrete prevention measures.
- Prioritize the specific needs of children in all disarmament, demobilization, and reintegration (DDR) programmes.
- Pass and enforce specific legislation making the occupation of and attacks on schools illegal.
- Strengthen existing legislation on rape in the Penal Code to explicitly prohibit and criminalize marital rape. Amend the Code of Marriage and Guardianship that provides a wife must "obey" her husband and raise the legal age of marriage for girls to 18. Require civil registrations of marriage.

To child protection and protection actors:

- Scale and reinforce protection, especially child protection in emergencies, capacities through hiring of staff with the specific technical expertise required, as a



“ There is, however, no official policy within DPKO or the UN as yet that prevents listed parties from contributing to peacekeeping missions. ”

matter of urgency. Immediately fill all vacant leadership positions.

- Establish with all urgency protection and child protection monitoring systems throughout Mali to monitor, document, and report on child protection violations, including grave violations and cross-border violations.
- Develop and implement strong, context-appropriate programmes for demobilized children, in collaboration with the government and MINUSMA, that include psychosocial care, social and economic reintegration, and that address the indoctrination to which children may have been subjected. Work with religious leaders and link programmes to other social cohesion efforts being undertaken in Mali.
- Advocate for and promote a more holistic community-based approach to addressing sexual violence in conflict. Support these efforts through awareness raising and capacity building exercises of local and government actors to develop this expertise nationally.

To Ansar Dine, AQIM, MUJAO, the MNLA, and all other armed and paramilitary groups operating in Mali:

- Comply with national and international standards that forbid the recruitment and use of children under age 18, and grant humanitarian actors open and unrestricted access to all bases and members in order to

undertake age verification exercises. Cooperate with humanitarian actors on the release of all children under age 18. Cease committing all other grave violations against children.

To all armed actors operating in Mali:

- Ensure proper marking and mapping, as well as proper handling, storage, and clearing of explosive remnants of war, and share data collected with appropriate authorities, including demining actors.
- Ensure that effective controls of small arms and light weapons are in place to help ensure respect for international humanitarian law. Ensure that small arms and light weapons are properly secured and stored.

To MINUSMA:

- Dedicate in the initial wave of mission set-up specific capacity to support the needs and address the concerns of the recruitment and use of children, and to continually engage on these needs and raise these concerns at the highest levels in Mali.
- Develop and adopt SOPs on the treatment and transfer of children believed to be associated with armed groups immediately. Disseminate these to all troops and include them in pre-deployment briefings. Monitor their implementation and enforcement. Take swift and appropriate disciplinary action against troops who do not follow the SOPs.

- Ensure that all troops receive thorough training pre-deployment or before re-hatting on international humanitarian law, as well as applicable human rights and refugee law, including comprehensive training on child protection, and on international standards for detention. Include messaging on sharing information learned on child protection violations and concerns with civilian humanitarian actors.
- Adhere to international laws, guidelines, and principles pertaining to the sexual exploitation and abuse of civilian populations that troops are meant to protect, including the Secretary-General’s Bulletin on Sexual Exploitation and Abuse for troops under UN-mandated missions.
- Ensure the specific needs of children are included in DDR programmes and that their rehabilitation is addressed as a matter of priority in keeping with Security Council resolution 2100 (2013) o.p.16, a(v) and related to the larger national dialogue and reconciliation process.

To the Secretary-General and the Secretariat (including SRSR-CAAC and DPKO):

- List Ansar Dine, AQIM, MUJAO, and the MNLA for the recruitment and use of children in Mali.
- Exclude Chadian troops from MINUSMA until full completion of their action plan.

“...there is no documentation! It’s hard to know if things are better or worse because there are no numbers.”

6



- Adopt and implement a UN-wide policy excluding listed parties from participating in peacekeeping operations and other UN-mandated missions until the Secretary-General certifies their full and complete de-listing from the list of shame.
- Ensure that all troop-contributing countries to MINUSMA vet troops for children aged under 18 and for violators of children’s rights. Specify these conditions in all Note Verbales.

To the UN Security Council:

- Strongly encourage, with all available tools, the immediate signing and enforcement of the Protocole d’Accord by the Government of Mali, and the

development and signing of SOPs by MINUSMA on the transfer of children believed to be associated with armed groups.

- Insist that peacekeeping operations mandated by the Security Council do not include perpetrators of grave violations against children, or other human rights abuses, and insist on the independent screening of troop-contributing countries for children aged under 18.

To the UN Independent Expert on the situation of human rights in Mali:

- Prioritize and promote the protection of the rights of children in fulfilling the expert mandate. Investigate, monitor, and report on violations committed against children, including recruitment and use and sexual violence. Advocate for and advise on these at the highest levels in Mali and internationally.

To the International Criminal Court:

- Investigate the recruitment and use of children by all parties to the conflict, as well as intentional attacks on schools, with a view to determining individual responsibility and holding them to account.

- Undertake impartial and independent investigations into acts of conflict-related sexual violence committed by all parties against girls and women in support of determination of whether war crimes and crimes against humanity have been committed, so that appropriate actions can be taken, including the issuing of warrants.
- Ensure that strict precautions are taken when interviewing children, and that the process is led by professionals with specific training and experience in interviewing children.

To donors:

- Fund the child protection, protection, and education 2013 Consolidated Appeal Process to the full amounts required to improve the response



“...bridging the gap between monitoring and response is not only an operational need, but also an ethical imperative, given the risks taken by victims and communities who accept to report violations.”

mounted to protect children during conflict. Emphasis should be placed on the development and implementation of monitoring, case management, and referral systems, and any associated training and capacity building needs. Allow for flexibility in funding in order to adjust to needs as they become clearer through monitoring.

3. Establishing the UN Monitoring and Reporting Mechanism in Mali

When the Secretary-General publishes his annual report on Children and Armed Conflict in June 2013, Ansar Dine, MUJAO, and the MNLA will become listed parties and Mali will become the 15th country with a formal MRM. The MRM in Mali will monitor at least four non-state armed groups, some of whom may engage in regional cross-border recruitment; one state force; multiple troop-contributing countries, including one listed persistent perpetrator and several countries with concerning human rights records; multiple paramilitary groups; and other state forces.

The MRM will have specific needs and face specific challenges in Mali, including to the neutrality, impartiality, and independence of the process; to the co-existence of civilian and military actors; and to ensuring the security and safety of the monitors and humanitarian actors involved.

A “blueprint” for the Monitoring and Reporting Mechanism in Mali

The establishment of the MRM and MINUSMA simultaneously is a unique situation and provides the opportunity to symbiotically set up these systems and processes from the beginning. The opportunity should not be missed to do this *right*.

While there are many unknown variables that could affect the shape and approach of the MRM, the following are key aspects to consider in creating a “blueprint” for establishing an MRM in Mali:

- **Dedicated staff capacity and resources:** there is a critical need for dedicated (child protection) staff capacity at UNICEF and within MINUSMA to support the effective implementation of the MRM, particularly given the number of parties that will require monitoring and engagement. In this light, the fact that Security Council resolution 2100 (2013) specifically provides for the deployment of civilian Child Protection Advisors as part of MINUSMA is of extreme importance.
- **Coordination between MINUSMA and UNICEF:** as the future co-leads of the MRM, it is essential that MINUSMA and UNICEF build strong internal coordination processes for the MRM and ensure clear understandings of their mutual roles and responsibilities.
- **Cross-border coordination:** setting up appropriate cross-border coordination mechanisms from the onset will ensure that the MRM is able to capture the full complexity of patterns and trends in grave violations.
- **Access and reach:** in the absence of open and unrestricted access to and presence in all parts of Mali, it is critical to increase the capacity of local actors to safely monitor violations and to invest in community based child protection mechanisms that may help increase access, or, at the least, the reach of the MRM, as well as assist in adequately monitoring violations.
- **Non-governmental organization participation and consultation:** there is a need to ensure that non-governmental organizations (NGOs) buy into the MRM from the very beginning. This is of critical importance given that NGOs are currently engaged in the northern regions and have access to, and are present in, areas the UN is not. Therefore, NGOs will be critical partners for the MRM in Mali. Their participation in the MRM should result from a consultative process in which roles and responsibilities are mutually accepted and tailored security and confidentiality measures are agreed upon from the onset.
- **Linking monitoring and response:** all victims of grave violations should receive immediate care and protection. The establishment of referral pathways is a basic principle of any protection

“ This is a unique situation and opportunity to symbiotically set up these systems and processes from the beginning. The opportunity should not be missed to do this *right*. ”

monitoring activity. In practice, however, programmatic response and monitoring of violations tend to evolve in separate tracks and even in opposite directions: programmatic response goes towards communities, while monitoring goes towards outside fora. Bringing these two tracks into a continuum and bridging the gap between monitoring and response is not only an operational need, but also an ethical imperative, given the risks taken by victims and communities who accept to report violations.

- **Preventive action in relation to the MAF:** the CTFMR should take preventive action and engage with the MAF at the highest level to ensure that protocols and training on child protection are put in place and duly monitored and implemented.
- **Training and capacity building:** training must focus on safe monitoring practices, as well as methodologies and tools to collect and assess data in a reliable and impartial manner. An effort should also be undertaken to capitalize on existing monitoring frameworks so as to avoid multiple interviews and thus mitigate re-traumatization risks.

Recommendations for establishing the Monitoring and Reporting Mechanism

To the SRSG and UNICEF Representative:

- Undertake a feasibility study promptly to understand the programmatic, financial, and security implications of establishing an MRM, including a risk analysis to understand the risks involved in monitoring and verifying violations compared with the quality of the data obtained.
- Deploy with all immediacy child protection staff for both offices to effectively assess the needs and plan accordingly to facilitate a successful and efficient set-up of the MRM. Ensure they have sufficient financial resources to fulfil their respective roles and obligations in a timely and efficient manner. Mobilize other UN agencies to do the same for system-wide ownership of the MRM to help ensure its success.
- Engage NGOs from the start of the process and invite them to have an active voice and presence in decision-making on the CTFMR.

To the future CTFMR:

- Prioritize the establishment of referral pathways for the MRM, where appropriate, in coordination with the relevant clusters and the child protection information management system to ensure proper and immediate follow-up of cases.

- Develop SOPs to prevent re-interviewing of children.
- Ensure a clear and strict separation between military and civilian actors, particularly with verification exercises.

To the NGO community:

- Reflect on internal risks and capacity gaps that need to be addressed before engaging in the MRM. Actively discuss concerns and recommendations with MINUSMA and UNICEF to ensure that they are considered in the planning process.
- Consider actively contributing to the MRM. Where capacity and risk mitigation measures can be addressed, advocate to be included as a member of the CTFMR.

