



# Getting It Done and Doing It Right

Implementing the Monitoring and Reporting Mechanism on Children and Armed Conflict in

## The Democratic Republic of Congo



JANUARY 2008

## Watchlist Mission Statement

The Watchlist on Children and Armed Conflict strives to end violations against children in armed conflicts and to guarantee their rights. As a global network, Watchlist builds partnerships among local, national and international 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 programs and policies that effectively protect children. [www.watchlist.org](http://www.watchlist.org)

## IMPORTANT NOTES

General supervision of Watchlist is provided by a Steering Committee of international non-governmental organizations known for their work with children and human rights. Though many agencies and actors provided information for this report, the views presented in this report do not represent the views of any one organization or member of the Steering Committee.

Watchlist is grateful for the generous support and guidance of a number of agencies and individuals which made this report, its companion country-reports and the global study possible. Grants from the Government of Canada's Department of Foreign Affairs and International Trade (DFAIT) and other donors provided Watchlist with the necessary resources to carry out this project.

Information in this report was collected primarily during Watchlist's visit to the Democratic Republic of Congo, between August 31 and September 12, 2007. Additional information was gathered through follow-up consultations.

## PHOTO CREDITS

Cover, International Rescue Committee (IRC); Page 1, UNICEF, HQ00-0724, Radhika Chalasani (left) and IRC (right); Page 5, UNICEF, HQ03-0301, Christine Nesbitt; Page 6, IRC; Page 9, UNICEF, HQ05-0432, Roger Lemoyne; Page 11, IRC; Page 13, UNICEF, HQ04-1185, Roger LeMoyne; Page 15, IRC; Inside back cover, IRC.

**Please Note:** The people represented in the photos in this report are not necessarily themselves victims or survivors of human rights violations or other abuses.

## Acronyms

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AMI	<i>Aide Médicale Internationale</i>
CERF	Central Emergency Response Fund
CPA	Child Protection Adviser
DDR	Disarmament, Demobilization and Reintegration
DRC	Democratic Republic of Congo
DSRSG	Deputy Special Representative of the Secretary-General
FARDC	<i>Forces Armées de la République Démocratique du Congo</i> Armed Forces of the Democratic Republic of Congo
GBV	Gender-based violence
ICC	International Criminal Court
ILO	International Labour Organization
IMC	International Medical Corps
IRC	International Rescue Committee
JMAC	Joint Military Analysis Cell
JOC	Joint Operations Center
MONUC	<i>Mission des Nations Unies en République Démocratique du Congo</i> United Nations Mission in the Democratic Republic of Congo
MRM	Monitoring and Reporting Mechanism
MSF	<i>Médecins Sans Frontières</i> Doctors Without Borders
NGO	Non-governmental organization
OSRSG-CAAC	Office of the Special Representative of the Secretary General for Children and Armed Conflict
PPC	Provincial Protection Cluster
SCMR	Steering Committee on Monitoring and Reporting
SCR	Security Council Resolution
SCWG-CAAC	Security Council Working Group on Children and Armed Conflict
SOP	Standard operating procedure
UN	United Nations
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNSC	United Nations Security Council
WHO	World Health Organization



## Introduction

In July 2005, the United Nations Security Council unanimously adopted Resolution 1612. In addition to calling for other important measures to protect children, the Security Council requested that the Secretary-General establish a mechanism to monitor and report on violations of children's rights in situations of armed conflict. The implementation of the UN-led Monitoring and Reporting Mechanism (MRM) is an important step in improving the protection of children affected by armed conflict. However, some challenges remain.

In an effort to address these challenges, Watchlist undertook a global study on monitoring and reporting and the implementation of the MRM between July and December 2007. This study documents and analyzes lessons learned, challenges, and successes in monitoring and reporting and provides practicable and action-oriented recommendations to key stakeholders and decision-makers to advance and improve monitoring and reporting on children's rights.

The findings and recommendations of this study are presented in five reports: one global study on the implementation of the MRM and four country-specific reports on monitoring and reporting in Colombia, the Democratic Republic of Congo, Sri Lanka, and Uganda. While the global report and its companion country-specific reports identify challenges encountered in implementing the MRM, it is important to note that the purpose of this study is to highlight opportunities to strengthen the implementation of the mechanism and to build upon the successes to date.

## Key Recommendations

- Taskforce members should outline all the potential ways in which NGOs, both Kinshasa-based and field-based, might support the implementation of the MRM, underscoring the different roles of Kinshasa-based and field-based staff, to help clarify the varying responsibilities these actors can assume. This document should also outline the differences in the responsibilities of NGOs and UN agencies. It should be translated into locally relevant languages and broadly disseminated to civil society groups that may be willing and able to participate.
- The MRM Taskforce and its partners, including MONUC military and civilian personnel, should devise a strategy to help reduce and prevent security incidents related to monitoring and reporting. This includes identifying effective ways for NGOs and other actors to submit confidential information about violations perpetrated by armed groups to the Taskforce and developing ways in which these partners can identify, mitigate, and manage security risks.
- Relying on the expertise of partners and other experts in DRC, the Taskforce should identify existing resources which outline key ethical principles and standards in monitoring and reporting human rights violations, and identify ways to integrate these principles into the structure and daily operations of the Taskforce.
- UNICEF and the MRM Taskforce should explore ethical ways to collect information through program-related data from actors who provide services to survivors of violence, particularly GBV. This might include developing specific memoranda of understanding with these organizations outlining the parameters under which information will be shared, in particular how confidentiality of case-specific information will be upheld.
- Working together, the MRM Taskforce and other UN agencies should improve awareness of the MRM and key child protection concerns in DRC among donors and the diplomatic community by holding briefings and disseminating updates on a quarterly basis in an attempt to reengage these actors and galvanize their support for improved child protection.
- Donor governments in DRC should maintain their support for UNICEF's participation in the implementation of the MRM while simultaneously increasing available funding for national and international NGOs wishing to participate in the MRM. This should include making resources available for NGOs to hire and train additional personnel to assist with the collection and verification of MRM-related data.
- Taskforce members should devise a list of potential and specific actions which they or other actors might take upon receiving information about child rights violations collected through the MRM in DRC. These responses might include issuing press releases and public statements, refining and revising programmatic interventions to respond to the needs of children whose rights have been violated, and referring children and respondents to other agencies for specific social or legal services.

## Security Council Resolution 1612 & the MRM

The UN-led Monitoring and Reporting Mechanism (MRM) on grave violations of children's rights is the product of many years of focused efforts to improve the situation of children affected by armed conflict. Between 1999 and 2005, the United Nations Security Council (UNSC) passed six resolutions related specifically to children and armed conflict. In 2004, Resolution 1539 laid the groundwork for the creation of a mechanism to monitor violations of children's rights by providing timely, objective, accurate, and reliable information to the UNSC and others.

In February 2005, in his fifth report on children and armed conflict to the UNSC (S/2005/72), Secretary-General Kofi Annan proposed an action plan for the creation of a mechanism which would systematically monitor, document, and report on violations of the rights of children in armed conflict, focusing specifically on the following six grave violations:

- Killing or maiming of children
- Recruitment or using child soldiers
- Attacks against schools or hospitals
- Rape or other grave sexual violence against children
- Abduction of children
- Denial of humanitarian access for children

In this report, the Secretary-General also identified 54 armed groups in 11 countries that were recruiting and using children in situations of armed conflict. He divided these groups into two annexes: Annex I included groups already on the agenda of the UNSC while Annex II listed groups that were not on the agenda of the UNSC.<sup>1</sup> These lists have been updated in the Secretary-General's subsequent reports on children and armed conflict.

In July 2005, the UNSC unanimously adopted Security Council Resolution (SCR) 1612, its sixth resolution on children and armed conflict. Among other things, SCR 1612 formally established the MRM to systematically collect data on the six grave violations of children's rights and to monitor the compliance of armed groups to international standards.<sup>2</sup> In 2005, seven countries were selected as pilot countries for the MRM from Annexes I and II of the Secretary-General's 2005 report on children and armed conflict: Burundi, Côte d'Ivoire, Democratic Republic of Congo, Somalia, and Sudan from Annex I and Nepal and Sri Lanka from Annex II. At the time of writing, MRM Taskforces were also operational in Chad, Myanmar, Philippines, and Uganda.

## The MRM in the Democratic Republic of Congo

In 2005, the Democratic Republic of Congo (DRC) was selected by the United Nations as one of seven pilot countries in which to implement the UN-led Monitoring and Reporting Mechanism (MRM). The following year, the UN established the DRC Taskforce on Monitoring and Reporting, co-chaired by UNICEF's Country Representative and the Deputy Special Representative to the Secretary-General (DSRSG) for DRC. The Taskforce also includes the United Nations Mission in the Democratic Republic of Congo (MONUC), UNICEF, the United Nations High Commissioner for Refugees (UNHCR), the International Labour Organization (ILO), and two non-governmental organizations (NGOs), Save the Children UK and CARE.

The Taskforce submitted its first report to the Office of the Special Representative to the Secretary General on Children and Armed Conflict (OSRSG-CAAC) in early 2006, and on June 13, 2006, the Secretary-General submitted his first report on children and armed conflict in DRC to the Security Council Working Group on Children and Armed Conflict (SCWG-CAAC) (S/2006/389). The SCWG-CAAC considered this report and subsequently adopted conclusions on children and armed conflict in DRC, submitting them to the Security Council in September 2006 (S/2006/724).

The Secretary-General submitted his second report on children and armed conflict in DRC to the SCWG-CAAC on June 28, 2007 (S/2007/391). The SCWG-CAAC considered this report and on October 25, 2007, submitted conclusions to the Security Council (see below: Triggering a Response to Violations) (S/AC.51/2007/17).

These and other notable accomplishments of the Taskforce are set against a backdrop of ongoing challenges in DRC. As a shaky peace continues to hold throughout Ituri District and other parts of the East, the Congolese government, donor governments and other members of the diplomatic community are turning their attentions away from child protection concerns and concentrating their efforts on other issues, such as ongoing support for

## *The MRM in the Democratic Republic of the Congo*

### **UNSC Resolutions**

#### **On Children and Armed Conflict**

Resolution 1261	August 25, 1999
Resolution 1314	August 11, 2000
Resolution 1379	November 20, 2001
Resolution 1460	January 30, 2003
Resolution 1539	April 22, 2004
Resolution 1612	July 26, 2005

## *The Participation of NGOs in the MRM*

the peace process, infrastructure reconstruction, natural resource management, security sector reform, and good governance. While these issues are equally important, human rights and the protection of children must not be discounted as they are critical components of securing an enduring peace. A diplomat at one embassy noted that other considerations, aside from human rights, now take precedence over child protection. Given this general shift in priorities, some humanitarian and human rights organizations expressed concern that the Government of DRC might forsake addressing impunity and human rights violations in favor of other interests.

Recent months have witnessed an escalation in violence in eastern DRC, particularly in North Kivu. Humanitarian agencies have reported massive population displacement and increasing rates of sexual violence, abduction, and forced recruitment of children. Now more than ever, an effective Monitoring and Reporting Mechanism is needed to collect and distribute information on these grave violations of children's rights. However, with high levels of violence and insecurity in North Kivu, collecting and verifying such information is all the more difficult.

Given its two solid years of experience, the DRC Taskforce now has the opportunity to reflect upon lessons learned since its inception to help improve the future implementation of the MRM. This report seeks to identify challenges faced in implementing the MRM in DRC and opportunities to build upon the Taskforce's successes to date. The findings and recommendations of this report are presented within the following categories:

- The participation of NGOs in monitoring and reporting
- Maintaining security and respecting rights
- Leveraging networks and resources
- Triggering a response to violations

A set of recommendations for action is included at the end of each section and also consolidated at the end of this report.

### Methodology & Limitations of Research

From August 31 to September 12, 2007, Watchlist staff traveled to Kinshasa, DRC and met with a range of actors involved in human rights monitoring, child protection and child rights. These actors included staff of national and international non-governmental organizations, UN agencies, embassies and donor government agencies, and multilateral institutions. Additional follow-up consultations were conducted via email to provide additional clarification and to solicit new information where in-person meetings were not possible during the time of Watchlist's visit.

At the outset, it is important to acknowledge the limitations of this research which may have some impact on the overall findings of this report. During Watchlist's

visit, some key experts were unable to meet with Watchlist staff either due to travel schedules or demanding workloads. Thus it was necessary to arrange consultations with these individuals by phone or email, creating an inconsistent methodology for soliciting information from key experts and possibly impacting the specificity of information collected. Finally, Watchlist staff did not travel outside of Kinshasa and thus all consultations were held with agencies or actors who were able to meet in Kinshasa. Given the enormous geographical expanse of DRC, this may have impacted the breadth and depth of the information collected.

### The Participation of NGOs in the MRM

#### SUCCESSSES

Though only CARE and Save the Children UK play a formal role on the MRM Taskforce, the DRC Taskforce has made impressive strides in reaching out to and collaborating with other NGOs to implement the MRM. In particular, the Taskforce has made training and capacity building priority activities. In September 2007, the 1612 Reports Officer—a UNICEF employee seconded to MONUC—conducted training on monitoring and reporting for approximately 200 child protection and human rights staff in Bunia, Beni, Goma, Bukavu, and Uvira. The Taskforce has also collaborated with the MRM Taskforce in Côte d'Ivoire, sharing training materials and lessons learned in executing this training.

In Ituri District and North and South Kivu Provinces, where the information for the MRM is being collected, both NGOs and UN agencies noted that there was fairly good collaboration between MONUC Child Protection Advisers (CPAs) and both national and international NGOs on the ground. UNICEF implementing partners have also been briefed on the MRM and are helping to submit information related to the six violations to UNICEF and MONUC CPAs. In most cases, the MONUC CPAs then verify this information, at times with the help of other local and international NGOs.

#### CHALLENGES

Despite this notable progress, many respondents—including nearly every Taskforce member with whom Watchlist met—noted that “NGO participation [in the MRM] is timid.” There is, however, no one single reason for the reticent participation of NGOs in the MRM Taskforce. In some cases, the factors preventing Kinshasa-based NGOs from helping to implement the MRM differ greatly from those that prevent NGOs in the East from participating. Several factors outlined below illustrate why many NGOs have not pushed to participate more significantly in the MRM which has in turn made it difficult for UNICEF and MONUC to identify suitable NGO partners.

Working in a country nearly the size of Europe which faces enormous challenges, most humanitarian NGOs in DRC are forced to manage a host of competing priorities, often making difficult choices about how to spend their limited human and financial resources. Not unlike other complex emergencies, DRC is awash with thematic clusters and working groups, NGO networks, coordinating bodies, funding groups, and the like. NGOs and most humanitarian actors suffer from “meeting fatigue” and in the words of one UN employee, are “maxed out on process.” Though MRM Taskforce meetings in Kinshasa are generally held every other month to review information and discuss recommendations, many NGOs still feel they do not have the time to participate in a group whose work only slightly relates to their own.

This phenomenon is an indication of a larger shift in the landscape of humanitarian programming and funding in DRC. Many humanitarian agencies which previously administered large child protection programs, particularly programs that assisted children associated with armed forces and groups, closed these programs when funding for the disarmament, demobilization, and reintegration (DDR) of children ended. Amongst donors, child protection issues have become a lower priority than improving governance, reconstructing infrastructure, extending the rule of law and reforming the security and natural resource sectors. With less money available for child protection programming, many NGOs have scaled back or closed their child protection programs. Thus, many NGOs that might have participated in the MRM at an earlier point in time have lost either the financial or human resources to do so now.

Geographical distance and misconceptions about the role of NGOs also play a part in hindering their participation in the MRM. The MRM Taskforce is centralized and CPAs based in the East collect information from NGOs, UN partners, and informal networks and submit it directly to a focal point in Kinshasa. Some NGOs in Kinshasa lack a field presence in the areas where information is being collected and thus feel they have no role to play in the implementation of the MRM. At the same time, Kinshasa-based NGOs with a presence in the East are unclear about their role in the Kinshasa taskforce when violations are occurring thousands of kilometers away. Finally, NGOs that lack a presence in Kinshasa but are active in the East noted that they participate in the MRM by submitting information to CPAs in the East. However, they are not able to participate in direct decision-making processes related to the implementation of the MRM, particularly in decisions about the manner in which collected information is used to respond to the needs of children and their communities.

Many NGOs also have misconceptions about SCR 1612 and the MRM overall. Some NGOs and UN agencies see the MRM and SCR 1612 as a “child soldier resolution” and thus have a difficult time seeing how they might par-

ticipate if they are not directly involved in child protection. This is particularly true for NGOs that administer gender-based violence (GBV) programs or GBV-related services. Yet, the participation of these types of NGOs would help to improve the collection and verification of data on sexual violence and other grave violations. Others view the MRM as UN-initiative alone. As one NGO noted, the “UN is set up to help itself” and therefore there is no need for NGOs to provide support for UN initiatives like the MRM. However, SCR 1612 notes in paragraph 2 (b) that, “this mechanism must operate with the participation of and in cooperation with national Governments and relevant United Nations and civil society actors, including at the country level.” (S/RES/1612 (2005)). The active participation of civil society actors is crucial to the effective implementation of the MRM and its efforts to collect information on, report on, and respond to grave violations against children.<sup>3</sup>

NGOs in DRC have widely varying capacities. Limited financial, human and technical capacity prevents some NGOs from supporting the implementation of the MRM. As noted above, many NGOs no longer have the funding to support child protection programming due the shift in donor priorities. Funds are not readily available for national or international NGOs to improve their role in monitoring and reporting, and many donors indicated they had no future plans to release such funds. One donor noted that their government had no specific funding for child protection or monitoring and reporting as much of their funding for DRC is channeled through the Pooled Fund.<sup>4</sup> However, NGO’s access to monies from the Pooled Fund is not always easy. While UNICEF and other UN agencies have received money from the Pooled Fund to support the implementation of the MRM, NGOs have not yet received any financial support from this fund for monitoring and reporting. In 2006, the UN reported that NGOs received 25 percent of Pooled Fund monies. However, some NGOs expressed concern that the Pooled Fund had actually diminished their overall access to funding as some donors who might have otherwise provided direct support to NGOs for the child protection programs opt now to allocate their funding to the Pooled Fund.

Some NGOs have a potential to participate in the MRM but have limited technical capacity to do so. These NGOs might include agencies with some expertise or experience in child protection or protection programming, service-delivery agencies with limited experience in human rights monitoring, and organizations with basic awareness about the sensitivities of working with survivors of violence and abuse.<sup>5</sup> The participation of these organizations should not be overlooked as they could help broaden the reach of the Taskforce and help respond to individual cases identified by the Taskforce.

Increasing the capacity of these NGOs to meaningfully contribute to the MRM requires the commitment of sig-

*Limited financial, human and technical capacity prevents some NGOs from supporting the MRM.*



nificant time and resources. This has not always been the practice in DRC. Trainings carried out by the Taskforce in the past have suffered from a low ratio of trainers to participants, limited time devoted to trainings, incomplete or inconsistent training materials, and a lack of refresher trainings or follow-up evaluations.

Security risks also pose a huge challenge to NGO participation, particularly for agencies in the East. Many national and community-based NGOs involved in human rights work in eastern DRC face a daily barrage of threats and intimidation. One national NGO reported that in areas where MONUC is not present, monitoring and reporting any violations of human rights remain a challenge as NGOs that have been threatened have few options for protection except the national police—an institution that remains largely weak and ineffective due to decades of armed conflict and corruption. Another NGO noted that “information collectors” are purposefully targeted in attacks, although the respondent was unable to say if the attacks were directly correlated with the work of information collectors or if they were targeted for other reasons because, for example, they had access to humanitarian supplies.

Insecurity also limits access to areas of conflict creating somewhat of a catch-22 for NGOs, as these areas are often where human rights violations are occurring with the greatest severity and frequency. Yet, it is precisely this insecurity and violence that prohibit access to these areas. This is particularly true for North Kivu. At the time of writing, intensifying violence had cut 150,000 people in the province off from humanitarian aid. In many areas, levels of insecurity are so high that the only humanitarian actors present are staff affiliated with MONUC in which case attempts to increase the participation of NGOs may be fruitless (see below: Maintaining Security & Respecting Rights).

## OPPORTUNITIES & RECOMMENDATIONS

The Taskforce remains interested in increasing the involvement of NGOs in the MRM at both the field and Kinshasa-levels to help with the collection and verification of data and the development of recommendations; yet it lacks a comprehensive strategy on how to do so. The MRM Taskforce and other key stakeholders can improve the involvement of NGOs by:

- Decentralizing the MRM and creating Taskforces in Ituri and North and South Kivu led jointly by MONUC CPAs and UNICEF protection staff which can collect and verify information at the field-level and submit it to the Kinshasa-based Taskforce.<sup>6</sup>
- Conducting a mapping exercise—or a “who, what, where”—in Ituri and North and South Kivu of local, national and international NGOs with pre-existing capacities to monitor and report on violations of

children’s rights and NGOs who, with additional training and support, could also help collect and channel information to the MRM Taskforce.

- Outlining all the potential ways in which NGOs, both Kinshasa-based and field-based, might support the implementation of the MRM, underscoring the different roles of Kinshasa-based and field-based staff, to help clarify the varying responsibilities these actors can assume. This document should also outline the differences in the responsibilities of NGOs and UN agencies. It should be translated into locally relevant languages and broadly disseminated to civil society groups that may be willing and able to participate.

To help expand and improve the participation of NGOs in the implementation of the MRM, key stakeholders must consider ways in which to strengthen the financial and technical capacity of NGOs. The following recommendations should be undertaken:

- The MRM Taskforce, with input from other UN agencies and NGOs, should conduct a training needs assessment and develop a country-specific training curriculum for child protection actors involved in monitoring and reporting on children’s rights violations. Training should improve understanding of MRM and SCR 1612 and increase and improve knowledge and skills in monitoring and reporting, human rights, child protection, and GBV, and the ability to identify, mitigate, and manage security risks.<sup>7</sup>
- The MRM Taskforce, with input from other UN agencies and NGOs, should develop a country-wide training plan that addresses the gaps and training needs identified in assessments carried out in-country. This includes identifying actors who might provide trainings on specific issues, such as GBV, human rights monitoring, and human rights and humanitarian law.
- Adequate resources must be made available to improve the quality and long-term impact of trainings. Donor governments should increase the overall financial and human resources dedicated to trainings. In particular, the Taskforce should hire consultants to conduct training needs assessments, design specific training plans for individual districts, and carry out trainings and periodic evaluations as well as refresher trainings for NGOs and others.
- The MRM Taskforce should identify provincial-level UNICEF staff, MONUC CPAs, or NGO partners who can provide “on-the-job training” and regular guidance and support to local NGOs interested in expanding and improving their skills in monitoring and reporting rights violations.
- Donor governments in DRC should maintain their support for UNICEF’s participation in the implemen-



tation of the MRM while simultaneously increasing available funding for national and international NGOs wishing to participate in the MRM. This should include making resources available for NGOs to hire and train additional personnel to assist with the collection and verification of MRM-related data.

Continued and sustained awareness-raising about the needs and protection concerns of children in DRC is crucial to maintaining the support of the international community, specifically donor governments and the diplomatic community. This includes increasing general awareness about SCR 1612 and the MRM.

- Working together, the MRM Taskforce and other UN agencies should improve awareness of the MRM and key child protection concerns in DRC among donors and the diplomatic community by holding regular briefings and disseminating updates on a quarterly basis in an attempt to re-engage these actors and galvanize their support for improved child protection programming (see below: Leveraging Networks & Resources).
- The UNICEF and MONUC CPA focal points for the MRM should help improve awareness of the MRM and SCR 1612 and the potential roles for NGOs by holding one-on-one meetings with key child protection or protection-focused NGOs to discuss the participation of these actors in the MRM (see below: Leveraging Networks & Resources).
- The headquarters offices of leading child protection and protection NGOs should develop internal guidelines for their DRC field offices and other offices around the world, providing information about SCR 1612 and the MRM and outlining ways in which the office might choose to support the Taskforce.
- To parallel the New York-based Group of Friends of SCR 1612, members of the donor and diplomatic communities should establish a Kinshasa-based Group of Friends and include as members governments actively engaged in the CAAC portfolio in Kinshasa, New York, and their relevant capital cities.

## Maintaining Security & Respecting Rights

### SUCCESSSES

While a fragile peace has settled over a large part of DRC, insecurity and violence are on the rise in North Kivu and other parts of DRC. For many members of the MRM Taskforce and others engaged in monitoring and reporting on grave violations of children's rights, MONUC provides a reassuring presence. Some NGOs noted that the ability to report security concerns to MONUC while also submitting information to CPAs helped them feel more

secure. In some cases, information collected by the Provincial Protection Clusters (PPCs)<sup>8</sup> and CPAs was then fed to the military wing of MONUC to help improve the protection of civilians by deploying additional troops to specific areas.

### CHALLENGES

Insecurity remains a challenge for all actors on the ground in eastern DRC. In 2006, a staff member of a local organization partnering with Save the Children was brutally murdered due to his role in the demobilization of children associated with armed groups. While in some places, like Ituri, child protection actors have not reported any recent acts of violence or threats. However in North Kivu, attacks and intimidation of humanitarian and human rights workers are increasing. Human rights activists and humanitarian workers are consistently threatened and specifically targeted for the work they do, and many civilians are afraid to report violations for fear of retributive attacks. These attacks have caused some NGOs to draw-down their operations in the province, also impacting the extent to which they can collect information on violations of children's rights. Insecurity and justified fear of attacks have also made it increasingly difficult for NGOs to speak out publicly against human rights abuses, particularly those perpetrated by armed groups.

Though security risks and threats vary from agency to agency, many respondents noted that local or national NGOs faced higher risks when collecting information about human rights abuses than when providing services and assistance to conflict-affected populations. In addition, while security risks for both service-delivery agencies and human rights groups are high, some respondents noted that armed groups most likely find human rights organizations more threatening, particularly after Thomas Lubanga was indicted by the International Criminal Court (ICC).<sup>9</sup> A few respondents noted that collecting information about rights abuses, particularly about child recruitment, has become more difficult since Lubanga's arrest as many civilians are afraid to report abuses by armed groups for fear of retributive attacks from commanders. Watchlist was unable to verify this allegation. However, this situation highlights the potential correlating risks associated with efforts to decrease impunity and collect information.

Furthermore, while some respondents expressed a sense of reassurance by the presence of MONUC, the future of the peacekeeping force is unclear and eventually the number of civilian and military staff within the mission will decrease. Though the Taskforce remains largely dependent on MONUC for security and coordination, Taskforce members have begun to strategize about ways in which to maintain security for information collectors and human rights defenders when MONUC begins to drawdown its personnel.

*Respecting confidentiality and informed consent is crucial to mitigating risks of retributive attacks and other violence.*

*Maintaining Security & Respecting Rights*

Respecting the confidentiality and informed consent of survivors and respondents is crucial to mitigating the risks of retributive attacks and other violence against them while also ensuring respect for their rights and dignity. During the collection of first-hand information, human rights monitors and others may share information with outside actors only after informing those people who are reporting violations how the information will be used and who will have access to the information. Monitors and other information collectors must also request permission to share this information. Reporting abuses can increase security risks for survivors and respondents, and it is precisely these individuals who will be forced to cope with any negative consequences of reporting.

Verifying case-specific information can make maintaining confidentiality and informed consent challenging. However, under no circumstances should the names or other identifying information of survivors be revealed to third parties without his or her informed consent and/or the consent of his or her primary caregiver as it increases risks to safety and security.<sup>10</sup> The MRM Taskforce has yet to identify a strategy to ensure that confidential information is not revealed during the verification process and that the informed consent of the survivor is consistently respected and upheld.

## OPPORTUNITIES & RECOMMENDATIONS

UNICEF, MONUC and other members of the Taskforce have recognized the crucial importance of maintaining security and upholding the rights of survivors. They are currently engaged in a process of developing more formal strategies for incorporating these two priorities into the daily operations of the Taskforce. In the process of doing so, the MRM Taskforce and other key stakeholders in DRC should consider the following recommendations:

- The MRM Taskforce and its partners, including MONUC military and civilian personnel, should devise a strategy to help reduce and prevent security incidents related to monitoring and reporting. This includes identifying effective ways for NGOs and other actors to submit confidential information about violations perpetrated by armed groups to the Taskforce and developing ways in which these partners can identify, mitigate and manage security risks.
- Members of the Taskforce should develop a standard operating procedure (SOP) detailing the minimum set of actions different members of the Taskforce should take when the security of respondents, children, and/or information collectors is threatened during the collection or verification of data.<sup>11</sup>
- Relying on the expertise of partners and other experts in DRC, the Taskforce should identify existing resources which outline key ethical principles and standards in monitoring and reporting human rights violations,

and identify ways to integrate these principles into the structure and daily operations of the Taskforce.

- MONUC, UNICEF, and other relevant Taskforce members should provide detailed information for all Taskforce members about the principles of confidentiality and informed consent, including how to uphold these principles in monitoring and reporting, how to incorporate them into the work of the Taskforce, and the importance of these principles.
- The MRM Taskforce should develop guidelines on how to share case-specific information among Taskforce members for the purpose of verification without violating the rights of the survivors and respondents. This would include outlining the “burden of proof” for verification and the extent to which individual cases must be verified.
- In conjunction with other UN agencies, the MRM Taskforce should consider possible ways in which it might improve general understanding of the relationship between SCR1612, the MRM, and the ICC. This might include disseminating information publicly or identifying key groups or agencies that could receive information. This may ultimately help encourage reporting.<sup>12</sup>
- The Taskforce should create field-friendly versions of the Secretary-General’s reports on children and armed conflict in DRC and the Security Council Working Group’s conclusions, translating these field-friendly documents into French, Swahili, and other languages as necessary, and should distribute these reports to community leaders and local child protection actors to demonstrate how collected information is being used. In drafting these reports, the Taskforce should ensure that sources of information are not identifiable or otherwise exposed.

## Leveraging Networks & Resources

### SUCCESSSES

To date, the collaboration and partnership between MONUC’s Child Protection Section and UNICEF has been commendable. In Kinshasa, a UNICEF officer has been seconded to MONUC where she serves as the 1612 Reports Officer, helping to support the implementation of SCR 1612, including the MRM.

Collaboration between individual departments and sections of MONUC has also been successful at times, and respondents reported that MONUC’s Child Protection and Human Rights units at times undertake joint-missions and assessments to investigate, document and verify human rights violations. The Taskforce also receives infor-

mation from the UN Mine Action Coordination Centre (UNMACC) and MONUC's Conduct and Discipline Unit upon request.

The MRM Taskforce has made impressive progress in establishing a link with the Provincial Protection Clusters, nominating a child protection focal point within the PPC who feeds information to UNICEF provincial staff and the MRM Taskforce. One respondent noted that the PPC has become a valued means for sharing information with UNICEF field offices and triggering a subsequent response from UNICEF.

The terms of reference for the newly-established Child Protection Working Groups in Goma, Bukavu and Bunia also specifically outline the role of its members to “facilitate the sharing of information exchange on grave violations against children” as per SCR1612. Co-chaired by MONUC Child Protection and UNICEF, these Working Groups include members from any interested UN agencies and international or national NGOs, thus broadening the reach of the MRM Taskforce to additional sources of information.

The objectives of SCR 1612 and the MRM have also been integrated into national-level humanitarian planning and funding mechanisms and structures. Monitoring and reporting is listed in the log-frame of the forthcoming 2008 Humanitarian Action Plan for DRC. UNICEF has received funding through the Pooled Fund and has also requested funds from the Central Emergency Response Fund (CERF) to implement the MRM.

## CHALLENGES

Like many complex emergencies, DRC is home to seemingly innumerable coordinating groups, networks, and working groups. In addition to the MRM Taskforce, a host of protection-focused groups meet on a regular basis to discuss key concerns and coordinate programming and funding. These include the Kinshasa-level Protection Cluster, Provincial Protection Clusters, the Protection Monitoring project, the Humanitarian Advocacy Group, the Joint-Initiative on Sexual Violence, and various other thematic working groups. Many of these groups, including various units and sections within MONUC, other UN agencies, NGOs, and government institutions, collect information related to the six grave violations against children in situations of armed conflict. The MRM Taskforce now faces the challenge of working with these systems to collect information from them while avoiding the duplication of information and identifying methods to triangulate information.

Improving coordination between the various systems and structures within MONUC is also a challenge. The MONUC Human Rights section, charged with investigating human rights abuses, does not systematically share

information with CPAs or the Taskforce, and cooperation between CPAs and Human Rights Officers is largely dependent on ad hoc arrangements created by individual staff. A number of other systems and structures within MONUC—such as the Joint Operations Center (JOC), Joint Military Analysis Cell (JMAC), and the Military Observers—collect information related to attacks and violations in DRC. Some of these units cooperate to an extent with the Child Protection Section. For example, in provinces where CPAs are deployed Military Observers systematically share information about child rights violations. However, collaboration could be greatly improved as a large amount of child-specific information collected by these units. Collaboration remains weak in part because of the different objectives and priorities of various MONUC sections and, in particular, the inherent tension between the military, political and protection elements of MONUC's mandate.

The Taskforce remains heavily dependent on MONUC's CPAs who collect much of the information for the MRM through informal networks and connections on the ground.<sup>13</sup> As discussed, several members of the MRM Taskforce noted that in the coming years the Taskforce would have to identify alternative means of collecting information when MONUC begins to drawdown its staff. The eventual reduction of CPAs within MONUC necessitates forward thinking about ways to increase the capacity of NGO partners to empower them to monitor and report. This poses subsequent resource challenges as the Taskforce will inevitably need to identify additional funds for these capacity-strengthening activities.

Collecting information on GBV from existing networks and resources remains a challenge. The Joint-Initiative on GBV (*Initiative Conjointe de lutte contre les Violences Sexuelles en RD Congo*), a well-funded coalition of ten UN agencies and several Congolese NGOs and government ministries, is in the process of collecting information on GBV and amassing it into one master database. However, many Taskforce members noted that the database often includes duplicate information and accessing it in a timely manner, particularly when faced with immutable reporting deadlines, is nearly impossible.

Sustaining the interest of the international community for SCR 1612 and the MRM poses an additional challenge. Already, as noted above, the diplomatic community and donor governments are beginning to shift their attention away from child protection concerns. One diplomat summed up the sentiments of many foreign governments in Kinshasa by noting, “Yes, children are facing problems, but so is the whole population.”



*Leveraging other networks and resources helps minimize the duplication of efforts while increasing the participation of other experts.*

## OPPORTUNITIES & RECOMMENDATIONS

The MRM Taskforce should identify previously-existing networks and resources which, with additional support, could help feed information into the MRM.

- The MRM Taskforce should develop and execute a survey of protection-related data collection systems used by UN agencies—including various units and sections within MONUC—NGOs, and national authorities in order to identify existing sources of information, identify overlaps and gaps in systems, attempt to unify indicators, and channel additional information to the MRM Taskforce.
- The MRM Taskforce should improve efforts to streamline monitoring and reporting of violations of children's rights from the Provincial Protection Clusters and newly-established Child Protection Working Groups in Goma, Bukavu, and Ituri. This includes ensuring that all members of the Child Protection Working Groups fulfill their responsibilities outlined in the Working Group's terms of reference to support the implementation of SCR 1612.
- As the Joint-Initiative progresses with the development of its database, the MRM Taskforce should provide input on the development of indicators and the structure of database such that the information collected by this database can be easily and appropriately shared between the two systems.

To further increase its access to information on GBV, the MRM Taskforce should consider collecting information from agencies that provide GBV-related services, such as International Medical Corps (IMC), Médecins Sans Frontières (MSF) Holland, Aide Médicale Internationale (AMI), Malteser International, the International Rescue Committee (IRC), and the national authorities.

- UNICEF and the MRM Taskforce should explore ethical ways to collect information through program-related data from actors who provide services to survivors of violence, particularly GBV. This might include developing specific memoranda of understanding with these organizations outlining the parameters under which information will be shared, in particular how confidentiality of case-specific information will be upheld

Additional and sustained support is needed from the international community, and in particular donor governments and the diplomatic community, to provide funding, to help encourage inter-agency collaboration and intra-UN coordination, and to provide MONUC and UNICEF with the necessary support on the ground to implement the MRM. Specific actions which should be taken include:

- Working together, the MRM Taskforce and other UN agencies should improve awareness of the MRM and key child protection concerns in DRC among donors and the diplomatic community by holding briefings and disseminating updates on a quarterly basis in an attempt to reengage these actors and galvanize their support for improved child protection (see above: Participation of NGOs in Monitoring and Reporting).
- The MRM Taskforce should help improve awareness among all relevant actors about the MRM and SCR 1612 and the potential roles for humanitarian and human rights agencies by holding one-on-one meetings with key organizations to discuss the participation of these actors in the MRM.
- In collaboration with the humanitarian coordinator for DRC, the co-chairs of the Taskforce should identify the potential roles and inputs various UN agencies can provide to improve the functionality of the MRM. This applies in particular to agencies like the World Health Organization (WHO) and UNFPA which can provide specific support and input on GBV.
- Donor governments must maintain and fully fund MONUC's Child Protection Section and encourage donors to provide sufficient resources to address child protection concerns in DRC, in accordance with MONUC's mandate.

## Triggering a Response to Violations

Responding to abuses is a critical part of monitoring and reporting violations of children's rights. It is logical to assume that access to information may improve when monitoring and reporting are linked to response as communities are able to witness the positive connection between reporting a violation and receiving support and assistance. Generally, providing a response to violations also improves access to information about violations as it enables information collectors to gather program-related data. Finally, when collecting and asking for information about violations, humanitarian actors have an ethical obligation to assist individuals who report abuses by directly providing services or referring those individuals to confidential and relevant services, based on their wishes and needs.

A variety of response actions may be undertaken to address the needs of individuals or communities after a violation has occurred. Responses range from undertaking national and international public advocacy, revising existing policies to protect the rights of children, working to restore or improve judicial systems to help decrease impunity, improving service-delivery programs to better address the needs of children, and taking immediate action to provide services and support to child survivors. In almost all cases,

respondents report human rights violations or abuses to receive support or redress for the consequences of this violation. Providing an appropriate and timely response should always be an objective of the MRM.

## SUCSESSES

From its inception, the DRC Taskforce has recognized response as a crucial aspect of the MRM, and the Taskforce has responded on many levels to address the needs of children. One respondent noted that the potential for the Security Council to take concrete actions after considering Taskforce reports is limited. Indeed, the Security Council is not in a position to respond to every individual violation reported by MRM Taskforces, but rather it must respond to trends and large-scale violations which require international intervention. Responses to some reported violations will thus be necessary and more appropriately taken at national and local levels.

The Security Council Working Group on Children and Armed Conflict has considered information submitted through the MRM and, as a result, released two sets of conclusions on the situation of children in DRC. The SCWG-CAAC issued letters to various policymakers, UN agencies and donor governments to urge for improved protection for children. To address the links between the conflict in the East and key actors in Rwanda, the SCWG-CAAC also asked the President of the Security Council to make a *démarche* with the Government of Rwanda and implored the Government of Rwanda to protect children in manner consistent with SCR 1612.

The data collected through the MRM has also proven useful in advocating for continued support to national-level programs. While funding for child DDR programs finished in 2006, information collected through the MRM detailing the increased recruitment of children in the East has recently allowed UNICEF to appeal for more funding and support for DDR programs for children.

While individual case information collected by the CPAs is fed to the MRM and used for advocacy purposes, individual cases are also systematically referred to child protection partners who can provide individual response services. This happens through periodic thematic and coordination meetings, such as those on children associated with armed forces and groups, sexual violence, and protection.

MONUC's Child Protection section maintains a solid presence in the East and is still largely seen as an institution the community can go to for assistance and remedy. Thus, many families and community members have reported violations to locally-based CPAs. CPAs fed this information to the MRM Taskforce and have also used it to negotiate the release of children from armed groups and forces. In one example reported to Watchlist, a young girl

approached a MONUC CPA herself to ask to be released from the Congolese National Army, the *Forces Armées de la République Démocratique du Congo* (FARDC).

In some instances, respondents told Watchlist that information collected by the Provincial Protection Clusters (PPCs) and CPAs was shared with the military wing of MONUC to help improve the protection of civilians by deploying additional troops to a specific area.

## CHALLENGES

The Taskforce has provided adequate and creative responses to the needs of some children. Response efforts in some areas, however, remain ad hoc and dependent upon the skills and motivation of individual CPAs or other child protection staff receiving information about violations. Poor coordination, communication and collaboration between child protection actors in some territories have created gaps in response.

Increased violence in the East has dramatically reduced humanitarian access while simultaneously increasing abuses and threats against civilians. In September 2007, UNHCR reported a 60 percent increase of reported cases of rape. Other aid agencies reported that 150,000 people in North Kivu lack access to basic humanitarian assistance and 370,000 people have been displaced in the province since December 2006. Though this violence in North Kivu has increased the needs of civilians, it has also diminished the ability of humanitarian and other service-delivery actors to provide a timely and appropriate response to address the needs of survivors of violence.

## OPPORTUNITIES & RECOMMENDATIONS

Building on the informal referral pathways which have already been employed at the local level, the Taskforce now has the opportunity to establish more formal ways of referring cases for assistance and support. Local NGOs have noted that the Taskforce should expand its reach and it can do so by improving its response to violations.

- In conjunction with the Provincial Protection Cluster (PPC) and other protection-focused inter-agency groups, the Taskforce should update the “who, what, where” of various actors in each district who can receive referrals and provide services to survivors of violence. This includes developing formal referral systems specific for each territory which can then be used by protection staff to identify agencies where children can be referred to receive additional services and care. This information should be given to all those collecting information for the Taskforce so they know where to refer cases for support and assistance.

*Responding to abuses is a critical part of monitoring and reporting.*



Members of the Taskforce must respond to violations at the national and local levels to help protect children affected by armed conflict and address their immediate needs.

- Taskforce members should devise a list of potential and specific actions which they or other actors might take upon receiving information about child rights violations collected through the MRM in DRC. These responses might include issuing press releases and public statements, refining and revising programmatic interventions to respond to the needs of children whose rights have been violated, and referring children and respondents to other agencies for specific social or legal services.

### Recommendations for Action

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The following recommendations, also included in the text above, correspond with the sections outlined in this report: The Participation of NGOs in the MRM, Maintaining Security and Respecting Rights, Leveraging Networks and Resources, and Triggering a Response to Violations.

#### THE PARTICIPATION OF NGOS IN THE MRM

- The MRM Taskforce should be decentralized and Taskforces should be created in Ituri and North and South Kivu led jointly by MONUC CPAs and UNICEF protection staff which can collect and verify information at the field-level and submit it to the Kinshasa-based Taskforce.<sup>14</sup>
- Taskforce members should conduct a mapping exercise—or a “who, what, where”—in Ituri and North and South Kivu of local, national, and international NGOs with pre-existing capacities to monitor and report on violations of children’s rights and NGOs who, with additional training and support, could also help collect and channel information to the MRM Taskforce.
- Taskforce members should outline all the potential ways in which NGOs, both Kinshasa-based and field-based, might support the implementation of the MRM, underscoring the different roles of Kinshasa-based and field-based staff, to help clarify the varying responsibilities these actors can assume. This document should also outline the differences in the responsibilities of NGOs and UN agencies. It should be translated into locally relevant languages and broadly disseminated to civil society groups that may be willing and able to participate.
- The MRM Taskforce, with input from other UN agencies and NGOs, should conduct a training needs assessment and develop a country-specific training curriculum for child protection actors involved in monitoring and reporting on children’s rights violations. Training should improve understanding of MRM and SCR 1612 and increase and improve knowledge and skills in monitoring and reporting, human rights, child protection, and GBV, and the ability to identify, mitigate, and manage security risks.<sup>15</sup>
- The MRM Taskforce, with input from other UN agencies and NGOs, should develop a country-wide training plan that addresses the gaps and training needs identified in assessments carried out in-country. This includes identifying actors who might provide trainings on specific issues, such as GBV, human rights monitoring, and human rights and humanitarian law.
- Adequate resources must be made available to improve the quality and long-term impact of trainings. Donor governments should increase the overall financial and human resources dedicated to trainings. In particular, the Taskforce should hire consultants to conduct training needs assessments, design specific training plans for individual districts, and carry out trainings and periodic evaluations as well as refresher trainings for NGOs and others.
- The MRM Taskforce should identify provincial-level UNICEF staff, MONUC CPAs, or NGO partners who can provide “on-the-job training” and regular guidance and support to local NGOs interested in expanding and improving their skills in monitoring and reporting rights violations.
- Donor governments in DRC should maintain their support for UNICEF’s participation in the implementation of the MRM while simultaneously increasing available funding for national and international NGOs wishing to participate in the MRM. This should include making resources available for NGOs to hire and train additional personnel to assist with the collection and verification of MRM-related data.
- Working together, the MRM Taskforce and other UN agencies should improve awareness of the MRM and key child protection concerns in DRC among donors and the diplomatic community by holding regular briefings and disseminating updates on a quarterly basis in an attempt to re-engage these actors and galvanize their support for improved child protection programming (see below: Leveraging Networks & Resources).
- The UNICEF and MONUC CPA focal points for the MRM should help improve awareness of the MRM and SCR 1612 and the potential roles for NGOs by holding one-on-one meetings with key child protection or protection-focused NGOs to discuss the participation of these actors in the MRM (see below: Leveraging Networks & Resources).

- The headquarters offices of leading child protection and protection NGOs should develop internal guidelines for their DRC field offices and other offices around the world, providing information about SCR 1612 and the MRM and outlining ways in which the office might choose to support the Taskforce.
- To parallel the New York-based Group of Friends of SCR 1612, members of the donor and diplomatic communities should establish a Kinshasa-based Group of Friends and include as members governments actively engaged in the CAAC portfolio in Kinshasa, New York, and their relevant capital cities.
- In conjunction with other UN agencies, the MRM Taskforce should consider possible ways in which it might improve general understanding of the relationship between SCR1612, the MRM, and the ICC. This could include disseminating information publicly or identifying key groups or agencies that could receive information. This may ultimately help encourage reporting.<sup>17</sup>
- The Taskforce should create field-friendly versions of the Secretary-General's reports on children and armed conflict in DRC and the Security Council Working Group's conclusions, translating these field-friendly documents into French, Swahili, and other languages as necessary, and should distribute these reports to community leaders and local child protection actors to demonstrate how collected information is being used. In drafting these reports, the Taskforce should ensure that sources of information are not identifiable or otherwise exposed.

## MAINTAINING SECURITY & RESPECTING RIGHTS

- The MRM Taskforce and its partners, including MONUC military and civilian personnel, should devise a strategy to help reduce and prevent security incidents related to monitoring and reporting. This includes identifying effective ways for NGOs and other actors to submit confidential information about violations perpetrated by armed groups to the Taskforce and developing ways in which these partners can identify, mitigate, and manage security risks.
- Members of the Taskforce should develop a standard operating procedure (SOP) detailing the minimum set of actions different members of the Taskforce should take when the security of respondents, children, and/or information collectors is threatened during the collection or verification of data.<sup>16</sup>
- Relying on the expertise of partners and other experts in DRC, the Taskforce should identify existing resources which outline key ethical principles and standards in monitoring and reporting human rights violations, and identify ways to integrate these principles into the structure and daily operations of the Taskforce.
- MONUC, UNICEF, and other relevant Taskforce members should provide detailed information for all Taskforce members about the principles of confidentiality and informed consent, including how to uphold these principles in monitoring and reporting, how to incorporate them into the work of the Taskforce, and the importance of these principles.
- The MRM Taskforce should develop guidelines on how to share case-specific information among Taskforce members for the purpose of verification without violating the rights of the survivors and respondents. This would include outlining the “burden of proof” for verification and the extent to which individual cases must be verified.

## LEVERAGING NETWORKS & RESOURCES

- The MRM Taskforce should develop and execute a survey of protection-related data collection systems used by UN agencies—including various units and sections within MONUC—NGOs, and national authorities in order to identify existing sources of information, identify overlaps and gaps in systems, attempt to unify indicators, and channel additional information to the MRM Taskforce.
- The MRM Taskforce should improve efforts to streamline monitoring and reporting of violations of children's rights from the Provincial Protection Clusters and newly-established Child Protection Working Groups in Goma, Bukavu, and Ituri. This includes ensuring that all members of the Child Protection Working Groups fulfill their responsibilities outlined in the Working Group's terms of reference to support the implementation of SCR 1612.
- As the Joint-Initiative progresses with the development of its database, the MRM Taskforce should provide input on the development of indicators and the structure of database such that the information collected by this database can be easily and appropriately shared between the two systems.
- UNICEF and the MRM Taskforce should explore ethical ways to collect information through program-related data from actors who provide services to survivors of violence, particularly GBV. This might include developing specific memoranda of understanding with these organizations outlining the parameters under which information will be shared, in particular how confidentiality of case-specific information will be upheld.



- Working together, the MRM Taskforce and other UN agencies should improve awareness of the MRM and key child protection concerns in DRC among donors and the diplomatic community by holding briefings and disseminating updates on a quarterly basis in an attempt to reengage these actors and galvanize their support for improved child protection (see above: Participation of NGOs in Monitoring and Reporting).
- The MRM Taskforce should help improve awareness among all relevant actors about the MRM and SCR 1612 and the potential roles for humanitarian and human rights agencies by holding one-on-one meetings with key organizations to discuss the participation of these actors in the MRM.
- In collaboration with the humanitarian coordinator for DRC, the co-chairs of the Taskforce should identify the potential roles and inputs various UN agencies can provide to improve the functionality of the MRM. This applies in particular to agencies like the World Health Organization (WHO) and UNFPA which can provide specific support and input on GBV.
- Donor governments must maintain and fully fund MONUC's Child Protection Section and encourage donors to provide sufficient resources to address child protection concerns in DRC, in accordance with MONUC's mandate.

## TRIGGERING A RESPONSE TO VIOLATIONS

- In conjunction with the Provincial Protection Cluster (PPC) and other protection-focused inter-agency groups, the Taskforce should update the “who, what, where” of various actors in each district who can receive referrals and provide services to survivors of violence. This includes developing formal referral systems specific for each territory which can then be used by protection staff to identify agencies where children can be referred to receive additional services and care. This information should be given to all those collecting information for the Taskforce so they know where to refer cases for support and assistance.
- Taskforce members should devise a list of potential and specific actions which they or other actors might take upon receiving information about child rights violations collected through the MRM in DRC. These responses might include issuing press releases and public statements, refining and revising programmatic interventions to respond to the needs of children whose rights have been violated, and referring children and respondents to other agencies for specific social or legal services.

## Endnotes

1. Annex I of the Secretary-General's fifth report on children and armed conflict included groups in Côte d'Ivoire, Burundi, Democratic Republic of Congo, Somalia and Sudan. Annex II listed groups in Colombia, Myanmar, Nepal, Philippines, Sri Lanka and Uganda.
2. In addition to establishing the MRM, SCR 1612 also called for the creation of a Security Council Working Group on Children and Armed Conflict (SCWG-CAAC) to review MRM reports, review action plans by parties to conflict to halt the recruitment and use of children in their groups, and consider other relevant information presented to it.
3. For more information on the vital role of civil society in the MRM, please see the following Watchlist papers: *The Power of Partnership: Guiding Principles for Partnerships to End Violations Against Children during Armed Conflict* (July 2006) and *Violations Against Children in Armed Conflicts: An Action Plan for Monitoring, Reporting and Response (M,R&R)* (October 2004). [www.watchlist.org/advocacy/policystatements](http://www.watchlist.org/advocacy/policystatements).
4. Created as a pilot initiative in 2005 by the UN, the DRC Pooled Fund aims to strengthen coordination and to ensure prompt, needs-based allocation of humanitarian aid resources. Now the largest single source of funding for humanitarian activities in the country, the Pooled Fund is administered through the office of the Humanitarian Coordinator for DRC. UN Agencies and international and national NGOs all have access to resources within the Fund through a provincial-level decision-making process. In 2006, the Pooled Fund received over US\$80 million, more than 60 percent of which was provided by the United Kingdom.
5. In its reports, Watchlist uses the term survivor to refer to an individual who is a victim of violence, abuse or exploitation. Referring to them as survivors recognizes and highlights their strength and resilience. For legal settings, the term victim may be appropriate and required to conform to applicable laws. In non-legal settings, however, being a victim connotes powerlessness and stigmatization, the very outcomes protection actors are seeking to prevent.
6. The verification of information collected through the MRM is carried out only by UN agencies and no parties to armed conflict should be involved in verification to avoid the political manipulation of this process.
7. In New York, UNICEF and the OSRSG-CAAC are currently working to create unified training materials which will be made available to all MRM Taskforces. To buttress these efforts, Watchlist identified core competencies and information throughout its consultations which monitors and others supporting the MRM should

possess. This information is presented as an appendix to Watchlist's global study on the MRM in the form of a sample training curriculum which Taskforces may use to develop country-specific training needs assessments, plans and manuals.

8. In 2005, the Inter-Agency Standing Committee (IASC) adopted the "Cluster Approach" as a way to address identified gaps in the effectiveness and timeliness of humanitarian response. DRC was selected as a pilot country for the roll-out of the Cluster Approach in 2006 and subsequently UNHCR established a National Protection Cluster in Kinshasa. This structure has been decentralized and UNHCR has established Provincial Protection Clusters in priority provinces. These provincial-level clusters continue to receive assistance and guidance from the national-level cluster. For more information on the cluster approach, see [www.humanitarianreform.org](http://www.humanitarianreform.org).

9. Thomas Lubanga Dyilo, the former leader of the Union of Congolese Patriots (UPC)/FPLC, has been indicted and is currently being tried by the International Criminal Court for enlisting and conscripting children as soldiers in conflict in DRC.

10. Determining when a child has the capacity to give consent remains contentious. The Convention on the Rights of the Child supports the right of children to participate in decisions which affect their lives. Ultimately, the ability to provide consent on the use of the information will depend on the child's age, maturity and ability to freely express him or herself. Information collectors and others working directly with children should make every effort to fully explain the procedures and potential outcomes of monitoring and reporting to the child, as well as the caregiver, as it is the child who will have to live with the outcome of the procedure.

11. The New York-based Steering Committee on Monitoring and Reporting (SCMR), co-chaired by UNICEF and the OSRSG-CAAC, is in the process of finalizing guidelines to help facilitate the implementation of the MRM. These guidelines are expected to be released in early 2008.

12. Some agencies expressed concern about the links between the MRM and the ICC. While the ICC may use the Secretary-General's public reports on a particular country to open an investigation, the information collected through the MRM cannot be used as evidence in criminal proceedings. Taskforce members are under no obligation to share information with ICC investigators or other judicial bodies. However, there are no explicit guidelines which prohibit them from doing so.

13. MONUC has the largest Child Protection Section of any UN peacekeeping mission, with 14 international and eight national staff posted in nine locations, including Kinshasa.

14. The verification of information collected through the MRM is carried out only by UN agencies and no parties to the armed conflict should be involved in verification to avoid the political manipulation of this process.

15. In New York, UNICEF and the OSRSG-CAAC are currently working to help create unified training materials which will be made available to all MRM Taskforces. To buttress these efforts, Watchlist identified core competencies and information throughout its consultations which monitors and others supporting the MRM should possess. This information is presented as an appendix to Watchlist's global study on the MRM in the form of a sample training curriculum which Taskforces may use to develop country-specific training needs assessments, plans and manuals.

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## Key Points of Security Council Resolution 1612

The UN Security Council:

- Strongly condemns the recruitment and use of child soldiers by parties to conflict and other children and armed conflict violations.
- Expresses serious concern regarding the lack of progress in developing and implementing action plans to halt the recruitment and use of child soldiers.
- Reiterates its intention to consider imposing targeted and graduated measures such as, inter alia, a ban on the export or supply of small arms and light weapons and other military equipment and assistance.
- Requests that the Secretary-General implement a monitoring and reporting mechanism (MRM) on violations against children in five armed conflict situations.
- Decides to establish a working group of the Security Council on children and armed conflict consisting of UNSC member states.
- Urges member states and other parties concerned to take appropriate measures to control the illicit trade of small arms to parties to armed conflict.
- Requests the Secretary-General continue to take all necessary actions in relation to the zero-tolerance policy on sexual exploitation perpetrated by peacekeepers.
- Urges troop-contributing states to take appropriate preventive and disciplinary action to ensure full accountability and compliance with UN policies on sexual exploitation and abuse.
- Decides to continue deploying child protection advisers to UN peacekeeping missions.
- Reiterates its request to the Secretary-General to include child protection information in country-specific reports.



The **Watchlist on Children and Armed Conflict** is a network of non-governmental organizations working to monitor and report on violations against children in situations of armed conflict.

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