



VIOLATIONS AGAINST CHILDREN IN ARMED CONFLICTS:

**AN ACTION PLAN FOR MONITORING, REPORTING
AND RESPONSE (M,R&R)**

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[The Security Council Requests the Secretary-General to urgently devise] *an action plan for a systematic and comprehensive monitoring and reporting mechanism, which utilizes expertise from the United Nations system and the contributions of national Governments, regional organizations, non-governmental organizations in their advisory capacity and various civil society actors, in order to provide timely, objective, accurate, and reliable information on the recruitment and use of child soldiers in violation of applicable international law and on other violations and abuses committed against children affected by armed conflict, for consideration in taking appropriate action.*

UN Security Council Resolution 1539, O.P. 2

I. INTRODUCTION

In April 2004, the UN Security Council requested the Secretary-General “*to devise urgently and preferably within three months, an action plan for a systematic and comprehensive monitoring and reporting mechanism.*”

This paper presents a practical and detailed **Action Plan** for a *system* that would enable the Security Council, the Secretary-General and all others obligated to protect effectively the security and rights of children in armed conflicts to monitor, document and respond to violations. This Action Plan addresses various activities that must be carried out at the local, country, regional and international levels and the actors that will carry out this work. Therefore, the primary audience for this paper is the UN Security Council, the UN General Assembly, member states, UN agencies, nongovernmental organizations (NGOs) and other civil society organizations.

The driving force behind Watchlist’s proposed Action Plan is the pursuit of remedies¹ and prevention of violations against children in armed conflicts. This Plan grows out of the Watchlist on Children and Armed Conflict’s three years of experience, monitoring violations against children and producing country reports that compile and analyze information from a variety of reliable sources. The reports also include practical recommendations for action by the UN Security Council and others with obligations to respond to reported violations. As a global network of nongovernmental organizations and individuals, the Watchlist brings together field-based expertise with international policy analysis.

As the Security Council deliberates on various proposals, it will be conscious of the need for resources to back up and sustain a new, effective system of monitoring, reporting and response. This Watchlist Action Plan presupposes a reallocation of existing resources, as well as, if necessary, allocation of additional resources to ensure that all actors meet their respective obligations. This would also include refining the activities of the important office of the Special Representative of the Secretary-General for Children and Armed

¹ In the context of this proposed system, Watchlist refers to remedies as a broad set of actions taken to end or prevent violations against the security and rights of children in armed conflicts, including, but not limited to, prosecutorial action.

Conflict (SRSG-CAC) to focus its efforts primarily on the high-level advocacy needed in this dynamic system.

Watchlist Monitoring and Reporting Survey

Following the adoption of UN Security Council Resolution 1539 in April 2004, the Watchlist conducted a survey among key experts within its international network to gather suggestions for the key elements of an effective system of monitoring, reporting and response. The survey drew on the experience of child protection experts and activists from geographically diverse conflict-affected countries, as well as headquarters-based staff of international organizations.²

Among the prevailing themes resulting from Watchlist's experience and survey of experts are several *core principles*, which are the building blocks of the Watchlist Action Plan. These are: 1) international human rights and humanitarian law; 2) trust among all actors involved; 3) minimization of risk to children, information providers and collectors; and 4) respect for the integral role of civil society. (For further information on these core principles, see Annex I.) Abiding by these principles will be critical to developing a dynamic system with exchange occurring among people at each level—local, national, regional and international—as well as between the various levels.

It is also important to underscore that national governments ultimately have the primary responsibility for protecting children in their territory. Regrettably, states that are parties to conflict are often implicated in violations against children, or are powerless or unwilling to intervene to protect them. Throughout this paper it is assumed that all governments are strongly encouraged to step in to prevent and remedy violations according to their national and international obligations. The system proposed below will ensure the collection and verification of reliable information so that governments will have a basis for responding to violations and thereby achieve their obligations to protect children in armed conflicts.

II. MONITORING, REPORTING AND RESPONSE OUTLINE

Flagrant violations of human rights are increasingly among the root causes of conflict and the resulting humanitarian crises. However, the procedures and mechanisms to monitor, report, prosecute, and remedy such violations are woefully inadequate. An effective international system for protecting children's rights requires prompt, efficient, and objective monitoring. Whenever children's rights are trampled and national authorities fail to act, the international community must hold governments and other actors accountable.

Graça Machel, *The Impact of War on Children*, 2000, p. 147

² This project consisted of a series of lengthy telephone interviews with child protection experts and activists in Colombia, DRC, Ghana, Nepal and Sri Lanka, as well as Geneva, London, New York and Ottawa. In some cases, where telephone conversations were not feasible, written responses were provided. One focus group discussion was held in Nepal with local and international NGOs.

Outline of Action Plan

- Collect primary information (data) on the six egregious violations to be monitored under this system (See Annex II for details):
 - Abductions
 - Recruitment and/or association with fighting forces
 - Sexual violence
 - Maiming and killing
 - Targeting of schools and hospitals
 - Denial of humanitarian access.
- Verify reported information through various processes: corroboration of evidence, interviews with eyewitnesses and second/third sources, investigations based on internationally accepted standards and methodologies.
- Analyze local context—culture, ethnicity, history, political disputes, etc.
- Create and maintain database as a repository for information about violations.
- Create reports and targeted recommendations for action in a variety of formats to be routed to different actors, including clear and realistic recommendations for actions to be taken by those actors.
- Conduct triage and routing of reports for strategic and targeted dissemination, to ensure that reports of violations are directed to the *most appropriate* actors for the required response and remedies.
- Develop responses and remedies with clear strategies and for taking action at the local, national, regional and international levels.
- Activate feedback/communication loop within the country and/or internationally as appropriate to ensure that affected communities and individuals are kept informed of progress and activity relating to the pursuit of remedy for reported violations.

As these activities get underway, efforts will be required to develop protocols for minimizing risk for both victims and individuals who report violations in each context. (See Annex I: Risk Minimization.)

Outline of Action Plan Participants

The following is a list intended to illustrate the array of individuals and organizations with important roles in the Action Plan presented in this paper. All the participants described below will have different roles to play in the system. Some participants may be formal members of national-level child protection networks, while others will be responsible for actually realizing remedies for violations against children. Similarly, some participants named below may be members of preexisting or newly created National Child Protection Networks, while others may participate in the International Child Protection Commission to be set up at the international level under this system. (See details in Section III below.) In some cases, there may be overlap between the activities performed by participants at the various levels.

- Community Level (ranging from rural to urban)—This includes teachers, nurses, schools, traditional leaders, communities, church leaders, local authorities (e.g., police, administration). Some of these participants may be members of National Child Protection Networks as described below in Section III.

- Local-District-Provincial Level—This includes the nearest government authorities; nearest UN personnel, particularly peacekeepers, observers, human rights officers, deputy force commander, child protection advisors, UNICEF and UN funds/programs; community committees; NGOs. Some of these participants may be members of National Child Protection Networks as described below in Section III.
- National (or subregional) Level—This includes force commanders, resident coordinators and representatives, government ministries, president/prime minister, national human rights and child protection commissions, national civil society leaders (bishops, traditional leaders), national NGO leaders, other national figures with respect and influence. Some of these participants may be members of National Child Protection Networks as described below in Section III.
- Regional Level—This includes intergovernmental bodies (with mediation, judicial or peacekeeping capacities, e.g., ECOWAS, OAS, EU), regional level UN authorities, regional civil society networks. Some of these participants may be members of the International Child Protection Commission as described below in Section III.
- International Level—This includes the SRSG-CAC, UNICEF, UN High Commissioner for Human Rights, UN High Commissioner for Refugees, UN Department of Disarmament Affairs, UN Department of Political Affairs and other UN programs, agencies and departments, civil society, NGOs, NGO networks. Some of these participants may be members of the International Child Protection Commission as described below in Section III.

III. KEY ACTORS FOR MONITORING, REPORTING AND RESPONSE

The 2000 Winnipeg International Conference on War-affected Children, attended by delegates from 143 countries and co-sponsored by UNICEF, identified the establishment of a monitoring and reporting system as a top priority and called attention to the importance of creating a dynamic network dedicated to monitoring, reporting and responding to violations against children during armed conflict:

Develop an effective international monitoring network to ensure systematic reporting on child rights abuses in all conflict-affected and conflict-prone countries, and ensure that follow-up actions are taken urgently and responsibly.

*Caught in the Crossfire No More:
A Framework for Commitment to War-affected Children,
Winnipeg: September 13–15, 2000, p. 2*

Watchlist's experience shows that fundamental to the success of this Action Plan will be the establishment of two bodies that together create an international network for monitoring, reporting and response (M,R&R). Watchlist endorses support for National Child Protection Networks where they currently exist, as well as the creation of such networks where they do not yet exist. Watchlist also endorses the creation of an interorganizational International Child Protection Commission at the international level. These two groups would have complementary roles in the M,R&R system and would be interconnected in certain aspects of their work.

National Child Protection Networks

The primary responsibility for monitoring and reporting on child rights violations should reside with National Child Protection Networks convened and operated on a country level. These Networks would provide checks and balances through verification and balancing information from groups across a spectrum of experiences, capacities and interests. In so doing, they will minimize the biases that could distort information and thereby strengthen the credibility of the data.

These Networks would also discuss and develop recommendations for actions at all levels to be included in reports about violations. National Child Protection Networks would follow up on recommended actions at the village, local and national levels, and would coordinate with the International Child Protection Commission for further action or other forms of support. Coordination and capacity building to facilitate meaningful participation of local-level organizations will be key to the success of the National Child Protection Networks. (See Annex I: The Integral Role of Civil Society.)

Composition of in-country Network:

- *Convenor*: UNICEF or other agency, including civil society organizations.
- *UN Membership*: Relevant UN agencies such as UNHCHR, UNHCR, OCHA, UNDP or others will provide strong support and technical assistance to UNICEF and the entire Network.
- *Civil Society Membership* (minimum 50 percent): While the importance of the role of civil society actors, particularly NGOs, is routinely recognized, it now needs to be systemically recognized by drawing at least 50 percent of National Child Protection Network membership from this sector.
- *Other Members*: In some cases, appropriate governmental or quasi-governmental agencies, such as the ministries of education, gender and youth, national human rights commissions and/or child rights ombudsmen may be informally affiliated with the Network.

A wide range of civil society organizations should participate in their country's child protection network. To qualify for participation, they should be able to demonstrate a level of experience, commitment to the basic principles of international law, reputation for nonpartisan engagement in promotion of the rights of children and agreement to work with established operating principles, such as respect for confidentiality of information and sensitivity to risk reduction and security issues. (Potential civil society members include local community groups, local NGOs, INGOs and certain individual experts.)

National Child Protection Networks should also have flexibility to reflect the particular circumstances in their composition and modes of operation. In situations of protracted conflict, for example, UN agencies may be more prevalent and play a larger role in both information gathering and responsive strategies. In countries at risk for escalation of armed conflict, but with minimal UN presence, community groups and NGOs will typically play a more dynamic role in all stages of activity.

International Child Protection Commission

The International Child Protection Commission would be a representative, multi-agency international commission with formal civil society membership. This Commission must be charged with a formal UN mandate to be constantly vigilant and effectively engaged in the follow-up required to achieve remedies to violations. This is a *critical gap* that the UN Security Council addressed in Resolution 1539.

This Commission should be composed of UN agencies and international representatives of civil society with recognized expertise in this field. This group will provide advice and support to the regional and international authorities that are called upon to take action and seek remedies for reported violations. For example, information about violations will be routed to the SRSG-CAC as designated advocate for specialized action on children and armed conflict (CAC) violations.

This Commission will provide oversight and maintain focus on the overriding objective of this system—to achieve remedies for CAC violations. A key component of the Commission will be the establishment of a small, independent expert team with special status to advise necessary action at the international level.³ This team will analyze reports referred up from the country level, assist with information verification as appropriate and designate responsibility at the international level for immediate action in the most urgent cases by various actors, such as the Security Council, DPKO, UNHCR, UNHCHR and others. The independent expert team will also vigilantly monitor compliance by the designated actors. Together with the Commission, the independent experts will assist relevant actors in devising appropriate incentives for compliance and targeted measures when compliance is not achieved. The team will also coordinate advocacy and other follow-up activities with the National Child Protection Networks; in some instances, the team, in agreement with the International Child Protection Commission, may send cases back for action to be taken at the country level.

Composition:

- *Convenor:* UNICEF will share leadership responsibility with the SRSG-CAC, which will be refined to focus primarily on advocacy on CAC issues and participation in this Commission.
- *UN Membership:* The UN component will consist of CAC focal points designated by each UN agency and department, including UNICEF, SRSG-CAC, UNHCHR, OCHA, UNDP, DPKO, DPA, DDA, WFP, ILO and others.
- *Civil Society Membership:* The civil society component will consist of major networks of NGOs working on CAC issues, such as the Watchlist on Children and Armed Conflict, the Coalition to Stop the Use of Child Soldiers, NGO working groups on CAC based in New York, Geneva and Ottawa, outstanding individual experts and others.

Other Roles for Relevant UN Entities

The UN actors listed below all have vital roles to play either as members of the International Child Protection Commission and/or with other specific activities in the

³ These experts would be recruited from the widely recognized international professionals on children and armed conflict issues. They would maintain high-level professional status in the UN system.

system to ensure adequate response to reports of violations. As with other types of human rights violations, the UN entities described below must also devise a protocol for taking measured steps to ensure accountability.

- *Special Representative of the Secretary-General for Children and Armed Conflict:* The role of the SRSG-CAC would be refined to focus its efforts exclusively on advocacy relating to violations against children in armed conflicts, and the use of authority to approach heads of state and leaders of relevant non-state groups, such as face-to-face demarches, publicity and other activities.
- *Executive Director of UNICEF and Other Relevant UN Agencies:* These influential individuals may conduct or oversee demarches, visits to regions, investigations or programming relating to CAC violations.
- *General Assembly:* The members of the Third Committee of the General Assembly (GA) may use their annual resolution on child rights to focus on CAC issues, specifically providing support for the developing M,R&R system. Also, the Fifth Committee of the GA may positively review the budgetary implications for the M,R&R system.
- *ECOSOC:* The humanitarian segment of ECOSOC may make CAC issues a priority, specifically focusing on M,R&R and addressing remedies to CAC violations that are in the area of humanitarian programming.
- *Security Council:* The Security Council may use presidential statements, resolutions, Chapter VII mandates of the UN Charter (authorization of the use of force), authorization for regional action, authorization for UN-sponsored action, immediate visits to regions, dialogues with parties to armed conflict and civil society, mobilization of political mediators, targeted measures against perpetrators and other activities. The Security Council can also request reports, recommendations and other information from National Child Protection Networks or the International Child Protection Commission as needed. In response to reports of CAC violations, the Security Council will continue to pursue the implementation of its CAC Resolutions (1460 and 1539), which includes the use of action plans, incentives for compliance and targeted measures against parties to armed conflict that fail to comply with their international child protection obligations.
- *Commission on Human Rights and the Committee on the Rights of the Child:* These bodies may use statements, resolutions and political pressure.
- *Special Envoys:* These individuals may use investigations, meetings with parties to conflict, conveyance of political messages and instructions and other tools.
- *Special Mechanisms within the Human Rights System:* The special procedures of the Commission on Human Rights are an important mechanism for monitoring, reporting and responding to violations against children in situations of armed conflict. These include collaboration with special rapporteurs, independent experts and other special representatives. Examples include rapporteurs with geographic mandates, as well as the Special Rapporteur on the sale of children, child prostitution and child pornography; the Special Rapporteur on violence against women, its causes and consequences; and the Special Rapporteur on trafficking in persons, especially in women and children.
- *Office of the High Commissioner for Human Rights:* This office may provide technical assistance in information collection and in directly documenting human

rights violations. As appropriate, the office may relate directly to the Security Council on particularly egregious cases and to strengthen the rights-based perspective on children and armed conflict issues. In the sequel to her landmark study, Graça Machel envisioned strengthening of this office to ensure its central role in an effective system:

The Office of the High Commissioner for Human Rights must be strengthened so that it can respond more effectively to violations of child rights. To improve child rights monitoring in armed conflict, all relevant agencies should promote the development of effective procedures for prompt, confidential, and objective reporting.”

Graça Machel, *The Impact of War on Children*, 2000, p. 202

IV. KEY ACTIVITIES FOR MONITORING, REPORTING AND RESPONSE

The activities described below range from work to ensure that information is reliable and timely to specific actions designed to remedy or prevent violations. In the proposed system, this range of activities does not necessarily occur in a linear order. Rather, in practice this work is a dynamic process requiring interaction on all levels.

Ensuring Reliable Information

Information must be collected as close to the origin of the violation as possible, with context determining who is best able to actually carry out monitoring activities. Civil society organizations and nongovernmental agencies are often the first to become aware of violations and have a significant field presence, access to information and trust from local individuals who may be too fearful to report to others. These organizations will have a key role in the collection, documentation and verification of information, both as independent entities and as members of the National Child Protection Networks. UN agencies and other members of the Networks will also have important roles in this work.

The Watchlist survey found that the ability of local organizations to do monitoring should not be underestimated; significant attention must be paid to ensuring their appropriate and effective role in the system. (See Annex I.)

Verification and Accuracy: The system should have standard methods for ensuring that information is verified and reliable. For example, eyewitnesses placing information in chronological sequence to check for contradictions, and/or comparing information from multiple sources, are tested methods of verification.

Security of Information: Security of information received, and confidentiality for those who provide it, must be one of the key values for the National Child Protection Networks and all others. Sensitive information must be carefully stored to ensure confidentiality, as appropriate, and to avoid loss of information. Information security systems do not need to be sophisticated; however, they must be developed according to particular contexts. Encryption of electronic data or double copying of audiocassettes are examples of systems used in different types of conflict situations. Confidentiality should be discussed

by each National Child Protection Network to ensure consensus on how it is defined in specific cultural contexts.

Timeliness: Both monitoring and reporting must be done in a timely and strategic way. For instance, monitoring should take place consistently or as near in time to the event as possible, and reporting should be done to facilitate and ensure appropriate responses.

Database: An electronic database should be designed to provide aggregate data for reports about violations, as well as detailed, descriptive cases that provide context and point to trends. The database should be designed to collect and store information at both national and international levels, with an international agency such as UNICEF designated to receive and manage data and make it available to appropriate actors. A tool will need to be developed for the database to ensure that egregious cases are flagged for urgent action and that new types of incidents point to early warning activity, etc. The database must ensure respect for confidentiality, security of children, and safety of reporters.

There is also need for improved quantitative information. However, the importance of balancing quantitative information with qualitative information and contextual analysis cannot be overestimated. Without qualitative understanding, the search for quantitative data can in fact be counterproductive. The Watchlist is concerned, for example, that attempts to have a very precise definition of what constitutes a child soldier for the purposes of comparisons between situations may in effect serve to divide children into unhelpful categories for the purposes of full implementation of their rights under the CRC.

Reporting

Once a National Child Protection Network has collected, verified, stored and initially classified data, the next critical step for that Network is to strategically prepare various types of reports and prioritize according to level of urgency.⁴ In this new system, reports will consist of an array of formats. In addition to the annual reports of the Secretary-General on CAC to the Security Council and the General Assembly, other types of reports will be tailored in length and frequency to address urgent violations, violations requiring concerted action in the medium term or those requiring early warning attention. Examples of report formats include:

- Urgent action alerts
- Confidential letters and briefings
- Periodic reports for programming purposes
- Documentation to end impunity (i.e., for the International Criminal Court, international *ad hoc* tribunals, regional and national justice systems)
- Input to country-specific reports of the Secretary-General to the Security Council
- Annual reports to Security Council, General Assembly, Commission on Human Rights, Committee on the Rights of the Child, regional bodies and other such actors

⁴ This paper does not attempt to provide definitive guidelines for classification of violations. The scheme presented is not intended to be an international standard. Rather, the National Child Protection Network in each setting must design the detailed scheme for *triage* of violations according to local context, as well as international laws.

Recommendations: These reports should include targeted and realistic recommendations for actions by particular actors. All recommendations for actions should be discussed and determined by the members of that Network in keeping with international humanitarian law and human rights, as well as national laws and relevant local customs. The Networks will be encouraged to work directly with the International Child Protection Commission and its team of independent experts in developing recommendations, particularly those geared toward international actors. The Commission will be responsible for making requests for action based on the recommendations to international actors, such as the Security Council or the International Criminal Court.

Triage

Following is an outline for the basic steps of a triage process for a National Child Protection Network to undertake for routing cases for timely and appropriate action for response and remedies. This outline pertains to the six egregious violations to be addressed under this system: abductions, recruitment and/or association with fighting forces, sexual violence, maiming and killing, targeting of schools and hospitals and denial of humanitarian access. (See Annex II.)

Class 1 Violations (URGENT)—These acute and severe abuses generally reflect a severe crisis (i.e., ranging from acute instances of any of the six violations to those perpetrated systematically and/or on a mass scale, etc.). They require urgent and immediate action.

Class 2 Violations (ATTENTION NEEDED)—These abuses may be equally severe and reflect a chronic crisis (i.e., ranging from isolated but regular incidents indicating a trend to intimidation with potential to lead to egregious violations, or unconfirmed reports with strong suspicion of veracity, etc.). They require concerted and consistent action.

Class 3 Violations (EARLY WARNING)—These violations indicate budding trends that demand early warning activities and prevention of further violations (i.e., ranging from persistent rumors to threats of violations, relevant activities across nearby borders with potential to provoke armed conflict and violations, etc.).

Routing Reports

Routing Reports of Class 1 Violations

- Information on violations and clear, targeted recommendations for urgent action by specific actors are immediately referred with the highest priority within the local level, first to actors with the legal and/or traditional onus of responsibility to halt violations, provide remedies and end impunity for those who commit violations. These may include: civil authorities, relevant non-state groups, relevant armed groups, child protection officers/advisors, civilian leaders (e.g., traditional or church leaders) and nearest peacekeeping officials.
- Information on violations and targeted recommendations for urgent action are immediately and simultaneously referred with the highest priority to senior officials

at the national level with the onus of responsibility, such as: civil and military authorities, leaders of non-state groups, traditional leaders and UN representatives (e.g., resident coordinators, relevant heads of agencies, funds and programs) and peacekeeping operations.

- Within one week, if no immediate action is taken at the local and/or national level, this type of violation will urgently be referred to regional or international authorities with the onus of responsibility for various child protection obligations, ranging from political demarches to the extreme case of military intervention under Chapter VII of the UN Charter (see below). This includes referral to the International Child Protection Commission, which is co-chaired by the SRSG-CAC and UNICEF, as well as the Commission's small team of independent experts. Each National Child Protection Network and the International Child Protection Commission will together monitor these situations and will also work together to make the necessary and appropriate referrals.
- Concurrent with other activities, these violations are included in the database for later incorporation into the various reports described above.

Routing Reports of Class 2 Violations

- Information on violations and clear, targeted recommendations for action by specific actors are referred within the local level, first to actors such as: civil authorities, relevant non-state groups, relevant armed groups, child protection officers/advisors, civilian leaders (i.e., traditional or church leaders) and nearest peacekeeping officials.
- Information on violations and targeted recommendations are simultaneously referred to senior officials at the national level such as: civil and military authorities, leaders of non-state groups, traditional leaders and UN representatives (i.e., resident coordinators, relevant heads of agencies, funds and programs) and peacekeeping operations.
- If no tangible progress toward a remedy is demonstrated or deemed achievable at the local or national levels, these cases will be referred to regional or international authorities for various responses. This includes referral to the International Child Protection Commission, which is co-chaired by the SRSG-CAC and UNICEF, as well as the Commission's small team of independent experts. The National Child Protection Network and the International Child Protection Commission will together monitor these situations and will also work together to make the necessary and appropriate referrals.
- Concurrent with other activities, these violations are included in the database for later incorporation into the various reports described above.

Routing Reports of Class 3 Violations

- These violations or signals of impending violations will be referred to mechanisms that exist for preventing escalation, such as local conflict resolution/peace processes, regional intergovernmental systems for conflict resolution, UN Department of Political Affairs or other political mediators.

- Concurrent with other activities, these violations are included in the database for later incorporation into the various reports described above.

Field Investigations: Some cases will require investigation by independent experts to provide timely verification of violations and to facilitate effective classification and routing for follow-up action. UNICEF, UNHCR and other agencies with field operations may be able to conduct such investigations. However, in some cases they may be constrained by the inherent risks to their programs and staff. In such instances, offices such as the High Commissioner of Human Rights and others should be encouraged to prioritize investigations of CAC violations and provide strong technical assistance and support. Additionally, local civil society actors and NGOs should be encouraged to participate in investigations and be afforded the necessary support to do so.

Responding to Reports

An effective international system for the protection of children's rights must be based on the accountability of Governments and other actors. This in turn requires prompt, efficient, and objective monitoring. The international community must attach particular importance to responding effectively to each and every occasion when those involved in armed conflict trample upon children's rights.

Impact of Armed Conflict on Children, Report of Secretary-General, A/51/306, August 26, 1996, paragraph 235

The driving force behind all activities in this system—indeed behind the agenda launched by Graça Machel in 1996—is to achieve an immediate response to end violations and end impunity. To this end, an action plan for response and remedy to end violations against children during armed conflict includes developing strategies for local and national level responses and remedies and creating a feedback loop to keep everyone informed.

Actual responses must be tailored to specific contexts and the power, influence and moral authority of any of the actors in the M,R&R system. It is understood that all action must be taken *in accordance with the rule of law* and never encourage unlawful, summary actions. In turn, each of these actors can take any of the following types of action:

Direct Remedy:

- Negotiate or otherwise ensure immediate halt to violations by specific perpetrators.
- Increase the monitoring presence as a protective measure, since public exposure may play a role in deterring further violations.
- Hold authorities accountable for obligations to protect children.

Provision of Immediate Assistance:

- Provide emergency assistance, such as legal, material, medical or other assistance to children and/or their communities.

Political Response:

- Initiate or resume local peace initiatives or other mediation efforts.

- UN Secretary-General can use political mobilization, pressure on member states, statement, Secretary-General's report to mobilize Security Council or appointment of high-level envoy.

Programmatic Response:

- Implement or improve programs of UN agencies, NGOs, governments and other service providers that protect and support children in situations of armed conflict and help prevent further violations.

Revise Existing Policies:

- Local and national governments, international financial institutions, the UN Security Council and other power brokers must change their current policies to protect young people in armed conflict situations and respond effectively to reports of violations.

Pursuit of Accountability:

- Judicial institutions at the national, regional and international levels must respond to relevant reports of violations by providing justice through truth and reconciliation commissions, criminal prosecutions in national or regional courts and international ad hoc criminal tribunals and the International Criminal Court.
- Demonstrate through aggressive monitoring, reporting and follow-up action that there will be no impunity for perpetrators of violations against children in armed conflict.
- Raise national and international public opinion to prohibit tolerance for the abuse of children in armed conflict.
- Security Council, in response to reported cases, will continue to implement its CAC Resolutions 1460 and 1539 through use of incentives for compliance, as well as targeted measures against parties to armed conflict that fail to comply with their international child protection obligations.

Early Warning and Prevention:

- Collect information at the country level where armed conflict is not yet full-blown, to activate early-warning mechanisms to prevent escalation of violations against children in armed conflict.

Accountability and Feedback Mechanism

For all of the above, there must be a simultaneous feedback loop from the national and international levels to the affected communities and individuals that originally reported the violation. This must be done to inform them of actions underway and to prepare for potential actions. It must also be done to demonstrate a fundamental commitment to accountability under international law. This loop must work within the constraints of confidentiality that will be required in certain cases. However, some level of feedback to the affected people must always be achieved. The National Child Protection Networks will work with the International Child Protection Commission to develop feedback systems that are appropriate for the given sensitivities of each situation.

V. CONCLUSION

Resource Implications

The need to look into reallocation of existing CAC resources and, if necessary, the allocation of additional resources in order to activate and successfully implement this Action Plan must be urgently addressed, as appropriate, by the Secretary-General, members of the Security Council and members of the General Assembly, including members of the Fifth Committee. Experience shows that it is a mistake to assume that all participants of the system will absorb their respective new responsibilities without adequate financial and technical support from the appropriate sources. Regular funding from the UN budget and special provisions by donor governments will be essential to the operation of key components of this system. These include the independent team of experts at the international level that will facilitate and guide responses and remedies, as well as the collection, verification, documentation, triage and routing of information about violations that will take place at the local and national levels.

Summary of Key Recommendations

- **Response and remedy to end violations** against children during armed conflict is the driving force behind all activities in this system. To this end, the International Child Protection Commission and its team of independent experts must have a strong role in assigning responsibility for action, monitoring compliance and leveraging mechanisms for accountability when compliance is not forthcoming.
- **Establishment of national networks and international commission** that together create an international network for monitoring, reporting and response (M,R&R). Watchlist endorses support for National Child Protection Networks where they currently exist, as well as the creation of such networks where they do not yet exist. Watchlist also endorses the creation of an interorganizational International Child Protection Commission at the international level, which includes a small team of independent experts. These two groups would have complementary roles in the M,R&R system and would be interconnected in aspects of their work.
- **Integral role for civil society**—Local civil society lies at the heart of this process. It is a vital participant in this system and must be respected and engaged as an equal partner, with at least 50 percent membership in the National Child Protection Networks, in the design of remedies and in other phases of the system. International NGOs must also have a substantive role in the system, including equal membership in the International Child Protection Commission.
- **Rechanneling of existing resources and allocation of additional resources** will be vital to ensuring that all actors in this system are able to meet their respective obligations. This includes refining the activities of the important office of the Special Representative to the Secretary-General to focus its efforts primarily on the high-level advocacy needed in this dynamic system. This requires serious and urgent attention by the Fifth Committee of the GA and donor governments.

Next Steps

- First, in accordance with UNSC Resolution 1539, the UN Secretary-General is required to present an action plan to the Security Council. Watchlist strongly urges the Secretary-General and his Special Representative for Children and Armed Conflict to adopt the recommendations in this Action Plan and rapidly submit plans to the Security Council.
- Second, Watchlist urges the Security Council to promptly consider the Plan presented to it and to endorse the implementation of this Action Plan no later than end of year 2004.
- Finally, Watchlist urges UNICEF to work in meaningful partnership with civil society to rapidly facilitate the establishment of the National Child Protection Networks and the development of a technologically appropriate database.

Watchlist acknowledges that there may be gaps and areas that will require further development in this Action Plan. Watchlist views the implementation of this system as an evolutionary process that will be refined and modified over time, based on lessons learned and accumulation of experiences. However, there is no time to lose in getting an effective M,R&R system into practice, as so compellingly first recommended by Graça Machel in 1996.

ANNEX I—CORE OPERATING PRINCIPLES UNDERLYING THE SYSTEM

Rights-Based

For this proposed system to effectively reach its objective of remedy for the violation of children in situations of armed conflict, every facet must be deeply rooted in international human rights and humanitarian law. The primary references for this system are the Convention on the Rights of the Child and its optional protocols and Security Council resolutions on children and armed conflict, 1261, 1314, 1379, 1460 and 1539. The application of human and child rights norms is required at every stage of the system, from the initial phase of monitoring violations to the design of responses and remedies. In some cases, it may be appropriate to work within relevant human rights frameworks developed by regional bodies.

Accountability

Accountability on several levels will be fundamental to the achievement of an effective system. These levels include the following:

- Accountability by national and international actors to the affected communities and individual children they serve;
- Holding parties to armed conflicts that violate children’s security and rights, including national governments and non-state actors, accountable for their obligations to halt violations and protect young people; and
- Accountability of the entire system presented here to the tenets of international human rights and humanitarian law. (See above.)

Trust

The establishment of trust is a vital—indeed essential—element to developing an effective system throughout all its phases. For example, children and families from whom information is gathered need to be able to trust the person to whom they are divulging information. They need to trust that their information will be treated confidentially (if appropriate) and that it will not be used for purposes other than those for which they have given permission. They need to trust that the monitor will honor the promise to pursue remedies for the case through vigilant follow-up. They need to trust that no avoidable harm will come from providing the information. They need to trust that they will continue to receive information about the status of their case. They *must* trust that actors at all levels of the system with the ability and power to respond to their cases will seek appropriate remedies.

In short, unless this trust is established at all phases of this dynamic process, people will not take the risk to share information or document it. The primary motivation for people in conflict situations to report violations of the security and rights of children is the hope that reporting will lead to action to stop abuses that are beyond their own capacity to prevent.

Risk Minimization

As Watchlist found in its monitoring and reporting survey, there can be significant risks involved in monitoring and reporting on violations against children in armed conflicts. The challenge is to evaluate this risk and develop an ongoing strategy to minimize it at all phases of the process within each local context. To this end, in each situation the

respective National Child Protection Network, or a specified member of the Network, will need to conduct an initial risk assessment for the children involved, the providers of information and the collectors of it, followed by periodic evaluations as needed. This should be done quickly, especially for the most urgent case. However, it must be done with extreme care in order to design the most secure method for monitoring and reporting violations.

The Integral Role of Civil Society

Local civil society lies at the heart of this process, not least because it encompasses members of the communities that take the brunt of the appalling violations against their children and others. They are the mothers and the fathers, the teachers and the nurses, the tribal elders and the pastors. They are closely affiliated with the local civil authorities, whose responsibility it is to maintain the rule of law. They are also linked to members of national and international civil society who also work with them on community development, emergency relief or other programs.

These local civil society members are the witnesses to violations who must provide and gather the information. They are therefore vital participants in this system, and they must be respected and engaged as equal partners in the National Child Protection Networks, in the design of remedies and in other phases of the system. At the international level, actors are ultimately accountable for upholding their obligations to these individuals and organizations. A dynamic way to make this an honest partnership is to ensure a two-way flow of information, both from the affected communities and back to them.

Honest partnerships are also vital at the international level, because these groups form the link between the local civil society and the international organizations and governments. As a complement to the participation of local civil society in the National Child Protection Networks, the international counterparts must be equal partners in the International Child Protection Commission. (See above.)

ANNEX II—LIST OF VIOLATIONS TO BE MONITORED

This is an area where some progress has been made in recent years. There seems to be a general consensus that the list included in the most recent Secretary-General's report on CAC is a good starting basis, with review and an open-ended approach to the receipt of relevant information in specific circumstances that may fall outside established lists:

- Abductions
- Recruitment and/or association with fighting forces
- Sexual violence
- Maiming and killing
- Targeting of schools and hospitals
- Denial of humanitarian access.

In any given situation, the nature of the violations and context should determine what information is collected, more than any arbitrary list. All information should be noted, even if it does not fit a prescribed database, because it may be relevant when added to other factors to understand and develop appropriate and practical responses.

The Watchlist survey identified that some sources are likely to be gathering information about general patterns and trends, while other potential sources may be documenting individual cases with less attention to overall trends. Both types of information can and should be used to provide a more solid base of information.

Forced migration/displacement is an additional violation identified by Watchlist members as an important factor in protecting the rights of children. However, since there are some existing systems to monitor this, and it is less specifically related to children as distinct from adults, it is not suggested as an addition to the core list at the moment. It is, however, an important contextual factor in developing action plans.

It is recognized that important additional factors are covered in the resolutions on children and armed conflict, such as the flow of small arms and the illicit exploitation of natural resources, that may be complicit in human rights violations. At the moment, further development of accepted measurements and indicators is needed in order for these to be included in any standardized reporting mechanisms. Accurate information on these factors, however, is important for effective strategy development, and therefore, when information becomes available, it should be retained for use in analysis and for possible future use as systems for tracking and accountability are advanced.

ANNEX III—WATCHLIST’S MONITORING AND REPORTING EXPERIENCE

The Watchlist experience over three years has yielded relevant lessons for the establishment of a more comprehensive, more official monitoring and reporting system. It demonstrates the following:

1. It is possible to put together quantitative and qualitative analysis in a way that provides an adequate basis for action. In many conflict situations, it can no longer be said that the primary problem is lack of information.
2. In some cases, information and advocacy has lead to effective action, e.g., the DRC, demonstrating that Security Council resolutions on CAC properly implemented can result in freeing children from forces and improving protection of their security and rights.
3. Information alone is not adequate to lead to protection. The focus must be responsible action by appropriate authorities and accountability.

For information that leads to understanding and identification of effective options for response, the Watchlist has found linkages between local observers and an international network, which brings together a variety of expertise to be the most productive mechanism.

Based on its experience with information coming from both official agencies and less formal sources, the Watchlist highlights the vital role that civil society groups must play at all stages of an effective monitoring, reporting and response system in order to have both accurate data and qualitative understanding to take appropriate actions.

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