

# tool 16 NGO Participation in the MRM: Potential Challenges and Limitations

## Factsheet

The challenges and limitations described below vary from context to context and depend on how the NGO chooses to participate in the MRM.

### Security risks:

As far as security risks associated with participation in the MRM are concerned, it is helpful to distinguish two scenarios:

#### Scenario 1: alerts and informal communication

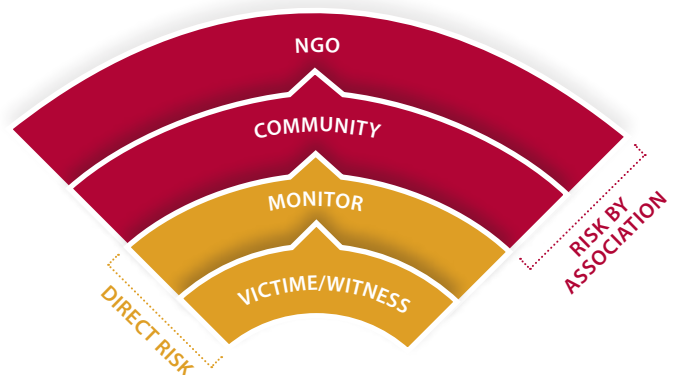
Many NGOs participate in the MRM by reporting information that they come across through their existing programs and activities in conflict-affected areas. In such cases, reporting to the MRM does not necessarily bring *additional* security risks to the ones already run by NGOs. The main concern then is that the identity of the NGO or of the person providing information to the MRM may be disclosed either when that information leaves the NGO or during verification activities conducted by the UN.

#### Mitigation options:

- Discuss and agree with the MRM focal point on confidentiality protocols for communication and management of information provided by your NGO.
- Discuss and agree with the MRM focal point on a clear process and conditions for coordination and organization of verification activities in relation to cases reported by your organization, in particular when they include site visits and interviews.
- Consider if transmitting information to the MRM indirectly via a trusted network or wider forum may help mitigate security risks.
- Discuss and agree with the MRM focal point/CTFMR on precautions regarding use of information reported by your organization for advocacy at the national or global level (the greater the visibility, the higher the risk, in particular for NGOs that operate alone in a certain area).

#### Scenario 2: documentation and CTFMR membership

Proactively monitoring and reporting violations perpetrated by armed actors may pose additional personal security risks for victims, individual NGO staff members who gather information on violations (monitors) and communities. Increased visibility brought by a formal link to the MRM can also potentially create a threat for the NGO as a whole.



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**Mitigating options:**

- Before deciding whether and how to engage in the MRM, assess the level of risk in your context.
- Determine how much risk (if any) your organization is willing to take and choose the appropriate modality for participating in the MRM.
- Apply a do-no-harm approach to monitoring and reporting activities in order to protect victims and communities from retaliation.
- Ensure strict confidentiality when gathering and reporting information on violations.
- Discuss and agree with the MRM focal point to define an information management policy, including a clearly defined chain of communication with key focal points with clear roles and responsibilities.
- Discuss and agree with the MRM focal point on a clear process and conditions for coordination and organization of verification activities by the UN in relation to cases reported by your organization, in particular when they include site visits and interviews.
- Consider if reporting information to the MRM indirectly via a trusted network or wider forum may help mitigate security risks.
- Discuss and agree with the MRM focal point/CTFMR on precautions for use of information reported by your organization for advocacy at the national or global level (the greater the visibility, the higher the risk, in particular for NGOs that operate alone in a certain area).
- Identify physical protection mechanisms offered by other entities, if any (NGOs, UN, government/state entities).

**The 'response gap':**

As a reporting mechanism focused on the Security Council, the MRM is sometimes seen as disconnected from a direct response to the needs of victims on the ground. This has been a source of frustration for NGOs. It is important however to note that while the MRM as such does not have a programmatic response component, *linking* with response mechanisms is one of the guiding principles of the MRM:

*It is essential that the monitoring and reporting of violations be closely linked to appropriate responses regarding violations, whether it is a referral of a child to a service provider, for advocacy or other form of response. The MRM was envisioned to not only monitor and report but also to lead to an appropriate protection response<sup>11</sup>.*

This approach is not exclusive to the MRM, since it is grounded on ethical principles applicable to any rights monitoring work. It is therefore the responsibility not only of CTFMRs, but also of anyone monitoring and reporting on grave violations, whether UN or NGOs. Understanding the role of the MRM as a *catalyst* and *enabler* for response on the ground (rather than as a response mechanism in itself) and clarifying how all those involved can contribute to this process may help dissipate some of the frustration around the issue of the MRM and response. Exploring the potential of the MRM to enable response (e.g., by offering an evidence base for fundraising, advocacy and programming) may also help address situations where there are simply no referral services in place, which are particularly challenging for NGOs documenting grave violations.

**Credibility and bias:**

Some NGOs may be naturally closer to a particular community, ethnic or language group due to their membership or mission; others may not have nationwide reach but rather focus on a particular area of the country where perhaps only one or some of the armed actors are active; some may be particularly critical of the government, others particularly supportive of the government or cautious about criticizing authorities. These are all factors that can contribute to a real or perceived bias or lack of neutrality and may affect the credibility of an NGO within the MRM.

**Mitigation options:**

- Try to identify factors that may contribute to a selective or partial monitoring and reporting on grave violations by your NGO.
- Adopt strict standards and a thorough methodology to gather information and facts on incidents of grave violations. This is key to ensure the highest possible level of objectivity, even when monitoring and reporting only on a selected group of victims or armed actor in the conflict.

<sup>11</sup> *Field Manual – The Monitoring and Reporting Mechanism (MRM) on Grave Violations Against Children in Situations of Armed Conflict*, United Nations Children's Fund (UNICEF), April 2010, p. 13

## The six grave violations - a restricted lens on the impact of conflict on children?

As demonstrated by the 1996 Machel report, a founding document in the UN's 'children and armed conflict agenda', the impact of conflict on children is wider than the situations covered by the six grave violations. As the 'children and armed conflict agenda' entered the realm of the Security Council in 2001, a focus was put on articulating its links to the question of international peace and security, hence the formulation of six grave violations based on international humanitarian law. This in turn helped create a clearer framework for the MRM. NGOs participating in the MRM, especially those that invest considerable resources and staff time in it, may find the need to focus exclusively on the six grave violations challenging, when they observe a much wider range of problems on the ground. While information reported to the Security Council through the MRM focuses strictly on the six violations, experiences in different countries have shown that the MRM process can enhance monitoring of broader child rights violations and protection concerns that are specific to each context. While such information is not used for reporting purposes, it can provide a critical evidence base for:

- Context analysis in the framework of the MRM.
- Advocacy and response to the needs of children affected by conflict at country level.

In **Colombia**, the Country Task Force on Monitoring and Reporting reflected on how the six grave violations typically manifest themselves in the local context to ensure clarity and coherence in monitoring and reporting. During this exercise, forced displacement was highlighted as a major characteristic of the armed conflict in Colombia with clear links to the grave violations. While forced displacement is not as such reported to the Security Council in the framework of the MRM, the issue has been mentioned in annual and country reports to highlight the consequences and impact of grave violations, in particular forced recruitment of children, denial of humanitarian access and sexual violence in the specific context of Colombia. ►

Since 2007, a **working group on children and armed conflict** has been reporting on the impact of conflict on children in the **Occupied Palestinian Territory (OPT) and Israel**, which have been featured in the annual reports of the Secretary-General since 2003 (no parties have been listed, however). Among the violations monitored by this working group are arrest, detention and ill treatment of children by Israeli forces. These issues are framed within broader child rights, namely art. 37 of the Convention on the Rights of the Child, but also describes a repercussion of recruitment and use of children, since these detention cases affect mostly children suspected of being associated with Palestinian armed groups. Monitoring of child detention by the working group has provided important evidence for advocacy at country level.

### UN verifications:

The MRM is a mechanism established by the Security Council, and the UN is mandated to implement it. The UN is also responsible and accountable for the accuracy and reliability of information compiled through the MRM. For this reason, cases formally reported to the Security Council must have been verified by designated person(s) of the UN. How verifications are conducted depends on the context, but, for example, may include a follow-up interview with the primary source of the information. UN actors are, however, not always able to conduct verifications of all cases reported, either due to access or security restrictions or due to limited staff capacity. Information provided by an NGO may therefore go unverified and be recorded merely as 'alleged' or 'subject to verification', carrying less weight than 'UN-verified' information. This may lead to frustration and discouragement among NGOs and communities who could be expecting a greater follow-up to the information shared, sometimes at great risk.

### Mitigation options for NGOs:

- Discuss with the MRM focal point the verification capacity and reach of the UN in the geographical areas covered by your organization.
- Explore with the MRM focal point context-specific options to overcome access or capacity problems negatively affecting UN verifications.
- Discuss with the MRM focal point what options for response and follow-up are still available at the local or national level for cases that cannot be 'UN-verified'.

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- Take into account the likelihood of UN verification when balancing risks and benefits of monitoring and reporting grave violations in a particular area.
- In areas where the likelihood of UN verifications is low and security risks are high, consider engaging only through response services, alerts or informal reporting.
- Discuss and agree with the MRM focal point on a clear process for coordination and organization of verification activities in relation to cases reported by your organization, in particular regarding site visits and interviews.

### Action Plans:

NGOs are often involved in supporting the implementation of Action Plans, in particular through programs that support victims and the reintegration of children separated from armed groups and armed forces. However, Action Plans are agreements signed between the government or the armed group and the UN. Because the negotiation and the monitoring phase (namely site visits) of an Action Plan, however, often carry political sensitivities, it traditionally remains a UN undertaking. Action Plan negotiation and monitoring can therefore limit NGO participation, in particular for NGOs that are members of a CTFMR and are otherwise actively engaged in all aspects of MRM implementation.

National NGOs were members of the Nepal CTFMR and contributed to the MRM by monitoring and reporting on grave violations in almost half of the country's districts. When time came for a dialogue with the UCPN-Maoists on a possible Action Plan to end the recruitment and use of children (which was eventually signed in December 2009), the Maoists opposed the involvement of NGOs in the negotiations and implementation of the Action Plan. The group perceived NGOs as a biased counterpart, while the UN was considered more neutral. NGOs did not participate in discussions concerning the Action Plan neither prior nor after signature, nor did they provide any input indirectly, as discussions effectively evolved outside the framework of the CTFMR.

In the case of Myanmar, however, international NGOs who are members of the CTFMR are assisting the UN in monitoring the implementation of the Action Plan with the armed forces, signed in June 2012.

## relevant tools

- 🔗 **tool 15** – Matrix 'Options for NGO participation in the MRM'
- 🔗 **tool 42** – Checklist 'Facilitating UN verifications of cases of grave violations'
- 🔗 **tool 18** – Guiding questions for self-assessment 'Assessing security risks before engaging in the MRM'
- 🔗 **tool 17** – Guiding questions 'Clarifying goals and expectations before engaging in the MRM'
- 🔗 **tool 31** – Factsheet 'What information is needed for the MRM?'
- 🔗 **tool 45** – Factsheet 'Information management'
- 🔗 **tool 37** – Case study 'Community-led monitoring in Southeastern Myanmar'

## other resources

- *The Monitoring and Reporting Mechanism on Grave Violations against Children in Armed Conflict in Nepal: A Civil Society Perspective, Partnerships for Protecting Children in Armed Conflict* (2012).