

This month marks 10 years since the UN Security Council established the monitoring and reporting mechanism (MRM): a global process designed to hold to account those who commit grave violations of children's rights during armed conflict. After [recent criticism](#) of the UN for its failure to apply MRM standards to Israel, this anniversary is an opportunity to take stock and identify challenges that impede the functioning of the mechanism. Indeed, the strong influence of Security Council Member States and other powerful governments over the process has, in certain instances, politicised the mechanism and undermined its primary objective of being an evidence based tool with the potential to have a tangible and positive impact on the lives of children in conflict-affected countries. This paper briefly reviews how the MRM works and proposes a series of recommendations based on its potential and current challenges. In doing that, it urges all parties and bodies to ensure that the process is based on independent and impartial evidence gathering and assessment, and that it remains free of political interference.

What is the MRM and how does it work?

The publication of Graça Machel's 1996 [report](#) on the impact of armed conflict on children prompted the creation, in 1997, of the [Office of the Special Representative of the Secretary General on Children and Armed Conflict](#). These developments brought the issue of children affected by armed conflict higher on the UN Security Council's agenda, and since 1999 the council has issued a number of resolutions on the matter. Since 2002, following UN Security Council Resolution 1379, the UN Secretary-General (UNSG) has been including in his annual report on children and armed conflict a list of parties to conflict (government armed forces and non-state armed groups) that commit grave violations against children's rights in armed conflict.

The MRM was established in 2005 under [UN Security Council Resolution 1612](#) with the purpose of providing systematic gathering of accurate, timely and objective information on six grave violations committed against children in armed conflict. The resolution also created the UN Security Council Working Group on Children and Armed Conflict, composed of all members of the UN Security Council.

The establishment of the MRM was an important and unprecedented step in improving the protection of the most vulnerable populations affected by conflict. The MRM has proved to be far more than a tool to 'name and shame' parties that violate children's rights. The systematic gathering of accurate, timely, objective and reliable information on grave violations committed against children aims primarily to inform better responses. It plays an important role in pushing for accountability of parties to a conflict and ensuring their compliance with international law and child protection standards, including through the signature of time-bound Action Plans to end the six grave violations against children. With 23 such Action Plans signed with parties in 14 different country situations, resulting in the release of thousands of children from armed forces and groups and other measures to address other grave violations against children, the MRM

has indisputably led to positive changes in the lives of children living in situations of armed conflict across the world.

The MRM is managed by country-based task forces co-chaired by the highest UN representative in the country and the UNICEF Country Representative. Other UN agencies, NGOs and independent monitoring bodies are encouraged to participate. Country Task Forces on Monitoring and Reporting (CTFMRs) provide information on six grave child rights violations:

- Killing or maiming of children
- Recruitment or use of children by armed forces or armed groups
- Attacks on schools or hospitals
- Rape or other forms of sexual violence against children
- Abduction of children
- Denial of humanitarian access to children

The MRM is formally established in a conflict situation when one or several parties to that conflict are added to the “list of shame” in annexes to the UNSG’s annual report on children and armed conflict. Since 2009, other grave violations have triggered listing: killing and maiming as well as sexual violence,¹ attacks on schools and hospitals,² and abduction of children.³

Once it is established, the MRM provides the framework to monitor and report on all six grave violations, and report on all parties to the conflict. CTFMR members and their technical working groups also coordinate advocacy and programmatic responses to the violations that they document. This is often done through the signature of Action Plans between the UN and the party listed. Action Plans are time bound and commit a “listed” party to a series of legal, policy and practical commitments designed to end a specific violation. As a result, in many ‘MRM’ countries, regular dialogue on grave violations against children has been established with governments, protective legislation and mechanisms have been put in place, children have been demobilised from armed forces and groups and subsequently provided with rehabilitation and reintegration assistance, and armed forces and armed groups have been trained and sensitised on child protection.

The mechanism stops after violations have ended and the Action Plan (if any) has been fully implemented. However the UNSG’s 2010 annual report on children and armed conflict (paragraph 180) recommends that the monitoring continue for at least one year after the delisting of all parties, to ensure there are no renewed violations.

Listing and delisting - a political process?

The UNSG decides which parties to list and delist based on recommendations by his Special Representative on children and armed conflict (SRSG), whose office coordinates all MRM

¹ UN Security Council Resolution 1882 (2009), UN Doc. S/Res/1882, 4 August 2009.

² UN Security Council Resolution 1998 (2011), UN Doc. S/Res/1998, 12 July 2011.

³ UN Security Council Resolution 2225 (2015), UN Doc. S/Res/2225, 18 June 2015.

information. Listing puts the country under scrutiny by the UN Security Council (before the Security Council Working Group on children and armed conflict), and it can even lead to the imposition of punitive measures, such as sanctions, by some of the UN Security Council relevant committees, upon verified information of violations against children.⁴

Consequently, governments are particularly sensitive about being listed in the annexes, or even being mentioned in the body of the UNSG's annual reports. A small, but vocal, number of states consistently oppose listing on the grounds that the situation does not qualify as an armed conflict and it is not formally on the agenda of the UN Security Council. Such pressure exerted by states to influence the scope of the MRM is not only leaving certain situations ignored, it also politicises the mechanism and subverts its mandate to increase the protection of children affected by armed conflict through objective and consistent evidence-gathering.

- Some governments with the ability to exert political pressure are known to have successfully lobbied the UNSG's office against their own listing, or the listing of an allied government. As a result, a situation fails to be included in the listing process by the UNSG, despite credible evidence, including from the UN, of grave violations of children's rights. This is illustrated by the recent decision of UN Secretary-General Ban Ki-moon not to include the Israeli Defence Forces (IDF) and Palestinian armed groups on his list after political pressure was exercised by Israel and its allies. The UNSG's decision was reportedly taken against the recommendation of the SRSG and despite UN-documented evidence of attacks on schools, and the killing and maiming of children during Operation Protective Edge on Gaza in the summer of 2014. Indeed, [information compiled by a UNICEF-led working group](#) documented the killing of 506 and injury of 3,374 Palestinian children; the working group also reported that 258 schools were destroyed or damaged due to Israeli airstrikes and shelling, 26 of them beyond repair. The UNICEF-led working group has been monitoring and reporting on grave violations of children's rights in Israel and Palestine since 2007. Further, the UN this year published the results of an inquiry requested by Ban Ki-moon that found the IDF responsible for striking seven [UN sites, including schools, used as civilian shelters](#) during the 2014 Gaza war. The SG's decision follows reports earlier in the year that UN officials in Jerusalem caved in to Israeli pressure to abandon moves to recommend the inclusion of the State's armed forces in the '[list of shame](#)'. This suggests that, owing to undue political interference, criteria to determine which parties are recommended and included in the 'list of shame' are not applied consistently.
- In other cases, governments have consistently impeded the UN's access to their country, or to certain areas of their country, to verify allegations of violations by their troops or even by armed opposition groups. The government of Thailand, for example, has been criticised by the UNSG for its failure to allow free and unimpeded access to the

⁴ See Security Council Report, cross-cutting report on children and armed conflict, June 2015: http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/cross_cutting_report_2_children_and_armed_conflict_2015.pdf

UN Country Team wanting to verify allegations of grave violations of children's rights by armed groups active in the southern provinces.⁵ A refusal to cooperate with the MRM limits the scope of the mechanism and is equally detrimental to its mandate. Despite this consistent lack of cooperation, there is little that the UNSG or the SRSG are able to do in terms of building pressure on the government of Thailand to comply.

- The case of Chad also raises questions as to whether delisting is linked to a transparent process that verifies the implementation of all commitments contained in Action Plans signed with the UN. The Chadian national army (*Armée nationale tchadienne/ANT*) was delisted in 2014. To remain off the list, parties must demonstrate their continued ability to comply with their Action Plan commitments and refrain from committing violations for which they were listed. In fact, Child Soldiers International has expressed concerns about a number of incidents of Chad's recent non-compliance with its Action Plan commitments. However, no comprehensive UN assessment has been made public about the ANT's record in the year following its de-listing. Instead, in his 2015 report last month the UN Secretary-General already determined that "the situation of Chad will be removed from the report as of 2016" (paragraph 56). In addition, in an unprecedented development, it was recently announced that the UN Security Council Working Group on Children and Armed Conflict will no longer consider a report on the situation of children and armed conflict in Chad. In light of on-going concerns about the capacity of Chad to fully implement its commitments under the Action Plan, this decision, if confirmed, risks sending a signal that partial, incomplete reform is sufficient to escape further scrutiny. Brief annual report entries cannot be a substitute for full country reports: given that the UN Security Council Working Group had not formally considered the situation of children in armed conflict in Chad since 2011, a comprehensive public report on the implementation of the Chadian Action Plan would be required to ensure a full, transparent assessment of Chad's compliance and the level of protection afforded to children affected by armed conflict in countries where its army is operating.

Conclusions and recommendations

While unjustifiable, political pressure on the listing process is likely to continue. Perception of lack of neutrality can undermine the credibility of the mechanism and deprive children affected by armed conflict of crucial interventions, as recently demonstrated by the number of governments criticising the [failure](#) to list the IDF in the UNSG's 2015 report.

If the MRM is to remain transparent, credible and effective, the listing and delisting process must be based on independent and impartial evidence gathering and assessment, not political considerations.

⁵ See Report of the UNSG on children and armed conflict, UN doc. A/69/926 S/2015/409, 5 June 2015, para 261.

Recommendations to governments:

- Permit the establishment and operation of UN-led country task forces for monitoring and reporting to document and verify grave violations of children's rights.
- Allow unimpeded access to the UN and other independent actors for the purpose of monitoring and reporting on grave violations of children's rights.
- Cooperate fully with the MRM country task forces, by responding promptly and favourably to their requests in support of their investigations.
- Allow regular visits by the SRSG and permit technical assistance to the country task force for monitoring and reporting by the CTFMR and her office.
- Provide political support to the SRSG by publicly supporting her recommendations and promoting their implementation in-country, and more broadly, providing her office with the necessary resources.

To the country based task forces:

- Invest more resources in investigating and verifying evidence of child rights violations.
- Support and recognise the role of child rights organisations in monitoring and reporting on child rights violations, including through the provision of human rights training and fact-finding.
- Ensure that government agencies do not sit on the task force.
- Ensure the transparency of the MRM and of the process of investigating and verifying evidence of child rights violations.
- Apply consistent criteria when recommending parties for listing and de-listing based on objective findings of the MRM task force.
- In case of repeated denial of access of the Country Task Forces to areas where violations are suspected to occur, recommend listing of the party on the basis of credible independent information.
- Undertake a rigorous assessment of compliance with measures agreed in the Action Plan prior to recommending delisting; ensure delisting is not recommended if the violations for which the party is listed are ongoing.

To the UN Secretary General:

- Apply listing and delisting criteria consistently based on objective, reliable, timely and accurate information collected by the MRM task force and on recommendations made by the Country Task Force.
- Issue a statement explaining the key reasons for not listing the IDF and Palestinian armed groups.
- Draft and publish detailed compliance reports on delisted parties one year after their removal from the list and submit these reports to the UN Security Council's Working Group on Children and Armed Conflict for its review.

To the SRSG-CAAC

- Send investigative teams to countries to verify credible allegations of grave violations, when the UN Country Team present fails to do so.
- Strengthen the MRM by supporting the work of country task forces, providing them with technical assistance and advocating to respective governments and Security Council members on their behalf.
- Publish Action Plans signed by parties to armed conflict in order to facilitate and improve response to grave child rights violations in situations of armed conflict.
- Encourage UN Country Teams and Country Task Forces to make public evidence collected by them on child rights violations in conflict situations to ensure improved transparency and more effective coordination and response.
- Develop follow up mechanisms for delisted parties to ensure all violations have stopped and redress for victims of those violations.

To the UN Security Council's Working Group on Children and Armed Conflict:

- Consistently recommend that the MRM task forces are provided sufficient capacity to investigate violations of children's rights by armed forces and armed groups.
- Work towards ending impunity against perpetrators of grave violations of children's rights during armed conflict, including by recommending the relevant sanctions committees to apply sanctions on individuals suspected of grave violations against children.