

III. Action plan for the establishment of a monitoring, reporting and compliance mechanism

A. Introduction

58. The present section of the report is in response to the request of the Security Council in its resolution 1539 (2004), paragraph 2, for the devising of an action plan for a systematic and comprehensive monitoring, reporting and compliance mechanism.

59. The proposals discussed below represent an action plan for the establishment of a monitoring, reporting and compliance mechanism, composed of various bodies and actors, each of which brings the role and added value of its area of jurisdiction, mandate, competence and expertise. The proposed actions, taken together, are designed to create a critical mass of response to ensure compliance and bring about the “era of application”. This action plan builds on the proposals for monitoring and reporting submitted to the Security Council in 2003 and my report to the General Assembly (A/59/331) of 3 September 2004, and draws on extensive consultations on this issue conducted among all stakeholders, particularly Member States, United Nations entities, regional organizations and NGOs.

60. The Graça Machel report of 1996 on the impact of armed conflict on children laid the foundation for the children and armed conflict agenda and constituted a seminal call to action. In the course of the past several years, my Special Representative for Children and Armed Conflict has led collective efforts, involving UNICEF and other United Nations entities, Governments, regional organizations and NGOs, to develop and transform the children and armed conflict agenda into concrete actions and initiatives. These have yielded important, tangible results and generated strong momentum for the children and armed conflict agenda:

(a) There is greatly increased visibility, global awareness and advocacy on children and armed conflict issues;

(b) The protection of war-affected children has been firmly placed on the international peace-and-security agenda;

(c) An impressive and comprehensive body of children and armed conflict norms has now been put in place;

(d) The protection and well-being of children are increasingly reflected in the mandates, training and reports of United Nations peacekeeping operations;

(e) Key regional organizations — such as the European Union, the Organization for Security and Cooperation in Europe, the Organization of American States, the African Union, the Commonwealth, the Economic Community of West African States (ECOWAS), the Human Security Network and the Group of Eight industrialized countries — have adopted children and armed conflict concerns as part of their own agendas through important political declarations, advocacy and programme activities;

(f) Children’s concerns are increasingly being considered in peace negotiations, peace accords and post-conflict programmes for rehabilitation and rebuilding;

(g) A major movement for advocacy and operational activities on the children and armed conflict agenda has developed among NGOs;

(h) The mainstreaming of children and armed conflict issues is taking hold in several institutions and mechanisms, within and outside the United Nations;

(i) Transitional justice processes and mechanisms have incorporated children and armed conflict concerns to hold accountable those responsible for crimes against children;

(j) Important local initiatives on children and armed conflict issues have been developed in several countries;

(k) The establishment of the role of child protection advisers, and their deployment, in peacekeeping operations represents an important innovation designed to ensure that children and armed conflict concerns are integrated in a significant way into all aspects of peace operations;

(l) The practice of listing offending parties in the Secretary-General's annual reports to the Security Council represents a landmark development for monitoring and reporting;

(m) The systematic practice of obtaining concrete commitments and benchmarks from parties to conflict is being developed;

(n) There are initiatives to develop the systematic documentation of abuses against children in conflict situations, such as the databases on abduction in Uganda and on recruitment in Sri Lanka, developed by UNICEF.

61. In spite of these advances, the situation for children remains grave and unacceptable on the ground. The international community is now faced with a cruel dichotomy. On the one hand, clear and strong children and armed conflict protection standards and important concrete initiatives, particularly at the international level, have been developed. On the other hand, atrocities against children and impunity for violators continue largely unabated on the ground.

62. The key to bridging this gulf lies in a systematic campaign for the "era of application". My Special Representative has made the campaign for the era of application a leitmotif of his advocacy, urging the international community to redirect its energies from the normative task of the elaboration of standards to the compliance mission of ensuring their application on the ground.

63. The call for the era of application has been endorsed by the Security Council, and in its resolution 1539 (2004), the Council called for the urgent establishment of a monitoring and reporting mechanism.

64. The campaign for the era of application encompasses four key components: advocacy and dissemination of children and armed conflict norms; developing and strengthening local civil society networks for protection, monitoring and rehabilitation; mainstreaming children and armed conflict issues into the programmes and mechanisms of key institutions, within and outside the United Nations; and the establishment of a monitoring, reporting and compliance mechanism to ensure compliance with children and armed conflict norms.

B. Monitoring and reporting, leading to action

65. The purpose of a monitoring, reporting and compliance mechanism is to provide for the systematic gathering of objective, specific and reliable information on grave violations committed against children in situations of armed conflict, leading to well-informed, concerted and effective responses to ensure compliance with international and local children and armed conflict protection norms. An objective of the present report is to set out an action plan for the development of such a mechanism.

66. The present section of the report addresses several pertinent issues concerning the establishment of a monitoring, reporting and compliance mechanism, in particular the following:

- (a) The most grave violations that should be particularly monitored;
- (b) Standards that constitute the basis for monitoring;
- (c) Parties whose activities should be monitored;
- (d) The gathering and compilation of information at the country level;
- (e) The review and integration of information and the preparation of reports at the Headquarters level;
- (f) Bodies that constitute “destinations for action” for monitoring reports.

67. The proposed monitoring, reporting and compliance mechanism draws on existing resources at both the national and the international level. Thus, no new entity or structure will be established for this purpose. The mechanism operates at three principal levels: information-gathering, coordination and action at the country level; coordination, scrutiny and integration of information and preparation of reports at the Headquarters level; and concrete actions to ensure compliance, to be taken particularly by bodies that constitute “destinations for action”. My Special Representative and UNICEF will play a particularly important role in the establishment and implementation of this mechanism.

C. The most grave violations that should be particularly monitored

68. Certain practices should receive priority attention, both because they constitute especially egregious violations against children and because they can be monitored. Specifically, monitoring efforts should focus on the following six grave violations:

- (a) Killing or maiming of children;
- (b) Recruiting or using child soldiers;
- (c) Attacks against schools or hospitals;
- (d) Rape or other grave sexual violence against children;
- (e) Abduction of children;
- (f) Denial of humanitarian access for children.

Although some of the above-stated abuses may occur in non-conflict situations, the monitoring and reporting regime proposed here is specific to situations of armed

conflict. Within this framework, particular priorities may vary according to specific situations.

D. The standards that constitute the basis for monitoring

69. A credible monitoring, reporting and compliance mechanism must be based on specific and clear standards. There is now a comprehensive body of such instruments and norms in place for the protection of war-affected children. These standards, listed below, are specific and provide well-defined yardsticks for monitoring and reporting violations against children in situations of armed conflict.

70. At the international level these standards include the Convention on the Rights of the Child (1989) and its Optional Protocol on the Involvement of Children in Armed Conflict (2000); the Rome Statute of the International Criminal Court (1998); International Labour Organization (ILO) Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999); the African Charter on the Rights and Welfare of the African Child (1999); the Geneva Conventions (1949) and their two Additional Protocols (1977); and Security Council resolutions 1261 (1999), 1314 (2001), 1379 (2001), 1460 (2003) and 1539 (2004), which are devoted to the subject of children and armed conflict.

71. In addition to these international instruments and norms, national legislation exists that provides for the protection, rights and well-being of children. There are also concrete commitments on children and armed conflict which have been entered into by parties to conflict.

72. Peace accords incorporating children and armed conflict commitments, such as the 1998 Good Friday Agreement on Northern Ireland, the 1999 Lomé Peace Agreement on Sierra Leone, the 2000 Arusha Peace and Reconciliation Agreement for Burundi and the 2003 Accra Peace Agreement on Liberia, also constitute clear standards for the protection of children and their prioritization in post-conflict peacebuilding and reconstruction.

73. Significantly, various societies can draw on their own traditional norms governing the conduct of warfare. Societies throughout history have recognized the obligation to provide children special protection from harm, even in times of war. Distinctions between acceptable and unacceptable practices have been maintained, as have time-honoured taboos and injunctions proscribing the indiscriminate targeting of civilian populations, especially children and women.

E. Parties whose activities should be monitored

74. An effective monitoring, reporting and compliance regime must monitor and seek to influence the conduct of all parties to conflict, Governments as well as insurgency groups. In this respect, it is also important to monitor the conduct of international peacekeeping and humanitarian personnel.

75. The international instruments and standards listed above, which constitute the normative yardsticks for monitoring violations, address and place obligations at the doorsteps of all parties to conflict. It is crucial to engage in protection dialogue with all entities whose actions have a significant impact on children, without any

implications as to their political or juridical status. My Special Representative for Children and Armed Conflict and UNICEF have developed a systematic practice of engaging in dialogue with and obtaining concrete commitments from all parties to conflict, and the Security Council has called on all parties to conflict to observe the concrete commitments they have undertaken.

76. The lists submitted to the Security Council, which identify the offending parties, encompass all offending parties, while preserving a clear distinction between parties in situations on the agenda of the Security Council and parties in situations not on the agenda of the Council and other situations of concern.

77. At political and practical levels there are levers of influence that can have significant sway with all parties to conflict. In today's world, parties to conflict cannot operate as islands unto themselves. The viability and success of their political and military projects depend on networks of cooperation and good will that link them to the outside world, to their immediate neighbourhood as well as to the wider international community. There are, consequently, powerful factors that can influence all parties to conflict: the force of international and national public opinion; the desire of the parties for acceptability and legitimacy at the national and the international level; international accountability as enforced by the International Criminal Court and ad hoc tribunals; restrictions on the external provision of arms, financial flows and illicit trade in natural resources; the growing strength and vigilance of international and national civil societies; and media exposure.

F. Gathering, vetting and compiling information at the country level

78. At the forefront of efforts to advocate, monitor and ensure compliance for the era of application are country-level child protection actors, some of which are already engaged in various levels of monitoring and reporting activities. United Nations peacekeeping operations and United Nations country teams, under the leadership of Special Representatives of the Secretary-General and resident coordinators, respectively, are present and active in virtually all conflict-affected situations. Their presence, knowledge and ongoing operations provide unique opportunities for advocacy, monitoring and reporting. As reaffirmed in Security Council resolution 1539 (2004), the primary responsibility for follow-up, coordination and monitoring of children and armed conflict issues at the country level belongs to the United Nations field teams, both peacekeeping operations and country teams, consistent within their respective mandates.

79. Child protection networks, which bring together all stakeholders concerned with child protection and rehabilitation in informal networks and forums for dialogue and collaboration, now exist in several war-affected countries and situations. These informal networks should provide resources for building a structured and concerted children and armed conflict monitoring and reporting system on the ground. Child protection networks are typically composed of United Nations actors, relevant Government ministries or institutions, international NGOs and local NGOs and civil society organizations, which undertake a range of advocacy and programmatic activities for the benefit of children. Where they are not yet in place, UNICEF and United Nations peacekeeping operations (child protection advisers) should undertake to facilitate the formation of child protection networks in those war-affected countries.