WATCH LIST ON CHILDREN AND ARMED CONFLICT

June 2013

where are they...?

The situation of children and armed conflict in Mali

About Watchlist

Watchlist on Children and Armed Conflict (Watchlist) strives to end violations against children in armed conflicts and to guarantee their rights. As a global network, Watchlist builds partnerships among local, national, and international non-governmental organizations, enhancing mutual capacities and strengths. Working together, we strategically collect and disseminate information on violations against children in conflicts in order to influence key decision makers to create and implement programmes and policies that effectively protect children.

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Acronyms

AFISMA	African-led International Support Mission in Mali
AQIM	Al-Qaida in the Islamic Maghreb
CAAC	Children and armed conflict
CAP	Consolidated Appeal Process
CPiE	Child protection in emergencies
CP IMS	Child protection information management system
CRC	Convention on the Rights of the Child
CTFMR	Country Task Force on Monitoring and Reporting
DDR	Disarmament, demobilization, and reintegration
DNPEF	Département nationale pour la protection de l'enfant et la femme
DPKO	Department of Peacekeeping Operations
DRC	Democratic Republic of the Congo
ERW	Explosive remnants of war
EUTM	European Union Training Mission
GBV	Gender-based violence
ICC	International Criminal Court
IHL	International humanitarian law
IDP	Internally displaced people
LRA	Lord's Resistance Army
MAF	Malian Armed Forces
MNLA	National Movement for the Liberation of Azawad (Mouvement national de libération de l'Azawad)
MRE	Mine risk education
MRM	Monitoring and Reporting Mechanism
MUJAO	The Movement for Unity and Jihad in West Africa (Mouvement pour l'unicité et le jihad en Afrique de l'Ouest)
MINUSMA	United Nations Multidimensional Integrated Stabilization Mission in Mali
NGO	Non-governmental organization
OPAC	Optional Protocol to the CRC on the involvement of children in armed conflict
RoE	Rules of engagement
SC/UAM	Separated children and/or unaccompanied minors
SCWG	Security Council Working Group
SOP	Standard operating procedure
SRSG	Special Representative of the Secretary-General
TCC	Troop-contributing countries
TOR	Terms of reference
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund

Three months after the start of the current conflict in Mali, which began in January 2012, the non-state armed groups the National Movement for the Liberation of Azawad (MNLA) and Ansar Dine, with assistance from Al-Qaida in the Islamic Maghreb (AQIM) and the Movement for Unity and Jihad in West Africa (MUJAO), captured the three northern regions in Mali: Gao, Kidal, and Tombouctou. Ideological differences led to clashes amongst the four armed groups, and by July 2012, Ansar Dine, AQIM, and MUJAO were in control of most of the captured territory, and were enforcing their own severe interpretation of Sharia on the remaining population through threat of force.

In December 2012, the United Nations (UN) Security Council authorized the establishment of the African-led International Support Mission in Mali (AFISMA) to assist the Government of Mali reclaim control over its territory. However, on 10 January 2013, Ansar Dine, AQIM, and MUJAO began advancing south towards the capital, Bamako, prompting the launch of a French-led military intervention and the hurried deployment of AFISMA. As a result, the armed groups retreated into the surrounding areas and desert, shifting the conflict to asymmetric warfare. In late April 2013, the UN Security Council authorized the establishment of a UN-led peacekeeping force for Mali, the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), expected to begin 1 July 2013. The conflict has led to the displacement of nearly 475,000 Malians: 300,783 of them internally displaced.

Given the dearth of information on the conflict's effect on children, Watchlist undertook two missions to Mali in November-December 2012 and in February-March 2013, to research grave violations, notably: the recruitment or use of children, killing and maiming, attacks on schools, and rape and sexual violence; as well as the response in place to protect children.

The title of the report, "Where are they?" refers to multiple layers of the findings: It asks where are the recruited children, many of whom seemingly disappeared with the retreat of the armed groups; it refers to the number of children against whom grave violations are being committed, unknown due to the lack of data and monitoring; and finally, it asks where is the international community, specifically the child protection actors with the expertise and knowledge for responding to conflicts of this nature. Where are they all?

1. Findings

The first half of the report presents findings on grave violations committed against children by armed groups in Mali starting in January 2012.

Recruitment or use of children

Ansar Dine, AQIM, MUJAO, and the MNLA all recruited and used children, some as young as seven years old. An accurate figure on the number of children associated with armed groups cannot be drawn, but based on estimates and witness reports on recruitment, training, and use, by the end of 2012 there were many; likely hundreds. Witnesses described three recruitment modalities: "voluntary" recruitment, recruitment through association with family or guardians, and forced recruitment and retention. Armed groups used children for all manner of activities; Ansar Dine, AQIM, and MUJAO used children to enforce their interpretation of Sharia. Armed groups also trained children in the use of weapons and used them in hostilities in 2013. Community members discussed with alarm their fears that Ansar Dine, AQIM, and MUJAO were brainwashing children. Indoctrinated children require particular and sensitive care for their rehabilitation and reintegration, including attention to cultural and religious factors to counter the extreme thoughts and belief patterns instilled in them.

Killing and maiming

By all accounts, the armed groups did not directly target children while fighting throughout 2012. This did not, however, protect children from significant injury or death related to the presence of conflict in their daily lives. The open availability of explosive remnants of war, the use of recruited children in hostilities, and the presence of combat in their communities all resulted in the injury or death of children.

Attacks on schools

Since January 2012, schools and education buildings in northern and parts of central Mali have been pillaged, sacked, burned, and destroyed; they have been used as training camps and bases; and occupied by armed groups, paramilitary groups, and the Malian Armed Forces, resulting in the closure of most schools in Gao, Kidal, and Tombouctou. Although some schools began to re-open in early 2013, many had not at the time of writing; thousands of students were at risk of losing two school years.

Rape and sexual violence

Girls have experienced conflict-related sexual violence, including rape, forced marriages, and sexual exploitation and abuse perpetrated by armed actors operating in Mali. All four armed groups are implicated in the rape of girls, while Ansar Dine, AQIM, and MUJAO are accused of forced marriage. Increasingly, risks of sexual exploitation and abuse of girls by international armed forces are also reported. To better understand the true scale and need, strong monitoring systems to help document cases must be established. From these, appropriate mechanisms to provide assistance to survivors and bring perpetrators to justice can be developed.

Protecting children from violations

The second section of the report considers the roles and responsibilities of different actors in the protection of children. While government holds the primary responsibility for the protection and care of children, during conflict, military and civilian (humanitarian) actors must contribute to their protection as well. However, when the current conflict began, government, local, and international actors, accustomed to operating in vastly different contexts, found themselves lacking the capacity and ability to respond to the child protection concerns, risks, and violations occurring. Legal frameworks and military protocols were not in place, nor were the capacity and funds to develop the specialized types of programmes required.

Protection of children by military actors

The military plays a large role in the protection of children, both through the protection of civilians and as a primary point of contact for children believed to be associated with armed groups. Clear standard operating procedures and guidance within rules of engagement for encountering children in combat help extend the greatest level of protection for vulnerable children. Widespread dissemination and enforcement of these is required. Yet, despite knowing since April 2012 that armed groups were recruiting children, by the end of April 2013 there were no standard operating procedures in place for any of the armed forces operating in Mali, nor had the Malian Armed Forces or AFISMA troops received comprehensive child protection training. The draft Protocole d'Accord – standard operating procedures for the Malian Armed Forces – remained unsigned pending the willingness of government actors to proceed with signing them.

Standard operating procedures for MINUSMA should be developed in advance of troop deployment as a matter of urgency so that they can be included in pre-deployment trainings. In addition, full vetting of troops, including those to be re-hatted, must take place in advance of deployment. More crucially for children, a clear line must be drawn on parties listed in the Secretary-General's annexes of those who commit grave violations against children. Inclusion of listed parties as troop contributors to MINUSMA would greatly undermine and discredit the human rights work and mandate of the mission. There is, however, no official policy within the Department of Peacekeeping Operations or the UN as yet that prevents listed parties from contributing to peacekeeping missions.

Protection of children by civilian actors

Watchlist identified four key areas contributing to a slow-evolving child protection response: a lack of capacity, gaps in cluster functioning, a void in leadership, and limited financial resources, all of which exacerbate one another. Through early 2013, the greatest needs from the start of the response remain: monitoring systems to provide a sense of scale and inform response, and referral pathways, crucially necessary to link monitoring to response in order to provide children and their families with appropriate assistance and support.

Steps towards the establishment of a protection monitoring system, a movement tracking system, and a child protection information management system in February and March of 2013 are positive and encouraging, but the general lack of monitoring and available data has been and continues to be a primary gap, persistent challenge, and principal need. It severely hinders a true understanding of the problems and precludes a comprehensive and appropriate response.

The UN Monitoring and Reporting Mechanism

When the Secretary-General publishes his annual report on Children and Armed Conflict in June 2013, Ansar Dine, MUJAO, and the MNLA will become listed parties and Mali will become the 15th country with a formal Monitoring and Reporting Mechanism (MRM). The MRM in Mali will monitor at least four non-state armed groups, some of whom may engage in regional cross-border recruitment; one state force; multiple troop-contributing countries, including one listed persistent perpetrator and several countries with concerning human rights records; multiple paramilitary groups; and other state forces.

The MRM will have specific needs and face specific challenges in Mali, including to the neutrality, impartiality, and independence of the process; to the co-existence of civilian and military actors; and to ensuring the security and safety of the monitors and humanitarian actors involved.

The establishment of the MRM and MINUSMA simultaneously is a unique situation and provides the opportunity to symbiotically set up these systems and processes *from the beginning*. The opportunity should not be missed to do this *right*. The following are key aspects to consider in creating a "blueprint" for establishing an MRM in Mali: dedicated staff capacity and resources, particularly within MINUSMA and at UNICEF; strong coordination between MINUSMA and UNICEF; cross-border coordination; access and reach; non-governmental organization (NGO) participation and consultation; linking monitoring and response; preventive action in relation to the Malian Armed Forces; and training and capacity building.

2. Recommendations

To the Government of Mali:

- Sign with urgency and immediacy the Protocole d'Accord, take necessary steps to disseminate it to all actors concerned, and comprehensively monitor its enforcement.

- Include as an essential condition for dialogue and as a component for any reconciliation agreements the full demobilization of all children under age 18 within the ranks of armed groups and the cessation of acts of sexual violence. Ensure accountability of perpetrators.

- Take preventative actions to ensure that the Malian Armed Forces and any associated groups do not commit grave violations against children. Capitalize on the knowledge and experience of the Country Task Force on Monitoring and Reporting (CTFMR) and the MRM to set up concrete prevention measures.

- Prioritize the specific needs of children in all disarmament, demobilization, and reintegration programmes.

- Pass and enforce specific legislation making the occupation of and attacks on schools illegal.

- Strengthen existing legislation on rape in the Penal Code to explicitly prohibit and criminalize marital rape. Amend the Code of Marriage and Guardianship that provides a wife must "obey" her husband and raise the legal age of marriage for girls to 18. Require civil registrations of marriage.

To child protection and protection actors:

- Scale and reinforce protection, and especially child protection in emergencies capacities through hiring of staff with the specific technical expertise required, as a matter of urgency. Immediately fill all vacant leadership positions.

- Establish with all urgency protection and child protection monitoring systems throughout Mali to monitor, document, and report on child protection violations, including grave violations and cross-border violations.

- Develop and implement strong, context-appropriate programmes for demobilized children, in collaboration with the government and MINUSMA, that include psycho-social care, social and economic reintegration, and that address the indoctrination to which children may have been subjected. Work with religious leaders and link pro-grammes to other social cohesion efforts being undertaken in Mali.

- Advocate for and promote a change to a more holistic community-based approach to addressing sexual violence in conflict. Support these efforts through awareness raising and capacity building exercises of local and government actors to develop this expertise nationally.

To Ansar Dine, AQIM, MUJAO, the MNLA, and all other armed and paramilitary groups operating in Mali:

- Comply with national and international standards that forbid the recruitment and use of children under age 18, and grant humanitarian actors open and unrestricted access to all bases and members in order to undertake age verification exercises. Cooperate with humanitarian actors on the release of all children under age 18. Cease committing all other grave violations against children.

To all armed actors operating in Mali:

- Ensure proper marking and mapping, as well as proper handling, storage, and clearing of explosive remnants of war, and share data collected with appropriate authorities, including demining actors.

- Ensure effective controls of small arms and light weapons are in place to help ensure respect for international humanitarian law. Ensure that small arms and light weapons are properly secured and stored.

To MINUSMA:

- Dedicate in the initial wave of mission set-up specific capacity to support the needs and address the concerns of the recruitment and use of children, and to continually engage on these needs and raise these concerns at the highest levels in Mali.

- Develop and adopt standard operating procedures on the treatment and transfer of children believed to be associated with armed groups immediately. Disseminate these to all troops and include them in pre-deployment briefings. Monitor their implementa-tion and enforcement. Take swift and appropriate disciplinary action against troops who do not follow the standard operating procedures.

- Ensure that all troops receive thorough training pre-deployment or before re-hatting on IHL, as well as applicable human rights and refugee law, including comprehensive training on child protection, and on international standards for detention. Include messaging on sharing information learned on child protection violations and concerns with civilian humanitarian actors.

- Adhere to international laws, guidelines, and principles pertaining to the sexual exploitation and abuse of civilian populations that troops are meant to protect, including the Secretary-General's Bulletin on Sexual Exploitation and Abuse for troops under UN-mandated missions.

- Ensure the specific needs of children are included in disarmament, demobilzation, and reintegration programmes and that their rehabilitation is addressed as a matter of priority in keeping with Security Council resolution 2100 (2013) o.p.16, a(v) and related to the larger national dialogue and reconciliation process.

To the Secretary-General and the Secretariat (including SRSG-CAAC and DPKO):

- List Ansar Dine, AQIM, MUJAO, and the MNLA for the recruitment and use of children in Mali.

- Exclude Chadian troops from MINUSMA until full completion of their action plan.

- Adopt and implement a UN-wide policy excluding listed parties from participating in peacekeeping operations and other UN-mandated missions until the Secretary-General certifies their full and complete de-listing from the list of shame.

- Ensure that all troop-contributing countries to MINUSMA vet troops for children aged under 18 and for violators of children's rights. Specify these conditions in all Note Verbales.

To the UN Security Council:

- Strongly encourage, with all available tools, the immediate signing and enforcement of the Protocole d'Accord by the Government of Mali, and the development and signing of standard operating procedures by MINUSMA on the transfer of children believed to be associated with armed groups.

- Insist that peacekeeping operations mandated by the Security Council do not include perpetrators of grave violations against children, or other human rights abuses, and insist on the independent screening of troop-contributing countries for children aged under 18.

To the UN Independent Expert on the situation of human rights in Mali:

- Prioritize and promote the protection of the rights of children in fulfilling the expert mandate. Investigate, monitor, and report on violations committed against children, including recruitment and use and sexual violence. Advocate for and advise on these at the highest levels in Mali and internationally.

To the International Criminal Court:

- Investigate the recruitment and use of children by all parties to the conflict, as well as intentional attacks on schools, with a view to determining individual responsibility and holding them to account.

- Undertake impartial and independent investigations into acts of conflict-related sexual violence committed by all parties against girls and women in support of determination of whether war crimes and crimes against humanity have been committed, so that appropriate actions can be taken, including the issuing of warrants.

- Ensure that strict precautions are taken when interviewing children, and that the process is led by professionals with specific training and experience in interviewing children.

To donors:

- Fund the child protection, protection, and education 2013 Consolidated Appeal Process to the full amounts required to improve the response mounted to protect children during conflict. Emphasis should be placed on the development and implementation of monitoring, case management, and referral systems, and any associated training and capacity building needs. Allow for flexibility in funding in order to adjust to needs as they become clearer though monitoring.

Recommendations for Establishing the MRM:

To the SRSG and UNICEF Representative:

- Undertake a feasibility study promptly to understand the programmatic, financial, and security implications of establishing an MRM, including a risk analysis to understand the risks involved in monitoring and verifying violations compared with the quality of the data obtained.

- Deploy with all immediacy child protection staff for both offices to effectively assess the needs and plan accordingly to facilitate a successful and efficient set-up of the MRM. Ensure they have sufficient financial resources to fulfil their respective roles and obligations in a timely and efficient manner. Mobilize other UN agencies to do the same for system-wide ownership of the MRM to help ensure its success.

- Engage NGOs from the start of the process and invite them to have an active voice and presence in decision-making on the Country Task Force on Monitoring and Reporting.

To the future Country Task Force on Monitoring and Reporting:

- Prioritize the establishment of referral pathways for the MRM, where appropriate, in coordination with the relevant clusters and the child protection information management system to ensure proper and immediate follow-up of cases.

- Develop standard operating procedures to prevent re-interviewing of children.

- Ensure a clear and strict separation between military and civilian actors, particularly with verification exercises.

To the NGO community:

- Reflect on internal risks and capacity gaps that need to be addressed before engaging in the MRM. Actively discuss concerns and recommendations with MINUSMA and UNICEF to ensure that they are considered in the planning process.

- Consider actively contributing to the MRM. Where capacity and risk mitigation measures can be addressed, advocate for inclusion as a member of the Country Task Force on Monitoring and Reporting.

background

In January 2012, two non-state armed groups, the National Movement for the Liberation of Azawad (MNLA) and Ansar Dine, began a series of attacks in northern Mali that proved to be the beginning of the current conflict, involving multiple non-state armed groups and armed forces, that has led to the displacement of nearly 475,000 Malians: 300,783 internally displaced, and 174,129 as refugees in the neighbouring West African countries of Burkina Faso, Mauritania, and Niger[1].

Amongst the thousands to flee the violence were most of the civil servants and government administrators, resulting in the closure of government services in the north, including health care and education. The arrival of thousands of internally displaced people (IDPs) in central and southern Mali exacerbated food and nutrition vulnerabilities that had preceded the conflict, with global acute malnutrition rates reaching 10.4 percent, and as high as 16 percent in northern regions[2].

The government's initial fractured response to the attacks in early 2012 led to a bloodless military coup on 22 March 2012, further exacerbating an unstable situation. Within two weeks, the MNLA and Ansar Dine, with assistance from Al-Qaida in the Islamic Maghreb (AQIM) and the Movement for Unity and Jihad in West Africa (MUJAO), two other non-state armed groups, captured the northern regions of Kidal, Gao, and finally Tombouctou. On 6 April, the MNLA declared the secession of the northern regions from Mali, and the creation of the new state of Azawad, which was not internationally recognized.

In the subsequent days and weeks, ideological divisions between the armed groups led to clashes that ultimately resulted in the MNLA losing control of most of their territory. By July 2012, Ansar Dine, AQIM, and MUJAO controlled much of the northern regions, as well as the remaining population. They established their own police and judiciary to enforce their interpretation of a severe form of Sharia. Most Malians, more than 90 percent of whom are Muslim, rejected the armed groups' interpretation of the religion, but it was strictly enforced through threat of force.

The Malian Armed Forces' (MAF) lack of capacity and equipment inhibited its ability to lead a military intervention to regain Mali's territorial integrity. The United Nations (UN) Security Council authorized the establishment of the African-led International Support Mission in Mali (AFISMA) in December 2012 with a one-year mandate to assist the Malians in reclaiming control over their territory. The intervention was not expected to begin until September 2013, however. On 10 January 2013, a coalition of Ansar Dine, AQIM, and MUJAO began a push southward, intending to advance on the capital, prompting the interim government to declare a state of emergency and plead for immediate international support. France responded, launching Operation Serval the next day; the deployment of AFISMA was hurried. The French-led intervention forced the retreat of the armed groups who disappeared into the surrounding areas and desert. Within weeks, the conflict shifted to asymmetric warfare, including the use of suicide bombers[3].

As the French-led intervention liberated areas from control of the armed groups, ethnic-based reprisals and retaliations began against citizens believed to have conspired with the armed groups, or simply, those of the same ethnicity, so called "pale-skinned" Malians. Tuaregs and Arabs in particular were targeted. Civilians, paramilitary groups, and even the MAF allegedly were responsible for disappearances, killings, and acts of retribution.

In late April 2013, the UN Security Council authorized the establishment of a peacekeeping force for Mali, the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), to take over from AFISMA forces after a return to stability[4]. Though the military intervention has resulted in government regaining control of some territory, areas outside the regional capital remain unstable. The on-going insecurity, along with the continued closure of government services, constrains the return of the population to their homes, as do fears of reprisal attacks. By the end of April 2013, Malian children continued to be affected by the armed conflict.

Source: UN Cartographic Section (with some cities added by IDMC)
More maps are available at www.internal-displacement.org/countries/mali/maps

armed actors operating in Mali

Non-state armed groups

AL-QAIDA IN THE ISLAMIC MAGHREB (AQIM)

A non-state armed group of Algerian origin, with members from several West African states. It was formed in 2007 and is affiliated with the larger Al-Qaida network. They have operations in the Sahel, and are primarily financed through kidnappings. They operated primarily in Tombouctou and Kidal in 2012.

ANSAR DINE

A non-state armed group that began operating in Mali in early 2012 in support of the MNLA[5]. The two groups nearly merged but ideological and territorial differences prevented this. Ansar Dine seeks to establish a strict interpretation and implementation of Sharia law throughout all of Mali; it does not dispute the country's territorial integrity[6]. It has members from Algeria, Mali, and Nigeria[7]. Their base is in Kidal.

MOVEMENT FOR UNITY AND JIHAD IN WEST AFRICA/
MOUVEMENT POUR L'UNICITÉ ET LE JIHAD
EN AFRIQUE DE L'OUEST (MUJAO)

A non-state armed group that splintered from AQIM in mid-2011[8]. The group has members from across West Africa, including militias who formerly operated with the consent of the Malian government. They seek to establish Sharia law across the region[9]. MUJAO operated primarily in Gao throughout 2012.

NATIONAL MOVEMENT FOR THE LIBERATION OF AZAWAD/
MOUVEMENT NATIONAL DE LIBERATION DE L'AZAWAD (MNLA)

A secular political and military organization that seeks the independence of Azawad, an independent Tuareg state in northern Mali and the Sahel. They represent the continuation of the previous Tuareg rebellions of 1990-95 and 2006. The MNLA fought against the other three groups after the start of the French-led military intervention in 2013. The MNLA is based in Kidal.

PARAMILITARY GROUPS

These armed groups were initiated by the government during the Tuareg rebellions in the 1990s, as part of a strategy to control the different ethnic groups in the north[11]. They were "re-activated" during the present conflict, and some fought alongside the MAF in initial battles with armed groups[12]. The majority identify as "pro-government". These groups have fed into ethnic tensions and reprisal attacks.

State forces and international missions

AFRICAN-LED INTERNATIONAL SUPPORT MISSION
IN MALI (AFISMA)
An Economic Community of West African States force that was established through
UN Security Council resolution 2085 on 20 December 2012. Its initial one-year mandate
includes helping rebuild the Malian Defence and Security Forces[13] and to assist the Malian
government in recovering control of the north. By early March, over 6,000 AFISMA troops
from eight West African countries as well as Chad were already deployed to Mali under
Nigeria's command[14].

FRENCH ARMED FORCES
They launched Operation Serval on 11 January 2013, in response to a request from the
interim Malian government to halt the southern-bound attack of armed groups[15]. In April
2013, Security Council resolution 2100 authorized French troops to continue operating in
Mali alongside MINUSMA[16]. At the end of April 2013, 3,850 troops from the French Armed
Forces were involved in operations in Mali[17].

MALIAN ARMED FORCES (MAF)
Consist of the Malian Army, Air Force, Gendarmerie, Republican and National Guards, as
well as the police. The exact number and composition of the MAF is unknown; though
under the current restructuring and training scheme of the European Union, the armed
forces are expected to number 6,000 troops in eight battalions.

UNITED NATIONS MULTIDIMENSIONAL INTEGRATED
STABILIZATION MISSION IN MALI (MINUSMA)
Established by the UN Security Council on 25 April 2013, through resolution 2100 and is
expected to assume a transfer of authority from AFISMA on 1 July 2013. At that time, many
AFISMA troops will be "re-hatted" to the peacekeeping force. MINUSMA's mandate extends
to seven areas including the stabilization of primary population centres and the protection
of civilians.

methodology

In November-December 2012, and in February-March 2013, Watchlist undertook two three-week missions to Mali to conduct research into the perpetration of grave violations against children, as identified in Security Council resolution 1612 (2005) and the response in place to protect them and help prevent these violations[18]. Watchlist also researched child protection monitoring capacities and needs, in anticipation of the future establishment of the UN Monitoring and Reporting Mechanism (MRM). Watchlist interviewed 154 people (81 men, 72 women) from civil society, government, military, local and international non-governmental organizations (NGOs), the UN and other international organizations, as well as members of conflict-affected communities throughout Mali. Interviews were complemented by a review of existing literature. In addition, Watchlist benefited from numerous conversations and informal discussions, before, during, and after the research missions. Findings reflect the research period covering both missions, between November 2012 and March 2013.

Watchlist encountered several limitations to the research, due to the instability and fluidity of the context. Insecurity and access limited the research to Bamako. The methodology therefore involved speaking with those who had been in conflict-affected areas about what they saw and heard, and overlapping their testimonies to check for consistency of timing and occurrence of events to help establish credibility and confidence in the information. Ethical and responsible research practices provide for interviewing children only when necessary and with proper support services in place. In the absence of appropriate referral mechanisms, Watchlist spoke with parents, teachers, and community members who could speak to the experiences of children, and only once interviewed children directly at a centre, with their caregivers present.

Given the fragility and insecurity of the situation, many sources only agreed to speak with Watchlist on condition of full confidentiality. As such, no identifying details are provided in a manner by which information shared with Watchlist can be attributed to individuals or organizations alike. Organizations are only identified in instances in which the information is publically available. Interviews abided by ethical research standards, including provision of verbal informed consent by participants.

A note on limits to documenting the age of children and group attribution for violations: Many of the ages provided are estimated ranges. Birth registration can be challenging in Mali, and even family members can be unsure of the exact age of children. Often times, children are referred to as "not yet this age" or by local terms that encompass a range, such as "zanka" in Songhai that includes all children ages 0-18/19; or "demsen", Bambara for "not a child, not a youth" – and in reference to the military, someone who is too young to carry arms[19]. Further, the term "jeune" in French, youth, includes adolescents as well as young adults. Watchlist tried to determine ages with interviewees to delineate older or younger than 18. Where this was not possible, the information was not included, though used at times to support trends.

Attributing specific violations to groups was more challenging. At the start of the conflict, community members reported that they did not always know the difference between the groups. Over time, communities came to recognize differences between armed groups in ideology, behaviour, and/or physical traits. Each group had its own flag, which facilitated identification. The MNLA were secular. Ansar Dine, AQIM, and MUJAO members grew beards. The groups wore different styles of clothing and/or uniforms. Languages spoken by group members were also used to identify nationalities and ethnicities associated with different groups. Lastly, by mid-July 2012, many areas fell under the predominant control of one or two armed groups that became known to community members. Watchlist attributes violations to groups when specifically identified by sources, and otherwise refers to armed groups more broadly.

A final point on terminology: Many Malians refer to the armed groups as "the rebels", a reference to the start of the conflict being spearheaded by the MNLA rebellion. Others refer to Ansar Dine, AQIM, and MUJAO as "the jihadists". This, too, is a term employed by the international press, as well as "Islamist groups". Watchlist refers to all the groups as "armed groups", in reference to non-state armed groups, which applies to all armed groups mentioned in the report, and in keeping with the principle of neutrality, avoids terms that insinuate political perspectives and that may fuel tensions.

Four of the six grave violations are considered within this report: recruitment or use of children; killing and maiming; attacks on schools; and rape and sexual violence. Watchlist selected these because of their saliency to the situation and the ability to research them within the limitations noted above. Reports of abductions were fewer and affiliated with instances of sexual violence. Lastly, in November and December 2012, humanitarian space was extremely fragile and delicate, and being negotiated bi-laterally between armed groups and the few NGOs still operating in northern Mali. Due to the sensitivity of the issue, and guided by the idea that reporting on a potential denial of humanitarian access may do more harm than good, it was decided at the time not to pursue this violation.

Where are they?

The title of the report refers to the multiple layers of the findings. Most directly, it asks where are the recruited children – a question initially asked by stakeholders in January 2013, and that continued to be asked at the time of writing, with the retreat of the armed groups and the disappearance of the many children visible within their ranks until that time. This is discussed in the "Recruitment or use" section.

Extended further, "Where are they?" refers to the number of children against whom grave violations are being committed. Where are the data and the figures? Where is the monitoring essential for building an evidence base to inform response and from which programmes are developed? These are lacking.

Finally, "Where are they?" refers to the international community, and specifically the child protection actors with the expertise and knowledge in responding to conflicts of this nature. Where is the response? Where is the capacity? Where is the leadership? These, too, have been largely absent.

part I:
the impact of armed conflict on children

recruitment or use of children

recruitment: refers to compulsory, forced, or voluntary conscription or enlistment of children into any kind of armed force or armed group(s) under the age stipulated in the international treaties applicable to the armed force or armed group in question.

use of children: refers to the use of children by armed forces or armed groups in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, messengers, spies, collaborators. It does not only refer to a child who is taking or has taken direct part in hostilities[20].

According to community members from Gao, Kidal, and Tombouctou, Ansar Dine, AQIM, MUJAO, and the MNLA all recruited and used children, some as young as seven years old. Residents in all three regions repeatedly said that they saw children barely as tall as their guns – AK 47s – with uniforms so big that the sleeves hung off; children so small that they couldn't carry their guns and had to drag them[21]. When asked to estimate the number of children present amongst the armed groups, witness accounts varied: in Tombouctou, children comprised between 15-20 percent and up to 30 percent of armed group members; in Gao, between 30-40 percent, and as high as 70 percent, according to one source[22]. An accurate figure on the number of children associated with the armed groups cannot be drawn, but based on witness estimates and reports on recruitment, training, and use, by the end of 2012 there were many - likely hundreds[23]. Community members reported with alarm the wide-spread indoctrination of children, expressing concern for how exposed they were and what their futures would be.

Recruitment of children by armed groups

Witnesses described three recruitment modalities employed by Ansar Dine, AQIM, MUJAO, and the MNLA in Mali: "voluntary" recruitment, recruitment through association with family or guardians, and forced recruitment and retention. There are also concerns these groups may have engaged in cross-border recruitment. Witnesses further noted that AQIM employed a strategy using "local" members of Ansar Dine and MUJAO to recruit children. Community members described AQIM as being very discreet in their actions. Separately, paramilitary groups also reportedly recruited children into their ranks.

"Voluntary" recruitment

Most recruitment was reportedly "voluntary". Ansar Dine, AQIM, and MUJAO incentivized recruitment by offering children or their families money, reportedly wide-ranging monthly sums of 40,000 to 400,000 CFA francs (approximately US$ 80-800); goods, such as televisions or bikes; free education at a time when most schools were closed; or simply the promise of payment and three meals a day[25]. Community members felt that armed groups took advantage of the poverty, idleness, or lack of adult care by targeting vulnerable children, including children on the street and children out of work. As one source put it:

"When you have nothing and are given something, you take it[26]." To attract children, Ansar Dine and MUJAO threw candy from vehicles or distributed gifts to children. Young children ran small errands in exchange for money and shared meals with the armed groups. In these ways armed groups began associations with at-risk children that they then recruited.

Recruitment by association with family or guardians

Sources spoke of the recruitment of children through association with family members or guardians. Particularly vulnerable were children with families sympathetic to, or part of, the armed groups. The children of leaders and members of the armed groups trained and participated in activities alongside other recruited children[27]. In a number of small villages outside of Gao, where the Wahhabi interpretation of Islam is followed and a very strict form of Sharia is practiced, men reportedly joined the armed groups en masse, taking their children with them. One source told Watchlist that his entire village, including his family and many of his cousins – children – left to join MUJAO in what they saw as the *"cause of God"*. Some of them became members of the Islamic Police in Gao, responsible for enforcing the armed group's rules on the population.

In addition, armed groups recruited children entrusted to the care of Marabouts – traditional West African religious leaders and teachers – or similar legal guardians. In some cases, these adult guardians joined the groups themselves, bringing the children with them; in others, they reportedly gave or sold children to armed groups, or fled, leaving the children behind, unaccompanied, and increasingly vulnerable to recruitment[28]. The Islamic Judge of Tombouctou was a Marabout who joined AQIM after coming to the city with a large group of children. The "Marabout's children," as they were called, were seven and eight year olds, and lived with the Marabout. They dressed in uniforms and turbans and patrolled the town twice a day, once in the morning and once in the afternoon. Witnesses saw them training to use arms and reported hearing gunfire coming from the Gendarmerie Legion, where the children were reportedly learning to fight[29].

Recruitment or retention by force

While most recruitment reported to Watchlist was "voluntary", there were exceptions. In Tombouctou city and region, community members reported that armed groups threatened children at gunpoint if they refused to enlist and told them, *"If you do not join, we will shoot you[30]."*

Children reportedly refused either because they did not need the money or were ideologically opposed to the groups. Community members observed, discussed amongst themselves, and tracked which children accepted payment and joined "voluntarily", and which were forcibly recruited[31].

Moreover, armed groups in Tombouctou and Gao made it widely understood that they would not tolerate desertions. MUJAO reportedly made a radio announcement in Gao threatening to kill those who abandoned the group – adults and children alike[32]. In Tombouctou, Ansar Dine hunted down two children who did escape. One was taken back and told if he tried to escape again, they would kill him. The second was let go. He had suffered a severe reaction to a smokeable drug Ansar Dine gave to the children, and reportedly "went crazy"[33].

Armed groups gave illicit drugs to children. One witness told Watchlist of seeing bags of a white-powdered drug with Ansar Dine, and noted that the group gave hash to the children. The witness described the children behaving in a "high" manner, including shooting their guns up in the air "just for fun". Amnesty International, too, documented drug use by children, including consumption through injection and ingestion with food[34]. Armed groups use the administration of drugs to control children, for example by making them more obedient or by creating a dependency, that can have short- and long-term consequences including physical and mental harm, addiction, and increased vulnerability to exploitation[35].

Cross-border recruitment

Witnesses in Gao and Tombouctou regions also report non-Malian children present with armed groups[36]. One witness saw four Algerian children amongst the bodyguards of AQIM's leader in Tombouctou. In Gao,

> ❝ We saw a young youth from our neighbourhood, not older than 15 years old... we didn't even want to look at him because we were afraid he'd kill us (for recognizing him). No one said anything... he was really a boy[39]. ❞

community members reported the presence of children from Burkina Faso and Niger amongst armed groups. They identified children as being of a particular nationality by their language, physical appearance (e.g., facial scars that signify a country of origin), and in some cases by direct questioning ("Where do you come from?"). The manner of recruitment was unknown, but their presence within armed groups in Mali requires further and urgent investigation in order to establish appropriate cross-border monitoring and prevention mechanisms.

Recruitment by paramilitary groups

Witnesses report the presence of children amongst paramilitary groups as well. Amnesty International documented the presence of many children amongst the ranks of the Arab paramilitary groups of Tombouctou, a group initially aligned with the government, but which is reported to have joined the side of the armed groups when they arrived in the city[37]. One source told Watchlist that in the village of Fafa, where the pro-government, Songhai ethnicity paramilitary group Ganda Koy was created, practically all the children of the village joined either Ganda Koy, Ganda Izo (another paramilitary group), or even MUJAO. Others told Watchlist of children participating in physical training exercises with pro-government paramilitary groups in Mopti and Sévaré; the press also reported this[38]. By mid-April 2013, there were multiple reports of children seen with paramilitary groups, but no official confirmations. A verification exercise planned by the child protection sub-cluster for November and December 2012 was repeatedly postponed and eventually cancelled.

Training and use of children by armed groups

Armed groups used children for all manner of activities, including: to cook and make tea, to clean, to run errands, to patrol, to guard prisons or camps, as bodyguards, and to man checkpoints. Ansar Dine, AQIM, and MUJAO also used children to enforce their version of Sharia and to serve as translators between local populations and foreign members of armed groups[40]. In Tombouctou, children estimated to be 10-11 years old stood guard with Kalashnikovs and rifles outside the military camp, which was taken over by Ansar Dine and AQIM, and at the prison which held girls and women accused of Sharia violations. Armed groups used young children as spies against the local populations and to help enforce their interpretation of Sharia, including by participating in public floggings and beatings of even elderly men and women[41]. Children were sent to buy forbidden items from stores to determine if they were being illicitly sold, to look into homes to see if women were properly covered, and to listen in and report on conversations. One witness recounted seeing a local boy aged 11-12 in Ansongo, bringing his commander to a man and woman with a baby he had found standing together. They were sister and brother; he was accompanying her to get medication for her sick baby. Associations between men and women, even relatives, were not permitted. The commander gave them a severe warning and he threatened that he would lock her up and "she would not see the sun for 40 days[42]." These actions caused resentment amongst community members, some of whom branded the children as "robbers and bandits"[43]. Others felt that using the children for such actions made the children vulnerable and "exposed" to recognition by community members (for potential future retribution).

Almost all sources reported seeing armed children, *"truly (young) children"*, at checkpoints. One witness spoke of seeing five or six armed boys, ages 13-16, at each checkpoint in Tombouctou. A community member from Niafunké estimated that the checkpoint there was manned by roughly 20 children ages 12-15. A couple from Gao counted seven checkpoints as they fled Gao in April 2012. They reported large groups of 20-30 people at each, at least one-third of whom were children of about 12-15 years old. At the time, witnesses identified these as MNLA checkpoints. Children checked identification, looking for people associated with the Malian military or government, and searched for valuable goods and money. Later, as territorial control shifted and checkpoints in Gao became associated with MUJAO, children would search passengers for forbidden items, instead.

Armed groups also trained children in the use of arms and prepared them to fight in active combat. Witnesses from Tombouctou said that Ansar Dine and AQIM took children aged 10-17 to the desert for training. Community members heard the gunfire from town. In Gao region, MUJAO trained children in training camps in Tacharane, Berrah, Taoussa, as well as in Bourem and surrounding

" You didn't even want to look at them; they were really minors, small children. The guns they carried were too big[44]. "

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villages[45]. In July 2012, community members in Tessalit counted 82 children between the ages of 8 and 17, recruited by Ansar Dine and being trained by a Mauritian AQIM leader called "Moudir" at the Ahmed Assalat École fondamentale de Tessalit.

Where are the children?

With the commencement of Operation Serval in January 2013, the subsequent defeat and/or retreat of Ansar Dine, AQIM, and MUJAO, and the re-appearance of the MNLA in some areas, the most dominant and pressing question amongst child protection actors with regards to the recruited children was, "Where are they?"

Initially, concerned parties believed that the children could have left with the armed groups as they fled the French-led military intervention. Watchlist research confirmed this in some instances. Community members in Tombouctou saw the children retreat into the desert with Ansar Dine and AQIM. According to sources, residents of Ansongo who fled towards the Burkina Faso border after the bombardments began, reported seeing members of both MUJAO and the MNLA fleeing with many children. In addition, sources told Watchlist that in Ménaka, just before the bombardments began, MUJAO circulated information calling on all those who had *"joined the cause of God"* to follow them south. Witnesses reported that all the children manning checkpoints disappeared after that; they believe these children went south to join the armed groups. In early February 2013, the MNLA also arrived in Ménaka with children in their ranks. They manned checkpoints and guarded leaders, including one identi-fied as a "Libyan" leader from Kidal. One witness saw at least five children standing guard while their commanders ate; one child appeared to be 14 years old, the others 16-18 years old, with more children visible in the building behind them. They left one week later in advance of the arrival of French forces.

Another belief was that children may have self-demobilized or escaped from armed groups during the turmoil of combat. Watchlist learned of pockets of children who escaped during aerial bombardments in Adrar des Ifoghas. These children returned to their families – either in their home village or in refugee camps – traumatized, malnourished, and in poor physical and emotional condition. Child protection actors believe that more children have likely self-demobilized or fled the groups, and are now in hiding or being hidden by their families, in Mali or in refugee camps, fearing retaliation by government forces or community members who widely perceive these children to be "bandits" or "little terrorists"[47].

Despite these few instances and testimonies however, through March 2013, the whereabouts and fates of most of the children remained unknown.

Participation in hostilities

As the military intervention progressed, the fears of child protection and human rights actors proved to be true: children were taking part in combat[48]. Some were injured, and others killed. In Gao, witnesses saw children of about 15-18 years old amongst the MUJAO members taking part in combat, including four who were engaging with French forces one night in a battle on a bridge. French and Chadian forces encountered children during combat operations in Kidal in Adrar des Ifoghas. Exact numbers are unknown; however, by early April 2013, seven children had been captured by French and Chadian forces and transferred to civilian authorities in Bamako. These transfers happened as a result of the "good will" of involved parties, as at that time there were no protocols on the proper transfer and treatment of captured children believed to be associated with armed groups. Additionally, media began reporting on the MNLA capturing children associated with other armed groups in Kidal and wanting to hand them over to authorities, but not knowing to whom to do so nor having the provisions to care for them[49].

Impact of recruitment and use on community cohesion

Indoctrination of children by armed groups: "Soldiers of God"

Community members repeatedly expressed their fears, with urgency and worry, that Ansar Dine, AQIM, and MUJAO were brainwashing children into practicing and enforcing an interpretation of Islam and Sharia that is rejected by the majority of Malians[50]. According to

" The child I knew yesterday who played and listened to music…
now returns and says that music is haram, all that the whites do is
haram, if you kill a miscreant you will have a place in paradise[57]. **"**

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sources, members of Ansar Dine, AQIM, and MUJAO told children that they were *"soldiers of God"* or that if *"they did jihad, they would go to paradise"*[51]. A community member from Tombouctou told Watchlist of an exchange he had with a boy he estimated to be about 13 years old: *"I asked him, 'A boy like you, what are you doing with that AK?' His superior answered me: 'It's jihad.' And the boy just smiled and laughed."*

Armed groups pressured parents, telling them it was their "Islamic duty" to give their children over to them (or to give their daughters for marriage, see Forced child marriages under Rape and sexual violence). MUJAO undertook door-to-door campaigns in Gao, offering free schooling at a time when most of the secular public schools in the north were closed in exchange for families entrusting them with their children[53]. Families who agreed later learned MUJAO was indoctrinating their children and teaching them to use weapons. Watchlist was commonly told that in all regions children attended classes, usually in the morning, where community members could hear them reciting the Koran, while afternoons and evenings were devoted to arms training[54].

Many Malians fear that the groups reinforced their views and practices by assigning children to roles and tasks that strengthened these, such as having children spy on community members and report on forbidden activities or behaviours, or to implement punishments against those judged to have broken the groups' "laws". In February 2013, MUJAO began a new mode of use of children that revealed the depth of indoctrination in some: MUJAO was using children for suicide missions. Multiple witnesses reported that a boy of 14-16 years old carried out the first suicide attack in Mali, on 8 February 2013 in Gao[55]. Human Rights Watch learned that he was a local Arab boy from the 4[ieme] quartier who had been recruited into MUJAO by his uncle[56].

In addition, community members reported that children who escaped the armed groups and returned to their families were traumatized and "unrecognizable"; said one witness, *"The child I knew yesterday who played and listened to music… now returns and says that music is haram, all that the whites do is haram, if you kill a miscreant you will have a place in paradise[57]."* It is perhaps not surprising that children recruited and used by Ansar Dine, AQIM, and MUJAO may have difficulty reintegrating into their families and communities. As one source posited: *"Afterwards, these children, what will be their place[58]?"*

Future outcomes: The rehabilitation and reintegration of children into their communities

The testimonies of the indoctrination of children are extremely concerning. It is vital that both the Malian government and the international community address these concerns, particularly given the long-term impacts they may have. Indoctrinated children require particular and sensitive care for their rehabilitation and reintegration, including attention to cultural and religious factors to counter the extreme thoughts and belief patterns instilled in them. Without this, they may remain alienated from their communities and at significant risk of re-recruitment and other protection risks that may lead to perpetuating cycles of violence, as has been learned in other contexts involving the indoctrination of vulnerable or marginalized, children, such as by the Taliban[59]. It is of utmost import that all stakeholders involved in disarmament, demobilization, and reintegration (DDR) programmes, mandated in Security Council resolution 2100 (2013) to take into account the specific needs of children, consider these factors and bring in appropriate expertise to support and address these needs.

recommendations

To the Government of Mali:

- Include as an essential condition for dialogue and as a component for any reconciliation agreements the full demobilization of all children under age 18 within the ranks of armed groups.

- Prioritize the specific needs of children in all DDR programmes.

To Ansar Dine, AQIM, MUJAO, the MNLA, and all other armed and paramilitary groups operating in Mali:

- Comply with national and international standards that forbid the recruitment and use of children under age 18, and grant humanitarian actors open and unrestricted access to all bases and members in order to undertake age verification exercises. Cooperate with humanitarian actors on the release of all children under age 18. Cease committing all other grave violations against children.

To child protection and protection actors:

- Develop and implement strong, context-appropriate programmes for demobilized children, in collaboration with the government and MINUSMA, that include psychosocial care, social and economic reintegration, and that address the indoctrination to which children may have been subjected. Work with religious leaders and link programmes to other social cohesion efforts being undertaken in Mali. ▶

To MINUSMA:

- Dedicate specific capacity to support the needs and address the concerns of the recruitment and use of children, and to continually engage on these needs and raise these concerns at the highest levels in Mali.

- Ensure that the specific needs of children are included in DDR programmes and that their rehabilitation is addressed as a matter of priority in keeping with Security Council resolution 2100 (2013) o.p.16, a(v) and related to the larger national dialogue and reconciliation process.

To UNICEF and UNHCR:

- Establish strong cross-border monitoring systems and communication channels between country offices in Algeria, Burkina Faso, Mauritania, and Niger. Include monitoring of formal and informal camps, as well as villages along the border. Coordinate with other monitoring systems and the MRM once it is established in Mali. Consider risk factors and undertake prevention activities to protect children.

To the Secretary-General and the Secretariat (including SRSG-CAAC):

- List Ansar Dine, AQIM, MUJAO, and the MNLA for the recruitment and use of children in Mali.

- Continue to monitor the situation of children and armed conflict in Mali, particularly reports of recruitment and use by paramilitary groups, and list all groups committing grave violations against children.

killing and maiming

killing: any action in the context of the armed conflict that results in the death of one or more children.

maiming: any action that causes a serious or permanent or disabling or scarring or mutilation injury to a child.

Killing and injuring of children as a result of direct targeting and also indirect actions including: cross-fire, landmines, cluster munitions, improvised explosive devices or other indiscriminate explosive devices are included.

Killing or injuring can take place in the context of military operations, house demolitions, search and arrest campaigns, suicide attacks.

Torture can also be reported under this category[60].

"The children are afraid. Children who have never seen a pistol, if they see a machine gun, [they will] panic. It terrorises [them][61]."

By all accounts, armed groups did not directly target children while and fighting in 2012. This did not, however, protect children from significant injury or death related to the presence of conflict in their daily lives. The open availability of explosive remnants of war (ERWs), the use of recruited children in hostilities, and the presence of combat in their communities all resulted in the injury or death of children.

Killing and maiming by explosive remnants of war

Far more common than direct and intentional targeting of children during conflict, were injuries or deaths associated with the availability of ERWs, and the failure of armed groups and the MAF to adequately ensure the handling of arms and ammunition. The UN Children's Agency (UNICEF)

reports that between 12 March 2012 and 13 March 2013, 66 individuals were injured by ERWs, 36 of whom were children; and of six deaths, four were children[63]. In Tombouctou, witnesses told Watchlist they saw weapons and grenades falling left and right off trucks as the military fled town[64]. In addition, an MAF arms cache exploded, distributing its contents all around the outskirts of town. Witnesses spoke to Watchlist about the curiosity of children in the region, repeatedly referencing three children who found a grenade and picked it up to play with it. Two died as a result, one immediately, and the other the next day. The third was severely injured and evacuated to Mopti for treatment. Similar stories were reported of children from Gao and Kidal who were injured or killed by playing with grenades and other ERWs. In Kidal, after two incidents in June 2012 resulted in the injury of two boys under age 12, and the death of a 7-year-old girl, local officials began their own clean-up campaign to protect children, paying villagers small sums to clear the bullets, casings, grenades, and other remnants left in town. They buried these in the ground. Community groups from Tombouctou want to start mine risk educa-tion (MRE) activities based on local traditions such as storytelling, but they lack the technical expertise and guidance.

" 'Mama, Mama, what is this, what is this? They're going to kill us all.'
'No', I would tell them. We would hide them in the homes so they
couldn't see what was happening outside[62]. **"**

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The commencement of hostilities in January 2013 is believed to have worsened the problem. Large caches of explosive materials and ERWs have been found in homes and schools, as well as in surrounding areas[65]. The risk of injury or death for children living in combat zones increased[66]. Community leaders believe that the fields surrounding Diabali contain ERWs, and worry about the shepherds, all children, who take their herds to pasture there. While the number of casualties is not as great as in other conflicts – in 2011, the top ten countries with the largest casualty numbers ranged between 22-373 child deaths – there is a need to address the lack of awareness and knowledge amongst a population unaccustomed to having ERWs in their midst.

Killing and maiming during hostilities

Since January 2013, children have also been dying or injured by proximity to or participation in hostilities[67]. Residents in Konna reported seeing many children killed in combat and others retreating with the armed groups[68]. Sources told Watchlist about speaking to a father who lost two of his children and his wife when a shell hit their yard. In Gao, the customs building where children had previously been trained was bombed during aerial bombardments at the start of operations, on 13 January 2013[69]. A witness told Human Rights Watch he observed the bodies of at least 15 children amongst the dead; witnesses estimated 30 had been present before the bombing. They identified many of the children as Nigerien.

In Douentza, a hotel used as a base by MUJAO was targeted in aerial bombardments. The hit was very precise and did not significantly damage even the most immediately neighbouring buildings. However, there were children inside. A witness who lived behind the hotel told Human Rights Watch he saw three cars full of armed group members, including many children, arrive the night before the attack[70]. With the children who were already located at the hotel, he estimated there to be about 12 children present whom he identified to be around 12-14 years old. The next day, he counted the dead, estimating that at least six of the children died, based on "small" body parts – small hands, small arms – being picked up from the rubble.

recommendations

To all armed actors operating in Mali:
- Ensure proper marking and mapping, as well as proper handling, storage, and clearing of ERWs, and share data collected with appropriate authorities, including demining actors.
- Ensure that effective controls of small arms and light weapons are in place to help ensure respect for international humanitarian law (IHL). Ensure that small arms and light weapons are properly secured and stored.

To child protection and protection actors, as well as community leaders:
- Ensure that MRE activities and programmes are mainstreamed throughout communities and, in particular, are provided for out-of-school children who will not benefit from messaging in the classroom.

To donors:
- Fund MRE programming needs to support the continuation of activities already underway, such as trainings, messaging and materials distribution, and the development of a monitoring network.

attacks on schools

attacks include the targeting of schools
that cause the total or partial destruction of such facilities.
Other interferences to the normal operation of the facility
may also be reported, such as the occupation, shelling,
targeting for propaganda of, or otherwise causing harm to
schools or its personnel.

note: a "*school" denotes a recognizable education facility
or learning site. Education facilities and learning sites must be
recognized and known by the community as a learning space
and marked by visible boundaries*[71].

Since January 2012, schools and education buildings in
northern and parts of central Mali have been pillaged,
sacked, burned, and destroyed; they have been used as
training camps and bases; and occupied by armed groups,
paramilitary groups, and the MAF, resulting in the closure
of most schools in Gao, Kidal, and Tombouctou. Although
some schools began to re-open in early 2013, many had
not at the time of writing; thousands of students were at
risk of losing two school years. The denial of education for
so many Malian students counters significant progress
made in recent years to increase school enrolments
in Mali, which met its Millennium Development Goal
Target 2 on education in 2009, six years early[73].

Konna C premier cycle and Konna D second
cycle share a schoolyard. In early January 2013, that
yard was occupied by the Malian Armed Forces
preparing for combat. The administration closed the
schools as a result of their presence, saying it was
not possible to have classes with them there. Classes
were suspended from 8 January – 4 February, during
which time armed groups pillaged the schools.
Additionally, a shell hit Konna C during
the bombardments[72].

The Malian education system comprises public and
private schools following the state curriculum, as well as
Koranic schools. Students following the state curriculum
are instructed in French or Arabic, as well as the local
language. State schools in which students are taught in
Arabic are called madrassas. Some children attend both
state and Koranic schools.

Malians place a very high emphasis on education. In
Bamako, IDPs mentioned schooling as a primary motiva-
tion for bringing their children south to safer areas where
schools continued to function. Some were also hosting
the children of relatives, sent to them from northern
towns and cities so that they, too, could continue their
studies. Despite this, IDPs encountered challenges to
accessing the free public education system, reporting a
lack of available space, high school fees, a lack of proper
documentation for registration of high school students, or
long distances and commutes to schools[74]. By late 2012,
as IDPs struggled to gain access to schools for their
children, it was estimated that some 27 percent of
students who had been in classes in the north were not
able to continue their studies[75].

School closures

By July 2012, it was estimated that amongst those displaced, over 100,000 school-age children were refugees and 76,000 were IDPs[76]. The conflict also resulted in the flight of over 85 percent of teachers and the denial of access to education for over 200,000 students remaining in northern Mali[77]. A few private schools as well as Koranic schools remained open, but most schools were closed.

In November and December 2012, local groups and education actors began negotiations to re-open schools in parts of northern Mali. In Ansongo, community members were initially hesitant. *"We cannot open schools because the armed groups that are there, the day the army arrives, they'll enter the schools, shoot at the kids, and say it was the army*[78].*"* Despite concerns, schools re-opened in Ménaka and Ansongo on 10 and 15 December 2012, respectively, with certain restrictions imposed by MUJAO, such as the separation of girls and boys; a ban on music and physical education classes, and the inclusion of a "principles of Islam" class. Education actors reportedly circumvented this last condition, fearing it would be used as a method of indoctrination and recruitment, as was reportedly occurring in other schools[79]. MUJAO also wanted all schools, not just madrassas, to teach Arabic, but due to the mass displacements, teachers were not available. This mirrored orders AQIM reportedly gave teachers in Tombouctou as far back as 2008, forbidding them to teach French in favour of Arabic[80].

In January 2013, renewed fighting and combat caused new waves of displacement and school closures. The education cluster estimates that an added 80,000 students were displaced from January to March 2013, and schools in Mopti and Ségou regions were also closed because of fighting and the advance of the armed groups[81]. On 9 January, the government announced that all schools in Bamako and Kati would be closed in an attempt to control protests[82]. UNICEF reported that an additional 115 schools in northern Mali were closed, pillaged, destroyed, or contaminated with unexploded ordnance between January and February 2013[83].

Although schools began to re-open in February and March 2013, many challenges remain, including the need for rehabilitation and restocking of basic education supplies, as well as the continued absence of teachers, administration officials, and students themselves[84]. The latter is intricately linked to continued instability and insecurity in the north.

Occupation of schools

Multiple armed groups, paramilitary groups, and even the MAF reportedly occupied schools. Some of the occupations were brief. Others lasted longer with schools turned into bases or training camps. In Ansongo in December 2012, MUJAO allegedly occupied both the lycée and the education administration building[85]. Administration buildings and lycées (high schools) were considered to be more logical for occupation as they were better constructed than elementary schools and furnished with air conditioners. Both lycées in Gao were also reportedly occupied and pillaged to the point of resembling *"animal pens"*[86].

Both paramilitary groups and the MAF were also implicated in school occupations. In September 2012, the MAF and the paramilitary group Ganda Koy occupied 14 premier cycle schools in Mopti region[87]. Humanitarian and education actors were successfully able to advocate with the MAF to withdraw from the schools. The presence of both MAF and paramilitary groups in schools together raises questions as to the links between the government and these groups.

Destruction and pillaging of schools

Sources repeatedly spoke to Watchlist about the pillaging of schools and administrative buildings, and the loss of all academic records of students from the north. Education centres of all levels were completely pillaged. Computers, books, desks, chairs, and other furnishings, supplies, even doors, windows, and frames were taken. In Goundam, the MNLA sacked the schools and burned the education administration building. Later, when Ansar Dine took control of the town, they pillaged further, even taking the beds from the nursery school. In Kidal and Gao, students

and community members participated in the pillaging of the schools[89]. Sources reported that the MNLA and Ansar Dine came to the high school before the beginning of the conflict and gave what they described as "propaganda" speeches, encouraging the students to revolt against the institution, the government, and to sack the schools. When the groups returned to seize control of the city, residents say it was the students – aged 15-17 years old and described as "the same colour" as the armed groups – who completely sacked the schools. Some reportedly later joined the groups.

Furthermore, schools were damaged during the ground combat and aerial bombardments that began in January 2013. Numerous schools were used as training centres or bases by the armed groups, making them legitimate military targets. Indeed, several schools were targeted during the French-led military intervention, notably in Diabali, Douentza, and Konna. In the case of two premier cycle schools in Diabali, Sini Djigui and Anda Ouéléhguem, members of MUJAO had reportedly used their yards to store vehicles. Both schools were damaged during bombardments[90]. The return of basic social services and the government civil service is seen as essential for re-establishing government control in northern Mali, and is often mentioned as a required condition for both elections and the return of IDPs to the north. However, much is needed in the way of rehabilitation in order to re-open schools in time for the next school year to begin in September 2013.

recommendations

To the Government of Mali:

- Ensure that all members of the MAF are aware of, and adhere to, international laws on the use of schools or administrative buildings by military. Further, as a matter of policy, ensure that all bases, training camps, and other positions are not set up in proximity to schools that could result in their becoming targets during combat, or hinder access to education for children.

- Pass and enforce specific legislation making the occupation and attacks of schools illegal.

- Declare schools as "Zones of Peace", following the best practice model from Nepal, aimed at keeping conflict outside and away from schools and creating holistic centres to cater to the conflict-related needs of students and teachers. Collaborate with humanitarian partners towards this end.

- Adopt peacebuilding and social cohesion programmes into the state curriculum and implement at schools nationwide.

To education actors:

- Establish a system for community members and education officials to be able to communicate in real-time attacks and threats to schools.

- Collaborate with the government towards establishing schools as Zones of Peace and to incorporate peacebuilding and social cohesion programmes into the State curriculum.

- Mainstream MRE activities into education in emergencies programming. Support government to incorporate MRE into the national education curriculum.

rape and sexual violence

A violent act of a sexual nature to a child. It could include rape, other sexual violence, sexual slavery, enforced prostitution, forced marriage/pregnancy, or enforced sterilization.

rape / attempted rape: is an act of non-consensual sexual intercourse. This can include the invasion of any part of the body with a sexual organ and/or the invasion of the genital or anal opening with any object or body part. Any penetration is considered rape. Efforts to rape someone, which do not result in penetration, are considered attempted rape.

sexual violence: is any sexual act, attempt to obtain a sexual act, or acts to traffic a child's sexuality. Sexual violence takes many forms, including rape, sexual slavery and/or trafficking, forced pregnancy, sexual harassment, sexual exploitation and/or abuse, and forced abortion[91].

When the citizens of Goundam heard about rapes taking place in Tombouctou, they hid their daughters under the beds at night in case members of armed groups came into their homes. In Gao, mothers would hide their daughters at home, and then call other mothers to do the same[92].

Since the conflict began in January 2012, girls have experienced conflict-related sexual violence, including rape, forced marriages, and sexual exploitation and abuse perpetrated by armed actors operating in Mali. Women identified sexual violence as a cause for displacement to the south[93]. Documentation of sexual violence has been limited, making it difficult to understand the scale of the violence. All four armed groups are implicated in the rape of girls, while Ansar Dine, AQIM, and MUJAO are accused of forced marriage. Watchlist research provides insight into the reasons for the forced marriage of children to support understanding of the practice as a form of sexual violence in conflict. Increasingly, risks of sexual exploitation and abuse of girls by international armed forces are also reported. Further attention to and documentation of these problems is required.

Rape

Sources interviewed by Watchlist implicated all four armed groups in the rape of girls. Many referred to the abduction and rape of girls in Gao in April 2012, mostly attributed to the MNLA. Others reported hearing that girls and women imprisoned in Tombouctou for Sharia violations, enforced by Ansar Dine and AQIM, were raped if they were kept overnight. Watchlist did not speak directly with rape survivors, but rather to those close to them, such as teachers, neighbours, or friends. One spoke of a 16-year-old neighbour who told her parents she was raped at the women's prison in Tombouctou; another of the 16-year-old wife of a colleague and her 12-year-old sister who were abducted on the night of 1 April 2012 in Gao, and then returned 12-18 hours later. The family spoke to no one, refused medical attention, and fled the area by the following nightfall. Friends believe the girls were raped. A teacher from Gao – who could not leave the city and his students behind – spoke of five or six of his students, girls aged 13 to 16 whom he had known their entire childhood, whom in early April 2012, were abducted, raped, and returned the next day. He didn't know to which group the men belonged. He inferred that they weren't MNLA, but rather Ansar Dine or AQIM, based on descriptions of the perpetartors' appearance.

> **" "** Just because it hasn't come out,
> it doesn't mean it doesn't exist[97]. **" "**

Challenges to documenting conflict-related rape

And yet, there is little documentation, making it difficult to understand the scale. The only survey (to date) attempting to document rapes found 51 cases of rape in Gao and Ménaka between January and early May 2012, of which four involved girls under age 15, and 20 survivors were girls and women under age 20[94]. Other reports cited incidents of rape, but there is no established prevalence. There are multiple challenges to this reporting in Mali such as access to populations, community attitudes, and the sensitivity of the subject, which can be considered taboo. The shame and stigma attached to survivors of rape and their families is strong and may contribute to underreporting. Community members say girls who are raped will never be able to marry and that they are "ruined". In addition, case management is approached through a medical-legal lens; health centres are used as the point of entry[95]. Yet, in December 2012, many medical personnel told Watchlist that they had not treated any rape survivors. A medical-legal approach does little to challenge these harmful attitudes. International guidelines and standards recommend a community-based approach to addressing sexual violence in conflict, one that considers underlying factors and offers more holistic and comprehensive levels of support[96]. Advocacy to promote this approach is needed.

Within the humanitarian community, some took the absence of treatment at health centres and the lack of available data as evidence for non-occurrence. *"This isn't the [Democratic Republic of the] Congo"* was a reference heard amongst some humanitarian workers. While it would appear, based on the current information available, that indeed Mali is not the Democratic Republic of the Congo (DRC) – where thousands of women, girls, boys, and men have reportedly been raped over years of conflict – this does not negate the existence or needs of rape survivors in Mali, no matter their numbers. If the DRC is used as the most extreme case to date of sexual violence in conflict, it should not also be used as the standard.

However, despite the lack of documentation, a dangerous narrative emerged amongst Malians through the press and subsequent word of mouth. Reports of rapes, gang rapes, and abductions followed by rape of girls and women, primarily in Gao, identified survivors as "black" and perpetrators as "white," directly or indirectly suggesting that ethnic targeting was occurring[98]. Allegations such as these divide communities and perpetuate existing notions of "black" Malians as victims of a conflict brought on by "pale-skinned" Malians (the Tuaregs and Arabs) and contribute to a conflict-fuelling rhetoric that Watchlist heard repeatedly in interviews, even amongst gender-based violence (GBV) responders. In a context in which there is limited data and no monitoring, attitudes and messages like these are particularly detrimental. They do not do justice to survivors whose cases then appear to be used in a political manner, even if unintentionally.

Furthermore, such narrowed focus marginalizes survivors – and overlooks perpetrators – from other ethnicities. While it is possible that there was an element of ethnic targeting in the conflict-related rapes, proper investigation is required to substantiate such claims. In the current context in Mali, dialogues that feed into ethnic tensions can cause significant harm; care must be taken to *do no harm*, particularly by international actors who may be seen as adding legitimacy to such rhetoric.

There should be no doubt that girls in Mali have experienced traumatic incidents of rape since January 2012. What is less clear is whether this was a directed attempt by any particular armed group to control, terrify, or specifically target the residents of those communities, or specific ethnic groups within them. Showing a link between conflict and rape is very complicated; proving it to be a pattern – the requirement for listing under Security Council resolutions 1882 (2009) and 1960 (2010) – even more so. Both government and the international community have the responsibility to investigate all alleged incidents of sexual violence committed by all perpetrators, and not perpetuate rhetoric that may work against reconciliation and may feed into further violence. To better understand the true scale, strong monitoring systems to help document cases are needed. From these, appropriate mechanisms to provide assistance to survivors and bring perpetrators to justice can be developed.

Forced child marriages

When the schools closed, my 8-year-old daughter and four or five of her best friends attended a Koranic school because there were no other schools. My cousin's daughter, a 12-year-old, was the first to get married. They took her the same day they approached her parents; he "liberated" and deserted her when they left. Then the second girl, she was 11-12 years old. Then, one day, my daughter came home from school and said we had to leave. The "jihadists" told her they were coming for her next[101].

Child marriage is common in Mali. An estimated 55 percent of women aged 20-24 are married before age 18 in Mali, including an estimated 15-25 percent before age 15[102]. The Malian Person and Family Code Law sets the legal age of marriage at 15 for girls and 18 for boys[103]. The law, which was amended in 2011 through the influence of strict religious leaders, was seen as a significant step back for the rights of girls and women, lowering the legal age of marriage from 16, stating that a wife must obey her husband, and legally recognizing religious marriages[104]. While forced marriage is prohibited in Mali, neither this law nor the minimum age meant to protect girls is well enforced[105].

In Gao, Kidal, and Tombouctou regions, community members spoke of the forced marriage of girls and women to members of Ansar Dine, AQIM, and MUJAO. Many witnessed and attended these marriages; they knew the girls and their families. They described how armed group members would approach families, offer dowries, and go through the religious ceremony required for an official Islamic marriage. They would come armed, and in numbers. Families felt that they had no choice but to consent to the marriage. Threats were implicit and explicit: if the families did not agree, the armed group would kidnap the girl, take her by force, or worse, threaten to kill either the girl or family members. Watchlist does not know the scale of this violation. Asked to estimate the number of girls being forcibly married to members of armed groups, community members replied "many girls" and estimated dozens[106]. In the absence of community-based monitoring systems, the true figure remains unknown; there are no reported estimates.

Additionally, reports began to circulate in the press and amongst community members of rapes and gang rapes of girls using marriage as a cover[107]. Armed men would come to arrange the marriage, but when the girl went to her husband's house, she'd find another man standing in his place; or, worse, she would be "married to many men," the description used to refer to the gang rape of girls on their wedding night[108]. Reportedly, in these cases, multiple men contributed to the price of the dowry and thus had "the right" to her. One witness recounted the story of her cousin, a minor, who was married and then raped by three men on her wedding night. Asked of the fate of the girl, *"she had to stay with them, she did not have the choice[109]."* There is no criminal provision in Mali for rape within a marriage. With a dowry paid and a religious marriage act signed, in the eyes of the law and their communities, these girls were married.

Reasons for forced child marriage
"Fear and money, that's why people are marrying[110]."

Sources provided several reasons for why community members perceived these marriages occurred, including: agreement under threat of arms or violence; families living in poverty were drawn by the offer of dowries, in some instances reportedly as high as 150,000-500,000 CFA francs (US$ 300-1,000); a belief that the armed group would protect them after the marriage or that marriage would protect girls from being raped – marriage being seen as a traditional form of protection; indoctrination of parents by armed groups coercing them to do their "Islamic duty"; a way for armed groups to integrate into the communities; or to serve as an alternative for armed groups to pre-marital sex, forbidden under Sharia[111]. Related to this last reason, the Office of the High Commissioner for Human Rights has referred to certain marriages as covers to legitimize rape and abduction, and in some cases, sexual slavery[112]. Even in peacetime, marriage could be used as a traditional "solution" to rape.

Linking forced child marriages to conflict
"The day we leave, we will leave you[113]."

They would go around telling people you cannot refuse a man if they ask, "you have no right to refuse." If a Muslim asks, you have to give her; the only negotiation is the dowry. They would take the girls right away[114].

Given the high prevalence of child marriage in Mali, it can be difficult to establish the link between forced child marriage and the conflict. As one source put it, "war made the situation for girls worse, but it did not completely change it[115]." The association to conflict requires consideration of the conditions under which the marriage occurred, the outcome of that marriage, and the subsequent impact on the girl.

Based on Watchlist's research and interviews, there are certain factors that indicate the forced marriage of girls can be associated with the conflict. Malians report that though child marriage was common before the war, it did not occur in all regions or amongst all communities. Even in practicing communities, in situations in which both parents and the local imam or religious leader refused a marriage, it is unlikely these marriages would have occurred. One source spoke of his uncle whom was *"obliged"* to give his cousin, a girl of 17-18 years, to a man from MUJAO. Although both parents and the girl said no, the men from MUJAO threatened to kill his uncle. They then went to the Imam of Gao. He, too, said no to the marriage. In the end the girl was married *"because they had arms[116]."* In the absence of force and threat by the armed groups, the marriage would not have taken place according to the customs of that community; many Malians hold high respect and regard for the words and authority of religious leaders. Similarly, girls who were gang raped may not have been expected to stay in the marriages, the idea of a husband allowing such an act was said by many sources to be foreign and perverse. In one case recounted to Watchlist, armed group members approached a father in Tombouctou wanting to marry his already-wed daughter. They insisted the marriage was not real and forced a divorce so that she could be re-married. While anecdotal, these situations indicate occurrences out of step with the traditions and practices of the communities pre-conflict.

Finally, there is the situation of married girls who were then abandoned or liberated, en masse, upon the departure of members of the armed groups. Girls married within their communities may have been abandoned or divorced before the conflict, but not in large numbers or in the sudden, systematic way reported to Watchlist. Their future treatment and acceptance by their communities could be indicative of different outcomes attributable to conflict. Community members were unclear as to the future prospects of these girls. They felt communities would understand the situation of the girls and would not consider them to still be married to the men who abandoned them. But, would they be able to remarry – a sign of complete inclusion and acceptance? They did not know[117].

Further, some girls who were raped or subjected to forced marriage have become pregnant and are giving birth[118]. This raises separate protection concerns for both the girls and their babies. Girls not yet fully physically developed may experience serious health complications, in addition to psychological impacts associated with shame and rejection within their communities[119]. Children resulting from conflict-related sexual violence have also faced stigma, discrimination, and rejection, particularly if they have distinguishing physical features that may "mark" them, such as different skin tones from their families or communities[120]. The right to a nationality and identity may be complicated by the absence of a father present at time of registration. Children of non-Malian fathers may face added discrimination. In light of the current social context, better understanding of the potential impact, consequences, and needs of the girls, their babies, and their families is required so that preventative actions can be taken.

Sexual exploitation and abuse
As early as the first half of February 2013, within very few weeks of deployment, protection actors began hearing of the involvement of AFISMA troops and girls in local populations. Elderly women in communities would speak of the (inappropriate) behaviour changes exhibited by younger girls in relation to their interactions with troops. Anecdotal evidence from Ansongo and Gao suggests that young girls were being exploited and abused by troops for money – reportedly as little as 2,000 CFA francs (US$ 4) – or even for free, in the hope of being paid[122]. Others said that prostitution was not new, and that previously it was MUJAO who used girls in this way and in the current situation it was military actors. By mid-April, there were reports of forced prostitution by bar owners in Mopti[123].

Communities, particularly girls and women, have been living in repressive conditions and have endured traumatic experiences over the last 12-15 months by men carrying arms. They have been harassed and violated in different manners, including forced marriages and rapes. The economies in their communities have long-since collapsed, and these girls and women have been living in increasing poverty. This situation of compounded vulnerabilities increases the risk of sexual exploitation and abuse, a violation monitored under the MRM and a valid criterion for listing if found to be widespread.
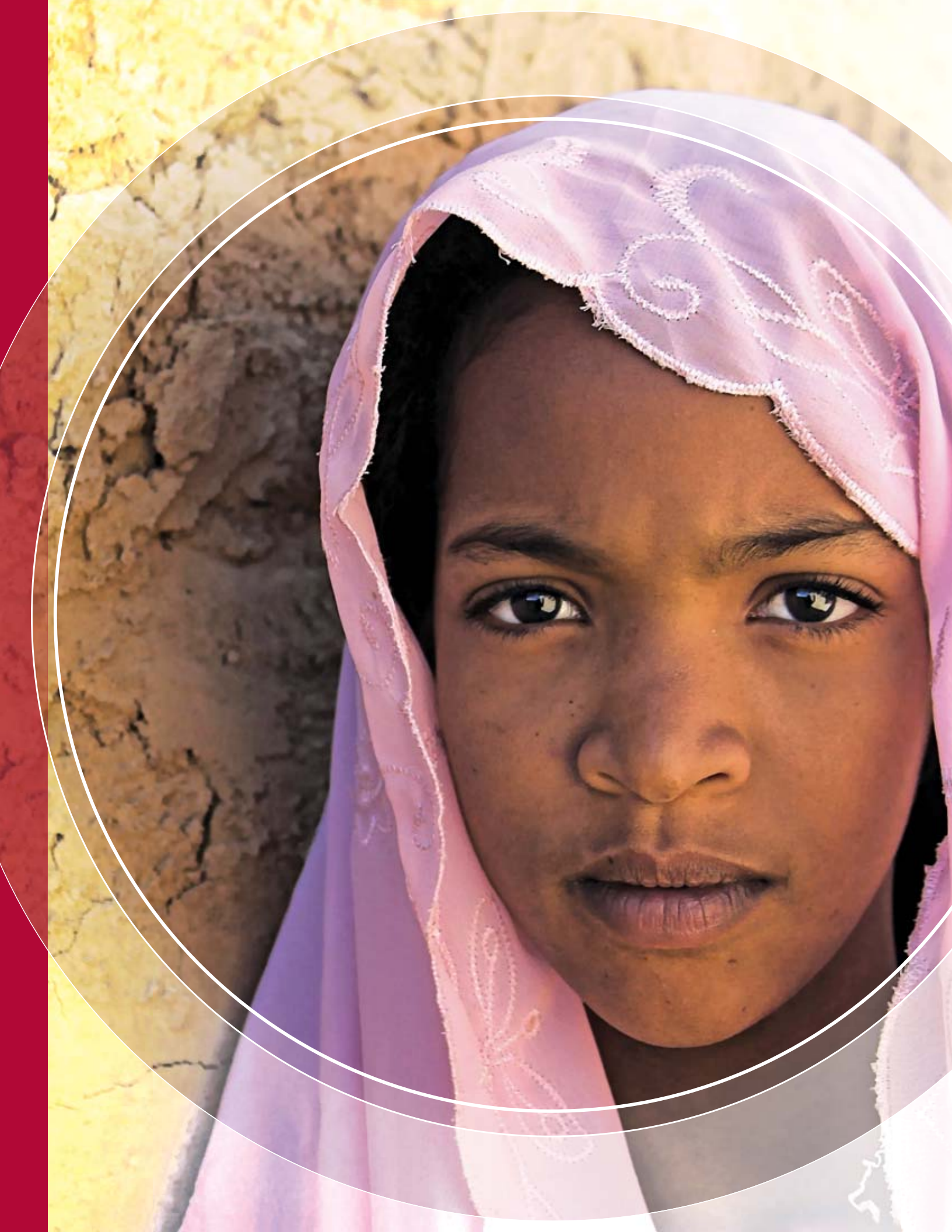
recommendations

To the Government of Mali:
- Develop referral systems and programmes suitable to respond to the needs of survivors of sexual violence. Sensitize communities and families to the rights and needs of survivors of sexual violence in efforts to reduce social stigma and shame wrongfully attached to girls and their families.
- Make and implement a specific and time-bound commitment to combat and prevent acts of sexual violence related to conflict, including accountability measures, as called for in Security Council resolution 1960 (2010).
- Include as an essential condition for dialogue and as a component for any reconciliation agreements the cessation of acts of sexual violence against girls and women. Ensure accountability of perpetrators.
- Strengthen existing legislation on rape in the Penal Code to explicitly prohibit and criminalize marital rape.
- Amend the Code of Marriage and Guardianship that provides a wife must "obey" her husband and raise the legal age of marriage for girls to 18. Require civil registration of marriage.
- Facilitate the process of birth registration by ensuring a simplified and cost-free registration process for all, including children who have a non-Malian parent. ▶

To all armed forces operating in Mali:
- Adhere to international laws, guidelines, and principles pertaining to sexual exploitation and abuse of civilian populations that troops are meant to protect, including the Secretary-General's Bulletin on Sexual Exploitation and Abuse for troops under UN-mandated missions.
- Provide all necessary training for troops on the prohibition of sexual exploitation and abuse, as well as other forms of sexual and gender-based violence in conflict, including scenario-based modules recently developed for peacekeepers on combating sexual violence.
- Ensure that accountability mechanisms are in place and enforced, including pre-deployment vetting and screening of all troops. Take swift action against any perpetrators.

To child protection and protection actors:
- Advocate for and promote a more holistic community-based approach to addressing sexual and gender-based violence in conflict. Support these efforts through awareness raising and capacity building exercises for local and government actors to develop this expertise nationally.
- Implement community-based, culturally appropriate programmes to better support the care, treatment, and outcomes of girls and women who experience sexual violence, as well as to support effective monitoring and documentation of cases.
- Undertake assessments to better understand the causes and vulnerabilities of girls forced into marriages with armed group members and include these in risk and protection monitoring systems.
- Develop referral systems and programmes suitable to the needs of both girls and their babies. Sensitize families and communities, through social cohesion programming, to the rights and needs of these children.

part II:
protecting children from violations

Government holds the primary responsibility for the protection and care of children. Yet, when the current conflict began in January 2012, government, local, and international actors, accustomed to operating in vastly different contexts, found themselves lacking the capacity and ability to respond to the child protection concerns, risks, and violations occurring. Legal frameworks and military protocols were not in place; nor were the capacity or the funds to develop the specialized types of programmes required.

Part II of this report reviews the response being mounted by actors at all levels – government, local, national, and international actors – to protect children affected by conflict in Mali. The goal is to constructively contribute to improving the response through policy and programmatic recommendations.

international and domestic legal frameworks

Mali has ratified the Geneva Conventions as well as its Additional Protocols I and II, and is also party to the Rome Statute, which considers recruitment and use of children under age 15 a war crime[126]. In July 2012, the interim Government of Mali referred the situation in Mali from January 2012 onwards to the International Criminal Court (ICC) and on 16 January 2013, the ICC officially opened an investigation into the situation in Mali[127]. Given the substantial testimonies from witnesses on the recruitment and use of children, including in combat, as well as preliminary accounts of conflict-related sexual violence, including the rape and forced marriages of girls, it is important for investigators to document and explore potential war crimes and crimes against humanity committed against children as a part of their investigation, and for consideration in future actions.

recommendations

To the International Criminal Court:
- Investigate the recruitment and use of children by all parties to the conflict, as well as intentional attacks on schools, with a view to determining individual responsibility and holding them to account.

- Undertake impartial and independent investigations into acts of conflict-related sexual violence committed by all parties against girls and women in support of determination of whether war crimes and crimes against humanity have been committed, so that appropriate actions can be taken, including the issuing of warrants.

- Ensure that strict precautions are taken when interviewing children, and that the process is led by professionals with specific training and experience in interviewing children.

International frameworks for the protection of children in conflict

Mali is party to both the Convention on the Rights of the Child (CRC) and its Optional Protocol on the involvement of children in armed conflict (OPAC), which prohibits the use of children under the age of 18 by non-state armed groups and the compulsory recruitment of children under 18 by national armed forces[124]. Upon ratifying, Mali deposited a binding declaration setting 18 as the minimum age for voluntary recruitment into its national armed forces. Therefore, all recruitment or use of children by any armed actors in Mali is illegal. Additionally, Mali has endorsed the Paris Principles on Children Associated with Armed Forces or Armed Groups, which provides that all children associated with armed actors should be considered primarily as victims of violations of international law, not perpetrators; and is party to the African Charter on the Rights and Welfare of the Child, which requires nations to ensure the protection and care of children affected by armed conflict[125].

Domestic frameworks for the protection of children in conflict

Article 2 of the Malian Child Protection Code (2002) identifies a child as any person under age 18[128]. While the age of criminal responsibility in Mali is 13 if determined that the child acted knowingly, the Malian constitution provides for application of ratified international conventions and laws if they supersede national law under Article 116 (1992)[129]. Thus, children associated with armed groups in Mali should be primarily considered as victims, and if deprived of liberty, it should be done in accordance with all international juvenile justice standards, with a focus on restorative justice and social rehabilitation. Government has the responsibility for the provision of services and care needed to demobilise, rehabilitate, and reintegrate children recruited by armed groups into their communities. In addition, Article 17 in Mali's Child Protection Code (2002) forbids the participation or implication of children in armed conflicts, and the recruitment of children by both armed forces and groups. However, the Child Protection Code does not have the force of law pending implementing legislation.

One attempt towards strengthening legislation related to children and armed conflict has proven problematic and slow. On 7 February 2013, the Inter-ministerial Circular on the Prevention, Protection and Return to Families of Children Associated with Armed Forces and Groups was signed by five ministers, outlining eight points with regards to the prevention, protection, and family reunification of children associated with armed forces or armed groups[130]. It declared that "children recruited by armed groups are victims of the barbarism of adults" and that any captured or self-demobilized children are "children like all other children" and should be protected from all forms of reprisal, cared for and reunited with their families by authorities, and that it is strictly forbidden to oblige children to recount their experiences from their time with the armed groups[131]. However, the circular was drafted and signed without consultation with the Département nationale pour la protection de l'enfant et la femme (DNPEF), the department within government responsible for child protection. It also lacked specifics on the actual treatment of children believed to be associated with armed groups, protocols for their handover to civilian

actors, and a mechanism detailing referrals and services required for the children. It was withdrawn for further revision. Other urgently required measures to uphold Mali's legal obligations, such as standard operating procedures (SOPs) for the handover of children believed to be associated with armed groups are also not in place.

recommendations

To the Government of Mali:
- Enact legislation to implement Article 17 of the Child Protection Code, as well as the Code itself and OPAC, to strengthen the national legal framework and the protections it offers children during times of conflict.

- Prepare and submit Mali's consolidated third, fourth, and fifth periodic reports to the Committee on the Rights of the Child, which were due on 19 October 2012, detailing follow-up on recommendations made by the Committee after consideration of Mali's second report in 2007; as well as Mali's initial report on OPAC, which was due on 16 June 2004, detailing the situation of children affected by armed conflict in Mali and the actions government is taking to protect them as is their obligation under the CRC, OPAC, and within the provisions of the Malian constitution.

MAF's weak structure and command and control pose challenges to developing SOPs and enacting urgently needed training for all troops.

Developing a Protocole d'Accord for the transfer of children believed to be associated with armed groups

It has been known since April 2012, if not earlier, that armed groups in Mali were recruiting children into their ranks[132]. While engaging with armed groups in direct dialogue to negotiate the release of children did not at the time seem either possible or feasible, particularly in the absence of both a government and UN presence in the northern regions, the knowledge of the presence and use of recruited children amidst armed groups should have triggered at minimum a set actions, including:

- consistent calls to the armed groups and the Malian government by the UN and NGOs for the children to be immediately released;

- the establishment and signing of protocols between the government, security sector actors, and civilian humanitarian actors preparing for the handling and transfer of children from security actors to civilian ones;

- the clarification and strengthening of legal provisions and national laws governing the accountability of children for their actions, and the dissemination of these directives to security sector actors, the judiciary, and first-contact government responders; and

- the development of a process for verifying the age of captured combatants.

Yet, by December 2012, there had been no progress made in any of these areas, despite estimates of hundreds of children associated with all four armed groups and a developing understanding that children were being trained for combat[133]. Additionally, the UN Security Council authorized the establishment of AFISMA, which only increased the likelihood that children and armed forces would soon come into contact, further under-scoring the need to urgently develop and disseminate protocols and establish systems.

By January 2013, troops from multiple countries were already in Mali and engaging in combat with armed groups, including children. Still, there was no progress

The military plays a large role in the protection of children, both through the protection of civilians and as the primary actor encountering recruited children. It is therefore crucial that clear rules of engagement (RoE) and SOPs for interactions with children associated with armed groups exist for all military actors in Mali, and that thorough training on these take place.

And yet, despite this, at the time of writing, no SOPs were in place for any of the armed forces operating in Mali – Malian, AFISMA, or French – nor had comprehensive child protection training been undertaken with all troops.

Watchlist learned that child protection was not discussed as a priority amongst civilian-military representatives in Mali, and that engagement at the highest level of forces and government would be required to ensure the prioritization of child protection.

Malian Armed Forces

Having endorsed the Paris Principles, the Malian government has committed to elaborating RoEs and SOPs for its troops, and to provide training on these to ensure protections and safeguards for recruited children. But, the

“ At the time of writing, no SOPs were in place for any of the armed forces operating in Mali - Malian, AFISMA, or French. „

Children and Armed Conflict in Mali

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made on the development of SOPs. The MAF even lacked a verification form to question and identify whether captured combatants were under 18 so that, in theory, they would receive different care in accordance with international law. By the end of January, at least two children had, by then, already been taken into custody by government actors. Their identities – names, ages, origins, and photos – were made public in national and international media; one was shown on national television. These actions transgress basic principles of confidentiality and victim protection[134]. Still, no protocols for handover were developed and no response system put in place to care for demobilized children. By the end of February, a draft protocol was ready, but it was promptly withdrawn for revision due to significant errors in the outlined procedure.

By March, still without any signed or disseminated protocols, children were being captured in combat by French and Chadian forces. Transfers of children from military to civilian actors began without formal procedures in place due to the good will of participants, notably the Malian Gendarmerie. This left child protection, humanitarian, and government actors scrambling to find suitable and secure accommodations and caretakers. Finally, in early April, a revised set of protocols was ready for signature. Three ministers were to sign on behalf of the government agencies involved, and the Resident Coordinator was to sign on behalf of the UN system. Despite the urgency, however, by the end of April the protocols remained unsigned pending the willingness of government actors to proceed with signing them.

By mid-April, seven children had been transferred into civilian custody. The handover of children from the military to the Gendarmerie to civilian actors is currently happening on an ad hoc basis. Without the Protocole d'Accord, the SOP for the MAF, in place, the Gendarmerie could decide at any point to detain children received from military actors rather than hand them over to civilian actors. By mid-April, numerous reports were circulating of children being detained by the Malian Gendarmerie, including six known to UNICEF, though humanitarian actors were unable to verify many of these reports[135].

Once signed, the Protocole will only apply to the MAF, not AFISMA (or MINUSMA) or the French. Its implementation will require comprehensive distribution and extensive training on its provisions, as well as follow-up to ensure that it is well understood and enforced. Until then, the government and military remain out of step with their international obligations to protection.

The sole progress in this area was the opening in mid-April 2013, of the first transit centre to receive and care for children associated with armed groups. The seven children already in civilian custody were transferred to the centre where they are receiving care and assistance in line with the protections afforded to them under the CRC and OPAC[136]. The centre does not address the needs or vulnerabilities of children who have self-demobilized and are currently outside of Bamako.

Child protection training for the Malian Armed Forces

Attempts at training the MAF on child protection by a variety of actors have encountered obstacles and have been insufficient. IHL and human rights law messages currently being given to troops do not include messaging on child protection. Protection actors are hesitant to include such messaging in the absence of a signed Protocole and concrete response structures in place to ensure that messages shared can be acted on. An effective and thorough child protection training plan for the MAF had been elaborated and agreed to by MAF, UNICEF, and the French Armed Forces. This included two weeks of training for MAF trainers at the International Peacekeeping School in Bamako, who in turn would spend two weeks training battalions in the field, with French forces ensuring follow-up and implementation. This plan, however, never materialized as the MAF withdrew a week before training was to begin, preferring to handle training "internally" or through other avenues, such as a gender training offered through UN Women. The latter includes a basic module on children, but much more is needed to meet the great need. The European Union Training Mission (EUTM) training scheme lead by the European Union that is undertaking an extensive restructuring of the MAF and will train four of eight battalions in the MAF over 15 months, includes a civilian component to its training, though it, too, is minimal[137]. Civilian actors advocated forcefully for inclusion of one-hour sessions on child protection, sexual violence in conflict, the protection needs of IDPs, and humanitarian issues broadly for each battalion trained. It does not,

66 There is, however, no official policy within the DPKO or the UN as of yet that prevents listed parties from also being TCCs. „

Where are they...?

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however, adequately address the child protection training needs for the MAF, nor does it ensure follow-up.

AFISMA to MINUSMA

Though not yet fully deployed, AFISMA troops are currently operating in Mali and will be largely re-hatted to MINUSMA, expected in July 2013. MINUSMA has strong child protection provisions throughout its mandate. Two primary areas that will significantly impact the protection of children by the military component of MINUSMA are the composition of troop-contributing countries (TCCs), along with vetting and training of troops; and SOPs for the handover of children believed to be associated with armed groups.

MINUSMA: Troop-contributing countries composition, vetting, and training for stronger protection of children

MINUSMA will comprise 11,200 troops (and 1,440 police), of which an estimated 6,000 will be re-hatted from AFISMA. Unlike AFISMA, MINUSMA is a UN-led force; the troops comprising the force are accountable under the UN's human rights safeguards and frameworks. Troops in blue helmets will represent the UN in Mali and in Malian communities where they will be the primary UN presence. MINUSMA will play a significant front-line role in the protection of civilians, including children, and will potentially serve as a primary point of contact for children believed to be associated with armed groups, either those who have self-demobilized or those whom MINUSMA may encounter while conducting patrols.

Because of this vital role, and the mandate to be carried out, it is essential that troop composition be free of known human rights violators. Full vetting of troops, including those to be re-hatted, must take place in advance of deployment to ensure that the UN is not providing support to, or being represented by, those who disrespect the very foundations of its charter and work. The UN Human Rights Due Diligence Policy, a screening mechanism for receiving UN support, only applies to the MAF receiving support from the UN, but not to the troops comprising the mission itself. Separate vetting of MINUSMA troops is required. However, this vetting is not carried out independently; TCCs are responsible to self-screen their troops. Thus, although the UN has a policy prohibiting children below age 18 from

participating in peacekeeping operations, there is no accountability or enforcement mechanism to vet these other than by the TCCs themselves.

Even more crucially for children, there must be a clear line drawn at parties listed in the Secretary-General's annexes of those that commit grave violations against children as TCCs. Presently, there are nine government forces listed, including six that are identified as persistent perpetrators: Chad, the DRC, Myanmar, Somalia, South Sudan, and Sudan[138]. All six of these forces are listed for recruitment or use of children[139]. Unlike the vetting of individual members of armed forces for other human rights violations, entire forces are listed (and de-listed) for committing grave violations. In these instances, as identified perpetrators of grave violations, and in a situation of conflict in which multiple groups are committing the same violations – notably recruitment or use of children – inclusion of listed parties as TCCs to MINUSMA would greatly undermine and discredit the human rights work and mandate of the UN – and the mission in Mali.

The need for this policy is not hypothetical. The Chadian Armed Forces are members of AFISMA and have been fighting alongside French troops in northern Mali. They stand to be re-hatted in July with other AFISMA troops. As a persistent perpetrator for the recruitment and use of children, inclusion of Chad would be a harmful, precedent-setting action that, in addition to issues of credibility, could undermine efforts to demobilise children from armed groups that would be listed for the same violation. The UN would in effect be overlooking the actions of one listed party which would be involved in helping hold another to account. Further, by mid-April 2013, there were reports that Chadian troops fighting with French forces in Kidal and other parts of Mali were, in a few cases, detaining and questioning children for over three weeks before handing them over to French forces who formally transferred them to Malian authorities.

While the detention of children is not itself a violation, children are entitled to specific treatment and protections under international law with regards to the manner of their detention, and forces should maintain transfer obligations under international law. Additionally, the Malian government's circular, which would apply to all troops, explicitly forbids obliging children to recount their experiences with armed groups. Such actions by the

Chadians underscore the importance of ensuring that TCCs comprise forces that uphold basic respect for human rights, and children's rights, and that known violators should have no place in UN-mandated missions. They also underscore the urgent and immediate need for pre-deployment vetting and for training and SOPs for MINUSMA troops with regards to the handling and transfer of children.

Training for troops

Security Council resolution 2085 (2012), which mandated the establishment of AFISMA, had precedent-setting provisions for human rights training of troops pre-deployment. However, with the hurried deployment of AFISMA troops after the unexpected start of the French-led intervention, these safeguards were side-stepped, and the level of pre-deployment training on IHL and human rights for many of the forces was unknown. In three countries – Burkina Faso, Chad, and Togo – troops received brief information sessions pre-deployment, but not full trainings[140]. With the forthcoming re-hatting of troops, and additional TCCs being sought, strong training on IHL and human rights law, including comprehensive training on child protection is needed for troops prior to their re-hatting or deployment and assumption of protection roles in Mali.

Such training is also mandatory under Security Council resolutions 1460 (2003) and 1612 (2005), as well as within DPKO policy.

Standard operating protocols for the transfer of children believed to be associated with armed groups

As the Protocole d'Accord only applies to the MAF, SOPs for the handover of children believed to be associated with armed groups are urgently needed for all other armed forces operating in Mali: AFISMA, the French, and MINUSMA once they are deployed. Clear SOPs, and guidance on actions for when encountering children in combat within RoEs will help extend the greatest level of protection for vulnerable children. Widespread dissemination and enforcement of these SOPs will be required. At the time of writing, work had not commenced on SOPs for other forces operating in Mali, despite the clear and urgent need. MINUSMA SOPs for the transfer of children should be developed in advance

of troop deployment as a matter of urgency so that these can be included in pre-deployment trainings sessions.

recommendations

To the Government of Mali:

- Sign with all urgency and immediacy the Protocole d'Accord and take all necessary steps to disseminate to all actors concerned, including: the MAF and all security sector actors; the judiciary; DNPEF and its decentralized offices; and other associated ministries, including health and education. Comprehensively monitor its enforcement.

- Collaborate with the EUTM, UNICEF, and child protection actors to develop and enact comprehensive child protection training on the needs of children in emergencies and in situations of armed conflict, and provide this training to all members of the MAF, as well as to all relevant civil service members.

To MINUSMA[141]:

- Develop and adopt SOPs on the treatment and transfer of children believed to be associated with armed groups from MINUSMA troops to Malian authorities and civilian actors, immediately. Disseminate these to all troops, pre-deployment, monitor their implementation and enforcement, and include them in pre-deployment briefings. Take swift and appropriate disciplinary action against troops who do not follow the SOPs.

- Ensure that all troops receive thorough training pre-deployment or before re-hatting on IHL, as well as applicable human rights and refugee law, including comprehensive training on child protection, and on international standards for detention. Include messaging on sharing information learned on child protection violations and concerns with civilian humanitarian actors. ▶

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To the Resident Coordinator and UNICEF Representative:

- Call for the Ministers of Defence, Interior Security and Civil Protection, and Family, and the Promotion of Women and Children to sign, with all immediacy, the Protocole d'Accord, and support and advocate for all necessary dissemination efforts and accompanying monitoring and follow-up to ensure its enforcement.

To the EUTM:

- Expand and strengthen the human rights component of the training and include comprehensive child protection training for troops.

To the Secretary-General and the Secretariat (including SRSG-CAAC and DPKO):

- Exclude the Chadians from MINUSMA until completion of their action plan.

- Adopt and implement a UN-wide policy excluding listed parties from participating in peacekeeping operations and other UN-mandated missions until the Secretary-General certifies their full and complete de-listing from the list of shame.

- Ensure that all TCCs vet troops for children under 18 years old and for violators of children's rights. Specify these conditions in all Note Verbales. ▶

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To the UN Security Council:

- Strongly encourage, with all available tools, the immediate signing and enforcement of the Protocole d'Accord by the Government of Mali; and the development and signing of SOPs by MINUSMA on the transfer of children believed to be associated with armed groups.

- Insist that peacekeeping operations mandated by the Security Council do not include perpetrators of grave violations against children, or other human rights abusers.

- Insist on the independent screening of TCCs for children under 18 years old.

To the Government of France:

- Condition support to any armed forces operating in Mali, including to the Chadians, on compliance with IHL related to children. Deny support to forces listed on the Secretary-General's annex for committing grave violations against children.

- Insist on, and support efforts for the development of SOPs on the transfer of children for all forces.

protection of children by civilian actors

Despite previous rebellions in the north of the country, government and local actors alike were accustomed to working on development issues and had not until the current conflict began in January 2012 dealt with the type of response or needs that arise in emergencies, including the particular child protection concerns, risks, and vulnerabilities. They were as a result inexperienced and ill-equipped to handle an emergency response.

Given the low levels of capacity and unfamiliarity amongst local actors, international actors needed to provide strong guidance in the response. However, the international actors initially in place were also focused on development. A transition was required. While humanitarian actors talk of transitioning from emergency programmes to development, the reverse transition is less common. Too few international NGOs were able to successfully undertake this transition in the initial months – an admittedly difficult task requiring human and financial resources, as well as organizational commitment. By late 2012 and early 2013, some were still only just beginning to do so.

The child protection response

Through interviews with dozens of national and international actors, Watchlist identified four key areas contributing to an overall slow response lacking in urgency to protect children during conflict: a lack of capacity, gaps in cluster functioning, a void in leadership, and limited financial resources. These four factors exacerbate one another.

Capacity

"The response to the crisis is being done by eyes that do not know crisis[144]."

There is a profound lack of capacity, both amongst international and national actors, in the child protection humanitarian response in Mali. This comes in three interacting forms: the number of organizations on the ground, the number of staff in place, and the expertise available.

There are too few operational, child protection-focused relief organizations involved in the emergency response. Although new relief organizations arrived in mid- to late-2012 and in early 2013, needs still exceeded available resources. In the same vein, the organizations in place had

"We are at point zero."

"We need to get to crisis levels... we need a dynamic of emergency response; that energy is lacking."

"Will it happen? When will it start? Should we invest large sums and prepare? People are waiting. It's like a silent emergency...[142]"

"With the vulnerability of children and adolescents, and with what is preparing to happen and what has happened, we should be placing more emphasis on child protection[143]."

> **"** Usually you want five people per location; in reality we have five total... so we put one person per place to show we are marking territory, to show that we are there[145]. **"**

far too few staff, and a lack of required expertise. Rather than hire experienced staff with specializations suitable to the context, numerous organizations instead sent repeated surge capacity, seconding staff for a few weeks or months as a stopgap measure. This approach is recommended at the onset of an emergency, but it is an ineffective and insufficient way to build and maintain an emergency response in an increasingly complex situation over time. The lack of long-term staff hinders planning and the continuity required for building relationships, understanding contexts and needs, and mounting informed responses.

For example, at the child protection sub-cluster meeting on 21 February 2013, attendees discussed the follow-up and verification needed of 90 child-headed households and 74 separated children identified by an IDP-profiling exercise undertaken in Bamako. The children had been identified between 3-4 weeks and to 2-3 months prior. Of the 15 actors present, none were able to take on the cases. The subject was again left for follow-up so that actors could consult decision-makers within their organizations. At the time Watchlist left Mali, discussions were underway for a protection actor without child protection expertise to take on the cases, though they would need training to learn to do so.

This was not an isolated incident. In July 2012, a multi-organizational assessment of separated children and unaccompanied minors (SC/UAM) in Ségou and Mopti regions was undertaken. Many children were identified, but the government was not able to take charge of these cases, nor were child protection actors. Thus, there was no ensuing follow-up, though some of the children required immediate care. Later efforts to trace them were unsuccessful, not surprising for children on the move in a time of conflict.

Like many other child protection issues, care and assistance for SC/UAM is case-oriented and requires referral systems, with multiple actors responsible for a step in the process. Months into the emergency, almost every step of the process was not yet in place. Only one actor was ready to perform its role, the tracing and reunifying of children with their families, but reported receiving very few cases in the absence of the other steps required in the referral pathway. However, by late February 2013, there were positive developments, as work began within the child protection sub-cluster towards

establishing a case management system. Anticipated to be operational by May 2013, efforts were still lagging for the development of supporting referral pathways to take charge of the children.

The protection and child protection clusters

The cluster system was activated in February 2012 in Mali, and by April 2012, seven clusters were established[147]. Ten months later, humanitarian actors more familiar with the purpose and roles of the clusters, spoke of the system as dysfunctional, and many had stopped attending for lack of action, information, and use. These comments were not reserved for any particular sector, but rather the cluster system at large.

In November 2012, the protection cluster was already on its fifth cluster coordinator, an NGO surge secondment to the UN High Commissioner for Refugees (UNHCR). There was no NGO co-lead. International and local actors alike attended cluster meetings, including government. Though participants reported that initially the cluster concentrated more on food security rather than protection, by late 2012, with the new coordinator, the meetings seemed to return to the topic of protection. However, large gaps remained. The key weakness of the cluster was that it had no systematic way of collecting and sharing information; in addition, protection actors were withholding what little information they did have for fear that it would be mishandled. Thus, information remained within individual organizations, or was shared in an ad hoc manner, and actors were unable to capitalize on this critical function and advantage of the cluster system. By 2013, more actors were participating in protection cluster meetings, and the GBV and child protection sub-cluster coordinators were regularly invited to update the protection cluster members on their activities. However, meetings continued to lack action-oriented outputs and still, little information was shared.

Additionally, significant concerns arose on understandings of basic protection and humanitarian principles amongst some protection and non-protection actors alike. For example, one health organization published the names of focus group participants as well as the names, titles, and displacement status of all health care personnel from one northern region in an assessment report. Unfortunately, this report was made public and was distributed widely both within Mali and globally

before these details were removed after complaints by protection actors[148]. In another incident, a picture of a rape survivor was shown at a protection cluster meeting. These incidents are indicative of an important need to review basic humanitarian and protection principles and guidelines with all actors involved in the humanitarian response. This is particularly true regarding the treatment of sensitive information; all actors must understand what can and should be shared, and with whom.

The child protection sub-cluster had only two coordinators by November 2012, both of whom were acting in surge capacities. There was no NGO co-lead. The sub-cluster shared the protection cluster's concern regarding a lack of information and information sharing. The sub-cluster served more as a venue for partners to meet regularly, introduce their areas of work, and generally learn new topics, rather than to discuss and coordinate emergency response activities and information. Those new to the cluster system thought positively of this forum; those familiar with clusters from other contexts felt it missed its intended functioning and left gaps. In an effort to become more action-oriented and to better steer its activities and direction in 2013, the child protection sub-cluster created a technical group comprised of a subset of actors with thematic expertise and decision-making abilities. While this action helped increase momentum within the sub-cluster, frustrations persisted amongst international and local actors alike over the expressed inaction of the cluster. Though there was improvement in the cluster relative to its functioning in 2012, the level did not correspond to an increasing scale of need. Information sharing continued to be minimal, and monitoring remained a primary need.

One positive area of the cluster early on was the MRE thematic working group. Organizations taking part in the working group reported good progress was made early in the response, in April 2012, on the creation and distribution of materials and messages. MRE activities were reported to be the most effective within the cluster, and were the sole child protection activities occurring in the north. Unfortunately, despite good gains and progress, the coordination position for the group was vacated in early November 2012 and not immediately filled. Members of the group reported that work stagnated in the absence of a dedicated specialist and sufficient individual capacity amongst member organizations. MRE is dependent on local contacts and the development of

networks. Leadership early on in this area enabled progress that was later inhibited by the absence of a dedicated coordinator. By the time a new coordinator was in place in February 2013, much of the work had to be recommenced. At present, the group is functioning and the network is slowly being rebuilt.

Leadership

In addition to gaps within the cluster system, protection and child protection actors identified a broader leadership gap in their respective agency leads: UNHCR and UNICEF. Until September 2012 – nine months into the emergency – UNHCR, the sector lead for protection, had only one Protection Assistant in place, an individual without emergency experience. Protection staff increased to five by December 2012; of these, four were NGO secondments. In March 2013, a sixth protection officer was incoming to manage information systems, again an NGO secondment. In failing to scale up swiftly and appropriately, and in not investing its own resources or sending its own staff to lead the response, UNHCR displayed a lack of commitment to the response and sent a negative message, both within and outside the sector, on the importance and needs of the protection sector.

Within child protection, the Chief of Child Protection at UNICEF is a senior leadership position that impacts strategic direction, programming quality and implementation, resource mobilization, and the strengthening of systems and government capacity including national policies and law. In Mali, the post was vacant for over a year prior to being filled in February 2012, but was again vacated just six months later in August 2012. At that time, no interim Chief of Protection was brought in; instead, officers-in-charge were appointed internally at times from amongst staff that had neither the capacity nor experience to take on the position. From January 2012 through March 2013, UNICEF hired one international Child Protection in Emergencies (CPiE) Specialist, and continued to send surge support from offices around the region and its headquarters, but did not commit to fully staffing the CPiE team. Sources estimate that for the scale and need in Mali, the staff structure should have been three times larger than it was in reality.

While in February 2013, a new Chief of Protection was hired, he was not set to arrive until June or July 2013. In March 2013, a veteran UNICEF Chief of Protection came out of retirement to act as interim Chief. By the time the

new Chief of Protection arrives, this crucial child protection leadership position will have been vacant for over two of the last three years. In a sector in which government capacity is extremely weak, the void in UN leadership has been felt profoundly. It has inhibited proactive work on prevention programmes and awareness campaigns on crucial issues related to children and armed conflict.

Resources

A major constraint to any effective child protection response is a significant lack of funds. The 2012 Consolidated Appeal Process (CAP) for protection was funded at 75 percent; however, child protection projects within that were only funded at 15 percent. These funds went to two projects only; the remaining six received no funds. Protection in 2013 CAP was funded at 14 percent by the end of March; within that, the child protection sector had received 13 percent of required funds[149].

The education sector, which addresses education in emergencies and supports the rehabilitation of schools pillaged and destroyed during conflict, was the least funded sector in 2012, receiving only 6.4 percent of requested funds[150]. This increased to 13 percent by the end of March in the 2013 CAP.

Donors are facing many competing demands and needs with respect to funding in Mali, including development programmes, humanitarian assistance, and the military intervention and related activities. Prioritization of child protection funding can contribute to the longer-term goals across all these areas. The ability of programmes now to meet the needs of children will have long-term impacts on Mali's future. It is critical that children associated with armed groups receive rehabilitation and social integration support to reduce their risks of re-recruitment or future recurrence of the conflict. Vulnerabilities and risks must be identified and addressed early to avoid social marginalization that act as a root cause to conflict. Funding is required for these activities.

Slow-evolving response

The examples above detail the slow evolution of the response to the conflict, even after the French-led military intervention invoked a more urgent need on the parts of all actors. Capacity and funding certainly factor into the ability to speedily mount and scale-up a response, as does leadership; and yet, after so many months the greatest

needs at the start remain: monitoring systems to provide a sense of scale and inform response; referral systems, crucially necessary to link monitoring to response, to provide children and their families appropriate assistance and support; and action by government to ensure that protocols and legislation intended to protect children are widely disseminated and enforced, and that essential trainings are conducted.

All actors involved should not accept the lack of urgency displayed and action taken in the first 15 months of the conflict, but rather advocate for proactive approaches in responding to the needs of children.

recommendations

To child protection and protection actors, including sector leads:

- Scale and reinforce protection, and specifically CPiE, capacities through hiring of staff with the specific technical expertise required, as a matter of urgency. Immediately fill all vacant leadership positions. Ensure that continuity in these and other critical coordination positions is maintained.

- Prepare and deploy protection staff to the north as soon as possible to conduct protection needs assessments in order to mount scaled and informed programmatic responses.

- Fulfil expected leadership roles, including, actively leading and engaging cluster actors, advocating for increased attention to protection within the UN system and with government actors at the most senior levels, mobilising resources, training and increasing capacity of local actors and government partners, and ensuring that steps are taken to address the gaps in response. ▶

"**...there is no documentation! It's hard to know if things are better or worse because there are no numbers**[152]. "

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- Establish required referral systems and appropriate assistance programmes to handle child protection cases, including support for children associated with armed groups, SC/UAM, and child survivors of sexual violence, amongst others, as a matter of urgency.

To the Secretariat of the Child Protection Working Group:
- Advocate for increased capacity and attention from members in situations where there are identified gaps in response associated with capacity, leadership, and political buy-in amongst actors, in addition to support through the rapid response team.

To donors:
- Fund the child protection and protection 2013 CAP to the full amount required to improve the response mounted to protect children during conflict. Emphasis should be placed on the development and implementation of monitoring, case management, and referral systems, and any associated training and capacity building needs. Allow for flexibility in funding to adjust to needs as they become clearer though monitoring.

- Fund the education sector CAP requirement to the full amount required so that education actors can provide education in emergencies programming and rehabilitate damaged classrooms and schools to allow Malian children, some of whom have now lost two years of schooling, to go back to school in time for the next school year.

To UNHCR, UNICEF, and Office for the Coordination of Humanitarian Affairs:
- Ensure wide distribution and understandings of basic protection and humanitarian principles by all actors involved in the response, including provision of trainings if necessary. ▶

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- Undertake a full evaluation with lessons learned of the UN-led response in protection and child protection in Mali, including cluster system functioning and gaps in leadership, in order to better understand how to improve in similar contexts in future. Consider the difficulties and challenges of transitioning from development to emergency response and how this can be improved in future.

Protection monitoring

A systematic approach to documenting and monitoring human rights and protection violations in Mali is one of the largest gaps to date. Such a system was not in place before the conflict. This poses two challenges to monitoring and documentation during times of conflict:

1. There is not an existing capacity in place on which to build. Rather than supplementing skills through training on the specificities related to emergency- and conflict-time monitoring, the entire system needs to be developed and implemented.

2. There is a lack of reliable baseline data from which to say how prevalent and accepted certain practices and protection concerns were pre-conflict, providing a baseline from which to assess change and direction, as well as to estimate vulnerability and risks.

This resulted in large challenges to obtaining data and information on protection concerns from the start of the conflict, including on the occurrence of grave violations.

Throughout 2012, very little documentation and data on child protection violations was available, and specifically on grave violations. There was little or no information on the number of children recruited by armed groups, or how to understand risks and vulnerabilities; little information on rape and acts of sexual violence perpetrated against girls; and only stories of children playing with grenades in relation to killing and maiming. The lack of information meant child protection programmes could not be developed based on actual needs, and informed responses could not be mounted. The best available information was on attacks on schools, a much easier

violation to document given its visibility and lower sensitivity. The education cluster had a voluntary monitoring system for members to report the damage or occupation of schools: a school was added to the list with one report and confirmed by a second. While not a perfect system, it did provide some data that education actors could use when planning a response.

The lack of monitoring and available data has been and continues to be a primary gap, persistent challenge, and principal need. It severely hinders a true understanding of the problems and thus precludes a comprehensive and appropriate response.

Introduction of protection monitoring systems in Mali

In February and March 2013, positive developments in protection monitoring were being made through cooperation within the protection cluster to establish a protection monitoring system intended to cover two areas in central and northern Mali, and include monitoring of cross-border violations in Burkina Faso. In a positive example of collaboration, forms developed for the system were to be adopted by the cluster and used for all protection monitoring activities; they incorporated protection, GBV, and child protection concerns, including all six grave violations. Separately, work began on setting up a movement tracking along the Gao-Niger zone. This system would be used to monitor and predict population movements in attempts to alert actors of incoming influxes, thus assisting with preparation and response. Both were planned to be operational in April 2013.

Simultaneously, the child protection sub-cluster decided it was necessary to develop a tool to address the increasing case loads of vulnerable children, and began establishing a child protection information management system (CP IMS) for Mali, an inter-agency standardized tool to support case management through tracking of referrals and follow up on individual cases identified through monitoring or programming. In Mali, it would initially address the needs of SC/UAM, with the intention of expanding to also include children associated with armed groups. The system was planned to be operational in May 2013, and is seen as a critical first step to better understanding and responding to needs.

These collective efforts are positive and encouraging in the absence of such initiatives in the first year of the

response, though much more is required to cover all of the extensive monitoring needs. They will need to be either scaled or supported through parallel efforts, such as the establishment of a monitoring system for CPiE, or child protection more broadly. In addition, an MRM will be established in Mali. It will be important for these systems to coordinate.

recommendations

To child protection and protection actors:

- Establish with all urgency protection and child protection monitoring systems throughout the whole of Mali to monitor, document, and report on child protection violations, including grave violations committed against children in conflict.

- Provide trainings on protection monitoring, documentation of violations, handling of sensitive information, as well as on basic protection in emergencies principles, standards, and guidance to government, local, and international actors to increase capacity for emergency protection monitoring needs.

- Develop a system for sharing and coordinating between systems to avoid duplication and take full advantage of available data to feed into response.

To donors:

- Prioritize funding for the establishment of monitoring systems in Mali to support better understanding of needs and to help develop more effective responses.

To the UN Independent Expert on the situation of human rights in Mali:

- Prioritize and promote the protection of the rights of children in fulfilling the expert mandate. Investigate, monitor, and report on violations committed against children, including recruitment and use and sexual violence. Advocate for and advise on these at the highest levels in Mali and internationally.

the UN monitoring and reporting mechanism

In June 2013, the Secretary-General will publish his annual report on Children and Armed Conflict, covering the period of January to December 2012. Three of the armed groups operating in Mali – Ansar Dine, MUJAO, and the MNLA – will be become listed parties for committing grave violations against children. Mali will automatically become the 15th formal MRM country once the annual report is endorsed by the Security Council during the Open Debate on Children and Armed Conflict. This will set in motion a process for the establishment of an MRM in Mali. The MRM will monitor the three listed groups along with all other armed groups, the MAF, paramilitary groups, and any other armed forces operating on Malian territory, including troops comprising MINUSMA.

Establishing the Monitoring and Reporting Mechanism

Establishing the MRM involves multiples steps and many actors in country, within the region, and internationally, notably at UN headquarters in New York. A formal request will go to the Government of Mali to establish the MRM. Upon their agreement, the Special Representative of the Secretary-General for Children and Armed Conflict (SRSG-CAAC) will notify the UN Country Team that it is to launch an MRM. A Country Task Force on Monitoring and Reporting (CTFMR), co-chaired by the SRSG and the Representative for UNICEF, will need to be established and together agree on terms of reference (TOR) for the MRM. The implementation and operationalization of the MRM will be co-led by child protection actors within MINUSMA and UNICEF, as well as its membership. CTFMRs are traditionally composed of UN actors, but often include invited, interested NGOs as well. Government, as a party to conflict, is not a part of the CTFMR, though it may closely interact with members to improve the protection of children in their country. For example, this may take the form of implementation and enforcement of strengthened national legal frameworks protecting children within conflict, or strengthening budgeting for government sectors responsible for providing basic social services and assistance to children affected by conflict. Most importantly, governments that are not listed parties can take prevention measures to ensure that their own forces, and any other associated groups, do not commit grave violations against children, thereby avoiding becoming listed parties themselves.

The faster the initial CTFMR meeting and agreement on the TOR takes place, the sooner the MRM can be implemented. The TOR includes points such as the accurate and timely collection of information on grave violations and engaging parties to conflict in dialogue. It also includes a list of tasks on how the monitoring and reporting will take place, including necessary training for participants, what follow-up will be necessary, and how verifications of reported cases will take place. Once the system is in place, actors within a community, usually NGOs and community members, can monitor and report on grave violations within their area of operations to MINUSMA or UNICEF for verification. Every two months, a compilation of documented cases is sent to the Security Council Working Group (SCWG) on children and armed conflict in a report called a global horizontal note. A country-specific report is submitted on an annual basis and reviewed by the SCWG that then issues a series of conclusions recommending actions to improve the situation.

Outside the country, regional actors may be involved, particularly in cases such as Mali where cross-border violations are a concern. Globally, the CTFMR will work closely with the MRM team at UNICEF headquarters and the SRSG-CAAC's office on reporting; the development of action plans; and other initiatives to improve protection for children.

66 This is a unique situation and opportunity to symbiotically set up these systems and processes from the beginning. The opportunity should not be missed to do this *right*. **„**

Where are they...?

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Challenges and preliminary steps for the Monitoring and Reporting Mechanism in Mali

As a monitoring system, the MRM shares similar needs and challenges to other protection monitoring systems being set up and implemented in Mali. In addition, there are other specific needs and challenges facing the MRM, particularly as a mechanism with a higher political profile that addresses culturally sensitive violations:

- **Existing tensions and pre-conceived notions:** the conflict to date has exacerbated social and ethnic tensions within Mali. A neutral, independent, and impartial process is essential for the MRM; this may be challenging amongst some local actors.

- **Challenges of civilian-military co-existence:** no matter their mandate, international military forces are hardly perceived as neutral actors by armed groups. This poses security challenges both for UN civilian actors and NGOs engaged in monitoring violations. It is essential that any monitoring, reporting, and verification occur by civilian actors only, and that a clear distinction is made between civilian and military actors. This is crucial in order to mitigate the risk of civilian actors becoming potential targets of armed groups. Should the UN decide to use military escorts for verifications, there is a real risk that NGOs will not participate in the MRM.

- **Security and safety of monitors and humanitarian actors involved:** the security needs and risks to undertaking monitoring of grave violations in Mali can be neither underestimated nor predicted in a situation of asymmetric warfare. Protection actors underscored the sensitivity of protection monitoring and the security risks posed if rushed or done incorrectly. Time will be needed to gain community trust and engage on certain issues. It will be vital to ensure the safety of all actors involved, particularly those doing the actual monitoring.

Knowledge and awareness of the MRM and the six grave violations in Mali is extremely low. Certain UN and NGO staff who have interacted with the MRM process in other countries are familiar with the mechanism, but outside those few, the baseline is at zero. In March 2013, UNICEF held introductory information sessions with NGO and UN staff separately to introduce the resolution, the mechanism, the violations, and each group's role in the process. This was an excellent proactive action on the part of UNICEF to commence what will be a challenging process, and to begin introducing ideas and roles to the NGO community who will be the crux of any effective MRM process in Mali. At the same time, the six grave violations were included in the embryonic monitoring framework of the protection cluster and concretely in its protection monitoring forms. This is but a beginning, however, and much more is needed to prepare partners and the international community in Mali to engage on the CTFMR and with the MRM.

A "blueprint" for the Monitoring and Reporting Mechanism in Mali

The MRM will be established in Mali simultaneously to a new peacekeeping mission, MINUSMA. This is a unique situation and opportunity to symbiotically set up these systems and processes *from the beginning*. The opportunity should not be missed to do this *right*.

The UN and NGOs now have years of experience implementing the MRM in a variety of complex settings. It is critical that they reflect on best practices and lessons learned from other countries, analyse contextual similarities and differences, and identify approaches that could be tailored to the situation in light of the specific, identified needs and challenges for monitoring grave violations in Mali.

At this stage, there are many unknown variables that could affect the shape and approach of the MRM in Mali, but based on discussions with child protection actors, as well as on Watchlist's own experience in various contexts over the past years, the following are key aspects to consider in creating a "blueprint" for establishing an MRM in Mali.

Dedicated staff capacity and resources

There is a critical need for dedicated (child protection) staff capacity at UNICEF and within MINUSMA to support the effective implementation of the MRM, particularly given the number of parties that will require monitoring and engagement: **at least four non-state armed groups, some of whom may engage in regional cross-border recruitment; one state force; multiple troop**

" This provision creates the basis (and obligation) to prioritize child protection within the mission's structure, budget, and recruitment process. "

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contributing countries, including one listed persistent perpetrator and several countries with concerning human rights records; multiple paramilitary groups; and other state forces. Here, dedicated staff capacity not only means adequate staff numbers, but specialized staff with child protection expertise, of particular importance when considering the significant technical capacity gaps within the sector in Mali. In this light, the fact that Security Council resolution 2100 (2013) specifically provides for the deployment of civilian Child Protection Advisors as part of MINUSMA is of extreme importance. This provision creates the basis (and obligation) to prioritize child protection within the mission's structure, budget, and recruitment process. Similar explicit provisions in other UN mission mandates, e.g., in the DRC, Sudan, and South Sudan, have consistently led to the presence of a relatively solid child protection capacity.

Considering the vastness of Mali's territory, how sparsely populated parts of the northern regions are, and the number of parties to be monitored, the MRM will be human-resource intensive and have high logistical needs that will require significant funding in order to effectively monitor, report, and verify grave violations. Sufficient financial resources will be required to implement and operationalize the MRM, in order to fully staff, train, and support actors within the UN, as well as in NGOs supporting them.

Coordination between MINUSMA and UNICEF

As the future co-leads of the MRM, it is essential that MINUSMA and UNICEF build strong internal coordination processes for the MRM and ensure clear understandings of their mutual roles and responsibilities, maximizing their respective institutional mandates, towards the achievement of a strong and efficient MRM. It is important that such coordination be made at the institutional level, rather than on an individual, ad hoc basis. The inclusion of clear roles and responsibilities and of inter-agency coordination provisions in the TOR of the CTFMR is a useful step. The deployment of a "double-hatted" MINUSMA-UNICEF child protection staff member would also be useful in ensuring smooth communication between the lead agencies, following the model used in the DRC where a UNICEF MRM specialist was seconded to the mission's child protection unit.

Cross-border coordination

Given current displacement patterns and the transnational nature of some of the armed groups operating in Mali, there is already preliminary indication that grave violations may have a cross-border character or implication. Setting up appropriate cross-border coordination mechanisms from the onset will ensure that the MRM is able to capture the full complexity of patterns and trends in grave violations. Most importantly it will provide an evidence base for an adequate response to the needs of victims of violations. A cross-border monitoring system, similar to that set-up for the Lord's Resistance Army (LRA), serves as an example. In the case of the LRA, a network of MRM focal points was set up to coordinate MRM activities in South Sudan, Central African Republic, Uganda, and the DRC. The focal points are staff members of either UNICEF or DPKO in each country and their role is to ensure coordinated monitoring and reporting of grave violations and to facilitate cross-border response, in particular the repatriation of children formerly associated with the LRA. In the case of Mali, cross-border coordination will be necessary along the borders with Algeria, Burkina Faso, Mauritania, and Niger.

Access and reach

In the absence of open and unrestricted access to and presence in all parts of Mali, it is critical to increase the capacity of local actors to safely monitor violations. Similarly, it will be necessary to devise adequate and effective verification processes, taking into account constraints on UN staff who traditionally have greater security restrictions affecting their movements. In addition to collaboration with NGOs (see below), investing in community-based child protection mechanisms may help increase access, or, at the least, the reach of the MRM, as well as assist in adequately monitoring violations.

NGO participation and consultation

There is a need to ensure that NGOs buy into the MRM from the very beginning, are involved in all decision-making processes, and are provided sufficient support and resources proportionate to the need and risks involved in their participation. This is of critical importance given that NGOs are currently engaged in the northern regions. They have access to, and are present in, areas the UN is not. Therefore, NGOs will be critical partners for the MRM in Mali.

" ...bridging the gap between monitoring and response is not only an operational need, but also an ethical imperative, given the risks taken by victims and communities who accept to report violations. "

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Monitoring grave violations does, however, present its own set of risks and challenges for NGOs. NGOs may have greater access and reach than the UN, but they are also more exposed to intimidation and retaliation by armed actors, in particular if they are known to engage in monitoring and reporting activities. Victims or communities who recount violations in a context of active conflict do so at enormous personal risk. Given the multi-tiered reporting flow and the numerous actors involved in the MRM, security and confidentiality measures are critical not only for monitoring, but also for the information management phase. Confidentiality and security are known pillars of the MRM, but concrete processes must be tailored to the needs and expectations of NGOs and communities. NGO participation in the MRM should result from a consultative process in which roles and responsibilities are mutually accepted and tailored security and confidentiality measures are agreed upon from the onset. In addition to this, the need to ensure that victims have access to adequate care and support services is acutely felt by NGOs who work with affected communities on a day-to-day basis. Gaps between monitoring and response may discourage some NGOs from participating in the MRM.

Linking monitoring and response

All victims of grave violations should receive immediate care and protection. The establishment of referral pathways is a basic principle of any protection monitoring activity. In practice, however, programmatic response and monitoring of violations tend to evolve in separate tracks and even in opposite directions: programmatic response goes towards communities, while monitoring goes towards outside fora. Bringing these two tracks into a continuum and bridging the gap between monitoring and response is not only an operational need, but also an ethical imperative, given the risks taken by victims and communities who accept to report violations. An important positive step is the planned inclusion of children associated with armed groups in the CP IMS. This will also hopefully help connect the MRM with stronger response, at a minimum, through the set-up of referral pathways for cases of recruitment and use of children identified by the MRM.

Collaboration between the MRM and the cluster system would also help foster this connection, for instance by factoring trends identified by the MRM in the CAP, or applying data gathered by the MRM in vulnerability mapping and prevention strategies, as was done in the Occupied Palestinian Territories, where education and

protection cluster actors planned protection by presence activities near checkpoints where, according to MRM data, children were more likely to face harassment and other violations on their way to and/or from school[153].

The collaboration with clusters must, however, ensure that confidentiality and impartiality principles of the MRM are strictly safeguarded. Discussions on establishing an MRM working group within the child protection sub-cluster in Mali should be approached with caution, given the strong participation and close collaboration of the cluster with DNPEF. It is important the MRM and CTFMR stay independent of the government.

Preventive action in relation to the Malian Armed Forces

The MAF will not be listed this year in the Secretary-General's annual report on Children and Armed Conflict. However, the course of the events over the past year has proven a capacity and knowledge vacuum within the MAF in relation to the protection of children in armed conflict. The CTFMR should take preventive action and engage with the MAF at the highest level to ensure that protocols and training on child protection are put in place and duly monitored and implemented.

Training and capacity building

In addition to training needs applicable to general protection monitoring, there is also a need for further training for the MRM on the six grave violations, explaining what they are and how to monitor and document them. This is particularly true with respect to local actors who have only just begun to engage with these issues and amongst whom critical issues such as neutrality and impartiality must be addressed. Training must focus on safe monitoring practices, as well as methodologies and tools to collect and assess data in a reliable and impartial manner. An effort should also be undertaken to capitalize on existing monitoring frameworks so as to avoid multiple interviews and thus mitigate re-traumatization risks.

Consultation between the UN and NGOs active in Mali on strategies and approaches to implement the MRM will be instrumental for capacity building: by fostering joint ownership of the process, NGOs will more likely prioritize the need to address their own internal child protection capacity needs and gaps.

recommendations

To the SRSG and UNICEF Representative:

- Deploy with all immediacy child protection staff for both offices to effectively assess the needs and plan accordingly in order to facilitate a successful and efficient MRM set-up.

- Undertake a feasibility study promptly to understand the programmatic, financial, and security implications of establishing an MRM, including a risk analysis to understand the risks involved in monitoring and verifying violations compared with the quality of the data obtained.

- Establish the CTFMR and agree on TORs that take into account the findings from the feasibility study, so that operationalizing the MRM can take place as rapidly as possible, with as much consideration for factors and needs for it to be effective and keep actors involved safe.

- Engage NGOs from the start of the process and invite them to have an active voice and presence in decision-making on the CTFMR.

- Ensure that the Child Protection Unit at MINUSMA and the CPiE team within UNICEF have dedicated staff and financial resources to fulfil their respective roles and obligations in a timely and efficient manner. Mobilize other UN agencies to do the same for system-wide ownership of the MRM to help ensure its success.

- Develop and maintain strong links of communication between the co-chairs and staff responsible for implementing the MRM, including clear delineation of responsibilities and tasks. Share these with the CTFMR and actors involved in the MRM in support of an efficient and transparent process. ▶

To the future CTFMR:

- Undertake comprehensive awareness campaigns and conduct training on the MRM, the grave violations, child protection monitoring and handling of sensitive information, and all other identified gaps related to the skills and knowledge required for informed and responsible participation in the MRM.

- Prioritize the set-up of referral pathways for the MRM, where appropriate in coordination with the relevant clusters and the CP IMS to ensure proper and immediate follow-up of cases.

- Develop SOPs to prevent re-interviewing of children.

- Explore and implement monitoring and verification approaches that mitigate challenges linked to addressing access restrictions. In particular, consider establishing sub-national MRMs in northern Mali when feasible to facilitate monitoring, reporting, and verification, as well as to develop a coordination mechanism and community for actors involved in the north.

- Ensure a clear and strict separation between military and civilian actors, particularly with verification exercises.

- Include in the CTFMR's TOR advocacy and technical advice to the Malian Ministry of Defence and Veteran Affairs to pre-empt violations and listing.

- Organize regular coordination/consultation meetings with NGOs who are not members of the CTFMR to ensure joint trouble-shooting of challenges in MRM implementation and continuous support for the mechanism. ▶

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To the Government of Mali:

● Take preventative actions to ensure that the MAF and any associated groups do not commit grave violations against children, including the recruitment and use of children, as well as the occupation of schools by military actors. In this framework, capitalize on the knowledge and experience of the CTFMR and the MRM to set up concrete prevention measures.

● Collaborate with the CTFMR by facilitating access to areas and groups that need to be monitored under the MRM.

To the NGO community:

● Reflect on internal risks and capacity gaps that need to be addressed before engaging in the MRM. Actively discuss concerns and recommendations with MINUSMA and UNICEF to ensure that they are considered in the planning process.

● Consider actively contributing to the MRM. Where capacity and risk mitigation measures can be addressed, advocate to be included as a member of the CTFMR.

● Ensure adequate internal training and resources to support monitoring activities that will contribute to the MRM.

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[140] Watchlist interview, February 2013.

[141] Recommendations are addressed to MINUSMA in the likelihood that the transfer of authority from AFISMA to MINUSMA will take place 1 July 2013; if not, the points within apply to AFISMA.

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[148] Disclosure: Watchlist was amongst the groups that complained to the protection and child protection cluster coordinators on the severe breach of protection and humanitarian principles the publication of these details posed, including putting health care workers at risk of attack and threat, and strongly lobbied for their removal.

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