

# RTP CP UNPOL Module 6



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## How to Monitor and Report Violations of Children's Rights

# Aim



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United Nations Police officers play a critical role in monitoring and reporting all violations of children's rights in the host country

The United Nations Monitoring and Reporting Mechanism (MRM) on grave violations against children gathers information that is used to foster accountability and compliance with child protection norms and standards by parties to conflict and inform effective advocacy and responses

# Learning Objectives

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**At the end of the module, learners will be able to demonstrate how to:**

- Monitor violations of children's rights
- Report violations of children's rights
- Follow-up on violations of children's rights

# Module Overview

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## **How to monitor violations of children's rights**

Learning Activity 6.1 – Case studies

## **How to report violations of children's rights**

Learning Activity 6.2 – Case studies

## **How to follow-up on violations of children's rights**

Learning Activity 6.3 – Role-play



## Learning Activity 6.1

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### Instructions

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- Discuss the four case studies in groups
- Each group will answer the two questions in the handout (15 minutes)
- Each group will present the key elements of the case study and their answers to the plenary

# Case study 1: Debrief

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## Violations of children's rights

- Abduction
- Killing



## Case study 1: Advice

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- Remember that you generally have a non-executive mandate
- Advise local residents not to investigate the case directly
- Advise local residents to report the information to the host-State police
- Take note of contact details and collect as much information as possible
- Share your own contact details
- Report to the appropriate United Nations channels

# Case study 2: Debrief

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## Violations of children's rights

- Recruitment and use of children
- Child labour
- Abduction



## Case study 2: Advice

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- Remember that you generally have a non-executive mandate
- Advise the Chief not to investigate the case directly
- Advise the Chief that the information must be reported to the appropriate United Nations channels
- Take note of contact details and as much information as possible
- Share your own contact details
- Report to the appropriate United Nations channels

# Case study 3: Debrief

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## Violations of children's rights

- Rape and other forms of sexual violence
- Possible abduction

## Case study 3: Advice

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- Remember that you have a non-executive mandate
- UNPOL officers should not attend to the child's needs directly
- UNPOL officers must call for immediate action by those with the proper responsibility
- Advise your national counterparts to first tend to the needs of the girls

## Case study 3: Advice (cont.)

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- Advise your national counterparts to visit the village to see if there are other victims and initiate investigations
- Take note of contact details and as much information as possible
- Share your own contact details
- Report to the appropriate United Nations channels

# Case study 4: Debrief

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## Violations of children's rights

- Killing

## Case study 4: Advice

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- Remember that you generally have a non-executive mandate
- Advise the host-State police to keep in mind that everyone, including children, has the right to express their views in a peaceful manner
- Advise the host-State police to exercise restraint

## Case study 4: Advice (cont.)

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- Advise the host-State police to communicate clearly with protesters regarding the involvement of children
- Take note of contact details and as much information as possible
- Share your own contact details
- Report to the appropriate United Nations channels



## Learning Activity 6.1 (cont.)

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### Instructions

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- Discuss the following questions in two groups (10 minutes):
  - What violations are most likely to be encountered and should be monitored by UNPOL officers in UN peace operations?
  - What information should be collected when monitoring violations of children's rights?
- Present your findings to the plenary





# What to monitor

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The six grave violations against children in situations of armed conflict:

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



## What to monitor (cont.)

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Other violations of children's rights are equally important and should also be monitored:

- Trafficking and smuggling of children
- Depriving children of their liberty, including in police custody
- Treatment during detention
- Child labour
- Sexual violence and abuse not linked to the conflict
- Risks of exploitation of children separated or unaccompanied during displacement



## What to monitor (cont.)

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UNPOL officers must also monitor processes and situations to document possible violations of children's rights:

- Judicial proceedings for cases involving children
- Conditions of detention in facilities where children are held
- Situation of children living on the street
- Specific situations arising from the laws and culture of the host-State, e.g., practices such as child marriage
- Denial of economic, social and cultural rights
- Violence against children in the family, at school, etc.

# Information to be collected during monitoring

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- When examining a situation, UNPOL officers should collect as much information as available (without conducting further investigation) following the **4 W's 1H technique**



## Information to be collected (cont.)

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- **Who** are the alleged victim(s), perpetrator(s), witness(es) and facilitator(s) (e.g., age, sex, physical description, etc.)?
- **Where** did the incident take place?
- **When** did the incident take place? For how long?
- **What** exactly happened? (e.g., recruitment, abduction, sexual violence, etc.)?
- **How** did the incident take place (e.g., children were abducted to carry stolen goods after the village was looted)?



## Key messages for Learning Activity 6.1

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- All violations of children's rights should be monitored and reported, including, but not limited to, the six grave violations against children in situations of armed conflict
- All parties to the conflict should be monitored
- UNPOL personnel must respect their non-executive mandate and shall not directly investigate allegations
- When monitoring, questions to be kept in mind are Who? Where? When? What and How? – 4W's 1H



# The Monitoring and Reporting Mechanism

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- The Security Council established the Monitoring and Reporting Mechanism on grave violations against children in situations of armed conflict (MRM) in 2005
- If the MRM is activated because one party to the conflict is listed for grave violations against children, all parties to the conflict should be monitored
- All six grave violations should be monitored



## Learning Activity 6.2

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### Instructions

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- Discuss the four case studies in groups (30 minutes)
- Each group will select two volunteers who will role-play the phone call
- The observers will write a written report of the phone call
- Each group will present the written report and their answers to the two questions





## Case study 1: Reporting

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### Who?

- Suspect: Man, age unknown, nationality unknown, working for MINUSMA in Political Affairs; any other relevant information about the suspect
- Victim: boy, age unknown but estimated between 14 and 18 years, living in X neighbourhood in Bamako (add description)
- Witness: UNPOL officer

### Where?

- In X neighbourhood, in the X residential building on X street in Bamako



## Case study 1: Reporting (cont.)

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### When?

- At X a.m. on X day of X month of 20XX. It appears this is the first time this has happened

### What?

- A probable case of child labour by UN personnel

### How?

- UN civilian staff appears to give money to a boy who cleaned his car; a UNPOL officer witnessed the scene



## Case study 1: Next steps in reporting

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- In coordination with the UNPOL officer, the UNPOL Child Protection Focal Point reports to:
  - The civilian Child Protection Adviser
  - The hierarchical supervisor
  - The Office of Internal Oversight Services (OIOS) or Conduct and Discipline Team
  
- Information on victims, witnesses, sources, and other persons cooperating with the mission must be handled in a way that their life and security are not jeopardized



## Case study 1: Prohibition of child labour

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- The Policy on Child Protection in UN Peace Operations (2017) strictly prohibits the use of children for purposes of labour or other rendering of services
- The policy applies to all components of UN peace operations
- The policy applies to all children, regardless of the legal age for work under national legislation
- The policy concerns all types of work (washing cars, shining shoes, cooking, cleaning, etc.)

## Case study 1: Prohibition of child labour (cont.)

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- Children are not allowed on UN premises to perform tasks
- Good intentions are not sufficient. The policy forbids ALL forms of child labour
- UNPOL personnel are not deployed to support economic or social development locally. Supporting child labour can have collateral consequences



## Case study 2: Reporting

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### Who?

- Suspect: Women and men, ages, names (descriptions); affiliation, who led discussion preventing access to humanitarian assistance
- Victim: Population to whom access to humanitarian access denied
- Witnesses: UNPOL officer, military observers, WFP, OCHA

### Where?

- On road X, X kilometers from X town/about X kilometers before reaching Aru



## Case study 2: Reporting (cont.)

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### When?

- At X a.m. on X day of X month of 20XX. This is the X time this has happened

### What?

- Denial of humanitarian access

### How?

- The convoy of humanitarian personnel and goods were prevented from accessing the population in X area, despite assurance from X that such entry was going to be granted



## Case study 2: Next steps in reporting

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- In coordination with the UNPOL officer, the UNPOL Child Protection Focal Point reports to:
  - The civilian Child Protection Adviser
  - The hierarchical supervisor



## Case study 2: What happens if it is one of the six grave violations

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- UNPOL personnel should gather information which:
  - Comes first-hand from individuals, groups or organizations that are widely perceived as credible
  - Is confirmed
  - Is corroborated
- When such criteria cannot be met, UNPOL personnel must still report the information and indicate that it was not possible to fulfil these criteria
- UNPOL personnel should not investigate cases themselves

## Case study 2: What happens if it is one of the six grave violations (cont.)

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- UNPOL personnel are at the first level of information gathering
- The verification process under the MRM is completed by the civilian Child Protection component
- The Country Task Force on Monitoring and Reporting coordinates the information gathering
- Reports are shared with the Office of the SRSG for Children and Armed Conflict
- The Security Council reviews reports, assesses actions and can adopt measures to promote the protection of children



## Case study 3: Reporting

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### Who?

- Suspect: host-State police colleagues: name, gender, rank, any other relevant information about their identity
- Victims: two boys: name, male, aged around 14 years, and any other available information about identity
- Witness: UNPOL officer, in the presence of those working at the local police station

### Where?

- In locked closet (description) inside police station X located in X in Ndélé



## Case study 3: Reporting (cont.)

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### When?

- At X p.m. on X day of X month of 20XX. No information available as to whether this is a regular or exceptional occurrence

### What?

- Deprivation of liberty of two boys aged approximately 14 years

### How?

- Two 14-year-old boys were found handcuffed in a locked closet; no information is available on if their families have been contacted; not given access to legal representation; not treated with dignity; no access to hygiene and water; length of detention unclear
- A possible attempt by the host-State police to conceal the detention of the two boys from UNPOL



## Case study 3: Next steps in reporting

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- In coordination with the UNPOL officer, the UNPOL Child Protection Focal Point reports to:
  - The civilian Child Protection Adviser
  - The hierarchical supervisor

## Case study 3: What happens if it is not one of the six grave violations

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- All violations of children's rights should be monitored and reported by UNPOL personnel
- The reporting channels for all violations remain the same for UNPOL
- The case should generate action and follow-up
- The Child Protection Adviser, together with the UNPOL Child Protection Focal Point, will determine how to handle the case
- The only difference is that this case will not be recorded in the MRM because it is not within its scope



## Case study 4: Reporting

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### Who?

- Suspect: new UNPOL officer: name, gender, nationality; any other relevant information as to identity
- Victim: a girl who appeared to be aged between 16 and 18 years; resident in camp for internally displaced persons; seems to be a native of X (additional description of identity)
- Witness: Another UNPOL officer

### Where?

At the X entrance of the refugee camp X, located on X street, next to (a kiosk, a tree, traffic sign at X street, etc.)



## Case study 4: Reporting (cont.)

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### When?

- At X p.m. on X day of X month of 20XX. No information available as to whether this is a repeat occurrence

### What?

- Intimate relationship between a UNPOL officer and a local girl

### How?

- A UNPOL officer was seen kissing a local girl who appears to be a child (under 18 years)





## Case study 4: Next steps in reporting

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- In coordination with the UNPOL officer, the UNPOL Child Protection Focal Point reports to:
  - The civilian Child Protection Adviser
  - The hierarchical supervisor
  - The Office of Internal Oversight Services or Conduct and Discipline Team



## Case study 4: Consequences

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- The UN Standards of Conduct apply to all UN peace operations personnel: military, police and civilian
- Specific mention of children is made in rule 4 of the Ten Rules: Code of Personal Conduct for Blue Helmets:

*“Do not indulge in immoral acts of sexual, physical or psychological abuse or exploitation of the local population or United Nations staff, especially women and children”*



## Case study 4: Consequences (cont.)

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- If UN personnel violate the Standards of Conduct, it is important that they face the consequences, both internally and externally
- It is important to raise awareness that friendly behaviour towards children could lead to allegations of child abuse by colleagues within and outside the UN community (e.g., admitting an unaccompanied child into a UN compound, holding a child's hand, hugging a child, etc.)



## Case study 4: Consequences (cont.)

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- All UN personnel are duty bound to:
  - Know the UN System Code of Conduct
  - Report suspected misconduct through the available channels
  - Report misconduct in good faith, supported by evidence
  - Cooperate with UN investigations
  - Report misconduct directly to OIOS without need for supervisory approval
  
- Failure to report misconduct will be considered a breach of UN regulations and may lead to disciplinary measures



## Case study 4: Consequences (cont.)

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- Consequences of misconduct vary depending on the gravity of the offence. For the perpetrator, they may include:
  - Disciplinary measures
  - Redeployment
  - Repatriation, termination of contract
  - Dismissal from command positions
  - Criminal proceedings
  - Financial liability

## Key messages for Learning Activity 6.2

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- Violations committed by all parties to a conflict must be reported, including those committed by the host-State police
- Violations committed by all UN personnel, including UNPOL officers, must be reported
- UNPOL personnel must respect their non-executive mandate by not directly investigating allegations
- When the report deals with one of the six grave violations against children, the information will be recorded in the Monitoring and Reporting Mechanism

## Key messages for Learning Activity 6.2 (cont.)

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- When reporting violations against children, UNPOL officers must answer 4 W's and 1 H
- Reporting can be done orally or in writing
- UNPOL officers should report to their hierarchical supervisor, the UNPOL Child Protection Focal Point and the civilian Child Protection Adviser
- The use of children for purposes of labour or rendering of services by UN peace operations or their personnel is strictly prohibited
- Any type of misconduct by UN personnel must be reported and will lead to consequences



## Learning Activity 6.3

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### Instructions

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- Discuss the two case studies in groups (20 minutes)
- Present your findings to the questions in the case studies





## Case study 1: Scenario

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During a visit to a local police station, a UNPOL officer discovered two boys handcuffed on the floor in a locked closet. The UNPOL officer reported the case to his/her supervisor, the UNPOL Child Protection Focal Point and the Child Protection Adviser.

The UNPOL officer and the Child Protection Adviser meet with the new chief of the police station where the incident occurred, who was not in charge at the time and wishes to collaborate with UNPOL to improve the situation.

Questions:

1. Now that the case has been reported, what should the UNPOL officer advise the new police chief to do?
2. What follow-up actions the UNPOL officer can take at his/her level?



## Case study 2: Scenario

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Two UNPOL officers witnessed two host-State police colleagues tend to the needs of a girl assaulted and raped by two men in uniform. One UNPOL officer reported the case to his/her hierarchical supervisor, the UNPOL Child Protection Focal Point and the Child Protection Adviser.

The UNPOL officer and the Child Protection Adviser meet with the two host-State police officers who took care of the girl, who seek advice from UNPOL to review their approach on this type of incidents involving children. They specifically ask for advice on core principles that should guide their approach.

Questions:

1. Which core principles would you advise the host-State police to consider in such incidents involving children?
2. Why do you think it is important for the host-State police to consider these core principles?

# Case study 1: After monitoring and reporting

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## **Monitoring and reporting activities serve to:**

- Inform situational awareness and analysis
- Inform the planning of child protection activities and interventions
- Inform and sensitize other components of UN peace operations, agencies, funds and programmes, host-State authorities and civil society organizations to better integrate child protection in their own programmes and to better plan and implement child protection interventions

# Case study 1: After monitoring and reporting (cont.)

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## **Monitoring and reporting activities serve to:**

- Create the foundation for accountability for violations of children's rights
- Support advocacy efforts at the national and international levels
- UN peace operations can provide advice on enhancing the capacity of the host-State police and the judicial system in following up on violations against children and in combating impunity



## Case study 1: Follow-up actions

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### **Examples of follow-up actions include:**

- Support training of host-State police on apprehension, arrest and detention of children
- Review standard operating procedures dealing with children in contact with the law
- Increase monitoring visits to host-State police cells and promote greater transparency with regard to managing deprivation of liberty



## Case study 1: Follow-up actions (cont.)

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### **Examples of follow-up actions include:**

- Support juridical and deontological actions for those responsible for the violations of the rights of children deprived of their liberty
- Increase awareness of and promote a proactive attitude by the host-State police regarding the population to ensure that those in police custody know their rights
- Review recent cases to provide feedback on whether the procedures applied followed international norms



## Case study 2: The best interests of the child

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- Always assess the best interests of the child. That means evaluating and balancing all elements necessary to make a decision in a specific situation for an individual child or group of children
- This principle means that when police officers are dealing with a child, they should consider the child's best interests as a priority



## Case study 2: Do no harm

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- In all actions and decisions concerning children, all efforts shall be made to minimize possible negative effects on, and maximize possible benefits for the child
- It is the responsibility of those engaged with children to protect them from harm, as well as to ensure that the children experience the greatest possible benefits from such involvement



## Case study 2: Security and confidentiality

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- Due consideration must be given to the security of children who have suffered violations, as well as their families, witnesses, sources and other persons cooperating with the mission and the monitoring staff
- The identity of victims, witnesses, sources and other persons cooperating with the Mission should be protected in public reports and strict confidentiality should be upheld in the entire justice process



## Case study 2: Gender perspective

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- Girls and boys experience violence, abuse and violations of their rights differently, have different coping mechanisms and different needs



## Case study 2: Participation of the child

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- All efforts must be made to ensure the protection of children participating in investigations or judicial processes
- The police must actively seek out the meaningful participation of children in processes that concern them



## Case study 2: Participation of the child (cont.)

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- Children should be fully informed of what is happening when they are being interviewed by the police
- In certain situations, and under the supervision of responsible adults, children can be involved in advocacy, awareness raising and protection alert activities in their communities and in schools



## Learning Activity 6.3 (cont.)

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### Instructions

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- Three volunteers will play the roles of (10 minutes):
  - One UNPOL officer
  - One Child Protection Adviser
  - One host-State police officer
- Role-players shall consider follow-up actions at the national and international level level in their discussion



## Role-play: Scenario

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A village chief informs UNPOL about the recruitment and use of 15 children, aged 11 to 17, by the armed forces to repair their barracks.

A UNPOL officer and the Child Protection Adviser meet with the new chief of the local police station, who was not in charge at the time of the incident and wishes to collaborate to help resolving the case. It seems that the battalion commander in this area was removed and replaced by another officer.

The police chief knows that the incident has been reported through the MRM and wants to know whether everyone should wait for the Security Council to act, given that the boys have not yet returned to their village.

The UNPOL officer and the Child Protection Adviser should advise the police chiefs on the next steps



## Role-play: The Security Council

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- The Security Council has the special responsibility to ensure the protection and well-being of children affected by armed conflict
- The Security Council examines consolidated reports of grave violations on a periodic basis and considers what actions to take
- The Security Council will not intervene directly in following up individual cases. Follow-up responsibilities must be embedded in the national response



## Role-play: National responses

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- The monitoring and reporting of grave violations should trigger appropriate responses on the part of national governments that make a real difference in children's lives
- Such responses include:
  - Addressing the immediate needs of affected children (e.g., referral mechanisms, service provision, advocacy, etc.)
  - Taking action to enhance the protection and situation of children (e.g., DDR, awareness raising, psychosocial support, mediation, etc.)





## Role-play: National responses (cont.)

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- Such responses include:
  - Preventing further violations (e.g., birth registration, combating root causes of violations)
  - Enhancing the accountability of perpetrators of violations against children (e.g., judicial assistance, etc.)



## Key messages for Learning Activity 6.3

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- Monitoring and reporting violations against children offer countless occasions for UNPOL officers to fulfil their mandate to build the capacities of the host-State police and to protect children
  
- Principles that should guide all actions for child-sensitive policing include:
  - The best interests of the child
  - Do no harm
  - Security and confidentiality
  - Gender sensitivity
  - Child participation



## Key messages for Learning Activity 6.3

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- It is important to consider the monitoring and reporting mandate as:
  - A process that provides information to stakeholders to enable them to make informed decisions
  - A tool for facilitating follow-up of cases with a joint response and prevention