

ANNEX XI: ADDITIONAL INTERNATIONAL AND REGIONAL REPORTING AVENUES

In addition to the regular reporting pathway to the Security Council, published reports or consented information pertaining to violations against children generated from the MRM may be shared by the CTFMR with other reporting mechanisms as appropriate for further advocacy action, accountability and response. Human rights mechanisms provide additional reporting avenues and include:

Special Procedures

The human rights 'Special Procedures,' established by the Commission on Human Rights, and now assumed by the Human Rights Council, address either specific country situations or thematic human rights issues in all parts of the world. OHCHR supports these mechanisms with personnel, substantive and logistical assistance.

Special procedures are either an individual person (known as a Special Rapporteur, Special Representative of the Secretary-General, Representative of the Secretary-General, Representative of the Commission on Human Rights or Independent Expert) or a working group usually composed of five members. The mandates of the Special Procedures are established and defined by the resolution creating them. Mandate-holders serve in their personal capacity and do not receive salaries or any other financial payment for their work to preserve independence. The mandates given to special procedure mechanisms include engaging with government and at times de facto authorities on specific abuses by means of urgent (at times joint) appeals, letters of allegations or visits in situ, following up on individual complaints, contributing to standard setting, conducting studies, providing advice on technical cooperation, and engaging in general promotional activities.

There are three main ways in which the MRM can interact with the Special Procedures:

- **i. Annual Reports:** Many of the Special Procedures mandate-holders submit annual reports to the Human Rights Council and, in some cases, to the UN General Assembly. Information from the MRM can be shared with the OHCHR during the drafting stage for these reports so that issues relating to children affected by armed conflict can be integrated in the reports. The CTFMR should contact OHCHR to discuss ways to share information.
- **ii. Country visits:** The Special Procedure mandate-holders also carry out country visits at the invitation of the country concerned or on the basis of a 'standing invitation.'¹ After their visits, mandate-holders issue a mission report including their findings and recommendations. The CTFMR can similarly share information with the OHCHR prior to, during and subsequent to missions and, in some instances, may wish to advocate for a visit and assist in follow-up to their recommendations.
- **iii. Communications:** Mandate holders receive information on specific allegations of human rights violation and send urgent appeals or letters of allegation to governments asking for clarification. For instance, in 2007, more than 1,000 communications were sent to governments concerning more than 2,200 individuals. Where resources allow and the victim or witness wishes to do so, the CTFMR may consider providing assistance in the preparation and submission of letters of allegation to the appropriate office (fax: +41 22 917 90 06, email: urgent-action@ohchr.org).

Sharing of information between the Special Procedures and the MRM can be mutually beneficial and strengthen the protection of children affected by armed conflict. The MRM can benefit from special procedures by utilizing the information and expertise generated by special procedures and enhancing international advocacy and accountability of child rights violations in situations of armed conflict within the Human Rights Council. Special procedures can benefit from the MRM as a reliable source of information. CTFMR can also play a crucial role in the follow-up on the implementation of recommendations of special procedures at the country level.

¹ As of August 2008, 62 countries had extended standing invitations to the Special Procedures.

Human rights treaty bodies

There are nine human rights treaty bodies,² which are committees of independent experts who monitor implementation of the core international human rights treaties. When a state ratifies a human rights treaty, it assumes a legal obligation to implement the rights recognized in that treaty and allow the relevant expert committee to monitoring the degree of progress made at the national level.³

The treaty bodies perform a number of functions in accordance with the provisions of the treaties that created them. Principal functions of treaty bodies include the consideration of State Parties' reports and, in some cases (i.e., the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee Against Torture and the Committee on the Elimination of Discrimination against Women), they may also consider individual complaints pending the fulfillment of certain criteria.⁴

To meet their reporting obligation, States Parties must submit an initial report usually one year after the treaty entered into force (two years in the case of the CRC) and then periodically in accordance with the provisions of the treaty (usually every four or five years). In addition to the government report, the treaty bodies may receive information on a country's human rights situation from other sources, including NGOs, UN agencies, other intergovernmental organizations, academic institutions and the press. In the light of all the information available, the Committee examines the report together with government representatives at a formal public session. Based on this dialogue, the Committee publishes its concerns and recommendations, which are referred to as 'concluding observations'. The concluding observations seek to identify key areas that need to be addressed by the state and set out practical recommendations in order to improve human rights protection at the national level.

The reporting process is an opportunity for the state to take stock of and assess the degree of implementation of human rights standards within its jurisdiction. Other relevant stakeholders, such as UN agencies and NGOs, play an important role in contributing during this process and also in following up with the State Party on its subsequent implementation.

The CTFMR should seek to contribute to reviews by treaty bodies, when relevant, as these provide a valuable opportunity to raise concerns relating to violations of children's rights in armed conflict.

The treaty bodies of particular relevance to the MRM, but not exhaustive, are:

1. Committee on the Rights of the Child: Monitors implementation of the CRC and its two optional protocols
2. Human Rights Committee: Monitors implementation of the International Covenant on Civil and Political Rights
3. Committee Against Torture: Monitors implementation of the Convention Against Torture or Other Cruel, Inhuman or Degrading Treatment
4. Committee on the Elimination of Discrimination Against Women: Monitors implementation of the Convention on the Elimination of Discrimination Against Women

Interaction between the MRM and the Committee on the Rights of the Child

The CRC and its Protocols, as well as the Committee that monitors their implementation, are of particular relevance of the MRM Task Force. All States Parties are obliged to submit regular reports to

² The nine human rights treaty bodies are the Human Rights Committee, Committee on Economic, Social and Cultural Rights, Committee on the Elimination of Racial Discrimination, Committee on the Elimination of Discrimination Against Women, Committee Against Torture, the Subcommittee on Prevention of Torture, Committee on the Rights of the Child, Committee on Migrant Workers and the Committee on the Rights of Persons with Disabilities.

For further information on the human rights treaties bodies, please see <www.ohchr.org>.

³ For further information, see OHCHR Fact sheet 30 on the United Nations Human Rights Treaty System, 2005.

⁴ For further information, see OHCHR Fact sheet No. 7 (rev.1) on Complaints Procedures, 2003.

the Committee on the implementation of the CRC and its Protocols. States should report every five years under the Convention. It is important to note that the Protocols to the Convention also require the submission of a report by the State Party two years after the Protocol has entered into force. Thereafter, States Parties should include further information on the implementation of the Protocol on the involvement of children in armed conflict in the reports they submit every five years to the Committee under the Convention.

It is worthwhile highlighting that the Committee also conducts specific reviews of the reports under the Protocols. These reviews offer a valuable opportunity to analyse in detail the national situation in relation to the provisions of the Protocols. Of particular relevance is the Protocol on the involvement of children in armed conflict, which as of October 2008 had 123 States Parties. Of these, approximately half had submitted their reports and 40 had been reviewed by the Committee by the end of 2008. The Committee has adopted specific concluding observations following these reviews. Among the most common findings in these concluding observations are challenges posed by inadequate provisions in national penal codes, restrictions on the exercise of jurisdiction, and insufficient recovery and reintegration measures for victims. In countries where voluntary recruitment to the armed forces is permitted below the age of 18 years, the Committee has requested the relevant State Party to raise the age, preferably to 18 years.

In October 2007, the Committee adopted new reporting guidelines to the Protocol on the involvement of children in armed conflict (CRC/C/OPAC/2). These guidelines provide guidance for the State Party on the content of reports, as well as relevant information for other stakeholders on the Committee's interpretation of this instrument.

The review is an important opportunity for the MRM Task Force to advocate for legislative reform and propose specific recommendations, e.g., regarding accountability of perpetrators and in the area of recovery and reintegration of victims. Thus, it is important that the MRM Task Force engage during the review in order to ensure that the outcome of the process, the concluding observations, provide a useful basis for follow-up at the national level.

In relation to interaction between the MRM and the Committee on the Rights of the Child:

- i. The CRC Committee takes into account the Secretary-General's reports on CAAC in the context of periodic reviews under the Convention and in particular when relevant States Parties are reviewed under the Protocol on the involvement of children in armed conflict.
- ii. Specialized agencies of the United Nations, UNICEF and other competent bodies are invited to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates, as provided by Article 45 of the Convention.
- iii. United Nations agencies and bodies as well as NGOs have a close relationship with the Committee, as noted in the Working Methods of the Committee on the Rights of the Child.⁵ United Nations agencies, NGOs and national human rights institutions regularly submit 'shadow' or alternative reports in the context of Committee reviews of State Party reports. In the case of reviews of reports on the Protocol on the involvement of children in armed conflict, receiving information from a MRM Task Force, if established, is of utmost value for the Committee.
- iv. The Committee invites UN agencies, national human rights institutions and NGOs to participate in a private meeting, known as the pre-sessional working group of the Committee.⁶ These private meetings take place three to four months prior to the formal review and dialogue with the State. In the case of the MRM Task Forces, the pre-sessional meeting provides an opportunity to discuss findings of violations of children's rights in situations of armed conflict.
- v. The CTFMRs, the Secretary-General and the SCWG on CAAC should consider the conclusions of the Committee. It is of particular relevance for the MRM Task Forces to advance implementation of the Protocol on the involvement of children in armed conflict

⁵ For further information on the working methods of the Committee on the Rights of the Child, please see: www2.ohchr.org/english/bodies/crc/workingmethods.htm#a7.

⁶ At its twenty-second session, the Committee adopted its "Guidelines for the participation of partners (NGOs and individual experts) in the pre-sessional working group of the Committee on the Rights of the Child." (CRC/C/90, Annex VIII).

through active participation during the reporting process and in the follow-up at the national level of the recommendations contained in the concluding observations.