

Terms of Reference

Monitoring and Reporting Mechanism Task Force Based on Security Council Resolution 1612 (2005), 1882 (2009) and 1998 (2011) For Country ABC

Introduction

1. Pursuant to UN Security Council Resolution 1612, paragraph 3, the Secretary-General has established the monitoring and reporting mechanism referred to in the report of the Secretary-General of 9 February 2005 (S/2005/72) (hereafter, the "Secretary-General's Report"), Section III ("Action Plan for the establishment of a monitoring, reporting and compliance mechanism"). That mechanism has a number of constituent parts including, pursuant to paragraphs 80 and 83 of the Secretary-General's Report, an In-Country MRM Task Force on Monitoring and Reporting Mechanism (hereafter, the "MRM Task Force"). This document sets out the Terms of Reference of the MRM Task Force, and other relevant information about the work of the MRM Task Force. It draws on the provisions of UN Security Council Resolutions 1612 (2005), 1882 (2009), and 1998 (2011) and of the Secretary-General's Report.

2. The MRM Task Force is unique and distinct from the humanitarian clusters operating in the country, but the Task Force must work closely with and keep the clusters informed of its work. The Task Force must also seek support from the protection cluster and other clusters for programmatic response to grave violations against children's rights, in particular the child protection area of responsibility or sub-cluster.

Mandate of the MRM Task Force

3. The MRM Task Force shall:
- i. collect and provide timely, objective, accurate and reliable information pertaining to grave violations committed against children in armed conflict;
 - ii. produce regular and timely reports on the situation of children affected by armed conflict;
 - iii. engage parties to conflict in dialogue, including for preparation and implementation of Action Plans against child recruitment and use, grave sexual violence, killing and/or maiming of children, and attacks on schools and hospitals;
 - iv. monitor the implementation of the aforementioned Action Plans, as well as other commitments by armed parties to put an end to violations committed against children in armed conflicts; and
 - v. serve as a forum to discuss, follow up and trigger appropriate responses by the UNCT and others, to UN Security Council resolutions on CAAC and

applicable recommendations of the Secretary-General, in accordance with each member's respective mandate.

Parties whose activities should be monitored

4. In accordance with paragraphs 74 to 77 of the Secretary-General's Report, the MRM Task Force will monitor and report on and, as appropriate, seek to influence, the conduct of all parties to conflict, including government forces as well as non-state armed forces and groups. In accordance with Security Council Resolutions 1612, 1882 and 1998, the monitoring of an armed group will not prejudice its legal or political status within the context of the Geneva Conventions and the Additional Protocols thereto.

Particular focus

5. In the discharge of its mandate, as stated in paragraph 68 of the Secretary-General's Report, "certain practices should receive priority attention, both because they constitute especially egregious violations against children in armed conflict and because they can be monitored." Specifically, monitoring efforts should focus on the following six grave violations:

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

6. In discharging its mandate, the MRM Task Force should recall that, as noted in paragraph 68 of the Secretary-General's Report, although some of the above-stated abuses may occur in non-conflict situations, this monitoring and reporting regime is specific to situations of armed conflict.

Applicable standards

7. In accordance with paragraph 69 to 73 of the Secretary-General's Report, the work of the MRM Task Force will be based on international and national legal instruments and norms that are in place for the protection of children affected by armed conflict, including those listed in Annex 1.

Composition, leadership and structure

8. The MRM Task Force shall be composed of all relevant UN entities, represented at the most senior level in-country. These may include, at a minimum and as relevant to the country context, representatives of the peacekeeping, political or peace-building mission, UNICEF, OCHA, UNHCR, UNHCHR, UNDP, UNFPA and UNIFEM.

9. The MRM Task Force will be co-chaired by the highest UN authority in the country (whether SRSG or Resident/Humanitarian Coordinator), and the UNICEF representative. Designation of an additional co-chair may also be considered in contexts where specific UN entities play a lead role in the MRM process.

10. All reports prepared by the Task Force will be transmitted by the SRSG or Resident/Humanitarian Coordinator directly to the SRSG-CAAC, with copy to UNICEF and Under-Secretary-General of DPKO/Under-Secretary-General of DPA (in countries where DPKO or DPA is a co-chair).

11. Invitations to become a member of the MRM Task Force may also be extended by the co-chairs of the MRM Task Force to other key members of the human rights and child protection community operating in-country, as appropriate. Such entities must be neutral, impartial and independent from all parties to the conflict. This may include NGOs and independent national bodies such as a Human Rights Commission or Ombudsman. The composition of the MRM Task Force may be reviewed and amended by its co-chairs on a yearly basis, to ensure the most appropriate representation.

Activities and working methods of the MRM Task Force

12. As stated in paragraph 65 of the Secretary-General's Report, "the purpose of a monitoring, reporting and compliance mechanism is to provide for the systematic gathering of objective, specific and reliable information on grave violations committed against children in situations of armed conflict, leading to well-informed, concerted and effective responses to ensure compliance with international and local children and armed conflict protection norms."

13. All activities of the MRM Task Force shall be guided by the overarching principles of the best interest of the child, non-discrimination, neutrality, impartiality and the humanitarian imperative.

14. In accordance with paragraph 83 of the Secretary-General's Report, the MRM Task Force shall be responsible for:

- determining the division of labour;
- coordinating the gathering of information on the ground;
- vetting and confirming the accuracy of information received;
- integrating the information received and providing quality control ;
- providing feedback to local communities and civil society organizations;
- providing guidance and training in methodology, as well as in ethical and security matters, to information gatherers;
- making determinations on practical and political constraints, with recommendations to Special Representatives of the Secretary-General or RCs, as necessary; and
- preparing the monitoring and compliance country reports.

15. In order to discharge its mandate, the MRM Task Force will:

- have the authority to establish additional MRM regional/decentralized Task Forces as deemed necessary;
- engage in protection dialogue, in accordance with paragraph 75 of the Secretary-General's Report, with all entities whose actions have a significant impact on children, without restriction and precondition, and without any prejudice as to their political or legal status; and
- have free and unrestricted access to all parts of the country and to all entities in-country who may, in the view of the MRM Task Force, be able to assist it in discharging its mandate.

16. The MRM Task Force will adopt the following minimum tasks for each of the matters within its mandate:

A. Monitoring:

- Ensure deployment of human and other resources to guarantee timely monitoring of grave violations against children in situations of armed conflict;
- Establish and/or strengthen existing activities and networks for the monitoring;
- Ensure adequate guidance and training in methodology, as well as ethical and security matters, for those directly involved in the MRM; and
- Establish a secure system of electronic storage of reports, raw data and other information.

B. Reporting:

- Prepare timely, objective, accurate and reliable information for:
 - (a) the MRM Annual Country Reports of the Secretary-General under Security Council Resolutions 1612, 1882 and 1998;
 - (b) the GHN;
 - (c) the Global Annual Report of the Secretary-General on CAAC;
 - (d) other requests as required for purposes of successfully carrying out the mandate of the Task Force;
- Report on the follow-up of the recommendations included in the Secretary-General's reports in (a) through (d) in the preceding bullet.

- Report on the follow-up of the conclusions of the SCWG-CAAC;
- Contribute to the analysis of the situation of children affected by the armed conflict, and formulate practical recommendations; and
- Provide feedback to all involved in the MRM, including monitors, local communities and civil society organizations, to help create greater ownership of the mechanism by all parties involved.

C. Response:

- Follow up on the recommendations included in the Secretary-General's Reports;
- Follow up on the conclusions of the SCWG-CAAC;
- Act as a forum for the members of the UNCT to ensure the effective follow-up to Security Council resolutions on children and armed conflict, consistent with their respective mandates;¹
- In accordance with paragraph 75 of the fifth Secretary-General's report on CAAC (2005), maintain regular dialogue on protection with government counterparts and other parties to the conflict to discuss violations, prevention, response and accountability;
- Support the preparation and implementation of Action Plans of listed parties to the conflict whereby they will halt the recruitment and use of children; the killing and maiming of children; rape and other sexual violence against children; and attacks on schools and hospitals (as contemplated in Security Council Resolutions 1539, 1612 and 1882);
- Monitor the implementation of Action Plans as specified above, as well as other commitments received from parties to the conflict to halt violations against children in armed conflicts.
- Act as a forum for members of the UNCT to ensure that referral mechanisms are established to guarantee that victims and survivors of grave violations are referred to appropriate response services, consistent with their respective mandates.

Meetings and consultation

17. The meetings of the MRM Task Force will remain confidential. Minutes arising will not include individual cases. No public mention will be made of the content of the discussions without prior authorization of the MRM Task Force co chairs.

¹ As per paragraph 8 of Security Council Resolution 1882.

18. The MRM Task Force will establish an adequate framework (or use existing frameworks, if applicable) for consultation, information-sharing and coordination with the government, relevant organizations and civil-society actors, and as appropriate non-state parties to the conflict on issues relating to children and armed conflict.

19. Ordinary meetings of the MRM Task Force will be held once a month. Extraordinary meetings may be convened at any time as deemed necessary.

Funding

20. Members of the MRM Task Force are responsible for generating their own funding to ensure appropriate capacity to implement their MRM activities. The Task Force chairs may support fundraising efforts for MRM activities of Task Force members.

Evaluation

21. The MRM Task Force, with advice of the OSRSG-CAAC and UNICEF New York headquarters will complete a self-assessment of the work of the MRM Task Force on a periodic basis.

Termination

22. The MRM Task Force's mandate will continue to exist until suspended by agreement between the co-chairs and in consultation with the OSRSG-CAAC and the Task Force on CAAC in New York Headquarters. The Task Force should engage in a discussion about its termination following the delisting of all parties to the conflict, and make a recommendation regarding the termination of the work of the Task Force accordingly.

Annex 1: Applicable standards

In accordance with paragraph 69 to 73 of the Secretary-General's Report, the work of the MRM Task Force will be based on legal instruments and norms that are in place for the protection of children affected by armed conflict, including:

International instruments

- Security Council Resolutions 1261 (1999), 1314 (2001), 1379 (2001), 1460 (2003), 1539 (2004), 1612 (2005), 1882 (2009) and 1998 (2011) on CAAC
- The CRC (1989) and its Optional Protocol on the Involvement of Children in Armed Conflict (2000)
- The Rome Statute of the International Criminal Court (1998)
- International Labour Organization (ILO) Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999)
- The Geneva Conventions (1949) and their two Additional Protocols (1977)
- Convention on Cluster Munitions (2008)
- International Covenant on Civil and Political Rights (1966);
- Convention Against Torture (1984)
- Convention on Cluster Munitions (2008)
- Convention on Certain Conventional Weapons (CCW) (1980) (particularly Protocols II and V)
- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (1997)
- United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the UN Convention against Transnational Organized Crime (2001)

Regional instruments

- [If applicable], such as the African Charter on the Rights and Welfare of the African Child (1999); Economic Community of West African States (ECOWAS) Convention on Small Arms and Light Weapons, their Ammunition and other Related Materials (2006); Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials (1997); Nairobi Protocol for the Prevention, Control and Reduction of SALW in the Great Lakes Region and the Horn of Africa (2004); Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community (SADC) Region (2001); and European Union Code of Conduct for Arms Exports (1998)

National instruments

- [If applicable] Full title of applicable national legislation that provides for the protection, rights and well-being of children

International operational standards

- UN Global MRM Guidelines and Field Handbook
- Paris Principles and Guidelines on Children associated with Armed Forces or Armed Groups (2007)
- UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (2005)
- UN Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (2001)
- UN Rules for the Protection of Juveniles Deprived of their Liberty (1990)
- UN Standard Minimum Rules for the Administration of Juvenile Justice (1985)