

GUIDELINES

Monitoring and Reporting Mechanism on Grave Violations against Children in Situations of Armed Conflict

June 2014





Guidelines – Monitoring and Reporting Mechanism on Grave Violations against Children in Situations of Armed Conflict

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The MRM *Guidelines* is dedicated to all those individuals working to address grave violations against children through the MRM.

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Contents

- Foreword iv
- A. Introduction 1
- B. MRM Basics 3
 - B.1 Purpose..... 3
 - B.2 Grave violations..... 3
 - B.3 Who should be monitored..... 4
 - B.4 Situations in which the MRM should be implemented 4
 - B.5 Levels at which the MRM operates..... 5
 - B.6 General principles for monitoring and reporting 5
- C. Legal Framework and Definition of Grave Violations 6
- D. Leadership, Roles and Responsibilities 7
 - D.1 Country level 7
 - D.2 Global level 9
- E. MRM Architecture..... 12
 - E.1 Country level 12
 - E.2 Regional level..... 13
 - E.3 Global level 14
 - E.4 UN Security Council level 14
- F. Reports, Periodicity and Information Flow 16
 - F.1 Global Annual Report of the Secretary-General on CAAC 16
 - F.2 MRM country-specific annual Report of the Secretary- General 17
 - F.3 GHN 18
 - F.4 Secretary-General’s quarterly/periodic mission reports to the Security Council 19
- G. Accountability 20
 - G.1 Dialogue with parties to conflict 20
 - G.2 Other channels for MRM information 20
- H. Field Response 22
- I. Termination of the MRM 23
- J. Synergy with other Human Rights Agendas in the UN Security Council 24

Foreword

We are pleased to present the *Guidelines -- Monitoring and Reporting Mechanism on Grave Violations against Children in Situations of Armed Conflict*. This publication is a tool for field practitioners implementing the Monitoring and Reporting Mechanism (MRM).

The MRM was established in 2005 by the Security Council to foster accountability and compliance with international law and child protection standards. Over the years since, the work of child protection practitioners implementing the MRM has yielded real results for children in some of the most difficult and dangerous places on earth. The *Guidelines* are based on the many lessons learned during implementation of the MRM in over 17 different situations. They are the product of extensive consultations with United Nations and non-governmental partners at country, regional and global levels.

We hope you will find this publication to be a practical reference guide that will contribute to enhancing the protective environment of children affected by armed conflicts. It is designed to aid in harmonizing our interventions and to strengthen systematic monitoring and reporting of grave violations against children. It is also meant to enhance accountability of perpetrators by ensuring a coordinated response by stakeholders, including most importantly by the concerned governments. With concerted action, even greater outcomes can be achieved for children, and we believe these guidelines can help in that process.

We extend our deepest thanks to all those who provided their valuable time and constructive contributions. The *Guidelines* is a living document that will benefit from the experiences of people working in the field, and we encourage you to provide feedback through your MRM team. We hope this process will foster continued dialogue, which is essential to the success of the MRM and the greater protection of the world's most vulnerable children.

As always, we stand ready to support you.

Sincerely,

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New York, June 2014

A. Introduction

These Guidelines address implementation of the Monitoring and Reporting Mechanism (MRM) on grave violations against children in situations of armed conflict under Security Council Resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), and 2143 (2014). They describe the purpose and focus of the mechanism; specify the leadership, roles and responsibilities of implementing actors, in particular UNICEF, peacekeeping and political missions and Resident/Humanitarian Coordinator, and the MRM architecture and information flow; outline reporting requirements; and highlight the critical linkage of the MRM to response programming and advocacy. The MRM *Guidelines* are essential reading for co-chairs and members of the country task forces for monitoring and reporting, also known as CTFMRs.

The MRM *Field Manual*, a companion publication to the *Guidelines*, is designed to serve as a comprehensive resource for practitioners responsible for implementing the MRM. The manual and its annexes cover in detail the technical aspects of monitoring and reporting practice, as well as critical issues related to information management and security. The manual also covers the issue of response, to ensure that monitoring and reporting activity is underpinned by adequate programmes and services for victims of violations. The MRM is a living document, and both the *Guidelines* and the *Field Manual* will undergo periodic reviews under the auspices of the Global Task Force on Children Affected by Armed Conflict.

The publication of Graça Machel's seminal 1996 study on the impact of armed conflict on children initiated an agenda for action for the protection of war-affected children. A central priority of this agenda has been to affirm the protection of children in situations of armed conflict as a fundamental peace and security concern.

The increasing role of the UN Security Council on this issue therefore represents a critical strategic imperative. The objective is to leverage the means of the Security Council, including its capacity to apply pressure through sanctions, to engender compliance with international standards for the protection of children.

Thus far, the Security Council has adopted nine resolutions on children affected by armed conflict (CAAC): 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2002), 1539 (2004), 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012) and 2143 (2014). These resolutions serve as a framework for the Security-Council-related CAAC agenda, including the specific aspect of violations monitoring and reporting as covered by these *Guidelines* and the accompanying *Field Manual*.

The Secretary-General has presented an annual report on the global situation of CAAC to the UN General Assembly since 1998, and to the Security Council since 2000. The main purpose of this annual reporting has been to focus the attention of UN Member States on grave violations against children and on the parties who commit them. The Secretary-General's annual report serves as the substantive basis of the Security Council's engagement on CAAC.

In 2001, the Security Council mandated the Secretary-General to list, in an Annex to his annual report, state and non-state parties to conflict who recruit and use children in situations on the Council's agenda.¹ Through subsequent resolutions the listing mandate has expanded to cover all situations of concern as determined by the Secretary-General, and to include parties who commit other categories of violations against children, specifically killing or maiming and rape and other forms of sexual violence.

In order to systematize and strengthen the practice of reporting, in 2004 the Security Council requested the Secretary-General to prepare an action plan for the establishment of a monitoring, reporting and compliance mechanism.² Following extensive consultation among UN agencies, non-governmental organizations (NGOs) and UN Member States, the Secretary-General presented this Action Plan in his report (S/2005/72). The Council endorsed the Secretary-General's proposal in Resolution 1612 (2005), leading to the formal establishment of the MRM on grave violations against children in situations of armed conflict.³

These Guidelines describe the purpose and focus of the MRM; specify the leadership, roles and responsibilities of implementing actors; describe the MRM architecture and information flow; outline reporting requirements; and highlight the critical linkage of the MRM to response programming and advocacy.

¹ Requested by Security Council Resolution 1379 (2001; operative paragraph [OP] 16).

² Requested by Security Council Resolution 1539 (2004; OP 2). The original terminology included the word 'compliance', but in practice the term has become 'monitoring and reporting mechanism', and that phrase is used henceforth in these Guidelines.

³ Reference Security Council Resolution 1612 (OP2)

B. MRM Basics

The MRM is a UN-led process involving a broad circle of stakeholders, including the UN Security Council, national governments, various UN departments and agencies, international and local NGOs, and affected communities. The cooperation and ‘buy-in’ of this broad range of actors is an important prerequisite and an ‘added value’ of the MRM.

B.1 Purpose

The purpose of the MRM is to provide for the systematic gathering of accurate, timely, objective and reliable information on grave violations committed against children⁴ in situations of armed conflict, as well as in other situations of concern as determined by the Secretary-General.⁵

Such information should be used as a basis to foster the accountability and compliance of parties to conflict with international child protection standards and norms, and should lead to well-informed, concerted and effective advocacy and responses to protect and care for children.

B.2 Grave violations

The MRM seeks to monitor the following six grave violations:

- a) Killing or maiming of children
- b) Recruiting or use of children in armed forces and groups⁶
- c) Attacks against schools or hospitals
- d) Rape and other forms of sexual violence against children
- e) Abduction of children
- f) Denial of humanitarian access to children.

These categories do not represent a comprehensive list of violations against children, but it has been determined that they constitute especially egregious violations and, as such, should receive priority attention.⁷

These six categories of violations are the primary focus of reporting to the Security Council. In

⁴ ‘Children’ refers to every person younger than 18 years old.

⁵ Security Council Resolution 1612, OP 2 and A/59/695–S/2005/7: III outlining the Plan of Action for the establishment of a monitoring and reporting mechanism.

⁶ Previously labelled as ‘child soldiers’.

⁷ Reference Security Council resolutions and OPs that specify the grave violations. For definitions of grave violations, see Annex I of the MRM Field Manual

order to provide comprehensive protection for children, however, the MRM should seek to monitor and respond to other violations as relevant to a particular context. Such information should inform advocacy and response at the country level.

B.3 Who should be monitored

The MRM should monitor and seek to influence the conduct of all parties to conflict for the protection of children. This includes both state and non-state parties.

As regards non-state parties, the MRM is concerned particularly with grave violations as committed by organized armed groups or elements. Typically, such groups have a discernible command structure; they may exercise territorial control; are often identifiable; have the capacity to mount operations; and may have a political agenda or ideology.⁸

The MRM does not typically focus on isolated violations committed by civilians in what could be characterized as criminal activities. It should be noted, however, that in some situations there is a 'gray area' where armed elements may be involved in criminal activities and also have political motivations. Such situations may be reported under the MRM if there is verified information that such armed elements are committing any of the grave violations prioritized under the MRM.

It should also be noted that parties to be monitored are not limited to those listed in the annexes of the annual Secretary-General's report on CAAC. For example, if the MRM has been triggered in a country situation because of the listing of one party, this does not imply that the MRM should be limited to the activities of that party; all parties to conflict in that country situation should be covered. Similarly, all six grave violations should be monitored, and not only the one(s) for which a party was initially listed.

B.4 Situations in which the MRM should be implemented

The implementation of the MRM is automatically triggered in all situations covered in the first Annex to the annual Report of the Secretary-General on CAAC. However, in those situations that fall under Annex II of the Report of the Secretary-General on CAAC, the United Nations should consult with the national government for the implementation of the formal MRM process. A new situation becomes a formal MRM situation as soon as the Global annual report is published by the Secretary-General.

Some situations addressed in the annual Report of the Secretary-General on CAAC are not included in either of the two annexes to the report. This may be due to insufficiency of verified information or the determination that current information does not satisfy the threshold for inclusion of a party in the annexes. Since such situations have been deemed of concern by virtue of their inclusion in the Secretary-General's Report, the United Nations country teams or peacekeeping or political missions should seek to strengthen monitoring and reporting activities through the establishment of a working group or other informal modality.

⁸ Refer to the MRM *Field Manual*, section F1, for examples of categories of non-state parties that may typically be monitored.

It should be stressed that monitoring and reporting on human rights violations represents a core mandate and responsibility of the United Nations in all situations of concern. As such, the conduct of such activities does not require the prior agreement of governments.

B.5 Levels at which the MRM operates

The MRM operates at three principal levels, and effective coordination and information flow among them is critical:

- a) Country-level coordination: Information gathering, analysis and verification, preparation of reports and advocacy and programming response;
- b) UN Headquarters-level coordination: Policy and guidance, information integration, preparation of reports and advocacy;
- c) Security Council level: Review of information and actions to ensure compliance with international standards. The Security Council may also refer information to other entities for action in accordance with their respective mandates and jurisdictions.

B.6 General principles for monitoring and reporting

The MRM should be guided by the following principles:

- a) The 'best interest of the child' – As articulated under the Convention on the Rights of the Child (CRC), the best interest of the child is the primary consideration in the implementation of all aspects of the MRM.
- b) Impartiality and objectivity of information gatherers – Information collectors should be independent of parties to conflict and should provide, without prejudice, information on violations committed by all parties to an armed conflict.
- c) Security and confidentiality – Due consideration must be given to the security of children who have suffered violations and their families, of witnesses and other information providers, and of monitoring staff. Individuals who provide information on violations and victims should be protected with anonymity in public reports and confidentiality in the interview process. Protocols to secure information and data should be established.
- d) Accuracy, reliability and timeliness of information – A system of analysis and verification should be established, and the process should support the timely collection and transmittal of information.

C. Legal Framework and Definition of Grave Violations

The MRM was initiated as a formal process on the basis of Security Council Resolution 1612, and further strengthened by Resolutions 1882, 1998 and 2068. As such, these resolutions represent the immediate legal basis and framework of the MRM. Therefore, all personnel involved in the implementation of the MRM must be thoroughly familiar with the Security Council resolutions on children and armed conflict. Additional guidance is provided by the Report of the Secretary-General on CAAC (A/59/695–S/2005/72) which includes a comprehensive Action Plan for the establishment of the MRM.

Beyond the resolutions, the MRM is based on legal instruments and norms that are in place for the protection of children affected by armed conflict.⁹ These include:

- International instruments
 - International humanitarian law
 - International human rights law, including the CRC and its Optional Protocols
 - International Labour Organization Convention 182 on the worst forms of child labour
 - Capetown Commitments and Principles
- Regional instruments
 - African Charter on the Rights and Welfare of the Child
- National legislation

To ensure consistent application in all situations of concern and use of common terminology in reports, the MRM operates on the basis of agreed definitions of the six categories of violations. These definitions are specified in the Field Manual accompanying these Guidelines.¹⁰

The six categories of grave violations, as defined under the MRM, constitute acts that contravene international humanitarian law, international human rights law, international criminal law or other international protection norms.

⁹ Refer to the MRM Field Manual (section D and Annex II) for full details.

¹⁰ See section D of the Field Manual.

D. Leadership, Roles and Responsibilities

The SG report S/2005/72 defines the leadership, roles and responsibilities within the MRM.

D.1 Country level

1. Special Representatives of the Secretary-General (SRSGs) in-country and Resident Coordinators (RCs)

Security Council Resolutions 1539 and 1612 assign responsibility for follow-up on Security Council resolutions on CAAC, including the implementation of the MRM, to the highest UN authority in-country, namely, SRSGs and RCs, as the heads of UN country presence in peacekeeping and non-peacekeeping situations, respectively. SRSGs and RCs are ultimately responsible for ensuring UN-wide follow-up, mainstreaming, coordination, monitoring and engaging in dialogue with parties to conflict on CAAC issues; they are the focal points at the country level.¹¹

The personal leadership of SRSGs and RCs is critical to the MRM, particularly on highly sensitive and political aspects such as the conduct of dialogue with parties to conflict as requested by the Security Council.

Therefore, SRSGs and RCs carry the overall responsibility in their respective mandates for:

- a) **Establishing the country task force on monitoring and reporting (CTFMR)**, as the organizational structure for the implementation of the MRM.
- b) **Co-chairing the CTFMRs** and remaining actively and personally engaged in the progress of implementation of Security Council resolutions on CAAC and recommendations of the Security Council Working Group (SCWG) on CAAC. SRSGs/RCs may delegate the day-to-day responsibility of MRM implementation to designated focal points.
- c) Formally **transmitting the MRM reports** to the SRSG for CAAC on behalf of the CTFMR. All GHN submissions should be made by the co-chairs of the CTFMR to the OSRSG-CAAC. Where there is a peacekeeping or political mission, the SRSG, upon submission by the Child Protection Advisor, transmits the reports via code cable to headquarters (Info: SRSG CAAC), while keeping the co-chairs informed.
- d) Undertaking, on the basis of information from the MRM, immediate action such as **direct démarches and dialogue at the country level** with government authorities and other concerned parties to end violations, whenever such action is possible and appropriate.

2. Country Task Force for Monitoring and Reporting co-chairs

CTFMRs are co-chaired by the SRSG, RC and 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.

¹¹ A/59/695-S/2005/72, para. 82.

The co-chairs are responsible for ensuring the functioning of the task force in line with the generic Terms of Reference for CTFMRs,¹² and for ensuring that the MRM information as transmitted to UN Headquarters has been verified. The co-chairs are responsible for ensuring appropriate participation of partners, including NGOs, in the CTFMR who are neutral, impartial and independent from all parties to the conflict. They are also responsible for regular consultation with national governments, particularly regarding prevention, response and accountability mechanisms.

3. UNICEF, peacekeeping and political missions and other UN entities

In situations where peacekeeping or political missions are present, the Security Council has requested that UN missions increasingly play a role on certain aspects of child protection, especially in monitoring and reporting and in dialogue with parties to conflict for commitments to protect children. The Secretary-General's action plan for the implementation of the MRM under SCR 1612 (2005) stipulates that, where there is a peacekeeping or political mission, the CTFMR is coordinated and co-chaired by the Deputy Special Representative of the Secretary-General and a UNICEF representative, with the former serving as the reporting conduit to the SRSG. Peacekeeping and political missions also make significant contributions to the collection and verification of information on violations through Child Protection Advisors (CPAs), in collaboration with other mission components, notably, human rights, UN police and military observers. CPAs conduct systematic monitoring and reporting as well as advocacy on the prevention of grave violations against children. Within the mission, they also act as the secretariat for the preparation of specific reports required by the Security Council under the MRM. In addition, CPAs serve as the technical-level representatives of SRSGs and as the primary interlocutors with child protection partners.

As the UN's lead agency for children, UNICEF carries a special responsibility for the effective implementation of the MRM at country, regional and HQ levels, and particularly to support timely and adequate monitoring, response programming, advocacy and services for children. UNICEF also leads the Inter-Agency Standing Committee sub-cluster for child protection and, as such, is responsible for coordination between the CTFMR and the sub-cluster, as appropriate. Other UN agencies and departments play different roles, depending on their presence and mandate in the country. They include the International Labour Organization (ILO), United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations Development Programme (UNDP), United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Population Fund (UNFPA), United Nations High Commissioner for Refugees (UNHCR), United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and World Food Programme (WFP).

4. International and local NGOs

¹² Refer to the CTFMR Terms of Reference, Annex

International and local NGOs play a central role in the MRM at all levels. In-country, they are often on the front line of contact with affected communities and hence an important source of information on the MRM. They are especially critical to providing appropriate response programming for children. The participation of NGOs in the MRM is an issue of high sensitivity given the risks that it poses for NGO personnel and programmes. Members of the CTFMR should be conscious of potential biases that may exist in data collection if it depends upon self-reporting by individuals and witnesses to the UN or NGOs, and should actively seek to rectify such potential biases through active inquiries where necessary. The level of engagement of NGOs, including in the CTFMR, is a determination that should be made by NGOs themselves in each country context. In some situations, NGOs participate as full members of the CTFMR, while in others they may interact with the MRM informally, providing information and alerts without a visible role.

The CTFMR should take due consideration of the considerable safety and security concerns for NGOs, and should remain flexible enough to accommodate their participation at the level determined by NGOs themselves.

5. National governments

National governments are central to the MRM at all levels. Under international law, governments of the affected countries bear the primary responsibility to promote, protect and respect the rights of children living within their jurisdiction. The role of the UN and the international community is to support governments in this regard, not to supplant them. It is crucial to support and strengthen national institutions for the prevention of grave violations and the protection and rehabilitation of children in conflict and post-conflict situations. The objective of the MRM at first hand is to gather more timely and accurate information on violations against children and bring it to the attention of the national government for immediate remedial action. While national governmental institutions are not members of the CTFMR, national governments are strongly encouraged to take advantage of the MRM process as an effective and positive tool to demonstrate their own desire and strong will to improve the situation of children who are victims of grave violations, especially in putting in place appropriate mechanisms to prevent, respond to and ensure accountability for grave violations against children. According to the Global Good Practices study on the MRM, setting up inter-ministerial committees to engage national governments in addressing grave violations against children is considered a best practice.

6. The donor community

Donor countries are critical in terms of the provision of adequate resources for actors responsible for implementing the MRM, and particularly for ensuring sufficient resources for response programming, including the reintegration of children into their communities. Further, donor forums can potentially serve as effective platforms for advocacy with national governments.

D.2 Global level

1. UN Secretary-General

All the reports prepared for the Security Council and the SCWG are issued in the name of the Secretary-General and, as such, are a matter of public record (except for the quarterly-issued Global Horizontal Note). The Secretary-General may also raise specific child protection issues as part of his good offices and engagements with Member States. The preparation of reports in the name of the Secretary-General as the highest-ranking official of the UN elevates the level of discourse and action on protection of children.

2. Special Representative of the Secretary-General on Children and Armed Conflict (SRSG-CAAC)

The SRSG-CAAC serves on behalf of the Secretary-General as the UN system focal point for the Security Council-related CAAC agenda and implementation of the MRM.¹³ The SRSG-CAAC chairs the UN Task Force on CAAC, which serves as the principal UN policy forum for the Security Council-related CAAC agenda. The Office of the Special Representative of the Secretary-General (OSRSG) co-chairs with UNICEF the MRM Technical Reference Group, which is the technical guidance hub for MRM implementation.

The SRSG-CAAC serves as the primary interface with the Security Council and provides substantive support to the SCWG-CAAC. The OSRSG-CAAC is the UN Headquarters-level focal point for the preparation of the Report of the Secretary-General on CAAC; it receives, reviews and compiles information and provides quality control for the country reports of the Secretary-General under Security Council Resolutions 1612, 1882, 1998, 2068 and 2143, as well as the Global Horizontal Note (GHN) to the SCWG-CAAC. The OSRSG-CAAC also feeds back to the country level relevant information such as the conclusions and recommendations of the SCWG-CAAC, work plan of the SCWG-CAAC and reporting timelines. The OSRSG-CAAC also plays an important role in supporting the CTFMRs in their activities, in collaboration with UNICEF headquarters, the United Nations Department of Peacekeeping Operations (DPKO) / United Nations Department of Political Affairs (DPA) and others.

3. UNICEF

With its global mandate for children, UNICEF is a key actor in driving the CAAC agenda forward through advocacy efforts and support for both political and technical developments in the area. UNICEF co-chairs the Headquarters-level MRM Technical Reference Group with the OSRSG-CAAC. As such, it plays a key role in ensuring that CTFMRs receive the technical guidance and support necessary for effective implementation of the MRM. UNICEF also works with the OSRSG-CAAC and partners in developing the necessary working tools for the field, such as the MRM Field Manual, training materials, information management systems, etc.

4. DPKO and DPA

DPKO and DPA are members of the Technical Reference Group and work closely with the OSRSG-CAAC and UNICEF for effective implementation of the MRM, including through technical guidance and support, particularly to participation of peacekeeping and special political missions.

5. UN agencies

UN agencies such as OHCHR, UNHCR, UNDP, ILO, OCHA, WFP, UN-Women, UNFPA and UNESCO play different roles at the global level, depending on their mandate and participation. This is crucial to ensuring a system-wide approach to the MRM.

¹³ The SRSG-CAAC is mandated by the General Assembly and appointed by the Secretary-General as the UN system focal point and lead for CAAC

6. International Non-Government Organisations

Beyond their role at the country level, international NGOs also play an essential role in global-level advocacy and in the development of MRM working tools.

7. Security Council

As noted earlier, the increasing role of the UN Security Council on this issue represents a critical strategic imperative. The MRM seeks to leverage the means of the Security Council, including its capacity to apply pressure through sanctions, to engender compliance with international standards for the protection of children. The SCWG-CAAC was established pursuant to Security Council Resolution 1612¹⁴ and consists of all members of the Security Council. The role and functions of the Security Council within the MRM are detailed further in section E.4.

8. Group of Friends of Children and Armed Conflict

The Group of Friends of Children and Armed Conflict, initially established in 2005 by Canada, which currently leads it, consists of more than 30 self-selected UN Member States dedicated to promoting the CAAC agenda. The group serves primarily as an information and discussion venue on issues related to CAAC, and ensures a common advocacy voice particularly with the Security Council in its development of CAAC policy.

¹⁴ Reference Security Council Resolution 1612 (OP 8).

E. MRM Architecture

As already indicated, the MRM operates at three principal levels, and structures have been established at each level to gather, verify, review and act on information. Therefore, the MRM architecture consists of CTFMRs, at country level; the UN Task Force on CAAC and the MRM Technical Reference Group, at UN Headquarters-level (New York); and the SCWG-CAAC, at Security Council level. The increasingly important regional and cross-border dimensions of child protection have also necessitated the engagement of regional level actors, though through less formal structures.

E.1 Country level

1. Country Task Force for Monitoring and Reporting

The Country Task Force for Monitoring and Reporting (CTFMR)¹⁵ is the organizational structure for the implementation of the MRM at the country level. It is distinct from the humanitarian clusters operating in the country, but must work closely with the clusters and keep them informed of its work.

Composition and structure

- a) The CTFMR is 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, OHCHR, UNDP, UNFPA, UN-Women, ILO and UNDP.
- b) The CTFMR is co-chaired by the highest UN authority in the country, whether it is the 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.
- c) Invitations to become a member of the CTFMR may also be extended by the co-chairs of the task force to other 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.
- d) The composition of the CTFMR may be reviewed and amended by its co-chairs on a yearly basis, to ensure the most appropriate representation.

¹⁵ Refer to the generic Terms of Reference for CTFMR, Annex V.

Mandate

The CTFMR is mandated to:

- a) Collect and provide timely, objective, accurate and reliable information pertaining to grave violations committed against children in armed conflict.
- b) Produce regular and timely reports on the situation of children affected by armed conflict.
- c) Engage parties to conflict in dialogue, including for preparation and implementation of Action Plans against child recruitment and use, rape and other forms of sexual violence, killing or maiming of children, and attacks on schools and hospitals¹⁶
- d) Monitor the implementation of the Action Plans, as well as other commitments by armed parties to put an end to violations committed against children in armed conflicts
- e) Serve as a forum for information analysis, and to discuss, follow up on and trigger appropriate responses by the United Nations country team and others to Security Council resolutions on CAAC and applicable recommendations of the Secretary-General and SCWG- CAAC, in accordance with each member's respective mandate
- f) Provide feedback to all involved in the MRM, including monitors, communities and civil society organizations, to help create greater ownership of the mechanism by all parties involved.

Consultation with national governments

The CTFMR co-chairs are responsible for ensuring that adequate consultation takes place with relevant government institutions to discuss issues of concern identified by the CTFMR, to seek collaboration in preventing and responding to grave violations, and to seek accountability for perpetrators. Setting up inter-ministerial committees to engage national governments on grave violations against children has been found to be a best practice in the Global Good Practices study on the MRM.

Leverage of CAAC issues at regional level

CTFMRs should consider the best ways in which to leverage CAAC issues with partners at the regional level.

E.2 Regional level

Given the increasingly important regional and cross-border dimensions of child protection, the

¹⁶ Note that for the purposes of these Guidelines, the abbreviated term 'attacks on schools and hospitals' is used to denote the full term used in SCR 1998, "recurrent attacks or threats of attack against protected persons in relation to schools and/or hospitals."

engagement of regional level actors is also necessary. This includes regional and sub-regional Member State arrangements in the context of their peacemaking and peacekeeping engagements, as well as regional offices of UN agencies, NGO representations and regional diplomatic representations.

E.3 Global level

1. UN Task Force on Children and Armed Conflict (CAAC)

The Task Force on CAAC has been convened by the SRSG-CAAC since 2001 as the principal UN policy forum for the CAAC agenda. It brings together relevant United Nations entities and has focused in particular on monitoring and reporting and the preparation of the Report of the Secretary-General on CAAC. The Task Force consists of UNICEF, DPKO, DPA, the Office of Legal Affairs, OHCHR, OCHA, UN-Women, the Department of Disarmament Affairs, the Office of the Special Adviser on Africa, the Office of the Special Adviser on Gender Issues and the Advancement of Women, UNHCR, UNDP, ILO and UNFPA.

2. MRM Technical Reference Group

The MRM Technical Reference Group (MRM TRG)¹⁷ serves as a forum for consultation on the development and dissemination of working tools and guidance materials for the implementation of the MRM. It is the technical reference hub for the CTFMRs. The MRM TRG is co-chaired by the OSRSG-CAAC and UNICEF, and its members are DPKO, DPA, ILO, OCHA, OHCHR, UNDP, UNHCR, UNFPA and other members it identifies, including international NGOs.¹⁸

E.4 UN Security Council level

1. Special Representative of the Secretary-General on Children and Armed Conflict (SRSG-CAAC)

The SCWG-CAAC¹⁹ was established pursuant to Security Council Resolution 1612²⁰ and consists of all members of the Security Council. Meetings are convened at expert level (although all meetings are chaired at the level of Ambassador). The Chairman of the SCWG-CAAC is designated by members of the Security Council. All decisions are taken by consensus, proceeding in a constructive manner and placing emphasis on dialogue and cooperation.

The SCWG meets formally every two months, on average, in order to:

- a) Review the reports of the MRM
- b) Review progress in the development and implementation of Action Plans to address grave

¹⁷ The MRM TRG replaces the MRM Steering Committee, which was established in 2005 following the adoption of Security Council Resolution 1612.

¹⁸ Refer to the MRM TRG Terms of Reference, attached as Annex XV.

¹⁹ Refer to the SCWG-CAAC Terms of Reference, attached as Annex XIV.

²⁰ Reference Security Council Resolution 1612 (OP 8).

violations against children

- c) Make recommendations to the Security Council on possible measures to promote the protection of children affected by armed conflict, including through recommendations on appropriate mandates for peacekeeping and political missions and recommendations with respect to parties to the conflict
- d) Address requests, as appropriate, to other bodies within the United Nations system for action to support implementation of Security Council resolutions on CAAC.

To facilitate its work, the SCWG has developed a toolkit of options for possible actions that the Working Group may undertake.²¹ The range of possible options foreseen is broad, and includes:

- Recommendations for additional technical assistance to the country concerned to strengthen its national capacities to protect children
- Recommendations to donors for greater funding for child protection
- Possibility to forward to the Security Council Sanctions Committees relevant information on CAAC
- Possibility to forward to relevant justice mechanisms, such as the International Criminal Court, information on CAAC in order to contribute to ending impunity of violators.

The SCWG issues formal Conclusions and Recommendations in response to and on the basis of the Annual Country Reports of the Secretary-General under Security Council Resolutions 1612, 1882, 1998, 2068 and 2143. These recommendations are a matter of public record and are issued under a specific Security Council document symbology that is unique to documents generated in the MRM process, e.g., AC/2005/722. This technical characteristic is key to ensuring that all stakeholders have access to the results of consultations of the SCWG. It also facilitates access to all of the documents related to a specific country file, especially after several years of engagement by the SCWG on a particular country.

A critical added value of the SCWG is that it provides a means to seize the attention of the Security Council itself on an 'as-needed' basis through the regular reporting schedule or alert reports. CTFMRs should consider the best ways in which to leverage the full repertoire of SCWG responses.

²¹ Refer to the SCWG Toolkit, attached as Annex VI.

F. Reports, Periodicity and Information Flow

The MRM generates information for four main categories of report to the Security Council:

- a) Global Annual Report of the Secretary-General on CAAC
- b) Annual country-specific Reports of the Secretary-General under Security Council Resolutions 1612, 1882, 1998, 2068, and 2143.
- c) Quarterly-issued Global Horizontal Note (GHN)
- d) Quarterly/periodic mission reports from the Secretary-General to the Security Council.

Even though these four categories of report are different in structure, in general each should provide concise descriptions specifying incidents of violations (*What happened and to whom?*); locations and period of the incidents (*Where and when did the incidents take place?*); and identity of parties responsible for perpetrating the violations (*Who committed the violations?*).

It should be stressed that all MRM information should be used at first hand for local-level advocacy and response interventions.

F.1 Global Annual Report of the Secretary-General on CAAC

This report is the 'gateway' to the Security Council-related CAAC agenda, serving as the basis for the deliberations of the Security Council on CAAC since 1999. The report addresses the situation of children in situations of armed conflict and in other situations of concern as determined by the Secretary-General. The resolutions of the Security Council on CAAC have been generated on the basis of the recommendations of the Secretary-General as contained in his report on CAAC. The report is typically prepared on an annual cycle at the request of the Security Council. The Security Council stipulates key elements for the report, and typically convenes an open debate to deliberate it.

The Report has a number of key features:

- a) It provides information on violations committed by parties to conflict in specific country situations.
- b) It updates progress on the implementation of Security Council resolutions on CAAC, including

the implementation of the provisions of the MRM and dialogue with parties to conflict for child protection commitments and Action Plans.

- c) It contains targeted recommendations to a wide range of stakeholders to advance the agenda for the protection of children.
- d) It contains annexed lists that specify state and non-state parties who commit grave violations against children.

The Secretary-General's annexed lists

The purpose of the lists annexed to the report of the Secretary-General is to focus the attention of the Security Council on specific parties, whether states or non-state actors, who commit violations. It is understood that, on this basis, the Security Council may take targeted measures against violators, including the possibility of sanctions.²²

The Secretary-General's Report contains two separate annexed lists. The first annex refers to parties in country situations that are on the formal agenda of the Security Council, while the second annex refers to parties in countries that are not on the Security Council agenda.

The killing or maiming of children; recruiting or use of children in armed forces and groups;²³ rape and other forms of sexual violence against children; and attacks on schools or hospitals are the four categories of violations that lead to the listing of parties.²⁴

The specific criteria for the listing and delisting of parties are attached as Annex XIII. All staff involved in the implementation of the MRM should be thoroughly familiar with these criteria.

The Report of the Secretary-General on CAAC – particularly the annexed lists – represents a powerful advocacy and pressure tool for child protection practitioners. Practitioners should give due consideration to how to use the Report most effectively to advance in-country protection agendas, including pressuring parties to conflict to engage in child protection dialogue.

F.2 MRM country-specific annual Report of the Secretary-General

Under Security Council Resolutions 1612, 1882, 1998, 2068 and 2143, all country situations covered by the two annexes in the Report of the Secretary-General on CAAC are included on the Workplan of the SCWG-CAAC. Therefore, the CTFMRs in these countries are required to prepare a report on the situation of CAAC,²⁵ which is submitted formally by the Secretary-General to the Security Council

²² Security Council Resolution 1998, para 9c: "Requests enhanced communication between the Working Group and relevant Security Council Sanctions Committees, including through the exchange of pertinent information on violations and abuses committed against children in armed conflict;"

²³ Previously labelled as 'child soldiers'.

²⁴ Mandate to list for recruitment is in Security Council Resolution 1379, para 16; killing or maiming and rape and other forms of sexual violence were added as listing triggers in Resolution 1882, para 3; and attacks on schools and hospitals was added in Resolution 1998, para 3.

²⁵ Refer to the country annual report template, attached as Annex X.

and reviewed on behalf of the Council by the SCWG-CAAC.

- The timing for and review schedule of the country reports of the Secretary-General are determined by the SCWG-CAAC, but typically each country report is reviewed on a regular basis.
- Reports should be a maximum of 8,500 words, which includes the report recommendations, executive summary and any annexes.
- The reports should contain information on the six categories of grave violations as specified above; information on dialogue and Action Plans to address violations; follow-up of the recommendations included in the previous Country Report of the Secretary-General (if applicable); follow-up of the conclusions of the SCWG (if applicable); and recommendations.
- All information in the report must be UN-verified.

The reports prepared by the CTFMR should be transmitted by the SRSG or Resident/Humanitarian Coordinator directly to the SRSG-CAAC, with copy to the UNICEF Executive Director and the Under-Secretary-General of DPKO/DPA (as appropriate) or the UNDP Administrator.

It should be noted that the reports as transmitted by SRSGs/RCs undergo a process of vetting, editing and consultation at Headquarters level prior to submission to the Executive Office of the Secretary-General for clearance. Typically, this process may require additional clarifications or information from the CTFMR.

The SRSG-CAAC sends information to all CTFMRs detailing the work plan of the SCWG and reporting timelines.

F.3 Global Horizontal Note

The GHN²⁶ is transmitted to the SCWG under cover letter of the Secretary-General, but it is not a formal public document. Therefore, the GHN serves as an informal tool for countries to provide regular updates or an alert on the situation of children affected by armed conflict to the Security Council Working Group. Any country situation of concern can be covered by the GHN. This includes situations that are already on the SCWG workplan (i.e., Annex I and II situations); other situations covered in the Secretary-General's Report on CAAC; and emerging situations of concern that may not have been covered in the Secretary-General's report.

- All countries on the workplan of the SCWG and other situations of concern covered in the Report of the Secretary-General on CAAC are requested to submit information for the GHN on a fixed date on a quarterly basis. In addition, any other country where there may be emerging CAAC concerns may choose to submit information to the GHN.
- The submission should be no longer than three pages.

²⁶ Refer to the GHN template, attached as Annex X.

- Submissions should focus on significant verified incidents and key trends of grave violations against children; specific follow-up actions undertaken on the Secretary-General recommendations and SCWG conclusions; and any significant achievements, challenges or constraints.

All GHN submissions should be made by the co-chairs of the CTFMR to the OSRSG-CAAC. Where there is a peacekeeping or political mission, the SRSG, upon submission but the Child Protection Advisor, transmits the reports via code cable to headquarters (Info: SRSG CAAC), while keeping the co-chairs informed.

F.4 Secretary-General's quarterly/periodic mission reports to the Security Council

The Secretary-General's quarterly/periodic mission reports to the Security Council are prepared on a quarterly basis by UN peacekeeping or political missions, with primary focus on peace and security and political developments. They are submitted by the Secretary-General to the Security Council. All GHN submissions should be made by the co-chairs of the CTFMR to the OSRSG-CAAC. Where there is a peacekeeping or political mission, the SRSG, upon submission by the Child Protection Advisor, transmits the reports to the SRSG-CAAC with copy to UNICEF. The Council has requested that all such reports include a specific section on CAAC. MRM information should be used as a basis for these reports. Given the fact that these reports have a broader peace and security focus, the CAAC inputs will typically be more concise, identifying violations, perpetrators and trends. These reports provide an additional opportunity for CTFMRs to bring CAAC information to the attention of the Security Council.

G. Accountability

As stated earlier, the purpose of the MRM is to generate information, which should be used as a basis to foster the accountability and compliance of parties to conflict with international child protection standards and norms. Ideally, the MRM should contribute to influencing actions and changing the behaviour of parties who commit grave violations and should lead to informed programmatic response to prevent further violations and ensure care for victims of violations.

G.1 Dialogue with parties to conflict

It is crucial for the UN to engage in dialogue with all entities whose actions have a significant impact on children, without any implications as to their political or juridical status. The purpose of such dialogue is to gain concrete child protection commitments from state and non-state parties to conflict. In political and practical terms, there are levers of influence that may hold significant sway over all parties to conflict, thereby facilitating commitments by them.

Dialogue with parties to conflict towards their preparation of concrete, time-bound Action Plans on recruitment and use of children in armed forces and groups, rape and other forms of sexual violence, the killing or maiming of children, and attacks on schools and hospitals is a key element of the Security Council's monitoring and compliance agenda.²⁷

In line with the explicit requests of the Security Council in this regard, all heads of UN country presence in situations where the MRM is being implemented are required to ensure follow-up on the preparation and implementation of Action Plans. Progress in this regard is to be regularly reported to the Security Council by the CTFMR.

Parties can be de-listed when the UN verifies that the violations for which the party was listed have ended during the previous global Secretary-General report cycle, and Action Plans on those violations have been finalized. The MRM is terminated in-country when all parties have been de-listed for one cycle of the Secretary-General's Global Annual Report.

Templates have been developed to outline the key elements of action plans to address rape and other forms of sexual violence and the killing or maiming of children. These are attached as Annex XII.

G.2 Other channels for MRM information

²⁷ Security Council Resolution 1539, OP 14; Security Council Resolution 1612, OP 19; and Security Council Resolution 1882, OP 10.

Although the MRM was established to channel timely, accurate and reliable information to the Security Council, it is understood that this information may also inform the actions of other entities within their respective mandates and jurisdictions. The Secretary-General, in his Report S/2005/072, referred to additional “destinations for action”, such as the General Assembly, the Human Rights Council, regional organizations and individual Member States, or justice mechanisms such as the International Criminal Court. The Security Council may refer the information that it receives directly to such entities, or the UN may bring official reports to the attention of other entities that may be in a position to act for the protection of children.

H. Field Response

The first and most critical line of defense for children is at country level through advocacy and programme responses. Therefore, timely and reliable information from the MRM should be the basis for immediate advocacy by the CTFMRs with government counterparts and non-state parties to discuss violations, prevention, response and accountability. MRM information should also inform programmatic response for children.

The advocacy by the CTFMRs should be guided by the recommendations of the Country Reports of the Secretary-General, as well as the conclusions and recommendations of the SCWG-CAAC. The CTFMR should include information on follow-up of recommendations in subsequent reporting to the Security Council.

It is critical to ensure that the MRM is complemented by adequate programmes and services for victims of violations. The Security Council has also acknowledged in Resolutions 1882 and 1998²⁸ the critical linkage between monitoring and reporting as distinct activity on the one hand, and response to violations on the other. Therefore, the relevant CTFMR members, consistent with their respective mandates, should ensure that response is designed to address the immediate and root causes of violations. For example, referral mechanisms should be in place to direct victims and survivors of grave violations to appropriate response services. The issue of response is comprehensively addressed in the MRM Field Manual accompanying these Guidelines.

²⁸ See paragraphs 8 and 17 of Security Council Resolution 1882 and paragraphs 12 and 17 of Security Council resolution 1998.

I. Termination of the MRM

The MRM is terminated in-country when all parties have been de-listed for one cycle of the Secretary-General's Global Annual Report. Parties can be de-listed when the UN verifies that violations for which the party was listed have ended during the previous global Secretary-General report cycle, and Action Plans on those violations have been finalized. In exceptional circumstances where it may be very difficult or impossible to develop an Action Plan with a party to conflict but where violations have ceased, the CTFMR co-chairs should seek guidance from the OSRSG-CAAC and UNICEF headquarters on how to proceed.

In a country situation where all parties to the conflict have been de-listed in the Secretary-General's Global Annual Report, the CTFMR should engage in a discussion about the termination of the formal MRM. The co-chairs of the CTFMR should deliberate with their respective headquarters and with the OSRSG-CAAC. An initial informal assessment can ensure a systematic overview of the situation, and gauge that risks and other relevant issues in the short- to medium-term future are properly taken into account. After completing technical-level discussion with the OSRSG-CAAC and their respective headquarters, the CTFMR co-chairs may make a recommendation on this basis in writing to the SRSG-CAAC in New York. The final decision to terminate the MRM will be made with consultation with and agreement of the SRSG-CAAC in consultation with the UN Task Force on CAAC in New York.



J. Synergy with other Human Rights Agendas in the UN Security Council

The Security Council has also developed two other thematic human rights issues on its formal agenda, namely the protection of civilians as framed by Resolutions 1265, 1674 and 1894, and Women, Peace and Security as framed by Resolutions 1325, 1820, 1888 and 1960. Even though the three agendas have some overlap, the Security Council has purposely maintained them in separate streams, and they are at different stages of development. Therefore, in accordance with the Council's approach, the lead UN entities are implementing the agendas through distinct processes.