

Child Protection and the UNSC Res. 1612 Task Force Monitoring and Reporting Mechanism – TF MRM

Term of Reference

Background

There is no clear understanding about the number of children affected by the armed conflict in Nepal. This undermines advocacy efforts to prevent and stop the violations of children's rights as well as to develop suitable programmatic responses to respond to affected children needs.

In April 2004, the UN Security Council Resolution 1539, O.P. 2 the Security Council requested the Secretary-General to urgently devise *“an Action Plan for a systematic and comprehensive **monitoring and reporting mechanism**, which utilizes expertise from the United Nations system and the contributions of national Governments, regional organizations, non-governmental organizations in their advisory capacity and various civil society actors, in order to provide timely, objective, accurate, and reliable information on the recruitment and use of child soldiers in violation of applicable international law and on other violations and abuses committed against children affected by armed conflict, for consideration in taking appropriate action”*.

The UN Security Council Resolution 1612 recently adopted in July 2005 offers to the countries affected by armed conflict a useful instrument to monitor and put an end to the violations against children.

In development and implementation of the action plans called for in paragraph 5 (a) of its resolution 1539 (2004), the Resolution 1612 ...

(a) underlines that the mechanism is to collect and provide timely, objective, accurate and reliable information on the recruitment and use of child soldiers in violation of applicable international law and on other violations and abuses committed against children affected by armed conflict, and the mechanism will report to the Working Group to be created in accordance with paragraph 8 of this resolution¹.

The UN Child Protection Sub-Group operating under the umbrella of the United Nations agencies in Kathmandu and the main Child Protection agencies active in Nepal realizing the current lack of a comprehensive system of documentation deem necessary a joint monitoring and reporting system and proposed to set up a **Task Force on Monitoring and Reporting Mechanism (TF MRM)** on the situation of children affected by the armed conflict as outlined by the UN Resolution 1612.

Rationale

Child protection agencies operating in Nepal have set up an operational mechanism to monitor the grave violations committed by all parties to the armed conflict that will regularly report the findings to the UN Security Council. The TF MRM will also aim at providing appropriate response to the children's needs through a permanent coordination with the operational partners in a position to provide immediate and appropriate care.

Principles

The TF MRM shall be guided by the following international standards²:

- UN Security Council Resolutions 1261 (1999), 1314 (2001), 1379 (2001), 1460 (2003), 1539 (2004) and 1612 (2005)
- Convention on the Rights of the Child ratified by Nepal in 1990

¹ Security Council Working Group first meeting held on November 16, 2005.

² Para 70 of Secretary-General's report, S/2005/72

- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict ratified by Nepal in November 2005 (Declaration to be published)
- ILO Conventions 29 and 182 ratified by Nepal in 2002
- Geneva Conventions and their two Additional Protocols

The TF MRM shall also take into account commitments made to the Special Representative of the Secretary-General on Children and Armed Conflict and under the Action Plan for War-Affected Children³.

The TF MRM shall apply the following principles in its work⁴:

- **The best interest of the child** – in activities related to monitoring and reporting, the best interests of the child shall be a primary consideration.
- **Impartiality** of information collectors - information collectors should be independent of parties to conflict, United Nations and multinational peacekeeping forces; information should be provided on the practices of all parties to an armed conflict—including government forces, government-linked paramilitaries, and non state armed groups—without distinction;
- **Confidentiality** - individuals who provide information on child rights violations should be protected;
- **Security** – precautionary measures should be taken for the protection of persons engaged in information collection and for those who provide the information;
- **Accuracy and reliability** of information – a system of analysis and verification should be established.

All partners involved in the monitoring and reporting mechanism will also abide to the Code of Conduct developed for this specific purpose⁵.

Objectives

The ultimate goal of the TF MRM is to prevent violations against children and to provide appropriate responses in line and in collaboration with other Working Groups and agencies active in the area of child protection, including but not limited to UN Child Protection Sub-Group, Defend Human Rights Movement / Human Rights Home, CZOP (Children as Zone of Peace), CAAFAG (Children affected by Armed Forces and Armed Groups) and Watchlist.

The specific objectives of the TF MRM are:

- I. to monitor and document violations against children on the basis of the five guiding principles
- II. to compile and to analyze information from a variety of reliable sources.
- III. to generate practical recommendations for action to the UN agencies, international and national NGOs as well as state and non state entities to respond to reported violations
- IV. to produce regular and annual reports ultimately directed to the UN Security Council

Specifically, six core violations are listed in the Resolution 1612: *killing and maiming of children; abduction of children; attacks on schools and hospitals; sexual violence perpetrated against children; recruitment of child soldiers; denial of humanitarian access to children*. Definitions of these violations have been fine-tuned according to the context and specific issues affecting Nepal. The TF MRM will consider and identify any other emerging issues of child rights violations to be monitored in relation to 1612, if appropriate.

³ Para 71 of Secretary-General's report, S/2005/72

⁴ Guidance note from SRSG on Children and Armed Conflict, 7 October 2005

⁵ Attached as Annex 1.

Methodology

Definition

The TF MRM has agreed about a certain number of terms and definitions. Details are included in Annex 1.

Structure/Membership

The TF MRM is a national set up including Kathmandu based organizations. Organizations part of the Task Force on MRM will ...

- have a mandate already including monitoring and reporting on Child Rights' violations
- have a national coverage or have an operational presence in a minimum of 10 Districts
- have endorsed the binding Code of Conduct developed by the TF MRM

Membership is limited to a maximum of 11 members in order for the Task Force to be functional and effective in its decision-making and action.

The TF MRM might consider establishing a regional structure in relation to the Res. 1612 if and when required.

TF MRM initial members:

1. UN agencies : OHCHR, UNICEF, UNHCR
2. International NGOs actively operational in the field of child protection: Save the Children Norway, Save the Children US
3. National agencies with a wide mandate of monitoring and reporting child rights violations: Advocacy Forum, CWIN, HimRights INSEC, Jagaran Media Center and Partnership for Protecting Children in Armed Conflict
4. Observer : OCHA

Responsibilities and reporting

The primary responsibility of the TF MRM members is to ensure an accurate documentation of violations committed against children in Nepal and a timely report to the UN Security Council. The members will be responsible for reviewing and analyzing the violations documented.

A TF MRM agency designated as **Focal Point** is responsible to collect Monitoring Reports and relevant documentation provided by the Organizations and ensured their safety and confidentiality. The Focal Point ensures the quality control of the data reported. The Focal Point prepares together with the concerned organization the data for public consumption (ensuring confidentiality and safety of victims and sources) and submits regular updates to the TF members.

The **Organizations** are the agencies part of the TF MRM. Their primary responsibility is to provide the necessary guidance and support to the **Field Partners** involved in the MRM exercise. The Organizations will collect and verify the accuracy and veracity of the violations documented. They will send to the TF MRM Focal point all verified Monitoring Reports, as well as all relevant documentation.

The **Field Partners** are the organizations, networks or individuals operational at the District and VDC level whose tasks and responsibilities are to identify, collect and document the violations committed against children by the Parties to the conflict. The Field Partners will operate under the umbrella and with the technical support of the Organization with whom they have agreed to collaborate for this specific exercise. The information collected and reported on the agreed format will be sent monthly to the Organization they work with.

The TF MRN has initially agreed on criterion for selecting field partners, identified and map partners involved in the information gathering⁶, developed a reporting mechanism and

⁶ See Annex 2

reporting guidelines (TBF), identified detailed violations to be monitored in the context of Nepal, agreed on reporting formats for each type of violations and developed guidelines on securing information and protection of field informants (TBD).

The TF MRM will report to the *Security Council Task Force to End Grave Violations against Children in Armed Conflict*, via the UN Protection Group.

This Term of Reference will be revised when required on consensus.