



Technical Note on

UNHCR's Engagement in the Implementation of the Protection Mechanisms Established by Security Council Resolutions 1612 and 1960 (MRM and MARA)

PURPOSE

The purpose of this Technical Note is to help UNHCR operations understand and implement their responsibilities in relation to the:

- Monitoring and Reporting Mechanism for grave violations against children in armed conflict (“MRM”),¹ established as part of the Security Council agenda item on ‘*Children and Armed Conflict*’ (Security Council resolutions 1612, 1882, 1998, 2068, 2143 and 2225); and
- Monitoring, Analysis, and Reporting Arrangements on conflict-related sexual violence (“MARA”),² established as part of the Security Council agenda item on ‘*Women, Peace, and Security, including Conflict-related Sexual Violence*’ (Security Council resolutions 1820, 1888, 1960, and 2106).

Key Guidance

- As a UN organisation, UNHCR has a responsibility to participate in and contribute to the MRM and MARA when persons of concern are affected in countries or situations where MRM or MARA is implemented.
- UNHCR Country Offices should participate in the MRM Country Task Force and in the MARA country coordination bodies in countries where persons of concern experience grave violations.
- UNHCR should collect relevant information for MRM and MARA covering the full scope of these mechanisms in line with its mandate.
- Where ethical and safe to do so,³ UNHCR should collect information on violations for persons of concern both within a country covered by the MRM or MARA mechanism and in countries of asylum to which refugees from these conflict areas have fled. UNHCR should ensure that information it collects to be conveyed to these mechanisms is compliant with the requirements for MRM or MARA (i.e. definitions, methodology, verification standards).
- Monitoring and reporting is not an end in itself but should prompt appropriate advocacy and/or programmatic responses to prevent and respond to grave violations against children of concern and incidents of conflict-related sexual violence. For both mechanisms, information must not be collected from survivors of sexual violence unless there are services in place, although useful information regarding trends or patterns of violations may still be gathered.
- UNHCR operations should seek to clarify collaboration and information sharing principles with partners engaged in the MRM and MARA. Information sharing protocols and/or other written cooperation agreements can be helpful in this regard.
- This Technical Note should be read and applied in accordance with UNHCR’s Policy on the Protection of Personal Data ([UNHCR/HCP/2015/6](#)), and UNHCR’s Information Classification, Handling and Disclosure Policy ([IOM/FOM 076/2010](#)).

¹ As established by UN Security Council resolution 1612 (2005).

² As established by UN Security Council resolution 1960 (2010).

³ See Annex B, which reproduces the eight ethical and safety recommendations for researching, documenting and monitoring sexual violence in emergencies, which can be used by UNHCR offices to determine whether it is safe and ethical to collect and report on violations linked to the MRM or MARA mechanisms: *WHO Ethical and Safety Recommendations for Researching, Documenting and Monitoring Sexual Violence in Emergencies*, July 2007. The MRM Field Manual also lists a number of ethical considerations in the Guiding Principles underlying the MRM.

SCOPE

This Technical Note is applicable to UNHCR operations in all countries featured as situations of concern in the Secretary-General's Annual Report on Children and Armed Conflict (CAAC)⁴ or the Secretary-General's Annual Report on Conflict-related Sexual Violence (CRSV).⁵

It is of particular relevance in countries where parties to conflict have been listed in the annexes of the Annual Reports – i.e. those countries where reporting mechanisms are formally established.

This Technical Note also applies to UNHCR operations in countries of asylum hosting refugees from countries featured in the Secretary-General's reports as situations of concern and where cross-border activities may result in persons of concern in the country of asylum being affected by MRM or MARA violations.⁶

MRM and MARA reporting applies only to those violations linked to conflict. This could mean sexual violence or grave violations against children that take place during conflict or that happen as a result of conflict.⁷ For the purposes of reporting on the MARA, **conflict-related sexual violence**⁸ refers to incidents or (for SCR 1960 listing purposes) patterns of sexual violence occurring in conflict or post-conflict settings or other situations of concern (e.g. political strife) and having a direct or indirect nexus with the conflict or political strife itself, i.e. a temporal, geographical and/or causal link. Specifically, violations can include rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity, against women, men, girls or boys. For the purposes of reporting on the MRM, **grave violations against children in armed conflict**⁹ include: killing or maiming, recruitment or use of children by armed forces or groups, attacks against schools or hospitals, rape or other sexual violence, abduction and denial of humanitarian access.



⁴ For the latest report, please visit: <https://childrenandarmedconflict.un.org/>

⁵ For the latest report, please visit: <http://www.un.org/sexualviolenceinconflict/>

⁶ This would include situations where, for example, listed parties commit violations in the country of asylum.

⁷ The MRM and MARA refer to violations that have a temporal, geographic and/or causal link to conflict.

⁸ For more information on violations, see Office of the Special Representative of the Secretary-General for Sexual Violence in Conflict (OSRSG-SVC), *Provisional Guidance Note on the Implementation of Security Council Resolution 1960 (2010) on Women, Peace and Security (Conflict-related Sexual Violence)* (June 2011), pp.2-3

⁹ For more information on violations, see Office of the Special Representative for Children and Armed Conflict et al, *Field Manual: Monitoring and Reporting Grave Violations Against Children in Armed Conflict* (June 2014), Annex 2

RATIONALE

Monitoring and reporting on human rights violations is part of the core mandate and responsibility of the United Nations.



As a UN organisation, UNHCR has a responsibility to support the implementation of the MRM and the MARA, which are established by the Security Council. Furthermore, ensuring the protection of persons of concern, including through adequate response services for survivors of violence, is at the heart of UNHCR's mandate.

The purpose of the MRM¹⁰ is to provide for the systematic gathering of accurate, timely, objective and reliable information on grave violations committed against children¹¹ in situations of armed conflict, as well as in other situations of concern as determined by the Secretary-General.¹² The ultimate goal of the MARA¹³ is to prevent and address conflict-related sexual violence, improve assistance to survivors, and support establishment of field-driven systems for reporting to the Security Council.¹⁴ Strengthening accountability by parties to armed conflict to comply with international human rights and humanitarian law relating to protection from conflict-related sexual violence and from grave violations against children are at the core of the MRM and MARA.

UNHCR is committed to cooperating with the Offices of the Special Representative of the Secretary-General on Children and Armed Conflict (SRSG-CAAC) and the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC) and other relevant UN entities on the implementation of these mechanisms.¹⁵ This Technical Note supports UNHCR's active involvement in and contribution to MRM and MARA at the country level.

¹⁰ UNICEF, *Guidelines - Monitoring and Reporting Mechanism of Grave Violations against Children in Situations of Armed Conflict* (2014), p. 7.

¹¹ 'Children' refers to persons under the age of 18.

¹² UN Security Council resolution 1612 (2005), Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, and A/59/695-S/2005/7: III, outlining the Plan of Action for the establishment of a monitoring, reporting and compliance mechanism.

¹³ As part of Security Council resolutions 1820, 1888, 1960 and 2106.

¹⁴ Office of the Special Representative of the Secretary-General for Sexual Violence in Conflict (OSRSG-SVC), *Provisional Guidance Note on the Implementation of Security Council Resolution 1960 (2010) on Women, Peace and Security (Conflict-related Sexual Violence)* (June 2011), p.1.

¹⁵ UNHCR, Decision on the Five Global Priorities for Refugee Children, 28 June 2006, A/AC.96/1032, Annex III.

IMPLEMENTATION

Coordination

Country-level coordination for MRM

The Country Task Force on Monitoring and Reporting (CTFMR)¹⁶ is the organisational structure for the implementation of the MRM and is co-chaired by the highest UN representative in the country (SRSG/DSRSG in UN peace-keeping or political mission settings; RC/HC in non-mission settings) and the UNICEF Representative. In countries where MRM coordination mechanisms have been activated, UNHCR must be represented by either the Representative or Deputy Representative. The CTFMR must work closely with the humanitarian clusters, sectors or coordination structures operating in the country and keep them informed of its work. 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.

The role of the CTFMR is to collect, provide and analyse information pertaining to grave violations committed against children in armed conflict, and to produce reports on the situation of children affected by armed conflict. The CTFMR is also a forum to engage parties to conflict in dialogue, including for preparation and implementation of Action Plans, and to identify and monitor responses for children affected by armed conflict.¹⁷

UNHCR may co-chair the Country Task Force, including in situations where violations affect persons of concern. In IDP operations where the cluster system is activated, as the lead of the Protection Cluster, UNHCR ensures that links are established between the Protection Cluster and the CTFMR to maximize coordination.

Country-level coordination for MARA

Two country-level coordination bodies are foreseen for the coordination of MARA: (i) the MARA Working Group on conflict-related sexual violence and (ii) the Joint Consultation Forum on conflict-related sexual violence.¹⁸

UNHCR Field Practice

In **Afghanistan**, UNHCR was the secretariat for the sub-group of the CTFMR in Herat, because of its operational presence there. The Office was responsible for consolidating information for the Herat area of operation.

In **Iraq**, UNHCR was part of a smaller group of agencies participating in the MRM Technical Working Group which verified violations, tracked trends and compiled reports.

In **Nepal**, UNHCR was not a member of the CTFMR as persons of concern were not affected by violations.

¹⁶The annual reports on Children and Armed Conflict issued by the Secretary-General include a 'name and shame' list in its annexes that serves as a trigger for the establishment of a Country-level Task Force on Monitoring and Reporting (CTFMR).

¹⁷For more information on CTFMRs, please see UNICEF, *Guidelines - Monitoring and Reporting Mechanism of Grave Violations against Children in Situations of Armed Conflict* (2014), pp. 12-3.

¹⁸For more information on both coordination mechanisms, please see Office of the Special Representative of the Secretary-General for Sexual Violence in Conflict (OSRSG-SVC), *Provisional Guidance Note on the Implementation of Security Council Resolution 1960 (2010) on Women, Peace and Security (Conflict-related Sexual Violence)* (June 2011), pp.6-10

The role of the Working Group is to review information, monitor and verify incidents of sexual violence, analyse data, trends and patterns, prepare reports, and build capacity to strengthen MARA. Given the highly sensitive nature of information and the security implications for operational entities, particularly as relates to naming of alleged perpetrators and parties to conflict, the membership of the Working Group is limited to a select group of UN entities, usually convened by the country-level Women's Protection Adviser (WPA).

The role of the Joint Consultation Forum is to review and discuss available (aggregated and anonymized) information and analysis on conflict-related sexual violence from a wide range of sources. Members provide the Forum with their data and analysis of the situation, including their perspective on trends and patterns of sexual violence. Where possible and appropriate, the Joint Consultation Forum can be convened under the auspices of the Protection Cluster or its GBV sub-cluster. UNHCR should participate in the Working Group on Conflict-related Sexual Violence and the Joint Consultation Forum where these are established.

Coordination with national governments

Consultation with governments is an important activity for their successful implementation, but neither MRM nor MARA require the prior agreement of governments.¹⁹

UNHCR Field Practice

In **Iraq**, UNHCR and UNICEF signed a Cooperation Agreement detailing their respective roles and responsibilities with regards to the implementation of the MRM for Syria and the MRM for Iraq at country level. The two organizations also signed an Information Sharing Protocol specifically linked to the MRM.

Coordination with UNICEF on the MRM

UNICEF carries a special responsibility for the effective implementation of the MRM. In certain contexts, UNHCR and UNICEF Country Operations or Regional Offices have signed specific MRM Cooperation Agreements detailing the different roles and responsibilities of the two organizations as well as highlighting opportunities for increased collaboration to strengthen MRM reporting.

Coordination between MRM and MARA in countries where both are implemented

The mandates under Security Council resolutions 1612 and 1960 both include sexual violence against children.²⁰ UNHCR should participate and provide information for both mechanisms.

Coordination of inputs for the Secretary-Generals' Reports

UNHCR should submit inputs for the Secretary-General's Annual Report on Children and Armed Conflict through the CTFMR at country level and inputs for the Secretary-General's Annual Report on Conflict-Related Sexual Violence through the Women Protection Advisers (WPAs) or equivalent, the MARA Working Group or through the SGBV coordination structures at country level.

¹⁹ UNICEF, *Guidelines - Monitoring and Reporting Mechanism of Grave Violations against Children in Situations of Armed Conflict* (2014), p.3.

²⁰ For more information, see Office of the Special Representative of the Secretary-General for Sexual Violence in Conflict (OSRSG-SVC), *Provisional Guidance Note on the Implementation of Security Council Resolution 1960 (2010) on Women, Peace and Security (Conflict-related Sexual Violence)* (June 2011), p.15.

If, for any reason, UNHCR operations have concerns regarding the reports, offices are encouraged to submit these to the Regional Legal Advisor in the Regional Bureau at Headquarters and the Senior Advisors for Child Protection and/or SGBV in the Division of International Protection for direct follow up with the relevant OSRSG in New York.

Global-level coordination for MRM and MARA

At the global level, UNHCR is part of a Headquarters Task Force on Children and Armed Conflict and the Steering Group for the Global Coalition to Protect Education from Attack.²¹

UNHCR is also a member of the umbrella group UN Action Against Sexual Violence in Conflict (UN Action) chaired by the SRSG-SVC. As a member, UNHCR participates in determining policy and priorities in the execution of the mandate of the SRSG-SVC.

Collection and verification of information

When designing mechanisms for the collection of information for MRM and MARA, the safety and security of survivors must be given paramount consideration. Important mitigation measures include ensuring confidentiality for staff and partners as well as survivors.

Sources of information for MRM and MARA

UNHCR can contribute information for MRM and MARA through already existing sources of information. UNHCR might have to make some adjustments to its protection monitoring practices in order to conform to the requirements for MRM and MARA. At a minimum, this means that the typology of incidents should match the information required by MRM²² (there is not yet an agreed typology of incidents for MARA).

UNHCR Field Practice

In **South Sudan** and in **CAR**, UNHCR has participated in the development of a MARA addendum for the GBVIMS information sharing protocol. This has allowed for the systematised and regular sharing of aggregate trends on conflict-related sexual violence from the GBVIMS with the MARAs for those countries.

In **Myanmar**, a new country-wide protection incident monitoring format has been rolled-out in all UNHCR field offices and incorporates all six grave violations under the broader MRM. As protection incident monitoring information includes the age and sex breakdown of the survivor, as well as alleged perpetrator(s), relevant information can then be fed into the MRM.

In **Jordan**, all registration and protection staff were trained on the MRM. A 'trigger question' was asked during the refugee registration process to identify if the person experienced or witnessed MRM violations in Syria. If the trigger question was positive, the person was referred, with consent, to the MRM focal point for a longer interview in order to collect more detailed information for the MRM.

²¹ For more information on the Global Coalition to Protect Education from Attack, please see: <http://www.protectingeducation.org/>

²² For more information on the 6 MRM violations (killing or maiming, recruitment or use of children by armed forces or groups, attacks against schools or hospitals, rape or other sexual violence, abduction and denial of humanitarian access), see Office of the Special Representative for Children and Armed Conflict et al, *Field Manual: Monitoring and Reporting Grave Violations Against Children in Armed Conflict* (June 2014), Annex 2



UNHCR can contribute non-identifiable, aggregate information from protection incident monitoring systems (e.g. Gender-Based Violence Information Management System (GBVIMS)²³), proGres and other refugee registration statistical reports, UNHCR mission reports, UNHCR country of origin information documents, or other reports.

Personal data²⁴ collected through individual protection incident or case management processes may also be contributed, with the consent of the survivor / caregiver / witness.²⁵ Country coordination mechanisms should agree which information is most useful (e.g. incident narrative reports, identities of perpetrators, time, date and place of incident, etc.).

In some circumstances where existing sources of information are not adequate and it is necessary and appropriate to collect additional information, MRM information may be collected through interviews by trained MRM focal points.

UNHCR and other agencies participating in protection monitoring shall not interview survivors multiple times or for the sole purpose of collecting or verifying information for MRM and MARA. For both mechanisms, information must not be collected from survivors of sexual violence unless there are services in place, although useful information regarding trends or patterns of violations may still be gathered. For other violations covered by the MRM, monitoring and reporting activities must be closely linked to appropriate responses to the different violations, including referral mechanisms to relevant service providers, advocacy interventions or other responses.

Verification for MRM and MARA

Verification involves identifying and weighing the credibility of the source, triangulation with other sources, and analysing the veracity of the allegations. It does not, therefore, mean re-interviewing survivors or witnesses, but rather assessing the information based on the source, other sources of information, and the credibility of the report based on country and subject-matter expertise.

The MRM Field Manual lays out the different considerations and standards for verification.²⁶ UNHCR, as a member of the CTFMR or a Technical Working Group, may undertake to verify information collected on violations. For MARA, the Guidance Note on the Implementation specifically calls for verification to be informed by human rights monitoring principles and methodologies.²⁷

²³ GBVIMS has developed a Guidance Note which includes a decision tree that can be used to guide actors whether or not to use GBVIMS data for MARA purposes.

²⁴ Any data related to an individual who can be identified from that data, from that data and other information, or by means reasonably likely to be used related to that data. Personal data includes biographical data (biodata) such as name, sex, marital status, date and place of birth, country of origin, country of asylum, individual registration number, occupation, religion and ethnicity, biometric data such as a photograph, fingerprint, facial or iris image, as well as any expression of opinion about the individual, such as assessments of the status and/or specific needs.

²⁵ Please see Section 4.4.3 for more information on consent for information sharing.

²⁶ Office of the Special Representative for Children and Armed Conflict et al, *Field Manual: Monitoring and Reporting Grave Violations Against Children in Armed Conflict* (June 2014), p.24

²⁷ See Office of the Special Representative of the Secretary-General for Sexual Violence in Conflict (OSRSG-SVC), *Provisional Guidance Note on the Implementation of Security Council Resolution 1960 (2010) on Women, Peace and Security (Conflict-related Sexual Violence)* (June 2011)

When unverified information is included in the final country reports, it is referred to as ‘unconfirmed reports’. It is therefore important that UNHCR, when submitting reports, clearly indicates information relevant to verification standards.

Training of staff on MRM and MARA

UNHCR should ensure that field staff engaged in protection monitoring, reporting and coordination are sufficiently trained and capacitated on the MRM and MARA, especially in situations where these mechanisms are operating. UNICEF or UN Peacekeeping or Political Missions are often available to provide necessary training and technical support. UNHCR operations can also request support from UNHCR Headquarters by contacting the Senior Advisor (Child Protection) and/or the Senior Advisor (SGBV) in the Division of International Protection, who may in addition consult with the Office of the Special Representative of the Secretary General CAAC and/or the Office of the Special Representative of the Secretary General SVC for additional technical guidance.

Safe management and sharing of information

Relevant UNHCR policy relating to information management and sharing

This Technical Note should be read and applied in accordance with relevant UNHCR policies, including:

- UNHCR’s Policy on the Protection of Personal Data,²⁸ which sets out the organisation’s commitments to ensure that information collection, storage, use, disclosure, and sharing of personal data of persons of concern is lawful, safe and ethical.
- UNHCR’s Information Classification, Handling and Disclosure Policy,²⁹ which sets out the organisation’s commitments to ensure openness and transparency as well as the proper treatment of information deemed confidential.

The first policy applies specifically to personal data of persons of concern, such as details of survivor or witness reports of violations; the second policy applies to all other data related to UNHCR’s work, for example, mission reports, statistical information, and country of origin information and analysis.

Considerations for safe information sharing for MRM and MARA

Any information that is collected in relation to MRM and MARA violations by UNHCR offices must ensure the highest standards of confidentiality and data security. UNHCR offices should agree upon the frequency and method of sharing information relating to MRM and MARA. This should include how data is shared with the agency responsible for consolidating reports by partners with whom UNHCR has signed a Project Partnership Agreement.³⁰ Operations may find it helpful to document this in a Cooperation Agreement or in Standard Operating

²⁸ UNHCR/HCP/2015/6 available at: <https://intranet.unhcr.org/content/dam/UNHCR/dip/556420ff4.pdf>

²⁹ UNHCR/IOM/076-FOM/076/2010 available at: https://intranet.unhcr.org/intranet/unhcr/en/home/executive_direction/official_policies/iom-foms/2010_iom-foms/iom07610.html

³⁰ Project Partnership Agreements contain important Confidentiality and Personal Data Protection obligations (Articles 13.11 to 13.25 inclusive) that may mean that the partner must obtain UNHCR’s consent prior to sharing any MRM or MARA information obtained through the partnership.

Obtaining Consent for Information Sharing

FOR CHILDREN

In the case of children, consent should generally be obtained from the child's parent or guardian, as well as consent or assent from the child according to the child's age and maturity. Consent from parents/guardians is not necessary where it is not in the best interests of the child to share information with the child's parents/guardian or where parents/guardians are not reachable.

The information provided and the way in which consent/assent is expressed must be appropriate to the age and capacity of the child and to the particular circumstances in which it is given.

FOR SURVIVORS OF SGBV

For survivors of SGBV, those collecting information should clearly explain the different ways in which information may be shared, with whom, for what purposes, and how. They must explain to each survivor what information will be shared, the purpose of sharing, and the potential risks of any decisions to share information. Survivors are given the option to consent to share none, some or all of the information about her/his SGBV incident. Consent for information sharing for referrals and service provision should be separated from consent for sharing information for MARA, and for aggregate, data collection purposes.

Procedures (SOPs). Information Sharing Protocols (ISPs) should be developed for the sharing of information relating to MRM and MARA with the agency responsible for consolidating reports.³¹ Data Transfer Agreements for sharing information with third party organisations (i.e. organisations with which UNHCR has not signed a Project Partnership Agreement), including other UN organisations such as UNICEF and DPKO, must be in place. At country level, protection staff should also consult with the data controller to assess whether a Data Protection Impact Assessment should be conducted in relation to sharing of MRM and MARA information.³²

Consent for information sharing

Personal data should only be processed³³ with the consent³⁴ of anyone involved in the provision of information – including by caregivers if a child is providing information – and any witnesses who report, as well as survivors. The specific considerations in relation to consent and information sharing relating to children³⁵ must be observed.

Decision-making related to information sharing for MRM and MARA

UNHCR staff will share relevant information with the MRM and the MARA Working Group only when it is determined to be safe and ethical to do so.³⁶ UNHCR should undertake a risk assessment for its engagement in MRM and MARA, and take steps to mitigate any identified risks. Important mitigation measures include ensuring confidentiality for staff and partners as well as survivors.

³¹ Support is available for developing SOPs and ISPs from the Division of International Protection (hqchipro@unhcr.org or hqsgbv@unhcr.org) and the Data Protection Officer (hqqipdtp@unhcr.org). A sample ISP is under development and will be posted on the UNHCR Intranet.

³² See UNHCR's Policy for the Protection of Personal Data of Persons of Concern, UNHCR/HCP/2015/6 available at: <https://intranet.unhcr.org/content/dam/UNHCR/dip/556420ff4.pdf>

³³ The processing of personal data refers to any operation, set of operations, automated or not, which is performed on personal data, including but not limited to the collection, recording, organization, structuring storage, adaption or alteration, retrieval, consultation, use, transfer (whether in computerized, oral or written form), dissemination or otherwise making available, correction, or destruction.

³⁴ There are different levels of consent. For example, GBVIMS requires two levels of consent to be given by the survivor- consent to share information for the purposes of referral and consent to share non-identifiable information for the purposes of aggregate data collection. See the GBVIMS/MARA Guidance Note. See also the *MRM Field Manual* for more information on consent for the MRM.

³⁵ See the *MRM Field Manual* for additional information on obtaining consent from children.

³⁶ For more information on when it is ethical and safe to share information, please see Annex B: WHO Ethical and Safety Recommendations for Researching, Documenting and Monitoring Sexual Violence in Emergencies.

In cases where UNHCR declines to provide information, this decision should be made in consultation with the relevant Bureau Director and the Director of International Protection³⁷ and a clear reason should be stated. UNHCR, in partnership with other participating agencies, should proactively seek alternatives for how such information can be safely collected and shared. Some valid reasons for not sharing information with MRM and MARA coordination bodies may include the fear of reprisals for individuals of concern or UNHCR or partner staff or organisations, or information quality being insufficient to share.

All decisions regarding information sharing on MRM and MARA should be made collectively by the CTFMR or the MARA Working Group in order to safeguard those who participate in the mechanisms.

Information sharing with refugees' country of origin

Where UNHCR contributes information collected from refugees to MRM and MARA mechanisms established in refugees' country of origin, a specific risk analysis must be done before deciding which information can be shared and how it can be shared. As a general rule, UNHCR would in such cases first share information with UNHCR in the country of origin rather than share it directly with the CTFMR or the MARA Working Group.

Response to violations

Linking monitoring and reporting to response

Monitoring and reporting is not an end in itself but should prompt appropriate advocacy and/or programmatic responses to prevent and respond to grave violations against children of concern and incidents of conflict-related sexual violence. This does not mean that UNHCR is solely responsible for response activities, but rather that information collected should inform UNHCR and inter-agency prevention and response programming, result in support and capacity building for national institutions and in direct advocacy and dialogue with parties to the conflict.

For both mechanisms, information must not be collected from survivors of sexual violence unless there are services in place, although useful information regarding trends or patterns of violations may still be gathered. In addition, UNHCR should ensure that any girls, boys, women and men who are identified as survivors of violence through monitoring and reporting activities are referred to appropriate response services.

UNHCR should also work with partners to build the capacity of armed forces or armed groups on refugee law, human rights and protection, including the MRM and MARA, in keeping with the UN Human rights due diligence policy on United Nations support to non-United Nations security forces.³⁸

UNHCR Field Practice

In **Chad**, UNHCR was involved in direct advocacy with the government through formal communication on behalf of individual cases of recruitment to gain immediate release of children.

In the **Philippines**, UNHCR engaged in direct advocacy to address the occupation of schools by parties to the conflict.

³⁷ And their designated focal points, namely the relevant Senior Legal Adviser for the Bureau, and for DIP, the Senior Adviser (SGBV), and Senior Adviser (Child Protection).

³⁸ Accessible at: <http://www.un.org/en/sc/documents/letters/2013.shtml&Lang=E>



Remedial action often must be taken immediately on issues such as child recruitment or attacks on schools, and cannot wait for the annual reports to be issued. As such, UNHCR may, in coordination with other members of the CTFMR or country-level coordination group for the MARA, engage in direct advocacy and dialogue with parties to the conflict, when deemed appropriate, in order to prevent and address violations related to MRM and MARA.

Action Plans with parties to the conflict

The CTFMR is responsible for developing Action Plans – a written, signed commitment between the United Nations and those parties

who are listed as having committed grave violations against children in the Secretary-General's Annual Report on CAAC.³⁹ Each Action Plan is designed to outline concrete, time-bound steps that lead to enhanced accountability of the alleged perpetrators and respond to and prevent future grave violations against children affected by conflict.

As a member of the CTFMR, UNHCR should play a role in the development and implementation of Action Plans, the purpose of which is to reduce violations and ultimately delist parties to the conflict. The CTFMR should assess which agency or actor is best placed to engage in dialogue with non-state actors.

UNHCR can also participate in the funding and implementation of Action Plans.



CONTACT

The focal point for MRM is the Senior Advisor (Child Protection), Division of International Protection, at hqchipro@unhcr.org. The focal point for MARA is the Senior Advisor (SGBV), Division of International Protection, at hqsgbv@unhcr.org.

The focal points in the Regional Bureaux are the Senior Regional Legal Advisers.

³⁹For more information on Action Plans, please see Office of the Special Representative for Children and Armed Conflict et al, *Field Manual: Monitoring and Reporting Grave Violations Against Children in Armed Conflict* (June 2014), pp.45-6

ANNEXES

Annex A: Background on MRM and MARA

Monitoring and Reporting Mechanism (MRM) on grave violations against children in situations of armed conflict (UNSCR 1612/1882/1998/2068/2143)

In July 2005, the United Nations Security Council adopted its resolution 1612 (2005), which requested the Secretary-General to establish Monitoring and Reporting Mechanisms (MRMs) to enhance the protection of children by collecting timely, accurate and objective information of grave child rights violations in situations of armed conflict and report to the Security Council Working Group on Children and Armed Conflict (SCWG CAAC) which was also established by the resolution. The MRM was further reinforced by UNSC resolutions 1882 (2009), 1998 (2011), 2068 (2012), and 2143 (2014), and 2225 (2015), all of which expand the violations that trigger a country to be listed to also include killing or maiming, rape or other sexual violence, attacks against schools or hospitals, and abduction (in addition to recruitment or use of children which was established by resolution 1612).

The MRM aims to hold perpetrators accountable and bring them into compliance with child protection international standards in order to halt and prevent future grave violations against children in armed conflict. Besides collecting and reporting information, the MRM should also result in appropriate responses to all of the grave violations against children in order to make a real difference for children. The annual reports on Children and Armed Conflict issued by the Secretary-General, include a 'name and shame' list in its annexes that serves as a trigger for the establishment of a Country-level Task Force on Monitoring and Reporting (CTFMR). The CTFMR is normally jointly led by the Humanitarian Coordinator and UNICEF. In certain situations, UNHCR can co-chair the CTFMR.

While the Office of the SRSR CAAC is responsible for MRM, the mandate of the Office is broader, with the mission of promoting and protecting the rights of all children affected by armed conflict, through awareness, advocacy, and operational partnerships. The Office of the SRSR is engaged in many different forms of advocacy and is often able to take a more direct approach with parties to conflict, including both State and non-State actors, than operational partners. Additionally, a campaign to end recruitment and use by the eight Government security forces listed by 2016 was jointly launched by the Office of the SRSR and UNICEF in 2014.

Monitoring, analysis and reporting arrangements (MARA) on conflict-related sexual violence (UNSCR 1820/1888/1960)

Building on Security Council resolutions 1820 (June 2008) and 1888 (September 2009) which recognized the links between sexual violence and international peace and security, resolution 1960 was adopted unanimously by the Security Council on 16 December 2010. The key operational elements of resolution 1960 are:

- A. Monitoring, analysis and reporting arrangements on conflict-related sexual violence;
- B. Commitments by parties to conflict to prevent and address sexual violence.

Resolution 1960 also gives the mandate to list parties to a conflict that are credibly suspected of committing or being responsible for acts of rape and other forms of sexual violence in an annex to the reports of the Secretary-General. The decision to list and/or de-list a party from the annex is the prerogative of the Secretary-General. The ultimate goal of Security Council resolutions 1820, 1888 and 1960 is to prevent and address conflict-related sexual violence, improve assistance to survivors, and support establishment of field-driven systems for reporting to the Security Council.

The Office of the SRSR for Sexual Violence in Conflict (OSRSR-SVC) is responsible for promoting the implementation of Security Council resolutions

1820, 1888, and 1960. As a part of this role, the SRSO-SVC is responsible for determining policy and priorities in execution of this mandate as well as making the final recommendation on the listing and de-listing of parties in the report of the Secretary-General. In addition, the SRSO-SVC serves as the UN's spokesperson and political advocate on prevention of and response to conflict-related sexual violence and is the chair of UN Action Against Sexual Violence in Conflict, of which UNHCR is a member.

Annex B: WHO Ethical and Safety Recommendations for Researching, Documenting and Monitoring Sexual Violence in Emergencies

The following set of interrelated ethical and safety recommendations apply specifically to the collection of information on sexual violence in emergencies. They set out the ethical and safety issues that are typically associated with planning and conducting information collection activities about sexual violence in emergencies as well as those associated with the uses of that information. They do not intend to give general guidance or recommendations on the planning, methodology or logistics of research on this topic, or on issues associated with the ethical conduct of research in general. As stated above [...], these recommendations are intended to complement and add to existing professional standards, guidelines, and other practice and oversight tools and guides and processes, and should not be viewed as an all-inclusive or stand-alone guide for information gathering about sexual violence in emergencies.

The eight safety and ethical recommendations [...] are:

1. The benefits to respondents or communities of documenting sexual violence must be greater than the risks to respondents and communities.

2. Information gathering and documentation must be done in a manner that presents the least risk to respondents, is methodologically sound, and builds on current experience and good practice.
3. Basic care and support for survivors/victims must be available locally before commencing any activity that may involve individuals disclosing information about their experiences of sexual violence.
4. The safety and security of all those involved in information gathering about sexual violence is of paramount concern and in emergency settings in particular should be continuously monitored.
5. The confidentiality of individuals who provide information about sexual violence must be protected at all times.
6. Anyone providing information about sexual violence must give informed consent before participating in the data gathering activity.
7. All members of the data collection team must be carefully selected and receive relevant and sufficient specialized training and ongoing support.
8. Additional safeguards must be put into place if children (i.e. those under 18 years) are to be the subject of information gathering.⁴⁰

Annex C: References

Detailed Guidance on MRM

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- United Nations Security Council resolution 2106 (2013), <http://www.refworld.org/docid/51d6b5e64.html>.
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- *Paris Principles and Guidelines on Children Associated with Armed Forces and Armed Groups* (2007), <http://www.unicef.org/emerg/files/ParisPrinciples310107English.pdf>.

Related guidance

- UNHCR (2015), *Policy on the Protection of Personal Data of Persons of Concern*, <http://www.refworld.org/docid/55643c1d4.html>
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