

MEDP Monitoring Committee Terms of Reference

Type / nature: an advisory, independent committee.

Purpose

The Monitoring Committee (MC) will be responsible for monitoring the end-to-end relocation of individuals from the UK to Rwanda.

It will provide an independent assessment of compliance with the obligations set out in the Agreement between the government of the United Kingdom of Great Britain and Northern Ireland and the government of the Republic of Rwanda (“the Parties”) for the Provision of an Asylum Partnership to strengthen shared international commitments on the protection of refugees and migrants (“the Agreement”) and the Notes Verbales relating to Operations and Facilitating access to UK based lawyers and courts.

It will also have a key role in advising the Joint Committee (JC) if there are any issues with compliance as well as on steps considered necessary to take to resolve any issues.

The role of the MC shall continue throughout the term of the Agreement, and any extension.

Detail

The MC will be responsible for monitoring the entire end-to-end relocation process from within the United Kingdom and then in Rwanda:

- monitoring compliance with the assurances given in the Agreement and associated Notes Verbales
- reporting the JC on its findings as to, for example, the Parties’ implementation of the obligations in the Agreement, reception conditions, accommodation, processing of asylum claims, treatment and support of Relocated Individuals at all times whilst they remain in Rwanda
- it may publish its reports following notification to the JC
- it is expected to report any significant issues to the JC straight away
- it may provide advice / recommendations to the JC on actions which should be taken to address identified issues
- monitoring complaints handling by the Parties
- developing its own complaints system to allow Relocated Individuals and their legal advisors to make confidential complaints regarding any alleged failure to comply with the obligations in the Agreement (including as to treatment of a

- Relocated Individual) or any element of the processing of their asylum claim in accordance with the Agreement
- the complaints system should work in tandem with existing complaints mechanisms and is not intended duplicate them

And in so doing the Monitoring Committee will be responsible for putting in place real-time enhanced monitoring and reporting for the first three months of the operation of the Agreement. Although this may be extended.

This enhanced phase will ensure that monitoring and reporting takes place in real time so that the MC can rapidly identify, address and respond to any shortcomings or failures to comply with the obligations in the Agreement and identify areas for improvement or urgently escalate issues, prior to any shortcomings or breaches placing a Relocated Individual at real risk of harm. This will include reporting to the JC co-chairs within 24 hours in emergency or urgent situations.

Authority

The MC is formed under Article 15 of the Agreement.

In accordance with Articles 14 and 15 of the Treaty, the MC has unfettered access for the purposes of completing their assessments and reports. This includes the ability to make unannounced visits to accommodation, asylum processing centres and any other locations where documents or information relating to Relocated Individuals, or their claims and appeals is held. The MC will also be able to sit in on interviews by the First Instance Body with the express consent of the individual being interviewed. The MC will also be able to observe hearings before the Appeal Body. In conducting its duties, the Monitoring Committee shall respect the Parties' domestic laws, including data protection laws.

Membership

In accordance with Article 15 of the Agreement, the MC will be comprised of persons independent of the Parties.

For the purpose of establishing the Committee's initial membership, the Parties will each propose four persons to become committee members. These nominations will be considered and agreed by the co-chairs of the JC.

Monitoring Process

In accordance with Article 15 of the Agreement, the MC will report upon the Parties' compliance with the obligations set out in the Agreement and the commitments in the Notes Verbales.

It will monitor the entire relocation process from the beginning, and the conditions it will report on will include the initial screening, reception conditions, accommodation, processing of asylum claims, humanitarian protection or grant of permanent residence, as per Article 10 of the Agreement, and treatment and support of RIs at

all times, including after final determination of status and for up to 5 years after relocation in line with the duration of integration support provided for those who chose to remain in Rwanda

The MC will carry out its monitoring function largely gathering information through field visits either by members of the MC or by a supporting team acting under the sole direction of the MC.

In accordance with Articles 14 and 15 of the Treaty, the MC will have unfettered access for the purposes of completing assessments and reports.

The MC, or the supporting I team, will be facilitated upon request to access documents and information relevant to the RIs' or their claims.

The details of the information gathering work will be set out in an annual monitoring plan to be agreed with the JC, but as a minimum will assess the Parties' compliance with the assurances in the Agreement and commitments in the Notes Verbales in accordance with the paragraphs above. The JC will agree and set out minimum levels of assurance.

Enhanced Monitoring Phase

The Monitoring Committee will ensure the following minimum levels of assurance during the duration of the enhanced monitoring phase:

- 2 visits to the UK to see the selection process
- observing 2 boarding and 2 disembarkations
- observing 3 induction sessions
- weekly visits to accommodation and reception centres
- monthly visits to health facilities and education
- observing education and language training sessions
- observing interviews
- observing appeal hearings
- reviewing the process and paperwork for all individuals relocated to Rwanda in this phase
- monitoring the status of people relocated to Rwanda (captured through the quarterly reporting process and visits to resettlement areas)
- review a sample of 25% complaints (including all serious incidents)
- investigating all complaints received directly
- interviewing on a voluntary basis a sample of 1 in 10 RIs at various stages of the process

At the end of the enhanced monitoring period, as decided upon review, the MC will continue to monitor compliance with the obligations as below.

General Monitoring

Indicative minimum levels of assurance per year:

- 3 visits to the UK to see the selection process
- observing 3 boarding and 3 disembarkations

- observing 5 induction sessions
- 15 visits to accommodation and reception centres
- 6 visits to health facilities and education
- observing education and language training sessions
- observing interviews
- observing appeal hearings
- reviewing the process and paperwork for 25% of individuals relocated to Rwanda
- monitoring the status of people relocated to Rwanda (captured through the quarterly reporting process and visits to resettlement areas)
- review a sample (10%) of complaints (including a sample of serious incidents)
- investigating all complaints received directly
- interviewing on a voluntary basis a sample of 1 in 10 RIs at various stages of the process (this cohort would expand over time)

Meeting arrangements

The full MC will normally meet formally at least twice a year, but at least four times in the first year that it is established.

During the period of enhanced monitoring the MC will meet in accordance with an agreed action plan to include weekly meetings as required.

Deliverables

The MC will highlight any areas of concern to the co-chairs of the JC within 24 hours in emergency or urgent situations.

During the period of enhanced monitoring the MC will report to the JC in accordance with an agreed action plan to include weekly and bi-weekly reporting as required.

It will otherwise produce formal written report for the JC on a quarterly basis over the first 2 years of the partnership setting out its findings and making any recommendations.

Following notification to the JC, the MC may publish reports as it sees fit on its findings, but at least once a year it will produce a summary report for publication.

Resources and budget

The partnership will allocate to the MC an annual budget.

The MC will have a supporting team appointed to work under the sole direction of the MC.

The support team will not comprise any individuals who are employees of the governments of the United Kingdom or Rwanda.

The support team will be appointed by and work solely for and under the direction of the MC in conducting its role. It is anticipated that the support team may assist the MC with:

- data and information collection and collation
- fieldwork visits – for example, in observing interviews etc
- interviewing RIs
- reviewing samples of complaints made by RIs within the end-to-end process
- receiving and investigating complaints directly from RIs to the MC under its dedicated complaints process
- preparing situation reports to the MC

The support team will also be expected to provide a secretariat function to the MC.

The MC will be fully responsible for the analysis and any findings or recommendations made to the JC.

Review

Under Article 15 of Agreement the MC sets its own terms of reference. It will therefore review the TORs every year. Any amendments to the TORs will require agreement by a majority of the MC members.

The JC will review the MC's TORs on an annual basis and will consider whether additional TORs are required (in accordance with Article 16(5) of the Agreement). Alongside this, there will be joint assessment by the Joint and Monitoring Committee of whether the TORs have been properly met.