

ANNEX XIII: LISTING AND DELISTING CRITERIA

This is taken from the Global Annual Report of the Secretary-General on CAAC 2010.

Listing and delisting criteria: the notion of a 'pattern'

175. The threshold for inclusion therefore revolves around the notion of a 'pattern'. Based on the use of the notion in similar contexts, a 'pattern' denotes a 'methodical plan', 'a system' and a collectivity of victims. It is a 'multiple commission of acts', which, as such, excludes a single, isolated incident or the random conduct of an individual acting alone and presumes intentional, wilful conduct. In proving the acts to be systematic, it would also be necessary to show that all such acts in contravention of applicable international law involving killing and maiming, or sexual violence, are being perpetrated in the same context and, from that perspective, are considered 'linked'.

Specific listing criteria

176. On the basis of the above-mentioned understanding of the notion of a 'pattern' as a threshold for inclusion in the list, reference to the description of the acts in contravention of applicable international law involving killing, maiming, rape and other sexual violence is as follows: Killing and maiming should include mutilation, torture resulting in serious injury or death, and killing in contravention of applicable international law. Rape and other sexual violence should include rape, sexual slavery and/or any other form of sexual violence.

177. Recruitment and use of children will continue to be the basis for listing and delisting in conformity with past practice and in line with applicable international law.

Specific delisting criteria

178. A party will be delisted on condition that there is UN-verified information that it has ceased commission of all the said grave violations¹ against children for which the party is listed in the Secretary-General's Report on CAAC, for a period of at least one reporting cycle.

179. As part of the delisting process, a party to the conflict, whether a state or non-state actor, is required to enter into dialogue with the United Nations to prepare and implement a concrete, time-bound action plan to cease and prevent grave violations committed against children for which the party has been listed in the Secretary-General's Report on CAAC, in accordance with Security Council Resolutions 1539 (2004), 1612 (2005) and 1882 (2009). The Action Plan should include:

- (a) A halt to violations and/or the pattern of violations concerned;
- (b) Official command orders issued through the chain of command of the armed force or group specifying a commitment to halt violations and to take disciplinary measures against perpetrators;
- (c) An agreed means of cooperation between the party concerned and the United Nations to address grave violations committed against children;
- (d) Access to territory under the control of the party and to bases, camps, training facilities, recruitment centres or other relevant installations, for ongoing monitoring and verification of compliance. The framework of access will be mutually agreed upon by the United Nations and the party;
- (e) Verifiable information regarding measures taken to ensure the accountability of perpetrators;
- (f) Implementation of an agreed prevention strategy by the party to address violations;
- (g) Designation of a high-level focal point in the military hierarchy of the group responsible for the fulfilment of Action Plan criteria.

¹ See S/2005/72.

180. It should be noted that once a party is delisted, ongoing monitoring and reporting of the situation is required as long as the Secretary-General remains concerned that such violations may recur. The delisted party must ensure continuous and unhindered access to the United Nations for monitoring and verification of compliance with commitments for a minimum period of one reporting cycle following delisting, failing which it may be re-listed in the annexes, and the Security Council alerted to the non-compliance.