

Annex I: Glossary of Terms and Acronyms

Glossary of key terms

<i>Armed conflict</i>	International humanitarian law refers to two different types of armed conflict: international armed conflicts and conflicts of a non-international character. (1) For example, the four Geneva Conventions of 1949 (with the exception of common Article 3) and 1977 Additional Protocol I concern international armed conflicts. Common Article 3 to the 1949 Geneva Conventions and the 1977 Additional Protocol II concern armed conflicts of a non-international character. ²⁶
<i>Armed forces</i>	The armed forces of a country are its government -sponsored defence, fighting forces, and organizations. They exist to further the foreign and domestic policies of their governing body, and to defend that body and the nation it represents from external aggressors. In some countries paramilitary forces are included in a nation's armed forces.
<i>Armed group</i>	Armed groups are distinct from the armed forces of a State. They have an identifiable chain of command and structure, and under applicable international law, have responsibilities with regard to refraining from committing grave violations against children. In particular, the Optional Protocol on the Involvement of Children in Armed Conflict lays an exact prohibition of recruitment of children under the age of eighteen when a group operates on a signatory's territory.
<i>Carer</i>	A legal guardian or recognized responsible adult or competent public body responsible for the support, protection and full time/overnight care of the child
<i>Child</i>	A child is any girl or boy under 18 years of age, as defined in Article 1 of the CRC.
<i>Child associated with an armed force or group</i>	Any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, messengers, spies or for sexual purposes (see Paris Principles).

¹ For full understanding of the qualification of armed conflicts, see the website: <www.adh-geneve.ch/RULAC/qualification_of_armed_conflict.php>.

<i>Detention</i>	A child who has been detained through the due legal process. See Annex III for greater clarification on this definition.
<i>Gender</i>	Gender refers to the social differences between males and females that are learned, and though deeply rooted in every culture, are changeable over time, and have wide variations both within and between cultures. ‘Gender’ determines the roles, responsibilities, opportunities, privileges, expectations and limitations for males and females in any culture. (From Inter-Agency Standing Committee Guidelines for Gender-based Violence Interventions in Humanitarian Settings, Focusing on Prevention of and Response to Sexual Violence in Emergencies, 2005).
<i>Grave violations</i>	For the purposes of monitoring and reporting based on Security Council Resolution 1612, the six grave violations are: (a) killing or maiming of children; (b) recruiting or using children in armed forces and groups; (c) attacks against schools or hospitals; (d) rape or other grave sexual violence against children; (e) abduction of children; and (f) denial of humanitarian access for children [Source: S/2005/72, para. 68].
<i>Humanitarian actor/agency</i>	A local or international NGO/person or UN body whose activities support the provision of humanitarian assistance.
<i>Humanitarian principles</i>	Prevention and alleviation of suffering, protection of life and health, and respect for human dignity. This includes, inter alia, impartial assistance, transparency, best interest of the child, participation and respect for the views of the child, non-discrimination and confidentiality (see Annex VII).
<i>Protection</i>	Encompassing all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e., international human rights law, international humanitarian law, and refugee law). [working definition used by IASC]
<i>Separated child</i>	A child who is separated from a previous legal or customary primary caregiver, but who may nevertheless be accompanied by another relative.
<i>Sexual violence</i>	For the purpose of monitoring and reporting, sexual violence is defined as any form of sexual threat, assault, exploitation and abuse, including but not limited to enforced prostitution, rape, sexual maiming and molestation.
<i>Unaccompanied child</i>	A child who has been separated from both parents and who is not being cared for by an adult, who, by law or custom, is responsible for doing so.

Acronyms

CAAC	Children Affected by Armed Conflict
CPA	Child Protection Adviser
CRC	Convention on the Rights of the Child
CTFMR	Country Task Force for Monitoring and Reporting
DPA	United Nations Department of Political Affairs
DPKO	United Nations Department of Peacekeeping Operations
GHN	Global Horizontal Note
IASC	Inter-Agency Standing Committee
ICRC	International Committee for the Red Cross
ILO	International Labour Organization
MRM	Monitoring and Reporting Mechanism
MRM TRG	Monitoring and Reporting Mechanism Technical Reference Group
NGO	non-governmental organization
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSRSG	Office of the Special Representative of the Secretary-General
RC	Resident Coordinator
SCWG	Security Council Working Group
SRSG	Special Representative of the Secretary-General
UNCT	United Nations Country Team
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
WFP	World Food Programme

Annex 2: International Legal Foundations and Standards

MRM on grave violations against children in situations of armed conflict

MRM requirements:		
i. Context	The acts must be committed in the context of and be associated with an armed conflict.	
ii. Victim	A child or children, i.e., persons < 18 years of age	
iii. Perpetrator	Members of state armed forces or non-state armed group (See Glossary for definition of state armed forces or non-state armed group. The MRM does not focus activities on civilians, although international practice shows that civilians may also be responsible for war crimes.)	
Violation	Meaning for MRM purposes and types of incidents to report	Relevant international legal references and international standards
1. Killing and maiming	<p>Killing: Any action in the context of the armed conflict that results in the death of one or more children.</p> <p>Maiming: Any action that causes a serious, permanent or disabling injury, or scarring or mutilation to a child.</p> <p>Killing and maiming of children as a result of direct targeting, crossfire, landmines, cluster munitions, improvised explosive devices or other indiscriminate explosive devices are included. Torture can also be reported under this category.</p>	<ul style="list-style-type: none"> ■ International human rights law: The Convention on the Rights of the Child (CRC) enshrines the rights to life, survival and development; and prohibition of torture or other cruel, inhumane or degrading treatment.¹ ■ International humanitarian law: <ul style="list-style-type: none"> ■ Civilians and persons hors de combat must be treated humanely. As a consequence, murder, torture, cruel or inhuman treatment, corporal punishment, and mutilation – whether committed against adults or children – are prohibited in all circumstances:² ■ Civilians must also be protected against the consequences of military operations. The parties to the conflict must at all times distinguish between civilians and combatants.³ This implies that the following rules must be respected: <ol style="list-style-type: none"> 1. Attacks must not be directed against civilians.⁴ 2. Indiscriminate attacks are prohibited.⁵ Indiscriminate attacks are those: <ol style="list-style-type: none"> a) that are not directed at a specific military objective; b) that employ a method or means of combat which cannot be directed at a specific military objective; or c) that employ a method or means of combat the effects of which cannot be limited as required by international humanitarian law. As a consequence, indiscriminate attacks are those of a nature to strike military objectives and civilians or civilian objects without distinction. 3. Launching an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated, is prohibited.⁶ ■ International humanitarian law also provides that children affected by armed conflict are entitled to special respect and protection.⁷ Specific protection includes the prohibition of the pronouncement or execution of a death sentence against anyone younger than 18 years old at the time of the offence, when the offence is related to an armed conflict.⁸ ■ International criminal law: In certain circumstances, the killing and maiming of children may constitute genocide, a crime against humanity and/or a war crime as provided in Articles 6, 7 and 8 of the Rome Statute of the International Criminal Court.

1 See also the International Covenant on Civil and Political Rights Art. 6.1 and 7; Convention Against Torture; Convention on the Rights of the Child (CRC) Art. 6 and 37.
 2 Common Art. 3; GC I: Art. 12, 50; GC II: Art. 12, 51; GC III: Art. 13, 17, 87, 89, 130; GC IV: Art. 5, 27, 32, 147; API: Art. 75 (1); APII: Art. 4 (1); ICRC Study on Customary IHL: Rules 87, 89-92.
 3 API: Art. 48; ICRC Study on Customary IHL: Rule 1.

4 API: Art. 51 (2); APII: Art. 13 (2); ICRC Study on Customary IHL: Rules 1-6.
 5 API: Art. 51 (4); ICRC Study on Customary IHL: Rules 11–13.
 6 API: Art. 51 (5)(b) and 57; ICRC Study on Customary IHL: Rule 14.
 7 API: Art. 77; APII: Art. 4 (3); ICRC Study on Customary IHL: Rule 135.
 8 GC IV: Art. 68 (4); API: Art. 77 (5); APII: Art. 6 (4).

<p>2. Recruitment or use of children by armed forces and groups</p>	<p>Recruitment: refers to compulsory, forced or voluntary conscription or enlistment of children into any kind of armed force or armed group(s).</p> <p>Use of children: refers to the use of children by armed forces or armed groups in any capacity, including, but not limited to, children, boys and girls, used as fighters, cooks, porters, messengers, spies or collaborators. It does not only refer to a child who is taking or has taken direct part in hostilities.⁹</p> <p>A child associated with an armed force or armed group: refers to any person below 18 years of age who is or has been recruited or used by an armed force or armed group in any capacity, including, but not limited to, children, boys and girls, used as fighters, cooks, porters, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken direct part in hostilities.</p>	<ul style="list-style-type: none"> ■ The recruitment or use of children by armed forces and groups is prohibited under international human rights law, international humanitarian law and international criminal law. ■ International human rights law: ■ <u>Article 38 of the CRC:</u> requires that States Parties refrain from recruiting children below the age of 15 and to give priority to older children if recruiting those older than 15 but less than 18 years of age. The CRC also requires States Parties to take “all feasible measures” to ensure that those younger than 15 years of age do not take a direct part in hostilities. ■ <u>The Optional Protocol to the CRC on the involvement of children in armed conflict:</u> adopted on 25 May 2000, strengthens the prohibition of child recruitment and participation in hostilities. It provides that: <ul style="list-style-type: none"> ■ States Parties must take all feasible measures to ensure that members of their armed forces who have not reached the age of 18 years do not take <i>direct part in hostilities</i> (Art. 1). ■ <i>State Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited</i> into their armed forces (Art. 2). ■ States Parties must raise the minimum age for voluntary recruitment from 15 years to 16 years. Further, States Parties that permit voluntary recruitment into their national forces under the age of 18 years shall maintain safeguards to ensure that the recruitment is genuinely voluntary; that it is carried out with the informed consent of the person’s parents or legal guardians; that the person is fully informed of the duties involved in such military service and that the person provides reliable proof of age prior to acceptance into national military service (Art. 3). ■ Armed groups that are distinct from the armed forces of a state should not, under any circumstances, recruit (whether on a compulsory or voluntary basis) or use in hostilities persons under the age of 18 years. States Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices by non-governmental armed groups (Art. 4). ■ States Parties must take all feasible measures to ensure that children who are already members of armed forces or groups are demobilized or otherwise released from service. They must also ensure that these children receive all appropriate assistance for their physical and psychological recovery and their social reintegration (Art. 6). ■ <u>The African Charter on the Rights and Welfare of the Child:</u> also goes further by prohibiting the <i>recruitment and direct participation in hostilities</i> of any person under the age of 18 years.¹⁰ ■ <u>The International Labour Organization’s Worst Forms of Child Labour Convention 182 (1999):</u> defines “children” in Article 2 as all persons under the age of 18 years. Under the Convention, States “shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency,” including “forced or compulsory recruitment of children for use in armed conflict,” as per Articles 1 and 3. Recommendation 190 accompanying Convention 182 encourages states to make such recruitment a criminal offence. ■ International humanitarian law: ■ In international armed conflicts, Additional Protocol 1 requires parties to the conflict to take all feasible measures in order that children who have not attained the age of 15 years do not take a direct part in hostilities and, in particular, to refrain from recruiting them into their armed forces.¹¹ In recruiting among those persons who have attained the age of 15 years but who have not attained the age of 18 years, the parties to the conflict shall endeavour to give priority to those who are oldest.¹² If, despite these rules, children take direct part in international armed conflicts and are captured, they are entitled to protections under the third or fourth Geneva Conventions, depending on whether
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9 See the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (February 2007).

10 African Charter on the Rights and Welfare of the Child: Art. 2 and 22 (2).

11 Additional Protocol I, Article 77(2).

12 API: Art. 77 (2).

		<p>they are members of an armed force of a State Party. In this situation, they must also benefit from the special protection accorded to them as children.¹³ Children who have not attained the age of 15 years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities.¹⁴ If, despite these rules, these children take part in hostilities, they are entitled to special protection accorded to them as children.¹⁵</p> <ul style="list-style-type: none"> ■ International criminal law: The recruitment or use of children in hostilities can also give rise to individual criminal responsibility. It is a war crime under the Statute of the International Criminal Court to conscript children under the age of 15 years into the national armed forces or armed groups, or to use them to participate actively in hostilities.¹⁶ ■ Paris Commitments and Paris Principles: are non-binding international standards developed by a broad range of stakeholders¹⁷ in February 2007. The Paris Principles provide guidance for the protection and well-being of children associated with armed forces or groups, based on best practices and lessons learned from field experiences. 	
<p>3. Attacks on schools and hospitals</p>	<p>Attacks include the targeting of schools or medical facilities that cause the total or partial destruction of such facilities. Other interferences to the normal operation of the facility may also be reported, such as the occupation, shelling, targeting for propaganda of, or otherwise causing harm to schools or medical facilities or its personnel.</p> <p><i>Note: A ‘school’ denotes a recognizable education facility or learning site. Education facilities and learning sites must be recognized and known by the community as a learning space and marked by visible boundaries. ‘Medical facilities’ are places where the sick and wounded are collected and/or provided with health-care services.</i></p>	<ul style="list-style-type: none"> ■ International humanitarian law: requires parties to an armed conflict at all times to distinguish between civilian objects and military objects, and prohibits attacks directed against civilian objects.¹⁸ Civilian objects are all objects not falling under the definition of military objectives, i.e., those failing to contribute to military action because of their nature, location, purpose or use, or whose destruction, capture or neutralization would provide no definite military advantage.¹⁹ Civilian objects include schools and hospitals. Civilian objects are protected against attack, unless and for such time as they are military objectives.²⁰ ■ International humanitarian law also prohibits indiscriminate attacks,²¹ including those: <ul style="list-style-type: none"> a) that are not directed at a specific military objective; b) that employ a method or means of combat which cannot be directed at a specific military objective; or c) that employ a method or means of combat the effects of which cannot be limited as required by international humanitarian law. <p>As a consequence, indiscriminate attacks are those of a nature to strike military objectives and civilians or civilian objects without distinction. International humanitarian law also prohibits the launching of an attack that may be expected to cause incidental damage to civilian objects, which would be excessive in relation to the concrete and direct military advantage anticipated.²²</p> <ul style="list-style-type: none"> ■ International humanitarian law provides that medical units, including hospitals, exclusively assigned to medical purposes must be respected and protected in all circumstances. However, medical units lose their protection if they are being 	<ul style="list-style-type: none"> a) Date incident occurred b) Location (as specific as possible) c) Nature of attack (Did the attack take place in response to an attack from the affected facility?) d) Type of facility attacked (hospital, school, etc.) e) Entity responsible (state armed forces/non-state actor) f) Impact (closed, damaged but not closed, etc.) g) How did the attack occur? (Was it targeted on the affected facility, indiscriminate, accidental, a result of random violence or committed as part of a widespread or systematic attack against a civilian population? (Y/N)) h) Consequences of attack (number of children killed/injured; period of time that the school was closed/affected; number of teachers/other staff killed/injured; period of time the hospital was closed or unable to operate to full capacity; number of medical/other staff killed/injured) i) Actions taken by governmental/other relevant authorities: (Was the matter reported to the relevant authorities? What actions have been taken?)

13 API, Art. 77 (3).

14 APII: Art. 4 (3)(c).

15 Additional Protocol II, Article 4(3).

16 Rome Statute: Art. 8 (2)(b)(xxvi) and 8 (2)(e)(vii). See also Statute of the Special Court for Sierra Leone: Art. 4 (c).

17 The guidelines were developed through participation of: States, human rights actors, humanitarian actors, development actors, military and security actors (state and non-state),

associated organizations, including UN organizations, other intergovernmental actors, national and international organizations and community-based organizations.

18 API: Art. 48 and 52; ICRC Study on Customary IHL: Rule 7.

19 API: Art. 52 (2); ICRC Study on Customary IHL: Rules 8–9.

20 Study on Customary IHL: Rule 10.

21 API: Art. 51 (4); ICRC Study on Customary IHL: Rules 11–13.

22 API: Art. 51 (5)(b) and 57; ICRC Study on Customary IHL: Rule 14.

		<p>used, outside their humanitarian function, to commit acts harmful to the enemy.²³ In times of peace, States Parties and, after the outbreak of hostilities, the belligerents may also establish hospital and safety zones and localities –with a view to protecting from the effects of war – wounded, sick and aged persons, children under 15, expectant mothers and mothers of children under 7 years old.²⁴</p> <ul style="list-style-type: none"> ■ International human rights law: additional relevant provisions from the CRC, including the right to education (Art. 28, 29) and the right to health facilities (Art. 24). ■ International criminal law: It is a war crime under the Rome Statute of the International Criminal Court (see Article 8 (2)b(ix) and 8(2)e(iv)), to intentionally direct attacks against buildings dedicated to religion, education, art, science or charitable purposes, or against historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives. 	<p>Attacks on personnel</p> <ol style="list-style-type: none"> a) Type of personnel (Medical/Education) b) Date incident occurred c) Location (as specific as possible) d) Age e) Sex (M/F) f) Nationality, religion, ethnicity (if applicable) g) What was the consequence of the attack? (killed/injured) h) How did the attack occur? (Was it targeted on the affected facility, indiscriminate, accidental, a result of random violence or committed as part of a widespread or systematic attack against a civilian population? (Y/N)) i) Actions taken by governmental/other relevant authorities: (Was the matter reported to the relevant governmental authorities? What actions have been taken?)
<p>4. Rape or other grave sexual violence</p>	<p>A violent act of a sexual nature to a child. It could include rape, other sexual violence, sexual slavery, enforced prostitution, forced marriage/pregnancy, or enforced sterilization.</p> <p>Rape: is an act of non-consensual sexual intercourse. This can include the invasion of a body resulting in penetration, however slight, of any part of the body of the victims or of the perpetrator with a sexual organ, or of the genital or anal opening of the victim with any object or body part.</p> <p>Sexual violence: is any sexual act, attempt to obtain a sexual act, or acts to traffic a child’s sexuality. Sexual violence takes many forms,</p>	<ul style="list-style-type: none"> ■ International human rights law: Children have a fundamental right to be protected from all forms of sexual violence and exploitation under international human rights law. Under Article 34 of the CRC, States Parties must “protect the child from all forms of sexual exploitation and sexual abuse.” Article 37 further specifies the protection of children from torture, cruel, inhuman and degrading treatment. The Optional Protocol on the sale of children, child prostitution and child pornography (2000) provides additional protection. ■ International humanitarian law: ■ General protection: civilians and persons hors de combat, including the wounded, sick and shipwrecked members of armed forces or groups and prisoners of war, must be treated humanely. As a consequence, they must be protected, in all circumstances, against such acts as torture or cruel, inhuman, humiliating or degrading treatment.²⁵ More specifically, they must be protected against rape, enforced prostitution or any other form of sexual violence.²⁶ 	<ol style="list-style-type: none"> a) Date incident occurred b) Location (as specific as possible) c) Age of victim d) Sex (M/F) e) Nationality, religion, ethnicity (if applicable) f) Displaced or refugee (if applicable and known) g) Entity responsible (state armed forces/non-state entity) h) Whether the conduct was committed as part of a widespread or systematic attack against a civilian population. (Y/N) i) Actions taken by governmental/other relevant authorities: (Was the matter reported to the relevant authorities? What actions have been taken?)

²³ GCI: Art. 19; GCIV: Art. 18; API: Art. 12; APII: Art. 11; ICRC Study on Customary IHL: Rule 28.

²⁴ GCIV: Art. 14.

²⁵ Common Art. 3; GCI: Art. 12, 50; GCII: Art. 12, 51; GCIII: Art. 13, 17, 87, 89, 130; GCIV: Art. 5, 27, 32, 147; API: Art. 75 (1); APII: Art. 4 (1); ICRC Study on Customary IHL: Rules 87, 89–92.

²⁶ API: Art. 75 (2)(b); APII: Art. 4 (2)(e); ICRC Study on Customary IHL: Rule 93.

	<p>including rape, sexual slavery and/or trafficking, forced pregnancy, sexual harassment, sexual exploitation and/or abuse, and forced abortion.</p>	<ul style="list-style-type: none"> ■ Specific protection: International humanitarian law also provides that children affected by armed conflict are entitled to special respect and protection. Children must be the object of special respect and must be protected against any form of indecent assault.²⁷ To this end, if arrested, detained or interned for reasons related to the armed conflict, they must be held in quarters separate from those of adults, except where families are accommodated as family units.²⁸ ■ International criminal law: Rape and other forms of sexual violence constitute war crimes and, if it is being committed as part of a widespread or systematic attack against a civilian population, a crime against humanity (Article 7 (1)g, 8(2)b(xxi and xxii) and 8(2)e(vi) of the Rome Statute of the International Criminal Court). 	
<p>5. Abduction</p>	<p>The unlawful removal, seizure, capture, apprehension, taking or enforced disappearance of a child either temporarily or permanently for the purpose of any form of exploitation of the child. This includes, but is not limited to, recruitment in armed forces or groups, participation in hostilities, sexual exploitation or abuse, forced labor, hostage-taking or indoctrination. If a child is recruited by force by an armed force or group, this is considered as two separate violations – abduction and recruitment.</p>	<ul style="list-style-type: none"> ■ International human rights law: The CRC (Art. 35) explicitly prohibits the “<i>abduction of, the sale of or traffic in children for any purpose or in any form.</i>” Abductions for explicitly sexual purposes would also violate other international human rights law provisions. For example, abduction for the purpose of forced marriage would violate the International Covenant on Civil and Political Rights, which declares free and consensual marriage to be a protected right. Optional Protocol II to the CRC addresses the sexual exploitation of children, and requires States Parties to prohibit the sale of children, child prostitution and child pornography, all common purposes for the abduction of children. Abduction of children for the purpose of using those children in armed forces and groups would violate international law as forced recruitment of children by armed forces or groups. The abduction of a child for the purpose of exploitation is also prohibited as child trafficking. Under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Art. 3), child trafficking means the recruitment, transportation, transfer, harbouring or receipt of persons for the purpose of exploitation. Forms of exploitation prohibited by international humanitarian law include sexual exploitation,²⁹ slavery and the slave trade in all their forms,³⁰ uncompensated or abusive forced labour³¹ and the recruitment of children. 	<ul style="list-style-type: none"> a) Date incident occurred b) Location where abduction occurred (as specific as possible) c) Age of victim d) Sex (M/F) e) Nationality, religion, ethnicity (if applicable) f) Displaced or refugee (if applicable and known) g) Entity responsible (state armed forces/non-state actors) h) Whether the conduct was committed as part of a widespread or systematic attack against a civilian population. (Y/N) i) Method of abduction j) Aim of the abduction (form of exploitation) k) Actions taken by governmental/other relevant authorities: (Was the matter reported to the relevant governmental authorities? What actions have been taken?)

²⁷ API: Art. 77; APII: Art. 4(3); ICRC Study on Customary IHL: Rule 135.

²⁸ GCIV: 82 (2); API: Art. 77(4); ICRC Study on Customary IHL: Rule 120.

²⁹ API: Art. 75 (2) (b); APII: Art. 4 (2) (e); ICRC Study on Customary IHL: Rule 93.

³⁰ APII, Art. 4 (2)(f); ICRC Study on Customary IHL: Rule 94.

³¹ GCIII Art. 49-57; GCIV, Art. 51–52 (51(2) on children), and 95; ICRC Study on Customary IHL: Rule 95.

		<ul style="list-style-type: none"> ■ International humanitarian law: Abduction of children is contrary to the obligation to treat civilians humanely.³² In some cases, abduction of children may amount to hostage taking. There is hostage-taking when: <ul style="list-style-type: none"> ■ a person seizes or detains another person ■ threatens to kill, to injure or to continue to detain this person ■ in order to compel a third party to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage.³³ ■ International criminal law: enforced disappearances may amount to a crime against humanity as defined in Article 7 (2) (i) of the Rome Statute of the International Criminal Court, if they are committed for purposes otherwise prohibited (such as sexual slavery, use in armed forces). 	<p>Releases</p> <ul style="list-style-type: none"> l) Date incident occurred m) Age n) Sex (M/F) o) Nationality, religion, ethnicity (if applicable) xxi. Displaced or refugee (if applicable and known) xxii. Armed group responsible (state armed forces/non-state entity) p) Means of release (escape, release, etc.) q) Duration of abduction r) Actions taken by governmental/other relevant authorities: (Was the matter reported to the relevant governmental authorities? What actions have been taken?)
<p>6. Denial of humanitarian access</p>	<p>The intentional deprivation of or impediment to the passage of humanitarian assistance indispensable to children’s survival, by the parties to the conflict, including wilfully impeding relief supplies as provided for under the Geneva Conventions; and significant impediments to the ability of humanitarian or other relevant actors to access and assist affected children, in situations of armed conflict.</p> <p>The denial should be considered in terms of children’s access to assistance as well as humanitarian agencies’ ability to access vulnerable populations, including children.</p> <p>There is a need to break down different types of constraints on</p>	<ul style="list-style-type: none"> ■ International human rights law: The CRC provides multiple relevant provisions relating to children’s right to humanitarian assistance, including: <ul style="list-style-type: none"> ■ <u>Directly:</u> Article 22 of the CRC and relevant provisions under refugee law provides additional special protection for refugee children, including that States Parties are obligated to ensure that refugee children “receive appropriate protection and humanitarian assistance.” ■ <u>And indirectly:</u> <ul style="list-style-type: none"> ■ Article 6 relating to each child’s inherent right to life and obligations of State Parties to “ensure to the maximum extent possible, the survival and development of the child.” ■ Article 24 of the CRC further articulates every child’s right to “the enjoyment of the highest attainable standard of health and ... to ensure that no child is deprived of his or her right of access to such health-care services.” ■ Article 27 of the CRC also recognizes the right of every child “to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development.” 	<p>1. Number of cases of exclusion of groups from assistance:</p> <ul style="list-style-type: none"> a) Type of aid denied b) Number of persons under the age of 18 years affected c) Location (as specific as possible) d) Nationality, religion, ethnicity (if applicable) e) What are the humanitarian consequences of access constraints? For example, are particular subgroups of the population especially affected? Are especially vulnerable individuals being cut off from essential life-saving aid? f) Displaced or refugee (if applicable and known) g) Entity responsible for denial (state armed forces/non-state entity) h) Type of barrier imposed (Administrative

³² Common Art. 3.

³³ International Convention Against the Taking of Hostages: Art. 1. In IHL, hostage taking is prohibited under Common Art. 3; GCIV: Art. 34 and 147; API: Art. 75 (2)(c); APII: Art. 4 (2)(c); ICRC Study on Customary IHL: Rule 96.

	<p>access and their consequences into specific patterns, in order to address the restriction. E.g. it is insufficient to report that access is impeded by 'insecurity'. There are many different types of insecurity involving different actors with various purposes and motivations.</p> <p>Upon reporting, country teams should provide information on the types of constraints; which humanitarian actors were affected; which relief goods could not get through; and also on the nature of the impact on the civilian population.</p> <p>The types of restrictions to report include the actual denial of medical aid, food, education, other essential supplies into areas; instances where children have died as they have not been allowed to cross checkpoints in ambulances to obtain essential or emergency medical care (which is to be reported as two separate violations); threats to and killing/injuring of humanitarian workers; and other significant impediments to humanitarian agencies that affect access to children.</p>	<ul style="list-style-type: none"> ■ Article 38 of the CRC echoes respect for the rules of international humanitarian law applicable to children and, among other things, notes that State Parties are obligated to ensure the protection and care of children who are affected by an armed conflict. ■ International humanitarian law: ■ <i>Access to civilians in need:</i> Under international humanitarian law, the parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, subject to their right of control. Such relief must be impartial in character and conducted without any adverse distinction.³⁴ The parties to the conflict must also ensure that authorized humanitarian relief personnel enjoy the freedom of movement that is essential to the exercise of their functions. Movements may be temporarily restricted only in case of imperative military necessity.³⁵ ■ <i>Special attention to children:</i> In relief operations, children are entitled to special attention. They must be provided with the care and aid they require.³⁶ In international armed conflict, the parties to the conflict must notably endeavour to conclude local agreements for the removal from the besieged or encircled areas, of wounded, sick, infirm and aged persons, children and maternity cases, and for the passage of medical personnel and medical equipment to such areas.³⁷ They must also permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under 15, expectant mothers or maternity cases.³⁸ In distributing humanitarian aid to the civilian population under the control of a party to the conflict, priority must be given to such persons as children, expectant mothers, maternity cases and nursing mothers, who under the fourth Geneva Convention and Additional Protocol I of 1977 are to be accorded privileged treatment or special protection.³⁹ 	<ul style="list-style-type: none"> – roadblocks, lack of visas; Conditionality – military escort) i) Actions taken by governmental/other relevant authorities: (Was the matter reported to the relevant authorities? What actions have been taken?) <p>2. Organizations blocked from providing assistance</p> <p>Name of organization</p> <ul style="list-style-type: none"> a) What are the implications of access constraints for the operations of the organization? (e.g., affect on programme quality: assessments and monitoring of distributions vs. remote management; financial implications: costs associated with payments at checkpoints, implications of import duties for operational budgets, etc.) <p>3. Commitment of party to conflict to allow passage of humanitarian assistance?</p> <p>Y/N⁴¹</p>
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34 GCIV: Art. 23; API: Art. 70 (2); See also APII: Art. 18 (2); ICRC Study on Customary IHL: Rule 55.

35 API: Art. 71(3); ICRC Study on Customary IHL: Rule 56.

36 GCIV: Art. 24 (1); API: Art. 77 (1); APII: Art. 4 (3).

37 GC IV: Art. 17.

38 GC IV: Art. 23.

39 API: Art. 70 (1).

41 Yes or no answer, followed by description of status of different groups.

		<ul style="list-style-type: none"> ■ International criminal law: ■ Article 8(2)b(xxv) of the Rome Statute of the International Criminal Court notes, “Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions,” may constitute a war crime. Although the war crime speaks of “starvation,” the commentaries state that there was agreement that it would not just be denial of food that could amount to starvation, but also of any other objects indispensable to the survival of the civilian population. ■ Further, Article 8 (iii) of the Rome Statute of the ICC notes that, “Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict,” may also constitute a war crime. ■ See also the Guiding Principles on Internal Displacement, Principle 25, Para. 3,⁴⁰ which notes that, “all authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced.” Further, Principle 30 notes that, “all authorities concerned shall grant and facilitate for international humanitarian organizations and other appropriate actors, in the exercise of their respective mandates, rapid and unimpeded access to internally displaced persons to assist in their return or resettlement and reintegration.” 	
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⁴⁰ See Section IV – Principles relating to humanitarian assistance.

Annex 2: International Legal Foundations and Standards

International legal instruments

- Security Council Resolutions 1261 (1999), 1314 (2001), 1379 (2001), 1460 (2003), 1539 (2004), 1612 (2005), 1882 (2009), 1998 (2011) and 2068 (2012) on children and armed conflict; and 1888 (2009) and 1960 (2010) on sexual violence in armed conflict
- The Convention on the Rights of the Child (1989) and its Optional Protocol on the Involvement of Children in Armed Conflict (2000)
- The Rome Statute of the International Criminal Court (1998)
- International Labour Organization (ILO) Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999)
- The Geneva Conventions (1949) and their two Additional Protocols (1977)
- Convention on Cluster Munitions (2008)
- International Covenant on Civil and Political Rights (1966)
- Convention Against Torture (1984)
- Convention on Cluster Munitions (2008)
- Convention on Certain Conventional Weapons (CCW) (1980) (particularly Protocol II and V)
- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (1997)
- United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the UN Convention against Transnational Organized Crime (2001)
- General Assembly Resolution 46/182 on Strengthening of the coordination of humanitarian emergency assistance of the United Nations (1991)

Regional legal instruments

- The African Charter on the Rights and Welfare of the African Child (1999)
- Economic Community of West African States (ECOWAS) Convention on Small Arms and Light Weapons, their Ammunition and other Related Materials (2006)

- Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials (1997)
- Nairobi Protocol for the Prevention, Control and Reduction of SALW in the Great Lakes Region and the Horn of Africa (2004)
- Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community (SADC) Region (2001)
- European Union Code of Conduct for Arms Exports (1998)

International standards and norms

- The Paris Commitment to Protect Children from Unlawful Recruitment or Use by Armed Forces or Armed Groups (2007)
- The Paris Commitments and Principles to Protect Children from Unlawful Recruitment or Use by Armed Forces or Armed Groups (2007)
- The Paris Principles and Guidelines on Children associated with Armed Forces or Armed Groups (2007)
- UN Guidelines on justice in matters involving child victims and witnesses of crime (2005)
- UN Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (2001)
- UN Rules for the protection of juveniles deprived of their liberty (1990)
- UN Standard Minimum Rules for the administration of juvenile justice (1985)
- Inter-agency Integrated Disarmament, Demobilization and Reintegration Standards (2006)
- UN Guidelines for Gender-Based Violence Interventions in Humanitarian Settings Focusing on Prevention of and Response to Sexual Violence in Emergencies, September 2005
- IASC Guidelines on Mental Health and Psychosocial Support in Emergency Settings (2007)

Annex 3: Abduction & Detention – Clarification

Illegal/arbitrary detention vs. abduction

Some definitions in the MRM context

Detention

- **Detention** – *The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* (UN General Assembly Resolution A/RES/43/173, 1988) defines detention as follows:

- ‘Detained person’ means any person deprived of personal liberty except as a result of conviction for an offense;
- ‘Detention’ means the condition of detained persons as defined above.

The term should therefore normally be used for pre-sentence detention (‘imprisonment’ being used post-sentence).

- **Deprivation of liberty** – The UN Rules for the Protection of Juveniles deprived of their Liberty (Article 11) (1990) define deprivation of liberty as: “any form of detention or imprisonment or the placement of a person in a public or private custodial setting, from which this person is not permitted to leave at will, by order of any judicial, administrative or other public authority.”
- Detention refers to acts that in principle come within the lawful functions of a public servant. We therefore suggest using this term (detention) when referring to the holding of a child by a state authority as part of its legitimate law enforcement functions.
- Detention is not illegal per se, and must conform to both nationally and internationally binding legal instruments. In the case of children, detention should always be a measure of last resort and for the shortest appropriate period of time as per Article 37 b) of the CRC.¹
- **Last resort** means “deprivation of personal liberty shall not be imposed unless the juvenile is adjudicated of a serious act involving violence against another person

¹ CRC Article 37(b): No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.

or of persistence in committing other serious offences and unless there is no other appropriate response” (Rule 17(c), UN Rules on the Administration of Juvenile Justice).

Illegal detention

Normally, determining whether detention is ‘legal’ or ‘illegal’ requires an analysis of conduct in the light of **national law** in force in that given country (e.g., legal basis for detention, guarantees of fair trial, etc.). In addition, it is worth remembering that acts that are legal under national law may be human rights violations or even international crimes under international law.

Arbitrary detention

- The Human Rights Committee has found that: “[a]rbitrariness’ is not to be equated with ‘against the law’, but must be interpreted more broadly to include elements of *inappropriateness, injustice and lack of predictability.*” The Human Rights Committee provides that any measure of administrative detention must be *based on objective grounds and necessity and proportionality* criteria, and shall be a reasonable measure. If the criteria which make the administrative detention necessary and *reasonable* cease to exist, the detention becomes arbitrary and therefore unlawful in international law.²
- Therefore, the term ‘arbitrary’ can be understood as that reserved for acts that superficially appear authorized by law, but are illegitimate in the circumstances because they are disproportionate, violate the ‘last resort’ principle, are done in bad faith, based on insufficient evidence, etc. From a strictly logical point of view, an act can be both arbitrary and illegal, or an act that is prima facie legal becomes illegal if it is arbitrary.

Abduction

Abducting means seizing and taking away a person by force or fraud. Abduction is always illegal and, in essence, criminal conduct. Article 35 of the CRC requires States Parties to take all appropriate measures “to prevent the abduction of [...] children for any purpose or in any form.”

Unlike detention, abduction generally implies that the act is done by an ordinary citizen, or eventually a public servant whose acts are far removed from any plausible legal authority with due legal process.

Enforced disappearance

Article 2 of the International Convention on the Protection of All Persons against Enforced Disappearance (2006) supports the argument that detention and abduction are different kinds of deprivation of liberty: “*for the purposes of this Convention, “enforced disappearance” is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by*

² *A v Australia*, HRC Case No. 560/1993.

agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”

If the detention or the abduction is *“followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law,”* we could speak of enforced disappearance.

Annex 4: Q & A Guidance on Security Council Resolution 1882



Office of the Special Representative
of the Secretary-General for

**CHILDREN AND
ARMED CONFLICT**



**Security Council Resolution 1882 and Action Plans on
sexual violence against children and killing and/or maiming
of children in contravention with international law**

Questions and Answers

TABLE OF CONTENTS

Section I: Security Council Resolution 1882 _____	P. 3
Section II: “Killing and maiming” under S.C. Res. 1882 _____	P. 5
Section III: “Sexual violence” under S.C. Res. 1882 _____	P. 7
Section IV: Concept of patterns under S.C. Res. 1882 _____	P. 9
Section V: Action Plan mechanisms _____	P. 10
Section VI: Cooperation activities _____	P. 13
Section VII: Prevention activities _____	P. 14
Section VIII: Awareness raising and capacity building activities _____	P. 16
Section IX: Accountability _____	P. 17
Section X: Delisting process _____	P. 19

The present Q&A and the attached Action Plans templates for sexual violence against children and killing and maiming of children have been developed by OSRSG-CAAC in close consultation with partners, including UNICEF and DPKO. The Action Plans should be considered as living documents. A review will be undertaken by the end of 2012 and will take into consideration preliminary feedback that will have been received from practitioners.

SECTION I. SECURITY COUNCIL RESOLUTION 1882 (2009)

1. What are the key features of S. C. Res. 1882?

- Patterns of “Sexual violence” against children and “killing and maiming” in contravention of international law are now “triggers” or “gateways” to the annexes of the Secretary-General’s Report on Children and Armed Conflict (the “List of Shame”) in addition to “recruitment and use”.
- The Secretary-General was requested to provide criteria and procedures used for listing and delisting in his 2010 annual report on CAAC
- Parties that are listed are required to enter into concrete, time bound Action Plans to halt violations in close co-operation with the Special Representative of the Secretary-General on Children and Armed Conflict (SRSG/CAAC) and the United Nations Country-level Task Forces on the Monitoring and Reporting Mechanism (UNCTFMR). Member States are encouraged to devise means to facilitate the development and implementation of Action Plans.
- Mechanisms are to be set up for information exchange and co-operation, particularly for cross-border issues.
- Communications between the Security Council Working Group on Children and Armed Conflict (SCWG/CAAC) and the relevant Security Council Sanctions Committees should be enhanced as a step towards implementing targeted measures against recalcitrant perpetrators called for in Res. 1612.
- Country Task Forces and country teams will ensure effective follow-up to Security Council resolutions on children and armed conflict to monitor and report progress to the Secretary-General in close cooperation with his SRSG-CAAC and ensure a coordinated response to issues related to children and armed conflict
- The Secretary-General should report on the implementation of the recommendations of the SCWG/CAAC.
- The Secretary-General should ensure that in all his reports on country specific situations that Children and Armed Conflict (CAAC) is a specific aspect, including implementation of Security Council resolutions and working group recommendations.
- The Security Council welcomes the DPKO child protection policy and urges the deployment of child protection advisors in peacekeeping and political missions
- CAAC should be included in all peace processes and post conflict recovery and reconstruction
- Additionally, parties that are listed are called upon to address all other violations and abuses committed against children and undertake specific commitments and measures in this regard.

- Country Task Forces and country teams will ensure effective follow-up to Security Council resolutions.
- Stressed the importance of DDR programmes, building on best practices identified in the Paris Principles and Guidelines on Children in armed forces or armed groups of February 2007. National governments and donors are urged to give timely, sustained and adequate resources and funding to CAAC programmes for recovery and reintegration
- Member States are urged to take decisive action against perpetrators either through national justice systems or international justice systems with a view to ending impunity.

2. Who is a Party to an armed conflict?

A party to an armed conflict is either the Armed Forces of a Government, or Para-military groups and militias associated with the Armed Forces. A Party to an armed conflict can also refer to non-State Armed Groups.

Pursuant to Security Council resolution 1612 (2005), in identifying the situations that fall within the scope of her mandate, the Special Representative on Children and Armed Conflict (SRSG-CAAC) is guided by the criteria for determining the existence of an armed conflict found in international humanitarian law and international jurisprudence. In the performance of her mandate, my Special Representative has adopted a pragmatic and cooperative approach to this issue, with a humanitarian emphasis, focusing on ensuring broad and effective protection for children exposed and affected by conflict in situations of concern. Reference to a situation of concern is not a legal determination and reference to a non state party does not affect its legal status.

3. What is the importance of a Party to an armed conflict being named in the Annexes of the Secretary-General’s Annual Global CAAC Report?

The Secretary-General’s Annual Report on CAAC conveys to the Security Council the violations committed against children in situations of concern for the CAAC agenda. The two Annexes to the Annual Report provide a list of parties to the conflict responsible for designated violations. Annex I is a list of Parties to an armed conflict that are on the Security Council’s agenda. Annex II is a list of Parties to an armed conflict that are not otherwise on the Security Council’s agenda.

The Security Council has also repeatedly expressed its intention to take vigorous action against persistent violators who do not comply to its Resolutions on CAAC.

4. What is referred to as “naming and shaming”?

It is the process of listing a party in the annexes of the Annual Report of the Secretary General on CAAC. Although it does not bear any legal consequences, “naming and shaming” a party calls the attention of the international community that a party does not comply with international standards on children and/or crimes against children.

It should also be noted that the listing exercise of the Secretary General has become over the years the basis for other listing, such as the European Union listing on recruitment and use of children, and is closely followed by other Government mechanisms, such as US TIP (Trafficking in Persons) Report under obligations laid out in the Child Soldiers accountability Act.

5. How does S.C. Res. 1882 expand the “triggers” of the listing exercise?

Prior to S.C. Res. 1882, only the violation of recruitment and/or use of children by armed forces or armed groups, as denounced in S.C. Res. 1612, could “trigger” the listing a party to an armed conflict in the Annexes to the Secretary-General’s Annual Report. S.C. Res. 1882 expanded the “triggers” of violations that result in listing to include patterns of killing and/or maiming of children or rape and other forms of sexual violence.

6. Are there only three “triggers” or “violations” that result in the listing of a party to an armed conflict in the Annexes to the Annual Report?

Yes – killing and maiming, rape and other forms of sexual violence and the recruitment or use of children by armed forces or armed groups.

7. Will evidence on the three other violations (abductions, attacks against schools and/or hospitals, and denial of humanitarian access) result in a Party being listed in the Annexes?

No. While all grave violations may be addressed in the body of the report, and S.C. Res. 1882 stresses that each violation must be halted, the listing of parties only addresses the naming of parties to an armed conflict who commit patterns of killing, maiming or rape or other forms of sexual violence against children and/or the recruitment or use of children by armed forces or armed groups during armed conflict.

SECTION II. “KILLING AND MAIMING” UNDER S.C. RES. 1882

8. How does S.C. R. 1882 define killing in contravention of international law?

S.C. Res. 1882, per se, does not define any of the violations. The MRM Field Manual in Section D defines killing as “any action in the context of the armed conflict that results in the death of one or more children.” Killing is interchangeable with the term “causing deaths”.

Also refer to OSRSG-CAAC *Working Paper I: the Legal Foundations of the Six Grave Violations against Children* (<http://www.un.org/children/conflict/documents/SixGraveViolationspaper.pdf>)

9. What is the definition of maiming?

The MRM Field Manual in Section D notes the meaning of maiming for the purposes of the MRM as any action that causes a serious or permanent or disabling or scarring or mutilation injury to a child. Maiming is analogous to mutilation which is defined as disfiguring or permanent disabling

of a person by means such as removal of an organ or appendage that is not undertaken as a necessary medical procedure.

10. What acts could constitute maiming?

Maiming could include the amputation of arms, legs, removal of eyes or ears, fingernails or toenails; branding of the body by knives, hot wires or lasers; deformation to the body by chemical attacks, for example to the face; removal or permanent damage to organs such as the kidneys; disfigurement or permanent damage of sexual organs, through castration, breast, fistula, or damage to the rectum; disfigurement and/or deformation by external application of chemicals or poisons or by their internal ingestion.

11. What does it mean when S.C. Res. 1882 speak of “in contravention of applicable international law” in relation to killing and maiming?

S.C. Res. 1882 aims to halt all patterns of killing and maiming of children during situations of armed conflict. The reference to “acts in contravention of applicable international law” suggests that the acts in question are not merely crimes under the national law of the State, but rather acts that amount to a violation of applicable international law, including international humanitarian or human rights law. A country’s accession to specific conventions, such as the Anti-Personnel Mine Ban Convention, will also determine which international law is applicable in each case.

NB: All incidents of killing and maiming should be monitored at all times and report on all incidents. In accordance with SCR 1612 and 1882, monitors are not required to determine intentionality.

12. For the purposes of S.C. Res 1882, does it matter whether the killing and maiming of children was intentional?

Neither S.C. Res 1882 nor the listing and de-listing criteria make a distinction as to whether or not the pattern of killing and maiming was intentional- there is no recognition of “collateral damage”. The purpose of the MRM is to monitor and report on killing and maiming of children which could constitute a pattern of such actions, rather than to make a judgement as to the motivation behind these actions. However, an analysis and discussion of the cause(s) of the violation can indeed be relevant to the design of preventive actions. However, an analysis and discussion of the cause(s) of the violation can indeed be relevant to the design of preventive actions. For example, patters of killing and maiming of children that are caused by neglect and poor training would require a different response than those that are caused by deliberate targeting of children.

13. Does “collateral damage” constitute killing and maiming for purposes of S. C. Res. 1882?

No. “Collateral damage” or deaths that are a result of military operations that obey the laws of armed conflict (including respect for principles of proportionality and distinction) are not considered to be in contravention of applicable international law. Thus, child deaths or maiming as a result of “collateral damage” are not subject to redress by S.C. Res. 1882.

Neither S.C. Res. 1882 nor the listing and delisting criteria make a distinction as to whether or not the pattern of killing and maiming was intentional –there is discussion of “collateral damage”. The purpose of the MRM is to monitor and report on killing and maiming of children which could constitute a pattern. For example, patterns of killing and maiming of children that are caused by neglect and poor training would require a different response than those that are caused by deliberate targeting of children

14. Do acts of killing and maiming have to be confirmed through UN verified information?

Yes. Verified U.N. information might entail accounts from eye witnesses, including other children, or a combination of the retrieval of official information of death or the location of child’s burial site, remains and/or personal effects. (See also section F3 on verification of the MRM Field Manual).

SECTION III. “SEXUAL VIOLENCE” UNDER S.C. RES. 1882

15. What is the definition of rape?

The MRM Field manual in Section D defines rape or attempted rape (of a boy or a girl) as an act of non-consensual sexual intercourse. This can include the invasion of any part of the body with a sexual organ and/or the invasion of the genital or anal opening with any object or body part. Any penetration is considered rape. Efforts to rape someone, which do not result in penetration, are considered attempted rape.

16. What type of acts could constitute rape?

Acts of rape can entail the sexual invasion of the body by human parts, such as genitalia or hands, by other animate such as animals or by inanimate objects sticks or weapons. Rape can also occur when a perpetrator forces two victims to sexually invade each other or a third person. Rape can occur between persons of the opposite sex or the same sex.

17. What is the definition of sexual violence?

The MRM Field Manual in Section D defines sexual violence as any sexual act, attempt to obtain a sexual act, or acts to traffic a child’s sexuality. Sexual violence might be physical or psychological, such as sexual threats or sexual coercion or blackmail.

18. What acts constitute sexual violence?

Acts of sexual violence may include physical assaults of a sexual nature such as fondling, forced nudity, forced maternity, forced abortions, forced pregnancy, sexual mutilations, sexual slavery and/or trafficking as well as psychological attacks on sexual integrity such as threats of rape, sexual mutilation such as castration, sexual blackmail, or other psychological sexual abuse such as

being forced to witness the sexual abuse of others, especially relatives or persons known to the child.

19. How should the requirement of “non-consent” be understood?

While domestic law often focuses on “non-consent” requirements, i.e. the person should be able to voluntarily agree to an act or proposal of another, international law emphasizes the circumstances in which a rape or attempted rape occurs. Circumstances of force, threat of force or coercion, caused by fear of violence, duress, detention, psychological oppression or abuse of power or taking advantage of a coercive environment eliminates any possibility of consent. In general, international law also recognizes that certain persons, such as children, are incapable of giving genuine consent because of their age.

20. Are acts of rape and other forms of sexual violence always in contravention of international law in situations of armed conflict?

Yes. Acts of rape or other forms of sexual violence cannot be considered a form of legitimate warfare. All rape and sexual violence is wanton or unlawful conduct that can never be justified by military necessity.

21. Do acts of rape or sexual violence have to be confirmed through UN verified information?

Yes. The manner of collecting verified information about rapes and sexual violence is covered by Section F3 of the MRM Field Manual. In addition, staff tasked with collecting and monitoring verified information of sexual violence should be aware that informational sources might be children associated with armed forces and armed groups who have witnessed or suffered such harm, as well as medical or hospital personnel who are aware of sexual abuse that has caused the need for hospital care. Adults, especially women who have been sexually abused might also relay information of similar acts inflicted upon children.

22. Do the action plan templates for sexual violence only address sexual violence against children?

No. While the action plans themselves do not cover adults, specific activities listed under the process framework of the sexual violence templates and other areas that refer to “sexual violence” do include them. For example, response services should be available to all victims/survivors of sexual violence regardless of age and efforts to stop parties to conflict from perpetrating sexual violence should target all sexual violence, rather than be limited to sexual violence that is perpetrated against children. This is in line with national action plans to address sexual violence which should address sexual violence against girls, boys, women and men.

SECTION IV. CONCEPT OF PATTERNS UNDER S.C. RES. 1882

23. Why does S.C. Res. 1882 condemn a “pattern” of killing and maiming or rape and other forms of sexual violence?

S.C. Res. 1882 condemns all international law violations against children, however, only a recognizable pattern of killing, maiming, rape and other forms of sexual violence, and not single incidents of such violations, is the required threshold for listing in the Annexes.

A pattern connotes a “multiple commission of acts” and not single or isolated acts. A pattern implies acts that are not the random conduct of an individual acting alone or apart from the Armed Forces or Armed Group. According to the 9th Annual Report of the SG on CAAC (S/2010/181), the threshold for inclusion in the Annexes of the Report 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”.

To determine if a party to an armed conflict has been involved in a pattern of sexual violence against children or killing and/or maiming of children, it is useful to seek out not just victim/survivor information, but also to obtain information gathered by military or other analysts. U.N. verified information and other credible sources that identifies and charts the movement and operations of Armed Forces or Armed Groups can assist in identifying patterns of violations for purposes of S.C. Res. 1882. Certain UN agencies, such as political or peacekeeping missions regularly utilize military analysts to perform surveillance and monitoring tasks.

24. Does a “pattern” imply multiple violations?

No. A pattern is more than just the number of rapes or killings. Emphasis is placed on the manner by which the violations take place. Therefore, a pattern denotes a system or methodical plan that results in a collectivity or multiple victims, in incidents interrelated over time.

25. Must a “pattern” of violations, for purposes of S.C. Res. 1882, occur over an extended period of time?

Not necessarily. A pattern might occur during one event, such as a military operation. A series of incidents, however, could take place over an extended period of time.

26. Could a single attack on a village that causes the death of children be a “pattern” for purposes of S.C. Res. 1882?

Yes. Even one military attack, contrary to international law that causes multiple killings or deaths of children, could be considered a pattern, especially if the acts are particularly grave and/or there

is ample evidence of deliberate action or wanton disregard or neglect for command control of armed elements. Likewise, a sole incident of executing children to punish or threaten a village would satisfy S.C. Res. 1882 threshold of “pattern”. It is the context or circumstances of the violation that makes up the “pattern”.

27. Does a pattern of rape differ from a pattern of sexual violence under S.C. Res. 1882?

Not necessarily. Rape is a form of sexual violence and a pattern of rapes per se establishes a pattern of sexual violence. However, acts of sexual violence, other than rape, as referred to in question 17, could independently establish a pattern of sexual violence. Often, a pattern of sexual violence could consist of rapes, sexual threats, sexually degrading acts that occur during an event or incident.

28. Do patterns of sexual violence against children and killing and/or maiming of children also apply to acts committed by Armed Forces or Armed Groups against children recruited or used by armed forces or armed groups?

Yes. Children who are recruited or used by armed forces or armed groups, who are subjected to patterns of sexual violence or killing or maiming, for example as punishment are covered under S.C. Res. 1882. Likewise, children recruited or used by armed forces or armed groups, especially girls who experience patterns of sexual violence such as sex slaves or forced wives are covered by S.C. Res. 1882.

Children recruited or used by armed forces or armed groups might also be forced to participate in patterns of violations. However, from a child protection perspective, such children are victims of the Armed Forces or non-State Armed Group. Accordingly, the ultimate responsibility lies with the parties who are listed in the Annex and not with the children.

SECTION V. ACTION PLAN MECHANISMS

29. What is an Action Plan?

An Action Plan is an agreement between a listed party to the conflict and the UN (in situation where the Government is not a party, it may act as a guarantor for follow-on protection activities) with a view to complete a series of time-bound, concrete activities to halt and prevent violations, and to take remedial action. The Action Plan Templates attached to this guidance note exemplify the agreements requested under S.C. Res. 1882. An Action Plan must be monitored for compliance by the UN without hindrance. It provides the mechanism for a party to be de-listed from the Annexes of the Secretary-General’s Annual Report on CAAC.

30. Does S.C. Res. 1882 require parties to enter into Action Plans?

Yes. Paragraph 5(b) of S.C. Res. 1882, calls upon the parties listed in the Secretary-General’s report on CAAC who have committed killing, maiming and rape and other forms of sexual violence to prepare concrete time-bound Action Plans to halt the violations and abuse. This does

not preclude Action Plans against recruitment and use of children as stipulated by S.C. Res. 1539 (2004) and 1612 (2005).

31. Are S.C. Res. 1882 Action Plans identical to S. C. Res. 1612 time-bound Action Plans that address the recruitment or use of children by armed forces or armed groups?

The S.C. Res. 1882 Action Plans halts, prevents and addresses killings maiming, rape and other forms of sexual violence while S. C. Res. 1612 Action Plans addresses the recruitment and use of children in armed conflict. Both use an identical mechanism of requiring Parties to implement time-bound activities in order to be de-listed from the Annexes.

Their simultaneous operation is compatible. S.C. Res. 1882 specifically reiterates in paragraph 5(a) that parties that have not already done so, must prepare and implement without further delay, Action Plans to halt the recruitment and use of children in armed conflict.

32. Is each S.C. Res. 1882 Action Plan identical?

No. There is an Action Plan to address killing and maiming and an Action Plan that addresses rape and other forms of sexual violence. The time-bound activities differ according to the violations. Most notably, an Action Plan that addresses the violation of killing contains activities which require the identification and return of deceased children and/or their personal effects. However, sections in the Action Plans for rape and other forms of sexual violence are similar to sections in the Actions Plans for killing and maiming in terms of concrete activities to directly provide or to provide access to medical-psychological and social services.

33. Are certain activities mandatory while others are optional?

Each concrete, time-bound activity of an Action Plan is mandatory and none are susceptible to derogation but the mechanics of their implementation should remain flexible according to the situation and party being dealt with. For example, the Recognition Initiative could be undertaken by physically holding a meeting with the community or by communicating and broadcasting by all means the acknowledgement of the party that the community has been harmed. Also, in certain situations bodies or personal effects might not be located or able to be returned but the activity would be completed when all concrete efforts have been made by the party.

The implementation of activities will differ according to the capacity and ability of the listed party and the formulation of the activities should be customized to the context, including the means of the party, through negotiation and discussion. In fact, in some cases, certain justice or health service provision mechanisms may only be implemented by the State. States have a higher threshold of responsibilities and capabilities under international law. To that extent, the execution of activities may be examined or re-formulated in close consultation with the OSRSG-CAAC.

34. What criteria are used to measure the implementation and successful completion of an Action Plan?

The successful completion of the Action Plan is determined by the SRSG-CAAC upon recommendation of the UNCTFMR and after verified execution of each activity. The measurable criteria to verify the successful execution of the Action Plan that eventually would lead to de-listing from the Annex of the Secretary-General's Annual Report is detailed, below.

35. How to monitor implementation and compliance to the Action Plan?

The UNCTFMR is strongly advised to set up a comprehensive monitoring plan and a smaller team made of relevant UNCTFMR and UNCT entities. Specific monitoring activities can be assigned to focal points of these entities. The monitoring team should regularly submit a report on progress in implementation of the Action Plan to the UNCTFMR as a whole and to OSRSG-CAAC. Such progress will be reflected in the bimonthly note to the SCWG.

The successful completion of the Action Plan is determined by the CTFMR after verified execution of each activity and according to the Party's fulfillment of its obligation under international law. **The CTFMR should devise a methodic schema to measure the implementation of each activity and the over-all completion of the Action Plan.** The measurable criteria to verify the sustained successful execution of the Action Plan eventually would lead to de-listing from the Annex of the Secretary-General's annual CAAC Report.

36. If the Action Plan is between the United Nations and a party to the conflict, who represents the United Nations in the Action Plan agreement?

The United Nations is represented by the UNCTFMR, its chair (RC or SRSG) as the highest representative of the SG in the country concerned, and co-chair (UNICEF representative) and the SRSG-CAAC. Paragraph 5(d) of S.C. Res. 1882 urges the parties listed in the annexes to implement the time-bound Action Plans in close cooperation with the OSRSG-CAAC and the UNCTFMR.

37. What is the role of the UNCTFMR in Action Plans?

In the dialogue and negotiation for the agreement of the Action Plan and throughout, the duration of an Action Plan, the UNCTFMR monitors and reports on a party's implementation of its obligations and its adherence to its commitments. In essence, the UNCTFMR verifies a party's compliance or its failure to execute the Action Plan and transmits verified information directly to the Office of the SGSR-CAAC. Progress and challenges will be then transmitted by the SG and the SRSG-CAAC to the Security Council's Working Group on Children and Armed Conflict (SCWG-CAAC), which will review such information on a bi-monthly basis or more often if needed. Following the successful completion of an Action Plan, the UNCTFMR will continue to monitor and to report on the situation, verifying whether or not new violations have occurred, for a minimum of one reporting period.

38. What is the role of SRSG-CAAC in the Action Plans?

Security Council Resolution 1460 (2003) requires the SRSG-CAAC to keep the Security Council advised of all Action Plans and calls on all parties involved in armed conflict to abide by the concrete commitments they have made to the Special Representative of the Secretary-General.

Furthermore, Security Council Resolution 1882, paragraph 5(d) urges the parties to the armed conflict to implement the provisions in paragraph 5 in cooperation with the Special Representative of the Secretary General for Children and Armed Conflict and the UNCTFMR.

In addition, the Office of the SRSR-CAAC in consultation with DPKO, UNICEF, other specialized agencies and departments as appropriate, functions as a resource focal point to give advice on clarification of Action Plans when negotiated, during implementation, in the event of an amendment and prior to and during the process of de-listing.

SECTION VI. COOPERATION ACTIVITIES

39. What are the initial concrete activities of an Action Plan and how is implementation measured?

A series of initial activities addresses the cooperation between the party and the United Nation's CTFMR in order to institute crucial procedures needed to fully monitor and accurately verify implementation of the Action Plan, such as command order, appointment of focal points etc. These activities are to begin immediately upon the signing of the Action Plan and are on-going.

As a first activity, a party must engage with the UNCTFMR, including set up regular, at least once a month, contact between the party and the CTFMR begins shortly after the signing of the Action Plan and continues until a party has been de-listed.

40. Will the terms of the Action Plan be announced to the rank and file of the Party to the conflict?

Yes. The Action Plan requires a party to issue a military order and/or a political directive to inform members of the military and persons under the party's control of the terms of the Action Plan. The order and directive must be widely disseminated, orally, in writing and, if necessary, by means of mass communication. Knowledge of a party's commitment under the Action Plan facilitates the cooperation and the implementation of each activity. This activity must be executed unconditionally and immediately upon signing of the Action Plan.

41. Who undertakes the day-to-day operation of the Action Plan on behalf of the Party to the conflict?

The Action Plan calls for the appointment of two high level focal person(s); one focal person represents the military and the other the executive or governing political body if applicable. The focal person(s) should ensure an efficient and cooperative approach on behalf of the party to fulfilling the terms of the Action Plan. If the party is the Armed Forces of a State, the focal person(s) will oversee an appointed Inter-Ministerial Working Group. In the case of a non-state party Armed Group, the focal person(s) will oversee a standing Working Group.

42. Does the Action Plan require that United Nations staff enjoy direct access to sites, people and materials?

Yes. The Action Plan requires that the Party ensures unhindered access to the United Nations staff and other relevant persons (such as interpreters), entry into territory, areas, military facilities, institutions, detention centers, displacement camps, burial sites, or other significant locations in order to monitor, verify and report the implementation of the Action Plan.

The successful completion of these activities is readily measurable by the timely grant of access to locations sites, persons, meetings or hearings and documents or record; the nature of the full and unimpeded access at the physical site; the productive cooperation with authorities or personnel either at the site, as holders of documents, convener of meetings; the forthrightness of the party, focal person(s) and Working Group to suggest and recommend access to relevant locations, persons, documents or meetings and proceedings that might be unknown to the CTFMR and United Nations staff.

NB: In the Action Plan Template for rapes and other forms of sexual violence, reference to burial sites is omitted, whereas access to hospitals to monitor and verify information has been added.

43. Does the Action Plan address potential problems of security?

Yes. The general commitment provisions require that the party ensures the safety of the United Nations staff, including interpreters, and other relevant partners as mentioned in the Action Plan.

SECTION VII. PREVENTION ACTIVITIES

44. What concrete activities address the prevention of future violations?

The Action Plan also has a focus on the prevention of future violations. An activity directed toward the Government includes the development of a Focused Plan to identify and rectify the gaps in law and in policy and to better promote children's rights. Other activities, directed expressly at the Armed Forces or armed group, require the party to halt violations and to address root causes. Another activity promotes public awareness of a party's obligations to protect children during armed conflict.

45. What are examples of prevention activities of a Focused Plan?

The Action Plan specifically requires an Armed Force of a government to develop a focused plan to strengthen the long-term ability of the nation's legal framework to protect children from killing and maiming and sexual violence in armed conflict. A focused plan might be a new national initiative or an innovative component of an on-going policy. The focused plan must: 1) identify gaps in the State's international and national legal obligations; 2) adopt necessary laws to further protect children from the impact of war; 3) instill a policy of "zero tolerance" violations of killing, maiming, sexual violence, and; 4) re-enforce courts' pursuit of offenders, including persons in position of command. The combined approach fortifies a legal culture that can prevent, deter or readily redress violation.

46. Are non-State armed groups required to develop a Focused Plan?

No. This activity is only required of the Armed Forces of a State. The Action Plan does not request non-State armed groups to develop national-level focused plans or to undertake national campaigns. The Action Plan seeks to further protect children from wartime abuses. However, it does not encourage non-State armed groups to adopt laws, sign international treaties or otherwise assume the responsibilities of a State.

47. What tools are Armed Forces and groups required to use to halt and prevent violations?

One prevention activity is the issuance of the military order and political directive. The party, whether an Armed Forces or an Armed Group is required under the Action Plan to issue an order to military members and a political directive to persons under its control to immediately halt all killing and maiming, in contravention of international law, and all rape and other forms of sexual violence. It is to be clearly stated that breeches of the order are to be reported to the authorities and that penal sanctions will be pursued for all perpetrators, including commanders.

48. What other prevention activities are expressly directed at the Party?

A subsequent prevention activity expressly requires the party to coordinate with relevant UN agencies, to ensure that children maimed or at risk of being maimed or killed are now in or have access to safe environments where they will not be subject to further harm, or have access to medical evacuation, and are reunited with their families, when feasible.

Another preventive activity requires the focal person(s) to implement an on-going mechanism to assess the origin, frequency and patterns of killing, maiming or sexual violence. The mechanism should examine the types of operations, tactics and personnel involved in prior patterns of violations in order identify and evaluate the multiple causes of errors.

Another action could be the review and modification of rules of engagement, targeting and weapons use.

49. What prevention activity is directed to the general public?

The Action Plans for sexual violence and killing and maiming include an activity in which a Government together with the Armed Forces will conduct a campaign to alert its citizens, in all sectors of society, of the strict prohibition of subjecting children to unlawful killing and maiming and of all forms of sexual violence during armed conflict. The campaign will inform citizens of the Government measures to prevent and punish such crimes.

NB: The Action Plans for non State armed groups do not contain a requirement to conduct such a sustained nation-wide campaign due to reasons previously cited concerning the Action Plans' policy to refrain from assigning non-state actors the responsibilities of a state.

SECTION VIII. AWARENESS RAISING AND CAPACITY BUILDING ACTIVITIES

50. How does the Action Plan acknowledge injured communities?

The Action Plan mandates an activity that obliges a party to organize a Recognition Initiative for injured communities. Injured communities are those villages or places that are directly affected by children who were killed, maimed or sexually violated by members of their military or persons under their control. The Recognition Initiative acknowledges, respects and responds to the harm and loss that those communities experienced.

The Recognition Initiative also requires that the Party assures the affected community of its intent to obey its duty to investigate, prosecute, punish or conduct disciplinary procedures against individual perpetrators and their commanders for violations committed against children.

51. How is awareness raised within Armed Forces and groups?

Two activities aim, in tandem: (1) to raise awareness and (2) to build capacity within the Armed Forces or group. The first activity, in coordination with the CTFMR, requires that members of the military or armed group, including commanders receive training to ensure compliance with relevant military orders, national law and international law obligations that prohibit killing and maiming and all forms of sexual violence. The second activity requires that military personnel or armed group members, including commanders, use the knowledge learned and skills gained to protect children from killing, maiming and all forms of sexual violence during armed conflict through revised tactics.

52. Do activities address the provision of support services?

Yes. A series of activities address support services. Governments, either independently or in cooperation with relevant partners, are required to provide new support services and strengthen existing services. Both State and non-State parties are required to grant unimpeded access to services offered by third parties.

53. What activity concerns support services to survivors of sexual violence and/or maiming?

The Action Plans also focus on support services for survivors of sexual violence and/or maiming. For such children, support services, namely medical and psychological care, social assistance, rehabilitative programs and governmental emergency services are considered imperative, while support services to teach economic skills and assure educational access also are critical.

Children formerly associated to Armed Forces and groups who survived sexual violence and/or maiming are to be permitted full non-discriminatory participation in these support programs. Such support services for maiming can include initiatives that deal with prevention of maiming, such as mine clearance or risk education.

54. Does the Action Plan's requirement of support services guarantee that the Armed Forces or Armed Group will receive program funds from UN agencies?

No. Even though the Action Plan recognizes that the United Nations and relevant partners will cooperate with Armed Forces and groups for its implementation, it does not imply that funds for support services will be allocated.

55. Does the Action Plan offer to support relatives of deceased children?

Yes. The Action Plans that address the killing of children, in contravention of international law, detail several activities that a party must complete in respect of the families and communities of deceased children, including:

- The party is requested, in coordination with relevant UN agencies, international organizations or local, such as the local or the International Committee of the Red Cross or Crescent partners, to assist in the location, identification, and dignified return of human remains and/or of personal effects of deceased children to their families.
- The party is also requested, assisted by relevant UN agencies, international organizations or local partners, to convey to the relatives of the deceased children, the full circumstances of the death(s) of children, irrespectively of whether or not the remains have been located, identified or returned.
- In a subsequent activity, the party, in consultation with the affected families and in cooperation with relevant UN agencies, international organizations and local partners, will facilitate access to burial sites and/or, if feasible, facilitate, including administratively, the dignified reburials of deceased children.
- A final activity requests the party, along with partners, in keeping with local protocols to arrange, facilitate or conduct dignified respectful community commemoration or memorial services, erect or rename public edifices or in any respectful manner honor the children killed during armed conflict.

SECTION IX. ACCOUNTABILITY

56. What is a Party required to do under the accountability activities?

Under the Action Plan, Armed Forces or groups must establish or re-enforce an efficient complaints procedure that is widely accessible to the public, and that register allegations of killing and maiming and all forms of sexual violence of children committed by military members, or by commanders responsible for their subordinates' acts.

All complaint procedure must respect the privacy, confidentiality, protection and security concerns of survivors, families and support persons.

57. Does the Action Plan differentiate between a Government complaint procedure and the procedure of a non-State armed group?

Yes. Government complaints mechanisms consist of the national criminal court system, or certain instances of military jurisdiction. The Government complaint system should remain accessible to all citizens, even persons under the control of an armed group.

For the non-State armed groups, the complaints procedure might be a formal disciplinary procedure recognized within the armed group that is accessible to military and non-military persons to lodge complaints of violations in accordance with international law. The Action Plan requirement of a non-state actor complaint procedure does not confer U.N. recognition of an armed group's disciplinary system.

58. What is the obligation of a Party when complaints are received?

The Party is obligated to diligently investigate, prosecute, adjudicate or conduct disciplinary procedures for prior incidents, and current complaints of killing, maiming, rapes and other forms of sexual violence committed by the Armed Forces or groups, including commanders responsible for their subordinates' acts.

59. Does the Action Plan offer other aspects of accountability?

Yes. The final activity in each of the Action Plans requires the Party to, whenever possible, grant reparations, compensation, or other forms of recognition to families of killed or maimed, raped or otherwise sexually abused children as a result of judicial, disciplinary, reconciliation or other acknowledgement procedure.

60. What forms of reparation, compensation or recognition is required?

The Action Plan does not specify the precise forms of reparation, compensation or recognition. Monetary, in-kind, public amends, waiving of fees, etc. might be acts of reparation, compensation or recognition.

Most notable, to advance the spirit of the Action Plan, the forms of recognition should be respectful and dignified, acknowledgements of the harms suffered by the survivors or victims of the violation.

61. How does this activity complement the Recognition Initiative activity?

This accountability activity is the result of a judicial, disciplinary or reconciliation process. It recognizes and acknowledges the contravention of international law for acts committed by individuals and the need to compensate in a meaningful manner, survivors or families of victim. The Recognition Initiative directed the Party's attention to the harm a community suffers whenever its children are targeted by patterns of violations. Both activities share the objective of using accountability to institute a return to a culture of law and to dismantle cycles of revenge and retaliation.

SECTION X. DELISTING PROCESS

62. Does an Action Plan cease to be relevant upon the termination of an armed conflict?

No. The Action Plans are not dependent upon the continuation of the armed conflict. The successful completion of activities is still required post-armed conflict in order for a party to be de-listed. Action Plans obligate Parties to successfully implement all activities such as the return of remains, the identification of burial sites and the investigation and prosecution of violation even during post-war periods. Furthermore, a party will continue to be monitored for at least one reporting period after a party is de-listed to ensure that children are not further violated by the party.

63. Can an Action Plan be amended?

Yes. Under Article 5, an Action Plan can be revised or amended at any time by mutual written consent of the Party and the UNCTFMR, together with the advice of the Office of the SRSG.

64. Why does the SRSG or her Representative sign the Action Plans?

The Office of the SRSG is fully engaged in the Action Plan mechanism. The Security Council has assigned the Office of the SRSG with special responsibilities under S.C. Res. 1612 and 1882. In addition, the office of the SRSG directly facilitates the Action Plans by acting as a resource point with DPKO, UNICEF, other specialized agencies and departments as appropriate throughout the period of the negotiation, the implementation, and post-implementation monitoring, prior and during the process of de-listing a Party and until a Party has been held to be in continual violation of S.C. Res. 1882. Finally, the SRSG-CAAC is ultimately responsible for declaring an Action Plan valid for signature.

65. Can a Party simultaneously sign separate Action Plans for triggers, such as sexual violence and killing and maiming?

Yes. The obligations of the Party under each Action Plan are separate and distinct. Each Action Plan must be successfully executed in order for the Party to be de-listed for each violation. The execution of one Action Plan does not take precedent over another, although the time limits may vary between Action Plans.

66. Can a Party sign an Action Plan triggered by for S.C. Res. 1882 and simultaneously sign a separate Action Plan under S.C. Res. 1612 for the recruitment of child soldiers?

Yes. Again, the obligations of the Party under each Action Plan are separate and distinct.

67. Can a Party be “de-listed” from the Annexes?



A party is generally “de-listed” from the Annex whenever it has successfully completed the terms and adheres to the commitments of an Action Plan. The de-listing occurs following documentation on the annual reports of the Secretary General on CAAC upon recommendation from the CTFMR and SRSG-CAAC, after UN verification that violations have ceased.

Annex 5: Country Task Force – Terms of Reference

Monitoring and Reporting Mechanism Task Force Based on Security Council Resolutions 1612 (2005), 1882 (2009), 1998 (2011) and 2068 (2012)

Introduction

1. Pursuant to UN Security Council Resolution 1612, paragraph 3, the Secretary-General has established the monitoring and reporting mechanism referred to in the report of the Secretary-General of 9 February 2005 (S/2005/72) (hereafter, the “Secretary-General’s Report”), Section III (“Action Plan for the establishment of a monitoring, reporting and compliance mechanism”). That mechanism has a number of constituent parts including, pursuant to paragraphs 80 and 83 of the Secretary-General’s Report, an In-Country MRM Task Force on Monitoring and Reporting Mechanism (hereafter, the “MRM Task Force”). This document sets out the Terms of Reference of the MRM Task Force, and other relevant information about the work of the MRM Task Force. It draws on the provisions of UN Security Council Resolutions 1612 (2005), 1882 (2009), 1998 (2011) and 2068 (2012) and of the Secretary-General’s Report.
2. The MRM Task Force is unique and distinct from the humanitarian clusters operating in the country, but the Task Force must work closely with and keep the clusters informed of its work. The Task Force must also seek support from the protection cluster and other clusters for programmatic response to grave violations against children’s rights, in particular the child protection area of responsibility or sub-cluster.

Mandate of the MRM Task Force

3. The MRM Task Force shall:
 - i. collect and provide timely, objective, accurate and reliable information pertaining to grave violations committed against children in armed conflict;
 - ii. produce regular and timely reports on the situation of children affected by armed conflict;
 - iii. engage parties to conflict in dialogue, including for preparation and implementation of Action Plans against child recruitment and use, grave sexual violence, killing and/or maiming of children, and attacks on schools and hospitals;

- iv. monitor the implementation of the aforementioned Action Plans, as well as other commitments by armed parties to put an end to violations committed against children in armed conflicts; and
- v. serve as a forum to discuss, follow up and trigger appropriate responses by the UNCT and others, to UN Security Council resolutions on CAAC and applicable recommendations of the Secretary-General, in accordance with each member's respective mandate.

Parties whose activities should be monitored

4. In accordance with paragraphs 74 to 77 of the Secretary-General's Report, the MRM Task Force will monitor and report on and, as appropriate, seek to influence, the conduct of all parties to conflict, including government forces as well as non-state armed forces and groups. In accordance with Security Council Resolutions 1612, 1882, 1998 and 2068, the monitoring of an armed group will not prejudice its legal or political status within the context of the Geneva Conventions and the Additional Protocols thereto.

Particular focus

5. In the discharge of its mandate, as stated in paragraph 68 of the Secretary-General's Report, "certain practices should receive priority attention, both because they constitute especially egregious violations against children in armed conflict and because they can be monitored." Specifically, monitoring efforts should focus on the following six grave violations:
 - a) Killing or maiming of children;
 - b) Recruiting or using children in armed forces or armed groups;
 - c) Attacks against schools or hospitals;
 - d) Rape or other grave sexual violence against children;
 - e) Abduction of children; and
 - f) Denial of humanitarian access for children.
6. In discharging its mandate, the MRM Task Force should recall that, as noted in paragraph 68 of the Secretary-General's Report, although some of the above-stated abuses may occur in non-conflict situations, this monitoring and reporting regime is specific to situations of armed conflict.

Applicable standards

7. In accordance with paragraphs 69 to 73 of the Secretary-General's Report, the work of the MRM Task Force will be based on international and national legal instruments and norms that are in place for the protection of children affected by armed conflict, including those listed in Annex 1.

Composition, leadership and structure

8. The MRM Task Force shall be 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, UNHCHR, UNDP, UNFPA and UNIFEM.
9. The MRM Task Force will be co-chaired by the highest UN authority in the country (whether 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.
10. All reports prepared by the Task Force will be transmitted by the SRSG or Resident/Humanitarian Coordinator directly to the SRSG-CAAC, with copy to UNICEF and Under-Secretary-General of DPKO/Under-Secretary-General of DPA (in countries where DPKO or DPA is a co-chair).
11. Invitations to become a member of the MRM Task Force may also be extended by the co-chairs of the MRM Task Force to other key 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. The composition of the MRM Task Force may be reviewed and amended by its co-chairs on a yearly basis, to ensure the most appropriate representation.

Activities and working methods of the MRM Task Force

12. As stated in paragraph 65 of the Secretary-General's Report, "the purpose of a monitoring, reporting and compliance mechanism is to provide for the systematic gathering of objective, specific and reliable information on grave violations committed against children in situations of armed conflict, leading to well-informed, concerted and effective responses to ensure compliance with international and local children and armed conflict protection norms."
13. All activities of the MRM Task Force shall be guided by the overarching principles of the best interest of the child, non-discrimination, neutrality, impartiality and the humanitarian imperative.

14. In accordance with paragraph 83 of the Secretary-General's Report, the MRM Task Force shall be responsible for:

- determining the division of labour;
- coordinating the gathering of information on the ground;
- vetting and confirming the accuracy of information received;
- integrating the information received and providing quality control ;
- providing feedback to local communities and civil society organizations;
- providing guidance and training in methodology, as well as in ethical and security matters, to information gatherers;
- making determinations on practical and political constraints, with recommendations to Special Representatives of the Secretary-General or RCs, as necessary; and
- preparing the monitoring and compliance country reports.

15. In order to discharge its mandate, the MRM Task Force will:

- have the authority to establish additional MRM regional/decentralized Task Forces as deemed necessary;
- engage in protection dialogue, in accordance with paragraph 75 of the Secretary-General's Report, with all entities whose actions have a significant impact on children, without restriction and precondition, and without any prejudice as to their political or legal status; and
- have free and unrestricted access to all parts of the country and to all entities in-country who may, in the view of the MRM Task Force, be able to assist it in discharging its mandate.

16. The MRM Task Force will adopt the following minimum tasks for each of the matters within its mandate:

A. Monitoring:

- Ensure deployment of human and other resources to guarantee timely monitoring of grave violations against children in situations of armed conflict;
- Establish and/or strengthen existing activities and networks for the monitoring;
- Ensure adequate guidance and training in methodology, as well as ethical and security matters, for those directly involved in the MRM; and
- Establish a secure system of electronic storage of reports, raw data and other information.

B. Reporting:

- Prepare timely, objective, accurate and reliable information for:
 - a) the MRM Annual Country Reports of the Secretary-General under Security Council Resolutions 1612, 1882, 1998 and 2068;
 - b) the GHN;
 - c) the Global Annual Report of the Secretary-General on CAAC;
 - d) other requests as required for purposes of successfully carrying out the mandate of the Task Force;
- Report on the follow-up of the recommendations included in the Secretary-General's reports in (a) through (d) in the preceding bullet.
- Report on the follow-up of the conclusions of the SCWG-CAAC;
- Contribute to the analysis of the situation of children affected by the armed conflict, and formulate practical recommendations; and
- Provide feedback to all involved in the MRM, including monitors, local communities and civil society organizations, to help create greater ownership of the mechanism by all parties involved.

C. Response:

- Follow up on the recommendations included in the Secretary-General's reports;
- Follow up on the conclusions of the SCWG-CAAC;
- Act as a forum for the members of the UNCT to ensure the effective follow-up to Security Council resolutions on children and armed conflict, consistent with their respective mandates;¹
- In accordance with paragraph 75 of the fifth Secretary-General's report on CAAC (2005), maintain regular dialogue on protection with government counterparts and other parties to the conflict to discuss violations, prevention, response and accountability;
- Support the preparation and implementation of Action Plans of listed parties to the conflict whereby they will halt the recruitment and use of children; the killing and maiming of children; rape and other sexual violence against children; and attacks on

¹ As per paragraph 8 of Security Council Resolution 1882.

schools and hospitals (as contemplated in Security Council Resolutions 1539, 1612 and 1882);

- Monitor the implementation of Action Plans as specified above, as well as other commitments received from parties to the conflict to halt violations against children in armed conflicts; and
- Act as a forum for members of the UNCT to ensure that referral mechanisms are established to guarantee that victims and survivors of grave violations are referred to appropriate response services, consistent with their respective mandates.

Meetings and consultation

17. The meetings of the MRM Task Force will remain confidential. Minutes arising will not include individual cases. No public mention will be made of the content of the discussions without prior authorization of the MRM Task Force co-chairs.
18. The MRM Task Force will establish an adequate framework (or use existing frameworks, if applicable) for consultation, information-sharing and coordination with the government, relevant organizations and civil-society actors, and as appropriate non-state parties to the conflict on issues relating to children and armed conflict.
19. Ordinary meetings of the MRM Task Force will be held once a month. Extraordinary meetings may be convened at any time as deemed necessary.

Funding

20. Members of the MRM Task Force are responsible for generating their own funding to ensure appropriate capacity to implement their MRM activities. The Task Force chairs may support fundraising efforts for MRM activities of Task Force members.

Evaluation

21. The MRM Task Force, with advice of the OSRSG-CAAC and UNICEF New York headquarters will complete a self-assessment of the work of the MRM Task Force on a periodic basis.

Termination

22. The MRM Task Force's mandate will continue to exist until suspended by agreement between the co-chairs and in consultation with the OSRSG-CAAC and the Task Force on CAAC in New York Headquarters. The Task Force should engage in a discussion about its termination following the delisting of all parties to the conflict, and make a recommendation regarding the termination of the work of the Task Force accordingly.

Annex 5-1: Applicable standards

In accordance with paragraph 69 to 73 of the Secretary-General's Report, the work of the MRM Task Force will be based on legal instruments and norms that are in place for the protection of children affected by armed conflict, including:

International instruments

- Security Council Resolutions 1261 (1999), 1314 (2001), 1379 (2001), 1460 (2003), 1539 (2004), 1612 (2005), 1882 (2009), 1998 (2011) and 2068 (2012) on CAAC
- The CRC (1989) and its Optional Protocol on the Involvement of Children in Armed Conflict (2000)
- The Rome Statute of the International Criminal Court (1998)
- International Labour Organization (ILO) Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999)
- The Geneva Conventions (1949) and their two Additional Protocols (1977)
- Convention on Cluster Munitions (2008)
- International Covenant on Civil and Political Rights (1966);
- Convention Against Torture (1984)
- Convention on Cluster Munitions (2008)
- Convention on Certain Conventional Weapons (CCW) (1980) (particularly Protocols II and V)
- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (1997)
- United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the UN Convention against Transnational Organized Crime (2001)

Regional instruments

- [If applicable], such as the African Charter on the Rights and Welfare of the African Child (1999); Economic Community of West African States (ECOWAS) Convention on Small Arms and Light Weapons, their Ammunition and other Related Materials (2006); Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials (1997); Nairobi Protocol for the Prevention, Control and Reduction of SALW in the Great Lakes Region and the Horn of Africa (2004); Protocol on the Control of Firearms, Ammunition and Other Related

Materials in the Southern African Development Community (SADC) Region (2001); and European Union Code of Conduct for Arms Exports (1998)

National instruments

- [If applicable] Full title of applicable national legislation that provides for the protection, rights and well-being of children

International operational standards

- UN Global MRM Guidelines and Field Handbook
- Paris Principles and Guidelines on Children associated with Armed Forces or Armed Groups (2007)
- UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (2005)
- UN Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (2001)
- UN Rules for the Protection of Juveniles Deprived of their Liberty (1990)
- UN Standard Minimum Rules for the Administration of Juvenile Justice (1985)

Annex 6: UN Security Council Working Group Toolkit

S/2006/724

Addendum

Non-paper

Options for possible actions by the CAAC Working Group of the Security Council (“toolkit”)

Extract of UNSC 1612 mandate (OP 8):

(...) *Decides further that the Working Group shall:*

(a) Make recommendations to the Council on possible measures to promote the protection of children affected by armed conflict, including through recommendations on appropriate mandates for peacekeeping missions and recommendations with respect to parties to the conflict;

(b) Address requests, as appropriate, to other bodies within the United Nations system for action to support implementation of this resolution in accordance with their respective mandates.

The Working Group shall design a specific approach for each case, proceeding in a constructive way, putting emphasis on dialogue and cooperation.

On the basis of the above-mentioned mandate, the following list of possible recommendations can be envisaged. This list is *indicative* and *non-limitative*, and this non-paper must be considered as a “living document”:

1. Assistance

Direct action by the WG

- Recommendations for additional technical assistance to the country concerned, in order to strengthen its national capacities to promote and protect the rights of the child (UNICEF, OHCHR, DPKO, UNDP ...)
- Recommendations to the relevant bodies for improving humanitarian coordination and assistance to children affected by armed conflict (OCHA, UNHCR, UNICEF ...)
- Specific requests to other United Nations bodies (PBC, GA, HRC ...) or agencies (ILO, World Bank ...)
- Request for advocacy and official visits of the SRSR for CAAC to countries of concern, including, where appropriate, engaging with parties on action plans, M&R implementation, assistance for adoption of the Optional Protocol to the CRC and other relevant instruments

Direct action by the WG or possible recommendations to the UNSC, as appropriate

- Support to transitional justice and truth-seeking mechanisms, including support in the development and implementation of child-sensitive procedures, e.g. building capacity of investigators, statement takers and other officials involved in how to address cases involving children and how to interview and take testimonies from children

Possible recommendations to the UNSC

- Letters to donors (public/private) to invite them to contribute more, including for strengthening child protection capacities of regional organizations

2. Démarches

Direct action by the WG

- Advocacy for accountability for crimes against children in situations of armed conflict and calls on the United Nations and Members to provide support to programmes ensuring the protection of children involved in accountability or truth-seeking mechanisms

Direct action by the WG or possible recommendations to the UNSC, as appropriate

- Letters/appeals to the parties concerned
- Démarches to parties in situations of armed conflict listed in the annexes of the Secretary-General's report, based on terms of reference clearly defined by the Working Group and aiming to achieve specific and verifiable results

Possible recommendations to the UNSC

- Letters to regional organizations
- Draw attention to the full range of justice and reconciliation mechanisms to be considered, including national, international and “mixed” criminal courts and tribunals, while emphasizing the responsibility of States to comply with their relevant obligations to end impunity

3. Enhanced monitoring

Direct action by the WG

- Request from the Secretary-General of additional information/reports on specific issues or parties
- Request from the representatives of the affected country of additional information/clarification on the Secretary-General's report
- Organization of informational briefing by outside experts (civil society, academia ...)

S/2006/724

Direct action by the WG or possible recommendations to the UNSC, as appropriate

- Specific field trips on CAAC by Members of the Working Group followed by a report, subject to availability of funding
- Convening of a closed or open meeting with the participation of the State concerned and/or parties concerned as appropriate
- Press conferences to highlight a specific issue and to raise awareness about the CAAC provisions of international humanitarian and human rights law, as well as about UNSC resolutions and decisions regarding CAAC (in addition to the usual press releases following the meetings of the WG)

Possible recommendations to the UNSC

- Ensure that UNSC field trips incorporate CAAC dimension in their terms of reference and reports
- Specific PRST or resolution, if appropriate

4. Improvement of mandates

Direct action by the WG

- Invitation to stakeholders concerned to pay particular attention to children, including girls exploited by armed forces and groups, in DDR processes

Direct action by the WG or possible recommendations to the UNSC, as appropriate

- Letter to the Secretary-General suggesting the strengthening of the “CAAC dimension” of the mandate of a peacekeeping mission or of a DPA assistance mission, whenever there is a specific need, and requesting that periodic reports include an analysis on the issue
- Request that the specific needs of children are considered in forthcoming peace processes and/or peacekeeping mandates, including advocacy for inclusion of child protection provisions in ceasefire and peace agreements as well as throughout the consolidation of peace in the aftermath of conflict (including during reform and transition processes)
- Setting strong child protection standards for troop-contributing countries and other actors involved in peacekeeping operations and providing adequate and regular training

Possible recommendations to the UNSC

- Identify and focus on specific areas for developing UNSC’s action on CAAC, including through consideration of drafting a new UNSC resolution on CAAC

5. Other measures

Possible recommendations to the UNSC

- Consider and forward to the existing Sanctions Committees, bearing in mind their respective mandates and paragraphs 9 of resolution 1612 (2005) and 5 (c) of resolution 1539 (2004), relevant information received by the Working Group and its conclusions thereon, in particular on issues of concern, including the views requested from the Working Group upon request of the existing Sanctions Committees
- Letters to the relevant justice mechanisms, in order to bring information to their attention and contribute to ending impunity of violators

Annex 7: MRM Guiding Principles

Humanitarian principles and what they mean for monitoring, reporting and response

The table below suggests some ways in which humanitarian principles guide the MRM's activities.

Principle	Definition	Implications for the MRM
Best interests of the child	In all decisions affecting children, the best interests of the child shall be a primary consideration.	<ul style="list-style-type: none"> ■ In all aspects of the MRM, the best interests of the child must be a primary consideration.
Humanity	Human suffering must be addressed wherever it is found. The dignity and rights of all people must be respected and protected.	<ul style="list-style-type: none"> ■ Monitoring, reporting and response must be conducted for the principal and sole purpose of alleviating human suffering, wherever it is found, and not for any other political purposes. ■ Monitoring, reporting and response must be undertaken in a way that protects and respects the dignity and rights of victims. For example, by respecting the dignity of victims during interviews and in the recording and reporting of violations.
Neutrality	Humanitarian action must be carried out without engaging in hostilities or taking sides in controversies of a political, religious or ideological nature	<ul style="list-style-type: none"> ■ Monitoring, reporting and response must be undertaken in an unbiased, objective manner without taking sides in political or ideological disputes. These activities must make every effort to report on violations against CAAC <i>by any and all parties</i> to the conflict. ■ Monitoring and reporting should not be undertaken to support or advance the political objectives of any one party to a conflict.
Impartiality	Humanitarian action must be carried out without discriminating as to ethnic origin, gender, nationality, political opinions, race or religion. Action must be guided solely by needs and priority must be given to the most urgent cases of distress.	<ul style="list-style-type: none"> ■ Monitoring, reporting and response must be undertaken without discrimination on the basis of ethnic origin, gender, nationality, race, religion or any other factor. For example, practitioners must not limit monitoring and reporting to violations affecting victims from any one particular group.
Operational independence	Humanitarian actors must retain full control of their operations. Agencies must ensure that their operational independence is respected at all times. Humanitarian action must be conducted separately and clearly distinguished from military-led relief operations.	<ul style="list-style-type: none"> ■ MRM practitioners must at all times retain operational control and direction of monitoring, reporting and response activities. MRM practitioners should not, for example, agree to restrictions by parties to the conflict on the type or scope of monitoring of violations against children.

Principle	Definition	Implications for the MRM
Respect for culture and custom	It is important to understand and respect local customs and traditions and to appreciate local values. While local culture and customs vary, human rights are universal and applicable to all human beings, regardless of cultural setting, and must be paramount.	<ul style="list-style-type: none"> ■ Monitoring, reporting and response should be undertaken with due regard and respect for culture and custom. For example, monitors should be particularly sensitive to cultural views on sexuality and gender when monitoring and reporting incidents of sexual violence. Some interventions require particular sensitivity to local customs. For example, in dealing with survivors of rape, it is important to be aware of how rape and survivors of rape are perceived in the local community in order to best respond to their needs.
Do no/less harm	Humanitarian actors must strive to 'do no harm' or to take steps to minimize the harm, due to their activities.	<ul style="list-style-type: none"> ■ Monitoring, reporting and response must be conducted in such a way as to do no harm to those whom practitioners seek to assist and protect. For example, by gathering information within a particular community on child rights violations, monitors should not expose the victims, community, witnesses or staff to further risks, including any risk of retaliation.

Annex 8: Implementing Child Participation

1. Examples of participation activities from MRM countries
2. Ensuring the safety of children and young people who participate in the MRM
3. Basic requirements for the implementation of the right of the child to be heard

1. EXAMPLES OF PARTICIPATION ACTIVITIES FROM MRM COUNTRIES

Many agencies in country programmes are or have facilitated a range of participation activities in different locations. In the Democratic Republic of the Congo, Save the Children has worked principally in some areas on the facilitation of participation:

Participation of children and young people in the MRM in the Democratic Republic of the Congo

Children and young people were involved in developing community-level, child-friendly awareness raising material. Drawings of the six grave violations in picture books and leaflets were distributed to children's clubs, the Children's Parliament, community child protection committees and *animators* from partner organizations. These were used in door-to-door campaigns, at the market, in churches and at special events days as talking points on the six grave violations.

A child-led, child-focused awareness raising campaign focused on the grave violation of recruitment and use of children in armed forces and groups. Extensive work was done with children's clubs as well as with the Children's Parliament of Ituri to support children, identify key messages that focused on preventing their peers (in particular children they perceived to be the most vulnerable) from joining armed groups, and to transmit positive messages around the acceptance of children who have been demobilized. The messages were transmitted through a variety of community-based activities, including at special events, sports matches, messages passed in churches and mosques, banners at markets, door-to-door campaigns and radio spots. Further training was then carried out in children's clubs and the Children's Parliament of Ituri specifically on the content of Security Council Resolution 1612, the six grave violations and what they mean in real terms (breaking down the six grave violations into real-life examples), and how to report cases.

Activities to embed 1612 case reporting in wider child protection reporting and case management have also been put in place. Instead of developing separate reporting and referral pathways for grave violations, the children's club, Children's Parliament, child protection committee members, local authorities and NGO partners were trained on how to report a variety of child protection violations. The report format is disaggregated so that 1612 cases can be easily picked out, but are listed alongside other abuses such as neglect, emotional abuse, physical abuse, etc. The type of perpetrator is also listed – family member, neighbour, teacher, armed actor. Children also participated in the development of referral systems that respond to all cases, where cases involving grave violations are treated as same as other cases.

Establishing 'listening posts' for reporting cases and active listing in conflict-affected areas allows a concrete and visible focal point in the community for reporting and seeking help for child protection cases. Children can access these listening posts and report cases to trained *animators* who take steps to report cases upwards and provide the appropriate response to children's needs.

Children and young people have also fed into global advocacy, through the use of participatory methodology for action research. This approach has been used successfully in the Democratic Republic of the Congo, the Ivory Coast and Nepal.¹ Using a participatory methodology enabled discussions where children were asked to list violations, which they considered to be grave occurring in their context, and to rank them by frequency and severity. Other exercises elicited children's assessment of levels of impunity, changes in the patterns of violations during the application period of the MRM in their country, and suggested improvements in the application of the MRM following a brief pictorial presentation of the information flows and responses that make up the mechanism. This approach is invaluable to assist the OSRSG and the SCWG-CAAC to make informed decisions in relation to the functioning of the MRM – directly from the people on the ground that it is meant to represent.

Young people can also assist in the development of awareness of these resolutions within the general population. One of the major difficulties with the MRM is the lack of knowledge of it outside humanitarian agency circles. An increased awareness opens possibilities for higher levels of reporting by schools and other social services.

1 <www.savethechildren.org.uk/en/docs/Full_of_Promise_full_report_final.pdf>.

2. ENSURING THE SAFETY OF CHILDREN AND YOUNG PEOPLE WHO PARTICIPATE IN THE MRM

Key principles²

Ensuring the safety of children who participate in any form of the MRM is absolutely essential before carrying out activities. A number of key principles must be followed:

- **Do no harm:** The involvement of children in the MRM process must not put children or their families in harm's way. Risk analysis and ways in which to overcome risk must be developed with children and their families in order to help them effectively participate.
- **Best interests:** As one of the four core principles of the CRC, acting in the best interests of the children must override all actions and activities that involve children in the MRM. This includes respect for a child's privacy and awareness of possible social, physical and political consequences of reporting to themselves and their families.
- **Child protection:** The protection of children should be paramount in any participation that is planned and organized for children's involvement. Children should be aware of their rights, and safeguards to prevent abuse and minimize risk must be implemented. Child protection procedures, including policies and codes of conduct, should be known, understood and implemented by staff.
- **Confidentiality:** It is crucial to protect the identities of children and groups of children who participate in the MRM. Due to the sensitive nature of the mechanism and vulnerability of children in conflict situations, confidentiality must be maintained at all times. However, confidentiality must never replace the need to protect children – action must be taken if disclosures relating to abuse suffered occur.
- **Informed consent:** When involving children in MRM activities, informed consent (dependant on factors such as age and development) is necessary both for children's actual participation and for sharing information that has arisen from the activities. Children must have access to adequate, appropriate and child-friendly information about the process of their participation, and the outcome in terms of how and with whom their information might be shared. Information should not be shared if children or their guardians refuse to follow a process of informed consent.

Risk assessment

Conducting a risk assessment before asking children to participate in activities relating to the MRM is essential. There are a number of questions³ you can initially use to assess the risk to

² Adapted from *Ethical Guidelines: For ethical, meaningful and inclusive child participation practice*, Save the Children, 2008.

³ Adapted from *Guidelines for Ensuring the Safe Participation of Children and Young People in Events, Residential and Other*

children. Children and young people must be involved in both identifying and reducing the risks they might face.

Questions for children:

- Are there people who might want to harm you or your family as a result of public acknowledgement of your participation/contribution?
- How would your family or friends react?
- Who needs to be protected?

Questions for an MRM Task Force, agencies or children who are involved in planning and preparing for participation

- What concerns are likely to exist amongst the immediate community about bringing children together for MRM/protection-focused activities?
- How might such concerns relate to specific groups of children?
- Are local political/military actors likely to take an interest in these activities? Do relationships need to be built and assurances given?
- What resources (including psychosocial support) exist should the activities cause upset for individual children, or adverse reactions from others?
- What spaces exist where it might be possible to conduct activities with children and young people in a safe and private location without raising suspicion
- Which areas need to be avoided during activities to avoid risk of danger to children?
- What protection structures exist for children who need protection as a result of their participation?

A risk assessment should cover the following:⁴

1. Identify the 'hazards' – something or someone that could cause potential harm to children.
2. Who can be harmed? – Consider who might be involved during the different levels of engagement of child participation in the MRM.
3. Consider existing controls – thinking about the degree of risk that the identified hazards currently pose by taking into account effective control measures that already exist, e.g.,

Group Activities, Save the Children UK, 2005.

⁴ Adapted from *Guidelines for Ensuring the Safe Participation of Children and Young People in Events, Residential and Other Group Activities*, Save the Children UK, 2005.

confidentiality procedures to safeguard the identities of children who have reported information to the MRM Task Force.

- Calculate the level of risk – Consider the likelihood of an incident happening; is this high, medium or low? Then, estimate how severe the outcome of the incident would be, enquiring about previous incidents to assist you. Considering the severity of the possible incident, then determine the primary risks using the matrix below. The risk assessment should not be calculated by one person. It should be a group exercise or complied with the assistance of a number of protection actors or the protection cluster to prevent bias.

		Likelihood		
		H	M	L
Severity	H	3	3	2
	M	3	2	1
	L	2	1	1

Risk rating: 3 = High risk, 2 = Medium risk, 1 = Low risk

If the risk is calculated as being medium or high with the original controls in place, you will need to consider additional safety controls that can be put in place to eliminate, isolate or further minimize the risk.

For all risk assessments, however, **if the risk rating is still calculated as high risk, then the activity *must not* be undertaken.** This should be the rule of thumb for any activity you wish to undertake.

- Having recorded your findings and actions, you must ensure that you communicate the risks and control measures to all appropriate people, i.e., all those involved in each aspect of the activity. Risk assessments should be written down and filed in a safe place. The process of communicating the risks and control measures should also be documented.

Remain flexible – If there are any significant changes to the activity, reconsider and review your assessment. You may need to re-evaluate the risk. Once these steps have all been taken, the benefits of participation can begin to shape the MRM process and enhance its effectiveness.

3. BASIC REQUIREMENTS FOR THE IMPLEMENTATION OF THE RIGHT OF THE CHILD TO BE HEARD⁵

The UN CRC Committee urges States Parties to avoid tokenistic approaches, which limit children's expression of views, or which allow children to be heard but fail to give their views due weight. It emphasizes that adult manipulation of children, placing children in situations where they are told what they can say, or exposing children to risk of harm through participation are not ethical practices and cannot be understood as implementing Article 12.

If participation is to be effective and meaningful, it needs to be understood as a process, not as an individual one-off event. Experience since the CRC was adopted in 1989 has led to a broad consensus on the basic requirements, which have to be reached for effective, ethical and meaningful implementation of Article 12. The Committee recommends that States Parties integrate these requirements into all legislative and other measures for the implementation of Article 12.

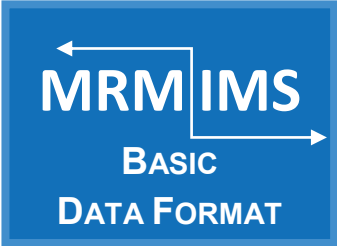
All processes, in which a child or children are heard and participate, must be:

- a. **Transparent and informative** – Children must be provided with full, accessible, diversity-sensitive and age-appropriate information about their right to express their views freely and their views to be given due weight, and how this participation will take place, as well as its scope, purpose and potential impact.
- b. **Voluntary** – Children should never be coerced into expressing views against their wishes and they should be informed that they can cease involvement at any stage.
- c. **Respectful** – Children's views have to be treated with respect and they should be provided with opportunities to initiate ideas and activities. Adults working with children should acknowledge, respect and build on good examples of children's participation, for instance, in their contributions to the family, school, culture and the work environment. They also need an understanding of the socio-economic, environmental and cultural context of children's lives. Persons and organizations working for and with children should also respect children's views with regard to participation in public events.
- d. **Relevant** – The issues on which children have the right to express their views must be of real relevance to their lives and enable them to draw on their knowledge, skills and abilities. In addition, space needs to be created to enable children to highlight and address the issues they themselves identify as relevant and important.
- e. **Child-friendly** – Environments and working methods should be adapted to children's capacities. Adequate time and resources should be made available to ensure that children are adequately prepared and have the confidence and opportunity to contribute their views.

⁵ Committee for the Rights of the Child General Comment No. 12, The Right of the Child to be Heard, 2009, <www.unhcr.org/refworld/type,GENERAL,,,4ae562c52,0.html>.

Consideration needs to be given to the fact that children will need differing levels of support and forms of involvement, according to their age and evolving capacities.

- f. Inclusive** – Participation must be inclusive, avoid existing patterns of discrimination and encourage opportunities for marginalized children, including both girls and boys, to be involved. Children are not a homogenous group and participation needs to provide for equality of opportunity for all, without discrimination on any grounds. Programmes also need to ensure that they are culturally sensitive to children from all communities.
- g. Supported by training** – Adults need preparation, skills and support to facilitate children’s participation effectively, to provide them, for example, with skills in listening, working jointly with children and engaging children effectively in accordance with their evolving capacities. Children themselves can be involved as trainers and facilitators on how to promote effective participation; they require capacity-building to strengthen their skills in, for example, effective participation, awareness of their rights, and training in organizing meetings, raising funds, dealing with the media, public speaking and advocacy.
- h. Safe and sensitive to risk** – In certain situations, expression of views may involve risks. Adults have a responsibility towards the children with whom they work and must take every precaution to minimize the risk to children of violence, exploitation or any other negative consequence of their participation. Action necessary to provide appropriate protection will include the development of a clear child-protection strategy that recognizes the particular risks faced by some groups of children, and the extra barriers they face in obtaining help. Children must be aware of their right to be protected from harm and know where to go for help if needed. Investment in working with families and communities is important in order to build understanding of the value and implications of participation, and to minimize the risks to which children may otherwise be exposed.
- i. Accountable** – A commitment to follow-up and evaluation is essential. For example, in any research or consultative process, children must be informed as to how their views have been interpreted and used and, where necessary, provided with the opportunity to challenge and influence the analysis of the findings. Children are also entitled to be provided with clear feedback on how their participation has influenced any outcomes. Wherever appropriate, children should be given the opportunity to participate in follow-up processes or activities. Monitoring and evaluation of children’s participation needs to be undertaken, where possible, with children themselves.



MRM IMS
BASIC
DATA FORMAT

COUNTRY:	CASE REFERENCE NO.	SUMMARY INCIDENT TIMELINE:
MONITORING AGENCY ID:	MRM IMS No.	DATE OF INCIDENT:
		DATE OF REPORT:
		DATE OF VERIFICATION:

1 INCIDENT PROFILE

1.1 DATE OF INCIDENT	CLICK HERE TO ENTER A DATE. DD/MM/YYYY	1.2 TIME OF DAY (Select one)	<input type="checkbox"/> MORNING	<input type="checkbox"/> AFTERNOON
			<input type="checkbox"/> EVENING	<input type="checkbox"/> NIGHT
			<input type="checkbox"/> UNKNOWN	

1.3 LOCATION OF INCIDENT	LOCATION	Specify or click here to select DIVISION	Specify or click here to select. DISTRICT	Specify or click here to select. STATE
	GPS X COORD	GPS Y COORD	LANDMARK	

1.4 TYPE OF LOCATION (Select one)	<input type="checkbox"/> BUSH/FOREST	<input type="checkbox"/> MARKET	<input type="checkbox"/> ROAD	<input type="checkbox"/> SCHOOL
	<input type="checkbox"/> FIELD	<input type="checkbox"/> IDP/REFUGEE CAMP	<input type="checkbox"/> HOME	<input type="checkbox"/> OTHER _____

1.5 DETAILED DESCRIPTION OF INCIDENT

Please describe what happened. Tell the story - what, when, where, by whom; explain the process of documentation and verification and any actions taken. Avoid personal names. If more space is needed, use the back of this form.

1.6 SUMMARY DESCRIPTION OF INCIDENT FOR ADVOCACY AND REPORTING

If this is suitable as a case study at national or global level, please provide a summary of the incident for wider use. Ensure that there is NO CONFIDENTIAL or SENSITIVE information, as this incident could be used in public reports and for advocacy.

2 VIOLATION CATEGORY

2.1 GRAVE CHILD RIGHTS VIOLATION CATEGORY (Select as many as apply. See guidance note for sub-categories, and other grave violations.)

<input type="checkbox"/> KILLING CAUSE Select one.	<input type="checkbox"/> RECRUITMENT AND USE OF CHILDREN	<input type="checkbox"/> RAPE OR OTHER GRAVE SEXUAL VIOLENCE	<input type="checkbox"/> ATTACK ON SCHOOL
<input type="checkbox"/> MAIMING CAUSE Select one	<input type="checkbox"/> ABDUCTION	<input type="checkbox"/> DENIAL OF HUMANITARIAN ACCESS	<input type="checkbox"/> ATTACK ON HOSPITAL

3 PERPETRATOR PROFILE

3.1 STATE OR NON-STATE ACTOR (Select one)	3.2 NAME OF ARMED FORCE/GROUP Specify or click here to select.	3.3 NUMBER OF INDIVIDUAL PERPETRATORS (Select one)
<input type="checkbox"/> NATIONAL ARMY		<input type="checkbox"/> ONE <input type="checkbox"/> TWO <input type="checkbox"/> THREE <input type="checkbox"/> MORE THAN THREE
<input type="checkbox"/> POLICE FORCES		<input type="checkbox"/> UNKNOWN <input type="checkbox"/> NOT APPLICABLE
<input type="checkbox"/> SECURITY FORCES		
<input type="checkbox"/> PARA-MILITARY FORCES		
<input type="checkbox"/> INTERNATIONAL FORCES		
<input type="checkbox"/> NON-STATE ACTOR		
<input type="checkbox"/> OTHER		

4 MRM TASK FORCE RESPONSE

4.1 ACTIONS TAKEN BY SURVIVORS/FAMILIES

Describe what actions have already been taken by the survivors/families; including raising the incident with relevant authorities.

4.2 ACTIONS TAKEN BY MONITORING AGENCY OR OTHER TASK FORCE MEMBER

Document actions taken to respond to the incident generally: Medical Intervention, Report to Police or Government Authorities, Intervention with Armed Group, etc. Response for individual survivors should be noted in the Victim Profile Table or Individual Add-On)

ACTION DATE	TYPE OF ACTION	BODY TO WHICH MRM TASKFORCE DIRECTED ACTION	NOTES	RELATED CASE NO.
DD/MMM/YYYY	Specify or click here to select	Specify or click here to select.		
DD/MMM/YYYY	Specify or click here to select	Specify or click here to select.		
4.3 FOLLOW-UP ACTION	TYPE OF ACTION	DUE DATE	NOTES	
	Specify or click here to select	DD/MMM/YYYY		

5 DOCUMENTATION RECORD: FILL ONE BASIC INCIDENT FORM FOR EACH SOURCE

5.1 DATE OF REPORT

CLICK HERE TO ENTER A DATE.

When source was reported to or observed by monitor

DD/MMM/YYYY

5.2 SOURCE CODE¹

5.3 SOURCE OF INFORMATION Determine if the source is primary, supporting testimony, supporting material or alert, and then select relevant sub-category.	PRIMARY (Select one option below) <input type="checkbox"/> VICTIM <input type="checkbox"/> ADULT CAREGIVER <input type="checkbox"/> EYE-WITNESS <input type="checkbox"/> PERPETRATOR Complete 5.4 on Reliable Persons	SUPPORTING TESTIMONY Specify below, or click here to select. Complete 5.4 on Reliable Persons
	SUPPORTING MATERIAL Specify below, or click here to select	ALERT SOURCES Specify below, or click here to select
5.4 RELIABILITY OF PERSON AS SOURCE (Select one) <input type="checkbox"/> HIGH <input type="checkbox"/> LOW (Contradictory story, conflict of interest, previous false report, etc.)	5.5 CONSENT Does Source consent to be re-contacted by the monitoring agency? (Select one) <input type="checkbox"/> YES <input type="checkbox"/> No	5.6 MONITOR ID
		5.7 REPORTING ORGANISATION CODE

6 CASE LOG

DATE	NOTES	MONITOR ID
DD/MMM/YYYY		
DD/MMM/YYYY		

7 ATTACHED DOCUMENTATION

File Name and Link	File Name and Link	File Name and Link
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8 VERIFICATION RECORD (For 8.1 and 8.4, select one option only.)

8.1 VERIFICATION STATUS <input type="checkbox"/> VERIFIED <input type="checkbox"/> UNVERIFIED <input type="checkbox"/> INCOMPLETE	8.2 DATE DD/MMM/YYYY	8.4 IF NOT VERIFIED, WHY? <input type="checkbox"/> RESOURCE CONSTRAINTS <input type="checkbox"/> OTHER <input type="checkbox"/> UNWILLING SOURCES <input type="checkbox"/> CONTRADICTION INFORMATION <input type="checkbox"/> SECURITY CONSTRAINTS <input type="checkbox"/> PENDING FURTHER MONITORING
	8.3 MONITOR ID	

¹ If the source is the survivor, the source code should be the same as the victim/survivor code.

9 VICTIM/SURVIVOR SUMMARY

9.1 TOTAL NO. OF CHILDREN AFFECTED	Boys	GIRLS	SEX UNKNOWN
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10 VICTIM/SURVIVOR PROFILING – FOR HARD COPY FORMAT, USE KEY BELOW TO SELECT APPROPRIATE OPTIONS

No.	VICTIM/ SURVIVOR CODE	KILLING	MAIMING	RECRUITMENT AND USE	RAPE/ SEXUAL VIOLENCE	ABDUCTION	DATE OF BIRTH	ESTIMATED AGE	SEX	NATIONALITY	ETHNIC GROUP/ TRIBE	RELIGION	DISPLACE -MENT STATUS	CARE STATUS	AGENCY REFERRED To
1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			M/F	Select	Select	Select	Select	Select	Select
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			M/F	Select	Select	Select	Select	Select	Select
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			M/F	Select	Select	Select	Select	Select	Select
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			M/F	Select	Select	Select	Select	Select	Select
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			M/F	Select	Select	Select	Select	Select	Select
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			M/F	Select	Select	Select	Select	Select	Select
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			M/F	Select	Select	Select	Select	Select	Select
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			M/F	Select	Select	Select	Select	Select	Select
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			M/F	Select	Select	Select	Select	Select	Select
10		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			M/F	Select	Select	Select	Select	Select	Select

DROPDOWN OPTIONS KEY

NATIONALITY: A, B
ETHNIC GROUP/TRIBE: A, B
RELIGION: A, B

DISPLACEMENT STATUS:
CARE STATUS:
AGENCY REFERRED TO:

**NON-DISPLACED, IDP, ASYLUM SEEKER, REFUGEE, RETURNEE, STATELESS, OTHER
 SEPARATED, UNACCOMPANIED, WITH PRIMARY CAREGIVER
 A, B**

COUNTRY:	CASE REFERENCE NO.	VICTIM/SURVIVOR CODE
MONITORING AGENCY ID:	MRM IMS No.	

THIS FORM IS AN ADD-ON. IT SHOULD BE USED TOGETHER WITH THE BASIC DATA FORMAT. PLEASE COMPLETE ONE FORM FOR EACH AFFECTED CHILD FOR WHOM INFORMATION IS AVAILABLE.

INDIVIDUAL VIOLATION DETAILS

11 VIOLATION DETAILS: RECRUITMENT AND USE OF CHILD BY ARMED FORCES/GROUPS

11.1 FACTORS INFLUENCING RECRUITMENT/USE OF CHILD. Select as many as apply

<input type="checkbox"/> ABDUCTION	<input type="checkbox"/> CONSCRIPTION	<input type="checkbox"/> INTIMIDATION	<input type="checkbox"/> FINANCIAL REASONS
<input type="checkbox"/> LACK OF BASIC SERVICES	<input type="checkbox"/> LACK OF OPPORTUNITIES	<input type="checkbox"/> TO JOIN/FOLLOW FRIENDS	<input type="checkbox"/> IDEALISM, SUPPORT THE CAUSE
<input type="checkbox"/> SECURITY FOR SELF/COMMUNITY	<input type="checkbox"/> FAMILY PROBLEMS/ABUSE	<input type="checkbox"/> REVENGE	<input type="checkbox"/> UNKNOWN
			OTHER _____

11.2 ROLE OF CHILD IN ARMED FORCE/GROUP (Select as many as apply)

COMBATANT NON-COMBATANT SEXUAL PURPOSES UNKNOWN

11.3 DID CHILD USE/OWN WEAPON? (Select one)

Yes No

12 VIOLATION DETAILS: KILLING

12.1 CAUSE OF DEATH (Select one)

SHOOTING/CROSSFIRE IMPROVISED EXPLOSIVE DEVICE SHELLING/MORTAR FIRE AERIAL BOMBARDMENT
 WHITE WEAPON USE LANDMINES CLUSTER MUNITIONS CRUEL AND INHUMANE TREATMENT
 SUMMARY AND ARBITRARY EXECUTION/EXTRA JUDICIAL KILLING SUICIDE ATTACK VICTIM FORCED PERPETRATOR OF SUICIDE ATTACK
 OTHER _____

13 VIOLATION DETAILS: MAIMING

13.1 CAUSE OF MAIMING (Select one)

SHOOTING/CROSSFIRE IMPROVISED EXPLOSIVE DEVICE SHELLING/MORTAR FIRE AERIAL BOMBARDMENT
 WHITE WEAPON USE LANDMINES CLUSTER MUNITIONS CRUEL AND INHUMANE TREATMENT
 SUICIDE ATTACK VICTIM FORCED PERPETRATOR OF SUICIDE ATTACK
 OTHER _____

14 VIOLATION DETAILS: RAPE OR OTHER GRAVE SEXUAL VIOLENCE

14.1 TYPE OF VIOLENCE. (Select as many as apply)

<input type="checkbox"/> RAPE	<input type="checkbox"/> SEXUAL ASSAULT	<input type="checkbox"/> FORCED MARRIAGE	<input type="checkbox"/> MUTILATION	<input type="checkbox"/> OTHER
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14.2 WERE MONEY, GOODS, BENEFITS AND / OR SERVICES EXCHANGED IN RELATION TO THE INCIDENT?

(Select one)

Yes No UNKNOWN

14.3 ACCORDING TO MONITOR'S ASSESSMENT, WAS VIOLENCE ASSOCIATED WITH SEXUAL SLAVERY OR TRAFFICKING?

(Select one)

Yes No UNKNOWN

15 VIOLATION DETAILS: ABDUCTION

15.1 PURPOSE OF ABDUCTION. (Select as many as apply)

<input type="checkbox"/> CHILD RECRUITMENT AND USE	<input type="checkbox"/> SEXUAL VIOLENCE	<input type="checkbox"/> POLITICAL INDOCTRINATION	<input type="checkbox"/> HOSTAGE (INTIMIDATION)
<input type="checkbox"/> HOSTAGE (EXTORTION)	<input type="checkbox"/> UNKNOWN	OTHER _____	

INDIVIDUAL FOLLOW-UP AND RESPONSE DETAILS

16 INDIVIDUAL FOLLOW-UP AND RESPONSE DETAILS

16.1 ACTIONS TAKEN BY CHILD SURVIVOR OR HIS / HER CAREGIVER

Describe what actions have already been taken by the child survivor or his / her caregiver; as well as any other relevant details for follow-up.

16.2 REFERRALS FOR SUPPORT SERVICES Document requests and actions to refer child appropriate support services, eg., child protection

CONSENT FOR SERVICE REFERRAL	TYPE OF SUPPORT	ORGANISATION REFERRED TO	STATUS (Select one)	DATE OF REFERRAL	RELATED CASE No. IF APPLICABLE
Y/N	Specify or click here to select.		<input type="checkbox"/> PENDING <input type="checkbox"/> DONE	DD/MMM/YYYY	
Y/N	Specify or click here to select.		<input type="checkbox"/> PENDING <input type="checkbox"/> DONE	DD/MMM/YYYY	

IF NO SUPPORT REFERRAL IS MADE, WHY NOT?

NOT NEEDED
 ALREADY RECEIVED
 REFERRAL DECLINED
 SERVICE UNAVAILABLE
 CHILD NOT ACCESSIBLE
 OTHER

16.3 REQUEST FOR ADVOCACY Document requests and actions to advocate on child's behalf with responsible entities.

CONSENT FOR ADVOCACY	ENTITY WITH WHOM ADVOCACY REQUESTED	STATUS (Select one)	DATE CASE PRESENTED	NOTES
Y/N	Specify or click here to select	<input type="checkbox"/> PENDING <input type="checkbox"/> DONE	DD/MMM/YYYY	
Y/N	Specify or click here to select	<input type="checkbox"/> PENDING <input type="checkbox"/> DONE	DD/MMM/YYYY	

16.4 SPECIFIC FOLLOW-UP OF CHILD RECRUITED OR USED BY ARMED FORCES/GROUPS

Provide recruitment history of child, starting with the most recent incident.

DATE OF RECRUITMENT AND USE	DATE LEFT ARMED FORCE/GROUP	NAME OF ARMED FORCE/GROUP	HOW DID CHILD LEAVE? (Select one)
			<input type="checkbox"/> FORMAL DDR <input type="checkbox"/> INFORMAL RELEASE <input type="checkbox"/> CAPTURE <input type="checkbox"/> KILLED/DIED <input type="checkbox"/> RUNAWAY/ESCAPE <input type="checkbox"/> SURRENDER <input type="checkbox"/> DISSOLUTION OF ARMED GROUP OTHER _____
			Specify or click here to select
			Specify or click here to select

16.5 SPECIFIC FOLLOW-UP OF ABDUCTED CHILD

DATE OF ABDUCTION

DATE OF SEPARATION

HOW DID CHILD LEAVE? (Select one)

- INFORMAL RELEASE CAPTURE
 KILLED/DIED RUNAWAY/ESCAPE SURRENDER
 DISSOLUTION OF ARMED GROUP OTHER _____

16.6 NOTES

Use this space to make any additional notes related to the individual child's violation and response.

COUNTRY:	MONITORING AGENCY ID:	CASE REFERENCE NO.
		MRM IMS No.

THIS FORM IS AN ADD-ON. IT SHOULD BE USED TOGETHER WITH THE BASIC DATA FORMAT.

GROUP VIOLATION DETAILS

17 VIOLATION DETAILS: ATTACK ON SCHOOLS (COMPLETE ONE FORM FOR EACH SCHOOL)

17.1 SCHOOL MANAGEMENT (Select one) <input type="checkbox"/> GOVERNMENT <input type="checkbox"/> NGO <input type="checkbox"/> COMMUNITY <input type="checkbox"/> OTHER		17.2 TYPE OF SCHOOL FACILITY (Select one) <input type="checkbox"/> PRIMARY <input type="checkbox"/> SECONDARY <input type="checkbox"/> TERTIARY <input type="checkbox"/> CHILD FRIENDLY SPACE <input type="checkbox"/> E.C.D ¹ <input type="checkbox"/> VOCATIONAL <input type="checkbox"/> MULTIPLE OTHER _____		17.3 SEX OF STUDENTS (Select one) <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE <input type="checkbox"/> MIXED <input type="checkbox"/> UNKNOWN	
17.4 TYPE OF ATTACK. Select as many as apply.					
<input type="checkbox"/> SHELLING		<input type="checkbox"/> AERIAL BOMBARDMENT		<input type="checkbox"/> ARSON	
<input type="checkbox"/> OTHER DAMAGE TO FACILITIES		<input type="checkbox"/> THEFT/LOOTING		<input type="checkbox"/> OCCUPATION OF BUILDINGS	
<input type="checkbox"/> DIRECT ATTACKS ON INDIVIDUALS		<input type="checkbox"/> INTIMIDATION OF INDIVIDUALS		<input type="checkbox"/> TACTICAL USE OF BUILDINGS	
OTHER _____					
17.5 PHYSICAL IMPACT OF ATTACK (Select one) <input type="checkbox"/> TOTAL DESTRUCTION <input type="checkbox"/> SERIOUS DAMAGE ² <input type="checkbox"/> MINOR DAMAGE ³ <input type="checkbox"/> NONE			17.6 WAS FACILITY CLOSED AS A RESULT? (Select one) <input type="checkbox"/> YES <input type="checkbox"/> No		17.7 FOR HOW LONG? DAYS
17.8 HUMAN IMPACT OF ATTACK Details of children killed, maimed or recruited should also be recorded under individual violations.					
NO. OF CHILDREN KILLED		NO. OF CHILDREN INJURED		NO. OF STAFF KILLED	
BOYS	GIRLS	BOYS	GIRLS	OTHERS KILLED	OTHERS INJURED
NO. OF CHILDREN RECRUITED DURING ATTACK			NO. OF CHILDREN WHOSE EDUCATION WAS DISRUPTED		

18 VIOLATION DETAILS: ATTACK ON HOSPITALS (COMPLETE ONE FORM FOR EACH HEALTH FACILITY)

18.1 HEALTH FACILITY MANAGEMENT (Select one) <input type="checkbox"/> GOVERNMENT <input type="checkbox"/> NGO <input type="checkbox"/> COMMUNITY <input type="checkbox"/> OTHER		18.2 TYPE OF HEALTH FACILITY (Select one) <input type="checkbox"/> HOSPITAL <input type="checkbox"/> HEALTH CENTRE <input type="checkbox"/> DISPENSARY <input type="checkbox"/> MOBILE HEALTH UNIT <input type="checkbox"/> AMBULANCE <input type="checkbox"/> MULTIPLE OTHER _____			
18.3 TYPE OF ATTACK. Select as many as apply.					
<input type="checkbox"/> SHELLING		<input type="checkbox"/> AERIAL BOMBARDMENT		<input type="checkbox"/> ARSON	
<input type="checkbox"/> OTHER DAMAGE TO FACILITIES		<input type="checkbox"/> THEFT/LOOTING		<input type="checkbox"/> OCCUPATION OF BUILDINGS	
<input type="checkbox"/> DIRECT ATTACKS ON INDIVIDUALS		<input type="checkbox"/> INTIMIDATION OF INDIVIDUALS		<input type="checkbox"/> TACTICAL USE OF BUILDINGS	
OTHER _____					
18.4 PHYSICAL IMPACT OF ATTACK (Select one) <input type="checkbox"/> TOTAL DESTRUCTION <input type="checkbox"/> SERIOUS DAMAGE <input type="checkbox"/> MINOR DAMAGE <input type="checkbox"/> NONE			18.5 WAS FACILITY CLOSED AS A RESULT? (Select one) <input type="checkbox"/> YES <input type="checkbox"/> No		18.6 FOR HOW LONG? DAYS
18.7 HUMAN IMPACT OF ATTACK Details of children killed and maimed should also be recorded under individual violations.					
NO. OF CHILDREN KILLED		NO. OF CHILDREN INJURED		NO. OF STAFF KILLED	
BOYS	GIRLS	BOYS	GIRLS	OTHERS KILLED	OTHERS INJURED
ESTIMATE OF CHILD POPULATION AFFECTED BY SERVICE DISRUPTION ⁴			ESTIMATE OF ADULT POPULATION AFFECTED BY SERVICE DISRUPTION		

¹ Early Childhood Development Centre

² Serious Damage: Some or all rooms are unusable, and therefore student/patient capacity is temporarily or permanently reduced.

³ Minor Damage: Minor damage to buildings, however all rooms are still usable and student/patient capacity is not affected.

19 VIOLATION DETAILS: DENIAL OF HUMANITARIAN ACCESS FOR CHILDREN

19.1 WHAT TYPE OF HUMANITARIAN ACCESS CONSTRAINT WAS INVOLVED? (Select as many as apply)

- | | | |
|---|--|--|
| <input type="checkbox"/> ENTRY RESTRICTIONS FOR PERSONNEL | <input type="checkbox"/> IMPORT RESTRICTIONS FOR GOODS | <input type="checkbox"/> TRAVEL RESTRICTIONS IN COUNTRY |
| <input type="checkbox"/> THREATS AND VIOLENCE AGAINST PERSONNEL | <input type="checkbox"/> INTERFERENCE IN HUMANITARIAN OPERATIONS | <input type="checkbox"/> HOSTAGE/ABDUCTION OF PERSONNEL |
| <input type="checkbox"/> CONFLICT/HOSTILITIES IMPEDING ACCESS | <input type="checkbox"/> VEHICLE HIJACKING | <input type="checkbox"/> RESTRICTION OF BENEFICIARIES ACCESS |
| <input type="checkbox"/> PROPERTY DAMAGE, THEFT | OTHER _____ | |

19.2 DESCRIBE THE AFFECTED ORGANISATION If applicable.

- NATIONAL
 INTERNATIONAL
 N/A
 NGO
 UNITED NATIONS AND AGENCIES
 RED CROSS/ CRESCENT
 OTHER _____

19.3 IMPACT ON HUMANITARIAN PERSONNEL/PROPERTY If applicable.

NO. OF PERSONNEL KILLED	NO. OF PERSONNEL INJURED	NO. OF PERSONNEL ABDUCTED
NO. OF PERSONNEL THREATENED	NO. OF VEHICLES HIJACKED	VALUE OF PROPERTY STOLEN/DAMAGED US\$

19.4 HUMAN IMPACT OF ATTACK

POPULATION AFFECTED BY SERVICE DISRUPTION	CHILDREN	NO. OF CHILDREN DIRECTLY DENIED OR BARRED ACCESS TO SERVICES
	ADULTS	

19.5 AFFECTED CLUSTERS/SECTORS (Select as many as apply)

<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> CAMP MANAGEMENT	<input type="checkbox"/> EDUCATION	<input type="checkbox"/> HEALTH
<input type="checkbox"/> LOGISTICS	<input type="checkbox"/> NUTRITION	<input type="checkbox"/> PROTECTION	<input type="checkbox"/> SHELTER
<input type="checkbox"/> WATER, SANITATION, HYGIENE	OTHER _____		

19.6 AFFECTED GEOGRAPHIC AREAS This list is customizable, and may include major IDP/ refugee camps served.

STATE/PROVINCE 1	<input type="checkbox"/> DISTRICT 1	<input type="checkbox"/> DISTRICT 2	<input type="checkbox"/> DISTRICT 3
STATE/PROVINCE 2	<input type="checkbox"/> DISTRICT 1	<input type="checkbox"/> DISTRICT 2	<input type="checkbox"/> DISTRICT 3

20 ADDITIONAL NOTES

Use this space to make any additional notes with regard to any of the community-level violations, and any follow-up.

⁴ This estimate is the child or adult population of the health facility catchment area.

Annex 10: Reporting Formats, Sample Recommendations and Conclusions – Global Horizontal Note and Secretary-General Reports

The following provides formats for use and guidance on content.

- The Annual Country Report of the Secretary-General on CAAC
- The Global Horizontal Note (the bimonthly report on grave violations of child rights)

The Global Annual Report of the Secretary-General on CAAC is another avenue for reporting; no standard template is as yet available for this. OSRSG will provide details in requests for inputs.

Template for the annual country-specific Secretary-General reports on children and armed conflict

(SCR 1612/1882/1998/2068)

Country Task Forces for Monitoring and Reporting (CTFMR) are requested by Security Council Resolution 1612 (2005) to prepare a Secretary-General's country-specific annual report on the six grave violations against children affected by armed conflict. The Secretary-General's reports are then reviewed by the Security Council Working Group (SCWG) on CAAC and inform the SCWG on the development of its conclusions and recommendations.

The country reports are more focused than the annual Secretary-General's report on CAAC. The purpose is to provide in-depth information on grave violations committed against children in a specific country situation and on the progress achieved or setbacks related to the grave violations against children. The focus should be on the following six grave violations as described in the Secretary-General's report S/2005/072: killing or maiming, recruitment or use, rape and other grave sexual violence, abductions, attacks on schools or hospitals, and denial of humanitarian access.

The body of the report should not exceed 8,000 words, including the recommendations, and the executive summary should not exceed 500 words.

Executive Summary (500 words max)

The summary should highlight that the report has been prepared pursuant to the provisions of Security Council Resolution 1612 (2005) and is presented to the Security Council as the “*first, second, third...*” country-specific report on the situation of CAAC in the country concerned. It should also clearly state the reporting period covered by the report. If this is the first country-specific report, the reporting period should start at the beginning of the reporting period of the Secretary-General’s global report on CAAC, where listing of parties triggered the implementation of the MRM in the country situation. For all following reports, the reporting period should start at the end of the previous reporting period.

The summary should identify key violators and/or violations in the overall context of the conflict. Progress made, setbacks and trends regarding the six grave violations should be briefly described. It may also be relevant to formulate at this early stage one or two key messages and recommendations that will be further developed in the body of the report.

1. Introduction

The introduction states again that the report is pursuant to Security Council Resolutions 1612, 1882, 1998 and 2068 and that it is the (first, second, third, etc.) country report presented before the SCWG-CAAC. The reporting period should also be clearly stated again. It could be relevant to state here limitations of the report, such as access, for example.

2. Political and military development

This section should ideally not exceed one page to one page and a half. However, if this is the first report it can be longer, since it may also include specific information on parties to the conflict.

The purpose is to present briefly the relevant political and military developments that had positive or negative consequences on children. This should include:

- Background to the conflict
- Description of relevant armed forces and armed groups
- Description of political timeline and major military events
- Relevant peace process or mitigating activities

It should be stressed that this section should remain an overview of political and military events that occurred during the covered period. In this section, the Security Council expects an objective description of relevant facts, while subjective analysis should be avoided. The purpose of this section is to inform on developments that may affect the protection of children during conflict.

3. Grave violations against children

This section is the heart of the report and should describe the situation of children affected by the armed conflict and be illustrated by descriptions of incidents of grave violations. It should start with a short description of the trends compared with the previous reporting period (unless this is the first report). Gender-disaggregated information has to be provided throughout this section.

Depending on the number of parties to the conflict or regions affected by the conflict, the CTFMR may wish to split this section by parties or regions for each violation.

The violations

Country-specific reports should remain focused on grave violations by parties to the conflict in armed conflict situations and try to identify patterns if possible.

According to the 9th Report of the Secretary-General on Children and Armed Conflict, a pattern is defined as follows:

(The notion of pattern does) not necessarily amount to the commission of a war crime or crime against humanity, yet is serious enough to be brought to the attention of the Council. Based on the use of the notion in similar contexts, “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 or random conduct of an individual acting alone, and presumes an intentional, willful conduct. In proving the systematicity of the acts, it would also be necessary to show that all such acts, whether, killing, maiming or sexual violence are being perpetrated in the same context (either of an armed conflict or another situation of concern) and, from that perspective, are considered “linked”.¹

Other violations against children can be described in the report if they are linked to one of the six violations. Some examples are:

- Detention of children allegedly associated with armed groups can be addressed in the ‘recruitment and use’ section.
- Displacement of children can be addressed in the ‘killing or maiming’ or in the ‘rape and other grave sexual violence’ sections, if relevant.
- Torture of children could also be added, if relevant, in the ‘killing or maiming’ section.

The six grave violations should be addressed in this order:

- Recruitment or use of children in armed forces or armed groups

¹ 9th Global Report of the Secretary General on Children and Armed Conflict (S/2010).

- Killing or maiming of children
- Rapes or grave sexual violence against children
- Abduction of children
- Attacks on schools or hospitals
- Denial of humanitarian access

Each violation should be addressed under a separate sub-section. If some violations have not occurred during the reporting period, it should be specified as such.

Trends and incidents

For each violation, the CTFMR should describe general trends, with comparison to previous reporting periods if relevant. This analysis should then be illustrated with a few relevant and specific examples. Considering the sensitivity of the topic and the information described in the report, all incidents should be UN-verified. If an incident has not been UN-verified but is considered as critical enough to be included in the report, it should be described as an ‘allegation’.

Minimum standard of UN verification²

Multiple sources of information are ideal.

If you have information from **only one primary source**, the following criteria should be met:

- i. *Information has been received from a primary source. A primary source is a testimony from the victim, perpetrator or direct eyewitness.*

AND

- ii. *The information has been deemed credible by a trained and reliable monitor.*

AND

- iii. *The information has been verified as such by designated person(s) of the CTFMR.*

In some situations, supporting sources such as police and medical reports or official government documentation of an incident (especially in sexual violence), if assessed as credible by the CTFMR, may be sufficient. In the best interests of the child, such an official document may be taken in lieu of an interview with the primary source.

² Also refer to Chapter G.3 of the Field Manual on MRM.

Information that does not meet the full criteria for verification

When the CTFMR has information that has been assessed as credible, but for which complete verification has not been completed or is not possible, this should still be documented and may be reported as ‘alleged’ or ‘subject to verification’.

In describing the violations, statistics and broad statement should be avoided. They should be described objectively and illustrated by examples. Three well-documented UN verified examples of the violation are enough, but more relevant examples are also welcome. In doing so, it remains crucial to balance the cases by perpetrator, geographical location, gender and age of the victims, nature of the incident, etc.

For the purposes of MRM and reporting to the Security Council, it is imperative that information provided is *accurate, reliable, timely and objective*. The examples given to illustrate the trends should be as specific as possible, and include the following criteria:

- Gender of the victim(s).
- Age (or approximation).
- Date (or approximation).
- Place where the incident happened. If the identification of the place may threaten the security of the child or his/her relatives, it should not be revealed. However, a broad location should be specified instead (e.g., province).
- Party to the conflict whose member(s) perpetrated the violation.
- Factual description of the incident.

If an event led to more than one violation against a single child, and this incident is used as an example, it should be reported in the most relevant section and include details on the different violations (i.e., a child has been abducted, raped and recruited).

4. Dialogue and Action Plans

Security Council resolutions emphasize dialogue with parties to the conflict and Action Plans as key elements of the MRM process. More specifically, Security Council Resolutions 1539, 1612, 1882, 1998 and 2068 have requested parties to the conflict to enter into dialogue with the UN for the preparation and implementation of concrete and time-bound Action Plans against the following violations: recruitment and use of children, grave sexual violence against children, killing and maiming of children, and recurrent attacks on schools or hospitals.³

³ Also refer to the Action Plans guidelines in the annexes of the Field Manual on MRM.

1. Provide updates on developments with regard to dialogue with parties to conflict and implementation of Action Plans. For the MRM Task Forces, this is the opportunity to highlight progress on, as well as challenges to, dialogue with parties to the conflict and implementation of Action Plans.
2. Present any other commitments that have been obtained from parties to the conflict with regard to other violations perpetrated against children.

5. Advocacy, protection response and follow-up on recommendations of the Secretary-General and conclusions of the SCWG

1. In the case of a first country report, begin this section with a brief description of the implementation of the MRM and challenges to its proper functioning, such as security issues, lack of funding, access, etc. For the reports that follow, provide an update of the MRM process, as well as of relations with governmental institutions and civil society.
2. Briefly describe advocacy and protection responses addressing the grave violations.
3. Describe the follow-up actions in response to the previous Secretary-General's report recommendations (except if it is the first report).
4. Describe the follow-up actions in response to the conclusions of the SCWG (except if it is the first report).

6. Recommendations

The recommendations are a key element of the report, since they form the basis of the conclusions of the SCWG. They should remain **short, focused, actionable and time-bound**. It is crucial to remember that these recommendations are from the Secretary-General and, as such, should adopt the tone of the Secretary-General.

To be relevant and of use to the Security Council and its working group, recommendations have to respond to the content of the report, which means that they have to be specifically related to the grave violations described previously, and address how to prevent, respond to or seek accountability for them.

As long as they remain relevant to Security Council Resolutions 1612, 1882, 1998 and 2068, recommendations can address all range of issues and means to improve child protection, from dialogue with parties to legislative reforms and strengthening of the legal framework.

Finally and as appropriate, they should try to address all parties that may be concerned with child protection, i.e., the government, non-state actors, UN agencies and missions, donors, regional organizations, community leaders and civil society.



NB: Reports of the Secretary-General are considered internal documents of the United Nations until such time that they are made public. In the meantime, the CTFMR can use information included in the report for advocacy purposes with national authorities and other parties to the conflict as long as it does not use the report as such before publication.

Global Horizontal Note template

Based on guidance issued by O/SRSG-CAAC, 17 February 2011

Bearing in mind the increasing reporting requirements of HQ to the field, the new GHN template aims to be less time-consuming. A shorter GHN should be more easily processed at UNHQ, in terms of consolidation, editing and vetting by OSRSG-CAAC and clearance by the Executive Office of the Secretary-General.

Inputs from the field should be 1.5 pages at a maximum. **Country inputs greater than this length will be substantially edited at HQ to fit the 1.5 page length requirement.**

All CTFMR in countries that are on the SCWG work plan⁴ should submit inputs *every two months* (see *Template 1 attached*): **Afghanistan, Central African Republic, Chad, Colombia, Democratic Republic of the Congo, Iraq, Myanmar, Nepal, Philippines, Somalia, Sri Lanka, South Sudan, Sudan, Uganda and Yemen, etc.**

In addition, SRSGs or RCs in the following situations of concern⁵ have the option to provide inputs and to use the GHN as a vehicle to keep the SCWG informed of developments relevant to child protection (see *Template 2 attached*): Burundi,⁶ Côte d'Ivoire,⁷ Haiti, India, Lebanon, State of Palestine/Israel, Pakistan, Thailand, etc. It is strongly recommended that inputs also be submitted every two months for coherence purposes.

In both templates, two new sections have been added. The first is a table that shows the disaggregated breakdown of incidents for each violation. This section is compulsory and is meant to give HQ a quick overview of trends during the reporting period. The second addition is an optional 'Alert box' for UN internal issues. This has been designed as an opportunity for field colleagues to express concerns, describe constraints or limitations in the conduct of their work, or to advise advocacy actions for UNHQ. Please note that information provided in the violation table and in the 'Alert box' will not appear in the consolidated version of the GHN that will be presented to the SCWG. These are internal tools for enhancing exchange of practical information from field to HQ.

Inputs should be submitted by the head of the CTFMR (or by the highest UN authority on the ground in the absence of CTFMR) formally by email to SRSG-CAAC. When submitting your inputs, please copy the following colleagues:

⁴ The work plan of the SCWG for 2010-2011 is based on the annexes of the 9th Secretary-General Annual Report on children and armed conflict (S/2010/181).

⁵ The list of situations of concern is based on the content of the 9th Secretary-General Annual Report on children and armed conflict (S/2010/181).

⁶ For **Burundi and Côte d'Ivoire**, please use *Template 1 attached*, as both countries were formerly on the work plan of the SCWG.

⁷ Please see note 4 above.

OSRSG-CAAC:

- Ms. Rosalie Azar (azarr@un.org)
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Template 1: Revised template for countries that are on the SCWG work plan⁸

Max: 1.5 pages

Situation of concern: xxx

Parties as mentioned in the note

List all parties that are mentioned in the note. This section is meant to give a quick overview of who has been involved in violations during the reporting period.

Major trends and violations

The purpose of this section is to give SCWG members an overview of major development and trends of grave violations against children and to compare these with the previous reporting period if possible. Provide a brief analysis of who is doing what, to whom and where. In describing these trends, avoid listing incidents, unless there has been an incident of a certain magnitude that warrants specific mention. See below for a sample contribution:

A total of xx violations affecting xx girls and xx boys have been verified for the period; in addition, unverified information has been received that xx children have been affected. The areas most affected were xx, yy and zz. Violations were attributed to xx and yy armed forces/groups, though reports of violations have also been received of xx, yy, zz armed forces/groups. The following trends were noted for the period – xx, yy, zz. (Only highlight if an important new trend has been observed during the period. For example, girls were being targeted for recruitment; abduction of children from religious festivals; children were disproportionately represented among victims in [specify] attack, etc.)

NB: if there are no incidents or trends to report under one or more violations, mention that there is nothing to report.

Follow-up on SCWG conclusions and Secretary-General's recommendations

Describe follow-up actions, including advocacy and programmatic response, if relevant. The SCWG is especially interested in understanding what use is made of its conclusions in the field. In doing so, refer to specific recommendations from the Secretary-General's reports and conclusions of the SCWG (use reference numbers), and limit yourself to five conclusions/recommendations at a maximum.

⁸ In addition, **Burundi and Côte d'Ivoire** should also use this template, as they were formerly on the work plan of the SCWG and should also report on follow-up to conclusions of the SCWG and Secretary-General's recommendations.

Follow-up on dialogue and Action Plans

The aim of this section is to describe dialogue or constraints/limitations to dialogue with parties to the conflict. Also, provide information on preparation and implementation of Action Plans as requested by Security Council Resolutions 1539 (2004), 1612 (2005), 1882 (2009), 1998 (2011) and 2068 (2012).

Recommendations (optional)

This section is optional but aims to guide the SCWG or its members on immediate action that could be taken. In shaping your recommendation, refer to the SCWG Toolkit as a guide for what possible actions could be taken by the SCWG.

The FOLLOWING two boxes are for internal purposes only and will not be part of the consolidated version of the GHN that will be submitted to the SCWG:

Summary of violations for the reporting period

	Verified information				Unverified information			
	Total no. of incidents	Total girls affected	Total boys affected	Total sex unknown affected	Total no. of incidents	Total girls affected	Total boys affected	Total sex unknown affected
Killing								
Maiming								
Recruitment and use								
Rape and other grave sexual violence								
Abductions⁹								
Attacks on schools								
Attacks on hospitals								
Denial of humanitarian access								

Internal alert box (optional)

This section will not be part of the consolidated version of the GHN that is provided to the SCWG, but an internal discussion box, which provides the CTFMR an opportunity to communicate with HQ on constraints in its work, lessons learned or advocacy areas it would like to emphasize.

⁹ Abductions for recruitment and use should be included in the 'recruitment and use' section.

Template 2

Situations of concern that are not on the SCWG¹⁰

Max: 1.5 pages

Situation of concern: xxx

Parties as mentioned in the note

List all parties that are mentioned in the note. This section is meant to give a quick overview of who has been involved in violations during the reporting period.

Major trends and violations

The purpose of this section is to give SCWG members an overview of major development and trends of grave violations against children and to compare these with the previous reporting period if possible. Provide a brief analysis of who is doing what, to whom and where. In describing these trends, avoid listing incidents, unless there has been an incident of a certain magnitude that warrants specific mention. See below for a sample contribution:

A total of xx violations affecting xx girls and xx boys have been verified for the period; in addition unverified information has been received that xx children have been affected. The areas most affected were xx, yy and zz. Violations were attributed to xx and yy armed forces/groups, though reports of violations have also been received of xx, yy, zz armed forces/groups. The following trends were noted for the period – xx, yy, zz. (Only highlight if an important new trend has been observed during the period. For example, girls were being targeted for recruitment; abduction of children from religious festivals; children were disproportionately represented among victims in [specify] attack, etc.)

NB: if there are no incidents or trends to report under one or more violations, mention that there is nothing to report.

Advocacy and other responses

Please describe briefly the existing/planned advocacy response and other responses against the grave violations, as described in the previous section.

¹⁰ To the exception of **Burundi and Côte d'Ivoire**, which should use Template 1.

Dialogue

This section aims to describe dialogue and engagement with parties, or constraints/limitations to dialogue with parties to the conflict.

Recommendations (optional)

This section is optional but aims to guide the SCWG or its members on immediate action that could be taken. In shaping your recommendation, refer to the SCWG Toolkit as a guide for what possible actions could be taken by the SCWG.

The two following boxes are for internal purposes only and will not be part of the consolidated version of the GHN that will be submitted to the SCWG:

Summary of violations for the reporting period

	Verified information				Unverified information			
	Total no. of incidents	Total girls affected	Total boys affected	Total sex unknown affected	Total no. of incidents	Total girls affected	Total boys affected	Total sex unknown affected
Killing								
Maiming								
Recruitment and use								
Rape and other grave sexual violence								
Abductions¹¹								
Attacks on schools								
Attacks on hospitals								
Denial of humanitarian access								

Internal alert box (optional)

This section will not be part of the consolidated version of the GHN that is provided to the SCWG, but an internal discussion box, which provides the CTFMR an opportunity to communicate with HQ on constraints in its work, lessons learned or advocacy areas it would like to emphasize.

¹¹ Abductions for recruitment and use should be included in the 'recruitment and use' section.

Annex 11: Additional International And Regional Reporting Avenues

In addition to the regular reporting pathway to the Security Council, published reports or consented information pertaining to violations against children generated from the MRM may be shared by the CTFMR with other reporting mechanisms as appropriate for further advocacy action, accountability and response. Human rights mechanisms provide additional reporting avenues and include:

Special Procedures

The human rights 'Special Procedures,' established by the Commission on Human Rights, and now assumed by the Human Rights Council, address either specific country situations or thematic human rights issues in all parts of the world. OHCHR supports these mechanisms with personnel, substantive and logistical assistance.

Special procedures are either an individual person (known as a Special Rapporteur, Special Representative of the Secretary-General, Representative of the Secretary-General, Representative of the Commission on Human Rights or Independent Expert) or a working group usually composed of five members. The mandates of the Special Procedures are established and defined by the resolution creating them. Mandate-holders serve in their personal capacity and do not receive salaries or any other financial payment for their work to preserve independence. The mandates given to special procedure mechanisms include engaging with government and at times de facto authorities on specific abuses by means of urgent (at times joint) appeals, letters of allegations or visits in situ, following up on individual complaints, contributing to standard setting, conducting studies, providing advice on technical cooperation, and engaging in general promotional activities.

There are three main ways in which the MRM can interact with the Special Procedures:

- i. **Annual Reports:** Many of the Special Procedures mandate-holders submit annual reports to the Human Rights Council and, in some cases, to the UN General Assembly. Information from the MRM can be shared with the OHCHR during the drafting stage for these reports so that issues relating to children affected by armed conflict can be integrated in the reports. The CTFMR should contact OHCHR to discuss ways to share information.

- ii. **Country visits:** The Special Procedure mandate-holders also carry out country visits at the invitation of the country concerned or on the basis of a 'standing invitation.'¹ After their visits, mandate-holders issue a mission report including their findings and recommendations. The CTFMR can similarly share information with the OHCHR prior to, during and subsequent to missions and, in some instances, may wish to advocate for a visit and assist in follow-up to their recommendations.
- iii. **Communications:** Mandate holders receive information on specific allegations of human rights violation and send urgent appeals or letters of allegation to governments asking for clarification. For instance, in 2007, more than 1,000 communications were sent to governments concerning more than 2,200 individuals. Where resources allow and the victim or witness wishes to do so, the CTFMR may consider providing assistance in the preparation and submission of letters of allegation to the appropriate office (fax: +41 22 917 90 06, email: urgent-action@ohchr.org).

Sharing of information between the Special Procedures and the MRM can be mutually beneficial and strengthen the protection of children affected by armed conflict. The MRM can benefit from special procedures by utilizing the information and expertise generated by special procedures and enhancing international advocacy and accountability of child rights violations in situations of armed conflict within the Human Rights Council. Special procedures can benefit from the MRM as a reliable source of information. CTFMR can also play a crucial role in the follow-up on the implementation of recommendations of special procedures at the country level.

Human rights treaty bodies

There are nine human rights treaty bodies,² which are committees of independent experts who monitor implementation of the core international human rights treaties. When a state ratifies a human rights treaty, it assumes a legal obligation to implement the rights recognized in that treaty and allow the relevant expert committee to monitoring the degree of progress made at the national level.³

The treaty bodies perform a number of functions in accordance with the provisions of the treaties that created them. Principal functions of treaty bodies include the consideration of State Parties' reports and, in some cases (i.e., the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee Against Torture and the Committee on the

¹ As of August 2008, 62 countries had extended standing invitations to the Special Procedures.

² The nine human rights treaty bodies are the Human Rights Committee, Committee on Economic, Social and Cultural Rights, Committee on the Elimination of Racial Discrimination, Committee on the Elimination of Discrimination Against Women, Committee Against Torture, the Subcommittee on Prevention of Torture, Committee on the Rights of the Child, Committee on Migrant Workers and the Committee on the Rights of Persons with Disabilities. For further information on the human rights treaties bodies, please see <www.ohchr.org>.

³ For further information, see OHCHR Fact sheet 30 on the United Nations Human Rights Treaty System, 2005.

Elimination of Discrimination against Women), they may also consider individual complaints pending the fulfillment of certain criteria.⁴

To meet their reporting obligation, States Parties must submit an initial report usually one year after the treaty entered into force (two years in the case of the CRC) and then periodically in accordance with the provisions of the treaty (usually every four or five years). In addition to the government report, the treaty bodies may receive information on a country's human rights situation from other sources, including NGOs, UN agencies, other intergovernmental organizations, academic institutions and the press. In the light of all the information available, the Committee examines the report together with government representatives at a formal public session. Based on this dialogue, the Committee publishes its concerns and recommendations, which are referred to as 'concluding observations'. The concluding observations seek to identify key areas that need to be addressed by the state and set out practical recommendations in order to improve human rights protection at the national level.

The reporting process is an opportunity for the state to take stock of and assess the degree of implementation of human rights standards within its jurisdiction. Other relevant stakeholders, such as UN agencies and NGOs, play an important role in contributing during this process and also in following up with the State Party on its subsequent implementation.

The CTFMR should seek to contribute to reviews by treaty bodies, when relevant, as these provide a valuable opportunity to raise concerns relating to violations of children's rights in armed conflict.

The treaty bodies of particular relevance to the MRM, but not exhaustive, are:

1. Committee on the Rights of the Child: Monitors implementation of the CRC and its two optional protocols
2. Human Rights Committee: Monitors implementation of the International Covenant on Civil and Political Rights
3. Committee Against Torture: Monitors implementation of the Convention Against Torture or Other Cruel, Inhuman or Degrading Treatment
4. Committee on the Elimination of Discrimination Against Women: Monitors implementation of the Convention on the Elimination of Discrimination Against Women

⁴ For further information, see OHCHR Fact sheet No. 7 (rev.1) on Complaints Procedures, 2003.

Interaction between the MRM and the Committee on the Rights of the Child

The CRC and its Protocols, as well as the Committee that monitors their implementation, are of particular relevance of the MRM Task Force. All States Parties are obliged to submit regular reports to the Committee on the implementation of the CRC and its Protocols. States should report every five years under the Convention. It is important to note that the Protocols to the Convention also require the submission of a report by the State Party two years after the Protocol has entered into force. Thereafter, States Parties should include further information on the implementation of the Protocol on the involvement of children in armed conflict in the reports they submit every five years to the Committee under the Convention.

It is worthwhile highlighting that the Committee also conducts specific reviews of the reports under the Protocols. These reviews offer a valuable opportunity to analyse in detail the national situation in relation to the provisions of the Protocols. Of particular relevance is the Protocol on the involvement of children in armed conflict, which as of October 2008 had 123 States Parties. Of these, approximately half had submitted their reports and 40 had been reviewed by the Committee by the end of 2008. The Committee has adopted specific concluding observations following these reviews. Among the most common findings in these concluding observations are challenges posed by inadequate provisions in national penal codes, restrictions on the exercise of jurisdiction, and insufficient recovery and reintegration measures for victims. In countries where voluntary recruitment to the armed forces is permitted below the age of 18 years, the Committee has requested the relevant State Party to raise the age, preferably to 18 years.

In October 2007, the Committee adopted new reporting guidelines to the Protocol on the involvement of children in armed conflict (CRC/C/OPAC/2). These guidelines provide guidance for the State Party on the content of reports, as well as relevant information for other stakeholders on the Committee's interpretation of this instrument.

The review is an important opportunity for the MRM Task Force to advocate for legislative reform and propose specific recommendations, e.g., regarding accountability of perpetrators and in the area of recovery and reintegration of victims. Thus, it is important that the MRM Task Force engage during the review in order to ensure that the outcome of the process, the concluding observations, provide a useful basis for follow-up at the national level.

In relation to interaction between the MRM and the Committee on the Rights of the Child:

- i. The CRC Committee takes into account the Secretary-General's reports on CAAC in the context of periodic reviews under the Convention and in particular when relevant States Parties are reviewed under the Protocol on the involvement of children in armed conflict.

- ii. Specialized agencies of the United Nations, UNICEF and other competent bodies are invited to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates, as provided by Article 45 of the Convention.
- iii. United Nations agencies and bodies as well as NGOs have a close relationship with the Committee, as noted in the Working Methods of the Committee on the Rights of the Child.⁵ United Nations agencies, NGOs and national human rights institutions regularly submit ‘shadow’ or alternative reports **in the context of Committee reviews of State Party reports. In the case of reviews of reports on the Protocol on the involvement of children in armed conflict, receiving information from a MRM Task Force, if established, is of utmost value for the Committee.**
- iv. The Committee invites UN agencies, national human rights institutions and NGOs to participate in a private meeting, known as the pre-sessional working group of the Committee.⁶ These private meetings take place three to four months prior to the formal review and dialogue with the State. In the case of the MRM Task Forces, the pre-sessional meeting provides an opportunity to discuss findings of violations of children’s rights in situations of armed conflict.
- v. The CTFMRs, the Secretary-General and the SCWG on CAAC should consider the conclusions of the Committee. It is of particular relevance for the MRM Task Forces to advance implementation of the Protocol on the involvement of children in armed conflict through active participation during the reporting process and in the follow-up at the national level of the recommendations contained in the concluding observations.

⁵ For further information on the working methods of the Committee on the Rights of the Child, please see: <www2.ohchr.org/english/bodies/crc/workingmethods.htm#a7>.

⁶ At its twenty-second session, the Committee adopted its “Guidelines for the participation of partners (NGOs and individual experts) in the pre-sessional working group of the Committee on the Rights of the Child.” (CRC/C/90, Annex VIII).

Annex 12a: Action Plan Template

Action Plan Between (the Government of...) And

The United Nations Country Task Force on Monitoring and Reporting to eliminate killing or maiming of children in contravention of international law

Preamble

Stressing the commitment of the Government to fully comply with its obligations under international humanitarian law and international human rights law, including the Convention on the Rights of the Child and its Optional Protocol (*when applicable*);

Noting relevant UN Security Council resolutions, including Security Council Resolutions 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004), 1612, (2005), 1998 (2011) and 2068 (2012) and relevant statements by the Security Council President, which condemn, inter alia, the killing and maiming of children in armed conflict and, in particular, Resolution 1882 (2009), in which the Security Council called upon parties listed in the annexes of the Secretary-General's Report on children and armed conflict that commit, in contravention of applicable international law, killing and maiming of children and/or rape and other sexual violence against children in situations of armed conflict, to prepare time-bound Action Plans to halt those violations and abuses. Additionally, as specifically called upon by Article 5 c) of Security Council Resolution 1882, address all other violations and abuses committed against children and undertake specific commitments and measures in this regard:

Working in close collaboration with the United Nation's Country Task Force on Monitoring and Reporting (hereafter 'UNCTFMR'), and in cooperation with relevant United Nations agencies, local partners and members of civil society, which seek to promote and protect the rights of the child;

Noting the criteria and procedures used for listing and de-listing parties to armed conflict in the annexes to the Reports of the Secretary-General on Children and Armed Conflict, in particular the Report of 13 April 2010 (A/64/742 and S/2010/181), at paragraphs 167–180; and seeking to halt killing and maiming of children, as well as to implement measures to prevent their occurrences in the future;

Guided by the 'Paris Principles and Guidelines on children associated with the Armed Forces or Armed Groups of February 2007' and the 'Paris Commitments' (*when applicable*) signed in xx;

Mindful of the commitments made to the Special Representative of the Secretary-General for Children and Armed Conflict in (*date of SRSG's mission, if any*) and/or commitments specifically for the protection of children made within peace processes;

Considering the recommendations made by the Secretary General in his report[s] on children and armed conflict in X [with report reference]; and subsequent conclusions adopted by the Security Council Working Group on children and armed conflict, directed to the Government of X;

The Government of XX hereby undertakes to implement the following 'Action Plan' to halt the killing and maiming of children in armed conflict:

Article 1 – Scope

1.1 This Action Plan applies to the Government and its Armed Forces (spell out if needed) and/or any personnel acting on behalf of or in the name of said party. Principles of this Action Plan should also be applicable, but not limited to the following parties listed in the Annexes of the Secretary-General's Annual Report on Children and Armed Conflict to the Security Council (reference to last Secretary-General's report on CAAC: S/.../... and A/.../...), for whom supplementary Action Plans should be sought in conjunction with the Government of (name of country): List of other party or parties to the conflict as referred to in the Annexes of the last Secretary-General's Annual Report on Children and Armed Conflict to the Security Council (if relevant to context).

Article 2 – Purpose

2.2 The Government undertakes to implement this Action Plan to halt the killing and maiming of children in times of armed conflict and shall be eligible for delisting from the annexes to the Reports of the Secretary-General on Children and Armed Conflict upon UN verification that the killing or maiming of children in contravention of international law have ceased for a period of [xx], as spelled out in the commitments and activities below.

2.3 The Government further undertakes to implement this Action Plan for the purpose of taking measures to ensure the long-term prevention of killing and maiming children in the future.

Article 3 – Commitments

3.1 The Government commits specifically to implement fully and effectively the following provisions:

- a) To prevent and halt the killing and maiming of children, in contravention of international law, committed by members of the Armed Forces, paramilitary groups under its control or private persons associated with the Armed Forces.
- b) To identify actions to end ongoing violations and to prevent their recurrence; issue appropriate orders; and ensure implementation of those orders.
- c) To appoint focal points at the highest level within the Government and the Armed Forces to provide oversight, monitor and implement the activities enumerated in Article 4.1 of this Action Plan in collaboration with the UNCTFMR, in cooperation with relevant partners.
- d) To issue and disseminate a clear political executive directive to non-military persons associated with the Armed Forces and a military order to military rank and file to inform them about the precise terms and aims of this Action Plan.
- e) To respect the independent verification of implementation of this Action Plan, including providing unimpeded and regular access to its territory, including military bases, installations, camps, training facilities, recruitment centres, hospitals and schools, burial sites, current and former battle sites or other relevant locations, to the UNCTFMR to verify compliance with the provision of this Action Plan.
- f) To guarantee free and confidential access of staff of the United Nations and relevant local organizations to relevant persons, including child survivors of maiming, families, medical personnel, witnesses and members of civil society, and to institutions and areas, such as hospitals, IDP camps, communities, burial sites or other relevant locations, and to objects, such as documents, records, physical evidence, identified and unidentified remains, or personal effects of deceased children, and to ensure that no retaliatory action is taken against monitors, victims, witnesses or any third party in connection to monitoring and verification activities.
- g) To ensure the access of UN monitoring and reporting staff to all members of the Armed Forces, paramilitary groups and private persons associated with the Armed Forces, and to facilitate the execution and implementation of the action plan between the Government and its Armed Forces and the UNCTFMR.
- h) To promptly investigate allegations of killing and/or maiming of children in contravention of international law and to ensure accountability for violations that have occurred by ensuring the prosecution of and/or the taking of disciplinary measures, with due regard to international standards against all perpetrators, including commanders, and to provide verifiable information with respect to such measures taken to ensure the accountability of perpetrators.

- i) To implement an agreed preventive strategy to address the killing and maiming of children as referred to in the list of activities below.

3.2 The UNCTFMR, in collaboration with the Armed Forces, the Government, as well as relevant partners, is committed to working with the UNCT to:

- a) support programmatic initiatives, including psychosocial and medical services and rehabilitation, educational, vocational programmes for children who were maimed, as well as programmes that address prevention, such as mine clearance or risk education.
- b) support initiatives and programmatic interventions, such as: facilitation of the search, identification and dignified return of the remains and/or personal effects, when feasible, of deceased children; access to the burial sites or other locations of deceased children; and transmission of all relevant information concerning their demise of the deceased children to the relatives.

3.3 The Office of the Special Representative for Children and Armed Conflict is committed to support the implementation of the provisions of this Action Plan.

Article 4 – Process

4.1 The following framework constitutes the activities and timelines for the implementation of the Action Plan:

Cooperation with the United Nations		
Activity	Time frame	Responsible authority
1. Engage the UNCTFMR in the concrete implementation of this Action Plan, including the independent monitoring, reporting and verification of the successful completion of its terms.	Monthly meetings or more often as required	Government and Armed Forces
2. Issue a clear military order and political directive to all members of the Armed Forces, paramilitary and to private persons associated with the Armed Forces to inform them of the precise terms of the Action Plan. The order and directive should list the sanctions for their breach and require the reporting of any breaches to the appropriate authorities. They should be broadly and effectively disseminated in writing and orally.	Immediately	Government and Armed Forces
3. Name high-level military and civilian focal points to oversee an appointed inter-ministerial Working Group responsible for the regular interaction with the UNCTFMR and child protection actors and to ensure the short- and long-term execution of the Action Plan.	Immediate	Armed Forces and Government
4. Expedite timely, approved clearance for entry into territory, areas, facilities, institutions, detention centres, displacement camps, burial sites, or other relevant locations to United Nations staff, relevant partners and to their interpreters in order to monitor, report and verify the implementation of the Action Plan.	Immediate and ongoing	Armed Forces and Government

5. Make available to UNCTFMR and relevant partners identified and unidentified remains and/or personal effects of deceased children, together with attendant documents, records or accounts of their demise.	Immediate and ongoing	Armed Forces and Government
6. Grant to UNCTFMR and relevant partners and to their interpreters full and confidential access to all relevant persons, including child survivors and members of the Armed Forces; to objects, such as documents, records or other physical evidence; and to relevant meetings, hearings, judicial or disciplinary procedures in order to monitor, report and verify the implementation of the Action Plan.	Immediate and ongoing	Armed Forces and Government

Prevention of killing and maiming		
Activity	Time frame	Responsible authority
7. The Government and the Armed Forces will develop and adopt a focused plan to address the killing and the maiming of children in armed conflict, which: <ul style="list-style-type: none"> ■ identifies gaps and initiates concrete measures to fulfil the state's international and national legal obligations. ■ promotes the adoption of necessary laws, or the issuance of directives, ordinances and rules to further protect children from the impact of military operations. ■ instills a policy of 'zero tolerance' for the killing and maiming of children in contravention of international law. ■ re-enforces the judicial organs' pursuit of offenders, including persons in position of command. 	Within three months and ongoing	Government and Armed Forces, together with UNCTFMR and relevant partners
8. The civilian and military focal points, as part of the implementation of the focused plan, should implement a situational analysis and ongoing review mechanism to determine and address the origin, frequency and patterns of killing and maiming attributable to members of the Armed Forces and associated persons, with the aim to prevent and forewarn the Armed Forces' command structure and appropriate ministerial bodies of the potential for future incidents.	Within three months	Government and Armed Forces
9. To ensure that children maimed, or at risk of being maimed or killed, are now in or have access to safe environments, including access to medical evacuation, and the opportunity to reunite with their families, when feasible.	Within one week and ongoing	Government and Armed Forces, with UNCTFMR and relevant partners
10. The Government will conduct a sustained nationwide campaign to alert citizens, governmental entities, schools, hospitals, schools, religious and education institutions, social service providers, etc., of the prohibition of killing and/or maiming children in contravention of international law. The Government will utilize the campaign to inform citizens of the measures to be taken to prevent such crimes and to punish offenders, including commanders. The campaign will use all-effective means of communication, including the mass media.	Within three months and ongoing	Government representative and Armed Forces together with partners

11. Issue and disseminate an order to members of the Armed Forces and a political directive to persons associated with the Armed Forces to immediately halt actions that result in the killing and maiming of children in contravention of international law. The order and directive should list the sanctions for its breach and require the reporting of any breaches to the appropriate authorities. Effectively dispense the order and directive in writing and orally. Broadcast it by any means of mass communication as deemed necessary.

Awareness-raising and capacity-building

Activity	Time frame	Responsible authority
<p>12. The Government, in consultation with the UNCTFMR and relevant partners, should undertake a Recognition Initiative addressed to communities immediately affected by children who were killed or maimed by the Armed Forces, paramilitary or associated persons, which:</p> <ul style="list-style-type: none"> ■ denounces the killing and maiming of children. ■ disseminates the aforementioned order and directive to halt killing and maiming of children. ■ reiterates the Armed Forces' duty to investigate, prosecute and punish or take relevant disciplinary measures should a crime have been committed. ■ informs the affected communities of the Governments' duty to comply with international and national law governing children during periods of armed conflict. 	Within three months and ongoing	Government and Armed Forces
13. Together with the UNCTFMR, establish training for members of the Armed Forces, including the command structure, to ensure compliance with the relevant military directives, national law and international law that prohibit the killing and maiming of children.	Within four months and ongoing	Armed Forces and UNCTFMR
14. Coordinate with the UNCTFMR and other partners to monitor the awareness among military forces, especially commanders, of obligations concerning child protection and the rights of the child, especially prohibitions against killing or maiming.	Within six months and ongoing	Armed Forces, UNCTFMR and relevant partners

Support services to survivors, their families and communities

Activity	Time frame	Responsible authority
15. The Government will coordinate with UNCTFMR, which will coordinate with the wider UNCT and relevant partners to provide, strengthen or support with access to services such as medical care; psychological treatment; social, economic, educational or rehabilitative programmes for any children who were maimed, including children formerly associated with the Armed Forces; as well as initiatives that address prevention, such as mine clearance or risk education.	Within one week and ongoing	Government, UNCTFMR and relevant partners
16. The Government authorities will set up emergency services, in conjunction with UNCTFMR and relevant partners or with local health, psychological and social service providers for new survivors of maiming or emergency health needs of previous victims of maiming.	Within a month	Government, UNCTFMR and relevant partners

17. The Government and the Armed Forces, in coordination with UNCTFMR and relevant partners, will assist in the location, identification and dignified return of human remains and/or of personal effects of deceased children to their families.		Government, Armed Forces, UNCTFMR and relevant partners
18. The Government or the Armed Forces will, assisted, in appropriate way, by UNCTFMR and relevant partners, convey to the families the full circumstances of the death(s) of children, whether or not the remains have been located, identified or returned.	Within one week and ongoing	Government, Armed Forces, UNCTFMR and relevant partners
19. The Government, in consultation with the affected families and in cooperation with UNCTFMR and relevant partners, will facilitate access to burial sites and/or facilitate re-burials of deceased children in keeping with local traditions.	Immediately and ongoing	Government, Armed Forces, UNCTFMR and relevant partners, in close cooperation with local communities
20. The Government and Armed Forces and partners, in keeping with local protocols, will arrange, facilitate or conduct dignified and respectful community commemoration or memorial services, erect or rename public edifices, or in any manner honor children killed during armed conflict.	Immediately and ongoing	Government, Armed Forces, UNCTFMR and relevant partners, in close cooperation with local communities

Redress, legal enforcement and discipline

Activity	Time frame	Responsible authority
21. Establish or re-enforce accessible, confidential and effective complaint procedures, which are widely communicated to the public, to report incidents of maiming and killing by members of the Armed Forces, including commanders responsible for their subordinates' acts. The procedures should protect the confidentiality and security concerns of child victims, families, witnesses and support persons. These procedures should allow for monitoring by the UNCTFMR.	Within two weeks to one month	Government, Armed Forces and UNCTFMR
22. Diligently, investigate, prosecute adjudicate or discipline prior incidents, recent cases and ongoing complaints of killing and maiming committed by members of the Armed Forces or persons associated with the Armed Forces, including commanders responsible for their subordinates' acts. Investigations, prosecutions and disciplinary measures should take into due consideration the interests and rights to confidentiality of child victims, witnesses and of any support persons.	Immediate and ongoing	Government representative in collaboration with UNCTFMR
23. Whenever possible, grant reparations, compensation or other forms of recognition to families of killed or maimed children as a result of judicial, disciplinary, reconciliation or other means of acknowledgement.	Ongoing	Government, Armed Forces, UNCTFMR and relevant partners, in close cooperation with local communities

4.2 The signatories hereto are responsible for the implementation of this Action Plan. In addition, the following institutions and governmental authorities are also made particularly responsible for overseeing, facilitating and ensuring the timely and effective execution of this Action Plan:

- a) The high-level civilian and military focal points of the Government and Armed Forces are responsible for ensuring timely and regular interaction with the UNCTFMR.

- b) The aforementioned high-level focal points are also responsible for the implementation of an inter-ministerial Working Group, as referred to in Article 4.1.c of this Action Plan to halt the killing and maiming of children made of, but not limited to, the Ministries of Defense, the Interior, Health, Social Affairs, Justice, etc. The role and obligations of this Working Group are to ensure timely and continual execution of actions requested by the Action Plan, to link with relevant governmental and local authorities, and to monitor and report on progress and challenges.

4.3 **The high-level civilian and military focal points** shall undertake coordination meetings on a monthly basis, or more often as required, with the UNCTFMR.

4.4 The **Government and the Armed Forces** shall report on a bimonthly basis to the UNCTFMR on progress achieved in regard to the implementation of the Action Plan. This will be reflected in the bimonthly notes of the UNCTFMR to the Office of the Special Representative on Children and Armed Conflict. This report will also be regularly reviewed by the UN Security Council Working Group on Children and Armed Conflict.

Article 5 – Applicable principles

In implementation of all its work on behalf of children affected by armed conflict, the Government and its Armed Forces will be guided by the following overarching principles:

5.1 **Best interests of the child** – All measures to assure the protection from and the prevention of future violations of killing and maiming shall be determined by the best interests of such children.

5.2 **Participation and respect for the views of the child** – All children associated with the Armed Forces who were subjugated to maiming will be provided protection. Their reintegration into society shall include the active participation of the communities, children and families concerned. All activities to provide protection shall respect the views of the child.

5.3 **Respect for the child’s right not to be subjected to killings and/or maiming in contravention of applicable international law.** Children are especially protected under international humanitarian law, international criminal law and human rights law from acts of killing or maiming.

5.4 **Non-discrimination** – There shall be no advantage given or denied to children based on their ethnicity, their race, their gender, their age, nor any other trait, characteristic, vulnerability or arbitrary criteria.

5.5 **Accountability and transparency** – The Government will be accountable for implementation of the Action Plan; interact transparently with the UNCTFMR, the Office of the Special Representative for Children and Armed Conflict and other relevant partners; will

establish or re-enforce and use mechanisms to monitor and report violations; and will hold those responsible to account.

5.6 Confidentiality and informed consent – Personal information related to violations of children’s rights to be protected from killing and maiming shall be treated as confidential. The confidentiality of the information collected by the UNCTFMR through the Monitoring and Reporting Mechanism will be respected. The informed consent of the parent or guardian, as well as that of the child, shall be given due regard in all monitoring and reporting activities covered in this Action Plan. Guarantees of protection, security and confidentiality for victims, witnesses, families, sources of information, third parties such as medical, social or psychological care providers, or administrators shall also be given due regard.

Article 6 – Time frame and applicability of this Action Plan

6.1 The activities outlined in the Action Plan will be verified and monitored for a period of xx months from their commencement, and will be extended based on a review by the Government and the UNCTFMR in conjunction with the Office of the Special Representative for Children in Armed Conflict.

6.2 This Action Plan may be amended or revised at any time by the written mutual consent of the Government and the UNCTFMR, in conjunction with the Office of the Special representative for Children in Armed Conflict. The parties should seek the advice of the Office of the Special Representative for Children and Armed Conflict in the event of a need for clarification.

6.3 This Action Plan takes effect on the date of signature.

In witness whereof, the duly authorized representatives of the parties to this Action Plan have put their signatures on this day being (Date):

For and on behalf of <i>(name of party to which the Action Plan applies)</i>	For and on behalf of Secretary-General’s Special Representative on CAAC
Name:	Name:
Title:	Title:
Signature:	Signature:
Date:	Date:

Government	Co-Chair of the Country Task Force (UNICEF)
Name:	Name:
Title:	Title:
Date:	Date:
Signature:	Signature:
SRSG or RC	Co-Chair of the Country Task Force (Other Country Co-chair if there are more than two co-chairs)
Name:	Name:
Title:	Title:
Signature:	Signature:
Date:	Date:
Name: Witness	Name:
Title:	Title:
Signature:	Signature:
Date:	Date:

Annex 12b: Action Plan Template

Action Plan Between (Party) And The United Nations Country Task Force on Monitoring and Reporting Regarding Children subjected to Killing and Maiming

Preamble

Stressing the unconditional commitment of *Party* to fully comply with its obligations under international humanitarian law and international human rights law, and with other international norms protecting children, including the Convention on the Rights of the Child and its Optional Protocols (*when applicable*);

Noting relevant UN Security Council resolutions, including Security Council Resolutions 1261 (1999), 1539 (2004), 1612 (2005), 1998 (2011) and 2068 (2012), which condemn, inter alia, the killing and maiming of children in armed conflict and, in particular, Resolution 1882 (2009), in which the Security Council called upon parties listed in the annexes of the Secretary-General's Report on children and armed conflict that commit, in contravention of applicable international law, killing and maiming of children and/or rape and other sexual violence against children in situations of armed conflict, to prepare time-bound Action Plans to halt those violations and abuses, and to address all other violations and abuses committed against children and undertake specific commitments and measures in this regard;

Working in close collaboration with the United Nation's Country Task Force on Monitoring and Reporting (hereafter 'UNCTFMR'), and in cooperation with relevant United Nation agencies, local partners and members of civil society, which seek to promote and protect the rights of the child;

Noting the criteria and procedures used for listing and delisting parties to armed conflict in the annexes to the Reports of the Secretary-General on Children and Armed Conflict, in particular the Report of 13 April 2010 (A/64/742 & S/2010/181), at paragraphs 167–180; and seeking to halt killing and maiming of children, as well as to implement measures to prevent their occurrences in the future;

Guided by the 'Paris Principles and Guidelines on children associated with armed forces or armed groups of February 2007';

Mindful of the commitments made by (*party*) and the Special Representative of the Secretary-General for Children and Armed Conflict in (*country*) on (*date of SRSG's mission, if any*);

Article 1 – Scope

1.1 This Action Plan applies to (*party*). Principles of this Action Plan should also be applicable, but not limited to the following parties listed in the annexes of the Secretary-General's Report on Children and Armed Conflict to the Security Council (reference to last Secretary-General's Report on CAAC: S/.../... and A/.../...), for whom supplementary Action Plans should be sought in conjunction with (*party*) of (*name of country*): *List of other party or parties to the conflict as referred to in the Annexes of the last Secretary-General's report on Children and Armed Conflict to the Security Council (if relevant to context)*.

Article 2 - Purpose

2.1 The party¹ undertakes to implement this Action Plan to halt the killing and maiming of children in times of armed conflict and shall be eligible for delisting from the annexes to the Reports of the Secretary-General on Children and Armed Conflict upon UN verification that the killing and maiming of children in contravention of international law have ceased for a period of [xx], as spelled out in the commitments and activities below.

2.2 The party further undertakes to implement this Action Plan for the purpose of taking measures to ensure the long-term prevention of killing and maiming children in the future.

Article 3 - Commitments

3.1 The (*party*) commits specifically to implement fully and effectively the following provisions:

- a) To prevent and halt the pattern of killing and maiming of children in contravention of international law committed by members of the Party or persons associated with the Party.
- b) To appoint focal points at the highest level of the Party's military and/or political structure to implement to implement the activities enumerated in Article 4.1 of this Action Plan, in cooperation with the UNCTFMR, in cooperation with relevant partners.

¹ Insert name of party to the conflict.

- c) To issue and disseminate a clear political executive directive to non-military persons associated with the party and a military order to the rank and file members of the Party to inform them about the precise terms and aims of this Action Plan.
- d) To provide unimpeded and regular access to territories under Party's control, including military bases, installations, camps, training facilities, recruitment centres, hospitals and schools, current and former battle sites or other relevant locations to the UNCTFMR to verify compliance with the provisions of this Action Plan.
- e) To guarantee free, confidential and unaccompanied access of staff of the United Nations and relevant local organizations to relevant persons, such as child survivors of maiming, medical personnel, witnesses, and members of civil society, and to institutions and areas, such as hospitals, IDP camps, communities and other relevant locations, and to objects, such as documents, records and physical evidence. The Party undertakes to ensure that no retaliatory action is taken against monitors, survivors, witnesses or any third party in connection with monitoring and verification activities.
- f) To ensure the access of UN monitoring and reporting staff to all members of the Party, and other persons associated with the Party and to facilitate the execution and implementation of the Action Plan between the Party and the UNCTFMR.
- g) To promptly investigate allegations of violations of killing and/or maiming against children and to facilitate the prosecution, and/or the taking of disciplinary measures, with due regard to international standards, against all perpetrators, including commanders, and to provide verifiable information with respect to such measures taken to ensure the accountability of perpetrators.
- h) To implement an agreed preventive strategy to address the killing and maiming of children, as referred to in the list of activities below.

3.2 The UNCTFMR, in collaboration with the Party as well as relevant partners, is committed to support programmatic initiatives, including support for psycho/social services, medical services, rehabilitation, educational and vocational programmes for children who were subjected to maiming, as well as programmes that address prevention, such as mine clearance or risk education.

3.3 The Office of the Special Representative for Children and Armed Conflict is committed to support the full implementation of the provisions of this Action Plan.

Article 4 - Process

4.1 The following framework constitutes the activities and timelines for the implementation of the Action Plan.

Cooperation with international organizations		
Activity	Time frame	Responsible authority
1. Engage the UNCTFMR in the concrete implementation of this Action Plan, including the monitoring, reporting and verification of the successful completion of its terms.	Ongoing; monthly meetings or, more often, as required	Party
2. Issue a clear military order and political directive to all members of party and to private persons associated with the Armed Group to inform them of the precise terms of the Action Plan. The order and directive should list the sanctions for their breach and require the reporting of any breaches to the appropriate authorities. They should be broadly and effectively disseminated in writing and orally.	Immediate	Party
3. Name high-level military and, if applicable, a civilian person as focal points to oversee a Working Body, the regular interaction with the UNCTFMR and child protection actors to ensure the short- and long-term execution of the Action Plan.	Immediate	Party
4. Expedite timely, approved clearance for entry into territory, areas, facilities, institutions, camps or other relevant locations of places to UNCTFMR staff and relevant partners and to their interpreters in order to monitor, report on and verify the implementation of the Action Plan.	Immediate and ongoing	Party
5. Make available to UNCTFMR and partners identified and unidentified remains and/or personal effects of deceased children, together with attendant documents, records or accounts of their demise.	Immediate and ongoing	Party
6. Grant to UNCTFMR staff and relevant partners and their interpreters' full and confidential access: to all relevant persons, including child survivors, members of the party; to objects, such as documents, records and physical evidence, and; to relevant meetings, hearings, judicial or disciplinary procedures in order to monitor, report and verify the implementation of the Action Plan.	Immediate and ongoing	Party
Prevention of killing and maiming		
Activity	Time frame	Responsible authority
7. Issuance of an order to members of the Armed Group and a political directive to persons associated with the Armed Group to immediately halt the killing(s) and maiming of children, in contravention of international law. The order and directive should list the sanctions for its breach and require the reporting of any breaches to the appropriate authorities within the Armed Group. Effectively diffuse the order and directive in writing and orally. Broadcast it by any means of mass communication as deemed necessary.	Immediate upon signing the Action Plan	Party

8. The civilian and military focal points should implement a situational analysis and ongoing review mechanism to determine and address the origin, frequency and patterns of killings and maiming attributable to members of the Armed Group and associated persons with the aim to prevent and forewarn the Armed Groups' command structure of the potential for future incidents.	Within three months	Party
9. Party will coordinate with UNCTFMR and relevant partners to ensure that children, identified as maimed or at risk of being maimed or killed, have access to safe environments, access to medical evacuation and/or care and, when feasible, are reunited with their parents, guardian or family.	Within one week and ongoing	Party, UNCTFMR and relevant partners

Awareness-raising and capacity-building

Activity	Time frame	Responsible authority
10. The Party, in consultation with the UNCTFMR and relevant partners, should undertake a Recognition Initiative addressed to communities immediately affected by children who were killed or maimed by the Party or associated persons, which: <ul style="list-style-type: none"> ■ denounces the killing and maiming of children; ■ disseminates the aforementioned order and the directive to halt killing and maiming; ■ reiterates the Party's duty to investigate, prosecute and punish or take relevant disciplinary measures, should a crime be committed; and ■ informs the affected communities, of the Party's duty to comply with international and national law governing children during periods of armed conflict. 	Within three to four months and ongoing	Party, UNCTFMR and relevant partners
11. Together with the UNCTFMR, establish training for members of the Party, including the command structure, to ensure compliance with the relevant military directives, national law and international law that prohibit the killing and maiming of children.	Within four months and ongoing	Party, UNCTFMR and relevant partners
12. Coordinate with UNCTFMR and other partners to monitor the awareness among military elements, especially commanders, of obligations concerning child protection and the rights of the child not to be killed or maimed in contravention of international law.	Within six months and ongoing	Party and UNCTFMR

Support services to survivors, their families and communities

Activity	Time frame	Responsible authority
13. The Party will coordinate with UNCTFMR, UNCT and relevant partners to support the ongoing medical care, both physical and psychosocial; social, economic, educational and rehabilitative support services for any children who were maimed, including children formerly associated with the Party; and initiatives that address prevention, such as mine clearance or risk education.	Immediate and ongoing	Party, UNCTFMR, UNCT and relevant partners
14. The Party will set up or grant unimpeded access to emergency services, in conjunction with UNCTFMR, UNCT and relevant partners, or with local health, psychological and social service providers for new survivors of maiming or emergency health needs of previous victims of maiming.	Within one month	Party, UNCTFMR and relevant partners, in close cooperation with local communities
15. The Party, in consultation with the affected and in cooperation with UNCTFMR and relevant partners, will facilitate access to burial sites and/or facilitate re-burials of deceased children in keeping with local traditions.	Immediate and ongoing	Party, UNCTFMR and relevant partners, in close cooperation with local communities

16. The Party and partners, in keeping with local protocols, will arrange, facilitate or conduct dignified and respectful community commemoration or memorial services, erect public edifices or, in any manner, honor children killed during armed conflict.	Immediate and ongoing	Party, UNCTFMR and relevant partners, in close cooperation with local communities
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Redress, legal enforcement and discipline

Activity	Time frame	Responsible authority
17. Establish or re-enforce accessible confidential and effective complaint procedures, which are widely communicated to the public, to report incidents of maiming or killing committed by members of the Party, including commanders responsible for their subordinates' acts. The procedures should respect the confidentiality and security concerns of all survivors, families, witnesses and their support persons. These procedures should allow for monitoring by the UNCTFMR.	Within two weeks to one month	Party
18. Diligently investigate, prosecute, adjudicate or discipline prior incidents, recent cases and ongoing complaints of killing and maiming committed by members of the Party or persons associated with the Party, including commanders responsible for their subordinates' acts. Investigations, prosecutions and disciplinary measures should take into due consideration the interests and rights to confidentiality of child survivors, families, witnesses and support persons.	Immediate and ongoing	Party
19. Whenever possible, grant reparations, compensation or other forms of recognition to survivors of sexual violence as a result of judicial, disciplinary, reconciliation procedures or other means of acknowledgement.	Ongoing throughout the Action Plan	Party and relevant partners

4.2 The signatories hereto are ultimately responsible for the implementation of this Action Plan. In addition, the Party's representatives and focal points listed below in (a) and (b) are to ensure the timely and effective execution of this Action Plan:

The Party, its highest representative or focal point(s) and a designated Working Body, who are responsible to oversee that all killing and maiming of children is halted, prevented and redressed.

The Party's focal point(s) and the Working Body are responsible for conducting timely and regular interaction with the UNCTFMR. The role and obligations of the UNCTFMR are to ensure the constant and continual execution of actions requested by the Action Plan, to link with relevant authorities and to monitor and report on progress and challenges.

4.3 **The Party's focal point(s)** shall undertake coordination meetings on a monthly basis, or more often if required, with the UNCTFMR.

4.4 The Party shall report on a bimonthly basis to the UNCTFMR on progress achieved in regard to the implementation of the Action Plan. This will be reflected in the bimonthly notes of the UNCTFMR to the Office of the Special Representative on Children and Armed Conflict. This report will also be regularly reviewed by the UN Security Council Working Group on Children and Armed Conflict.

Article 5 – Applicable principles

In implementation of all its work on behalf of children affected by armed conflict, the Party will be guided by the following overarching principles:

- 5.1 **Best interests of the child** – All measures to assure the protection from and the prevention of violations of killing and maiming of children shall be determined by the best interests of such children.
- 5.2 **Participation and respect for the views of the child** – All children associated with the Party and who were subjugated to maiming will be provided protection. Their reintegration into society shall include the active participation of the communities, the children and the families concerned. All activities to provide protection shall respect the views of the child.
- 5.3 **Respect for the child’s right not to be subjected to killings and maiming in contravention of applicable international law.** Children are especially protected under international humanitarian law, international criminal law and human rights law from acts of killing or maiming.
- 5.4 **Non-discrimination** – There shall be no advantage given or denied to children based on their ethnicity, their race, their gender, their age, nor any other trait, characteristic, vulnerability or arbitrary criteria.
- 5.5 **Accountability and transparency** – The Party will be accountable for implementation of the Action Plan; interact transparently with the UNCTFMR, the Office of the Special Representative for Children and Armed Conflict and other relevant partners; will establish or re-enforce and use mechanisms to monitor and report violations; and will hold those responsible for violations to account.
- 5.6 **Confidentiality and informed consent** – Personal information related to violations of children’s rights to be protected from killing and maiming shall be treated as confidential. The confidentiality of the information collected by the UNCTFMR through the Monitoring and Reporting Mechanism will be respected. The informed consent of the parent or guardian, as well as that of the child, shall be given due regards in all monitoring and reporting activities covered in this Action Plan. Guarantees of protection, security and confidentiality for victims, witnesses, families, sources of information, third parties such as medical, social or psychological care providers, or administrators shall be given due regard.

Article 6 – Time frame and applicability of this Action Plan

- 6.1 The activities outlined in the Action Plan will be verified and monitored for a period of xx months from their commencement, and will be extended based on a review by the Party and the UNCTFMR, in conjunction with the Office of the Special Representative for Children and Armed Conflict.

6.2 This Action Plan may be amended or revised at any time by the written mutual consent of the Party and the UNCTFMR, in conjunction of with the Office of the Special Representative for Children and Armed Conflict. The parties should seek the advice of the Office of the Special Representative for Children and Armed Conflict in the event of a need for clarification.

6.3 This Action Plan takes effect on the date of signature.

In witness whereof, the duly authorized representatives of the parties to this Action Plan have put their signatures on this day being xx xxx xxxx:

For and on behalf of	For and on behalf of
<i>(name of party to which the Action Plan applies)</i>	Secretary-General's Special Representative for CAAC
Name:	Name:
Title:	Title:
Signature:	Signature:
Date:	Date:
Name: Witness	Co-Chair of the Country Task Force
	Name:
Title:	Title:
Signature:	Signature:
Date:	Date:
Name: Witness	Co-Chair of the Country Task Force
	Name:
Title:	Title:
Signature:	Signature:
Date:	Date:

Annex 12c: Action Plan Template

Action Plan Between (the Government of) And The United Nations Country Task Force on Monitoring and Reporting to eliminate Sexual Violence against Children

Preamble

Stressing the unconditional commitment of the Government to fully comply with its obligations under international law, including the Convention on the Rights of the Child and its Optional Protocols (when applicable);

Noting relevant UN Security Council resolutions, including Security Council Resolutions 1261 (1999), 1314 (2000), 1379 (2001), 1539 (2004), 1612 (2005), 1998 (2011) and 2068 (2012), which condemn, inter alia, sexual abuse and sexual exploitation of children in armed conflict and, in particular, Resolution 1882 (2009), in which the Security Council called upon parties listed in the annexes of the Secretary-General's Report on children and armed conflict that commit, in contravention of applicable international law, killing and maiming of children and/or rape and other sexual violence against children in situations of armed conflict, to prepare time-bound action plans to halt those violations and abuses, and to address all other violations and abuses committed against children and undertake specific commitments and measures in this regard;

Working in close collaboration with the United Nations Country Task Force on Monitoring and Reporting (hereafter 'UNCTFMR'), and in cooperation with relevant United Nations agencies, local partners and members of civil society, which seek to promote and protect the rights of the child;

Noting the criteria and procedures used for listing and delisting parties to armed conflict in the annexes to the Reports of the Secretary-General on Children and Armed Conflict, in particular the Report of 13 April 2010 (A/64/742 and S/2010/181), at paragraphs 167–180; and seeking to halt rape and sexual violence against children, as well as to implement measures to prevent their occurrences in the future;

Guided by the 'Paris Principles and Guidelines on children associated with the Armed Forces or Armed Groups of February 2007' and the 'Paris Commitments' (when applicable) signed in xx;

Mindful of the commitments made by the Government of (*name of country*) to the Special Representative of the Secretary-General for Children and Armed Conflict in (*date of SRSG's mission, if any*);

The Government of XX hereby undertakes to implement the following 'Action Plan' to halt sexual violence against children:

Article 1 – Scope

1.1 This Action Plan applies to the Government and its Armed Forces (spell out if needed). Principles of this Action Plan should also be applicable, but not limited to, the following parties listed in the Annexes of the Secretary-General's Report on Children and Armed Conflict to the Security Council (reference to last Secretary-General's Report on CAAC: S/.../... and A/.../...), for whom supplementary Action Plans should be sought in conjunction with the Government of (*name of country*): *List of other party or parties to the conflict as referred to in the Annexes of the last Secretary-General's Report on Children and Armed Conflict to the Security Council (if relevant to context)*.

Article 2 – Purpose

2.1 The Government undertakes to implement this Action Plan to halt rape and other forms of sexual violence against children in situations of armed conflict and shall be eligible for delisting from the annexes to the Reports of the Secretary-General on Children and Armed Conflict upon UN verification that sexual violence against children has ceased for a period of [xx], as spelled out in the commitments and activities below.

2.3 The Government further undertakes to implement this Action Plan for the purpose of taking measures to ensure the long-term prevention of sexual violence against children in the future.

Article 3 – Commitments

3.1 The Government commits specifically to implement fully and effectively the following provisions:

- a) To prevent and halt the perpetration of rapes and all forms of sexual violence upon children committed by members of its Armed Forces, paramilitary groups under its control and private persons associated with the Armed Forces.

- b) To appoint focal points at the highest level within the Government and the Armed Forces to implement the activities enumerated in Article 4.1 of this Action Plan in collaboration with the UNCTFMR, in cooperation with relevant partners.
- c) To issue and disseminate a clear political executive directive to non-military persons associated with the Armed Forces and a military order to military rank and file to inform them about the precise terms and aims of this Action Plan.
- d) To provide unimpeded and regular access to its territory, including military bases, installations, camps, training facilities, recruitment centres, hospitals and schools, current and former battle sites or other relevant locations to the UNCTFMR to verify compliance with the provisions of this Action Plan.
- e) To guarantee free and confidential access to relevant staff of the United Nations and relevant local and international organizations to relevant persons, including child survivors of rape and other forms of sexual violence, families, medical personnel, witnesses and members of civil society, and to institutions and areas such as hospitals, IDP /refugee sites, communities and other relevant locations, and to objects, such as documents, records and physical evidence. The Government undertakes to ensure that no retaliatory action is taken against monitors, survivors, witnesses or any third party in connection with monitoring and verification activities.
- f) To ensure the access of UN monitoring and reporting staff to all members of the Armed Forces, paramilitary groups and other persons associated with the Armed Forces and to facilitate the implementation of the Action Plan between the Government and its Armed Forces and the UNCTFMR.
- g) To promptly and independently investigate allegations of rape and all forms of sexual violence against children, and to ensure the prosecution and punishment of, including, but not limited to, the taking of disciplinary measures, with due regard to international standards, against all perpetrators, including commanders, and to provide verifiable information with respect to such measures taken to ensure the accountability of perpetrators.
- h) To implement an agreed preventive strategy to address sexual violence, as referred to in the list of activities below.

3.2 The UNCTFMR, in collaboration with the Armed Forces, the Government as well as relevant partners, is committed to support programmatic initiatives, including mental health and psycho/social services, medical services, rehabilitation, educational and vocational programmes for children who were subjected to rape or other forms of sexual violence.

3.3 The Office of the Special Representative for Children and Armed Conflict is committed to support the implementation of the provisions of this Action Plan.

Article 4 – Process

4.1 The following framework constitutes the activities and timelines for the implementation of the Action Plan.

Cooperation with the United Nations		
Activity	Time frame	Responsible authority
1. Engage the UNCTFMR in the concrete implementation of this Action Plan, including the monitoring, reporting and verification of the successful completion of its terms.	Monthly meetings or more often, as required	Government and Armed Forces
2. Issue a clear military order and political directive to all members of the Armed Forces, paramilitary and to private persons associated with the Armed Forces to inform them of the precise terms of the Action Plan. The order and directive should list the sanctions for their breach and require the reporting of any breaches to the appropriate authorities. They should be broadly and effectively disseminated in writing and orally.	Immediately	Government and Armed Forces
3. Name high-level military and civilian focal points to oversee an appointed inter-ministerial Working Group responsible for the regular interaction with the UNCTFMR and child protection actors, including relevant national organizations, and to ensure the short- and long-term execution of the Action Plan.	Immediately	Government and Armed Forces
4. Expedite timely, approved clearance for entry into territory, areas, facilities, institutions, camps or other relevant locations or places to UNCTFMR staff and relevant partners and to their interpreters in order to monitor, report on and verify the implementation of the Action Plan.	Immediate and ongoing	Government and Armed Forces
5. Grant to UNCTFMR staff and relevant partners and their interpreters' full and confidential access: to all relevant persons, including child survivors, members of the Armed Forces; to objects, such as documents, records and physical evidence, and; to relevant meetings, hearings, judicial or disciplinary procedures, in order to monitor, report and verify the implementation of the Action Plan.	Immediate and ongoing	Government and Armed Forces

Awareness-raising and capacity-building		
Activity	Time frame	Responsible authority
11. The Government, in consultation with the UNCTFMR and relevant partners, should undertake a Recognition Initiative addressed to communities immediately affected by sexual violence by the Armed Forces, paramilitary or associated persons, which: <ul style="list-style-type: none"> ■ denounces sexual violence; ■ disseminates the aforementioned order and the directive to halt sexual violence; ■ reiterates the Armed Forces' duty to investigate, prosecute and punish, or take relevant disciplinary measures, should a crime be committed; and ■ informs the affected communities of the Governments' duty to comply with international and national law governing children during periods of armed conflict. 	Within three months and ongoing	Government and relevant partners

Awareness-raising and capacity-building

Activity	Time frame	Responsible authority
12. Together with the UNCTFMR, establish training for members of the Armed Forces, including the command structure to ensure compliance with the relevant military directives, national law and international law that prohibit sexual violence.	Within the first four months and ongoing	Government, Armed Forces and UNCTFMR
13. Coordinate with the UNCTFMR and other partners to monitor the awareness among military forces, especially commanders, of obligations concerning child protection and the rights of the child to be free from all forms of sexual violence.	Within six months and ongoing	Armed Forces, UNCTFMR and relevant partners

Support services to survivors, their families and communities

Activity	Time frame	Responsible authority
14. The Government will coordinate with the UNCT and relevant partners to provide, strengthen and support the ongoing medical care, both physical and psychological, and social, economic, educational and rehabilitative support services for survivors of sexual violence, including children formerly associated with the Armed Forces or children who are born as a result of rape.	Within one week and ongoing	Government, UNCT and relevant partners
15. The Government authorities will set up emergency services, in conjunction with the UNCT and relevant partners or with local health, psychological and social service providers, for new survivors of sexual violence, or emergency health needs of previous survivors of sexual violence, including sexual violence-related problems of children born of rape, such as HIV status.	Within one month	Government, UNCT and relevant partners

Redress, legal enforcement and discipline

Activity	Time frame	Responsible authority
16. Establish or re-enforce accessible, confidential and effective complaint procedures, which are widely communicated to the public, to report incidents of sexual violence by members of the Armed Forces, including commanders responsible for their subordinates' acts. The procedures should respect the confidentiality and security concerns of all survivors, families, witnesses and their support persons. These procedures will allow for monitoring by the UNCTFMR.	Within two weeks to one month	Government, Armed Forces and UNCTFMR and relevant partners
17. Diligently investigate, prosecute, adjudicate or discipline prior incidents, recent cases and ongoing complaints of sexual violence committed by members of the Armed Forces or persons associated with the Armed Forces, including commanders responsible for their subordinates' acts. Investigations, prosecutions and disciplinary measures should take into due consideration the interests and rights to confidentiality of child survivors, families, witnesses and support persons.	Immediate and ongoing	Government, Armed Forces and UNCTFMR
18. Whenever possible, grant reparations, compensation or other forms of recognition to survivors of sexual violence as a result of judicial, disciplinary, reconciliation procedures or other means of acknowledgement.	Ongoing	Government, Armed Forces, UNCTFMR and relevant partners, in close collaboration with local communities

4.2 The signatories hereto are responsible for the implementation of this Action Plan. In addition, the following institutions and Governmental authorities are also made particularly

responsible for overseeing, facilitating and ensuring the timely and effective execution of this Action Plan:

- a) The high-level civilian and military focal points of the Government and Armed Forces are responsible for ensuring timely and regular interaction with the UNCTFMR.
- b) The aforementioned high-level focal points are also responsible for the implementation of an inter-ministerial Working Group to halt sexual violence, as referred to in Article 4.1 of this Action Plan, and made of, but not limited to, (list Ministries). The role and obligations of this Working Group are to ensure the timely and continual execution of commitments taken in the Action Plan, to link with relevant governmental and local authorities, and to monitor and report on progress and challenges.

4.3 **The high-level civilian and military focal points** shall undertake coordination meetings on a bimonthly basis, or more often if required, with the UNCTFMR.

4.4 **The Government and the Armed Forces** shall report on a bimonthly basis to the UNCTFMR on progress achieved in regard to the implementation of the Action Plan. This will be reflected in the bimonthly notes of the UNCTFMR to the Office of the Special Representative on Children and Armed Conflict. This report will also be regularly reviewed by the UN Security Council Working Group on Children and Armed Conflict.

Article 5 – Applicable principles

In implementation of all its work on behalf of children affected by armed conflict, the Government and its Armed Forces will be guided by the following overarching principles:

5.1 **Best interests of the child** – All measures to assure the protection from and the prevention of sexual violence inflicted upon children shall be determined by the best interests of such children.

5.2 **Participation and respect for the views of the child** – All children associated with the Armed Forces and who were subjected to sexual violence will be provided protection. Their reintegration into society shall include the active participation of the communities, the children and the families concerned. All activities to provide protection shall respect the views of the child.

5.3 **Respect for the child’s right not to be subjected to rape or other forms of sexual violence.** All inflictions of sexual violence are unlawful and, thus, never justifiable.

5.4 **Non-discrimination** – There shall be no advantage given or denied to children based on their ethnicity, their race, their gender, their age, nor any other trait, characteristic, vulnerability or other arbitrary criteria.

5.5 Accountability and transparency – The Government will be accountable for implementation of the Action Plan; interact transparently with the UNCTFMR, the Office of the Special Representative for Children and Armed Conflict and other relevant partners; will establish or re-enforce and use mechanisms to monitor and report violations; and will hold those responsible for violations accountable.

5.6 Confidentiality and informed consent – Personal information related to violations of children’s rights, including infliction of rape and other forms of sexual violence or violations abuse by the Armed Forces or persons associated with the Armed Forces, shall be treated as confidential. The confidentiality of the information collected by the UNCTFMR through the Monitoring and Reporting Mechanism will be respected. The informed consent of the parent or guardian, as well as that of the child, shall be given due regard in all monitoring and reporting activities covered in this Action Plan. Guarantees of protection, security and confidentiality for survivors, witnesses, families, sources of information, third parties such as medical, social or psychological care providers, or administrators shall also be given due regard.

Article 6 – Time frame and applicability of this Action Plan

6.1 The activities outlined in the Action Plan will be verified and monitored for a period of xx months from their commencement, and will be extended based on a review by the Government and the UNCTFMR, in conjunction with the Office of the Special Representative for Children and Armed Conflict.

6.2 This Action Plan may be amended or revised at any time by the written mutual consent of the Government and the UNCTFMR in conjunction with the Office of the Special Representative for Children and Armed Conflict. The parties should seek the advice of the Office of the Special Representative for Children and Armed Conflict in the event of a need for clarification.

6.3 This Action Plan takes effect on the date of signature.

In witness whereof, the duly authorized representatives of the parties to this Action Plan have put their signatures on this day being xx xxx

For and on behalf of <i>(name of party to which the Action Plan applies)</i>	For and on behalf of Secretary-General's Special Representative for CAAC
Name:	Name:
Title:	Title:
Signature: Armed Forces	Signature:
Date:	Date:

Government:	Co-Chair of the Country Task Force (UNICEF)
Name:	Name:
Title:	Title:
Date:	Date:
Signature:	Signature:
SRSG or RC	Co-Chair of the Country Task Force (If there are more than 2 co-chairs or other UN bodies should sign.)
Name:	Name:
Title:	Title:
Signature:	Signature:
Date:	Date:
Name: Witness	Name:
Title:	Title:
Signature:	Signature:
Date:	Date:

Annex 12d: Action Plan Template

Action Plan Between (Party) And The United Nations Country Task Force on Monitoring and Reporting to eliminate Sexual Violence against Children

Preamble

Stressing the unconditional commitment of Party to fully comply with its obligations under international law, and with other international norms protecting children, including the Convention on the Rights of the Child and its Optional Protocols (*when applicable*);

Noting relevant UN Security Council resolutions, including Security Council Resolutions 1261 (1999), 1314 (2000), 1379 (2001), 1539 (2004), 1612 (2005), 1998 (2011) and 2068 (2012), (which condemn, inter alia, sexual abuse and sexual exploitation of children in armed conflict and in particular resolution 1882 (2009), in which the Security Council called upon parties listed in the annexes of the Secretary-General's Report on children and armed conflict that commit, in contravention of applicable international law, killing and maiming of children and/or rape and other sexual violence against children in situations of armed conflict, to prepare time-bound action plans to halt those violations and abuses, and to address all other violations and abuses committed against children and undertake specific commitments and measures in this regard;

Working in close collaboration with the United Nation's Country Task Force on Monitoring and Reporting (hereafter 'UNCTFMR'), and in cooperation with relevant United Nation agencies, local partners and members of civil society, which seek to promote and protect the rights of the child;

Noting the criteria and procedures used for listing and de-listing parties to armed conflict in the annexes to the Reports of the Secretary-General on Children and Armed Conflict, in particular the Report of 13 April 2010 (A/64/742 and S/2010/181), at paragraphs 167–180; and seeking to halt rape and sexual violence against children, as well as to implement measures to prevent their occurrences in the future;

Guided by the 'Paris Principles and Guidelines on children associated with the Armed Forces or Armed Groups of February 2007';

Mindful of the commitments made by (*party*) to the Special Representative of the Secretary-General for Children and Armed Conflict in (*date of SRSG's mission, if any*);

The (*party*) hereby undertakes to implement the following 'Action Plan' to halt sexual violence against children:

Article 1 – Scope

1.1 This Action Plan applies to (*party*). Principles of this Action Plan should also be applicable, but not limited to the following parties listed in the Annexes of the Secretary-General's Report on Children and Armed Conflict to the Security Council (reference to last Secretary-General's report on CAAC: *S/.../...* and *A/.../...*), for whom supplementary Action Plans should be sought in conjunction with (*party*) of (*name of country*): *List of other party or parties to the conflict as referred to in the Annexes of the last Secretary-General's Report on Children and Armed Conflict to the Security Council (if relevant to context)*.

Article 2 – Purpose

2.1 The party¹ undertakes to implement this Action Plan to halt rape and other forms of sexual violence against children in times of armed conflict and shall be eligible for delisting from the annexes to the Reports of the Secretary-General on Children and Armed Conflict upon UN verification that sexual violence against children has ceased for a period of [xx], as spelled out in the commitments and activities below.

2.3 The party further undertakes to implement this Action Plan for the purpose of taking measures to ensure the long-term prevention of sexual violence against children in the future.

Article 3 – Commitments

3.1 The (*party*) commits specifically to implement fully and effectively the following provisions:

- a) To prevent and halt the perpetration of rapes and all other forms of sexual violence against children, committed by members of the party or persons associated with the party.
- b) To appoint focal points at the highest level of the party's military and/or political structure to implement the activities enumerated in Article 4.1 of this Action Plan, in collaboration with the UNCTFMR, in cooperation with relevant partners.

¹ Insert name of party to the conflict.

- c) To issue and disseminate a clear political executive directive to non-military persons associated with the party and a military order to military rank and file to inform them about the precise terms and aims of this Action Plan.
- d) To provide unimpeded and regular access to territories under party's control, including military bases, installations, camps, training facilities, recruitment centres, hospitals and schools, current and former battle sites or other relevant locations to the UNCTFMR to verify compliance with the provisions of this Action Plan.
- e) To guarantee free, confidential and unaccompanied access of staff of the United Nations and relevant local and international organizations to relevant persons, including child survivors of rape and other forms of sexual violence, families, medical personnel, witnesses, and members of civil society, and to institutions and areas such as hospitals, IDP/refugee sites, communities, and other relevant locations, and to objects, such as documents, records and physical evidence. The party undertakes to ensure that no retaliatory action is taken against monitors, survivors, witnesses or any third party in connection with monitoring and verification activities.
- f) To ensure the access of UN monitoring and reporting staff to all members of the party, and other persons associated with the party and to facilitate the implementation of the Action Plan between the party and the UNCTFMR.
- g) To promptly and independently investigate allegations of rape and all other forms of sexual violence against children and to facilitate the prosecution and punishment of, including but not limited to the taking of disciplinary measures, with due regard to international standards, against all perpetrators, including commanders, and to provide verifiable information with respect to such measures taken to ensure the accountability of perpetrators.
- h) To implement an agreed preventive strategy to address sexual violence, as referred to in the list of activities below.

3.2 The UNCTFMR, in collaboration with the party as well as relevant partners, is committed to support programmatic initiatives, including mental health and psycho/social services, medical services, rehabilitation, educational and vocational programmes for children who were subjected to rape or other forms of sexual violence.

3.3 The Office of the Special Representative for Children and Armed Conflict is committed to support the implementation of the provisions of this Action Plan.

Article 4 – Process

4.1 The following framework constitutes the activities and timelines for the implementation of the Action Plan.

Cooperation with the United Nations		
Activity	Time frame	Responsible authority
1. Engage the UNCTFMR in the concrete implementation of this Action Plan, including the monitoring, reporting and verification of the successful completion of its terms.	Monthly meetings or more often as required	Party
2. Issue a clear military order and political directive to all members of the party and to private persons associated with the party to inform them of the precise terms of the Action Plan. The order and directive should list the sanctions for their breach and require the reporting of any breaches to the appropriate authorities. They should be broadly and effectively disseminated in writing and orally.	Immediately	Party
3. Name high-level military and, if applicable, a civilian person as focal points to oversee through a Working Body, the regular interaction with the UNCTFMR and child protection actors including relevant national organizations to ensure the short and long term execution of the Action Plan.	Immediate	Party
4. Expedite timely, approved clearance for entry into territory, areas, facilities, institutions, camps or other relevant locations or places to UNCTFMR staff and relevant partners and to their interpreters in order to monitor, report on and verify the implementation of the Action Plan.	Immediate and ongoing	Party
5. Grant to UNCTFMR staff and relevant partners and their interpreters full and confidential access: to all relevant persons, including child survivors, members of the party; to objects, such as documents, records and physical evidence, and; to relevant meetings, hearings, judicial or disciplinary procedures, in order to monitor, report and verify the implementation of the Action Plan.	Immediate and ongoing	Party

Prevention of sexual violence		
Activity	Time frame	Responsible authority
6. The civilian and military focal points should implement a situational analysis and ongoing review mechanism to determine and address the origin, frequency and patterns of sexual violence attributable to members of the Armed Group and associated persons with the aim to prevent and forewarn the Armed Groups' command structure of the potential for future incidents.	Within three months	Party
7. Party will coordinate with UNCTFMR and relevant partners, to ensure that survivors of rape or other forms of sexual violence have access to safe environments, medical evacuation and/or care and, when feasible, are reunited with their parents, guardian or family.	Within one week and ongoing	Party, UNCT and relevant partners

Prevention of sexual violence

Activity	Time frame	Responsible authority
8. Issuance of an order to members of the Armed Group, and a political directive to persons associated with the Armed Group, to immediately halt rape(s) and any other forms of sexual violence that is inflicted upon children. The order and directive should list the sanctions for its breach and require the reporting of any breaches to the appropriate authorities within the Armed Group. Effectively diffuse the order and directive in writing and orally. Broadcast it by any means of mass communication as deemed necessary.	Immediately upon signing the Action Plan	Party

Awareness-raising and capacity-building

Activity	Time frame	Responsible authority
9. The party, in consultation with the UNCTFMR and relevant partners, should undertake a Recognition Initiative addressed to communities immediately affected by sexual violence against children by the party or associated persons, which: <ul style="list-style-type: none"> ■ denounces sexual violence; ■ disseminates the aforementioned order and the directive to halt sexual violence; ■ reiterates the party's duty to investigate, prosecute and punish, or take relevant disciplinary measures, should a crime be alleged or proven; and ■ informs the affected communities of the party's duty to comply with international and national law governing children during periods of armed conflict. 	Within three to four months and ongoing	Party, UNCTFMR and relevant partners
10. Together with the UNCTFMR, establish training for members of the party, including the command structure to ensure compliance with the relevant military directives, national law and international law that prohibit sexual violence.	Within four months and ongoing	Party, UNCTFMR and relevant partners
11. Coordinate with the UNCTFMR and other partners to monitor awareness among military elements, especially commanders, of obligations concerning child protection and the rights of the child to be free from all forms of sexual violence.	Within six months and ongoing	Party and UNCTFMR

Support services to survivors, their families and communities

Activity	Time frame	Responsible authority
12. The party will coordinate with UNCTMR, which will coordinate with the UNCT and relevant partners to support ongoing medical care, both physical and psychological; social, economic, educational and rehabilitative support services for survivors of sexual violence, including children formerly associated with the party; and children who are born as a result of rape.	Immediate and ongoing	Party, UNCT and relevant partners

Redress, legal enforcement and discipline

Activity	Time frame	Responsible authority
13. Establish or re-enforce accessible, confidential and effective complaint procedures, which are widely communicated to the public, to report incidents of sexual violence by members of the party, including commanders responsible for their subordinates' acts. The procedures should respect the confidentiality and security concerns of all survivors, families, witnesses and their support persons. These procedures will allow for monitoring by the UNCTFMR.	Within two weeks to one month of the signing of the Action Plan.	Party
14. Diligently investigate, prosecute, adjudicate or discipline prior incidents, recent cases and on-going complaints of sexual violence committed by members of the party or persons associated with the party, including commanders responsible for their subordinates' acts. Investigations, prosecutions and disciplinary measures should take into due consideration the interests and rights to confidentiality of child survivors, families, witnesses and support persons.	Immediate and ongoing	Party
15. Whenever possible, grant reparations, compensation or other forms of recognition to survivors of sexual violence as a result of judicial, disciplinary, reconciliation procedures or other means of acknowledgement.	Ongoing	Party and relevant partners

4.2 The signatories hereto are responsible for the implementation of this Action Plan. In addition, the party's representatives and focal points listed below in (a) and (b) are to ensure the timely and effective execution of this Action Plan:

- a) The party, its highest representative or focal point (s) and a designated Working Body, who are responsible to oversee that rape and all forms of sexual violence committed against children are halted, prevented and redressed.
- b) The party's focal point (s) and the Working Body are responsible for conducting timely and regular interaction with the UNCTFMR. The role and obligations of the UNCTFMR are to ensure the constant and continual execution of commitments taken in the Action Plan, to link with relevant authorities and to monitor and report on progress and challenges.

4.3 **The party's focal point (s)** shall undertake coordination meetings on a bimonthly basis, or more often if required, with the UNCTFMR.

4.4 The **party** shall report on a bimonthly basis to the UNCTFMR on progress achieved with regards to the implementation of the Action Plan. This will be reflected in the bimonthly notes of the UNCTFMR to the Office of the Special Representative on Children and Armed Conflict. This report will also be regularly reviewed by the UN Security Council Working Group on Children and Armed Conflict.

Article 5 – Applicable principles

In implementation of all its work on behalf of children affected by armed conflict, the Government and its Armed Forces will be guided by the following overarching principles:

5.1 **Best interests of the child** – All measures to assure the protection from and the prevention of sexual violence inflicted upon children shall be determined by the best interests of such children.

5.2 **Participation and respect for the views of the child** – All children associated with the party and who were subjected to sexual violence will be provided protection. Their reintegration into society shall include the active participation of the communities, the children and the families concerned. All activities to provide protection shall respect the views of the child.

5.3 **Respect for the child’s right not to be subjected to rape or other forms of sexual violence.** All inflictions of sexual violence are unlawful and, thus, never justifiable.

5.4 **Non-discrimination** – There shall be no advantage given or denied to children based on their ethnicity, their race, their gender, their age, nor any other trait, characteristic, vulnerability or other arbitrary criteria.

5.5 **Accountability and transparency** – The party will be accountable for implementation of the Action Plan; interact transparently in that regard with the UNCTFMR, the Office of the Special Representative for Children and Armed Conflict and other relevant partners; will establish or re-enforce and use mechanisms to monitor and report violations, and will hold those responsible for violations accountable.

5.6 **Confidentiality and informed consent** – Personal information related to violations of children’s rights, including infliction of rape and other forms of sexual violence or abuse by the party or persons associated with the party, shall be treated as confidential. The confidentiality of the information collected by the UNCTFMR through the Monitoring and Reporting Mechanism will be respected. The informed consent of the parent or guardian, as well as that of the child, shall be given due regard in all monitoring and reporting activities covered in this action plan. Guarantees of protection, security and confidentiality for survivors, witnesses, families, sources of information, third parties such as medical, social or psychological care providers, or administrators shall also be given due regard.

Article 6 – Time frame and applicability of this Action Plan

6.1 The activities outlined in the Action Plan will be verified and monitored for a period of xx months from their commencement, and will be extended based on a review by the party and the UNCTFMR, in conjunction with the Office of the Special Representative for Children and Armed Conflict.

6.2 This Action Plan may be amended or revised at any time by the written mutual consent of the party and the UNCTFMR in conjunction with the Office of the Special Representative for Children and Armed Conflict. The parties should seek the advice of the Office of the Special Representative for Children and Armed Conflict in the event of a need for clarification.

6.3 This Action Plan takes effect on the date of signature. In witness whereof, the duly authorized representatives of the parties to this Action Plan have put their signatures on this day being xx xxx

For and on behalf of <i>(name of party to which the Action Plan applies)</i>	For and on behalf of Secretary-General's Special Representative for CAAC
Name:	Name:
Title:	Title:
Signature:	Signature:
Date:	Date:
Government:	Co-Chair of the Country Task Force (UNICEF)
Name:	Name:
Title:	Title:
Date:	Date:
Signature:	Signature:
SRSG or RC	Co-Chair of the Country Task Force (if another co-chair is present and/or another UN body is deemed an appropriate signatory)
Name:	Name:
Title:	Title:
Signature:	Signature:
Date:	Date:
Name: Witness	Name:
Title:	Title:
Signature:	Signature:
Date:	Date:

Annex 13: 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

¹ See S/2005/72.

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 fulfillment of Action Plan criteria.

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.

United Nations

S/2006/275

**Security Council**

Distr.: General
3 May 2006
English
Original: French

**Letter dated 2 May 2006 from the Permanent
Representative of France to the United Nations
addressed to the President of the Security Council**

I write to you in my capacity as Chairman of the Working Group of the Security Council on Children and Armed Conflict established pursuant to Security Council resolution 1612 (2005).

The Working Group adopted its terms of reference (see annex) at its third meeting on 2 May 2006.

I should be grateful if you would have this text issued as a document of the Security Council.

(Signed) Jean-Marc **de la Sablière**
Ambassador
Permanent Representative

06-33795 (E) 040506 040506

* **0 6 3 3 7 9 5** *

S/2006/275

Annex to the letter dated 2 May 2006 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council

[Original: English]

Terms of reference of the Working Group of the Security Council on children and armed conflict

I. Title

The Working Group established pursuant to paragraph 8 of Security Council resolution 1612 (2005) of 26 July 2005 will be known as the Working Group on Children and Armed Conflict.

II. Composition

The Working Group should consist of all members of the Security Council.

III. Chairmanship

The Chairman of the Working Group is designated by members of the Security Council.

IV. Secretariat and interpretation

The secretariat of the Working Group is provided by the Secretariat of the United Nations.

Interpretation in the six official languages of the United Nations will be provided for all meetings of the Working Group.

V. Meetings of the Working Group

Formal meetings will be held at least every two months.

The Working Group may hold urgent and/or informal meetings at the request of the Chairman or a member of the Working Group.

Five working days notice will be given for any meeting of the Working Group, although shorter notice may be given in urgent situations.

The Working Group will meet in closed sessions. The Working Group may invite any Member of the United Nations to participate in the discussion of any question brought before the Working Group, in particular when a Member is specifically concerned. The Working Group may invite members of the Secretariat or other persons, whom it considers competent for the purpose, to supply it with appropriate expertise or information or to give it other assistance in examining matters within its competence.

VI. Mandate

The Working Group shall conduct its work in accordance with the provisions of resolution 1612 (2005).

The Working Group shall:

- (a) Review the reports of the monitoring and reporting mechanism referred to in paragraph 3 of resolution 1612 (2005);
- (b) Review progress in the development and implementation of the action plans mentioned in paragraph 5 (a) of resolution 1539 (2004) and paragraph 7 of resolution 1612 (2005);
- (c) Consider other relevant information presented to it.

The Working Group shall also:

- (d) Make recommendations to the Council on possible measures to promote the protection of children affected by armed conflict, including through recommendations on appropriate mandates for peacekeeping missions and recommendations with respect to parties to the conflict;
- (e) Address requests, as appropriate, to other bodies within the United Nations system for action to support implementation of Security Council resolution 1612 (2005) in accordance with their respective mandates.

The Working Group will examine information on compliance and progress in ending the recruitment and use of children and other violations being committed against children in situations of armed conflict on the agenda of the Security Council and in situations of armed conflict not on the agenda of the Security Council mentioned in annex II to the report of the Secretary-General (S/2005/72). The discussion on the latter situations shall be done in close consultation with countries concerned. The Working Group will review this arrangement one year after the adoption of its terms of reference. The consideration of any information by the Working Group shall not prejudice or imply a recommendation as to whether or not to include a situation on the agenda of the Security Council.

The recommendations of the Working Group to the Security Council do not prejudice of the Council's decisions thereon.

VII. Methods of work

Decisions will be taken by consensus. If consensus cannot be reached on a particular issue, the Chairman should undertake such further consultations as may facilitate agreement.

Where the Working Group agrees, decision may be taken by a written silence procedure. In such cases the Chairman will circulate to all members of the Working Group the proposed decision of the Working Group, and will request members of the Working Group to indicate any objection they may have to the proposed decision within five working days (or in urgent situations, such shorter period as the Chairman shall determine). If no objection is received within such a period, the decision will be deemed adopted.

The Chairman of the Working Group will report to the Council whenever appropriate, either orally or in writing. He will submit a written report at least once a year.

S/2006/275

The Security Council will conduct a review of the work of the Working Group against its mandate once a year.

In order to enhance the transparency of the work of the Working Group, the Chairman will brief interested Member States and the press following formal meetings of the Working Group, unless the Working Group decides otherwise. In addition, the Chairman will be authorized, after prior consultations with and approval of the Working Group, to hold press conferences or issue press releases on the Working Group's work.

Annex 15: MRM Technical Reference Group – Terms of Reference

Security Council Resolution 1612 (2005) called for the implementation of the MRM on grave child rights violations in situations of armed conflict, as outlined by the Secretary-General in his 2005 Report to the General Assembly and Security Council on Children and Armed Conflict (A/59/695–S/2005/72). In 2009 and 2011, the Security Council adopted Resolutions 1882 and 1998 respectively, which expanded the gateway to the annexes of the Secretary-General's Report on CAAC to sexual violence against children, killing and maiming of children and attacks on schools and hospitals in contravention of international law. In 2012, the Security Council adopted Resolution 2068 (2012).

Feedback from Country Task Forces shows that there is a strong need for headquarters to provide further technical support and guidance to operational field partners, and feedback from global actors shows a desire to meet regularly to discuss MRM issues.

For this purpose, an MRM Technical Reference Group has been established in New York with the following terms of reference:¹

1. The MRM Technical Reference Group shall be co-chaired by the OSRSG-CAAC and UNICEF.
2. In addition to the co-chairs, the MRM Technical Reference Group shall be composed of the following members (in alphabetical order):
 - Department of Peacekeeping Operations (DPKO)
 - Department of Political Affairs (DPA)
 - International Labour Organization (ILO)
 - Office for the Coordination of Humanitarian Affairs (OCHA)
 - Office for the High Commissioner for Human Rights (OHCHR)
 - United Nations Development Programme (UNDP)
 - United Nations Educational, Scientific and Cultural Organization (UNESCO)
 - United Nations High Commissioner for Refugees (UNHCR)
 - United Nations Population Fund (UNFPA)

¹ As of September 2010, the Technical Reference Group replaces the Steering Committee of the MRM Task Force on CAAC.

- World Health Organisation (WHO)
 - Other members as identified by the Technical Reference Group, including international NGOs
3. The Group may invite other organizations and individuals from the United Nations system or other relevant parties to discuss and consult on particular issues or to provide technical guidance and support on the MRM.
 4. The Group will meet at the level of experts on a bimonthly basis and additionally as necessary.
 5. The Group will serve as a platform for consultation and agreed guidance on technical issues pertaining to the development of working tools and implementation of the MRM.
 6. The Group will serve as a forum for multi-stakeholder review and input as appropriate to members' proposals for MRM strengthening on technical matters.
 7. The Group will serve as a forum for organizing the implementation of inter-agency advocacy strategies around the prevention of grave violations against children.



Annex 16: UN DPKO Child Protection Policy

United Nations
Department of Peacekeeping Operations
Department of Field Support
Ref. [2009.17]



Policy

**Mainstreaming the protection, rights and well-being of children
affected by armed conflict within UN Peacekeeping Operations**

Approved by: Alain Le Roy, USG DPKO
Effective date: 1 June 2009
Contact: Child Protection Focal Point, PBPS, DPET
Review date: 1 June 2011

DPKO/DFS POLICY DIRECTIVE ON

Mainstreaming the protection, rights and well-being of children affected by armed conflict within UN Peacekeeping Operations

Contents:	<ul style="list-style-type: none"> A. Purpose B. Scope C. Rationale D. Policy E. Terms and definitions F. References G. Monitoring and compliance H. Contact I. History
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ANNEXURES

Extracts of Security Council resolutions on children and armed conflict

A. PURPOSE

1. The purpose of this Policy is to consolidate, institutionalize and streamline DPKO's existing engagement on children and armed conflict, on the basis of specific provisions of Security Council resolutions on children and armed conflict.
2. This Policy defines the scope of DPKO's engagement on the protection of children affected by armed conflict and is issued as part of the Department's strategy and efforts to mainstream the concerns of children affected by armed conflict in the department's activities.
3. This Policy also elaborates the role of Child Protection advisers in UN peacekeeping operations, stemming from specific provisions of relevant resolutions of the Security Council including, their mandate, the framework within which they operate, and the activities that they carry out in relation to other mission components as well as the parameters of integrating child protection concerns in the activities of other sections.
4. To ensure effective complementarity with relevant partners, the Policy defines the scope of DPKO's responsibility and its partnerships at both headquarters and field level, with key UN child protection actors, including UNICEF, UNHCR, OHCHR, ILO, UNFPA and other relevant members of the UN Country team and the Office of the Special Representative of the Secretary-General for Children and Armed Conflict (OSRSG –CAAC).

B. SCOPE

5. This Policy applies to all peacekeeping personnel. Senior mission leadership (including heads of other mission components, Police and Military Components) as well as all child protection staff should be informed of this Policy. DPKO /DFS Headquarters staff responsible for mission planning and support and reporting should be informed of this policy.
 6. Compliance with this Policy Directive is mandatory for those involved in direct implementation as well as supporting and enabling management components.
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C. RATIONALE

7. With its adoption of resolution 1261 (1999), the Security Council formally acknowledged that the protection of children in armed conflicts is a fundamental peace and security concern. The Council has subsequently reaffirmed its commitment by adopting five further resolutions on children and armed conflict, namely 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004) 1612 (2005) and 1820 (2008).
8. The Security Council has included specific provisions for the protection of children in several mandates of United Nations peacekeeping operations and sanctioned the deployment of Child Protection Advisers (CPAs) to peacekeeping missions to ensure the implementation of the child protection dimension of the mandates of peacekeeping operations and to advise the Head of a peacekeeping mission in its resolutions 1314 (2000), 1379 (2001), 1460 (2003) and 1612 (2005).
9. Security Council resolutions¹ have consistently called for the integration of the protection, rights and well-being of children affected by armed conflict into all peace processes, peace agreements and post-conflict recovery and reconstruction planning and programs and stressed the responsibility of United Nations peacekeeping missions to ensure effective follow-up to its resolutions on children and armed conflict².
10. The Secretary-General has also called for the mainstreaming of children affected by armed conflict across the UN system including through the development of guidance and support to headquarters offices and field personnel on child protection issues and the incorporation of child protection concerns in their activities.³
11. The DPKO Lessons Learned Study on the *Impact of Child Protection Advisers (CPAs) in UN Peacekeeping Operations*⁴ found that Child Protection Advisers have played an important role in mainstreaming child protection issues into the work of all relevant components of peacekeeping operations, in monitoring and reporting capacity but called for more clarity on the role of CPAs to avoid overlaps with the work of operational partners and other mission components. The Study also called for a review of CPA terms of reference as well as the development of guidance and operational support for child protection personnel.

¹ 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004) and 1612 (2005)

² 1539 (2004) and 1612 (2005)

³ Report of the Secretary-General on Comprehensive assessment of the United Nations system response to children affected by armed conflict (A/59/331)

⁴ Peacekeeping Best Practices Section May 2007

12. Further, the Special Committee on Peacekeeping Operations has requested DPKO to elaborate the role and responsibilities of Child Protection Advisers, within peacekeeping missions and outline clear modalities for cooperation with UN agencies, funds and programs, to ensure a comprehensive prevention strategy and response to all forms of violence against children.⁵

D. POLICY

D.1. Mainstreaming of children and armed conflict issues within UN peacekeeping operations

13. In accordance with Security Council Resolution 1612, DPKO recognizes that the protection of children affected by armed conflict should be an integral aspect of the Department's overall strategy and engagement in conflict situations.
14. DPKO shall ensure that the concerns of protection, rights and well-being of children affected by armed conflict are specifically integrated into all aspects of UN peacekeeping and peacemaking and in its policies, strategies, training and briefing programmes.
15. To this end, DPKO shall ensure that the protection of children affected by armed conflict is systematically addressed throughout the stages of mission planning, mission design, and mandate implementation. Child protection concerns shall accordingly be incorporated into strategic and technical assessment missions for the planning of peacekeeping operations, mission planning instruments and the subsequent elaboration of thematic and functional strategies of proposed peacekeeping operations as part of the Integrated Missions Planning Process (IMPP)⁶. The assessment relating to child protection issues during these processes will be conducted by a child protection specialist as appropriate. The structures and resources that shall be required for the child protection function within the mission must begin at the earliest possible stage and a child protection specialist should be included at all stages of planning.
16. Relevant issues to be considered include but are not limited to grave violations committed against children such as recruitment and use of children by armed forces and groups, rape and grave sexual violence, killing and maiming, abductions, attacks on schools and hospitals and denial of humanitarian access as well as child-sensitive DDR, juvenile justice, legislative reform, and training for all peacekeeping personnel including the police and the military.
17. The engagement of DPKO on the protection of children affected by armed conflict shall be guided by relevant international and regional human rights norms, instruments, and standards relating to children, including the Convention on the Rights of the Child (CRC) and its Optional Protocols on, respectively, the Involvement of Children in Armed Conflict (OP-CRC-AC), and on the Sale of Children, Child Prostitution and Child Pornography (OP-CRC-SC), and relevant international humanitarian law, Rome Statute of the International Criminal Court, ILO Convention 182 on Worst Forms of Child Labour, Security Council Resolutions on Children and Armed Conflict as well as specific mission mandates.

⁵ Report of the Special Committee on peacekeeping Operations and its Working Group (A/62/19)

⁶ See also related IMPP Guidelines

Senior management commitment to and promotion of concerns relating to children affected by armed conflict

18. Special Representatives of the Secretary-General (SRSGs)/Head of Missions (HOMs) have an important and leading role to play in promoting the rights and concerns of children affected by armed conflict and ensuring effective implementation of relevant international human rights instruments and systematic follow-up to Security Council resolutions on Children and Armed Conflict as well as relevant Conclusions of the Security Council Working Group on Children and Armed Conflict.
19. The Secretary-General's Action Plan for the establishment of a monitoring, reporting and compliance mechanism adopted under Security Council Resolution 1539 (2004) and 1612 (2005) also stipulates the responsibilities of SRSGs/HOMs and Resident Coordinators in ensuring United Nations-wide follow-up, mainstreaming, coordination and monitoring and engaging in dialogue with parties to conflict on children and armed conflict issues at the country level. As focal points at country level, the Action Plan underlines that their leadership and personal involvement, in consultation with UNICEF, is critical with respect to key issues such as dialogue, action plans and specific political démarches at the country level with Government authorities and other concerned parties.
20. To this end, SRSGs/HOMs shall ensure that relevant child protection issues are addressed in all stages of the peace process and promote a mission-wide approach to implementing the child protection aspects of the mission's core mandate and functions and consider how each component of the mission might take into account child rights concerns within their core activities.

Establishment of in-house knowledge and expertise on child protection

21. Child Protection Advisers shall be deployed in peacekeeping operations in accordance with the Security Council Resolutions on children and armed conflict and recommendations of the Secretary-General to the Security Council.
22. Child Protection Advisers fulfil the crucial role of advising the peacekeeping mission and the SRSGs/HOMs in particular in ensuring that relevant child protection issues are addressed in all stages of the peace process and that all key actors and mechanisms within the mission adopt a child conscious approach to their respective tasks. They also assist senior management in ensuring the implementation of the overall child protection strategy developed in the mission area in collaboration with all relevant actors.
23. Child Protection Advisers also provide advice to the SRSGs/HOMs and other mission components in ensuring effective follow-up to resolutions of the Council and in implementing the child protection dimension of the mandates of peacekeeping operations including mainstreaming, training of all peacekeeping personnel, engaging in dialogue with parties to end the recruitment and use of children by armed forces and groups, and other grave violations and implementing the monitoring and reporting mechanism under S/RES/1612 (2005) with the UN Task Forces on Monitoring and Reporting.
24. Child Protection Advisers serve as an interface between the peacekeeping mission and child protection actors on the ground and work to leverage as appropriate, the political and other resources of the mission to orchestrate action to ensure the protection and wellbeing of children affected by armed conflict and to prevent and address violations of children's rights.

25. Child Protection Advisers shall report directly to the Head of Mission, normally the Special Representative of the Secretary-General. The child protection component may also report to the Head of Mission through the Deputy Special Representative to the Secretary-General (DSRSG). However, the Head of Mission's support to the CPA is critical in the implementation of the obligations of the peacekeeping operation under Security Council resolutions on the protection of children affected by armed conflict.
26. Child Protection Advisers shall participate in strategic decision-making and information sharing forums, including mission-internal, management, inter-agency, bilateral, or peace process implementation mechanisms relevant to the protection of children affected by armed conflict to ensure a comprehensive approach the issues within the peacekeeping operation.
27. The CPA shall actively collaborate with relevant mission components especially Human Rights, the Rule of Law Unit or Judicial Section, Political Affairs, DDR, SSR, Gender, HIV the UN Police, and Military Observers towards ensuring that key actors and mechanisms within the mission adopt a child conscious approach to their respective tasks.
28. The Department of Field Support (DFS) shall develop guidelines and standing operating procedures for the recruitment, retention and capacity building of qualified child protection personnel and maintain a roster of qualified candidates at headquarters level. The guidelines shall stipulate the profile and skills sets required for the fulfillment of the role of CPAs and define the modalities of child protection staffing within peacekeeping operations. All child protection candidates shall undergo a transparent technical vetting process to ensure that key positions are filled by the individuals with the requisite skills.
29. To enable them to effectively conduct their functions, Child Protection Advisers shall undergo an induction process and receive guidance and training from DPKO, with the support of OSRSG CAAC and shall meet annually to review progress, identify challenges and develop strategies for the implementation of their role.

D.2. CORE ACTIVITIES

The interventions on child protection in UN peacekeeping shall complement the efforts of the operational agencies on the ground and do not constitute programmes for fostering child rights such as those carried out by UN agencies funds and programmes. The following activities are explicitly requested by the Security Council resolutions:

Training of peacekeeping personnel

30. In conformity with relevant Security Council resolutions 1261 (1999), 1379 (2001), and 1460 (2003) all deployed peace-keeping personnel - whether military, police or civilian – shall receive training on the protection, rights and welfare of children, including in international human rights, humanitarian law and refugee law.
31. Where deployed, Child Protection Advisers shall ensure that continuous training and guidance on child rights and child protection are provided for all mission personnel in collaboration with the Integrated Mission Training Centres (IMTC) and relevant actors. Periodic evaluations of the training and reviews will be conducted as necessary to ensure maximum impact.

32. Training on child protection shall also be included in all Pre-deployment Training programmes developed and delivered for newly appointed staff of peacekeeping operations.
33. DPKO shall seek to build a residual capacity within the police and the military through the development of training materials on child protection, training of trainers programs and other initiatives as appropriate.

Monitoring and reporting on the situation of children in armed conflict [Security Council Resolutions 1379 (2001), 1539 (2004) and 1612 (2005)]

34. Security Council resolution 1612 has operationalized the engagement of the Council on CAAC by establishing a UN-led Monitoring and Reporting Mechanism (MRM) on grave violations against children in situations of armed conflict, as well as a permanent Security Council Working Group on Children and Armed Conflict (SCWG-CAAC) to systematically review the MRM information. Monitoring and reporting is an important tool for holding perpetrators of child rights violations accountable in order to prevent further violations and enhance the protection of children affected by armed conflict.
35. UN peacekeeping operations have a key role to play in the implementation of the monitoring and reporting mechanism established by the Security Council Resolutions 1539 (2004) and 1612 (2005), which at the country level is implemented through the UN led Country Task Force on Monitoring and Reporting (CTFMR) established under SCR 1612.
36. The Secretary-General's Action Plan for the implementation of the monitoring reporting and compliance mechanism stipulates that where there is a peacekeeping mission, the CTFMR would be 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/HOM.
37. Within the mission Child Protection Advisers conduct systematic monitoring and reporting and engage in advocacy in relation to prevention of grave violations against children as well as support the preparation of specific reports required under the mechanism established under Resolution 1612. In doing this the CPA shall actively coordinate with relevant mission components especially Human Rights, Political, the Rule of Law Unit or Judicial Section, DDR, SSR, the UN Police, and Military Observers to ensure the mission's effective contribution to implementation of the mechanism.
38. Child Protection Advisers shall also represent the SRSG/DSRSG at the technical level in the CTFMR serve as the secretariat for the Country Task Force on the MRM.
39. Relevant guidance, training, tools and backstopping on the implementation of the MRM will be provided by the OSRSG-CAAC and UNICEF at New York headquarters level in coordination with DPKO.

Engaging in dialogue with perpetrators to end the recruitment and use of children associated with armed forces and groups and other child rights violations [Security Council Resolutions 1539 (2004) and 1612 (2005)]

40. The Security Council through its resolutions 1539 and 1612 called upon all parties included in the annexes of annual reports of the Secretary-General on Children and Armed Conflict to implement time-bound action plans to end the recruitment and use of children by armed forces and groups. Those plans are aimed at helping parties to conflict to take actions to prevent and halt the recruitment and use of children by armed forces and groups in a transparent and verifiable manner.
41. The development of action plans is a collaborative process which includes the OSRSG-CAAC, UNICEF, all relevant mission components and the CTFMR at the country level.
42. The Child Protection Adviser shall assist and advise the SRSG/HOM in engaging in dialogue with parties to conflict for the development of action plans to end the recruitment and use of children by armed forces and groups and other child rights violations in consultation with the UN CTFMR, and the OSRSG-CAAC.
43. Guidance on the development of the Action Plans and support will be guided by existing templates developed by the OSRSG-CAAC and UNICEF at headquarters level.

Reporting on Children Affected by Armed Conflict

44. As stipulated in Security Council Resolutions 1460 (2003), 1539 (2004) and 1612 (2005), UN peace operations shall ensure that all Secretary-General's reports on country specific situations shall include a specific section on child protection.
45. The Child Protection Adviser is responsible for ensuring mission reporting on child protection issues and the related activities undertaken by the peacekeeping operation in the mission area.
46. In addition, the CPA shall ensure inputs to the MRM Country Task Force reporting on grave violations committed against children to the Security Council including through bi-monthly reports for the attention of the Security Council Working Group on Children and Armed Conflict through the OSRSG-CAAC, contribution to the MRM Country Task Force's inputs to the Secretary-General's Annual Reports on Children and Armed Conflict to the Security Council, and where applicable, situation reports under SCR 1612 in coordination with the UN Country Task Force on MRM as well as any other relevant reporting mechanisms.
47. To facilitate analysis on trends and progress in mandate implementation on the question of children affected by armed conflict in relevant peacekeeping operations, Child Protection Advisers are required to prepare quarterly reports on the protection of children affected by armed conflict, periodic reports on training activities and progress on mainstreaming their concerns in the mission.

Advocacy on the Protection of Children Affected by Armed Conflict

48. The SRSG/HOM, with the support of CPAs, shall identify jointly with, UNICEF and members of the UN Country Team (UNCT) and national actors as appropriate, the child protection priorities in the mission area and support when needed, advocacy on child protection issues in the mission area.

49. The Child Protection Adviser acts as an advocate, facilitator and adviser to the mission leadership on pertinent child protection issues that require attention.
50. In support of advocacy efforts on the ground, additional support for global advocacy shall be coordinated with the SRSG-CAAC, who serves as a moral voice and independent advocate for the protection and well-being of girls and boys affected by armed conflict at a global level.

D.3. Strategic partnerships

51. DPKO supports the work of the relevant actors, in particular the SRSG-CAAC, UNICEF, UNHCR, OHCHR, ILO and other relevant members of the UNCT.
52. DPKO's engagement on child protection will be guided by the principles of the best interests of the child, complementarity, cooperation and coordination with all relevant UN agencies, funds and programs within their respective mandates in addressing the protection of children in armed conflict.
53. At both headquarters and field level, DPKO shall encourage complementary protection strategies with UNICEF, and relevant child protection agencies as well as relevant members of the UN country team building on the comparative advantages of each actor within their respective mandates.
54. The department shall strive to ensure clarity of roles to maximize efficiency, minimize duplication to achieve optimal impacts on the protection of children affected by armed conflict.

The Office of the Special Representative of the Secretary-General for Children and Armed Conflict (OSRSG-CAAC)

55. As the office responsible for the integration of the rights and concerns of children affected by armed conflict into the United Nations peace and security, humanitarian and development agendas throughout all phases of conflict prevention, peace-building, peacemaking and peacekeeping activities the OSRSG-CAAC will provide substantive support and backstopping to DPKO in the implementation of this Policy and its mainstreaming efforts.
56. This will include provision of relevant technical advice, training and advisory services on the implementation of Security Council Resolutions, and follow-up to the Conclusions and Recommendations of the Security Council Working Group on Children and Armed Conflict as required.
57. Child Protection Advisers shall also benefit from methodological tools developed by OSRSG-CAAC and its partners as well as relevant guidance stemming from the monitoring and jurisprudential work of the Committee on the Rights of the Child.
58. To further the mainstreaming of CAAC issues within the department, DPKO shall develop strategies in conjunction with the Special Representative of the Secretary-General on CAAC, and other relevant actors to follow up on Security Council resolutions and other commitments to protecting the rights of children affected by armed conflict.

United Nations Children's Fund (UNICEF)

59. At both headquarters and field level, DPKO shall ensure coordinated and complementary child protection strategies with UNICEF and relevant child protection actors and mechanisms.
60. DPKO and UNICEF will collaborate closely at headquarters level to identify areas where guidelines could be developed to ensure seamless coordination in addressing the protection of children affected by armed conflict and promote their application in the field.
61. Where CPAs are deployed, DPKO shall promote clarity of roles and responsibilities and maintain a constant process of dialogue with concerned agencies, especially UNICEF and other members of the UNCT, through coordination, planning and information sharing and protection mechanisms, including the Integrated Mission Task Forces (IMTFs).

E. TERMS AND DEFINITIONS

Mainstreaming: Mainstreaming of children's concerns entails a demonstration of full commitment to and promotion of concerns related to children at all levels of the department including senior level management, integration of children's concerns into policies and strategic plans, in-house knowledge, expertise to inform policies and day to day operations and sufficient financial capacity to fulfill these commitments⁷

F. REFERENCES

Normative and Superior References

- Convention on the Rights of the Child (CRC) (1989)
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OP-CRC-AC) (2000)
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OP-CRC-SC) (2000)
- Relevant provisions of the four Geneva Conventions of 1949 and the two Additional Protocols to the Geneva Conventions (1977)⁸
- Rome Statute of the International Criminal Court (1998)
- International Labour Organization (ILO) Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999)
- International Covenant on Civil and Political Rights (ICCPR) (1966);
- Convention on Cluster Munitions (2008);
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (1984);

⁷ Report of the Secretary-General: Comprehensive assessment of the United Nations system response to children affected by armed conflict (A/59/331)

⁸ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Geneva Convention, GC I); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Geneva Convention, GC II); Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention, GC III); Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention, GC IV); Protocol Additional to the Geneva Conventions and relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I, AP I); Protocol Additional to the Geneva Conventions and relating to the Protection of Victims of Non-International Armed Conflicts (Additional Protocol II, AP II)

- Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (CCW) (1980 (particularly Protocol II and V);
- Convention on the prohibition of the Use, Stockpiling, production and transfer of Anti-personnel mines and on their destruction (1997);
- United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the UN Convention against Transnational Organized Crime (2001)
- Security Council Resolutions 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004) and 1612 (2005) on children and armed conflict
- Security Council Resolutions 1325 (2000) on women peace and security and 1820 (2008) on acts of sexual violence against civilians in armed conflict

Regional Legal Instruments (as applicable)

- African Charter on the Rights and Welfare of the Child (1999).
- European Union Code of Conduct on Arms Exports (1998)

Relevant Inter-agency UN Guidelines

- The Principles and Guidelines on Children associated with Armed Forces or Armed Groups (Paris Principles) (2007);
- UN Integrated Disarmament, Demobilization and Reintegration Standards (IDDRS), in particular module 5.30 on Children and DDR (2006);
- Guidance Note of the Secretary-General: UN Approach to Justice for Children (2008)
- UN Guidelines on justice in matters involving child victims and witnesses of crime (2005);
- UN Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (2001);
- UN Rules for the protection of juveniles deprived of their liberty (1990);
- UN Standard Minimum Rules for the administration of juvenile justice (1985);
- IMPP Guidelines: Role of the Headquarters, Integrated Planning for UN Field Presences.

Related Policies

- United Nations Peacekeeping Operations Principles and Guidelines
- Secretary-General's Note of Guidance on Integrated Missions
- Integrated Mission Planning Process
- DPKO/DFS Policy on Authority, Command and Control in United Nations Peacekeeping Operations (2008)
- DPKO Policy on Gender Equality (2006)
- Primer for Justice Components in Multidimensional Peace Operations: Strengthening the Rule of Law (2006)

G. MONITORING AND COMPLIANCE

62. The overall management and oversight of the Child Protection Policy is the responsibility of the Special Representative of the Secretary-General/Head of Mission.
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H. CONTACT

63. The contact for this Policy is the Child Protection Focal Point within Peacekeeping Best Practices Section in the Department of Policy Evaluation and Training, DPKO.

I. HISTORY

64. This is a new policy and has not been amended.

APPROVAL SIGNATURE:

A-k [signature]

DATE OF APPROVAL:

19 MAY 2009

ANNEX: EXTRACTS OF RELEVANT SECURITY COUNCIL RESOLUTIONS

I. Resolution 1261 (1999) adopted by the Security Council at its 4037th meeting, on 25 August 1999

The Security Council,

Paragraph 16: *Undertakes*, when taking action aimed at promoting peace and security, to give special attention to the protection, welfare and rights of children, and *requests* the Secretary-General to include in his reports recommendations in this regard;

Paragraph 19: *Requests* the Secretary-General to ensure that personnel involved in United Nations peacemaking, peacekeeping and peace-building activities have appropriate training on the protection, rights and welfare of children, and *urges* States and relevant international and regional organizations to ensure that appropriate training is included in their programmes for personnel involved in similar activities;

II. Resolution 1314 (2000) adopted by the Security Council at its 4185th meeting, on 11 August 2000

The Security Council,

Paragraph 12: *Reaffirms* its readiness to continue to include, where appropriate, child protection advisers in future peacekeeping operations;

III. Resolution 1379 (2001) adopted by the Security Council at its 4423rd meeting, on 20 November 2001

The Security Council,

Paragraph 2: *Expresses* its readiness explicitly to include provisions for the protection of children, when considering the mandates of peacekeeping operations, and reaffirms, in this regard, its readiness to continue to include, where appropriate, child protection advisers in peacekeeping operations;

Paragraph 10: *Requests* the Secretary-General to:

- (a) Take the protection of children into account in peacekeeping plans submitted to the Security Council, inter alia, by including, on a case by case basis, child protection staff in peacekeeping and, as appropriate, peace-building operations and strengthening expertise and capacity in the area of human rights, where necessary;
- (b) Ensure that all peacekeeping personnel receive and follow appropriate guidance on HIV/AIDS and training in international human rights, humanitarian and refugee law relevant to children;
- (c) Continue and intensify, on a case by case basis, monitoring and reporting activities by peacekeeping and peace-building support operations on the situation of children in armed conflict;

IV. Resolution 1460 (2003) adopted by the Security Council at its 4695th meeting, on 30 January 2003

The Security Council,

Paragraph 9 *Reiterates* its determination to continue to include specific provisions for the protection of children in the mandates of United Nations peacekeeping operations, including provisions recommending child protection advisers on a case by case basis and training for United Nations and associated personnel on child protection and child rights;

Paragraph 15: *Requests* the Secretary-General to ensure that in all his reports to the Security Council on country-specific situations, the protection of children in armed conflict is included as a specific aspect of the report;

V. Resolution 1539 (2004) adopted by the Security Council at its 4948th meeting, on 22 April 2004

The Security Council,

Paragraph 4: *Calls upon* all parties concerned to abide by the international obligations applicable to them relating to the protection of children affected by armed conflict, as well as the concrete commitments they have made to the Special Representative of the Secretary-General for Children and Armed Conflict, to UNICEF and other United Nations agencies, and to cooperate fully with the United Nations peacekeeping missions and United Nations country teams, where appropriate in the context of the cooperation framework between the United Nations and the concerned government, in the follow-up and implementation of these commitments;

Paragraph 5(a): *Calls upon* these parties to prepare within three months concrete time bound action plans to halt recruitment and use of children in violation of the international obligations applicable to them, in close collaboration with United Nations peacekeeping missions and United Nations country teams, consistent with their respective mandates:

Paragraph 7: *Decides* to continue the inclusion of specific provisions for the protection of children in the mandates of United Nations peacekeeping operations, including, on a case-by-case basis, the deployment of child protection advisers (CPAs), and requests the Secretary-General to ensure that the need for, and the number and roles of CPAs are systematically assessed during the preparation of each United Nations peacekeeping operation;

Paragraph 14: *Reiterates its request* to the Secretary-General to ensure that in all his reports on country-specific situations, the protection of children is included as a specific aspect of the report and expresses its intention to give its full attention to the information provided therein when dealing with those situations on its agenda and in this regard stresses the primary responsibility of the United Nations peacekeeping missions and United Nations country teams, consistent within their respective mandates, to ensure effective follow-up to this and the other resolutions;

VI. Resolution 1612 (2005) adopted by the Security Council at its 5235th meeting, on 26 July 2005

The Security Council,

Paragraph 10: *Stresses* the responsibility of United Nations peacekeeping missions and United Nations country teams, consistent with their respective mandates, to ensure effective follow-up to Security Council resolutions, ensure a coordinated response to CAAC concerns and to monitor and report to the Secretary-General;

Paragraph 11: *Welcomes* the efforts undertaken by United Nations peacekeeping operations to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of their personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take appropriate preventive action including pre-deployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of misconduct involving their personnel;

Paragraph 12: *Decides* to continue the inclusion of specific provisions for the protection of children in the mandates of United Nations peacekeeping operations, including the deployment, on a case-by-case basis, of child-protection advisers (CPAs), and requests the Secretary-General to ensure that the need for and the number and roles of CPAs are systematically assessed during the preparation of each United Nations peacekeeping operation; welcomes the comprehensive assessment undertaken on the role and activities of CPAs with a view to drawing lessons learned and best practices;

Paragraph 15: *Calls upon* all parties concerned to abide by the international obligations applicable to them relating to the protection of children affected by armed conflict as well as the concrete commitments they have made to the Special Representative of the Secretary-General for Children and Armed Conflict, to UNICEF and other United Nations agencies and to cooperate fully with the United Nations peacekeeping missions and United Nations country teams, where appropriate, in the context of the cooperation framework between the United Nations and the concerned Government, in the follow-up and implementation of these commitments;

Paragraph 18: *Requests* that the Secretary-General direct all relevant United Nations entities to take specific measures, within existing resources, to ensure systematic mainstreaming of CAAC issues within their respective institutions, including by ensuring allocation of adequate financial and human resources towards protection of war-affected children within all relevant offices and departments and on the ground as well as to strengthen, within their respective mandates, their cooperation and coordination when addressing the protection of children in armed conflict;