

Memorandum of Understanding
between
the Justice and Equality Movement (JEM)
and
the United Nations
Regarding
Protection of Children in Darfur

Background

On 10-11 July 2008 the Sudanese opposition movements and representatives from the African Union (AU), the United Nations (UN), non-governmental organizations (NGOs) and others met at the Geneva-based Humanitarian Dialogue Center (HDC). The purpose of the meeting was to initiate the dialogue on humanitarian issues in Darfur. As a follow up, a Humanitarian Workshop on Darfur, with the support of OCHA, took place on 30 September-1 October 2009 in Nairobi with the participation of the Justice and Equality Movement (JEM).

In further discussions with the United Nations Children's Fund (UNICEF) and the UN, JEM reaffirmed its commitment to guarantee the protection of children in Darfur in accordance with the principles of human rights and international humanitarian law. JEM specifically stated that it will adopt measures for ensuring protection of children in Darfur and reaffirmed its commitment to refrain from recruiting or using children for military operations, whether as combatants or in other roles.

Within this framework, UNICEF continued its discussions with JEM to develop this Memorandum of Understanding with the United Nations. This Memorandum has been elaborated with due consideration to the procedures and framework of the Darfur Peace Agreement, and the lasting impact that its conclusions and implementation will have on the children in Darfur.

Preamble

Reaffirming the UN Security Council resolutions 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004), 1612 (2005) and 1882 (2009) that condemn and call for an end to the recruitment and use of children, killing and maiming of children and/or rape and other sexual violence against children by parties to armed conflict and request parties to the conflict to develop action plans to halt the violations committed against children.

Recalling international and regional instruments, such as the Additional Protocols to the Geneva Conventions, the Convention on the Rights of the Child and its Optional Protocol on the Involvement of Children in Armed Conflict, the African Charter on the Rights and Welfare of the Child that have been ratified by Sudan, as well as national legislation including the 2009 Child Act, which set the legal framework for the protection of children.

Guided by the Paris Commitments, the Paris Principles and the Integrated Disarmament, Demobilization and Reintegration Standards, which inform the process for the handover, disarmament, demobilization and reintegration of boys and girls associated with armed forces and armed groups.

Recalling the specific mandate of UNICEF to assist in the identification, removal, family reunification and reintegration of children associated with armed forces and armed groups.

Recalling the commitment made by JEM for fully supporting the efforts of humanitarian organizations to assist the people of Darfur and ensuring access and security for humanitarian workers and humanitarian relief.

Through this Memorandum of Understanding, JEM confirms its intention to meet its obligations to protect children from violations in compliance with the provisions of the international and national instruments mentioned above, and to seek support from the United Nations as needed. In particular, JEM confirms its intention to fully implement the specific commitments detailed in the Articles of this Memorandum of Understanding.

Article 1 – Commitments

1.1. By signing this Memorandum of Understanding, JEM has committed itself to continued respect to human rights and fundamental freedoms for the people in Darfur as well as fully and effectively implementing the following:

Actively support UNICEF work on the protection and wellbeing of children affected by the conflict in Darfur.

Prevent and work to end the association, recruitment and use of children under the age of 18, including those in non-combatant or supportive roles.

Prevent and work to end the killing and maiming of children and acts of sexual violence against children.

Provide special protection to girls among the affected targeted children.

Release and handover to UNICEF all boys and girls under the age of 18 associated with the JEM if any and facilitate their reintegration.

Release and handover to UNICEF all boys and girls under the age of 18 not directly associated with JEM if any who might have been recruited or used by other parties to the conflict.

Ensure that children who have crossed an international border are treated in accordance with international human rights and humanitarian law, those applicable to refugees and the commitments made in the present Memorandum of Understanding.

Adhere to the principle that the release of all children will be ensured unconditionally at all times.

1.2. JEM has committed itself to **take action, including:**

Conduct assessments to determine if children are at risk of violations listed under 1.1 above.

Identify actions to prevent and end violations against children; issue appropriate orders to this effect; and ensure implementation of such orders.

Investigate allegations and ensure accountability for violations that have occurred.

Ensure that child victim of violations receive the best possible support.

Conduct regular monitoring and issue periodic reports on the implementation of this Memorandum of Understanding.

1.3. JEM has committed itself to independent verification of implementation of this Memorandum of Understanding, including:

Guarantee unimpeded and regular access to all relevant JEM places, persons and relevant documents for the UNICEF and UN monitoring and reporting staff to monitor and verify compliance.

Establish an emergency procedure for independent verification of incidents.

Guarantee full security and access to UNICEF staff.

1.4. JEM has committed itself to designate personnel and allocate the necessary resources to implement the specific actions listed in 1.2. above:

Designate a senior official to be responsible for oversight of the Memorandum of Understanding's implementation.

Designate an official to serve as liaison with the UN and other external actors regarding day-to-day implementation of this Memorandum.

Designate a sufficient number of officials to serve as emergency contacts for the UN and other external actors; and consider assigning focal points for specific issues.

1.5. UNICEF in collaboration with UN and NGO partners commits to providing support for the identification, verification, release, rehabilitation, reunification and reintegration of children associated with armed forces and armed groups and for the protection and prevention of children from abuse, exploitation and violence. Such support will be provided within the context of a wider programme for enhancing the protective environment for children affected by the armed conflict in Darfur, including children who are associated with armed groups, displaced, abducted, raped, detained or otherwise separated from their families, as well as other basic humanitarian assistance to conflict affected areas in Darfur.

Article 2 – Principles of Humanitarian Assistance

2.1 UNICEF mandate and actions are guided by the principles of international humanitarian law. The basic elements of these principles are drawn from UN General Assembly Resolution 46/182 and other instruments, including the 1949 Geneva Conventions and the 1977 Additional Protocols relating to the protection of victims of war, the protection of victims of international and non-international armed conflicts, the Convention on the Rights of the Child and the two Optional Protocols, the Guiding Principles on Internal Displacement and other international human rights instruments.

2.2. UNICEF commits to ensure the provision of assistance to children covered by this Memorandum and to facilitate its implementation guided by the humanitarian principles of humanity, neutrality and impartiality. Upholding these principles means that such assistance is provided on the basis of need, independently from political, cultural, social, religious or racial considerations.

2.3. The principles of the best interest of the child, participation and respect for the views of the child, non-discrimination, accountability and transparency and confidentiality as enshrined in the Convention on the Rights of the Child will guide the implementation of this Memorandum.

2.4. Any humanitarian assistance provided in the context of this Memorandum of Understanding is **for the protection of children** in Darfur.

Article 3 - Code of Conduct

3.1. All UNICEF and the UN staff, as well as partners identified to support the implementation of the present Memorandum must commit themselves to the Code of Conduct for humanitarian staff, which includes upholding the Minimum Standards for the protection of women and children against sexual abuse and exploitation.


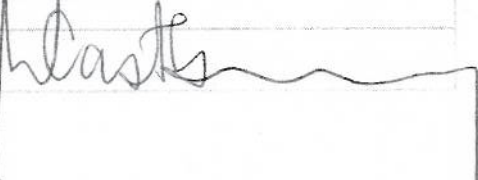
Article 4 – Scope and Duration

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- 4.1.** This Memorandum of Understanding applies to JEM, including any officially designated personnel acting on behalf of or in the name of JEM and to all of the Party's actions that have an impact on the protection of children.
- 4.2.** This Memorandum of Understanding applies to all children affected by the armed conflict in Darfur without distinction.
- 4.3.** Commitments made under the Memorandum of Understanding do not in any way change or negate separate commitments to international actors.
- 4.5.** This Memorandum of Understanding shall not affect the legal status of any party to the armed conflict.
- 4.6.** This Memorandum of Understanding will be complemented by a time-bound Action Plan describing the main activities to implement this Memorandum of Understanding.
- 4.7.** This Memorandum of Understanding takes effect on the date of signature.

In witness whereof, the duly authorized representatives of the parties sign this Memorandum of Understanding on 21 July 2010, in Geneva, Switzerland.

For and on behalf of

Justice and Equality Movement	The United Nations
Mr Sulieman Mohammed Jamous	Mr Georg Charpentier
Secretary for Humanitarian Affairs	UN Deputy SRSG - Resident and Humanitarian Coordinator in Sudan
Signature 	Signature 

Witnessed by

Mr Nils Kastberg

Representative, UNICEF - Sudan

Signature:

