

Action Plan –Operational Mechanism to prevent and end recruitment and use of child soldiers

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Justice and Equality Movement Sudan (JEM)



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Action Plan

Operational Mechanism to prevent and end recruitment and use of child soldiers

Attention: Ms. Aichatou Mindaoudou Souleymane, Acting Joint Special Representative for the African Union/ United Nations Mission in Darfur.

Please transmit copy to:

Secretary-General, United Nations.

Chairman, African Union.

Commissioner of Peace and Security, African Union.

The Leadership of the Justice and Equality Movement Sudan (JEM) acknowledges the Security Council resolutions on children in armed conflict, in particular resolutions 1539 (2004) of 22 April 2004, 1612 (2005) of 26 July 2005, 1882 (2009) of 4 August 2009, and 1998 (2011) of 12 July 2011. JEM herewith re-affirms full adherence to the international norms and standards, and the comprehensive framework protecting children in situation of armed conflict.

Amid continuous efforts to protect children against all forms of violations, on 20 March 2012, the Leadership of JEM signed a Deed of Commitment under the Geneva Call to a Total Ban on Anti-personnel Mines and for Cooperation in Mine Action, recognizing the global scourge of anti-personnel mines which indiscriminately and inhumanely kill and maim civilians and combatants, mostly innocent and defenseless people, especially women and children, even after the armed

conflict is over. Also, earlier in 2010, the Leadership of JEM signed with UNICEF a Memorandum of Understanding (MoU) pertaining to the plight of children in Darfur and Sudan.

The Leadership of JEM condemns and prohibits all forms of violations against children in situations of armed conflict and in particular the most common violations listed by the Security Council in its resolutions 1612 (2005) and 1882(2009): recruitment and use of child soldiers, sexual violence against children, abduction of children, killing and maiming of children, and attacks against schools and hospitals.

The JEM leadership is aware that allegations of child recruitment have been made against the movement, but unfortunately, it has not been afforded the opportunity of having those allegations put to it, in any detail, that would enable it to take steps to investigate internally and take the necessary remedial action if the allegation is well-founded. Similarly, if the result of an investigation is that the allegation is not well-founded to give account to the appropriate international body explaining our findings and the basis for them so that the allegations can be withdrawn.

Consultations with UNAMID at Stadschlaining, Austria.

In July 2012, the Justice and Equality Movement Sudan (JEM) held consultations with Prof. Ibrahim Gambari, Joint Special Representative of the African Union/ United Nations Mission in Darfur (UNAMID) hosted by the Austrian Study Centre for Peace and Conflict Resolution (ASPR) in Stadschlaining, Austria. Discussions included the protection of civilians, the humanitarian situation and coordination between UNAMID and JEM in the deep field. Commanders attending the consultations were also briefed on required behaviors of combatants in conflict affected areas, as well as, on the protection of children. Subsequent to these consultations, JEM agreed to issue a Command Order prohibiting recruitment and use of child soldiers followed by establishment of an Operational Mechanism: Action Plan to prevent recruitment and use of child soldiers.

Operational Mechanism

In compliance with Security Council resolutions 1539(2004) and 1612(2005) requesting parties to conflict to commit to time-bound “Action Plan” to end recruitment and use of child soldiers, the Justice and Equality Movement Sudan (JEM) is hereby establishing an “Action Plan” which translates into an Operational Mechanism that includes measures to check and prevent recruitment and use of child soldiers.

While the main concern is to protect children of Sudan, future of the land, JEM, though it categorically rejects the accusation that it recruits children as soldiers, it is aware that its name is on the List annexed to the annual Report of the UN Secretary-General for recruitment and use of child soldiers. JEM is also equally aware that the Secretary-General in his annual Report on children and armed conflict of 2010, issued delisting criteria in paragraphs 178/179/180 – reference:(A/64/742-

S/2010/181). JEM commits to fully comply with these criteria in the operationalization of this Action Plan with full implementation and expects its name to be removed from such List of violators in due course.

The UN Secretary-General's Specific de-listing criteria:

178. " A party will be de-listed on condition that there is United Nations-verified information that it has ceased commission of all the said grave violations against children for which the party is listed in the Secretary-General's report on children and armed conflict, for a period of at least one reporting cycle.

179. As part of the de-listing 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 children and armed conflict, in accordance with Security Council resolutions 1539 (2004), 1612 (2005) and 1882 (2009). The action plan should include:

(a) A halt to violations and/or the pattern of violations concerned;

(b) Official command orders issued through the chain of command of the armed force or group specifying a commitment to halt violations and to take disciplinary measures against perpetrators;

(c) An agreed means of cooperation between the party concerned and the United Nations to address grave violations committed against children;

(d) Access to territory under the control of the party and to bases, camps, training facilities, recruitment centres or other relevant installations, for ongoing monitoring and verification of compliance. The framework of access will be mutually agreed upon by the United Nations and the party;

(e) Verifiable information regarding measures taken to ensure the accountability of perpetrators;

(f) Implementation of an agreed prevention strategy by the party to address violations;

(g) Designation of a high-level focal point in the military hierarchy of the group responsible for the fulfillment of action plan criteria.

180. It should be noted that once a party is de-listed, ongoing monitoring and reporting of the situation is required as long as the Secretary-General remains concerned that such violations may

recur. The de-listed 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 de-listing, failing which it may be re-listed in the annexes and the Security Council alerted to the non-compliance. “

JEM acknowledges and fully adheres to The Cape-Town Principles of 1997, and Paris Principles of 2007, defining a “child soldier” or a “child associated with an armed force or armed group” as: any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity, including but not limited to cooks, porters, messengers, and those accompanying such groups, other than purely as family members. It includes Girls recruited for sexual purposes and forced marriage. It does not, therefore, only refer to a child who is carrying or has carried arms.

JEM calls upon all parties to the conflict in Sudan to take into full consideration children’s concerns in all peace talks and agreements, during and through to the post conflict and recovery phases, noting that children are not the causes of the conflict in Darfur/Sudan but are indeed the most victimized.

JEM invites the international community to be aware of the complexity of internal conflicts and circumstances around association of children with combatants that include abject poverty, hunger, separation from families, mass displacement, protection needs and eagerness to revenge family loss. While these circumstances do not justify recruitment and use of child soldiers as defined by the Cape-Town Principles and Paris Principles, the international community- particularly the United Nations -should allocate necessary and adequate resources to the protection, reintegration and rehabilitation of children formerly associated with armed groups and armed forces, as well as, other vulnerable children affected by armed conflicts.

JEM is committed to prevent recruitment and use of child soldiers.

JEM is committed to referring any person, if found, that might fall within the broad definition of “child soldier” as defined by the Cape Town Principles of 1997 and the Paris Principles of 2007.

JEM is committed to hand over children identified among its ranks, if any, to the United Nations or to competent actors designated by the United Nations for appropriate reintegration.

JEM remains committed to take measures to prevent recruitment and re-recruitment of children through:

Issuance of Command Order to all its field commanders and members prohibiting recruitment and use of child soldiers.

Subsequent to the Stadschlaining/ Austria consultations with the African Union/United Nations, JEM issued a Command Order on 11 September 2012, instructing all its members to refrain from recruitment and use of child soldiers. JEM acknowledges that recruitment and use of child soldiers

is a serious crime prohibited by international laws and by the Child Act 2010 (para 44) of Sudan. Commanders are instructed to extensively disseminate the Order and follow up on its full implementation. Any member of JEM who defies the Command Order will be liable to punishment in accordance with JEM military code article//1 or article// 5.

This Command Order which includes the broad definition of a 'child soldier' is adopted as annex to the Movement's Military Code of conduct.

Regular training on child protection will be provided to JEM members with support from the United Nations and specialized actors, whenever it is made available.

JEM is committed to designate a High Level Focal Point to liaise with the United Nations team during implementation.

JEM is committed to grant unhindered access to the United Nations team to monitor and verify compliance as it did to UNICEF in 2010. The United Nations team is encouraged to notify JEM's Focal Point to facilitate safe passage in areas under its control.

JEM is committed to submit Progress Reports on implementation to the United Nations and African Union through the Joint Special Representative for the African Union /United Nations Mission in Darfur (JSR/UNAMID).

Implementation

Follow-up Committee

The Chairperson of JEM nominates a Committee, to include members of the political bureau, field commanders, legal adviser and training Focal Point office, headed by the Movement's Humanitarian Affairs Secretary, which is mandated to oversee full implementation in all areas under the control of JEM.

Commitments

Actions and Timeframe

Commitment to immediately prevent recruitment and use of child soldiers.

Issuance of Command Order to all members of JEM instructing immediate end to recruitment and use of child soldiers and association with children.

Provide training on child protection to JEM members.

Punitive action against JEM members who breach the Order.

Timeframe:

Command Order issued on 11 September 2012.

Training to be provided every three to four months with the support from specialized actors.

Regular briefing provided by JEM Humanitarian Coordinator and Child Protection Focal Point.

Commitment to take measures to prevent recruitment and use of child soldiers and prevent re-recruitment.

Commitment to offer protection and refer to an appropriate authority, all children within JEM ranks if found.

As part of this Operational Mechanism, a high level representative of JEM has been appointed as Focal Point responsible for follow-up on its full implementation assisted by a Committee appointed by the Chairperson of JEM. The Focal Point will be initiating a series of field visits assisted by a team to identify children associated with members for registration and demobilization.

The list of identified children will be communicated to the African Union/United Nations for immediate release to benefit from UNICEF and partners support DDR Programs.

Timeframe:

First review of troops for identification of children to take place by end of October 2012, and thereafter every three months and ad-hoc.

Designation of High Level Focal Point to work with African Union/United Nations during implementation.

Focal Point:

JEM designated Mr Suleiman Jamous as the Focal Point with the African Union/United Nations. Mr Jamous is also the Movement's Focal Point for Humanitarian Affairs.

Timeframe:

Immediate Effect.

Grant unhindered access to the African Union/United Nations team for monitoring and verification of implementation.

JEM will grant full access to areas under its control.

Timeframe:

Access will be granted continuously.

Commitment to submit progress reports through the Joint Special Representative for the AU/UN Mission in Darfur (JSR-UNAMID) on implementation.

Reports will include achievements and constraints during the implementation.

Timeframe:

Every three months

The full implementation of this Operational Mechanism/Action Plan will be effective by 30 March 2013. Thereafter, and as long as necessary, JEM will continue its collaboration with the African Union/United Nations to prevent use of child soldiers, recruitment and re- recruitment of children.

This Action Plan will be available on the JEM webpage and is open to the public without restriction.

The Chairperson of JEM

Gebreil Ibrahim Mohamed Fediel

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Signature: Date: 25.09.12



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- 1) **JEM is committed** to prevent recruitment and use of child soldiers.
- 2) **JEM is committed** to referring any person, if found, that might fall within the broad definition of “child soldier” as defined by the Cape Town Principles of 1997 and the Paris Principles of 2007.

JEM is committed to hand over children identified among its ranks, if any, to the United Nations or to competent actors designated by the United Nations for appropriate reintegration.

- 3) **JEM remains committed** to take measures to prevent recruitment and re-recruitment of children through:

- a) Issuance of Command Order to all its field commanders and members prohibiting recruitment and use of child soldiers.

Subsequent to the Stadschlaining/ Austria consultations with the African Union/United Nations, JEM issued a Command Order on 11 September 2012, instructing all its members to refrain from recruitment and use of child soldiers. JEM acknowledges that recruitment and use of child soldiers is a serious crime prohibited by international laws and by the Child Act 2010 (para 44) of Sudan. Commanders are instructed to extensively disseminate the Order and follow up on its full implementation. Any member of JEM who defies the Command Order will be liable to punishment in accordance with JEM military code article//1 or article// 5.

- b) This Command Order which includes the broad definition of a 'child soldier' is adopted as annex to the Movement's Military Code of conduct.
- c) Regular training on child protection will be provided to JEM members with support from the United Nations and specialized actors, whenever it is made available.
- 4) **JEM is committed** to designate a High Level Focal Point to liaise with the United Nations team during implementation.
- 5) **JEM is committed** to grant unhindered access to the United Nations team to monitor and verify compliance as it did to UNICEF in 2010. The United Nations team is encouraged to notify JEM's Focal Point to facilitate safe passage in areas under its control.
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Commitments	Actions and Timeframe
1) Commitment to immediately prevent recruitment and use of child soldiers.	<ul style="list-style-type: none">- Issuance of Command Order to all members of JEM instructing immediate end to recruitment and use of child soldiers and association with children.- Provide training on child protection to JEM members.- Punitive action against JEM members who breach the Order. <p>Timeframe: Command Order issued on 11 September 2012.</p> <p>Training to be provided every three to four months with the support from specialized actors.</p> <p>Regular briefing provided by JEM Humanitarian Coordinator and Child Protection Focal Point.</p>
2) Commitment to take measures to prevent recruitment and use of child soldiers and prevent re-recruitment.	
3) Commitment to offer protection and refer to an appropriate authority, all children within JEM ranks if found.	As part of this Operational Mechanism, a high level representative of JEM has been appointed as Focal Point responsible for follow-up on its full implementation assisted by a Committee appointed by the Chairperson of JEM . The Focal Point will be initiating a series of field visits assisted by a team to identify children associated with members for registration and demobilization.

	<p>The list of identified children will be communicated to the African Union/United Nations for immediate release to benefit from UNICEF and partners support DDR Programs.</p> <p>Timeframe: First review of troops for identification of children to take place by end of October 2012, and thereafter every three months and ad-hoc.</p>
4) Designation of High Level Focal Point to work with African Union/United Nations during implementation.	<p>Focal Point: JEM designated Mr <u>Suleiman Jamous</u> as the Focal Point with the African Union/United Nations. Mr Jamous is also the Movement's Focal Point for Humanitarian Affairs.</p> <p>Timeframe: Immediate Effect.</p>
5) Grant unhindered access to the African Union/United Nations team for monitoring and verification of implementation.	<p>JEM will grant full access to areas under its control.</p> <p>Timeframe: Access will be granted continuously.</p>
6) Commitment to submit progress reports through the Joint Special Representative for the AU/UN Mission in Darfur (JSR-UNAMID) on implementation.	<p>Reports will include achievements and constraints during the implementation.</p> <p>Timeframe: <u>Every three months</u></p>

The full implementation of this Operational Mechanism/Action Plan will be effective by **30 March 2013**. Thereafter, and as long as necessary, **JEM** will continue its collaboration with the African Union/United Nations to prevent use of child soldiers, recruitment and re- recruitment of children.

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77

The Chairperson of JEM

Gebreil Ibrahim Mohamed Fediel

Signature:



Date:

25.09.12