

MODULE 3

TRAINER’S ACTIVITY GUIDE

Role of Military Child Protection Focal Points Military Occupation of Schools

AIM

The aim of this exercise is to enhance learners’ understanding of how military contingents may respond to situations at the tactical level to protect children’s rights and promote an integrated and comprehensive response to child protection in the mission area.

LEARNING OBJECTIVES

- Discuss the role of the military component in support of child protection in the United Nations mission area, with regard to the illegal occupation of schools
- Recognize appropriate military responses to realistic situations at the tactical level and identify legal sources of authority and obligation to take action
- Describe the operational framework for collaborating with host country forces and partners, and the approach to be adopted to share concerns and take action, as appropriate
- Discuss the roles and functions of other mission components and external partners in dealing with child protection issues
- Recognize the processes and issues related to coordination among mission actors
- Identify the military tasks involved in an integrated mission response to mitigate the risk of grave violations against children

BACKGROUND

This scenario is based on a real-life event that occurred in 2017, involving MONUSCO, which had a mandate to conduct offensive operations at the time. Names and locations have been removed/altered.

MISSION-SPECIFIC DIRECTIVES / GUIDELINES

For the purposes of this exercise, use MONUSCO Force Commander’s Directive – Protection of Children by MONUSCO Force (2021), Mission Y Rules of Engagement, and other documents handed out during Module 2.

SETTING

The area of Fizi in the Democratic Republic of the Congo links the inland part of South Kivu province with Lake Tanganyika. It is hilly with bush, open agricultural land and small, mostly secluded villages as well as down-river valleys that feed the lake. Legal and illegal mining is carried out in several places – many of them highly disputed. Smuggling is a critical factor and many local



boat owners and fishermen make a living by transporting materials across the lake. Local teachers, village elders, female groups and priests play an important role in the communities. Infrastructure is very poor and the area is easily infiltrated. Destructive forces, such as local, self-proclaimed protection organizations, dissident splinter groups and non-aligned armed groups (hereafter referred to as “armed groups”), harass the local population. Located in the mission’s Southern Sector, this area does not have sufficient UN troops to cover the whole province and armed groups move relatively freely. Elements of the host government’s security forces (the Armed Forces of the Democratic Republic of the Congo (known by their French acronym, FARDC), and Police) have been conducting joint operations with the MONUSCO Force. Although incidents resulting from their indiscipline and human rights violations have been gradually decreasing, they are still common.

Recently, a collection of local armed groups (Mayi Mayi) aligned together and mounted an offensive against the host government’s security forces (FARDC/Police) and UN Forces, which almost removed their presence from Uvira (the regional capital and UN Battalion HQ). The Southern Sector brigade launched a counteroffensive to block the Mayi Mayi in order to allow the FARDC to regroup, and prepare and mount operations to force the Mayi Mayi to withdraw.

SITUATION

During the mission’s Senior Management Group daily update, the Child Protection Section/Unit mentioned that it had received a report from UNICEF the previous day, stating that Captain Willy’s Mayi Mayi group have occupied a high school in Swima (10 km west of Uvira). Captain Willy had indicated that the Mayi Mayi group needed to use the school for seven days. He has a history of abducting and sexually abusing children.

After the meeting, the Force Commander asks you – the Force HQ military Child Protection Focal Point – to confirm the situation with the Southern Sector and to brief him on what the military component was doing about it and how the UN may be able to influence the Mayi Mayi group.

The FARDC in the Fizi area are fully committed to preparing for their future operations against the Mayi Mayi.

UN Forces in the area:

- The nearest unit is PAKBATT 2 (Pakistan battalion) in Swima. It has three company bases and one rapidly deployable company held at four hours’ Notice to Move
- The Force has unmanned aerial vehicles (UAV) that can be deployed within 24 hours

Other organizations in the area:

- The United Nations Children’s Fund (UNICEF) and the World Food programme (WFP) have personnel on the ground
- Doctors Without Borders (MSF) and the International Committee of the Red Cross (ICRC) are known to operate in the area



REQUIREMENTS

On the basis of the situation described, learners, working in assigned groups, should discuss and analyse the scenario(s) and prepare a 10-minute presentation to be delivered in plenary to the Force Chief of Staff and the Senior Child Protection Adviser (CPA).

The presentation should address:

- 1) All violations related to children's rights, human rights, international humanitarian law in the situation
- 2) The legal basis and any policy guidelines on child protection that should inform the Force Commander's decision
- 3) Whether there is imminent and/or physical threat. What would happen if no action is taken
- 4) The objective that the joint forces are trying to achieve and the options for achieving it
- 5) The specific action that can be taken to support possible victim(s) and mitigate the impact on the local community?
- 6) The mission components and external actors to be informed of the event, and why? Also, how to share information with the stakeholders concerned

CONDUCT OF THE EXERCISE

The groups have 120 minutes (2 hours) to discuss the situation(s), formulate recommendations and prepare the presentation/report. Each group will have 10 minutes to present their solutions in plenary. The trainer(s) will review the written report and provide feedback to each group separately.

To support the formulation of recommendations by the groups, trainers/facilitators will play the following roles and be available to answer questions and provide other information:

- (1) Force Chief of Staff (FCOS)
- (2) Sector/Brigade HQ (for UN PAKBATT Commander)
- (3) Representatives from Doctors Without Borders (MSF) and/or the International Committee of the Red Cross (ICRC)
- (4) Senior Child Protection Adviser
- (5) Staff from the Human Rights Division

During this exercise, role players will engage in face-to-face interaction with learners. However, in real life, some of these actors would have to be contacted by radio or telephone.

TRAINER'S NOTES

The exercise is intended to provide military Child Protection Focal Points with possible situations that they may experience at the operational level within Force HQ. The scenario is based on actual events in a specific mission.



Trainers should mentor/guide the discussion groups closely to ensure that learners understand the purpose/aim of the exercise and stay focused on the issues to be addressed. The **primary objective, from an adult-education perspective**, is that learners think, discuss and reach a solution based on their experience and knowledge acquired in the training course.

The trainer(s) should emphasize the different approaches to establishing facts on the ground or assessing the possible impact of any military actions against Captain Willy and/or the Mayi Mayi group on children and local communities. Possible approaches and recommendations that should be included in the group presentations are highlighted below:

- 1) What are the possible violations to children’s rights, human rights or international humanitarian law in this scenario?
 - a) **IHL: Additional Protocol I (Article 48) to the Geneva Conventions**, stipulates the principle of distinction between civilian objects and military objectives: “Parties to the conflict shall at all times distinguish between the civilian objects and military objectives, and shall direct their operations only against military objectives”; **Additional Protocol II (Article 4 (3)) to the Geneva Conventions** applies to non-international armed conflict. It sets out the principle of special protection for children: “Children shall be provided with the care and aid they require” and ensures children’s right to access to education during armed conflict: “they shall receive an education”
 - b) **SC resolution 1612 (2005)** identifies attacks and the use of schools for military purposes as a grave violation; **SC resolution 1998(2011)** includes attacks against schools and hospitals as triggers for listing on the annexes of the Secretary-General’s report
 - c) **CRC (Article 28)**: “Every child has the right to education”
- 2) Explain the legal basis and any policy guidelines on child protection that should inform the Force Commander’s decision.
 - a) **MONUSCO’s child protection mandate is clear** (see handout of extracts from SC resolutions from Module 2)
 - b) *The presence of armed groups in schools increases the risk of children being forcibly recruited into the armed group, abduction of children, sexual violence against children*
 - c) **MONUSCO Force Commander’s Directive – Protection of Children by MONUSCO Force** (para. 4): “All Force members must be aware of the grave violations against children in armed conflict in order to prevent them from happening and protect those who are most vulnerable. Each member of the military component must understand the problems faced by children, and look for warning signs related to the six grave violations.”
 - d) *Captain Willy’s history in the area and past violations are evidence that he and the members of his armed group are an imminent threat. Once this has been determined, the mission and the military component must take action to mitigate the threat. The aim should be to disarm Captain Willy and the members of his armed group and hand them over to the local host government authorities*
 - e) *The legal basis for the use of force is specified in the rules of engagement of Mission Y:*
 - (1) **Mission Y rules of engagement** (Annex A, Rule 1.7): “...protection of civilians, including humanitarian workers, under imminent threat of physical violence”



(2) Rule 4.1: "Detain, Search and Disarm"

(3) Annex B, paragraph 7: Definition of hostile intent. The provisions therein authorize the use of force, if needed, to detain, disarm and hand over Captain Willy to local host government authorities

3) Is there imminent and/or physical threat?

Yes, Captain Willy is liable to abduct and sexually abuse children in the village.

What would happen if no action is taken?

Children would be abducted and subjected to sexual violence; the UN would be accused of doing nothing and will lose the trust of the local community.

4) What objective(s) are the joint forces trying to achieve?

a) Captain Willy and members of his armed group to vacate the school; Captain Willy to be captured/detained and handed over to competent local host government authorities; members of the armed group to surrender (with DDR or sanctioned as necessary); any abducted/recruited children to be secured and referred to child protection specialists

b) The school should be re-opened

c) The case should be publicized to demonstrate that there is no impunity

d) Other Mayi Mayi elements should be engaged in dialogue to sensitize them that schools should not be used in armed conflict, and that they are committing one of the six grave violations against children in armed conflict if they attack/occupy schools

What are the options for achieving the objective(s)?

a) Dialogue and engagement should be the first strategy, followed by the threat of force

b) Engage with Captain Willy, but also with any actors that influence him, for example, senior local leaders

c) Any action taken against Captain Willy must take into account the safety of the villagers and the children within the armed group

5) What specific action can be taken to support possible victim(s) and mitigate the impact on the local community?

a) As soon as possible, children in the armed group must be separated, secured, searched, disarmed, provided with medical support, food, water and all essentials

b) The Senior Child Protection Adviser must be involved in the planning of the operation, so that the evacuation of the children can be prepared and arranged, and their transfer made to the appropriate child protection actors in a timely manner

c) Child victims of sexual violence should be referred, with their consent, to child protection actors/designated service provider for assistance and support services (activate referral mechanism)

6) Which mission components and external actors should be informed of the event, and why?

a) It is imperative that Force HQ have close dialogue/collaboration with the mission Child Protection staff in planning and executing this operation



- b) *Other mission stakeholders are the Human Rights Division, Child Protection Section/Unit, Protection of Civilian (POC) Adviser, and political leadership of the mission. The POC Working Group at mission HQ and at Sector/Brigade HQ should also be involved*
- c) *External partners must also be informed, in particular UNICEF and WFP, which are UN country team partners with a presence on the ground. ICRC and Doctors Without Borders (MSF) are likely to keep some “distance” from the UN, however, information should be shared with them where and when appropriate*

How would you share information with the stakeholders concerned?

Recap how to share information.

Recommendations should be included in the presentation. In a real situation, it is important that assessment of the situation and recommendations on how to respond are communicated to both the Force Chief of Staff and the Senior Child Protection Adviser. The military Child Protection Focal Point may also be tasked with producing a report on the situation.

GUIDANCE FOR ROLE PLAYERS

The trainer(s) should act as role players for this scenario. This requires a diverse facilitation team, which can assume the following roles. Guidance on the individual roles is provided below:

Force Chief of Staff:

- You are primarily concerned with sustaining the joint operation with the FARDC and, at the same time, addressing the school occupation
- You can authorize the use of UAVs, but it will take 24 hours to get them into place
- If asked about the tactical situation, you must refer to Sector/Brigade HQ and the tactical-level formation on the ground
- If learners are struggling with responding to this scenario, ask them to consider a Joint Mission Planning Approach, e.g., bringing together two groups of learners

Senior Child Protection Adviser:

- Ideally, you are the first or second person (behind the Force Chief of Staff) that the group(s) should speak with
- You should emphasize that occupation of schools by armed groups happens regularly in this area, and that you want the Force to take appropriate action
- If asked whether you can confirm the incident, remind the groups that the Child Protection Section/Unit reported it, and indicate that UNICEF is also present in the area
- You want the Force to take such grave violations more seriously
- You want to know what the Force is going to do to stop a recurrence of this in the future, as there seems to be no joint/coordinated approach to prevent these violations
- In addition, you are in contact with UNICEF, which has personnel on the ground in Uvira. UNICEF has conveyed the following **key concerns** to you:
 - Concerned about safety of its personnel and their ability to operate in the area
 - The school is occupied by Mayi Mayi elements and their behaviour indicates that they are planning to occupy the school for a significant period of time



- Would like to know what MONUSCO and the Force are doing about this situation
- Emphasized that they have reported this sort of activity several times before, and that no action has been taken by MONUSCO

PAKBATT Commander:

- You must only speak to the group if their “communication” is coming through Sector/Brigade HQ
- You have had issues with Captain Willy’s unit in the past; he is known to have abducted children and to have used children in different functions, including for sexual purposes
- You can support any action against Captain Willy; you have a Rapid Deployment Company ready to be deployed at short notice. However, you would prefer to have better visibility on the ground
- Any orders to move must come through Sector/Brigade HQ

Representatives from Doctors Without Borders (MSF) and/or International Committee of the Red Cross (ICRC):

- You are “standoffish” vis-à-vis the Force and want to remain impartial
- You are worried that your hospital in the area will be the next “target” of Captain Willy and members of his Mayi Mayi armed group. Captain Willy has told your staff that he does not like them
- You would like the Force to de-escalate the situation

Staff from the Human Rights Division:

- You have solid information that Captain Willy and his unit have regularly occupied schools and hospitals; members of his armed group also use children to carry supplies and act as scouts
- You have reported this several times and want the Force to take serious action; you also want some form of procedure to be put in place to streamline this activity/action

