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OFFICE OF THE FORCE COMMANDER

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DIRECTIVE ON THE PROTECTION OF CHILDREN BY UNMISS MILITARY FORCES

Approved by



MAJOR GENERAL MARCO ANTONIO ESTEVAO MACHADO, CHIEF OF STAFF
FOR LIEUTENANT GENERAL MOHAN SUBRAMANIAN, FORCE COMMANDER
UNITED NATIONS MISSION IN SOUTH SUDAN

Contact: Military Gender and Protection Advisor, FHQ, UNMISS

Review Date: June 2024

References

- A. 2017 DPKO/DFS/DPA Policy on Child Protection in UN Peace Operations
- B. UNMISS FORCE OPERATION ORDER (OPORD) 01/22
- C. UNMISS SOP for FHQ 2020
- D. UNMISS/FHQ/MILGENAD/01/20 Force Tactical Guidelines on integrating a Gender Perspective

Background

1. Children in South Sudan remain highly vulnerable to grave violations and despite some progress, all six grave violations against children continue to be committed by all parties to conflict in the UNMISS Area of Responsibility (AOR). The six grave violations are i) killing and maiming, ii) recruitment or use of children in armed forces and groups, iii) attacks on schools & hospitals, iv) rape or other grave sexual violence, v) abduction and xi) denial of humanitarian access for children.

2. Both national security forces and armed opposition groups in South Sudan have been listed by the UN Secretary General for consistently perpetrating grave violations against children. SSPDF is listed for recruitment and use, killing and maiming, abduction and rape and other forms of sexual violence.¹ SPLA-IO is also listed for recruitment and use, killing and maiming and abduction of children.

3. The UN Security Council in Resolution 2677 directs UNMISS to provide specific protection for women and children, including through the continued and consistent use and deployment of UNMISS's Child Protection Advisers, Women Protection Advisers, and uniformed and civilian Gender Advisers, and share best practices with relevant local stakeholders for the purpose of capacity building, and to further deter, prevent, and respond to sexual and gender-based violence.²

4. Military components of United Nations peace operations have an important role to play in protecting children and preventing violence, abuse, neglect and exploitation affecting children in the mission area, including by streamlining child protection concerns and activities in all their operations. Force Commander shall issue mission-specific directives and standard operating procedures on military actions in relation to children in the course of military operations.³ Within Force, a network of Child Protection Focal Points as mandated in this directive, provides a specialist supporting network and channel for information flow.

5. The Mission Child Protection Unit based in Juba HQ and in field offices is civilian substantive lead for child protection, supported by all personnel of United Nations peace operations, whether uniformed or civilian. The Senior Child Protection Advisor on mission is the principal interface and intermediary between UNMISS and external partners on child protection concerns as well as the lead adviser on mandate implementation in the mission.

Aim

6. This Directive mandates tasks and reporting to ensure that FHQ, Sectors, TCCs and UNMOs contribute to the effective protection of children in the execution of references B and C

¹ Children and armed conflict Report of the Secretary-General, S/2022/493, 23 June 2022

² UN Security Council Resolution 2577 (2023), paragraphs 3(a)(ii)

³ DPKO/DFS/DPA Policy on Child Protection in UN Peace Operations (2017), paragraphs 20 and 20.1

Tasks

7. Child protection is to be mainstreamed into the protection of civilians, including early warning and prevention, and military actions should be integrated as much as possible with police and civilian components of the mission.

8. Each military member of UNMISS, regardless of rank, must be aware of the six grave violations identified by the UN and understand the risks faced by children in South Sudan. **All members must act in the best interest of the child** when dealing with children. Key definitions and applicable legal principles are in Annex A.

9. UNMISS military forces must act robustly and promptly to protect children before, during and after operations, in accordance with the mandate. Accurate and prompt reporting of violations against children is to be done first for the purpose of ensuring rapid response by UNMISS, specifically the Child Protection Unit and military forces. Reporting data for monitoring purposes is important but is secondary to the requirement for action.

10. All members are to apply the general principle of **Plan-Act-Alert and Protect**.

a. **Plan.** All members must be proactive in preventing the commission of any grave violations against children.

i. at Force HQ level, all CONPLANS must include effective steps to mitigate the risk of harm to children, whether caused by Force or by other actors. In general, intelligence-led planning must be based on analysis of the specific risks to children in different parts of the AOR. Planning of operational priorities and force disposition must take into consideration these risks.

ii. at sector and TCC level, all plans must be proactive in protecting children, including plans for rapid response to emerging reports of children being abducted or attacked. Planners must not wait for CPU to request force protection for an activity but ensure CPU and FIOC are integrated into setting military patrol priorities regarding Children.

b. **Act.** If an imminent or actual risk of death, serious harm or disappearance of a child is identified, the first duty of all members is to take immediate action to protect the child. This may include:

i. use of force in accordance with ROE to protect the child;

ii. providing basic medical aid if asked or needed, in accordance with current UNMISS policies on providing medical assistance to civilians;

iii, securing the area until CPU or a humanitarian organization can arrange assistance for the child if humanitarian assistance is needed or requested.

iv. providing emergency transport to the child in accordance with current UNMISS policies on provision of emergency transport.

c. **Alert.** After a member has taken any necessary immediate action to protect the child, then the member must alert their chain of command and the unit/sector Child Protection Focal Point. The urgency of the situation will determine whether this occurs as part of standard incident reporting process or as a special report following the procedure in Annex B. For example, if children are seen in the camp of an armed group or in a barracks, but do not appear to be immediately at risk of violence, the patrol should observe and then alert the unit/sector Child Protection Focal Point. Examples of early warning indicators to be considered for alert reporting are in Annex C.

- d. **Protect.** Lessons learnt, information about early warning indicators and best practices must be identified and collected on an ongoing basis. That information must then be included into military tactics, techniques and procedures to improve the overall task of protecting civilians, including children. All members have a role to play.

11. Commanders and UNMOs are to reinforce international obligations to protect children, especially from the six grave violations, when conducting key leadership and community engagement at all levels. When requested by the CPU, Commanders and UNMOs should assist in follow-up engagement with key leaders and the community regarding violations that have already occurred.

12. It is essential to credible leadership engagement that Commanders and UNMOs ensure that UNMISS personnel do not commit grave violations or engage in conduct that might be mistaken as a risk to children. **Use of schools or hospitals as temporary operating bases for UNMISS military personnel is prohibited.** (Annex D)

13. UNMOs have a key role to play in observing and reporting on the situation/environment of children in the community. This includes the six grave violations, but also early warning indicators that children may be at risk (Annex C). To do this, UNMOs on patrol must:

- a. engage the local population consistently with UNMISS's community engagement framework;
- b. observe the location and general activities of children;
- c. observe the location and activities of armed children, whether co-located with armed groups or engaged in other tasks such as cattle-keeping;
- d. report the atmospherics in relation to the standing information collection plan published by the U2, differentiating observations by gender (see reference D);
- e. **avoid interviewing/interrogating children;** and
- f. where the patrol was integrated with civilian mission components, conduct an integrated debrief prior to submitting their own report to facilitate information sharing and lessons learnt.

14. U/G2 staff are to:

- a. identify information in daily reporting that indicates that violations against children are occurring and analyze trends;
- b. identify the reported perpetrators, where possible;
- c. maintain, with support from the Military Gender and Protection Advisor (MGPA) an ongoing analysis of the prevailing threats against children in the AOR;
- d. publish a standing risk analysis with respect to grave violations against children in the AOR, which is to be available to all military personnel online on an appropriate forum.

15. U/G3 staff are to ensure Force personnel are positioned and tasked to monitor risks to children, which may be different between boys and girls.

a. At Sector and TCC level, G3 staff are to route an adequate number of patrols near concentration areas of children such as schools and hospitals, including at times when children are at heightened risk, such as dusk as they return or, for girls, when they are collecting supplies for the household. Patrol planning is also to include events at which children could be expected to congregate. For example, while it is not a Force task to organize the distribution of humanitarian assistance, this activity could attract children. Staff officers should consider this when planning the times and locations of patrols in the area.

b. At Force HQ, U3 Staff are to be prepared to coordinate operational responses to a crisis involving children. In addition, the MOC Duty Officer must be prepared to receive, forward and respond to reports of violations against children (see Annex B).

c. At Sector, TCC and Force level, staff are to assess the potential risks of UNMISS operations for children, including the likelihood that children:

- i. may be harmed directly;
- ii. may unwittingly be taken into detention, eg, if an adolescent looks like an adult and is detained by UNMISS, or misidentified as associated with an armed group if they carry weapons for tribal reasons such as cattle-keeping;
- iii. may become panicked and lost/separated from their caregivers (and therefore at greater risk of harm);
- iv. may actively seek protection from UNMISS;
- v. may seek to oppose UNMISS activities, eg, by throwing stones; or
- vi. may be forced to or choose to participate in acts of violence.

16. U/G4 staff must coordinate with MSD to support tactical units with the supplies that will allow them to plan and act (see paragraph 8 above). G4 staff must be familiar with UNMISS policy regarding provision of assistance to civilians and assist in equipping patrols to provide approved emergency assistance where it is needed or requested by a child who has suffered a grave violation, and there is no humanitarian agency available.

17. U/G5 planning must include consideration of the risks to children, including in contingencies, by

- a. incorporating into all deliberate planning a section identifying relevant risks to children and means of responding to and mitigating those risks; and
- b. planning force disposition and basing to include consideration of the prevailing threats against children in each sector.

18. Contingency planning should usually be done in conjunction with the CPU, Sector Focal Points for FHQ and sectors and Contingent Focal Points for TCCs respectively. Where a risk to children is identified in contingency planning and cannot be mitigated effectively, planners must seek the advice of the CPU.

19. U/G9 All CIMIC activities must plan for positive effects and assess the risk of detrimental (under "do no harm" principles) on the protection of children and plan for such contingencies. Where an MCDA request would advance the protection of children, it should be considered a priority. If G/U9 staff have access to information that indicates that violations against children are occurring and may identify reported perpetrators, they must consolidate that information with the ongoing assessment maintained by G/U2 staff.

Reporting

20. All incidents involving actual or suspected violations against children are to be reported in accordance with Annex B.

Monitoring and Compliance

21. Child Protection Focal Points are to be appointed in FHQ, all sector and nit headquarters and TCCs. Commanders must ensure Child Protection Focal Points are able to complete their responsibilities in this directive, whether or not they are also assigned other duties.

22. Child Protection Focal Points are responsible for ensuring that this directive is complied with by all military personnel in their unit or HO, and for passing information promptly in accordance with Annex B. A statement of responsibilities is in Annex E.

23. FHQ. The MGPA is the FHQ Child Protection Focal Point and is responsible for ensuring that information is communicated to the CPU promptly, including all reports of grave violations against children. The MGPA will also keep the FC and DFC informed, as appropriate to the circumstances, and will lead the mainstreaming of child protection under this directive throughout FHQ.

24. Sector and Unit. Every sector HQ, and formed unit, is to identify an individual to be the Child Protection Focal Point within one week of beginning their contingent rotation or following a vacancy. Where a Gender and Protection Advisor is posted to the headquarters, that person shall be the Child Protection Focal Point.

25. The Child Protection Focal Point and their email, Tetra and cellphone details are to be emailed promptly to the FHQ MGPA (unmiss-fhq-mgpa@un.org)

Training

26. Induction and continuation training are critical in maintaining child protection standards in UNMISS.

a. Induction. Each incoming military member or formed contingent must be briefed on child protection generally, and on this directive, during induction. U7 Staff will develop the training material, in coordination with the MGPA and Mission CPU, and monitor its effectiveness through regular reviews and knowledge spot checks of key personnel in all locations MGPA will deliver the induction training during the weekly UNH Induction Training program; contingents conducting their own training will be responsible for including the U7-approved brief. Force members who are identified as Child Protection Focal Points are to contact the Force MGPA regarding training needs for that role.

b. Continuation Training and Assessment. G/U7 is to enable unit and sector Child Protection Focal Points train and assess their own units on a continuing basis. All sector and unit focal points are to maintain situational awareness of the UNMISS approach to child protection. They are also to conduct quarterly seminars with command personnel and provide remedial training where U7 spot checks (see preceding paragraph) identify deficiencies. As a minimum, continuation training and assessment must include the six grave violations, Plan-Act-Alert-Protect and the reporting structure in this directive.

Evaluation

27. The Military Gender and Protection Advisor, in conjunction with FHQ Evaluation section and sector Child Protection Focal Points, will evaluate the effectiveness of this directive quarterly from the date of implementation, assessing the performance of TCCs on Plan-Alert-Act-Protect using child protection checklist, assessing the currency of the Child Protection Focal Point network, the adequacy of reporting, currency of training and adequacy of implementation in operational planning activities. Recommendations for improvement should be made to the relevant FHQ Section Chief.

28. The Military Gender and Protection Advisor will review this Directive annually in March. Proposed amendments are to be forwarded to unmiss-fhg-mgpa@un.org.

Implementation

29. This directive is effective immediately on receipt. All sector and TCC commanders are to acknowledge receipt to unmiss-fhq-mgpa@un.org no later than 1 August 2023.

Distribution:

DFC
Sector Commanders
Contingent Commanders
FCOS
DCOS OPS/SUP/PET
FHQ Section Chiefs
CMO
Sector Hos

For Information:

SRSG
DSRSGs
MCOS
Mission Child Protection Advisor

KEY DEFINITIONS AND LEGAL PRINCIPLES

Definitions

1. Definition of a Child. A child is anyone under the age of 18. In cases of doubt, or if a person claims to be below 18, he or she should be given all of the special protection due to children until advised otherwise by the civilian UNMISS Child Protection Unit.
2. Six Grave Violations against Children. The UN Security Council's universally recognized six grave violations against children in armed conflict are:
 - a. Killing and maiming of children.
 - b. Recruitment and/or use of children by armed groups. This includes but is not limited to child soldiers; both girls and boys may be used by armed forces and groups in many supporting roles, including as 'wives' for soldiers, porters, messengers, cooks etc.
 - c. Rape and other forms of sexual violence against children.
 - d. Abduction of children,
 - e. Attacks against schools and/or hospitals.
 - f. Denial of humanitarian access to children.

Legal Principles

3. This summary of legal principles is a set of legal references to guide military personnel when implementing this Directive. Any question or ambiguity must be referred to the Force LEGAD in the first instance.
4. Core Principles. Further to the UN Convention on the Rights of the Child (CRC), all personnel must observe these principles when planning and conducting operations that affect children.
 - a. Best interest of the child. The best interest of children must always be the primary concern in making decisions that may affect them (article 3, CRC).
 - b. Seek and Respect for the views of the child. When a member of UNMISS is making decisions that affect children, children have the right to say what they think should happen and have their opinion taken into account (article 12, CRC). For example, a child who reports a violation must have the chance to say what they think should happen.
 - c. Right to privacy. Information relating to a child's life, history, name, families, homes, medical conditions etc. fall within the child's right to privacy. They should therefore be kept confidential, even when reporting grave violations (article 16, CRC). Sharing personal details of a child victim with third parties may endanger the child's life and that of their family and should be avoided at all costs by UNMISS-military personnel.
 - d. Right to freedom from discrimination. All children benefit from the same rights and obligations. No child may be discriminated against because of his/her status (eg, as a child soldier), race, religion, abilities, language etc. (article 2, CRC).

5. **Obligations under ROE and the UNMISS Mandate.** UNMISS ROE provide for the use of force where there is an imminent risk of serious harm, including when that risk is posed by children. A member of UNMISS may use force, including deadly force, against a child who is demonstrating hostile intent or a hostile act only when the threat of violence is imminent from that child, and force is necessary to protect the UNMISS member or other UNMISS protected personnel, or civilians. Children in South Sudan may be armed as a result of association with an armed group or for other reasons, such as their responsibilities to protect their family's cattle.

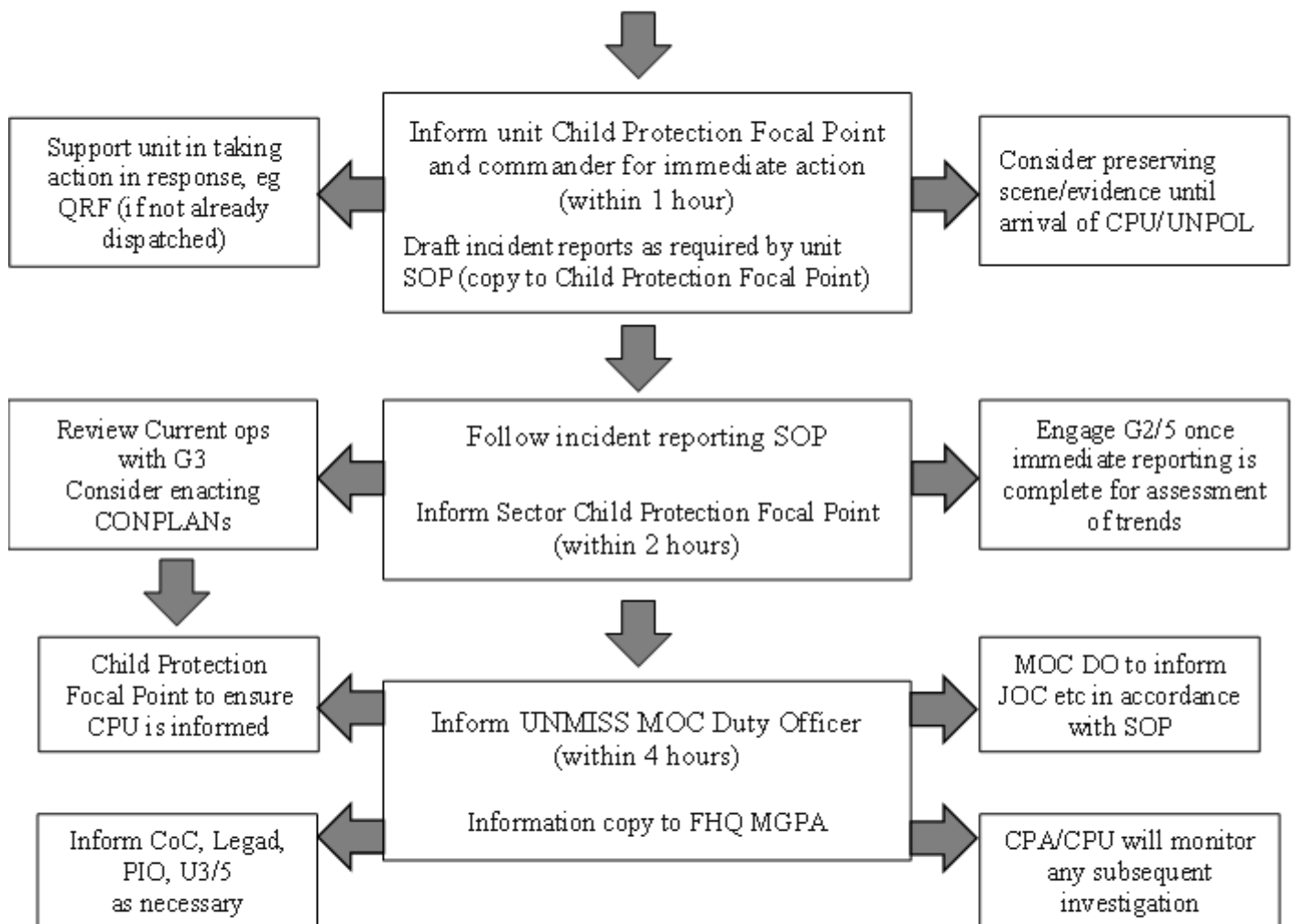
6. If deadly force is used, pursuant to the obligation to use only minimal and proportionate force, the UNMISS member must aim to disarm and neutralize the threat from the child. Prohibitions and Graduation of Force as mentioned in UNMISS ROE (2019) must be followed.

REPORTING OF INFORMATION REGARDING VIOLATIONS AGAINST CHILDREN

Note: Information relating to a child’s life, history, name, families, homes, medical conditions etc fall within the child’s right to privacy. They should therefore be kept confidential, even when reporting grave violations. Child Focal Points are tasked with, among other responsibilities, channeling alerts of violations against children to the civilian Child Protection Officers in MHQ Juba and Field Offices for further verification and reporting.

**Child Protection Issue Occurs –
If in doubt, Report any of the Six Grave Violations**

Remember:
Plan – What orders/CONPLAN do I have?
Alert – Follow this flow chart
Act – What do I need to do now to protect children?
Protect – Think about life, safety and freedom



<p>Do Report any grave violation Take enough detail to report, but protect privacy Provide protection if asked or needed Provide medical aid if asked or needed</p>	<p>Do not Turn anyone away <u>Interview children or use information provided by children for military intelligence purposes</u> Separate children from parents Place children at risk of harm</p>
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WARNING INDICATORS OF POSSIBLE VIOLATIONS AGAINST CHILDREN

Indicators of abnormal conditions/environment that could pose a risk to children, or to other vulnerable sections of population may include:

- a. Presence of children in areas controlled by armed groups, where children are used for different purposes.
- b. Presence of elders and children only may indicate that armed groups have taken (abducted/recruited) the middle age set.
- c. Ratio of gender in a village (how many men and women, boys and girls, as a proportion)
- d. Where schools are operational or are used for military purposes.
- e. Whether trade activities (markets, shops) are occurring alongside the roads, and whether children are visible in these public trade activities.
- f. Presence of military/weaponry in civilian areas.
- g. Movement of unaccompanied children over long distances.
- h. Changes in movement patterns, for example, if boys and girls have previously been observed walking without adults to school, and this changes to a pattern of children always been accompanied by adults or of girls no longer walking to school.

PROTECTION OF SCHOOLS AND UNIVERSITIES AGAINST MILITARY USE

General principles

1. Schools have to be havens of peace, where children are protected even in times of armed conflict. They are, however, often attacked or used for military purposes by parties to the conflict in South Sudan, to the detriment of children.
2. UNMISS Force are requested not to use schools for any purpose. All UNMISS military personnel should avoid encroaching on the security and education of children by using the following guidelines as good practice.
3. Schools and universities that are operational should never be used in any way. This applies to schools and universities that are closed after school hours, during weekends and holidays and during vacation periods.
4. Abandoned schools and university buildings which are occupied or used by UNMISS Force should be liberated without delay in order to allow educational authorities to reopen them as soon as possible. All signs of militarization or fortification of such buildings or structures should be completely removed after the withdrawal and any damage caused to the institution should be repaired quickly before handover to the authorities, to allow the return to educational use.
5. All ammunitions, unexploded ordnance or war debris should be cleared from the site.
6. The use of a school or university by a party to a conflict is not permitted and cannot provide grounds for continuation of such use.
7. Military and police personnel tasked to secure schools or universities should avoid wherever possible entering into the school premises or buildings in order not to compromise their civilian status.
8. The Force Commander is requested to ensure the implementation and wide dissemination of this directive.

Definition of terms

Schools and universities

9. These are places used principally for the purpose of education. They comprise kindergartens or nursery schools, primary and secondary schools, vocational training centers and higher education institutions including universities, colleges and technical training schools. They also include all property and grounds that belongs to these institutions. They do not however, include institutions that are dedicated to military training and education.

Use

10. This signifies any activity conducted within the physical space or premises of a school or a university in support of military efforts, be it temporarily or for a longer term. It includes, but is not limited to, the following: as a military barracks or base; for offensive or defensive positioning; for the stocking of arms and ammunitions; for interrogation and detention for military training; as an observation post; as a firing or fire control position. It does not include situations where the Force and the police are present in proximity to schools and universities to provide protection to the school or ensure security.

GUIDELINES ON THE NOMINATION AND RESPONSIBILITIES SECTOR/UNIT CHILD PROTECTION FOCAL POINTS

Nomination guidelines for Child Protection Focal Points (CPFP)

1. Military gender advisor, having responsibility as military child protection advisor, regularly supervises and advises on the nomination process to ensure all sector HQ, and TCCs have nominated their child protection focal points together with gender focal points, preferably gender/child protection qualified personnel.
2. Sector HQ and Unit/TCC is to identify an individual to be the Child Protection Focal Point who has experience and competency on child protection qualification. If there is no qualified individual, Sector HQ and Unit/TCC can coordinate with U7/G7 to provide training on child protection for nominated CPFP.

Responsibilities sector/unit child protection focal points

3. Sectors and Unit Child Protection Focal Points are to:
 - a. Make contact immediately on being appointed with the Force Military Gender and Protection Advisor (unmiss-fhq-mgpa@un.org).
 - b. Maintain current Child Protection Contact list for the sector or unit which includes Tetra and Telephone contact numbers for the Sector Child Protection Unit, the Military Gender and Protection Advisor and the UNMISS MOC Duty Officer.
 - c. Understand and implement reporting requirements and timelines in this directive.
 - d. Maintain situational awareness of the UNMISS approach to child protection, as set out in references to this directive.
 - e. Conduct quarterly child protection workshops with sector or unit personnel on this directive and provide remedial training when staff deficiencies are identified. As a minimum, continuation training must include the six grave violations, Plan-Act- Alert-Protect and the reporting structure in this directive.
 - f. Advise staff officers, where necessary, on the execution of their roles and responsibilities under this directive.