

Guidance Note on Abduction



Office of the Special Representative of the Secretary-General for
CHILDREN AND ARMED CONFLICT





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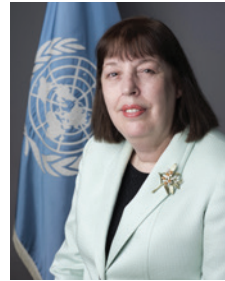
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Preface

The abduction of children in situations of armed conflict is one of the most difficult to document in the context of the Monitoring and Reporting Mechanism (MRM). Children often disappear for months, sometimes years, and the experiences they go through while held in captivity often have long-term negative effects in their lives. Some of these children, once released or once they manage to escape, face major challenges in being reintegrated into their communities. This needs to be properly addressed by the United Nations and its partners on the ground, benefitting from long term and tailored reintegration programs.



Abducted children, and especially girls, are often targeted on their way to or while at school. Children can be abducted for a wide variety of exploitative purposes, including but not limited to recruitment and use, rape and other forms of sexual violence, and ransom, among others. The adoption of Security Council resolution 2225 (2015) marked a major milestone in acknowledging the importance of holding parties accountable for abducting children. Nevertheless, more still needs to be done to be able to understand and analyse the scope of this violation and how it interlinks with other grave violations against children monitored and reported through the MRM.

This Guidance Note was drafted by my Office in close cooperation with UNICEF, the UN Department of Peacebuilding and Political Affairs (DPPA), and the Department of Peace Operations (DPO), in consultation with relevant child protection actors and other UN entities, including with the United Nations Office of Legal Affairs. It aims to provide concrete and practical guidance to Country Task Forces on Monitoring and Reporting (CTFMRS) and their equivalents in non-MRM situations to further improve their work in documenting and verifying, so to contribute to the effective implementation of Security Council resolution 2225 (2015).

Virginia Gamba

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Acronyms

CAAC	Children and Armed Conflict
CRC	Convention on the Rights of the Child
CTFMR	Country Task Force on Monitoring and Reporting
DPO	Department of Peace Operations
DPPA	Department of Political and Peacebuilding Affairs
IHL	International Humanitarian Law
IHRL	International Human Rights Law
ISIL	Islamic State in Iraq and the Levant
LRA	Lord's Resistance Army
MRM	Monitoring and Reporting Mechanism
OHCHR	Office of the High Commissioner for Human Rights
OSRSG-CAAC	Office of the Special Representative of the Secretary-General for Children and Armed Conflict
SCR	Security Council Resolution
SRSR	Special Representative of the Secretary-General
UN	United Nations
UNICEF	United Nations Children's Fund



Glossary of key terms for the purpose of this guidance

Armed forces: 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. This definition also includes the police and regional forces.¹

Armed groups: Non-State armed groups are distinct from the armed forces of a State and have an identifiable chain of command and structure.²

Child: A child is any human being under 18 years of age, as defined in Article 1 of the CRC.

Child associated with armed forces or armed groups (CAAFAG): Any person below 18 years of age who is or who has been recruited or used by armed forces or armed groups in any capacity, including but not limited to children, used as fighters, cooks, porters, messengers, spies or for sexual purposes.

Grave violations: Refers to the six grave violations identified and condemned by the Security Council and elaborated through its resolutions 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004), 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014), 2225 (2015), 2427 (2018), and 2601 (2021), namely, the recruitment and use of children by parties to armed conflict, their killing and maiming, rape and other forms of sexual violence, abductions of children, attacks on schools and hospitals and denial of humanitarian access for children.

Monitoring and Reporting Mechanism: The Monitoring and Reporting Mechanism (MRM) is a UN-led process providing for the systematic gathering of accurate, timely, objective and reliable information on grave violations committed against children in situations of armed conflict, as well as in other situations of concern³ as determined

¹ *MRM field manual*, https://www.mrmtools.org/files/MRM_Field_Manual_Annexes.pdf

² *Ibid.*

³ These are situations that are not on the agenda of the Security Council. See section B.4 "Situations in which the MRM should be implemented", *MRM field manual* (2014).

by the Secretary-General. It involves a broad range of stakeholders at the national, regional and HQ levels, including the UN Security Council, national governments, various UN departments and agencies, international and local Non-Governmental Organizations, and affected communities.

United Nations Country Task Force on Monitoring and Reporting:

The Country Task Force on Monitoring and Reporting (CTFMR) is the main MRM coordinating structure at the country level. The Task Force is typically situated in the country's capital; however, locally based sub-task forces may also be established to ensure the effective implementation of the MRM throughout the conflict-affected areas of a country. The CTFMR is composed of all relevant UN entities, represented at the most senior level in-country. The CTFMR is co-chaired by the highest UN authority in the country, whether SRSG or Resident/Humanitarian Coordinator, and the UNICEF Representative.



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1. Introduction

This Guidance Note and its annexes provide practical guidance for Country Task Forces on Monitoring and Reporting (CTFMR) and their equivalents in non-Monitoring and Reporting Mechanism (MRM) situations⁴, as well as their partners, on the implementation of Security Council Resolution 2225 (2015), which requested the inclusion in the annexes of the annual reports of the Secretary-General on children and armed conflict of those parties to armed conflict that engage, in contravention of applicable international law, in patterns of abduction of children in situations of armed conflict.

⁴ Situations included in the Secretary-General's annual report on children and armed conflict, but in which no formal MRM or CTFMR exists due to there being no listing of parties to conflict.

The Guidance Note has the following **objectives**:

1. To harmonize the understanding of the definition of abduction as a grave violation committed against children in situations of armed conflict, as well as in other situations of concern as determined by the Secretary-General and to ensure that the application of the definition used by CTFMRs and their equivalents in non-MRM situations is consistent;
2. To strengthen monitoring and reporting on abduction by providing guidance and practical advice to CTFMRs and their equivalents in non-MRM situations on what constitutes an abduction of children for the purpose of the CAAC agenda in situations of armed conflict, as well as in other situations of concern as determined by the Secretary-General;
3. To strengthen advocacy and promote dialogue with parties to conflict to end and prevent the abduction of children, including through the development and adoption of action plans in line with SCR 2225 (2015);
4. To provide guidance on the inclusion of elements on ending and preventing abductions of children in peace processes, including throughout the negotiations as well as in the resulting peace agreements.

This guidance provides further clarification to the existing MRM field manual as well as MRM guidelines, and it complements the Department of Peace Operations – Department of Political and Peacebuilding Affairs (DPO-DPPA) Policy on Child Protection in United Nations Peace Operations (2017), and the DPO-DPPA Manual for Child Protection Staff in United Nations Peace Operations (2019)⁵.

This guidance will be updated regularly, if required.

⁵ https://peacekeeping.un.org/sites/default/files/1._protection_-_4_manual_for_child_protection_policy.pdf



2. Background

In its resolution 1261 (1999), the Security Council expressed its grave concern at the harmful and widespread impact of armed conflict on children and the long-term consequences for durable peace and security.⁶ Through the same resolution and resolution 1539 (2004), the Security Council identified and condemned the following six grave violations against children:

- ▶ Recruitment and use of children by armed forces and armed groups
- ▶ Killing or maiming of children
- ▶ Rape and other forms of sexual violence against children
- ▶ Attacks against schools or hospitals
- ▶ Abduction of children
- ▶ Denial of humanitarian access to children

⁶ [https://undocs.org/S/RES/1261\(1999\)](https://undocs.org/S/RES/1261(1999))

Throughout the years, the Council provided UN actors with a wide range of tools to address these violations in the framework of the CAAC mandate⁷ and most notably the MRM is a UN-led process, established by the Security Council in its resolution 1612 (2005), which provides for the systematic gathering of accurate, timely, objective and reliable information on the six grave violations committed against children in situations of armed conflict, as well as in other situations of concern as determined by the Secretary-General. Such information is used as a basis to foster the accountability and compliance by parties to conflict with international child protection standards and norms, and should lead to well informed, concerted and effective advocacy and responses to protect all children in situations of armed conflict.

The main criteria to consider when monitoring and reporting on the six grave violations against children, include the following:

- ✓ Grave violations against children must be committed in the context of and be associated with an armed conflict
- ✓ The victim/survivor must be a child (any person below the age of 18 years)
- ✓ Perpetrators must belong to a party to conflict, such as members of armed forces or armed groups.

Through its resolutions, the Security Council identified five triggers for listing parties to conflict in the annexes of the annual report on children and armed conflict of the UN Secretary-General. The first was the recruitment and use of children in resolution 1379 (2001), followed by the killing and maiming of children, rape and other forms of sexual violence against children in resolution 1882 (2009), and attacks on schools, hospitals and protected persons in relation to schools and/or hospitals in resolution 1998 (2011).

The focus of this guidance is the violation of the **abduction of children**, which became the fifth trigger for listing through resolution

⁷ Security Council Resolutions 1261 (1999), 1379 (2001), 1539 (2004), 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014), 2225 (2015), and 2427 (2018).



2225 (2015). In this resolution the Security Council requested the Secretary-General to include in the annexes of the annual report of the Secretary-General on children and armed conflict *“those parties to armed conflict that engage, in contravention of applicable international law, in patterns of abduction of children in situations of armed conflict”*⁸.

For the purpose of this guidance, a **“pattern”** is defined as a multiple commission of acts which excludes a single, isolated incident or the random conduct of an individual acting alone, and presumes intentional, willful conduct.⁹

⁸ SCR 2225 (2015), OP 3.

⁹ See the 9th annual report of the Secretary-General on children and armed conflict (S/2010/181, para. 175). This definition is also in line with the *MRM Field Manual (2014)*.



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3. Working definition of “abduction” in the context of the Monitoring and Reporting Mechanism

For the purpose of this guidance, the working definition of abduction as a grave violation is **the removal, seizure, capture, apprehension, taking or enforced disappearance¹⁰ of a child either temporarily or permanently, including for the purpose of any form of exploitation of the child. The abduction must be perpetrated by a party to conflict**

¹⁰ For the purposes of this guidance, “enforced disappearance” is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by 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” consistent with the definition in the International Convention for the Protection of All Persons from Enforced Disappearances.”



in the context of and be associated with an armed conflict. This definition is also applicable in situations where a spillover into the territory of one or more neighboring States has taken place¹¹.

3.1. Key elements of the working definition of “abduction”

To determine whether an incident should be reported as an abduction, the following criteria must be met¹²:

- ✓ **The abduction must be committed in the context of and be associated with an armed conflict.**
- ✓ **The victim must be a child or children** (persons below the age of 18 years).
- ✓ **The perpetrator must belong to a party to conflict**, such as members of armed forces or armed groups. The MRM does not focus on activities of civilians in what could be characterized as criminal activities.
- ✓ **There must be an act:** the removal, seizure, capture, apprehension, taking or enforced disappearance of a child. Children can be *captured, seized and taken away* for instance from their homes, schools, mosques, churches, temples and other public spaces, including roads and playgrounds. Children in conflict situations can also be seized during raids on villages and in ambushes, from IDP camps or farms, on their way to/from school, the market or a field; while gathering firewood or water, or shepherding.¹³ This list does not aim to be exhaustive.
- ✓ **There should be a purpose:** The exploitative purpose of an abduction may or may not be known at the time of verification of a case of abduction. For the purpose of this guidance, exploitative purpose refers to taking advantage of the children’s lack of freedom, power, knowledge and status to force them to provide any work or services or inflict harm to children. Exploitative purposes can include the following:

¹¹ This definition applies to the Monitoring and Reporting Mechanism only.

¹² *MRM Field Manual (2014)*, Annex 2: International Legal Foundations and Standards, p. 66, (www.mrmtools.org).

¹³ For further information, see *The six grave violations against children in armed conflict: The legal foundation*, OSRSG CAAC, updated 2013, https://childrenandarmedconflict.un.org/publications/WorkingPaper-1_SixGraveViolationsLegalFoundation.pdf



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- Recruitment and/or use of children by armed forces and armed groups, including their direct participation in hostilities and their use in support roles, including gathering intelligence, use as human shields, etc.;
- Taking children hostage (such as to obtain ransom, release of prisoners, surrender of a family member or other benefit);
- Retaliation or intimidation against children, their relatives or against others, including for political reasons;
- Enforced disappearance;
- Sexual violence, including rape, sexual slavery, forced marriage, forced prostitution and forced pregnancy;
- Killing and maiming;
- Forced labor;
- Indoctrination;
- Sale;
- Ransom;
- Enslavement.

It may be challenging in some situations to establish the purpose of the removal, seizure, capture, apprehension, taking or enforced disappearance of a child at the time of documenting the violation of abduction, since the information may only become available at



a later time or may not become available at all. For monitoring and reporting purposes, it is important to include all incidents of removal, seizure, capture, apprehension, taking or enforced disappearance of a child that are presumed to be for an exploitative purpose with all information available at the time of documentation. Subsequently, all reasonable efforts should be made to determine what happened to the child: should further information become available, this should be provided as an update in relevant reports.

Note: Should the purpose of abduction not be known, UN staff engaged in the verification of cases must ensure that these are not cases of deprivation of liberty. See section 3.3 for further guidance.

3.2. Other elements to consider in the context of the MRM

- ✓ **Location:** The abduction of a child may take place within a country or territory, but a child may be moved to subsequent countries following the initial abduction. If a child is abducted and taken across borders it should be reported by the CTFMR of the country in which the child was abducted. More information on how to report cross-border abduction can be found in section 4.1 of this guidance.
- ✓ **Duration:** An abduction is not only the initial act of seizure and removal of the child, but also includes the act of holding the child without freedom to leave. It may last hours, multiple days, weeks, or years. Abduction is a continuing violation that lasts until the captivity ends (i.e. when the child is released by or escaped from the party to conflict), or, if the abducted child was forcibly disappeared, until the fate or whereabouts of the child is uncovered or the child is released.

Note: Children stopped at checkpoints for a few hours and subsequently released should not be considered as abducted.

- ✓ **Means:** An abduction may occur through a number of means, such as coercion, fraud, force, or abuse of power. The act of removing a child for exploitative purposes or other unlawful purposes itself



is sufficient to be considered abduction, regardless of whether the removal is done by force, fraud, coercion or any other abusive means. Children's assent or consent to be taken away is irrelevant, as they may express assent or consent due to threats against them or family members. Children may also be legally or *de facto* incapable of giving consent.

3.3. Distinguishing abduction from deprivation of liberty

The deprivation of liberty of children by a party to conflict – whether security forces or a non-state armed group – does not fall within the scope of the working definition of abduction of children.

The arbitrariness of a deprivation of liberty does not make the act amount to an abduction.

3.3.1. Deprivation of liberty for actual or alleged association with parties to conflict

Since 2012, the MRM has systematically collected data on the deprivation of liberty of children for actual or alleged association with parties to conflict. Although this is not one of the six grave violations



against children identified and condemned by the UN Security Council, in order to convey the full picture of the impact of armed conflicts on children, CTFMRs or their equivalent have been including information on the deprivation of liberty of children for actual or alleged association with parties to conflict or on security grounds since the beginning of the MRM.

In the past few years, there has been a dramatic increase in the verified number of children detained or deprived of liberty on security grounds, as well as for actual or alleged association with opposing parties, particularly in conflicts involving armed groups designated as “terrorist” by the UN. States have become more likely to detain children for their alleged association or for the alleged association of their family members.¹⁴

For the purpose of this guidance, the deprivation of liberty for actual or alleged association with parties to conflict is **“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 authority¹⁵ on the basis of the child’s actual or alleged association with parties to conflict”**.

Where a child is detained or deprived of liberty by reason of his/her actual or alleged association with a party to conflict this **should be documented and reported as an issue of concern related to the recruitment and use of children.**

3.3.2. Additional considerations

In order to distinguish between deprivation of liberty and abduction the following should be considered:

- ▶ Where the elements of an abduction have been verified (seizure of a child or children perpetrated by a party to conflict in the context of an armed conflict), but the purpose cannot be reliably established by the monitor, the monitor must be confident

¹⁴ UN Global Study on Children Deprived of Liberty, Chapter 13: Children deprived of liberty in the context of armed conflict, 2019.

¹⁵ In line with General Comment No. 24 (2019) of the Committee on the Rights of the Child.

on the basis of the facts on the ground such as the child's circumstances, the nature of the party to conflict, conflict dynamics, among others, that the child has not been detained/deprived of liberty for actual or alleged association with an armed force or armed group by any party to conflict or on national security grounds.

- ▶ If the monitor's analysis of the facts on the ground reliably establishes that the seizure of the child was not for the purposes of the deprivation of liberty as defined in section 3.3.1, and other relevant components specific to abduction are verified (seizure of a child or children perpetrated by a party to conflict in the context of an armed conflict), then the abduction should be considered verified.

To summarize, the following **should not be documented and reported as abduction** in the framework of the MRM:

- The deprivation of liberty of children for their, or their families', actual or alleged association with parties to conflict or on national security grounds by State or non-State actors exercising de facto control over territory** should be documented by the CTFMR/their equivalent as deprivation of liberty **under the grave violation of recruitment and use of children by armed forces or armed groups**.
- The deprivation of liberty of children by parties to conflict exercising de-facto control over a territory for actions that are not related to the armed conflict, such as actual or alleged criminal activities**, **should not be reported as abduction in the context of the MRM, nor as deprivation of liberty under the grave violation of recruitment and use of children by armed forces and armed groups or on national security grounds**. Specifically, this type of deprivation of liberty may be conducted in violation of national laws and/or international law and would amount to unlawful or arbitrary detention, not abduction, and does not fall under the issue of concern of detention/deprivation of liberty for association with parties to conflict reported under recruitment and use of children.

Children may be deprived of liberty by State or non-State actors; however, in order for a non-State actor to deprive a child of liberty for the purposes of the MRM, the group must exercise stable control over a territory and be acting as de facto authorities of said territory.



The determination of whether a non-state actor or armed group acts as de-facto authority should not be made unilaterally by the CTFMR. The determination must be based on UN official sources (i.e., Reports of the Secretary-General or of the relevant Commissions of Inquiry, among others) and in consultation with OSRSG-CAAC, which will liaise with its relevant counterparts including DPPA and DPO in this regard to ensure consistency with other reports of the Secretary-General.



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4. Monitoring and reporting the abduction of children

4.1. Which information to gather?

When monitoring and reporting on a case of abduction, the CTFMR should endeavor to gather the following information:

- ▶ Source of information (e.g., child, parent, witness, community leader – name not essential);
- ▶ Date when the incident occurred;
- ▶ Location where the incident occurred (as specific as possible);
- ▶ Number of child victims;
- ▶ For each victim: age, sex, nationality, disabilities, religion or ethnicity if applicable, displacement or refugee status if applicable or known;
- ▶ Entity responsible for the violation (armed forces/armed group);
- ▶ Method of abduction;
- ▶ Length of abduction;
- ▶ Purpose of abduction (available information on the exploitative purpose)



- ▶ Whether the conduct was committed as part of a widespread or systematic attack against a civilian population;
- ▶ What happened to the child (e.g. released, killed, escaped, still being held, location where the child was held, and fate unknown);
- ▶ Actions taken by governmental/other relevant authorities: (Was the matter reported to the relevant governmental authorities? What actions have been taken?).

As noted in the previous chapter, it may not always be possible to establish the **purpose of abduction** since the information may only become available at a later stage or may not become available at all. Nevertheless, for the purpose of the MRM, it is important to include all incidents of removal, seizure, capture, apprehension, taking or enforced disappearance of a child that are presumed to be for an exploitative purpose in line with the working definition of abduction elaborated in chapter 3 of this guidance. Should the purpose of abduction be the only element missing, but the case has been verified as per MRM verification standards, the case should be reported and counted as an abduction with an explicit note that the purpose of abduction could not be determined at the time of verification. Subsequently, all reasonable efforts should be made to determine what happened to the child. Should further information become available, this should be provided as an update in the relevant reports.

As regards the **location of the abduction**, this guidance considers two possible scenarios:

1. **In-country abduction**, which is considered the abduction of children by a party to conflict where that child remains in a single country throughout the duration of his/her captivity.
2. **Cross-border abduction** is considered the abduction of a child by a party to conflict in one country and the transfer of that child to another country or countries. The cross-border abduction implies the transfer of children from country “x” to country “y” (or even to a third country “z”) for exploitative purposes.

When a party to conflict is operating in multiple countries or a conflict is of a cross border nature and a child is abducted in country “x” with the purpose of fighting, or to be otherwise exploited in country “y” or “z”, the case should be reported (but not counted) by all CTFMRs concerned elaborating on the dynamic of the incident. The abduction should be counted only in the country where the abduction took place, not in the country to which the child was forcibly transferred.

Additional note for counting purposes: If a child is abducted in country “x” and taken across borders to country “y” for an exploitative purpose, it should be reported by the CTFMR or equivalent in the country in which the child was initially abducted (country “x”), should a MRM or equivalent be in place in that country. If the MRM or equivalent is in place only in country “y” where the child was transferred to, used or released, the case should be counted and reported in country “y” noting that the abduction took place in country “x”.

The Islamic State of Iraq and the Levant (ISIL) operating in Iraq and Syria, abducted 30 children in Syria for the purpose of fighting in Iraq, thus transferring them to Iraq, equating to 30 violations of abduction and 30 violations of recruitment and use. Both CTFMRs should report these cases noting the link between them. Specifically, the Syria CTFMR will report and count 30 cases of abduction for the purpose of recruitment and use by ISIL, while the Iraq CTFMR will report and count 30 cases of recruitment and use by the group. Country task forces should share the information to ensure cross border activities are captured correctly and to ensure that children can be better protected.



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4.2. Links to other grave violations against children

Security Council resolution 2225 (2015) explicitly recognized “*that abductions occur in a variety of settings, including schools*” and “*that abduction often precedes or follows other abuses and violations of applicable international law against children, including those involving recruitment and use, killing and maiming, as well as rape and other forms of sexual violence, which may amount to war crimes or crimes against humanity*”¹⁶.

The abduction of children in situations of armed conflict is commonly a “means to an end” that often leads or is concomitant to other grave violations against children. The abduction of children is often linked to the recruitment and use of children, rape and other forms of sexual violence against children, and the killing and maiming of children, and can also occur in the context of attacks on schools and hospitals.

In the context of the MRM, when the abduction of children is a means to, precedes, or is related to one or more of the other grave violations, all violations must be reported and counted as separate violations. Ending and preventing the abduction of children in conflict situations can be a crucial action to prevent other violations from taking place.

Below are some examples of situations in which the abduction of children is a means to, precedes or is related to one or more other grave violations.

4.2.1. Recruitment and use of children

Children have been and continue to be abducted by parties to conflict primarily for the purpose of recruitment and use, including to increase the size of their ranks and because of children’s heightened vulnerability due to their age and development. Abducted children are recruited, trained to participate in hostilities, used as spies, informants and in support functions such as transferring ammunition, preparing meals, cleaning munitions and weapons, guarding patrols and

¹⁶ SCR 2225 (2015), p. 12.

manning checkpoints and for other exploitative purposes, including sexual and associated forms of exploitation like forced marriage.

An emblematic example of abduction of children for recruitment purposes is the case of the Lord's Resistance Army (LRA) in northern Uganda. Abduction together with looting have been used by the LRA as tools to ensure the long-term survival of the group, as abducted children replaced killed or escaped LRA members. It is estimated that at least 20,000 children were abducted by the LRA over two decades of war¹⁷.

Mass abductions of children are one of the main recruitment tactics used by Al-Shabaab, mostly through attacks on villages or by forcing clan elders to hand over children [...] Between August 2016 and September 2019, the country task force verified the abduction of 4,462 children (356 girls, 4,106 boys). It was verified that 98 per cent of all abductions were committed by Al-Shabaab (4,376) [...] For example, in July and August 2017, Al-Shabaab abducted 550 children from several villages in Ceel Buur district, Galmudug State and took them to the Ali Jim'ale training centre, run by Al-Shabaab in Ceel Buur town, Galguduud Region.¹⁸

Additional note for counting purposes: If the abduction of a child is a means to, precedes, or accompanies his/her recruitment and use by a party to conflict, two separate grave violations are committed, and thus need to be reported as such (1 Abduction + 1 Recruitment and use). For overall counting purposes, only 1 child should be counted, despite the child being affected by 2 violations. This ensures that children are not double counted in the overall figures of affected children.

¹⁷ This figure is drawn from UNICEF records of children assisted at reception centers, but it is estimated that the amount of abductee children is much higher given that not all abducted children passed through the centers.

¹⁸ Report of the Secretary-General on Children and Armed Conflict in Somalia (S/2020/174).



4.2.2. Rape and other forms of sexual violence against children

Cases of abduction connected with perpetration of rape and other forms of sexual violence against children or cases of abduction preceding or accompanying this violation are documented in multiple conflict situations. Fear of stigmatization, cultural norms, lack of awareness, fear of reprisals and lack of adequate support services and avenues for accountability linked to sexual violence result in limited or no reporting and challenges in verification. Incidents of rape and other forms of sexual violence include rape, sexual slavery and/or trafficking, forced marriage/pregnancy/abortion, enforced prostitution/sterilization, sexual harassment, sexual exploitation and/or abuse. While girls are affected in majority, boys are also survivors of conflict-related sexual violence.

For the purpose of this guidance, child marriage is defined as a marriage in which at least one of the two parties is below 18 years of age. A child marriage is a form of forced marriage, given that one or both parties have not expressed full, free and informed consent¹⁹.

In the Democratic Republic of the Congo four girls, aged between 15 and 17, and their two children, were abducted by Twa militia during the Miswaki attack in December 2016. The four girls reported being repeatedly sexually assaulted during their five-month captivity.²⁰

Additional note for counting purposes: If an abducted child is raped or subjected to other forms of sexual violence, two separate grave violations are committed, and thus should be reported as such (1 Abduction + 1 Sexual Violence). *For overall counting purposes, only 1 child should be counted, despite the child being affected by 2 violations.* This ensures that children are not double counted in the overall figures of affected children.

¹⁹ For further information, see <https://www.ohchr.org/EN/Issues/Women/WRGS/Pages/ChildMarriage.aspx>

²⁰ Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo (S/2018/502).

Additional note for counting purposes: A child abducted for the purpose of recruitment and use might also be raped or subjected to other forms of sexual violence during his/her association with the party to conflict. In this instance, three separate grave violations are committed and should be reported as such (1 Abduction + 1 Recruitment and Use + 1 Sexual Violence). *For overall counting purposes, only 1 child should be counted, despite the child being affected by 3 violations.* This ensures that children are not double counted in the overall figures of affected children.

4.2.3. Killing and maiming of children

The abduction of children can precede or result in the killing and maiming of children in conflict situations. Incidents of killing and maiming of abducted children include any action by a party to conflict that causes the child's death as well as any action that results in a serious, permanent or disabling injury, scarring, or mutilation to a child.

In South Sudan, during military offensives in Unity in June 2015, seven girls were abducted during an attack on their village in Koch County, Unity, and were raped while being transported to Mayom County, Unity. One girl was killed when she refused to continue the journey.²¹

Additional note for counting purposes: If an abducted child is killed or maimed, two separate grave violations are committed against this child and thus need to be reported as such (1 Abduction + 1 Killing and Maiming). *For overall counting purposes, only 1 child should be counted, despite the child being affected by 2 violations.* This ensures that children are not double counted in the overall figures of affected children.

²¹ Report of the Secretary-General on children and armed conflict in South Sudan (S/2018/865).



Additional note for counting purposes: A child abducted for the purpose of recruitment and use might be killed or maimed. In this instance, three separate grave violations are committed, and thus need to be reported as such (1 Abduction + 1 Recruitment and Use + 1 Killing and Maiming). *For overall counting purposes, only 1 child should be counted, despite the child being affected by 3 violations.* This ensures that children are not double counted in the overall figures of affected children.

Additional note for counting purposes: A child abducted for the purpose of recruitment and use might be raped or submitted to other forms of sexual violence during his or her association and be killed or maimed. In this instance, four separate grave violations are committed and thus should be reported as such (1 Abduction + 1 Recruitment and Use + 1 Rape and other forms of sexual violence + 1 Killing and Maiming). *For overall counting purposes, only 1 child should be counted, despite the child being affected by 4 violations.* This ensures that children are not double counted in the overall figures of affected children.



Photo credit: © UNICEF/UNI40166/Furrer

5. Dialogue and advocacy with parties to conflict to end and prevent the abduction of children

This section aims to provide general guidance for advocacy on ending and preventing the abduction of children by parties to conflict and provides a series of key messages for engaging with Governments, armed forces, as well as armed groups and proposing measures to address the issue. This type of advocacy can be done by a variety of UN and other international and local actors.



Child protection staff within the CTFMRs or their equivalents in non-MRM situations should regularly liaise with parties to conflict to raise child protection concerns, including possible cases of abduction to secure the prompt release of children, provided that the identity of victims, sources of information, communities and monitors are protected.²² To this end, entry points and credible interlocutors within the relevant armed forces or armed groups who have the necessary authority to engage in dialogue to end and prevent the abduction of children, should be identified early in the process, as appropriate.²³

Security Council resolution 2225 (2015) *“call[ed] upon those parties listed in the annexes of the Secretary-General’s report on children and armed conflict that commit violations and abuses against children in contravention of applicable international law, including abductions of children in situations of armed conflict, to prepare and adopt without delay, concrete time-bound action plans to halt those violations and abuses in collaboration with the United Nations”*²⁴.

The following is a summary of the main elements to be considered by child protection actors involved in advocacy and dialogue with parties to conflict before and during the negotiation of an action plan or other forms of commitments to end and prevent this violation.

5.1 States

Governments hold the primary responsibility to protect their citizens and to respect, protect and fulfil their rights in line with their international legal obligations, including international human rights law (IHRL) and international humanitarian law (IHL). The abduction of children can amount to a violation of their rights under the international law, including IHL and IHRL. According to the Convention on the Rights of the Child (CRC), State parties have the responsibility to prevent the abduction of children for any purpose or in any form and to take all appropriate national, bilateral and multilateral measures²⁵ in this regard. Various ministries, including Defense, Justice, Social and

²² For more details, see Table 11: Analysis guide: points before engagement with parties to conflict, p. 59, *Manual for Child Protection Staff in United Nations Peace Operations*, DPO/DPPA, 2017.

²³ For more information, see Chapter 6: Engaging with parties to conflict, *Manual for Child Protection Staff in United Nations Peace Operations*, DPO/DPPA, 2017.

²⁴ SCR 2225 (2015), OP 4.

²⁵ Art. 35 CRC.

Interior Affairs or other equivalent structures have an important role to play, as well as other authorities, including the judiciary.

Relevant State authorities must be made aware of existing international legal provisions regarding the abduction of children. They should be encouraged to criminalize this violation in domestic legislation, to hold perpetrators accountable, and to provide victims with the support needed as well as reparations due to them. Raising awareness among the rank-and-file regarding the abduction of children and the integration of measures to end and prevent abductions in military training as well as in military orders, manuals and doctrine are essential to end and prevent this violation in any given context.

5.2. Armed groups

Armed groups must be made aware of applicable national and international legal provisions regarding the abduction of children. They should be encouraged to undertake concrete and pro-active measures in order to meet their international obligations to end and prevent the abduction of children and release children in captivity, including by raising awareness among the rank-and-file and including measures to end and prevent abductions in military training as well as in military orders and directives.²⁶ Engaging with proxies, government representatives close to armed groups or other external actors with contacts to armed groups is also an entry point to share messages on ending abduction and releasing children.

5.3. SCR 2225 Action Plans on abductions

One of the main elements in SCR 2225 is the expansion of the criteria for the listing of parties to conflict in the annexes of the Secretary-General's annual report on children and armed conflict, to include patterns of abduction of children in contravention of applicable international law. Similar to previous resolutions, the Council called upon listed parties to enter into dialogue with the UN to develop and implement action plans with concrete and time-bound activities to halt those violations.

²⁶ For more information see *The Roots of Restraint in War* | International Committee of the Red Cross (icrc.org).



Annex IV of this guidance provides a sample of concrete measures to be included in an action plan to end and prevent the abduction of children in armed conflict. Those measures focus on **accountability, prevention, awareness raising, capacity building, and support services** aimed at the release and reintegration of these children into their community. They also aim at preventing any future occurrence of the violation in the first place.

In situations where action plans have been signed but may be lacking implementation, the CTFMR can work with the party on a “road map” that includes a set of consensually agreed specific priority measures, needed to implement or revitalize the action plan. Roadmaps have proven helpful to reinvigorate the implementation process, especially after a few years when the political momentum may be diminishing.

5.4. Advocacy with other stakeholders

Beyond parties to conflict, advocacy efforts with other stakeholders are also crucial towards ending and preventing the abduction of children. This includes, for instance, advocacy campaigns at the community-level, with community or religious leaders, families, youth groups, education and medical personnel, among others.

Advocacy efforts should also include regular exchanges with embassies and donors present in concerned countries, including through the local CAAC Group of Friends (where present), child protection or other relevant networks, the broader humanitarian community and other actors with influence, such as diasporas, at the national and regional levels²⁷.

²⁷ For further information, see *MRM field manual (2014)*, “Engaging with Parties to the Conflict”.



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6. Including elements on ending and preventing abductions of children in peace processes, including negotiations and the resulting peace agreements

In February 2020, OSRSG-CAAC – in coordination with UNICEF, DPO, DPPA – published a *Practical guidance for mediators to protect children in situations of armed conflict*²⁸. The guidance aims to facilitate the inclusion of measure to end and prevent violations against children in the context of peace negotiations and other mediation efforts. Child protection issues may serve as a means of engaging parties at an early stage in a peace process, including the pre-negotiation stage, but also have relevance throughout

²⁸ For more information, see *Practical guidance for mediators to protect children in situations of armed conflict*, OSRSG CAAC, 2020.



the negotiation and implementation of a peace agreement. This guidance provides mediators and other relevant actors with the means to encourage parties to conflict to include the most relevant issues around grave violations in peace processes in the context concerned. It also encourages mediators to rely on the expertise of Child Protection staff working on the ground, who would be the best positioned to provide concrete and tailored advice for the identification of child protection concerns and suggest ways to establish measures to improve the protection of children in the framework of peace agreements.

In this regard, to support mediators in facilitating dialogue leading to ceasefires, peace agreements, and other national peace processes, CTFMRs and their equivalents should consider the following actions after a careful consideration of the best interest of affected children:

- ✓ Provide top line, aggregate information on abductions of children by parties to conflict, as well as other grave violations, to those who facilitate such talks, helping them to explore²⁹:
 1. How child abductions, as well as other grave violations, may serve as an entry point of engaging parties at an early stage in a peace process;
 2. What might be possible incentives for parties to conflict to include the issue of abduction and broader child protection concerns in negotiations;
 3. What standard operating procedures should be put in place for the hand over and release of abducted children.
- ✓ Where appropriate, and in close coordination with child protection actors, urge those involved in peace negotiations and agreements to include the release and safe return of abducted children in confidence-building measures, ceasefire negotiations and peace agreements, and more broadly, to take into account child protection and the needs of conflict-affected girls and boys. An agreement by all parties concerned to refrain from abducting children can be suggested as a confidence-building measure.

²⁹ Information on individual children who have been abducted should never be shared for the purposes of peace negotiations unless explicit informed consent has been obtained from children and their caregivers to use such information for this specific purpose. It is important that parties to conflict do not receive information through peace negotiations that could expose children, their families, or monitors to risk.

- ✓ Provide relevant expertise on child protection-focused and rights-based analysis and assist the facilitators to design targeted protective and preventive measures related to the abduction of children to be included in the peace agreements.
- ✓ Suggest ways through which the views of children can be safely included in the peace process, including through parallel tracks and community-based initiatives led by civil society and other stakeholders involved in the peace process.
- ✓ Monitor the release of abducted children as part of the implementation of the peace agreement.
- ✓ Secure access by child protection actors to abducted children to provide the required assistance and negotiate for their immediate release.



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Annex I

Elements of the working definition of abduction for MRM purposes

Elements of the working definition	Example of element being present	Example of element not present	Observations
Removal, seizure, capture, apprehension, taking or enforced disappearance	<p>Children are taken away to another location from where they normally are. E.g., grabbed by armed group members from a school, put on a truck, taken to a camp.</p> <p>Children are taken away by force, fraud or coercion; the child is presumed not to have the capacity to consent.</p> <p>E.g., children grabbed and seized using physical force; children deceived about the motive or purpose of the removal; children taken under death threat or other form of coercion to them or those who are dear to them</p>	<p>There is no taking away, removal or seizure. E.g., Armed group members attack a village, rape girls in their houses and do not take them away.</p> <p>Recruitment and use where children remain living with and in their own family/community.</p> <p>Both the child and the parents agree to the child being taken away, e.g. to join an armed group, to be married. There is still an unlawful act – child recruitment, child marriage <i>and a possible element of coercion</i>.</p>	
Of a child	<p>Abduction of a 9-year-old.</p> <p>Abduction of a 17-year-old who turns 18 while in captivity.</p>	Abduction of an 18-year-old.	<p>The age when the child was abducted is taken into account in cases if a grave violation against ‘children’, not the age of return (also the age of abduction is relevant for criminal prosecution of ‘child’ abduction). For programme response, children abducted who return as adults may go through adult DDR and services for adults.³⁰</p>

³⁰ The consideration on the DDR programmatic response should be determined on a case-by-case basis.



Elements of the working definition	Example of element being present	Example of element not present	Observations
It is conflict-related	Perpetrators are linked to the armed conflict. E.g., Children are taken away by members of parties to the conflict, or by individuals acting with the acquiescence, complicity of parties to the conflict.	Children in a peace situation are taken away for exploitative purposes by State actors, private individuals or criminal groups. Children abducted in a conflict situation for motives totally unrelated to the conflict. E.g. A parent takes or retains the child abroad in breach of custody rights provided by law.	
The purpose of exploitation	Children are taken for an exploitative purpose, such as recruitment/use, to be sold, engaged in prostitution, for forced labor, for payment of ransom, to be held captive, or to inflict harm on children until conditions imposed on others are met.	Children are taken away to be held for their alleged commission of a crime, for imperative security or public order reasons, as a prisoner of war, to be placed in an institution in his/her best interest. Children being handed over to reintegration programmes rather than their immediate families once they are captured or released from armed forces and armed groups.	The purpose of exploitation may not be available at the time of verification or may not become available at all. Should the purpose of abduction not be known, UN staff engaged in the verification of cases must ensure these are not cases of deprivation of liberty.

Annex II

Examples from the field

The following examples were developed to help provide clarity to colleagues monitoring and reporting on cases of abduction and/or deprivation of liberty for actual or alleged association with parties to conflict. Most examples, some of which are based on real incidents, have been edited to ensure that they concretely illustrate the presence or absence of key elements related to abduction. This list of examples is not intended to be exhaustive nor representative of all situations on the CAAC agenda as of 2022.

In 2022 in Kandahar, Afghanistan, the Taliban forcibly took 10 civilians, including four boys aged between 8 and 10 years, who were accused of being affiliated with ISIL- KP. The four boys were released the following day.

IS THIS CONSIDERED ABDUCTION FOR THE MRM?

YES	NO
	<p>X</p> <p>Act (forcibly taking, seizing): <input checked="" type="checkbox"/></p> <p>Person under 18 years old: <input checked="" type="checkbox"/></p> <p>In the context of conflict: <input checked="" type="checkbox"/></p> <p>Perpetrator is party to conflict: <input checked="" type="checkbox"/></p> <p>De facto authority: <input checked="" type="checkbox"/></p> <p>Exploitative purpose: <input type="checkbox"/></p> <p>Establish the case(s) is(are) not deprivation of liberty: <input type="checkbox"/></p> <p>The CTFMR should report 4 cases of deprivation of liberty for alleged association with parties to conflict under "recruitment and use".</p> <p><i>Rationale: This example refers to a non-State actor exercising de-facto authority over the territory depriving children of their liberty for association with ISIL-KP. In this specific example, OSRSG CAAC consulted DPPA to determine whether at the time in which the incidents took place the Taliban was considered or not a de-facto authority over the geographical area concerned.</i></p>

In 2018 in the Central African Republic, one 12-year-old girl was taken by a member of the armed group called 3R element who later forced the girl to become his wife.

IS THIS CONSIDERED ABDUCTION FOR THE MRM?

YES	NO
<p>X</p> <p>(+1 case of sexual violence)</p> <p>Act (forcibly taking, seizing): <input checked="" type="checkbox"/></p> <p>Person under 18 years old: <input checked="" type="checkbox"/></p>	



In the context of conflict:
 Perpetrator is party to conflict:
 De facto authority:
 Exploitative purpose:
 Establish the case(s) is(are) not deprivation of liberty:
Rationale: This example refers to a non-state actor not exercising authority over the territory in which the incident took place and the exploitative purpose of the abduction is clearly reflected (i.e., forced marriage).

In 2017 in the Democratic Republic of the Congo, 51 children were taken by the Lendu Militia and used as porters for a period of 2 to 7 days.

IS THIS CONSIDERED ABDUCTION FOR THE MRM?

YES	NO
<p>X (+51 cases of recruitment and use) Act (forcibly taking, seizing): <input checked="" type="checkbox"/> Person under 18 years old: <input checked="" type="checkbox"/> In the context of conflict: <input checked="" type="checkbox"/> Perpetrator is party to conflict: <input checked="" type="checkbox"/> De facto authority: <input type="checkbox"/> Exploitative purpose: <input checked="" type="checkbox"/> Establish the case(s) is(are) not deprivation of liberty: <input checked="" type="checkbox"/> <i>Rationale: This example refers to a non-state actor not exercising authority over the territory in which the incident took place and the exploitative purpose of the abduction is clearly reflected (i.e., use as porters for a period of 2 to 7 days).</i></p>	

In 2017 in Iraq, three Syrian children aged between 11 and 17 years were verified to have been detained by the Iraqi security forces in Iraq in the context of their alleged association with ISIL. All boys were forcibly taken by the group in Syria in 2016 for the purpose of recruitment, where they received military training and were subsequently trafficked into Iraq for participation in ISIL military operations.

IS THIS CONSIDERED ABDUCTION FOR THE MRM?

YES	NO
<p>X Act (forcibly taking, seizing): <input checked="" type="checkbox"/> Person under 18 years old: <input checked="" type="checkbox"/> In the context of conflict: <input checked="" type="checkbox"/> Perpetrator is party to conflict: <input checked="" type="checkbox"/> De facto authority: <input checked="" type="checkbox"/> Exploitative purpose: <input checked="" type="checkbox"/> Establish the case(s) is(are) not deprivation of liberty: <input checked="" type="checkbox"/></p>	<p>X Act (forcibly taking, seizing): <input checked="" type="checkbox"/> Person under 18 years old: <input checked="" type="checkbox"/> In the context of conflict: <input checked="" type="checkbox"/> Perpetrator is party to conflict: <input checked="" type="checkbox"/> De facto authority: <input checked="" type="checkbox"/> Exploitative purpose: <input type="checkbox"/> Establish the case(s) is(are) not deprivation of liberty: <input type="checkbox"/></p>

The Iraq CTFMR should liaise with the Syria CTFMR to exchange on these cases.

If the Syria CTFMR has verified the abduction of these children, these should be reported as verified abductions by the Syria CTFMR and counted only in the Syria section of the report and reflected by the Iraq CTFMR noting the cross-border link.

(+3 cases of recruitment and use to be reported by the Iraq CTFMR)

Rationale:

The Iraq CTFMR would not count the cases of abduction since these took place in Syria, so under the responsibility of the Syria CTFMR.

The OSRSG CAAC consulted DPPA to determine whether at the time in which the incidents took place ISIL was considered or not a de-facto authority over the geographical area concerned.

The Iraq CTFMR should report the cases of the three children as deprivation of liberty by armed forces under "recruitment and use".

Rationale:

The example explicitly refers to a State actor detaining children for their alleged association with ISIL.

In 2018 in Mali, a 15-year-old girl was taken by unidentified armed elements in Timbuktu and Mopti regions. The girl was also subjected to sexual violence during her captivity.

IS THIS CONSIDERED ABDUCTION FOR THE MRM?

YES

NO

X

(+ 1 sexual violence)

Act (forcibly taking, seizing):

Person under 18 years old:

In the context of conflict:

Perpetrator is party to conflict:

De facto authority:

Exploitative purpose:

Establish the case(s) is(are) not deprivation of liberty:

Rationale:

In this example, as the armed elements are unidentified, it is not possible to determine if they exercise de-facto authority in the territory where the girl was taken. Nevertheless, the CTFMR confirmed that the unidentified armed elements concerned were parties to conflict.

In addition, the exploitative purpose is explicitly reflected in this example.

In 2019 in Nigeria, Boko Haram seized 180 children, mostly for the purpose of recruitment, sexual abuse, forced marriage or for use as carriers of improvised explosive devices.

IS THIS CONSIDERED ABDUCTION FOR THE MRM?

YES

NO

X

(+ the number of cases of recruitment & use, and sexual violence that are not specified in this example need to be identified and counted separately)



Act (forcibly taking, seizing):

Person under 18 years old:

In the context of conflict:

Perpetrator is party to conflict:

De facto authority:

Exploitative purpose:

Establish the case(s) is(are) not deprivation of liberty:

Rationale: This example refers to a non-State actor not exercising authority over the territory in which the incident took place and the exploitative purposes are explicitly mentioned. The OSRSG CAAC consulted DPPA to determine whether at the time in which the incidents took place Boko Haram was considered or not a de-facto authority over the geographical area concerned.

In 2021 in Somalia, Al-Shabaab seized 247 children. Of these, 129 children were taken for the purpose of recruitment and use by the group, 29 for noncompliance with the groups' standards of dressing and behavior, 25 for alleged association with armed forces, 5 for sexual exploitation. The purpose of abduction of the remaining 59 cases is unknown.

IS THIS CONSIDERED ABDUCTION FOR THE MRM?

YES

NO

X

Act (forcibly taking, seizing):

Person under 18 years old:

In the context of conflict:

Perpetrator is party to conflict:

De facto authority:

Exploitative purpose: partially
(except 59 cases)

Establish the case(s) is(are) not deprivation of liberty:

The CTFMR should report as cases of abduction the following:

- 129 children seized for the purpose of recruitment and use; (+129 cases of recruitment and use)
- 29 children seized for noncompliance with the groups' standards of dressing and behavior;
- 25 children seized for their alleged association with armed forces;
- 5 children seized for sexual exploitation (+5 cases of sexual violence)
- 59 cases for which the purpose of abduction was unknown noting that efforts will be made to identify the purpose of abduction during the next reporting periods.

Rationale:

This example refers to a non-State actor not exercising authority over the territory in which the incident took place. The OSRSG CAAC consulted DPPA to determine whether at the time in which the incidents took place Al-Shabaab was considered or not a de-facto authority over the geographical area concerned.

In 2020 in South Sudan, children were forcibly taken for the purpose of recruitment from schools. In several instances, parents kept their children home out of fear that they would be abducted while in class or on their way to school. The seizure of 29 boys and 26 girls by the armed forces South Sudan People's Defence Forces (SSPDF) from a school in Yambio, Western Equatoria negatively affected school attendance in the area.

IS THIS CONSIDERED ABDUCTION FOR THE MRM?

YES

NO

X

(+ 29 boys and 26 girls cases of recruitment and use)

Act (forcibly taking, seizing):

Person under 18 years old:

In the context of conflict:

Perpetrator is party to conflict:

De facto authority:

Exploitative purpose:

Establish the case(s) is(are) not deprivation of liberty:

Rationale:

This example refers to a State actor forcibly taking children from a school for the exploitative purpose of recruitment and use.

In 2015 in Syria, the CTFMR verified the arrest and detention by ISIL of 27 boys, as young as 10 years, for their alleged association with the Syrian Government Forces, the International Counter-ISIL Coalition, Free Syrian Army and affiliated groups, Ahrar al-Sham or Jabhat Fateh al-Sham.

IS THIS CONSIDERED ABDUCTION FOR THE MRM?

YES

NO

X

Act (forcibly taking, seizing):

Person under 18 years old:

In the context of conflict:

Perpetrator is party to conflict:

De facto authority:

Exploitative purpose:

Establish the case(s) is(are) not deprivation of liberty:



These cases should be reported as deprivation of liberty by armed groups as issue of concern under “recruitment and use”.

Rationale: This example refers to a non-State actor exercising authority over the territory depriving children of their liberty for association with opposing parties to conflict. The OSRSG CAAC consulted DPPA to determine whether at the time in which the incidents took place ISIL was considered or not a de-facto authority over the geographical area concerned.

In 2017 in Syria, the CTFMR verified that 41 children were forcibly taken by ISIL for a wide range of acts it classifies as crimes, including theft, smuggling, possession of a mobile phone, immodest dress code, blasphemy, homosexual relations, and attempt to flee.

IS THIS CONSIDERED ABDUCTION FOR THE MRM?

YES

NO

- Act (forcibly taking, seizing):
- Person under 18 years old:
- In the context of conflict:
- Perpetrator is party to conflict:
- De facto authority:

Exploitative purpose:

Establish the case(s) is(are) not deprivation of liberty:

These are cases of deprivation of liberty, but they do not fall under the scope of deprivation of liberty for association with parties to conflict so they should not be reported as abduction nor deprivation of liberty for MRM purposes.

Rationale: This example refers to the deprivation of liberty for alleged crimes by a group exercising de-facto authority in the territory concerned. The OSRSG CAAC consulted DPPA to determine whether at the time in which the incidents took place ISIL was considered or not a de-facto authority over the geographical area concerned. As the deprivation of liberty was not for actual or alleged association with parties to conflict, these cases should also not be included as deprivation of liberty under recruitment and use.

In 2018 in Myanmar, five children between the ages of 13 and 17, were taken from a grocery store by the Democratic Karen Buddhist Army (DKBA) The group subsequently returned all children in exchange for a ransom.

IS THIS CONSIDERED ABDUCTION FOR THE MRM?

YES

NO

X

- Act (forcibly taking, sizing):
- Person under 18 years old:
- In the context of conflict:

<p>Perpetrator is party to conflict: <input checked="" type="checkbox"/></p> <p>De facto authority: <input checked="" type="checkbox"/></p> <p>Exploitative purpose: <input checked="" type="checkbox"/></p> <p>Establish the case(s) is(are) not deprivation of liberty: <input checked="" type="checkbox"/></p> <p><i>Rationale:</i></p> <p><i>This example refers to a non-State actor which at the time in which the incident took place did not exercising authority over the territory concerned. The OSRSG CAAC consulted DPPA to determine whether at the time in which the incidents took place the DKBA was considered or not a de-facto authority over the geographical area concerned. In addition, the exploitative purpose was explicitly indicated (i.e., ransom).</i></p>	
<p>In 2020 in Yemen, a family with three children aged between 5 and 8 years old was stopped at a checkpoint by the Houthis which released them after a few hours.</p>	
<p>IS THIS CONSIDERED ABDUCTION FOR THE MRM?</p>	
<p>YES</p>	<p>NO</p> <p>Act (forcibly taking, seizing): <input type="checkbox"/></p> <p>Person under 18 years old: <input checked="" type="checkbox"/></p> <p>In the context of conflict: <input checked="" type="checkbox"/></p> <p>Perpetrator is party to conflict: <input checked="" type="checkbox"/></p> <p>De facto authority: <input checked="" type="checkbox"/></p> <p>Exploitative purpose: <input type="checkbox"/></p> <p>Establish the case(s) is(are) not deprivation of liberty: <input checked="" type="checkbox"/></p> <p><i>Rationale: This example refers to a de facto authority which at the time in which the incident took place exercised authority over the territory concerned. Nevertheless, this case would not be reported as abduction nor deprivation of liberty as there is no act of forcibly taking or seizure nor have the children been deprived of their liberty for actual or alleged association with opposing parties to conflict. The OSRSG CAAC consulted DPPA to determine whether at the time in which the incidents took place the Houthis was considered or not a de-facto authority over the geographical area concerned.</i></p>

For further clarity on whether contextual incidents should be reported as abduction, the CTFMR should seek the support of the relevant focal point in OSRSG CAAC, who will be liaising with UNICEF, DPO, and DPPA as relevant.



Annex III

Sample of measures to be included in an action to end and prevent the abduction of children in armed conflict

SECTION ON ABDUCTION			
Activity	Timeframe	Responsible Authority	Progress Indicator
Ending Abduction			
Facilitate the timely, unconditional, and safe return of abducted children and share compiled list of the children to be returned with the CTFMR for purposes of verification.	Immediately and ongoing	<i>[Relevant ministries and/or authorities, units within armed forces or armed groups, or other]</i> with support from the CTFMR	List of children to be returned. Quarterly report is provided to the CTFMR
Issue and disseminate a clear political directive and military order to all members of the <i>[armed forces and/or group]</i> and relevant authorities, to halt and prevent the abduction of children. These instructions should detail the disciplinary measures for any breaches of such directives and orders, ensure the execution of such directives and orders, and apply disciplinary measures when breached.	One year	<i>[Relevant units within armed forces or armed groups, or other]</i> with support from the CTFMR	Political Directives and Military Orders issued and disseminated to all <i>[relevant units or armed forces/groups]</i>
Include contents of political directive and military order, as well as practical measures for its implementation, in overall military doctrine, security sector reform, Standard Operating Procedures and Rules of Engagement, military manuals and trainings / military rules, procedures and trainings.	One year	<i>[Relevant units within armed forces or armed groups, or other]</i>	Number of materials into which the orders are integrated. Quarterly report is provided to the CTFMR

SECTION ON ABDUCTION			
Activity	Timeframe	Responsible Authority	Progress Indicator
Prevention, Awareness Raising, and Capacity Building			
Conduct training for members of the Armed Forces, including the command to ensure compliance with the relevant military directives, national law and international law that prohibits abduction of children.	One year to create a training plan Ongoing implementation	<i>[Relevant ministries and/or authorities, units within armed forces or armed groups, or other]</i> with support from the CTFMR	Training plan created Number of trainings conducted Number of personnel (senior military officers, middle level and junior level command) trained Quarterly report is provided to the CTFMR
Monitor the awareness among Security Forces especially commanders, of obligations concerning child protection and the rights of the child to be free of abductions.	Ongoing	<i>[Relevant ministries and/or authorities, units within armed forces or armed groups, or other]</i> with support from the CTFMR	Quarterly report is provided to the CTFMR
Support Services			
Ensure access to children to coordinate the provision of adequate survivor-centered, gender-sensitive services such as medical care, psychosocial support and/or psychological treatment, social, economic, educational or rehabilitative programs for affected children, including children formerly associated with the Armed Forces, as well as initiatives that address prevention.	Ongoing	<i>[Relevant ministries and/or authorities, units within armed forces or armed groups, or other]</i> with support from the CTFMR	Quarterly report is provided to the CTFMR



SECTION ON ABDUCTION			
Activity	Timeframe	Responsible Authority	Progress Indicator
Accountability			
Investigate, in a timely and transparent manner, each incident of abduction which may be in violation of applicable international or national law or the military order / political directive; prosecute and punish those responsible in line with international standards, including by imposing appropriate punitive sanctions or disciplinary measures on perpetrators, as well as putting in place remedial measures.	Ongoing	<i>[Relevant ministries and/or authorities, units within armed forces or armed groups, or other]</i>	Quarterly report is provided to the CTFMR
Ensure the criminalization of abduction and other grave/serious violations of children by <i>[amending any existing legislation and/or passing new one]</i> .	Ongoing	<i>[Relevant ministries and/or authorities, units within armed forces or armed groups, or other]</i>	Quarterly report is provided to the CTFMR
Establish and strengthen specialized units/capacity within <i>[Armed forces or armed groups, other Governmental and judicial authorities]</i> with dedicated resources and vetted personnel, to investigate, prosecute and adjudicate serious conflict-related cases, particularly grave violations against children.	Ongoing	<i>[Relevant ministries and/or authorities, units within armed forces or armed groups, or other]</i>	Number of cases investigated, prosecuted and/or adjudicated Number of victims who received reparations Number of Child protection focal points and personnel appointed Quarterly report is provided to the CTFMR
Establish or re-enforce accessible, confidential and effective complaint procedures, which are widely communicated to the public, to report incidents of abduction 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 CTFMR.	Ongoing	<i>[Relevant ministries and/or authorities, units within armed forces or armed groups, or other]</i> with support from the CTFMR	Established Focal Points within the army Number of conducted trainings according to the training plan Community level reporting mechanism is created Awareness campaigns are conducted Quarterly report is provided to the CTFMR

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