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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Annual report of the Special Representative of the Secretary-General for Children and Armed Conflict, Leila Zerrougui**

### *Summary*

In the present report, which covers the period from December 2013 to December 2014, the Special Representative of the Secretary-General for Children and Armed Conflict outlines the activities undertaken in discharging her mandate, including information on the progress achieved with regard to developing and implementing action plans, the challenges in the children and armed conflict agenda and field visits.

The Special Representative acknowledges the progress made since the previous reporting period with regard to the launch of the “Children, Not Soldiers” campaign, cooperation with regional organizations and the development and implementation of international law to protect children’s rights. In the report, she notes the developments on accountability for grave violations against children and highlights trends involving attacks on schools and hospitals, sexual violence and detention.

Lastly, the Special Representative sets out a series of recommendations addressed to States parties to the Convention on the Rights of the Child, the Human Rights Council and Member States to further the protection of children’s rights.



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## **I. Introduction**

1. The present report covers the period from December 2013 to December 2014 and is submitted pursuant to General Assembly resolution 67/152, in which the Assembly requested the Special Representative of the Secretary-General for Children and Armed Conflict to submit a report to the Human Rights Council on the activities undertaken in fulfilment of her mandate, including information on progress achieved, challenges in the children and armed conflict agenda and her field visits.

## **II. Progress and challenges in addressing grave violations against children in armed conflict**

2. Unprecedented challenges for the protection of tens of millions of children growing up in countries affected by conflict materialized in 2014. In particular, children in six countries affected by major crises, namely, the Central African Republic, the State of Palestine, Iraq, Nigeria, South Sudan and the Syrian Arab Republic, were exposed to the most egregious violations. In most of those countries, conflict was characterized by extremist ideology, sectarian, ethnic or religious divisions that challenged the response capacity of national authorities and the international community. Those conflicts added to existing challenges from protracted conflicts, such as in Afghanistan, the Democratic Republic of the Congo, Somalia and Yemen, where grave violations against children continued.

3. Among the events that shocked the world's conscience were the abduction and/or killing by Boko Haram of hundreds of girls and boys from their schools in north-eastern Nigeria. The group's brutal tactics, total disregard for basic human rights and targeted attacks against schools have had regional repercussions on the education of children. In Iraq and the Syrian Arab Republic, the Islamic State in Iraq and the Levant (ISIL) and other groups espousing extremist ideologies also used extreme violence that directly or indirectly targeted children. Moreover, some of ISIL propaganda materials broadcast through web and social media featured sexual exploitation of Yazidi girls, religious indoctrination of children and the use of child soldiers. Efforts to counter extremist groups have also posed serious issues for the safety and well-being of children, with State-allied militias engaging in uncontrolled or loosely-controlled mobilization, resulting in many boys, and sometimes girls, being used in support roles and even as combatants.

4. The recruitment and use of children became endemic in the conflicts in South Sudan and the Central African Republic. In both cases, ethnic and/or religious divisions, fuelled by power struggles, resulted in killing and maiming, sexual violence and other grave violations against thousands of children. The right to education and health, already weak in both countries, has been seriously compromised.

5. There remained no end in sight for the conflict in the Syrian Arab Republic, and children continued to bear the brunt of the violence. In the State of Palestine, at least 539 children were reportedly killed during the Israeli military operations launched in Gaza between 8 July and 26 August 2014. Thousands more were injured and suffered life-long disabilities or lost family members, homes, schools and hospitals in the bombings. The situation in Libya and Yemen is equally alarming.

6. In all of those countries, children were killed, maimed, abducted, sexually abused, and recruited and used by armed forces or groups. Their schools and hospitals came under attack and they were too often denied access to vital humanitarian assistance. We have seen the highest number of displaced persons since the Second World War, including millions of

children. Whether displaced within or outside of their home countries, children are particularly vulnerable and face additional challenges in relation to access to health care and education. In some cases, Government response to conflict, through their own armed forces or militias, created additional risks for children.

7. The proliferation of crises, coupled with the imperative to provide adequate assistance to children in countries affected by protracted conflict, has put the United Nations response mechanisms to the test. Despite all our efforts, hundreds of thousands of children have dire protection needs. Responding to the long-term psychological impact and reintegrating children formerly associated with armed forces and groups will require more resources than are available today. The needs of children exposed to the violence carried out by extremist groups will pose even greater challenges to which we must prepare a structured and coordinated response. At the end of this difficult year, the Special Representative concluded that, more than ever, children — often the majority of the population in countries affected by conflict — continue to be the most vulnerable to the impact of war.

8. To contribute to the system-wide response, the Special Representative strengthened her collaboration with United Nations partners to foster accountability for perpetrators of human rights violations by improving the monitoring and reporting of grave violations against children. She used every opportunity and fora to bring the plight of children to the forefront and to provide information on human rights violations committed against them. In reaction to the increase in attacks against schools and hospitals, she launched a guidance note on the topic to strengthen United Nations response through effective use of the tools provided by the Security Council.

9. Addressing grave violations of children's rights is imperative and all parties to conflict who commit crimes must be held to account. In 2014, progress in ensuring that appropriate judicial responses were in place to address grave violations against children during conflicts was observed at national and international levels. However, the wave of violence that has occurred against children, particularly as perpetrated by extremist groups, has compounded the challenge of addressing accountability comprehensively, due to the breakdown of law and order in the areas under their control.

10. Despite the daunting challenges that lay ahead, years of constructive engagement with parties to conflict to end the recruitment and use of children are starting to bear fruit. The Special Representative welcomes the emergence of a consensus among the governments of the world that children do not belong in armed forces, especially in conflict. The Special Representative seized the opportunity to turn the page on the recruitment and use of children by government forces and launched, jointly with the United Nations Children's Fund (UNICEF), the campaign "Children, Not Soldiers". The campaign aims to end and prevent the recruitment of children by government forces, by the end of 2016.

### **III. Working with United Nations human rights mechanisms**

11. The Special Representative considers Human Rights Council mechanisms and tools as a key apparatus for addressing the plethora of challenges that all actors face to protect children in armed conflict. In September 2014, at the invitation of the President of the Human Rights Council, the Special Representative briefed the Special Session of the Council on the situation in Iraq, which provided an important opportunity to highlight violations of the rights of children. The Special Representative commends the Human Rights Council for its decision, affirmed in resolution 7/29, to integrate the rights of the child in its work and in the work of its mechanisms in a regular, systematic and transparent

manner and to dedicate at least one full-day meeting annually to discuss different themes on children's rights.

12. The Office of the Special Representative continued to work in close collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR) with a view to mainstreaming children and armed conflict in the work of the treaty bodies, special procedures and other human rights mechanisms. In the same vein, recommendations relating to children and armed conflict formulated by United Nations human rights mechanisms were important advocacy tools in the work of the Special Representative. On regular occasions in 2014, the Special Representative met with the Chair and members of the Committee on the Rights of the Child to improve the exchange of information and encourage joint advocacy with respect to children affected by armed conflict. The Office of the Special Representative also provided information on the rights of children in specific conflict-affected country situations, ahead of universal period reviews. The Special Representative encourages the Committee to continue to integrate the monitoring of grave violations and to mainstream accountability in its consideration of States parties' reports. During the reporting period the Special Representative also met with the Special Rapporteur on the sale of children, child prostitution and child pornography and the United Nations Special Envoy for Global Education. Moreover, the Special Representative engaged with the United Nations commissions of inquiry for the Central African Republic and the Syrian Arab Republic to share information pertaining to grave violations against children and to emphasize the importance of strengthening investigations into grave violations of children's rights.

13. The Special Representative and her Office also strengthened their relationship with a number of United Nations coordination mechanisms on human rights. The Office is a member of the Rule of Law Coordination and Resource Group and works to integrate child protection concerns by highlighting the need for accountability. To that end, the Special Representative attended the Rule of Law Coordination and Resource Group Principals Retreat in Long Island, New York, in May 2014. The Office of the Special Representative is also a member of the Human Rights Up Front initiative and participated in the implementation of the initiative's workplan through the subworking groups, on topics such as information management and training. The Office periodically contributed to a number of regional quarterly reviews and the Special Representative participated in meetings of the Senior Advisory Group on situations included in the children and armed conflict agenda. Lastly, as a member of the review group on the United Nations Human Rights Due Diligence Policy, the Special Representative emphasized the links with the children and armed conflict mandate, including where elements of action plans can inform risk assessments.

## **IV. Ending the recruitment and use of children in armed conflict**

### **A. "Children, Not Soldiers" campaign**

14. In March 2014, the Special Representative, together with UNICEF, launched the "Children, Not Soldiers" campaign to end the recruitment and use of children by government security forces by the end of 2016. The campaign, endorsed by the Security Council in resolution 2143 and welcomed by the General Assembly, aims to mobilize political support, provide technical assistance and assist listed governments who are committed to implementing an action plan and taking the necessary measures to ensure that their security forces do not recruit or use children.

15. At its launch, all eight governments listed in the annexes to the Secretary-General's report on children and armed conflict (A/68/878-S/2014/339) endorsed the campaign, namely Afghanistan, Chad, the Democratic Republic of the Congo, Myanmar, Somalia, South Sudan, Sudan and Yemen. Six of them had already committed to ending and preventing the recruitment of children and signed action plans with the United Nations. Action plans are Security Council-mandated agreements between a party to conflict and the United Nations that identify actions and measures to end and prevent grave violations against children.

16. The "Children, Not Soldiers" campaign has gained momentum in the short time since its launch. In May 2014, the Government of Yemen signed an Action Plan with the United Nations, committing to ensure that their national security forces do not recruit or use children. Chad completed all the requirements under its Action Plan and was delisted from the annexes of the Secretary-General's annual report on children and armed conflict in 2014. South Sudan recommitted to the Action Plan that it had signed in 2012 and, despite the ongoing crisis, a national launch of the campaign was held on 29 October 2014. The Government of the Democratic Republic of Congo made steady progress in the implementation of its Action Plan, particularly with regard to giving the United Nations access to military facilities and universal screening of recruits; it appointed a personal advisor to the President on sexual violence and child recruitment. In August 2014, the Government of Afghanistan confirmed its commitment to the campaign with the endorsement of a "Road Map Towards Compliance," which detailed 15 measures to fully implement the Action Plan signed with the United Nations in 2011. In Myanmar, 376 children were released from the ranks of the Tatmadaw since the beginning of 2014. Implementation monitoring is undertaken and dialogue held between the Government of Myanmar and the United Nations every six months. In Somalia, a child protection unit has been established in the Somalia Armed Forces and the Somali authorities put in place mechanisms for the handover to the United Nations of children found in the ranks of its army. Dialogue is ongoing with the Sudanese Government, which has expressed its commitment to ensuring security forces without the presence of children.

17. The "Children, Not Soldiers" campaign reached out to United Nations Member States and other actors to mobilize political and practical support. In May 2014, the Special Representative chaired a meeting, convened by the Embassy of Luxembourg and the African Union Peace and Security Council, in Addis Ababa, in which the five African States concerned by the "Children, Not Soldiers" campaign participated. The meeting focused on specific challenges, best practices and strategies towards ending the recruitment and use of children by government forces. In June 2014, the United Kingdom of Great Britain and Northern Ireland invited the Special Representative to participate in a closed-door ministerial round table on ending the recruitment and use of children by armed forces. In September 2014, also at the invitation of the United Kingdom, the Special Representative moderated a round table on the margins of the General Assembly, in New York, to share experiences and discuss the next steps in the implementation of the campaign. The event was attended by Ministers of Foreign Affairs and representatives of Afghanistan, Chad, Liberia, Myanmar, Sierra Leone, Somalia, South Sudan, Sudan, Yemen, as well as the African Union Peace and Security Commissioner. Also in September 2014, the Office of the Special Representative and UNICEF collaborated with a number of non-governmental organizations (NGOs) to organize a one-day workshop on ways to support the campaign and harness complementarity between different actors to support the implementation of action plans at national level. In Geneva, the Special Representative held a consultative workshop with the NGO Focus Group on Children Affected by Armed Conflict to take stock of the progress of the campaign and discuss best practices and lessons learned in countries concerned. The "Children, Not Soldiers" campaign has also reached

out to regional organizations to mobilize support with regard to expertise, advocacy and capacity-building.

18. The momentum generated by the “Children, Not Soldiers” campaign is encouraging. The Special Representative continues to reach out to Member States and all relevant partners to mobilize political, technical and financial support to fully implement the action plans and reach the objective of no children in government forces in conflict by 2016.

## **B. Progress with non-State armed groups**

19. Despite the ongoing challenges in respect of access to and dialogue with non-State armed groups to end grave violations against children, the number of public statements and command orders issued by armed groups prohibiting the recruitment and use of children has increased. That trend was observed in a number of situations and provided a basis for building momentum to address grave violations against children by armed groups.

20. Fifty-one armed groups are included in the lists annexed to the report of the Secretary-General on children and armed conflict (A/68/878-S/2014/339). Those groups are very diverse in nature, which requires different strategies of engagement, and the implementation of child protection commitments may vary considerably. Advocacy strategies require the identification of specific incentives based on the military structure, size, modus operandi and other characteristics of armed groups. Taking those aspects into account, concrete commitments are then identified by the United Nations and translated into activities and measures with the armed group concerned, culminating in an agreed action plan.

21. A multi-dimensional approach is also required to engage non-State armed groups to advocate for compliance with international human rights and humanitarian law by all parties to a conflict. In that spirit, the Special Representative continued to engage with mediators, special envoys and regional organizations to integrate the protection of children into peace-making initiatives on a case-by-case basis. During the reporting period, the Special Representative maintained dialogue with the Special Envoy for the Great Lakes Region, the former Joint Special Representative of the United Nations and the League of Arab States for Syria, the Deputy Mediator of the Intergovernmental Authority on Development (IGAD) for South Sudan, the Special Adviser to the Secretary-General on Yemen and representatives of the Gulf Initiative. She also engaged regularly with mediators involved in peace efforts, including representatives of third-party governments, the African Union, the Economic Community of Central African States, IGAD and the United Nations.

22. That approach has assisted in the effort to gain commitments and positive developments from a number of non-State actors on the recruitment and use of children and the prevention of other grave violations throughout the reporting period. In the Philippines, during the course of 2014, the Moro Islamic Liberation Front renewed its commitment to its Action Plan to end and prevent the recruitment and use of children, which was signed in August 2009.

23. In the Central African Republic, the United Nations successfully advocated with both the ex-Séléka and the anti-Balaka groups. The ex-Séléka leadership committed to take measures against the recruitment and use of children and disseminated command orders among its ranks with the support of the United Nations, which resulted in the release and separation of over 70 children. Dialogue continued with field commanders of anti-Balaka units, resulting in the separation of children in several instances. Discussions were also held with United Nations and African Union partners to ensure that commitments to end the recruitment and use of children and other grave violations against children would be

included in a political settlement. Protection concerns were included in the Accord de cessation des hostilités en République centrafricaine signed on 23 July 2014.

24. In Sudan, following advocacy by the United Nations, several non-State actors issued command orders or launched internal sensitization campaigns on the protection of children and the prohibition of their recruitment and use. In August 2014, Minni Minnawi, leader of a faction of the Sudan Liberation Army, further operationalized its commitment by putting in place a mechanism to end the recruitment and use of child soldiers. A community-based strategic plan was also initiated by Sheikh Musa Hilal and endorsed by the leaders of five tribes. The strategic plan was designed to curb the use of children as fighters in inter- and intra-ethnic clashes.

25. The Special Representative met in Addis Ababa, in May 2014, with the former Vice President of South Sudan and leader of the Sudan People's Liberation Movement/Army in Opposition, Riek Machar, to whom she relayed her concerns regarding reports of large numbers of children recruited and used, killed, maimed or raped by his forces. She obtained a signed commitment to end the recruitment and use of children and all grave violations against children, and command orders were issued following the meeting. However, at the time of reporting, the commitment had yet to be implemented and violations against children continued unabated by both sides.

26. In Mali, the joint leadership of the Mouvement national pour la libération de l'Azawad and the Mouvement arabe de l'Azawad signed command orders prohibiting the six grave violations against children and granted screening access to the United Nations. Dialogue with other armed groups is ongoing. Armed groups also came forward in the Syrian Arab Republic, pledging to end and prevent the recruitment and use of children as well as other grave violations, including attacks on schools and hospitals, and the military use of schools. In Yemen, the United Nations country task force on monitoring and reporting engaged with the Al-Houthi armed group and maintained dialogue over a draft action plan, despite the challenging security developments.

## **V. Detention**

27. The detention of children without criminal charge or on national security charges constitutes a growing challenge and a grave concern for the Special Representative, and is present in nearly all situations that fall within the scope of her mandate. The challenge has been compounded by the response of governments to extremist groups and the changing perceptions of the status of combatants within the counter-terrorism framework. Governments holding children for their alleged or actual association with radical armed groups no longer view them primarily as victims of armed conflict but often consider the children as security threats. Many counter-terrorism strategies typically comprise the long-term deprivation of liberty and solitary confinement of individuals involved in perceived or actual terrorist activities, which not only violates their rights to a fair trial but also has a particularly devastating psychological impact on children. The impact of treating children recruited and used by armed groups as security threats compounds the challenge of addressing reintegration.

28. The problem of children detained by government authorities is also present in situations in which there is little threat from extremists. Children arrested or captured in the course of more conventional military operations are often held in poor conditions and detained without being brought before a judge or granted access to a lawyer. If children are prosecuted for acts allegedly committed during their involvement with an armed group, the courts do not apply basic standards of fair trial and juvenile justice standards. Military courts are particularly inappropriate forums for hearing cases involving children, given that

they do not fully recognize the special status of juveniles in conflict with the law. Moreover, when deprived of their liberty, children are vulnerable to human rights violations, including sexual abuse, degrading and inhumane treatment and, in some instances, torture.

29. Despite the challenges, agreements have been reached with a number of governments to ensure that detained children are handed over to the United Nations. In March 2014, a standard operating procedure for the handover of children formerly associated with armed forces and groups was adopted by the Government of Somalia. An agreement for the handover of children formerly associated with armed forces and groups was also reached with the African Union Mission in Somalia. On 10 September 2014, the United Nations and the Government of Chad signed a protocol on the handover of children associated with armed forces and groups, which includes specific provisions regulating detention. Those procedures build on the progress made with protocols for the handover of children formerly associated with armed forces and groups in the Democratic Republic of the Congo and in Mali signed in 2013.

30. The Special Representative calls upon the Human Rights Council to use all available tools to promote alternatives to the prosecution and detention of children for their alleged association with armed groups, in particular under counter-terrorism responses. In that regard, she commends the work of the Human Rights Council on detention and welcomes the panel discussion at the 27th session of the Council on the protection of the human rights of persons deprived of their liberty. The Special Representative attended the global consultation on the right to challenge the lawfulness of detention before court, organized by the Working Group on Arbitrary Detention in Geneva, on 1 and 2 September 2014. The Working Group will submit draft basic principles and guidelines to the Human Rights Council in 2015. The Special Representative anticipates that those documents will address the impact of detention on children in armed conflict. Lastly, the Special Representative welcomes the invitation by the General Assembly, in resolution 69/157 of 18 December 2014, to request the Secretary-General to commission an in-depth global study on children deprived of their liberty, conducted in close cooperation with relevant United Nations partners, including the Office of the Special Representative. The study will aim to formulate recommendations for action to effectively realize the rights of the child and will be submitted to the General Assembly at its seventy-second session.

## **VI. Attacks on schools and hospitals**

31. Attacks on schools and hospitals are becoming an all-too familiar aspect of conflict, depriving millions of children of their right to education and health. The Special Representative remained deeply concerned by the increasing number of attacks on schools and hospitals, despite their protected status under international law. In almost every situation relating to the children and armed conflict agenda, the right to education and health was gravely affected by attacks on and the widespread military use of schools and hospitals as well as by attacks and threats of attacks against teachers and doctors. In many situations, such as in Afghanistan, Iraq, Nigeria, Israel and the State of Palestine and the Syrian Arab Republic, parties to conflict destroyed schools and hospitals by indiscriminate shelling of civilian areas or in targeted attacks against education facilities, teachers, school children, health workers and clinics. In 2014, we witnessed attacks on schools and ideological opposition to standard school curricula in places as varied as Iraq, Nigeria, Pakistan, southern Thailand, Somalia and the Syrian Arab Republic. Attempts by certain groups to radicalize teachings or exclude girls or minorities from education pose an even greater risk to the fundamental right of all children to an education. Health centres and

health workers were also targeted, leading to the resurgence of preventable diseases, such as polio.

32. In recent years, the international community has become increasingly aware of the impact on children of attacks on schools and hospitals and taken important steps to protect those institutions. The Security Council recognized this important aspect in its resolutions 1998, and requested the Secretary-General to list in the annexes of his annual reports on children and armed conflict the armed forces and groups who attack schools and/or hospitals and related protected persons. In resolution 2143, the Security Council called for enhanced monitoring of the military use of schools. To better implement those resolutions, the Special Representative, together with UNICEF, World Health Organization (WHO) and United Nations Educational, Scientific and Cultural Organization (UNESCO), published the guidance note “Protect Schools and Hospitals”<sup>1</sup> on 21 May 2014. With this guidance note, child protection actors in the field will be better equipped to monitor, report on and engage in advocacy, and work with parties to conflict to end and prevent attacks on schools and hospitals. It also calls for increased collaboration with both traditional and new partners, including a range of civil society partners whose work is crucial to protection from and monitoring of attacks on education and health care.

33. Accountability for those who attack schools and hospitals is a key aspect of prevention. The Special Representative reiterates her call upon Member States to promote the guidance note, institute changes in national policies and legislation as well as in military doctrine, manuals and training, and investigate and prosecute those who deliberately target schools and hospitals. The Security Council expressed deep concern about the military use of schools and hospitals as it compromises their civilian status, puts them at risk of attacks as lawful military targets, and has a disruptive effect on educational and medical activities. The Special Representative invites the Human Rights Council and other human rights bodies to use all available means to draw attention to the issue, including the universal periodic review, country situations and thematic reports. Lastly, the Special Representative welcomes the release on 16 December 2014 of the “Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict”, by the Global Coalition to Protect Education from Attack, and encourages Member States to adopt them.

34. The burdensome process of rebuilding and reopening schools and restoring a community’s trust in their safety often leaves children without education for months or even years. In that regard, the Special Representative underlines the importance of targeted initiatives, such as the Secretary-General’s Global Education First Initiative, the “No Lost Generation” initiative by the United Nations and its partners in the Syrian Arab Republic, the planned data hub project on global attacks on education by Protect Education in Insecurity and Conflict, which will be publicly available for advocacy use, and the European Union Children of Peace initiative. Children growing up in the absence of health care or education will have an impact on a society’s potential for development and peace for many years after a conflict has ended. Ensuring access to education and health care, in particular during times of war, must be a priority so as to better protect children from the impact of armed conflict.

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<sup>1</sup> See “Protect Schools + Hospitals: Guidance note on Security Council resolution 1998”, May 2014. Available in Arabic, English and French.

## **VII. Rape and other forms of sexual violence committed against children during armed conflict**

35. Sexual violence continues to be a prominent violation of children's rights in most situations of conflict, affecting both girls and boys dramatically. Rape and other forms of sexual violence are committed in the context of attacks against the civilian population and children are usually targeted due to their vulnerability and frequently because of their ethnicity. Violations are also committed in the context of recruitment and use of children and abductions. Girls are particularly vulnerable to abduction or recruitment by armed groups to be used for sexual purposes. Parties to conflict use sexual violence against children as a tactic to instil fear so as to assert control over people and land. It is also an increasing trend used by extremist groups to terrorize populations. For example, Boko Haram has been abducting girls from schools, and reports indicate that those girls have been forcibly married to local commanders.

36. Access to justice by survivors of sexual violence remains a challenge in most conflict situations, with social stigma and fear of reprisal being contributing factors. The challenge of accessing justice in areas where instability prevails and State authority is weak or absent is an additional constraint. Inappropriate legislation or administrative obstacles also exist. In some cases, criminal codes do not have a definition of the rape, which may lead to inconsistent application of the law by the police and judicial authorities. In other cases, corruption — for example, the false requirement to present costly medical certificates — may prevent victims from filing complaints. Another major impediment to accessing justice is the often inadequate compensation provided to survivors, as well as lengthy and costly procedures before the courts, which may lead a victim's family to reach an amicable settlement with the perpetrators, rather than bring the case to justice.

37. As part of global efforts to address sexual violence against children, the Special Representative participated in the Global Summit to End Sexual Violence in Conflict, held in London, in June 2014, and was the keynote speaker for the session dedicated to the vulnerabilities of children to sexual violence in armed conflict. Her Office also contributed to the Secretary-General's guidance note on reparations for victims of conflict-related sexual violence,<sup>2</sup> which was jointly coordinated by OHCHR and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women). The inclusion of special guarantees for non-repetition in the design and implementation of State policy, as well as the establishment of legal and institutional frameworks to prevent, investigate, prosecute and punish crimes of sexual violence committed against children in situations of conflict, is a positive development.

## **VIII. Partnerships with regional organizations**

38. Partnerships with regional organizations have been a priority for the Special Representative to further advance the children and armed conflict agenda and promote regional ownership in the protection of children.

39. In May 2014, the Special Representative gave a briefing at the African Union Peace and Security Council's first-ever open session dedicated to children affected by armed conflict. The briefing came after the signing of the Declaration of Intent on 17 September 2013, formalizing the collaboration between the Office of the Special Representative and

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<sup>2</sup> "Guidance note of the Secretary-General: Reparations for conflict-related sexual violence", launched in August 2014.

the Peace and Security Department of the African Union Commission, in partnership with UNICEF. In October 2014, the Special Representative attended the African Union Fifth High-Level Retreat on Promotion of Peace, Security and Stability in Africa, in Tanzania, which provided the opportunity to exchange on issues relating to the children and armed conflict agenda with senior African Union officials. With regard to the implementation of the Declaration of Intent, a workplan is being developed with the support of a Child Protection Advisor of the Peace and Security Department to mainstream and devise strategies for the protection of children affected by armed conflict, especially as it relates to the African Union's activities in the areas of peace and security.

40. Tangible progress has also been made in developing a framework of cooperation between the Office of the Special Representative and the League of Arab States to mainstream child protection in the League's peace and security agenda. The Cooperation Agreement, signed on 22 September 2014, aims to enhance coordination and information flow between the two entities, and a workplan is being developed with the aim of assisting member States to mainstream child protection concerns into their policies and programmes, identifying a high-level focal point for children and armed conflict within the League and encouraging all its member States to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

41. The Special Representative continues to work with the North Atlantic Treaty Organization (NATO) to integrate the children and armed conflict agenda into their policies, procedures and training. At the NATO Wales Summit in September 2014, NATO Allies reaffirmed their commitment to carrying out their responsibilities to mainstream child protection in the planning and conduct of its operations and missions, as well as in its training, monitoring and reporting. In that regard, the Special Representative welcomes NATO's plans to adjust its military guidelines on children and armed conflict to ensure that troops are sufficiently prepared whenever and wherever the issue is likely to be encountered. The inclusion of a Children and Armed Conflict Advisor in the Resolute Support Mission in Afghanistan is also a welcome step that will improve the capacity of NATO troops and national authorities with regard to children and armed conflict issues.

42. In December 2014, the European Parliament Subcommittee on Human Rights and Committee on Foreign Affairs held a special hearing on the campaign "Children, Not Soldiers". The Special Representative briefed parliamentarians on progress achieved since the launch of the campaign and highlighted challenges and ways for the European Union to support the objectives of the campaign. While in Brussels, the Special Representative met with the Managing Director for Multilateral Affairs of the European External Action Service and members of the Political and Security Committee to consider opportunities for reinforcing the existing collaboration. In December 2014, the European Parliament created an Intergroup on Children's Rights to mainstream the needs and protection of children across all parliamentary committees.

## **IX. Field visits by the Special Representative**

43. During the reporting period, the Special Representative continued to use field visits as a key advocacy tool for engaging with governments and non-State armed actors, fostering constructive relations and gaining commitments from parties to conflict to end grave violations against children. She visited the Central African Republic (December 2013), Yemen (May 2014), South Sudan (June 2014) and Somalia (August 2014).

## **A. Central African Republic**

44. In the context of the escalating violence and the deteriorating security situation in the Central African Republic, the Special Representative visited the country from 17 to 21 December 2013, together with the Special Adviser to the Secretary-General on the Prevention of Genocide and a representative of the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict. The primary aim of the visit was to assess the impact of the conflict on children and to advocate with the then authorities and other relevant interlocutors for the cessation of violence and protection for civilians. The Special Representative called for the strengthening of United Nations capacity to ensure an adequate response to the child protection crisis. Since that visit, the political landscape in the Central African Republic has evolved and the Special Representative continues to engage with the new transitional authorities.

## **B. Yemen**

45. At the invitation of the Government, the Special Representative visited Yemen from 13 to 15 May 2014 for the signing of an Action Plan to end the recruitment and use of children by government forces. Pursuant to the Action Plan, the Government of Yemen committed to criminalize and investigate allegations of recruitment and use of children its armed forces. Unfortunately, following the signing of the Action Plan, the security and political situation in Yemen deteriorated and remains volatile, limiting implementation progress. The Special Representative and the United Nations in Yemen continue to work closely with the Yemeni authorities to make progress on the provisions of the Action Plan.

## **C. South Sudan**

46. The Special Representative visited South Sudan from 22 to 27 June 2014 to assess the impact on children of the crisis that has unfolded since 15 December 2013, and to follow up on the implementation of the Action Plan signed in 2012. The Special Representative, jointly with the Director General of UNESCO and its Special Envoy for Peace and Reconciliation, met with the President of South Sudan. The Special Representative called upon the President to hold perpetrators of violations against children accountable and emphasized that there can be no peace without justice. A recommitment agreement was signed by the Government of South Sudan and the United Nations to end and prevent the recruitment and use of children by Sudan People's Liberation Army. The agreement also addressed the killing and maiming of children, sexual violence against children and attacks on schools and hospitals.

## **D. Somalia**

47. The Special Representative visited Somalia from 16 to 20 August 2014 to assess the impact of conflict on children and to follow up with the Somali authorities on the implementation of the two Action Plans to end and prevent recruitment and use of children by armed forces and the killing and maiming of children, which were signed in 2012. The precarious security situation and the lack of resources are paramount challenges, heavily affecting the capacity to establish and uphold of the rule of law in Somalia, and permitting widespread violations of human and children's rights. Despite the difficulties, the Special Representative found that there were opportunities to improve the environment and minimize the impact of conflict and military operations on children.

## **X. Progress in the development of international law**

### **Convention on the Rights of the Child and its optional protocols**

48. In November 2014, the Special Representative participated in the celebration of the 25th anniversary of the adoption of the Convention on the Rights of the Child together with, among others, the Chair of the Committee on the Rights of the Child, the Special Representative of the Secretary-General on Violence against Children and the Special Rapporteur on the sale of children, child prostitution and child pornography. She addressed the General Assembly and called upon Member States to honour the commitments that they have made to children, recalling that governments bear the primary responsibility for the respect, protection and fulfilment of the rights of children. The Special Representative utilized field missions to South Sudan and Somalia to reiterate that message and strongly advocate for accession to the Convention on the Rights of the Child. She gained commitments from the Presidents of both States to expedite the accession process. The Special Representative welcomes the decision taken on 15 December 2014 by the Federal Parliament of Somalia to ratify the Convention.

49. The Special Representative continued to encourage Member States to sign and ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and to enact legislation to criminalize the recruitment and use of children. During the reporting period, she held bilateral meetings with United Nations Member States that had not ratified and/or signed the treaty, and actively briefed regional organizations, civil society and regional groups on the matters so as to coordinate advocacy. Moreover, in September 2014, the Special Representative sent letters to all States that had not yet ratified the Optional Protocol. In 2014, an additional seven States ratified the Protocol, namely the Dominican Republic, Estonia, Ethiopia, Ghana, Guinea-Bissau, St. Lucia and the State of Palestine. To date, the Optional Protocol has 129 signatories and 159 parties.

50. The Special Representative welcomes the entry into force of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure on 14 April 2014, as it will strengthen the overall architecture and redress mechanisms of the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict.

## **XI. Progress in achieving accountability for violations of children's rights**

51. Despite increasing violations in a number of situations, it is a sad reality that perpetrators of grave violations of child rights are rarely brought to justice. Several factors limit access to justice for children and facilitate impunity, such as breakdown in the rule of law, corruption, ambiguity and gaps in the law, poverty and insecurity. The Special Representative continued to work with United Nations bodies, offices, justice actors, NGOs and other key interlocutors to pursue accountability and overcome those barriers. She also continued to call for accountability for violations of the rights of children in bilateral and multilateral meetings with United Nations Member States.

52. The devastating nature of the violence in the Central African Republic demanded a robust response from the international community and the United Nations system demonstrated a deep commitment to address impunity and put in place justice mechanisms. In April 2014, the Security Council adopted resolution 2149 that allows the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic

(MINUSCA) to adopt urgent temporary measures on an exceptional basis to maintain basic law and order and fight impunity. Moreover, on 8 August 2014, the United Nations and the Government of the Central African Republic signed a memorandum of understanding providing for the creation of a Special Criminal Court composed of national and international judges. The Special Criminal Court will be mandated to investigate serious crimes, including grave violations of children's rights, such as the recruitment and use of children in armed conflict. The Central African authorities have started the process of drafting and adopting legislation to establish the Special Criminal Court.

53. During the reporting period, the Special Representative engaged with sanctions committees and panels to provide information where grave violations against children are criteria for designation. She briefed the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic, in May 2014, and the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, in September 2014, and provided information on grave violations of the rights of children. The Office of the Special Representative also increased collaboration with relevant groups or panels of experts to share information on grave violations against children.

54. The Special Representative continues to work with the International Criminal Court in the pursuance of accountability. In 2014, the Office of the Prosecutor continued its preliminary examinations of a number of situations, including Afghanistan, Colombia, Iraq and Nigeria, and completed its preliminary investigation into the Central African Republic. The Special Representative's reports provided the Court with information on grave violations against children.

55. On 1 December 2014, the Appeals Chamber of the Court delivered its verdict on the appeal of Thomas Lubanga, confirming the verdict of the March 2012 Trial Chamber that Mr. Lubanga was guilty of the enlistment, conscription and use in hostilities of children under the age of 15. The Special Representative echoes the Prosecutor's sentiments that that decision stands as a symbol of hope and an important step towards bringing an end to the suffering of tens of thousands of children still forced to fight, kill and die in conflicts around the world.

56. In March 2014, the International Criminal Court rendered its judgement in the case against Germain Katanga concerning an attack in the Democratic Republic of the Congo in 2003. A majority of the bench found him guilty of the crime against humanity of murder and the war crimes of wilful killing, intentional attack against the civilian population, pillaging and destruction of property. However, the defendant was acquitted of the charges of using child soldiers, as well as of sexual slavery and rape. The Chamber acknowledged that killing and maiming of children took place during the attacks and that children were present in the armed forces at the time of the attack. That corresponds with the Special Representative's findings in 2003, that the Front de résistance patriotique en Ituri/Front populaire pour la justice au Congo (FRPI/FPJC) was recruiting and using children, as were the "Lendu militias" in 2002. The FRPI/FPJC is still listed for recruitment and use of children in the 2014 annual report of the Secretary-General on children and armed conflict.<sup>3</sup>

57. The Special Representative commends the International Criminal Court on their findings on the impact of conflict on children in the Democratic Republic of Congo in the Lubanga and Katanga cases, and urges it to continue its efforts to strengthen evidence gathering in instances of grave violations of children. In that regard, the Special Representative welcomes the release in June 2014 of the Policy Paper on Sexual and

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<sup>3</sup> A/68/878-S/2014/339.

Gender-Based Crimes by the Office of the Prosecutor. The Office of the Special Representative will assist the Office of the Prosecutor in developing a policy paper on children and armed conflict to help ensure that there is full accountability for crimes against children in times of conflict.

### **National initiatives to address issues of accountability**

58. In addition to the Special Representative's advocacy work and developments in the legal architecture at the international level, there have been a number of positive legal developments at national level, which are crucial to the protection of children. Indeed, international instruments have limited reach and national legislation must be the first port of call for addressing the multitude of violations of children's rights that have been prevalent in the past year.

59. In March 2014, the United Nations country task force on monitoring and reporting in Chad re-launched advocacy efforts with the President of the National Assembly, the Minister of Justice and the Minister of Foreign Affairs, calling on Chadian parliamentarians to vote into law the Code of Child Protection and the Penal Code.

60. In April 2014, the Central African authorities created a special investigation and instruction unit (*Cellule spéciale d'enquête et d'instruction*) with the mandate to investigate and prosecute serious human rights violations.

61. In Columbia, a bill was approved in June 2014 on the protection of victims of sexual and gender-based violence in armed conflict. This new law is a major step forward and harmonizes the national legislation with international standards. It clarifies the scope of crimes considered as sexual violence, with emphasis on victims under 14 years, introduces the right to comprehensive response and assistance, in terms of health and psychosocial support, and allows for the participation of victims in legal proceedings.

62. During the reporting period, some progress in accountability was seen in the Democratic Republic of the Congo, with a life sentence for Forces Armées de la République Démocratique du Congo (FARDC) Lt-Colonel Bedi Mobuli Engangela (alias "106") for the war crimes of murder, rape and sexual slavery, on 15 December 2014. A 10-year sentence was also handed down to FARDC General Jerome Kakwavu by a military court, for the war crime of rape, in November 2014. Four members of FARDC and one member of the Police Nationale Congolaise were tried and convicted with prison sentences ranging from three to 20 years for rape and attempted rape of girls in Katanga and North Kivu, in July and August 2014. Additional investigations of members of the security forces are ongoing with regard to the suspected rape of children. In addition, four former leaders of the Nyatura and Mayi Mayi Shetani armed groups were arrested on charges of recruitment and use of children and are awaiting trial in Kinshasa. Lastly, on 11 February 2014, the President of the Democratic Republic of the Congo promulgated an amnesty law that excluded rape, sexual violence, recruitment and use of children from any amnesty.

63. In the Philippines, the United Nations country task force on monitoring and reporting explored ways to integrate the provisions of the Action Plan into the broader peace process, including ensuring the Moro Islamic Liberation Front's accountability towards children within the context of the Bangsamoro Basic Law, which was passed in September 2014 and includes specific provisions on the protection of children. Moreover, an act providing for the special protection of children in situations of armed conflict, amending the Philippines Republic Act, is currently at the bicameral committee level.

64. In Afghanistan, a Presidential decree issued on 27 August 2014 strengthened the existing legal framework by endorsing a law criminalizing the recruitment and use of children. On 1 November 2014, following modifications, the law was approved by the

Lower House of the Afghan Parliament and is expected to be approved by the Senate and endorsed by the President.

65. In November 2014, a Malian NGO filed a total of 104 criminal complaints on behalf of women and girls who were victims of conflict-related sexual violence committed by armed groups in 2012 and 2013. That was the first time that conflict-related sexual violence cases have been submitted for legal proceedings in Malian courts.

66. In South Sudan, the Lower House of Parliament endorsed a draft law criminalizing under-age recruitment by national forces. The law is expected to be passed by the Upper House and ratified by the President. Moreover, the Legal Advisor to the Minister of Defence and Veteran Affairs proposed amendments to the Sudan People's Liberation Army Act (2009) to include punitive measures for perpetrators of grave violations against children. The proposals have since been delivered to the Ministry of Justice for further amendment and drafting of a bill to be presented before the Legislative Assembly.

67. In Yemen, an amended draft child rights laws has been proposed, which includes stricter penalties for those who recruit and use children and sets the minimum age for voluntary recruitment at 18. The amended draft child rights law is pending before the interministerial committee of the Cabinet. The interministerial committee will be reactivated following the formation of the new Cabinet in November 2014.

## **XII. Observations and recommendations**

68. **The Special Representative commends the Human Rights Council for its work in relation to persons deprived of their liberty as well as on juvenile justice, and encourages the Council to continue to give due consideration to the rights of children affected by armed conflict in that regard, including in its resolutions on country-specific situations and thematic issues and in the mandates of special procedures and commissions of inquiry.**

69. **The Special Representative commends the inclusion of accountability for grave violations against children in armed conflict in the Committee on the Rights of the Child's consideration of States parties' reports, and encourages the Committee to continue to integrate the monitoring of the six grave violations against children affected by armed conflict.**

70. **The Special Representative notes with appreciation the attention paid by the special procedures mandate holders and commissions of inquiry to including child-protection concerns in their work. She encourages them to continue to include the plight of children affected by armed conflict in their monitoring, reports and recommendations, and to bring those concerns to her attention.**

71. **The Special Representative welcomes national and international progress in achieving accountability on the part of perpetrators for grave violations against children. Governments are encouraged to strengthen their support to justice systems by allocating sufficient resources and capacity for investigating and prosecuting those who perpetrate crimes against children in conflict.**

72. **The Special Representative calls upon States to consider alternatives to prosecution and detention of children for their alleged or actual association with armed groups or as part of counter-terrorism measures, and to ensure, at a minimum, that trials and procedures are consistent with international juvenile justice standards and the principle of prioritizing the best interests of the child.**

73. **The indoctrination of children by extremist groups poses new challenges with regard to their protection and psychosocial rehabilitation and reintegration. The Special Representative encourages the Human Rights Council to make use of its**

mechanisms to highlight and address the need for appropriate measures to rehabilitate those children, in compliance with the principle of the best interest of the child and respecting the child's primary status as a victim.

74. The Special Representative welcomes the recent ratifications of the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict and reiterates her urgent call upon States who have not yet done so to sign and ratify the Convention and its Protocols; to enact legislation to explicitly prohibit and criminalize the recruitment of children into armed forces or groups and the use of children in hostilities; and to establish the minimum age for voluntary recruitment into the armed forces at 18 years, when depositing their binding declaration (under article 3) upon ratification of the Optional Protocol.

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