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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**

### **Note by the Secretariat**

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Representative of the Secretary-General for Children and Armed Conflict, Leila Zerrougui. In the report, which covers the period from December 2014 to December 2015, the Special Representative outlines the activities undertaken in discharging her mandate and the progress achieved in addressing grave violations against children, including through engagement with parties to conflict to end and prevent violations. The Special Representative also explores the challenges in strengthening the protection of children affected by armed conflict, including by addressing the impact of extreme violence, the deprivation of liberty of children in situations of conflict and the displacement of children as a result of armed conflict.

The Special Representative highlights the progress made in the “Children, Not Soldiers” campaign to end and prevent the recruitment and use of children by national security forces, and outlines key elements for the way forward. In addition, she notes the developments regarding accountability for grave violations against children. Lastly, the Special Representative sets out recommendations addressed to the Human Rights Council and Member States to further the protection of children’s rights.



## Annual report of the Special Representative of the Secretary-General for Children and Armed Conflict

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## **I. Introduction**

1. The present report covers the period from December 2014 to December 2015 and is submitted pursuant to General Assembly resolution 69/157, 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 her field visits and on the progress achieved and the challenges remaining on the children and armed conflict agenda.

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

2. During the reporting period, children in conflict zones worldwide continued to face violations of their human rights. Much of the Middle East and North Africa was in the grip of, or affected by overspill from, increasingly complex and widening conflicts. In Africa and Asia, many protracted and relapsing conflicts showed no signs of abating. In all of those situations, many parties to conflict failed to comply with their obligations under international humanitarian, human rights and refugee law. As the Human Rights Council has noted in recent resolutions, disproportionate and indiscriminate attacks have been committed against civilians, including children, and civilian infrastructure such as medical facilities and schools.

3. The effect of armed conflict on children during the reporting period was unyielding, with the Central African Republic, Israel and the State of Palestine, Libya, South Sudan, the Syrian Arab Republic and Yemen serving as regrettable examples where the situation worsened to a significant degree or saw no improvement. In the Central African Republic, a breakdown in law and order led to more intense violence between armed groups and the large-scale forced displacement of children, particularly since September. Nearly 2,000 children have been separated from armed groups by the United Nations Children's Fund (UNICEF) and its partners in the Central African Republic in 2015. These children are now at risk of being re-recruited owing to the persistent instability and lack of appropriate reintegration programmes. In South Sudan, witnesses and survivors of government offensives between May and August 2015 gave horrifying accounts of children being thrown into burning houses, run over by military vehicles and hanged from trees, and of girls being killed if they resisted rape. In several instances, boys were reportedly found castrated and killed after attacks. In Yemen, heavy aerial bombardments and ground operations since the end of March 2015 have dramatically increased the number of child casualties and had a devastating impact on access to education in an already highly precarious environment. Nearly all parties to the conflict on the ground in Yemen have engaged in widespread child recruitment, with information indicating that four times as many children were recruited in the six-month period from March to September 2015 than in the whole of 2014. In the Syrian Arab Republic and Iraq, the increasingly complex conflict and persistent violations of international law are taking an ever-increasing toll on the civilian population, as evidenced by rising displacement and refugee outflows. Libya is also facing worsening instability, violence and localized conflicts, and the rising tensions and violence in the State of Palestine and Israel show no signs of abating at the end of the reporting period.

4. Extreme violence was a prevalent feature of the conflicts taking place in 2015 in Afghanistan, Iraq, Nigeria and the Syrian Arab Republic. Children were disproportionately affected and were often the direct targets of acts of violence intended to cause maximum civilian casualties and terrorize entire communities. Groups perpetrating extreme violence

targeted, in particular, children pursuing their right to an education. The distribution of violent images and videos on social media placed the plight of children caught in the midst of these conflicts at the forefront of the world's collective consciousness.

5. While extreme violence is not a new phenomenon, with similar acts committed by the Lord's Resistance Army and the atrocities perpetrated in Liberia and Sierra Leone still in recent memory, the increasing cross-border aspect of the violence has created additional challenges for those trying to formulate well-calibrated responses. Unfortunately, in a number of situations, the regional or international response to the threats have posed additional child protection challenges.

6. The rise in extreme violence has been a significant factor in the increase in incidents of abduction in recent years. In that regard, the information gathered through the monitoring and reporting mechanism on grave violations against children in situations of armed conflict informed and helped to galvanize international action on abductions during the reporting period. This resulted in the Security Council adding abduction as a trigger for listing in the annual report of the Secretary-General for children and armed conflict (see resolution 2225 (2015), para. 3).

7. Conflict continues to cause displacement as civilians seek safety and refuge. The Special Representative noted, in her 2014 report to the Human Rights Council, that the number of displaced persons globally was the highest since the Second World War, including millions of children (see A/HRC/28/54, para. 6). That situation has not improved, as the number of protracted and new conflicts continues to grow. In June 2015, the Office of the United Nations High Commissioner for Refugees (UNHCR) indicated that there were more internally displaced persons and refugees than ever before. This has led to vulnerable persons, including many children, losing their lives while taking perilous journeys to perceived safety.

8. Notwithstanding the challenges outlined above, the present report highlights important new initiatives taken by the Special Representative and other child protection actors to improve the well-being of children living through conflict. Encouragingly, progress has been achieved: thousands of children have been released by parties to conflict, commitments have been issued by non-State armed groups and progress has been made in implementing actions plans with Governments to end and prevent grave violations against children.

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 at the national and international levels was made in ensuring appropriate judicial responses to address grave violations against children during conflict. However, the wave of violence, in particular by extremist groups, that has affected children has compounded the challenge of addressing accountability comprehensively owing to the breakdown of law and order in areas under the control of non-State armed groups.

#### **A. Extreme violence and its impact on children**

10. The Special Representative notes that the Human Rights Council has extensively considered the issue of extreme violence and the protection of human rights in relation to counter-terrorism, both in the context of country-specific situations and in general debates. In her advocacy efforts during the reporting period, the Special Representative emphasized that respect for human rights was a prerequisite for any effective response to extreme violence, in line with the conclusions of the Human Rights Council's panel discussion on

the effects of terrorism on the enjoyment by all persons of human rights and fundamental freedoms.<sup>1</sup>In addition, military responses targeting groups perpetrating extreme violence continued to raise challenges for the protection of children. Children caught in the middle of such operations have been killed and maimed and their homes and schools destroyed. The proliferation of airstrikes is of particular concern for the protection of children, as many airstrikes are of an indiscriminate nature. Moreover, in some cases, State-allied militias and vigilante groups have been mobilized, and children have been used in support roles and even as combatants. The Special Representative has continued to remind Member States concerned by her agenda that efforts to counter extreme violence and armed groups engaged in such violence must be carried out in full compliance with international humanitarian, human rights and refugee law. Failure to abide by those obligations only worsens the suffering of the civilian population and can have the unintended consequence of creating or adding to real or perceived grievances in the affected population. Moreover, when responding to extreme violence, Member States should ensure that their rules of engagement take into account the fact that a large number of children are associated with these groups and may have been placed on the front line, either to engage in combat or as human shields.

11. Purely military and security approaches have not proved effective in addressing extreme violence; prevention must be a key component of response strategies. Extreme violence does not occur in a vacuum, which is why it is necessary, as a first step to finding a lasting solution, to identify and address its root causes and catalysts, such as poverty, lack of good governance, political grievances, the alienation of communities and lack of opportunities for youth. Action is required by the international community, regional organizations and individual Member States to mobilize resources to build resilience and strengthen protective environments for children. In countries affected by conflict, education is one tool that can help to prevent social exclusion and promote respect for human rights, peace and diversity, and reduce the vulnerability of children. In addition, the effective reintegration of children associated with armed groups is crucial. Indoctrination and trauma from exposure to extreme violence can increase the complexity of reintegrating children into their former communities. In addition, a new and compounding challenge for Member States is the regular use, by groups perpetrating extreme violence, of propaganda on the Internet and social media to recruit youth and children.

12. In its resolution S-23/1 on atrocities committed by the terrorist group Boko Haram and its effects on human rights in the affected States, the Human Rights Council expressed deep concern regarding the recruitment and use of children and other grave violations by Boko Haram.<sup>2</sup>In January 2015, following the listing of Boko Haram as a party in conflict that kills and maims children and that engages in attacks on schools and hospitals (see A/68/878-S/2014/339, annex II), the Special Representative travelled to Nigeria. During that visit, she assessed the impact of the conflict in north-eastern Nigeria on children, supported the roll-out of the monitoring and reporting mechanism and engaged with the Nigerian authorities. The Government of Nigeria agreed to enter into a formal collaboration with the United Nations on children and armed conflict through an interministerial committee based in Abuja and decentralized committees in the three conflict-affected states, and through the appointment of focal points at the federal and state levels. In her meetings with government and military officials, the Special Representative raised concerns relating to allegations of

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<sup>1</sup> See the report of the Office of the United Nations High Commissioner for Human Rights on the panel discussion on the effects of terrorism on the enjoyment by all persons of human rights and fundamental freedoms (A/HRC/30/64).

<sup>2</sup> Jama'atu Ahlis Sunna Lidda'awati wal-Jihad, which during the reporting period renamed itself the Islamic State in West Africa, is commonly known as "Boko Haram".

violations committed by the Nigerian defence and security forces, the Civilian Joint Task Force and other vigilante groups in the course of their operations against Boko Haram. In November 2015, on the margins of the International Forum on Peace and Security in Africa, held in Dakar, the Special Representative met with the newly appointed National Security Adviser of Nigeria, who expressed interest in working to improve the protection of children separated from Boko Haram. At the same event, the Special Representative also met with the Force Commander of the multinational joint task force and advocated for enhanced protection of children in its operations.

13. Throughout the reporting period, the Special Representative used other platforms to remind Member States of their obligations under international law, in particular during addresses to the General Assembly and the Security Council. Moreover, on 21 and 22 October 2015, the Special Representative participated in the African Union sixth annual retreat of special envoys and mediators on the promotion of peace, security and stability, organized on the subject of terrorism, mediation and non-State armed groups. Lastly, during the reporting period the Office of the Special Representative joined the Working Group on Promoting and Protecting Human Rights and the Rule of Law while Countering Terrorism of the Counter-Terrorism Implementation Task Force to further mainstreaming the protection of children in the United Nations work on counter-terrorism. The Special Representative will continue to contribute to the dialogue on and work of the Security Council, the General Assembly, the Human Rights Council and the Secretary-General regarding extreme violence in the coming year. Her focus will be to ensure that the protection of children is a priority in national, regional and international responses. Furthermore, given the increasingly cross-border nature of the operations of groups using extreme violence and the involvement of multinational coalition forces, multilateral coordinated action and more extensive efforts involving regional organizations will be crucial to ensure the protection of children.

## **B. Children deprived of liberty in situations of armed conflict**

14. The deprivation of liberty of children owing to their actual or alleged association with armed groups is a concern in nearly all countries covered by the Special Representative's mandate. States parties to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict should take all feasible measures to ensure that former child soldiers are demobilized or otherwise released and that they are provided with all appropriate assistance for recovery and reintegration. It is therefore particularly worrisome that increasing numbers of children are deprived of their liberty for their association with armed groups under counter-terrorism and national security laws. In such contexts, but also in more traditional conflict settings, children are seen not as victims of violations and released but as offenders who are administratively detained for long periods or even prosecuted for association. Depriving children of liberty is contrary not only to the best interests of the child but also to the best interests of society as a whole. Indeed, the denial of access to education and healthcare that often comes with deprivation of liberty has long-term negative impacts not only on the child, but also on society. Moreover, children can be vulnerable to radicalization while in detention with adults.

15. Children associated with parties to conflict should be handed over to child protection actors, in line with the Optional Protocol and Security Council resolution 2225 (2015), in which Member States were encouraged to consider non-judicial measures as alternatives to prosecution and detention that focus on the rehabilitation and reintegration for children formerly associated with armed forces and armed groups. Treating children that have been recruited and used in conflicts as victims of violations will ultimately serve the long-term interests of communities and States by preventing further victimization and the creation of

grievances. In that regard, the Special Representative welcomes the release, in September 2015, of children from the Serendi Rehabilitation Centre in Mogadishu. Handing over these children to child protection actors will help to safeguard their rights.

16. As a key element in protecting children from being unlawfully deprived of their liberty, the Special Representative called on Member States to put in place standard operating procedures for armed forces regarding the handover to child protection actors of children who are captured or who surrender in the course of military operations. In line with the standard operating procedures, armed forces should hand children over as soon as possible after they have been encountered by the military so that they can be reintegrated into society and not be deprived of their liberty.

17. In instances where children are accused of specific crimes during their association with an armed force or group, they should not be brought to trial before military courts or special courts, which often do not fully recognize the special status of juveniles before the law. The Special Representative continued to remind States that children accused of criminal acts should be treated in compliance with due process and juvenile justice standards. Accordingly, the best interests of the child should always be taken into account, detention should only be used as a measure of last resort and for the shortest time possible, and there should be no capital punishment or life imprisonment for children.

18. The Special Representative continued to advocate for the strengthening of protection frameworks for children deprived of their liberty in times of conflict. To that end, she welcomed the adoption of the Basic Principles and Guidelines on Remedies and Procedures on the Right of Persons Deprived of Their Liberty to bring proceedings before a Court, which were submitted to the Human Rights Council in September 2015 (see A/HRC/30/37, annex). The Basic Principles highlight that basic legal safeguards must be provided in all circumstances, including for children deprived of liberty for their protection or rehabilitation, particularly if detained by military or security services. The Special Representative urges the Council to use the tools at its disposal to ensure the implementation of the Basic Principles. The Special Representative is also engaged with other United Nations actors on the initial phase of the in-depth global study on children deprived of liberty, to be prepared pursuant to General Assembly resolution 69/157. Moreover, during the reporting period her Office participated in other forums related to the deprivation of liberty of children, such as the subregional workshop on the treatment of children allegedly involved with Boko Haram as alleged offenders, victims and/or witnesses of crime organized by the United Nations Office on Drugs and Crime in Senegal in October and the expert meeting on juvenile justice in a counter-terrorism context organized by the Global Counterterrorism Forum and the International Institute for Justice and the Rule of Law, held in Malta in November.

### **C. Displacement of children as a result of armed conflict**

19. Armed conflict has resulted not only in human casualties and physical destruction, but also in forced displacement. In the course of the past year, an ever-growing number of people have fled conflict zones and sought refuge in safer places. UNHCR reports that, globally, one in every 122 persons is now either a refugee, internally displaced or seeking asylum. In many situations, as in the Central African Republic, Iraq, Nigeria, South Sudan and the Syrian Arab Republic, children, many of them unaccompanied or separated from their families, represent a high proportion of the displaced population and have been at a particularly high risk of human rights violations and abuses. Children can be victims of grave violations inside and around refugee camps or camps for internally displaced persons. Armed groups take advantage of the vulnerability and concentration of displaced

populations in camps to recruit children and commit other violations, including sexual violence and human trafficking.

20. The international community, as well as countries of origin, transit and destination, should take all feasible measures to protect the rights of refugee and internally displaced children, particularly those living in areas affected by armed conflict. Increased efforts should be made, not only to identify long-term solutions that will reduce and mitigate the root causes and structural factors of displacement, but also to provide support to displaced children and ensure family reunification, keeping in mind the best interests of the child.

21. In line with other United Nations partners, the Special Representative emphasizes that a human rights-based approach, including the fundamental principles of the best interests of the child and non-discrimination, should be given primary consideration in the development of all relevant policies on children displaced by conflict. All States have a responsibility to ensure appropriate protection for displaced children and to avoid aggravating their vulnerability, through equal access to healthcare, education and psychosocial support, regardless of their status. The Special Representative also encourages Member States to prioritize investing in education in emergencies to support displaced children in rebuilding their lives. Failure to do so will only increase the cost of restoring a sustainable society in post-conflict situations. These messages were emphasized by the Special Representative at the informal meeting of the General Assembly to consider ways to advance a comprehensive response to the global humanitarian and refugee crisis, held on 19 November 2015.

#### **D. Attacks on schools and the right to education**

22. The right to education is a fundamental human right. It is key for the development of children, but also critical for peacebuilding, economic growth and sustainable development for society as a whole. In times of conflict, infringements of the right to education in the form of targeted attacks on and obstacles to safe access to schools, threats to children and teachers and the military use of schools have a negative impact reaching beyond the education sector alone. Moreover, education is often interrupted due to a general climate of fear and insecurity or because of the displacement of school children, teachers and school personnel. Not only is there a large financial cost to rebuilding schools, repairing infrastructure, replacing equipment and training new teachers, there is a significant individual and societal cost. The loss of educational opportunities owing to war has long-lasting effects on the social and economic development of a country, which in turn increases the likelihood of new cycles of violence and conflict.

23. In its resolution 70/137 on the rights of the child, the General Assembly underlined that full access to quality education was an essential precondition for achieving sustainable development and for the full realization of the right to education. In that regard, Goal 4 of the Sustainable Development Goals is to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all. Inclusiveness, quality and non-discrimination are fundamental principles that need to be systematically associated with education. When these principles are not given due consideration, education may increase social, ethnic and gender inequalities, further exacerbating divisions in society.

24. In its 2015 Education for All Global Monitoring Report, the United Nations Educational, Scientific and Cultural Organization highlighted that about 124 million children were out of school and that one third of those children lived in countries where there was or had recently been armed conflict. Furthermore, in many of those countries, net school enrolment had been below 50 per cent even prior to the start of the conflict. The devastating impact of war on the education system is all too visible in Afghanistan, the Central African Republic, Nigeria, the Syrian Arab Republic, Yemen, and in the State of

Palestine. The Special Representative remains deeply concerned about the increasing number of attacks on schools in those countries, despite the fact that schools have protected status as civilian objects under international humanitarian law. The Special Representative highlighted these issues during a high-level meeting entitled “Ensuring the inclusion of the right to education in emergencies in the post-2015 development agenda”, held on the margins of the seventieth session of the General Assembly, in September 2015. The Special Representative also emphasized the need for funding for education in emergencies during the Law, Justice and Development Week organized by the World Bank in November 2015.

25. Attacks against schools, teachers and students during armed conflicts are particularly worrying as they interfere with education precisely when it can be of most benefit, not only to teach essential life skills but also to promote respect, tolerance and understanding, all of which are vital for social reconstruction and cohesion. Affected populations often view education as essential to both their short- and long-term well-being, as it helps mitigate the psychological and social impacts of conflict by creating a sense of normality, stability, structure and hope and, therefore, to overcome a crisis. All parties to a conflict have a responsibility to ensure safe access to education. It is essential that there be continuous engagement with non-State armed groups on the protection of education to remind their leadership of their obligations to avoid interfering with education, whether directly or indirectly.

26. The Special Representative welcomes the international community’s increasing attention to the issue of the military use of schools, in particular with the adoption, at a conference held in Oslo on 28 and 29 May 2015, of the Safe Schools Declaration. In that regard, the Special Representative highlights the May 2014 guidance note entitled “Protect schools and hospitals: end attacks on education and health care”, prepared jointly by the Office of the Special Representative and other entities of the United Nations system. The guidance note includes a draft operational strategy for preventing the military use of schools. The Special Representative also commends the efforts of the Human Rights Council to dedicate attention to the continuing attacks on education around the world as a gross violation of human rights, particularly through Council resolution 29/7 on the right to education, adopted on 2 July 2015. The Special Representative will continue to support these efforts through the monitoring and reporting mechanism and sustained advocacy, with the hope of curbing such violations and promoting children’s right to education.

### **III. Ending grave violations of the rights of children in armed conflict**

#### **A. “Children, Not Soldiers” campaign**

27. The momentum generated by the “Children, Not Soldiers” campaign remained strong throughout the reporting period and notable progress was achieved. The campaign, launched jointly with UNICEF in March 2014 to end the recruitment and use of children by national security forces in conflict, continued to mobilize political support, provide technical assistance and assist Governments concerned in implementing action plans and taking measures to end the recruitment of children and promote accountability. The campaign benefited from strong support from Member States, regional organizations and a wide range of civil society partners.

28. The Special Representative’s high-level advocacy, combined with the commitment of the Governments concerned and support from UNICEF, the Department of Peacekeeping Operations of the Secretariat and other United Nations and civil society partners, resulted in

the release of hundreds of children, new laws criminalizing underage recruitment, the development of age-assessment mechanisms and national awareness-raising campaigns.

29. In 2015, there was a significant reduction in verified cases of recruitment and use of children by national security forces, especially in Afghanistan, the Democratic Republic of the Congo and Myanmar. In Afghanistan, a decree to criminalize underage recruitment by the Afghan national security forces came into force in February and pilot child protection units in Afghan National Police recruitment centres in four provinces reportedly prevented the recruitment of hundreds of children. Child protection units could have a significant impact if rolled out in police recruitment centres throughout the country.

30. The commitment of the Government of the Democratic Republic of the Congo to end and prevent the recruitment and use of children by its national security forces remained steady. Following a workshop of the joint technical working group, which includes representatives of the Government and the United Nations, a road map identifying eight priority areas was endorsed by the Ministry of Defence on 5 September to expedite the full implementation of the action plan to end the recruitment and use of children. As noted in section VI of the present report, progress is also being achieved in the fight against impunity, as high-ranking military personnel were prosecuted and sentenced for committing grave violations against children.

31. Following advocacy efforts by the United Nations, including during the Special Representative's visit in July 2015, Myanmar signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. With support from the United Nations, hundreds of children have been released from the armed forces of Myanmar since the campaign was launched and there has been increased access to military bases to carry out monitoring activities. However, cases of underage recruitment continue to be documented, and sometimes children have been sent to the front lines.

32. In 2015, South Sudan and Yemen, two countries that had committed to action plans with the United Nations to end the recruitment and use of children, illustrated that heightened conflict can result in setbacks and reversals on commitments made to end violations. The two cases also demonstrated the importance of putting in place mechanisms strong enough to withstand a new crisis, as in both South Sudan and Yemen the recruitment and use of children by nearly all parties to the conflict became endemic. At the time of writing, in December 2015, the situations continued to deteriorate.

33. The Federal Government of Somalia too had committed to implementing an action plan, but ongoing instability hampered progress during the reporting period. In the Sudan, encouraging progress was achieved towards the finalization of an action plan between the United Nations and the Government.

34. During the final year of the campaign in 2016 the Special Representative will continue to reach out to the Member States concerned, regional organizations, the international community and relevant partners to consolidate gains and ensure that technical and financial resources are available to enable the full implementation of action plans.

35. Community-based reintegration services that provide psychosocial assistance to formerly recruited children have been designed to help children reclaim their lives through educational and vocational opportunities, taking into account the particular needs of girls. Member States must ensure that resources for separation and reintegration are sufficient and that there is a focus on sustainability, including by ensuring that children are reintegrated into safe and secure environments to prevent recruitment.

36. The Special Representative will continue to advocate for the criminalization of child recruitment and the prosecution of perpetrators of all grave violations against children.

Accountability for child recruitment is essential for building lasting change and protecting children.

37. The Special Representative notes that the majority of armed groups listed in the annexes to the annual report of the Secretary-General on children and armed conflict (A/69/926-S/2015/409) for the recruitment and use of children are active in the countries covered by the “Children, Not Soldiers” campaign. The campaign’s momentum has led to the development of stronger child protection legal frameworks in most of those countries, which also open new avenues of engagement to respond to and prevent violations by non-State armed groups. The Special Representative is encouraged by the new possibilities and openness to engage in dialogue with non-State armed groups to protect children from grave violations. Strengthening that dialogue is a priority.

## **B. Non-State armed groups**

38. The Special Representative has consistently sought to engage with all parties to conflict, including non-State armed groups, which continue to constitute the majority of parties (49 of 57) listed for grave violations against children in the most recent annual report of the Secretary-General on children and armed conflict. It is critical that any efforts to advance the children and armed conflict agenda seek to engage with this diverse group of actors. To that end, a multifaceted approach is necessary, and the different operational environments and the nature of groups need to be taken into consideration.

39. Gaining access to and engaging in a dialogue with non-State armed groups is often complicated, which limits the possibilities to address violations and protect affected children. It is crucial to interact with those who are willing to engage on the issue of child protection and to influence them to fulfil their obligations under international law. The Special Representative urges the Governments concerned to facilitate cooperation between the United Nations and non-State armed groups, in accordance with the principle that it does not prejudge their legal status, in order to achieve the common goal of protecting the best interests of children.

40. Peace and ceasefire negotiations represent unique opportunities to reach out to parties to conflict to advocate for the protection of children. Children, who often form a large proportion of populations in conflict situations, bear the brunt of conflict; the early consideration of their protection needs in discussions and negotiations is therefore important. Engagement with parties to conflict on issues such as the separation, release and handover of children can provide an entry point in discussions and offer a unique common denominator for parties in otherwise difficult or protracted negotiations. Many Member States acknowledged those aspects during an open debate of the Security Council on the theme of protecting children from non-State armed groups in March 2015. Recommendations made during the debate were for a more systematic inclusion of child protection provisions in all peace and ceasefire agreements, including those relating to the unconditional release and reintegration of children. The recommendations were compiled in a non-paper by France.<sup>3</sup> Some Member States also requested that a guidance note for mediators and special envoys be developed, which the Office of the Special Representative stands ready to support.

41. In that spirit, in May 2015, upon the invitation of the Government of Colombia and the Fuerzas Armadas Revolucionarias de Colombia — Ejército del Pueblo (FARC— EP),

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<sup>3</sup> Letter dated 21 May 2015 from the Permanent Representative of France to the United Nations addressed to the Secretary-General (A/69/918-S/2015/372, annex).

the Special Representative travelled to Havana and engaged directly with parties to the Colombian peace process. The peace talks, which are facilitated by Cuba and Norway, were launched in August 2012 with the aim of ending nearly five decades of conflict. Following sustained advocacy by the Special Representative and the country task force for the monitoring and reporting mechanism in Colombia, which is co-chaired by UNICEF and the Resident Coordinator, the negotiating parties expressed an interest in reaching an agreement on children's issues. The Special Representative returned for a follow-up visit in October 2015 to continue discussions on further steps to be taken to end and prevent the recruitment and use of children, as well as to release and reintegrate children currently associated with FARC—EP. During her previous visit, the Special Representative welcomed both negotiating parties' commitment to prioritizing the principle of the best interests of the child and ensuring guarantees for non-repetition. She also welcomed the commitments made by FARC—EP at the time of the visit to stop the recruitment and use of children under 18 and to release children under 15 years of age. She expressed a strong wish to see further progress to ensure the separation of all children and their effective reintegration in order to contribute to durable peace in Colombia.

42. The Special Representative also participated in consultations in Austria in May 2015 on children and armed conflict with the Justice and Equality Movement, the Sudan Liberation Army/Abdul Wahid and the Sudan Liberation Army/Minni Minawi, which are listed in the annual report of the Secretary-General on children and armed conflict for the recruitment and use of children in the Sudan. As a result of joint efforts with the African Union-United Nations Hybrid Operation in Darfur and the Austrian Study Centre for Peace and Conflict Resolution, the leaders of the three groups signed a joint statement on the situation of children in Darfur, in which they pledged to end and prevent grave violations against them.

43. During her visit to Myanmar in July 2015, the Special Representative entered into dialogue with the Kachin Independence Army, the Karen National Liberation Army and the Karenni Army, which are listed for engaging in the recruitment and use of children. She had productive discussions with the groups with regard to action plans to end and prevent child recruitment and use and other grave violations. United Nations partners on the ground were continuing these discussions at the time of writing, in December 2015. In addition, in October 2015 the United Nations Peacebuilding Fund approved a project on preventing the recruitment and use of children by armed forces and groups in Myanmar as an entry point for durable peace.

44. Representatives of the United Nations in the Central African Republic continued to actively engage in dialogue with parties to the conflict to ensure compliance with the agreement to prevent and end grave violations against children signed by 10 armed groups in May 2015 on the margins of the Bangui Forum on National Reconciliation. Following this commitment, a large number of boys and girls were separated from anti-balaka and ex-Séléka factions. The country task force has also directly engaged with some of the ex-Séléka factions on the development of action plans to end the recruitment and use of children and other grave violations against children, for which they are listed in the annexes of the Secretary General's report. However, the deterioration of the security situation since September 2015 has slowed efforts to engage further in dialogue with these armed groups.

45. Lastly, steady progress was made during the reporting period on the implementation of the action plan signed in 2009 between the Moro Islamic Liberation Front and the United Nations on the recruitment and use of children. A roadmap was agreed in 2014 to accelerate the implementation of the action plan, and the Government of the Philippines facilitated access for the United Nations. Representatives of the Office of the Special Representative and UNICEF travelled to the Philippines in November 2015 to assist and support the country task force in the implementation of the roadmap.

## IV. Working with United Nations human rights mechanisms

46. The Office of the Special Representative has continued to work closely with the Office of the United Nations High Commissioner for Human Rights with a view to mainstreaming children and armed conflict issues and contributing to the monitoring and reporting of grave violations against children, both in mission and non-mission settings.

47. The Office of the Special Representative contributed to the work of the human rights mechanisms by submitting information for the universal periodic review process of the Human Rights Council. Those submissions and interactions with the human rights mechanisms reinforced common advocacy efforts and actions for the promotion and greater protection of the rights of children in situations of armed conflict. For instance, the Special Representative was pleased to see that the report of the Working Group on the Universal Periodic Review on Myanmar to be made available in late 2015 will include recommendations on the adoption of measures to end and prevent the recruitment and participation of children in military activities, as well as on the implementation of policies to ensure full protection of civilians, particularly children, in zones of armed conflict.

48. The Special Representative was also pleased to see that concerns relating to children affected by armed conflict were considered and often reflected in the concluding observations of the Committee on the Rights of the Child on the reports of Colombia (CRC/C/COL/CO/4-5) and Iraq (CRC/C/IRQ/CO/2-4). The Special Representative will continue to use these observations for advocacy purposes with the Member States concerned, urging the States parties to the Convention on the Rights of the Child to implement the recommendations of the Committee. She invites the Committee to consider issuing regular substantive statements on issues relating to children and armed conflict. Moreover, she calls upon the Committee to include references to meeting the specific needs of children in conflict and post-conflict settings in its general comment No. 19 on public spending and the rights of the child (to be published in 2016).

49. References and recommendations relating to children and armed conflict by United Nations human rights mechanisms are welcomed as they are important advocacy tools in the work of the Special Representative.<sup>4</sup> The Human Rights Council and the Committee against Torture are encouraged to continue to include language on the protection of children affected by armed conflict.

50. With regard to the special procedure mandate holders of the Human Rights Council, the Special Representative welcomes the Special Rapporteurs' efforts to highlight issues related to children and armed conflict in their respective thematic or country-specific reports and recommendations and encourages the mandate holders to continue to pay due attention to the challenges that compromise the rights, development and well-being of children in situations of conflict.

51. As a member of the Human Rights up Front initiative, the Office of the Special Representative continued to contribute to the development of a United Nations information management system on human rights violations, as well as to the design of a new human

<sup>4</sup> During the period under review, a number of Human Rights Council resolutions included such references, including resolutions 29/16 on the grave and deteriorating human rights and humanitarian situation in the Syrian Arab Republic, 29/25 on ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem, 30/7 on human rights in the administration of justice, including juvenile justice, 30/19 on capacity-building in the field of human rights in the Central African Republic, 30/20 on assistance to Somalia in the field of human rights and 30/26 on technical assistance and capacity-building for human rights in the Democratic Republic of the Congo.

rights training module, which will be mandatory for all United Nations staff. In particular, the Office of the Special Representative contributed to the online course on United Nations human rights responsibilities that was launched in November 2015.

52. In marking the twenty-sixth anniversary of the Convention on the Rights of the Child and the fifteenth anniversary of the Optional Protocol to that Convention on the involvement of children in armed conflict, the Special Representative commends the States who have recently ratified those instruments, thereby taking a step closer to the full realization of the rights of children in their respective countries. With South Sudan and Somalia becoming the 195th and 196th States to become parties to the Convention on the Rights of the Child, the Special Representative is hopeful that those new ratifications will be translated into concrete actions for the greater protection of millions of children affected by armed conflict. In addition, as of December 2015, with the ratification by Bahamas, Kiribati and Micronesia, there are now 162 State parties to the Optional Protocol on the involvement of children in armed conflict. As already noted, Myanmar also signed the Optional Protocol during the reporting period. The Special Representative reiterates her call for those States that have not yet done so to take steps towards ratification of the Optional Protocol. The challenges that children face in situations of conflict cannot be overemphasized and relevant United Nations entities will continue to advocate for a universal and effective implementation of the Convention and its optional protocols. With regard to the newest Optional Protocol, on a communications procedure, which enables children to bring complaints of serious violations of their rights to the Committee on the Rights of the Child, the Special Representative issued a joint statement together with other leading United Nations experts on children's rights<sup>5</sup> calling on States to ratify the instrument without delay in order to increase the remedies available when children's rights are abused.<sup>6</sup>

## V. Working with regional organizations

53. The Special Representative continued her engagement with the African Union throughout the reporting period. Her Office supported the development of a workplan, which was approved in February 2015, to operationalize the declaration of intent signed in 2013. The workplan identifies core priorities to incorporate the issue of children and armed conflict into the work, policies and decision-making of the African Union, paying particular attention to capacity and knowledge management, support to State ratifications and compliance with African treaty bodies. It also includes provisions on planning and assisting African Union peace support operations. As noted above, the Special Representative also participated in the annual retreat of special envoys and mediators on the promotion of peace, security and stability held in Namibia in October 2015.

54. Following the signature of a cooperation agreement with the League of Arab States in September 2014, the constructive engagement between the Special Representative and the League continued throughout the reporting period. Joint letters from the Special Representative and the Secretary-General of the League were sent encouraging universal ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict by all members of the League. The Office of the

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<sup>5</sup> 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.

<sup>6</sup> [http://ratifyop3csrc.org/wp-content/uploads/2015/04/RatifyOP3\\_JointStatement\\_First\\_Anniversary\\_2015\\_Final.pdf](http://ratifyop3csrc.org/wp-content/uploads/2015/04/RatifyOP3_JointStatement_First_Anniversary_2015_Final.pdf).

Special Representative also participated in the twelfth sectoral meeting between the United Nations and the League, held in Cairo in October 2015, on the theme “The repercussions of undermining human rights: towards a comprehensive cooperation approach”.

55. The Special Representative continued to strengthen the partnership with the North Atlantic Treaty Organization (NATO) to support the ongoing mainstreaming of issues related to children and armed conflict. With that aim, her Office participated in a workshop in April 2015 that focused on using practical field experience to design training courses on the issue of children and armed conflict for current and future NATO deployments.

56. Lastly, in relation to the European Union, on 12 February 2015 the Special Representative and the High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini, renewed their commitment to work together in a joint statement on ending the recruitment and use of children in armed conflict. Collaboration is ongoing to support the mainstreaming of children and armed conflict into European Union policies and activities.

## **VI. Progress in achieving accountability for violations of children’s rights**

57. Goal 16 of the Sustainable Development Goals calls for promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels. As the Human Rights Council noted in its resolution 30/1, justice and accountability comes in many forms, including individual prosecutions, reparations, truth-seeking, institutional reform and the vetting of public employees and officials. All these measures can ensure justice, provide victims with remedies, promote healing and reconciliation, inspire confidence in the institutions of the State and promote the rule of law. Justice and accountability are vitally important to provide protection to children during armed conflicts by ensuring that violations are not repeated, to repair the damage to victims and, ultimately, to end the cycle of conflict. Accountability should therefore be the key consideration in the response to violations against children. However, as the Special Representative outlined in her report to the Council in 2014, perpetrators of grave violations of child rights are rarely brought to justice (see A/HRC/28/54, para. 51).

58. In a positive development related to promoting accountability, the Security Council unanimously adopted resolution 2225 (2015) in June 2015, in which it expressed grave concern over the abduction of children in situations of armed conflict. The Council requested the Secretary-General to include in the annexes to his future reports 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.

59. The Special Representative used various platforms to reinforce her call for accountability, including in the keynote address she gave in the context of the Law, Justice and Development Week organized by the World Bank in November 2015. The Special Representative participated in a round table on accountability for sexual and gender-based crimes convened by the Prosecutor of the International Criminal Court in Johannesburg, South Africa, in May 2015. Moreover, the Special Representative advocated for the inclusion of grave violations against children as criteria criterion for the application of sanctions and engaged with Security Council sanctions committees on a number of country situations. In 2015, she briefed committees concerning the situation in the Central African Republic, the Democratic Republic of the Congo, South Sudan and Yemen.

60. The speeches and briefings of the Special Representative reinforced the message that Governments bear the primary responsibility for protecting civilians and pursuing accountability in situations of conflict. States must adopt clear legislation and issue command orders to their security forces to protect civilians and, in particular, take precautionary measures to avoid harm to children. All crimes must be investigated promptly and effectively, and perpetrators must be prosecuted. Complex security environments and instability can significantly hinder the pursuit of accountability by impeding investigations, overburdening the judicial infrastructure and complicating sentence enforcement. However, with the political will and appropriate resources, and by prioritizing accountability, these challenges can be overcome.

61. Progress has been made in ending impunity for grave violations against children affected by conflict during the past 12 months, particularly in the Democratic Republic of the Congo. In January 2015, an arrest warrant was issued against the then leader of the Forces de résistance patriotiques en Ituri, Cobra Matata, for war crimes and crimes against humanity. At the time of writing, in December 2015, Cobra Matata was in pretrial detention. The charges included recruitment and use of children and rape. Building on progress made with regard to prosecutions and convictions in 2014, between July and September 2015 13 elements of the Armed Forces of the Democratic Republic of the Congo (Forces armées de la République démocratique du Congo—FARDC) and 4 members of the national police were sentenced by military courts for killing and committing sexual violence against children. The perpetrators were handed custodial sentences ranging from 30 months to 20 years. Moreover, the United Nations is currently working with the judicial authorities to issue several new arrest warrants for the recruitment and use of children. These developments demonstrate a sea change in the approach to accountability in the Democratic Republic of the Congo and exhibit that political will can be turned into clear results regarding ending impunity, even when a Government is confronted with an ongoing armed conflict.

62. The Government of Afghanistan has also undertaken important legal reform. As noted in this report, in 2015 a presidential decree entered into force that criminalized underage recruitment. The decree was adopted by both parliamentary chambers on 2 February 2015 and came into force shortly thereafter. This is an important step since the criminalization of child recruitment lies at the centre of all efforts to ensure accountability and prevent the recruitment and use of children by both the Government and non-State actors. Moreover, following the visit of the Special Representative to Nigeria, on 21 January 2015 the Nigerian Federal Minister of Justice issued an advisory on the unlawful use of children in the prosecution of perpetrators of hostilities and parties to armed conflict in the north-eastern states, reiterating the Government's obligations under international law and urging the military high command to ensure that commanders and personnel at all levels refrain from using children.

63. In her previous report to the Human Rights Council, the Special Representative highlighted the willingness of the transitional authorities in the Central African Republic to pursue accountability. On 3 June 2015, the Head of State of the Transition of the Central African Republic promulgated a law creating a special criminal court to investigate and prosecute grave human rights violations committed in the country since 2003. The Special Representative urges Member States to support the national authorities in their efforts to pursue accountability for violations against children and other serious crimes.

64. In line with the 2005 Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, Member States should ensure that their domestic laws provide, to the extent possible, justice and reparations to victims. Although the responses of Member States often lack this vital element, there has been an important

development in the field of international justice during the past year. The Special Representative welcomes the finding of the International Criminal Court Appeals Chamber in the *Prosecutor v. Thomas Lubanga Dyilo* case that all victims are to be treated fairly and equally in reparations programmes, irrespective of whether they participated in the trial proceedings. Moreover, the Appeals Chamber confirmed the Trial Chamber's decision that reparations should include measures to reintegrate former child soldiers in order to eradicate victimization, discrimination and stigmatization. In May 2015, the Office of the Special Representative contributed to the United Nations joint submission on reparations in that case.

## VII. Recommendations

65. **The Special Representative commends the Human Rights Council, the treaty bodies, the special rapporteurs and the Working Group on Arbitrary Detention for their work in relation to children deprived of liberty and encourages continued focus on this issue, including in the framework of the universal periodic review. She encourages Member States to treat children associated with armed groups primarily as victims, to consider alternatives to deprivation of liberty and to ensure that, at a minimum, deprivation of liberty be used as a last resort and for the shortest time possible.**

66. **Recalling that the sustainable reintegration of children is crucial for allowing children formerly associated with armed groups to exercise their human rights, the Special Representative encourages Member States to provide appropriate resources to the reintegration of the children recruited and used by any party to a conflict, giving special attention to the needs of girls.**

67. **The Special Representative encourages the Human Rights Council to highlight the rights of children displaced by conflict and the obligations of States of origin, transit and destination, in its resolutions on country-specific situations and thematic issues and in the mandates of special procedure mandate holders and commissions of inquiry.**

68. **The Special Representative encourages Member States and the donor community to strengthen their support to national justice systems in conflict and post-conflict situations by providing sufficient resources and technical capacity for investigating and prosecuting perpetrators of grave violations against children.**

69. **The Special Representative calls upon the Human Rights Council to ensure that special attention is paid to children affected by armed conflict in the implementation of the Sustainable Development Goals on quality education and healthy lives for all. In particular, it is important that the Council highlight the need to give adequate resources for education in emergencies occurring during times of armed conflict.**

70. **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 call upon States who have not yet done so to sign and ratify the Convention and its Optional Protocols; to enact legislation to explicitly prohibit and criminalize the recruitment and use of children by 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 upon ratification of the Optional Protocol.**

71. **The Special Representative notes with appreciation the attention paid by the special procedure mandate holders and commissions of inquiry to child protection**

concerns. She encourages mandate holders and commissions of inquiry to continue to include the plight of children affected by armed conflict in their monitoring efforts, reports and recommendations, and to bring those concerns to her attention. The Special Representative will continue to use such observations for advocacy purposes with the Member States concerned.

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