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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 2015 to December 2016, the Special Representative outlines the activities undertaken in discharging her mandate and the progress achieved in addressing grave violations against children. The Special Representative also explores the challenges in strengthening the protection of children affected by armed conflict, including by addressing the impact of armed conflict on girls, the emerging and recurrent challenges related to the deprivation of liberty of children in situations of conflict, and progress in ending grave violations against children, in particular through direct engagement with parties to conflict. Lastly, the Special Representative sets out recommendations addressed to the Human Rights Council and Member States to further the protection of children's rights.

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## 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 2015 to December 2016 and is submitted pursuant to General Assembly resolution 70/137, 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. The present report is submitted to the Human Rights Council 20 years after Graça Machel presented her findings on the impact of armed conflict on children (A/51/306) to the General Assembly, which through its resolution 51/77 subsequently created the mandate of the Special Representative. The Assembly also requested in its resolution that an annual report containing relevant information on the situation of children affected by armed conflict be transmitted to the then Commission on Human Rights. The anniversary thus provides an important opportunity to take stock of the longer-term achievements since the first report and to highlight to the Human Rights Council areas where progress is still required in order to enhance the protection of children and of their rights during armed conflict.

3. Despite the advances that have been achieved in those two decades, the basic rights of children were regularly violated during the reporting period. In the Middle East, in addition to the direct impact of current conflicts on children, with thousands being killed, maimed, and recruited and used, there were rapidly developing and evolving humanitarian crises that were of serious concern at the time of writing, in December 2016. In Iraq, the United Nations Children's Fund (UNICEF) estimated that over half a million children and their families were trapped in Mosul with food and medicine running out and clean water in short supply. In a similar vein, in the Syrian Arab Republic, it was estimated that, at the end of the reporting period, nearly 500,000 children were living in besieged areas and were completely cut off from sustained humanitarian aid. In Yemen, intense conflict has resulted in a lack of food and water, which has put one and a half million children at risk of acute malnutrition.

4. The Central African Republic was also a particular concern in 2016, and in the latter part of the reporting period the situation deteriorated significantly. Clashes between ex-Séléka factions in November in the east of the country resulted in many civilians, including children, being killed or wounded, and in over 11,000 persons reportedly being displaced. These clashes have added to the tension and violent outbreaks that have been ongoing throughout the reporting period. The prevailing insecurity led to the suspension of humanitarian activities in certain areas of the country, gravely compromising the right of children to health and well-being.

5. With the resumption of fighting between the Sudan People's Liberation Army and the Sudan People's Liberation Army in Opposition in July 2016, children in South Sudan have also continued to bear the brunt of a devastating ongoing conflict. In the three years since the start of the hostilities, children have had their right to life, survival and development violated on a daily basis, and at the time of writing there was little end in sight to the conflict.

6. Children's rights to liberty and security of person were impacted by government security responses and many children were detained for their or their parents' alleged association with armed groups. While advocacy has been successful and some children have been released, many more remained deprived of their liberty in situations of armed conflict. In the reporting period, the screening of civilians during military operations was also an emerging detention-related concern in a number of situations on the children and armed conflict agenda, which is elaborated upon in the present report.

7. In Afghanistan, the Syrian Arab Republic and Yemen, the right of children to health has been severely compromised by attacks on hospitals and health-care professionals. A number of highly publicized attacks have taken place in 2016, which are indicative of trends that have seen increasing numbers of attacks and threats of attacks on health care in recent years. The right of girls to education has also continued to suffer, with attacks or threats of attacks on schools, teachers and female pupils in situations such as in Iraq, Nigeria and the Syrian Arab Republic, as well as in Afghanistan and Mali.

8. Notwithstanding these pressing concerns and their impact on children, there has been progress in the last 12 months to protect the rights of children affected by armed conflict, which is described extensively in the report. This progress has included improvements in the normative framework, additional agreements with parties to conflict to protect children, and concrete action taken to separate and release children who were allegedly associated with parties to conflict.

#### **A. Impact of conflict on girls**

9. An important dimension of the Graça Machel study was the attention given to the distinct effects of armed conflict upon girls as compared to boys. In the past 20 years, there has been progress in addressing the impact of conflict on girls, including through developments in the normative framework and enhanced accountability efforts for the crimes of rape and other forms of sexual violence. However, a significant number of the challenges that were identified in the study two decades ago still remain, as the Human Rights Council acknowledged during the reporting period when it expressed outrage at the persistence and pervasiveness of all forms of violence against girls worldwide.<sup>1</sup>

10. Despite the significant efforts to end impunity, girls continue to be targeted in incidents of rape and other forms of sexual violence, often in order to terrorize, humiliate and weaken their communities. Armed conflicts are also characterized by a breakdown of the rule of law as well as of community structures; this exacerbates the vulnerability of girls to sexual violence, as armed elements can take advantage of the vacuum to commit human rights abuses. Violations of this nature are frequently compounded by an inadequate response to help survivors as well as children born of war. While the provision of dedicated services for girls has improved in recent years, there are still significant gaps in the form of non-existent, limited or disrupted access to essential services in some situations of armed conflict, as a result of a lack of medical workers, supplies and the necessary infrastructure and also due to insecurity and restrictions on movement. For example, the Special Representative notes that in 2016 in Iraq and the Syrian Arab Republic, girls who have been abducted and suffered sexual violence by armed groups have rarely been able to access services, due to ongoing conflict.

11. In situations of displacement, girls are particularly vulnerable. In addition to discrimination related to race, religion or ethnicity, girls are also often subject to abuses based on their sex, and therefore to multiple forms of discrimination. For example,

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<sup>1</sup> See Human Rights Council resolution 32/19.

displaced women and girls face high risks of sexual and gender-based violence, as highlighted in the 2016 report of the Secretary-General to the General Assembly entitled “In safety and dignity: addressing large movements of refugees and migrants” (A/70/59). These specific protection challenges must be recognized in order to mitigate the risks that girls are exposed to in situations of displacement. Member States are therefore urged to ensure that the needs of girls are addressed as part of their response both to refugees and to internally displaced persons. Protection measures should be implemented at all stages of the displacement cycle and girls who have suffered violations should be prioritized in refugee resettlement programmes.

12. The risk of trafficking from situations of armed conflict is a related issue of concern for the protection of girls, including during displacement. The Special Representative welcomes the Human Rights Council’s call to Governments in June 2016 to ensure that the prevention of and responses to trafficking in persons continue to take into account the specific needs of women and girls and their participation in and contribution to all phases of preventing and responding to trafficking, especially in addressing specific forms of exploitation, such as sexual exploitation.<sup>2</sup> The Special Representative has also undertaken a number of initiatives to support that aim, including contributing to the report of the Secretary-General on the implementation of measures to counter trafficking in persons<sup>3</sup> and addressing an event on the role of the United Nations in combating modern slavery and human trafficking in conflict, which was hosted in New York in November by the United Nations University.

13. Girls are also significantly affected by recruitment and use, with some estimates indicating that as many as 40 per cent of children associated with armed forces or armed groups are female. In addition to the use of girls in support functions, for sexual purposes or to be forced into marriage, they are also used for combat and to commit violent acts. For example, in a particularly grave example, in Nigeria in 2016, girls were increasingly being forced by Boko Haram to be suicide bombers, and were used for the purpose of avoiding detection by security personnel. Although the advocacy that has taken place since the Machel study has led to increased recognition of the plight of girls associated with parties to conflict, they still face significant obstacles in the process of being released and separated from parties to conflict. For example, it was noted in a recent report on the Democratic Republic of the Congo<sup>4</sup> that out of the 1,004 children who had escaped or been separated from one armed group between 2009 and 2014, only 19 girls had been documented. While there was a significant number of young girls present in camps who were allegedly used as wives, concubines, cooks, and combatants in the ranks, male members of the group claimed that these girls were their daughters. In the light of this repudiation of their role, girls are often less visible and are frequently neglected in disarmament, demobilization and reintegration programmes. When their role is recognized, societal factors have an impact, as girls are sometimes reluctant to join disarmament, demobilization and reintegration programmes, fearing rejection by their families and communities. Further action is required in order to raise awareness of the needs of girls in disarmament, demobilization and reintegration processes and also of the risks that they face after separation from armed groups, with special attention needing to be given to their reintegration into families and communities.

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<sup>2</sup> See Human Rights Council resolution 32/3.

<sup>3</sup> S/2016/949.

<sup>4</sup> “Invisible survivors: girls in armed groups in the Democratic Republic of Congo from 2009 to 2015”, available from [http://monusco.unmissions.org/sites/default/files/151202%20Girls%20in%20Armed%20Groups%202009-2015\\_ENGLISH\\_FINAL.pdf](http://monusco.unmissions.org/sites/default/files/151202%20Girls%20in%20Armed%20Groups%202009-2015_ENGLISH_FINAL.pdf).

14. Goal 5 of the Sustainable Development Goals aims to achieve gender equality and empower all women and girls. Education is a key component of empowerment, however in times of conflict, children's access to education is often severely restricted, with a particular effect on girls as their schools are often directly targeted by attacks. Even when schools are operating in situations of armed conflict where girls' enrolment rates were high prior to the conflict, some parents prevent girls from going to schools due to insecurity, or because the facilities have been used by armed actors. The military use of schools exposes girls to an increased likelihood of sexual violence by armed elements and also increases the likelihood of attack by other parties to the conflict. In addition, girls are sometimes given extra household responsibilities that oblige them to stay home. There is also increased vulnerability to forced early marriage in situations of conflict, which is at times encouraged by families with the aim of providing their child with physical and financial security and results in girls withdrawing from schooling. Forced marriage is another practice that has increasingly been used by armed groups as an expression of power and control over populations. Given these susceptibilities, it is important to develop protection and education programmes for conflict-affected girls in order to provide them with support and avoid long out-of-school interruptions. In this regard, the Special Representative welcomes the call by the Human Rights Council for all States to strengthen and intensify their efforts to realize progressively the equal enjoyment of the right to education by every girl and encourages a focus on girls affected by armed conflict.<sup>5</sup>

## **B. Deprivation of liberty and screenings of children as an emerging aspect of counter-terrorism strategies**

15. In the light of the gravity and scale of the concern relating to children deprived of their liberty in situations of armed conflict, the Special Representative continues to bring this matter to the attention of the Human Rights Council. It is stipulated in the Convention on the Rights of the Child that children must be detained only as a measure of last resort, in exceptional circumstances and for the shortest appropriate period of time. These provisions are recognition of the detrimental long-term impact that deprivation of liberty has on a child and his or her development, however for thousands of children around the world, these safeguards are compromised and their rights are denied, particularly in the context of counter-terrorism operations or other security responses.

16. In countries such as Afghanistan, Iraq, Israel, Nigeria and Somalia, as well as others, hundreds of children have been detained, sometimes for specific criminal offences, but often purely for association with parties to conflict. Given the vulnerability of children who have been recruited and used, the Special Representative once again urges Member States to ensure that children's reintegration is the prevailing approach and that children are treated primarily as victims of recruitment. This approach is in accordance with the Geneva Conventions, in which it is stated that children should be the object of special respect and that parties to the conflict should provide them with the care and aid that they require. This protection is not lost even in cases where a child has been recruited and used by a party to conflict. In addition, Member States that have ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict should strongly heed the provisions stipulating that all feasible measures should be taken to ensure that persons recruited or used in hostilities are demobilized and that appropriate assistance is afforded for their physical and psychological recovery and their social reintegration. Standard operating procedures for the handover of children encountered during military operations to child protection actors are important tools for adhering to the

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<sup>5</sup> See Human Rights Council resolution 32/20.

principles of the Optional Protocol. In recent years, handover agreements have been signed by the Governments of Chad, Mali, Somalia and Uganda, and together with UNICEF and other United Nations entities the Special Representative has continued advocacy with Member States and provided technical support for the development of new procedures during the reporting period.

17. When a child who has been recruited and used is alleged to have committed clearly defined crimes under international or domestic law, the specific circumstances and best interests of the child must be taken into account. However, it is more commonplace that children are sent before courts and are accorded few safeguards or none. In this regard, the use of military or special courts is an acute concern for the Special Representative, as they frequently fail to apply fair trial standards or basic juvenile justice safeguards. In particular, instances of death sentences being handed down by these mechanisms have been documented in situations of armed conflict, notwithstanding the prohibition of capital punishment for offences committed by persons below 18 years of age, under the Convention on the Rights of the Child. The Special Representative urges Member States to ensure that the best interests of the child are a primary consideration in the administration of juvenile justice and that military or special courts are avoided in all circumstances. Moreover, additional special considerations for children should also be in place in regular justice systems. For example, in conflict and post-conflict settings, justice systems are often stretched to their limits: the processing of cases involving children should always take priority.

18. An ongoing concern in some contexts is the very definition of a child. While it is almost universally accepted at the international level that a child means every human being below the age of 18, in line with the provisions of the Convention on the Rights of the Child, practice between and even within States is sometimes contradictory. Member States should take measures to close legal lacunae and ensure that the definition of a child is set at 18 years, in line with the international normative framework. Member States should also make additional efforts to ensure that the international obligations regarding the definition of a child are widely known and are adhered to by all national, regional and local authorities. A connected concern is the process for determining the age of a person who is allegedly associated with a party to a conflict. In many conflict settings, birth registration systems are lacking, and age assessment mechanisms are frequently inadequate and children are often presumed to be adults. In this regard, it is important for Member States to ensure adherence to the principle that if there is any doubt, the individual should be considered a child and protected as such.

19. Long-standing and well-established principles of detention are also being sidelined and overlooked in the context of armed conflict. For example, in many situations children are being held together with adults, and boys are also being held together with girls. Detaining children in this way exposes them to a range of risks to their physical integrity and can have harmful consequences for their psychological development. The nomenclature regarding detention is also a serious concern, as in some instances, the use of terminology such as a “reintegration”, “rehabilitation” or “deradicalization” centre has been used to circumvent the applicability of safeguards and to deny the rights of those deprived of their liberty. In this regard, the Special Representative reminds concerned Member States of the importance of adhering to the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) in all instances of the deprivation of liberty of children. In all situations, priority must also be given to maintaining family ties for children in detention, and children should also have access to educational programmes, medical care and psychological support. These provisions will aid a child’s reintegration into society once he or she is released.

20. Over the reporting period, the increased use of screening of civilians by government security forces or pro-government militias in situations such as those in Iraq and Nigeria has been an emerging concern related to the deprivation of liberty of children. Centres have been established by parties to conflict in order to process civilians fleeing from armed groups. This practice has resulted in mass deprivation of liberty of civilians, including children, due to long processing times but also due to a presumption of affiliation with the very armed group from which they are fleeing. Screening has been undertaken by parties to conflict, including militias, who are poorly trained and, in many instances, lack the neutrality and capacity required to engage in a child-sensitive manner. Presumptions of affiliation have been based on broad categories, such as the age, gender or ethnic affiliation of the people being screened, and screening has also been used for intelligence gathering. This practice of screening and subsequent detention often violates the right to challenge the lawfulness of the deprivation of liberty before a court or another competent, independent and impartial authority. In some instances, the presumption of affiliation can also amount to a form of collective punishment. While the Special Representative is cognizant of the need to ensure the safety of civilians, she reminds Governments in conflict-affected countries of the importance of using civilian actors with child protection expertise to carry out screening and of adhering to the last resort and shortest possible time provisions of the Convention on the Rights of the Child. Screening without clear legal oversight also leaves children open to other violations, such as extrajudicial killings, enforced disappearance and torture. In this regard, the Special Representative welcomes the continuing attention that the Human Rights Council has given to the issue of deprivation of liberty in its country-specific and thematic resolutions, which has included calls for accountability in instances of secret detention, torture and practices tantamount to torture or other cruel, inhuman or degrading treatment, including under the pretext of countering terrorism.<sup>6</sup>

21. An issue connected to the deprivation of liberty of children for association with non-State armed groups is the recruitment and use of children under the age of 18 by government forces. Member States should be cognizant of the fact that when they recruit children under the age of 18, even in non-conflict situations, notwithstanding the provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, this can be used by the leadership of non-State armed actors to legitimize their own actions. More children are thus likely to be encountered during military operations and detained by Member States. In this regard, the Special Representative calls upon Member States to consider establishing the minimum age for recruitment into the armed forces at 18 years, even if the children are not used in conflict.

22. In the reporting period, the Special Representative has engaged in extensive advocacy to protect children who have been deprived of their liberty for association with parties to conflict. Joint endeavours have helped to ensure appropriate protection of the rights of children separated from armed groups. For example, in the Sudan, following the Special Representative's visit and in the light of extensive efforts by many United Nations entities, 21 boys detained for their alleged association with a non-State armed group were released and pardoned by the President on 8 September 2016.

23. In Somalia, also following the Special Representative's visit and wide-ranging advocacy efforts, 26 children aged between 12 and 14 who had been detained by authorities in Puntland for association with a non-State armed group were released; however, 38 children, assessed to be above the age of 14 and subsequently sentenced as adults, remained detained at the time of writing, some of whom have been condemned to death. In December, the United Nations was continuing efforts to secure the release of those children. These concerns are elaborated upon in the present report in the section on field

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<sup>6</sup> See Human Rights Council resolution 31/2.



visits. The release of the 26 children follows the handover to child protection actors of over 100 children detained in the Serendi and Hiil-Walaal centres as well as in Galmudug, in late 2015 and in 2016.

24. In the same vein, the Office of the Special Representative has sustained its efforts to improve the principles of protection for children deprived of liberty in situations of armed conflict. In November, in Geneva, the Special Representative attended the twenty-fifth anniversary of the creation of the Working Group on Arbitrary Detention and emphasized the importance of focusing on children in efforts to end arbitrary detention. The Office of the Special Representative also worked closely with the United Nations Office on Drugs and Crime throughout the reporting period, including by providing child protection expertise at two workshops with government officials on the issue of children recruited and used by violent extremist groups, which were held in Amman and Dakar. The Office of the Special Representative also took part in an event in association with the steering group for the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), at Wilton Park, in the United Kingdom of Great Britain and Northern Ireland, on protecting children from extreme violence, which focused on the treatment of those who have been recruited and used. The outcomes of that conference will be used to prepare for an event for the tenth anniversary of the Paris Principles, which will be held in Paris in February 2017. Lastly, the Special Representative also continued to contribute to the initial phase of the in-depth global study on children deprived of liberty, in line with General Assembly resolution 69/157,<sup>7</sup> and took part in an event in November in Geneva with the independent expert and lead author of the global study, Manfred Nowak.

### **C. Ending grave violations**

25. In the past year, the Special Representative has continued to prioritize interactions with parties to conflict to end grave violations against children. However, while progress has been forthcoming, the sheer number and differing nature of actors in armed conflicts has contributed to the creation of an environment where the protection of children is increasingly challenging and resource-intensive. In particular, the multiplicity of non-State armed groups, including militias that are used to fight on behalf of Governments, and the increasing number of military operations carried out by international coalitions, have challenged the child protection community's ability to prevent and respond to grave violations. The very nature of these actors, with their loose composition and the lack of clarity in their command structures, can hamper advocacy efforts seeking to ensure that fundamental safeguards are implemented, such as precautionary measures and adherence to the principle of distinction.

26. In this regard, one of the most disturbing trends documented in 2016, noted earlier in the present report, is the increasing incidence of attacks on health facilities, which has had a grave impact on children's right to health. Hospitals, ambulances and medical personnel have been attacked or threatened with attack in many countries that are on the children and armed conflict agenda, including Afghanistan, the Central African Republic, Iraq, Libya, Mali, South Sudan, the Syrian Arab Republic and Yemen. The Special Representative has engaged strongly on this issue with parties to conflict and has taken part in a number of United Nations system-wide initiatives. For example, the Office of the Special Representative has supported the development of recommendations on measures to enhance protection of the wounded and sick and of medical personnel and humanitarian personnel exclusively engaged in medical duties, and of their means of transport and equipment and

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<sup>7</sup> See para. 52 (d).

of hospitals and other medical facilities, including through recommendations to parties to conflict, in line with the request made by the Security Council in its resolution 2286 (2016).

27. The World Humanitarian Summit, held in May 2016, also focused on increasing adherence to international law by parties to conflict. At the summit, the Special Representative took part in the high-level leaders' round table on upholding the norms that safeguard humanity, where she represented the United Nations and made commitments on behalf of the Organization to intensify the monitoring, investigation and reporting of violations and to engage in increased advocacy with parties to conflict when violations occur. At the same event, the Charter on Inclusion of Persons with Disabilities in Humanitarian Action was launched. This initiative will help to ensure that the many children who are permanently disabled during conflict, sometimes purely as the result of a lack of basic medical services to treat minor conditions, are not forgotten.

28. The complexity of dealing with the increasing number of parties to conflict has also been detrimental to the investigation of incidents when there are allegations of violations. Accountability remains key to ending grave violations, and the Special Representative sustained strong engagement to end impunity, including through advocacy with individual Member States to pursue national accountability initiatives. International initiatives to pursue accountability have also borne fruit in 2016, with the launch of a policy paper on children by the Office of the Prosecutor of the International Criminal Court, in November. The Office of the Special Representative supported the development of this document, which will aid the inclusion of crimes in indictments where the evidence permits, as well as enhancing the Court's interactions with children as victims and witnesses. At the request of the Security Council, the Special Representative continued to brief sanctions committees throughout the reporting period and to provide them with information on grave violations committed against children, including the committees for South Sudan in March, the Sudan in April and the Democratic Republic of the Congo in November.

#### **D. Ongoing dialogue with parties to conflict**

29. Notwithstanding the challenges to ending grave violations, the United Nations continued to utilize, inter alia, the "Children, Not Soldiers" campaign and peace processes to engage with a wide spectrum of parties to conflict in order to gain additional commitments to protect the rights of children affected by armed conflict. When there is political will and political space, action plans are one of the strongest available mechanisms to improve the protection of children, and three were concluded in the reporting period. Throughout 2016, interactions took place between the United Nations and parties to conflict from the Central African Republic, Colombia, Mali, Myanmar, Nigeria, the Philippines, South Sudan and the Sudan. A number of the discussions took place in the context of a meeting convened by the non-governmental organization Geneva Call, which was held in Geneva in November and provided an important opportunity to engage with non-State armed groups from six country situations on the children and armed conflict agenda.

30. In a particularly important milestone in the reporting period, all Member States concerned by the "Children, Not Soldiers" campaign have now concluded a formal written commitment with the United Nations to end the recruitment and use of children in their security forces. In March, the Government of the Sudan signed its action plan; high-level and technical committees have been established to facilitate and coordinate the action plan's implementation. In 2016, progress has also been ongoing in other countries concerned by the campaign. For example, the Government of Afghanistan endorsed age assessment guidelines for use in recruitment processes for its national defence and security forces. The Democratic Republic of the Congo continued to make progress to address the remaining gaps to prevent the recruitment of children into the country's armed forces,

including by realizing most of the goals of the 2015 road map that had been developed to expedite the implementation of the action plan. In Myanmar, 101 children and young people recruited as children were released from the army and reintegrated into their communities during the reporting period. Regrettably, the high levels of conflict intensity in Somalia, South Sudan and Yemen had a detrimental impact on children and continued to hamper progress on existing action plans. Despite positive developments in most countries concerned by the “Children, Not Soldiers” campaign, gaps nevertheless remain in almost all of these countries as regards ensuring systematic prevention and accountability in relation to the recruitment and use of children. Those gaps are outlined in the most recent report of the Secretary-General on children and armed conflict (see A/70/836-S/2016/360).

31. Concrete commitments also resulted during the reporting period from engagement by the United Nations with non-State armed groups, including the signing of two action plans. In the Sudan, following a meeting between the Special Representative and the Secretary-General of the Sudan People’s Liberation Movement-North, held in Addis Ababa in May 2016, and the engagement of United Nations partners on the ground, an action plan was signed in Geneva in November, on the margins of the Geneva Call meeting, to end and prevent the recruitment and use of children, and was witnessed by the Special Representative. In South Sudan, in January 2016, an action plan was concluded with the Sudan People’s Liberation Movement/Army in Opposition to end and prevent the recruitment and use of children and to ensure their release to child protection actors. The action plan also covers the killing and maiming of children, as well as other grave violations. Unfortunately, at the time of writing, in December 2016, little effective action had been taken by the group to implement the action plan.

32. Dialogue on the separation and handover of children has continued in the Central African Republic with the anti-Balaka and *Révolution et justice*, as well as with a number of ex-Séléka factions that expressed interest in signing an action plan. In Mali, the *Mouvement national de libération de l’Azawad* and its coordinating body, the *Coordination des mouvements de l’Azawad*, began discussions with the United Nations regarding an action plan aimed at ending and preventing the recruitment and use of children in armed conflict, and sexual violence and other grave violations against children; consultations were still ongoing at the time of writing, in December 2016. In Nigeria, a formal dialogue has begun between UNICEF and the senior leadership of the Civilian Joint Task Force, who have expressed interest in cooperating with the United Nations in halting child recruitment and use, and separating children, including through the formal signing of an action plan.

33. Since receiving a request from the parties in May 2015, the Special Representative has played an active role in the peace talks between the Government of Colombia and the Revolutionary Armed Forces of Colombia — People’s Army. Important progress has been made during the reporting period, which is outlined in the present report in the section on field visits.

34. In the Philippines, the Moro Islamic Liberation Front and Bangsamoro Islamic Armed Forces continued to work on implementing their action plan and achieved significant progress. In an encouraging development, the United Nations was able to re-engage with the National Democratic Front of the Philippines and the New People’s Army on their declaration and programme of action for the rights, protection and welfare of children. In Myanmar, discussions moved forward with the Karenni National Progressive Party and Karenni Army, which signalled their readiness to sign an action plan to end and prevent the recruitment and use of children. The Executive Committee of the Kachin Independence Organization and Kachin Independence Army invited UNICEF to participate in a workshop on ending child recruitment, which led to gaps being identified in internal procedures regarding child recruitment and to a commitment to revise their code of conduct. Finally, the Karen National Union/Karen National Liberation Army signalled its

readiness to enter into discussions with the United Nations on the issue of child recruitment. Progress has, however, been constrained, pending the support of the Government for action plans to be concluded with non-State armed groups.

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

#### **A. Afghanistan**

35. From 13 to 17 February 2016, during a visit to Afghanistan, the Special Representative engaged in high-level dialogue with the Government to support the implementation of the action plan to end and prevent the recruitment and use of children by the Afghan National Defence and Security Forces, and of the road map to compliance agreed in August 2013. She also met with key partners, such as the North Atlantic Treaty Organization (NATO), the diplomatic community and civil society.

36. The Special Representative was encouraged by the political will and commitment of the Government to fully implement the action plan. She had open discussions with the Government about remaining challenges, which included (a) ensuring systematic implementation of instruments and mechanisms to prevent child recruitment; (b) strengthening oversight and control of recruitment by the Afghan Local Police; (c) pursuing accountability to prevent future recruitment and use; and (d) providing reintegration programmes and alternatives for children. Since her visit, the Government has inaugurated 11 more child protection units, located in Afghan National Police recruitment centres, bringing the total to 17 nationwide.

37. The Special Representative also raised with the Government the issue of detention of children on national security-related charges, including for association with non-State armed groups. In an encouraging development, on 2 July 2016, the National Directorate for Security issued a directive ending the transfer of children to and facilitating the release of children from adult detention facilities, including the maximum security detention facility in Parwan Province, near the city of Kabul. In relation to protecting schools and hospitals, the Special Representative noted with concern the increasing numbers of attacks on those facilities and encouraged the Government to take measures to prevent the military use of schools. In June and July 2016, the Ministry of Education sent two directives to all security-related ministries highlighting the commitment of Afghanistan to the Safe Schools Declaration, signed in 2015, and requesting security forces to refrain from using schools for military purposes.

38. She also raised with the authorities the practice of bacha bazi, the sexual exploitation and abuse of boys by men in positions of power, including in the Afghan National Defence and Security Forces, and emphasized the need to criminalize this practice of sexual abuse against children.

#### **B. Sudan**

39. The Special Representative visited the Sudan from 27 to 30 March 2016 to witness the signing of the action plan (see para. 30 above) and to engage with the Government of the Sudan on the protection of children. The Special Representative witnessed commitment from government officials and emphasized that it should be demonstrated during the implementation of the action plan. She underscored that accountability for grave violations should be pursued and stressed that access by the United Nations to conflict-affected areas and populations was critical for the success of the action plan. It was during this visit that the Special Representative was given access to 21 children detained by the National

Intelligence and Security Service for their alleged association with an armed group. As already noted in the present report, following sustained advocacy, the children were released, on 22 September 2016.

### **C. Colombia and Cuba for the Colombian peace process**

40. In 2016, the Special Representative continued to engage directly with the Government of Colombia and the Revolutionary Armed Forces of Colombia — People's Army. She travelled to Havana in May to witness the signing of an agreement on the separation of children and the commitment to develop a comprehensive special care programme (see joint communiqué No. 70).<sup>8</sup> This agreement came as a result of sustained advocacy by the Special Representative and the country task force on monitoring and reporting on grave violations against children in Colombia which is co-chaired by UNICEF and the Resident Coordinator. Through this agreement, the parties committed to prioritizing the principle of the best interests of the child and ensuring their treatment as victims.

41. After the results of the plebiscite on the final peace agreement, the parties nevertheless reiterated their commitment to continuing to implement confidence-building measures of a humanitarian nature, including the separation of children from the camps of the Revolutionary Armed Forces of Colombia — People's Army. Since the signing of a revised agreement on 24 November 2016, efforts have continued to ensure prioritization of the separation and reintegration of all underage children associated with the Revolutionary Armed Forces of Colombia — People's Army and to put in place guarantees of non-repetition to prevent re-recruitment by other armed actors.

42. As requested by the parties, the Office of the Special Representative continues to act in support of the process as an observer and guarantor. Considering the political and practical challenges ahead, the Special Representative will pursue her advocacy to emphasize the urgent need to bring protection and peace to the children of Colombia and to present concrete results after four years of dialogue.

### **D. Somalia**

43. From 16 to 21 July 2016, during her second visit to Somalia, the Special Representative met with representatives of the Government and assessed the implementation of the action plans to end and prevent the recruitment and use and killing and maiming of children by the Somali National Army. She also engaged with the African Union Mission in Somalia to discuss the vital role that it should play in protecting children and to raise allegations of child rights violations by its contingents.

44. The detention of children for association with Al-Shabaab had been identified as a concern during the Special Representative's previous visit to Somalia. Notwithstanding the release of children from centres in Serendi, Hiil-Walaal and Galmudug, as already highlighted in the present report, the lack of transparency and oversight in classifying children held on national security charges and the whereabouts and plight of children classified as high risk remains a grave concern. The United Nations was engaged in sustained advocacy on that issue at time of writing, in December 2016.

45. In Puntland, the Special Representative expressed her alarm that children under the age of 18 had been held in detention since March for association with Al-Shabaab and that

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<sup>8</sup> See <https://www.mesadeconversaciones.com.co/comunicados/comunicado-conjunto-70-la-habana-cuba-15-de-mayo-de-2016>.

10 of them had been sentenced to death on the same charges. While the authorities in Puntland had assured the United Nations that those under the age of 18 would not be executed, there has been no progress on revoking the death penalties or even on securing the release of the other child detainees aged between 15 and 18. Moreover, since the Special Representative's visit, additional children aged between 15 and 18, who are considered adults under the Puntland constitution, have been given lengthy custodial sentences. In this regard, the Special Representative reiterates her call for the children's release and urges federal and regional authorities to swiftly resolve all existing legal ambiguities and clearly domesticate the country's international obligations under the Convention on the Rights of the Child.

#### **IV. Working with regional organizations**

46. The Special Representative sustained her deep engagement with the African Union throughout the reporting period. She briefed the Peace and Security Council of the African Union in Addis Ababa in May 2016 at its third open session dedicated to children affected by armed conflict, which focused on the protection of schools. During the session the Special Representative received strong backing from all members of the Council, who expressed their support for the "Children, Not Soldiers" campaign and made commitments to protect schools and hospitals, including refraining from using these for military purposes. In June, the Office of the Special Representative participated in a workshop designed to support the development of a human rights compliance framework for African Union peace support operations. As an indication of the depth of her engagement with the African Union, throughout the annual retreat of African Union special envoys and mediators on the promotion of peace, security and stability, held in Sharm El Sheikh, Egypt, in October 2016, the Special Representative worked with participants to highlight the children and armed conflict concerns relevant to their work. Lastly, the issue of violations attributed to contingents of African Union Mission in Somalia was discussed on a number of occasions during the reporting period.

47. The Special Representative continued to strengthen her partnership with the European Union, which is a key interlocutor that engages in human rights dialogue and capacity-building with many of the countries on the children and armed conflict agenda. In January she addressed the European Parliament Subcommittee on Security and Defence at an interactive session in which views and information were exchanged on the impact of armed conflict on children, the challenges of reintegration, and the challenges for Common Security and Defence Policy missions when they face issues related to children and armed conflict.

48. In November, the Special Representative was invited to the thematic debate of the Independent Permanent Human Rights Commission, of the Organization of Islamic Cooperation, on protecting and promoting the rights of children during situations of armed conflict, foreign occupation, emergencies and disasters. She delivered an address in which she encouraged further interaction between her Office and the Commission. Pursuant to the cooperation agreement between the League of Arab States and the Office of the Special Representative, signed in 2014, the Office of the Special Representative also participated in the general meeting of cooperation between the United Nations and the League of Arab States that was held in May 2016.

49. The Special Representative has continued to work with regional organizations that have a mandate on conflict-related matters. In particular, engagement with NATO was ongoing, with a view to deepening the partnership on the issue of children and armed conflict and supporting the ongoing mainstreaming efforts. In January 2016, the Special Representative met in Brussels with the incoming Assistant Secretary-General for

Operations and the Deputy Secretary-General to discuss ways to further strengthen the protection of children in NATO-led operations. She also briefed the Operations Policy Committee and underscored the responsibility and role of NATO in protecting children in armed conflict. During her visit to Afghanistan in February 2016, the Special Representative met with the Commander of the NATO Resolute Support Mission and the NATO Senior Civilian Representative to voice concerns about rising child casualties and to advocate for the appointment of an adviser on children and armed conflict, within the Resolute Support Mission in Afghanistan. The position was filled in May 2016.

50. The Office of the Special Representative contributed to the development of NATO policies and guidelines on children and armed conflict, including the “standard operating procedure on reporting and information-sharing in support of children and armed conflict”, which was adopted in September 2016 and identifies the role of NATO in support of the United Nations in protecting children affected by armed conflict. In addition, staff of the Office of the Special Representative attended the NATO-United Nations staff talks held in March.

## **V. Working with United Nations human rights mechanisms and initiatives**

51. Given the ratification of the Convention on the Rights of the Child in October 2015 by Somalia, there is almost universal ratification of that treaty and the global normative framework to protect the rights of children is robust. However, the Special Representative continues to engage with Member States that have not already ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, with the aim of achieving universal ratification thereof and enhancing the legal protection of children’s rights in conflict. In the reporting period, she held bilateral meetings with Member States and actively engaged with regional organizations, civil society and regional groups on the matter. Four additional countries — Brunei Darussalam, Guinea, Pakistan and Samoa — became States parties to the Optional Protocol during the reporting period.

52. While this international legal framework has sometimes been supported and enhanced by legislation and policies adopted at the regional, national and local levels, the present report has outlined how there is a disconnect between the internationally agreed standards for children’s rights and their practical implementation in situations of armed conflict. In this regard, the Special Representative has continued to prioritize closer cooperation between her Office and international human rights mechanisms, in particular the Committee on the Rights of the Child and the Human Rights Committee. Through State reporting mechanisms, treaty bodies have played an important role in identifying gaps between the legal and policy framework and the practice, and have made recommendations to address any shortcomings. The Special Representative is encouraged by the continued attention given to both progress and challenges in addressing the impact of armed conflict on children in State parties’ reports reviewed by the respective committees. For example, in the reports of the Democratic Republic of the Congo to the Committee on the Rights of the Child (CRC/C/COD/3-5) and the Human Rights Committee (CCPR/C/COD/4), the State party referred to the progress achieved in implementing the action plan to end the recruitment and use of children and other serious violations of the rights of the child by the armed forces and the security services. In this regard, increased collaborative efforts between the State party, the Special Representative and relevant special procedures of the Human Rights Council have been highlighted as a way forward to put an end to the suffering of children caused by the armed conflict. As another illustration of mutually reinforcing messages, the situation of children affected by armed conflicts in the Central

African Republic has been outlined in the report of the Government to the Committee on the Rights of the Child (CRC/C/CAF/2), and the Special Representative encourages the Committee and relevant actors to follow up in a timely manner, in particular through the adoption of strong concluding observations and by providing support for their swift implementation. The Special Representative also welcomes the collaboration with the Human Rights Committee, in particular through the list of issues in relation to the seventh periodic report of Colombia (CCPR/C/COL/Q/7) and the replies by the Government thereto (CCPR/C/COL/Q/7/Add.1), which resulted in a focus on the prevention of the use and recruitment of children by armed groups and on measures to prevent the involvement of children in intelligence activities or in civic-military activities. In addition, in its most recent concluding observations on Colombia (CCPR/C/COL/CO/7), the Human Rights Committee encouraged the State to continue and intensify its efforts to prevent the use and recruitment of children by armed groups, to provide adequate reintegration support and to guarantee that all children separated from armed groups are considered as victims.

53. The Special Representative has also prioritized cooperation with the universal periodic review process by submitting three contributions in the reporting period, on the Philippines, South Sudan and the Syrian Arab Republic. In this connection, she notes that during the review of Somalia, to which the Office of the Special Representative made a contribution in 2015, a significant number of Member States raised the issue of children and armed conflict, and recommended, inter alia, ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and ensuring effective implementation of the 2012 action plans on ending the recruitment and use of children and ending the killing and maiming of children (see A/HRC/32/12). She encourages the Human Rights Council to continue to address issues related to children and armed conflict for relevant countries, welcomes the practice of adopting concrete recommendations, and encourages references to relevant findings of treaty bodies and special procedures to ensure sustained mainstreaming and follow-up by the various actors involved in the protection of children's rights. In this regard, the Special Representative will continue to explore avenues for increased cooperation with the universal periodic review process.

54. Within the United Nations system, the Office of the Special Representative has continued to support the efforts developed as part of the Secretary-General's Human Rights Up Front initiative, and participated with the Deputy Secretary-General in the interactive dialogue on the initiative at the General Assembly in January 2016, highlighting the importance of strengthened collaboration to address human rights concerns in conflict-affected situations. Children and armed conflict concerns have also been mainstreamed in Organization-wide initiatives on human rights issues. For example, in connection with the Sustainable Development Goals, the Special Representative took part in the launch of Alliance 8.7, which is led by the International Labour Organization and is aimed at enhancing coordinated efforts to eradicate forced labour, including the recruitment and use of child soldiers. On another occasion, the Office of the Special Representative provided input for the Secretary-General's Plan of Action to Prevent Violent Extremism (A/70/674), in order to ensure that safeguards were included for the protection of children.

55. Lastly, the Special Representative has been extensively involved throughout the reporting period in the Secretary-General's efforts to enhance the United Nations response to allegations of sexual exploitation and abuse. She has participated in the high-level steering committee on implementation of the recommendations of the report of the external independent review panel on sexual exploitation and abuse by international peacekeeping forces in the Central African Republic. The Office of the Special Representative has also taken part in various working groups, including on the implementation of Security Council resolution 2272 (2016), and was involved in the drafting of related documents on improving responses. For example, her Office was heavily involved in drafting the



guidance on the preparation, deployment and repatriation of current or future United Nations peacekeeping operations.

## **VI. Recommendations**

56. **The Special Representative remains deeply concerned at the scale and severity of the grave violations that were committed against children in 2016, which included alarming levels of killing and maiming, recruitment and use and denials of humanitarian access, and calls upon the Human Rights Council and Member States to take all available measures to prevent these violations from occurring. In particular, in light of the impact on children, the Special Representative calls upon parties to conflict to immediately end all restriction on the receipt of humanitarian aid by civilians and allow unimpeded access by humanitarian actors.**

57. **The Special Representative encourages the Human Rights Council to maintain the practice of including recommendations on the protection of children affected by armed conflict when considering or adopting resolutions on country-specific situations or thematic issues as well as in the universal periodic review process, with particular attention to the implementation of the recommendations. The Special Representative also encourages the Human Rights Council to continue to include child rights violations in its resolutions establishing or renewing the relevant mandates of special procedures.**

58. **The Special Representative welcomes the continued attention to both progress and challenges regarding the impact of armed conflict on children in States parties' reports to the Committee on the Rights of the Child and the Human Rights Committee. In this regard, all relevant Member States are urged to include, as appropriate, specific references to information on grave violations against children, on gaps in their applicable legal and policy frameworks and on accountability initiatives, in their own submissions to these bodies.**

59. **Relevant United Nations entities are also encouraged to use the concluding observations of the Committee on the Rights of the Child and the Human Rights Committee as advocacy tools to promote States parties' follow-up to and implementation of recommendations related to children and armed conflict.**

60. **The Special Representative encourages all actors to renew their efforts to address the impact of conflict on girls. In this regard, the Special Representative calls upon Member States to ensure that appropriate services are in place to reintegrate girls associated with parties to conflict as well as supporting communities for the return of those who have been forcibly married and/or have suffered sexual violence and/or have borne children.**

61. **The Special Representative calls anew upon Member States to treat children allegedly associated with non-State armed groups primarily as victims entitled to full protection of their rights and to urgently adopt protocols for their handover to child protection actors. The Special Representative also urges the Human Rights Council, treaty bodies and the relevant special procedures to focus closely on the detrimental impact on the rights of children that results from exercises of widespread screening of civilians in situations of armed conflict.**

62. **The Special Representative welcomes national and international efforts to achieve accountability for perpetrators for grave violations against children. Member States 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 situations of conflict. The Human Rights Council is also urged to include a focus on the fight against impunity for grave violations when it mandates commissions of inquiry or holds special sessions.

63. The Special Representative welcomes the recent ratifications of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and continues her call to States that have not yet done so to sign and ratify the treaty, 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 recruitment into the armed forces at 18 years, when depositing their binding declaration upon ratification of the Optional Protocol.

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