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

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

Summary

In the present report, which covers the period from May 2012 to December 2013, the Special Representative of the Secretary-General for Children and Armed Conflict outlines the activities undertaken in discharging her mandate, including information on her field visits, and the progress achieved with regard to developing and implementing action plans, as well as the challenges of the children and armed conflict agenda.

The Special Representative acknowledges the progress made since the previous reporting period with regard to cooperation with regional organizations, and the progress in the development and implementation of international law to protect children's rights, as well as dialogue with government forces and non-State armed groups. The report notes the ongoing impunity for grave violations against children, and highlights trends involving the recruitment and use of children, killing and maiming, sexual violence, and attacks on schools and hospitals.

Lastly, the Special Representative sets out a series of recommendations addressed to States parties to the Convention on the Rights of the Child, to States that are under the review of the Human Rights Council universal periodic review mechanism, to the Human Rights Council and to Member States to further the protection of children's rights.



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I. Introduction

1. The present report, which covers the period from May 2012 to December 2013, is submitted pursuant to General Assembly resolution 67/152, in which the Assembly requested the Special Representative of the Secretary-General for Children and Armed Conflict to submit a report to the Human Rights Council on the activities undertaken in fulfilment of her mandate, including information on her field visits, and on challenges in the children and armed conflict agenda.

2. On 10 September 2013, the Special Representative for Children and Armed Conflict gave a briefing¹ to the Human Rights Council at the opening of its twenty-fourth session. This update provided an overview of the most salient activities undertaken by the Special Representative, and of the progress achieved during the period from June 2012 to July 2013.

3. In order to align the annual reporting cycle with the voluntary calendar of thematic resolutions of the Council, the annual report of the Special Representative for Children and Armed Conflict will, as of 2014, be submitted to the Council at its March session.

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

4. Since the previous report of the Special Representative, progress has been made towards the protection of children in armed conflict.

5. With respect to new commitments made by parties to the conflict in Somalia, that country's Government signed, on 3 July and 6 August 2012, two action plans to end the recruitment and use, as well as the killing and maiming, of children by the Somali National Security Forces, in accordance with relevant Security Council resolutions. Through the action plans, the Government committed to set out disciplinary measures and ensure accountability for violations perpetrated by the Somali National Security Forces. Despite these commitments, violations by all parties to the conflict in Somalia continue to be reported, and little progress has been made in holding perpetrators accountable.

6. On 4 October 2012, the Government of the Democratic Republic of the Congo signed an action plan to end the recruitment and use of children as well as sexual violence by national security forces. Since then, significant progress has been achieved, with hundreds of children being released and reunited with their families. A joint technical working group has been established and is being co-chaired by the Government and the United Nations, to oversee and support the implementation of the action plans. Directives and military orders have been issued to national security forces prohibiting violations against children and establishing clear sanctions, and wide dissemination of these is ongoing. However, as a result of the renewed hostilities in the eastern provinces between M23 and government forces during the reporting period, and the ongoing activity of other armed groups, violations against children remain a serious concern, with hundreds of children still being associated with armed groups and at risk of grave violations. Girls continue to be especially vulnerable, as they are often used as sex slaves while in the ranks of armed groups and subsequently face stigmatization and additional violence on returning to their communities.

¹ Conference room paper entitled "Oral update of the Special Representative for Children and Armed Conflict".

7. As part of the process of implementing the action plan signed by the Government of South Sudan on 12 March 2012, the Military Justice and Legal Affairs Directorate has issued a military order and a directive to further strengthen the Sudan People's Liberation Army Act (2009) prohibiting the recruitment and use of children and the military use of schools. The directive and the military order set out punitive disciplinary measures, both administrative and judicial, against any SPLA personnel contravening the above-mentioned prohibitions. In May 2012, the SPLA issued a new policy directive on halting the recruitment and use of children, in the context of a recruitment campaign. As a result of this directive, a total of 450 children (421 boys and 29 girls) who had come for voluntary enlistment were turned away.

8. Following the Special Representative's engagement with the Government of Yemen during her visit in November 2012, and in the context of the ongoing support of the United Nations for the transition in Yemen, the Government of Yemen undertook a comprehensive revision of national legislation related to military laws, along with concrete steps to end the recruitment and use of children in its armed forces. Through Cabinet resolution No. 212 (2012), the Government of Yemen formalized its commitment to end the recruitment and use of children by armed forces and groups in conflict, in line with the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups. In 2013, the Government agreed to review the implementation of its commitment to end child recruitment in armed conflict, with the adoption of Cabinet resolution No. 1 (2013).

9. During the reporting period, the Security Council Working Group on Children and Armed Conflict highlighted the need to end impunity for perpetrators of grave violations against children in Sudan (S/AC.51/2012/1), South Sudan (S/AC.51/2012/2), Colombia (S/AC.51/2012/4), Myanmar (S/AC.51/2013/2) and Yemen (S/AC.51/2013/3), and in the Central African region affected by the Lord's Resistance Army (LRA) (S/AC.51/2013/1), by conducting timely, rigorous and systematic investigations of perpetrators of violations and abuses and bringing those responsible to justice.

10. The Security Council Working Group also highlighted the need to ensure accountability for the LRA in the Central African Republic, the Democratic Republic of the Congo and South Sudan (S/AC.51/2013/1), and recalled the arrest warrants issued by the International Criminal Court for Joseph Kony, Okot Odhiambo and Dominic Ongwen on charges of war crimes and crimes against humanity, including murder, rape, and enlistment of children. The Working Group stressed the need to consider a broad range of other options to increase pressure on the LRA, as a persistent perpetrator of violations against children affected by armed conflict.

11. The Special Representative welcomes the designation by the Security Council Committee of five additional military leaders in the Democratic Republic of the Congo pursuant to Security Council resolution 1533 (2004),² with regard to serious violations of international law involving the targeting of children and women in situations of armed conflict. The Special Representative also welcomes the Committee's call to all armed groups to release children in their ranks and to stop any future recruitment.³ Furthermore, in its resolution 2127 (2013) on the situation in the Central African Republic, the Security Council stressed its intention to consider imposing targeted travel and financial sanctions against perpetrators of grave violations against children.

² See the news items at <http://www.un.org/News/Press/docs//2012/sc10876.doc.htm>, <http://www.un.org/News/Press/docs//2012/sc10842.doc.htm> and <http://www.un.org/News/Press/docs//2012/sc10812.doc.htm>.

³ See the news item at <http://www.un.org/News/Press/docs//2012/sc10872.doc.htm>.

12. This progress notwithstanding, armed conflict still plagues children's lives, depriving them of their right to life and physical integrity, but also of their basic social, economic and cultural rights. Every day in all conflict situations, such as in the Syrian Arab Republic, Sudan, the Central African Republic, the Democratic Republic of the Congo and Afghanistan, thousands of children are being recruited, killed, maimed, abducted, subjected to sexual violence, indoctrinated and forced to commit atrocities, denied humanitarian access, and deprived of health care. The Special Representative remains concerned by the arbitrary arrest, detention, torture and ill-treatment of children, as well as by attacks on schools and hospitals despite their protected status under international law, during the reporting period.

13. While all grave violations remain a serious problem, the Special Representative is deeply concerned by ongoing reports of sexual violence committed against children in armed conflict. However, in most conflict situations, including in Darfur and in the Syrian Arab Republic, sexual violence against children is underreported, due to difficulties in accessing areas affected by conflict, and the hesitation of victims to report on sexual violence, fearing social exclusion and retribution.

14. The Special Representative raised awareness of how sexual violence causes irreparable harm and devastating consequences for the physical and psychosocial well-being of girls and boys. Girls are used as sex slaves or "wives" of members of armed forces and groups. The Special Representative recognizes that children subjected to sexual violence by armed groups play multiple roles, including the role of combatant, and other support roles, and require special attention. Victims of sexual violence are least likely to be reached for separation, reintegration and legal redress. Therefore, the Special Representative continues to advocate for special provisions for victims of sexual violence in armed conflict to ensure their access to justice and to proper reintegration assistance.

III. Working with United Nations human rights mechanisms

15. The Office of the United Nations High Commissioner for Human Rights (OHCHR) is a key partner to the Office of the Special Representative, particularly with respect to assisting in strengthening coherent monitoring and reporting of the six grave violations, and mainstreaming child rights issues in armed conflict into the work of human rights mechanisms such as the universal periodic review of the Human Rights Council, the treaty bodies and the special procedures.

16. OHCHR's field presence and its deployment of human rights officers in multidimensional peacekeeping operations and political missions continues to make an important contribution to the monitoring and reporting of grave violations against children during armed conflict, in conjunction with other United Nations and civil society partners.

17. The recommendations by United Nations human rights mechanisms, pertaining to the issue of children and armed conflict, are a key advocacy tool in the work of the Special Representative. The role of the Human Rights Council is particularly important in promoting the development of international norms and standards to protect children's rights in conflict situations and in ensuring that States apply these.

18. The Special Representative welcomes the adoption by the Human Rights Council of resolution 23/25 on accelerating efforts to eliminate all forms of violence against women by, inter alia, preventing and responding to rape against girls in conflict. Sexual violence against girls has long-term adverse consequences for their reproductive health, which include unintended pregnancies, and contracting HIV and other sexually transmitted diseases. The Special Representative strongly supports the call for States to put an end to impunity and to effectively use all appropriate means to thoroughly investigate and

prosecute those subject to their jurisdiction that are responsible for such crimes. The Special Representative also hopes that the Human Rights Council will address the growing number of cases of boys subjected to sexual violence in armed conflict.

19. Cognizant of the disproportionate effect of arms transfers in armed conflicts on the human rights of children, including the increased risk of sexual and gender-based violence against children, the Special Representative appreciates the adoption of Human Rights Council resolution 24/35. The Special Representative also welcomes the adoption of resolution 22/24 on the situation of human rights in the Syrian Arab Republic and strongly supports the urgent call on all parties to refrain from recruiting and involving children in the conduct of hostilities.

20. The Special Representative echoes the condemnation of all serious human rights violations perpetrated against civilian populations, including rape and other forms of sexual violence and the recruitment and use of children by armed groups, included in resolutions 24/27, 24/30, 24/32 and 24/34, which also call for technical assistance and capacity-building for human rights in the Democratic Republic of the Congo, Somalia, Yemen and the Central African Republic. She further wishes to highlight the call to armed groups to release children from their ranks, and urges all parties to the conflicts to cooperate with the United Nations and other child protection actors to assist children in reintegrating into their communities.

IV. Partnership with regional and intergovernmental organizations

21. As a result of the increasing prevalence of conflicts with a regional dimension, regional and subregional organizations have an ever-greater role to play in conflict prevention, mediation and peacekeeping. As such, there is a clear need to strengthen partnerships in order to broaden the mainstreaming of child protection.

22. Working in partnership has been a priority of the Special Representative from the outset of her tenure, and continues to be one of the key strategies in her effort to further advance the children and armed conflict agenda.

23. The African Charter on the Rights and Welfare of the Child prohibits the recruitment of children by armed forces and groups, and specifically identifies the need to respect international humanitarian law with regard to children during armed conflicts. The Charter defines children as being under 18 years of age, and was the first regional instrument to protect children's rights. With a view to building on and formalizing its ongoing collaboration with the African Union, the Office of Special Representative signed a declaration of intent with the Peace and Security Department of the African Union Commission, on 17 September 2013. This declaration of intent sets out joint priorities to be achieved in partnership with the United Nations Children's Fund (UNICEF) to enhance the mainstreaming of child protection within African Union policies and operations. The declaration establishes collaboration in the following specific areas: (a) the development of a strategy to mainstream child protection concerns in African Union activities; (b) the institutionalization of policies and procedures on child protection in accordance with regional and international standards, including the development of guidelines and training; (c) dedicated child-protection capacity within the Peace and Security Department; and (d) the development of a joint programme of work to further the implementation of the activities set out in the declaration. In addition, UNICEF, with support from the Office of the Special Representative, is in the process of assisting the African Union's Peace and Security Department with the recruitment of a child-protection advisor, who will serve as the focal point for the joint activities set out in the declaration.

24. As part of this ongoing collaboration, the Special Representative participated in the Fourth High-level Retreat on the Promotion of Peace, Security and Stability in Africa, organized by the Peace and Security Department of the African Union Commission, where she chaired a panel discussion on mainstreaming child protection into mediation processes. Furthermore, the Office of the Special Representative provided technical inputs, and participated in two workshops: one for the development and the other for the validation of a disarmament, demobilization and reintegration (DDR) strategy and of specific guidelines for child protection in DDR processes.

25. The Special Representative commends the Zero Child Soldier in the Great Lakes Region campaign, which was announced in November 2013, during her visit to the Democratic Republic of the Congo, by the International Conference on the Great Lakes Region, and has expressed her intention to work closely with its member States to develop specific strategies for the subregion.

26. The Special Representative continued her dialogue with the European Union and visited Brussels in June 2013 to discuss ways to ensure better protection for children affected by armed conflict. During her visit, she stressed the need for the increased application of the European Union Guidelines on Children and Armed Conflict, and emphasized the importance of the European Union utilizing all the available tools for the protection of children. This includes supporting long-term reintegration programmes for children formerly associated with armed forces and groups, and the development of training for member States deploying personnel to crisis management operations. She also stressed the human rights and political advocacy role of the European Union in addressing grave child rights violations.

27. The Office of the Special Representative has continued to engage with the North Atlantic Treaty Organization (NATO). The outcome document of the summit meeting of the North Atlantic Council held in Chicago in May 2012 included specific reference to children affected by armed conflict. During a visit to NATO headquarters in June 2013, the Special Representative launched an online pre-deployment child protection training programme. She requested NATO to develop and implement measures to prevent child casualties, along with transparent mechanisms for review and investigation. In November 2012, the NATO Military Committee adopted guidelines to integrate Security Council resolution 1612 (2005) and subsequent resolutions into NATO's military doctrine, training, and operational planning and conduct, that include quarterly reporting on children and armed conflict, and the appointment of technical focal points.

28. In October 2013, the Special Representative initiated a dialogue with the League of Arab States on child protection concerns. During her visit to Geneva in September 2013, the Special Representative initiated discussions with the Organization of Islamic Cooperation on exploring possible avenues of cooperation. Also in Geneva, the Special Representative briefed the African Group of the Human Rights Council on technical assistance in the area of legislation and reintegration for children formerly associated with armed forces and groups.

29. The Special Representative welcomes the support provided by the International Organization of la Francophonie in the area of translating and disseminating technical guidance for reporting on children and armed conflict, for French-speaking audiences.

V. Ending the recruitment and use of children in armed conflict

30. In 2004, the Security Council, in its resolution 1539, requested parties to conflict to halt the recruitment and use of children under the age of 18, and to develop action plans with the United Nations to separate and release any children associated with armed forces

or groups. To date, a total of 18 action plans have been or are currently being implemented by 20 parties,⁴ resulting in the release of thousands of children. Furthermore, all eight government security forces listed in the annexes of the Secretary-General's twelfth annual report on children and armed conflict (A/67/845) have finalized, or are in the process of finalizing, formal commitments to end and prevent the recruitment and use of children in armed conflict. This demonstrates the strong support and momentum for the United Nations fight to end this practice.

31. In an effort to reinforce engagement with concerned Governments and to mobilize support and resources, the Special Representative announced on 13 June 2013 the development of a strategy to promote the end of the recruitment and use of children by government forces listed in the annex to the Secretary-General's report on children and armed conflict, by 2016. To this end, the Office of the Special Representative and UNICEF are developing a global campaign in partnership with key United Nations entities, which aims at galvanizing the efforts of Member States, the United Nations system and donors, and identifies and develops targeted responses to support capacity gaps at the national level with a view towards full compliance by all eight Governments.

32. Currently, 46 non-State actors in 14 country situations⁵ have been listed as parties that recruit or use children, or perpetrate other grave violations against children. Out of these 46 armed groups, 28 have been listed for more than five consecutive years and are considered to be persistent perpetrators.

33. The Special Representative has engaged with a number of these non-State actors to end grave violations against children, and dialogue is currently under way in the Democratic Republic of the Congo, Mali, Myanmar, the Philippines, Sudan, the Syrian Arab Republic and Yemen. Furthermore, seven non-State actors have finalized action plans with the United Nations in Côte d'Ivoire, Nepal and Sri Lanka. Engaging with non-State actors requires targeted and multidimensional strategies that are shaped by the specific political and military issues at stake and respond to the specific context of the conflict.

34. The Office of the Special Representative has prioritized dialogue with non-State actors who have shown a willingness to engage with the United Nations to end grave violations against children, and with those already engaged in peace processes. Engagement with non-State actors is conducted jointly with peacekeeping or political missions, UNICEF, and other concerned United Nations entities, with the full knowledge of the Government concerned. Challenges remain, however, including access restrictions due to security concerns, which limit the ability of the United Nations to systematically engage with non-State actors.

VI. Field visits by the Special Representative

35. The Special Representative has continued to use field visits as one of her key advocacy tools to engage with Governments and non-State actors, foster constructive relations, and elicit commitments from parties to conflict to end grave violations against children. During the reporting period, the Special Representative travelled to Yemen (November 2012), the Syrian Arab Republic (December 2012) and Chad (May 2013), made a regional visit to Iraq, Jordan, Lebanon, the Syrian Arab Republic and Turkey (July 2013), and travelled to the Democratic Republic of the Congo (November 2013), in order to assess first-hand the situations of children affected by armed conflict, to advocate for the end of

⁴ In Côte d'Ivoire, five parties signed two action plans.

⁵ Report of the Secretary-General on children and armed conflict (A/67/845-S/2013/245).

violations, and to obtain and facilitate the implementation of commitments from parties to protect children, as well as enhanced coordination and humanitarian assistance for children, and to follow up on the recommendations of the Secretary-General. In addition, the Special Representative visited Côte d'Ivoire (October 2013).

A. Yemen

36. In light of the listing in the "Report of the Secretary-General on children and armed conflict" of Government forces, Al-Houthi and Ansar al-Sharia for recruiting and using children since 2011, the Special Representative's visit to Yemen was primarily focused on seeking commitments from the Government and the Al-Houthi armed group to end violations and to initiate dialogue to develop an action plan.

37. The Special Representative held meetings with President Abdrabuh Mansour Hadi, Prime Minister Mohammed Salem Basindwah and other senior Yemeni officials. During her visit, President Hadi issued a statement prohibiting the recruitment and use of children by all elements of the country's military and security forces.

38. Following the Special Representative's visit, an interministerial committee composed of the Ministers of Defence, the Interior, and Human Rights, and chaired by the Minister of Legal Affairs, was established to develop an action plan to end the recruitment and use of children in armed conflict. The action plan was drafted with the support of UNICEF and was approved by the Cabinet in September 2013. In addition, the United Nations provided technical support to the National Dialogue Conference to ensure that the definition of a child as being a person below the age of 18 is used with regard to recruitment into the national security forces.

39. The Special Representative also travelled to Sa'dah to meet with the leader of the Al-Houthi armed group; the meeting opened avenues for the United Nations team on the ground to engage with Al-Houthi on the issue of the recruitment and use of children.

B. Syrian Arab Republic

40. In view of the extensive grave violations committed against children by both the Government and armed groups, the Special Representative visited the Syrian Arab Republic in December 2012 to directly advocate with the Government and opposition forces to end grave violations against children. This visit also aimed to appeal for humanitarian support for Syrian children who had sought refuge in neighbouring countries, and to raise awareness about grave violations committed against those children.

41. At the time of the visit, violations against children were ongoing, and the damage and destruction to schools and medical facilities was already extensive, rendering thousands of schools and 40 per cent of hospitals non-functional. In Damascus, the Special Representative engaged with the Government on a range of issues. These included the use of air strikes and heavy weapons in densely populated areas, the targeting and military use of schools and hospitals by Government forces, and the humanitarian needs of children affected by the conflict.

42. As a result of the Special Representative's visit, a United Nations country task force for monitoring and reporting on grave violations against children was established in the Syrian Arab Republic, with the Government's consent, on 6 March 2013. However, serious security and access limitations have constrained its ability to carry out effective monitoring, verification and reporting. On 14 March 2013, the Government shared a report on grave violations against children in the Syrian Arab Republic with the country task force,

highlighting measures that it had taken to respond to the impact of the conflict on children, including education for displaced children and the rebuilding of damaged schools. The Syrian Government adopted a series of legislative reforms, including Law No. 11.2013 which criminalized all forms of recruitment and use of children under the age of 18 by armed forces and armed groups, including taking part in direct combat, carrying and transporting weapons or equipment or ammunition, planting explosives, standing at checkpoints or carrying out surveillance or reconnaissance, acting as a distraction or human shield, or assisting or serving the perpetrators in any way or form. The law entered into force on 30 June 2013. The same law increased the sentence for the crime of rape against a girl under the age of 15. On 2 April 2013, the Government criminalized the abduction and kidnapping of individuals in the context of the crisis by means of legislative decree 20/2013.

43. The Special Representative also initiated contacts with Free Syrian Army commanders operating in the governorate of Rif Dimasq and in Homs during her visit.

C. Regional visit to Iraq, Jordan, Lebanon, the Syrian Arab Republic and Turkey

44. In July 2013, the Special Representative was invited to visit Iraq, Jordan, Lebanon, the Syrian Arab Republic and Turkey to take stock of the security and humanitarian challenges presented by the inflow of refugees into neighbouring countries, and the overall regional impact of the conflict in the Syrian Arab Republic. In all of the four neighbouring countries visited, the number of Syrians in urban areas has already exceeded the number in camps, with social services capacity reaching critical levels, and increased pressure on host communities. The Special Representative commends the efforts of host governments that have opened their borders to civilians leaving the Syrian Arab Republic and have provided life-saving assistance, and encourages the international community to continue to support such efforts.

45. Also of concern was the situation of Palestinians who have been forced to seek refuge in neighbouring countries after decades of asylum in the Syrian Arab Republic. This burden on the already overstretched Palestinian refugee programmes should not be neglected, and the Special Representative is working closely with the United Nations Relief and Works Agency for Palestine Refugees in the Near East to ensure that children are protected and their rights are respected.

46. In the Syrian Arab Republic, where the multiplicity of armed groups in some areas of the country has further complicated humanitarian access as well as the overall protection of children, the Special Representative continued to engage in dialogue with the parties to end grave violations. She called for comprehensive implementation of the new legislation, and its application without discrimination to all parties to conflict. Furthermore, she advocated with the Government to establish a formal ministerial coordination mechanism to prevent and respond to violations against children, and to facilitate the sharing – within the Syrian Government and with the United Nations – of information on grave violations. The release of children arbitrarily detained for their alleged association with armed opposition groups was also discussed with Government representatives from various ministries. Since then, the Special Representative has received no information on any action taken by the Syrian Government regarding children detained for alleged association with armed groups.

47. In her interactions with representatives of the Free Syrian Army, the Special Representative strongly advocated that they fully respect their obligations under international humanitarian law, including by putting an immediate end to grave violations against children, take steps to protect children from the impact of military operations, and

undertake investigations into alleged violations. On a positive note, a first meeting between the country task force on monitoring and reporting and an interministerial committee took place on 12 December 2013, signalling the Government's intention to work with the United Nations system for the protection of children affected by armed conflict. It is the hope of the Special Representative that the Syrian authorities will sustain this engagement.

D. Chad

48. The Special Representative visited N'Djamena in May 2013 to assess progress in implementing the action plan to end the recruitment and use of children by the Chadian National Army (ANT), which had been signed by the Government and the United Nations in June 2011. In the course of this visit, President Idriss Déby Itno renewed his Government's commitment to enact a legal prohibition on child recruitment by issuing and disseminating clear military instructions banning and penalizing child recruitment and ensuring free and regular access by child-protection actors to ANT installations. Acting on this commitment, the Government of Chad signed a road map with the United Nations outlining ten priority measures to accelerate the implementation of the action plan, including five short-term measures to be implemented prior to 31 October 2013. These measures included the criminalization of child recruitment, the establishment of an age verification mechanism for recruitment into the army, pre-deployment training on child protection for all troops, and support for the family reunification and community reintegration of children released from the ANT.

49. With crucial support from UNICEF, tangible progress has been made and the implementation of the measures has advanced well. The process of screening the national army was undertaken successfully to exclude the presence of children from its ranks, and on 10 October 2013 President Déby issued a presidential directive unequivocally banning the recruitment and use of children in the national army and establishing clear penalties for violators.

E. Côte d'Ivoire

50. The Special Representative visited Côte d'Ivoire on 26–30 October 2013 on the occasion of the Fourth High-level Retreat on the Promotion of Peace, Security and Stability in Africa, which was held in Abidjan by the African Union. She took the opportunity to meet with the Ivorian authorities, particularly with the Minister of Defence and the Minister of the Interior and Security, as well as with the Office of the Military Prosecutor. In addition, she met with the senior leadership of the United Nations Operation in Côte d'Ivoire and with members of the country team. Despite significant progress having been made with regard to the recruitment and use of children in armed conflict, the Special Representative is concerned at the prevalence of impunity for sexual violence against girls, and at the obstacles to accessing justice in such cases. The Special Representative calls upon international partners in Côte d'Ivoire to intensify their efforts in supporting the restoration of a functioning and accessible criminal justice system.

F. Democratic Republic of the Congo

51. The Special Representative travelled to the Democratic Republic of the Congo from 17 to 23 November 2013 to meet with national, provincial and local authorities in Kinshasa, Goma, Rutshuru and Beni. In light of the recent military and political developments in the east of the country, the Special Representative assessed the situation of children affected by armed conflict, and reviewed progress on the implementation of the action plan signed in

October 2012 by the Government of the Democratic Republic of the Congo and the United Nations to end and prevent the recruitment and use of children by national security forces, and sexual violence.

52. The Special Representative conducted this visit with the joint support of UNICEF and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, and welcomes the release, since the signing of the action plan, of hundreds of children from the national security forces of the Democratic Republic of the Congo, owing to stronger cooperation between the Government and the United Nations. The Special Representative encourages the authorities of the Democratic Republic of the Congo, with the support of the international community and the United Nations system, to sustain their efforts in enhancing age verification procedures and birth registration, as well as in the fight against impunity. She further encourages the authorities of the Democratic Republic of the Congo to uphold their commitment to exclude perpetrators of grave violations against children from being eligible to integrate into the national security forces or to benefit from amnesty, and encourages them to intensify their efforts in holding perpetrators accountable. However, the Special Representative remains concerned at cases of children being detained without due process by national security forces for their alleged association with rebel movements.

53. The Special Representative also met with victims and civil society representatives to assess the existing gaps in responses to violations against children, and to discuss progress and challenges in the fight against impunity.

54. The Special Representative is concerned at the continued threat from the remaining armed groups in the Democratic Republic of the Congo, and at the high numbers of children present in their ranks. She stresses the importance of any and all strategies for their disarmament and demobilization adequately taking into account the specific protection needs of children.

VII. Progress in the development of international law

A. Progress in the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

55. The Special Representative continues to mobilize support for the signing and ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. During the reporting period, she held bilateral meetings with Member States that had not ratified and/or signed the treaty, and actively briefed regional organizations, civil society, and regional groups on the matter. The Special Representative also highlighted the need for Member States to ratify and implement the Optional Protocol at the 2013 annual treaty event organized by the United Nations Office of Legal Affairs.

56. Between June 2012 and December 2013, the Optional Protocol was ratified by Cameroon, Indonesia and Nigeria, and was acceded to by Swaziland and Zimbabwe, bringing the total number of States parties to 152. To date, a total of 20 Member States have signed but not ratified the Optional Protocol. Furthermore, the Special Representative welcomes the firm pledge made in December 2013 by Mr. Hassan Sheikh Mohamud, President of the Federal Republic of Somalia, to adhere to the Convention on the Rights of the Child, and hopes that this will translate into ratification of the Convention and its Optional Protocols as soon as possible.

B. The Arms Trade Treaty

57. The adoption of the Arms Trade Treaty by the General Assembly in its resolution 67/234 B of April 2013 constitutes an important opportunity for child protection. The entry into force of the Treaty falls in line with the long-standing interpretation by the Committee on the Rights of the Child of State parties' obligations, and is expected to have strong potential for generating a positive long-term impact on the situation of children in conflict, as it forbids the transfer of arms that could be used in committing attacks directed against civilians, including children, or in committing grave breaches of international humanitarian law and war crimes as defined by the international agreements to which the State is a party, such as the crime of child recruitment under the Rome Statute of the International Criminal Court. In addition, under the Treaty's export assessment provisions, exporting States are requested to assess whether arms transfers would directly or indirectly lead to serious acts of violence against women and children, including killing and maiming, but also to the recruitment and use of children in armed conflict and, if an overriding risk is identified, to refrain from exporting.

C. Lucens guidelines on the military use of schools

58. Armed forces and armed groups use schools for a variety of military purposes, including as barracks, sniper or defensive positions, munitions depots, detention centres, recruiting grounds and training facilities. This is particularly true in remote locations, where shelter and large structures may be rare. It can involve parts that are central to the functioning of schools, such as classrooms, or those that are more peripheral, such as playgrounds, and water and sanitation facilities. The Security Council, in its resolution 1998, explicitly mentions the use of schools for military purposes as a concern and an integral part of monitoring and reporting.

59. Furthermore, the Global Coalition to Protect Education from Attack, which was created in 2010 and is composed of a number of United Nations agencies and civil society organizations, has spearheaded a process, in close consultation with military experts, child-protection actors, education specialists, and international humanitarian and human rights lawyers, to devise guidelines for protecting schools from use by armed forces and armed groups, known as the Lucens Guidelines.

60. This initiative aims at increasing knowledge and understanding, improving monitoring and reporting, and advocating for clear and explicit domestic legislation on the interaction of military forces with schools and schoolchildren. Member States are encouraged, both in times of conflict and of peace, to support and adhere to this set of principles, and to integrate them in a practical way into their national policies and legislation, as well as into their military doctrine, manuals and training. While the Lucens Guidelines have been produced specifically for application during armed conflict, they may also be instructive in other situations, including post-conflict situations with the potential to return to armed conflict.

61. The Office of the Special Representative has developed, in cooperation with partners, an operational strategy to reduce the military use of schools and to mitigate the impact of this on children. The strategy aims to address the concern raised by the Security Council in its resolution 1998 with regard to the military use of schools and the impact of this on the safety of schoolchildren and their teachers and on the right to education. Complementing the principles outlined in the Lucens Guidelines, this operational strategy provides a number of concrete, practical activities that can be voluntarily undertaken by parties to conflict with a view to implementing a voluntary commitment to further refrain from using schools for military purposes. The activities proposed in the operational strategy

pave the way for the practical implementation of the Lucens Guidelines by parties to conflict, with the support of the United Nations.

62. It is the Special Representative's hope that, through acknowledgement that the military use of schools may result in increased risk of attack, consensus will grow to address this concern. The Special Representative calls upon Member States to tackle this issue by taking concrete and proactive initiatives to protect schools and promote their civilian status, through the inclusion of protection elements in military training and doctrine and operational planning, as well as the incorporation of the recent Lucens Guidelines into national legislation.

D. International justice

63. Adherence to international law through the ratification of legal instruments is a crucial first step for States to improve the protection of children affected by armed conflict, and to address impunity for perpetrators. However, the establishment of national legislation and institutions frequently represents an obstacle to the effective implementation of obligations in States affected by conflict, owing to their weakened capacity. Even when legislation and institutions are in place, the challenge remains to ensure access to independent courts so that right holders can enforce respect of their rights.

64. The Special Representative welcomes alternative strategies, such as mobile courts, to support access to justice in remote areas, to tackle impunity and to provide redress for victims of grave violations in the aftermath of conflict. Mobile courts have been used effectively in several countries such as the Central African Republic, the Democratic Republic of the Congo, Guinea-Bissau, Sierra Leone and Timor-Leste.

65. The Special Representative also commends the pilot mobile court scheme initiated by the Office of the United Nations High Commissioner for Refugees to improve access to justice for refugees who have been victims of crime. Such projects have recently been initiated in Uganda, in collaboration with the Government of Uganda, and aim to address the lengthy wait that refugees face before their cases are heard, and to encourage victims of sensitive crimes including rape, sexual assault and domestic violence to report allegations.

66. The engagement by the United Nations in favour of strong rule of law at the international level is also essential to addressing global accountability challenges. While the primary responsibility to ensure accountability for grave violations committed against children rests with Member States, the work of international criminal tribunals and courts is particularly important to strengthen law enforcement and protection against right violations at the international level.

67. The Special Representative welcomes the surrender into the custody of the International Criminal Court, on 22 March 2013, of Bosco Ntaganda, against whom the Court had issued two arrest warrants, on 22 August 2006 and 13 July 2012 respectively. As the alleged former Deputy Chief of the General Staff of the *Forces patriotiques pour la libération du Congo*, Mr. Ntaganda is accused of seven counts of war crimes, including the enlistment of children under the age of 15, the conscription of children under the age of 15, and using children under the age of 15 to participate actively in hostilities, as well as murder, attacks against the civilian population, rape and sexual slavery, pillaging, and three counts of crimes against humanity allegedly committed in Ituri (Democratic Republic of the Congo) in 2002 and 2003. At the time of writing, the hearing for the confirmation of charges, which was initially scheduled for September 2013, had been postponed to allow the Prosecutor to complete the numerous tasks necessary after the case had been "dormant" for several years.

68. The confirmation of the conviction of former Liberian president Charles Taylor on 26 September 2013 by the Appeal Chamber of the Special Court for Sierra Leone sent a clear message to leaders across the world that no one is immune from justice. The former president was convicted to 50 years in prison on 11 counts of war crimes, including the conscription, enlistment and use of child soldiers.

69. However, significant progress still needs to be accomplished in prosecuting crimes of sexual violence, at both the national and the international level. This need was highlighted by Judge Odio Benito in her dissenting opinion in the case against Thomas Lubanga Dyilo, in which she argued that by failing to deliberately include the sexual violence and other ill-treatment suffered by girls and boys within the legal concept of “use to participate actively in the hostilities”, the majority of the Chamber was making that critical aspect of the crime invisible. Sexual violence is recognized and criminalized under the Rome Statute and must be fully acknowledged. The Special Representative for Children and Armed Conflict, in close cooperation with the Special Representative on Sexual Violence in Conflict, continues to promote and to advocate for accountability for sexual violence.

VIII. Children’s basic needs and humanitarian aid in times of armed conflict

70. Armed conflict goes hand in hand with the fragmentation of families, the disintegration of communities and of the “social fabric”, the breakdown of support systems and the destruction of health services. Armed conflict affects all aspects of children’s development.

A. Children’s access to education in times of armed conflict

71. The decline in schooling during periods of armed conflict has dramatic implications for countries’ post-conflict recovery. Education is central to sustainable peace, and it is a way to teach and transmit reconciliation and forgiveness. And yet, millions of children living in conflict-affected countries are being denied access to learning, and their fundamental right to education is being violated. Their schools are attacked or occupied by armed forces, and teachers are targeted, increasing the risk that students and the educational community will never go back to school. In countries such as the Central African Republic, the Democratic Republic of the Congo, Mali, and the Syrian Arab Republic, primary school-age children are out of school, and their right to education has been compromised by the looting, occupation or destruction of their schools.

72. The Special Representative is deeply concerned by the fact that education is too often treated as a secondary need in situations of emergency. The life-saving and protective role of conflict-sensitive education must be fully acknowledged and prioritized, and initiatives aiming to ensure that schools are considered as safe spaces, neutral areas, or zones of peace should be strongly encouraged, promoted and supported, in order to make education the best weapon against ignorance and intolerance.

73. The Special Representative emphasizes the need to further coordinate efforts to restore schooling for children and rebuild education systems. She highlights the need to support countries affected by emergencies, including host countries, in order to ensure education for all, with a view to accommodating internally displaced persons and refugees in existing schools, by the provision of additional resources and innovative self-learning solutions to improve the access to quality education for every child in all circumstances.

B. Children's access to health care in times of armed conflict

74. Armed conflict has a dramatic impact on children's lives. The wounds are not only physical, but also psychological, emotional and social. Being a victim of violence, living in constant fear, and experiencing extreme hardship, such as lack of shelter and medical treatment, can cause severe physical and mental suffering with devastating long-term consequences.

75. Armed conflict is a major public health hazard, and this is often overlooked. Tens of thousands of children die every year as a direct result of fighting. Furthermore, children die from malnutrition and disease caused or accentuated by armed conflicts. In many instances, conflict kills and injures more children than soldiers. Health professionals are crucial advocates for the rights of the child. Humanitarian and human rights organizations, including the World Health Organization, Physicians for Human Rights, the Centre for Victims of Torture, and the Safeguarding Health in Conflict Coalition, actively advocate for the right of children to have access to medical care, especially in times of armed conflict.

76. Realities on the ground in the Democratic Republic of the Congo, the Syrian Arab Republic and Yemen indicate that patients, medical facilities, workers and ambulances are increasingly being targets of attack. This is a direct violation of the rules and customs enshrined in international humanitarian law, and is happening in many conflicts around the world. Both the recent initiative by the International Committee of the Red Cross, entitled *Health Care in Danger*, and the recent report by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/68/297), have emphasized that the provision of medical care has come to the centre stage of armed conflict, and is increasingly under attack.

77. Hospitals that remain operational during conflict are often looted or forced to close down for one or another reason. They run out of medical supplies. Military personnel stay close by, or set up check points near hospitals. Medical personnel are sometimes threatened and forced to withdraw medical care from patients. In some cases, health services are diverted to satisfy military needs. Attacks on hospitals, health workers and patients strike at the heart of protection of children affected by armed conflict. Health services save and sustain lives. Health services are crucial in order to meet the needs of children in conflict situations. Hospitals should have no part in warfare.

78. Unfortunately, this principle stands in sharp contrast to reality. The civil war in the Syrian Arab Republic is a tragic example that demonstrates how the strongest principles of humanity can be trampled on by warfare. A recent report by the Independent International Commission of Inquiry on the Syrian Arab Republic dealing with the issue of medical care has illustrated how the deliberate targeting of hospitals, medical personnel and transport, the denial of access to medical care, and ill-treatment of the sick and wounded have become some of the most alarming features of the Syrian conflict. Violence against health care workers has a significant compound effect, which causes dramatic increases in the mortality rate of patients. The breakdown of medical services disproportionately affects the most vulnerable segment of the population, especially children, nursing mothers and the disabled.

79. These incidents are of grave concern, and constitute a complete disregard for the special status of medical facilities, persons and functions, and a failure to protect the civilian population, including children. Concerted action by the international community is needed in order to highlight and tackle this issue, by strengthening the engagement of Member States, the United Nations, humanitarian and human rights organizations, civil society partners, the global health community, and above all, the parties to conflict. Medical professionals in neighbouring countries also need support, in order to respond to the urgent medical needs of persons fleeing conflict, the majority of whom are women and children.

IX. Observations and recommendations

80. The Special Representative reiterates her urgent call upon States to sign and ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; to enact legislation to explicitly prohibit and criminalize the recruitment of children into armed forces or groups, and the use of children in hostilities; and to establish 18 years as the minimum age for voluntary recruitment into the armed forces when depositing their binding declaration (under article 3), upon ratification of the Optional Protocol.

81. Given the resource implications and reporting requirements that ratification and implementation entail, the Special Representative encourages initiatives by one or more members that have already ratified the Optional Protocol, as well as by regional and intergovernmental organizations, to provide guidance and technical assistance to those Member States willing to ratify.

82. The Special Representative reiterates the recommendations made in previous reports and in her recent oral update to the Human Rights Council, in which she encouraged the Working Group on the Universal Periodic Review to systematically take into account the concluding observations made by the Committee on the Rights of the Child when reviewing a State submission. The Special Representative urges State parties to accord priority to the implementation of relevant recommendations of the Working Group, with the assistance of the international community as needed.

83. During the universal periodic review process, States are urged to include, as appropriate, in their recommendations to the State under review, specific references to information from the monitoring and reporting mechanism on grave violations against children that was established in accordance with Security Council resolution 1612 (2005), in addition to the country conclusions adopted by the Security Council Working Group on Children and Armed Conflict, as appropriate.

84. States should begin to accord priority to reporting on the implementation of the relevant recommendations by the Security Council Working Group in the universal periodic review process, with the assistance of the international community wherever it is needed.

85. The Special Representative encourages the Human Rights Council, when considering or adopting resolutions on country-specific situations or thematic issues, to include recommendations on or references to the protection of children affected by armed conflict.

86. The Special Representative also encourages the Human Rights Council to continue to include child rights violations in its resolutions establishing or renewing the mandates of special procedures.

87. The Special Representative takes note with appreciation of the attention paid by the special procedures mandate holders to including child-protection concerns in their work. She encourages the mandate holders to continue to take into account the challenges faced by children, during their missions and in their reports and recommendations, insofar as they are relevant to their respective mandates, and to bring those concerns to her attention.