



Office of the Special Representative  
of the Secretary-General for

# CHILDREN AND ARMED CONFLICT

VISIT TO SUDAN  
OF THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL  
FOR CHILDREN AND ARMED CONFLICT  
ACCOMPANIED BY DEPUTY EXECUTIVE DIRECTOR, UNICEF

*24 January – 2 February 2007*

*Mission Report*

**A. CONTEXT**

Protracted conflict over several decades in Sudan has had devastating consequences for the lives, well-being and future of children. Since the Darfur Peace Agreement (DPA) of May 2006, the nature of the Darfur conflict has changed. Rebel forces which did not sign the peace agreement have become more fragmented, often along ethnic lines. The Sudan Armed Forces, (the Government army) and its allied militias have in some cases consolidated forces, and in other cases fragmented. Local forces, often drawn from ethnic constituencies, have formed themselves to defend home areas from attack. All parties to the conflict in Darfur recruit and use children, and rape is a central characteristic of the conflict.

In Southern Sudan, the Comprehensive Peace Agreement (CPA) of January 2005 has proved more robust, and the SAF has largely withdrawn from areas that it formerly controlled (withdrawal from oil-rich areas has not gone to schedule). However, 190 years of almost continuous warfare and predation in Southern Sudan means that there is almost no infrastructure there, and the centralization of power and wealth in the new autonomous government has not helped the delivery of local services that are needed for children to reintegrate. In addition, active conflict continues in oil producing regions, where the government has continued to sponsor proxy militias, in defiance of the peace agreement.

The CPA partially transformed life and politics in Darfur, Southern Sudan and the northern Nile valley. A new Government of National Unity (GNU) includes the former Southern rebels and Darfur factions that signed the DPA. Rebels in Eastern

Sudan signed a peace agreement with the Government in October 2006, and got limited representation in the GNU in return. An Interim National Constitution was adopted in June 2005, which incorporated all human rights treaties ratified by Sudan. The new constitution has led to legal reforms, with some advances for children's rights. In general, the people of Sudan are benefiting from the dividends of peace but continued conflict in Darfur has gravely undermined the CPA and the prospect of durable peace.

The visit of the Special Representative was undertaken pursuant to the recommendations of the Security Council Working Group on Children and Armed Conflict following its examination of the report of the Secretary-General on the situation of children in Sudan (S/2006/662). The report of the Secretary-General was prepared in accordance with the provisions of Security Council resolution 1612 (2005).

The Secretary-General's report specifies incidents of grave child rights abuses indicative of the nature and trend of systematic violations in Sudan by all parties to the conflict. Particular attention is given to the killing and maiming of children, their recruitment and use as soldiers, grave sexual violence, abductions, and denial of humanitarian access for children. The report of the Secretary-General explicitly identifies state and non-state parties responsible for grave violations, including Sudan Armed Forces, Sudan People's Liberation Army, People's Defence Forces, Sudan Liberation Army, White Army, Janjaweed militia, Lord's Resistance Army and Chadian opposition forces. The report stresses that individual commanders of the numerous armed forces and groups in Sudan bear responsibility for the commission of grave violations by their forces, but that the Government of National Unity and the Government of Southern Sudan are also directly accountable for commission of violations by individuals within their command structures and as such should assume their responsibilities to protect children.

The mission of the Special Representative was undertaken at the invitation of, and in consultation with, the Government of Sudan. The programme of the visit was prepared in close consultation with the United Nations Mission in Sudan (Child Protection Unit) and the United Nations Country Team (UNICEF Sudan), as well as relevant UN departments and NGO partners.

The Special Representative engaged in a series of consultations with the Government of National Unity, including the Minister of Foreign Affairs and the Minister of Defence as well as with the Vice President and other officials of the Government of Southern Sudan, the Deputy Governor of North Darfur and non state parties to the conflict. She also met with UN partners, the African Union Mission in Sudan,

community leaders, NGOs, academics, representatives of the civil society, women and children themselves. The mission included visits to Southern Sudan (Juba), as well as North and West Darfur (Al Fasher and Zalingei respectively).

## **B. OBJECTIVES**

The following broad objectives were established for the visit:

1. First-hand assessment of the situation for children in Sudan to enhance global advocacy for protection and programme interventions for war affected children
2. Increase the leverage and advocacy possibilities for child protection actors on the ground/ Support and facilitate the dialogue of United Nations actors with parties to the conflict towards action plans to end recruitment and use of child soldiers and release of all children associated with fighting forces, as well as concrete measures by parties to prevent other grave violations
3. Assessment of implementation of Security Council resolution 1612 (2005) on children and armed conflict, including implementation of the monitoring and reporting mechanism on grave violations against children
4. Dialogue with relevant national authorities for commitments to prevent and address violations, and ascertain specific child protection measures taken by the Government
5. Dialogue with non-state parties to the conflict to elicit commitments to end grave violations against children
6. Dialogue with NGOs and local civil society groups on protection concerns for children affected by armed conflict

## **C. CRITICAL THEMES AND ISSUES**

A number of critical issues were highlighted by the Secretary-General in his report on the situation of children in Sudan. Of these, the visit of the Special Representative focused particular attention on:

- I. **Recruitment and use of children** by state and non-state parties to the conflict, including responsibility of Government of National Unity for recruitment and use of children and other violations by Sudanese Armed Forces and all aligned forces; responsibility Government of Southern Sudan for recruitment and use of children and other violations by Sudanese Peoples Liberation Army; recruitment and use of children by non state parties who are not signatories of

the peace agreements; National legislation to criminalize recruitment and rigorous investigation and prosecution of crimes perpetrated against children; **Child Disarmament, Demobilization and Reintegration** programmes, particularly commitment of timely and adequate resources and ensuring sustainability

II. **Rape and other grave sexual violence**, particularly against girls in Darfur; special needs of girls in armed conflict; protection of IDP camps particularly in Darfur; investigation and prosecution of crimes of sexual violence.

III. **Safety of humanitarian personnel**, including targeting by national authorities and non-state parties; humanitarian access for child protection including for monitoring and reporting of grave child rights violations

The mission also sought to address recent allegations of **sexual abuse and exploitation of children by United Nations peacekeepers**

#### D. OVERALL CONCLUSIONS OF THE VISIT

In visiting Juba and Darfur, the mission recognized that the armed conflict in these areas had affected everyone; no-one has really been spared tragedy or loss. Furthermore, the social fabric had also been destroyed and traditional forms of social control no longer operate. As a result, the rule of law is no longer prevalent, creating a climate of impunity where grave violations against women and children go undetected and unpunished.

In Darfur the situation is aggravated by a security vacuum, where there is little semblance of law and order. Women in the IDP camps described in detail the insecurity that prevails and the violations that many of them continue to suffer. Humanitarian workers recounted many incidents where their offices have been robbed and personnel attacked by men in uniform. Youth who spoke to the Special Representative in refugee camps described abductions that take place every night, often by unidentified people. This security vacuum makes Darfur a very dangerous place where a large number of armed young men with different loyalties bully and terrorise the population. The Sudanese government, the African Union and the United Nations have a responsibility to protect these civilians and the need for an effective security presence cannot be underscored.

In Juba, the situation was more optimistic with the population yearning for peace and laying plans for development. With regard to children, the central issue was no longer the continuing recruitment of children, but the difficulties encountered in their reintegration into society. The lack of development and infrastructure in communities prevents children from remaining at home; many return to the armed forces or become street children in Khartoum. In Southern Sudan, there is an acute need for accelerated development especially in the area of education and health. Schools, and facilities for recreation and sport must exist at the community level if children are to find incentive to remain and grow in their communities.

Whether in Khartoum, Juba or Darfur, state authorities and rebel groups made many commitments with regard to the protection of women and children. They were open and engaging with regard to the creation of frameworks and structures to prevent sexual violence and child recruitment. However, in Darfur, especially, at the ground level, medical reports and human rights monitors point to the fact that the situation is deteriorating despite these structures. There remains the need for effective political will to back these structures and a commitment of adequate resources, both financial and human, to ensure that these policies, frameworks and structures actually result in lessening violations on the ground.

## **E. COMMITMENTS BY PARTIES TO THE CONFLICT**

Various parties to the conflict made the following commitments to the Special Representative during the course of her mission:

### **Recruitment and use of child soldiers**

#### ***The Government of National Unity***

- Agreed to allow UNICEF and UNMIS to visit and audit the Sudan Armed Forces (SAF) as well as the military barracks of allied armed forces and groups, and to allow the United Nations, together with an appropriate Government focal point such as the National Commission for Child Welfare, to monitor and verify compliance.
- Allocation of adequate resources for reintegration of children associated with armed forces in their communities.
- Timely adoption and implementation of national legislation to criminalize recruitment of child soldiers.

### ***The Government of Southern Sudan***

- Undertake an audit and a monitoring mechanism of the Sudan Peoples Liberation Army (SPLA) and allied armed forces to identify and release children associated with their forces, in collaboration with the United Nations.
- Increase the budget for child disarmament, demobilization and reintegration

### ***Signatories of the Darfur Peace Agreement***

*Sudan Liberation Army* (Minnawi, Freewill); *Justice and Equality Movement* (Peace Wing)

- Cooperate fully with the United Nations in the preparation of action plans to identify and release children associated with their forces and to institute a system for monitoring and verification.

### ***Non-signatories to the Darfur Peace Agreement***

*Sudan Liberation Army* (G19, Wahid, Shafie, and Abu Kassim); *Justice and Equality Movement*

- Cooperate fully with the United Nations in the preparation of action plans to identify and release children associated with their forces and to institute a system for monitoring and verification.

### **Sexual violence against children**

#### ***The Government of National Unity***

- Establish, jointly with the United Nations, a Task Force on Sexual Violence and Abuse Against Children, and to undertake a major public campaign to combat sexual and gender-based violence.

#### ***The Government of Southern Sudan***

- Establish, jointly with the United Nations, a Task Force on Sexual Violence and Abuse Against Children, and to undertake a major public campaign to combat sexual and gender-based violence.

## Safety of humanitarian personnel

### *The Government of National Unity*

- Minister of Defence and Commissioner of Police pledged to ensure the safety and protection of humanitarian personnel, including follow-up and action on recent cases of attack against United Nations staff in Nyala, and the consistent incidents of armed robbery and other targeting of humanitarian personnel.

In regard to the **peace negotiations between the Lord's Resistance Army and the Government of Uganda**, the Government of Southern Sudan in its role as mediator committed to continue to advocate for children and women to be among the highest priorities in the negotiations.

## **F. MEASURES UNDERTAKEN BY NATIONAL AUTHORITIES TO ADDRESS GRAVE VIOLATIONS**

The Government of National Unity and the Government of Southern Sudan have taken undertaken a number of initiatives for the protection of children.

### **Legislative reforms**

The Ministry of Gender, Social and Welfare and Religious Affairs of the Government of Southern Sudan are convening a discussion on the Draft Child Bill 2006. The Bill aims at the protection and promotion of children's rights in accordance with the Interim Constitution 2005 and International Human Rights Instruments to which Sudan is a party, and includes a provision to establish a Child Commission. The Bill has not yet been introduced to Parliament.

The Government of Sudan is finalizing the Sudan Armed Forces Bill that fixes the age of recruitment at 18 years and criminalizes recruitment of anyone under 18. The Bill has been introduced to the National Assembly for debate and is expected to be adopted before the end of April 2007.

Government departments have welcomed current debates in Northern Sudan where child protection actors, including international and national NGOs, the National Council for Child Welfare (NCCW) and United Nations entities are challenging the shortcomings of the current Child Act 2004 and other laws affecting children. The NCCW is spearheading the process of introducing a revised version of the Act called the Child Rights Bill but this has not yet been discussed at the Government level.

Similar debates are taking place in different fora calling for the revision of the 1991 Criminal Act in order to clarify the definition of rape and other sexual offences. However, there is no clear process yet as how the 1991 Criminal Act will be revised.

The Government of Southern Sudan has also been developing a comprehensive Child Bill in 2006, which is currently being deliberated before Parliament. It is expected that this law will also be adopted by Parliament in the next few months.

***Structures to deal with sexual exploitation and abuse, and other child protection concerns***

Several initiatives have been taken by the Sudanese authorities to address child protection concerns in the country. The Khartoum State police established in April 2006 a unit for child and women protection as a pilot project to be expanded later to other States of the country. The unit aims at creating a child-friendly environment including providing social assistance, medical services and psychological support. In addition, the establishment of Special Courts for children and State Committees to deal with Sexual and Gender Based Violence in Darfur States are positive developments towards effective child protection. Members of the committees include UN agencies, UNMIS and relevant Government departments. The primary responsibility of state committees is to create awareness about Sexual and Gender-Based Violence in Darfur. However, so far the State committees are operational only in South Darfur and remain nominal elsewhere.

Child protection working groups are active in all 3 States of Darfur, and in an additional 9 States in Northern Sudan. These groups coordinated child protection response at the state level in order to maximize the impact of child protection programming.

In Southern Sudan, the Ministry of Gender, Social Welfare and Religious Affairs has established Child Protection Working Groups in all states with the support of various relevant Government departments, NGOs and UN entities. The first meetings of the Child Protection Groups were held in Juba, Malakal and Wau February 2007 to discuss workplans, identify areas of concerns for child protection in Southern Sudan and analyze gaps in services provided to children.

Responding to reports of sexual exploitation and abuse of children in Sudan, the Government of Sudan, and that of Southern Sudan, through the National Council for Child Welfare in the North and the Ministry of Gender, Social Welfare and Religious Affairs in the South, have consulted various actors to establish a joint UN-Government Taskforce in Juba and Khartoum to deal with Sexual Exploitation and Abuse and children.

### *Commitment to child DDR by national DDR authorities*

National DDR bodies have been established by the Government of National Unity (GoNU), and the Government of Southern Sudan (GoSS). The National Council for DDR Coordination and the North Sudan DDR Commission were established in February 2006; while the South Sudan DDR Commission was created in May 2006. The North and South DDR Commissions have a mandate by peace agreements to plan and implement DDR operations, including release and reintegration of children, with the support of the international partners (UN DDR including UNDP, UNMIS DDR and UNICEF). However, child DDR is hampered by continued fighting in Darfur, and lack of some of the most basic infrastructure in communities to enable them to absorb and integrate their children.

### **G. RECOMMENDATIONS**

1. UNMIS and UNICEF should follow-up closely on the commitments made by the relevant national authorities through the focal points designated by them, with continued advocacy support of the Special Representative.
2. UNMIS and UNICEF should follow-up with the signatories and non-signatories of the Darfur Peace Agreement for the timely implementation of action plans to prevent recruitment of children into their forces and identification and release of all children associated with their forces, as stipulated by the Security Council in resolutions 1539 (2004) and 1612 (2005).
3. In the on-going peace processes in Sudan -- the Comprehensive Peace Agreement covering southern Sudan, eastern Sudan and the transitional areas; the Darfur Peace Agreement covering the conflict in Darfur; and the Eastern Sudan Peace Agreement covering the eastern conflict -- all relevant interlocutors should ensure that children's concerns and considerations are explicitly prioritized.
4. The protection vacuum in Darfur should be addressed as a matter of priority, including by ensuring adequate capacity and robust protection mandate of AMIS particularly to police IDP camps and re-institute the practice of 'fire-wood patrols' for the protection of children and women outside camp boundaries.
5. Child protection expertise should be included in the planning team for the UN-AMIS Hybrid Mission, and assessment should be made of the need and number of Child Protection Advisers as part of the staff complement for the 'heavy-support package' and eventual UN-AMIS hybrid mission.

6. The donor community should ensure timely and adequate resources in support of national initiatives for child DDR. Donors should also ensure adequate resources for implementation of Security Council resolution 1612, including the monitoring and reporting mechanism, particularly for capacity building for local NGOs and civil society and systematic training for peacekeeping personnel in child protection.
7. The Government of National Unity and the Government of Southern Sudan are urged to undertake timely adoption of national legislation for the protection of children including the adoption of the new Child Bill (North and South) and Armed Forces Act (North), and to ensure the implementation of this legislation. National authorities should also ensure the rigorous and systematic investigation and prosecution of violations against children to address the prevailing sense of impunity for such crimes.
8. The initiative of the Government of National Unity to establish Gender and Child Units within the national police should be given priority attention and resources, and this initiative should also be extended beyond Khartoum State as a matter of priority; the United Nations should continue to support national authorities in this respect. The recent initiative by the Sudan Police Force to establish a federal office to oversee such police units at the state level is welcomed.
9. The Northern and Southern National DDR Commissions should ensure that there is adequate child protection expertise in their respective infrastructures, and they should also ensure more effective communication between them as well as increasingly working with relevant line ministries such as the Ministry of Social Welfare, Women and Children's Affairs. The National DDR Coordination Council should facilitate the inclusion of all relevant stakeholders.
10. The Secretary-General's Zero-Tolerance policy on Sexual Abuse and Exploitation should be strictly enforced, and the timeliness and professionalism of response including investigations of allegations against peacekeepers should be enhanced. There should also be better information-sharing with national authorities about allegations and cases.
11. The United Nations should strengthen its coordination for prevention and response to sexual violence, including greater capacity and resource commitment of UNFPA as the lead agency in this respect.

12. The UNICEF, with support of UNMIS Child Protection, may consider undertaking a study to explore the link between delivery of services to communities and the demobilization and reintegration of children in order to further improve reintegration initiatives.
  
13. In keeping with the established practice in other UN peacekeeping operations, UNMIS is urged to organize its Child Protection Unit as an autonomous unit with a direct reporting line of the Senior Child Protection Adviser to the SRSG (or DSRSG), to facilitate more effective mainstreaming of child protection issues into mission mandates, priorities and infrastructure, as well as the implementation of SCR 1612 and follow-up on the recommendations above.