



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### **Consideration of reports submitted by States parties under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict**

**Initial reports of States parties due in 2007**

**Sudan\***

[12 August 2008]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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# **Initial report of the Sudan on implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict**

## **I. Introduction**

1. The Sudan acceded to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 12 October 2003 and ratified it on 11 September 2004, without reservations. The period that followed the ratification of the Optional Protocol was marked by a host of important political developments and shifts in that the way had been paved for the intensification of efforts to promote the protection of children, particularly children in armed conflict, in the context of strengthening the rights enunciated in the Convention on the Rights of the Child. Embodied in a key set of principles under the Convention (non-discrimination, best interests of the child, the right to life, survival and development, and the right to participation), those rights were now legally binding under Sudanese law. All of these developments yielded favourable opportunities and visible successes with respect to the protection and well-being of children in the Sudan.

2. The Comprehensive Peace Agreement concluded in January 2005, the Darfur Peace Agreement concluded in May 2006 and the Eastern Sudan Peace Agreement concluded in October 2006 comprise provisions for the protection of children in a variety of spheres and for the elimination of all types of abuse, violence and exploitation involving children. The Interim Constitution, the Constitution of the Southern Sudan, the Constitutions of the other states and various domestic laws were derived from those agreements in order to guarantee the aforementioned principles (on this subject, see the third and fourth periodic reports of the Sudan on implementation of the Convention on the Rights of the Child, submitted to the Committee on the Rights of the Child in November 2007).

3. The Armed Forces Act of 2007 is a key piece of legislation developed to promote and provide a legal framework for the protection of children during armed conflict insofar as it comprises the principles and standards articulated in the Optional Protocol and in international humanitarian law.

4. In addition is the Sudan's commitment to the Millennium Development Goals (MDGs), as reflected in the guidelines for the Quarter-Century National Strategy, pursuant to which a five-year plan (2007–2011) for the care and protection of children was elaborated in cooperation with the National Strategic Planning Council and governmental partners, in consultation with the United Nations Children's Fund (UNICEF) and civil society organizations. The plan encompasses programmes and projects from the Strategy and incorporates all of the international child protection standards in different areas, including protection of children in armed conflict.

## **II. General measures of implementation**

5. The present initial report on implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict was prepared in accordance with the guidelines adopted by the Committee on the Rights of the Child at its 736th meeting on 3 October 2001 and later revised in September 2007. Under the chairmanship of the National Council for Child Welfare, a technical committee of relevant entities (the Ministry of the Interior, the Ministry of Defence and the Commission of the Northern Sudan for Disarmament, Demobilization and Reintegration (DDR), as well

as a representative of civil society organizations) was established to compile the report and review the first draft.

6. The draft report was additionally reviewed in consultative workshops at all levels, organized with UNICEF support by the Child Welfare Councils in the States of Darfur, Kassala and South Kordofan, in conjunction with the competent governmental agencies, Northern Sudan DDR Commission branch offices, civil society organizations and international organizations. These were also preceded by sessions organized for the purpose of presenting the draft and the guidelines for preparation of the report, to which contributions by states were then added.

7. In southern Sudan, the same procedures were followed for consultation on the implementation of the Optional Protocol; meetings were held with the participation of representatives of the Southern Sudan DDR Commission and the Ministry of Gender, Social Welfare and Religious Affairs, in addition to a representative of non-governmental organizations (NGOs), and the contribution by the Government of Southern Sudan was incorporated into the report.

8. A consultative workshop was also organized at the federal level and attended by over 100 participants from relevant governmental bodies, civil society organizations, academic institutions and research establishments. The deliberations on various aspects of the draft report were documented and all of the recommendations and comments produced from the workshop were taken into consideration.

9. The National Council for Child Welfare strived to ensure that children were effectively involved in the preparation of the present report. To that end, it held a consultative workshop at the federal level in which 40 children participated, representing the Parliament of the States of Khartoum, Kassala and Darfur, as well as those with special needs. The workshop began with introductory sessions on the rights of the child as set forth in international instruments, primarily the Convention on the Rights of the Child and its two Optional Protocols, and on the reporting guidelines. Efforts were made to redraft the text using child-friendly language, thus enabling children of all ages to join actively in commenting on the draft through general discussion and in working groups, whose recommendations at the end of the workshop were taken into account and included in the report.

10. As already mentioned, the Sudan signed and acceded to the Optional Protocol on 12 October 2003 and ratified it on 11 September 2004, without reservations. The necessary procedures are now under way for the amendment of domestic laws and enactments to bring them into line with the provisions of the Optional Protocol, which will consequently form part of the Sudan's domestic legislation. The instruments cited hereunder can be mentioned in that context.

### **Comprehensive Peace Agreement (Naivasha, 2005)**

11. Paving the way for lasting peace and sustainable development, the Comprehensive Peace Agreement was signed between the Government of the Sudan and the Sudan People's Liberation Movement on 9 January 2005. It provides a frame of reference for the division of power and wealth with a view to addressing the root causes of the conflicts in the Sudan in that the implementation of its provisions is a main goal for the achievement of development. Tangible progress was made as a result in the area of child protection, for which provision is made in article 1.6.2.15 of the Protocol on power-sharing, signed in May 2004.

12. At all levels of government countrywide, the Republic of the Sudan complies fully with its obligations under the international human rights treaties to which it is a party.

Every child is also entitled to such measures of protection as are required by his or her status as a minor, without any discrimination based on race, colour, sex, language, religion, national or social origin, property or birth.

13. Protocol VI on permanent ceasefire and security arrangements implementation modalities between the Sudanese armed forces and the Sudan People's Liberation Army (SPLA) similarly states that the recruitment of children is a violation of the provisions of the Agreement, in which event the Ceasefire Joint Military Committee will determine appropriate disciplinary measures.

### **Darfur Peace Agreement (May 2006)**

14. The Darfur Peace Agreement comprises a road map for the protection of children, prohibition of all forms of abuse, violence and exploitation involving children, improvement of services for children and women who come into contact with the law, the immediate release of boys and girls under the age of 18 years by armed forces and groups, and support for family reunification and social reintegration programmes. The Agreement emphasizes the importance of the immediate release of boys and girls associated with armed forces and groups and calls on all parties to give the highest priority to the protection of women and children.

15. The Agreement prohibits all acts and forms of gender-based violence and calls for efforts to solve the problem of child soldiers, children who have disappeared and children who have been detained in Darfur. It also calls for the identification, removal and family reunification of children and for the development of reintegration programmes for children associated with armed forces and armed groups, with the emphasis on orphans of former combatants. It further specifies that combatants under the age of 18 must be disarmed and demobilized separately from adult combatants.

### **Eastern Sudan Peace Agreement (October 2006)**

16. The Government of National Unity and the Eastern Front signed the Eastern Sudan Peace Agreement on 14 October 2006 in Asmara. Its articles stipulate that the State must protect the rights of the child as provided in international and regional conventions ratified by the Government of the Sudan. This aided the introduction of programmes for the protection of children who had taken part in armed conflict insofar as mechanisms and institutions were set up for demobilizing children from armed units. Penalties were also established for persons violating the rights of children and provisions put in place relating to the delivery of education, health and other social services, including reintegration.

### **Interim National Constitution of the Republic of the Sudan (2005)**

17. Article 32 (5) of the Interim National Constitution of the Republic of the Sudan of 2005 provides that: "The State shall protect the rights of the child as provided in the international and regional conventions ratified by the Sudan." The Sudan has ratified the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict, which are therefore an integral part of the Interim National Constitution of 2005.

### **Interim Constitution of Southern Sudan (2005)**

18. Article 21 (1) of the Interim Constitution of Southern Sudan, in the section on the rights of the child, provides that every child, male or female, has the right “not to be subjected to exploitative practices or abuse, nor to be required to serve in the army nor permitted to perform work which may be hazardous or harmful to his or her education, health or well-being”.

### **Police Forces Act (as amended) (1992)**

19. Recruitment into the police forces is done in accordance with specific legal rules declared and set forth in article 30, paragraph 1 (c), of the Police General Regulations of 1986, which governs the terms of appointment and pursuant to which no applicant under 18 years of age may be recruited as a member of the police service. It is worth mentioning that the minimum recruitment age is set at 18 years under a new Police Bill. The Popular Police is also a regular police unit to which the laws and regulations on police recruitment and volunteering apply.

### **National Service Act (1992)**

20. This Act provides that recruits must be over 18 years of age and that all competent departments of the armed forces must fully comply with that requirement. The Sudan Glory courses for the enrolment of secondary school students in national service exclude anyone under 18 years of age and enrolment for those at university is now deferred until after they have completed their studies. The National Service Act is not applied in southern Sudan.

### **SPLA Regulations (2003)**

21. Under section 12 concerning eligibility for recruitment, the SPLA Regulations provide that the Inspector General shall from time to time set conditions to be fulfilled by applicants for recruitment to the other ranks on the basis of the following: the applicant must hold Sudanese nationality; be medically and mentally fit; have no previous convictions on charges involving breach of trust or morality; and be aged 18 years or above.

### **Child Act (2004)**

22. Article 32 of the Act prohibits the use of children in any acts of forced labour, sexual or pornographic exploitation or illicit trade, or their exploitation or use in armed conflict. The Act prescribes penalties for such use.

### **Popular Defence Forces Act (1989)**

23. Article 11 (b) of the Act provides that volunteers in the Popular Defence Forces must be no younger than 16 years of age, although Chief of General Staff decision No. 1282 (confidential) of 22 August 2005 sets the minimum age for such volunteers at 18 years. This decision is in effect and no volunteer is admitted into the Popular Defence Forces unless he is over 18 years of age. The Popular Defence Forces are now subject to the Armed Forces Act of 2007, which was recently approved.

### **Joint Integrated Units Act (2006)**

24. Under article 10, paragraph (d), of the Act, any person enrolling in the other ranks of these forces must be no younger than 18 years of age. Similarly, article 9, paragraph (d), provides that officers enrolling in the Units must be no younger than 20 years of age.

### **Armed Forces Act (2007)**

25. Approved by Parliament in 2007, the Armed Forces Act unequivocally provides for the protection of children affected by armed conflict in the Sudan and sets the age of recruitment at 18 years, in accordance with the Optional Protocol. Chapter III, part II, of the Act also contains provisions on offences perpetrated by combatants during military operations. The Act is consistent with international child protection standards, including the Optional Protocol, and highlights the commitment of the Government in the Sudan to the Paris Principles, which were endorsed by the Sudan in February 2007.

### **Child Bill for Southern Sudan (2007)**

26. In 2007, a Child Bill was presented to the Southern Sudan Parliament for approval. Section 31 on children and armed conflict provides as follows:

- The minimum age for enrolment or volunteering in armed forces or groups shall be not less than 18 years
- The Government shall ensure that no child is used or recruited to join in any armed or unarmed military or paramilitary activity, including, but not limited to, as an informant, secret agent, cook, transport worker or labourer, or for sexual purposes, or for any other form of work incompatible with the interests of the child
- The Government shall provide protection, rehabilitation, care, recovery and reintegration into normal social life for children associated with armed conflict, including children in the regular forces or in armed groups and child victims of armed conflict, taking into account the special needs of girls and their providers

### **Child Bill (2008)**

27. In the context of developing the national legal and legislative framework, the Legislation Committee of the National Council for Child Welfare (to be discussed later) drafted the Child Bill of 2008 in order to overcome the limitations of the Child Act of 2004 and keep pace with the constitutional developments under way in the Sudan. In part VIII of the Bill, entitled “Prohibition of the use or involvement of children in military activities (child recruitment)”, article 49, paragraph 1.2, provides that:

- It shall be prohibited to conscript children into the armed forces or into armed groups or to use them for participation in military activities
- The military laws and regulations shall prescribe appropriate measures for any person who contravenes these provisions

28. Under article 50, paragraph 1.2, entitled “Demobilization, rehabilitation and reintegration”, the Bill provides as follows:

- The authority responsible for demobilization and reintegration shall be responsible for designing programmes for the demobilization of child soldiers with a view to

their social reintegration and shall devote special attention to demobilized children while in demobilization centres

- The competent authority shall provide psychological and mental rehabilitation for child victims of armed conflict

The Bill is currently in the process of approval by the executive and legislative authorities.

29. Key governmental departments and bodies responsible for implementation and follow-up of the Optional Protocol include the General Command of the People's Armed Forces (Ministry of Defence), the Department of National Service, the Northern Sudan DDR Commission, the Ministry of the Interior, the Violence Against Women Unit (Ministry of Justice), the National Committee on International Humanitarian Law and the National Mine Action Centre. As the national mechanism for follow-up and monitoring of the implementation of the Optional Protocol, the National Council for Child Welfare provides coordination and cooperation.

30. Now being replicated across the board in all northern states, the Family and Child Protection Unit attached to the Khartoum State police was established as a mechanism for the implementation and follow-up of the articles of the Convention on the Rights of the Child and its two Optional Protocols.

31. The Gender and Children's Affairs Office attached to the Southern Sudan police was established as an initiative aimed at protecting children against all forms of exploitation and violence, which includes prohibition of their involvement in armed conflict.

32. During the peace negotiations in Naivasha, a DDR subcommittee was established by a decision of the Office of the President of the Republic in 2003 in that child soldiers were a major issue in the negotiations. Following the signature of the Peace Agreement in January 2005, a presidential decree was issued in March 2006 to reconstitute the committee and attach it to the Office of the President of the Republic. National DDR agencies were established by the Government of National Unity and the Government of Southern Sudan, namely the National DDR Coordination Council and accordingly the Northern Sudan DDR Commission in February 2006 and the Southern Sudan DDR Commission in May 2006.

33. The Government of the Sudan elaborated a DDR programme for child soldiers or children used by armed forces or groups. Accordingly, since the signature of the Peace Agreement, the National DDR Coordination Council has, with UNICEF support, demobilized some 1,200 children on the basis of the Comprehensive Peace Agreement in southern Sudan and the three transitional areas (Abyei, South Kordofan and Blue Nile). Most of those children, who had been working in the SPLA, were reunified with their families in southern Sudan and the States of South Kordofan, Khartoum and Gedaref. At least 88 other children were also registered and demobilized in Blue Nile State. Some 300 children had furthermore been demobilized from the Eastern Front and reunified with their families through the Northern Sudan DDR Commission in the Kassala and Red Sea States. The number of child soldiers under 18 years of age in the Sudan is estimated at about 8,000. The foundations had also been laid for the process of reintegrating children on the basis of gender and special needs, such as disability, and it was agreed with the International Committee of the Red Cross (ICRC) to follow up children separated from their relatives.

34. With assistance from UNICEF, Save the Children Sweden and other partners in southern Sudan, practical preparations for disarmament, demobilization and reintegration measures have been made, with particular attention devoted to the gender perspective and children with special needs.

35. Disarmament, demobilization and reintegration measures include seeking out the families of children associated with armed forces and groups, reunifying those children with their families and providing psychosocial support with a view to the successful



reintegration of children into their communities. The armed forces have published a guide to putting children on the military agenda, which was developed on the basis of the training model published by Save the Children Sweden in cooperation with UNICEF. The guide sets out fundamental principles under the provisions of the Optional Protocol in order to help armed forces personnel in dealing with children in areas of armed conflict. It explains children's rights, child protection and children's basic needs, i.e., clean water, food, shelter and health care. It advises soldiers to check all areas of operation for the presence of children and to look upon children as a distinct group who must be safeguarded and protected. The guide also enumerates the legal mechanisms for the protection of children in armed conflict, as follows:

- (a) The Geneva Convention of 1949 and its Additional Protocols of 1977;
- (b) The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction;
- (c) The International Criminal Court;
- (d) The Convention on the Rights of the Child of 1989, which provides for all fundamental rights of children, most importantly the best interest of the child, non-discrimination and the right to life, survival, development and participation;
- (e) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in particular those under 18 years of age;
- (f) The International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999);
- (g) The African Charter on the Rights and Welfare of the Child.

36. The guide directs the units of the armed forces to protect children against the effects of armed conflict, exemplified in:

- Recruitment: Children, in particular those who live in areas of armed conflict or in unusual or unstable situations, such as street children, children separated from their families or children who have joined armed groups in search of protection, must not be recruited into the armed forces
- Separation: This refers to the case of children separated from both parents as a result of migration or having fled from attack, and children abducted for ransom, sale, forced labour or use as human shields
- Abuse and sexual violence: Children must be protected against exploitation, sexual violence, rape, prostitution and trafficking, which are punishable by the International Criminal Court and the perpetrators of which are regarded as war criminals
- The armed forces must endeavour to create safe mine-free corridors, to secure school premises and to protect vulnerable children, such as disabled, orphaned and girl children

37. After the Sudan had signed and ratified the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Ottawa Convention) in 2003, the National Mine Action Centre was established by Republican Decree No. 299 (2005) and is composed of the National Mine Action Committee formed from relevant ministries. In cooperation with partners, the Centre has been able to carry out the following:

- Destroy 4,488 buried mines, of which 997 now remain
  - Demine a 235-kilometre stretch of road in Eastern Sudan
38. Projects are under way, as follows, to:
- Demine the Rank-Malakal-Bor-Juba road, which is 987 kilometres in length
  - Demine the Babanusa-Wau road over a three-month period
  - Demine the Kadugli-Koda-Talodi road
39. In 2006, a total of 392,769 persons at risk from unexploded ordnance in mine-affected areas benefited from awareness-raising activities, 377 teachers and volunteers were trained in mine-risk education and 50 staff from the Ministry of Health in the State of South Kordofan were supplied with the tools to begin implementing a system for monitoring mine accidents.
40. The National Council for Child Welfare, in partnership with UNICEF and Save the Children Sweden and in collaboration with other governmental bodies and civil society organizations, carried out numerous activities at the federal and state levels to raise awareness of, provide training in and disseminate the articles of the Protocol, as shown in the following table:

<i>Activity</i>	<i>Date – place</i>	<i>Participants</i>
1. Workshop on the implementation of the Convention on the Rights of the Child and its two Optional Protocols, organized with support from Save the Children Sweden	March 2004 – Kassala March 2004 – Gedaref June 2004 – Kosti June 2004 – Madani October 2004 – Port Sudan	250 participants from governmental bodies working with children and from civil society organizations
2. Brainstorming meeting to propose amendments to the Child Act of 2004 so as to include additional provisions relating to the two Protocols, organized in cooperation with UNICEF	March 2005 – Khartoum	100 participants comprising jurists and representatives from civil society organizations working in the field of children and from State institutions relevant to work involving children
3. Workshop on child protection for secretaries of state child councils, organized in cooperation with UNICEF	April 2005 – Khartoum	50 participants comprising secretaries of state child councils, speakers of legislative assemblies and directors of state legal departments
4. First national seminar on protection of children against all forms of violence, organized in cooperation with UNICEF	May 2005 – Khartoum	150 participants representing governmental bodies and NGOs concerned with children’s issues, the Committee on the Rights of the Child and various regional and international organizations

<i>Activity</i>	<i>Date – place</i>	<i>Participants</i>
5. Workshops to review Sudanese child protection laws and compare them against the two Optional Protocols, organized in cooperation with UNICEF	September 2005 – Nyala November 2005 – Khartoum December 2005 – Kadogli	150 participants from governmental bodies and NGOs concerned with children's issues, justice bodies and legislative assemblies
6. Workshop on the sexual abuse and exploitation of children by members of peacekeeping forces in southern Sudan (legislative aspects and measures in national and international law), organized in cooperation with UNICEF	January 2007 – Khartoum	140 participants comprising commanders and decision-makers from the armed forces, representatives from the Ministry of Justice and relevant National Assembly committees, persons affected by conflict, negotiators on disarmament, demobilization and reintegration in northern and southern Sudan, members of civil society and international organizations working in child protection and representatives from the Government of Southern Sudan, the Faculty of Law (international law) at the University of Khartoum, the United Nations Mission in the Sudan (UNMIS), the African Union Mission in the Sudan and UNICEF
7. Training course on the rights of the child for armed forces instructors, organized in cooperation with the Ministry of Defence and Save the Children Sweden with the aim of disseminating the culture of children and child protection and establishing child protection units, organized in cooperation with UNICEF	July 2007 – Khartoum	8 persons from various units of the armed forces
8. Training course on the rights of the child for armed forces personnel, organized in cooperation with Save the Children Sweden and UNICEF (course No. 1)	January 2007 – Khartoum	10 officers from the military justice system

<i>Activity</i>	<i>Date – place</i>	<i>Participants</i>
9. Training course on the rights of the child for armed forces instructors, organized in cooperation with Save the Children Sweden and UNICEF (course No. 2)	January 2007 – Khartoum	33 officers from various military units at state level
10. Training course on the rights of the child for members of the military justice system and military prosecution offices, organized in cooperation with UNICEF and Save the Children Sweden	July 2007 – Khartoum	15 members of the military justice system and military prosecution offices
11. Training course on the rights of the child for the armed forces, organized in cooperation with Save the Children Sweden and UNICEF (course No. 3)	February 2008 – al-Fashir	38 officers
12. Training course on the rights of the child for the armed forces, organized in cooperation with Save the Children Sweden and UNICEF (course No. 4)	February 2008 – Nyala	40 officers
13. Training course on the rights of the child for the armed forces, organized in cooperation with Save the Children Sweden and UNICEF (course No. 5)	February 2008 – Khartoum	110 officers
14. Consultative workshop on the establishment of a family and child protection unit attached to the police, organized in cooperation with UNICEF	May 2007 – West Darfur	40 participants comprising members of the police and armed forces and representatives of public prosecution offices, the Ministries of Social Welfare, Education and Youth, and local and international companies
15. Awareness-raising workshop on child rights, child protection and the Child Bill for Darfur	May 2007 – West Darfur	70 parliamentarians
16. Training workshop on human rights, organized in cooperation with UNMIS and UNICEF	August 2007 – West Darfur	24 police and law enforcement officers

<i>Activity</i>	<i>Date – place</i>	<i>Participants</i>
17. Information workshop on children, armed conflict and violations of children's rights, organized in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) and UNICEF	August 2007 – West Darfur	38 local community representatives and teachers
18. Training workshop on human rights standards for law enforcement officers from the Kulbus district, organized in cooperation with UNMIS and UNICEF	November 2008 – West Darfur	22 middle-ranking officers
19. Training in the Convention on the Rights of the Child and its two Optional Protocols, organized in cooperation with Save the Children Sweden	May 2006 – Nairobi	3 military officers from the integrated forces
20. Training workshop for instructors on the Convention on the Rights of the Child and its Optional Protocols	Northern Bahr al-Ghazal and Buhairat States	20 military officers from the integrated forces
21. Two information workshops on the Convention on the Rights of the Child and international humanitarian law	May–June 2006 – military areas in Jabal al-Awliya' and Suba	400 non-commissioned officers and soldiers
22. Information workshop on child soldiers	2006 – Juba	85 members of the defence forces and allied tribal militias in southern Sudan, representing 28 armed groups
23. Workshop on the implementation of the Convention on the Rights of the Child and its two Optional Protocols	July 2006 – Rumbek region August 2006 – Wau region June 2007 – Waynek barracks November 2007 – Kiobit region (army and police)	Army and police commands
24. Awareness-raising workshop on child protection	March 2007 – Awil March 2007 – North Awil June 2007 – Mabior November 2007 – Kiobit August 2007 – Rumbek March 2008 – East Awil	Senior and administrative leaderships from the Ministry of Social Welfare, Gender and Religious Affairs in the southern states
25. Training in child protection for peacekeeping forces	December 2006 – Khartoum	New members of peacekeeping forces

41. In cooperation with UNICEF and other partners, the National Council for Child Welfare spearheaded an extensive media campaign on child protection issues, which was launched in South Darfur on the occasion of the Day of the African Child (June 2007). Covering the whole of the Sudan, including the three states of Darfur, the campaign has focused on specific issues relating to the recruitment of child soldiers, protection of children against sexual and gender-based violence, protection against disfigurement or death from unexploded ordnance, children who come into contact with the law, protection of girls against female genital mutilation, and children of unknown parentage. The campaign has aimed to strengthen means of protecting children against violence, abuse, exploitation and neglect by targeting parents and providers of child services (social researchers, police, teachers, etc.).

42. The overall goal of the campaign is to build family and community capacities for child protection by raising awareness of the main threats to child safety and providing information on available services and the impact of certain tendencies, practices and behaviour, on which subject a pre-campaign study was conducted in order to determine the extent of public knowledge about child protection issues. The main points for communication on each protection issue were accordingly identified, specific messages were prepared and circulated by way of community activities and the various media (television, radio, newspapers) and information materials (stickers, leaflets, posters, etc.) were printed. The recruitment of child soldiers has been the priority issue in the media campaign, encompassing awareness-raising of the provisions of the Optional Protocol, of the rights of children who have been involved in armed conflict and of reunification and reintegration measures.

43. In the context of promoting and upholding the Armed Forces Act of 2007, the Advisory Council on Human Rights and the National Council for Child Welfare, in cooperation with UNICEF, organized a workshop on advocacy of child protection issues and the harmonization of national legislation with the Optional Protocol to the Convention on the Rights of the Child. Comprising members of the armed forces, the media and voluntary organizations relevant to children's issues, participants affirmed the need for all armed forces and groups in the Sudan to cooperate for the demobilization of all children associated with them.

44. In association with UNICEF, the police and the Ministries of Social Welfare and Justice, the Advisory Council on Human Rights organized a workshop on the legal protection of children and its import to children in the Sudan. The workshop discussions covered progress achieved and emerging challenges, as well as the national mechanisms for child protection established in the Sudan. A further subject of discussion was the Family and Child Protection Unit attached to the police force, seen as a ground-breaking project and a practical example of success in providing legal and community protection for children subject to violation of their rights. The Sudan also participated in consultative meetings in Cairo and Ethiopia concerning a study on violence against children in countries of the Middle East and North Africa. An information leaflet on violence against children was designed in cooperation with Save the Children Sweden and children's issues were addressed in newspapers, periodicals and the audio-visual media.

45. The Consultative Council on Human Rights was established by republican decree in 1994 and has a children's section devoted to studying international and regional conventions and protocols relating to children, monitoring the implementation of national legislation and raising awareness of human rights and international humanitarian law. For its part, the National Commission on International Humanitarian Law is regarded as the official spokesperson on the application of international humanitarian law. Established by

Republican Decree No. 48 of 2003, it is presided over by the Minister of Justice and has as its rapporteur the head of the Ministry's Department of Human Rights. Its members are composed of relevant institutions working in the area of international humanitarian law and the protection of civilians, including children in armed conflict.

46. The Southern Sudan Human Rights Commission was established by presidential decree (2005). Its activities include prison monitoring and identifying and reporting on human rights violations. Efforts are under way for the establishment of a commission on children's rights in the near future. Article 148 of the Commission Bill tabled before Parliament defines the functions of the Commission as follows:

- To monitor the application and enforcement of the rights and freedoms guaranteed in the Constitution and to make enquiries at its own initiative or on the basis of a complaint from an individual or group of individuals concerning violations of any human right
- To visit prisons, remand facilities or centres or other relevant places for the purpose of assessing and inspecting living conditions and making recommendations to the competent authority
- To set up a permanent research, education and information system to improve respect for human rights
- To recommend effective measures to Parliament for the promotion of human rights
- To create public awareness of and ongoing advocacy for the provisions and articles of the Constitution as the basic law for the inhabitants of southern Sudan
- To educate and encourage the public to defend the Constitution at all times against any abuse or violation
- To formulate, apply and monitor programmes
- To monitor compliance with international human rights instruments ratified by the Republic of the Sudan at all levels of the Government of Southern Sudan
- To express an opinion or provide advice on any question involving human rights

47. Despite positive progress in the protection of children in armed conflict, the efforts currently under way are impeded by a number of problems, exemplified in:

- (a) The countless technical and administrative complications associated with the process of establishing and consolidating the institutional structure (inadequate local capacities and the protracted period of armed conflict in the Sudan);
- (b) The difficulty of determining the real number of child soldiers (technical definition of the target segment);
- (c) The length of time taken to arrive at a single vision with international and local partners for the implementation of DDR programmes;
- (d) The requirements for joint operations between the Northern and Southern Commissions (list of technical measures and administrative and logistical requirements);
- (e) The time spent providing operational requirements and creating infrastructure for the commencement of DDR work in Darfur, which delayed implementation;
- (f) The influence of local cultures encouraging youngsters and adolescents to join with armed groups in defending their communities and families;
- (g) The enormous financial resources needed for the DDR programme;

(h) The continuation of certain conflicts in Darfur and the poor infrastructure in the target communities, which hampers the process of reintegrating children into their communities;

(i) The challenges faced in the Sudan as highlighted by the reintegration process, namely the country's sheer physical size, limited capacities, infrastructure and low birth registration rates, which sometimes hinder the process of identifying and seeking out families and of reintegration;

(j) The unstable situation of children, who are constantly on the move, which poses difficulties for the reintegration process.

### **III. Prevention (arts. 1, 4, para. 2, and 6, para. 2)**

48. There are no provisions on conscription other than those set forth in the peace agreements, the Interim Constitution of 2005 and the above-mentioned laws.

49. The Armed Forces Act (2007) contains provisions specifying the age of recruitment in accordance with the Optional Protocol and the principles and provisions of international humanitarian law. Hence, in chapter IV on selection, qualification, appointment and recruitment, article 14 prescribes the following conditions for joining the armed forces:

Any person joining the service of the armed forces must:

- Be a Sudanese national by birth
- Be of good moral character and have no previous convictions for any offence involving breach of honour or trust
- Be in good health and physically fit enough to assume the responsibilities of soldiering
- Be no younger than 18 years of age on recruitment or appointment
- Be literate
- Fulfil such academic, professional or vocational conditions as are specified in the rules and regulations

50. The laws on national service, the Popular Defence Forces and the police, as well as the Joint Integrated Units Act of 2005, provide that the age of recruitment or volunteering must be not less than 18 years. The necessary arrangements for compliance have been put in place, as mentioned in the preceding paragraphs.

51. There is no compulsory enrolment in the police forces; recruitment is instead advertised in the media. Article 30, paragraph 3, of the Police General Regulations of 1986 provides that: "Recruitment shall be advertised through the media and the advertisement must, as far as possible, include details of the conditions to be satisfied by the person seeking appointment."

52. No person can be recruited until all the required documentation, consisting in a birth certificate and other substantiating papers, has been provided. The conditions for recruitment include the completion of a medical examination, using form 5 (a) for applications to join the armed forces, which states that applicants must be medically fit (in accordance with part IV (6) of the Armed Forces Regulations of 1960) and contains a special clause on the age of persons seeking recruitment or appointment, who are required to attach either a birth certificate or an age estimation certificate that, for better certainty, must be no more than two years old. Article 9 of the Joint Integrated Units Act of 2005 sets forth the conditions for joining the units and ranks, stating that applicants must be



medically and physically fit for military service and produce a notarized birth certificate confirming their age at the time of recruitment or volunteering. Announcements are also published in local newspapers stating the conditions and documentation required for admission to the armed forces.

53. Part IV (4) of the Armed Forces Regulations of 1960 provides as follows:

- Article 29: Certain commands and corps shall be entrusted to recruit cadets for technical vocational training
- Article 30: A cadet shall remain on a half-time appointment until he is determined by a doctor to be medically fit to bear arms and only thereupon may he be promoted to the rank of soldier, provided that there is a vacancy in his command/corps and that he is over 18 years of age
  - The head of the command/corps shall be entrusted with promoting the cadet to the rank of soldier
  - The promotion of a cadet to soldier shall be published in part two of the orders, substantiated by a doctor's certificate
- Article 31: Consent must be obtained from the father or legal guardian of the cadet before he is recruited

Part IV, article 2, of the same Regulations also provides as follows:

- A cadet shall be promoted to the rank of soldier when he reaches 18 years of age, provided that he passes the medical examination and is recommended for promotion by the examining doctor

54. Here we find that the Sudanese legislator afforded protection for children since the date of issuance of the Regulations in 1960 and that the purpose of taking in cadets was for academic qualification in that cadet schools were established in the engineering corps, the military music department and the signals corps.

### **Technical secondary school for engineers**

55. A school for engineering cadets was established in 1912 as an elementary school during the British colonial period. It was then upgraded to an industrial intermediate school in 1952 after the declaration of independence and then to a technical secondary school in 1996. The purpose of establishing the school was to supply units of the engineering corps with academically, technically and militarily qualified personnel.

### **School admission requirements**

A cadet:

- (a) Must be no older than 16 years of age on admission;
- (b) Must have passed the basic school certificate examination as a minimum;
- (c) Must be medically fit;
- (d) Must sign up for a nine-year period of service, with guardian consent;
- (e) Must be granted an annual leave period of 45 days;
- (f) Must be permitted to pursue university studies if accepted into a faculty of engineering at a government university, under the following terms:

- (i) He must obtain consent to sabbatical leave for the purpose of specialist study from the commander of the engineering corps;
- (ii) He must give a personal undertaking to extend his period of military service (six years), following graduation, by the period of university study;
- (iii) If he fails to make the grade during his period at university, he shall be required to leave and return to work in his unit;
- (iv) If he fails to make the grade during the final two years of university for reasons beyond his control that are substantiated by documentation, he shall be given one opportunity only to continue his studies, subject to the decision of the commander of the engineering corps;
- (v) A cadet who has a technical secondary certificate and a university diploma shall be treated in accordance with the laws and regulations of the armed forces.

56. Generally speaking, cadets start the new academic year after the results of the basic certificate examination have been announced, in accordance with the admission requirements set by the Ministry of Education in Khartoum State. Composed of an officer, the school director and a teacher, the admissions committee coordinates its work with the affairs administrator for the other ranks.

### **Training**

- (a) Basic training: Basic military training programme;
- (b) Academic training: In accordance with the curriculum of the Ministry of Education;
- (c) Technical vocational training: In accordance with the curriculum of the Ministry of Education;
- (d) Physical education: Body-building and various recreational games;
- (e) Moral education: A programme designed to promote the culture of decent values, deliver a civic education and provide religious teachings.

### **Medical treatment**

57. Cadets receive treatment from the medical corps by way of a patient form and also a military health insurance card. Medicines are obtained at one quarter of normal cost.

58. Cadets are also provided with housing, food and sundry items. The school has played a large role in various kinds of sports and some of its graduates have also held high office in the engineering corps.

### **Technical school of the musical corps**

59. The school started with the cadet system in the early 1950s, when the only subject taught was music for those considered lost to education. This continued until 1988, when the school was upgraded to an intermediate school to which students were admitted after completion of the primary stage to be taught music and academic subjects in all classes. Over time, the school rose to among the top owing to the efforts of the school administration and the musical corps command. After the merger of the intermediary and

basic stages, it was upgraded to a technical secondary school in 1995, in accordance with a decision of the Ministry of Education.

### **School admission requirements**

- Must be no older than 16 years of age on admission
- Must have passed the basic school certificate examination as a minimum
- Remaining requirements are as those for entrance to schools operating under the Ministry of Education system

### **Curricula**

60. Academic and music subjects are taught to advanced level. The music curricula are developed by experts in the field and music is taught in all classes alongside the technical academic curriculum, in accordance with the system in place at the Ministry of Education for technical schools. Students graduate with grade three in music. The advanced level of students from this school is demonstrated on celebratory occasions; in addition to its own musical instruments, the school now has its own orchestra that plays at various events.

61. It clearly emerges from a close examination of the provisions of part IV of the Armed Forces Regulations of 1960 and appraisal of the experience of cadet recruitment by the engineering corps and the military music department that, since 1912, the date of establishment of the engineering cadet school, the provisions of Sudanese law have remained entirely consistent with the principles of international humanitarian law, in particular the conventions and protocols relating to the rights and protection of the child. Cadets are appointed on a half-time basis and do not become full time until after they turn 18 years of age. The legislator also laid down the requirement for a doctor to ascertain that a cadet is over that age.

62. These schools are regarded as educational institutions and guarantees are also in place to ensure that the curricula of the Ministry of Education are properly followed and that students remain focused on their activities. These guarantees include:

- (a) Instruction by skilled civilian teachers attached to the Ministry of Education;
- (b) Parent-teacher councils;
- (c) Regular inspection of the schools by the Ministry of Education.

63. We should like to affirm here that the training in these schools is exclusively technical and vocational; it involves no military training. This means that there is a legal liability in any case where cadets are found to be recruited or appointed for other purposes.

64. As already mentioned, the Government has worked in cooperation with United Nations organizations for the conclusion of various peace agreements strictly prohibiting in particular the involvement of children in armed conflict and specifying that the signatories must respect and carry out their obligations, notably with regard to the provisions of the Optional Protocol on the involvement of children in armed conflict.

65. The Sudan's Government of National Unity has undertaken plenty of key institutional initiatives to ensure the protection of children. A committee was established, for instance, to review national legislation relating to children under the guidance of the National Council for Child Welfare. Its members include representatives of the Ministry of Justice, the Ministry of Defence, the police, the National Assembly (Parliament), UNICEF and the Consultative Council on Human Rights, as well as child rights activists, the aim

being to harmonize the legislation with the Convention on the Rights of the Child and its two Optional Protocols. The committee reviewed the Child Act of 2004 and took the step of introducing the Child Bill (2008). Laws were also reviewed at state level, with a number of states promulgating child protection laws. The Child Bill for Southern Sudan prohibits the recruitment of children into the army and was approved at first reading by the Southern Sudan Legislative Assembly.

66. The policy/strategy developed by the Northern Sudan DDR Commission concerning the focal point programme for child soldiers set forth the legal framework (terms of reference, agreements, international and regional treaties and domestic laws) and the fundamental principles on which the policy centred (national ownership of the programme and the best interest of the child). It identified the target group, the key implementation stages of the programme and the importance of catering to girls, and further identified partners comprising international, foreign and national organizations, relevant ministries (the Ministries of Education, Health and Social Welfare), UNICEF and ICRC. In conjunction with relevant governmental bodies, United Nations agencies and civil society organizations, the focal point prepared an operational framework and later the DDR operational plan for 2007 to 2008.

67. The period between November and December 2005 saw the initial preparatory stage of the focal point for child soldiers, consisting in a number of workshops for training partners in child rights-based programming, in promoting and identifying reintegration opportunities and in raising awareness of the child soldier issue. The workshops were targeted at national and foreign organizations, leaders of armed factions, media persons and relevant governmental bodies. In November, a joint workshop was organized by the Commission and the United Nations in order to develop the joint plan between the Commission and the United Nations DDR programme.

68. In cooperation with UNICEF and a number of international organizations, the National Council for Child Welfare conducted studies for analysing the situation of children and drawing up plans. These studies and surveys included the following:

- Analysis of the situation of children and women (2007–2008)
- Study on homeless children (street children) (2007–2008)
- Study on children with disability (2007–2008)
- Study on violence against children in southern Sudan (2007), in cooperation with Save the Children Sweden

69. Various measures have been taken to raise awareness of the articles of the Optional Protocol and the Convention on the Rights of the Child, including training for 14 instructors from the African Union forces in Darfur in matters relating to the protection of women and children against violence. A total of 31 awareness-raising workshops on violence against children were also organized for some 650 members of the African Union police in the three states of Darfur, with support from UNICEF.

70. In partnership with UNICEF and in cooperation with UNHCR, training was provided during 2004 for a total of 724 representatives of governmental partners and voluntary organizations in Darfur in the Guiding Principles on Internal Displacement, children's rights, protection programmes and emergency humanitarian responses. The National Council for Child Welfare, in cooperation with UNICEF, also printed a practical guide on the incorporation of children's rights into sectoral humanitarian responses and briefed 950 humanitarian workers on the problem of gender-based violence and the rules of conduct to be observed in humanitarian work.

71. In 2004, UNICEF lent support to the three states of Darfur in organizing training sessions on gender-based violence for personnel from the Ministries of Culture, Social Affairs and Education and members of the police and armed forces. A total of 478 officers received briefings and capacity-building in the areas of monitoring, identifying, investigating and recording cases of gender-based violence in order to protect children and women against such violence.

72. In cooperation with Save the Children Sweden, UNICEF supported capacity-building programmes for African Union forces (2006–2007), which comprised not only training for instructors on issues relating to the protection of child rights but also briefings and awareness-raising for some 4,500 individuals.

#### **IV. Prohibition and related matters (arts. 1, 2 and 4, paras. 1 and 2)**

73. Under chapter III, part II, of the Armed Forces Act of 2007, articles 151 to 157 prescribe criminal penalties for offences committed by individuals and groups against civilians during armed operations, while under chapter III, part III, article 176 (2) prescribes penalties for the provision of false and fraudulent information during enlistment, appointment or recruitment.

74. Article 151 of the Armed Forces Act of 2007, entitled “Offences committed by combatants during operations – Offences against civilians during military operations” prescribes the following penalties:

1. A person shall be punishable with imprisonment for a term not exceeding 20 years if he commits, attempts to commit or instigates the commission of one or more offences involving the killing of one or more individuals from a national, ethnic, racial or religious group with intent to exterminate or destroy it, in whole or in part, as part of a wide-scale and systematic course of conduct commonly directed against that group, or if in that same context he carries out any of the following acts:

- (a) Tortures or causes hurt, mutilation or serious bodily or mental harm to members of the group;
- (b) Deliberately inflicts on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (c) Imposes measures intended to prevent births within the group;
- (d) Forcibly transfers children of the group to another group.

75. Without prejudice to the provisions of the Criminal Code of 1991, a person shall be punishable with imprisonment for a term not exceeding 10 years if, as part of a widespread or systematic attack against civilians, he commits any of the following acts:

- (a) Enslavement of one or more persons;
- (b) Deportation or forcible transfer of population from the areas in which they are present, unless the security of the population or imperative military reasons so demand;
- (c) The torture, unlawful detention, enforced disappearance or deprivation of liberty of any person;
- (d) Rape, adultery, sexual slavery, enforced prostitution, forced pregnancy, sodomy or any form of sexual perversion, including through coercion, or enforced sterilization;

(e) Persecution against any group of civilians on political, racial, ethnic, cultural, religious, gender or national grounds.

76. Article 152 of the same Act, entitled “Offences against specially protected persons”, prescribes the following penalties:

Without prejudice to the provisions of the Criminal Code of 1991, a person shall be punishable with imprisonment for a term not exceeding 20 years, or by any lesser penalty, if he treats inhumanely any of the persons mentioned hereinafter during time of war by killing him, causing great suffering or serious injury to his body or health, extensive destruction and appropriation of his property not justified by military necessity and carried out unlawfully and wantonly, compelling him to serve in the forces of a hostile Power or depriving him of the rights of fair and regular trial, such persons being:

- (a) Civilians, as long as they enjoy that capacity;
- (b) Journalists carrying out professional duties;
- (c) Enemy medical or religious personnel, unless they turn into combatants;
- (d) Enemy civil defence personnel, unless they turn into combatants;
- (e) Prisoners, as long as they enjoy that capacity;
- (f) International observers;
- (g) Personnel of international agencies and organizations protected under treaties and conventions ratified by the Sudan.

77. Article 153 of the Act, entitled “Attacks against civilians” prescribes the following penalties:

Without prejudice to the provisions of the Criminal Code of 1991, a person shall be punishable with imprisonment for a term not exceeding 20 years if he knowingly and wilfully violates the laws and customs governing armed conflict by intentionally carrying out, without military necessity, any of the following acts:

- (a) Directing attacks against the civilian population as such or against civilians not taking direct part in hostilities;
- (b) Directing attacks against civilian objects as such in the knowledge that such attacks will cause incidental loss of life or injury to civilians, as long as those objects are not being used for military objectives.

78. Article 154 entitled “Interference with humanitarian and international organizations” prescribes the following penalties:

Without prejudice to the provisions of the Criminal Code of 1991, a person shall be punishable with imprisonment for a term not exceeding 10 years if he intentionally launches attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or international peacekeeping mission, as long as they are entitled to the protection given to civilians or civilian objects and are carrying out tasks assigned to them in the context of the specific humanitarian mission and complying with the rules, regulations and arrangements for security and for maintaining the security and integrity of the armed forces.

79. Article 176, paragraph 1, of the Act, entitled “Fraudulent enlistment or recruitment”, provides as follows:

A person shall be deemed to have committed the offence of fraudulent enlistment or recruitment, punishable with imprisonment for a term not exceeding three years, or by any lesser penalty, if he:

- (a) Recruits a person in the knowledge, or with reason to believe, that such person does not fulfil the general conditions for recruitment;
- (b) Provides any forged documents or false information or inaccurate replies to a question on the appointment or recruitment form;
- (c) Is recruited to a unit and recruits himself to any other unit without obtaining a legal discharge from his former unit.

80. Paragraph 2 of the above article 176 provides as follows:

Where the fraud involves the recruitment of a person younger than 18 years of age, the offender shall be punishable with imprisonment for a term not exceeding five years.

81. Under part XII (General provisions – Penalties) of the Child Act of 2004, article 76, paragraph 1 (d), provides that: “Any person who contravenes the provisions of article 32 [previously mentioned under general measures of implementation] shall be punishable with imprisonment for a term not exceeding 15 years and by a fine determined by the court.”

82. Section 32 of the Child Bill for Southern Sudan prescribes a set of penalties for the recruitment of children into the armed forces, as follows: “Any person who takes part in recruiting children into the armed forces or using children in any of the aforementioned activities shall be deemed to have committed an offence on conviction for which he shall be sentenced to imprisonment for a term not exceeding 10 years, or a fine, or both.”

83. It is worth mentioning that, on 8 May and 20 June 2005, respectively, the Sudan ratified Additional Protocols I and II to the Geneva Conventions of 12 August 1949 (1977). It has also signed the International Labour Organization Conventions No. 138 concerning Minimum Age for Admission to Employment (1973) and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999), which it ratified in September 2005, without reservations, as well as the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Ottawa Convention).

84. Headed by the Minister for Foreign Affairs, a high-level delegation from the Government of National Unity participated in the “Free Children from War” conference held in Paris in February 2007. During the conference, the Sudan reaffirmed the significance it attached to its pledges on children affected by armed conflict and renewed its commitment to identifying and applying solutions to the illegal recruitment of children and their use in armed conflict.

## **V. Protection, recovery and reintegration (art. 6, para. 3)**

85. In March 2007, a child rights unit was established in the Department of Military Justice in response to the provisions of the Optional Protocol. It assumes the task of training officers and all members of armed forces units, organizing training courses for armed forces instructors from the various units on the subject of children’s rights and child protection in areas of armed conflict.

86. In accordance with the provisions of the Comprehensive Peace Agreement concerning disarmament, demobilization and reintegration, a strategy was drawn up for the national DDR programme, of which those provisions have become an important part. The

result was the establishment of the National DDR Council, which is now responsible for formulating policies and overseeing the programme, whereas the Northern and Southern Sudan DDR Commissions established by the Council each perform the tasks of implementing the programme and monitoring the focal point for child soldiers within their respective areas of competence. In the states, offices of the Northern and Southern Sudan DDR Commissions have also been established to assume responsibility for child soldiers and coordinators appointed to follow up programme activities.

87. With regard to the three areas in which the Northern and Southern DDR Commissions run joint operations, decisions taken at joint coordination meetings concerning those areas are communicated to the Office of the Council Chairman. The two Commissions have jointly demobilized and reintegrated over 200 children in Blue Nile State and provided reintegration services to over 1,200 children returned to their families in the community.

88. Following signature of the Darfur Peace Agreement in Abuja, an agreement on the demobilization of child soldiers attached to the Sudan Liberation Movement (SLM) was signed with the Chairman of the Transitional Darfur Regional Authority (TDRA), the SLM leader and UNICEF in June 2007. The concerned parties are making tremendous efforts to speed up implementation of the DDR programme in Darfur, consisting in contacts and meetings between the Northern Sudan DDR Commission and the TDRA Chairman in the interest of prioritizing the question of child soldiers. Accompanying those efforts was the development of a preliminary proposal in association with UNICEF, which sought to hasten matters by communicating directly with SLM.

89. Coordination between the Northern and Southern DDR Commissions has lately progressed in promoting and enhancing the implementation of programmes for child soldiers, which have materialized in the form of various joint operations, including joint technical committees that have successfully taken the matter forward in the three areas. The National DDR Council organized a workshop for the signatories to the Peace Agreement and also a ceremony marking the inauguration of DDR programmes throughout Darfur.

90. In April 2008, the Government convened round-table meetings on child soldiers for the Northern Sudan DDR Commission, donors and United Nations representatives. The assembled participants agreed that children should be afforded priority in all DDR measures and further decided that 2008 should be the year for completing the demobilization of all children associated with armed forces and groups, in accordance with all of the signed peace agreements.

91. In 2007, UNICEF took in hand the process of evaluating activities for the reintegration of returning child soldiers and presented recommendations for future measures, on which agreement was reached with the Government at a workshop held in February 2008. On the basis of the evaluation, the two DDR Commissions produced a national strategy for the reintegration of child soldiers. Preparation of the strategy document will be completed at the end of May 2008 to make way for interventions based on a single vision of reintegration throughout the whole of the Sudan.

92. In order to guarantee the process of reintegrating children, work is under way to establish a mechanism for follow-up and social care. Ministries with responsibility for welfare and social affairs are playing a key role on that score, with support from both Commissions and from UNICEF and voluntary organization partners. The reintegration programmes include the provision of psychosocial support, education and opportunities for skills training. To cite just one example, numerous training programmes on tracing and reunifying children's families were organized for the benefit of 40 social workers from the Ministry of Social Affairs, programme officers from the Ministry of Education, other partners from the Commission and representatives of civil society organizations working in



Khartoum and other states. A further 38 social workers from Gedaref State also received training in child rights and protection, conflict resolution, psychosocial rehabilitation, public involvement in the reintegration and rehabilitation process, and the establishment of local community networks for the exchange of information and experiences on protection issues.

93. Since 2005, the DDR programme has worked in cooperation with UNICEF and over 20 international and national organizations and community associations to provide assistance enabling approximately 200,000 children, adolescents and young people damaged by conflict to obtain psychosocial support and benefit from income-boosting, educational and vocational training activities, which took place in areas of displaced persons, in the three states of Darfur and in South Kordofan and Gedaref.

94. Committees have been established in the three states of Darfur to tackle sexual and gender-based violence. These committees work in coordination with United Nations representatives to improve access to medical services and to legal justice for displaced persons and build the capacities of those representing relevant governmental bodies. Joint task forces on exploitation and sexual abuse were also established in northern and southern Sudan in February 2007.

95. Since its establishment in January 2007, Khartoum's Family and Child Protection Unit has, with UNICEF support, been comprehensively strengthening the systems and structures at all stages of justice for children and women who come into contact with the law. It also offers special services for displaced children and women, for victims of abuse who come into contact with the law and for witnesses, with the emphasis on child-friendly measures. The Unit provides these services by way of social researchers, public prosecution members, legal aid workers, workers in the justice system and experts in health and psychosocial rehabilitation.

96. Pursuant to a decision of the Sudan's Director-General of Police, family and child protection units are being established in all states of northern Sudan in order to replicate the Khartoum State experiment across the board. A mechanism created to facilitate and follow up implementation in these units meets on a monthly basis under the direction of the Ministry of the Interior and the National Council for Child Welfare. Units are now operating in the States of North and West Darfur, South Kordofan, Kassala, Red Sea and Gedaref.

## **VI. International assistance and cooperation (art. 7, para. 1)**

97. The Sudanese Government welcomed and supported the joint visit by the Special Representative of the Secretary-General for children and armed conflict and the Deputy Executive Director of UNICEF from 25 January to 25 February 2007. It endeavoured to facilitate a number of meetings with concerned ministers in both the Government of National Unity and the Government of Southern Sudan and with the Deputy Governor of Darfur. The meetings comprised the Minister for Foreign Affairs, the Minister of Defence, the Minister of Social Welfare and Women's and Children's Affairs, the Minister of Humanitarian Affairs, the Northern and Southern DDR Commissions, the First Vice-President of the Republic and members of the Government of Southern Sudan. The visit afforded the Special Representative and the Deputy Executive Director of UNICEF the opportunity to meet with community leaders, representatives of civil society organizations, children and women. The delegation was also able to meet with both the signatories and the non-signatories to the Darfur Peace Agreement. It was agreed that the Government of National Unity and the Government of Southern Sudan would seek to speed up the introduction of domestic laws prohibiting the recruitment of children and provide the

resources needed for the implementation of recovery, protection and reintegration programmes. It was also agreed to establish a system for follow-up and scrutiny within the Sudanese armed forces.

98. The Sudan has achieved marked progress in implementing the recommendations of the two reports by the Secretary-General of the United Nations on children in armed conflict. Discussions between the Sudanese Government and the United Nations began with a first meeting held on 20 January 2008 in the presence of the Secretary-General of the National Council for Child Welfare. Participating in the meeting were representatives of the Minister for Foreign Affairs and of the DDR Commission, in addition to the UNICEF Representative in the Sudan. A key outcome of these meetings was the establishment of a coordinating committee comprising representatives of governmental bodies, UNMIS and UNICEF to follow up implementation of the recommendations in the two reports. The objectives of the committee include the supply and exchange of information and the coordination of responses and solutions to the situation of children affected by armed conflict in the Sudan, on the basis of Security Council resolution 1612 (2005) on children in armed conflict.

99. In the second meeting, held in March 2008, the committee's reference framework was prepared and issues were discussed relating to the protection of children in the State of Darfur, the three areas and Eastern Sudan, in particular disarmament, demobilization and reintegration. The meeting also discussed the question of the Sudanese children whom the French organization L'Arche de Zoé (Zoé's Ark) had attempted to kidnap from Darfur and take to France via Chad.

100. On 10 May 2008, some 3,000 combatants, including large numbers of child soldiers, from the Justice and Equality Movement (JEM), a non-signatory to the Darfur Peace Agreements, launched an attack on the suburbs of Omdurman, a town located to the north-west of the capital, Khartoum. Government forces had confronted and successfully routed the rebels, capturing from among them a group including some 89 children, who were immediately separated from the adults. On the instructions of the President of the Republic, the Ministry of Defence set about establishing a higher committee, chaired by the Humanitarian Aid Commission and comprising representatives of the Ministries of Defence, the Interior and Justice, the Consultative Council on Human Rights and the National Council for Child Welfare, to provide health care, psychosocial support and other services for dealing with the situation of those child soldiers.

101. UNICEF and ICRC were consulted on issues relating to the international standards for dealing with such children and it was agreed that the two would work with the committee to deliver care and other services, as well as to reintegrate the children following the completion of investigations, bearing in mind that some of the children came from areas in Chad and Darfur where conflicts were still ongoing.

102. As required under international standards, the Government of the Sudan endeavours to treat these children who have been apprehended as victims and not to condemn them or threaten them with trial and punishment on account of their membership of JEM. Consequently, any child accused of committing an offence while associated with this armed movement will benefit from all measures in favour of children.

## **VII. Other legal provisions (art. 5)**

103. The civil wars and armed conflicts in the Sudan threw the spotlight on the involvement of children in armed conflict. The national legislation already referred to contains provisions prohibiting and criminalizing the recruitment of children. In addition are the legal measures set forth in the Armed Forces Act of 2007, the Police Act of 1992,

the National Service Act of 1992, the Popular Defence Forces Act of 1997 and the circular of the General Commander of the Armed Forces, which stipulate and affirm that children must not be recruited for or used in military activities. The Criminal Code of 1991 is also such as to strengthen implementation of the Optional Protocol (a subject previously addressed in the initial report on the Optional Protocol on the sale of children, child prostitution and child pornography, submitted to the Committee on the Rights of the Child in May 2007). Protocol VI on permanent ceasefire and security arrangements implementation modalities, which was referred to earlier, is seen to contribute significantly to strengthening existing international law relating to the protection of children against recruitment and participation in hostile activities. It provides for the disarmament, rehabilitation and social reintegration of child soldiers, with international assistance to that end.

104. The Sudan has ratified the Protocol Additional to the Geneva Conventions, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) in 2005, article 77 of which, under the title of "Protection of children", provides that: "Children shall be the object of special respect and shall be protected against any form of indecent assault. The Parties to the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason." Article 78 specifically provides that no Party to the conflict shall arrange for the evacuation of children, other than its own nationals, to a foreign country, except for a temporary evacuation where compelling reasons of the health or medical treatment of the children or their safety so require, and that the written consent of parents or legal guardians is required.

105. The Sudan has also ratified the Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949), article 24 of which provides for special measures for children in time of conflict to ensure that children under 15, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances. It also provides that their education shall, as far as possible, be entrusted to persons of a similar cultural tradition and that such children shall be received in a neutral country throughout the period of decisions relating to the subject.

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