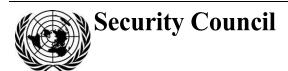
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Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in the Syrian Arab Republic

- 1. At its 77th meeting, on 14 January 2019, the Security Council Working Group on Children and Armed Conflict examined the second report of the Secretary-General on children and armed conflict in the Syrian Arab Republic (S/2018/969), covering the period from 16 November 2013 to 30 June 2018, which was introduced by the Special Representative of the Secretary-General for Children and Armed Conflict. The Permanent Representative of the Syrian Arab Republic to the United Nations also addressed the Working Group.
- 2. The members of the Working Group welcomed the report of the Secretary-General, in accordance with Security Council resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014), 2225 (2015) and 2427 (2018), and took note of the analysis and recommendations contained therein.
- The members of the Working Group expressed grave concern over the scale, severity and recurrence of violations and abuses endured by children in the Syrian Arab Republic and strongly condemned all violations and abuses that continue to be committed against children in the Syrian Arab Republic. Deep concern was expressed at the alarmingly high number of children killed and maimed, including by indiscriminate or disproportionate attacks in contravention of international law, as well as at the widespread use of unlawful siege tactics, and condemnation in the strongest terms of the use of chemical weapons, resulting in numerous casualties, including many children. It was noted that no action plans had been concluded by any parties to the conflict with the United Nations. The members of the Working Group nevertheless noted the release by the Government of the Syrian Arab Republic of a national workplan to prevent and respond to underage recruitment and were interested in receiving more information about its implementation, as well as regarding the action by the Government of the Syrian Arab Republic to address other violations and abuses against children documented in the report. It was also noted that the United Nations monitoring and reporting mechanism on children and armed conflict in the Syrian Arab Republic remains severely constrained by security and access restrictions.
- 4. Further to the meeting, and subject to and consistent with international law and relevant Security Council resolutions, including resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014), 2225 (2015) and 2427 (2018), the Working Group agreed to the direct action as set out below.





Public statement by the Chair of the Working Group

- 5. The Working Group agreed to address the following message to all parties to the armed conflict in the Syrian Arab Republic which are mentioned in the report of the Secretary-General, i.e. the Government forces, including the National Defence Forces and pro-Government militias, as well as non-State armed groups, such as Ahrar al-Sham, groups self-affiliated with the Free Syrian Army, Islamic State in Iraq and the Levant, Jaysh al-Islam, Hay'at Tahrir al-Sham, and the People's Protection Units and Women's Protection Units (YPG/YPJ), through a public statement by its Chair:
- (a) Expressing grave concern at the scale, severity and recurrence of violations and abuses endured by children in the Syrian Arab Republic, strongly condemning all violations and abuses that continue to be committed against children in the Syrian Arab Republic and urging all parties to the conflict to immediately end and prevent all violations of applicable international law involving the recruitment and use of children, abduction, killing and maiming, rape and other forms of sexual violence, attacks on schools and hospitals and denial of humanitarian access and to comply with their obligations under international law;
- (b) Calling upon them to implement further the previous conclusions of the Working Group on Children and Armed Conflict in the Syrian Arab Republic (S/AC.51/2014/4);
- (c) Expressing deep concern at the lack of concrete and effective measures towards ensuring the accountability of perpetrators consistent with the parties' obligations under international law and stressing that all perpetrators must be swiftly brought to justice and held accountable, including through timely and systematic investigation and, as appropriate, prosecution and conviction;
- (d) Strongly urging all parties to the conflict to release immediately and without preconditions all children associated with them and to end and prevent the further recruitment and use of children, consistent with their obligations under the Optional Protocol to the Convention of the Rights of the Child on the involvement of children in armed conflict and the declaration made by the Syrian Arab Republic upon accession thereto in 2003; expressing concern about the deprivation of liberty of children, both by State and non-State actors, for their association or alleged association with armed forces or armed groups, including those armed groups who commit acts of terrorism, and urging all parties to the conflict to treat these children primarily as victims of recruitment and use, to hand them immediately and without preconditions over to relevant civilian child protection actors, to work to ensure their full reintegration through rehabilitation and reintegration programmes, including psychosocial support, to provide access to the United Nations to all detention centres for monitoring and protection purposes and to ensure that, where children face prosecution for allegedly committing crimes, those prosecutions respect the rights of the child; and urging the relevant parties and Governments, including the countries of origin of foreign children deprived of liberty in the Syrian Arab Republic, to cooperate with the United Nations to seek rights-based durable solutions, taking into account the principle of the best interests of the child;
- (e) Expressing deep concern at the alarmingly high and increasing number of children killed and maimed, including by indiscriminate or disproportionate attacks in contravention of international law, including in highly urbanized areas, as well as through torture or summary execution or by being used as suicide bombers; condemning in the strongest terms the use of chemical weapons, resulting in numerous casualties, including many children; and urging all parties to comply with their obligations under international humanitarian law, in particular the principles of

distinction and proportionality and the obligation to take all feasible precautions to avoid and in any event minimize harm to civilians and civilian objects;

- (f) Expressing deep concern at the high number of rapes and other forms of sexual violence against children, including trafficking for sexual enslavement; strongly urging all parties to the armed conflict to take immediate and specific measures to put an end to and prevent the perpetration of rape and other forms of sexual violence against children by members of their respective groups; and stressing the importance of ensuring access for survivors to specialized services for survivors, as well as accountability for those who commit or are otherwise responsible for sexual and gender-based violence against children;
- (g) Strongly condemning attacks on schools and hospitals, in contravention of international law, including through indiscriminate or disproportionate attacks, and deploring the use by armed forces and non-State armed groups, including armed groups designated by the United Nations Security Council as terrorist, of schools for military purposes, such as training, ammunition storage, detention facilities, accommodation and as military bases; calling upon all parties to the armed conflict to comply with international law and to respect the civilian character of schools and hospitals, including their personnel, as such in accordance with international humanitarian law, and to end and prevent deliberate, disproportionate or otherwise indiscriminate attacks or threats of attacks against those schools and hospitals in violation of international law; and stressing the importance of accountability for attacks against those schools and hospitals in contravention of international law;
- (h) Strongly condemning the abduction of children by parties to the conflict and calling upon parties to cease the abduction of children and immediately release all abducted children and allow for swift family reunification in the best interests of the child or provide information as to their fate if no longer alive;
- (i) Strongly condemning the systematic use of sieges that are in contravention of international humanitarian law throughout the reporting period, with which there was demonstrated correlation to violations and abuses against children; strongly condemning the denial of humanitarian access, including the denial of humanitarian assistance, and attacks on humanitarian facilities, personnel and transports; and calling upon all parties to the conflict to allow and facilitate safe, timely and unhindered access to children consistent with the United Nations guiding principles of humanitarian assistance, to respect international humanitarian law and to respect the work of all United Nations agencies, as well as their humanitarian partners, without adverse distinction, while emphasizing the need to respect the exclusively humanitarian nature and impartiality of humanitarian aid;
- (j) Noting the release in February 2017 by the Government of the Syrian Arab Republic of a national workplan to prevent and respond to underage recruitment and the establishment in March 2018 by the Government of the Syrian Arab Republic of a national committee for the implementation of its national workplan on child recruitment, and requesting the Government of the Syrian Arab Republic to provide more information about the implementation of that workplan, while urging it to adopt and implement a comprehensive action plan with the United Nations, in line with Security Council resolution 1612 (2005) and subsequent relevant resolutions, addressing all six grave violations against children affected by armed conflict;
- (k) Taking note of the signature in 2017 of Geneva Call Deeds of Commitment for the Protection of Children from the Effects of Armed Conflict by seven groups self-affiliated with the Free Syrian Army, which, inter alia, prohibit each group from recruiting and using children under 18 years of age in hostilities, and the signing of a similar deed of commitment by the People's Protection Units and Women's Protection

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Units (YPG/YPJ), and urging these and other non-State armed groups to develop, adopt and implement action plans with the United Nations to end and prevent all six grave violations against children affected by armed conflict;

- (1) Welcoming the creation of an informal local Group of Friends on Children and Armed Conflict, based in Jordan, which supports the advocacy work of the United Nations Country Task Force on Monitoring and Reporting and all other relevant actors on violations and abuses committed against children in the Syrian Arab Republic;
- (m) Urging those who are engaged in peace talks and negotiating agreements, particularly those conducted pursuant to the inclusive, Syrian-led and Syrian-owned political process in line with Security Council resolution 2254 (2015) and the Geneva communiqué, to ensure that child protection provisions, including on the release and reintegration of children and the use of alternatives to prosecution, as well as provisions on the rights and well-being of children, are integrated into the peace talks and negotiated agreements at the earliest possible stage, taking into account children's views, where possible, in these processes;
- (n) Demanding that parties to the conflict facilitate full, safe and unhindered access for United Nations monitoring and reporting personnel for monitoring and reporting purposes.
- 6. The Working Group agreed to address a message, through a public statement by the Chair of the Working Group, to community and religious leaders:
- (a) Emphasizing the important role of community and religious leaders in strengthening the protection of children affected by armed conflict;
- (b) Urging them to publicly condemn and continue to advocate ending and preventing violations and abuses against children, in particular those involving the recruitment and use of children, the killing and maiming of children, rape and other forms of sexual violence against children, abductions, attacks and threats of attacks against schools and hospitals, and to engage with the Government, the United Nations and other relevant stakeholders to support the reintegration and rehabilitation of children affected by armed conflict in their communities, including by raising awareness to avoid the stigmatization of these children.

Recommendations to the Security Council

- 7. The Working Group agreed to recommend that the President of the Security Council transmit a letter addressed to the Government of the Syrian Arab Republic:
- (a) Expressing grave concern at the scale, severity and recurrence of violations and abuses committed against children in the Syrian Arab Republic and that they continued to be severely affected;
- (b) Stressing that the primary responsibility to ensure the protection of children in the Syrian Arab Republic lies with the Government of the Syrian Arab Republic, and noting in this regard that the Syrian Arab Republic is a State party to the Convention on the Rights of the Child, including its Optional Protocol on the involvement of children in armed conflict, and other relevant human rights and international humanitarian law treaties:
- (c) Expressing grave concern at the lack of concrete and effective measures towards ensuring the accountability of perpetrators and all those otherwise responsible for violations and abuses against children and stressing that all perpetrators and all those responsible, both State and non-State actors, including persons in command positions, must be swiftly brought to justice and held accountable, including through timely and systematic investigation, and, as appropriate, prosecution and conviction;

- (d) Strongly urging the Government of the Syrian Arab Republic and pro-Government militia to immediately and without conditions release all children associated with the Government forces and the pro-Government militia and to end and prevent the further recruitment and use of children under 18 years of age, consistent with their obligations under the Optional Protocol to the Convention of the Rights of the Child on the involvement of children in armed conflict and the declaration made by the Syrian Arab Republic upon accession thereto in 2003, including through the development and dissemination of military orders prohibiting the practice, the establishment of screening and age-assessment systems and the immediate and orderly release of children from their ranks to relevant civilian child-protection actors to facilitate their rehabilitation and reintegration;
- (e) Urging the Government of the Syrian Arab Republic and pro-Government forces and militia to take concrete and effective measures, with a view to avoiding and preventing child casualties during the conduct of hostilities, including by immediately ceasing to use means and methods of warfare that are indiscriminate or disproportionate in nature, as well as to stop deliberate and indiscriminate attacks on civilian and civilian objects, and urging them not to use schools for military purposes and to comply with their obligation under international humanitarian law to respect and protect hospitals and other medical units;
- (f) Taking note of the release by the Government of the Syrian Arab Republic of a national workplan to prevent and respond to child recruitment, requesting the Government of the Syrian Arab Republic to provide more information about the implementation of that workplan and urging the Government of the Syrian Arab Republic to develop, adopt and implement a comprehensive action plan, in line with Security Council resolution 1612 (2005) and other relevant Security Council resolutions on all six grave violations, and to fully implement Law No. 11 of 2013, by which the recruitment and involvement of children in hostilities are prohibited;
- (g) Urging the Government of the Syrian Arab Republic to release all those children deprived of liberty for their association or alleged association with parties to the conflict, to treat them primarily as victims of recruitment and use, to ensure their full reintegration through rehabilitation and reintegration programmes, including psychosocial support, aimed at providing the support that they need, to develop and implement standard operating procedures for the handover of children to relevant civilian child-protection actors, to provide access to the United Nations to all detentions centres for monitoring and protection purposes and to ensure that, where children face prosecution for allegedly committing crimes, those prosecutions respect the rights of the child;
- (h) Urging the Government of the Syrian Arab Republic to allow and facilitate safe, timely and unimpeded humanitarian access to populations in need, in particular in but not limited to hard-to-reach areas and areas that have been retaken by the Government of the Syrian Arab Republic, including by lifting any impediments that could delay, reduce or prevent the delivery of humanitarian assistance, without adverse distinction:
- (i) Demanding that the Government of the Syrian Arab Republic facilitate full, safe and unhindered access for United Nations monitoring and reporting personnel for monitoring and reporting purposes;
- (j) Inviting the Government of the Syrian Arab Republic to keep the Working Group on Children and Armed Conflict informed of its efforts to implement the recommendations of the Working Group, as appropriate.
- 8. The Working Group agreed to recommend that the President of the Security Council transmit a letter to the Secretary-General:

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- (a) Calling upon the United Nations to work to include the protection of children in all aspects of the peace negotiations and negotiated agreements, particularly those conducted pursuant to the inclusive, Syrian-led and Syrian-owned political process in line with Security Council resolution 2254 (2015) and the Geneva Communiqué, at the earliest possible stage, in line with Security Council resolution 2427 (2018), and urging all relevant United Nations entities, notably the Special Representative of the Secretary-General for Children and Armed Conflict, to explore common ground among the parties on possible confidence-building measures related to child protection;
- (b) Urging all relevant United Nations entities, notably the Special Representative, to continue to engage with all parties to the armed conflict in the Syrian Arab Republic to develop comprehensive action plans in line with Security Council resolution 1612 (2005) and subsequent relevant resolutions addressing all six grave violations against children affected by armed conflict.
- 9. The Working Group agreed to recommend that the President of the Security Council transmit a letter to the Chair of the Security Council Committee established pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities to share the conclusions of the Working Group and to request the Committee to take them into account in the implementation of its mandate.

Direct action by the Working Group

- 10. The Working Group agreed to send letters from the Chair of the Working Group to donors, including to the conveners of the Humanitarian Task Force in Geneva:
- (a) Calling for long-term financial support to the relevant actors for the implementation of child protection programmes, which are indispensable to child survivors of violations and abuses, including for the rehabilitation and the reintegration of children affected by the armed conflict in the Syrian Arab Republic, including psychosocial support;
- (b) Also calling for support, through the provision of sustained resources, to the continuing work of the monitoring and reporting mechanism on children and armed conflict in the Syrian Arab Republic.
- 11. The Working Group agreed to send a letter from the Chair of the Working Group to the co-Chairs of the Humanitarian Task Force in Geneva inviting it to hold a dedicated meeting on humanitarian support to conflict-affected children.

Annex

[Original: Arabic]

Statement of the Permanent Representative of the Syrian Arab Republic to the United Nations, Bashar Ja'afari, before the Security Council Working Group on Children and Armed Conflict

Monday, 14 January 2019

I noted that Ms. Gamba used the words "internationalized armed conflict" to characterize what is happening in my country, Syria. I would like to thank her for using that term, because it means that the representatives of the Secretariat are finally convinced that an international conspiracy and the international terrorist war are, in part, the cause of the suffering that Syria is enduring. It took the Secretariat seven years to be convinced of that. We have waited for seven years with a patience greater than Job's to see certain representatives of the Secretariat and representatives in the Security Council change their position from one of absolute denial to sheepish admission that there is foreign interference in internal Syrian affairs. That has cost us seven years of blood, destruction, destruction of infrastructure, the enslavement of women, sexually and otherwise, and an influx of hordes of terrorists from the four corners of the world! I believe that this is a good starting point for me to comment on what Ms. Gamba said.

This is not the first time that we have addressed the reports of the Special Representative for Children and Armed Conflict. We have previously worked with Ms. Leila Zerrougui, who was the first Special Representative of the Secretary-General for Children and Armed Conflict, and we welcomed her in Syria during a very difficult period. She visited Syria many times and we discussed all the aspects of this very sensitive issue.

We continued to work with Ms. Zerrougui towards the promulgation of the legislative decree of 6 May 2013 on taking all legal measures to prevent the recruitment of children for combat operations of any kind. It should be noted that the Government of the Syrian Arab Republic promulgated that legislative decree after consulting with Ms. Zerrougui. We also promulgated Legislative Decree No. 20 of 2013, which criminalizes the abduction and detention of persons, including children, and stipulates heightened penalties, including hard labour for life and, in some cases, death, for heinous crimes committed against children. We established the National Committee on Monitoring the Rights of the Child in the Light of the Syrian Crisis by Prime Ministerial Decree No. 2310 of 20 August 2013. This Committee is responsible for documenting violations and preparing national reports thereon. We also amended article 489 of the Penal Code by increasing the penalty for raping a child under the age of 15, regardless of who is the perpetrator. In that connection, please provide us with information on any cases allegedly committed by Government forces so that we can investigate and provide the necessary feedback.

Those are a few examples of what we, in cooperation with the United Nations, more specifically with Ms. Leila Zerrougui, accomplished in 2013 alone. Unfortunately, she did not cooperate with us. One painful example of that is the double terrorist bombing that occurred on 1 October 2014 in front of the Akrama al-Makhzumi primary school in Homs Governorate. The office of Ms. Zerrougui did not issue a statement that contained a clear condemnation of the perpetrators of the terrorist bombing or that even characterized the incident as a terrorist bombing. At the time, we contacted the office of Ms. Zerrougui to enquire as to why they had neglected to do so, in particular given that the team of Ms. Zerrougui was in Damascus. We were told that the team was currently on leave, for Eid al-Adha, and

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was therefore unable to conduct any investigation to determine who the perpetrators were. In another terrorist crime, fictitious health institutions belonging to armed terrorist groups killed 15 Syrian children in the Idlib countryside by administering expired and tainted measles vaccines. Dozens of children suffered from asphyxiation. The Office of the Special Representative did not make any comment. It should be noted that, in the case of those two incidents, and, indeed, the dozens or even hundreds of other incidents and terrorist crimes, the Syrian Government promptly informed, by means of official letters, the relevant United Nations officials, including Ms. Zerrougui, of the circumstances of such crimes and called upon the officials to determine who the perpetrators of those crimes were and to condemn them. Unfortunately, we received no reply. This is an example of just how disappointed and saddened we are by the politicization of the United Nations Office of the Special Representative for Children in Armed Conflict.

The main reason for the emergence and worsening of the humanitarian crisis, including the suffering of children, is the terrorist war that has been imposed on Syria. Anyone following the situation who is truly concerned for the well-being of Syrians can see that this crisis has affected only those areas where there are armed terrorist organizations, which have used civilians as human shields and turned schools and hospitals into military posts.

This is what must be done to end the suffering of Syrian children:

First, the Syrian Government must be helped to eliminate the vestiges of the armed terrorist groups. Islamic State in Iraq and the Levant (ISIL) remains in Syria, thanks to the protection of major States members of the Security Council and the sponsorship of States Members of the United Nations, such as Saudi Arabia, Qatar and Turkey.

The former United Nations resident coordinator requested the Syrian Ministry of Foreign Affairs to allow a representative of the World Health Organization to visit Aleppo before its liberation in order to assess the condition of hospitals in that area. We gave him permission, and an official from a United Nations agency went and visited what was at that time the most important eye hospital in the eastern Mediterranean region. This hospital was in eastern Aleppo and named Kindi Hospital. The United Nations official was stunned to find that the terrorists had turned the hospital into a command centre. We had hoped that this United Nations official would convey the news to the representative of the Secretariat. However, he did not, because he feared that he would be withdrawn from Syria and dismissed.

Second, the Security Council must fulfil its responsibilities by taking serious and immediate action to halt the aggressions, massacres and systematic destruction of infrastructure in the Syrian Arab Republic being committed by the illegitimate coalition led by the United States of America.

While you may be geographically distant from our country, that is no excuse for your experts. Since the start of the crisis, we have sent 750 official letters replete with information about what is happening in Syria. Among those letters are dozens that recount the effects of the bombings carried out by the international coalition, which is neither a coalition nor international, but rather an aggression against a sovereign State that is a founding member of the United Nations. That coalition has bombed bridges that link the eastern and western banks of the Euphrates River, and grain silos in the Jazirah area that hold barley and wheat. Moreover, the coalition utterly destroyed Raqqah city, according to the United Nations Educational, Scientific and Cultural Organization.

Third, the unilateral coercive measures imposed against the Syrian people by certain States, some of which are members of this Council, must be lifted

immediately. Those measures have greatly harmed the livelihood of Syrians. The continued imposition of those measures is the primary obstacle to ensuring the basic needs of the Syrian people, improving their humanitarian and living conditions and putting in place the conditions necessary for the return of internally displaced persons and refugees to their homes and the restoration of normal life.

In the course of the biennial review of the United Nations Global Counter-Terrorism Strategy that took place last summer, the delegations of the Russian Federation, Syria, Egypt and several other States proposed draft paragraphs on strengthening measures to monitor and counter takfiri, inflammatory and terrorist rhetoric on the Internet and in social media. Draft paragraphs were also proposed on developing, through the United Nations, a special strategy and mechanism to monitor and counter inflammatory, takfiri and terrorist rhetoric. However, the delegations of the United States and the Western Group, along with Japan and South Korea, opposed and rejected those draft paragraphs on the pretext of protecting human rights relating to expression and speech, even if it is of an extremist nature. The representative of the United States claimed that extremism is not prohibited by the American Constitution and its amendments as long as it is not violent!!! Those States also collectively opposed the text on a United Nations role in monitoring and countering inflammatory rhetoric and said that they did not see a role for the United Nations in this matter! The representatives of those States said that the national Governments that control the Internet marketplace have adequate tools to monitor the contents of the Internet and counter inflammatory rhetoric, recruitment and financing online.

Fourth, international humanitarian support must be increased in order to meet the urgent humanitarian needs of Syrians, something that is all the more pressing, given the current level of humanitarian funding, which is still inadequate, and given that donors, at their review conferences, have tied their funding pledges to political conditions that are incompatible with the principles of humanitarian work and have refused to fund the rehabilitation of basic service facilities that could help to strengthen the resilience of Syrians and support the return of Syrian refugees and internally displaced persons to their areas in a safe and dignified manner.

One newspaper published an account of a 16-year-old American who was arrested and admitted that he had been recruited to fight for ISIL in Syria through social media sites, but you will not find this news on CNN! The website Nordic Monitor published secret documents that show that, in 2014, the Turkish intelligence agency secretly transferred jihadist fighters across the Turkish-Syrian border. According to the website, that secret operation, which occurred four years ago, was revealed when local Turkish police units were called upon to search for two buses that were used to transport armed jihadist fighters from a point on the Syrian border to another. The secret two-page document, which bears the signature of the Deputy Director of the Turkish intelligence agency, İsmail Hakkı Musa, indicates that information concerning the transfer of jihadists to Syria is a State secret and should not be published. The fighters were transferred across the border on 9 January 2014 using buses that were contracted by the Turkish intelligence agency, MİT. İsmail Hakkı Musa was rewarded by being appointed as his country's ambassador to France. I should like to draw attention to the report of the former Secretary-General on children and armed conflict, in which he includes the Saudi Arabian-led coalition on the blacklist of perpetrators of crimes against children. He was later forced to retract that because of the political and financial pressure to which he was subjected. Is this not scandalous? This matter concerns you, Ms. Gamba. A report in which Saudi Arabia is condemned for killing children was submitted by the United Nations to Member States and then withdrawn because of political pressure. How is it possible for the Secretariat to accept funding in the amount of \$110 million from Saudi Arabia in order to establish a counter-terrorism centre? Saudi Arabia wants to finance a centre

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for countering terrorism that will implement all our counter-terrorism strategies. Is there not a better country than Saudi Arabia?

The serving Secretary-General was in Qatar two weeks ago and accepted a contribution in the amount of \$500 million. Why? What does Qatar want from the United Nations? Is this not a bribe?

I could go on talking about this pain for an entire month, without sleeping around the clock for 30 days. To have mercy on you, I shall have to satisfy myself with the information that I have just conveyed. Otherwise, there are many malodorous scandals in this international Organization that bring shame to the founding fathers of this global Organization.