



Alternative report to the Committee on the Rights of the Child

On the implementation of the Convention on the Rights of the Child and
the Optional Protocol to the Convention on the Rights of the Child on the
involvement of children in armed conflict

Syrian Arab Republic

2018

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1. Introduction

Child Soldiers International submits the following report in advance of the Committee on the Rights of the Child's ('the Committee') consideration of the Syrian Arab Republic's (Syria) fifth report under the Convention on the Rights of the Child (CRC), which also incorporates the State party's obligations under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC). This report focuses on the State party's implementation of OPAC, and in particular, the recruitment and use of children; legislation prohibiting the recruitment and use of children; and the detention and torture of children suspected of association with parties to the conflict.

2. Summary of basic information¹

State armed forces

- Total size of state armed forces: 644,900
- Armed forces listed in 2017 by the UN for child recruitment and use: Yes
- Reports of state armed forces using children in hostilities: Yes
- Minimum conscription age: 18
- Minimum voluntary enlistment age: 18 in law, lower in practice

Non-state armed groups

- Names of armed groups and whether listed (L) by UN for child recruitment and use:
- Ahrar al-Sham (L)
- Groups self-affiliated with the Free Syrian Army (FSA) (L)
- Islamic State in Iraq and the Levant (ISIL) (L)
- Army of Islam (L)
- Nusrah Front (also known as Jabhat Fath al-Sham) (L)
- People's Protection Units (YPG) (L)
- Nur al-Din al-Zanki
- Other unidentified armed groups
- Reports of non-state armed groups using children in hostilities: Yes

Ratification of treaties or endorsements of international standards related to child recruitment and use

¹ This information is published in Child Soldiers International's World Index, an online database of laws, policies and practices related to the recruitment and use of children by state armed forces and non-state armed groups globally. For more information on the World Index and to review source documents, please visit: <https://childsoldiersworldindex.org/>

- Optional Protocol on the involvement of children in armed conflict (OPAC):
Acceded 17/10/2003
- Convention on the Rights of the Child: Ratified 15/07/1993
- Paris Commitments and Principles: No action taken
- Rome Statute of the International Criminal Court: Signed 29/11/2000
- The 1949 Geneva Convention IV and Additional Protocols I and II:
Ratified 02/11/1953; 14/11/1983; No action taken
- ILO Convention 182: Ratified 22/05/2003
- Safe Schools Declaration: No action taken

Relevant national laws and policies

- Is unlawful recruitment of children criminalised? Yes
- Is there legislation to restrict the transfer of arms and other forms of military assistance to states which use children in hostilities and/or support non-state armed groups which use children in hostilities? Unknown
- Do state armed forces have guidelines on how to approach child soldiers during deployment? No
- Is the use of children to participate in hostilities criminalised? Yes
- Has the state transferred arms in 2016 to states which use children in hostilities and/or support non-state armed groups which use children in hostilities? No

International tribunals and inquiries involving possible child recruitment and use

- Independent International Commission of Inquiry on the Syrian Arab Republic, opened 22/08/2011, ongoing.

3. Background and context

The armed conflict in Syria, in its eighth year at the time of writing, followed a wave of civil unrest that erupted after the security forces detained and tortured a group of children in Daraa in 2011.² As the conflict has steadily intensified, the impact on children has become increasingly severe. According to the UN's Syria monitoring and reporting

² OHCHR, Summary of the high-level panel discussion on the situation of human rights in the Syrian Arab Republic, comments by the UN High Commissioner for Human Rights, UN Doc. A/HRC/35/15 A/HRC/35/15, 15 May 2017, Para 4, available at:

http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session35/Documents/A_HRC_35_15_AEV.docx

mechanism, 2017 was the deadliest year for children so far, with at least 910 killed and 361 injured,³ making the country one of the most dangerous in the world to be a child.⁴

The conflict has been marked by systematic violations of human rights and international humanitarian law, and all parties to the conflict have failed to abide by their obligations to protect civilians.⁵ Parties to the conflict have committed all six grave violations⁶ against children with impunity, including recruitment and use of children in hostilities on a “massive” scale,⁷ which continued to increase as of March 2018.⁸

The UN Security Council has failed to act on numerous calls to refer the situation in Syria to the International Criminal Court for investigations into alleged war crimes and crimes against humanity.⁹ These include the conscription or enlistment of children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities.

4. General measures of implementation

Trends in recruitment and use of children

The situation in Syria was first included in the UN Secretary General’s (UNSG) annual report on children and armed conflict in 2012. The report stated that in 2011, the Syrian Armed Forces and its associated Shabbiha militia had used children as young as eight as human shields, and that the UN had received credible allegations of recruitment and use of children by the Free Syrian Army (FSA) and other opposition armed groups.¹⁰ Reports of the recruitment and use of children by the armed forces and pro-government armed groups have continued, while recruitment and use of children by non-state

³ As noted by Panos Mourtzis, UN Regional Humanitarian Coordinator for the Syria Crisis, in his opening statement at a high-level panel discussion on violations of the human rights of children in Syria, held in Geneva on 13 March 2018. See OHCHR, Human Rights Council holds high-level panel discussion on violations of the human rights of children in Syria, available at:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22809&LangID=E>

⁴ OHCHR, Syria: the most dangerous place for children? 16 March 2018, available at:

<http://www.ohchr.org/EN/NewsEvents/Pages/ChildrenInSyria.aspx>

⁵ Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, UN Doc. A/HRC/37/72, 1 February 2018, Para 10, available at:

http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-37-72_EN.pdf

⁶ In 1999, the UN Security Council (UNSC) adopted resolution 1261, the UNSC’s first resolution on children and armed conflict. The resolution identified and condemned six grave violations affecting children during war, and requested the UN Secretary-General to report on the issue. UNSC resolution 1612 (2005) mandates the UN to establish monitoring mechanisms in countries where there is verified evidence that grave violations against children are being committed by parties to a conflict. The six grave violations are: Killing or maiming of children; Recruitment and use of children by armed forces and armed groups; Attacks against schools or hospitals; Rape or other grave sexual violence; Abduction of children; and Denial of humanitarian access for children. The UN Secretary General’s annual report on children and armed conflict contains annexes that identify parties to armed conflict responsible for grave violations against children. For more information, see, Office of the UN Secretary General’s Special Representative on Children and Armed Conflict, 2The Six Grave Violations, available at: <https://childrenandarmedconflict.un.org/six-grave-violations/>

⁷ Report of the Secretary-General on children and armed conflict, UN Doc. A/70/836–S/2016/360, 20 April 2016, para 150, available at:

http://www.un.org/ga/search/view_doc.asp?symbol=S/2016/360&Lang=E&Area=UNDOC

⁸ Op cit. Panos Mourtzis.

⁹ Op cit. UN Doc. UN Doc. A/HRC/37/72, para 11.

¹⁰ Report of the Secretary-General on children and armed conflict, UN Doc. A/66/782–S/2012/261, 26 April 2012, paras 122, 124, available at:

http://www.un.org/ga/search/view_doc.asp?symbol=A/66/782&Lang=E&Area=UNDOC

armed groups increased significantly. In November 2012, Human Rights Watch (HRW) reported that opposition armed groups had recruited and used children as young as 14 for combat and other military purposes.¹¹

In 2013, the FSA became the first party to the conflict in Syria to be listed in the annexes of the UNSG's annual report on children and armed conflict for recruitment and use of children. The report also noted a growing number of reports of children used by opposition armed groups.¹²

As the number of armed groups operating in Syria proliferated, the UNSG's 2014 annual report on children and armed conflict noted that numerous armed groups were reportedly recruiting and using children as combatants and in support roles, including "several FSA-affiliated groups, the Kurdish People Protection Units [or *Yekîneyên Parastina Gel*] (YPG), Ahrar al-Sham, Islamic State in Iraq and Sham (ISIS), Jhabat al-Nusra, and other armed groups," with ISIS using children as young as eight in hostilities.¹³

In June 2014, an HRW report on the association of children with opposition armed groups noted that the Violations Documenting Center, a Syrian monitoring group, had documented 194 cases of 'non-civilian' male children killed in the fighting since September 2011; this figure had increased to 354 as of 16 March 2018.¹⁴

In 2015, the UNSG reported that mass abductions of civilians including children had become increasingly prevalent in many armed conflicts, primarily as a precursor to other grave violations including recruitment and use of children. The UNSG noted that in Syria, ISIS had abducted and/or imprisoned 463 children, including for use in prisoner exchanges and for recruitment purposes. The UNSG concluded that recruitment and use of children in combat had become "commonplace."¹⁵

The UNSG's 2016 annual report on children and armed conflict documented "massive" recruitment by ISIS, and noted that UN monitoring was constrained, leading to the conclusion that verified figures were likely to be smaller than the reality.¹⁶ The independent international commission of inquiry on the Syrian Arab Republic (COI on Syria) reported in 2016 that armed groups including Jabhat al-Nusra and Jund al-Aqsa

¹¹ Human Rights Watch, Syria: Opposition Using Children in Conflict - Boys Report Serving as Fighters, Guards, and Lookouts, 29 November 2012, available at: <https://www.hrw.org/news/2012/11/29/syria-opposition-using-children-conflict>

¹² Report of the Secretary-General on children and armed conflict, UN Doc. A/67/845-S/2013/245, 15 May 2013, para 156, Annex, available at: http://www.un.org/ga/search/view_doc.asp?symbol=S/2013/245&Lang=E&Area=UNDOC

¹³ Report of the Secretary-General on children and armed conflict, UN Doc. A/68/878-S/2014/339, 15 May 2014, para 145, available at: http://www.un.org/ga/search/view_doc.asp?symbol=A/68/878&Lang=E&Area=UNDOC

¹⁴ Human Rights Watch, "Maybe We Live and Maybe We Die" Recruitment and Use of Children by Armed Groups in Syria, June 2014, page 13, available at: https://www.hrw.org/sites/default/files/reports/syria0614_crd_ForUpload.pdf; See also, Violations Documentation Center in Syria, <http://vdc-sy.net/en/>

¹⁵ Report of the Secretary-General on children and armed conflict, UN Doc. A/69/926*-S/2015/409*, 5 June 2015, paras 6, 191, 204, available at: http://www.un.org/ga/search/view_doc.asp?symbol=A/69/926&Lang=E&Area=UNDOC

¹⁶ Op Cit. UN Doc. A/70/836-S/2016/360, paras 148, 150.

had recruited hundreds of children, many under the age of 15, in Idlib, Hama and Aleppo.¹⁷

The UNSG's 2017 annual report on children and armed conflict documented 851 UN-verified cases of child recruitment by parties to the conflict in Syria in 2016, more than double the number of verified cases in 2015. The UN also reported that the intensification of hostilities and continuing access restrictions posed considerable challenges for monitoring. For the first time, government forces, including the National Defence Forces (NDF) and other pro-government militias were listed in the annexes of the report for recruitment and use of children.¹⁸

As the conflict expanded to involve actors from across the region and beyond, reports have indicated that parties to the conflict have also recruited and used children from other countries across the region inside Syria.¹⁹

Between December 2016 and February 2017, Save the Children and partner organisations interviewed more than 450 children and adults in seven of Syria's 14 governorates about how the conflict had affected children's daily lives and mental health. The findings indicated that 59% of the adults interviewed knew of children and adolescents who had been recruited into armed groups.²⁰

Questions

- How many children are believed to be associated with the armed forces, pro-government armed groups and opposition armed groups?

5. Prevention

Multiple factors have contributed to children becoming associated with armed forces and armed groups in Syria, and children have performed a wide variety of roles.

Government forces and pro-government armed groups

The Syrian government has stated that there are no children serving in the national armed forces.²¹ However, the UNSG's 2012 and 2013 annual reports on children and armed conflict noted that the Syrian Armed Forces and its associated Shabbiha militia had used children as human shields, including some as young as eight.²²

Based on investigations conducted from 15 July 2012 to 15 January 2013, the COI on Syria reported in February 2013 that:

¹⁷ Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, UN Doc. A/HRC/33/55, 11 August 2016, Paras 117-8, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/178/60/PDF/G1617860.pdf?OpenElement>

¹⁸ Report of the Secretary-General on children and armed conflict, UN Doc. A/72/361-S/2017/821, 24 August 2017, para 170-1, Annex, available at: http://www.un.org/ga/search/view_doc.asp?symbol=S/2017/821&Lang=E&Area=UNDOC.

¹⁹ See section 8. International assistance and cooperation, below for more detail.

²⁰ Save the Children, Invisible Wounds, The impact of six years of war on the mental health of Syria's children, March 2017, available at: <https://i.stci.uk/sites/default/files/Invisible%20Wounds%20March%202017.pdf>

²¹ Information on file with Child Soldiers International.

²² OP Cit. UN Doc. A/66/782-S/2012/261, 26 April 2012, para 122; Op Cit. UN Doc. A/67/845-S/2013/245, 15 May 2013 para 155.

“Official Syrian conscription systems are disintegrating. Children under 18 years of age are seized at checkpoints, and Government-affiliated militia use sectarian affiliation, kinship systems and cash to fill their ranks. These methods may have led to the recruitment of underage soldiers.”²³

In research published in 2018, the UN University noted that the Syrian government had established the NDF paramilitary group in 2012 in an attempt to strengthen control over allied militias. Despite some attempts to integrate the NDF with regular forces, the organisation reportedly remained largely autonomous and had recruited children as young as 13 in areas around Damascus.²⁴

The COI on Syria reported in 2014 that government forces and opposition armed groups had perpetrated the war crime of conscripting or enlisting children under 15 years of age and using them to participate in hostilities.²⁵ In Aleppo city, pro-government Popular Committees have recruited and used children as messengers, spies and guards, and opposition armed groups stated that they had captured 16 and 17-year-old armed pro-government fighters.²⁶

The UNSG’s 2015 annual report noted that pro-government armed groups had used children as human shields and for forced labour,²⁷ while the 2016 annual report noted verified cases of recruitment and use of children by government forces and pro-government armed groups as guards, to conduct patrols and to man checkpoints.²⁸

In 2016, the COI on Syria reported that in government-controlled areas, Popular Committees and the National Defence Forces had reportedly recruited children and used them in hostilities without providing them with any military training,²⁹ while the UNSG’s 2017 annual report on children and armed conflict noted that government forces and pro-government armed groups had recruited and used children as combatants and to man checkpoints, some of whom had been trained.³⁰

According to the UNSG’s 2017 annual report on children and armed conflict, which listed government forces, including the NDF and pro-government militias in the annexes of the report for recruitment and use of children, the Syrian authorities did not put in place measures to protect children in 2016.³¹

²³ Report of the independent international commission of inquiry on the Syrian Arab Republic, UN Doc. A/HRC/22/59, 5 February 2013, para 115, available at:

http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A.HRC.22.59_en.pdf

²⁴ Siobhan O’neil, and Kato Van Broeckhoven (eds), *Cradled by Conflict: Child Involvement with Armed Groups in Contemporary conflict*, United Nations University, 2018, pp 110-111, available at:

https://collections.unu.edu/eserv/UNU:6409/Cradled_by_Conflict.pdf

²⁵ Report of the independent international commission of inquiry on the Syrian Arab Republic, UN Doc. A/HRC/25/65, 12 February 2014, summary, available at:

http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-65_en.doc

²⁶ Eighth report of the independent international commission of inquiry on the Syrian Arab Republic, UN Doc. A/HRC/27/60, 13 August 2014, para 85, available at:

http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A_HRC_27_60_ENG.doc

²⁷ Op Cit. UN Doc. A/69/926*-S/2015/409*, para 195.

²⁸ Op Cit. UN Doc. A/70/836-S/2016/360, para 152.

²⁹ Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, UN Doc. A/HRC/33/55, 11 August 2016, Para 118, available at: [https://documents-dds-](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/178/60/PDF/G1617860.pdf?OpenElement)

[ny.un.org/doc/UNDOC/GEN/G16/178/60/PDF/G1617860.pdf?OpenElement](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/178/60/PDF/G1617860.pdf?OpenElement)

³⁰ Op Cit. UN Doc. A/72/361-S/2017/821, 24 August 2017, paras 171-3.

³¹ Ibid, Annex.

Opposition armed groups

The COI on Syria reported in February 2013 that:

“Anti-Government armed groups enlist volunteers under 18 years of age. Children have been used in combat and have undertaken other active roles. Some armed groups use children as guards, potentially drawing them into ill-treatment of detainees. An uncorroborated video apparently showed a child associated with an anti-Government armed group beheading a prisoner.”³²

In June 2014, HRW released a report based on interviews with 25 children associated or formerly associated with opposition armed groups in Syria, including the FSA; Ahrar al-Sham; Jabhat al-Nusra; ISIS, the YPG and the Asayish (Kurdish Peoples’ Defense Forces and police force). The report noted that children had joined armed groups motivated by revenge for human rights abuses by government forces; the closure of schools or their expulsion for political reasons; after participating in political protests; because family and friends joined; or simply due to a desire to fight.³³

In a 2014 report on children and armed conflict in Syria, the UNSG reported that different armed opposition groups had different rules on the role of children, and the age at which boys were given military training and permitted to carry arms, or to participate in attacks. In the case of FSA affiliated groups, loss of parents and relatives, political mobilisation, peer pressure from families and communities and a sense of duty were all cited as factors contributing to recruitment of children.³⁴

According to the UNSG’s 2014 annual report on children and armed conflict, most children associated with FSA-affiliated groups had received weapons training and were paid salaries of between 4,000-8,000 Syrian pounds per month (worth approximately US\$ 8 – \$15.50 as of May 2018) whereas ISIS paid children 35,000 Syrian pounds (worth approximately US\$ 68 as of May 2018), indoctrinated children and trained them with weapons.³⁵

The COI on Syria reported in 2014 that children had joined opposition armed groups in Aleppo motivated by poverty and desperation, or because armed groups actively targeted them.³⁶

As ISIS expanded its territory in Syria, the COI on Syria released a report in November 2014 documenting human rights violations in areas under its control. The report noted that ISIS prioritised the recruitment, training and indoctrination of children “as a vehicle for ensuring long-term loyalty, adherence to their ideology and a cadre of devoted fighters that will see violence as a way of life,” and had amended the school curriculum

³² Op Cit. UN Doc. A/HRC/22/59, para 117.

³³ Op Cit. Human Rights Watch, “Maybe We Live and Maybe We Die,” page 13; See also, Human Rights Watch, Under Kurdish Rule: Abuses in PYD-run Enclaves of Syria, 19 June 2014, available at: <https://www.hrw.org/report/2014/06/19/under-kurdish-rule/abuses-pyd-run-enclaves-syria>; See also, Violations Documentation Center in Syria, <http://vdc-sy.net/en/>

³⁴ Report of the Secretary-General on children and armed conflict in the Syrian Arab Republic, UN Doc. S/2014/31, 27 January 2014, Para 12, available at: http://www.un.org/ga/search/view_doc.asp?symbol=S/2014/31&Lang=E&Area=UNDOC; See also, Op Cit. O’neil, and Kato Van Broeckhoven (eds); Mara Revkin, How militants in Iraq and Syria recruit and use children, Washington Post, 14 February 2018, available at: https://www.washingtonpost.com/news/monkey-cage/wp/2018/02/14/a-new-study-illuminates-child-recruitment-by-militants-in-iraq-and-syria/?utm_term=.fff89bcdeb24

³⁵ Op Cit. UN Doc. A/68/878–S/2014/339, para 145.

³⁶ Op Cit. UN Doc. A/HRC/27/60, 13 August 2014, para 91.

to reflect ideological priorities and weapons training and established several training camps for children as young as five. Children living under ISIS were deliberately exposed to violence in order to desensitise them, and have been the victims, perpetrators and witnesses of ISIS executions. The report concluded that “[I]n training and using children for combat roles, ISIS has violated international humanitarian law and perpetrated war crimes on a mass scale.”³⁷ The UNSG’s 2015 and 2016 annual reports on children and armed conflict noted that ISIS and the al-Nusra Front had used children to conduct suicide bombings and to execute prisoners, including by beheading.³⁸ The use of children to commit executions was widely shared by ISIS in video footage online, reportedly in part as a deliberate strategy to attract new recruits.³⁹

Government initiatives to prevent child recruitment

The government has failed to put in place adequate measures to prevent the recruitment and use of children, either by its own forces, or by state-allied or opposition armed groups as required under Article 4 of OPAC. According to the State party’s report submitted in August 2017:

“...preparations began for the development of a national plan to combat child recruitment in cooperation with relevant government agencies, UNICEF and UNHCR. The plan deals with legal aspects, training, rehabilitation, psychosocial support, outreach and access to children who have been recruited. [Child Soldiers International’s translation]”

And:

“The political administration of the armed forces effectively contributes to awareness-raising among civilians through leaflets and SMS messages that show the importance of caring for their children by urging them to pursue their education and complete all stages. [Child Soldiers International’s translation]”⁴⁰

Despite these initiatives, as noted above, child recruitment by parties to the conflict has steadily increased since it was first reported in 2011. The United States’ 2017 annual Trafficking in Persons report states that in Syria:

“The government maintained its forcible recruitment and use of child soldiers, subjecting children to extreme violence and retaliation by opposition forces; it also did not protect and prevent children from

³⁷ Report of the independent international commission of inquiry on the Syrian Arab Republic, Rule of Terror: Living under ISIS in Syria, UN Doc. A/HRC/27/CRP.3, paras 58-60, 62, available at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/HRC_CRP_ISIS_14Nov2014.doc; See also, International Centre for Counter-Terrorism – The Hague, ISIS Child Soldiers in Syria: The Structural and Predatory Recruitment, Enlistment, Pre-Training Indoctrination, Training, and Deployment, February 2018, available at: <https://icct.nl/wp-content/uploads/2018/02/ICCT-Almohammad-ISIS-Child-Soldiers-In-Syria-Feb2018.pdf>

³⁸ Op Cit. UN Doc. A/69/926*-S/2015/409*, para 194; Op Cit. UN Doc. A/70/836-S/2016/360, Paras 148-150.

³⁹ Charlie Winter, Shocked by the ‘cubs of the caliphate’? Of course you are – that’s Isis’s plan, the Guardian, 5 January 2016, available at: <https://www.theguardian.com/commentisfree/2016/jan/05/cubs-of-caliphate-isis-children-videos-propaganda>

⁴⁰ Committee on the Rights of the Child, Consideration of reports submitted by States parties under article 44 of the Convention on the Rights of the Child, Syrian Arab Republic, UN Doc. CRC/C/SYR/5, 17 May 2017, paras 208, 210, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSYR%2f5&Lang=en

recruitment and use by government and pro-regime militias, armed opposition forces, and designated terrorist organizations such as the Islamic State of Iraq and Syria (ISIS).”⁴¹

Recommendations

- Take urgent steps to prevent child recruitment by the armed forces, pro-government and opposition armed groups;
- Ensure that standards in relation to child recruitment in state armed forces are applied to armed groups which are allied to the state;
- Review the process by which age of potential recruits is included in the Civil Affairs Registry, ensure that all recruits have independently verifiable proof of age, and that there are effective processes in place to verify the age of recruits;
- Ensure that when the age of potential recruits is in doubt, they are not recruited.

Questions

- What steps has the State party taken to prevent the recruitment of children by the armed forces, pro-government and opposition armed groups?
- What processes are in place to accurately verify the age of armed forces recruits?
- What sanctions have been, or can be, applied to armed forces personnel who recruit children below the age of 18?

6. Prohibition and Related Matters

The Committee has previously recommended that the State party explicitly prohibit violations of OPAC in national law and ratify the Rome Statute of the International Criminal Court.⁴²

The Syrian government has stated that the minimum age for enlistment or conscription into the national armed forces is 18 years.⁴³ According to the State party’s report:

“Law No. 11 of 2013 added Article 488 bis to the Syrian Penal Code to prevent the recruitment and involvement of children in hostilities of any kind and provided for serious punishment for perpetrators. [Child Soldiers International’s translation]”⁴⁴

Furthermore, pursuant to Law No. 11 of 2013, the recruitment of children for use in hostilities is criminalised under national law as follows:

⁴¹ United States Department of State, Trafficking in Persons Report, June 2016, page 380, available at: <https://www.state.gov/j/tip/rls/tiprpt/2016/index.htm>

⁴² Committee on the Rights of the Child, Consideration of reports submitted by States parties under article 44 of the Convention, Concluding observations: Syrian Arab Republic, UN Doc. CRC/C/SYR/CO/3-4, 9 February 2012, para 84, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSYR%2fCO%2f3-4&Lang=en

⁴³ Information on file with Child Soldiers International.

⁴⁴ Op Cit. UN Doc. CRC/C/SYR/5, para 208.

“Anyone who recruited a child under 18 years of age for the purpose of involving him in combat operations or other activities related to it, like carrying arms or equipments [sic] or ammunition or transporting them, or planting explosives or usage at checkpoints or monitoring or reconnaissance or to distract attention or to use as a human shield or in assisting criminals and serving them in any way or other form of combat operations, is punished with imprisonment from 10 to 20 years with hard labour and with a fine from 1 to 3 million Syrian pounds.

The above-mentioned punishment is made more sever [sic] to reache [sic] life in prison with hard labor [sic] if the act resulted in permanent disability for the child or in sexual assault or in giving him narcotics or any substance with psychotropic effects, and it reaches the death penalty if the act resulted in the death of the child.”⁴⁵

The United States’ 2017 annual Trafficking in Persons report states that:

“... The government did not investigate or punish traffickers, including officials complicit in recruiting and using child soldiers, nor did it identify or protect any trafficking victims.”⁴⁶

Recommendations

The State party should:

- Prohibit civilian and military officials from providing military, financial or other support to armed groups that recruit and use children;
- Ensure that all allegations of child recruitment are independently investigated and suspects prosecuted, including members of the armed forces, non-state armed groups, and civilians involved in the military recruitment of children and their use in hostilities;

Questions

- How many allegations of child recruitment has the State party investigated and what was the outcome?

7. Protection, Recovery and Reintegration

Detention and torture

The government has stated that it is preparing a national plan to combat child recruitment that “emphasizes the treatment of child soldiers as victims,” and will support the “rehabilitation, psychosocial support, outreach and access to children who have been recruited.”⁴⁷ However, multiple reports indicate that contrary to Syria’s obligations

⁴⁵ Information on file with Child Soldiers International.

⁴⁶ Op Cit. United States Department of State, Trafficking in Persons Report, June 2016, page 380.

⁴⁷ Op Cit. UN Doc. CRC/C/SYR/5, para 208.

to provide protection, recovery and reintegration of child victims of armed conflict,⁴⁸ including children recruited or used in hostilities,⁴⁹ the government is treating such children as security threats and subjecting them to severe human rights violations. The detention, torture and extrajudicial execution of children by government forces and non-state armed groups for suspected association with parties to the conflict in Syria has been extensively documented.

According to the State party's national report:

"In violation of all international laws relating to the rights of the child, armed brigades have been established under different names such as 'Zarqawi Cubs' or 'Nusrah Front Cubs' or 'Cubs of the Caliphate,' which involve children ranging in age from 5 and 15 years in violation of their rights and which *transforms them into armed fighters who perpetrate terrorist acts*. [Child Soldiers International's translation and emphasis]"⁵⁰

According to the UNSG's 2012 annual report on children and armed conflict:

"The United Nations collected dozens of accounts of eyewitnesses of both children as young as 14 years of age who were tortured while in detention, as well as former members of the Syrian Armed Forces who themselves were forced to torture or witness torture. The Shabbiha militia was also involved in the detention and torture of children, especially during military operations and often in makeshift detention cells in schools ...Children were detained and tortured because their siblings or parents were assumed to be members of the opposition or FSA, or they themselves were suspected of being associated with FSA."⁵¹

According to the UNSG's subsequent annual reports, the continuation of these practices has represented a worrying trend. In 2013, the UNSG noted "a number of accounts of sexual violence against boys to obtain information or a confession by the State forces, largely but not exclusively by members of the State intelligence services and the Syrian Armed Forces," with one 16-year-old boy reporting that he witnessed the sexual assault and extrajudicial execution of a 14-year-old friend while in detention.⁵²

In a 2014 report on children and armed conflict in Syria, the UNSG reported that children had been arrested, detained, ill-treated and tortured in detention during large-scale arrest campaigns, including for their or their relatives' actual or perceived support for opposition armed groups. Children were held in facilities that did not meet international minimum standards of juvenile justice and were held together with adults. Children were subjected to a range of torture methods including beatings with metal cables, whips and wooden and metal batons; electric shocks, including to the genitals; the ripping out of fingernails and toenails; sexual violence, including rape or threats of rape; mock executions; cigarette burns; sleep deprivation; solitary confinement; and exposure to

⁴⁸ Under Article 39 of the CRC: "States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of ... armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child."

⁴⁹ Under Article 6.3 of OPAC: "states parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to the present Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to such persons all appropriate assistance for their physical and psychological recovery and their social reintegration."

⁵⁰ Op Cit. UN Doc. CRC/C/SYR/5, para 209.

⁵¹ Op Cit. UN Doc. A/66/782-S/2012/261, para 123.

⁵² Op Cit. UN Doc. A/67/845-S/2013/245, para 154.

the torture of relatives; or beaten with hammers, sometimes causing death. The report also noted that access to children detained was largely denied to the UN and humanitarian actors, and family members of children detained often did not receive any information on their whereabouts. Allegations were received that armed opposition groups also controlled detention facilities in which children perceived to be government supporters suffered ill-treatment and torture.⁵³ Later that year, the UNSG reported that several cases of detention of children by government forces may have amounted to enforced disappearance, and that approximately 1,500 detainees, including children, were reportedly being held in ISIS' main detention centre in al-Raqqa.⁵⁴

In February 2014 the COI on Syria reported that government forces and militia perpetrated acts that constitute war crimes, including torture of children in detention, and that children had been detained and tortured by some armed groups.⁵⁵ In August 2014 the COI on Syria reported that "[O]ne armed group fighter stated that children caught performing reconnaissance for Government forces would be detained indefinitely as a security measure."⁵⁶

Detention and torture of children by Syrian authorities continued in 2014, and armed groups arbitrarily detained children for alleged "criminal" offenses.⁵⁷ In 2015, the torture of children in detention resulted in the death of at least one child. Pro government armed groups continued to deprive children of liberty for alleged association with opposition armed groups, while ISIS deprived children of liberty due to their association with parties to the conflict.⁵⁸

In 2016 government forces and popular committees detained 12 boys, subjecting seven of them to torture and ill-treatment. Non-state armed groups also deprived children of their liberty, and ISIS extra-judicially executed children.⁵⁹ The United States' 2017 annual Trafficking in Persons report states that between 1 April 2016 and 31 March 2017, "[T]he [Syrian] government continued to arrest, detain, and severely abuse trafficking victims, including child soldiers, and punished them for crimes committed as a direct result of being subjected to human trafficking."⁶⁰

Recommendations

The State party should

- Take urgent steps to identify and immediately discharge all children present in the ranks of the armed forces and pro-government armed groups;
- Immediately grant humanitarian actors safe access to areas where children may be associated with armed groups or at risk of recruitment by armed groups, including in non-government controlled areas, to engage in dialogue to negotiate the release of children and support prevention efforts;
- Ensure that all children deprived of their liberty for suspected association with parties to conflict are treated primarily as victims, detained only as a measure of last resort and for the shortest appropriate period of time, and that they are

⁵³ Op Cit. UN Doc. S/2014/31, paras 18-21.

⁵⁴ Op Cit. UN Doc. A/68/878-S/2014/339, para 146.

⁵⁵ Op Cit. UN Doc. A/HRC/25/65, paras 78, 82.

⁵⁶ Op Cit. UN Doc. A/HRC/27/60, Para 85.

⁵⁷ Op Cit. UN Doc. A/69/926*-S/2015/409*, Paras 196, 204

⁵⁸ Op Cit. UN Doc. A/70/836-S/2016/360, para 153.

⁵⁹ Op Cit. UN Doc. A/72/361-S/2017/821, paras 174-5.

⁶⁰ Op. Cit. United States Department of State, Trafficking in Persons Report, June 2016, page 380.

handed over to an appropriate, mandated, independent civilian-led child protection process without delay;

- Immediately grant unconditional access to all places of detention by humanitarian actors, including the International Committee of the Red Cross, including to non-government controlled areas where children may be deprived of liberty;
- Ensure that all allegations of torture and ill-treatment are independently investigated and suspects prosecuted;
- Ensure that all children previously associated with parties to the conflict receive age and gender-appropriate recovery and reintegration assistance;

Questions

- How many children are currently in detention for suspected association with non-state armed groups?
- How many allegations of torture and ill-treatment of children has the State party investigated and what was the outcome?
- Besides awareness raising, what specific steps has the State party taken to identify children associated with the armed forces and non-state armed groups and ensure their release, recovery and reintegration?
- Under anti-terrorism legislation applicable in the State party, what criminal offences are created that may be applicable to children?
- Under anti-terrorism legislation applicable in the State party, are specific limits placed on the sentencing of people who were children at the time an offence was committed?
- Does anti-terrorism legislation applicable in the State party create exceptions to or otherwise conflict with juvenile justice legislation?
- Does anti-terrorism legislation applicable in the State party permit the pre-trial detention of children? If so, what limits are placed on the use of this detention?
- Does anti-terrorism legislation applicable in the State party permit administrative detention of children?

Abduction and sexual violence against children

In concluding observations issued in 2012, the Committee noted that the Syrian Penal code provided for a minimum term of 12 years' imprisonment for sexually exploiting children, and urged the state party to take all necessary measures to prevent and end the sexual exploitation of children and ensure that the victims have access to appropriate recovery and reintegration programmes and services.⁶¹

While sexual violence against children is believed to be "largely underreported owing to fears of reprisals and social stigmatization, combined with the lack of safe and confidential response services,"⁶² numerous cases perpetrated by government forces and pro-government and opposition armed groups have been documented.

⁶¹ Op Cit. UN Doc. CRC/C/SYR/CO/3-4, paras 80-81.

⁶² Op Cit. UN Doc. S/2014/31, para 34

The UNSG's 2013 annual report on children and armed conflict noted reports of sexual violence against women and girls by government armed forces during raids, in detention facilities and at checkpoints, and allegations that opposition armed groups had abducted and raped women and girls in areas perceived to be in favour of the government.⁶³ The UNSG noted similar reports in the 2014 annual report on children and armed conflict,⁶⁴ and in his 2014 report on children and armed conflict in Syria, reported one case in which government armed forces abducted a 14-year-old girl, detained her for six months and raped her.⁶⁵

The COI in Syria reported in November 2014 that ISIS had abducted hundreds of Yazidi women and girls during its August 2014 attack on Sinjar in northern Iraq, and had subsequently taken some of them to Syria to sell as "war booty" in markets in Ar-Raqqah. These women and girls were imprisoned in houses and held in sexual slavery, some suffering rapes by multiple fighters returning from the battlefield. The COI on Syria called ISIS' sexual violence and enslavement against women and girls "systematic."⁶⁶ The UNSG continued to report the sexual enslavement and forced marriage of girls by ISIS in his 2015,⁶⁷ 2016⁶⁸ and 2017⁶⁹ annual reports on children and armed conflict.

Recommendations

The State party should

- Ensure that all allegations of abduction, and sexual violence against children, are independently investigated and suspects prosecuted;
- Ensure that all victims of sexual violence receive age and gender-appropriate specialised medical services and psychosocial support.

Questions

- How many allegations of sexual violence against children has the State party investigated and what was the outcome?

8. International assistance and cooperation

The UNSG's 2013 annual report on children and armed conflict noted allegations that Syrian refugee children in border areas of Lebanon were being pressured to join armed groups in Syria.⁷⁰ This practice has been documented in every UNSG annual report on children and armed conflict subsequently published to date.⁷¹ In a 2014 report on children and armed conflict in Syria, the UNSG expressed particular concern that the

⁶³ Op Cit. UN Doc. A/67/845-S/2013/245, para 160.

⁶⁴ Op Cit. UN Doc. A/68/878-S/2014/339, para 149.

⁶⁵ Op Cit. UN Doc. S/2014/31, para 36.

⁶⁶ Op Cit. UN Doc. A/HRC/27/CRP.3, paras 53-4.

⁶⁷ Op Cit. UN Doc. A/69/926*-S/2015/409*, para 77.

⁶⁸ Op Cit. UN Doc. A/70/836-S/2016/360, Para 156.

⁶⁹ Op Cit. UN Doc. A/72/361-S/2017/821, para 179.

⁷⁰ Op Cit. UN Doc. A/67/845-S/2013/245, 15 May 2013, para 77.

⁷¹ Op Cit. UN Doc. A/68/878-S/2014/339, Para 87; Op Cit. UN Doc. A/69/926*-S/2015/409*, para 112; Op Cit. UN Doc. A/70/836-S/2016/360, para 81; Op Cit. UN Doc. A/72/361-S/2017/821, para 98.

FSA and Syrian Kurdish armed groups had recruited refugee children in neighbouring countries, with a lack of education or job opportunities and peer pressure key factors in the recruitment of refugee children.⁷²

The UNSG's 2016 annual report on children and armed conflict stated that verification of the use of child foreign fighters by ISIS had increased significantly.⁷³

The State party's national report states that:

"The phenomenon of child recruitment in Syria has spread in the areas controlled by armed groups and in the refugee camps in neighboring countries where the economic and social conditions of children and their families have been exploited [Child Soldiers International's translation]."⁷⁴

However, foreign armed forces and armed groups aligned with the Syrian government have also reportedly recruited children to fight in Syria. In research published in 2018, the UN University noted reports that Hizbullah had recruited Syrian children in Lebanon and Syria, and provided military training to children in Syria as part of its "Mahdi Scouts" programme.⁷⁵

In October 2017, HRW reported that Iran's Islamic Revolutionary Guards Corps had recruited Afghan immigrant children living in Iran to fight in Syria alongside government forces.⁷⁶ In November, the organisation reported that a video with the logo of the Islamic Republic of Iran Broadcasting agency circulated on Iranian websites and social media contained an interview with a child who had been sent to fight in Syria. The boy claimed to be 13-years-old and from Iran's Mazandran province, but his military role was not clarified.⁷⁷

Recommendations

- Cooperate with the authorities in regional countries to identify children from those countries currently associated with parties to the conflict in Syria, and ensure their release, recovery, reintegration and return to their home countries, and to prevent child recruitment by armed forces and non-state armed groups in those countries;
- Ratify the Rome Statute of the International Criminal Court;
- Grant unrestricted access to the Independent International Commission of Inquiry on the Syrian Arab Republic, to enable it to carry out its mandate to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic.

⁷² Op Cit. UN Doc. S/2014/31, Para 15.

⁷³ Op Cit. UN Doc. A/70/836-S/2016/360, para 150.

⁷⁴ Op Cit. UN Doc. CRC/C/SYR/5, para 209.

⁷⁵ Op Cit. Siobhan O'neil, and Kato Van Broeckhoven (eds), p 109.

⁷⁶ Human Rights Watch, Iran: Afghan Children Recruited to Fight in Syria Protection Gaps Increase Children's Vulnerability, 1 October 2017, available at: <https://www.hrw.org/news/2017/10/01/iran-afghan-children-recruited-fight-syria>;

⁷⁷ Human Rights Watch, Iran's Child Soldiers in Syria No Excuse for Sending a 13-Year-Old to War, 30 November 2017, <https://www.hrw.org/news/2017/11/30/irans-child-soldiers-syria>