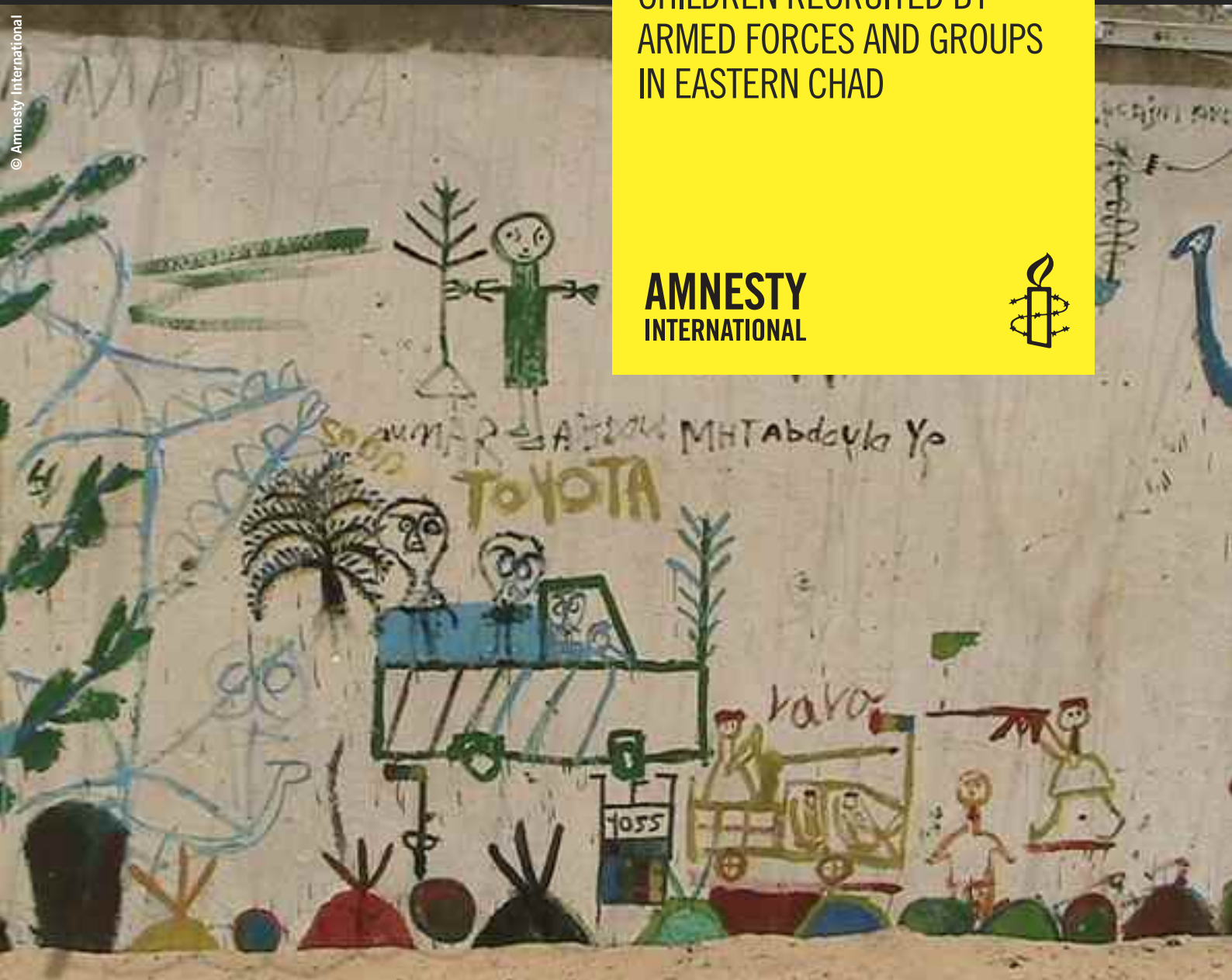


A COMPROMISED FUTURE

CHILDREN RECRUITED BY
ARMED FORCES AND GROUPS
IN EASTERN CHAD

AMNESTY
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Cover photo: Painting by a former child soldier on the wall of a children's centre in N'Djamena, May 2009.

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ACRONYMS AND ABBREVIATIONS- ARMED GROUPS

CHADIAN ARMED GROUPS

CNT	Chad National Concord (<i>Concorde nationale du Tchad</i>)
FPR	Popular Front for Redress (<i>Front populaire pour le redressement</i>)
FUC	United Front for Democratic Change (<i>Front uni pour le changement</i>)
MDJT	Movement for Democracy and Justice in Chad (<i>Mouvement pour la démocratie et la justice au Tchad</i>)
UFD	United Democratic Forces (<i>Union des forces démocratiques</i>)
UFDD	Union of Forces for Democracy and Development (<i>Union des forces pour la démocratie et le développement</i>)
UFDR	Union of Democratic Forces for Unity (<i>Union des forces démocratiques pour le rassemblement</i>)
MN coalition	National Movement (<i>Mouvement national</i>)
FSR	Front for the Salvation of the Republic (<i>Front pour le salut de la République</i>)
MNR	National Movement for Redress (<i>Mouvement national pour le redressement</i>)
UFDD-R	Union of Forces for Democracy and Development Renewed (<i>Union des forces pour la démocratie et le développement rénové</i>)
UFR coalition	United Forces of the Resistance (<i>Union des forces de la résistance</i>)
CDR	Revolutionary Democratic Council (<i>Conseil démocratique révolutionnaire</i>)
FPRN	Popular Front for National Rebirth (<i>Front populaire pour la renaissance nationale</i>)
FSR	Front for the Salvation of the Republic (<i>Front pour le salut de</i>

- 4 A compromised future
Children recruited by armed forces and groups in eastern Chad.

la République)

RFC	Rally of the Forces for Change (<i>Rassemblement des forces pour le changement</i>)
UDC	Union for Democratic Change (<i>Union démocratique pour le changement</i>)
UFCD	United Democratic Forces for Change (<i>Union des forces pour le changement et la démocratie</i>)
UFDD- Fondame ntale	Union of Forces for Democracy and Development-Fundamental (<i>Union des forces pour la démocratie et le développement-Fondamentale</i>)

SUDANESE ARMED GROUPS

JEM	Justice and Equality Movement
SLA	Sudan Liberation Army

“What was the most difficult was taking part in the fighting... There is nothing joyful in the rebellion.” Hazam, 17, a former child soldier, N'Djamena, March 2010

I OVERVIEW

Children in eastern Chad are still being used in the armed forces and in armed opposition groups. The threat of armed conflict and widespread violence in the area continues to impel children, mostly boys, to join these forces and groups. The failure or lack of demobilization programmes for many children associated with armed groups and forces leaves them vulnerable to re-recruitment even after they return home. There are few schools or jobs in their villages to offer alternative opportunities. Children at heightened risk are those who are internally displaced or refugees from neighbouring Darfur. On both sides of the border with Sudan, children's rights are violated with impunity.

All parties involved in the conflict in eastern Chad recruited and use children– the Chadian army (*Armée Nationale Tchadienne, ANT*) as well as Chadian and Sudanese armed opposition groups. Community leaders from different ethnic groups use children to participate in violent communal conflicts and unrest. The Chadian government has said that it has no policy of recruiting children but has admitted to the presence of children within the army¹. Until moves towards normalizing relations at the beginning of 2010, both the Chadian and Sudanese governments actively supported armed groups opposed to each other despite evidence that these groups were actively recruiting children.² The Justice and Equality Movement (JEM), a Sudanese armed group, has been particularly active in recruiting children. Children in refugee camps and in Internally Displaced Persons (IDP) sites in eastern Chad have frequently gone missing and later been found in the ranks of armed groups. JEM recruitment campaigns for fighters continued in refugee camps and IDP sites in eastern Chad in 2010.

Thousands of children are believed to have been involved with these fighting forces. According to UN figures in 2007, between 7,000 and 10,000 children may have been used as fighters or associated with Chadian and Sudanese armed opposition groups and the Chadian army.³ Some have been abducted and forcibly recruited. Others have joined up to avenge the death of family members or the pillage of cattle, or simply to escape poverty and

the lack of education or job opportunities.⁴ Only around 850 former recruits had received rehabilitation assistance from UNICEF by December 2010.⁵ Thousands of children caught up in the conflict, including those in refugee camps and at sites for internally displaced persons, continue to be easy targets for recruitment as fighters or for other purposes.

“A child soldier is any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity, including but not limited to cooks, porters, messengers and anyone accompanying such groups, other than family members. The definition includes girls recruited for sexual purposes and for forced marriage. It does not, therefore, only refer to a child who is carrying or has carried arms.”⁶

Despite increased international, regional and national concerns, the response of the Chadian government has had minimal impact. The UN Security Council has frequently called on governments to uphold the rights of children, and condemned the recruitment and use of children by parties to a conflict.⁷ In 2009 the UN Committee on the Rights of the Child expressed “grave concerns about the persistence of widespread violations and abuses committed against children, the continuation of recruitment and use of children by all parties to the conflict, in particular the Sudanese rebel movement (JEM) and certain local commanders of the Chadian armed forces”⁸. In April 2010 the UN Secretary General reported that Chad had shown commitment to fighting child recruitment, had organized checks for children at military camps, and had ordered commanders to facilitate access to the UN and International Committee of the Red Cross (ICRC).⁹ In June 2010, at a conference organized by the Chadian government and UNICEF, the governments of Chad, Central African Republic, Cameroon, Sudan, Nigeria and Niger pledged in the N'Djamena Declaration to stop the recruitment of children in armed forces and groups and to create better education and job opportunities for former child soldiers.¹⁰

However, progress has been hampered by a lack of political engagement by the Chadian government and military, by insufficient resources, and by continued unrest in the area, including fighting between the army and Chadian armed opposition groups. Chad's plans for disarmament, demobilization and reintegration (DDR) of children associated with armed forces and groups have had limited effect. International agencies have often been unable to reintegrate demobilized children in their communities because of continuing insecurity. Children successfully demobilized have subsequently rejoined armed groups because of the lack of alternative opportunities. At the end of 2010 it was not clear to what extent JEM had started to implement a July 2010 Memorandum of Agreement with the UN to end child recruitment, particularly in refugee camps, and its use of refugee camps in eastern Chad as recruitment bases.¹¹

Amnesty International is calling on the Chadian and Sudanese Governments, Chadian and Sudanese armed groups, and members of the international community, including the United Nations, to take effective steps to ensure that the rights of children in eastern Chad are protected. All parties to the conflict must comply with their obligations under international human rights and international humanitarian law. All children associated with armed forces and with armed groups must be released and provided with educational, vocational and employment opportunities in support of their reintegration into their communities. The international community, including donor governments and UN agencies, should prioritize programmes to demobilize and reintegrate children in eastern Chad.

It is important to strengthen and/or put in place a mechanism to monitor effectively the recruitment and use of children after the withdrawal of the UN Mission in the Central African Republic and in Chad (MINURCAT) at the end of 2010.¹² There is also a pressing need for sufficient financial, logistical and human resources to be able to implement the N'Djamena Declaration on ending the use and the recruitment of children by armed forces and groups.

II ABOUT THIS REPORT AND METHODOLOGY

This report is published as part of a campaign by Amnesty International members to end the recruitment of children to armed forces and groups in Chad. It is based on research conducted in eastern Chad and in the Chadian capital, N'Djamena, in April/May 2009, March 2010, May/June 2010 and September/October 2010.

In April/May 2009, Amnesty International delegates travelled to N'Djamena and eastern Chad where they visited the towns of Abéché, the major city in eastern Chad, Farchana and Hadjer Haddid as well as the Gaga, Farchana and Bredjing refugee camps. In N'Djamena the delegates visited and conducted interviews with children formerly associated with armed forces and groups in eastern Chad in the two Transit and Orientation Centres (*Centre de transit et d'orientation, CTO*).

In March 2010, Amnesty International delegates interviewed former child soldiers at one of the two CTO in N'Djamena.

In eastern Chad in May and June 2010, Amnesty International delegates conducted interviews with former and active child soldiers from Chad and Darfur, leaders and other individuals in refugee camps and displaced persons' sites, officials working with UN agencies, international humanitarian organizations and local human rights groups, as well as government officials. Interviews were carried out in the towns of Abéché, Guéréda and Goz Beida (and their surrounding areas), the Kounoungou and Djabal refugee camps and the Ganachour, Gassire, Gouroukoum, Koloma and Koubigou internally displaced persons' sites. Delegates also visited Fare, a returnee village near Guéréda.

Amnesty International delegates interviewed Chadian officials and humanitarian workers in N'Djamena in September and October 2010.

Over the past 18 months, Amnesty International delegates have conducted extensive interviews with 41 boys who had been recruited by or had joined armed groups or the army. These took place in CTOs, refugee camps, IDP sites and villages where children had been returned to be reunited with their families. They were carried out in accordance with best practice for interviewing children who have experienced conflict or human rights abuses.

They were conducted in French or Arabic with the assistance of translators when necessary. The Amnesty International delegates informed the children, as well as their families or adults responsible for their care, about the purposes of the interviews and the use that would be made of the information gathered.

Amnesty International delegates did not identify or interview girls associated with the armed forces or groups. Although women and girls continue to be subjected to rape and other forms of violence by members of the armed forces, armed groups and various militias, there is a lack of information about the use and recruitment of girls by parties to the conflict in eastern Chad although some reports suggest the presence of young girls within some armed groups.¹³ This could be because of customs, taboos and the traditional place of women in communities in eastern Chad and in Darfur, but is also possibly because the role of girls in the armed conflict in eastern Chad has remained limited in comparison to other armed conflicts.

Information obtained through interviews was analyzed and cross-checked with information and data from other sources, including previous Amnesty International research visits to the country and in the region. For security and privacy reasons, names of children interviewed by Amnesty International remain confidential. Instead, aliases have been used in this report.

Amnesty International delegates also obtained information and testimonies from other sources, including family members of former and active child soldiers, Chadian authorities, refugee and IDP leaders, humanitarian organizations and local Chadian human rights and civil society organizations. Those interviewed included 118 women and men representing IDPs, and more than 50 representatives of refugees and of ethnic communities in eastern Chad.

In preparing this report Amnesty International has also reviewed UN reports, including those of UNICEF, the UN Security Council Working Group on Children and Armed Conflict, UN Secretary-General Reports on the United Nations Mission in the Central African Republic and Chad (MINURCAT) and on children and armed conflict in Chad as well as various reports of the Special Representative of the Secretary-General for Children and Armed Conflict.

Amnesty International delegates discussed the concerns raised in this report in numerous meetings with Chadian national and local authorities, including representatives of the Ministries of Defence, Justice and Social Affairs, as well as with members of the diplomatic community and UN agencies operating in Chad, including MINURCAT. Amnesty International has also discussed its concerns with some leaders of Chadian armed opposition groups active in the region.

III. POLITICAL INSTABILITY, INSECURITY AND LACK OF PROTECTION

“It is good to reunite a child with his family but the reasons why he joined the armed force or group – poverty, the presence of the army and armed groups, and a lack of opportunities in the villages – are still there and are still a big problem.” - Employee with an international organization involved in the reintegration of former child soldiers in eastern Chad, May 2009.

The security situation remains highly volatile in eastern Chad. The failure of the Chadian and Sudanese governments for many years to ensure civilian protection in the region has exposed refugees, IDPs and the local population, particularly children, to attacks from armed groups, militias and the military. Between March 2008 and mid-2010 international forces, initially under the command of the European Union and later under the UN mission in eastern Chad, MINURCAT, bolstered security in the region. However, at the request of the Chadian government and following the UN Security Council Resolution passed in May 2010,¹⁴ UN forces began a withdrawal that was completed by the end of 2010. It is feared that this will increase the risks faced by children, including the likelihood of being recruited as child soldiers, and deepen the challenges around their demobilization and reintegration.

EFFECTS OF THE DARFUR CRISIS

Already poor and politically unstable, eastern Chad has been drawn into the crisis in Sudan's neighbouring Darfur region since 2003. “Janjawid”¹⁵ militia, sometimes backed by Sudanese government forces and linked with fighting groups in eastern Chad, created instability in eastern Chad by attacking particular ethnic communities in eastern Chad, including the Dajo, Mobei, Masalit and Kajaksa. These attacks became particularly widespread in late 2005 following the deterioration in relations between the Sudanese and Chadian governments.

HAZAM, 17

“I had been living with my family in Abéché, going to school with my brothers and sisters. I became upset because people were killing some of my relatives and pillaging our goods. While in the rebellion living conditions were difficult but we had enough food. What was the most difficult was taking part in the fighting. Many of us were my age. There is nothing joyful in the rebellion.

“I haven't seen my family for three years but they know I am here in N'Djamena now. Some other children who were in the rebellion with me are here in the centre as well. At my age I must continue school. I would really like to work in a garage, I still don't know where yet.”

Over the past five years, “Janjawid” attacks and ethnic clashes have forcibly displaced tens of thousands of Chadians, many of whom remain in precarious situations in IDP sites along the border with Sudan, their villages of origin still insecure.¹⁶ They have access to humanitarian assistance and basic services such as schools, access to water and health centres provided by United Nations agencies and their partners¹⁷. In addition, at least 260,000 refugees from Darfur, including nearly 162,000 children, live in 12 refugee camps in eastern Chad.¹⁸ They fled fighting between the Sudanese government and armed opposition groups, and “Janjawid” attacks on their villages. The situation of local Chadian population is sometimes worse as they do not have direct access to the humanitarian assistance and the government does not provide them with basic services in their villages.

PROXY ARMED FORCES

For many years the Chadian and Sudanese governments have provided support to each others’ armed political opponents. Chad has equipped and backed Sudanese armed groups, including the JEM, while Sudan has sheltered and assisted various Chadian armed opposition groups.¹⁹

At the end of January 2008, at a time of heightened tension between Chad and Sudan, the Chadian capital N’Djamena was attacked by more than 2,000 fighters from three Chadian armed opposition groups:

- the Union of Forces for Democracy and Development (*Union des forces pour la démocratie et le développement, UFDD*),
- the Rally of the Forces for Change (*Rassemblement des forces pour le changement, RFC*), and
- the Union of Forces for Democracy and Development-Fundamental (*Union des forces pour la démocratie et le développement-Fondamentale, UFDD-Fondamentale*).

Hundreds of civilians were killed and injured, and more than 50,000 people fled to neighbouring Cameroon following this attack. After the Chadian authorities regained control of the city on 3 February 2008, suspected political opponents were killed, detained, tortured and subjected to enforced disappearance.²⁰ Chad accused Sudan of supporting this attack and another attack on Chadian troops in May 2009 at the town of Am Dam on the border with Sudan by the Chadian group, the United Forces of the Resistance (*Union des forces de la résistance, UFR*). The Chadian authorities recovered 84 children who were with the UFR and handed them over to UNICEF.

MAHAMANE'S STORY

"I left Abéché four years ago. I was then 14. I was alone and didn't tell anyone that I was going to join an armed group. I knew where to go to join the rebellion because many people were travelling between Chad and Sudan. I travelled by road from Abéché to Adré and then to Sudan. It took me seven days to join up with the rebellion there.

"After one year with the FSR [a Chadian armed group], I became commander of a group of 50 fighters. In the FSR there were people younger but also older than me."

On the other side, the Sudanese authorities have accused Chad of supporting Darfuri armed opposition groups, particularly following a JEM attack on the city of Omdurman near the Sudanese capital of Khartoum on 10 May 2008. Children were among those taken prisoner or arrested and detained by Sudanese forces during and following the fighting. Sudanese officials said that 109 children, all alleged to be JEM members, were recovered by the Sudanese security forces during and after the Omdurman attack. Other sources report that 99 of the children were released in August 2008 by presidential decree but others are still detained by the end of 2010. At least 23 children appeared before Sudanese counter-terrorism courts between 2008 and 2010. Eight of these children were sentenced to death, in contravention of international human rights law which prohibits the imposition of the death penalty for crimes committed by children below the age of 18 at the time of the crime.²¹

CONTINUING INSECURITY

In 2010 tensions have eased as Chad and Sudan have sought to normalize their relations. The two governments agreed in January not to allow armed opposition groups to use their respective territories as bases and to put in place a joint force of 3,000 troops to patrol their common border. Cross-border trade between the two countries officially resumed in April after a seven-year hiatus. In May, JEM leader Khalil Ibrahim was refused access to Chad and forced to return to Libya. In July, on the eve of a visit by Sudanese President Omar Al Bashir to Chad²², the Sudanese authorities forced three leaders of Chadian armed opposition groups to leave Sudan.²³

RAWAN, 13

"I have no family in N'Djamena and my relatives don't know that I am here. In Guéréda I lived with my mother and my brothers and sisters... I am the eldest son. In Guéréda I was going to school.

"I left Guéréda because people were killing members of our family and pillaging our goods. My father was killed by the Zaghawa. I left, alone, two years ago, when I was ten-and-a-half years old. I did not talk about it with my mother or my uncles when I left. I went to El-Geneina in Sudan and joined the MNR [Chadian armed group]. They took me to Sinjara where I stayed for one-and-a-half years; then I went to Wadi Mangai for six months. I did not have a specific role. I had received introductory and military training. After two years our commander decided to join the Chadian government and we left Sudan for Chad. When we arrived in Chad I found many other kids, sometimes the same age as me and sometimes older."

Despite this improvement of relations between Chad and Sudan, the security situation remains fragile and peace agreements signed since 2007 by some armed opposition groups and the government of Chad remain unimplemented. Sporadic fighting has continued between the Chadian army and armed opposition groups in some parts of eastern Chad. In April 2010 fighting between Chadian government forces and the Popular Front for National Rebirth (*Front populaire pour la renaissance nationale, FPRN*) around the villages of Tissi and Djahaname, near the borders with Sudan and the Central African Republic, led to further displacement of civilians including children. Following fighting between Sudanese armed forces and the JEM in West Darfur in April, at least 5,000 new Sudanese refugees arrived in the region of Birak in eastern Chad.

Banditry against refugees, IDPs, the local population and humanitarian workers has been a major concern for several years. In addition, inter-communal violence continues, mainly between the Zaghawa and other ethnic groups such as the Tama but also between the local people, refugees and IDPs. Nonetheless, the Chadian authorities have been encouraging IDPs to return to their villages of origin, even though those areas remain generally insecure and lacking in essential services and infrastructure.

PREMATURE WITHDRAWAL OF UN FORCES

In January 2010 the Chadian government informed the UN Security Council that they wanted MINURCAT to withdraw from Chad. Following negotiations, in May the Security Council agreed to the full withdrawal by the end of 2010²⁴ and to the establishment of a working group of representatives from MINURCAT, UNHCR, and the Chadian security forces to monitor the security situation.²⁵ The government of Chad said it would assume responsibility for the protection of civilians on its territory, including refugees and IDPs. It also announced a three-level security strategy for eastern Chad:

- The first level of responsibility will rest with Chadian army elements based in towns near the border with Sudan, from Bahai to Tissi, and with the joint Sudanese-Chadian border force.
- The second level is to be made up of members of the national gendarmerie and the national Nomad Guards.
- Members of the new humanitarian police force, the Integrated Security Detachment (*Détachement intégré de sécurité, DIS*), established over the past three years with UN assistance, will be deployed around refugee camps and in towns, as a third level of security in the area.

The Security Council agreed to the withdrawal of MINURCAT despite Chad's failure to demonstrate its ability, capacity or political will to protect the rights of people living in eastern Chad. Amnesty International has, on several occasions; expressed concern that the premature withdrawal of MINURCAT could jeopardize the relative security enjoyed by the local population and now more than 260,000 refugees and an estimated 170,000 IDPs.

IV WHY CHILDREN ARE RECRUITED

The recruitment and use of children by armed groups, already common in eastern Chad, has escalated as armed conflict and widespread human rights abuses have engulfed eastern Chad and Darfur in the past six years. Children are recruited throughout eastern Chad, from villages, refugee camps and IDP sites. Members of the Chadian armed forces, Chadian armed groups and Sudanese armed opposition groups such as the JEM are all responsible for recruiting and using children. Approximately 80 per cent of child soldiers are associated with armed groups and 20 per cent with the Chadian armed forces, according to various sources.²⁶ Children are reportedly paid between 10,000 and 250,000 CFA francs (US\$20 and 500) by recruiters.²⁷ Humanitarian organizations working with demobilized children in eastern Chad say that most were recruited and used directly in combat between the ages of 13 and 17, but that on some occasion children as young as 10 were associated with armed forces or groups.

In refugee camps and IDP sites, teenage boys appear to be the most susceptible to recruitment, particularly once they have finished primary school and find themselves without jobs or any occupation. In the villages, children from very poor families or with family members who are already in the armed forces or armed groups are more likely to be recruited.²⁸ Recruiters make use of family and ethnic networks, or in some cases pay individuals in refugee camps or IDP sites to facilitate recruitment.²⁹ Another common tactic is for recruiters to send other children already in their ranks, with money, nice clothes and cigarettes as a means of enticing children to join them.³⁰

Some children have been abducted and forced to join the armed forces or armed groups. Others have been motivated by poverty, lack of educational and work opportunities, revenge for killings of family members or pillage of livestock. Others told Amnesty International that they wanted to protect their family or ethnic group against attacks by other groups. Young boys often feel they have no choice other than to join armed forces and groups in the area.

EXTREME POVERTY

"My father is old. At home we did not have enough for everyone, so I wanted to better our situation and join the army to help my family and my mother."

Azam, who joined an armed group aged 13.

Extreme poverty is clearly a major factor compelling children to join the army or armed groups. Eastern Chad is one of the most impoverished regions of Chad, largely because of its harsh environment, decades of neglect by the authorities and now widespread insecurity. The lack of educational and work opportunities leave many children, and their family members and local leaders, feeling that the only prospect open to them is to join the armed forces or armed groups.

MAHAMANE'S STORY

"I left Abéché four years ago in 2006. I was alone and didn't tell anyone. I knew where to go to join the rebellion. Some people went to the border between Chad and Sudan. I took the road from Abéché to Adré and then to El-Geneina in Sudan. It took me seven days to join the rebellion in El-Geneina.

"I have older brothers who did not join the rebellion. My father is old. At home we did not have enough for everyone, so I wanted to better our situation and join the army to help my family and my mother...

"After one year with the armed group FSR, I became commander of a group of 50 fighters. Maybe I was made the commander because I am literate; I could write and read. Then I had to join the government forces when our commander... decided to join the Chadian government.

"In the rebellion there were people younger but also older than me. I was 13 when I joined the FSR. I would like to stay longer in the centre [Transit and Orientation Centre], for two or three years to study. But my father is dying and my mother asked me to go back to Abéché."

Poverty also affects the many thousands of children living in the numerous IDP sites and 12 refugee camps in eastern Chad. There are few educational opportunities for them beyond primary school. Many children interviewed in refugee camps and IDP sites thought that in joining the armed forces and groups they would have easy access to food, clothing and money.

ABA is now 15. He left his village when he was 10 years old. He told Amnesty International that he had no clothes, was made to do hard physical work by his parents, and wanted to get away "from all of that". There was no school in his village. He went to Sudan with three friends, one of whom was about 15, to join the FUC armed opposition group. The FUC fighters expressed surprise because he was so young, but said the children could help by carrying out chores such as fetching water for the troops. There were many children there who were young like him.

He stayed for a month until the commander said they could go home because there was now peace between the FUC and the government of Chad. He was among about 100 children who went first to Mongo, where they were held in government facilities, then on to UNICEF transit centres in N'Djamena. He spent three months at the transit centre, where he went to an Arabic-language school. In 2008 he was sent to stay with a relative in Abéché and wanted to remain there to continue his studies.

LACK OF EDUCATIONAL OPPORTUNITIES

“Refugees who have money send their children to continue their studies in El Fasher. The poor are recruited by the armed groups.” – Humanitarian staff working with refugees in eastern Chad.

Many children of school age in eastern Chad have virtually no access to primary and secondary education. In refugee camps and IDP sites³¹, primary level education is widely accessible but secondary education and vocational training are rarely provided. The lack of educational, vocational and work opportunities has made children easy targets for recruiters or has propelled them into joining armed groups.

Educational and vocational training opportunities are rare in the villages and towns of eastern Chad. Under Chadian law, both public primary and secondary education are to be free of charge³² and fundamental education³³ mandatory.³⁴ However there are very few primary and secondary schools in the region and an insufficient number of teachers, most of whom do not receive their salaries from the state but are paid by the parents of their students.³⁵ According to the World Bank, 70 per cent of available teachers in Chad are community teachers and around 8,000 were not receiving any financial assistance from the government.³⁶

The educational and vocational programmes organized by humanitarian organizations in refugee camps are limited for many reasons including lack of sufficient funds.³⁷ While impressive numbers of children attend the primary schools that are widely available throughout refugee camps in eastern Chad, there are very few opportunities for children to continue with secondary education.³⁸ Primary education within the refugee camps is funded and organised by UNICEF, UNHCR and their partners. According to a UNHCR report in March 2010, 98,832 children of school age (between six and 17 years old) live in the 12 refugee camps in eastern Chad.³⁹ The camps have 76 primary schools with 67,129 pupils, five secondary schools with 370 students, and a total of 1,279 teachers. Representation of girls is high in some secondary schools, for example in the Ouré Cassoni refugee camp where 74 girls and 25 boys were enrolled during the 2009-2010 school year. The UNHCR reported a high dropout rate of between 7 and 40 per cent, especially at secondary school level. It did not identify the reasons but did report that most secondary schools set fees to be paid by refugee parents.

An additional challenge for refugee children originally from Darfur is that the educational systems and the language of instruction in Sudan and Chad are different.⁴⁰ This makes it very difficult for those who have completed their primary studies in Chad to return to Sudan where there may be more opportunities for secondary education. Furthermore, Sudanese authorities do not recognize the primary and secondary school certificates issued by UNICEF.⁴¹ UN officials told Amnesty International that discussions with Sudanese authorities in Khartoum, Juba and Darfur were taking place in an effort to resolve this problem. The Refugee Education Trust (RET), an international NGO, separately obtained agreement in August 2009 that the Sudanese government would recognize the results of RET courses for refugee children in eastern Chad.⁴² Eighty refugee students have already received a recognized certificate from the Sudanese government and were able to continue university studies. RET also organized secondary level education in the refugee camps through a distance learning

programme for students who started but did not complete their secondary education in Sudan. More than 200 students were involved in this programme in 2009-2010.

There are a small number of vocational training opportunities in some refugee camps in eastern Chad, but virtually nothing in IDP sites and in the villages, where even primary schools are very limited.

ETHNIC CONFLICT AND INSECURITY

“In general, children don’t tell their parents when they go to join the army or armed groups because they fear that their parents would not allow them to go. But there are other cases in which parents ask their children to go so as to avoid them being killed during attacks.”

Interview with a group of displaced Tama leaders, Abéché, June 2010.

Widespread insecurity in eastern Chad and sporadic fighting between the army and armed groups is one of the most significant factors leading children to join armed forces and groups in Chad and in Darfur. Ethnic tensions and clashes between communities in the region exacerbate this volatile situation.

SALAMA, 17

“In 2007, I left for Abéché and then Adré and El- Geneina in Sudan. I was 13 at that time... Children from the same ethnic group as the President of the Republic used to beat me, and they even stole my bicycle. I knew people in Abéché and I took the bus to get there. I stayed with family members for two days and then went to Adré... I was travelling with a 14 year old friend from my village. In El-Geneina I was shown where the rebellion was. I received combat training. There were many other young boys among us. I was taken into the bush and then we headed back to Chad to fight against the Chadian national army.

“I was with the rebellion in Sudan, with the UFCV [*Union des Forces pour le Changement et la Démocratie*]. I went back to Chad when our commander joined the government. In Chad, I was sent to the Moussoro military camp for one month, and then UNICEF workers took me to the CTO [transit centre] in N’Djamena.”

Families have often encouraged their children to join armed forces and groups to protect their communities in the absence of government protection.⁴³ In 2006 and 2007 the FUC appealed to young boys in the Guéréda region to protect their Tama community against other ethnic groups such as the Zaghawa and those they identified as “Arabs”. Similarly, army commanders have called on the Dadjo community living in the Dar Sila region to send their children to join up as a way of protecting their communities. Parents and communities from Darfur living in camps in eastern Chad encouraged children to fight for their homeland and their communities by joining Darfuri armed opposition groups such as the JEM and the Sudan Liberation Army (SLA). In some villages and IDP sites, children were urged to avenge the killing of a family member or the pillage of their cattle by militias or members of other ethnic groups.

For other children, such recruitment has been the only way to escape attacks on their villages by other armed groups, militias or ethnic groups. In such attacks, young boys viewed as potential future fighters are likely to be targeted by assailants.

SALEH, 17

“Most of Guéréda’s inhabitants are Zaghawa and Tama. I am Arab and so was my grandfather... One night, my grandfather and three other traditional chiefs were attacked and killed. Four people attacked him: two Zaghawas and two Tamas. After their arrest, the Governor of Dar Tama asked for them to be executed. But President Déby intervened and said that all they had to do was pay the diyya.⁴⁴ The four individuals were then secretly released...

“That’s the reason I joined the rebellion. The day my grandfather died...I travelled by road to Adré and then on to El-Geneina in Sudan. There, I met some armed groups and I went with them to their military base at Wadi Tamour. I went alone. The rebels I joined were under Abdul Wahid. I was trained at the Wadi Tamour base as a real soldier...then Ahmat Hassaballah Soubiane’s group asked me to join them and I went with them to another place in Sudan. From there we attacked the town of Am Zoer in eastern Chad. Six months later Ahmat Hassaballah Soubiane told us he had decided to go back to Chad because there was peace and no more bandits.”

Continuing insecurity has prevented the return of demobilized children to their families. After negotiating the release of children and tracing their parents or relatives, UNICEF and its partners have faced serious difficulties in reunifying demobilized children with their families and facilitating reintegration into their communities. The majority of their villages have remained insecure and it has not been easy to transfer children from transit centres in N’Djamena to these areas. As a consequence, some children have spent more than a year in these centres. According to humanitarian workers, they are supposed to stay for a maximum of three months before being reunified with their families.

Ethnic tensions have persisted in the Guéréda region, especially between the Zaghawa (President Déby’s ethnic group) and the Tama in the Dar Tama region.⁴⁵

LOCAL PRACTICE AND CULTURE

In some cases, local practice and culture play a key role in child recruitment. Joining the army is seen as social progress and a family with a child in the army gains respect. Boys who are not able or do not wish to be fighters are generally considered cowardly.⁴⁶ In eastern Chad, a boy aged between 13 and 18 is considered an adult, and concerns that under-18s are too young to join an armed force is not widely understood or shared by many members of the communities living in eastern Chad.

SOULEIMAN, 16

“I left Guéréda in 2008, on 12 January... People close to the authorities were pillaging other people’s goods. Some of our family were killed by the Zaghawa, and I wanted to take revenge on behalf of my family. I had talked about this with my friends, and we all decided to leave the village and join the rebellion. Five of us left, all close neighbours and brothers. One was younger than me. We did not talk about it with our parents; we made the decision on our own...

“I stayed with the UFDR for a month. Then I joined the MNR because I had family members with them. I stayed with the MNR for 14 months. I was an ordinary soldier. I had a Kalashnikov and was trained to use it. Some fighters were older and others younger than me... At the end, the MNR joined the Chadian government.”

V REFUGEES AND THE DISPLACED

"I don't like staying in this camp and doing nothing .There is nothing to do here. There is no work, no school, no money and I am poor. In the JEM [Sudanese armed opposition group] I am not paid but when we are in combat we take stuff from the enemy."

Former JEM child combatant, interviewed in a refugee camp in eastern Chad in May 2010.

"Recruitment continues to take place here but people are too afraid to denounce it."

A humanitarian worker in the Kounoungou refugee camp, June 2010

The Chadian government has often failed to demonstrate a willingness or capacity to protect civilians, including IDPs, living in eastern Chad. The civilian character of the refugee camps and IDP sites in eastern Chad has not been respected by the parties to the conflicts in eastern Chad and in Darfur. Some of the refugee camps and IDP sites are used as bases for recruitment by Sudanese and Chadian armed groups as well as, to some extent, commanders of the Chadian army. The UN reported that in 2009, 26 cases of child recruitment by the army were documented by the MINURCAT. Fifteen of these children were refugees recruited in March 2009 and some were promised CFA francs 400,000 (US\$800) to enrol.⁴⁷

The Ouré Cassoni refugee camp in north-eastern Chad has long been considered a recruitment base for Sudanese armed groups including the JEM. Members of the JEM were regularly in both Am Nabak and Ouré Cassoni refugee camps in 2009, and organized an intense recruitment campaign in Farchana refugee camp at the beginning of 2010.⁴⁸ A meeting to recruit children for a Sudanese armed group was for example organized in the night on 12 September 2010 in the Goz Amir refugee camp. Members of the Integrated Security Detachment (*Detachement Intégré de Sécurité, DIS*) arrested 11 individuals who, it was later established regularly organized meetings to recruit refugee children on behalf of the armed group. The UN reported that this recruitment was politically motivated and that those people utilized youth organizations to target boys and girls.⁴⁹

Most of the refugee children who have joined armed groups in recent years returned to their refugee camps in eastern Chad in 2009 and 2010. A number of children interviewed at Kounoungou refugee camp, who were formerly or currently associated with armed groups, indicated that they were merely taking a holiday and visiting their families and would be returning to the "*Djabal*" mountains area in Sudan where they were based.⁵⁰

Refugee children have been regularly recruited by Chadian and Sudanese armed groups and by members of the Chadian army in violation of international, regional and national obligations. A growing number of children migrating or returning to Sudan from eastern Chad included IDP children between the ages of 10 and 14 as well as refugee children. Some parents told Amnesty International that they believed their children had travelled to Sudan for economic reasons, particularly to look for work, but they rarely had specific information as to where their children had gone. Some learned later that their children were crossing the Sudanese border at the town of Adé and that most of the children who left the IDP sites – especially Koubigou IDP site – had joined armed forces and groups. Humanitarian workers confirmed these concerns.

VI GIRLS IN THE CHADIAN CONFLICT

Women and young girls have been victims of human rights violations including rape and other forms of violence in the conflicts in eastern Chad. Amnesty International has called on the governments of Chad and Sudan and armed opposition groups from Chad and Sudan to respect their obligations under international human rights and humanitarian law. It has appealed for investigations and prosecutions of violations of the rights of women and girls before independent, competent and impartial courts, and for effective reparation for the victims.⁵¹

The number of girls recruited or used by armed forces and groups is believed to be low. However, former child soldiers in eastern Chad and other sources have reported that the United Front for the Democratic Change (*Front uni pour le changement, FUC*) armed group has recruited girls in recent years, and that girls said they enlisted after being raped or to be protected from rape by Zaghawa militias.⁵² The United Nations reported in August 2010 that 10 girls were among the 58 children aged between 10 and 17 years who had been associated with the MDJT and were allowed to be reunited with their families.⁵³

Generally, cultural and religious beliefs have shielded girls from direct and active part in hostilities. For instance, under local interpretations of Islam, women and girls are considered to be “impure” during their monthly menstruation, a time when men and boys should not approach them. This is often cited as one of the reasons that girls are not often recruited.⁵⁴

VII THE RECRUITERS

All parties involved in the conflict in eastern Chad have recruited and used children. Both the Chadian national army (*Armée Nationale Tchadienne, ANT*) and the Sudanese opposition armed group Justice and Equality Movement are mentioned in the Annual Report of the Special Representative of the Secretary-General for Children and Armed Conflict, which includes a "list of parties that recruit or use children, kill or maim children and/or commit rape and other forms of sexual violence against children in situations of armed conflict on the agenda of the Security Council, bearing in mind other violations and abuses committed against children."⁵⁵

THE CHADIAN ARMY

"It is difficult to monitor and document recruitment by the Chadian government but everybody can see children in military cars and pick-ups even if the Minister of Defence says that there are no children within the ranks of the ANT." - Humanitarian worker, Abéché, June 2010

The use of children by the Chadian army continues according to a range of sources in eastern Chad and N'Djamena⁵⁶ and research conducted by Amnesty International. Army commanders are said to have continued to visit villages in eastern Chad, urging parents to send their children to join the army and other Chadian security forces such as the gendarmerie, police and Nomad Guard. Government officials deny any policy of recruiting children but do admit there are children in the ranks. It is reportedly common to see young boys in military pick-ups around Abéché airport and in N'Djamena.⁵⁷ In its Concluding Observations on Chad, the United Nations Committee on the Rights of the Child "expressed grave concerns about the continuation of recruitment and use of children by all parties to the conflict, in particular ... certain local commanders of the Chadian armed forces."⁵⁸

"There are only old people here in the [IDP] site. All our young boys [later clarified as mostly under 18, some as young as 13] have entered the army. We thought that they would come back and protect us. The government asked them to join the ANT and protect our community. The recruiters even came here to this site. They said that they were going to take them for 45 days of military training and then ask them to return to protect us. Instead, they took them to Moussoro for nine months of military training and then sent them to Bahai, Fada and other locations. "For other ethnic groups such as the Zaghawa and the Gorane, their youth who join the army are allowed to come back to protect their families and communities but this is forbidden for us Dadjos. Our boys are everywhere in the country but not here in our region. We feel ignored by the government. There are no Dadjo officers in the ANT. So we will no longer send our children to join the ANT. If our children had been here with us, the Dadjos might not have been killed during the incidents at Tiero and Marena."⁵⁹

So many children obviously and visibly associated with the army suggest that, at a minimum, child recruitment is allowed or tolerated by many officers. Officially there has been no recruitment of soldiers by the Chadian national army since 1978 according to a former general and government defence adviser⁶⁰, but some commanders recruited children from their extended families, especially in rural areas in eastern Chad.⁶¹ In 2007 the UN Secretary-General's report on Children and Armed Conflict had doubted "the degree to which

policy-level commitments and directives are translated into action by individual field commanders”, citing the case of 50 children aged around 12 who were associated with the army in Goz-Beida.⁶²

YASIN was 16 when he was recruited by Chadian soldiers in Goz-Beida at an IDP site in eastern Chad in December 2008 and transferred to Moudeina for military training. His family had been living there since fleeing their village. His older brother said he had participated in several battles, including at Moudeina, Am Jaras and Hawish. However, he came back to the IDP site on 15 February 2010 because he had not been paid and his commander had told him to be patient. His 18-year-old cousin and a 17-year-old friend also returned to the site. In April 2010, Yasin travelled to El-Geneina in Sudan, apparently to look for work. His brother said the youths had joined the army because of a lack of opportunities at the IDP site and because of tensions between farmers and cattle herders in their villages of origin.

According to leaders at an IDP site, at least 150 children from that site were recruited by army commanders between 2006 and 2007.⁶³

Around 16 boys from an IDP site in eastern Chad had enrolled in the army in 2007 and 2008, including a 13-year-old in December 2008. They underwent army training near Adé.⁶⁴ Army officers reportedly often told recruits that they should go back to their villages after receiving military training to protect them from attacks by armed groups. IDP leaders said that there had been an open recruitment drive at the site in late 2008 and early 2009 originating at a military recruitment centre in Goz-Beida. Although the official line was that the military would only accept recruits aged over 18, the IDP leaders provided details of numerous younger boys who were recruited and allegedly advised by army commanders to lie about their age.⁶⁵

In April 2010 the UN Secretary-General reported that “the Government of Chad has shown a consistent and clear commitment to fight the recruitment and use of children in armed conflict and to prevent violence against women” and “has organized verification and sensitization visits to Chadian military camps and sites throughout the country”.⁶⁶ The Secretary-General’s 2010 Children and Armed Conflict report highlighted that “the [Chadian] ministry of defence sent out orders to commanders of armed and security forces to grant access to military camps to the United Nations and the International Committee for the Red Cross for monitoring and verification [of the presence of children]”.⁶⁷ Yet despite these orders, some commanders continued to use and recruit children⁶⁸, and access to military structures such as Korotoro detention centre⁶⁹ was not facilitated for UN and ICRC representatives.

The UN reported in March 2009 that 13 per cent of the 555 children released from armed forces and groups in Chad in 2007 and 2008 were in the army, and that even the elite State Security Service (*Direction Générale de sécurisation des institutions de l’Etat, DGSSIE*), was involved in recruiting under 18s.⁷⁰ The children had each been paid 333,000 CFA francs (US\$670) or a motorcycle as a sort of “recruitment fee”, and that at least 100 left Moussoro ANT training centre and were deployed in DGSSIE bases including in the Gassi and Amtinene camps and Camp des Martyrs in N’Djamena.

Refugee children are reported to have been recruited by officers of the Chadian army. At the beginning of 2008, Abdallah, aged 15, was recruited by members of the Chadian national army in a village near his camp although he told them that he was a Sudanese refugee living

at the Djabal refugee camp. He left the army later in 2008 after taking part in several battles in and around Adé and Dagassou. He came back to the camp and left Djabal refugee camp again in February 2010. Relatives said that he was severely traumatized by his involvement in combat. The UN reports for instance the case of 15 refugee children who were recruited into the army in March 2009 after being promised 400,000 CFA francs (US\$800)⁷¹each.

ABUBAKAR is a Sudanese refugee, who is 18 years old. He joined the ANT in Adé and was deployed in Abéché. He did eventually come back to the refugee camp in April 2009 after his enrolment at the Adé Military camp of the Chadian national army in November 2008. His family told him to not go back to the ANT or any of the armed groups. He had been with the ANT for one year and he is still reportedly waiting for his salary before he decides to go back or not. At one point he went to N'Djamena looking for payment, but his commanders refused to pay him. He disappeared from a refugee camp in eastern Chad on 25 February 2010 and his mother thinks that he went to Sudan to visit some of his family members.

In June 2010 the US State Department identified Chad as among the countries that recruit and use children. Provisions of the US Child Soldiers Prevention Act of 2008, prohibits the US from giving military assistance to governments that recruit and use child soldiers.⁷² The 2010 United States Trafficking in Persons Report says “A significant, but unknown number of children remain within the ranks of the Chadian National Army (ANT). Sudanese children in refugee camps in eastern Chad were forcibly recruited by Sudanese rebel groups, some of which were backed by the Chadian government, during the reporting period”.⁷³

Despite this assessment, on 25 October 2010 United States President Barack Obama signed a Memorandum granting blanket “national interest” waivers to the application of the Child Soldiers Prevention Act to Chad, the Democratic Republic of the Congo, Sudan and Yemen.⁷⁴ Amnesty International is concerned that this sends a wrong signal and reduces pressure on the Chadian authorities to end child recruitment, and has called on the US government to ensure that the waiver does not undermine efforts of the US government to protect the rights of children worldwide.⁷⁵

CHADIAN ARMED OPPOSITION GROUPS

Most child recruitment in villages, refugee camps and IDP sites has been by Chadian armed opposition groups. In massive recruitment campaigns, particularly between 2006 and 2008, the armed groups have recruited and used large numbers of children since the beginning of the current crisis in eastern Chad in 2005. The government was reportedly aware of recruitments in the refugee camps, especially in 2008.⁷⁶

According to UNICEF and other sources, to date children have been released from the following armed groups: ⁷⁷

- Revolutionary Democratic Council (*Conseil démocratique révolutionnaire, CDR*)
- Popular Front for National Rebirth (*Front populaire pour la renaissance nationale, FPRN*)
- Front for the Salvation of the Republic (*Front pour le salut de la République, FSR*)
- United Front for Democratic Change (*Front uni pour le changement, FUC*)
- National Movement for Redress (*Mouvement national pour le redressement, MNR*)

- Rally of the Forces for Change (*Rassemblement des forces pour le changement, RFC*)
- Union for Democratic Change (*Union pour le changement démocratique, UDC*)
- United Democratic Forces for Change (*Union des forces démocratiques pour le changement, UFCD*)
- United Democratic Forces (*Union des forces démocratiques, UFD*)
- Union of Forces for Democracy and Development (*Union des forces pour la démocratie et le développement, UFDD*)
- United Forces of the Resistance (*Union des forces de la résistance, UFR*)

The FUC, founded in 2005, has been one of the major recruiters of children, mostly among the Tama in the Guéréda region, especially between 2006 and March 2007.⁷⁸ According to some estimates, more than 25 per cent of FUC fighters were children between the ages of 12 and 18. Local leaders in the Guéréda region told Amnesty International that at least 100 children between 8 and 16 years of age were recruited by the FUC from the village of Fare, near Guéréda, in 2006 and 2007. At least 60 children reportedly left the village of Obe, near Fare, at the end of 2009, and local leaders including teachers feared the FUC had resumed recruiting in the area.⁷⁹ On the basis of information obtained in the area, Amnesty International estimates that at least 300 children were recruited from the town of Guéréda alone in 2006 and 2007.⁸⁰ Recruitment by FUC continued to be reported even after the signature of a peace agreement with the Chadian government in December 2006.⁸¹

ABDI, aged 16, had joined the FUC at the age of 11. He told Amnesty International that he joined because he had felt humiliated by Zaghawa people who used to come to his village, kill people and seize cattle. He felt that they had power and could do whatever they wanted. He joined the rebellion with 14 other boys, three of whom were 11-year-olds like him. They walked for two days before reaching the rebel base at Tindeti in Sudan. He added that there were at least 160 other children there, many of whom told him that they had been to the Democratic Republic of Congo for training.

He said he became a battalion commander, with some 200 Sudanese and Chadian soldiers under his command. He participated in four major battles in Mongo (in Guéra), Hadjer Marfein, Gourkoum and Haraz Mango, near Sudan. He said he had killed people.

He was demobilized in 2007 following the December 2006 accord with the government. The FUC leader told the young boys that they should go home and go to school.⁸²

Other Chadian armed opposition groups have also recruited children into their ranks. The UFR, a coalition formed in January 2009 from eight armed groups, included in its ranks children who were later captured by the Chadian army following fighting in Am Dam in May 2009 and handed over to UNICEF. Most groups in the UFR recruited and used children in their ranks with impunity.⁸³

SUDANESE ARMED GROUPS

The Sudanese armed opposition group, especially the Justice and Equality Movement (JEM),

has recruited and continued to use children in its ranks. They also used refugee camps in eastern Chad as recruitment centres through 2010.⁸⁴ Eyewitnesses have told Amnesty International that armed JEM fighters have entered refugee camps in military vehicles and were more numerous than Chadian soldiers in some areas especially until the end of 2009.⁸⁵ But JEM fighters have become less visible in eastern Chad following the normalization of the relations between Sudan and Chad at the beginning of 2010.⁸⁶

The UN Secretary-General raised concerns in 2009 about JEM recruitment centres in the Ouré Cassoni refugee camp in Bahai and in the village of Iriba, actively supported by some local refugee leaders and school teachers.⁸⁷ Some refugee leaders organized meetings for the recruiters in the camp. A significant number of children went missing from the camp following each of these gatherings.⁸⁸ In its Concluding Observations on Chad in 2009, the UN Committee on the Rights of the Child expressed grave concerns about “the continuation of recruitment and use of children by all parties to the conflict, in particular the Sudanese rebel movement JEM”.⁸⁹

A number of parents told Amnesty International that their children went to Foro Baranga, Sudan, between September and December 2008 and were recruited by Sudanese armed opposition groups. In one case, a group of five children from the Djabal refugee camp, aged between 9 and 14 years old, were arrested by members of the Chadian security forces at the beginning of May 2010 at Koukou-Angarana on their way to Sudan, apparently to join a Sudanese armed opposition group. Their parents and relatives raised the alarm when they disappeared from the refugee camp.

Some of the children captured among JEM combatants by the Sudanese army following the attack on the Sudanese town of Omdurman in May 2008 were recruited from refugee camps in eastern Chad.⁹⁰ Humanitarian workers said that at least 13 children taken prisoner by Sudanese armed forces following the attack had been reunited with their families in the camps.⁹¹ Two children who had taken part in the attack, including Hassan a 16 year old, returned to the Djabal refugee camp from Sudan in April 2010. Hassan told Amnesty International that he had joined the JEM in December 2006.

At least eight former and active child combatants involved with the JEM were living in the Djabal refugee camp when Amnesty International delegates visited the camp in June 2010. Some joined the JEM in 2008 and 2009, others more recently. Most told Amnesty International that they joined the JEM because of the lack of opportunities in the refugee camp. They also said that four children aged 16 and 17, who had been living in the Djabal camp since the beginning of 2010, had rejoined JEM forces in the area around El-Geneina in west Darfur in May 2010. Other children told Amnesty International that they were on leave in the camp, primarily to visit their parents, but that they fully intended to return to active duty with JEM forces.

TARIK is from the village of Orum in Darfur, Sudan. He is a member of the Dadjo ethnic group. He joined the JEM in 2006 when he was 12 years old because his community's livestock were taken by the “Janjawid” and their villages were often attacked by armed men. He was also angry because two of his brothers and a friend were killed some years ago in Darfur. “I was young at that time but I saw them get killed and this memory led me to go and fight for my community”, he said.

He was initially based in Adré and then travelled to Tine. He regularly fought in the ranks of the JEM and took part in the Omdurman attack in 2008. He left the JEM for the Djabal refugee camp in February 2010 at the request of his brother.

The JEM signed a Memorandum of Understanding with the UN on 21 July 2010 regarding the protection of children in Darfur. The JEM agreed in Article 1⁹² :

- to prevent and work to end the association, recruitment and use of children under the age of 18 including those in non-combatant or supportive roles;
- to release and hand over to UNICEF all boys and girls under the age of 18 associated with JEM if any and facilitate their reintegration;
- to investigate allegations and ensure accountability for violations that occurred;
- children who have crossed an international border will be treated in accordance with international human rights and humanitarian law...applicable to refugees.

The two parties also agreed "ground rules" on the conduct of humanitarian operations in areas controlled and contested by the JEM.⁹³ It was not clear at the end of 2010 whether or to what extent JEM had started to implement this agreement, particularly with respect to the recruitment of children in refugee camps and the use of some refugee camps in eastern Chad as recruitment bases.

VIII DEMOBILIZATION AND REINTEGRATION

“There are many challenges in terms of reintegrating former child soldiers. The best interests of the child should be considered in parallel with the realities on the ground. Reintegration in the family is not always the solution.” - A Chadian social worker, Goz-Beida, May 2010.

The disarmament, demobilization and reintegration (DDR) into civilian life of children associated with armed forces and groups in Chad remains incomplete and the official number of children who have benefited very limited.

LIMITED NUMBERS DEMOBILIZED

The relatively small numbers of children who have been demobilized from Chadian armed groups have gone through various DDR processes. Those who were associated with armed opposition groups that eventually accepted the call from the Chadian government and allied themselves with the government armed forces were released after peace agreements between the government and their respective groups. This is the case, for instance, for children associated with the FUC, who were recruited in the Guéréda area in eastern Chad. Some were reunited with their families after an agreement was reached between the government and the FUC leadership in Libya in December 2006.

On 18 November 2010, Chadian authorities announced that 43 children associated with opposition armed groups that had joined the government were handed over by the Chief of General Staff to the Ministry of Social Action, National solidarity and Family (Ministry of Social Action) at Moussoro military base.⁹⁴

A SUCCESS STORY

Ibo runs a small shop in the neighbourhood of Farik al Shityeh in Abéché. He says that things are going well for him. His brother travels to buy goods for the shop and Ibo runs it on a daily basis. Ibo is not from Abéché but was now living there. He told Amnesty International he is much happier now and has no plans to return to the FUC

Ibo was 14 years old when he left his village with three other boys to join the FUC. He said he left because the Zaghawa did whatever they wanted, including killing three members of his Tama ethnic group in his village in 2006 and stealing, and he was looking for revenge. While with the FUC, he regularly went into the bush in Sudan. He received extensive training, including in weapons handling, with a large group of 60 or 70 children, including many who were his age. He became a leader of the group responsible for preparing meals. There was a separate group of girls, led by a woman “colonel” named Aisha. The girls did many things, including singing and chanting to encourage the fighters.

He was demobilized in 2007 when the FUC joined the government and all the child soldiers in the FUC were let

go. He was first sent to Mongo and then transferred to the transit centre in N'Djamena, where he stayed for over one year. The situation at the transit centre had been very good – school in the morning, football and other activities in the afternoon.

Other children were apprehended by government forces following fighting with armed groups, and handed over to UNICEF after transiting through Chadian security facilities in eastern Chad and N'Djamena. Among such children were 84 identified by UNICEF as members of the UFR captured by the army following fighting near the village of Am Dam in May 2009. International NGOs have assisted some former child soldiers who were reunited with their parents in the Kounoungou refugee camp.⁹⁵ From November 2008 the ICRC reunited 18 children taken prisoner or arrested by the Sudanese army following the May 2008 attack on Omdurman with their families in Abéché and N'Djamena.

Some former child soldiers did not pass through transit and orientation centres, particularly those who escaped from armed groups on their own initiative and returned directly to their families in refugee camps, IDP sites or villages. Social workers told Amnesty International that they had been able to contact and assist children who had returned to refugee camps and IDP sites but generally not those who had gone straight back to their villages. Other children present at the bases of armed groups in eastern Chad and Darfur have voluntarily returned to their families. They have left the armed groups for various reasons, including ill-treatment at the hands of adult soldiers and their commanders. Most of these children presented themselves to local authorities or humanitarian NGOs, or simply returned to their villages or to the refugee camps or IDP sites where their parents were living.

A limited number of children have so far been reunited with family members in eastern Chad and other regions of the country after spending time in transit and orientation centres (*Centres de Transit et d'Orientation, CTO*) where they have received psychological counselling and learned skills to help them reintegrate into society and build their futures. By October 2010, 831 young boys⁹⁶ who had been demobilized from the army and various Chadian and Sudanese armed groups had been through this process. Most of the demobilized children reportedly came from three Chadian armed opposition groups – the FSR, MNR and UFCO, – and were from the Ouaddai, Assoungou, Goz-Beida and Guéréda regions.⁹⁷ Although from eastern Chad, some had to be reunited with other family members in N'Djamena because of continuing insecurity in their home areas.⁹⁸ In June 2010, Chadian officials told Amnesty International that 445 demobilized children all of them boys were waiting to be reunited with their families, 238 were attending school and 127 were enrolled in vocational studies.⁹⁹ It was not possible to verify these figures during several Amnesty International visits to eastern Chad and N'Djamena.

Amnesty International delegates interviewed former child soldiers in the Kounoungou refugee camp, who had not gone through any formal demobilization process and were receiving little or no assistance. UNICEF and its implementing partners were facing challenges in ensuring that former child soldiers were effectively reintegrated in their communities and benefited from proposed DDR activities in the face of continuing child recruitment and insecurity.¹⁰⁰

WEAKNESSES OF GOVERNMENT PROGRAMMES

A number of demobilization and reintegration programmes for child soldiers were launched in 2007, but these have not always been successful. On 9 May 2007 the government signed a Memorandum of Understanding with UNICEF on the protection of child victims of armed conflict and their sustainable integration back into their communities.¹⁰¹ In October 2007 the government adopted a National Programme for the Release, Transitional Support and Reintegration of Children Associated with Armed Forces and Groups and an associated operational plan.¹⁰² The implementation of the national framework plan has been supported by members of the international community through UNICEF.

The Optional Protocol to the UN Convention on the Rights of the Child states that “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.”¹⁰³

However, implementation has faced numerous challenges, including a lack of will by political and military officials to engage in the process; the absence of a clear peace process between the governments of Chad and Sudan and their respective armed opposition groups; ongoing insecurity in eastern Chad; and the lack of necessary logistical, financial and human resources to support the cost of an effective DDR programme.

The money paid by the government to former fighters whose groups agreed to join the army and other government institutions has almost certainly encouraged children to join armed groups and has contributed to the failure of the demobilization process. In addition, reports from the UN suggest that the army was using money to incite children to join its ranks.¹⁰⁴ Children who were demobilized from the UFR after the Am Dam fighting were promised or given 400,000 CFA francs (US \$ 800) each. Some children received half of this amount without any receipt.¹⁰⁵ This situation jeopardized the demobilization process through the transit and orientation centres. The government later ended this practice, following complaints including from the UN and its implementing partners.

There is clearly a need for a comprehensive strategy for the successful implementation of the DDR process in Chad. This should address important issues related to the formulation of the programme, including those related to the recruitment and use of girls, as well as a greater clarity regarding responsibility for coordination of this programme and mechanisms for follow-up and monitoring. There is an urgent need:

- to clarify the responsibility of coordination and the role of both national and international institutions involved in the process;
- to determine the exact number of children in need of the programme’s assistance and the full range of services required and technical needs, in order to properly evaluate the costs and allocate sufficient resources;

- for a national-level coordinating agency that would run the project in partnership with donors and key Chadian ministries, including the Ministries of Justice and Human Rights, and relevant Chadian civil society organizations including those working on the issues related to the protection of women and girls.

For many years, Chad embarked on a programme of DDR for adult soldiers and members of armed groups who joined government forces, and reportedly demobilized 20,000 troops between 1992 and 1997. In 1993 the National Commission for Disarmament was established, and in 1999 started a pilot project involving 2,800 demobilized people that was ultimately not completed. In 2005 a new programme started to identify target groups and income-generating activities for former soldiers and fighters, but it has faced organizational challenges.¹⁰⁶

THE TRAP OF TRANSIT AND ORIENTATION CENTRES

"This situation of having children spend such a long time in the CTOs has turned the centres into 'boarding schools' and created problems in terms of coming up with exit strategies."

Chadian social worker, Abéché, May 2009.

UNICEF provides financial support for two transit and orientation centres (*Centres de Transit et d'Orientation, CTO*) run by the NGO Care International in N'Djamena, which opened in July 2007, and another operated by the Ministry of Social Action in Abéché. Most of the children who pass through the CTOs have been between 13 and 18 years old. They are supposed to spend a maximum of three months¹⁰⁷ in the centre but for several reasons, including insecurity in their region of origin and a lack of opportunities for reintegration, some children have been there for more than a year. This has led to a range of challenges, including further difficulties in helping children prepare for returning to live in their communities of origin where living conditions are harsher than in the transit and orientation centres in N'Djamena. Humanitarian organizations working with former child soldiers report that they are attempting to speed-up the reunification process with a goal of having no demobilized child soldier spend more than six months in a transit centre.¹⁰⁸

ALI, a former child soldier now 19 years old, spent more than one year in a CTO in N'Djamena before he was reunited with his parents in Guéréda, eastern Chad, in December 2008. He told Amnesty International delegates that he would prefer to return to N'Djamena because life is too difficult in his home town and he would like to continue his studies to become a mechanic. Ali's father was in agreement.¹⁰⁹

One of the CTOs in N'Djamena was closed between December 2009 and 17 April 2010 after a group of children living there attacked CARE International and UNICEF staff and briefly held them hostage. The incidents occurred following a delay in providing the payment of CFA francs 400,000 (US\$800) that the government had promised each former fighter that came over to the government's side. Even though they were already in the demobilization process and staying in the CTOs, some of the children associated with armed groups that had joined the government forces were paid the money by government officials within the CTOs.

NO PROTECTION, NO FACILITIES, NOTHING

“I was not keen to see him back here because there are no facilities, no schools, nothing. If he was in N’Djamena he could have learned a lot of things. He is here without even the certificate of the mechanical course he attended in N’Djamena.”

Father of a former child soldier, Guéréda, May 2010.

In the volatile and unstable political and social context of eastern Chad, combined with the destabilizing situation across the border in Darfur, the risk of a failure to provide adequate protection and opportunities for the reintegration of former child soldiers is high. The same reasons that contributed to the recruitment of children by the armed forces and armed groups originally – including poverty, insecurity, and a lack of educational and work opportunities – still exist.

ADOUM, 16 years of age and a former combatant with the FUC, spent two years in a CTO in N’Djamena with seven friends. He trained to be a mechanic while he was there. He was later returned to Kounoungou refugee camp where he attended school. He expressed concern about the quality of the schools in the camp and told Amnesty International delegates that he would prefer to go back to the transit centre in N’Djamena where life was “much easier”.¹¹⁰

Peace agreements have been signed between the Chadian authorities and some armed opposition groups. But other armed groups are still active in the region and there is no formal peace process that applies to them. Eastern Chad is still insecure and the danger for civilians, including children, is still high. The Chadian authorities have said they are taking steps to improve the security and protection of civilians, but they have not demonstrated either the capacity or willingness to do this for many years.¹¹¹ Army commanders continue to recruit children to augment their forces.

There are fears among humanitarian workers that many children who have been through the demobilization programme put in place by UNICEF and the government, and who have been reunited with their families, may have been forcibly re-recruited or have enrolled themselves and rejoined the armed forces and groups in the area.¹¹²

IX BLATANT IMPUNITY

There have been no prosecutions for recruiting and using children within the army or armed groups. Individuals who have committed grave violations of children's rights in eastern Chad enjoy impunity for their crimes. Although 11 men were arrested in September 2010 by the DIS at Goz Amir refugee camp in connection with the recruitment of children within the camp, it was not clear whether they were effectively prosecuted. It was reported by the United Nations in December that five of the men were transferred to the joint Chadian-Sudanese border monitoring force.¹¹³

Indeed, many of those suspected of recruiting children have been offered senior government posts, perpetuating impunity at the highest levels of government for the crimes of recruitment and use of children under-15s in hostilities.

In recent years the Chadian government has negotiated peace agreements with a number of Chadian armed opposition groups, many of which had reportedly used children in their ranks.

On 24 December 2006 the government signed a peace accord with the FUC which extended a general amnesty to all its combatants.¹¹⁴ The accord provided for the integration of FUC fighters into the army within three months of the agreement and for government appointments for some of its members.¹¹⁵ FUC leader Mahamat Nour Abdelkarim was made Minister of Defence on 4 March 2007, a position he held until his dismissal in December 2007.¹¹⁶ The peace agreement, which was witnessed by the African Union and individual African countries including Libya, was silent on the issue of children associated with and used as fighters by the FUC.

In October 2007, the Chadian government finalized and signed a peace deal in Sirte, Libya, with four armed opposition groups, the Chad National Concord (*Concorde nationale du Tchad, CNT*), RFC, UFDD and UFDD-Fondamentale. No known mention was made during these discussions regarding the issue of children associated with these groups.

On 25 July 2009 the government and the National Movement (*Mouvement National*), a coalition of three armed opposition groups, signed a peace agreement in Tripoli, Libya, agreeing to end hostilities and to integrate National Movement fighters into the army or civil service. On 9 December 2009, President Déby decreed a presidential pardon for National Movement leader Ahmat Hassaballah Soubiane, who had been convicted by the N'Djamena Court of Appeal on 15 August 2008 of "endangering the constitutional order, integrity and security of the State".¹¹⁷ Ahmat Hassaballah Soubiane was later appointed special adviser to President Déby.

Choua Dazi, leader of the Movement for Democracy and Justice in Chad (*Mouvement pour la démocratie et la justice au Tchad, MDJT*) announced that his group had signed a peace accord with the Chadian government in Libya on 22 April 2010.¹¹⁸ UNICEF and the NGO CARE International were informed of the presence of children in the ranks of the MDJT and,

with the assistance of the Ministry of Social Action, travelled to Bardai, a desert location in the Tibesti region in northern Chad, at the end of June 2010 to assess the situation of children who have been associated with the MDJT. According to the UN, in August 2010, 58 children, including 10 girls, who had been associated with the MDJT, were allowed to be reunited with their families.¹¹⁹

On 8 November 2010 the Chadian authorities arrested at least four members of Chadian opposition armed groups in N'Djamena and detained them in unknown locations. Their groups had earlier joined government forces. Those arrested included General Taher Guinassou (former UFDD leader and adviser to President Déby), General Tahir Ahmad Kosso Wodji (former UFDD and UFR member), Djougourou Hemichi (former UFDD commissioner) and Moïta Tourki Ahmat (former UFDD member). The government said that a warrant had been issued for the arrest of the men by a Chadian court in 2008 for attacking the country and destroying public property.¹²⁰ No mention was made to the fact that the armed groups to which these four people belonged recruited and used children. On 10 January 2011 the President of Chad, Idriss Deby, pardoned the above mentioned members of armed groups by issuing a decree.¹²¹ The same day, President Deby signed an ordinance extending the amnesty to crimes committed by members of Chadian armed opposition groups who had been imprisoned.¹²²

However, most Chadian armed opposition groups remain active and outside of any peace agreements. For instance, the UFR coalition attacked Chadian territory on 4 May 2010 from the village of Am Nabak near the Sudanese border. The Popular Front for Redress (*Front populaire pour le redressement, FPR*), which operates in south-eastern Chad, has confirmed that it has not reached any peace agreement with the government. An FPR leader told Amnesty International that it has around 200 children in its ranks and is prepared to hand them over to the international community for demobilization.¹²³

Amnesty International recognizes the importance of national reconciliation and maintaining peace in the country. However, an important dimension of ensuring that peace will be lasting and durable is to incorporate a strong commitment to obtaining justice for human rights violations.

The actions of the Chadian government in rewarding individuals involved in the recruitment of children with high-level political and military positions, or granting them presidential pardons, could undermine efforts to tackle impunity for recruitment and use of children. Those individuals who are suspected of the recruitment and use of children as fighters or in other roles in their military activities should be prosecuted in national courts in trials that meet international fair trial standards. If Chad is unwilling or unable to do so, such cases could be referred to the International Criminal Court for investigation and possible prosecution.

The N'Djamena Declaration, adopted by Chad and five other African countries on 9 June 2010, committed the state signatories to respect international legal standards for the protection of children during armed conflict and to end impunity for recruitment and use of children. The states have pledged "to ensure the crime of recruitment and use of children by armed forces and groups does not form part of any amnesty law and is treated as a war crime" (Article 4).

The signing on 21 July 2010 of a Memorandum of Understanding between the UN and the JEM,- the Sudanese armed opposition group that has continued to recruit and use children in eastern Chad and Darfur,- is an important step in ensuring the protection of children in the area. Importantly the Memorandum includes an assurance that JEM is committed to take action to “investigate allegations and ensure accountability for violations that occurred.” It was not possible at the end of January 2011 to determine to what extent the various provisions of this agreement had been implemented in eastern Chad and in Darfur.

There is a clear and pressing need to address impunity for recruiting and using children in armed forces and armed groups in eastern Chad. This should be carried out through independent investigations, leading to charges and prosecutions of those responsible when appropriate. There are considerable challenges in doing this, including a lack of political will on the part of Chadian authorities, weaknesses in the justice system and an absence of basic judicial infrastructure such as courtrooms, police stations and prisons. As a consequence, the population lacks confidence in the judicial system. International justice mechanisms like the International Criminal Court could be drawn into the most serious cases, ensuring that high ranking commanders within the army as well as leaders of Chadian and Sudanese opposition armed groups who have recruited and used children as soldiers are effectively prosecuted.

X THE LEGAL FRAMEWORK

Children affected by armed conflict, refugees and IDPs in eastern Chad should be protected under Chadian national law and under Chad's legally-binding commitments to international human rights, humanitarian and refugee law. The list of international commitments made by the Chadian government with respect to ending the recruitment and use of children is impressive. Yet the gap between Chad's laws, policies and international commitments, on the one hand, and practice, on the other, remains wide.

Amnesty International believes that both voluntary and compulsory recruitment and participation in hostilities jeopardize the mental and physical integrity of anyone below the age of 18. For this reason, the organization actively opposes the voluntary or compulsory recruitment, not just the participation in hostilities, of persons below 18 years of age by governments or armed opposition groups.

This report also highlights Chad's obligations on the right to education, of particular significance in eastern Chad because of the link between the lack of secondary and vocational education and the recruitment and use of children in armed forces and groups.

INTERNATIONAL LAW AND STANDARDS

Chad is party to most of the major international human rights instruments, including the UN Convention on the Rights of the Child (CRC) and its Optional Protocol on the involvement of children in armed conflict.¹²⁴ It has made a binding declaration that the minimum age for recruitment to its armed forces is 18.

- Article 22 of the CRC requires states to ensure that children who are seeking refugee status or who are considered to be refugees under international or domestic law receive appropriate protection, humanitarian assistance and the enjoyment of all rights in the Convention.
- Article 38 of the Convention addresses the issue of protection of children in times of conflict. States are prohibited from recruiting children under the age of 15 and should take all feasible measures to ensure that under-15s do not take direct part in hostilities.
- Article 39 obliges states to ensure the recovery and social integration of child victims of armed conflicts so as to foster their health, self-respect and dignity.

The CRC's Optional Protocol on the involvement of children in armed conflict raises the minimum age for participation in hostilities for both government forces and armed groups to 18.

- States Parties must take all feasible measures to ensure that members of the armed forces under the age of 18 do not take a direct part in hostilities (Article 1).

- They must ensure that under-18s are not compulsorily recruited into the armed forces (Article 2).
- Article 3(3) requires states that undertake voluntary recruitment of children between the ages of 15 and 18 to ensure that such recruitment is genuinely voluntary and carried out with the informed consent of the child's parents or legal guardians; that the child is fully informed of the duties involved in military service; and that reliable proof of age is obtained.
- The ban on the recruitment or use in hostilities of under-18s by non-state armed groups is absolute (Article 4). States are required to prevent such recruitment and use including through legal measures to prohibit and criminalize such practices.

Chad is also a party to the African Charter on the Rights and Welfare of the Child.¹²⁵

- Article 22 (2) obliges States Parties to “take all necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular, from recruiting any child.” The Charter defines a child to be anyone under the age of 18.

The International Labour Organization's Convention 182, known as the Worst Forms of Child Labour Convention.¹²⁶

- Includes forced or compulsory recruitment of under-18s for use in armed conflict as one of the worst forms of child labour.
- States must take immediate and effective measures to prohibit and eliminate such child labour (Article 1).
- Recommendation 190, which accompanies the Convention, requires all ILO Member States to make such recruitment a criminal offence.¹²⁷

Chad is also bound by various provisions in international humanitarian law relevant to the protection of children in armed conflict, including the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War; Article 3, common to all Four of the Geneva Conventions; and the two Additional Protocols to the Geneva Conventions¹²⁸.

- Article 77(2) of Additional Protocol I, dealing with international armed conflicts, and Article 4(3)(c) of Additional Protocol II, dealing with non-international armed conflicts, both limit the age of recruitment and use of children in hostilities to 15.

Under the Rome Statute of the International Criminal Court, to which Chad is a party, ¹²⁹

- Conscripting or enlisting children under the age of 15 into armed forces or groups, or using them to participate actively in hostilities, constitutes a war crime (Article 8).
- During negotiations on the Rome Statute, it was accepted that “participation” would include:
 - direct participation in combat,

- military activities linked to combat such as scouting, spying, sabotage, and the use of children under 15 as decoys, couriers and at military checkpoints,
- using children for any activities (even transporting food) at the front line.¹³⁰

The obligation of states to protect internally displaced children from being recruited or being used in hostilities is reaffirmed in the UN Guiding Principles on Internal Displacement and in the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).¹³¹

Chad has signed and ratified¹³² the Kampala Convention in June and in November 2010 respectively. As a party to it, Chad must respect its provisions. The Kampala Convention imposes legal obligations on signatory States with regard to internally displaced persons in their respective territories. Article 7 of the Kampala Convention prohibits members of the armed groups to:

- Recruit children or requiring or permitting them to take part in hostilities under any circumstances (Article 7, 1, e).
- Forcibly recruiting persons, kidnapping, abduction or hostage taking, engaging in sexual slavery and trafficking in persons especially women and children (Article 7,1,f).

Article 9 of the Kampala Convention obliges state parties to protect the rights of internally displaced persons regardless of the cause of displacement by refraining from, and preventing, the following acts, amongst others:

- Sexual and gender based violence in all its forms, notably rape, enforced prostitution, sexual exploitation and harmful practices, slavery, recruitment of children and their use in hostilities, forced labour and human trafficking and smuggling (Article 9,d).

The UN Security Council has adopted important resolutions on the protection and security of children affected by armed conflict. Chad is obliged to respect and implement these resolutions.

- Resolution 1261 in 1999 expressed grave concern at “the harmful and widespread impact of armed conflict on children and the long-term consequences this has for durable peace, security and development” and strongly condemned recruitment and use of children in armed conflict. ¹³³
- Resolution 1314 in 2000 asked the international community to take appropriate measures to protect the rights of children affected by armed conflict. ¹³⁴
- Resolution 1460 in 2003 called on all parties to armed conflict to immediately halt recruitment or use of children and for international norms and standards for the protection of children affected by armed conflicts to be respected. ¹³⁵
- Resolutions 1612 and 1882, adopted in 2005 and 2009 respectively, established mechanisms for monitoring and reporting on children’s rights in armed conflicts.¹³⁶ Resolution 1882 condemned the recruitment and use of children by parties to a conflict, re-

recruitment, as well as the killing and maiming of children, rape and other sexual violence against children, abduction of children, attacks against schools and hospitals and denial of humanitarian access.

Chad participated in a 2007 conference sponsored by the French government and UNICEF, "Free Children from War", and endorsed the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups and the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups.

Most recently, on 9 June 2010, Chad with the support of UNICEF hosted an important regional conference on ending the recruitment and use of child soldiers by armed forces and groups. The N'Djamena Declaration was adopted by representatives of Cameroon, the Central African Republic, Chad, Niger, Nigeria and Sudan to:¹³⁷

- Put an end to all forms and involvement of children by armed forces and armed groups and ensure that no child under the age of 18 takes direct or indirect part in hostilities, and prevent all kinds of recruitment and use of children in all situations (Article 1);
- Ensure that legislation is harmonized at the regional level to prohibit recruitment of children (Article 2);
- Ensure that children associated with armed forces and groups are treated as victims not as perpetrators and are supported with appropriate rehabilitation and reintegration packages (Article 3);
- Ensure that the crime of recruitment and use of children by armed forces and armed groups does not form part of any amnesty laws and is treated as a war crime (Article 4);
- Strengthen the monitoring mechanism for the cross-border dimension of grave violations of children's rights (Article 10);
- Set up a follow-up committee of representatives of the signatory states and of Liberia and the Democratic Republic of Congo (Article 13).

In August 2010 experts from the state signatories met in N'Djamena to initiate an implementation plan.¹³⁸ No further developments with regard to the implementation plan have been reported since.

NATIONAL LAW

Although some provisions of the Chadian law allow under-18s to enrol in the army if they have parental consent, the government has in recent years given commitments not to recruit under-18s.

The 1996 Chadian constitution states that defence of the country and of national territorial integrity is the duty of every citizen and that military service is compulsory (Article 51).¹³⁹ A 1991 law on the reorganization of the armed forces set the minimum age for voluntary recruitment at 18 and the minimum age for conscription at 20.¹⁴⁰ However, the General Statute of the Chadian army of 1992 says that a child under the age of 18 can be recruited with the consent of a parent or guardian.¹⁴¹ Chadian law prohibits children under 18 from undertaking any work which by its nature is likely to cause harm to their health, safety or morals.¹⁴² The penal code also contains important provisions to protect children, for instance from abduction, arbitrary detention and forced labour, but there is no specific provision criminalizing the recruitment and use of children by armed forces and groups.¹⁴³

Following a 2006 peace agreement with the Chadian armed group, United Front for Democratic Change (*Front uni pour le changement, FUC*), the Chadian authorities said they would not accept under-18s who had been members of the FUC into the military.

When the government signed the May 2007 Memorandum of Understanding with UNICEF on demobilization and reintegration of children formerly associated to armed forces and groups, it assured the international community that it would not recruit under-18s into the army. In November 2007 the government, with the support of UNICEF, designed an operational framework plan to tackle issues related to the recruitment of children by various armed forces in Chad. On 18 May 2009, in response to US Department of State reports of continued child recruitment in Chad¹⁴⁴, the Chadian Presidency initiated the drafting of a bill on child protection. The code had not been enacted by the end of 2010.

THE RIGHT TO EDUCATION

The Chadian constitution provides that all Chadians have rights to education and that public education is free and compulsory (Article 35). It also charges the government to establish conditions and institutions to ensure and guarantee the education of children (Article 36). A 2006 education law recognizes the right to education and to training for all, without distinction based on age, religion, sex, social, regional or ethnic origin.¹⁴⁵

Chad is party to international treaties that uphold the right to education: the Convention on the Rights of the Child (CRC), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination.¹⁴⁶ The right to education is also found in regional instruments to which Chad is party: the African Charter on Human and Peoples' Rights and the African Charter on the Rights and Welfare of the Child.¹⁴⁷ These human rights treaties apply in times of armed conflict, and the rights they contain extend to all, including refugees and IDPs.

States must ensure free and compulsory primary education as a matter of priority. Where

states have not been able to secure access to free compulsory education, they must “work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years...of the principle of compulsory education free of charge for all.”¹⁴⁸ Where this is not possible, given available resources at national level, states should seek, and receive, international assistance and cooperation to prioritize the realization of the right to free and compulsory primary education.¹⁴⁹ The Committee on Economic, Social and Cultural Rights has noted that the international community has “a clear obligation to assist” in cases where states lack resources or expertise to develop detailed plans.¹⁵⁰

The right to education also incorporates obligations concerning secondary, technical, vocational and higher education. Article 13 of ICESCR states: “Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education”.¹⁵¹

Four elements are essential for the enjoyment of the right to education: availability, accessibility, acceptability and adaptability.¹⁵² Availability means that education is free and government-funded and that there are an adequate infrastructure and trained teachers able to deliver education. Accessibility requires the education system to be non-discriminatory and accessible to all, and positive steps to be taken to include the most marginalized in the community, for instance refugee and displaced children. Acceptability refers to the content of education: whether it is relevant, non-discriminatory and culturally appropriate, and of quality; and whether the school itself is safe and teachers are professional. Adaptability means that education can evolve with the changing needs of society or the community and contribute to challenging inequalities, such as gender discrimination, and that it can be adapted locally to suit specific contexts.

XI CONCLUSION

The human rights of thousands of children in eastern Chad, including refugees from Darfur and displaced Chadians, will remain imperilled if the Chadian government, the UN and the rest of the international community do not take action to put an end to the recruitment and the use of children by armed forces and groups in eastern Chad. Children who have been associated with armed forces and groups suffer physical, social and psychological harm and need proper treatment and support. It is crucial that adequate measures be put in place to ensure the effective reintegration of demobilized child soldiers.

Priority attention should be given to the National Programme for the Release, Transitional Support and Reintegration of Children Associated with Armed Forces and Groups and an associated operational plan put in place by the Chadian authorities with the support of UNICEF. This is a positive initial step but needs improvements in its implementation, composition and mandate. A comprehensive strategy should be put in place to better prevent the repeat recruitment of children already released from armed forces and armed groups and to provide released children with educational, vocational and work opportunities that suit their needs. There is a clear link between the lack of educational, economic and social opportunities and the recruitment – including re-recruitment – and use of children by armed forces and armed groups in eastern Chad.

However, such a strategy can only be achieved if there is security in the villages of return for former child soldiers, if basic infrastructure such as schools and health centres are in place, and if impunity for the recruitment of children is brought to an end. Cases of recruitment of children under the age of 18 and other grave violations of children's rights must be fully investigated and individuals who are suspected of being responsible should be prosecuted. Children who have been associated with armed forces and armed groups should be recognized and considered as victims and should have their rights to access to justice and to reparation, including rehabilitation and compensation, respected.

The gap between promises and reality with respect to child soldiers must be closed. All parties involved in the armed conflicts in eastern Chad and Darfur – including Chadian and Sudanese armed groups as well as the Chadian and Sudanese armed forces – must meet their international and regional legal obligations, and respect their own commitments where these have already been made, and put an end to the ongoing recruitment of child soldiers. Neighbouring countries that participated in the June 2010 N'Djamena Regional Conference on ending the use and the recruitment of child soldiers as a contribution to peace, justice and development and signed the N'Djamena Declaration should ensure its provisions are effectively implemented. The UN, the African Union, and other regional entities and governments that witnessed the Declaration, including France and the US, should actively assist with implementation of the Declaration. Chadian and Sudanese armed opposition groups should be involved in implementing any action plan coming out of the N'Djamena Conference. Chadian civil society organizations working with children as well as specialized UN agencies such as UNICEF and the UNHCR should also be involved at all stages of the

process.

It is time to develop a detailed and comprehensive plan for effective demobilization and reintegration of former child soldiers in eastern Chad. The plan should ensure that the reasons that children are recruited and used by all parties to armed conflict in eastern Chad and Darfur are effectively addressed, that reintegration within communities is based on the best interests of the child and that educational, vocational and employment opportunities for children are substantially improved. The plan should also include guarantees that individuals, including commanders within the Chadian National Army (ANT), who have recruited and used children, will no longer enjoy impunity.

Governments who provide bilateral and multilateral development assistance to Chad should consider providing financial and technical support to efforts to end the recruitment and use of child soldiers, including providing greater educational, vocational and economic opportunities for children. Support is also needed for programmes dealing with the mental and physical effects of armed conflict on children in eastern Chad, including those associated with armed forces and armed groups.

XII RECOMMENDATIONS

TO THE GOVERNMENT OF CHAD

End the recruitment and use of children by the army

- Issue clear orders to all ANT commanders deployed in eastern Chad not to recruit or use children, including Sudanese refugee children and internally displaced Chadian children, and ensure such orders are complied with immediately;
- Ensure that all ANT commanders deployed in eastern Chad fully collaborate with all bodies involved in DDR programmes, including UNICEF, international and local organizations; they should take prompt action to demobilize children serving within ANT units in eastern Chad and elsewhere in the country, handing them over to UNICEF, and facilitating their reintegration;
- Do not prevent initiatives by the UN and its partners to contact and discuss with Chadian and Sudanese armed groups operating in eastern Chad issues related to recruitment and demobilization of children associated with them;
- Revise the General Statute of the Army to establish 18 years of age as the minimum age for recruitment into the ANT;
- Raise awareness and give wide distribution to documents in French, Arabic and local languages informing all members of the ANT, including senior officers, about the rights of children and the prohibition on recruiting or making use of children under the age of 18 in their ranks;
- Ensure that the N'Djamena Declaration is implemented and that the follow-up committee called for by the N'Djamena Conference is established and allocated sufficient resources to monitor the implementation of the Declaration;
- Ensure that the provisions of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa adopted by the Special Summit of the Africa Union, signed and ratified by Chad are effectively implemented on Chad's territory;
- Ensure that refugee camps and IDP sites are not used as recruitment bases by members of the Chadian national army and Chadian and Sudanese opposition armed groups by increasing security inside and around these areas.

Ensure effective demobilization and reintegration of children

- Develop and provide sufficient funding for a transparent, accountable, effective and comprehensive strategy that builds on and strengthens the National Programme for the

Release, Transitional Support and Reintegration of Children Associated with Armed Forces and Groups to ensure disarmament, demobilization and reintegration of children associated with armed forces and groups in eastern Chad;

- In the short term, ensure that among members of the National Programme for the Release, Transitional Support and Reintegration of Children Associated with Armed Forces and Groups and its related framework, approved in October 2007 by the Chadian Minister of Social Action, National Solidarity and the Family are representatives of other ministries and bodies including the, Ministry of Justice, Ministry of Human Rights, Ministry of Education, Ministry of Youth and the Chadian National Human Rights Commission;
- Create, strengthen and promote secondary education and vocational opportunities in eastern Chad in order to assist efforts to prevent children being recruited by or joining the armed forces or armed groups, and to facilitate the more effective reintegration of former child soldiers;
- Initiate awareness raising and sensitization campaigns among communities in eastern Chad, including refugees and IDPs, in order to tackle the culturally accepted fact that young boys can be involved in armed forces and groups. The campaign activities should involve teachers, religious leaders, sultans, local NGOs as well as local authorities;
- Ensure that all people within Chadian territory, including refugee children from Darfur and displaced Chadian children, are protected from violations of international human rights and humanitarian law.

End impunity for recruitment and use of child soldiers and other grave violations of children's rights

- Launch prompt, thorough and impartial investigations into all credible allegations of recruiting or using children, including by any members of the ANT, members of armed groups, and members of armed groups now incorporated into the ANT; individuals so accused should be suspended from duty pending the outcome of investigations;
- Ensure that individuals reasonably suspected of recruiting and using child soldiers in armed forces and armed groups are brought to justice in accordance with international fair trial standards and without recourse to the death penalty; perpetrators should be brought to justice regardless of any amnesty provisions that may have been included in applicable peace agreements; witnesses and child victims should be adequately protected;
- Ensure that respect for and protection of human rights, including children's rights, are at the core of all attempts to resolve the current armed conflict and political crisis in Chad, and that any peace or other agreements entered into by the Chadian government and armed opposition groups do not contradict international human rights standards and in particular do not provide any amnesty for human rights violations or war crimes, including the recruitment and use of children;

- Make the recruitment or use of children by armed forces or groups a specific offence under the penal code;
- Prioritize rehabilitation and reform of the national civilian justice system, providing it with necessary powers and resources to enable it to conduct independent and effective investigations and trials of past and present human rights abuses and war crimes and to provide redress to victims and their families;
- Promptly enact effective implementing legislation for the Rome Statute of the International Criminal Court;
- In the event that Chad fails to enact the necessary legislation promptly and opens investigations and, where there is sufficient admissible evidence for prosecutions, refer the situation in Chad to the Prosecutor of the International Criminal Court.

TO CHADIAN AND SUDANESE ARMED GROUPS IN EASTERN CHAD

- Immediately stop the recruitment, re-recruitment and use of children under the age of 18; release all children from their ranks, cooperating fully with UNICEF and international and local NGOs involved in the demobilization and reintegration of child soldiers;
- Cooperate fully with all national and international investigations related to grave human rights violations and war crimes, including the recruitment and use of children;
- Respect and implement provisions of any agreements with the UN, governments or other bodies with respect to the protection of children from recruitment and use by armed groups.

TO UNHCR AND UNICEF

- Assist the Chadian government in setting up and implementing an effective and comprehensive strategy for the release, demobilization and reintegration of children from armed forces and groups that builds on and strengthens the National Programme for the Release, Transitional Support and Reintegration of Children Associated with Armed Forces and Groups and its related framework;
- Assist the implementation of such a strategy by supporting increased access to secondary education, vocational education and improved employment opportunities;
- Ensure that there is follow-up and monitoring of children reunited with their families and communities, with regular evaluation of the progress of their reintegration;
- Work with the Sudanese authorities to introduce formal recognition of school certificates issued to all Darfuri refugee children who have completed primary or secondary school in refugee camps in Chad;

- In consultation with refugees and local and international NGOs working in refugee camps and IDP sites in eastern Chad, develop a strategy and monitoring mechanisms for addressing the causes and circumstances in refugee camps and IDP sites of child recruitment and the pattern of children “voluntarily” joining armed groups;
- Establish a confidential and secure procedure within refugee camps and IDP sites which would provide children and their families with an avenue for reporting cases of actual or attempted recruitment;
- Work with Chadian authorities to ensure that the civilian character of refugee camps and IDP sites in eastern Chad is respected;
- Continue the monitoring and reporting mechanism established following Security Council Resolution 1612 (2005) after the withdrawal of MINURCAT.

TO MEMBERS OF THE UN SECURITY COUNCIL

- Ensure that the monitoring and reporting mechanisms established in Security Council Resolution 1612 (2005) after the withdrawal of MINURCAT is fully taken over by the United Nations country team and that the necessary resources including human, logistical and financial is allocated to the UN agency designated to perform this task;
- Request the Office of the UN High Commissioner for Human Rights to maintain an active field presence in eastern Chad, including ensuring ongoing support for activities currently undertaken by MINURCAT’s human rights section by the time MINURCAT’s withdrawal from Chad is complete;
- Continue to closely monitor the security and human rights situation in eastern Chad, including with respect to children’s rights;
- Take vigorous and targeted measures including against individuals responsible for the recruitment and use children in situations of armed conflict in Chad, as well as for other violations and abuses committed against children, such as killing or maiming, committing rape and other forms of sexual violence;
- Ensure that Chad prepares and implements a time-bound action plan to halt the recruitment and use of children in armed forces and groups and take measures against any party that fails to comply with such a plan, in accordance with the provisions of Security Council Resolutions 1539 (2004) and 1612 (2005).

TO DONORS INCLUDING THE WORLD BANK, UNDP, EUROPEAN UNION AND INDIVIDUAL DONOR GOVERNMENTS

- Through financial and other assistance, support the efforts of the Chadian government to set up and implement an effective and comprehensive strategy that builds on and strengthens the National Programme for the Release, Transitional Support and Reintegration of Children Associated with Armed Forces and Groups and, in particular, implements the N'Djamena Declaration;
- Provide financial and other support for reintegration activities, including education, vocational training, income-generating activities, for children formerly associated with armed forces or armed groups;
- Provide financial and other support for the maintenance of field operations by the Office of the UN High Commissioner for Human Rights in eastern Chad following the withdrawal of MINURCAT.

ANNEXE I: N'DJAMENA DECLARATION OF THE REGIONAL CONFERENCE ON ENDING
RECRUITMENT AND USE OF CHILDREN BY ARMED FORCES AND GROUPS
CONTRIBUTING TO PEACE, JUSTICE AND DEVELOPMENT, 9 JUNE 2010



Regional Conference
**Ending Recruitment and Use of Children by Armed Forces and Groups
Contributing to Peace, Justice and Development**
Cameroon – Central African Republic - Chad - Nigeria – Niger - Sudan
N'Djamena, 7–9 June 2010

N'DJAMENA DECLARATION

We,

Ministers and Representatives of States, participating in the Regional Conference on “**Ending Recruitment and Use of Children by Armed Forces and Groups: Contributing to Peace, Justice and Development**”, held in N'Djamena, the Republic of Chad from 7 to 9 June, 2010,

Reiterating our concern regarding the precarious situation of children affected by conflict and the consistent presence of children within armed forces and groups in our region;

Acknowledging that poverty, lack of opportunities, economic disparities, cultural and traditional factors, as well as natural disasters and environmental degradation, contribute to frequent forced displacement of children during after armed conflicts;

Recalling the **Additional Protocols to the four Geneva Conventions of 1949** prohibiting the recruitment and direct participation of children who have not attained the age of 15 years in armed conflicts;

Recalling the Convention on the Rights of the Child of 1989 prohibiting recruitment and active participation of children under 15 in hostilities, its Optional Protocol on the involvement of children in armed conflict, establishing the legal age of recruitment and direct participation of children in hostilities at 18, and the Optional Protocol on the sale of children, child prostitution and child pornography;

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Considering that the African Charter on the Rights and Welfare of the Child guarantees all children the inherent right to life, education, leisure and culture, health, protection from exploitation and abuse, and the prohibition of their recruitment by armed forces and armed groups and of their direct participation in hostilities (Article 22); and their protection, if refugees;

Recalling the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime of 2000;

Recalling the Multilateral Cooperation Agreement to Combat Trafficking in Persons specially Women and Children in West and Central Africa of 2006;

Recalling UN Security Council resolutions 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004), 1612 (2005), 1820 (2008) and 1882 (2009) and those of the Peace and Security Council of the African Union that condemned the recruitment and use of children in armed conflict, and called to end it, including by establishing a Monitoring and Reporting Mechanism, as well as by establishing working groups on the violations of children's rights in conflict situations ;

Recalling Security Council resolution 1888 (2009) on sexual violence in situations of armed conflict;

Recalling the 1997 Cape Town Principles and Best Practices on the Recruitment of Children into Armed Forces and on Demobilization and Social Reintegration of Children in Africa;

Recalling the 2007 Paris Commitments to Protect Children Unlawfully Recruited or Used by Armed Forces or Armed Groups and the Paris Principles and Guidelines on Children associated with Armed Forces or Armed Groups; and subsequent annual forums to assess the implementation of the Paris Commitments and Paris Principles and exchange information on lessons learnt and next steps;

Recalling the commitments of the African states to proactively participate in the overall efforts aimed at promoting peace, security and stability in Africa, and in mitigating the vulnerability of children in armed conflict and recalling the Press Release of the 223rd African Council Peace and Security meeting of

Chad

Amnesty



March 30, 2010 held in Addis Ababa (Ethiopia) on Women and Children in situations of armed conflict in Africa;

Deeply Concerned by the situation of young girls associated with armed forces and groups, subject to sexual violence and abuse during armed conflict, and excluded from the release, withdrawal, psychosocial rehabilitation and socio-economic reintegration programs often by socio-cultural barriers;

Recognizing that States have the primary responsibility of ensuring, without discrimination, the security and protection of all children living on their national territory, and that no territory should be used in any form for recruitment of children by armed forces or groups;

We pledge:

1. To put an end to all forms of recruitment and involvement of children by armed forces and armed groups and ensure that no child under the age of 18 takes direct or indirect part in hostilities, and prevent all kinds of recruitment and use of children in all situations;
 - a) To take all possible measures for effective implementation of the Convention on the Rights of the Child, its Optional Protocols, the African Charter on the Rights and Welfare of the Child, and other relevant regional and international instruments;
 - b) To ratify the two Optional Protocols to the Convention on the Rights of the Child, African Charter on the Rights and Welfare of the Child, and other signed regional, international instruments, and to implement them in an effective manner;
 - c) To sign and ratify the two Optional Protocols to the Convention on the Rights of the Child and other relevant regional and international Instruments, if not already done;
 - d) To adhere to the Paris Commitments to Protect Children Unlawfully Recruited or Used by Armed Forces or Armed Groups;

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2. To harmonize national legislations with regional and international instruments in order to prohibit the recruitment and use of children by armed forces and armed groups, and prosecute perpetrators before competent courts;
3. To ensure that children formerly associated with armed forces and groups are treated as victims not as perpetrators, and are supported with appropriate rehabilitation and reintegration packages;
4. To ensure the crime of recruitment and use of children by armed forces and groups does not form part of any amnesty law and is treated as a war crime;
5. To facilitate access of international humanitarian organizations protecting children to locations where children involved in armed conflict are gathered, as well as their work in the identification, release and unconditional withdrawal of girls and boys associated with armed forces and groups consistent with national, regional and international instruments;
6. To establish programs of psychosocial rehabilitation, socio-educational and economic reintegration consistent with international standards, and promote the culture of peace, tolerance, dialogue and national unity;
7. To facilitate the reunification of families, within and across borders, whenever it is in the best interest of the child;
8. To integrate and provide response to all fundamental and specific needs of children within national poverty reduction strategies, social protection and Security Sector Reform (SSR);
9. To establish a strategy at the community, national and cross-border level to fight against the proliferation and the possession of small arms and light weapons by unauthorized persons, especially children;

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10. To strengthen the cross-border dimensions of the Monitoring and Reporting Mechanism on grave child rights violations, on the recruitment and use of children by armed forces and armed groups and establish an appropriate information sharing mechanism in the region, including on child trafficking and proliferation of small arms and light weapons;
11. To protect children from all forms of exploitation and violence, by criminalizing all acts of sale of children, child prostitution and child pornography and ensuring the rights of child victims and witnesses;
12. To establish a Follow-up Committee for the Declaration of N'Djamena. The members of the committee are representatives of the states of Chad, Sudan, Central African Republic, Nigeria, Niger and Cameroon. The committee will be open to contributions from Liberia and the Democratic Republic of Congo as well. UNICEF will ensure the secretariat of the committee;
13. To delegate the Government of the Republic of Chad to transmit the present declaration to the African Union Commission, in order to include the conclusions of the Conference in a report that would be submitted to the Head of States and Governments Summit, to take place in July 2010, as a contribution to the implementation of the 2010 Action Plan, declared the Year of Peace and Security.

Declaration signed in N'Djamena, Chad, the 9th day of June 2010, in three original languages of Arabic, English and French.

For:

Cameroon



H. E Mrs Catherine Bakang Mbock
Minister of Social Affairs

Central African Republic



H. E Mr Lazare Yagao-Ngama
Ambassador of CAR to Chad



Chad

H. E Mrs Ngarmbatina Odjimbeye
Soukate
Minister of Social Action,
National Solidarity and Family

6



Niger

H.E. Mrs Sanady Tchimaden
Hadattan
Minister of Population,
Women Promotion and
Child Protection

Nigeria

Dr Mac John Nwaobiala
Director Child Development
Federal Ministry of Women Affairs
and Social Development

Sudan

H.E Mrs Gamer Habbani
Secretary General
National Council for Child Welfare



Observers:

A handwritten signature in blue ink, appearing to read 'B. Foucher'.

SEM Bruno Foucher
Ambassador of France to Chad

A handwritten signature in blue ink, appearing to read 'Sue L. Bremmer'.

Ms. Sue L. Bremmer
Chargé d'Affaires,
US Embassy, Chad

ANNEXE II: MEMORANDUM OF UNDERSTANDING BETWEEN THE JUSTICE AND
EQUALITY MOVEMENT (JEM) AND THE UN REGARDING PROTECTION OF CHILDREN
IN DARFUR, 21 JULY 2010

Memorandum of Understanding
between
the Justice and Equality Movement (JEM)
and
the United Nations
Regarding
Protection of Children in Darfur

Background

On 10-11 July 2008 the Sudanese opposition movements and representatives from the African Union (AU), the United Nations (UN), non-governmental organizations (NGOs) and others met at the Geneva-based Humanitarian Dialogue Center (HDC). The purpose of the meeting was to initiate the dialogue on humanitarian issues in Darfur. As a follow up, a Humanitarian Workshop on Darfur, with the support of OCHA, took place on 30 September-1 October 2009 in Nairobi with the participation of the Justice and Equality Movement (JEM).

In further discussions with the United Nations Children's Fund (UNICEF) and the UN, JEM reaffirmed its commitment to guarantee the protection of children in Darfur in accordance with the principles of human rights and international humanitarian law. JEM specifically stated that it will adopt measures for ensuring protection of children in Darfur and reaffirmed its commitment to refrain from recruiting or using children for military operations, whether as combatants or in other roles.

Within this framework, UNICEF continued its discussions with JEM to develop this Memorandum of Understanding with the United Nations. This Memorandum has been elaborated with due consideration to the procedures and framework of the Darfur Peace Agreement, and the lasting impact that its conclusions and implementation will have on the children in Darfur.

Preamble

Reaffirming the UN Security Council resolutions 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004), 1612 (2005) and 1882 (2009) that condemn and call for an end to the recruitment and use of children, killing and maiming of children and/or rape and other sexual violence against children by parties to armed conflict and request parties to the conflict to develop action plans to halt the violations committed against children.

Recalling international and regional instruments, such as the Additional Protocols to the Geneva Conventions, the Convention on the Rights of the Child and its Optional Protocol on the Involvement of Children in Armed Conflict, the African Charter on the Rights and Welfare of the Child that have been ratified by Sudan, as well as national legislation including the 2009 Child Act, which set the legal framework for the protection of children.

Guided by the Paris Commitments, the Paris Principles and the Integrated Disarmament, Demobilization and Reintegration Standards, which inform the process for the handover, disarmament, demobilization and reintegration of boys and girls associated with armed forces and armed groups.

Recalling the specific mandate of UNICEF to assist in the identification, removal, family reunification and reintegration of children associated with armed forces and armed groups.

Recalling the commitment made by JEM for fully supporting the efforts of humanitarian organizations to assist the people of Darfur and ensuring access and security for humanitarian workers and humanitarian relief.

Through this Memorandum of Understanding, JEM confirms its intention to meet its obligations to protect children from violations in compliance with the provisions of the international and national instruments mentioned above, and to seek support from the United Nations as needed. In particular, JEM confirms its intention to fully implement the specific commitments detailed in the Articles of this Memorandum of Understanding.

Article 1 – Commitments

1.1. By signing this Memorandum of Understanding, JEM has committed itself to continued respect to human rights and fundamental freedoms for the people in Darfur as well as fully and effectively implementing the following:

Actively support UNICEF work on the protection and wellbeing of children affected by the conflict in Darfur.

Prevent and work to end the association, recruitment and use of children under the age of 18, including those in non-combatant or supportive roles.

Prevent and work to end the killing and maiming of children and acts of sexual violence against children.

Provide special protection to girls among the affected targeted children.

Release and handover to UNICEF all boys and girls under the age of 18 associated with the JEM if any and facilitate their reintegration.

Release and handover to UNICEF all boys and girls under the age of 18 not directly associated with JEM if any who might have been recruited or used by other parties to the conflict.

Ensure that children who have crossed an international border are treated in accordance with international human rights and humanitarian law, those applicable to refugees and the commitments made in the present Memorandum of Understanding.

Adhere to the principle that the release of all children will be ensured unconditionally at all times.

1.2. JEM has committed itself to take action, including:

Conduct assessments to determine if children are at risk of violations listed under 1.1 above.

Identify actions to prevent and end violations against children; issue appropriate orders to this effect; and ensure implementation of such orders.

Investigate allegations and ensure accountability for violations that have occurred.

Ensure that child victim of violations receive the best possible support.

Conduct regular monitoring and issue periodic reports on the implementation of this Memorandum of Understanding.

1.3. JEM has committed itself to independent verification of implementation of this Memorandum of Understanding, including:

Guarantee unimpeded and regular access to all relevant JEM places, persons and relevant documents for the UNICEF and UN monitoring and reporting staff to monitor and verify compliance.

Establish an emergency procedure for independent verification of incidents.

Guarantee full security and access to UNICEF staff.

1.4. JEM has committed itself to designate personnel and allocate the necessary resources to implement the specific actions listed in 1.2. above:

Designate a senior official to be responsible for oversight of the Memorandum of Understanding's implementation.

Designate an official to serve as liaison with the UN and other external actors regarding day-to-day implementation of this Memorandum.

Designate a sufficient number of officials to serve as emergency contacts for the UN and other external actors; and consider assigning focal points for specific issues.

1.5. UNICEF in collaboration with UN and NGO partners commits to providing support for the identification, verification, release, rehabilitation, reunification and reintegration of children associated with armed forces and armed groups and for the protection and prevention of children from abuse, exploitation and violence. Such support will be provided within the context of a wider programme for enhancing the protective environment for children affected by the armed conflict in Darfur, including children who are associated with armed groups, displaced, abducted, raped, detained or otherwise separated from their families, as well as other basic humanitarian assistance to conflict affected areas in Darfur.

Article 2 – Principles of Humanitarian Assistance

2.1 UNICEF mandate and actions are guided by the principles of international humanitarian law. The basic elements of these principles are drawn from UN General Assembly Resolution 46/182 and other instruments, including the 1949 Geneva Conventions and the 1977 Additional Protocols relating to the protection of victims of war, the protection of victims of international and non-international armed conflicts, the Convention on the Rights of the Child and the two Optional Protocols, the Guiding Principles on Internal Displacement and other international human rights instruments.

2.2. UNICEF commits to ensure the provision of assistance to children covered by this Memorandum and to facilitate its implementation guided by the humanitarian principles of humanity, neutrality and impartiality. Upholding these principles means that such assistance is provided on the basis of need, independently from political, cultural, social, religious or racial considerations.

2.3. The principles of the best interest of the child, participation and respect for the views of the child, non-discrimination, accountability and transparency and confidentiality as enshrined in the Convention on the Rights of the Child will guide the implementation of this Memorandum.

2.4. Any humanitarian assistance provided in the context of this Memorandum of Understanding is **for the protection of children** in Darfur.

Article 3 - Code of Conduct

3.1. All UNICEF and the UN staff, as well as partners identified to support the implementation of the present Memorandum must commit themselves to the Code of Conduct for humanitarian staff, which includes upholding the Minimum Standards for the protection of women and children against sexual abuse and exploitation.

Article 4 – Scope and Duration

4.1. This Memorandum of Understanding applies to JEM, including any officially designated personnel acting on behalf of or in the name of JEM and to all of the Party's actions that have an impact on the

4.1. This Memorandum of Understanding applies to JEM, including any officially designated personnel acting on behalf of or in the name of JEM and to all of the Party's actions that have an impact on the protection of children.

4.2. This Memorandum of Understanding applies to all children affected by the armed conflict in Darfur without distinction.

4.3. Commitments made under the Memorandum of Understanding do not in any way change or negate separate commitments to international actors.


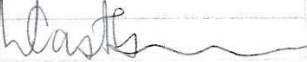
4.5. This Memorandum of Understanding shall not affect the legal status of any party to the armed conflict.

4.6. This Memorandum of Understanding will be complemented by a time-bound Action Plan describing the main activities to implement this Memorandum of Understanding.

4.7. This Memorandum of Understanding takes effect on the date of signature.

In witness whereof, the duly authorized representatives of the parties sign this Memorandum of Understanding on 21 July 2010, in Geneva, Switzerland.

For and on behalf of

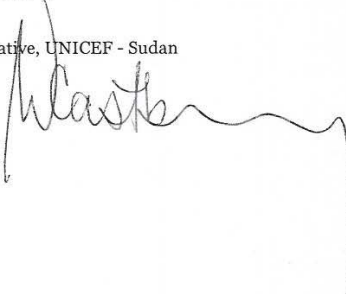
Justice and Equality Movement	The United Nations
Mr Sulieman Mohammed Jamous	Mr Georg Charpentier
Secretary for Humanitarian Affairs	UN Deputy SRSG - Resident and Humanitarian Coordinator in Sudan
Signature 	Signature 

Witnessed by

Mr Nils Kastberg

Representative, UNICEF - Sudan

Signature:



ENDNOTES

1 UN Secretary-General, Children and armed conflict, Report, A/64/742-S/2010/181, 13 April 2010, pages 16 and 17; Interviews conducted by Amnesty International with former and active child soldiers, Chadian officials and humanitarian workers in N'Djamena and eastern Chad, May 2009 and March, May and June 2010.

2 From the beginning of the conflict in Darfur (Sudan), Chad supported Sudanese armed groups opposed to the Sudanese government, including the Justice and Equality Movement (JEM) of Khalil Ibrahim. The government of Sudan for its part has supported the Sudanese "Janjawid" militia and Chadian opposition armed groups such as Timane Erdimi's UFR (Union des Forces de la Resistance).

3 UN Security Council Working Group on Children and Armed Conflict, Conclusion on children and armed conflict in Chad, S/AC/51/2007/16, 24 September 2007; UN, Report of the Secretary-General on children and armed conflict in Chad, S/2007/400, 3 July 2007, page 6; Amnesty International interviews with various UN agencies in Chad, March and June 2010.

4 Family members in eastern Chad have told Amnesty International that their children had gone to Sudan and sometimes to Libya in search of work; some subsequently discovered that their children had joined the ranks of Chadian or Sudanese armed groups.

5 See UNICEF, Fact sheet, Children associated with armed forces and groups in central Africa, N'Djamena, June 2010.

6 The Cape Town Principles and Best Practices on the Recruitment of Children into the Armed Forces and on Demobilization and Social Reintegration of Child Soldiers in Africa, UNICEF, 27-30 April 1997, give a broad and inclusive definition of the concept of "child soldier" to include children who are not combatants but associated with an armed force or group.

7 For example, UN Security Council Resolution 1612(2005) which condemns the recruitment and use of child soldiers by parties to armed conflict in violation of international obligations applicable to them and Resolution 1882(2009), which condemns the killing and maiming of children, rape and other sexual violence against children, the abduction of children, attacks against schools and hospitals, and denial of humanitarian access.

8 Committee on the Rights of the Child, Concluding Observations: Chad, Fiftieth session, CRC/C/TCD/CO/02, January 2009, page 15, paragraph 69.

9 UN, Report of the Secretary-General on the Mission in the Central African Republic and Chad (MINURCAT), S/2010/217, 29 April 2010, page 8; UN, Report of the Secretary-General, Children and armed conflict, A/64/742-S/2010/181, 13 April 2010, page 7.

10 See Annex 1: N'Djamena Declaration of the Regional Conference on ending the use and the recruitment of child soldiers as a contribution to peace, justice and development, June 2010.

11 The Memorandum is available at [You need to mention that it is included in Annex 2, the same way as the N'Djamena declaration]
http://www2.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/EGUA-87KPY9-full_report.pdf?File/full_report.pdf (consulted on 22 November 2010).

12 MINURCAT, UNHCR, and UNICEF have led the Chad Task Force on Monitoring and Reporting Mechanisms, aimed at ending the recruitment and use of children by armed forces and groups, in accordance with UN Security Council Resolutions 1612 (2005) and 1882 (2009). MINURCAT was leading the group and assumed the secretariat of the monitoring and reporting mechanism.

13 At least two MINURCAT reports mentioned that in August 2010, 58 children aged between 10 and 17 years old, including 10 girls, who had been associated with the MDJT, were allowed to be reunited with their families; see UN, Report of the Secretary General on the UN Mission in the Central Africa Republic and Chad (MINURCAT), S/2010/529, 14 October 2010, page 7; Mission des Nations Unies en République centrafricaine et au Tchad et le haut commissariat des nations unies aux droits de l'homme, Situation des droits de l'homme à l'est du Tchad: progrès, défis et pistes d'avenir, avril 2008-novembre 2010, décembre 2010, p.8.

14 Resolution 1923 (2010) adopted by the Security Council at its 6321st meeting on 25 May 2010, available at
[http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1923\(2010\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1923(2010)).

15 The understanding of the concept of "janjawid" by the internally displaced Chadians and communities is changing. During the meetings with Amnesty International delegates in May and June 2010, they used this term to refer to anyone armed and riding a horse. The term was used by Chadian IDPs in 2006 and 2007 in reference

to Sudanese militias riding horses and supported by the Sudanese army that attacked villages in eastern Chad during that period. See Amnesty International, Darfur crisis- testimonies from eastern Chad, AFR 20/07/2006, June 2006; Amnesty International, Chad: 'Are we citizens of this country?' – Civilians in Chad unprotected from Janjaweed attacks, AI Index: AFR 20/001/2007, 29 January 2007.

16 Amnesty International, Still in need of Safety. The Internally Displaced in Eastern Chad, AI index: AFR 20/012/2010, December 2010.

17 The lack of these services in their villages of origin is one of the obstacles preventing IDPs from returning home. See Amnesty International, Still in need of Safety. The Internally Displaced in Eastern Chad, AI index: AFR 20/012/2010, December 2010, page 2.

18 UNHCR, Composition de la population réfugiée enregistrée dans les camps du Tchad par tranche d'âge et par sexe (30 Septembre 2010).

19 Various Amnesty International reports describe this situation. See for instance: Amnesty International, No place for us here. Violence against refugee women in eastern Chad, AI Index: AFR 20/008/2009, September 2009; See also International Crisis Group, Tchad: Au-delà de l'apaisement, rapport Afrique No 16, 17 août 2010.

20 Amnesty International, Double misfortune – Deepening human rights crisis in Chad, AFR 20/007/2008, December 2008.

21 Amnesty International, Agents of fear – The national security services in Sudan, AFR 54/010/2010, July 2010, page 42.

22 Sudanese president Omar Al-Bashir travelled to Chad on 21 July 2010, despite an outstanding International Criminal Court (ICC) arrest warrant for war crimes, crimes against humanity and genocide, Amnesty International, Chad must arrest Sudanese President Omar Al Bashir during visit, 21 July 2010, available at <http://www.amnesty.org/en/news-and-updates/chad-must-arrest-sudanese-president-omar-al-bashir-during-visit-2010-07-21>.

23 These included Timane Erdimi, Mahamat Nouri and Adouma Hassaballah.

24 According to the UN, the liquidation period of MINURCAT is scheduled to last until 30 April 2011, UN, Report of the Secretary General on the UN Mission in the Central African Republic and Chad (MINURCAT), S/2010/611, 1 December 2010, page 9, para. 38.

25 Resolution 1923 (2010) adopted by the Security Council at its 6321st meeting on 25 May 2010, available at [http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1923\(2010\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1923(2010)).

26 Interviews with United Nations staff in N'Djamena and eastern Chad, May 2009 and June 2010.

27 Interviews with children, local leaders and humanitarian workers in eastern Chad in May 2009 and May/June 2010.

28 Areas around the villages of Tine, Am Djaras, Birak and villages in the Ouaddai region were cited as common sites of recruitment by children interviewed by Amnesty International delegates in May 2009 and May/June 2010.

29 One refugee camp leader reportedly received a satellite phone and money to facilitate the recruitment of young boys in a refugee camp in eastern Chad at the beginning of 2010.

30 Amnesty International delegates interviewed child soldiers in refugee camps in eastern Chad who said they were on "leave" but would be returning to join their "friends and cousins" in the army or the opposition armed groups.

31 The international NGO Jesuit refugee Committee is among a few organisations that work in education in IDP sites in eastern Chad.

32 Act No. 16/PR/06 of 13 March 2006 on the education system in Chad.

33 Understand primary education.

34 Constitution of Chad (2006), articles 35 and 36.

35 Interviews with teachers in Guéréda and with social workers in Abéché, June 2010; interview with humanitarian workers involved in education issues in eastern Chad, May 2009.

36 "La stratégie nationale de réduction de la pauvreté et les besoins spécifiques des enfants – Le cas du Tchad", Lucienne M'Baïpor, World Bank, paper presented

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during the Regional Conference to end recruitment and use of children by armed forces and groups, N'Djamena, June 2010.

37 During interviews with senior UN staffs in Ndjama and Abéché it was mentioned that there is lack of funds in the sector of secondary education and vocational training for young refugees.

38 Interview with educators, students and refugee leaders in Breidjing Refugee Camp, May 2009; and Kounoungou and Djabal Refugee Camps, June 2010.

39 UNHCR, Main issues relating to the education of refugee children in eastern Chad, March 2010; interview with UNHCR staff in Chad, October 2010.

40 Arabic for Sudanese and French for the Chadian educational system.

41 Amnesty International was told that some refugee children were sent by their families to Sudan to write their exams there in May and June every year. During this period they are often living on their own without any supervision and are vulnerable to solicitation from armed groups.

42 Interview with Maurizio Verrina, RET Operational Director for Chad, Abéché, June 2010. RET assists young people made vulnerable by displacement, violence, armed conflict and disasters to meet their educational needs. See also <http://theret.org/en/about-us/mission-vision>

43 IDP leaders have mentioned this several times to Amnesty International delegates in interviews conducted since 2006.

44 Compensation paid by a perpetrator or his family to the victim or to the victim's family. The practice of Diyya derives from Sharia law. The use of Diyya in some circumstances in eastern Chad has led to human rights violations; see Amnesty International, "No place for us here" – Violence against refugee women in eastern Chad, AFR 20/008/2009, September 2009.

45 For instance, On 19 October 2010, Defa Adoum, a Tama farmer suspected of possessing firearms, was arrested by Colonel Dongui, head of military intelligence in the Dar Tama region based in Guéréda and a Zaghawa. The farmer reportedly died as a result of torture. On 21 October, Colonel Dongui shot dead Colonel Ismael Mahamat Sossal and injured at least two other Tama officers in a dispute over the death of Defa Adoum. In turn, Colonel Sossal's bodyguard shot Colonel Dongui dead. A number of people were arrested after this incident including the two injured Tama officers.⁴⁵ The whereabouts of the people arrested following this incident was not known at the end of December 2010.

46 Interviews with former child soldiers and community leaders in eastern Chad in June 2010.

47 UN Secretary-General, Children and armed conflict, Report, A/64/742-S/2010/181, 13 April 2010, pages 17.

48 Interview with senior UN officials in N'Djamena, June 2010.

49 UN, Report of the Secretary General on the UN Mission in the Central Africa Republic and Chad (MINURCAT), S/2010/611, 1 December 2010, page 6

50 Interviews with child soldiers and humanitarian workers, June 2010.

51 See among other reports, Amnesty International, "No place for us here" – Violence against refugee women in eastern Chad, AFR/20/008/2009, September 2009.

52 Interviews with former child soldiers in the FUC, Abéché, June 2010; Child Soldiers Global Report 2008, Coalition to Stop the Use of Child Soldiers, at <http://www.child-soldiers.org/regions/country?id=42>. See also: Report of the UN Secretary-General on children and armed conflict in Chad, S/2008/532, 7 August 2008, page 4; Human Rights Watch, Chad Early to War. Child soldiers in the Chad conflict, July 2007, p.25

53 Report of the Secretary-General on the UN Mission in the Central African Republic and Chad (MINURCAT), S/2010/529, 14 October 2010, page 7; Mission des Nations Unies en République centrafricaine et au Tchad et le haut commissariat des nations unies aux droits de l'homme, Situation des droits de l'homme à l'est du Tchad: progrès, défis et piste d'avenir, avril 2008-novembre 2010, décembre 2010, p.8 .

54 Interviews with humanitarian workers in N'Djamena and Abéché, March 2010.

55 UN Secretary-General, Children and armed conflict, Annual Report, A/64/742-S/2010/181, 13 April 2010, Annex I, Special representative of the Secretary-General for children and armed conflict; Annual Report, AHRC/15/58, 3 September 2010, Annex I; http://www.un.org/children/conflict/_documents/A-HRC-15-58e.pdf

56 UN Secretary-General, Children and armed conflict, Report, A/64/742-S/2010/181, 13 April 2010, pages 16 and 17; interviews with former and active child soldiers, Chadian officials, and humanitarian workers in N'Djamena and eastern Chad in May 2009 and March, May, June and September 2010.

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- 57 Interviews with local leaders and humanitarian workers in Abéché, May 2009 and June 2010. Phone interviews with humanitarian workers and Chadian officials, 5 January 2011.
- 58 Committee on the Rights of the Child, Concluding Observations of the Committee on the Rights of the Child: Chad, Fiftieth session, CRC/C/TCD/CO/02, January 2009, page 15, paragraph 69.
- 59 Interview with a community elder internally displaced in eastern Chad June 2010.
- 60 Interview with an advisor to the ministry of defence, Interviews with various sources including local leaders in eastern Chad and politicians in N'Djamena, June 2010.
- 61 Interview with various people including Chadian officials, N'Djamena and eastern Chad, March and June 2010. Phone interviews with humanitarian workers and members of the Chadian civil society organisations, January 2011.
- 62 UN, Report of the Secretary-General on children and armed conflict in Chad, S/2007/400, July 2007, page 8.
- 63 Interviews with elders of an IDP site in eastern Chad, May 2010.
- 64 Interviews with former child soldiers, their family members and humanitarian workers in the IDP site May/June 2010.
- 65 Interviews with leaders of an IDP camp, Eastern Chad, May 2010.
- 66 UN, Report of the Secretary General on the UN Mission in the Central Africa Republic and Chad (MINURCAT), S/2010/217, 29 April 2010, page 8, para. 35
- 67 UN, Report of the Secretary General, Children and Armed Conflict, A/64/742-S/2010/181, 13 April 2010, page 7.
- 68 Interviews with community leaders in IDP sites and humanitarian workers in Ndjama and eastern Chad, June and September 2010.
- 69 This detention is placed under the control of Chadian presidency and the ministry of internal affairs in charge of security. Most people detained in Korotoro are those perceived or accused to be opponents to the Chadian government. The ministry of Justice and the office of the prosecutor do not have access to Korotoro detention centre. Various bodies, including those of the UN, have repeatedly requested the Chadian authorities to facilitate the access of humanitarian and human rights organizations to the Korotoro detainees. Amnesty International has called on the Chadian authorities to put the Korotoro detention center under the ministry of justice.
- 70 UN, Report of the Secretary-General, Children and Armed Conflict, A/63/785- S/2009/158, 26 March 2009, page 8.
- 71 UN Secretary-General, Children and Armed Conflict, Report, A/64/742-S/2010/181, 13 April 2010 page 17, para. 67.
- 72 Child Soldiers Prevention Act of 2008, <http://www.state.gov/documents/organization/135981.pdf>
- 73 US State Department, 2010 Trafficking in Persons Report: Chad, June 2010, page 108, <http://www.state.gov/documents/organization/142982.pdf>
- 74 Presidential Memorandum-Child Soldiers Prevention Act, <http://www.whitehouse.gov/the-press-office/2010/10/25/presidential-memorandum-child-soldiers-prevention-act>.
- 75 A group of humanitarian and human rights organizations, including Amnesty International USA, issued in November 2010 an open letter expressing their deep disappointment with President Obama's decision to grant blanket "national interest" waivers to these countries.
- 76 UN, Report of the Secretary General, Children and Armed Conflict, A/63/785-S/2009/158, 26 March 2009, page 7, para. 27
- 77 Meeting with UNICEF staff, May 2009, March 2010 and June 2010; UN, Report of the Secretary General, Children and Armed Conflict, A/64/742-S/2010/181, 13 April 2010, page 7, para. 21
- 78 The Guéréda prefecture is composed of Guéréda, Koulbous and Kolongar in the Wadi Fira region which is composed of three departments: Biltine, Iriba and Guéréda. Amnesty International delegates discussed in June 2010 the issue related to recruitment and use of children by armed groups and forces with the current Dar Tama Sultan in Guéréda and with leaders of the Tama displaced to Abéché. See also Human Rights Watch, Chad Earlier to War. Child soldiers in the Chad conflict, July 2007, p. 21

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- 79 Interview in Fare, eastern Chad, June 2010.
- 80 Interviews with traditional leaders, including the Sultan of Dar Tama, June 2010.
- 81 Accord de Paix entre le gouvernement de la République du Tchad et le Front Uni pour le changement Démocratique (FUC).
- 82 Amnesty international interviewed 12 former children from the FUC in N'Djamena, Guéréda and Abéché in May 2009, and in March and June 2010.
- 83 The UFR coalition brought together the CDR, FPRN, FSR, RFC, UDC, UFCD, UFDD (which withdrew from the coalition in May 2010) and the UFDD-Fondamentale. For an update on Chadian and Sudanese armed groups, see Sudan Human Security Baseline assessment, at <http://www.smallarmssurveysudan.org/facts-figures-armed-groups-darfur-chad.php>
- 84 Interviews with children who were active or former JEM combatants, local human rights activists and refugee leaders, Abéché, May 2009 and June 2010
- 85 Interviews with refugees, humanitarian workers and UN staff, May 2009, May and June 2010.
- 86 On the consequence of the normalization of the relations between Sudan and Chad on their respective opposition armed groups see International crisis Group, Tchad: Au-delà de l' apaisement, rapport Afrique No 16, 17 août 2010, p.6
- 87 UN Secretary-General, Children in Armed Conflict, A/63/785/S/2009/158, 26 March 2009.
- 88 Interviews with humanitarian workers in eastern Chad, May 2009 and June 2010.
- 89 Committee on the Rights of the Child, Concluding Observations of the Committee on the Rights of the Child: Chad, Fiftieth session, CRC/C/TCD/CO/02, January 2009, page 15, para 69; UN committee against torture, Report, A/64/44, May 2009, Chad, page 79.
- 90 See Amnesty International, Sudan: Agents of fear – the national security services in Sudan, AFR 54/010/2010, July 2010, page 25.
- 91 Interviews with humanitarian staff involved in the DDR process in eastern Chad, May 2009.
- 92 See text of Memorandum below in Annexe 2, also at [http://www2.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/EGUA-87KPY9-full_report.pdf/\\$File/full_report.pdf](http://www2.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/EGUA-87KPY9-full_report.pdf/$File/full_report.pdf)
- 93 UN humanitarian operations in Justice and Equality Movement (JEM) controlled and contested areas are detailed in the annex II of the memorandum between the JEM and the United Nations.
- 94 <http://www.presidencetchad.org/mineur0.htm> (consulted in November 2010)
- 95 Interview conducted with social workers, Kounoungou refugee camp, May 2010.
- 96 Figures given in November 2010 by staff of international NGOs working on the demobilization process of children associated by armed forces and groups in eastern Chad.
- 97 Interview with social workers in N'Djamena, September 2010.
- 98 Interview with social workers, N'Djamena, September 2010.
- 99 Interview with staff of the Ministry of Social Action, National Solidarity and the Family.
- 100 In Chad, UNICEF works with international NGOs including Care International, Jesuit Refugee Services, InterSOS and the International Medical Corps and the government to implement the May 2007 agreement.
- 101 Protocole d'accord sur la protection des enfants victimes des conflits armes et leur réinsertion durable entre le Ministère des relations Extérieures et le bureau du Fonds des Nations Unies pour l'enfance (UNICEF) au Tchad, 9 mai 2007.
- 102 Programme National de retrait, prise en charge transitoire et réinsertion des enfants associés aux forces ou groupes armés, Cadre opérationnel adopté par la coordination nationale et approuvé par Son Excellence Madame le Ministre de l'Action Sociale, de la Solidarité Nationale et de la Famille, Octobre 2007.

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- 103 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Article 6(3).
- 104 UN, Report of the Secretary-General, Children and Armed Conflict, A/63/785- S/2009/158, 26 March 2009, op.cit.
- 105 Interviews with former child soldiers at transit and orientation centres in N'Djamena and in their communities in eastern Chad.
- 106 See Chad (Reinsertion,2005-2010) at <http://escolapau.uab.cat/img/programas/desarme/mapa/chad08i.pdf>
- 107 Interviews with social workers and United Nations staff, N'Djamena and eastern Chad, May 2009, March, May and June 2010.
- 108 Interview with social workers conducted in Abéché, May 2010.
- 109 Interview with Ali and his father in Guéréda, May 2010.
- 110 Interview with A., Kounoungou refugee camp, eastern Chad, May 2010.
- 111 See Amnesty International, Chad: "We too deserve protection" – Human rights challenges as a UN mission withdraws, AFR/20/009/2010, July 2010.
- 112 Interviews with humanitarian and social workers in eastern Chad in May 2009, N'Djamena in September 2010 and on telephone in January 2011.
- 113 UN, Report of the Secretary General on the UN Mission in the Central Africa Republic and Chad (MINURCAT), S/2010/611, 1 December 2010, page 6.
- 114 Accord de Paix entre le gouvernement de la République du Tchad et le Front Uni pour le changement Démocratique (FUC), Article 4: La libération des prisonniers des deux (2) parties et la proclamation de l'Amnistie générale à l'endroit des militaires et sympathisants du Front Uni pour le Changement Démocratique (FUC).
- 115 Article 4: La participation du Front Uni pour le Changement Démocratique (FUC) à la gestion des affaires de l'Etat dans un esprit de concertation et conformément aux dispositions de la Constitution.
- 116 See BBC, "Chadian defence minister sacked", 1 December 2007, at <http://news.bbc.co.uk/1/hi/world/africa/7123352.stm>, and Reuters, "Chad defense minister sacked after week of clashes", 1 December 2007, at <http://www.reuters.com/article/idUSL017602320071201>
- 117 Decree 1650/PR/PM/MJ/2009 of 9 September 2009 available at: http://www.presidencetchad.org/decret_1650Pr_09.html
- 118 La Voix, "Tchad : Choua Dazi explique pourquoi son mouvement MDJT a déposé les armes", undated, at <http://www.lavoixdutchad.com/index.php?sv=51&aid=1863>
- 119 UN, Report of the Secretary General on the UN Mission in the Central Africa Republic and Chad (MINURCAT), S/2010/529, 14 October 2010, page 7.
- 120 Phone interviews with UFR representatives, November 2010; Africa News, "Chad jails former rebels", 11 November 2010, http://www.africanews.com/site/Chad_jails_former_rebels/list_messages/35987
- 121 *Décret No 013/PR/MJ/2011 du 10 janvier 2011 accordant grâce présidentielle a six condamnés.*
- 122 *Ordonnance No 001/PR/2011 du 10 janvier 2011 accordant amnistie aux prisonniers de guerre. The article 1 of the ordinance states that : « Sont amnistiés des crimes qu'ils ont commis, tous les prisonniers de guerre appartenant aux différents groupes politico-militaires ».*
- 123 Amnesty International telephone interviews with an FPR leader, 26 August 2010.
- 124 Chad ratified the Convention on the Rights of Child in 1990 and became a party to the Optional Protocol on the involvement of children in armed conflict in 2002.
- 125 Chad ratified the African Charter on the Rights and Welfare of the Child on 30 March 2000.
- 126 Chad signed and ratified ILO Convention 182 on 6 November 2000.
- 127 Paragraph 12(a), R 190 Worst Forms of Child Labour Recommendation, 1999.
- 128 Chad is a State party to the 1949 Geneva Conventions and to 1977 Additional Protocol I and II.

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129 Chad ratified the Rome Statute of the International Criminal Court on 1 November 2006. Chad has not yet adopted an implementing law with regard to the Rome Statute of the ICC.

130 PrepCom draft Statute, page 21, cited in R. Lee (ed) "The International Criminal Court: The Making of the Rome Statute, Issues, Negotiations, Results", 1999, Kluwer Law International, page 117.

131 Guiding Principles, Principle 13(1); Kampala Convention Articles 7 and 9. The Convention was adopted by the Special Summit of the African Union, Kampala, Uganda, 19-23 October 2009, available at <http://unhcr.org/4ae9bede9.html>. But to enter into force and become legally binding, the Kampala Convention has to be ratified by 15 countries. This was not yet the case at the end of December 2010.

132 UN, Report of the Secretary General on the UN Mission in the Central Africa Republic and Chad (MINURCAT), 1 December 2010, para. 14 reads: " In early November Chad ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons (the Kampala Convention). The Convention imposes legal obligations on signatory States with regard to internally displaced persons in their respective territories"

133 S/RES/1261 (1999).

134 S/RES/1314 (2000).

135 S/RES/1460 (2003).

136 S/RES/1612 (2005) and S/RES/1882 (2009).

137 See Annex 1 below: N'Djamena Declaration of the Regional Conference on ending the use and the recruitment of child soldiers as a contribution to peace, justice and development, June 2010.

138 UN, Report of the Secretary General on the UN Mission in the Central Africa Republic and Chad (MINURCAT), S/2010/529, 14 October 2010, page 7.

139 Constitution of the Republic of Chad, 1996 (amended in 2005).

140 Article 14 of Ordinance No. 01/PCE/CEDNACVG/91 of 16 January 1991 (armed forces reorganization ordinance).

141 Article 52, Ordinance No. 006/PR/92; interviews with Chadian officials, September 2010.

142 Decree N55/PR/PM-MTJS-DTMOPS of 8 February 1969 related to child labour.

143 A review of the Chadian laws is taking place and there is a proposal to revise Decree N55/PR/PM-MTJS-DTMOPS of 8 February 1969 on child labour to incorporate provisions of ILO Convention 182.

144 US State Department, 2008 Trafficking in Persons Report: Chad, June 2008, at <http://www.state.gov/g/tip/rls/tiprpt/2008/105387.htm>; Letter 338/PR/PM/SG/CTRIC/2009, 18 May 2009.

145 Act No. 16/PR/06 of 13 March 2006 on the education system in Chad.

146 CRC, Article 10; ICESCR, Articles 13-14; Convention on the Elimination of All Forms of Discrimination against Women, Article 10; UN Convention against Racism, Article 5.

147 ACHPR, Article 17; ACRWC, Article 11.

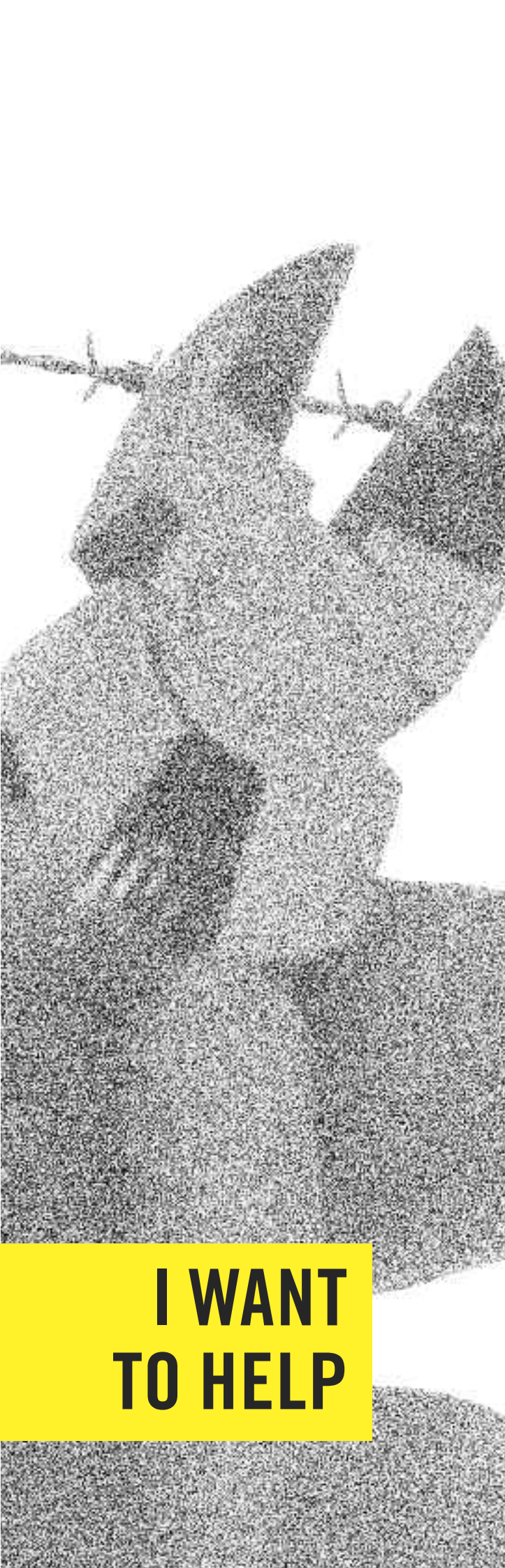
148 ICESCR, Article 14.

149 Committee on the Rights of the Child, General Comment No. 5.

150 Committee on Economic, Social and Cultural Rights, General Comment No. 11, para 9.

151 For more information, see the Right to Education Project, www.right-to-education.org

152 Committee on the Rights of the Child, General Comment No. 13, para 7.



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A COMPROMISED FUTURE

CHILDREN RECRUITED BY ARMED FORCES AND GROUPS IN EASTERN CHAD

Children in Chad are still being used by the Chadian army and Sudanese and Chadian armed groups. Thousands have joined up in recent years as the Darfur conflict over the border in Sudan has engulfed eastern Chad.

Most child recruits are boys aged between 13 and 18, but some are as young as 10. Most of them receive military training and many have been involved in fighting.

Some children have been forcibly recruited. Others are urged by their communities to avenge killings and pillage by armed groups or to protect their families. Many have been driven by extreme poverty and the lack of schools and job opportunities in their villages. Those living in camps for the internally displaced or refugees are at particular risk from marauding recruiters.

Demobilization and reintegration programmes have often been partial, ineffective and threatened by continuing violence in the region. Insecurity and poverty persist, and some demobilized children drift back into soldiering for want of alternatives.

Amnesty International is calling on the Chadian and Sudanese governments, Chadian and Sudanese armed groups, and the international community, including the UN, to do more to protect the rights of children in eastern Chad.

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