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**RIGHTS OF THE CHILD**

**Report of the United Nations High Commissioner for Human Rights  
on the abduction of children in Africa**

## Summary

This report is submitted in accordance with paragraph 14 of Commission resolution 2005/43. In that resolution the Commission requests the Office of the United Nations High Commissioner for Human Rights (OHCHR) - working with Member States, the International Labour Organization, the United Nations Children's Fund and other relevant United Nations agencies, international organizations and non-governmental organizations - to undertake a comprehensive assessment of the situation of the abduction of children in Africa.

The resolution urges States to submit information, progress reports and observations on the implementation of the present resolution and requests those States that have established mechanisms to combat the abduction of children to report on their progress to the Office of the High Commissioner. The resolution also requests relevant international organizations to submit reports on this issue. Accordingly, the Office of the High Commissioner for Human Rights sent notes verbales to Member States on 12 September 2005 requesting information, progress reports and observations. OHCHR also requested input from relevant international organizations. To date, OHCHR has received input from five States.

The Commission on Human Rights requested OHCHR to "undertake a comprehensive assessment of the situation of the abduction of children in Africa through the organization of subregional consultations". Following consultation with relevant United Nations agencies, it was agreed to conduct a thorough desk review, to be supplemented with NGO pilot studies. The information gathered will contribute to the organization of subregional consultations in 2006. The results of the consultations will be reflected in a report to the Commission in 2007.

This report compiles information from the States' responses and presents the outcome of the United Nations desk review, including information received from the International Labour Organization, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the Office of the Special Representative of the Secretary-General for children and armed conflict, the Representative of the Secretary-General on human rights of internally displaced persons, and the Special Rapporteur on the sale of children, child prostitution and child pornography. It further identifies relevant treaties.

The report recommends that, at the conclusion of the comprehensive assessment in 2006, the Commission should consider consolidating this mandate with the monitoring and reporting mechanism on violations against children in armed conflict that is now being established under the direction of the Security Council. Abduction is one of the six violations to be specifically addressed by this mechanism. Completion of the comprehensive assessment will support the work of this new mechanism, and subsequent consolidation of the mandate will minimize a possible redundancy with the efforts of the monitoring and reporting mechanism (MRM) proposed by the Secretary-General in his report on children and armed conflict (A/59/695-S/2005/72) and the mandates of several existing special representatives and rapporteurs.

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## **Introduction**

1. This report is submitted pursuant to Commission resolution 2004/43. Paragraph 14 of the resolution requests the Office of the United Nations High Commissioner for Human Rights (OHCHR) - working with Member States, the International Labour Organization, the United Nations Children's Fund and other relevant United Nations agencies, international organizations and non-governmental organizations - to undertake a comprehensive assessment of the situation of the abduction of children in Africa. The resolution directs the High Commissioner for Human Rights to report her findings to the Commission at its sixty-second session.
2. Paragraphs 15 and 16 of the resolution urge States to submit information, progress reports and observations on the resolution's implementation and also urges those States that have established mechanisms to combat the abduction of children to report on their progress to the Office of the High Commissioner. The resolution also requests that relevant international organizations submit reports on this issue.
3. At the time of publication of this report, the Office of the United Nations High Commissioner for Human Rights (OHCHR) had received information from five Member States - Japan, Lebanon, Mauritius, Senegal and Venezuela - in response to the note verbale sent on 12 September 2005.
4. The report compiles information received from these five Member States and from the International Labour Office (ILO), the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR), the Office of the Special Representative of the Secretary-General for children and armed conflict (SRSG/CAAC), the Representative of the Secretary-General on human rights of internally displaced persons, and the Special Rapporteur on the sale of children, child prostitution and child pornography.

## **I. CONSULTATIONS AND APPROACH**

5. OHCHR convened three inter-agency meetings with representatives from ILO, UNICEF and UNHCR, in June, September and October 2005, in order to determine how to proceed with a comprehensive assessment. On one occasion, the meeting also included an NGO representative. OHCHR met separately with representatives of NGOs, led by World Vision International, who were interested in participating in, and donating funds for, the implementation of the resolution. These meetings sought to determine the nature and timing of their involvement.
6. OHCHR also observed that at least three existing mandates have a potential for overlap with the directive of this mandate concerning the abduction of children in Africa. The Representative of the Secretary-General for children and armed conflict is charged with promoting the protection, rights and well-being of children in every phase of conflict. The Special Rapporteur on trafficking in persons, especially women and children, is directed in resolution 2004/110, to "focus on the human rights aspects of the victims of trafficking in persons, especially women and children". Finally, the Special Rapporteur on the sale of

children, child prostitution and child pornography studies these phenomena and makes recommendations concerning them. Accordingly, OHCHR sought a broad consultation with mandates potentially bearing on the reasons for and methods of abduction of children.

7. The inter-agency consultations addressed the definition of abduction to be used, the methodology to be applied, the division of responsibilities and the time lines for implementation.

8. On the question of the definition of abduction, the group acknowledged that there is significant ambiguity, as there is no applicable definition in international law. Moreover, the language in the resolution is indicative rather than definitive. The group also recognized the considerable overlap between abduction and other phenomena, such as trafficking, but identified one distinction in that abduction refers to a particular act, while trafficking refers more to processes, of which abduction may constitute one element.

9. The group furthermore acknowledged that the drafting of a definition is within neither its mandate nor its area of competence. It was thus decided to adopt a working definition, drawing partially from (a) the definition of abduction included in the draft common terminology for the monitoring and reporting system on children and armed conflict being considered by the steering committee of the Task Force on Children and Armed Conflict, and (b) the references to “end-uses” contained in the resolution.

10. As such, the group proposed the following working definition: “Abduction is the removal, seizure, apprehension, taking, taking custody, detention or capture of a child (under 18 years) temporarily or permanently by force, threat or deception for involvement in armed forces or armed groups, for participation in hostilities, for sexual exploitation and forced labour”.

11. On the question of methodology, the inter-agency group agreed to conduct a thorough desk review, supplemented with NGO pilot studies, to achieve an understanding of the nature and extent of the phenomenon of abduction. The desk review would cover all relevant information at the disposal of the respective agencies, including existing publications and information from the field. The information gathered will contribute to the organization of subregional consultations in 2006. The inter-agency group decided that the desk review would constitute the core of the report to the sixty-second session of the Commission.

12. Starting in November 2005, the United Nations and NGOs began small-scale “pilot” research studies in the field in identified focus countries, through the distribution of questionnaires. Analysis of the responses in early 2006 will also focus geographic, substantive and other areas of consideration for the subregional consultations.

13. Parallel to these activities, the group agreed to increase sensitivity to the issue of abduction of children in Africa by placing the issue on the agenda of the regular regional inter-agency (United Nations and NGO) meetings held in the field on child protection matters, in West, East and Southern Africa.

14. Subregional consultations will be organized and implemented in 2006.

## II. ACTIONS UNDERTAKEN BY THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

15. On 12 September, OHCHR issued a note verbale to all States, drawing attention to paragraphs 15 and 16 of the resolution and requesting information on the implementation of the resolution.

16. Also on 12 September, OHCHR sent letters to the following organizations, drawing attention to paragraph 15 of the resolution and requesting the submission of relevant reports: the United Nations Development Programme, the Office of the Special Representative of the Secretary-General for children and armed conflict, the United Nations Children's Fund, the International Labour Organization and Office of the United Nations High Commissioner for Refugees.

## III. INFORMATION PROVIDED BY MEMBER STATES

17. In a letter dated 12 October 2005, the Government of **Lebanon** provided information on its legal framework and provisions relating to abduction of children. It noted that the Criminal Code does not address the issue of abduction of children per se, but does address the issue of children deported illegally. The law states that a person abducting or hiding a child less than 7 years old, or exchanging or illegally handing a child over to the child's father, is liable for imprisonment for a period not less than five years. Article 495 of the Criminal Code states that a person abducting a child under 18 years, even with consent, can be imprisoned for six months to three years; if the child is under 12 years of age, the penalty would be stricter, including hard labour. The letter further notes that Lebanon has ratified the Optional Protocol on the sale of children, child prostitution and child pornography of the Convention on the Rights of the Child, and has entered into agreements on child deportation with France and Canada. The Higher Council for Childhood has made efforts to gather relevant actors to analyse the issues and monitor cases, with a view to proposing mechanisms to protect children pre-emptively and to return abducted children to their parents.

18. In a letter dated 27 October 2005, the Government of **Japan** provided "responses to the Commission on Human Rights resolution 2005/43 of 19 April 2005 entitled 'Abduction of children in Africa', particularly to its paragraph 10 which requests States to provide African States and African regional mechanisms with the necessary assistance, including technical assistance, in order to devise appropriate programmes to combat abduction of children and to protect refugee and internally displaced children in Africa who are exposed to the risk of being abducted, and to develop and implement programmes for the reintegration of children in the peace process and in the post-conflict recovery and reconstruction phase". The letter noted the following:

- As of October 5, 2005, the Government of Japan had disbursed US\$ 52.78 million to UNHCR for the purposes of supporting refugees, internally displaced persons and other persons of concern to UNHCR in 2005;

- In October 2005, the Government of Japan disbursed about US\$ 4.6 million to the International Organization for Migration (IOM) for the purpose of supporting sustainable return of internally displaced persons in the Sudan;
- As of October 2005, the Government of Japan had disbursed about US\$ 2.5 million to the International Committee of the Red Cross (ICRC) for the purpose of supporting ICRC humanitarian assistance activities, such as protection and assistance to populations affected by conflicts in 2005;
- In March 2005, the Government of Japan disbursed about US\$ 15 million to UNICEF for emergency humanitarian assistance in Uganda, Sierra Leone and Rwanda for the provision of safe settlement for conflict-affected children, including refugee and internally displaced children.

19. In a letter dated 11 November 2005, the Government of **Morocco** noted that it had ratified the following Conventions:

- The Convention on the Rights of the Child and its two Optional Protocols, on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography;
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- The fourth Geneva Convention of 12 August 1949 relative to the protection of civilian persons in time of war; and
- The Convention for the Suppression of the Traffic in Persons and of the Exploitation and the Prostitution of Others and its Optional Protocol.

20. The Government of Morocco noted that it was working on the adequacy of legislation pursuant to its international obligations, especially with regard to trafficking, child sex abuse and pornography. The Parliament was considering the adoption of a draft amendment to the Criminal Code concerning the abolition of torture. Moroccan law No. 4-99, with regard to military service, stipulated, in its article 5, that the minimum age for joining these services is 20, and children should not be accepted. The Government also raised the subject of children abducted at the Tindouf camps, Algeria, with their families.

21. In a letter dated 16 November 2005, the High Commissioner for Human Rights and the Promotion of Peace of **Senegal** noted that sub-Saharan Africa - where nearly 40 per cent of the world's children who are not attending school reside - had specific concerns about international trafficking in children, children in armed conflict, questions related to infancy and commercial exploitation of children. It explained that child victims of international trafficking were often exploited through work in mines, agriculture or construction, although in Senegal the use of children for begging is the form of exploitation that requires the greatest attention.

22. The letter emphasized that trafficking and exploitation of children was not encouraged by any of the States, notably the members of the Economic Community of West African States (ECOWAS). Rather, certain individuals abuse the tradition of the extended African family to exploit child labour. At the community level, the ECOWAS plan of action against trafficking has allowed the establishment of cooperation frameworks to coordinate actions and undertake joint programmes. Joint initiatives among States of origin and of destination have led to the arrest of traffickers and allowed a number of children to return home. In 2004, Senegal and Mali adopted a cooperation agreement to address human trafficking.

23. The letter notes that Senegal traditionally had paid special attention to the protection of children and had signed and ratified the most important international conventions on human rights and the protection of vulnerable populations. On 29 April of this year, Senegal adopted a law amending the penal code, which already addressed the abduction of vulnerable persons. The new law establishes and defines certain crimes including the offence of trafficking in persons and the offence of exploiting the begging of another. The law further provides victims with social and legal assistance and protection, such as a project to combat the worst forms of child labour, which has been implemented throughout the country with the objective of preventing and reducing the exploitation of children.

24. On the subject of children in armed conflict, the Government of Senegal had arranged for a massive return of displaced persons, following the peace accords concerning the region of Casamance. The Government also has undertaken a vast reconstruction programme to facilitate the social reintegration of children.

25. In the letter it was further observed that the favourable environment necessary to implement Senegal's undertakings in regional and universal conventions had been made possible by the engagement of the Government as well as civil society and the press. In his message to the nation in April 2005, the President of the Republic condemned all forms of economic exploitation of the child.

26. In a letter dated 2 December 2005, the Government of the **Bolivarian Republic of Venezuela** provided an overview of its legal regime governing the protection of children. The letter describes the 2000 Law for the Protection of Children and Adolescents (LOPNA) as unprecedented in its recognition of children as individuals and citizens with rights. Previously the law was based in the notion of the child as *menor*, reflecting a symbolic and legal handicap. To the contrary, the new law is based in respect for the development of the individual. Among other things, LOPNA guarantees the right of personal integrity, which establishes the equal responsibility of the State, the family and the community for the protection of children.

27. Article 32 of LOPNA defines the right of personal integrity as including physical, psychological and moral components. It requires the State, the family and the community to protect children from any form of exploitation, maltreatment, torture, abuse or neglect that affects personal integrity. It also requires the State to provide assistance to children who have been injured by an attack on their personal integrity.



28. The Government of Venezuela observes that proper identification of the individual is essential in the fight against abduction and trafficking of children. In this regard, LOPNA confirms the right to a name and a nationality, the right to be registered at birth and the right to documents of identification. The law contains several important provisions protecting the rights to know one's parents, the right to be raised in a family, and the right to maintain a relationship and contact with one's parents.

29. With these provisions, Venezuela notes that it has established a legislative mechanism to prevent the separation of children from their families and to close any loopholes that would allow crimes infringing the rights of the child. The letter indicates an exemplary list of crimes contained in LOPNA that reflect how the abduction of children is related to a variety of prejudicial and illicit ends. Thus, for example, the law addresses illegal transport and accommodation of children, sexual exploitation and abuse, child pornography, child labour, trafficking and illegal deprivation of liberty.

30. The National Council on the Rights of the Child has also undertaken initiatives to prevent trafficking in children. These include the adoption and implementation of regulations governing the domestic and international travel of children and rules on domestic and international adoption.

31. In a letter dated 12 December 2005, **Mauritius** indicated that it had acceded to the Hague Convention on the Civil Aspects of International Child Abduction, which provides for cooperation among contracting States for the return of children wrongly removed or retained. The Child Development Unit of the Ministry of Women's Rights, Child Development, Family Welfare and Consumer Protection, which is responsible for implementing the provisions of the convention, presently is prosecuting 22 cases of child abduction.

#### **IV. INFORMATION PROVIDED BY THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL FOR CHILDREN AND ARMED CONFLICT**

32. In a memorandum dated 1 November 2005, the Office of the Special Representative of the Secretary-General for children and armed conflict provided the information that follows: the Office of the Special Representative advocated for the adoption of Security Council resolution 1612 (2005) on children and armed conflict, which endorsed the monitoring and reporting mechanism (MRM) proposed by the Secretary-General in his 2005 report to the Security Council and the General Assembly on children and armed conflict (A/59/695-S/2005/72). The Security Council requested that the Secretary-General implement the monitoring and reporting mechanism initially in countries listed in annex I of the report (Burundi, Côte d'Ivoire, the Democratic Republic of the Congo, Somalia and the Sudan). The MRM will apply to all country situations after an assessment of the mechanism is conducted by July 2006. The MRM will focus on six grave violations against the rights of war-affected children, including abduction. The purpose of the MRM is to provide "timely, objective, accurate, and reliable information" on such grave violations relevant to compliance and decision-making by national governments, regional organizations, the Commission on Human Rights and other United Nations entities.

33. Resolution 1612 (2005) also creates a Security Council Working Group on Children and Armed Conflict, consisting of all its members, to review monitoring reports and recommend concrete and targeted measures against violators. Under France's leadership, the Working Group met for the first time in mid-November to discuss the implementation of the MRM. The Working Group will also ensure that the Security Council reviews progress made in protecting children exposed to armed conflict and addresses measures to be taken against repeat offenders.

34. As part of the implementation process, the Office of the Special Representative convened the Task Force on Children and Armed Conflict to brief the group on Security Council resolution 1612 (2005) and to agree on the steps necessary for the implementation of the MRM. The Steering Committee on Monitoring and Reporting, co-chaired by the Office of the Special Representative and UNICEF, met to discuss briefing notes to the field on the interpretation of Security Council resolution 1612 (2005) and the implementation of the MRM. These documents were sent to the United Nations Country teams, UNICEF representatives, OHCHR field offices and Special Representatives of the Secretary-General in memoranda co-signed by the Special Representative, the UNICEF Executive Director, the Under-Secretary-General for Peacekeeping Operations, Department of Peacekeeping Operations and the Administrator of UNDP. Steering Committee members are drafting additional documents to facilitate the implementation of the MRM in the field. The first monitoring reports from the field are expected to be received by the Office of the Special Representative by 31 January 2006.

35. The Office also advocated that this year's draft General Assembly resolution on the Rights of the Child (A/C.3/60/L.22) include a condemnation and call to justice for those who abduct children in situations of armed conflict. The Office continues to monitor recent reports of cross-border abductions of children for use by Government-allied militias in Côte d'Ivoire and reports of abduction and movement of children in the Great Lakes and the Horn regions of Africa.

#### **V. INFORMATION PROVIDED BY THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES**

36. In correspondence dated 3 November 2005, UNHCR emphasized that the issue of the abduction of refugee, internally displaced and other children of concern to UNHCR remains high on its agenda. The abduction of children is one example of threats to the safety and security of refugees, which also include minor and serious criminal acts, disputes within the refugee or host community, trafficking, torture, war crimes and other serious violations of human rights and humanitarian law.

37. UNHCR maintains that measures to address the challenge of abduction of children must reflect the broader security context and, specifically, be integrated into wider efforts to enhance security and protection of refugees and other displaced persons, in particular children. In the African context, the infiltration of refugee camps by armed elements and the resulting undermining of the civilian and humanitarian character of asylum remains of

serious concern and requires ongoing attention. To further enhance its and its partners' capacities to respond, UNHCR is drafting guidelines on maintaining the civilian character of asylum.

38. UNHCR emphasized that under-age recruitment - particularly if based on the abduction of the child - constitutes a serious human rights violation. As such, it may call for the granting of refugee status if a child has a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion. With this in mind, UNHCR has closely cooperated with the Committee on the Rights of the Child to see that the protection needs of children threatened with abduction, and in particular subsequent under-age recruitment, were addressed in the Committee's general comment No. 6 (2005) (CRC/GC/2005/6), on the treatment of unaccompanied and separated children outside their country of origin.

## VI. DESK REVIEW

39. The following is a compilation of texts from relevant international organizations and special-procedures mandate holders, classified according to the main "end uses" of abduction as stipulated in the working definition. While these classifications do overlap, the distinctions are preserved with a view to gaining new insights into analysis of the problem.

### **Armed conflict**

40. ILO quoted a survey undertaken by the International Programme on the Elimination of Child Labour (IPEC) in Uganda in June 2004 on "Child labour and armed conflict in Uganda": "A total of 213 children found in households reported that they had ever been abducted and of these 30 (14.1 per cent) stated that they had been abducted on more than one occasion. There were by far more male (167) than female (46) abductees. However, females were more likely to have been abducted more than once; out of the 46 female abductees 10 (21.7 per cent) had been abducted more than once compared with 20 out of the 167 male abductees (12 per cent). Most of the former abductees were in the age group 14-17 (46.7 per cent) followed by those 10-13 (33.6 per cent) and only 18 were in the age group 5-9. Clearly the strategy is to abduct those old enough to be of use to rebels either as combatants or porters or even wives. The case study of Goribi presents a testimony on the circumstances of abduction" (p. 47). About a half (46.6 per cent) of abductees are abducted for a period of less than six months, males are likely to stay a shorter time than females (58.7 per cent compared with 32.5 per cent stayed for less than six months). Older abductees are also more likely to escape, as expected (p. 58).

41. The 2003 ILO-IPEC publication on "Use of children in armed conflict"<sup>1</sup> notes that "There is also a distinctive pattern of trafficking in some African countries related to the exploitation of children under armed conflict. This involves the abduction and transportation of children for and by both government and rebel militias. There is also evidence that during period of armed conflict, children in vulnerable situations are trafficked and sold into brothels by both armed forces and by exploiters who take advantage of the social disruption and family break-up

caused by the conflict” (p. 2). The 2003 publication “*Enfance blessée, l'utilisation des enfants des conflits armés en Afrique centrale*”, 2003,<sup>2</sup> further observes that in the Democratic Republic of the Congo there is recruitment by abduction of very young children (starting at 6) to serve as guards of sacred items.

42. The UNICEF draft country programme document for Uganda of March 2005 (E/ICEF/2005/P/L.2) noted that “about 20,000 children have been abducted since 1986, serving as soldiers, porters and sex slaves. Around 35,000 children, unaccompanied by adults, commute into towns each night to avoid abduction, becoming exposed to new hazards” (para. 2).

43. With respect to Sudan, in a press release of May 2003, UNICEF noted that since the formation of the Government of Sudan’s Committee for the Eradication of the Abduction of Women and Children in May 1999, UNICEF had supported work by the authorities and tribal communities in western Sudan to find abducted children and women and to reunify them with their families. It further endorsed the research of the Rift Valley Institute, finding that the number of children and adults whose families do not know where they are - some 10,380 according to the data released today by the Institute - demonstrates how serious the problem of abduction remains, even though the incidence of abduction has fallen over the past two years.

44. In 2004, UNHCR reported that internally displaced persons (IDPs) in Liberia experienced physical attacks, threats and intimidation by the fighters from all sides, as well as the abduction of women and children. This situation improved considerably with the arrival of the peacekeeping forces and as the humanitarian community regained access to the camps.

45. The Representative of the Secretary-General on the human rights of internally displaced persons provided input making the following key points, as substantiated by the Global IDP Project (now the Internal Displacement Monitoring Centre):

- Abduction is a common and systematic practice in situations of internal displacement. In Africa, the phenomenon of abduction has been reported in Uganda, the Sudan, Sierra Leone, Liberia, Angola and Democratic Republic of the Congo;
- Displaced children may be targets of abduction and armed recruitment by non-State actors (paramilitary and rebel groups) and government forces;
- Abduction may be a cause of internal displacement, and internal displacement may also be a cause of abduction;
- Certain internally displaced children, such as unaccompanied and separated children, are more vulnerable to abduction;
- Abduction may affect internally displaced boys and girls differently: boys are more frequently engaged in combat and other military activities; while girls may also fight on the front lines, they are more vulnerable to abduction for sexual purposes and forced marriage;

- Abduction of internally displaced children often occurs near or inside IDP camps and schools.
46. The Representative made, inter alia, the following recommendations:
- Each unaccompanied and separated child should be registered;
  - Vulnerable children with particular or compelling protection needs should be identified;
  - Effective reporting and referral mechanisms for incidents of abuse, exploitation and military recruitment of children must be established;
  - The collection, assessment and monitoring of data should be disaggregated by age and sex;
  - Displaced children should be informed about plans being made for them, including placing and care, tracing and family reunification. Moreover, displaced children and adolescents should be consulted and participate in needs assessments, aid distribution and the design, monitoring and evaluation of assistance programmes;
  - Special efforts should be made to ensure full and equal participation of girls in education programmes;
  - Special efforts should be made to provide outlets for creative and social activities, as well as educational and training opportunities for adolescents and young people;
  - Extra consideration should be given to monitoring the reintegration of ex-combatant children and adolescents within the displaced community.

### **Sexual exploitation**

47. In his 2001 report, the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2001/78) cited a report compiled by a children's rights NGO in South Africa, Molo Songololo. Released in November 2000, this report called for regional action to halt the growing traffic in children for sexual exploitation. The Special Rapporteur noted that "the report highlights the fact that growing numbers of children, particularly from Angola and Mozambique, end up as prostitutes on the streets of Johannesburg and Cape Town. Children are reportedly also being lured and coerced from as far away as Senegal, Kenya, Ethiopia and Uganda to South Africa ... The regional trade in children is highly organized with Angolan, Congolese and Nigerian syndicates responsible for much of it. Various methods are used: some children are sold, sometimes with parental consent, some are abducted and others are debt-bonded to the gangs ... Poverty, coupled with the belief that having sex with a child will cure HIV infection, were cited as being primarily responsible for

the growth in trafficking of children, particularly in countries such as Angola and Mozambique. The report estimated that there may be as many as 38,000 children being trafficked to, and/or systematically sexually exploited in South Africa, where they may be forced to work as prostitutes in clubs, bars, hotels or on the streets. Other children are forced into pornography, and there are allegations that children have been murdered during the filming of pornographic movies. There are currently no laws prohibiting the trafficking of people in South Africa” (paras. 30-32).

48. UNHCR reports that, in camps in Sierra Leone, there are a number of traumatized girls whose former exploitation was characterized by a combination of abduction, captivity, exposure to inhuman acts and severe sexual abuse by fighters. There are two internment camps in Sierra Leone - Mafanta and Mapeh - holding some 450 ex-combatants. It has not been easy to counsel some of these children, especially those who are still emotionally attached to their former abductors. Interviews show that there are some groups who - for varying reasons - wish to meet with the men held in the Sierra Leone internment camps, and who were due to be repatriated to Liberia in 2005. One group consists of girls sexually exploited during the war. Most of them consider themselves married to ex-combatants, some at the age of 11 years. A number of internees have offered their apology to these children. Taking into account the men's claims that they were never formally married to the girls and do not wish to live with them after they leave the internment camps, acknowledgement and apology for what happened during the war is a pressing issue. In other instances, girls do not want to repatriate with their former abductors who are interned in either of the two camps. There are also very young couples, often both abducted and forcibly recruited into the fighting forces, who now seek to restart their life together. While men are above 18 years of age, some girl mothers are just about 15 years old, having conceived at the age of 11 years or so.

### **Forced labour**

49. The 2005 ILO publication “A global alliance against forced labour”,<sup>3</sup> draws attention to the links between armed conflict and forced labour. It states that “forced labour and services can also be imposed by the State in the context of armed conflict. In some African countries, there have been widespread reports of forced abduction and conscription into government and government-supported military groups, as well as insurgent forces, together with the use of adult and child forced labour” (p. 25).

50. The same report provides allegations of abduction in Sudan, stating that “there were continuing reports of abductions and slavery in late 2004, particularly in the region south of Darfur, where abduction of women and children has been attributed to militia groups. In the meantime the Government has observed that, whereas its Committee for the Eradication of Abduction of Women and Children (CEAWC) considers that legal action is the best measure to eradicate such abductions, tribal groups have requested CEAWC not to resort to legal action unless their own amicable efforts have failed. The challenge is to foster such tribal conciliation meetings within a framework of peaceful coexistence, while at the same time ensuring that there is no impunity for abductors who exploit forced labour” (p. 44).

## VII. RELEVANT TREATIES AND OTHER GUIDANCE

51. Abduction violates many of the rights enshrined in the Convention on the Rights of the Child, to which all African States are parties, except Somalia. It also violates significant parts of the International Covenant on Civil and Political Rights, especially article 24, and other human rights treaties and documents, including article 25, paragraph 2, of the Universal Declaration of Human Rights, which is recognized as part of international customary law.

52. With regard to the Convention on the Rights of the Child, core related rights include the inherent right to life; the right to freedom from torture or other cruel, inhuman or degrading treatment or punishment; the right to liberty; the right of the child to know and be cared for by his or her parents; the right of the child to preserve his or her identity, including nationality, name and family relations; the right to protection of law against arbitrary or unlawful interference with privacy, home or family; the right to an adequate standard of living; the right to education; the right to be protected from economic or sexual exploitation; and the right to be protected from performing any work that is likely to be harmful to the child's health or physical, mental, spiritual, moral or social development.

53. In addition, article 35 of the Convention on the Rights of the Child provides that States parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form. Of particular relevance are the observations of the Committee on the Rights of the Child related to the "Prevention of military recruitment and protection against effects of war (arts. 38, 39)", contained in chapter V (h) of general comment No. 6 (2005), whose paragraphs 54 to 59 stipulate State party obligations as regards the prevention of recruitment, care arrangements for unaccompanied and separated children, former child soldiers, non-refoulement and child-specific forms and manifestations of persecution.

## VIII. CONCLUSIONS AND RECOMMENDATION

**54. The right of children to be protected from abduction is incontrovertible, yet the abduction of children in Africa remains largely unstudied. International organizations have not yet devoted significant attention to the concern.**

**55. The phased approach to the implementation of this resolution, as outlined above, will yield comprehensive consultations. In turn, the consultations should provide a solid foundation of knowledge about the phenomenon of abduction of children in Africa, enabling the international community to take appropriate action. The process envisaged for the comprehensive assessment will cover two years, and a complete report on this activity and its outcomes is projected for the sixty-third session of the Commission on Human Rights or its successor body.**

**56. As discussed above, the Security Council has endorsed the establishment of a monitoring and reporting mechanism to provide timely and accurate information on violations committed against children affected by armed conflict, specifically including**

**abduction. Therefore, in order to avoid duplication and to harmonize the work of the United Nations on this issue, at the end of the two-year assessment period, the Commission should consider consolidating this mandate with the work now being undertaken at the direction of the Security Council. Completion of the comprehensive assessment will serve to support the work of the monitoring and reporting mechanism on abduction. Moreover, a consolidation of this mandate would minimize a possible redundancy with the efforts of the MRM and the mandates of several existing special representatives and rapporteurs.**

#### Notes

<sup>1</sup> See [www.ilo.org/public/english/standards/ipec/publ/download/factsheets/fs\\_armedconflict\\_0303.pdf](http://www.ilo.org/public/english/standards/ipec/publ/download/factsheets/fs_armedconflict_0303.pdf).

<sup>2</sup> See [www.ilo.org/public/french/standards/ipec/publ/download/fr\\_wounded3.pdf](http://www.ilo.org/public/french/standards/ipec/publ/download/fr_wounded3.pdf).

<sup>3</sup> Report of the Director-General: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, 2005; see [www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD\\_BLOB?Var DocumentID=5059](http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD_BLOB?Var DocumentID=5059).

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