



**CHILDREN AND ARMED CONFLICT:  
TOWARDS A POLICY CONSENSUS AND FUTURE AGENDA  
– TEN YEARS AFTER THE MACHEL STUDY**

Roger Williamson

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Wilton Park Paper

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## EXECUTIVE SUMMARY

The Strategic Review on the 10<sup>th</sup> Anniversary of the Machel Study, *“The Impact of Armed Conflict on Children”* provides an opportunity to review achievements and to assess what still needs to be done.<sup>1</sup> The critical threshold has been crossed with the adoption of United Nations Security Council Resolution 1612 (UNSCR) and enforcement has begun. The Wilton Park conference was designed to be a contribution to the Review Process. It should be seen as complementary to the Paris Principles.

Ideally, the protection of children should be above political calculations and the “best interests of child” should be “a primary consideration”. (Art. 3(1), UN Convention on the Rights of the Child). Building a protective environment for children is key in addressing the concerns of children affected by armed conflict. This involves addressing: separation of children from their parents; sexual exploitation, abuse and violence; military recruitment of children by governments or armed groups; education and the rights and specific needs of adolescents.

In a military and peacekeeping context, protection has related meanings, but with a different emphasis. The civilian nature of camps for refugees and internally displaced persons is an important principle. There are circumstances, however, where camps need protection. Particular types of weapon technologies, including small arms and indiscriminate weapons including landmines and cluster weapons have a disproportionate impact on children. Work on appropriate international agreements must be intensified, with the proposed Arms Trade Treaty providing an opportunity to take more effective measures on small arms. There is now considerable experience in disarmament, demobilisation and reintegration (DDR) programmes. Much of the critique of such programmes centres on the limited success in providing sustainable livelihoods for their participants. There is greater awareness of the particular needs of girls who come into the category of children accompanying fighting forces.

Since the Machel Report, the member states of the UN have equipped it with a comprehensive repertoire of standards and moved from the elaboration of standards to compliance. UN Security Council Resolutions 1379 (2001) and 1539 (2004) laid the basis for “naming and shaming” and taking steps against parties which persist in recruiting and using child soldiers.

Under UN Security Council Resolution 1612 (2005), a distinction is made between situations and parties listed in Annex 1 of the Annual Report of the Secretary-General on Children and Armed Conflict (CAAC), which are already on the agenda of Security Council (to date Burundi, the Democratic Republic of Congo (DRC), Cote d’Ivoire, Myanmar, Somalia, Sudan )<sup>2</sup>, and Annex 2 situations which are not, but where there are also concerns about children and armed conflict.

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<sup>1</sup> For the current programme of action and priorities of the Office of the Special-Representative of the Secretary-General on Children and Armed Conflict, see:  
[Hhttp://www.un.org/children/conflict/english/home6.html](http://www.un.org/children/conflict/english/home6.html)H

<sup>2</sup> For the report of the UN Secretary-General, with Annexes I and II in full (at end of report, see:  
[Hhttp://daccessdds.un.org/doc/UNDOC/GEN/N06/577/95/PDF/N0657795.pdf?OpenElement](http://daccessdds.un.org/doc/UNDOC/GEN/N06/577/95/PDF/N0657795.pdf?OpenElement)H

See also: [Hhttp://www.un.org/children/conflict/english/monitoringandrep9.html](http://www.un.org/children/conflict/english/monitoringandrep9.html)H

It remains the case that the more complex dimensions of children affected by armed conflict are not addressed as energetically or comprehensively as the narrower set of issues relating to child soldiers. The step of establishing the monitoring and reporting mechanism called for in UNSCR 1612 to monitor six grave violations has been widely welcomed as a significant step forward. The key considerations for emphasizing these issues are their gravity and that they are monitorable. These violations are: killing or maiming of children; recruiting or using child soldiers; attacks against schools or hospitals; rape or other grave sexual violence against children; abduction of children and denial of humanitarian access for children. So far, the recruitment and use of child soldiers has been the “gateway” to the annexed lists of the Secretary-General’s annual report; there is increased insistence that the other five issues are also addressed with greater urgency. It is also important to stress that the parties engaged in violations are addressed, since the monitoring applies to armed groups as well as national governments. With the greater incidence of rape and grave sexual violence as an instrument of war, (also against children), the Special Representative has proposed its inclusion as a “gateway” to list parties to conflict in the Annexes of the Secretary-General’s annual report on CAAC. The Security Council Working Group on CAAC, chaired by France, is the key institution for monitoring the implementation of SCR1612. This is an innovative body; there is a tension between those who advocate consolidation first, and those in favour of expansion of the work programme. The entry into force of the Optional Protocol of the Convention on the Rights of the Child on the involvement of children in armed conflict marks a significant step forward even though the provisions are not as extensive as the comparable protocol on the sale of children, child prostitution and child pornography. There is scope for positive interplay between the Committee on the Rights of the Child, especially in its role in monitoring the OPAC,<sup>3</sup> and the monitoring and reporting mechanism established by the Security Council in its resolution 1612. The steps taken to implement the UN Secretary-General’s zero-tolerance policy on sexual exploitation and abuse by peacekeeping forces and UN personnel represent considerable progress.

There is now considerable experience with instruments of transitional justice. Prosecution have now begun at the International Criminal Court. Critics argue that progress is slow, but the deterrent impact of the Court must also be taken into account. The International Labour Organisation (ILO) Convention no. 182 (1999) on the Worst Forms of Child Labour provides additional opportunities for leverage. The connection with action on gender dimensions of conflict and women’s role in peacebuilding is an area where progress has been made but much more still needs to be done. Follow up

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From the UN/CAAC website (link above), see: “The Security Council requested the implementation of the mechanism in a phased approach, beginning with five situations of concern for children that are also on the country-specific agenda for the Security Council, namely: [HBurundi](#), Côte d’Ivoire, the [HDemocratic Republic of the Congo](#), [HSomalia](#), and the [HSudan](#) (these situations are listed in annex I to the report of the Secretary-General to the Security Council on children and armed conflict (ibid.)). In addition, the first phase has also seen the implementation of the mechanism in two other situations of concern — [HNepal](#) and [HSri Lanka](#) — which are drawn from annex II to the Secretary-General’s report, which lists situations of concern that are not on the country-specific agenda of the Security Council.”

<sup>3</sup> Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, see: [Hhttp://www.unhcr.ch/html/menu2/6/crc/treaties/opac.htm](http://www.unhcr.ch/html/menu2/6/crc/treaties/opac.htm)H

and implementation of UN Security Council Resolution 1325 on women, peace and security is key. The situation of adolescents requires careful attention. The interface between peacekeeping and development also requires attention.

As well as the formal structures of the UN system, many other possibilities exist for strengthening international responses on children and armed conflict. In the spirit of “the best interests of the child”, care should be taken, particularly by the P5 to avoid politicisation of the agenda. There is much more that needs to be done in terms of analysis and understanding of the most effective responses. Much remains to be done. The rhetorical consensus on protection of children is hard to operationalise in particular instances. As one commitment emerging from the conference, the UK government, which cooperated in the organisation of the Wilton Park event, will use the analysis and discussions developed there to inform its analysis and action on children and armed conflict. Other governments, international organisations, specialist agencies and NGOs are encouraged to do the same.

## 1 The UN: Building a Protective Environment

The Strategic Review on the 10<sup>th</sup> Anniversary of the Machel Study, *“The Impact of Armed Conflict on Children”* provides an opportunity to review the achievements of the last decade in this field and to assess what still needs to be done.<sup>4</sup> The critical threshold has been crossed with the adoption of UN Security Council Resolution 1612 and enforcement has begun, after an essential period of development of international norms, agreements and instruments. It is still the case that the international system (in practice, the UN and its member states) does too little to afford proper protection to children. There is an awareness, too, that the generation of norms without adequate implementation does not effectively challenge impunity.<sup>5</sup>

The Wilton Park conference was designed to be a contribution to the Review Process. It should be seen as complementary to the Paris Principles (*“Principles and Guidelines on Children Associated with Armed Forces or Armed Groups”*) formulated at the conference of 5<sup>th</sup> and 6<sup>th</sup> February 2007.

The wider context is important: protection of children affected by armed conflict can best be achieved by ending armed conflicts. To do so, clear analysis of current conflicts and their changing nature is needed. Diplomatic and developmental efforts to prevent armed conflict and resolve it where it occurs continue to be essential. Children are particularly vulnerable. The doctrine of “responsibility to protect” applies most obviously to situations where states are unable or unwilling to protect their populations. Ideally, the protection of children should be above political calculations and the “best interests of child” should be “a primary consideration”. (Art. 3(1), UN Convention on the Rights of the Child).

UNICEF has reiterated that the issue of children affected by armed conflict goes beyond child soldiering. Building a protective environment for children is key in addressing the concerns of children affected by armed conflict.<sup>6</sup> The elements of this protective environment include: government commitment and capacity; legislation and its enforcement; changes in attitudes, customs and traditions to ensure that it becomes universally “unacceptable to harm children” (Graça Machel); open discussion (i.e breaking open taboo subjects such as sexual abuse and exploitation); greater deployment of children’s own capacity to address the key issues, develop coping strategies and develop solutions; mobilisation of the capacity of families and communities; basic and targeted services (children who are in school are not in armed groups; women and girls with food shelter and water are not compelled to engage in “survival sex”); monitoring and oversight; and development of protection systems. Basic steps such as birth registration and tracing for family reunification are key. Almost all governments have now ratified the Convention on the Rights of the

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<sup>4</sup> For edited highlights of the earlier report, see: [Hhttp://www.un.org/rights/introduc.htm](http://www.un.org/rights/introduc.htm)H

<sup>5</sup> For an overview of the work of Office of the Special-Representative of the Secretary-General on Children and Armed Conflict, see: [Hhttp://www.un.org/children/conflict/english/home6.html](http://www.un.org/children/conflict/english/home6.html)H

<sup>6</sup> UNICEF’s work on this issue is set in the context of child protection: See [Hhttp://www.unicef.org/protection/files/Armed\\_Conflict.pdf](http://www.unicef.org/protection/files/Armed_Conflict.pdf)H



Child and many have adopted its optional protocols. In addition, non-state actors also have an important impact on the protection of children and need to be pressed to operate to accept the same standards. At national level, both in terms of legislation and also in terms of the working of the legal system, much needs to be done. As well as the legal provision, customs and traditions, particularly towards children and women, inhibit the effective protection of children in war situations. The taboo elements of discussion of sexual abuse and exploitation often prevent effective protection of those who are exposed to those abuses.

There are many areas that can be further developed. Training programmes on demobilisation are essential. The social element is also key. Where the traditional pattern of family life has been disrupted, the caring and coping mechanisms of the wider society become important. Often, this is neglected by humanitarian actors who are keen to respond as quickly as possible to an emergency situation and do not have sufficient insight or sensitivity to local cultural norms.

The United Nations International Children's Education Fund (UNICEF) is organising in April 2007 a workshop in South Africa on appropriate guidance, methodology and data collection tools. It remains the case that the only really effective way to protect children in conflict is to protect children from conflict. This is true both in a direct and an indirect sense. For example, it is now recognised that the more years girls spend in education, as well as the direct benefits of that education, there is a decreased likelihood of her suffering from domestic violence. Disruption of education thus impacts on knowledge, self-awareness and physical safety.

The United Nations High Commissioner for Refugees (UNHCR) has identified a number of issues, including: separation of children from their parents; sexual exploitation, abuse and violence; military recruitment of children by governments or armed groups; education and the rights and specific needs of adolescents.

In 2002, an independent evaluation of UNHCR's work concluded that refugee children are "often overlooked and considered 'on-the-sidelines' of corporate action, core protection and assistance work." Other evaluations have identified the absence of a shared situation analysis with partners; low level of participation of refugee women and children; lack of co-ordination among protection, programme and community service staff; and an overall lack of accountability by the international organisations. This critique led to a revised strategy centring on mainstreaming age, gender and diversity into UNHCR operations. Implementation of this strategy began in ninety-seven countries where UNHCR is operational and the roll-out of the strategy will be concluded this year. For unaccompanied and separated children, effective family tracing and reunification schemes are urgently needed. This is particularly difficult in the case of unaccompanied and separated girls as they are often more easily integrated into families when they reach the country of asylum. They therefore do not get registered as unaccompanied or separated and can be open to further abuse.<sup>7</sup>

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<sup>7</sup> For a more recent independent evaluation of the protection needs of refugee children, see: [Hhttp://www.unhcr.org/research/RESEARCH/3cd6366c4.pdf](http://www.unhcr.org/research/RESEARCH/3cd6366c4.pdf)

Refugee children are frequently exposed to sexual exploitation, abuse and violence in the unstable environments in which they live. Poor socio-economic conditions, harmful traditional practices and the disruption of family roles can lead on to child labour, trafficking and abuse. Girls are specifically at risk of female genital mutilation, under age and forced marriages, exploitation and rape. Refugee girls are often forced into situations where they resort to 'survival sex', defined as engaging in sex to obtain money or other forms of material assistance to meet basic needs for themselves or other family members. For children, the risk of recruitment is often as a result of physical proximity to areas of conflict. Such recruitment of children is itself a form of violence against children, but also leads to children being inducted into violent behaviour. Even when child soldiers are demobilised, the lack of opportunities for secondary education and employment skills which lead to a sustainable livelihood mean that they are at risk of re-recruitment.

The provision of education is a means of providing protection, a 'normal' life, social support and opportunities for the future. Many developing countries struggle to provide an adequate education system during peacetime; during times of violent conflict, the disruption to the education system makes this even more difficult. This leads to lack of resources for good quality education, low attendance rates, additional pressure not to ensure that girls go to school and other difficulties.

Adolescents are at a particularly difficult stage in their lives and displacement means that they are likely to have more responsibilities within the family, or to be recruited and used by armed forces or groups, or to be at risk of sexual exploitation and abuse. Post-primary education is limited and sometimes as a result of income-generating responsibilities. Adolescents are at risk of exploitative labour, HIV and AIDS and, in the case of girls, early pregnancies. Particularly adolescent girls who are involved in 'survival sex' are in a weak position to insist on safe sex. This means they are particularly at risk of HIV.

UNHCR has also identified some more general issues of particular significance to women, girls and boys. These include lack of livelihood opportunities, often meaning that refugees and the internally displaced become dependent on humanitarian agencies and, increasingly, humanitarian assistance is inadequate. For example, the World Food Programme has recently had to halve its rations to refugees and Internally Displaced Persons (IDPs) in Uganda, affecting up to 1.5 million people, with effect from April 2007 as a result of financial constraints.<sup>8</sup>

The need for access to post-primary education is also acute, particularly for those who have been displaced (either as refugees or IDPs). Any prospect of education beyond the primary level, especially for girls, is often an illusion. Displacement camps are often in remote areas, there is a lack of income to provide for fees and other costs and there are difficulties in providing education for refugees which continues the educational approach of the country from which the children have fled.

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<sup>8</sup> See: <http://www.wfp.org/english/?ModuleID=137&Key=2406H>

UNHCR, during 2007, will draft an Executive Committee (ExCom) conclusion on children at risk. The weakness identified is not lack of standards of norms but the difficulty in providing practical support. This involves work both with states and other relevant actors, including humanitarian agencies.

Much of the work of the International Committee of the Red Cross (ICRC) in seeking to ensure respect for international humanitarian law is, of necessity, confidential because of the agreed '*modus operandi*' of the ICRC. The importance of this work is hard to over-estimate, as the ICRC often has access where others cannot reach, simply because of its confidential procedures.<sup>9</sup>

## **2 Peacekeeping and Disarmament, Demobilisation and Reintegration**

In a military and peacekeeping context, protection has related meanings, but with a different emphasis. The civilian nature of camps for refugees and internally displaced persons is an important principle. There are circumstances, however, where camps need protection. It is not always clear how this can and should be provided, particularly when the government in question is unwilling or unable to provide armed protection – or, *in extremis*, is linked to or itself the source of the threat.

In order to generate evidence-based policy proposals, a better understanding is needed of the number of child soldiers participating in armed conflicts and the causes which lead to this participation. The Ford Institute of the University of Pittsburgh has analysed available data and documented a number of cases where more than 20% of the combatants in African conflicts were child soldiers.<sup>10</sup> Their research suggests that the location of camps near borders, particularly close to countries which provided little protection for refugees, provided an explanation for high levels of incidence of child soldiers. Conclusions suggest that the key issue is whether children are protected in IDP and refugee camps. If they are not effectively protected, it can be very 'efficient' to attack the camps and scoop up large numbers of children. Researchers propose that effective border controls and camp protection are important factors in protecting children from child soldier recruitment. This protection issue is currently understated in the policy discussions. At the conference, the proposal stimulated lively debate. The issue of effective military protection raises uncomfortable issues for traditional humanitarian policy, which focuses on aid delivery to camps. Member states of the United Nations are not keen to address the policy implications of e.g. the international community providing strong border controls between Sudan and Chad. Even if the policy conclusion is accepted, there remain questions as to whose responsibility it is to provide protection for camps and effective border controls to prevent raids from neighbouring countries.

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<sup>9</sup> For examples of the ICRC approach, see:  
[H<http://www.icrc.org/web/eng/siteeng0.nsf/html/57JP4TH>](http://www.icrc.org/web/eng/siteeng0.nsf/html/57JP4TH);  
[H<http://www.icrc.org/web/eng/siteeng0.nsf/html/5UDJ85H>](http://www.icrc.org/web/eng/siteeng0.nsf/html/5UDJ85H)

<sup>10</sup> <http://www.fordinstitute.pitt.edu/>

During the last decade since the Machel Report, it has become accepted that child protection must be built into any peacekeeping mandate. This requires training of peacekeepers and the inclusion of specialist child protection advisers in the complement of personnel deployed.

A significant development since the initial Machel Report has been the introduction of Child Protection Advisors (CPAs) into almost all peacekeeping operations established since 1999. For example, relatively large CPA units are engaged in the United Nations Mission in Sudan (UNMIS) and the United Nations Mission in the Democratic Republic of Congo (MONUC). CPAs have also been deployed in Haiti, Burundi, Côte d'Ivoire, Angola, Liberia and Sierra Leone, among others.<sup>11</sup> Child Protection Advisors could be made more effective with greater support from UN Headquarters, including better training and guidance, the CPA profile and recruitment process could be improved, the positioning of the CPAs within a peacekeeping mission structure can enhance or limit their ability to act effectively and co-ordination between agencies is a continual challenge. Furthermore, it should be stressed that protection of children is the responsibility of all field staff, not only of CPAs. Effective monitoring and application of lessons learnt could improve the functioning of child protection in the field.

Particular types of weapon technologies, including small arms and indiscriminate weapons including landmines and cluster weapons have a disproportionate impact on children. Work on appropriate international agreements must be intensified, with the proposed Arms Trade Treaty providing an opportunity to take more effective measures on small arms.<sup>12</sup>

Many new initiatives concerning particular types of weaponry are currently under consideration. 153 governments have taken the first steps towards the Arms Trade Treaty;<sup>13</sup> the mine ban treaty needs to be fully implemented and support provided to countries wishing to do so;<sup>14</sup> an international instrument to prohibit the use of cluster munitions which cause unacceptable harm to civilian populations, (including, disproportionately, to children) needs to be addressed; the Arms Trade Treaty must move beyond the stage of being a proposal to actually becoming an effective instrument; the immediate implementation of the programmes of action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects needs to be achieved and the

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<sup>11</sup> On the background to, and role of, child protection advisers, see:  
[Hhttp://www.un.org/children/conflict/english/childprotectiona66.html](http://www.un.org/children/conflict/english/childprotectiona66.html)H

<sup>12</sup> For the International Action Network on Small Arms, a global network of NGO initiatives, see:  
[Hhttp://www.iansa.org/](http://www.iansa.org/)H Detailed research is conducted by the Small Arms Survey -  
[Hhttp://www.smallarmssurvey.org/](http://www.smallarmssurvey.org/)H

<sup>13</sup> For the UK government position and other relevant texts, see:  
[Hhttp://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1140685009317](http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1140685009317)H. For an initiative on the issue by Nobel Laureates, see:  
[Hhttp://www.armstradetreaty.com/](http://www.armstradetreaty.com/)H

<sup>14</sup> For information on the international campaign to ban landmines, see:  
[Hhttp://www.icbl.org/treaty](http://www.icbl.org/treaty)H

Geneva Declaration on Armed Violence and Development also has important possibilities.<sup>15</sup>

There is now considerable experience in DDR programmes. Much of the critique of such programmes centres on the limited success in providing sustainable livelihoods for their participants. There is greater awareness of the particular needs of girls who come into the category of children accompanying fighting forces. Key elements of successful integration (taken from one African context) include: community sensitisation; formal disarmament and demobilization; a transitional period in an interim care centre; family tracing, mediation and reunification; traditional cleansing and healing ceremonies; school or skills training of an adequate quality and duration – with the emphasis that skills training for viable sustainable livelihoods has to be based on adequate market analysis; ongoing access to health care, particularly for war-related conditions; individual supportive counselling and encouragement and an effective collaborative approach. Reintegration of children formerly associated with armed forces requires time and skilful design for this to be a truly sustainable process. Reintegration strategies specifically focussing on children and/or youth cannot be limited to initial phases of DDR but require support which goes beyond the humanitarian and transitional phases of conflict and post-conflict situations.<sup>16</sup>

There is no substitute for intensive research in the field in order to understand the lives of and decisions taken by children in situations of armed conflict.<sup>17</sup> For child soldiers, identification with the armed group has become the only social support and provider of identity. In many cases, home is no longer the place which they left. Particularly those who have committed atrocities among their own community face a difficult process of reintegration because of what they have done. Many of them have left as children and return as young men after a war lasting many years. Often the children do not wish to leave the armed group because they are uncertain of the future and feel that they cannot return home, fearing retaliation from the community. DDR programmes are of limited duration and often do not succeed in providing effective livelihoods for those who go through them. This leaves the children open to re-recruitment. Under these circumstances, the approach of empowering communities and focusing the intervention on reconciliation with the young returnees is important. The reconciliation rituals and practices instigated by local communities do not depend on romantic views of community, family, healing and reconciliation.

Given the size of the challenge, there is a need to look at new proposals for DDR for young people. One proposal made, particularly from the West African context, was to look at a structured form of longer encampment and

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<sup>15</sup> For the text of the Declaration, see: [Hhttp://www.iansa.org/issues/documents/armed-violence-and-development-geneva-declaration.pdf](http://www.iansa.org/issues/documents/armed-violence-and-development-geneva-declaration.pdf)H

<sup>16</sup> For one study, on Sierra Leone, see [Hhttp://www.forcedmigration.org/psychosocial/papers/WiderPapers/williamson\\_cripe\\_sierraleone.pdf](http://www.forcedmigration.org/psychosocial/papers/WiderPapers/williamson_cripe_sierraleone.pdf)H

<sup>17</sup> For an overview, see Alcinda Honwana, *Child Soldiers in Africa*, University of Pennsylvania Press, 2006.



possible national and regional youth service, based on a residential model. The experience in West Africa has been that many thousands of youths have been cheaply demobilised into communities. Many of them have been trained in skills which are unimaginative or not marketable in the numbers provided. The sharpest critique stresses that there is only a certain number of carpenters, blacksmiths, cloth dyers or hairdressers which can compete in the same weak markets in disrupted towns and villages with low spending capacity. Under these circumstances, young people are susceptible for recruitment through trafficking, transactional sex or become involved in the 'informal security sector' including ethnic militia, vigilante groups and private security companies, eke out a living as street traders or get involved in cross-border activities in other states (including re-recruitment for participation in armed conflict). They can also get absorbed into religious groups or use their time in playing sport.

As an alternative, the proposal was made at the conference that national youth service or even year-long training in residential military schools could provide an alternative. This raised considerable debate as questions were raised about resources for a national youth service and criticism of engaging young people in a military context rather than discharging them immediately into civilian life was also questioned.

The Economic Union of West African States (ECOWAS) has a framework for regional consultation on the proposal for a youth service scheme. If this could be well structured and financed, it would provide the promise of housing and training for young people for up to a year and the prospect of earning a marketable trade. The lively discussion indicates both the need to address seriously the large numbers of young people without adequate training or livelihoods who are susceptible to recruitment into illegal and/or dangerous activities. It is clear that DDR programmes as constituted in the recent past have not met all the needs of those who have passed through them. This remains an area where adequate funding and imaginative design, combined with hard-headed realism, is essential. The international phenomenon of youth gangs and violence indicates that this is also an issue around masculinity and effective role models of men. There are also questions about the responsibility of the private sector and opportunities for job creation in business.

### **3 Standards and Compliance**

Since the Machel Report, the member states of the UN have equipped it with a comprehensive repertoire of standards and moved from the elaboration of standards to compliance. The strong normative framework includes such instruments as: the relevant provisions of the Geneva Conventions of 12 August 1949;

- the optional protocol to the Convention of the Rights of the Child on the Involvement of Children in Armed Conflict, which has now been ratified or acceded to by 115 countries;<sup>18</sup>
- the African Children's Charter on the Rights and Welfare of the Child (which establishes 18 as the minimum age for compulsory military recruitment and participation in hostilities);<sup>19</sup>

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<sup>18</sup> See: [Hhttp://www.unhcr.ch/html/menu2/6/crc/treaties/opac.htm](http://www.unhcr.ch/html/menu2/6/crc/treaties/opac.htm)

- the Cape Town principles on child soldiers<sup>20</sup> and the 1998 Rome statute of the International Criminal Court;<sup>21</sup>
- the 1999 International Labour Organisation convention No 182;<sup>22</sup>
- the EU Guidelines on Children and Armed Conflict<sup>23</sup> and the Paris principles involving 59 governments.<sup>24</sup>

UN Security Council Resolutions 1379 (2001) and 1539 (2004) laid the basis for “naming and shaming” and taking steps against parties which persist in recruiting and using child soldiers.

Under UN Security Council Resolution 1612 (2005), a distinction is made between situations and parties listed in Annex 1 of the Annual Report of the Secretary-General on Children and Armed Conflict (CAAC), which are already on the agenda of Security Council (to date Burundi, the Democratic Republic of Congo (DRC), Cote d’Ivoire, Myanmar, Somalia, Sudan )<sup>25</sup>, and Annex 2 situations which are not, but where there are also concerns about children and armed conflict.

It remains the case that the more complex dimensions of children affected by armed conflict are not addressed as energetically or comprehensively as the narrower set of issues relating to child soldiers. One area which is familiar to practitioners, but perhaps less fully noted by those looking for programmes offering quick results is the long-term psychological damage done to children as a result of direct or indirect exposure to serious levels of violence. The trauma involved in being subjected to or observing violence can create long-

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<sup>19</sup> For the text, see: [Hhttp://www.childlawsa.com/docs/African\\_Charter.pdf](http://www.childlawsa.com/docs/African_Charter.pdf)H

<sup>20</sup> For the Cape Town principles and many other key texts, see: [Hhttp://www.unicef.org/emerg/index\\_childsoldiers.html](http://www.unicef.org/emerg/index_childsoldiers.html)H

<sup>21</sup> See: [Hhttp://www.un.org/law/icc/index.html](http://www.un.org/law/icc/index.html)H

<sup>22</sup> See: [Hhttp://www.un.org/children/conflict/keydocuments/english/iloconvention1828.html](http://www.un.org/children/conflict/keydocuments/english/iloconvention1828.html)H

<sup>23</sup> For further information, see: [Hhttp://ue.eu.int/uedocs/cmsUpload/GuidelinesChildren.pdf](http://ue.eu.int/uedocs/cmsUpload/GuidelinesChildren.pdf)H

<sup>24</sup> These can be accessed at: [Hhttp://www.diplomatie.gouv.fr/en/IMG/pdf/Paris\\_Conference\\_Principles\\_English\\_31\\_January.pdf](http://www.diplomatie.gouv.fr/en/IMG/pdf/Paris_Conference_Principles_English_31_January.pdf) H or [Hhttp://www.unicef.org.uk/publications/pub\\_detail.asp?pub\\_id=122](http://www.unicef.org.uk/publications/pub_detail.asp?pub_id=122)H

<sup>25</sup> For the report of the UN Secretary-General, with Annexes I and II in full (at end of report, see: [Hhttp://daccessdds.un.org/doc/UNDOC/GEN/N06/577/95/PDF/N0657795.pdf?OpenElement](http://daccessdds.un.org/doc/UNDOC/GEN/N06/577/95/PDF/N0657795.pdf?OpenElement)H

See also: [Hhttp://www.un.org/children/conflict/english/monitoringandrep9.html](http://www.un.org/children/conflict/english/monitoringandrep9.html)H

From the UN/CAAC website (link above), see: “The Security Council requested the implementation of the mechanism in a phased approach, beginning with five situations of concern for children that are also on the country-specific agenda for the Security Council, namely: [HBurundi](#)H, Côte d’Ivoire, the [HDemocratic Republic of the Congo](#)H, [HSomalia](#)H, and the [HSudan](#)H (these situations are listed in annex I to the report of the Secretary-General to the Security Council on children and armed conflict (ibid.)). In addition, the first phase has also seen the implementation of the mechanism in two other situations of concern — [HNepal](#)H and [HSri Lanka](#)H — which are drawn from annex II to the Secretary-General’s report, which lists situations of concern that are not on the country-specific agenda of the Security Council.”

term psychological damage requiring skilled, sensitive and often long-standing attention. What is needed is culturally appropriate and supportive treatment of children suffering trauma as a result of war. The situation is further compounded by the shortage of well-training practitioners with the appropriate cultural background to address these issues.

The step of establishing the monitoring and reporting mechanism called for in UNSCR 1612 to monitor six grave violations has been widely welcomed as a significant step forward. The key considerations for emphasizing these issues are their gravity and their capacity to be monitored. These violations are: killing or maiming of children; recruiting or using child soldiers; attacks against schools or hospitals; rape or other grave sexual violence against children; abduction of children and denial of humanitarian access for children.

So far, the recruitment and use of child soldiers has been the “gateway” to the annexed lists of the Secretary-General’s annual report; there is increasing insistence that the other five issues are also addressed with greater urgency. It is also important to stress that the parties engaged in violations are addressed, since the monitoring applies to armed groups as well as national governments. With the greater incidence of rape and grave sexual violence as an instrument of war, (also against children), the Special Representative has proposed its inclusion as a “gateway” to list parties to conflict in the Annexes of the Secretary-General’s annual report on CAAC.

#### **4 Monitoring and Reporting**

The Security-Council Working Group on CAAC, chaired by France, is the key institution for monitoring work on and progress related to the implementation of SCR1612.<sup>26</sup> Although the Group has only recently begun its effective work, the initial impression is that this is an innovative body and is generally positively received. As is often the case, there is a tension between those who advocate consolidation first, and those in favour of expansion of the work programme. It is important that the Working Group maintains the momentum, is strongly chaired and adequately resourced to develop and follow through the emerging agenda. The Working Group is currently chaired by France, and the manner of operation has gained widespread and considerable respect for the clarity and determination with which this work is being pursued.<sup>27</sup>

Under paragraph 8 of UNSCR 1612, the mandate for the Security Council working group is broadly drawn to review reports of the monitoring and reporting mechanisms and to review progress in the development and implementation of action plans. On this basis, the Working Group is entitled to make recommendations to the Security Council and/or to address requests to other bodies within the UN system and in practical terms also outside the UN on the basis of the ‘toolkit’ available to the working group. The Working Group has already seen some specific achievement, for example the release of 254 children from the ‘Forces Nouvelle’ in the Côte d’Ivoire. In Burundi, a number

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<sup>26</sup> On the Working Group, see:  
[Hhttp://www.un.org/children/conflict/english/workinggrouponca103.html](http://www.un.org/children/conflict/english/workinggrouponca103.html)H

<sup>27</sup> For the website of the French government on this issue, see:  
[Hhttp://www.diplomatie.gouv.fr/en/article-imprim.php3?id\\_article=3920](http://www.diplomatie.gouv.fr/en/article-imprim.php3?id_article=3920)H



of children detained in the Cantonment Centre of Randa have been released. In Sri Lanka, the Special Representative has been active and through her Special Envoy, contacts with the leaders of the 'Tamil Tigers' (LTTE) and the Karuna faction have increased. The situations in Uganda, Somalia and Nepal are also under active review.

The work planned for 2007 seeks to ensure that consideration of all twelve listed countries and review of all Annexe 1 situations considered in 2006 is completed before the next report by the Secretary-General in February 2008. The logical next step would be to extend the monitoring and reporting mechanism to the other five violations listed in UNSCR 1612. This was already suggested in the last report of the Secretary-General. There are some risks attached to such an expansion, particularly if insufficient resources are made available for the working group. Consideration of the other five violations should not be at the expense of the most effective possible action to halt the recruitment and use of child soldiers. To address all six sets of violations effectively would significantly increase the workload of the Committee. There is also a risk of politicisation if situations in which children are affected by war are also addressed. This would mean that situations such as Iraq, the occupied Palestinian territories and Chechnya would also have to be addressed.

The initiative of the United Nations Education and Science Conference (UNESCO) in studying systematically the rising number of attacks on educational establishments, staff and students is important and underlines the need for protection of and solidarity with those in the education and health systems, both of which are key for the well-being of children and young people.<sup>28</sup>

The entry into force of the Optional Protocol of the Convention on the Rights of the Child on the involvement of children in armed conflict<sup>29</sup> marks a significant step forward even though the provisions are not as extensive as the comparable protocol on the sale of children, child prostitution and child pornography.<sup>30</sup>

The Convention of the Rights of the Child recognised as a minimum age for voluntary recruitment to armed forces the age of 15. Under the optional protocol, States parties are committed to take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 do not take a direct part in hostilities.

The recognition that those under 18 are entitled to special protection is enshrined, but many campaigning organisations are still pressing for no recruitment under 18. A number of States parties to the protocol have entered

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<sup>28</sup> The report by Brendan O'Malley on "Education under Attack" was published by UNESCO on 27 April 2007. It is now available on [Hwww.unesco.org/education/attack/H](http://www.unesco.org/education/attack/H)

<sup>29</sup> OPAC - [Hhttp://www.unhcr.ch/html/menu2/6/crc/treaties/opac.htm](http://www.unhcr.ch/html/menu2/6/crc/treaties/opac.htm)H

<sup>30</sup> (For comparative purposes, see [Hhttp://www.unhcr.ch/html/menu2/6/crc/treaties/opsc.htm](http://www.unhcr.ch/html/menu2/6/crc/treaties/opsc.htm)H.)

declarations on adherence indicating that they do not accept voluntary recruitment of those under 18.

There is considerable scope for positive interplay between the Committee on the Rights of the Child, especially in its role in monitoring the OPAC, and the monitoring and reporting mechanism established by the Security Council in its resolution 1612. The groundwork has been done; it is now essential that an effective network of criminalisation of child-soldiering is put in place by the UN's member states through an overlapping web applying extra-territoriality consistently. States parties to OPAC are required to submit a report on implementations to the Committee on the Rights of the Child within two years of ratification or accession. Sixteen countries out of a total of thirty-four who have reported on implementation of the OPAC have had their Reports considered by the Committee. Over fifty reports are currently overdue. The first report is a critical opportunity for states and civil society to take stock of the implementation process, to determine progress made and identify gaps in meeting legal obligations. It also provides an opportunity for civil society actors and national human rights institutions to prepare independent reports on implementation. However, it is already clear that many countries lack a legislative framework.

The steps taken to implement the UN Secretary-General's zero-tolerance policy on sexual exploitation and abuse by peacekeeping forces and UN personnel represent considerable progress. These achievements need to be fully implemented and troop-contributing countries must also enforce these standards with respect to their own troops and personnel. The conduct and discipline team of the United Nations ensure that UN personnel adhere to UN standards of conduct and integrity. The focus is to prevent, detect and enforce standards on sexual exploitation and abuse of children. The standards in question must be uniformly, consistently and fairly applied to all UN personnel. UN personnel are prohibited from engaging in transactional sex (exchange of sex for money, goods and services) and sex with a minor under 18 years. Those guilty of such offences are dismissed in the case of civilian personnel or repatriated to their home country in the case of uniformed personnel. In the latter instance, the UN depends on its member states to enforce, with more rigor than hitherto, the standards determined by the UN. While the number of persons accused of sexual exploitation and abuse in UN peacekeeping missions in 2004 and 2005 was less than 1% of the total peacekeeping population, the impact of these violations and allegations has caused severe damage to the reputation of the United Nations.<sup>31</sup>

It is widely recognised that the UN, under its previous Secretary-General, has taken these issues much more seriously and implemented clear responses to the allegations which were damaging the organisation to a considerable extent.<sup>32</sup>

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<sup>31</sup> [Hhttp://ochaonline.un.org/webpage.asp?Site=sexexH](http://ochaonline.un.org/webpage.asp?Site=sexexH)  
[Hhttp://www.securitycouncilreport.org/site/c.gIKWLeMTIsG/b.1429245/k.E87E/update\\_report\\_no\\_4BRsexual\\_exploitation\\_and\\_abuse\\_by\\_UN\\_peacekeeping\\_personnelBR20\\_february\\_2006.htm](http://www.securitycouncilreport.org/site/c.gIKWLeMTIsG/b.1429245/k.E87E/update_report_no_4BRsexual_exploitation_and_abuse_by_UN_peacekeeping_personnelBR20_february_2006.htm)  
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<sup>32</sup> See, for example, the Secretary-General's (Kofi Annan) Bulletin  
[Hhttp://ochaonline.un.org/DocView.asp?DocID=1083H](http://ochaonline.un.org/DocView.asp?DocID=1083H)

## 5 Transitional Justice and the International Criminal Court

There is now considerable experience with instruments of transitional justice. The mix of international and national elements in truth and reconciliation commissions (and their equivalents) has varied.<sup>33</sup> This body of experience provides a basis for lessons learned and for proposals for greater effectiveness in the elucidation of what happened in a particular conflict, the roles of children as victims and witnesses, reintegration of children after conflict, appropriate punishment of perpetrators and lessons to be derived for future protection. There are also circumstances in which children are also perpetrators and many complex and sensitive issues which require judicious handling.

A human rights-based approach to the issues relating to children and armed conflict provides many opportunities for innovative action. Many governments are recognising, both in the context of gender and children's rights, that civil society organisations fulfil a vital function in protection and provision of evidence of violations. Children are increasingly being recognised as advocates and actors with many children testifying, e.g. before the special courts for Sierra Leone, and a child-friendly truth and reconciliation commission report being developed in Sierra Leone. It is vital that the voice of children is heard and taken seriously because this provides the authentic evidence of the impact on children. At the same time, however, children must be protected from recriminations as a result of giving evidence. The taking of testimony from children is itself a skilled and important task. Child witnesses may well need protection. A balance needs to be drawn between taking the testimony of children seriously and protecting the confidentiality and identity of children. There are also issues of what it means for a child to testify voluntarily. Further issues relate to defining responsibility and culpability for crimes committed by children. It is an increasing consensus that children should not be held criminally responsible for grave violations.

Prosecution have now begun at the International Criminal Court. Critics argue that progress is slow, but the deterrent impact of the Court must also be taken into account. ICC arrest warrants have been issued for five senior members of the insurgent Lord's Resistance Army (LRA) including its leader, Joseph Kony, who is charged with thirty-three counts of war crimes and crimes against humanity, including the enforced enlistment and utilisation and hostilities of children under 15 years of age. Thomas Lubanga Dyilo, founder and leader of the Union of Congolese Patriots in the Ituri region of the DRC, has also been indicted for commission of war crimes, conscription and enlistment of children under the age of 15 and use of children for active participation in hostilities.<sup>34</sup> It is also a significant step that the international criminal court has a worldwide mandate, and that the era of reliance on special tribunals such as those which addressed former Yugoslavia and

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<sup>33</sup> See the work of the International Centre for Transitional Justice: [Hhttp://www.ictj.org/en/index.html](http://www.ictj.org/en/index.html)H; on the Truth and Reconciliation Commission of Sierra Leone, see: [Hhttp://www.trcsierraleone.org/drwebsite/publish/index.shtml](http://www.trcsierraleone.org/drwebsite/publish/index.shtml)H

<sup>34</sup> The website of the ICC provides updates on situations and cases before the Court: [Hhttp://www.icc-cpi.int/cases.html](http://www.icc-cpi.int/cases.html)H

Rwanda is now superseded. Building on the precedent of the International Criminal Tribunals of Rwanda and former Yugoslavia, the International Criminal Court makes it clear that sexual violence as a weapon of war is a war crime and a crime against humanity and that standards are the same whether the violence occurs in internal or external wars.

In Sudan, women and girls who leave camps have, on frequent occasions, been subjected to rape when they go to look for firewood.<sup>35</sup> It is essential that the international community builds on the precedents established and prosecutes those guilty of the use of rape as a weapon of war and indicts them of war crimes and crimes against humanity.<sup>36</sup>

International criminal justice is a limited but effective part of the machinery of implementation – only a small number (in percentage terms) concentrating on the most extreme cases, can and should be brought before the Court.

ILO Convention no. 182 (1999) on the Worst Forms of Child Labour provides another mechanism and additional opportunities for leverage as the ILO works on time-bound measures to address these grievances. ILO Convention 182 has been accepted by 163 States parties. This provision addresses the prohibition and elimination of the worst forms of child labour, including forced or compulsory recruitment of children for use in armed conflict. The 2<sup>nd</sup> Global Report on Child Labour has committed the international community to the elimination of these abuses by 2016.

The connection with action on gender dimensions of conflict and women's role in peacebuilding is an area where progress has been made but much more still needs to be done. Follow up and implementation of UN Security Council Resolution 1325 on women, peace and security is key.<sup>37</sup>

The situation of adolescents requires careful attention. In many conflict situations, the “youth bulge” – the high number of young people who are not in education and for whom no employment or vocational training is available, makes them susceptible to recruitment for violent and/or illegal activities. Adolescents are at risk of exploitative labour, HIV and AIDS, and, in the case of girls, early pregnancy. Trafficking is also a risk factor.

## **6 A Forward-Looking Agenda**

Overall, it is clear that the current resources and approaches designed to address the situation of children and young people affected by armed conflict are inadequate. The emphasis must be on mobilizing domestic resources as quickly and efficiently as possible. Moving from open warfare to post-conflict reconciliation and reconstruction, where necessary with the support of the

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<sup>35</sup> [Hhttp://www.crin.org/email/crinmail\\_detail.asp?crinmailID=1648](http://www.crin.org/email/crinmail_detail.asp?crinmailID=1648)H

<sup>36</sup> For a legal argument on this issue, see: [Hhttp://www.icc-cpi.int/library/organs/otp/050620\\_Chile\\_presentation.pdf](http://www.icc-cpi.int/library/organs/otp/050620_Chile_presentation.pdf)H

<sup>37</sup> ON UNSCR 1325, see: [Hhttp://ochaonline.un.org/webpage.asp?Page=529](http://ochaonline.un.org/webpage.asp?Page=529)H See also the report of Wilton Park conference WP 816 on this website. [Hhttp://www.wiltonpark.org.uk/documents/conferences/WP816/pdfs/WP816.pdf](http://www.wiltonpark.org.uk/documents/conferences/WP816/pdfs/WP816.pdf)H

international community, is the best protection for children. The interface between peacekeeping and development also requires attention. The ideal remains for a country not to be dependent on donors but to become increasingly self-sufficient as quickly as possible. In countries with damaged infrastructure, destroyed economies and little hope of attracting inward investment, this is difficult, but local communities must be empowered to generate employment and livelihoods. This is easier said than done, especially at a time when the lives of those affected by conflict also need rebuilding.

Each conflict situation is different. For example, girls and women in Afghanistan face many customs and practices which impose additional burdens as well as factors directly relating to conflict; in Colombia, the situation is compounded by the length of the conflict, the low trust dynamics and the additional distortions of drug trafficking; in Sri Lanka, the issue of child recruitment by the LTTE has been significant and received considerable attention, investment and efforts, but the situation has also been complicated by the length of the conflict and other concerns such as displacement and education. Each African conflict has its history and particularities – the conflict between the Ugandan government and the Lord's Resistance Army is quite distinct from other conflicts and post-conflict situations on the continent as far apart as Sierra Leone and Sudan.

As well as the formal structures of the UN system, many other possibilities exist for strengthening international responses on children and armed conflict. In the spirit of “the best interests of the child”, care should be taken, particularly by the P5 to avoid politicisation of the agenda and to seek to ensure that the protection of children can be effectively addressed, even though consistent implementation of other human rights standards may still be hard to achieve. The model developed for UNSCR 1325 to foster cooperation between the UN and civil society, and member states and civil society, could also be applied in this area.

There is much more that needs to be done in terms of analysis and understanding of the most effective responses. More independent, comprehensive and robust research is required.<sup>38</sup> The research agenda should focus on the socio-economic contexts of conflicts and their underlying causes, not only on child soldiers. The impact of war on children is much more far-reaching and profound. More independent financing and a commitment to rigour (including a peer review mechanism for the research) are required. Some of the research conducted can contribute to recycling myths or effectively bolster a particular advocacy or institutional agenda. Given that children and armed conflict is an emotive agenda and that war is inevitably a politicised context for research, the highest standards of rigour are essential for research as a contribution to evidence-based policies.

Comparative analysis of experiences in disarmament, demobilisation and reintegration; understanding the dynamics of conflict and uncovering the role of “proxy forces”; development of increasingly accurate figures for the

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<sup>38</sup> For an extensive bibliography (2001) on children and armed conflict, see: [H<http://programs.ssrc.org/children/publications/CAC-Bibliography.pdf>](http://programs.ssrc.org/children/publications/CAC-Bibliography.pdf)

numbers of children and others impacted by conflict; generation of evidence-based figures for numbers of child soldiers in particular conflicts – these are only some of the areas of a research agenda where more accurate analysis and data is required. Impartial analysis is needed in a highly politically-charged area such as armed conflicts.

Much remains to be done. The rhetorical consensus on protection of children is hard to operationalise in particular instances. There are genuine disagreements on the best course of action to take in specific conflicts – if one needs the agreement of those who are responsible for crimes against children to achieve a peace agreement, should prosecution at the International Criminal Court be sought at the risk of prolonging conflict? There are also issues surrounding prioritisation, coordination of action between the different instances with a mandate to protect children and resource issues as not everything can be done which should be done. The current period of reflection (stimulated by the Machel Review process) provides an important opportunity to review progress and strategise for a more effective system of implementation on the basis of standards now set.

NGO initiatives such as the Coalition to Stop the Use of Child Soldiers<sup>39</sup> and the Watchlist on Children and Armed Conflicts<sup>40</sup> and many other specialist human rights and children's organisations massively augment the capacity of individual states and the United Nations to highlight the abuse of children in situations of armed conflict.<sup>41</sup> Governments and NGOs and the UN and NGOs need further to consolidate their working relationship and their advocacy potential. Domestic NGOs in countries suffering from armed conflict face particular difficulties. Solidarity with organisations which take risks to highlight the abuse of human rights is essential.

As one commitment emerging from the conference, the UK government, which cooperated in the organisation of the Wilton Park event, will use the analysis and discussions developed there to inform its analysis and action on children and armed conflict. Other governments, international organisations, specialist agencies and NGOs are encouraged to do the same.

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<sup>39</sup> See: [Hhttp://www.child-soldiers.org/H](http://www.child-soldiers.org/H)

<sup>40</sup> See: [Hhttp://www.watchlist.org/H](http://www.watchlist.org/H)

<sup>41</sup> Other key organisations working on these issues include Amnesty International and Human Rights Watch.

