



CHILDREN AND ARMED CONFLICTS IN AFRICA



POLICY ADVISORY GROUP SEMINAR REPORT

12 AND 13 APRIL 2007, INDABA HOTEL, JOHANNESBURG, SOUTH AFRICA

CHILDREN AND ARMED CONFLICTS IN AFRICA



CAPE TOWN • SOUTH AFRICA



Office of the
United Nations High Commissioner
for Human Rights (OHCHR)
Southern Africa Regional Office

A POLICY SEMINAR HOSTED BY

CENTRE FOR CONFLICT RESOLUTION (CCR) AND THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS (OHCHR), SOUTHERN AFRICA REGIONAL OFFICE
INDABA HOTEL, JOHANNESBURG, SOUTH AFRICA
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SEMINAR REPORT

RAPPORTEURS

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About the Co-organisers:

The Centre for Conflict Resolution, Cape Town

The Centre for Conflict Resolution is based in Cape Town, South Africa. Established in 1968, the organisation has wide-ranging experience of conflict interventions in the Western Cape and southern Africa and is working increasingly on a pan-continental basis to strengthen the conflict management capacity of Africa's regional organisations, as well as on policy research on the United Nations' (UN) role in Africa; South Africa's role in Africa; African Union (AU)/New Partnership for Africa's Development (NEPAD) relations; and HIV/AIDS and Human Security.

The Office of the United Nations High Commissioner for Human Rights, Southern Africa Regional Office

Based in Tshwane, South Africa, the Office of the United Nations High Commissioner for Human Rights (OHCHR), Southern Africa Regional Office, was created in March 1998 as part of the overall OHCHR regional strategy for Africa, and aims to address common concerns relating to the southern African sub-region. The organisation seeks to respond to the long-term objective of enhancing the capacity of African sub-regional organisations and governments, national institutions and civil society groups to promote and protect human rights. The office covers 15 countries in the region: Angola, Botswana, Comoros, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

The Rapporteurs

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Executive Summary

The Centre for Conflict Resolution (CCR) in Cape Town, South Africa, in collaboration with the Office of the High Commissioner for Human Rights (OHCHR), Southern Africa Regional Office, in Tshwane, South Africa, organised a regional seminar on “Strengthening the African Union Framework for the Protection of Children Affected by Armed Conflict” in Johannesburg, South Africa, on 12 and 13 April 2007.

A central aim of the seminar was to ensure the rights of war-affected children by identifying and discussing concrete avenues of enforcing, reporting on, and monitoring children’s rights in conflict and post-conflict situations on the continent.

The seminar provided a forum for 20 participants, including human and child rights experts; representatives from the African Union (AU) and the United Nations (UN) system; academics; and civil society groups to shed light on, and offer responses to, the specific needs of children affected by armed conflict (CAAC) in Africa. The meeting investigated the contribution of the African Charter on the Rights and Welfare of the Child (ACRWC) of 1990 to a rights-based approach for the protection of war-affected children. The seminar generated policy debates and recommendations exploring the avenues of collaboration between the UN mechanisms for the protection of children and the AU Committee of Experts on the Rights and Welfare of the Child (ACERWC). It further examined the role of various AU organs in monitoring children’s rights in conflict and post-conflict situations, and their linkages to specific child rights advocacy and monitoring mechanisms.

The following four key themes were addressed during the seminar:

1. Overview of the Normative Framework for the Protection of Children Affected by Armed Conflicts in Africa;
2. Mechanisms for Advocating and Monitoring the Rights of Children Affected by Armed Conflict in Africa;
3. Opportunities and Challenges for Ensuring the Rights of Children Affected by Armed Conflict in Africa; and
4. Strategies for Strengthening Collaboration among Advocating and Monitoring Mechanisms for Children’s Rights in Conflict and Post-Conflict Situations.

1. Overview of the Normative Framework for the Protection of Children Affected by Armed Conflicts in Africa

For many years, the protection of war-affected children has been an important item on the agenda of the international community. Both the UN and the AU have adopted several conventions, charters and protocols to address the needs of war-affected children. Today, Africa has the largest number of child soldiers. In 2004, it was estimated that up to 100,000 African children, some as young as nine, were involved in armed conflicts. The instruments ratified to protect children victims of violent conflict cover different areas of law such as the humanitarian aspects of child protection; its social and criminal aspects prohibiting the involvement of children in armed conflict; and its broader international human rights law component. In the latter case, the UN Convention on the Rights of the Child (UNCRC), its Optional Protocol on the involvement of children in armed conflicts, and the African Charter on the Rights and Welfare of the Child constitute the legal backbone of the protection of war-affected children in Africa. The co-existence of universal and regional norms provides windows of opportunity for the effective protection of children living in conflict and post-conflict situations across the continent.

2. Mechanisms for Advocating and Monitoring the Rights of Children Affected by Armed Conflict in Africa

In order to achieve effective protection of war-affected children in Africa, a broad range of institutions and mechanisms exist which have the potential to advocate, report on, and monitor the rights of children caught up in violent conflict. At the UN level, the groundbreaking Graca Machel Study on the Impact of Armed Conflict on Children of 1996 – the ten-year review of which provided an opportunity to renew international commitment towards children – has given rise to several mechanisms on the continent. Besides UN mechanisms, various institutions established under the AU also have the potential to contribute to the protection of children in Africa. The African Committee of Experts on the Rights and Welfare of the Child is the main continental treaty body mandated to promote and protect children's rights in Africa. Key to the effective implementation of its mandate is its close link to the broader AU human rights, political, and peace and security architecture. Mainstreaming child rights within the AU programmes and policies is another condition for concrete protection. In addition, the rationalisation of the regional protection of CAAC appears to be a significant prerequisite for strengthened collaboration between continental and universal mechanisms, and of these mechanisms with Africa's Regional Economic Communities (RECs) such as the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD) and the Southern African Development Community (SADC), and civil society organisations (CSOs).

3. Opportunities and Challenges for Ensuring the Rights of Children Affected by Armed Conflict in Africa

The multiple norms adopted and the mechanisms established to address the issue of war-affected children are implemented in various conflict and post-conflict situations across Africa. In countries such as Uganda, Sudan and the Democratic Republic of the Congo (DRC), reporters and monitors have been permitted, with relative success, to watch abuses closely, to identify perpetrators of child rights violations and, in some instances, to prepare the way for post-conflict reintegration and rehabilitation of children. In Liberia and Burundi, child disarmament, demobilisation and reintegration (DDR) processes have been implemented despite several challenges. In Sierra Leone, transitional justice mechanisms established after the ten-year conflict between 1991 and 2000 have taken into account the vulnerability and specific needs of children. All the cases presented at the Johannesburg seminar exposed the absence of the AU in these processes and raised the question of the continental organisation's commitment to the issue of protecting the rights of children living in conflict and post-conflict situations.

4. Strategies for Strengthening Collaboration among Advocating and Monitoring Mechanisms for the Rights of Children in Conflict and Post-Conflict Situations

In order to enhance collaboration among the various international and regional frameworks for the protection of war-affected children, strategies were identified to raise awareness among all the relevant instruments and mechanisms; to promote collaboration with the AU Committee of Experts on the Rights and Welfare of the Child; to strengthen the relationship between the UN and African civil society in monitoring children's rights in conflict and post-conflict situations; or to highlight the need for action at national, regional and continental levels aimed at the protection of children in armed conflict.

Policy Recommendations

Despite the establishment of comprehensive normative and institutional frameworks at the national, regional and international levels, the need remains to address seriously the situation of children in armed conflict in Africa, and to engage actively in the “era of application” that the UN has demanded. There is an urgent need for African responses to the problem of children affected by violent conflict. The seminar therefore adopted the following 10 recommendations:

1. The existing international and regional instruments and mechanisms for monitoring and reporting situations of war-affected children should be widely disseminated, harmonised and strengthened. Outdated normative and institutional frameworks should undergo review and in-depth reform in order to ensure that these frameworks meet the needs for which they were established. Advocacy for the complete ratification of the AU Charter on the Rights and Welfare of the Child should also be pursued.
2. The UN should strengthen its relationship with African civil society and networks of local partners should be developed. UN monitoring mechanisms should further address all actors and bodies that can have an impact on the protection of children in armed conflict, and not only those who are already convinced of its necessity. Moreover, UN interventions should abide by the “do not harm” principle and apply more discretion in monitoring children’s rights.
3. Monitoring and reporting on the situation of children in armed conflict in Africa require strengthened dialogue with relevant actors involved in the protection of war-affected children on the continent. Governments in particular must be held responsible, as they remain the primary duty-bearers that can be held accountable. Comprehensive national systems for child protection should be developed; and African governments should be more involved in the provision of services to children affected by conflict. A dual approach to tackling the issue of children affected by conflict should also be adopted, by linking the two important dimensions of the legal perspective and the conflict-resolution perspective. Countries emerging from conflict should shoulder the primary responsibility of building a culture of peace and respect for human rights to strengthen democracy. Perpetrators of abuses against children should be appropriately indicted, judged and, if necessary, sanctioned.
4. All actors involved – governments, international agencies and civil society actors – have a responsibility to build a protective environment for children in armed conflict. Specifically, a holistic approach needs to be adopted, which should not only focus on child soldiers but also consider all violations suffered by children, especially the six grave violations identified by the UN Special Representative of the Secretary-General for Children and Armed Conflict (SRSG/CAAC), Radhika Coomaraswamy from Sri Lanka. Furthermore, the focus of monitoring by UN mechanisms should be extended to conflict areas where child rights violations are not currently reported to the UN Security Council.
5. Steps should be taken towards filling the gap that exists between reporting situations of war-affected children and the necessary action of bringing appropriate responses to the information documented. Another gap to be addressed relates to the political will at the international and national levels in child-protection programmes, and the resources that are made available. It is necessary to link the monitoring and reporting mechanisms that have been established to the issue of resources.
6. At the level of the AU and RECs, the Johannesburg seminar highlighted the need for a continental agenda on children in armed conflict, and for the AU and RECs to make their presence felt on the ground, including in Disarmament, Demobilisation and Reintegration (DDR) and child DDR programmes. In that sense, regional organs such as the AU Commission, especially through its specific directorates for Peace

and Security; Political Affairs; Social Affairs; the Peace and Security Council; the Economic, Social and Cultural Council (ECOSOCC); the African Court of Justice and Human Rights; and sub-regional bodies, should be widely publicised in order that they can be more effectively and efficiently used to protect children. Mechanisms such as the Special Representative of the Chairperson of the AU Commission for the Protection of Civilians in Armed Conflict, Mame Madior Boye from Senegal, should be actively involved in the protection of children. The AU Committee of Experts on the Rights and Welfare of the Child should also adopt a precise and coherent programme on the issue of war-affected children. The Committee should continue to play its role of safeguarding child rights on the continent effectively by building strategic partnerships as well as implementing all the procedures of the African Charter on the Rights and Welfare of the Child to ensure the protection of war-affected children on the continent.

7. The Committee further needs to share “best practices” with the African Commission on Human and Peoples’ Rights and learn from its past and present constraints. The Committee could, for example, advocate the nomination of a Special Rapporteur on Children in Armed Conflict, who could serve as a focal point on the question of the protection of war-affected children on the continent. Considering the diverse backgrounds of the 11 members of the Committee, the capacities of the experts should be strengthened, especially with regard to conflict resolution and peacebuilding issues, and specifically on the question of war-affected children.
8. Lessons learned from past DDR programmes should be taken into account and reintegration processes should encompass all children affected by conflicts, with a special focus on girl children. Reintegration should also be linked to broader economic recapitalisation and the development of post-conflict countries, as well as to the promotion of democracy, a culture of human rights and peace education.
9. African civil society should establish independent monitoring mechanisms with regard to war-affected children by, among other themes, developing and building the capacity of a critical mass of child rights activists on the continent. A non-governmental organisations’ group attached to the AU Committee of Experts on the Rights and Welfare of the Child should be created. It was also deemed important to engage media and other sources of information in the field, to ensure the prevention of abuses as well as the effective monitoring of and reporting on conflict and post-conflict situations affecting children.
10. Finally, participants highlighted the need to harmonise, strengthen and define modes of collaboration between the regional and international frameworks for the protection of children in armed conflict with regard to the continued proliferation of small arms and light weapons (SALW). The AU, specifically through its Peace and Security Council, should ensure that African states implement the relevant regional and international instruments to prohibit the illicit proliferation, circulation and trafficking of these weapons. Furthermore, civil society actors should be involved in monitoring the transfer of small arms and light weapons and their impact on children.



From left to right: Ms Thelma Ekiyor, Centre for Conflict Resolution, Cape Town, South Africa; Dr Moussa Sissoko, African Committee of Experts on the Rights and Welfare of the Child, Bamako, Mali; Mr David Mugawe, African Child Policy Forum, Addis Ababa, Ethiopia; Dr Chantal Niyokindi, ITEKA Burundian Human Rights League, Bujumbura, Burundi; Ms Sarah Norton-Staal, UN Children’s Fund, Nairobi, Kenya; Mr Gilbert Onyango, Child Rights Advisory Documentation and Legal Centre, Nairobi, Kenya

1. Introduction

The Centre for Conflict Resolution (CCR) in Cape Town, South Africa, in collaboration with the Office of the High Commissioner for Human Rights (OHCHR), Southern Africa Regional Office, in Tshwane, South Africa, organised a regional seminar on “Strengthening the African Union (AU) Framework for the Protection of Children Affected by Armed Conflict” in Johannesburg, South Africa, on 12 and 13 April 2007.

A central aim of the seminar was to ensure the rights of children affected by armed conflict (CAAC) by identifying and discussing concrete avenues of enforcing, reporting on, and monitoring children’s rights in conflict and post-conflict situations on the continent.

The seminar created a forum for 20 participants to analyse and debate critically the opportunities offered by international and regional mechanisms, specifically United Nations (UN) Security Council Resolution 1612 of 2005¹ and the African Charter on the Rights and Welfare of the Child (ACRWC)² – also referred to as the Children’s Charter – to realise children’s rights in conflict situations as well as in peacebuilding processes. It also established a platform for exploring the potential for collaboration between existing child rights reporting and monitoring mechanisms, and between these mechanisms and continental human rights, political, and peace and security organs.

The issue of children in armed conflicts has recently been the subject of international discourse and an item on the political agenda. Today, Africa has the largest number of child soldiers. In 2004, it was estimated that up to 100,000 African children, some as young as nine, were involved in armed conflict.³ Since the groundbreaking Machel Study of 1996 on “The Impact of Armed Conflict on Children” chaired by Graça Machel, Expert of the Secretary-General of the United Nations (UN) and former Mozambican Minister of Education, significant initiatives have been underway to end the plight of children in situations of armed conflict. A plethora of norms have also been adopted for the protection of children at the regional and international levels. While progress is being made, it is also true that millions of children continue to be affected by armed conflicts in Africa – either directly by way of active involvement in combat, or indirectly through the many horrors and effects of armed conflict. This situation reveals that the problem is not a lack of normative standards or initiatives, but reflects a need to move towards what the UN Special Representative of the Secretary-General for Children and Armed Conflict has described as an “era of application” through concerted efforts by the diverse mechanisms for child rights protection and those responsible for peace and security in Africa, to ensure the actual realisation of these rights. The situation further reflects the need for African states, through the political body of the AU, to demonstrate the requisite political will to address this alarming situation through a concrete action plan at the regional level, and collaboration with the UN and other mechanisms relevant to this issue.

1 Children and armed conflict, Resolution 1612 (2005), adopted by the UN Security Council on 26 July 2005 (available at <http://daccessdds.un.org/doc/UNDOC/GEN/N05/439/59/PDF/N0543959.pdf?OpenElement> ; accessed 6 August 2007).

2 OAU Doc. CAB/LEG/24.9/49 (1990) entered into force on 29 November 1999 (available at <http://www.africa-union.org/root/au/Documents/Treaties/Text/A.%20C.%20ON%20THE%20RIGHT%20AND%20WELF%20OF%20CHILD.pdf> ; accessed 6 August 2007).

3 “Some Facts”, Coalition to Stop the Use of Child Soldiers (available at <http://www.child-soldiers.org/childsoldiers/some-facts> ; accessed 7 November 2007).

1.1 Objectives

The objective of the seminar was to promote and ensure the achievement and effective monitoring of children's rights in conflict situations and in peacebuilding and post-conflict reconstruction processes in Africa, through the harmonisation of the various existing initiatives and mechanisms for the protection of children. Considering the normative and institutional frameworks developed to address the problem of war-affected children, the Johannesburg seminar sought to take stock of the opportunities and challenges presented by reporting on, and monitoring, experiences in Uganda, the Democratic Republic of the Congo (DRC) and Sudan. Transitional processes in Liberia, Burundi and Sierra Leone were also analysed in relation to children affected by armed conflict, and the seminar aimed to identify strategies for enhancing collaboration among regional and international mechanisms and promoting the harmonised protection of war-affected children in Africa.

The seminar had four key objectives:

- To assess the specific needs of war-affected children in Africa and to identify best responses to meet these needs;
- To analyse the contribution of the African Charter on the Rights and Welfare of the Child to a rights-based approach to the protection of children victims of armed conflict;
- To explore the avenues for collaboration between the UN Security Council Working Group, the Special Representative of the UN Secretary-General for children affected by armed conflict, and the AU Committee of Experts on the Rights and Welfare of the Child; and
- To examine the role of the AU peace and security organs in monitoring children's rights in conflict and post-conflict situations, and their linkages to the specific child rights advocacy and monitoring mechanisms.

1.2 Background

Children, both as targets and as instruments, are the primary victims of armed conflicts. It is estimated that in the last decade:

- More than two million children worldwide have been killed in situations of armed conflict;
- Six million children have been permanently disabled or injured;
- More than 250 000 children have continued to be exploited as child soldiers;
- Between 8 000 and 10 000 children have been killed or maimed every year as a result of landmines; and
- More than 14 million children have been forcibly displaced within and outside their home countries since 2003.⁴

The abduction of boys and girls has become systematic and widespread. Thousands of girls have been subjected to rape and other forms of sexual violence and exploitation. Attacks against schools or hospitals and the denial of humanitarian access to children, which have devastating consequences for civilian populations, also constitute grave violations committed against children in situations of armed conflict. Less equipped to adapt or

⁴ Promotion and protection of the rights of children Report of the Special Representative of the Secretary-General for Children and Armed Conflict, General Assembly, A/61/275, 17 August 2006 (available at <http://daccessdds.un.org/doc/UNDOC/GEN/N06/474/38/PDF/N0647438.pdf?OpenElement> ; accessed 7 November 2007).

respond to conflict, children are directly affected by the violence against their homes and communities, including being involved as perpetrators of violence. Moreover, when cultures and cycles of violence are perpetuated, the mental and physical trauma endured by children represents a grave threat to durable peace and sustainable development. Children therefore deserve the attention of, and protection by, the international community.

Since the release of the Machel Study in 1996, the scourge of children being affected by conflict has remained on the agenda of the international community and has resulted in an increase in the scope of international instruments to protect children from conflict. At the universal level, the adoption in 2000 of the Optional Protocol to the UN Convention on the Rights of the Child on the involvement of children in armed conflict has strengthened the 1989 Convention on the Rights of the Child by setting a minimum age of 18 for compulsory recruitment and participation in hostilities, and of 15 for voluntary recruitment. The engagement of the 15-member UN Security Council on the issue of children and armed conflict has further contributed to the establishment of a comprehensive body of norms. Six UN Security Council resolutions were adopted between 1999 and 2006, and UN Security Council Resolution 1612 called specifically for the establishment of a monitoring and reporting mechanism and the creation of a Security Council Working Group on Children and Armed Conflict.

At the regional level, member states of the Organisation of African Unity (OAU) adopted the African Charter on the Rights and Welfare of the Child in 1990, a year after the adoption of the UN Convention on the Rights of the Child. The OAU Children's Charter is the first regional and comprehensive child rights treaty. The Charter establishes 18 as the minimum age for all compulsory military recruitment and participation in hostilities. The document also set up the African Committee of Experts on the Rights and Welfare of the Child, which is mandated with the promotion and protection of children's rights as set out in the Children's Charter. These instruments, together with the relevant provisions of the Geneva Conventions of 12 August 1949 and their Optional Protocols; the Cape Town Principles and Best Practices on the Recruitment of Children into the Armed Forces and on Demobilisation and Social Reintegration of Child Soldiers in Africa of 1997;⁵ the 1998 Rome Statute of the International Criminal Court (ICC);⁶ and the 1999 International Labour Organisation (ILO) Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour,⁷ have all established a strong and comprehensive framework for the protection of war-affected children. However, despite the establishment of several advocacy and monitoring mechanisms, the challenge remains the implementation of these standards on the ground.



FAR LEFT: Mr David Ntambara, UN Mission in Liberia/UN Office of the High Commissioner for Human Rights, Monrovia, Liberia; Ms Maymuchka Lauriston, UN Office of the High Commissioner for Human Rights, Kampala, Uganda

LEFT: Dr Sihaka Tsemo, Regional Representative, UN Office of the High Commissioner for Human Rights, Southern Africa Regional Office, Tshwane, South Africa; Mr Fernandez Murhola, Independent Consultant in Development, Human Rights and Conflict Resolution, Kinshasa, Democratic Republic of the Congo

5 Available at [http://www.unicef.org/emerg/files/Cape_Town_Principles\(I\).pdf](http://www.unicef.org/emerg/files/Cape_Town_Principles(I).pdf); accessed 3 August 2007.

6 Adopted on 17 July 1998 and entered into force on 1 July 2002; and ratified by 105 states as of July 2007 (available at <http://www.un.org/law/icc/statute/romefra.htm>; accessed 6 August 2007).

7 Entered into force on 19 November 2000 (available at <http://www.ilo.org/ilolex/ilolex/childlabour/c182.htm>; accessed 6 August 2007).

2. Seminar Themes and Debates

2.1 Overview of the Normative Framework for the Protection of Children Affected by Armed Conflict in Africa

The participation of children in armed conflicts dates back to ancient times. However, mobilisation to address the issue is fairly recent, and international law in this area has been considerably strengthened. At the UN level, the Security Council and the 192-member General Assembly, as well as the OAU (now the African Union) at the regional level, have, among other international political bodies, acted on this issue and pursued several initiatives to address the needs and protection of war-affected children. The present normative framework for the protection of children is a combination of international humanitarian law with the four Geneva Conventions of 1949 and their Additional Protocols; international labour law with the ILO Convention on the Elimination of the Worst forms of Child Labour (182) and Recommendation (190) of 1999; and international criminal law.

More specifically, international criminal law has set mechanisms in motion to end impunity for the use of child soldiers. In addition to serious international crimes which are prohibited by the Rome Statute of the International Criminal Court and are also applicable to children, the statute prohibits and confers jurisdiction on the ICC in respect of conscription or enlisting children under 15 years old into national armed forces or armed groups, or using them to participate actively in hostilities.⁸ The ICC treats the use of child soldiers as a war crime, and has begun to set important precedents in this respect. This was the case of Thomas Lubanga Dyilo, founder and leader of the Union of Congolese Patriots in the Ituri region of the DRC, who was charged in February 2006, among other crimes, with the conscription and enlistment of children under the age of 15 and the use of children for active participation in hostilities.⁹

Arrest warrants were also issued by the ICC for five senior members of the insurgent Lord's Resistance Army (LRA) in Uganda, including its rebel leader, Joseph Kony, who has been charged in September 2005 with 33 counts of war crimes and crimes against humanity, including the forcible enlistment and utilisation in hostilities of children below 15 years old.¹⁰ To address the legacies of the ten-year civil conflict in Sierra Leone, the Special Court for Sierra Leone (SCSL) indicted the former head of state of Liberia, Charles Taylor in July 2003, and charged him with, among others counts, "conscription or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities".¹¹ And in the DRC, a national military tribunal successfully prosecuted, convicted and sentenced Major Jean-Pierre Biyoyo, of the Mudundo Forty armed group in March 2006, for the recruitment and use of children in armed conflict.¹²

8 Article 8, Rome Statute of the International Criminal Court.

9 See Thomas Lubanga Dyilo, *Trial Watch* (available at http://www.trial-ch.org/en/trial-watch/profile/db/legal-procedures/thomas_lubanga-dyilo_294.html ; accessed 6 August 2007).

10 Radhika Coomaraswamy, Under-Secretary-General Special Representative of the Secretary-General for Children and Armed Conflict, Statement at the Paris International Conference "Free Children from War", Monday, 5 February 2007 (available at <http://www.un.org/children/conflict/english/statements128.html> ; accessed 7 November 2007).

11 The Special Court of Sierra Leone, Case SCSL-03-1: *The Prosecutor against Charles Ghankay Taylor, Indictment, 3 March 2003* (available at <http://www.scsl.org/Documents/SCSC-03-01H-001.html> ; accessed 8 August 2007).

12 Katy Glassborow, *Plight of Girl Soldiers 'Overlooked'*, 31 October 2006, Institute for War and Peace Reporting (IWPR) (available at <http://www.reliefweb.int/rw/rwb.nsf/db900SID/TKAE-6V58VZ?OpenDocument&nostyle=1&HTML=02> ; accessed 23 July 2007).

2.2 International Human Rights Law and Children Affected by Armed Conflict: A Comparative Analysis of the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child

While children have been, like all people, the subject of international human rights law for several decades,¹³ specific norms governing their rights have emerged in recent years, including the UN Convention on the Rights of the Child (1989),¹⁴ and the African Charter on the Rights and Welfare of the Child. The UN Convention on the Rights of the Child is the first binding international instrument that specifically recognises the child as a rights holder.¹⁵ It is a comprehensive treaty that sets out universal principles and norms applicable to children because of their status. The convention proclaims fundamental rights and freedoms, and recognises the need for children to have special assistance and protection due to their vulnerability. Article 38 of the UN Convention establishes 15 as the minimum age for the involvement of children in armed conflict. An obligation is placed on state parties to respect as well as ensure the respect of children's rights. Hence, it is not only governments that should not recruit children in their armed forces, but insurgents and other armed groups as well.

“Protection and care of all children...include children used by combatants for food production, or children kidnapped and used as domestic workers, wives or sex objects.”

While international law, such as the UN Convention, sets universal standards of protection for children, the economic, social and cultural diversity of the international community is such that standards cannot be understood, interpreted and applied in the same manner by all states. Therefore, the UN often encourages the creation of regional arrangements for dealing with matters relating to the maintenance of international peace and security.¹⁶ It is in this context that the African Charter on the Rights and Welfare of the Child¹⁷ was adopted by the OAU in 1990. The rationale for the adoption of a separate African Children's Charter was to contextualise the special circumstances and needs of African children, in addition to the fact that the UN Convention was a product of numerous political compromises, as a result of which issues pertinent to Africa were not being adequately addressed. Such neglected areas included the situation of children living under apartheid; prevailing practices such as female genital mutilation; socio-economic conditions such as illiteracy and low levels of sanitary conditions; all of which posed threats to the survival of children.¹⁸ More specifically, the UN Convention did not articulate the issue of the use of child soldiers in the strong and enforceable terms required by the scale of its malpractice in Africa.

13 The Universal Declaration on Human Rights (1948), the International Covenant for Civil and Political Rights (1966); and the International Covenant on Economic, Social and Cultural Rights (1966).

14 UNCRC was adopted on 20 November 1989. It came into force in September 1990 and has been ratified by 193 states as of July 2007 (available at <http://www.ohchr.org/english/law/crc.htm> ; accessed 7 August 2007).

15 All UN member states, except the United States and Somalia, have ratified the convention.

16 Article 52 of the UN Charter (available at <http://www.un.org/aboutun/charter/> ; accessed 7 August 2007).

17 OAU Doc. CAB/LEG/24.9/49. The African Charter on the Rights and Welfare of the Child, adopted in 1990, and entered into force in 1999. The Charter has been ratified by 41 AU member states as of June 2007 (available at <http://www.africaunion.org/root/au/Documents/Treaties/Text/A.%20C.%20ON%20THE%20RIGHT%20AND%20WELF%20OF%20CHILD.pdf> ; accessed 7 August 2007).

18 Frans Viljoen, The African Charter on the Rights and Welfare of the Child. In CJ Davel (ed.), *Introduction to Child Law in South Africa* (Wetton: Juta Law Publishers 2003), p.214.

With regard to children in armed conflict, the African Charter on the Rights and Welfare of the Child contains more progressive provisions than the UN Convention: article 22 of the Charter specifically maintains 18 as the minimum age for the direct involvement of a child in hostilities. Nevertheless, the UN and the AU documents are complementary treaties. Article 41 of the UN Convention does not prevent the application of any other law outside the UN Convention that is consistent with promoting children's rights. Hence, wherever the African Charter on the Rights and Welfare of the Child contains provisions that better guarantee or secure the rights of the child, it shall supersede any other similar provisions.

Furthermore, an Optional Protocol to the UN Convention on the involvement of children in armed conflict¹⁹ was adopted to supplement article 38 of the Convention. The Optional Protocol raises the minimum age to 18 for direct participation in armed hostilities, recruitment into armed groups, and compulsory recruitment by governments. However, the increase in minimum age relates only to "compulsory recruitment",²⁰ and the Protocol provides that states may accept volunteers from the age of 16, though they must deposit a binding declaration at the time of ratification or accession, setting out their minimum voluntary recruitment age and outlining certain safeguards for such recruitment. This provision creates an exploitable situation by affected state parties, where children may actually be left – due to poverty, insecurity or propaganda – with no other option but to enrol into armed groups. In comparison, the AU Charter on the Rights and Welfare of the Child does not only prohibit children's direct involvement in armed hostilities, but also obliges state parties to refrain from recruiting children, whether compulsory or voluntary.

With regard to the protection offered to war-affected children, both the UN Convention and the African Charter on the Rights and Welfare of the Child limit the scope of protection to direct participation in hostilities, covering only the narrow issue of child soldiers. This is part of the effects of armed conflict on children, but excludes indirect partakers in armed hostilities that include spies, porters or ammunition-carriers, who were later recognised as child soldiers by the Cape Town Principles of 1997. Nevertheless, both the UN Convention and the African Charter provide generally for the protection and care of all children. In the context of violent conflict, this protection includes children used by combatants for food production, or children kidnapped and used as domestic workers, wives or sex objects.

Interestingly, the African Charter on the Rights and Welfare of the Child further reflects African realities by extending the scope of protection under the treaty to children in situations of internal armed conflicts, tension, and strife. Under the UN Convention, state parties undertake to adopt adequate measures to promote the physical and psychological recovery, as well as the social reintegration, of child victims of armed conflicts. This provision is all the more essential as the UN Convention addresses the gap in cases where the normative framework for the protection of children in armed conflict fails or falls short of absolute protection of children, thus taking into account the realities of conflict and post-conflict situations.

19 The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, adopted by the UN General Assembly on 25 May 2000 (available at <http://www.ohchr.org/english/law/crc-conflict.htm>; accessed 7 August 2007).

20 See Special Court for Sierra Leone, Case SCSL-04-14: *Prosecutor v Samuel Hinga Norman, Indictment* (available at <http://www.scl.org/Documents/SCSL-04-14-PT-003.pdf>; accessed 7 August 2007).

On the nature of state obligations under the treaties, the UN Convention obliges state parties to “take all feasible measures”²¹ to ensure that children who have not attained the age of 15 do not take direct part in conflicts. This provision is not an absolute prohibition, but subject to state interpretation. On the contrary, the African Charter on the Rights and Welfare of the Child obliges state parties “to respect and ensure respect for rules of international humanitarian law applicable in armed conflicts which affect the child ... and to take all necessary measures to ensure that no child shall take direct part in hostilities”.²² Hence, this provision places an absolute obligation on states to ensure the realisation of these rights, without any room for subjective interpretations.

It is clear from the foregoing, therefore, that the international normative framework on war-affected children is good but not sufficient. The frequent emphasis on child soldiers has the potential to dilute the efforts made on other critical aspects of the impact of armed conflict on children. Acknowledging that the African Charter on the Rights and Welfare of the Child provides the most progressive and firmest guarantee for the implementation of the rights of war-affected children in Africa, the Charter must be ratified by all African governments, and the communication and information void that still prevents the ownership of this instrument by local populations must be plugged.

A holistic approach to the application of international and regional norms protecting children’s rights was considered necessary. For these norms to be effectively implemented, appropriate mechanisms should be put in place. In that regard, the relevant structures of the UN and the AU should be harmonised, but also used more effectively and efficiently.



ABOVE: Mr Benyam Mezmur, Children’s Rights Project, University of the Western Cape Community Law Centre, Cape Town, South Africa
RIGHT: Ms Nobuntu Mbelle, Coalition for an Effective African Court on Human and Peoples’ Rights, Human Rights Institute of South Africa, Johannesburg, South Africa
LEFT: Dr Mireille Affa’a Mindzie, Centre for Conflict Resolution, Cape Town, South Africa; Ms Sarah Norton-Staal, UN Children’s Fund, Nairobi, Kenya
BELOW: From left to right: Mr David Ntambara, UN Mission in Liberia/UN Office of the High Commissioner for Human Rights, Monrovia, Liberia; Ms Maymuchka Lauriston, UN Office of the High Commissioner for Human Rights, Kampala, Uganda; Ms Nobuntu Mbelle, Coalition for an Effective African Court on Human and Peoples’ Rights, Human Rights Institute of South Africa, Johannesburg, South Africa; Ms Hanatu Kabbah, Lawyer Centre for Legal Assistance, Freetown, Sierra Leone



21 Article 38(2) of the UNCRC.
 22 Article 22(1) ACRWC.

2.3 Mechanisms for Advocating and Monitoring the Rights of Children Affected by Armed Conflict in Africa

The United Nations

Recent UN reforms in 2005 have put human rights at the centre of UN work and, consequently, the issue of children's rights has received further attention from the political organs of the UN, as well as its various human rights and humanitarian mechanisms.²³ This remarkable resolve and commitment is demonstrated through a variety of initiatives and mechanisms, including resolutions of the UN General Assembly and the launch of the Graça Machel Study and the subsequent Report on the Impact of Armed Conflict on Children of 1996; the establishment of the Office of the Special Representative of the UN Secretary General for children affected by armed conflict in 1997; various UN Security Council Resolutions; and the establishment of the Security Council Working Group on Children and Armed Conflict in 2005.

The General Assembly: The Machel Study and the Special Representative of the Secretary-General for Children Affected by Armed Conflict

In 1993, following a recommendation by the Committee on the Rights of the Child, the UN General Assembly adopted Resolution 48/157 of 20 December 1993, recommending that the Secretary-General appoint an independent expert to study the impact of armed conflict on children. Graça Machel, Mozambique's former Minister of Education, was appointed as the Expert of the UN Secretary-General at the time, Boutros Boutros-Ghali, and charged with the task of undertaking the study. In 1996, her report, entitled "The Impact of Armed Conflict on Children"²⁴ ("The Machel Study"), was submitted to the 51st session of the UN General Assembly. The Machel Study laid the foundation for the children and armed conflict agenda and constituted a seminal call to action.²⁵

Based on the Machel Study, the UN General Assembly adopted Resolution 51/77 of December 1996, which recommended that the UN Secretary-General appoint a Special Representative for children affected by armed conflict. This office was duly created and the first Special Representative, Olara Otunnu from Uganda, was appointed in September 1997. Key elements of the mandate of the Special Representative include: assessing the progress achieved and difficulties encountered in strengthening the protection of children in situations of armed conflict; raising awareness and promoting the gathering of information on the plight of children affected by conflict; and encouraging the development of networking and fostering international co-operation to ensure the protection and rehabilitation of children affected by conflict.²⁶ The July 2006 report of the Special Representative focused on issues such as the recruitment of child soldiers; implementing the monitoring and reporting mechanism for children affected by armed conflict; and sexual exploitation by UN peacekeeping personnel. New priority areas have been identified such as transitional justice; gender; documentation of best practices and local capacities; as well as a review of the Machel Study.

23 Helen Scanlon, "The Human Rights Council: From Rights to Responsibility?", in Adekeye Adebajo and Helen Scanlon (eds.), *A Dialogue of the Deaf: Essays on Africa and the United Nations* (South Africa: Fanele, Centre for Conflict Resolution, 2006), pp.131-149.

24 UN Assembly General, A/51/306 Add.1 (available at <http://daccessdds.un.org/doc/UNDOC/GEN/N96/219/55/PDF/N9621955.pdf?OpenElement>; accessed 7 August 2007).

25 Sarah Norton-Staal, "Mandate and activities of the UN Special Representative of the Secretary-General for children affected by armed conflict and of the UNSC Working group on children affected by armed conflict", Seminar on Strengthening the African Union Framework for the Protection of Children Affected by Armed Conflict, Johannesburg, South Africa, 12 and 13 April 2007.

26 Office of the UN Special Representative of the Secretary-General for Children Affected by Armed Conflict (available at <http://www.un.org/children/conflict/english/mandate3.html>; accessed 7 August 2007).

The Review of the Machel Study

The 1996 Machel Study promoted the development of tools, human and material resources capacity for addressing the problems of war-affected children. Since the report and the inception of the mandate of the Office of the Special Representative of the UN Secretary-General for children and armed conflict, significant and tangible progress has been made in this important area.

Achievements in the Area of Children Affected by Armed Conflict

The achievements in the protection of war-affected children include: an increased global awareness and deeper mainstreaming of children and armed conflict in the UN system; placing children consistently on the international peace and security agenda; and the decision of some armed groups such as the *Forces Nouvelles* in Côte d'Ivoire in September 2006, or the Sudan Liberation Movement/Army (SLM/A) in June 2007, to enter into dialogue with UN teams on the ground and commit to an action plan to release all children associated in their forces, for example.²⁷ The impact of the Machel Study can also be seen in the increase and/or strengthening of international norms and standards for the protection of children with a view to ending impunity.

Moreover, the Machel Study facilitated increased protection of particularly vulnerable children and created a broadened cadre of child-protection professionals who focus on children affected by armed conflict. Children's issues have been explicitly included in peace negotiations, peace accords and post-conflict programmes for rehabilitation and reconstruction in Côte d'Ivoire, Burundi, Liberia and the Sudan. Training and capacity-building tools have been developed and disseminated; special attention is now given to preventing sexual exploitation in humanitarian crises and to adolescents in emergency and transitional situations; and gender-based violence in conflicts and crises has emerged as a global concern. Furthermore, disarmament, demobilisation and reintegration (DDR) programmes currently include special measures for children, and the lessons learned from past DDR processes have led to more community-based and gender-sensitive approaches. The Machel Study also paved the way for the launch of UN studies on violence against children and women.

Continuing Challenges

Nevertheless, persistent challenges have hindered the protection of war-affected children. These include the fact that children in conflict remain highly vulnerable to being recruited by armed groups, exploited, sexually abused, injured and killed. The climate of conflicts has also changed dramatically, and diverse forms of political and armed violence present new threats to the protection of children. In addition, there is now a need to "refresh the unique multi-stakeholder mobilisation and spirit generated by the original Machel Study", as well as to "reframe action on children and armed conflict in view of the UN reform [process] and changes in the global policy environment".²⁸ Specific objectives and key thematic issues have therefore been identified to sustain the 2007 review of the Machel Study.

27 Radhika Coomaraswamy, 'Statement at the Paris International Conference, 'Free Children from War'', 5 February 2007.

28 Sarah Norton-Staal, 'Mandate and activities of the UN Special Representative of the Secretary-General for children affected by armed conflict and of the UNSC Working group on children affected by armed conflict'.

Objectives and Priority Themes

The Strategic Review identified key areas of achievement and progress, as well as emerging challenges, new threats and priorities. It also provided an opportunity to update the children affected by armed conflict agenda with regard to global policy and UN reform; refresh and reframe multi-stakeholder engagement and action; as well as develop updated, comprehensive strategies to advance the war-affected children agenda.

Five priority themes were selected, covering children in justice processes; community-based reintegration and youth opportunities; gender-based violence, sexual exploitation and abuse; linkages across special concerns such as trafficking and HIV/AIDS; and key sectoral developments and issues. A questionnaire was sent to UN member states, with a view to capturing their roles in protecting the rights of children in situations of armed conflict, as well as provide an opportunity for discussion and debate of the review at the country level. At its conclusion, the Strategic Review identified four key recommendations: the universal implementation of international norms and standards to end impunity for crimes against children in war; the prioritisation of the care and protection of children in armed conflict and in post-conflict situations; the prevention of conflict and peacebuilding; and the development of partnerships, as well as the participation of children and young people in the promotion of non-violent change.²⁹

Besides the UN General Assembly, the UN Security Council has taken initiatives to address the issue of war-affected children.

The United Nations Security Council Resolution 1612 and the Working Group on Children Affected by Armed Conflict

The UN Security Council began to pay sustained attention to the issue of children and armed conflict after realising that the use of children in armed conflicts has grave consequences for global peace and stability. Particularly mindful of the fact that children are now being used as instruments of war, the Security Council acknowledged that, in the longer term, children associated with armed groups who are not properly reintegrated into society might influence the prospects for peace and security in the future.³⁰ Since 1999, the Council has thus been actively seized with the issue of children affected by armed conflict, and has passed six resolutions between 1999 and 2007 to address this critical issue.³¹

In its Resolution 1612 of 26 July 2005, the UN Security Council established the first comprehensive Monitoring and Reporting Mechanism (MRM) for enforcing compliance among those groups using child soldiers in armed conflict. The MRM seeks to monitor six grave abuses: killing or maiming of children; recruitment, or use of, child soldiers; attacks against schools or hospitals; rape and other grave sexual violence against children; abduction of children; and denial of humanitarian access to children. However, while emphasis has so far been placed on child recruitment, there is an urgent need to strengthen reporting on other violations. African countries on the UN Security Council's agenda include: Burundi, Somalia, Uganda, the DRC, Côte d'Ivoire, Chad and Sudan.

29 Machel Study 10-year Strategic Review. Children and Conflict in a Changing World. Executive Summary of the Strategic Review report to the General Assembly, A/62/228 (available at http://www.un.org/children/conflict/_documents/machel/ExecutivesummaryMachel107.pdf; accessed 1 November 2007).

30 Ibid.

31 Security Council Resolutions 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004) and 1612 (2005) (available at <http://www.un.org/children/conflict/english/keydocuments88.html>; accessed 7 August 2007).

Beside the UN's Monitoring and Reporting Mechanism, Security Council Resolution 1612 created a Security Council Working Group on children affected by armed conflict to review the reports of the mechanism, as well as progress made in the development and implementation of the relevant action plans formulated. The Working Group is further charged with requesting other UN bodies to undertake appropriate actions to support the implementation of Security Council Resolution 1612; and with making recommendations to the Security Council.

The UN Security Council's involvement in children affected by armed conflict has helped to uncover the political and security dimensions of an issue that had previously been tackled largely as a humanitarian concern. Defining the problem of children and armed conflict in this way has led to the realisation that stamping out the use of children in armed conflict requires an understanding of the roots of conflict and its impact on the broader security situation. As a result, between 1999 and 2007, this issue has steadily been incorporated into the mainstream of the UN Security Council's work in the area of peace and security. It is now included in the Security Council's fact-finding missions and in many country-specific reports. Child protection is also now part of the mandate of all UN peacekeeping missions, and peacekeeping personnel are trained to be sensitive to the needs of children in situations of armed conflict.



ABOVE : Ms Nahid Gabralla Siedahmed, Women and Children Studies Centre, Khartoum, Sudan

RIGHT : Ms Maymuchka Lauriston, UN Office of the High Commissioner for Human Rights, Kampala, Uganda

FAR RIGHT : Mr Fernandez Murhola, Independent Consultant in Development, Human Rights and Conflict Resolution, Kinshasa, Democratic Republic of the Congo



BELOW: Dr Sihaka Tsemo, Regional Representative, UN Office of the High Commissioner for Human Rights, Southern Africa Regional Office, Tshwane, South Africa



The African Union

Besides international mechanisms set up by the United Nations, the AU has established a series of organs and institutions, some of which have human rights, as well as peace and security mandates. Among these, the African Charter on the Rights and Welfare of the Child and its monitoring Committee constitute the principal mechanism for the regional protection of children in armed conflict in Africa.

The African Committee of Experts on the Rights and Welfare of the Child

The African Committee of Experts on the Rights and Welfare of the Child consists of 11 members and has a mandate to promote, protect and interpret the rights of children as espoused in the African Children's Charter. The Committee is also tasked with implementing other responsibilities that may be assigned to it by the AU Assembly of Heads of State and Government (AHSG), and has a role to play in protecting the rights of children in armed conflicts.

The Committee of Experts has the power to call on African governments, during consideration of state parties reports, to respect the rights of children under their jurisdiction, and to urge them not to involve children in armed conflicts.³² The Committee can also implement its mandate with regard to children affected by violent conflict by examining individual communications or complaints brought to its attention. The body may undertake investigations in countries wracked by violent conflict in order to establish the situation of children, and to advocate the improvement of this situation. The Committee can also organise meetings and sensitise populations and civil society organisations to ensure the protection of children. Moreover, the Committee can take part in peace negotiations in order to ensure that children's rights are taken into consideration.³³

To date, some of the activities of the Committee relative to war-affected children include: a visit to Darfur, Sudan, and an investigative mission to northern Uganda in response to a complaint. The Committee has undertaken several missions that have helped to increase the number of ratifications of the African Children's Charter, and further missions are planned to Liberia and the DRC. In addition, the Committee of Experts has finalised several working documents for the consideration of state parties' reports and individual communications, for the conduct of investigations, and for granting observer status with the Committee to NGOs.³⁴ However, the Committee lacks the necessary resources to implement its activities. Support is provided by the AU Department for Social Affairs and international institutions, but this remains inadequate to allow the main regional child rights body to implement its mandate effectively.

Beside the Children's Committee, other AU organs and institutions could be used more effectively to protect children in armed conflicts.³⁵

32 By May 2007, only five countries had submitted their initial reports to the Committee: Mauritius, Egypt, Rwanda, Nigeria and Kenya.

33 Moussa Sissoko, 'Introduction to the African Committee of Experts on the Rights and Welfare of the Child: Opportunities and Challenges for Promoting and Protecting Children's Rights on the Continent'; Seminar on Strengthening the African Union Framework for the Protection of Children Affected by Armed Conflict, Johannesburg, South Africa, 12 and 13 April 2007.

34 Ibid.

35 Nobuntu Mbelle, 'Role of the AU Organs in Advocating and Monitoring the Rights of Children Affected by Armed Conflict in Africa', Seminar on Strengthening the African Union Framework for the Protection of Children Affected by Armed Conflict, Johannesburg, South Africa, 12 and 13 April 2007.

The African Commission on Human and Peoples' Rights

The African Commission on Human and Peoples' Rights was established in 1987 under article 30 of the African Charter on Human and Peoples' Rights of 1981.³⁶ Article 2 of the African Charter provides that all the substantive provisions of the Charter apply equally to all individuals, without discrimination on any basis, which would implicitly include age. The Commission therefore has jurisdiction over the rights of individuals and peoples in Africa, including children.

Specifically, article 18 of the African Charter provides for the protection of the family, and obliges governments to ensure the protection of the rights of the child as stipulated in international declarations and conventions. This provision brings the series of international norms protecting children within the jurisdiction of the Commission. Furthermore, article 61, which defines the applicable principles of the Commission, obliges the body to draw inspiration from, among other sources, other instruments adopted by the UN and by African countries in the field of human rights, as well as from the provisions of various instruments adopted within the specialised agencies of the UN to which the state parties to the Charter are members. The Commission therefore has broad jurisdiction over all human rights issues affecting adults and children, whether specified or not by other international, regional or specialised norms.

“The African Charter...obliges governments to ensure the protection of the rights of the child as stipulated in international declarations and conventions.”

Beside its regular procedures and mechanisms for ensuring the promotion and protection of human and peoples' rights on the continent, the African Commission has established special mechanisms to discharge its mandate effectively. These special mechanisms deal with thematic human rights issues of concern to the Commission and the continent as a whole and take the form of Special Rapporteurs; Working Groups; and Committees. Particularly relevant to children in armed conflict are the Special Rapporteur on the Rights of Women; and the Special Rapporteur on Refugees, Internally Displaced Persons (IDPs), Migrants and Asylum Seekers. The two Special Rapporteurs can effectively deal with issues particular to African children such as the specific impact of armed conflict on girls; post-conflict peacebuilding and the reintegration of girls previously associated with armed forces; as well as issues of child refugees, family reunions, and the protection of non-accompanied children. The Commission's system was reinforced with the creation of an African Court on Human and Peoples' Rights that also has the potential to enhance the protection of children on the continent.

The African Court on Human and Peoples' Rights

The African Court on Human and Peoples' Rights was established by an Additional Protocol to the 1981 Charter to complement the protective mandate of the African Commission under article 45(2) of the Charter.³⁷ Unlike the Commission, the African Court's decisions are final and binding. The African Court is therefore perceived

36 Adopted by the OAU Heads of State and Government in June 1981, in Nairobi, Kenya, and entered into force on 21 October 1986. Today, all 53 member states of the AU are parties to the Charter.

37 The Preamble and articles 2 and 8 of the Protocol to the African Charter on the Establishment of an African Court on Human and Peoples' Rights (the Court); adopted on 10 June 1998 and entered into force on 25 January 2004 (available at <http://www.africa-union.org/root/au/Documents/Treaties/Text/africacourt-humanrights.pdf>; accessed 7 August 2007).

as the desired “teeth” for the African human rights system to ensure the effective implementation of the Charter. Under the 1998 protocol, both the Commission and the African Committee of Experts on the Rights and Welfare of the Child are potential litigants before the Court. Furthermore, the Court has competence over all human rights instruments ratified by African states, including the relevant treaties and protocols protecting war-affected children. The decisions of the Court are enforceable by the Executive Council of the AU against non-compliant states.³⁸ The African Court on Human and Peoples’ Rights, which was merged with the AU Court of Justice in 2004, therefore has the potential to serve as a key mechanism for the effective judicial protection of children affected by violent conflict on the continent. The Court is competent to provide remedies as well as deliver advisory opinions.

The AU Peace and Security Council

Also relevant to the protection of war-affected children in Africa is the 15-member AU Peace and Security Council (PSC), created in 2004 with the objectives of anticipating and pre-empting armed conflicts as well as preventing massive violations of human rights.³⁹ The PSC, supported, among other mechanisms, by a Panel of the Wise, a Continental Early Warning System and an African Standby Force, also aims to promote and encourage democratic practices, “good governance”, the rule of law, human rights, respect for the sanctity of human life, and international humanitarian law.⁴⁰ With regard to children affected by armed conflict, these objectives can serve to advocate children’s rights within the overall prevention of conflict through human rights promotion, to advocate and monitor the rights of children caught up in armed conflict, and to supervise child reintegration processes and child rights mainstreaming within regional peacebuilding and post-conflict reconstruction processes.

Regional mechanisms, international organisations, and civil society groups involved or interested in a conflict under consideration by the PSC may be invited to participate in discussions relating to that conflict. These provisions provide avenues for the AU Committee of Experts on the Rights and Welfare of the Child, with regard to situations that might be brought to its attention, to discuss issues of children affected by violent conflict with the PSC. In addition, NGOs are further allowed direct access to the Council, and child rights groups are encouraged to take up this opportunity. With regard to the training of civilian and military personnel of national standby contingents to comprise the African Standby Force (ASF) to be established by 2010, the rights of children are specifically mentioned to be part of training guidelines to be provided by the AU Commission. Furthermore, the PSC has a mandate to undertake peacebuilding activities through such programmes as the reintegration of child soldiers, the resettlement and reintegration of refugees and internally displaced persons, and assistance to vulnerable persons, including children.

The AU Executive Council and the Assembly of Heads of State and Government

The AU Executive Council, which comprises Ministers of Foreign Affairs from all member states, considers and adopts decisions and resolutions that are then endorsed by African heads of state. These include, for example, the adoption of budgets, the election of members of the Committee on the Rights and Welfare of the Child, and the adoption of the activity report of the Committee which has to be submitted every two years.

38 Article 29 (2) of the ACHPR Protocol.

39 Protocol relating to the Establishment of the Peace and Security Council of the African Union (available at http://www.africa-union.org/root/au/Documents/Treaties/Text/Protocol_peace%20and%20security.pdf; accessed 7 August 2007).

40 See Centre for Conflict Resolution, “Building an African Union for the 21st Century: Relations with Regional Economic Communities (RECS), NEPAD and Civil Society”, Seminar report, Cape Town, August 2005 (available at <http://ccrweb.ccr.uct.ac.za>; accessed 2 November 2007).

The Assembly of Heads of State and Government is the supreme organ of the AU. Among its powers and functions, the Assembly may receive, consider and take decisions on reports and recommendations from the other organs of the AU; monitor the implementation of policies and decisions of the AU; as well as ensure compliance of all member states with these decisions. These reports, recommendations and policies would include those of the African Committee of Experts on the Rights and Welfare of the Child on the issue of war-affected children, and those of the African Commission on Human and Peoples' Rights, as they relate to children. The Assembly is thus the primary enforcer of the decisions of these treaty bodies.

Other Organs of the African Union dealing with Children Affected by Armed Conflict

Composed of ambassadors from the different member states, the Permanent Representatives Committee is charged with the responsibility of preparing the work of the Executive Council and acting on the Executive Council's instructions. The Commission serves as the secretariat of the AU. Through specific departments and Commissioners' offices such as Social Affairs, Political Affairs and Peace and Security, the Commission has a crucial role to play in publicising the AU's concerns regarding war-affected children in Africa, as well as putting this issue on the agenda of the political organs of the Union. The rights of children affected by violent conflict should also be part of the AU post-conflict reconstruction framework of 2006.⁴¹ It was further observed that existing mechanisms such as the Representative of the Chairperson of the AU Commission for the Protection of Civilians in Armed Conflict, Mame Madior Boye from Senegal, could contribute, in a more active and visible way, to advocating and monitoring children's rights across the continent.

Recalling that the South Africa-based Pan-African Parliament, inaugurated in March 2004, is one of the principal organs of the AU, this body has a mandate to facilitate the effective implementation of the policies and objectives of the AU. The parliament will, therefore, have the important responsibility of monitoring the promotion and protection of human rights in Africa, including the rights of children in conflict and post-conflict situations. Finally, the AU's Economic, Social and Cultural Council (ECOSOCC), launched in Addis Ababa in March 2005, is the civil society arm of the AU through which civil society can impact on AU decisions and policies. Civil society groups working on child rights issues should therefore make use of the forum provided by ECOSOCC for infusing children's concerns into the AU agenda.

Despite several organs and mechanisms having the potential to contribute to advocating and monitoring the rights of children affected by violent conflict in Africa, the Johannesburg seminar observed that the AU still lacks an active agenda on war-affected children, in the face of the prevalence of the issue on the continent. The long list of relevant AU organs and institutions is not enough. The effectiveness of these institutions is yet to be seen, and an effective protection of children in violent conflict calls for strategic alliances that can be formed on this particular issue. In that regard, the harmonisation of the different institutions working to protect children is important, and monitoring of the rights of war-affected children by the AU should be realised in collaboration with RECs such as ECCAS, ECOWAS, IGAD and SADC; as well as civil society organisations.

⁴¹ Decision on the AU Policy Framework on Post-conflict Reconstruction and Development, Executive Council, Ninth Ordinary Session, 25-29 June 2006, Banjul, Gambia, EX.CL/274 (IX) (available at: <http://www.africaunion.org/root/UA/Conferences/2007/mars/PSC/12%20mars/Decision%20on%20Post%20Conflict.doc>; accessed on 2 November 2007).

Sub-regional Initiatives for Ensuring the Rights of Children Affected by Armed Conflict in Africa

Beyond the UN and the AU, sub-regional organisations such as ECOWAS and SADC have begun to implement the commitments that they have made to children in the context of their own peacekeeping, peacemaking and peacebuilding initiatives. At the SADC level, for instance, a Protocol on Control of Firearms, Ammunition and Other Related Materials was adopted in 2001 and has the potential to contribute to the protection of children in war-affected societies.

The SADC Protocol on the Control of Firearms, Ammunition and Other Related Materials

Conflicts are generally exacerbated by the proliferation and use of small arms and light weapons (SALW). Uncontrolled availability and access to these weapons facilitate the creation of armed groups and armed conflicts, and the fact that these weapons are easy to carry and to activate also makes the use of child soldiers possible. In post-conflict contexts, the circulation of small arms and light weapons is intrinsically linked to crime. In Africa, extensive and porous borders make it difficult to control the circulation of small arms that can easily be moved across borders.⁴² The SADC Protocol on the Control of Firearms, Ammunition and Other Related Materials is part of the sub-regional body's overall armed violence reduction strategy.⁴³ The protocol requires state parties to identify and adopt effective programmes for the collection and destruction of firearms through, for example, DDR programmes and peace agreements. Though the protocol does not specifically mention children, this provision is vital to the effective demobilisation of child soldiers, and the security of children, in post-conflict societies. The problem of the proliferation of small arms and light weapons goes beyond its effect on war-affected children; and extends to the 200,000 victims of homicide and suicide in the industrialised world; at least 300,000 people killed during armed conflicts occurring in developing countries; and to the millions more who suffer from non-fatal injuries and crippling disabilities.⁴⁴ The need for inter-country collaboration, awareness-raising and greater involvement of civil society groups in monitoring the transfer of these weapons and their impact on children, was therefore identified as an important issue. There is an urgent need for harmonised and strengthened collaboration between the regional and international frameworks for the protection of children in armed conflict, with regard to the continued proliferation of small arms and light weapons, and small arms reduction should be included in the development debate.



FAR LEFT: Mr Gilbert Onyango, Child Rights Advisory Documentation and Legal Centre, Nairobi, Kenya
CENTRE: Mr David Ntambara, UN Mission in Liberia/UN Office of the High Commissioner for Human Rights, Monrovia, Liberia
LEFT: Ms Abiola Ayinla, African Commission on Human and Peoples' Rights, Banjul, The Gambia

42 Noel Stott, "The SADC Firearms Protocol as a Tool for Preventing the Use of Child Soldiers", Seminar on Strengthening the African Union Framework for the Protection of Children Affected by Armed Conflict, Johannesburg, South Africa, 12 and 13 April 2007.

43 The Protocol was adopted in August 2001, and entered into force in November 2004 (available at http://www.smallarmssurvey.org/files/portal/issueareas/measures/Measur_pdf/r_%20measur_pdf/Africa/20010814_sadc_protocol.pdf; accessed 7 August 2007).

44 "Caught in the Crossfire: The Humanitarian Impact of Small Arms" (available at http://www.smallarmssurvey.org/files/sas/publications/year_b.pdf/2002/2002SASCh4_full_en.pdf; accessed 7 November 2007).

2.4 Opportunities and Challenges for Ensuring the Rights of Children Affected by Armed Conflict in Africa

Monitoring Children's Rights in Conflict Situations: Sharing of Experiences

Uganda

In Uganda, children are protected under the humanitarian and development frameworks implemented by UN agencies. Due to the civil war which has raged in the North since 1986, Uganda hosts an important number of internally displaced persons and some populations have been living in IDP camps for the past 20 years. It is estimated that 250 000 children have been abducted and one in eight girls is considered to be a victim of gender-based violence. Furthermore, issues such as domestic violence and access to health, education or food have been negatively affected by the conflict.⁴⁵

Children's rights in Uganda are monitored under the supervision of the Office of the UN High Commissioner for Human Rights (OHCHR), in line with the UN Security Council's Monitoring and Reporting Mechanism, through the country's task force. This body, which comprises UN actors and NGO and civil society groups, focuses on identifying violations covered by UN Security Council Resolution 1612 of July 2005. Monitors have been trained to use standardised reporting tools. In addition, a civil and military co-ordination Committee comprising representatives of the police, the army, civil society, as well as the Uganda Human Rights Commission, has been mandated to investigate violations perpetrated by the police and the army.

“Uganda has signed all the relevant international conventions (regarding child rights)...though some reports have alleged the continued recruitment of child soldiers.”

The task force gathers, vets and integrates field-level information and provides reports to the Special Representative of the UN Secretary-General for children affected by armed conflict, which also subjects the information supplied to the same scrutiny before consolidating this into a report for the UN Secretary-General. The report is then issued as an official country report of the Secretary-General. This is published as a UN Security Council document and is made available to all interested members. The task force also reports on the grave violations on children affected by armed conflict listed in Resolution 1612, and this becomes an informal information report from the UN Secretary-General. These violations are also considered by the UN Security Council Working Group on children affected by armed conflict and the first report of the Ugandan task force was submitted to the Security Council in May 2007. Uganda has signed all the relevant international conventions, and there is officially no systematic recruitment of children into the national army, though some reports have alleged the continued recruitment of child soldiers, including by the Uganda People's Defence Forces (UDPF).⁴⁶ An action plan, on which the task force provided comments, has been prepared by UDPF to address this issue, as well as human rights violations committed by their members. Suggestions were therefore made with regard to children's rights, the accountability of soldiers investigated for human rights violations, and

⁴⁵ Maymuchka Lauriston, "Monitoring Children's Rights in Conflict Situations: Sharing of Experiences: Uganda", Seminar on Strengthening the African Union Framework for the Protection of Children Affected by Armed Conflict, Johannesburg, South Africa, 12 and 13 April 2007.

⁴⁶ See, for example, Maymuchka Lauriston, "Monitoring Children's Rights in Conflict Situations: Sharing of Experiences: Uganda".

the sources of child soldiering. However, negotiations still continued in 2007 with regard to visits to military camps by the task force. Despite the relative intensity of the pastoral conflict in North-eastern Uganda, the region was not included in the Resolution 1612 report to the UN Secretary-General. Nevertheless, the Office of the UN High Commissioner for Human Rights has started to pay attention to the human and child rights violations in the Karamoja region, taking into account its particular cultural features and cross-border effects. However, no conclusions have yet been reached about the tools to be employed, due to the clandestine nature of the conflict and its specific context. Furthermore, it appears necessary to expand the task force to local communities, and, while implementing its mandate, it is important that the UN abides by the principle of “do not harm”.

Sudan

Sudan has the largest number of internally displaced persons in the world: about five million people.⁴⁷ Women and children constitute 70 per cent of these IDPs, and the country hosts an estimated 450 000 refugees.⁴⁸ It is also estimated that thousands of children are still associated with armed forces and groups in the country's Darfur region and were actively involved in conflict from May to July 2006. There are an estimated 34 000 street children in the capital of Khartoum. Thus, beside recruitment into the armed forces, children in situations of armed conflict have suffered and continue to suffer various abuses such as trafficking and abduction, child labour, sexual abuse and exploitation, early marriage, gender-based and domestic violence, as well as attacks on schools. In Sudan, the situation of children is made particularly difficult by the lack of access to services, the lack of appropriate education, and the separation of children from their families or primary caregivers.⁴⁹

Reviewing and monitoring the situation of children is conducted by the UN task force, which is led by the UN Mission in Sudan (UNMIS). Besides international institutions, child protection is organised by the government and by NGOs and community-based organisations (CBOs) working on monitoring and on issues such as awareness-raising and law reform, especially in the area of gender-based violence, human rights and child protection, services to street children, as well as in IDP camps and conflict areas. Notwithstanding the different peace agreements,⁵⁰ a 2005 UN Secretary-General's report revealed that children in Sudan unabatedly continue to suffer grave human rights abuses.⁵¹ The considerable number of armed forces and groups make it difficult to establish specific responsibility for grave violations of children's rights. However, the 2005 report emphasises the individual responsibility of commanders of the various armed forces, and the overall responsibility of the Government of National Unity and the Government of Southern Sudan.⁵² Moreover, the security situation, limited access, the delayed implementation of the Peace Agreement of 2005 and the complexity of monitoring mechanisms in Darfur have hindered the monitoring of child recruitment and their use by armed groups. Though the Disarmament, Demobilisation and Reintegration process in Khartoum is

47 “Sudan: Outlook for IDPs Remains Bleak” (available at [http://www.internal-displacement.org/8025708F004CE90B/\(httpCountries\)/F3D3CAA7CBEBE276802570A7004B87E4?OpenDocument](http://www.internal-displacement.org/8025708F004CE90B/(httpCountries)/F3D3CAA7CBEBE276802570A7004B87E4?OpenDocument) ; accessed 24 October 2007).

48 The largest numbers of refugees in Africa are also from Sudan and have fled either the longstanding and recently concluded Sudanese civil war or the Darfur conflict and are located mainly in Chad, Uganda, Ethiopia, and Kenya (available at <http://www.unhcr.org/statistics/STATISTICS/4641bec40.pdf> ; accessed 31 July 2007).

49 Nahid Gabralla Siedahmed, “Monitoring Children's Rights in Conflict Situations: Sharing of Experiences: Sudan”, Seminar on Strengthening the African Union Framework for the Protection of Children Affected by Armed Conflict, Johannesburg, South Africa, 12 and 13 April 2007.

50 See Centre for Conflict Resolution, “South Sudan Within A New Sudan”, Seminar report, Cape Town, April 2006 (available at <http://ccrweb.ccr.uct.ac.za> ; accessed 7 November 2007).

51 Report of the Secretary-General on the Sudan, UN Security Council, S/2006/160, 14 March 2006. (available at <http://daccessdds.un.org/doc/UNDOC/GEN/N06/265/45/PDF/N0626545.pdf?OpenElement> ; accessed 22 August 2007).

52 Report of the Secretary-General on the Sudan, UN Security Council, S/2005/411, 23 June 2005. (available at <http://daccessdds.un.org/doc/UNDOC/GEN/N05/393/32/PDF/N0539332.pdf?OpenElement> ; accessed 7 November 2007).

taking longer than prescribed in the Comprehensive Peace Agreement, the country has recorded varying degrees of success. After one year, about 1 000 children had been demobilised and returned home. Currently, violators of children's rights are seldom prosecuted. Nevertheless, more recent peace agreements have created ceasefire institutions that have the power to make binding recommendations to parties to prosecute violators of children's rights. However, it was observed that the Darfur ceasefire commission, established by the African Union under the Darfur Peace Agreement of May 2006, does not address children's rights.

There is an urgent need to focus on building a protective environment for children affected by conflicts in Sudan, based on a "zero tolerance" policy to investigate, report on, and punish violators. Mainstreaming children's protection into the African Union Mission in Sudan (AMIS) is an urgent task, as well as developing a code of conduct for peacekeeping missions. Protection measures should be assessed, such as the monitoring of children after they have returned from IDP or refugee camps. Furthermore, reintegration plans should include the needs of children and youth, and civil society and local communities should be afforded a space in monitoring mechanisms.

The Democratic Republic of the Congo

Following three decades of dictatorship, the former Zaire (now the Democratic Republic of the Congo) experienced seven years of internationalised armed conflict, starting in 1997. The conflict claimed about three million victims, 45 per cent of whom were estimated to be children.⁵³ The war in the Congo was considered to have been one of the world's deadliest conflicts since the Second World War of 1939-1945. Despite notable achievements and the presence in the country of the UN's largest mission of 17,000 peacekeepers, child rights violations remain systematic, including the six grave violations targeted by the UN Security Council. Moreover, thousands of children have been abused through the post-war phenomenon of child sorcerers,⁵⁴ and affected by the HIV/AIDS epidemic and the spread of small arms and light weapons. With regard to the actual interventions and the question of strategies and achievements to alleviate the day-to-day situation of children on the ground, it was observed that local NGOs are mostly deprived of resources. Therefore, working in synergy has been adopted as a strategy, including at the level of the UN/AU-hosted International Conference for the Great Lakes Region, whose heads and government held their second summit in Nairobi, Kenya in December 2006, in a bid to promote regional security and reconstruction.⁵⁵

The lack of any permanent African structures working on children victims of armed conflict adversely affected the situation in the DRC. The monitoring mechanism of the African Charter on the Rights and Welfare of the Child must therefore be strengthened. The issue of violence against the girl child, especially sexual violence, should be considered as a war crime and listed among the priorities initiated regarding the conflict in the DRC. Finally, the Congolese government must implement the provisions it subscribed to by ratifying the UN Convention on the Rights of the Child and the Optional Protocol on the involvement of children in armed conflict.

53 Fernandez Murhola, "Monitoring Children's Rights in Conflict Situations: Sharing of Experiences: The Democratic Republic of the Congo", Seminar on Strengthening the African Union Framework for the Protection of Children Affected by Armed Conflict, Johannesburg, South Africa, 12 and 13 April 2007.

54 MONUC, "The Plight of so-called Child Sorcerers in the DRC" (available at <http://www.monuc.org/News.aspx?newsID=65>; accessed 31 July 2007).

55 International Conference on Peace, Security, Democracy and Development in the Great Lakes Region, First Summit of Heads of State and Government, Dar es Salaam, 19 and 20 November 2004, Dar es Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region (available at <http://www.reliefweb.int/library/documents/2004/au-gen-20nov.pdf>; accessed 8 August 2007).

Mainstreaming Children's Rights into Peacebuilding and Post-Conflict Processes: Sharing of Experiences

Sierra Leone

During the conflict in Sierra Leone between 1991 and 2000, children were both perpetrators and victims of the worst forms of violence, which continue to affect them even after hostilities have ceased.⁵⁶ The post-conflict justice measures implemented in Sierra Leone included the Special Court of Sierra Leone (SCSL), established following an agreement between the UN and the government of Sierra Leone to ensure that those who bear the greatest responsibility for the war were brought to account;⁵⁷ and the Truth and Reconciliation Commission (TRC), which was provided for under the 1999 Lomé Peace Agreement to promote reconciliation after the war.⁵⁸

Article 30 of the Lomé Peace Agreement required the government to give particular attention to the issue of child soldiers and called for international co-operation to address the needs of this group in the DDR process. Owing to the existence of both the TRC and the Special Court of Sierra Leone, respondents were apprehensive to testify before the Commission. Nevertheless, children were significantly involved in the TRC process, demonstrating how they can be active partners in breaking the cycle of violence, and in restoring confidence in the rule of law. The comprehensive report of the Commission, which contains recommendations by children on the prevention of war, also placed great emphasis on children, including producing a child-friendly version of its report.⁵⁹ Though provisions were made for a juvenile chamber at the level of the Special Court, no child was indicted. Nonetheless, the Court paid special attention to children, with the establishment of a dedicated section presided over by a judge experienced in juvenile and gender-related issues. The recruitment of child soldiers was defined as a war crime, and indictments were drawn up that included this count.⁶⁰

Former child soldiers in Sierra Leone have been demobilised and reunited with their families. However, children still encounter difficulties exercising their rights. Forced labour, sexual abuse, and their consequences remain major issues. Street children, the rehabilitation of child amputees and the needs of the juvenile justice sector should also be addressed. The special needs of girls previously associated with armed groups remain urgent, as does the involvement of local communities in reintegrating children who had taken part in the conflict back into society. Several community-based programmes have been introduced to facilitate the reintegration of former child soldiers into society. More generally, the need for peace education and the importance of ensuring the economic and social rights of children was emphasised. Finally, Sierra Leone's government should fulfil the TRC's recommendations, especially concerning the establishment of a Special Fund for War Victims that could include assistance to orphans of war, and address the underlying causes of the ten-year civil conflict.

56 J. Hanatu Kabbah, "Mainstreaming Children's Rights in Peacebuilding and Post-Conflict Processes: Sharing of Experiences: Sierra Leone", Seminar on Strengthening the African Union Framework for the Protection of Children Affected by Armed Conflict, Johannesburg, South Africa, 12 and 13 April 2007.

57 Agreement between the UN and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone (available at <http://www.scs-l.org/scsl-agreement.html> ; accessed 8 August 2007).

58 Peace Agreement between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone (available at <http://www.sierra-leone.org/lomeaccord.html> ; accessed 8 August 2007).

59 Sierra Leone Truth and Reconciliation Commission (TRC) Report: Recommendations (available at <http://trcsierraleone.org/drwebsite/publish/v2c3.shtml> ; accessed 8 August 2007).

60 The Special Court for Sierra Leone, Case SCSL-03-14-1: *The Prosecutor against Samuel Hinga Norman, Moinina Fofana, Allieu Kondewa, Indictment*, 4 February 2004 (available at <http://www.scs-l.org/indictment-CDF.html> ; accessed 8 August 2007).

Liberia

Mainstreaming child rights in the peace process and implementing the DDR programme after Liberia's protracted violent conflict of 1989 to 1996 is considered to have been relatively trouble-free because it was driven by the international community.⁶¹ At its closing stage, a total of 12 958 children had been addressed by the programme; and perceived gaps between statistics were attributed to screenings and age verifications. The process, which entailed a financial component of \$150 per child and \$300 per adult, involved children from Liberia, but also from Guinea, Côte d'Ivoire, and Sierra Leone. Reintegration opportunities offered to children previously associated with armed forces included an initial labour market survey, formal education, skills training and apprenticeship, and capacity-building programmes for community-based child-protection structures.

Other mechanisms set up to ensure a successful DDR process involved cross-border monitoring; the creation of a child-protection network led by Liberia's Ministry of Gender and Development; and the launch of a study on youth employment opportunities which highlighted the need for a national youth policy, the role of the community, and the importance of building role models for children to improve their livelihood. The recruitment of child-protection advisers by the UN Mission in Liberia (UNMIL) further illustrated the political priority given to the issue within the mission. A programme of small arms collection was initiated, and the process supported the implementation of the Mano River Union Protocol on the prohibition of child trafficking. Overall, a lesson learned from the Liberian process is that, to avoid sending the wrong message to local communities, children should not be paid as part of DDR processes. Besides former child soldiers, reintegration programmes should also target other children affected by armed conflict and special emphasis should be placed on girls. The need to prevent re-recruitment of children should be prioritised and, for reintegration to have a long-term effect, this must be linked to the broader economic recapitalisation and development measures in the post-conflict state and in neighbouring countries. Finally, the need for the AU to "find its own space" in the field of child protection is essential.

Burundi

Following a seven-year civil war ended by the 2000 Arusha Agreement,⁶² Burundi continues to suffer the socio-economic effects of the conflict. Child-protection workers advocated the inclusion of child DDR in the Arusha Accord, and a total of 3041 children have since been demobilised.⁶³ The transfer of former child soldiers from demobilisation camps to their families has entailed assistance with regard to such needs as school fees, medical care, and funding to start development projects. Demobilised children have also been reintegrated into local communities through formal or technical training sponsored by DDR programmes, and close relatives or neighbours have been approached to take care of children who are rejected by their families. Burundi ratified the African Charter on the Rights and Welfare of the Child in 2004 and its government has also signed the Nairobi Protocol on the Prevention and Control and Reduction of Small Arms in the Great Lakes Region and the Horn of Africa adopted in April 2004. However, small arms and light weapons continue to proliferate.

61 David Ntambara, "Mainstreaming Children's Rights in Peacebuilding and Post-Conflict Processes: Sharing of Experiences: Liberia", Seminar on Strengthening the African Union Framework for the Protection of Children Affected by Armed Conflict, Johannesburg, South Africa, 12 and 13 April 2007.

62 Arusha Peace and Reconciliation Agreement for Burundi, 28 August 2000 (available at http://www.usip.org/library/pa/burundi/pa_burundi_08282000_toc.html; accessed 8 August 2007).

63 Chantal Nyokindi, "Mainstreaming Children's Rights in Peacebuilding and Post-Conflict Processes: Sharing of Experiences: Burundi", Seminar on Strengthening the African Union Framework for the Protection of Children Affected by Armed Conflict, Johannesburg, South Africa, 12-13 April 2007.

Furthermore, though non-discrimination was applied to the DDR process and post-conflict reconstruction, girls continue to face persistent discrimination, for instance, when falling pregnant before completing their education. Free education has been provided at primary level since 2006; and to take into account post-war realities that have left many girls as heads of households, a new succession law has been adopted that recognises the right of girls to inherit property from their parents.

In addition to the general context of poverty and the limited means of the programmes proposed, continuous challenges of the child DDR process in Burundi include: a major risk of re-recruitment of children whose reintegration was not effective; and the lack of criminal sanctions in respect of people who have recruited child soldiers. In that regard, there is a need to set up judicial mechanisms that can identify and prosecute those responsible for recruiting child soldiers. The AU should also establish strong mechanisms for monitoring those instruments already signed or ratified.



ABOVE: Ms Nobuntu Mbelle, Coalition for an Effective African Court on Human and Peoples' Rights, Human Rights Institute of South Africa, Johannesburg, South Africa; Ms Hanatu Kabbah, Lawyer Centre for Legal Assistance, Freetown, Sierra Leone

FAR LEFT: Ms Sarah Norton-Staal, UN Children's Fund, Nairobi, Kenya

LEFT: Ms Marie Chantal Koffi, African Committee of Experts on the Rights and Welfare of the Child, Abidjan, Côte d'Ivoire

BOTTOM LEFT: Dr Moussa Sissoko, African Committee of Experts on the Rights and Welfare of the Child, Bamako, Mali

Strategies for Strengthening Collaboration among Advocating and Monitoring Mechanisms for Children’s Rights in Conflict and Post-Conflict Situations

The variety and multiplicity of international and regional frameworks for the protection of children affected by armed conflict call for various strategies. Awareness-raising on war-affected children should be seen as a process and not an event, and it is important to involve specific groups such as traditional chiefs and religious leaders, who can advocate traditional African mechanisms for the protection and rehabilitation of war-affected children in these processes. Child rights issues should be mainstreamed into development strategies. National plans of action should include an awareness-raising component, and must address issues such as peacebuilding and the needs of children in post-conflict reconstruction processes. In addition, initiatives such as the review of the Machel Study of 1996 should be effectively utilised to advocate the rights of children in conflict and post-conflict contexts.

“National plans of action should include an awareness-raising component...and the needs of children in post-conflict reconstruction processes.”

Furthermore, the ten-year review of the Machel Study should provide an opportunity for a renewed collaboration of the UN with civil society. The need to create opportunities for exchange was emphasised, since many governments on the continent remain weak in this area and civil society often develops closer links with local communities. Civil society actors should be provided with adequate support by the UN, especially in countries where NGOs are under threat from governments. A common understanding should be developed between civil society and the UN for monitoring, documenting, and evaluating children’s rights. Civil society should be involved in the UN’s work in this area, and the UN should work closely with the AU and particularly the African Committee of Experts on the Rights and Welfare of the Child.

With regard to strategies that could facilitate collaboration between the African Committee of Experts on the Rights and Welfare of the Child and various child rights actors working in Africa, participation in the meetings of the Committee is important, and NGOs should apply for observer status with the AU Children’s Committee. Initiatives could also be embarked upon to bring to the attention of the Committee cases of violations of children’s rights, particularly in conflict and post-conflict contexts, and to formulate recommendations for the attention of the Committee. Such recommendations could include the establishment of a working group or the appointment of a focal point dealing with children affected by armed conflict, which could help to initiate synergies with other mechanisms for the protection of children. A fully functional secretariat for the Committee must be established, and meetings of the Committee could rotate among AU member states to increase the visibility of the mechanism.

Furthermore, a review of the Committee and its work was presented as a strategy for assessing its strengths and weaknesses, and moving forward. After their adoption by the AU Executive Council, activity reports of the Children’s Committee should become public documents that must be made available to interested actors. The issue of co-ordination between the various AU mechanisms was also highlighted. The Committee could seize the opportunity of such co-ordination to strengthen its relationship with both the African Commission and the African Court on Human and Peoples’ Rights, and take stock of the experiences gained by the Commission in promoting and protecting human rights.

To ensure that action is taken at the national, regional and continental levels on the protection of children in armed conflict, strategies that can be used include advocacy for the ratification of all relevant instruments by governments that have not yet done so. Strong monitoring mechanisms should also be put in place, and civil society must actively engage with these mechanisms. Another strategy to promote action towards war-affected children is to document the best practices of states that have been able to make progress in this area. The need to raise awareness of, and publicise, the various tools and instruments adopted to protect children in conflict and post-conflict situations is important, as well as capacity-building of the different organs, and equipping them with the necessary material, financial and human resources. The issue of harmonising all UN, AU and sub-regional mechanisms is critical, and the existence of the various AU institutions and organs should be publicised to facilitate access to them.



ABOVE: Mr Noel Stott, Institute for Security Studies, Tshwane, South Africa; Mr David Mugawe, African Child Policy Forum, Addis Ababa, Ethiopia

FAR LEFT: Ms Thelma Ekiyor, Centre for Conflict Resolution, Cape Town, South Africa

LEFT: Dr Moussa Sissoko, African Committee of Experts on the Rights and Welfare of the Child, Bamako, Mali; Ms Nobuntu Mbelle, Coalition for an Effective African Court on Human and Peoples' Rights, Human Rights Institute of South Africa, Johannesburg

FAR LEFT: Professor Rose September, University of the Western Cape, South Africa

CENTRE: Mr David Mugawe, African Child Policy Forum, Addis Ababa, Ethiopia

LEFT: Dr Mireille Affa'a Mindzie, Centre for Conflict Resolution, Cape Town, South Africa

3. Policy Recommendations

Despite the establishment of comprehensive normative and institutional frameworks at the national, regional and international levels, the need remains to address seriously the situation of children in armed conflict in Africa, and to engage actively in the “era of application” that the UN has demanded. There is an urgent need for African responses to the problem of children affected by violent conflict. The seminar therefore adopted the following 10 recommendations:

1. The existing international and regional instruments and mechanisms for monitoring and reporting situations of war-affected children should be widely disseminated, harmonised and strengthened. Outdated normative and institutional frameworks should undergo review and in-depth reform in order to ensure that these frameworks meet the needs for which they were established. Advocacy for the complete ratification of the AU Charter on the Rights and Welfare of the Child should also be pursued.
2. The UN should strengthen its relationship with African civil society and networks of local partners should be developed. UN monitoring mechanisms should further address all actors and bodies that can have an impact on the protection of children in armed conflict, and not only those who are already convinced of its necessity. Moreover, UN interventions should abide by the “do not harm” principle and apply more discretion in monitoring children’s rights.
3. Monitoring and reporting on the situation of children in armed conflict in Africa require strengthened dialogue with relevant actors involved in the protection of war-affected children on the continent. Governments in particular must be held responsible, as they remain the primary duty-bearers that can be held accountable. Comprehensive national systems for child protection should be developed; and African governments should be more involved in the provision of services to children affected by conflict. A dual approach to tackling the issue of war-affected children should also be adopted, by linking the two important dimensions of the legal perspective and the conflict-resolution perspective. Countries emerging from conflict should shoulder the primary responsibility of building a culture of peace and respect for human rights to strengthen democracy. Perpetrators of abuses against children should be appropriately indicted, judged and, if necessary, sanctioned.
4. All actors involved – governments, international agencies and civil society actors – have a responsibility to build a protective environment for children in armed conflict. Specifically, a holistic approach needs to be adopted, which should not only focus on child soldiers but also consider all violations suffered by children, especially the six grave violations identified by the UN Special Representative of the Secretary-General for Children and Armed Conflict (SRSG/CAAC), Radhika Coomaraswamy from Sri Lanka. Furthermore, the focus of monitoring by UN mechanisms should be extended to conflict areas where child rights violations are not currently reported to the UN Security Council.
5. Steps should be taken towards filling the gap that exists between reporting situations of war-affected children and the necessary action of bringing appropriate responses to the information documented. Another gap to be addressed relates to the political will at the international and national levels in child-protection programmes, and the resources that are made available. It is necessary to link the monitoring and reporting mechanisms that have been established to the issue of resources.
6. At the level of the AU and RECs, the Johannesburg seminar highlighted the need for a continental agenda on children in armed conflict, and for the AU and RECs to make their presence felt on the ground, including in Disarmament, Demobilisation and Reintegration and child DDR programmes. In that sense, regional organs such as the AU Commission, especially through its specific directorates for

Peace and Security; Political Affairs; Social Affairs; the Peace and Security Council; the Economic, Social and Cultural Council (ECOSOCC); the African Court of Justice and Human Rights; and sub-regional bodies, should be widely publicised in order that they can be more effectively and efficiently used to protect children. Mechanisms such as the Special Representative of the Chairperson of the AU Commission for the Protection of Civilians in Armed Conflict, Mame Madior Boye from Senegal, should be actively involved in the protection of children. The AU Committee of Experts on the Rights and Welfare of the Child should also adopt a precise and coherent programme on the issue of war-affected children. The Committee should continue to play its role of safeguarding child rights on the continent effectively by building strategic partnerships as well as implementing all the procedures of the African Charter on the Rights and Welfare of the Child to ensure the protection of war-affected children on the continent.

7. The Committee further needs to share “best practices” with the African Commission on Human and Peoples’ Rights and learn from its past and present constraints. The Committee could, for example, advocate the nomination of a Special Rapporteur on Children in Armed Conflict, who could serve as a focal point on the question of the protection of war-affected children on the continent. Considering the diverse backgrounds of the 11 members of the Committee, the capacities of the experts should be strengthened, especially with regard to conflict resolution and peacebuilding issues, and specifically on the question of war-affected children.
8. Lessons learned from past DDR programmes should be taken into account and reintegration processes should encompass all children affected by conflicts, with a special focus on girl children. Reintegration should also be linked to broader economic recapitalisation and the development of post-conflict countries, as well as to the promotion of democracy, a culture of human rights and peace education.
9. African civil society should establish independent monitoring mechanisms with regard to war-affected children by, among other themes, developing and building the capacity of a critical mass of child rights activists on the continent. A non-governmental organisations’ group attached to the AU Committee of Experts on the Rights and Welfare of the Child should be created. It was also deemed important to engage media and other sources of information in the field, to ensure the prevention of abuses as well as the effective monitoring of and reporting on conflict and post-conflict situations affecting children.
10. Finally, participants highlighted the need to harmonise, strengthen and define modes of collaboration between the regional and international frameworks for the protection of children in armed conflict with regard to the continued proliferation of small arms and light weapons. The AU, specifically through its Peace and Security Council, should ensure that African states implement the relevant regional and international instruments to prohibit the illicit proliferation, circulation and trafficking of these weapons. Furthermore, civil society actors should be involved in monitoring the transfer of small arms and light weapons and their impact on children.

Annex I

Agenda

Day One Thursday 12 April 2007

9h00–9h30 Welcome Remarks

Chair: **Ms Thelma Ekiyor**, Senior Manager, Centre for Conflict Resolution, Cape Town

Dr Sihaka Tsemo, Regional Representative, Office of the United Nations High Commissioner for Human Rights, Southern Africa Regional Office, Tshwane

Dr Moussa Sissoko, First Rapporteur, African Committee of Experts on the Rights and Welfare of the Child, Bamako

9h30–10h00 Preliminary Session

Introduction of Participants

Objectives and Expected Outputs of the Seminar

10h00–11h00 Session I: Overview of the Normative Framework for the Protection of Children Affected by Armed Conflicts in Africa

Chair: **Professor Rose September**, University of the Western Cape

Mr Benyam Mezmur, University of the Western Cape
“The African Charter as a Tool for Protecting Children Affected by Armed Conflict in Africa: Comparative Analysis with the UN Convention on the Rights of the Child”

11h00–11h30 Tea Break

11h30–12h30 Session II: The United Nations Mechanisms for Advocating and Monitoring the Rights of Children Affected by Armed Conflict in Africa

Chair: **Dr Sihaka Tsemo**, Regional Representative, Office of the United Nations High Commissioner for Human Rights, Southern Africa Regional Office, Tshwane

Ms Sarah Norton-Staal, UN Children’s Fund, East and Southern Africa Office, Nairobi
“Mandate and Activities of the UN Special Representative of the Secretary-General for Children Affected by Armed Conflict and of the UNSC Working Group on Children Affected by Armed Conflict”

12h30-14h00 Lunch Break

14h00–15h30 Session III: The AU Mechanisms for Monitoring Children's Rights in Conflict and Post-conflict Situations in Africa

Chair: **Mr David Mugawe**, African Child Policy Forum, Addis Ababa

Dr Moussa Sissoko, African Committee of Experts on the Rights and Welfare of the Child, Bamako

"Introduction to the African Committee of Experts on the Rights and Welfare of the Child: Opportunities and Challenges for Promoting and Protecting Children's Rights on the Continent"

Ms Nobuntu Mbelle, Coalition for an Effective African Court on Human and Peoples' Rights, Human Rights Institute of South Africa, Johannesburg

"The Role of the AU Organs in Advocating and Monitoring the Rights of Children Affected by Armed Conflict in Africa"

15h30-16h00 Tea Break

16h00–17h00 Session IV: Sub-regional Initiatives for Ensuring the Rights of Children Affected by Armed Conflict in Africa

Chair: **Mr Gilbert Onyango**, Child Rights Advisory Documentation and Legal Centre, Nairobi

Mr Noel Stott, Institute for Security Studies, Tshwane

"Implementing the SADC Protocol on the Control of Firearms, Ammunition and other related Materials"

17h00–17h30 Synthesis of the Day

Highlights of Key Points

Rapporteurs

Day Two Friday 13 April 2007

8h30–9h30 Session V: Opportunities and Challenges for Ensuring the Rights of Children Affected by Armed Conflict in Africa

Chair: Ms Marie Chantal Kofi Appoh, African Committee of Experts on the Rights and Welfare of the Child, Abidjan

Monitoring Children's Rights in Conflict Situations: Sharing of Experiences

Uganda – Ms Maymuchka Lauriston, UN Office of the High Commissioner for Human Rights, Kampala

Sudan – Ms Nahid Gabralla Siedahmed, Women and Children Studies Centre, Khartoum

Democratic Republic of the Congo – Mr Fernandez Murhola, Independent Consultant in Development, Human Rights and Conflict Resolution, Kinshasa

9h30–10h30 Session VI: Mainstreaming Children's Rights in Peacebuilding and Post-conflict Processes: Sharing of Experiences

Sierra Leone – Ms Hanatu Kabbah, Lawyers' Centre for Legal Assistance, Freetown

Liberia – Mr David Ntambara, UN Office of the High Commissioner for Human Rights, UN Mission in Liberia, Monrovia

Burundi – Dr Chantal Nyokindi, Ligue Iteka, Bujumbura

10h30–11h00 Tea Break

11h00–12h00 Session VII: Strategies for Strengthening Collaboration among Advocating and Monitoring Mechanisms for Children's Rights in Conflict and Post-conflict Situations

Group Work

Chair: Mr Gilbert Oduor Onyango, Child Rights Advisory Documentation and Legal Centre, Nairobi

Group Work

Prospects of Collaboration for Ensuring the Rights of Children Affected by Armed Conflict in Africa

12h00–13h00 **Report back in Plenary Session**

Discussion

13h00–14h30 Lunch Break

14h30–15h30 Presentation and Adoption of Recommendations

15h30–16h00 Tea Break

16h30–17h30 **Way Forward**

Evaluation

19h00 Closing Cocktail/Dinner



Participants in the seminar, “*Strengthening the African Union Framework for the Protection of Children Affected by Armed Conflict*”, held in Johannesburg, South Africa, on 12 and 13 April 2007.

Annex II

List of Participants

1. Dr Mireille Affa'a Mindzie
Centre for Conflict Resolution
Cape Town, South Africa
2. Ms Abiola Ayinla
African Commission on Human and Peoples' Rights
Banjul, Gambia
3. Ms Thelma Ekiyor
Centre for Conflict Resolution
Cape Town, South Africa
4. Ms Hanatu Kabbah
Lawyer Centre for Legal Assistance
Freetown, Sierra Leone
5. Ms Marie Chantal Koffi
African Committee of Experts on the Rights and Welfare of the Child
Abidjan, Côte d'Ivoire
6. Ms Maymuchka Lauriston
UN Office of the High Commissioner for Human Rights
Kampala, Uganda
7. Ms Nobuntu Mbelle
Coalition for an Effective African Court on Human and Peoples' Rights
Human Rights Institute of South Africa
Johannesburg, South Africa
8. Mr Benyam Mezmur
Community Law Centre
University of the Western Cape
Cape Town, South Africa
9. Mr David Mugawe
African Child Policy Forum
Addis Ababa, Ethiopia
10. Mr Fernandez Murhola
Independent Consultant in Development, Human Rights and Conflict Resolution
Kinshasa, Democratic Republic of the Congo
11. Dr Chantal Niyokindi
ITEKA Burundian Human Rights League
Bujumbura, Burundi
12. Ms Sarah Norton-Staal
UN Children's Fund
Nairobi, Kenya
13. Mr David Ntambara
UN Mission in Liberia/UN Office of the High Commissioner for Human Rights
Monrovia, Liberia
14. Mr Gilbert Onyango
Child Rights Advisory Documentation and Legal Centre
Nairobi, Kenya

15. Professor Rose September
Faculty of Community Health and Sciences
University of the Western Cape
Cape Town, South Africa
16. Ms Nahid Gabralla Siedahmed
Women and Children Studies Centre
Khartoum, Sudan
17. Dr Moussa Sissoko
AU Committee of Experts on the Rights and
Welfare of the Child
Bamako, Mali
18. Mr Noel Stott
Institute for Security Studies
Tshwane, South Africa
19. Dr Sihaka Tsemo
UN Office of the High Commissioner for
Human Rights
Southern Africa Regional Office
Tshwane, South Africa

Conference Team:

20. Mr Derrick Adams
Centre for Conflict Resolution
Cape Town, South Africa
21. Ms Sultana Mapker
Centre for Conflict Resolution
Cape Town, South Africa

Annex III

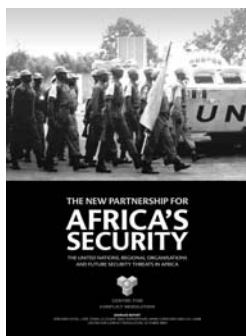
List of Acronyms

ACERWC	African Committee of Experts on the Rights and Welfare of the Child
ACRWC	African Charter on the Rights and Welfare of the Child
AHSG	Assembly of Heads of State and Government
AMIS	African Union Mission in Sudan
AU	African Union
CAAC	Children Affected by Armed Conflict
CBO	Community-Based Organisation
CSO	Civil Society Organisation
DDR	Disarmament, Demobilisation and Reintegration
DPA	Department of Political Affairs (UN)
DPKO	Department of Peacekeeping Operations (UN)
DRC	Democratic Republic of the Congo
ECCAS	Economic Community of Central African States
ECOSOCC	Economic, Social, and Cultural Council (AU)
ECOWAS	Economic Community of West African States
ICC	International Criminal Court
IDPs	Internally Displaced Persons
IGAD	Intergovernmental Authority on Development
ILO	International Labour Organisation
LRA	Lord's Resistance Army
MDGs	Millennium Development Goals
MONUC	United Nations Mission in the Democratic Republic of the Congo
MRM	Monitoring and Reporting Mechanism
NGO	Non-governmental Organisation
OAU	Organisation of African Unity
OCHA	Office for the Co-ordination of Humanitarian Affairs (UN)
OHCHR	Office of the High Commissioner for Human Rights (UN)
OLA	Office of Legal Affairs
OSAA	Office of the Special Adviser on Africa
OSAGI/DAW	Office of the Special Adviser on Gender Issues and Advancement of Women
PRC	Permanent Representatives Committee (AU)
PSC	Peace and Security Council (AU)
RECs	Regional Economic Communities
SADC	Southern African Development Community
SALW	Small Arms and Light Weapons
SCSL	Special Court of Sierra Leone
SLTRC	Sierra Leone Truth and Reconciliation Commission
TRC	Truth and Reconciliation Commission

UPDF	Uganda People's Defence Force
UN	United Nations
UNCRC	United Nations Committee on the Rights of the Child
UNDP	United Nations Development Programme
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNMIL	United Nations Mission in Liberia
UNMIS	United Nations Mission in Sudan
UNSCWG/CAAC	United Nations Security Council Working Group on Children Affected by Armed Conflict
UNSRSG/CAAC	United Nations Special Representative of the Secretary-General for Children Affected by Armed Conflict

Other publications in this series

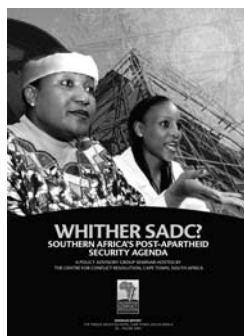
(available at <http://ccrweb.ccr.uct.ac.za>)



VOLUME 1 THE NEW PARTNERSHIP FOR AFRICA'S SECURITY

THE UNITED NATIONS, REGIONAL ORGANISATIONS AND FUTURE SECURITY THREATS IN AFRICA

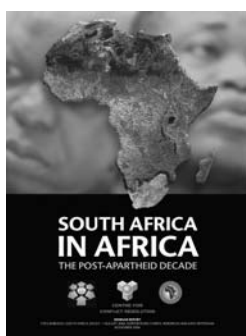
The inter-related and vexing issues of political instability in Africa and international security within the framework of UN reform were specifically focused on at this policy seminar, held from 21 - 23 May 2004 in Claremont, Cape Town.



VOLUME 5 WHITHER SADC?

SOUTHERN AFRICA'S POST-APARTHEID SECURITY AGENDA

The role and capacity of the Southern African Development Community's (SADC) Organ on Politics, Defence and Security (OPDS) were focused on at this meeting in Oudekraal, Cape Town, on 18 and 19 June 2005.



VOLUME 2 SOUTH AFRICA IN AFRICA

THE POST-APARTHEID DECADE

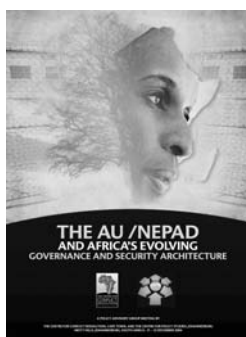
The role that South Africa has played on the African continent and the challenges that persist in South Africa's domestic transformation 10 years into democracy were assessed at this meeting in Stellenbosch, Cape Town, from 29 July - 1 August 2004.



VOLUME 6 HIV/AIDS AND HUMAN SECURITY:

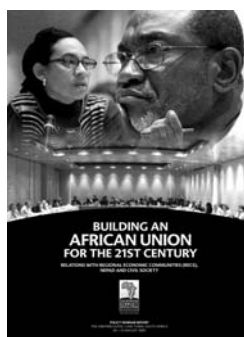
AN AGENDA FOR AFRICA

The links between human security and the HIV/AIDS pandemic in Africa, and the potential role of African leadership and the African Union in addressing this crisis were analysed at this policy advisory group meeting in Addis Ababa, Ethiopia, on 9 and 10 September 2005.



VOLUME 3 THE AU/NEPAD AND AFRICA'S EVOLVING GOVERNANCE AND SECURITY ARCHITECTURE

The state of governance and security in Africa under the AU and NEPAD were analysed and assessed at this policy advisory group meeting in Misty Hills, Johannesburg, on 11 and 12 December 2004.



VOLUME 7 BUILDING AN AFRICAN UNION FOR THE 21ST CENTURY

RELATIONS WITH REGIONAL ECONOMIC COMMUNITIES (RECS), NEPAD AND CIVIL SOCIETY

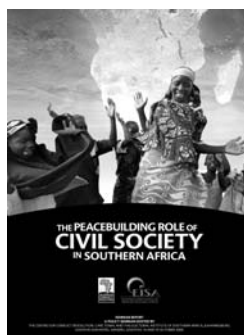
This seminar in Cape Town from 20 - 22 August 2005 made policy recommendations on how the AU's institutions, including NEPAD, could achieve their aims and objectives.



VOLUME 4 A MORE SECURE CONTINENT

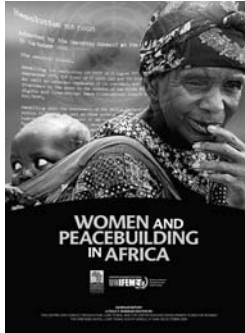
AFRICAN PERSPECTIVES ON THE UN HIGH-LEVEL PANEL REPORT, A MORE SECURE WORLD: OUR SHARED RESPONSIBILITY

African perspectives on the United Nations' (UN) High-Level Panel report on Threats, Challenges and Change were considered at this policy advisory group meeting in Somerset West, Cape Town, on 23 and 24 April 2005.



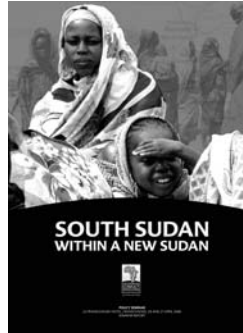
VOLUME 8 THE PEACEBUILDING ROLE OF CIVIL SOCIETY IN SOUTHERN AFRICA

This meeting, held in Maseru, Lesotho, on 14 and 15 October 2005, explores civil society's role in relation to southern Africa, democratic governance, its nexus with government, and draws on comparative experiences in peacebuilding.



**VOLUME 9
WOMEN AND
PEACEBUILDING IN
AFRICA**

This meeting, held in Cape Town on 27 and 28 October 2005, reviewed the progress of the implementation of UN Security Council Resolution 1325 on Women and Peacebuilding in Africa in the five years since its adoption by the United Nations in 2000.



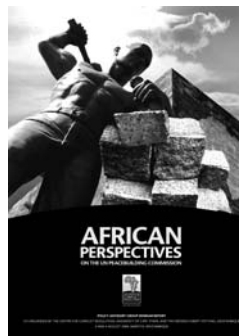
**VOLUME 13
SOUTH SUDAN WITHIN
A NEW SUDAN**

This policy advisory group seminar on 20 and 21 April 2006 in Franschhoek, Western Cape, assessed the implementation of the Comprehensive Peace Agreement (CPA) signed in January 2005 by the Government of the Republic of the Sudan (GOS) and the Sudan People's Liberation Movement/Sudan People's Liberation Army (SPLM/A).



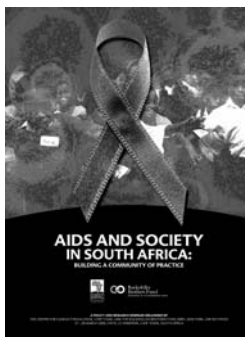
**VOLUME 10
HIV/AIDS AND
MILITARIES IN
SOUTHERN AFRICA**

This two-day policy advisory group seminar in Windhoek, Namibia, on 9 and 10 February 2006 examined issues of HIV/AIDS and militaries in southern Africa.



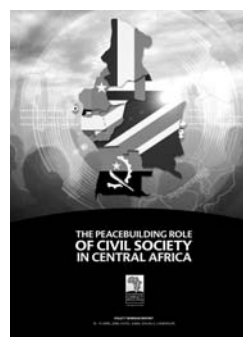
**VOLUME 14
AFRICAN PERSPECTIVES
ON THE UN
PEACEBUILDING
COMMISSION**

This meeting, in Maputo, Mozambique, on 3 and 4 August 2006, analysed the relevance for Africa of the creation, in December 2005, of the UN Peacebuilding Commission, and examined how countries emerging from conflict could benefit from its establishment.



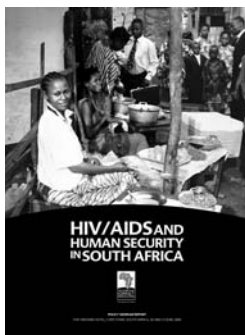
**VOLUME 11
AIDS AND SOCIETY
IN SOUTH AFRICA:
BUILDING A COMMUNITY OF PRACTICE**

This policy and research seminar, held in Cape Town on 27 and 28 March 2006, developed and disseminated new knowledge on the impact of HIV/AIDS in South Africa in the three key areas of: democratic practice; sustainable development; and peace and security.



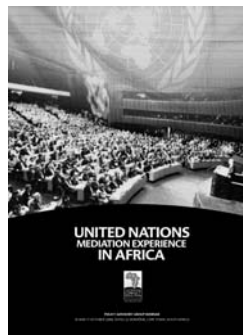
**VOLUME 15
THE PEACEBUILDING
ROLE OF CIVIL SOCIETY
IN CENTRAL AFRICA**

This sub-regional seminar, held from 10 to 12 April 2006 in Douala, Cameroon, provided an opportunity for civil society actors, representatives of the Economic Community of Central African States (ECCAS), the United Nations (UN) and other relevant players to analyse and understand the causes and consequences of conflict in central Africa.



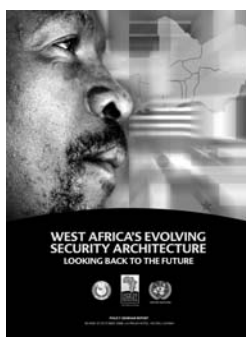
**VOLUME 12
HIV/AIDS AND HUMAN
SECURITY IN SOUTH
AFRICA**

This two-day policy seminar on 26 and 27 June 2006 took place in Cape Town and examined the scope and response to HIV/AIDS in South Africa and southern Africa from a human security perspective.



**VOLUME 16
UNITED NATIONS
MEDIATION EXPERIENCE
IN AFRICA**

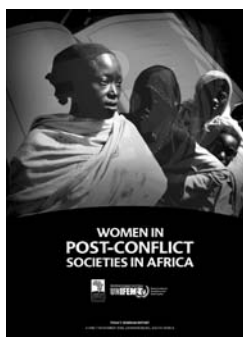
This seminar, held in Cape Town on 16 and 17 October 2006, sought to draw out key lessons from mediation and conflict resolution experiences in Africa, and to identify gaps in mediation support while exploring how best to fill them. It was the first regional consultation on the United Nations' newly-established Mediation Support Unit (MSU).



**VOLUME 17
WEST AFRICA'S
EVOLVING SECURITY
ARCHITECTURE**

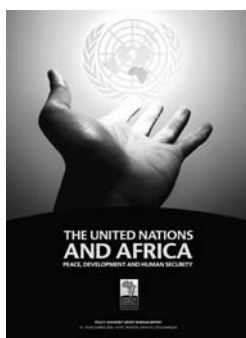
LOOKING BACK TO THE FUTURE

The conflict management challenges facing the Economic Community of West African States (ECOWAS) in the areas of governance, development, and security reform and post-conflict peacebuilding formed the basis of this policy seminar in Accra, Ghana, on 30 and 31 October 2006.



**VOLUME 20
WOMEN IN POST-
CONFLICT SOCIETIES IN
AFRICA**

The objective of this seminar, held in Johannesburg, South Africa, on 6 and 7 November 2006, was to discuss and identify concrete ways of engendering reconstruction and peace processes in African societies emerging from conflict.



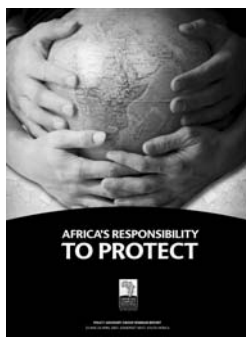
**VOLUME 18
THE UNITED NATIONS
AND AFRICA: PEACE,
DEVELOPMENT AND
HUMAN SECURITY**

This policy advisory group meeting, held in Maputo, Mozambique, from 14 to 16 December 2006, set out to assess the role of the principal organs and the specialised agencies of the UN in Africa.



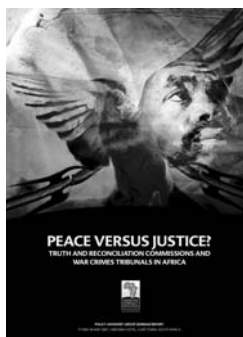
**VOLUME 21
AFRICA'S EVOLVING
HUMAN RIGHTS
ARCHITECTURE**

The experiences and lessons from a number of human rights actors and institutions on the African continent were reviewed and analysed at this policy advisory group meeting held on 28 and 29 June 2007 in Cape Town, South Africa.



**VOLUME 19
AFRICA'S RESPONSIBILITY
TO PROTECT**

This policy seminar, held in Somerset West, South Africa, on 23 and 24 April 2007, interrogated issues around humanitarian intervention in Africa and the responsibility of regional governments and the international community in the face of humanitarian crises.



**VOLUME 22
PEACE VERSUS JUSTICE?**

**TRUTH AND RECONCILIATION COMMISSIONS
AND WAR CRIMES TRIBUNALS IN AFRICA**

The primary goal of this policy meeting, held in Cape Town, South Africa, on 17 and 18 May 2007, was to address the relative strengths and weaknesses of 'prosecution versus amnesty' for past human rights abuses in countries transitioning from conflict to peace.

Notes

Notes



Office of the
United Nations High Commissioner
for Human Rights (OHCHR)
Southern Africa Regional Office

Available figures put the number of child soldiers involved in armed conflicts in Africa at around 100,000. Some are as young as nine. This report examines the role of various African Union (AU) organs in monitoring children's rights in conflict and post-conflict situations, and their linkages to specific child rights advocacy and monitoring mechanisms. It captures policy debates and the recommendations of a seminar that explored means of collaboration between the United Nations (UN) mechanisms for the protection of children and the AU Committee of Experts on the Rights and Welfare of the Child.



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