CHILDREN AND ARMED CONFLICT

NEW EDITION

A Guide to International Humanitarian and Human Rights Law

BUREAU INTERNATIONAL DES DROITS DES ENFANTS | INTERNATIONAL BUREAU FOR CHILDREN'S RIGHTS | OFICINA INTERNACIONAL DE LOS DERECHOS DEL NIÑO

CHILDREN AND ARMED CONFLICT

A Guide to International Humanitarian and Human Rights Law

International Bureau for Children's Rights (IBCR)

Created in 1994 and based in Montreal, Canada, the International Bureau for Children's Rights (IBCR) is an international nongovernmental organisation (INGO) with special consultative status with the United Nations Economic and Social Council (ECOSOC). IBCR offers its expertise, particularly in the legal sector, to contribute to the protection and promotion of children's rights in conformity with the 1989 United Nations Convention on the Rights of the Child (CRC) and its Optional Protocols. The expertise of IBCR resides in the sharing of knowledge and good practices and in the development of tools and models to inspire implementation of children's rights. IBCR's expertise also lies in raising awareness about children's rights to persuade decision-makers to adopt laws and programmes that more effectively respect the rights of the child.

In recent years, IBCR's main successes include its exceptional contribution to the elaboration of the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime as well as their adoption by the United Nations Economic and Social Council (ECOSOC Res. 2005/20). For more information, please visit our website at www.ibcr.org.

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2715 chemin Côte-Sainte-Catherine, Montreal (Quebec) H3T 1B6
(514) 932-7656 (514) 932-9453
info@ibcr.org www.ibcr.org

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Preface

The update of the Guide on Children and Armed Conflict is a welcome effort to record developments with regard to the normative framework that guides international action on children and armed conflict. The last decade has seen major developments in this regard and the issue of children and armed conflict has united Member States across continents in their determination to take firm action, especially against perpetrators. This dramatic display of political will has been matched by the tireless efforts of United Nations' agencies and civil society partners who have tried to implement the principles outlined in this Guide in the field and who have animated much of the discussion with regard to children and armed conflict.

Since the publication of the first guide in 2003, new and significant progress has been made. The Rome Statute setting up the International Criminal Court recognised the criminal, inhuman nature of recruiting and using children during war. The first indictment of the Court related to Thomas Lubanga for the recruitment and use of children in the Democratic Republic of Congo. This case was chosen for prosecution to signify international revulsion at such a crime and to recognise it as one of the worst violations that may be committed during war. This legal sanction has created an important deterrence effect. During my travels, I have met with groups in many parts of Africa and Asia who have asked me to explain in detail the significance of this prosecution and how such action may make many new leaders of armed groups think twice before recruiting child soldiers or committing other violations.

The normative framework with regard to children and armed conflict has also been augmented by Security Council resolutions. With a series of resolutions culminating in resolution 1612, the Security Council has welcomed annexes to the Secretary-General's report that enumerate parties that recruit and use children; created a working group that meets on a bimonthly basis to review issues relating to children and armed conflict; established a monitoring and reporting mechanism relying on task forces in the field and held out the prospect of targeted

measures against recalcitrant states and groups. While Security Council resolution 1379 (2003) asked for the "shame" listing of parties that recruit and use children in conflict, resolution 1882, passed in August 2009, further requested the listing of parties that commit sexual violence against children and those who kill and maim children with impunity. Significantly, resolution 1882 also establishes a vital link between the Security Council's Children and Armed Conflict (CAAC) Agenda and its Sanctions Committees, a major step towards concrete action against perpetrators.

In addition to holding perpetrators accountable, the international community has developed guidelines and principles for response and reintegration of children affected by armed conflict. The Paris Principles of 2007 deal with children associated with armed groups. The Principles call for community-based inclusive programming that recognises the different needs of children, yet understands that the long term interest of children is integrally linked to the well-being of their families and their communities. These Principles call for long term commitments on the part of the donor community and for a greater understanding of what is sustainable in the context of conflict-ridden societies.

There has also been a great deal of innovative thinking around internally displaced children in recent years. The United Nations High Commissioner for Refugees' Executive Committee has adopted a conclusion on children at risk and put forward guidelines on how to determine the best interest of the child in refugee and internally displaced population settings. My office also submitted the Rights and Guarantees of Internally Displaced Children to the Human Rights Council, which was noted by the United Nations General Assembly during its 2009 session.

Sexual violence against girl children and women is another issue that has galvanised the international community, particularly the United Nations Security Council. Resolution 1820 expressed the Council's firm position on this issue calling for a comprehensive report from the Secretary-General. Resolution 1882, as mentioned earlier, made sexual violence against children a criteria that allows for the listing of parties that commit this grave violation in the annexes of the Secretary-General's Report on Children and Armed Conflict. Resolution 1888 requests that the Secretary-General appoints a Special Representative to be responsible

for advocacy and action around sexual violence against girls and women in situations of armed conflict. This enhanced attention will strengthen existing frameworks and allow for better implementation of existing laws and standards.

In the area of landmines and cluster munitions, there have also been important developments. To date, 104 countries have adopted the May 2008 Convention on Cluster Munitions, banning the use of these weapons and supporting communities affected by their presence. This, along with the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction (AP Mine Ban Convention), now establishes the necessary framework for effective action in this regard. All that is needed now is universal ratification and implementation of these respective Conventions.

With regard to children and the justice system, the United Nations produced Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime in 2005. The Paris Principles also articulated that children will not be prosecuted for war crimes and crimes against humanity, now an internationally recognised principle, and that states should explore alternative justice mechanisms that fully respect children, while recognising the need for them to confront the crimes that may have been committed. Most child protection advocates have called for restorative justice procedures and other more innovative transitional justice measures.

In recent years, there have also been calls to involve children more actively in the decision-making processes that affect their lives. Child participation is encouraged and there is a recognition that children should participate in peace processes in an appropriate manner. Fora and meetings that encourage children to voice their concerns about peace processes have been convened in a number of countries and recommendations from these fora have been transmitted to the leaders and negotiators.

Despite these many developments over the last few years, new challenges to the children and armed conflict agenda are emerging. These have been captured in the new Guide. The first challenge is to actively implement the normative framework that has been developed. The

need of the hour is to prosecute perpetrators, hold states and parties accountable for compliance and fund programmes that abide by the principles and guidelines set out in the normative framework. This is important to ensure that this Guide is not only words on paper. We must strengthen international mechanisms, but, at the same time, also build national capacities to deal with the problems faced. To be sustainable, these frameworks must have national ownership and relevance. While international actions must be taken in exceptional cases, the day to day management of these issues should remain a responsibility of national institutions and Member States. For this reason, international advocacy must always be supplemented by national awareness raising and national mechanisms.

The second challenge we are facing is the changing nature of conflict, as outlined in the Guide. In many ways, there has always been an ideal type of conflict envisioned by the Geneva Conventions and international humanitarian law. In this model, only combatants are involved in the fighting and civilians are protected. In addition, only reasonable force is used and disproportionate force would be prohibited. These principles are under attack today in many theatres of war.

In certain parts of the world, the distinction between armed groups and criminal gangs is increasingly blurred. Groups engage in political activities at one time and criminal activities at another. This blurring of lines has an important consequence for international law. Do we treat these parties as armed groups under international humanitarian law, with all the protections granted to parties to conflict? Or do we treat them as criminal gangs and apply both national and international criminal law?

In other parts of the world, "terrorism" and "counter terrorism" measures also have adverse implications for children. Terrorists make civilians their primary target, overturning the laws of war. Attacks on protected spaces, such as schools and hospitals, and the use of children are critical concerns. In fighting "terrorism", we find many children held in detention. Moreover, the use of aerial bombardment results in collateral damage that sometimes kills children. These are new concerns, that compel the international community to make the protection of civilians a central part of military planning and execution.

The Security Council has focused on six grave violations against children in current warfare: killing and maiming, sexual violence, recruitment and use, denial of humanitarian access, abduction and attacks on schools and hospitals. These are terrible crimes that are addressed in international humanitarian law. There are also other ways in which children suffer during war. They are forcibly displaced or have to seek refuge; they are held in detention, often with adults and they are often trafficked across borders for labour or commercial sex work and exploitation. They are also denied basic services and it is characteristic that the Millennium Development Goals relating to children are the least advanced in situations of armed conflict. It is important that concerted action is taken to protect children and to provide them with a humane environment worthy of their dignity. This Guide sets out the standards and principles guaranteeing the most fundamental rights of children in armed conflict. I congratulate the International Bureau for Children's Rights for preparing this valuable document.

Radhika Coomaraswamy
Under-Secretary-General
Special Representative for Children and Armed Conflict

Introduction

The International Bureau for Children Rights (The Bureau) is committed to the promotion and the protection of the rights of children affected by armed conflict. The Bureau's involvement in this issue began in 1999 within the framework of the second cycle of audiences for the International Tribunal for Children's Rights. A series of consultations and studies were carried out to better understand the challenges faced by children in situations of armed conflict, to identify shortcomings in the international system in this field and to propose potential solutions to strengthen the response. The outcome of this consultative process was the 2003 publication of *Children and Armed Conflict, A Guide to International Humanitarian and Human Rights Law* by the International Bureau for Children's Rights and the Children and Armed Conflict Unit (a joint project of the Children's Legal Centre and the Human Rights Centre at the University of Essex). This publication, funded by the Government of Canada, provided a comprehensive overview of the bodies of international law aimed at protecting children affected by armed conflict.

The International Bureau for Children's Rights' expertise lies in its strong research capacity in international humanitarian and human rights law and mechanisms, as well as its research experience in the prevention and protection of children affected by armed conflict. With a widespread network of committed practitioners and actors involved in protecting the rights of children affected by armed conflict, the Bureau is strategically placed to advocate for the implementation of these international laws and to promote best practices in this area. The Bureau spearheads a range of studies and research on topics pertaining to children and armed conflict, including Making Children's Rights Work Country Profiles (South-East Asia in 2007, North Africa in 2008, Great Lakes region of Africa in 2009, Middle East and North Africa in 2010), a Study on Reintegration of Children in Armed Conflict, (December 2007), and a report on Security Council resolution 1612 and the prevention of recruitment of children in armed conflict (March 2008). The International Bureau for Children's Rights

also publishes a monthly newsletter on global developments related to children and armed conflict. In addition, the Bureau produces several reports on child trafficking (the Toolkit for the Protection of Child Trafficking Victims or those at Risk of Being Victims, 2008), on child victims and witnesses of crimes (the Child-friendly version of the UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime, 2007) and on the implementation of the United Nations Convention on the Rights of the Child (Connaître les droits de l'enfant, 2009).

The project

Over the last ten years, there have been numerous additions to the body of international humanitarian and human rights law aimed at protecting the rights of children living in situations of armed conflict. Yet, practitioners, actors and governments are often unaware of the breadth of these new instruments and their methods of application and implementation. Usually, their focus is on raising awareness of the UN Convention on the Rights of the Child, the tool most widely utilised and understood by actors in the field. In the specific context of armed conflict, there is the potential for greater advocacy, awareness raising, monitoring and reporting on a wide range of commitments and norms. Due to the lack of knowledge about the legal framework for protection of children in armed conflict, as well as the tools for its implementation at the national level, many actors in the field fail to integrate new laws, resolutions and policies into their daily activities to ensure child protection. The impact of actors' work in the field can be maximised through capacity building and information sharing on these new developments.

As earlier discussed, the International Bureau for Children's Rights published the first edition of a Guide in 2003, in collaboration with the Children and Armed Conflict Unit of Essex University, which elaborated the international humanitarian and human rights law related to children in armed conflict.

Since 2003, many new initiatives have expanded and strengthened the protection and promotion of children's rights in the context of armed

conflict. As an example, the United Nations' Security Council resolutions 1612 and 1882 create and reinforce a comprehensive monitoring and reporting mechanism to document six grave violations and abuses committed against children in situations of armed conflict.

With the feedback received from many readers and users of the first edition, the International Bureau for Children's Rights embarked on the ambitious project of publishing a new edition of this material, expanding its scope and content. Thanks to the support and trust of the Canadian Department for Foreign Affairs and International Trade, the International Bureau for Children's Rights was able to undertake this project. This second edition aims to:

- Document the substantial international policy and legal developments concerning children and armed conflict that have emerged since the publication of the first Guide in 2003;
- Fill the research gap in the area of children and armed conflict by developing a comprehensive overview of international humanitarian and human rights law to inform and build the capacity of practitioners, decision-makers and policy developers in the area of children and armed conflict, both in the field and at the policy level;
- Increase the momentum following the groundbreaking adoption of United Nations Security Council resolutions 1612 and 1882, along with other advances;
- Document and explain complex and abstract laws, policies and resolutions aimed at protecting children in armed conflict;
- Highlight concrete actions that can be taken by partners and actors working on child protection in the field, including actions:
  - To help prevent the use of children in armed conflict;
  - To foster adequate reintegration of children involved in armed conflict;
  - To promote reporting of violations under Security Council resolutions 1612 and 1882, among others, in order to challenge the impunity of those who commit grave violations of children's rights during an armed conflict; and

- Contribute to knowledge building on the main issues identified with the involvement of children in armed conflict, especially the situation of girls and their roles in armed conflict, as this is an ongoing challenge.

Who should use this guide?

The International Bureau for Children's Rights produced this Guide for the benefit of the communities of practice working on children and armed conflict. These are the men and women who work directly with these children and may often lack opportunities for training and capacity building on issues, such as the normative framework referring to children and armed conflict. This project provides such personnel and organisations with a current, concise guide to understand and apply the normative framework to the issues they face, such as children and landmines, child victims of sexual violence or the recruitment of children in armed groups and forces. The Guide will also be useful to academics, students and researchers as a reference tool. Policymakers and government officials will also find this document helpful to their understanding of the legal and normative instruments that will guide their strategies, policies and programmes. Finally, this Guide will also be useful for training facilitators and their participants on issues relevant to children and armed conflict, since it uses simple language and examples of what international laws mean for children.

In order to facilitate the widest possible dissemination and use of this Guide, the International Bureau for Children's Rights has made it accessible free of charge on its website at www.ibcr.org.

How should this guide be used?

This Guide is designed to be used in a variety of ways so that it is most relevant to the reader. It can be read from cover to cover to give the reader a full understanding of the current challenges faced by children in armed conflict and the international law, norms and developments that apply to

children in these situations. The reader might also use it as a reference guide and refer directly to the chapter that is the most meaningful for his or her work.

Immediately preceding this introduction comes a **preface** authored by the Special Representative of the Secretary-General of the United Nations for Children and Armed Conflict, Ms. Radhika Coomaraswamy. She sets the tone of the guide by calling for an era of implementation; the challenge is not primarily that the legal framework is inadequate, rather that States need to implement these conventions and resolutions.

Section 1 of the Guide provides the reader with contextual and background information to enhance his or her understanding of the situation of children in armed conflict today. This Section is important in terms of setting the stage and should be read by those requiring familiarity with the context, issues and the key concepts. Divided into five chapters, Section 1 also examines aspects of the history of international laws and norms on children and armed conflict. Nonetheless, a reader might proceed directly to Section 2 and refer to the theme of particular interest or relevance to his or her caseload.

- **Chapter 1 on the changing nature of armed conflict** provides an overview of the evolution of armed conflict, introducing contexts such as armed violence, urban violence and terrorism.
- **Chapter 2 on war-affected children** examines the impact of armed conflict on children, ranging from psychological repercussions to the loss of family members and limited access to schooling and other basic social services.
- **Chapter 3 on the main stakeholders** explains the roles and responsibilities of all actors involved in the promotion and protection of children's rights, beginning with children themselves, their parents and families, their communities, the State and the international community.
- **Chapter 4 on legal developments in international law** presents, in chronological order, the most relevant changes over the last 60 years since the adoption of the Geneva Conventions of 1949 that contributed to the protection of children in armed conflict.

- **Chapter 5 on the developments to protect war-affected children** draws a parallel chronology by illustrating the main contributions from norms, guidelines and other non-binding documents and practices.

Section 2 can be considered the main body of the Guide, as this is where practitioners are most likely to find specific information and tools to help them in their daily work. This Section is divided into eight chapters, with each discussing a particular issue faced by children affected by armed conflict and the international law and other developments that attempt to address these issues.

- **Chapter 6 on children associated with armed forces and armed groups** explains what these children are confronted with and how new laws can be employed to better protect them.
- **Chapter 7 on refugees and internally displaced children** outlines the different categories of unaccompanied children and highlights the protection afforded them, along with the gaps in these standards of legal protection.
- **Chapter 8 on sexual violence against children** discusses the various manifestations of sexual exploitation and abuse that children in armed conflict suffer and explains what various Conventions and Security Council resolutions have done to address this issue.
- **Chapter 9 on child labour** describes the connections between the extraction of natural resources and the economic exploitation of children, outlining the existing, yet inadequate, laws in place to regulate child labour in the context of an armed conflict.
- **Chapter 10 on children, landmines and cluster bombs** provides examples of how children are uniquely affected by these weapons and the steps the international community has taken to regulate and ban them in recent years.
- **Chapter 11 on children, small arms and light weapons** examines how these weapons play a key role in the involvement of children in armed conflict and how relatively few international standards regulate the trade and production of these weapons.

- **Chapter 12 on child victims, witnesses and perpetrators of crimes** reveals how children in armed conflict interact with the justice system and how international laws help to guide our response to them in such contexts.
- **Chapter 13 on children in peace processes** furnishes an account of the global experience accumulated to date on how to effectively involve children in peace processes and what provisions in international law guide the participation of children in post-conflict processes.

Section 2 is followed by the **Conclusion** of the Guide, which examines where we are at in the application of international law and standards, according to the experience of children and young people from Colombia and northern Uganda.

The Guide includes a number of annexes designed to further assist practitioners in their analysis, advocacy efforts, provision of care and practice.

- **Annex 1 on key definitions** explains key terms and concepts used throughout the Guide and in the work with children affected by armed conflict.
- **Annex 2 on the tables of ratification** shows at a glance the status of ratification of 33 international conventions and treaties that have an impact on the rights of children in armed conflict. The tables delineate which countries have ratified each of the instruments.
- **Annex 3 on the Annexes of the United Nations Secretary-General's Annual Report on Children in Armed Conflict** lists the United Nations' Member States and non-State parties to a conflict that have been identified in the Secretary-General's yearly reports to the Security Council.
- **Annex 4 on the provisions in international treaties, conventions and norms that are relevant to children and armed conflict** is a complete list of relevant articles and sections from various international documents mentioned in the Guide that should inform the action of practitioners.

Keep us informed!

Our hope is that this revised and expanded Guide will provide the information and tools necessary to better protect children affected by armed conflict. To this end, we welcome your feedback, comments and suggestions. Please also let us know how you are using this Guide and how you think the Bureau can improve its next edition.

You can share your thoughts with us by email at g.landry@ibcr.org

Guillaume Landry
Director of Programmes and Editor of this Guide
International Bureau for Children's Rights

SECTION 1

Overview of International Law and Developments

1. The Changing Nature of Armed Conflict

1.1 An Overview

Armed conflict is an enduring global plague, displacing an increasing number of people within their countries and across borders.[1] If armed conflict is a political act, quantifying and analysing it is political as well. Many of the tools used to measure the impact of conflict (such as body counts and battlefield injuries) were established under a traditional notion of war – that wars occur between States. Given the major changes in the nature of armed conflict outlined below,[2] these tools are no longer as relevant, nor as accurate for measurement.[3] That said, the Center for International Development and Conflict Management, one of the most reputable organisations working in this field, puts the number of armed conflicts worldwide in 2008 at 26, many of which were long-standing grievances and recurrences of previous wars.[4]

This section establishes a broad framework for the discussion of armed conflict,[5] providing definitions of key terminology, select military history and an examination of the current trends in armed conflict, in both form and function.

A historical perspective

There is a lively debate among humanitarian workers, policymakers, military analysts and academics about whether one can speak of new wars' or 'contemporary armed conflict'. To enter this debate, it is important to first explore the traditional, almost nostalgic, view of war as a period of open confrontation or fighting between government armies, following a political declaration of hostilities. The Crimean War, World War I and the Sino-Japanese War of 1894-5 would be examples of this sort of warfare. In such a paradigm, the intended targets of weapons were soldiers and obvious military assets (such as supply warehouses, barracks, and tanks), and the theatre

of war, for the most part, was in rural areas and at a distance from civilian populations.

Hostilities had strict rules to govern them, although they were not always respected. These rules varied widely, according to times and cultures. Common examples include the use of a white flag to symbolise peace or surrender, the cessation of combat at dusk, attacks made solely from the front, the capture of the leading soldier on a battlefield putting an immediate end to fighting, hand-to-hand combat of the two most senior warriors as a means to decide a dispute, and 'battle' defined as a series of one-on-one duelling matches.[6]

Violations of the shared military code brought great shame on both the military and political leaders of the time. Events that broke these norms (such as the siege of Leningrad or the nuclear bombing of Hiroshima, both occurring during World War II[7]) ultimately led to the codification of human rights law.

A contemporary perspective

In the late 20th and the early 21st centuries, the term 'armed conflict' replaced that of 'war'. While there is no universally accepted definition of the term, the Office for the Coordination of Humanitarian Affairs (OCHA) defines it as: "A dispute involving the use of armed force between two or more parties. International humanitarian law distinguishes between international and non-international armed conflicts."[8] The International Committee of the Red Cross (ICRC) further differentiates between the two forms of conflict: "International armed conflicts exist whenever there is *resort to armed force between two or more States*. Non-international armed conflicts are *protracted armed confrontations* occurring between governmental armed forces and the forces of one or more armed groups, or between such groups arising on the territory of a State [party to the Geneva Conventions]. The armed confrontation must reach a minimum level of intensity and the parties involved in the conflict must show a minimum organisation."[9]

The term 'armed conflict' covers a much broader spectrum of violence than does 'war' and is marked by a high level of fluidity and fragmentation. Significant trends in armed conflict in the past years include the deliberate targeting of civilians, the multiplication of armed

actors not limited to States, increased and easier access to small arms and light weapons, the prolonged duration of conflicts, especially where natural resources are concerned, the inability of external actors to force a termination of hostilities and the linking of armed groups to illegal trafficking and criminal networks. Examples of this contemporary form of conflict can be seen in the current hostilities in Afghanistan, the complexity of armed actors in Colombia, the prolonged fighting in Sri Lanka, the armed violence in Haiti and the insurgency in the Philippines. In addition, terrorism can be viewed as a considerable challenge, since armed actors are less accessible or definable.

In the past year, the world has seen a proliferation of armed actors from rebel armies to insurgency cells, government-linked paramilitaries to local defence groups.[10] Contemporary command structures tend to be loose, with frequent switches in allegiance. Where structures are formalised, armed groups often present themselves as alternative governments in order to extract money and favours from civilians, while hiding behind a facade of legitimacy. Examples of this phenomenon can be seen in the Sudan Peoples' Liberation Army/Movement, the Liberation Tigers of Tamil Eelam and the National Congress for Defence of the People in the eastern Democratic Republic of Congo.

The most shocking development in contemporary conflict is the deliberate targeting of civilians, due in part to the strategic blurring of the lines between combatants and civilians. The former often live or find shelter in villages and refugee camps, sometimes using civilians as human shields. The targeting of civilians most often involves killing, maiming and sexual violence, with claims that these acts are in reprisal for suspected support of the opposition or for attacks by opposing forces. In other instances, combatants force civilians to support their efforts. This support, whether voluntary or forced, places civilians at greater risk of attack by the opposing forces. Armed actors "seek to bring the battle more immediately, more systematically, and more massively to the core of the civilian population".[11]

Today, fighting is rarely carried out between uniformed soldiers from two national armies. With the decrease in international warfare and the growth of internal conflicts and urban violence, conflict has moved into the informal sector. Combatants rarely have uniforms,

rations and a standard kit. Frequently, it is extremely difficult to identify who is fighting for whom. This confusion is strategic, as it allows individuals and combat units to operate more freely and with less risk of sanctions since the command structures are harder to identify and 'prove'. Nevertheless, while there may be fewer military battle casualties, there are high human costs, including civilian and child casualties, the destruction of infrastructure and minimal access to basic social services, resulting in diminished development and economic opportunities.

In addition to their national armies, governments increasingly develop arms length, covert relationships with paramilitary squads or private military companies. Both of these groups can form quickly, are easy to train and require little support. Even Russia, India and China, three countries with the largest national armies in the world, are thought to currently rely on paramilitary forces for one third to one half of their military personnel.[12] Governments are criticised for "'outsourcing' one-sided violence and other 'dirty' tasks to loosely affiliated and less accountable actors who often prove to be particularly brutal in their treatment of civilians."[13] The rise of 'auto-defence', or self-defence, militias that emerge as a community level response to actions of armed groups or State forces is another dimension of today's conflicts. Significantly, these self-defence militias are often responsible for enlisting children. Examples can be found in the militias in Côte d'Ivoire; the militia groups in areas where the Lord's Resistance Army is present in the Democratic Republic of Congo and the Kamajors in Sierra Leone.[14]

In resource rich countries, "the exploitation, trafficking and illicit trade of natural resources have […] contributed to the outbreak, escalation or continuation of armed conflict"[15] External actors, such as regional diplomats and international peacekeepers, do not often have sufficient leverage to end the fighting. Moreover, perpetuating armed conflict may be financially advantageous to a handful of powerful individuals and groups, often supported by foreign business interests. Clear examples of this trend are found in Nigeria, Sierra Leone, Angola (although the conflict has now ended) and eastern Democratic Republic of Congo, where the original political objectives of the conflict have been pushed to the backburner as warring parties struggle to control the natural resources in territories they have conquered.[16]

Linkages between actors in armed conflicts and transnational criminal networks have increased.[17] These networks are eager to take advantage of security vacuums, capitalising on and even prolonging the mayhem in order to export natural resources, launder money and traffic in people, among other activities. Civilians, particularly children, get caught in the middle of criminal pursuits. Haiti is frequently cited as a key example of a country where the shifting distinction between warrior and criminal are evident in the conflict. The criminal or political character and motivation of armed groups that are mostly perceived as criminal gangs may change, depending on the circumstances and timing, In Haiti, children were initially seen as victims who had been unlawfully recruited; however, they are now seen as members of criminal gangs.

With so many actors and shifting perspectives on the conflict, it is understandable that outsiders, such as peacekeepers, have difficulty carrying out their duties and influencing armed actors to lay down their weapons. The deployment of complex humanitarian operations and peacekeeping missions is another aspect of the changing nature of conflict. Even as these operations are part of the solution, they sometimes compound the problem. For instance, allegations of sexual abuse by humanitarian personnel represent one of the most pressing crises of credibility for the international community.[18]

It is increasingly common for peace negotiations to be a delicate dance between, not two or even three, but four or more parties to a conflict. To bring together all parties to hammer out an agreement is proving increasingly challenging. Frequently, only a partial peace agreement is reached, leaving some non-State actors on the periphery, where they are able to disrupt the peace and make the lives of civilians miserable, as witnessed recently in eastern Democratic Republic of Congo, Sudan and Colombia. In addition, because the enforceability of these agreements is linked to the legitimacy and accountability of these new actors, peace has proven elusive.

At the end of the day, it is important to consider that, while the character of armed conflict is liable to change, its very nature, the use of violence to secure advantage over others, is eternal.

1.2 The Terminology of Armed Conflict

Is a violent event an act of terrorism or an act of war? Is a war internal or is it international when foreign forces prop up the government? The definition of war becomes complex when different perceptions of war and armed conflict are brought together. There is no universally agreed upon definition of 'armed conflict'. One can speak of different manifestations of armed conflict, such as international conflict, internal conflict, terrorism and urban violence. This section will clarify the key terms in current usage.

International warfare is a conflict fought between two (or more) Nation-States and their armies. In the technical sense, it is a formal status produced by a declaration of war.[19] It has been the form of armed conflict that was the main concern for the international community as a whole for centuries. The break up of the Soviet Union led to a shift in the global power grid, with the United States assuming the lone position of global leader, without the balancing power of the Soviet Union. This event, along with other factors, encouraged different groups to achieve their own autonomy, creating a proliferation of internal conflicts in the 1990s that would become of interest to the rest of the world.

The most common form of warfare in the 21st century[20] is internal conflict, which is extremely varied in both cause and conduct. It is generated by the actual use of armed force, which must be comprehensive on the part of at least one party to the conflict.[21] It is difficult to apply international humanitarian law in such settings, despite some clear guidance in Article 3 of the 1949 Geneva Conventions and the 1977 Additional Protocol II, that is specific to non-international armed conflicts. A country may experience more than one internal conflict simultaneously, as different allied or non-allied groups struggle for recognition of their issues. Myanmar and Sudan provide examples of this. Internal conflicts tend to be fought by small, poorly trained and lightly armed troops that avoid major military clashes, but often direct their attacks against civilians as 'soft targets' to achieve maximum impact for their cause.

Asymmetric conflicts are those where one side (usually the government or a coalition of forces) has far greater technological power than the other. The battle phase is rapid and sometimes bloody. Despite a quick end to hostilities, insurgencies may linger for years, as in Iraq and

Afghanistan. This form of conflict poses a challenge to the notions of reciprocity and universal rules of hostilities that are at the core of international humanitarian law.[22]

One-sided violence is a growing trend.[23] Attacks on camps of displaced persons, bombings of markets, and massacres of civilians are examples. This violence has been recently witnessed in Colombia, Somalia and Iraq. Its use is a conscious choice to harm civilians, although it can have other objectives beyond just injuring or killing civilians. Its use may be intended to terrorise the population. In keeping with this motive, patterns of violence are of low, but constant, intensity.

The latest Stockholm International Peace Research Institute's Yearbook,[24] an annual, independent analysis of armed conflicts worldwide, reveals a correlation between the decrease in State-based armed conflicts over the past decade and a half and an increase in organised campaigns of one-sided violence. This development can be interpreted as a shift away from governments using traditional military tactics (combat, soldiers as targets) to the adoption of terror-based tactics, which in turn reinforce the use of terror-based tactics by government opponents.

Terrorism[25] is a form of irregular warfare that entails the threat or use of violence against non-combatants, either by State or non-State actors. Its documented use dates back to the first century, when religious groups used it to pursue their agenda and later, when certain States used terrorism against their enemies.[26] The threat of international terrorism by rebel groups in Europe and Latin America, as well as nationalist groups across the globe, was acute in the 1960s and 1970s. There is no internationally agreed upon definition of terrorism. An example can be found during anti-colonial wars, where groups rebelling against the colonial power were identified as terrorists by some, and as liberation fighters by others.

In recent decades, a terrorist threat has emerged, with members prepared to commit suicide and use weapons of mass destruction to create great mayhem among enemies. The impact of terrorism, particularly within the 'War on Terror' paradigm, is high, even though research shows that civilians worldwide have much more reason to fear direct fighting than terrorism.[27] Terrorist actions disproportionately affect children. Counter-terrorism measures also have an impact on children. Incarceration and torture of children is in contravention of basic juvenile justice standards

for minor offences, such as stone throwing.[28] There are many gaps in international law on the subject of terrorism, which weakens the global system of governance and justice. While the notion of 'war' against terrorism is based more on politics than a legal reference, it has sparked much analysis and evolving debates on the validity of international law.

Many countries trying to move past a period of armed conflict find themselves immersed in a phase of urban violence. This has been particularly true in Latin America, where gang-related deaths of children are higher than in many armed conflict areas.[29] With growing, young urban populations, devastated rural areas with little or no infrastructure and limited access to basic social services, high youth unemployment, a sizeable proportion of children and youth who have witnessed and/or participated in fighting and atrocities, the continued availability of weapons and access to drugs, patterns of urban violence are quickly engrained. One analyst in El Salvador wrote: "The war may have ended, but social and political relations remain characterised by… 'terror as usual', exhibiting itself through a sharp rise in street crime, a growing gang culture and high levels of violence in the private realm."[30] Urban violence may also plague a country that has not gone through armed conflict. The same factors enumerated above create violence and children and young people are often seen as perpetrators, rather than the victims they really are. Some urban areas of Brazil, for instance, have seen an increase in this type of violence. Moreover, urban settings create a challenging environment for the application of international humanitarian law. Among these challenges are the varied forms of violence, the jurisdiction of the State and weak or corrupted enforcement mechanisms.[31]

1.3 Key Concepts in Armed Conflict

The topic of armed conflict is a complex area of study because there is great controversy and fast-moving debate. To better understand current thinking on the topic, it may be useful to review some key concepts.

First and foremost, whatever form it takes, armed conflict directly affects peoples' human rights. Human rights are universal legal guarantees protecting individuals and groups against actions and inaction that

affect their freedom and human dignity. They include the necessities to which everyone is entitled to live (among them, adequate food, privacy, safety, education) and also other crucial aspects of life, such as participation and non-discrimination.

At the heart of most armed conflicts is control over territory and the people and resources found within it. The system of Nation-States is central to this struggle for control. The Nation-State system rests on countries recognising two fundamental concepts: 'territory' (a defined area of land and/or water that is considered to be in a State's possession) and 'sovereignty' (a State having independent authority over a territory).

The struggle for territorial control is waged by armed actors, but civilians will assert time and again that their wish is simply for peace and security to go about their daily lives. In the late 1990s, a movement emerged to reconceptualise security beyond physical and military parameters, on which the United Nations Security Council tended to focus. This movement highlighted the importance of the larger notion of human security. According to the Commission on Human Security, this notion refers to protecting fundamental freedoms and protecting people from critical and pervasive threats and situations, while using processes that build on people's strengths and aspirations to address these threats. Human security goes beyond the mere absence of violent conflict; it entails a situation where civilians can enjoy their human rights and can access economic opportunity, education and health.[32] Supporters of human security challenged the traditional notion of national security, arguing that the proper referent for security should be the individual, rather than the State. Human security posits that a people-centred view of security is necessary for national, regional and global stability.

Efforts to protect civilians, enabling them to go about their daily lives without fear, have always been at the heart of humanitarian and human rights work. In the past decade, there has been a campaign to reframe the definition of protection from a State's *responsibility to refrain* from certain actions during conflict (the approach of the Geneva Conventions) to a State's responsibility to protect (R2P) all civilians. The Responsibility to Protect doctrine further argues that, if States are unable or unwilling to fulfil the responsibility to protect their citizens, other States are *obliged* to intervene to stop mass human rights violations of international law, such

as occurred in the Democratic Republic of Congo in the 1990s. Initially, such intervention is to take place through peaceful means, but if that fails, intervention may include the use of military force. The Responsibility to Protect engendered a significant shift in the humanitarian paradigm, placing responsibility on humanitarian actors to increase their work in the field, improve their quality of reporting and increase advocacy to protect civilians.

In 2006, the United Nations Security Council adopted resolution 1674 [See Annex 4 for full text of relevant articles on page 401], reaffirming its commitment to protect people from genocide, war crimes, ethnic cleansing and crimes against humanity. In 2008, the United Nations Secretary-General[33] appointed a Special Representative on the matter.[34] On 14 September 2009, the United Nations General Assembly adopted by consensus its first resolution on this. Although very short and procedural, the resolution affirms the global commitment to this issue.[35]

Civilians affected by armed conflict are, by definition, vulnerable to a number of hardships and a host of rights' violations and problems. Humanitarian vulnerability[36] is characterised by decreased access to essential goods and services relative to the needs of the individual. The International Committee of the Red Cross argues that vulnerability is "a result of precarious conditions of existence of individuals or collectives in combination with the threat of a brutal change in their environment."[37] When sanctions or other punitive measures have been enacted or if humanitarian access is intermittent, it is critical to assess the vulnerability of affected populations in order to establish an effective baseline to monitor the possible impact of armed conflict. This information should ultimately serve to better respond to the needs of the vulnerable population. A population's living conditions may change over the course of an emergency,[38] particularly when natural disaster and armed conflict intersect.

Vulnerability needs to be monitored on an ongoing basis. This requires humanitarian access to the affected population, the denial of which can be a major obstacle to the provision of humanitarian assistance and protection. Parties to the conflict may deny or delay access or may make the security situation so difficult as to force the withdrawal of a humanitarian organisation. Whether the goal is to hide the worst of their

actions (or inactions) or to prevent their enemies or allies of their enemies from receiving assistance, the end result deprives civilians of their basic rights, quite possibly including the right to life. Access becomes even more complicated if an armed group has been mislabelled as irrelevant, weak or unwilling to engage in humanitarian protocols and thereby excluded from humanitarian dialogues or peace talks. These dynamics are likely to further impede access to populations in need of assistance.

Analyses of the Responsibility to Protect have found that one of the key obstacles to its implementation is the lack of sufficient commitment by Nation-States to ensure that atrocities and violations of human rights, including child rights, leading up to and during armed conflict, do not take place. The authors of a recent report conclude that, among powerful nations, there is in fact "the will *not* to intervene".[39]

Prevention of armed conflict is the ultimate goal. If achieved, it has a myriad of positive effects on the lives of children and their communities. Yet, prevention is not an all or nothing option. At a micro-level, community based peacebuilding initiatives that enable communities to sidestep conflict or mute its effects are valuable contributions. Equally, at the macro-level, national and regional initiatives to foster social cohesion have been essential in contributing to conflict prevention. At the international level, the United Nations Peacebuilding Commission[40] aims to prevent the recurrence of conflicts through legal, economic and social reforms, among other actions.

1.4 Laws and Norms – An Overview

The ways in which warfare is waged change constantly, but there are *always* rules of one form or another. In 21st century armed conflict, "rules and regulations on war tactics are determined locally and therefore, are more difficult to influence and control at the national and international level."[41] This section examines and explains fundamental concepts in the legal framework that guides work on children and armed conflict. It is vital for human rights and humanitarian workers to gain an understanding of this framework and seize opportunities to influence it at whatever level.

A fundamental element to recall when discussing the protection of civilians is the recognition that States have primary responsibility to uphold the rights of all persons within their jurisdiction. Children share the same protected universal human rights as all other persons and, in addition, they have certain rights as laid out in the Geneva Conventions and the United Nations Convention on the Rights of the Child, because of their dependence, vulnerability and developmental needs [See Annex 4 for full text of relevant articles on page 363]. During times of armed conflict, all civilians enjoy equal protection under international humanitarian law, and, in addition to this, children are accorded certain special protections under the Geneva Conventions. The legal basis for the protection of children is well established in international law, although the law is still evolving and expanding to incorporate the status and protection of children and child soldiers. International and national law provide the framework within which those who work on behalf of children should operate, since this framework provides the components of a rights-based approach to humanitarian practice.

National law refers to the set of laws that are in place in a country. This is usually the primary framework setting out the standards that apply within a State's territory. In some cases, national laws may be more protective than international law, while in others, they provide a lower level of protection. Although armed conflict may compromise the functioning of domestic legal systems, human rights and humanitarian workers should be familiar with national laws that protect human rights and may be useful for their advocacy and programming work.

The legal framework governing relations *between* States is known as international law. Its sources include treaties, international custom, general principles of law, judicial decisions and the work of prominent legal scholars. Sovereign States designed international law to advance their interests, to protect territory, manage violence and ensure common understanding of an issue and appropriate mechanisms to solve any problems that may arise.

Customary international law[42] is based on the universal acceptance and consistent practice of common legal principles, whether written or unwritten. To prove that a certain rule is customary, one has to show that it is reflected in official State practice and that the international community

is convinced that such practice is required as a matter of law. Some of the guarantees and protection found in international instruments have become part of customary international law, which means that such rules can be invoked to protect children in a country, regardless of whether it has ratified a treaty that contains that specific right or guarantee. For example, all children are protected against racial discrimination, slavery, torture or other cruel, inhuman or degrading treatment or punishment.

1.5 Other Actions to Support the Fulfilment of Rights in Armed Conflict

The United Nations Committee on the Rights of the Child (the monitoring body for the Convention on the Rights of the Child) identified seven ways in which societies can ensure the implementation of the Convention in all circumstances, including during an armed conflict. These are the establishment of independent human rights institutions for girls and boys, the development of comprehensive action plans for children, the development of permanent governmental coordination mechanisms, systematic monitoring, adequate resource allocation,

General Measures for the Implementation of the Convention on the Rights of the Child

Legislative reforms
Independent ombudsperson for children
Permanent national coordinating mechanism
Monitoring and evaluation system for the implementation of the Convention
Collection of dissagregated data on all aspects of children's rights
Implementation of a comprehensive action plan for children's rights
Promotion of civil society
Train and build capacities of stakeholders
Adequate resource allocation
Awareness and understanding of the rights of the child
International cooperation to promote respect of these rights
Meaningful child participation in all aspects of children's rights

education/awareness raising and widespread engagement on the issues affecting children.[43]

There are many other stakeholders who have a role in promoting and protecting children's rights during armed conflict. They include the children and young people themselves, the media, teachers, other educators, religious leaders and health workers, among others. During times of peace, the government (at various levels), together with other key actors, including civil society, United Nations agencies, and affected communities, may work together on emergency preparedness plans to ensure that all children are served and protected during a crisis. Similarly, peace time national plans of action for the rights of children form a solid base for advocacy and action.

It is worth noting that the examples above outline opportunities at the national level. Other efforts that use the leverage of the international community include, but are not limited to, monitoring and reporting violations, the use of diplomatic targeted sanctions (for example, travel bans, remittance bans to certain individuals, asset-freezing, bans on technical support), referral of cases to the International Criminal Court, establishment or strengthening of a peacekeeping mission, Security Council resolutions and certification schemes for natural resources.

1.6 Conclusion

'Armed conflict' is an umbrella term for a variety of scenarios in which children can be directly or indirectly harmed. The understanding of armed conflict is currently in a state of flux, as there are new perpetrators, new targets and unclear rules of engagement. This makes it difficult for traditional tools and instruments to be effective in protecting children's rights.

National laws, customary law and the international humanitarian and human rights architecture provide some measure of legal assurance for civilians and children living in conflict zones; however, this assurance is considerably weakened when laws are not enforced and instruments are not wielded, as so often occurs in times of crisis. The humanitarian

and human rights communities are stepping in to fill the gaps and to strengthen the overall protective framework for children in armed conflict. International and regional inter-governmental organisations, such as the United Nations, the Organization of American States and the African Union, are also beginning to address omissions in the legal protection framework. As will be seen in the coming chapters, the challenges are enormous, but, with the participation of governments, a committed force of practitioners and children themselves, there is hope that some of these barriers will be overcome.

2. War-Affected Children – An Overview

2.1 An Historical Perspective on Children and Armed Conflict

What children had to say (Source: Human Rights Watch)[44]

"I was just coming back from the river to fetch water… Two soldiers came up to me and told me that if I refuse to sleep with them, they will kill me. They beat me and ripped my clothes. One of the soldiers raped me… My parents spoke to a commander and he said that his soldiers do not rape, and that I am lying. I recognised the two soldiers, and I know that one of them is called Edouard."

— 15-year-old girl, Minova, South Kivu, March 2009

As seen in the first Chapter, war is both a constant and an evolving means to settle political differences. This section will examine the roles that children[45] play in armed conflict and how those roles affect them as individuals and as a group. It is important for humanitarian and human rights workers to have a solid understanding of the realities girls and boys face during armed conflict, so that they may both create strong protective programming, including advocacy campaigns and legal interventions, and engage children in their own protection.

For as long as people have fought in war, children have been shaped by its consequences. Whether through direct engagement in battle or by being injured by a stray bullet, whether owing to an absent or disabled soldier-father pushing the family into poverty or through a breakdown in law and order leading to widespread sexual violence, armed conflict defines both the childhood and the future of its child victim.

History points to the recurring and varied presence of boys and girls in warfare. Over the centuries, children were taken as slaves for sexual or economic purposes by the victor, armed to defend their flocks from enemy groups and given to warriors to be their assistants (for example,

in European military history, a boy could become a knight's page at the age of seven and receive combat training and, at 13 or 14, he would graduate to a junior position on the battlefield itself).[46]

Children have played a variety of combat-related roles throughout history. Ancient texts and images document boys among the fighters or even as a group of fighters themselves.[47] Ancient Romans used youth as a central component of their military force. There has always been debate about when a child is old enough to participate fully in hostilities. For example, the philosopher Plutarch alluded to an age restriction of 16.[48] Yet, in the 19th century, boys were active on the battlefields, often as musicians, such as the drummer boys of the Napoleonic Era or the bugle players in the American Civil War. In the 20th century, boys were groomed both to play military support roles, as the roots of the Boy Scout Movement in the Boer War and the creation of the Hitler Youth in World War II attest, and to fight as frontline soldiers, as described by George Orwell in *Homage to Catalonia*.[49]

In the 20th century, the notion that most boys and girls were innocent victims of warfare who needed food aid and other assistance was certainly a catalyst for humanitarian action, launching agencies such as Save the Children (in response to the plight of children living under the economic sanctions of World War I Germany), Plan International (in response to the dangers faced by children during the Spanish Civil War in 1937), Oxfam (in response to the deprivations facing Greek children in 1942) and UNICEF[50] (established in 1946 to provide emergency food and healthcare to children in post-World War II Europe). The massive family reunification efforts undertaken in post-World War II by the International Committee of the Red Cross were also a response to the recognition of boys and girls as innocent victims.

Since the 1996 release of Graça Machel's ground-breaking report, *Impact of Armed Conflict on Children,*[51] policymakers, academics and the media have paid greater attention to children living in situations of armed conflict. This concerted attention has led to steady progress on normative protective standards. Unfortunately, those standards are difficult to enforce in times of conflict and have not always translated into tangible improvements to children's lives. In fact, UNICEF estimates that just over *one billion girls and boys* live in countries or territo-

ries affected by armed conflict, and of these, around 300 million are under five years old.[52]

According to the United Nations Secretary-General, 53 parties in situations of armed conflict (both State and non-State actors) committed grave violations against children, including killing and maiming, the recruitment and use of children as soldiers, abduction, rape and other sexual violence, attacks on schools and hospitals and barring humanitarian access in 2008.[53] There is evidence that children are explicitly targeted for atrocities in order to demoralise or terrorise opponents and there is certainly little regard for their well-being, given the use of landmines, cluster bombs and other indiscriminate weapons, as well as the use of boys and girls themselves as human shields.[54] The 2004 hostage taking at the Beslan primary school in Russia was a devastatingly clear example of this disregard for children's lives.

In the past two decades, there has been increasing documentation of boys' and girls' involvement with both government armed forces and non-State armed groups, due in part to the fact that weaponry became cheaper and lighter to carry (see Chapter 11 for a fuller discussion of this issue). The 2008 Global Report from the Coalition to Stop the Use of Child Soldiers documents the presence of children associated with fighting forces of one kind or another in at least 17 conflict zones and argues that "where armed conflict does exist child soldiers will almost certainly be involved".[55]

While a correlation between heightened sexual violence against women and children and the presence of armed fighters (and the associated breakdown in law and order) has likely always existed, documentation points to a recent increase in both its strategic use and its brutality (Chapter 8 is devoted to this topic). For example, the United Nations Special Representative of the Secretary-General for Children and Armed Conflict concluded that "[in] Darfur, rape is a method of warfare used by armed groups to deliberately humiliate and to force displacement of girls and their families",[56] and in eastern Democratic Republic of Congo, staggering numbers of cases of sexual violence against children by all parties to the conflict continue to be reported (and not prosecuted).[57]

As noted in the previous section, the nature of armed conflict continues to evolve, with one of the most distressing new developments

being the use of children as suicide bombers. During its 20 year war with the government of Sri Lanka, the Tamil Tigers repeatedly used children for suicide attacks. At the moment, this tactic seems to be confined to the fighting in Afghanistan, the occupied Palestinian territory and Iraq. In 2008 and 2009, the United Nations country operation in Iraq recorded that three children detonated themselves, six children were seemingly in training as suicide bombers and one girl was intercepted while wearing explosives.[58] In a related development, authorities in Israel, the United States and Iraq, among others, are detaining children for alleged association with armed groups, often without charge or due process.[59]

2.2 The Impact of Conflict on Children

The impact of armed conflict on children can be substantial and have long lasting repercussions on their physical, emotional and mental well-being. In some cases, warfare rages on and off throughout childhood, with girls and boys reaching adulthood never having known peace in their homeland.

The **denial of humanitarian access** to children in conflict areas is often a great concern, as demonstrated in recent years in Sri Lanka and Sudan. When denied humanitarian assistance, children are deprived of their right to survival and development, food, water and medication.

Whether sudden or chronic, warfare leads to violations of children's rights. **Physical survival** becomes a daily challenge, creating difficulty accessing clean water, an adequate food supply or appropriate shelter, just to mention a few of the violations. Access to adequate healthcare and

> "The impact on children is more brutal than ever. The decade since the original Machel study [1996] has seen increased attention to mitigating the direct consequences of conflict, such as unlawful recruitment, gender-based violence, killing and maiming, separation from families, trafficking and illegal detention. But the indirect consequences of war – the severing of basic services, and increased poverty, malnutrition and disease – take a similarly devastating toll on children."[60]
>
> *— Machel Study 10-year Strategic Review, 2009.*

securing appropriate drugs (both preventative and curative) and vaccines is a major problem for both children and mothers, including pregnant and breastfeeding women. In many conflicts, the majority of child deaths occur away from the battles, bombings and terrorist attacks.[61]

Conflict-related targeting of **educational** facilities (staff and infrastructure) has increased significantly since 2004, resulting in closures of schools and even the collapse of education systems.[62] Over 50% of all primary school-aged children who are not in school live in a 'fragile state'.[63] Fighting disrupts a child's education, sometimes forever, as children struggle to find a way to attend the limited schooling options available during a crisis or to return to school at an appropriate level when it reopens. The inability to attend school, resulting from curfews, sieges or destruction of facilities, and the absence of a regular daily schedule can contribute to instability and make children more vulnerable to military recruitment and other forms of exploitation. More importantly, schools often offer a sense of normality, a pattern of safety to children, where they can return to cope with the psychosocial stress inflicted on them by an emergency. Ensuring that children return to school, or creating an educational and play corner as soon as possible after a crisis, greatly contributes to their psychosocial well-being and development.

Armed conflict affects children at all levels, as individuals and as members of both a family and a community. By its very nature, it fragments a society, generating questions of **identity** and allegiance and magnifying suspicions for many people. Children are not immune to these sentiments. In fact, children can be most vulnerable to them, as they may lack the maturity to make reasoned, independent judgements. Girls and boys may witness death, destruction and other tragedies and, in some cases, they may be the very agents of those acts. War and displacement can destroy a child's connection to his or her past and impose a frightening and uncertain future. To compound matters, there may be no trusted adults who have the time to explain issues and reinforce a child's resilience.

Emergencies disrupt daily routines, weakening the related social ties they provide, as people are torn from their **social supports and displaced from their homes**. In addition to losing loved ones, homes and clothing, children lose geographical references (such as a favourite

tree or route to school) and symbolic personal items (such as photographs or an inherited stamp collection), which serve as important reminders of their life, identity and culture.[64]

Warfare has an impact on **personal safety and security**, as children often rely on adults for their protection. As conflict unfolds, protective structures often break down and the social norms that regulate behaviour are affected, making children even more vulnerable to abuse and exploitation. Alcohol and substance abuse are often used as coping mechanisms, contributing to an increase in domestic violence. It goes without saying that armed conflict puts children at great risk of physical harm, whether as a combatant or by playing a support role to armed actors, whether playing near explosive remnants of war or being caught up in communal violence, whether caught in crossfire or targeted by snipers, but also suffering from decreased access to basic services, such as healthcare and protection from exploitation and abuse.

Armed conflict can have long term effects on a family's emotional and **financial well-being** and ability to support all of its dependents, especially when it causes displacement. There is often increased poverty resulting from loss of land and assets, depletion of savings, as people barter what they have for safety or basic needs, less access to education, including secondary and professional schooling and disruption in earnings, as family members are imprisoned or killed. The prospect of hunger or inadequate household resources pushes many children, some with the encouragement of their parents, into exploitative work (for example, artisanal or small scale mining, assisting soldiers, sexual exploitation or transactional sex).

Children who are separated from their traditional caregivers or who are orphaned during times of conflict, are frequently left to be absorbed into other families or institutions, or to fend for themselves and/or their siblings. Children with a pre-existing vulnerability, such as orphans and children with disabilities, are particularly at risk in times of crisis. **Family separation** is a good example of the cascade effect of vulnerabilities. It leaves a child at higher risk of recruitment into armed services and gangs, subsequent conflict with the law (or other armed groups), neglect, physical, sexual and emotional abuse or exploitation, discrimination within the household or wider community, being

denied the right to education, increased effects of mental and physical illness and reduced access to healthcare, drug addiction and increased need to work, coupled with the resultant loss of time for leisure and cultural activities.

Boys and girls **associated with armed forces or armed groups** are most often separated from their families and risk being exposed to a number of dangers, such as death, physical injury, psychological damage and sexual abuse. These potentially devastating impacts stem from witnessing or participating in horrific levels of violence and exploitation, torture, sexual violence and other atrocities. Additionally, children may be exposed to landmines, unexploded ordnance, HIV/AIDS and other sexually transmitted diseases. These physical and emotional wounds manifest themselves in different ways and can last a lifetime. They inevitably mark children and pose challenges when girls and boys attempt to reintegrate into their communities, if they manage to escape, or at the end of a conflict.

Sexual violence is one of the hallmarks of the changing nature of conflict with the most devastating consequences for children. More can be said about the stigmatisation of victims, cultural sensitivity and taboos which make it very difficult to address these issues directly or even have a sense of the scope of the problem, blame cast on victims and children who bear their own children (see Chapter 8 for a fuller discussion).

When girls and boys are **sexually assaulted**, they often lose trust in their caregivers. In addition to physical health concerns such as injury, early pregnancy and infestions, this intensely personal violation can lead to depression, social isolation, stigmatisation, abandonment and attempts at self-harm or suicide. Victims are often blamed for the assault, while girls who bear children as a result of the abuse suffer even more from stigmatisation and isolation, not to mention the treatment of their own children. Some children find it helpful to have formal and/or informal counselling from either professionals or people who have experienced something similar. Some families are eager to pursue justice against the perpetrator in cases where he or she is known, while others are reluctant to do so out of shame or fear of retribution.

It is clear that children pay a heavy price for the prevalence and availability of **small arms and light weapons** in societies that are in or

emerging from a crisis. Beyond death and injury as a result of accidents (for example, picking up a grenade, stepping on a landmine), there is the emotionally numbing acceptance of mass violence or the threat of violence in one's childhood (Chapters 10 and 11 address these risks at greater length). Hundreds of thousands of boys and girls across the world live in daily dread of an armed attack that will lead to them or a loved one being killed, abducted, raped or wounded.

During a time of crisis, children can come into **conflict with the law** in a number of ways. Those who are attempting to flee across a border may be intercepted by immigration or security forces and they may be beaten or detained indefinitely (a fuller discussion of these issues is found in Chapters 7 and 12). In addition, the breakdown in children's protective environments can lead them into anti-social and violent behaviour. They can drift into gang life as a means of "belonging" and for protection. Boys, in particular, can turn to looting and drug trafficking and/or consumption. Sometimes, their actions put them in confrontation with police who beat or harass them.

Finally, children's right to **play** is usually severely curtailed during a conflict, as caregivers restrict their movements and stress that they are to be nearby, obedient and helpful in all the survival tasks the family must perform. While this may not seem important to a child, given the gravity of the situation, the lack of play time is significant, as it is a developmentally appropriate means to process what one is experiencing and to interact and learn from one's peers. Furthermore, for children to be able to play during a crisis has proven to contribute to their psychosocial recovery and to help them cope with their experiences. The right to play has a distinct added-value in the context of crisis.

2.3 Understanding Children's Rights and Agency

With such overwhelming statistics on the vulnerabilities of children during an armed conflict, it is easy to lose sight of the fact that girls and boys actually navigate their way through each day. The personal decisions they take may be about what time of day to leave a refugee camp

to look for firewood or whether to approach the man in the market who is always looking for new boys to work in the mines. An observer may believe that they have few choices to make and very poor options to consider. Ultimately, an adult may feel that the child in question has made a bad decision.

The point is that, from a relatively young age, humans "often consciously and effectively devise ways to make the best of their adverse life situations, and such efforts must be taken seriously, even if they entail grievous risks or lead to committing crimes that hurt other people."[65] Some of the clearest examples of these attempts at agency[66] are 'child soldiering' and transactional sex, since both are extremely risky and are, for the most part, perceived as actions forced upon children by violent and impoverished circumstances. Yet, children have a range of reasons for engaging in such activities, such as a desire for protection, for remuneration or status, for adventure, for affiliation with their peers or to fulfil responsibilities to their family or community.

The international community is moving towards a greater recognition of children's agency through a review of children's participation in humanitarian response and peacebuilding. For example, the United Nations Secretary-General's reports on children and armed conflict have placed increased emphasis on children's involvement in evaluating humanitarian responses and in shaping peace agreements. Most recently, the General Assembly has adopted (for the first time by consensus) a resolution on the Rights of the Child with a special focus on the rights of the child to express his or her views freely in all matters affecting him or her. The resolution specifically refers to the need to "encourage and enable children affected by natural and man-made disasters and complex emergencies, in particular adolescents, to participate in analysing their situations and future prospects in crisis, post-crisis and transition processes, while ensuring that such participation is in accordance with their age, maturity and evolving capacities and is consistent with the best interests of the child and recognizing that appropriate care needs to be taken to protect children from exposure to situations that are likely to be traumatic or harmful".[67]

Children may wish to participate in the planning, delivery and evaluation of humanitarian assistance as individuals (for example, as

survey respondents) or as a members of a group (discussing their vision for sustainable peace with regional diplomats who are attending peace talks). Either one is a valid way for boys and girls to engage and may vary according to culture or developmental stage.[68]

Children's rights are about more than just participation. Based on the UN Convention on the Rights of the Child, the 'child rights framework' is a structure that provides universal entitlements to children as

Seeing the Experience of Children Through Their Eyes[69]

Between 2005 and 2007, the Office of the United Nations High Commissioner for Refugees (UNHCR) launched an innovative experiment to understand the problems faced by refugee and returnee children, some of whom had been separated from their families. These so-called 'participatory assessments', carried out in sites where UNHCR was operating in southern Africa, used artwork as a medium to encourage reflection and discussion. The objective was to understand children's views of their own problems and to give them an opportunity to help solve them.

Although situations differed from site to site, many common issues were identified. Among them was that children living without parents are especially vulnerable, due to lack of adult protection and economic resources. In Malawi, children pointed to the particular difficulties faced by foster children or those living alone. The latter are vulnerable to attack, they said, and the former are badly treated. These children often go hungry, are unable to attend school, are vulnerable to exploitation and are more likely than others to become victims of commercial sexual exploitation for survival. In Botswana, unaccompanied children were seen as the most likely to exchange sex with older men for food, cash or other needs. The risk of transactional sex for unaccompanied or separated children was also identified in camps in Namibia and Zimbabwe. In Mozambique, one boy reported that unaccompanied and separated children in foster care arrangements "are treated like slaves."

These assessments gave children the opportunity to express themselves, which enhanced their confidence and in turn garnered respect from adults. Other results included the development of standard operating procedures and child protection committees to ensure early identification and monitoring of unaccompanied children; training on children's rights for UNHCR personnel, NGOs, government officials, refugees and local communities; and the establishment or improvement of facilities for safe participation in recreational and learning activities. Findings from the assessments have been integrated into UNHCR's strategies and programmes and have encouraged the agency and its partners to give children a larger role in shaping their own futures.

— Machel Study 10-year Strategic Review, 2009.

they develop physically, mentally and emotionally. These entitlements are 'rights', legal claims to such basic things as clean drinking water, an adequate standard of living, the enjoyment of the highest attainable standard of health, free primary education and a family life [See Annex 4 for full text of relevant articles on page 372].

On a practical level, working within the rights-based framework involves identifying the claims of children (known as 'rights-holders') and the corresponding obligations of all levels of government, parents, teachers, aid workers and others (known as 'duty-bearers'). In addition, it involves analysing and taking action on both the immediate and underlying causes of the unrealised rights. Advocating with government is one key approach, as are public awareness campaigns, mediation with community leaders and role modelling through one's personal and professional interactions with children.

Such work frequently challenges adults' notions of what children need and can do for themselves, and calls on us all to fulfil children's rights, in whatever ways we can. "The discussion of rights is often clouded by misconceptions about what it means to have rights. This is particularly true of children's rights, where there is a prevailing view that children having an awareness of their rights undermines adult authority and encourages young people to behave selfishly and irresponsibly. Of course, the principle that rights are balanced by responsibilities – chiefly the responsibility to respect the rights of others – is a reality in children's daily life as well."[70]

Finally, it is important to note that children are not a homogenous group and thus are affected by and respond differently to events as they

What children had to say (Source: Human Rights Watch)[71]

"One evening some soldiers came to attack us. This was in February or March 2008. They said they would kill our father. The soldiers were angry with my dad because he had stopped them from cutting down an avocado tree [as firewood]… We stayed in the living room. Two soldiers raped my bigger sister. When he had finished, he injured her with a knife at the eye, and he did the same with my brother… Then they left. My mother brews beer and they took the money she had earned from that."

— 13-year-old girl, Kabare, South Kivu, April 2009

unfold. Similarly, in working with these children, one must bear in mind that the child may be trying to simultaneously process a variety of changed circumstances (such as sexual assault and an injury, or separation from family members and extreme hunger). A holistic perspective of the individual child and his or her circumstances is a strong starting point for any help one can offer.

3. The Main Stakeholders: Who is Accountable?

What children had to say (Source: Children as Peacebuilders)[72]

"I call on the international community. Because sometimes we bring the information, sometimes if the government is in the wrong, they may not take our information seriously. So I want to hope that if we provide this information to UNICEF and other organisations that they will help with these points and help us to move out of these problems."

— Youth from Northern Uganda

Even in a time of armed conflict, a child is surrounded by many actors, each of them playing a role in shaping and protecting the child. This collective responsibility is exercised at family, community, State and international levels, and is frequently referred to as the protective environment.[73] This section will examine each protective layer in turn, explaining who bears which responsibilities towards children in a time of armed conflict, as well as what children are able to do to protect themselves.

The protective environment engages a population over eight key areas:[74]

- Attitudes, traditions, customs, behaviour and practices;
- Governmental commitment to fulfilling protection rights;
- Open discussion and engagement with child protection issues;
- Protective legislation and enforcement;
- The capacity of those who interact with children to protect them;
- Children's life skills, knowledge and participation;
- Monitoring and reporting of child protection issues; and
- Services for recovery and reintegration.

Closest to the child are his or her parents and intimate family members, followed by other relatives, friends of the same age, neighbours, teachers and other professionals, such as doctors and religious leaders. Further removed are the national and local government and local

social services agencies (both State and nonprofit). Finally, there is the international community and its protective instruments, such as the United Nations and all of its agencies and structures, as well as the international justice system, independent organisations, such as the International Committee of the Red Cross, and a myriad of child-focused nongovernmental organisations.

At the centre of the protective environment are the children themselves. One must always bear in mind that they play an active role in their own protection and advocate for the protection of their peers.[75] Boys and girls make choices on a daily basis that affect their safety. While these choices may be very limited, they nevertheless shape both the child's direct environment and the development of a sense of self as a maturing individual. Empowering children as rights holders, supporting them to assert their rights and to participate in all decisions affecting them is central to a rights-based humanitarian intervention. It is the responsibility of adults to guide children, not to make a decision on their behalf. To achieve this, it is crucial to listen to the views of children, and in so doing, identify and build upon the positive coping strategies and resilience of marginalised girls and boys.

3.1 Family & Community Levels

Families have the primary responsibility for protecting children from harm, neglect or exploitation and, by virtue of being closest to the boys and girls, are best situated to do so. It is the family's duty to ensure food, water, clothing and shelter for its children, without discrimination, to care for their health and psychological well-being, and to provide a 'well-rounded' education.[76] Owing to poverty, the HIV/AIDS crisis, climate change and other stressors, these duties may weigh very heavily and some children may have their basic rights denied on a daily basis.[77]

Parental authority is an important concept in the discussion of children's rights. It deals with the responsibility that the law gives to a mother or father of any child under 18 years of age in order to help them fulfil their duties (such as providing education, healthcare and food). Obviously, this authority must be carefully balanced with children's right

to express their views freely and make decisions for themselves. Central to achieving this balance is the notion of 'best interests of the child',[78] which broadly means the well-being of the child. This well-being is "determined by a variety of individual circumstances, such as the age, the level of maturity of the child, the presence or absence of parents, the child's environment and experiences. Its interpretation and application must conform with the UN Convention on the Rights of the Child and other international legal norms".[79]

Communities, composed of neighbours, elders, religious leaders and others, have the duty to support families in their care and protection of children. Civil society should be recognised, not only as a provider of security, but also for its oversight role in monitoring the situation of children and ensuring that State institutions live up to their responsibilities to protect children.[80]

During times of armed conflict, the risks to children of injury, sexual violence, torture and displacement multiply, as societal relations and structures come under attack. At the family and community levels, some protective actors, such as parents and teachers, may be killed or separated from their children.

Parents, above others, take important risks to protect their offspring from rape, abduction, forced recruitment and other evils of armed conflict. It is extremely important for humanitarian and human rights workers to understand the traditional and informal means families and communities use to protect their children during armed conflict.[81] "It is [the duty of] humanitarian workers to strive to maintain any indigenous protective elements in boys' and girls' lives. No matter how depleted materially or spiritually, family and community members are the key actors to protect children, and should be respected as such from the first interaction."[82]

In many settings, formal or informal community-based mechanisms, such as child welfare committees, community care groups and church associations, assist in the protection of vulnerable children. An analysis of these mechanisms may lead to a wider source of protective actors and values than previously thought. It may unearth protective customs that can be revitalised or that need to be reconsidered, given the realities of war, or a better understanding of the rights of children. Such an exercise may clarify the actual vulnerabilities of children living in a specific community.[83]

3.2 National Level

In times of peace or conflict, the State's primary role vis-à-vis children is to support the family to care for each child and to step in to fill voids where family support is insufficient. To achieve this, the government must do four things: 1) enact legislative reform to ensure that national laws for the protection of children are in conformity with international commitments; 2) develop, implement and monitor an integrated child welfare and protection system where legislation, policies and practices work in synergy to protect the rights of all girls and boys; 3) develop, deliver and monitor quality, basic services to children and their families (for example, adequate shelter, clean water, free education, healthcare and psychological support); and 4) strengthen the capacities of families, communities and civil society to exercise their duties towards children.

In order to fulfil its duties towards children in its territory, the government often needs the support of both the private sector, to ensure adequate resources for quality, basic services that underlie a robust child welfare system, and local governing structures, to ensure compliance and the direct delivery of child services.

A final, central duty that a national government bears towards its child population is that of law and order and a functioning, impartial justice system. This is of critical importance in times of civil unrest, when perceived or real biases of the law courts can tip a crisis into violence, in times of armed conflict when affected populations require enhanced security measures from the State and in post-conflict settings when justice for war crimes is a rare commodity.[84] A key element for post-conflict justice is the need for rigorous investigation and prosecution of perpetrators of grave violations in order to end impunity. Special skills and methods for the police and judiciary are often necessary to deal with crimes against children and women. Good examples of this practice can be seen in the Family Protection Units of the Sudan Police and the Child Protection Units of the Sierra Leone Police.

3.3 International Level

In situations of conflict and disaster where the State is unable or unwilling to protect the rights of all children in its territory, international organisations need to supplement these responsibilities. International parties can strengthen the capacity of the State in fulfilling its duties and hold the State accountable. Where deemed necessary, international organisations may work to address gaps in rights fulfillment or the violation of rights through practical strategies to empower children and families and build child rights' constituencies for advocacy.

The following lists the bodies of the United Nations (UN) that have a role in the protection of children living in situations of armed conflict.

UN General Assembly

The General Assembly of the United Nations (GA) holds an annual session during which it reviews the UN budget, appoints the non-permanent members to the Security Council, receives reports from other parts of the UN system, makes recommendations, negotiates and adopts resolutions. The General Assembly held a Special Session on Children in 2002, which culminated in the adoption of the "World Fit For Children".[85] Each year, the General Assembly receives the annual report of both the Secretary-General and his Special Representative on Children and Armed Conflict, and plays a vital role in advancing the normative framework for international humanitarian law and human rights.[86] The General Assembly deals substantively with the issue of children in armed conflict every year in the Omnibus resolution on the Rights of the Child, which is negotiated in its Third Committee.[87] It also develops the mandate for the Office of the Special Representative of the Secretary-General on Children and Armed Conflict and provides regular budget funding for this Office.

UN Security Council

The Security Council of the United Nations (the Council) possesses unique tools and capacities with respect to child rights in situations of conflict, as it bears "primary responsibility for the maintenance of international peace and security." Five countries sit as permanent members,[88] along with ten

elected members with two year terms. Since 1990, the Security Council has dramatically increased its activity and now meets in nearly continuous session. It dispatches peacekeeping operations, imposes sanctions, mandates arms inspections, deploys election monitors and more.[89]

The engagement of the Security Council on children and armed conflict has greatly elevated the relevance of child protection concerns on the international community's peace and security agenda. It has also created opportunities to improve efforts and actions for the protection of children. Between 1999 and 2009, the Council adopted seven resolutions devoted to children and armed conflict[90] with each consecutive resolution containing progressively more concrete provisions to protect them. Increasingly, provisions related to the situation of children in armed conflict have been included in the country-specific resolutions of the Security Council. It should be noted that the issue of children in armed conflict represents the first ever human rights theme taken up by the Council (resolution 1261), and it has opened the door for resolutions on the Protection of Civilians and on Women, Peace and Security in the Council [See Annex 4 for details on these various resolutions].

Resolution 1379 (2001) required the UN Secretary-General to provide to the Security Council lists of the specific government armed forces and non-State actors responsible for recruiting and using children as soldiers, in violation of international standards [See Annex 3 for a listing of the Secretary-General's 'shamed' countries]. A further milestone was the adoption of resolution 1612 (2005), in which the Security Council established a monitoring and reporting mechanism to systematically collect information on six grave violations against children: killing and maiming, the recruitment and use of children as soldiers, rape and other sexual violence, abduction, attacks on schools and hospitals and the denial of humanitarian access. The resolution also established a Security Council Working Group on Children and Armed Conflict to regularly consider situations where violations against children were taking place. Collecting information on grave child rights' violations as a basis for targeted measures against offenders has proved to have both a preventive and deterrent effect.

UN Secretary-General

The UN Secretary-General presents a yearly report to the Security Council on children and armed conflict.[91] It is an important platform to raise the profile of children as a whole, as well as to make strategic recommendations to improve children's protection and well-being in specific armed conflicts. The innovation of the monitoring and reporting mechanism created by Security Council resolution 1612 is that the Secretary-General now also submits country-specific reports on this issue to the Security Council. Up to 14 reports on children and armed conflict are released annually by the Secretary-General of the United Nations. Resolutions 1379 and 1612 have resulted in the "naming and shaming" of parties who commit one of the six grave violations [See Annex 3 for these reports].[92] The Secretary-General also reports on a regular basis to the Security Council's Working Group on Children and Armed Conflict on country specific situations, which then issue recommendations and take additional action.

UN Special Representative of the Secretary-General for Children and Armed Conflict

At the request of the UN General Assembly or the Security Council, the Secretary-General has appointed a number of Special Representatives with specific mandates for issues such as internal displacement or violence against children outside of armed conflict.[93] The mandate of the Special Representative of the Secretary-General for children and armed conflict[94] was established in 1996 and calls on the officeholder to "promote and protect the rights of all children affected by armed conflict."[95] Working with a variety of partners at many levels (for example, with the Security Council, partners in the field, with armed groups and with host governments), the Special Representative serves as a moral voice and independent advocate for the protection and well-being of boys and girls affected by armed conflict. She engages in regular field missions to conflict-affected countries, works to secure commitments from fighting forces to end violations against children, prepares the Secretary-General's reports to the Security Council and its Working Group on Children and Armed Conflict and reports annually to the General Assembly and the Human Rights Council. The Special

Representative is the highest level of representation within the United Nations with reference to the children and armed conflict agenda.

Security Council Working Group on Children and Armed Conflict

In order to ensure that the six grave violations specified in Security Council resolution 1612, and reinforced in resolution 1882, receive consistent and ongoing attention from the Security Council, a resolution established the Security Council Working Group on Children and Armed Conflict in 2005.[96] The Working Group is an official subsidiary body of the Security Council, which consists of all 15 members of the Security Council. It meets in closed sessions to:

- Review the reports of the monitoring and reporting mechanism referred to in paragraph 3 of resolution 1612 (2005);
- Review progress in the development and implementation of the action plans mentioned in paragraph 5 (a) of resolution 1539 (2004) and paragraph 7 of resolution 1612 (2005);
- Consider other relevant information presented to it;
- Issue statements and letters to parties to armed conflict regarding their obligations under international law;
- Make recommendations to the Council on measures to promote the protection of children affected by armed conflict, such as appropriate mandates for peacekeeping missions, the creation of child protection advisors or the possible imposition of targeted measures on parties to the conflict; and
- Address requests, as appropriate, to other bodies within the United Nations' system for specific action to support implementation of Security Council resolution 1612 (2005) and 1882 (2009), in accordance with their respective mandates.

Group of Friends of Children and Armed Conflict

Many countries that are not on the Security Council are keen to ensure the full implementation of Security Council resolution 1612. They work together as a network to urge the Security Council to take action against violators of children's rights during times of conflict and to advocate for effective implementation of resolution 1612.

United Nations Children's Fund (UNICEF)

As the lead UN agency on children, UNICEF's primary role is to support governments in the fulfillment of their duties towards children and only enters a country by invitation from that government. The agency plays a number of roles in protecting children and ensuring their well-being in armed conflicts. Operational in virtually every conflict zone, the agency plays a key role, either directly or through nongovernmental organisation (NGO) partners, in providing health services, nutrition and education to children, as well as creating and strengthening child protection systems. In armed conflict situations, it co-chairs the monitoring and reporting task force (set up under Security Council resolution 1612) and collects information from other task force members, including NGOs and civil society, regarding violations against children for submission to the UN Security Council. It also engages with both government armed forces and non-State armed groups to negotiate action plans to end the recruitment and use of child soldiers or other violations against children, as well as securing humanitarian access to civilian populations. UNICEF works with national governments to develop and review national legislation related to the promotion and protection of children's rights.[97]

Office of the UN High Commissioner for Refugees (UNHCR)

This UN agency is mandated to protect refugees, asylum seekers, stateless people and, in specific cases, internally displaced persons.[98] In so doing, it works with approximately 17 million children who have been forcibly displaced.[99] Working at both an operational and an advocacy level, the UN refugee agency has access to a range of government actors (for example, host countries and countries of origin, donors, resettlement destinations, regional structures and neighbouring governments). It produces a number of analytical reports and programming guidance tools every year, some of which focus on children. It also reviews legislation with national governments and monitors its implementation.[100]

UN Department of Peacekeeping Operations (DPKO)

In keeping with the recommendations from Graça Machel's Report and in partial response to allegations of peacekeeper misconduct towards children, the Department has significantly expanded the incorporation of children's issues in its peacekeeping operations, including child rights and protection in the training of its peacekeepers and the deployment of child protection expertise on peacekeeping missions. Its staff members often have broad access to all parties to a conflict, and are well placed to try to prevent and end the recruitment of children, as well as to monitor all aspects of Security Council resolution 1612 [See below for a discussion of Child Protection Advisers].[101] On 1 June 2009, DPKO adopted a child protection policy that outlines the key priorities of peacekeeping operations in child protection: training of peacekeepers, monitoring and reporting, dialogue with parties who commit violations towards implementation of action plans and mainstreaming children's considerations in all aspects of peacekeeping operations.[102]

UN Department of Political Affairs (DPA)

The Department of Political Affairs plays a central role in peacemaking by monitoring and assessing global political developments, advising the Secretary-General on actions that could advance the cause of peace and prevent conflict, providing support to UN peace envoys and political missions and providing electoral assistance.[103] While its direct contact with children is minimal, it is a potential partner in peacemaking efforts and can involve children in its work as delegates in peace talks or youth election observers.

UN Office for the Coordination of Humanitarian Affairs (OCHA)

This UN body aims to improve the effectiveness of humanitarian assistance, with a strong emphasis on coordination.[104] As such, it ensures the smooth functioning of sector 'clusters', including the child protection sub-cluster that is usually headed by UNICEF. The Office for the Coordination of Humanitarian Affairs also coordinates financial appeals and contributes to public information through the media. It is an important voice for humanitarian access to children and other civilians.

World Health Organisation (WHO)

The World Health Organisation is the lead UN agency on physical and mental health. It plays an important role in times of armed conflict with its child vaccination campaigns, advocacy on access to quality, basic health services and developing and monitoring standards of practice. Of particular note are its partnerships in gender-based violence and mental health.[105]

World Food Programme (WFP)

This agency leads UN efforts on food security during an emergency. Their food distribution operations are at the centre of many humanitarian responses. It has school feeding programmes, as well as special distributions for separated and unaccompanied children, and invervenes in child demobilisation and reintegration programmes.[106]

In-country Task Force established pursuant to Security Council resolution 1612

When a country is subject to the monitoring and reporting mechanism as per Security Council resolution 1612 (either after having been listed in the Secretary-General's Report on Children and Armed Conflict, or through voluntary acceptance of the mechanism), the UN country team operating in the country is charged with establishing this mechanism to monitor and report on grave violations of children's rights. The Task Force, typically co-chaired by UNICEF and the highest-ranking UN representative in the country (often the UN resident coordinator), is given the responsibility to report confidentially to the Special Representative for Children and Armed Conflict on a bi-monthly basis. The Task Force is composed of other UN agencies and representatives (such as the International Labour Organization, UNHCR, child protection advisers, Office of the High Commissioner for Human Rights, OCHA), as well as national and international NGOs. The host government does not usually participate in the Task Force.[107] Under resolution 1612, these Task Forces are set up in countries where the Secretary-General has identified that recruitment and use of child soldiers is occurring. Once established, the Task Force is mandated to report on all grave violations against children. Under resolution 1882, task forces

can also be set up in situations of armed conflict where children are subject to killing, maiming or sexual violence, regardless of whether children are also being recruited for use as child soldiers.

Child Protection Advisers (CPA) with Peacekeeping or Political Missions

The idea of Child Protection Advisers was first articulated in Security Council resolution 1261 on children and armed conflict. Later, a specific provision flowing from this was drafted into Security Council resolution 1270 on Sierra Leone. As of November 2009, there were over 60 Child Protection Advisers in seven peacekeeping and two political missions.[108] They report directly to the UN Deputy Head of Mission, usually the Special Representative of the Secretary-General. The Child Protection Adviser may also report to the Head of Mission, through the Deputy Special Representative to the Secretary-General (DSRSG). In any case, the Head of Mission's support to the CPA is essential to the protection of children affected by armed conflict. The Child Protection Adviser conducts systematic training of peacekeepers and, in many locations, is instrumental in the implementation of Resolution 1612's monitoring and reporting mechanism, through documenting child rights violations, engaging in dialogue with parties to conflict and conducting advocacy on politically sensitive issues. The CPA's role is to support operational partners who may be unable to undertake these tasks at the risk of jeopardising their programmes on the ground.

UN Committee on the Rights of the Child

This independent panel of experts oversees the implementation of the Convention on the Rights of the Child and its two Optional Protocols, the Optional Protocol on the Involvement of Children in Armed Conflict (2000) and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2000). Every five years, each State must report on its laws, policies and practices with respect to the standards set by the Convention and its Protocols. Since the Optional Protocol on the Involvement of Children in Armed Conflict entered into force in 2002, the Committee has reviewed scores of State's reports and regularly questions governments regarding issues such as rehabilitation

programmes for children affected by armed conflict, treatment of refugee and asylum seeking children, military recruitment and deployment practices and the treatment of children involved in armed conflict, including detention policies.

3.4 Other

The International Committee of the Red Cross (ICRC)

The mission of the International Committee of the Red Cross is to protect and assist the civilian and military victims of international and non-international armed conflict. It acts on the mandate dictated by the States who are party to the Geneva Conventions of 1949 and their Additional Protocols of 1977. The ICRC is tasked with monitoring the application of international humanitarian law and interceding when these laws are violated with national and local authorities, militias, rebel groups and other arms bearers, on a bilateral and confidential basis. It monitors prison conditions and exchanges of prisoners of war, as well as tracking situations of armed conflict. This organisation is also active in family tracing and reunification. Under its humanitarian principles of independence, neutrality and impartiality, it is often in a position to access vulnerable populations. It rarely engages in public statements and does not undertake advocacy, as this runs counter to its fundamental principles.[109]

Advocacy organisations

There are a number of international nongovernmental organisations (NGOs) that conduct advocacy on behalf of children in situations of armed conflict. Among the best known are the Watchlist on Children and Armed Conflict, the Coalition to Stop the Use of Child Soldiers, Human Rights Watch, Amnesty International, and the Women's Refugee Commission.[110] These NGOs document violations against children in armed conflict and frequently work with field level practitioners and observers to produce situational analyses that are either theme or country-specific. In addition to conducting research and publishing reports, they organise public awareness raising campaigns,

lobby Security Council members, donors and other key actors, and 'name and shame' and pressure influential countries to take action to protect children. Humanitarian organisations, such as Save the Children and World Vision, also engage in advocacy activities on behalf of children.

International Criminal Court

The International Criminal Court (ICC) is the first permanent, treaty-based, international court established to help end impunity for the perpetrators of the most serious crimes of concern to the international community. Its establishment was a tremendous step forward in addressing impunity and accountability for violations against children in armed conflicts. The court deals with the "most serious crimes of international concern", namely genocide, crimes against humanity, war crimes and crimes of aggression.[111] War crimes include acts such as murder, torture and inhumane treatment, the taking of hostages, recruitment and use of children under the age of 15 years, rape and other forms of sexual violence, as well as intentional attacks against civilians, humanitarian personnel or protected buildings, such as schools. Furthermore, the Rome Statute, which set up the ICC, applies *individual responsibility* to those who commit violations.

While children can be victims of any of the crimes within the jurisdiction of the International Criminal Court, the Rome Statute enumerates some 'child-specific' crimes, such as the act of genocide through transferring children from one group to another and the recruitment of children under 15 into armed forces or groups. The Statute sets out other crimes, not exclusively committed against children, but that are of particular relevance to children, such as crimes of sexual violence, the act of genocide through preventing births, the use of starvation as a method of warfare and attacking humanitarian staff or objects.

The ICC is founded on the principle of complementarity, which recognises that States have the primary responsibility to prosecute crimes under international law. As such, the ICC exercises its jurisdiction only if States have chosen not to proceed, are inactive or are clearly unable or unwilling to pursue a case. It may exercise jurisdiction in cases against a national of a State that is party to the Rome Statute, in cases where the

alleged offences took place in the territory of a State that is party to the Statute (or a State that has accepted the jurisdiction of the Court), or when a situation has been referred to it for investigation by the UN Security Council. As the UN Secretary-General's Special Representative for Children and Armed Conflict stated: "Action at the international level must however also be underpinned by accountability at the national level. That includes rigorous investigation and prosecution of those responsible for grave violations against children as well as reforms of national legislation for the protection of children in order to ensure compliance with international norms and standards."[112]

4. Legal Developments and Current International Law

This Chapter looks in detail at the legal framework relevant to armed conflict, focusing on the protection of children during and after conflicts occur. Legal protections for children are contained principally in two bodies of international law – International Humanitarian Law and International Human Rights Law.[113]

International Humanitarian Law (also known as the law of war or law of armed conflict) is the body of law that regulates the methods and means of warfare and the treatment of people in times of war, including those who are not participating in the hostilities (civilians) and those who are no longer participants (prisoners of war or injured soldiers, for example).[114]

International Human Rights Law primarily regulates the ways in which States treat people under their jurisdiction. While human rights law is not specifically designed to protect persons during times of armed conflict, its provisions remain applicable.[115]

These two distinct, yet complementary, areas of law will be examined in turn. This Chapter will not list every humanitarian law and human rights instrument related to the protection of children during and post-conflict. Instead, key instruments will be discussed in chronological order, to illustrate the evolution of the legal and normative framework,[116] beginning with the adoption of the Geneva Conventions in 1949.

This section is intended to provide the reader with a useful reference tool, summarising each of the major instruments, focusing on their historical content and the added value they provide for the protection of children. The legal framework related to each theme is explored in detail in subsequent Chapters.

4.1 International Humanitarian Law

The international community has tried to regulate warfare for well over a century and a half. In 1859, Henry Dunant witnessed the horrors of the Battle of Solferino in Northern Italy, in which thousands of wounded soldiers were left to die on the battlefield. In the book published shortly afterward, *A Memory of Solferino*, Henry Dunant called for the formation of relief societies and medical services to tend to the sick and wounded, that would be protected through an international agreement. His ideas led to the creation of the International Committee for Relief to the Wounded in 1863 (which later became the International Committee of the Red Cross[117]) and, in 1864, the first international humanitarian law treaty, the Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field, was adopted by a conference of 16 States. Additional treaties were subsequently developed to address specific aspects of armed conflict, such as the status and rights of prisoners of war and the use of methods of warfare.[118]

The most significant humanitarian law treaties that apply to warfare today are the Geneva Conventions, which were drafted in the aftermath of World War II, and the two Additional Protocols to these Conventions that were adopted in 1977. These instruments provide protection to civilians and those who can no longer take part in hostilities.

The Geneva Conventions (1949)

[See Annex 4 for full text of relevant articles on page 363]

The overarching goal of the four Geneva Conventions is the protection of victims of international conflicts.

- **Geneva Convention I**[119] concerns the treatment and protection of members of the armed forces who are wounded and sick in the field.
- **Geneva Convention II**[120] regulates the treatment and protection of members of the armed forces who are shipwrecked or wounded and sick at sea.

- **Geneva Convention III**[121] provides a framework for the treatment and protection of prisoners of war.
- **Geneva Convention IV**[122] addresses the treatment and protection of civilian persons in times of war, occupation or internment.

Geneva Convention IV was the first treaty that exclusively sought to provide protection for civilians during armed conflict; however, it is mainly concerned with the treatment of civilians who are in the hands of an opposing party or who are victims of war, rather than with regulating the conduct of parties to a conflict in order to protect civilians. Importantly, in its general protection measures for civilians,[123] the Convention incorporated a limited number of obligations on parties to a conflict to provide special protection to children.[124] These include allowing free passage of food, clothing and medicine intended for children[125] and assisting children who are separated or orphaned.[126] State parties are also permitted to establish hospital and safety zones to protect children, as well as other vulnerable groups.[127]

Yet, the majority of Convention provisions do not afford protection to all children under 18 years of age. This is because the legal definition that all persons under 18 years are children, and are therefore entitled to special protection, did not exist in 1949 and was only accepted by the international community with the adoption of the UN Convention on the Rights of the Child in 1989.

Although Geneva Convention IV only provides limited protection for children, its provisions are applicable to every armed conflict because, not only are 194 States party to the 1949 Geneva Conventions, but these conventions are now considered (at least in large part) to be customary international law.[128] Although the Geneva Conventions mainly apply to international armed conflicts, Common Article 3 (so-called because the Article is contained in all four of the Geneva Conventions) requires that parties to an internal conflict provide a limited set of fundamental guarantees to non-combatants.[129] Although this Article applies to both State and non-State combatants, it is recognised that this Article is insufficient to address and regulate the growing number and diversity[130] of internal conflicts (See Chapter 1 for a full discussion of the changing nature of conflict).

United Nations General Assembly Declaration on the Protection of Women and Children in Emergency and Armed Conflict (1974)[131]

In 1974, the United Nations General Assembly adopted the Declaration on the Protection of Women and Children in Emergency and Armed Conflict. Although this declaration is not legally binding on the parties to a conflict, it succeeded in drawing international attention to the plight of women and children as victims of inhuman acts and the importance of increasing protection for these vulnerable groups in internal conflicts.

Additional Protocols to the Geneva Conventions (1977)[132]

[See Annex 4 for full text of relevant articles on page 368]

In 1977, the international community adopted two Additional Protocols to the Geneva Conventions. Additional Protocol I[133] extended protection for those caught up in international conflicts, in particular by updating the rules applicable to the conduct of hostilities, while Additional Protocol II[134] provided minimum guarantees to be upheld in non-international (internal) conflicts.

Additional Protocol I

Additional Protocol I broadened the protection afforded to children in international conflicts, declaring that they shall be the object of special respect and be protected from any form of indecent assault. Parties to the conflict must also provide them with the care and aid that they require.[135]

Significantly, Additional Protocol I set the minimum age for recruitment by armed forces and for the direct participation of children in armed conflict. This was the first time that the issue of children associated with armed groups and armed forces was addressed in a binding international document. The Protocol set 15, not 18, years as the minimum age for participation and recruitment.[136]

Limited juvenile justice guarantees are provided for in Article 77 of the Additional Protocol I. Children who commit a crime related to the armed conflict are to be held separately from adults, unless families are being accommodated together in family units. Moreover, individuals are

not to be subjected to the death penalty for a crime they committed when they were under 18 years of age.[137]

Article 78 of Additional Protocol I addresses the evacuation of children from war-torn countries, providing that children are not to be evacuated, unless there are compelling reasons.[138] This condition averts the risk of removal for the purposes of ethnic cleansing or unnecessary reasons. This represents a major change in practice from World War II, when mass evacuations of children took place. Prior to any evacuation, parental consent is to be sought, if the parents can be found[139] and everything is to be done to ensure that children are reunited with their parents when the danger has passed.[140] In addition, a child's education is to continue if he or she is evacuated.[141]

Additional Protocol II

Additional Protocol II was the first binding international document to directly address the conduct of parties in non-international armed conflicts, developing the basic guarantees enshrined in Common Article 3 of the Geneva Conventions. Yet, this Protocol has fewer provisions and restricts the conduct of parties to the conflict far less than the provisions in Additional Protocol I. In addition, its application is restricted to conflicts that fulfil the criteria laid out in Article 1.[142]

Additional Protocol II contains a similar, if somewhat curtailed, version of the child protection provisions contained in Additional Protocol I. Under Additional Protocol II, children are entitled to the care and aid that they require. Specifically, children are entitled to education,[143] to be reunited with their families when they have been temporarily separated[144] and to be removed from conflict zones to safer areas in the country.[145] Before removal, if possible, consent should be obtained from their parents or guardians and they should be accompanied by persons who are responsible for their safety and well-being. In addition, both Protocols state that children who are prosecuted for criminal offences related to the armed conflict must not be subject to the death penalty, if they were under 18 years at the time of their offence.[146]

Significantly, Additional Protocol II recognises that children need protection from recruitment by both government and armed opposition

groups.[147] As with Additional Protocol I, the minimum age for recruitment and participation in hostilities is maintained at 15 years.

Convention on Conventional Weapons (1980)[148]

The growing sophistication of weaponry has not reduced the impact of armed conflict on civilians, and children, in particular. Landmines and cluster bombs leave an indiscriminate and deadly legacy, while the proliferation of light weapons has significantly increased the use of children as soldiers. Recognising the impact these weapons have on civilians and youth, the international community has made attempts to regulate their transfer and use.[149]

In 1980, the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects[150] was adopted. It protects military personnel, civilians and civilian assets from the impact of certain weapons. The Convention is made up of five Protocols dealing with different weaponry.[151] Protocol II of the Convention (Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices),[152] which entered into force in 1983, specifically regulates the transfer and use in international armed conflicts of all landmines, including anti-personnel mines. Also included are rules for marking and mapping minefields and the removal of mines at the end of wars. Importantly, Protocol II was amended in May 1996 to extend its application to non-international armed conflicts[153] and to strengthen the rules relating to the use and transfer of mines. Still, this Convention and Amended Protocol II fall far short of a worldwide ban on landmines and, in reality, made little impact on their transfer and use.

Convention on the Prohibition of the Use, Stockpiling, Production and the Transfer of Anti-Personnel Landmines and on their Destruction (1997)[154] (also known as the Ottawa Treaty and the Mine Ban Treaty)

[See Annex 4 for full text of relevant articles on page 378]

There are two types of landmines – anti-personnel mines, activated by a person, and anti-vehicle mines, which take a much heavier weight to

activate them. Both types of landmines are used widely and remain a threat for years, if not decades, after a conflict has ended. A landmine, unlike a bullet or a bomb, is not aimed at a specific 'enemy' soldier or territory. Instead, it kills and maims indiscriminately those who are unlucky enough to stumble upon it. The mine cannot distinguish a soldier from a civilian and does not respect a ceasefire.

Children are particularly vulnerable to injury and death by anti-personnel landmines because:

- they are closer to the centre of the blast and their chances of surviving massive loss of blood are minimal;
- they are often victims of their own curiosity and love of play, something they are eager to resume following the cessation of hostilities. Mines, which come in different shapes, sizes and colours, can be enticing to children;
- children perform jobs that are crucial to the economic survival of the family, such as tending livestock, scavenging, gathering firewood and collecting water. These tasks are often carried out in heavily mined areas; and
- it has become common practice in some areas for children to be paid a small amount of money to retrieve landmines for re-sale.

Children's lives can be devastated in the short and long term when they sustain horrific injuries caused by landmines. Children's employment and their economic prospects suffer dramatically when they have disabilities. Opportunities for education also become limited, as they are unable to get to school or learn in a normal school environment. For many children, especially girls, their prospects for marriage and stability in adult life are severely diminished. These practical difficulties compound the deep emotional trauma suffered, for which adequate counselling is rarely available.

An inter-governmental conference, spearheaded by Canada, was held in Ottawa in 1996 to bring together States, who were dissatisfied with the 1980 Convention on Conventional Weapons, to draft and enact a real international ban of anti-personnel mines, without exceptions, exemptions or loopholes. The conference resulted in the Ottawa Declaration, which called for their global ban.

During the following year, the International Campaign to Ban Landmines[155] worked with governmental agencies and local, national and international organisations on the text and the recommendations that came out of the inter-governmental conference to move the global landmine ban legislation forward. The Campaign's efforts were so successful that the Mine Ban Treaty (Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction) was finalised the following year.[156] The treaty prohibits the production, use, stockpiling or transfer of anti-personnel landmines, and requires the destruction of stockpiled landmines. It also calls for assistance for mine clearance, mine awareness and victim assistance.

One particular criticism of the Convention on Conventional Weapons, Protocol II, referred to the definition of an anti-personnel mine: "*Anti-personnel mine means a mine primarily designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure, or kill one or more persons*".[157] It was argued that the inclusion of the word 'primarily' allowed States to escape their obligations by asserting that the landmines they were using had a different primary purpose. Importantly, the Ottawa Treaty removed the word 'primarily', therefore strengthening the prohibition on the use of landmines. This treaty is significant because it marks the first time that countries, through international law, have agreed to completely ban a weapon that was already in widespread use.

Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials (1997)[158]

At the regional level, the Organization of American States (OAS)[159] adopted the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials in 1997. This was the first international treaty designed to prevent and eradicate illegal, transnational trafficking in firearms, ammunition and explosives.[160]

The Convention contains measures to facilitate enhanced cooperation among OAS countries to deal with illicit transnational trafficking of

firearms, their parts and components, ammunition and explosives, as well as other destructive devices such as bombs, grenades, rockets, rocket launchers, missiles and missile systems.

Protocol against the Illicit Manufacturing of and Trafficking in Firearms (2001)[161]

While there are yet no specific global treaties addressing the proliferation of small arms in relation to armed conflict, some progress has been made to curb the use of small arms in armed conflict through efforts to address transnational organised crime. In 2001, the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention on Transnational Organized Crime,[162] was adopted.[163] The Protocol provides an international law enforcement mechanism for crime prevention and the prosecution of traffickers. Among other things, the Protocol calls for establishing internationally recognised standards and provisions regarding marking, recordkeeping and import/export control of firearms.

The proliferation of small arms fuels internal conflict and is responsible for an increase in the use of children as soldiers, who, at a very young age, can competently handle this weaponry to deadly effect. Regulating their trade is one important action to curb the use of children as combatants.

The First Committee of the General Assembly of the United Nations adopted on 30 October 2009 a resolution on "An Arms Trade Treaty", by which it "[d]ecides, therefore, to convene the United Nations Conference on the Arms Trade Treaty to sit for four consecutive weeks in 2012 to elaborate a legally binding instrument on the highest possible common international standards for the transfer of conventional arms."[164] States are currently negotiating the treaty and its inclusion of small arms and light weapons.

Convention on Cluster Munitions (2008)[165]

[See Annex 4 for full text of relevant articles on page 401]

Like landmines, cluster munitions have a huge impact on civilian populations, especially children, both during and after armed conflict. The very nature of the weapon, which entails scattering munitions over large

areas, fails to distinguish between civilians and combatants. As a result, during armed conflict, civilians are often killed or maimed by these bombs, especially when the bombs are released near or in populated areas (Chapter 10 discusses the impact of these munitions more comprehensively). Additionally, a significant percentage of sub-munitions fail to detonate on impact. This leaves a dangerous, and often deadly, legacy for the civilian population, especially for children, after the conflict has ended.[166]

The Convention on Cluster Munitions completely bans cluster munitions, their use, development, production, stockpiling and transfer, as well as prohibiting the encouragement of any other party to engage in these activities.[167] The Convention requires that States destroy their stockpiles within eight years[168] and clear remnants of cluster munitions within 10 years of the treaty entering into force.[169] State parties who have used cluster munitions (prior to this Convention entering into force) in the territory of another State party are strongly urged to provide technical, financial, material and human resource assistance to support the marking, clearance and destruction of munition remnants.

The Convention also obliges States to provide comprehensive and age appropriate assistance to victims, including medical care, rehabilitation and psychological support, as well as provide for their social and economic inclusion.[170] States who are party to this Treaty must report regularly on their progress in implementing its provisions.

4.2 Security Council Resolutions

Established by Chapter V of the Charter of the United Nations (UN Charter), the Security Council (discussed in Section 1.3.3) is the body of the United Nations with primary responsibility for maintaining international peace and security. In order to meet this responsibility, it has a range of tools,[171] from investigating a dispute that could lead to international friction and conflict, recommending terms of a settlement,[172] to taking action against States or individuals in order to prevent or stop aggression, including calling on Members to impose economic or other

sanctions and, ultimately, using armed force against the aggressor through peace enforcement missions.[173] Although not explicitly provided for in the UN Charter, the UN has developed peacekeeping operations as a way of maintaining international peace and security. [174]

Under the Security Council, a body of 15 Member States is empowered to decide what action to take to maintain international peace and security. The composition of the Security Council has been the subject of considerable debate, but has undergone very few changes since its creation. Five countries, China, France, Russia, the United Kingdom and United States of America, have permanent membership on the Council with veto power, with ten other countries elected for two year terms on the Council.

The Security Council addresses country-specific situations and thematic issues mainly through resolutions. Resolutions are binding to the extent that Article 25 of the UN Charter states, "The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter". There are two types of resolutions – those made under Chapter VI of the UN Charter, "Pacific Settlement of Disputes", which are recommendations and calls for action. These resolutions are unenforceable. Resolutions made under Chapter VII of the UN Charter, "Action With Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression", set

Timetable of the Security Council Resolutions on Children in Armed Conflict and on Women, Peace and Security

SCR 1261 – Children and armed conflicts	August 1999
SCR 1314 – Children and armed conflicts	August 2000
SCR 1325 – Women, Peace and Security	October 2000
SCR 1379 – Children and armed conflicts	November 2001
SCR 1460 – Children and armed conflicts	January 2003
SCR 1539 – Children and armed conflicts	April 2004
SCR 1612 – Children and armed conflicts	July 2005
SCR 1820 – Women, Peace and Security	June 2008
SCR 1882 – Children and armed conflicts	August 2009
SCR 1888 – Women, Peace and Security	September 2009
SCR 1889 – Women, Peace and Security	October 2009

out specific action (for example, sanctions and armed force) to be taken in situations involving "threats to the peace, breaches of the peace, or acts of aggression".

The Security Council resolutions cited in this section were all adopted pursuant to Chapter VI and are therefore unenforceable without Chapter VII resolutions to back them up with specific action against States.

Children and Armed Conflict

[See Annex 4 for full text of relevant resolutions on page 384]

In 1999,[175] the Security Council unanimously adopted its first resolution on children affected by armed conflict. Since that date, it has adopted seven additional resolutions on this topic. These resolutions relate not only to parties to a conflict, but involve a broad range of actors who are responsible for enhancing the protection framework for children affected by armed conflict. These actors include other UN bodies, Member States, corporate actors, regional organisations and international financial institutions.

Over the past decade, these resolutions have become more specific and have called for more concrete measures to monitor violations, name and shame perpetrators of abuses against children and end violations of children's rights in armed conflict.

Security Council Resolution 1261 (1999)[176]

Security Council resolution 1261 was the result of the first Security Council debate on children and armed conflict. Significantly, this resolution affirmed that the protection and security of children affected by armed conflict was an international peace and security issue, and, as such, firmly within the remit of the Security Council.

The harmful and widespread impact that conflict has on children and the long term consequences that this has for durable peace, security and development was highlighted by the resolution. It was further acknowledged that children are targeted during armed conflicts, including in places explicitly protected by international humanitarian law, such as schools. The resolution also called for States to take action on issues such as the proliferation of small arms, the recruitment and use of children and humanitarian access.

Security Council Resolution 1314 (2000)[177]

Adopted in the following year, Security Council resolution 1314 reiterated and expanded its list of concerns and calls for action. The resolution asserts that situations of systematic, flagrant and widespread violations of international humanitarian and human rights law, including those relating to children in situations of armed conflict, may constitute a threat to international peace and security. The Security Council reaffirmed its readiness to consider such situations and, where necessary, adopt appropriate action.

Importantly, resolution 1314 recognised the problems facing internally displaced persons and specifically called for protection and assistance to internally displaced children, as well as refugee children. It also reaffirmed the need for unhindered access to children affected by armed conflict for humanitarian purposes.[178]

Security Council Resolution 1379 (2001)[179]

In 2001, the Security Council again reiterated its concerns regarding the impact of armed conflict on children. Security Council resolution 1379 also included areas of concern not previously addressed. The link between HIV/AIDS and armed conflict was acknowledged, with awareness raising training on HIV/AIDS recommended for peacekeeping personnel. The resolution also recognised the part that private firms play in starting and sustaining armed conflict, urging them to refrain from doing business with parties that fail to protect children in armed conflict.

Building on previous calls for action to halt the recruitment and use of children in hostilities, the Security Council asked the Secretary-General to add to his annual report a list of parties that recruit or use children in violation of international law. This list has come to be known as the "list of shame" [See Annex 3 for a list of those parties named].

Security Council Resolution 1460 (2003)[180]

Adopted in 2003, this resolution endorsed the Secretary-General's call for 'an era of application' of international norms and standards for the protection of children affected by armed conflict. It also requested that the Secretary-General include a proposal for enhancing monitoring and reporting on violations committed against children in his next report on children and armed conflict.

Security Council Resolution 1539 (2004)[181]

Under this resolution, the Security Council requested that the Secretary-General urgently develop an action plan for a systematic and comprehensive Monitoring and Reporting Mechanism, using both UN and civil society resources to provide information on the recruitment and use of children in armed groups, as well as other violations and abuses committed against children in conflict situations.

The Security Council also called upon those parties listed in the Annexes of the Secretary-General's report to enter into dialogue with the United Nations to prepare and implement concrete, time-bound action plans to halt the recruitment and use of children. For the first time, the Security Council also stated its intention to consider imposing targeted measures, such as a ban on military assistance, on parties that refused to stop their recruitment and use of child soldiers.

Security Council Resolution 1612 (2005)[182]

This resolution is considered ground-breaking on the issue of children and armed conflict, and more generally, for human rights issues at the Security Council level. It endorses an unprecedented protection framework for children that involves a broad range of UN actors and partners in a Monitoring and Reporting Mechanism, developed by the Secretary-General. According to the Action Plan proposed by the Secretary-General, the Monitoring and Reporting Mechanism should focus on six grave violations of children's rights in armed conflict: the recruitment or use of children by armed groups and armed forces, killing and maiming of children, rape and other sexual violence,

United Nations Security Council Resolution 1612: Six Grave Violations against Children in Armed Conflict

Killing or maiming of children
Recruitment or use of children as soldiers
Attacks against schools or hospitals
Denial of humanitarian access for children
Abduction of children
Rape and other grave sexual abuse of children

abduction, attacks on schools and hospitals and denial of humanitarian access to children.

The resolution also established a Security Council Working Group on Children and Armed Conflict to review the reports of the Monitoring and Reporting Mechanism submitted by the Secretary-General and to review the progress of listed State and non-State parties in developing and implementing action plans, as well as other measures as follow-up to the recommendations of the Security Council Working Group.

How does the Monitoring and Reporting Mechanism work?

National level: a UN Country Task Force on Monitoring and Reporting, composed of UN agencies and relevant partners, collects information on the six grave violations and coordinates advocacy and response activities, including discussing action plans with parties to the conflict. The Task Force is chaired by the highest UN representative in the country concerned.

International level: The information collected and verified by the UN Country Task Force informs the Secretary-General's country reports. The Working Group meets every two months to review these reports and then adopts conclusions and recommendations addressed to a broad range of actors, including parties to the conflict, governments concerned, the Security Council, the Secretary-General, other UN entities and donors.

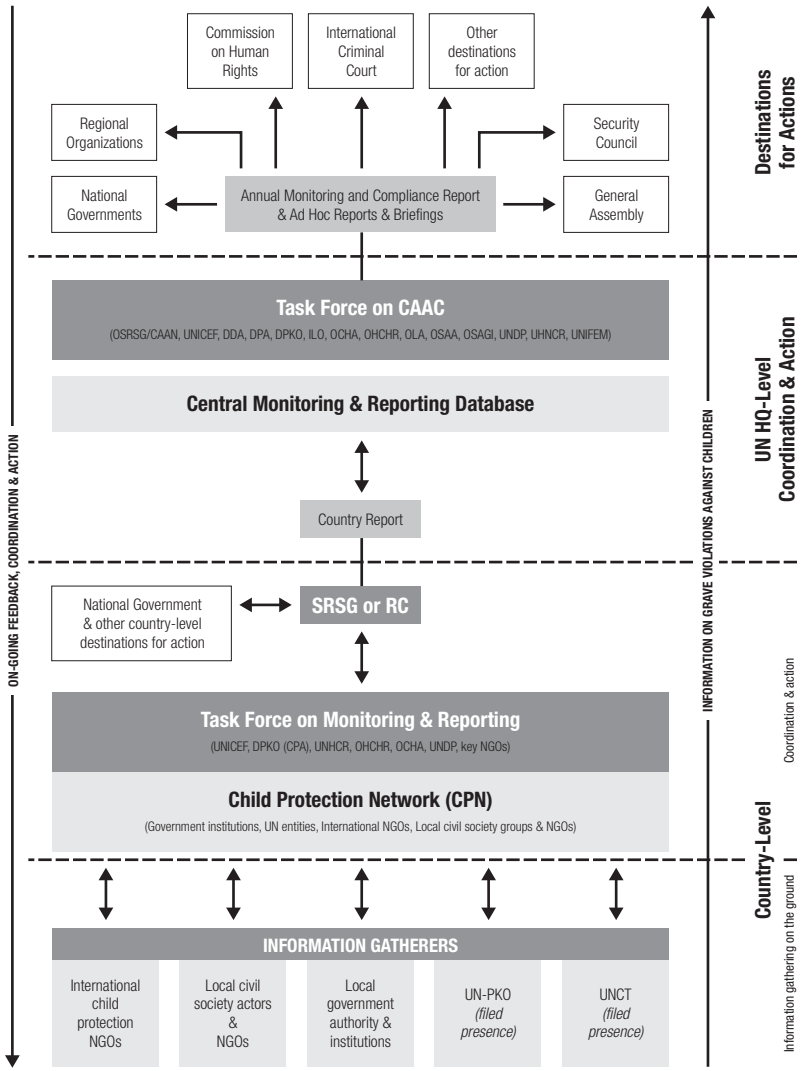
While the Security Council had earlier recognised the link between the illicit small arms trade and the use of children in armed conflict, this resolution explicitly acknowledges the link between the two and the need to combat the use of children in armed conflict.

Security Council Resolution 1882 (2009)[183]

The sophisticated mechanism implemented under resolution 1612 needed time to be fully operational. Four years after resolution 1612, the Security Council adopted another resolution focused specifically on children and armed conflict. Resolution 1882 was adopted following sustained advocacy from the child protection community to strengthen the mechanisms that had been put in place to protect children in armed conflict.

Resolution 1882 highlighted the positive impact that resolution 1612 has had with respect to parties' compliance with Security Council

Flow chart for monitoring and reporting on chilfrend and armed conflict



Source: Taken from the Report of the Secretary-General on Children and armed conflict, A/59/695–S/2005/72, 9 February 2005, available online at: http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CAC%20S200572.pdf

resolutions and international norms, including the release and reintegration of children from armed forces and armed groups. The resolution condemned continued violations of international law, especially death and injury resulting from indiscriminate use of force and the use of landmines and cluster munitions, as well as the use of rape and sexual violence against children as a tactic of war.

The resolution strengthened the mechanism that was established by resolutions 1379, 1539 and 1612, by requesting that the Secretary-General add to his 'list of shame' parties that kill and maim or commit rape and other grave sexual violence against children. The resolution also called upon listed parties to develop time-bound action plans to end these abuses, in addition to ending the recruitment and use of children in armed conflict. In other words, resolution 1882 expanded the criteria used to place parties on the Secretary-General's list.

Security Council resolution 1882 reaffirmed the Security Council's intention to use targeted sanctions against persistent perpetrators of crimes against children and parties that ignore the Security Council's resolutions. In this regard, it should be noted that the resolution called for enhanced cooperation between the Security Council Working Group on Children and Armed Conflict and the Security Council Sanctions Committees.

Furthermore, while welcoming the fact that some individuals have been brought to justice for crimes against children, the Security Council urged States to take 'decisive and immediate' action through national, international or mixed justice systems to end the prevailing impunity that exists for perpetrators of abuses against children during armed conflict.

While not enforceable by the Security Council, these resolutions do provide a framework of standards for the protection of children in armed conflict against which child protection in country-specific situations and across thematic areas of concern can be assessed by the international community. The observations and recommendations contained in the resolutions also reflect the growing awareness of the impact of armed conflict on children, the increased importance attached to their protection and the significant progress that, at least in terms of rhetoric, has been made in this regard. Moreover, on the ground, the Task Force has

collected increasingly systematised information on these violations, which is helping to inform decisions and influence political debates.

Security Council resolutions on children and armed conflict create a sophisticated and complex framework of protection for children in armed conflict. They reflect the growing involvement of the Council in this issue and its continued determination to keep children and armed conflict high on the agenda of the international community.[184]

Women, Peace and Security

In addition to focusing on the protection of children in armed conflict, the Security Council has also highlighted to need to take specific action to protect women and girls in conflict through four resolutions.[185] These resolutions clearly link the prevention of sexual violence against women and girls with the maintenance of peace and security, placing the protection of women and girls from such abuses within the remit of the Security Council. The resolutions also identify the essential role of women in preventing conflict and building peace.

Security Council Resolution 1325 (2000)[186]

The first Security Council resolution to focus on women was adopted in 2000. This resolution recognised the important role that women play, not only in preventing conflicts, but also in resolving conflict and building peace. In recognition of this contribution, the resolution stressed the importance of women's equal participation and full involvement in efforts to maintain and promote peace and security.

The resolution also recognised the widespread use of gender-based violence during armed conflict and called on parties to protect women and girls from this abuse. The resolution highlighted the importance of meeting the specific needs of women and girls in post-conflict reconstruction, including the distinct needs of female, as opposed to male, combatants.

All actors were urged to increase the participation of women in peace processes and incorporate gender perspectives into every UN peace and security effort. The resolution also called upon the Secretary-General to expand the role and contribution of women in UN field-based operations.

Following the adoption of this resolution, the Inter-Agency Taskforce on Women, Peace and Security (chaired by the Special Advisor on Gender Issues and Advancement of Women)[187] was established to promote implementation of the resolution through coordination and cooperation among UN bodies.

Security Council Resolution 1820 (2008)[188]

Eight years after Security Council resolution 1325 was adopted, and in recognition of the concern that sexual violence was increasingly used as a weapon of war, the Security Council adopted its next resolution focused on the situation of women in armed conflict. Resolution 1820 reiterated and expanded upon the previous. In particular, it highlighted the powerful negative impact on sustainable peace and security that results from deliberate campaigns of sexual violence as a tactic of war.

Significantly, the resolution states that rape and other forms of sexual violence "can constitute a war crime, a crime against humanity, or a **constitutive act with respect to genocide**". The resolution stressed the need for such crimes to be excluded from amnesty provisions in order to combat the prevailing impunity for these crimes.

Recognising that sexual violence and exploitation were being perpetrated by UN peacekeeping forces and humanitarian agencies, in addition to parties to conflicts, the resolution also called for all personnel deployed by the UN to undergo training. It requested that the Secretary-General continue to strengthen efforts to implement a policy of zero tolerance for these abuses and that all relevant agencies take steps to protect women and girls from sexual abuse and violence.

This resolution called for the Secretary-General to submit a report to the Security Council in 2009,[189] examining the extent to which resolution 1820 had been implemented, focusing on conflicts in which there had been widespread or systematic use of sexual violence.

Security Council Resolution 1888 (2009)[190]

By far the most significant resolution on this issue was adopted in 2009 in response to the 2009 Report of the Secretary-General on the implementation of resolution 1820.[191]

The Security Council lamented the lack of progress on the issue of sexual violence against women and children in armed conflict, calling for the Secretary-General to carry out two significant tasks:

- to appoint a Special Representative in order to coordinate efforts to combat sexual violence against women and girls; and
- to identify a team of experts who can be rapidly deployed to situations of particular concern to assist national authorities and the UN missions to strengthen the rule of law and improve protection of women and girls.

The Security Council also committed to strengthening peacekeeping mandates to include specific provisions on the response to and prevention of sexual violence and asked that the Secretary-General, where appropriate, include women's protection advisers in UN peacekeeping missions.

Recognising that action is rarely taken against perpetrators, the Security Council called upon States to undertake legal and judicial reform to improve justice for victims of sexual violence. For its part, the Security Council stated that sexual violence would now be a significant factor in considering the imposition and renewal of sanctions. In light of this, the Secretary-General was asked to submit an annual report on the implementation of both resolution 1820 and 1888.

Security Council Resolution 1889 (2009)[192]

At its very next meeting, the Security Council again turned its attention to the women, peace and security agenda, focusing on women's roles in peace processes and post-conflict.

In addition to reiterating the commitments and calls to action of the preceding resolutions, Security Council resolution 1889 highlights the underrepresentation of women at all stages of peace processes and their marginalisation in public life post-conflict. It urges States, international and regional organisations to take further measures to improve women's participation, not just in peace processes, but also in conflict resolution, post-conflict planning, peacebuilding and aid management and planning. The resolution calls on States and international organisations to combat negative societal attitudes about the capacity of women to participate equally.

The resolution calls upon Members States to work with civil society to ensure that the specific needs of women and girls are addressed in post-conflict strategies. All parties involved in disarmament, demobilisation and reintegration were likewise asked to take into account the particular needs of women, girls and their children in the development of programmes.

Responding to the perceived lack of follow up of Security Council resolution 1325, resolution 1889 also addresses the need for more systematic collection of data and a more coordinated approach. The Security Council requested that the Secretary-General develop a set of indicators for use at the global level to track the implementation of that resolution and develop recommendations to improve coordination within the UN, as well as with States and civil society on both data collection and the implementation of resolution 1325.

4.3 International Human Rights Law and Criminal Law

International Human Rights Law primarily seeks to regulate the way in which States treat people who are in their jurisdiction. It is not specifically designed to protect persons in their jurisdiction during times of armed conflict, nor is it designed to protect persons in one jurisdiction from the actions of another State.

Some human rights treaties can be exceptionally suspended or restricted by governments in times of a public emergency seen to threaten the life of a nation (so called derogation).[193] This means that, during internal conflicts, some constituencies may be vulnerable to abuses by their own State because there is a gap between the timing of the situation that led to the suspension of human rights treaties and the conflict escalating to a point where Additional Protocol II to the 1949 Geneva Conventions can apply.[194] It should be noted that most human rights treaties, such as the UN Convention on the Rights of the Child, (discussed below), do not allow derogation of rights, regardless of the situation in the country.

This section focuses on the human rights instruments that are most relevant to the protection of children during and post-conflict.

Convention relating to the Status of Refugees (1951)[195]

[See Annex 4 for full text of relevant articles on page 366]

The 1951 Convention relating to the Status of Refugees is the main international instrument that governs who is to be considered a refugee, the rights flowing from this status and the legal obligations of receiving States. Adopted in response to the mass displacement of people in World War II, the Convention was designed to deal with those people who had become refugees due to events occurring before 1951. Recognising the continuing need to provide protection for displaced people, the Protocol relating to the Status of Refugees 1967[196] removed timelines, so that the Convention became applicable to anyone who fulfilled the relevant criteria, regardless of when he or she became a refugee.

The 1951 Refugee Convention defines a refugee as a person who:

- is outside of his or her country of origin;
- is unable or unwilling to avail him or herself of the protection of that country, or to return there;
- where such an inability or unwillingness is attributable to a well founded fear of being persecuted; and
- fears persecution based on reasons of race, religion, nationality, membership of a particular social group, or political group.[197]

This definition does not distinguish between children and adults. The Convention does not define a refugee depending on whether he or she has fled from international or internal conflicts, but rather depending on a set of criteria related to the fear of persecution. Often people escaping hostilities do not fulfil the criteria set out in this Convention; however, where a conflict or occupation involves persecution of certain groups of people, these individuals can be considered refugees. On occasion, entire groups of people are displaced due to these circumstances. In urgent situations of this kind, practical obstacles make it impossible to determine the status of each person of the group. For assistance to be provided, a 'group determination' is made, whereby each member of the group is regarded *prima facie* as a refugee.

Children are entitled to equal protection as adults under this Convention and the 1967 Protocol. In addition, States are obliged to

provide certain standards of treatment to anyone in their jurisdiction fulfilling the definition of a refugee. The 1951 Convention provides very limited specificity for children. States are to provide:

- as much freedom for parents with regard to the religious education of their children as is accorded to their nationals;[198]
- the same treatment with respect to elementary education as is afforded to nationals;[199] and
- treatment not less favourable than that accorded to aliens with respect to non-elementary education.[200]

Convention on the Elimination of Discrimination Against Women (1979)[201]

[See Annex 4 for full text of relevant articles on page 371]

Both the Charter of the United Nations of 1948[202] (preamble) and the Universal Declaration of Human Rights of 1948[203] assert the equality of men and women; however, it was the Convention on the Elimination of All Forms of Discrimination against Women, adopted in 1979, which set out a framework for women's rights and freedoms, as well as State obligations for their implementation.

Under the Convention, States must formally recognise that all human rights and fundamental freedoms apply equally to women and men. States must prohibit discrimination in the enjoyment of these rights, both in the public and private spheres, with specific attention to situations in which women may be discriminated against, including in politics, the economy, labour, education and healthcare. States must also take steps to eliminate practices and prejudices that are based on a concept of inferiority of women and to promote the equal role of women in public life.

The Convention does not specifically address the protection of women (and girls) in armed conflict; however, Security Council resolution 1325[204] calls upon parties to conflicts to fully respect the obligations set out in this Convention, which cannot be suspended in times of conflict. In addition, Security Council resolution 1325, as well as resolutions 1820[205] and 1889,[206] reflect the fundamental principles of equality set out in this Convention. An Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women was adopted in 1999. The content of this instrument is described further below.

UN Convention on the Rights of the Child (1989)[207]

[See Annex 4 for full text of relevant articles on page 372]

Children's rights were formally recognised by the international community[208] through the adoption of the UN Convention on the Rights of the Child (CRC) in 1989. With 193 State Parties, the Convention has been almost universally ratified (only the United States and Somalia are not parties to the Convention) and remains the most widely ratified international human rights treaty to date.

The UN Convention on the Rights of the Child defines children as all human beings under the age of 18 years.[209] The Convention contains a comprehensive set of economic, social and cultural rights, as well as civil and political rights, which are considered to be universal, indivisible and interdependent. There is to be no hierarchy in their implementation. Four general principles underpin the CRC: non-discrimination (Article 2); the best interests of the child (Article 3); the right to life, survival and development (Article 6); and the right for children to have their views heard and given due weight in all decisions affecting them (Article 12). These principles are to be taken into account in implementing all provisions of the Convention.

Article 38 specifically addresses the issue of protecting children in times of armed conflict, requiring States to take "all feasible measures" to ensure the protection and care of children. This Article reflects the protection contained in the Additional Protocols to the Geneva Conventions, specifically, retaining a minimum age of 15 for recruitment and direct participation in hostilities. This is the only provision of the CRC that does not apply to all children under 18 years.

Article 39 concerns the post-conflict care of children, obligating States to assist in the physical and psychological recovery and reintegration of children who are victims of armed conflict. Article 22 addresses the rights of children seeking refugee status.

Despite the fact that the only a few provisions of the UN Convention on the Rights of the Child relate specifically to armed conflict, *all* of its provisions apply to children during conflict and internal disturbances and there are no provisions allowing derogation of these rights in times of national emergency. Yet, the enforcement of the Convention is limited in times of conflict. The monitoring instrument of the Convention, the UN

Committee on the Rights of the Child,[210] is unable to respond in situations of emergency and cannot make ad hoc recommendations or comment on situations in countries, except through concluding observations on State reports. Moreover, the Committee cannot hear individual complaints,[211] impose sanctions on offenders, nor order victim compensation.

Interestingly, education is now seen as the fourth pillar of humanitarian assistance, along with food, clothing and shelter.[212] Child-friendly versions of the Convention exist and are available through UNICEF and various nongovernmental organisations.

International Framework on Juvenile Justice

The UN Convention on the Rights of the Child (Article 40) protects the rights of children in conflict with the law with respect to due process and takes into account the need for rehabilitative, rather than punitive, measures. There are four main supporting juvenile justice documents: UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) 1985;[213] UN Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules) 1990;[214] UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) 1990;[215] and the Vienna Guidelines for Action on Children in the Criminal Justice System (Vienna Guidelines) 1997.[216]

Both during and in the aftermath of conflict, children under 18 who directly participated in the conflict can find themselves subject to charges in criminal or military courts. The standards noted above are important in ensuring that children charged with committing crimes in the context of armed conflict are treated in a manner that respects their human rights (for example, that they have access to legal representation, they are provided a fair trial, they are only deprived of liberty as a last resort, they are detained separately from adults and they are treated humanely while detained) and promotes their rehabilitation and reintegration.

African Charter on the Rights and Welfare of the Child (1990)[217]

[See Annex 4 for full text of relevant articles on page 376]

The African Charter on the Rights and Welfare of the Child is the only comprehensive (covering civil, political, economic, social and cultural

rights) and binding regional treaty focused on children's rights. It was adopted by the African Union to address perceived shortcomings in the UN Convention on the Rights of the Child, as the Convention does not fully reflect the specific realities of children in Africa.[218]

Similar to the UN Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child cannot be suspended in times of armed conflict. In addition, Article 22 obliges States to "respect and ensure respect for rules of international humanitarian law applicable in armed conflicts which affect the child" and "take all feasible measures to ensure the protection and care of children who are affected by armed conflicts". The Charter does not limit itself to international conflicts: "Such rules shall also apply to children in situations of internal armed conflicts, tension and strife" (Article 22).

Unlike the UN Convention on the Rights of the Child, the provisions of the African Charter apply to all children under the age of 18 years,[219] including the provision on their recruitment and use in armed conflict: "States Parties to the present Charter shall take all necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular, from recruiting any child" (Article 22(2)).

Rome Statute of the International Criminal Court (1998)[220]

[See Annex 4 for full text of relevant articles on page 380]

The Rome Statute of the International Criminal Court (ICC), which came into force in 2002, established the first permanent, treaty-based, international criminal court.[221] The Statute gives the court jurisdiction over the most serious crimes of concern under international law: genocide, crimes against humanity, war crimes and aggression.[222] There are, however, some limitations to the circumstances under which the ICC can carry out prosecutions.[223]

Although crimes against children are covered by the general list of crimes in the Statute of the International Criminal Court, in recognition of the increased targeting of children in armed conflict, the Statute explicitly sets out crimes for which the victims are children:[224] These include:

- a definition of genocide which includes the forcible transfer of children of one group to another;[225] and

- the trafficking of children, mentioned in the definition of "enslavement", which is a crime against humanity.[226] This clause recognises the widespread practice of trafficking of children for sexual and other purposes, in times of both conflict and peace.

In its list of 'war crimes' the Statute includes:

- the intentional directing of attacks against buildings dedicated to education during international conflicts and conflicts of a non-international character.[227] The inclusion of these articles recognises that children and their schools are often deliberately targeted to terrorise a community and acknowledges the long term adverse consequences for children and their communities when they are deprived of education; and
- the conscription or enlistment[228] of children under the age of 15 into national armed forces (and armed forces or groups in conflicts of a non-international character) or using them to participate actively in both international and non-international armed conflicts.[229] The inclusion of this provision indicates the seriousness with which the international community treats the recruitment and use of children and illustrates its willingness to hold both State and non-State actors accountable for such practices.

In addition, recognising that children may need to be called to give evidence, the Statute of the ICC and its Rules of Procedure and Evidence[230] set out specific measures to protect the safety, physical and psychological well-being, dignity and privacy of child victims and witnesses during investigation and prosecution,[231] as well as during the trial.[232]

There was a great deal of debate as to whether the International Criminal Court should have jurisdiction over offences committed by children under age 18. Ultimately, it was decided that the Statute would limit its jurisdiction to individuals who were over 18 at the time of alleged commission of the crime.[233] (see Chapter 12 for more information on this issue).

International Labour Organization (ILO) Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999)[234]

[See Annex 4 for full text of relevant articles on page 382]

ILO Convention 182 is relevant to the protection of children from recruitment and deployment in armed conflict. The Convention, which applies to all children under 18 years of age, addresses the worst forms of child labour, including the forced or compulsory recruitment of children for use in armed conflict.[235] ILO Recommendation 190,[236] which accompanies this Convention, calls on Member States to make such recruitment practices a criminal offence.[237]

Optional Protocol to the Convention on the Elimination of Discrimination Against Women (1999)[238]

In 1999, the Optional Protocol to the Convention on the Elimination of Discrimination Against Women was adopted. The Protocol expands the mandate of the Committee on the Elimination of Discrimination Against Women[239] to consider individual or group complaints of Convention violations. The Protocol also creates a procedure that enables the Committee to initiate inquiries into situations of grave or systematic violations of women's rights.

Optional Protocol to the UN Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000)[240]

[See Annex 4 for full text of relevant articles on page 388]

In May 2000, the General Assembly adopted the Optional Protocol to the UN Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. The Optional Protocol was adopted to curb the growing use of children in armed conflict and to raise the standards set out in the UN Convention on the Rights of the Child and the Additional Protocols to the Geneva Conventions for recruitment and use of children.

The Optional Protocol raised the minimum age for direct participation in hostilities to 18 years for State forces[241] and prohibited the

forced or compulsory recruitment of those under 18 years into national armed forces.[242] The Optional Protocol did not, however, prevent the voluntary recruitment of children under 18 by States. Under the Optional Protocol, States are only required to raise the age of voluntary recruitment above 15 (the standard in the UN Convention on the Rights of the Child, Article 38(3)). They must develop safeguards to ensure that recruitment is voluntary and that proof of age has been sought and verified.[243] Article 1, which prohibits children taking a direct part in hostilities, only requires States to take "*all feasible measures*" to fulfil this obligation. This wording has allowed States to enter declarations interpreting the word 'feasible', so as to weaken their obligation to ensure under 18 year olds are not deployed.[244] The Optional Protocol explicitly prohibits non-State armed groups from both recruiting and using persons under 18.[245] States are obliged to criminalise such activities.[246]

The Committee on the Rights of the Child is responsible for monitoring the implementation of the Optional Protocol through the examination of periodic State reports.

Statute of the Special Court for Sierra Leone (2002)[247]

[See Annex 4 for full text of relevant articles on page 393]

In 2000, Security Council resolution 1315[248] requested that the Secretary-General negotiate with the Government of Sierra Leone to establish a Special Court to prosecute those who had committed crimes against humanity, war crimes and other serious violations of international humanitarian law during the civil war.

The Special Court was established in 2002 "to prosecute persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996".[249] An amnesty was in place that precluded prosecutions for crimes committed before that date (the civil war began in 1991). The Special Court was a new structure for bringing perpetrators to justice—neither a UN body, like the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, nor a national tribunal or court. The Security Council did not want to establish yet another ad hoc tribunal

because of the cost involved. Yet, the establishment of a national court was also rejected because there were concerns that it would be a 'victor's court'. The Special Court was established as an international tribunal, with jurisdiction over some domestic crimes and the employment of Sierra Leonean lawyers and judges. The Court, located in Freetown, the capital of Sierra Leone, is jointly administered by the United Nations and the Government of Sierra Leone. It is composed of international and national judges and prosecutors. By establishing the court as a joint body, a certain level of independence and credibility was ensured.

The Statute gives the Court jurisdiction over specific crimes against children, such as the conscription or enlistment of children under the age of 15 years into armed forces or groups and the active use of children in hostilities.[250] By 2009, the Prosecutor of the Special Court had issued a total of 13 indictments, all of them in 2003. Of these, three were for leaders of the Civil Defence Forces, five were for leaders of the former Revolutionary United Front, four were for leaders of the Armed Forces Revolutionary Council and one for Charles Taylor, the former leader of Liberia.[251] All of the defendants were indicted for the crime of "conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities", with six of the eight whose trials were completed in November 2009 found guilty of the charge, although both defendants from the Civil Defence Forces, Moinina Fofana and Allieu Kondewa, later had their convictions for that charge overturned on appeal.[252] Perhaps the most notorious case to be heard before the Special Court is that of Charles Taylor, who was indicted in 2003 and brought before the Court in 2006. Mr. Taylor's case is still ongoing, with the Prosecution beginning its cross-examination of the defendant in November 2009.[253]

Significantly, the Special Court for Sierra Leone was the first court with international involvement that had explicit jurisdiction to prosecute children aged 15-18 years.[254] This reflected the fact that many children were forcibly abducted and took part in the worst atrocities committed during the conflict. Still, the Prosecutor for the Court announced that, consistent with the Court's mandate to prosecute individuals bearing the "greatest responsibility" for crimes, he would not prosecute individuals for crimes committed before age 18.

Guidelines on Justice Matters involving Child Victims and Witnesses of Crime (2005)[255]

In 2004, following the work of the International Bureau for Children's Rights which had developed the first version of Guidelines on Child Victims and Witnesses of Crime, the United Nations Economic and Social Council (ECOSOC) adopted guidelines to address better protection for child victims and witnesses of crime. The Guidelines promote compassionate treatment, non-discrimination, the right to be informed, the right to be heard, the right to effective assistance, the right to privacy, the right to be protected from hardship during the justice process, the right to safety, the right to repatriation and the right to special preventive measures. Additionally, the Guidelines provide that adequate training, education and information be made available to professionals in order to ensure child victims and witnesses are dealt with effectively and sensitively.

While the Guidelines do not specifically address the issue of child victims and witnesses of crimes committed during armed conflict, the principles and provisions apply to national and international proceedings dealing with these crimes. They can also be applied to the procedures dealing with crimes committed against children by UN personnel.

UN Convention on the Rights of Persons with Disabilities (2006)[256]

[See Annex 4 for full text of relevant articles on page 401]

Disability is a legacy of war for many children. Injuries leading to permanent disability can arise during armed conflict or in its aftermath, through the remnants of war, such as landmines and unexploded ordnance. The 2006 Convention on the Rights of Persons with Disabilities binds States to protect and respect the rights of children with disabilities and to ensure them access equal to that which other children receive with respect to services.[257] The Convention obliges States to take "all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict".[258]

African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) (2009)[259]

Africa accounts for 45 to 50% of the total number of internally displaced persons in the world.[260] Recognising the need to provide protection to this particularly vulnerable group, the African Union adopted the Convention on Internal Displacement in 2009. This Convention is the first binding regional instrument to protect internally displaced persons. Internally displaced children are specifically protected from recruitment and use in hostilities[261] and forcible recruitment, kidnapping, trafficking and sexual slavery[262] by armed groups. States have an explicit requirement to protect children from these acts, as well as forced labour, trafficking and smuggling.[263] Separated and unaccompanied children are to be provided special protection.[264]

5. Developments to Protect War-Affected Children

Law is fundamental to the protection of children in armed conflict. However, laws cannot protect children unless they are implemented. The international community has taken significant steps to address the situation of children caught in armed conflict in practical terms, as well as improving implementation of the existing legal framework.

This section explores key developments over the past 15 years in the protection of children in armed conflict, focusing in particular on the progress that has been made since the publication of the ground breaking UN report on the Impact of Armed Conflict on Children[265] in 1996.

This section focuses on developments **outside** of international and regional legal frameworks. Such developments include guidelines and standards adopted by United Nations agencies, as well as nongovernmental consortia, important reports and conferences, reform of bodies and departments and other practical developments that have contributed to the protection of children in armed conflicts. Instruments that are binding on States or have been adopted by UN bodies (such as the General Assembly, Economic and Social Council, Security Council) are included in the previous Chapter discussing the legal framework (Chapter 4).

As with Chapter 4, developments here are presented in a chronological order to illustrate the evolution of the international community's response to the situation of children in armed conflict. Subsequent chapters explore this response in thematic areas.

Reforms to the United Nations System

Throughout its history, the United Nations (UN) has undergone continual reform, from its expansion to include new States, to the introduction of new bodies to monitor implementation of new international instruments. The most wide reaching movement towards structural reforms has taken place over the last 12 years, during which the former

Secretary-General, Kofi Annan, spearheaded a reform agenda that has resulted in structural changes throughout the UN system.[266]

Several concrete changes emerged from the drive for reform. In the area of **human rights**, for example, the UN Centre for Human Rights was merged with the Office of the High Commissioner for Human Rights in 1996.[267] The most significant reform in the area of human rights came in 2006 when the Commission on Human Rights was disbanded and replaced by the Human Rights Council.[268] This reform was agreed to by UN Member States in the 2005 World Summit Outcome Document and served to address the "declining credibility and professionalism"[269] identified by the Secretary-General in his 2007 report "In Larger Freedom".[270] Members of the Human Rights Council are elected by a General Assembly vote.[271] One of the main tasks of the Human Rights Council is to periodically review (every four years) the human rights records of UN Member States through the Universal Periodic Review (UPR) process.[272] Specifically, the UPR evaluates the extent to which States implement and uphold the UN Charter; the Universal Declaration of Human Rights; human rights instruments to which the State is party (human rights treaties ratified by the State concerned); voluntary pledges and commitments made by the State (such as national human rights policies or programmes implemented); and applicable international humanitarian law. Included in this review is the extent to which States respect the rights of children caught up in armed conflict.

In the field of **humanitarian affairs**, the most significant resolution, "Resolution on the Strengthening of the coordination of humanitarian emergency assistance of the United Nations",[273] was adopted by the General Assembly in 1991. The position of Emergency Relief Coordinator[274] and the organisation of the Inter-Agency Standing Committee[275] were established as a result of this resolution. As well, the Consolidated Appeals Process[276] was set up. In order to facilitate coordination, the Secretary-General established the Department of Humanitarian Affairs headed by the Emergency Relief Coordinator (who was assigned the status of Under-Secretary-General for Humanitarian Affairs). This department became the Office for the Coordination of Humanitarian Affairs (OCHA)[277] in 1996. The

Emergency Relief Coordinator (and therefore OCHA) is represented by a Humanitarian Coordinator at the regional or country level.

To enhance coordination further, promote partnerships between all relevant actors and strengthen accountability for humanitarian responses, 'Cluster Leads' were introduced at both the global and country levels[278] in 2005. At the global level, the Inter-Agency Standing Committee assigned responsibility to UNICEF and Save the Children UK for education, nutrition, water, sanitation and child protection.[279] At the country level, the Cluster Lead is an agency or organisation that formally commits to take on leadership for and coordinate a particular sector of the humanitarian response. It reports to the Humanitarian Coordinator and is responsible for standards and policy setting, building response capacity and providing operational support.

In 2006, the Central Emergency Response Fund (CERF)[280] was established to ensure faster and more reliable access to humanitarian assistance for those facing natural disasters or armed conflicts.[281] CERF is intended to complement, rather than duplicate or substitute, existing mechanisms, such as the Consolidated Appeals Process or the Flash Appeal.[282]

UN High Commissioner for Refugees Guidelines on the Protection and Care of Children (1994)

In 1993, UNHCR adopted its Policy on Refugee Children,[283] which includes, as one of its guiding principles, that in all actions concerning refugee children, their best interests are to be given primary consideration.[284] The following year, UNHCR published the Guidelines on the Protection and Care of Children,[285] which recognised that children require special care and assistance. The Guidelines combine the protection of children's rights with addressing the needs of refugee children. They are still used today by agencies working in the field.

Machel Report on the Impact of Armed Conflict on Children (1996)

Following the General Assembly resolution 48/157 of 20 December 1993, Graça Machel was appointed by the Secretary-General to write a report on the Impact of Armed Conflict on Children (often referred to as the Machel

report). The report,[286] published in August 1996, brought worldwide attention to the issues affecting children living in conflict zones.

The Machel Report was the first comprehensive human rights, humanitarian and security assessment of war-affected children, using the UN Convention on the Rights of the Child as a framework for analysis. The effectiveness of existing international protection standards was analysed, paying particular attention to children associated with armed forces and armed groups, refugee and internally displaced children, landmines, sanctions and the psychological, physical and psychosocial consequences of conflict.

The report contained "a comprehensive agenda for action by Member States and the International Community to improve the protection and care of children in situations of conflict".[287] The report made numerous recommendations, including a proposal for the appointment of a Special Representative of the Secretary-General for children and armed conflict who would, among other functions, monitor the situation of children in armed conflicts, raise awareness of their plight and work with the international community, the Committee on the Rights of the Child and nongovernmental organisations to promote the protection of children in armed conflicts.

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 (1997)[288]

[See Annex 4 for full text of relevant articles on page 379]

In response to a growing recognition of the widespread use of children in armed forces and armed groups, UNICEF held a symposium in April 1997 called 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". The participants, mainly nongovernmental organisations, adopted the Cape Town Principles during the Symposium. These Principles focused on ending the recruitment and use of children under 18 in armed conflict, demobilising those children who were part of armed groups and armed forces, ensuring the demobilisation of children as part of peace processes and

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

— Cape Town Principles

reintegrating former child soldiers. These non-binding Principles are a compilation of good practices for prevention of recruitment and deployment of children and for their demobilisation, disarmament, rehabilitation and reintegration. Significantly, the Principles provided a definition of 'child soldier' for the first time.

Regional Declarations on the Recruitment and Use of Child Soldiers

Between 1999 and 2001, the Coalition to Stop the Use of Child Soldiers organised a series of regional conferences, attended by representatives of governments, the United Nations, nongovernmental organisations, and civil society, to build support for the Optional Protocol to the CRC on the involvement of children in armed conflict. These conferences resulted in declarations calling for an end to the recruitment and use of child soldiers and for prevention, rehabilitation and reintegration measures. The declarations were adopted in Maputo (1999), Montevideo (1999), Berlin (1999), Kathmandu (2000) and Amman (2001).[289]

Special Representative of the Secretary-General for Children and Armed Conflict (1997)

In 1996, following the recommendation in the Machel Report, the General Assembly adopted resolution 51/77,[290] which recommended a three year appointment of a Special Representative of the Secretary-General for Children and Armed Conflict.[291] The office was set up in 1997. The UN General Assembly has since extended this mandate four times, most recently in March 2009.[292]

The purpose of the Office of the Special Representative is "to promote and protect the rights of all children affected by armed conflict".[293] The

Special Representative[294] engages in advocacy, awareness raising and coordination activities to promote and protect the rights of children in armed conflict and acts as a moral voice and convener on issues related to children and armed conflict. The Special Representative, in collaboration with other UN agencies, engages with offending parties (State and non-State actors) to secure commitments from them to end violations of children's rights in armed conflict and advocate for the preparation and implementation of action plans against recruitment and use of children, sexual violence against children and against killing and maiming of children, in accordance with Security Council resolutions 1539 and 1882. The Office also chairs the Monitoring and Reporting Task Force on children and armed conflict and plays a key role in the preparation of the Secretary-General's reports to the Security Council on children and armed conflict.

Guiding Principles on Internal Displacement (1998)[295]

[See Annex 4 for full text of relevant articles on page 379]

In recognition of the significant and growing problem of internally displaced persons and the lack of international action and specific legal protection for them,[296] the Representative of the Secretary-General on Internally Displaced Persons[297] was appointed in July 1992, at the request of the UN Commission on Human Rights.

In response to his mandate, the Representative developed the Guiding Principles on Internal Displacement,[298] which have been widely disseminated to States and international agencies. The guidelines contain a number of specific provisions relating to the protection of internally displaced children, such as:

- children are entitled to protection and assistance which takes into account their special needs;[299]
- they will be protected against forced labour[300] and recruitment and use in hostilities;[301]
- separated children will be united with their families as quickly as possible;[302] and
- free and compulsory education at the primary level will be provided.[303]

The Guiding Principles are not in themselves legally binding,[304] but can be seen as a collection of the provisions relevant to the internally

displaced that are contained in various human rights treaties. The Principles set standards of good practice that the UN Committee on the Rights of the Child has endorsed. The recommendations are increasingly being accepted and implemented by States.

Peace Agreement Between The Government Of Sierra Leone And The Revolutionary United Front Of Sierra Leone (Lomé Peace Accord) (1999)[305]

[See Annex 4 for full text of relevant articles on page 383]

Until 1999, peace agreements had rarely mentioned children, let alone included child-specific obligations for the parties to the conflict. The first unambiguous child-specific obligation was contained in the Lomé Peace Accord of 1999, which was signed by the warring parties in Sierra Leone.

Article XXX obliges the Government to accord particular attention to the issue of child soldiers and "mobilize resources… to address the special needs of these children in the existing disarmament, demobilization and reintegration processes". Further, Article XXXI requires that the Government provide free compulsory education for the first nine years of schooling and free schooling for a further three years after that. The Government is also bound to provide affordable healthcare throughout the country.

In the following year, the Arusha Peace and Reconciliation Agreement of 2000 for Burundi[306] was signed, containing numerous references and obligations towards children in its five protocols.[307] These included incorporation of the CRC and the African Charter on the Rights and Welfare of the Child into the Constitution of the Republic of Burundi,[308] protection from use in armed conflict,[309] protection from abuse and exploitation[310] and an obligation to assist,[311] protect[312] and educate[313] returnee children.

Child Protection Advisers (2000)

A concrete follow up to the recommendation in Security Council resolution 1261,[314] that the welfare of children should be promoted throughout the peace process, was the appointment of the first Child Protection Adviser (CPA), attached to the Peacekeeping Operation in Sierra Leone (UNAMSIL)[315] in 2000 and the assignment of two Child Protection Advisers to the Peacekeeping Operation in the Democratic

Republic of Congo (MONUC)[316], later that year. Since then, the protection of children has become a more prominent activity of UN peacekeeping missions. In 2009, there were over 60 child protection advisers in seven peacekeeping missions and two political missions.[317]

In 2000, the Terms of Reference (TOR) for Child Protection Advisers were developed.[318] The advisers were to assist the Head of Mission in ensuring "a comprehensive approach to child protection throughout all stages of the making and consolidation of peace, as appropriate."[319] The TOR also foresees the CPAs as trainers for the peacekeeping mission personnel.[320]

A 2007 study[321] on the effectiveness of CPAs found that their mandate varied from mission to mission. The CPAs themselves identified their priorities as:

- "(1) advising senior mission leadership to ensure that child rights concerns are raised in all political and peace-building fora;
- (2) advising colleagues in other mission components to ensure that their relevant initiatives are 'child-sensitive';
- (3) advocating on behalf of children's rights in collaboration with child protection partners on the ground; and
- (4) collaborating with mission and child protection personnel to monitor and report on child rights violations and issues".[322]

The report concluded that the Child Protection Advisers are not always as effective as they could be because: "(i) there is a lack of clarity about their role; (ii) the profile and selection of Child Protection Advisers vary significantly; (iii) their activities are not always adequately coordinated with other child protection actors on the ground; and (iv) there is no capacity in [the Department of Peacekeeping Operations] to provide guidance and operational support."[323] The report called for a review of the Terms of Reference and for support to be provided by the Department of Peacekeeping Operations (DPKO) for the CPAs.[324] The report did highlight that the deployment of Child Protection Advisers has greatly improved the protection of children on the ground and elevated the issue on the peacekeeping agenda. CPAs also participate in making the Monitoring and Reporting on grave violations more efficient and they enhance dialogue with parties to the conflict.

In order to bring more clarity to the role of CPAs and to better coordinate their activities, the Department of Peacekeeping Operations recruited a child protection focal point. This greater involvement at headquarters led to the adoption in 2009 of a DPKO child protection policy that responds to the difficulties mentioned in the 2007 study. The Security Council continues to highlight the crucial role of Child Protection Advisers in peacekeeping, political and peacebuilding missions in its resolutions. It even recently replicated the concept in its last two resolutions, 1888 and 1889, by requesting the appointment of Women's Protection Advisers in peacekeeping missions.

United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and the Programme of Action (2001)

[See Annex 4 for full text of relevant articles on page 392]

In July 2001, the problem of small arms was debated at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. The participating States adopted a programme of action,[325] which included a wide range of political undertakings at national, regional and global levels to prevent, combat and eradicate the illicit trade in small arms and light weapons. These provisions included enhanced cooperation among States and improved assistance to affected States. The UN Programme of Action[326] still operates as the main framework to curtail the illegal trade in weapons.

A conference[327] held five years later to review the adoption of the Programme of Action on small arms ended without an agreed upon outcome document.[328]

Minimum Standards for Education in Emergencies, Chronic Crises and Early Reconstruction (2004)[329]

Highlighting the importance of education in armed conflict, the 1996 Machel Report called for educational activity to be established as a priority for humanitarian assistance. Four years later, following the World Forum on Education in Dakar in 2000,[330] an Inter-Agency Network for Education in Emergencies (INEE) was established,[331] which aimed to further advocate for education to be included as an emergency

response, to promote greater donor understanding of education in emergencies, and, in particular, to combat the reluctance of donors to allocate funds to this area of work. The INEE, in consultation with a wide range of international, regional and local stakeholders and agencies, developed minimum standards for the provision of education in emergencies, which were launched in 2004. These minimum standards[332] provide guidance and a framework for coordination of educational activities of national governments, other authorities, funding agencies, and national and international agencies during conflict and post-conflict situations.

Humanitarian Charter and Minimum Standards in Disaster Response (Sphere Project) (2004)[333]

Nongovernmental humanitarian agencies and the Red Cross and Red Crescent Movement launched the Sphere Project in 1997. The major outcome of the project was a Handbook setting out a 'Humanitarian Charter' and Minimum Standards in Disaster Response. It establishes the rights of beneficiaries with respect to humanitarian actors in situations of armed conflict and disaster. It seeks to improve the delivery of humanitarian assistance, as well as accountability, in disaster response. This guide, aimed at humanitarian agencies, was originally published in 2000 and revised in 2004. Agencies do not sign onto the Charter or the Standards. Implementation is voluntary; however, the UN Inter-Agency Standing Committee endorsed the Handbook and called on UN agencies to implement its standards.

The INEE Minimum Standards discussed above are considered a companion to the Handbook, highlighting the important role that education plays in humanitarian response.

European Union Guidelines on Children and Armed Conflict (2003, revised 2008)

[See Annex 4 for full text of relevant articles on page 396]

The European Union[334] (EU), through its European Security and Defence Policy[335] actions, engages in civilian, police and military operations, in order to maintain peace and security, including humanitarian action and post-conflict reconstruction. The Guidelines (which were revised in 2008) were the EU's first attempt to summarise its policy on

the protection of child rights in armed conflict and encourage a more coordinated approach by the organisation.[336]

The Guidelines identify key activities through which the EU can promote the protection of children in armed conflict, such as monitoring by its Heads of Mission, military commanders and special representatives; diplomatic initiatives, including the issuing of public statements to urge non-EU countries to ensure the protection of children in armed conflict, to end the recruitment and use of children in armed forces or armed groups and to end impunity; political dialogue; multilateral cooperation; and crisis management.

The Guidelines also highlight the need to mainstream child protection and children's rights when taking both military and civilian initiatives to maintain peace and security. A checklist to promote mainstreaming was developed to guide all European Security and Defence Policy actions.[337]

The European Council Working Group on Human Rights (COHOM)[338] was tasked with overseeing the implementation of the Guidelines and developed an implementation strategy for the guidelines[339] that was adopted by the Council of the European Union[340] in 2006. The Guidelines included recommendations that Heads of Missions monitor the situation of children in armed conflict and include information on the situation of children affected by conflict in all relevant reporting documents. It also recommended that the information provided be used as a basis for demarches where appropriate (a formal representation of protest or concern agreed upon and issued by the EU Member States as a whole and presented to the government concerned).

Integrated Disarmament, Demobilisation and Reintegration Standards (IDDRS) (2006)

In 2006, the UN Secretary-General presented the Integrated Disarmament, Demobilisation and Reintegration Standards (IDDRS). These were developed by the Inter-Agency Working Group on Disarmament, Demobilisation and Reintegration[341] (set up in 2005) in response to the perception that existing methods of disarmament, demobilisation and reintegration (DDR) were not responding to changes in the "scale, complexity, scope and type"[342] of work that was increasingly

required. This resulted in a "fractured"[343] approach, in which agencies and programmes worked independently and without coordination, ultimately, failing to provide adequate services to those needing them. The new Standards were developed to provide a United Nations integrated approach "in order to better plan, develop, implement and monitor disarmament, demobilization and reintegration programmes".[344] The main aim of the IDDRS was to "give DDR practitioners the opportunity to make informed decisions based on a clear, flexible and in depth body of guidance across the range of DDR activities; serve as a common foundation for the commencement of integrated operational planning in Headquarters and at the country level; and to function as a resource for the training of DDR specialists."[345]

The IDDRS includes 26 comprehensive modules setting out the standards for different aspects of DDR. The IDDRS include several modules relevant to children, including module 5.10 "Women, Gender and DDR", module 5.20 "Youth and DDR" and module 5.30 "Children and DDR".[346]

Towards an Arms Trade Treaty (2006)

While there are conventions that deal with the trade in landmines and cluster munitions and with the illicit trade of arms,[347] there is no comprehensive binding treaty regulating the legal trade in conventional arms. In order to tackle the global trade in arms, which fuels conflicts, the General Assembly requested that the Secretary-General establish a group of governmental experts to examine the possibility of developing a treaty for the import, export and transfer of conventional arms.[348] This as yet unfinished document has become known as the Arms Trade Treaty.

The group of governmental experts produced their report in 2008. They did not wholly support the development of a treaty, stating that the feasibility of developing this instrument depended on the scope, fundamental goals and objective of the treaty. This group did conclude that it was necessary for the UN to consider this issue further.[349]

In order to move the process forward, in 2009, the General Assembly asked the Secretary-General to set up an 'Open-Ended Working Group'[350] that would work over the next two years on this issue. Most recently, the General Assembly's First Committee adopted a draft resolution

(A/C.1/64/L.38/Rev.1) on "An Arms Trade Treaty", in which it is proposed that the General Assembly convene the United Nations Conference on the Arms Trade Treaty in 2012 to elaborate a legally binding instrument on the highest possible common international standards for the transfer of conventional arms.

The Principles and Guidelines on Children Associated with Armed Forces and Armed Groups (Paris Principles) (2007)

In 2007, recognising the slow progress that had been made in implementing the international framework on child soldiers, representatives from 58 countries around the world gathered to commit themselves to ending the recruitment and use of children in armed conflict. The resulting 'Paris Commitments' consist of a set of legal and operational principles to protect children from recruitment or use in armed conflict[351] and provide guidance on the disarmament, demobilisation and reintegration of children associated with armed forces and groups.

The Paris Principles, which aimed to update the Cape Town Principles[352] (treated earlier in this Chapter), provided a framework for prevention and reintegration, focusing on:

- prevention programmes;
- the importance of recognising the needs of children in the demobilisation process;
- sustainable reintegration that does not provide isolated assistance to children, but supports the community and all children within that community and ensures that funding is made available from donors for extended periods of time;
- ensuring that the specific situation of girls is recognised and addressed in the DDR process; and
- building the capacity of national justice mechanisms in order to tackle impunity and ensure international standards can be enforced.

The Paris Principles also emphasised that the expression 'children associated with armed forces and groups' was more appropriate than 'child soldiers', but reiterated the definition that was laid out in the Cape Town Principles:

A child associated with an armed force or an armed group is "any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys, and girls used as fighters, cooks, porters, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in hostilities".

— Paris Principles

Machel Strategic Review: The Impact of Armed Conflict on Children (2007)

In 2007, the ten year strategic review of the first Machel report, prepared by the Special Representative for Children and Armed Conflict,[353] was presented to the General Assembly.[354] The Machel Review can be viewed as an advocacy tool, resulting from a broad consultation process with governments, UN agencies, nongovernmental organisations (NGOs) and other civil society representatives, including young people. The report concluded that significant progress had been achieved in the strengthening and implementation of the international framework; however, the nature of low intensity conflicts had increased violations of children's rights and, while the direct consequences of war had received improved attention in the last decade, indirect consequences of armed conflict, such as the loss of basic services and the rise of poverty, malnutrition and disease, were often overlooked. According to the report, children are affected by the proliferation of small arms and armed groups, landmines and unexploded ordnances, as well as terrorism and counter-terrorism measures. The report recommended that all States uphold their responsibility to protect their youngest citizens by stepping up efforts to develop legislation, policy and action on behalf of children at the national level. It urged States to ensure that children have access to basic services and that their needs are prioritised. The report also called for an end to impunity for those committing abuses against children.

Published as a companion to the Machel Report, *Will You Listen?*[355] is a compilation of the views and recommendations of children, including many affected by armed conflict.

UN High Commissioner for Refugees Guidelines on Determining the Best Interests of the Child (2008)

The UN High Commissioner for Refugees adopted these Guidelines[356] (known as the BID Guidelines) to provide a formal process for determining the best interests of the child when making child protection decisions that have a major impact on the child's life. Specifically, the Guidelines address: (i) the identification of the most appropriate durable solution for unaccompanied and separated refugee children; (ii) temporary care decisions for unaccompanied and separated children in certain exceptional circumstances; and (iii) decisions, which may involve the separation of a child from parents against their will.

The Guidelines assist practitioners to implement the best interests' principle, enshrined in the UN Convention on the Rights of the Child – "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration" (Article 3). The Convention also states that children can only be separated from their parents if the separation is necessary for the child's best interests (Article 9(1)). In decisions relating to the adoption of a child, the best interests of the child must be **the** paramount consideration (Article 21).

While the Guidelines are aimed at enhancing decision-making about refugee children, they can also be used when decisions are made about other categories of children, such as internally displaced children.

Evolution of the Code of Conduct for UN Peacekeeping Missions (1993-2009)

The original Code of Conduct for UN Peacekeepers was adopted by the General Assembly in 1993.[357] The Code included a prohibition on committing any act that could result in physical, psychological or sexual harm or suffering of the local population, especially women and children.[358]

Yet, a report released in 2002 by the United Nations High Commissioner for Human Rights and Save the Children[359] highlighted the vulnerability of children to sexual exploitation by the very people who were recruited to assist war-torn communities – both peacekeepers and

humanitarian aid workers. Both international and local staff were implicated, including workers of respected and established agencies, such as the UN High Commissioner for Refugees. Poverty, the lack of other opportunities, insufficient supplies and the bad management of aid delivery were cited as the underlying causes for this problem.[360]

This report caused a flurry of activity on this issue. First, the Inter-Agency Standing Committee (IASC)[361] established the Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crisis to strengthen and enhance the protection and care of women and children in situations of humanitarian crisis and conflict. This Task Force is also mandated to make recommendations to eliminate sexual exploitation and abuse by humanitarian personnel and the misuse of humanitarian assistance for sexual purposes. The Task Force produced a Plan of Action,[362] that was incorporated into the Secretary-General's report to the General Assembly on his investigation into the allegations raised in the report.[363] It called for six core principles[364] to be embodied in all IASC codes of conduct for UN and nongovernmental organisations' personnel. These core principles include the prohibition of sexual activity of humanitarian workers with persons under the age of 18, regardless of the local age of majority[365] or consent.[366]

The following year, the Secretary-General issued a Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse,[367] which included prohibitions on sexual relations between UN staff and under 18 year olds (regardless of the local age of consent or majority) and between UN staff and beneficiaries.[368] The Bulletin was followed by "[a] comprehensive strategy to eliminate future sexual exploitation and abuse in UN peacekeeping operations"[369] and a declaration of zero tolerance for sexual exploitation and abuse of any kind.[370] On the basis of this strategy, the General Assembly adopted a package of reforms. One major step was the establishment of a Conduct and Discipline Unit[371] in 2007, composed of a team within peacekeeping missions in the field.

In 2005, the Executive Committees on Humanitarian Affairs and Peace and Security[372] set up the Task Force on Protection from Sexual Exploitation and Abuse, composed of both UN and NGO bodies. Under the auspices of this Taskforce, a high level conference of UN and NGO bodies held in 2006 developed the Statement of Commitment

Eliminating Sexual Exploitation and Abuse by UN and non-UN Personnel.[373] This Statement contains ten action points, including ensuring that an accessible complaints mechanism is in place, taking 'swift and appropriate action' against personnel who commit sexual exploitation and abuse and providing basic emergency assistance to complainants of sexual exploitation and abuse.

In addition, a revised model Memorandum of Understanding[374] was adopted in 2007 by troop contributing countries and the UN. The Memorandum includes specific provisions on sexual exploitation and abuse. In the same year, the General Assembly adopted the Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse,[375] which includes provisions on medical treatment, counselling, social support, legal services and material care. The resolution on Criminal Accountability of United Nations Officials and Experts on Missions[376] guarantees that UN officials and experts on mission who engage in criminal misconduct will be held accountable.

Training for Peacekeeping Missions (1999-2009)

Resolution 1261 requested that the Secretary-General ensure that "personnel involved in United Nations peacemaking, peacekeeping and peace-building activities have appropriate training on the protection, rights and welfare of children".[377] Since then, the Department of Peacekeeping Operations has taken steps to improve both training and awareness raising on the issues facing children in situations of armed conflict, both prior to and after deployment of its staff. The Child Protection Adviser, described earlier in this Chapter, has a key role in raising awareness among mission personnel. His or her mandate includes providing training to every mission to which he or she is deployed.[378] Training generally focuses on raising the awareness of military and police personnel, rather than civilian staff (those engaged in political or civil affairs, rule of law, human rights, DDR, gender, electoral, and conduct and discipline).[379] In addition to ongoing training during the mission, some countries ensure that their peacekeepers (military, police and civilian personnel)[380] complete training modules on the protection of children as part of their core pre-deployment training.

In 2009, the Department of Peacekeeping Operations issued the first of its new "UN Peacekeeping Pre-deployment Training Standards"[381] to establish the standards for pre-deployment training of all those within the peacekeeping forces. Member States providing personnel are responsible for ensuring that this training is delivered. The first standards, which were designed for police officers, specifically require that all police officers are trained in child protection.[382]

In cooperation with the Department of Peacekeeping Operations, the United Nations Institute for Training and Research (UNITAR) has developed a programme on "Training for civilian personnel in Peacekeeping Operations on the Special Needs of Women and Children in Conflict". Each year, two or three peacekeeping missions are selected to participate in the programme.[383] More recently, the Department of Peacekeeping Operations has elaborated a policy on mainstreaming the protection, rights and well-being of children affected by armed conflict in all operations. Finally, training has also been provided to peacekeepers by NGOs active in the field of children and armed conflict.[384]

Expert Group on the Protection of Civilians (2009)

Civilians are entitled to protection under the international humanitarian law framework; however, implementation of this framework is a huge challenge. Significantly, the Security Council adopted its first resolution on the protection of civilians in armed conflict in 1999,[385] the same year as it adopted its first resolution on children and armed conflict, recognising that the protection of civilians was a matter of international peace and security. The resolution stated that concrete action needed to be taken to ensure protection. 1999 also marked the first time that protection issues were included in a peacekeeping mandate.[386] Since then, a further three resolutions focusing on the protection of civilians in armed conflict have been adopted[387] and protection issues have become much more central to the Security Council's agenda. Country-specific resolutions have also included references to the protection of civilians.[388]

In May 2009, the Secretary-General presented the "Report of the Secretary-General on the protection of civilians in armed conflict",[389] which outlined the developments over the past ten years in protecting civilians in armed conflict and the impact of Security Council actions.

In addition to legal developments and the adoption of key Security Council resolutions, developments have included the creation of the Security Council informal Expert Group on the Protection of Civilians in 2009.[390] The Expert Group provides a direct link from the Office for the Coordination of Humanitarian Affairs (discussed below) to the Security Council, to ensure that protection concerns are identified and addressed in the Council's resolutions and actions on specific situations. Security Council resolution 1894 was recently adopted to address the issue of protection of civilians.

It has, however, been highlighted in this report that, although significant steps have been taken in the establishment of a legal and normative framework for the protection of civilians in armed conflict, more concrete action is needed to implement this framework in the field.

OCHA's monitoring mechanism on humanitarian access (2009)

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) "supports mobilization, funding and coordination of humanitarian action in response to complex emergencies and natural disasters".[391] One of the Office's focus areas in 2009 was the "systematic monitoring and reporting on constraints to humanitarian access"[392] as a means to understand difficulties in humanitarian access and outline these to the Security Council and UN Member States. In line with its priority to monitor humanitarian access, OCHA developed a standardised framework to assess humanitarian access in situations of armed conflict in the field in 2009. The tool, currently being piloted, will provide an overview of key aspects of a humanitarian crisis such as need, response gaps, pre-crisis vulnerability, national capacity, humanitarian access and funding. Information will be presented in a standardised format to allow for easy comparisons with other emergencies. It is believed that the information will be used by high level agency decision-makers and donors.[393]

SECTION 2

Issue Focus

6. Children Associated with Armed Forces or Armed Groups

What children had to say (Source: Coalition to Stop the Use of Child Soldiers)[394]

"Thomas (not his real name) was hit in the back with rifle butts in his five months of military training. His injuries were so severe that he was left without full use of his legs. "Being new, I couldn't perform the very difficult exercises properly and so I was beaten every morning. Two of my friends in the camp died because of the beatings. The soldiers buried them in the latrines. I am still thinking of them." At the age of 13, Thomas was on his way to school with his eight-year-old brother, in the Democratic Republic of the Congo (DRC), when an armed group forcibly recruited them. An estimated 30,000 children in the DRC were child soldiers in 2003".

— Global Report, 2004, Coalition to Stop the Use of Child Soldiers

This chapter is designed to provide information about children associated with armed groups or armed forces. It describes the issues faced by children who are forced to participate in conflicts, as well as summarising law and recent jurisprudence that have been developed to assist and protect these children (a thorough examination of these instruments can be found in the previous two Chapters). The Chapter first provides context and background about the issue, then summarises the evolution of legal instruments and jurisprudence, as well as providing further information and background documents to assist those readers who wish to research the issues in more depth.

6.1 Describing the Issue

Children associated with armed groups and armed forces, also referred to as 'child soldiers', are found in most conflicts in the world. Their use is prohibited by international law, yet it continues with wide-scale

"The protection of children in armed conflict is a litmus test for the United Nations and the Organisation's Member States. It is a moral call, and deserves to be placed above politics. It requires innovative, fearless engagement by all stakeholders".

— The Secretary-General of the United Nations, Ban Ki-Moon, 17 July 2008

impunity, despite growing activism and sanctioning of their use by the international community. The definition of a child associated with an armed force or armed group is:

"Any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in hostilities".[395]

— The Paris Principles, 2007

It is important to note that, in international law, the word 'soldier' does not exist. The word 'combatant' is used instead, but this word should not apply to children because of the illegality associated with the involvement of children in armed conflict. Child protection agencies have developed working definitions of the term "child associated with an armed force or armed group". As an example, the Guidelines drafted by Save the Children Alliance specify that the term child soldier includes:

"Girls as well as boys, and children recruited for sexual purposes and forced 'marriage'. It applies to all children in armed groups and armed forces, regardless of whether they have been forced to join, or appear to have done so voluntarily. For simplicity, […] the term children associated with armed groups and armed forces [is often] replaced by 'child soldiers'. Others may also use terms such as 'children associated with fighting forces' or 'child combatants'".[396]

– Guidelines for Working with Child Soldiers and Children Associated with Fighting Force, 2001

'Child soldiers' are often referred to by child protection agencies as '**children associated with armed forces and groups**' (CAAFG), to emphasise the need for inclusive programmes that provide support to all child soldiers, not only those carrying weapons. The definition of a child associated with armed groups and forces is intentionally broad because it seeks to extend the protection to as many children as possible in recovery programmes. The rationale for the broad definition is that, within armed groups and forces, roles can be fluid and whether a child is used as a cook, a porter, a soldier's 'wife' or for any other purpose, he or she is often exposed to the same dangers as combatants and all are forced to witness atrocities. Children in 'auxiliary' roles may even face greater threats, as in the case of children acting as informants or spies, laying landmines, girls who are exposed to HIV/AIDS through forced sexual contact with male soldiers or dangers and stigma attached to boys who are raped. Children originally recruited as camp helpers may eventually find themselves carrying a gun, as their peers fall at the front. In all cases, the rights of children recruited into armed groups and forces are violated and their development is threatened. It is important, therefore, that a definition as inclusive as possible be applied to ensure protection for all children whose lives and well-being are at risk.

Girls, in particular, are vulnerable, not only because they can be used as combatants, but also because they are frequently sexually assaulted, forced to become commander's 'wives' and raped repeatedly. They are often impregnated by their captors and many contract

South Sudan- The Child Act:

In April 2009, the government of South Sudan[397] introduced the Child Act, which offers formalised protection to children. The Act complies with the CRC and is applicable in Southern Sudan. More significantly, it forbids that children, defined as anyone under the age of 18, be recruited by armed forces or groups, and makes recruitment of children a criminal offence that can be tried by the courts. Furthermore, it prohibits torture or cruel treatment of children. The Act requires that those who suspect violations of children's rights report them to the authorities. An independent Children's Commission created by the Act will investigate these reported violations. The Commission is also charged with making recommendations to promote children's rights.[398]

HIV/AIDS from their 'husbands' or from the other soldiers who have raped them.[399] Their exploitation often continues after their release or escape. Many girls find it very difficult to reintegrate into their communities, leading them to turn to commercial sexual exploitation to obtain an income. Disarmament, Demobilisation, and Reintegration programmes[400] for girls are inadequate.[401] Yet, it is estimated that in many conflicts, up to 40% of children involved in armed conflict are girls, some as young as eight.[402]

In some instances, children are forcibly recruited and abducted by armed groups. In other cases, children themselves join the armed group, seeing no alternative but to enlist. Some are motivated by a desire to avenge killings or destruction wrought upon their villages or families, some by poverty or lack of employment opportunities and others by the promise or perception of power and status joining such groups. Other children are lured by promises of education or food, or protection for themselves and their families. Children are also handed over to armed groups by their families for payment. Some children feel a responsibility to fight on the basis of ideology or on behalf of a political struggle or cause. Yet, the fact that a child joins through conviction or family pressure does not in any way make the use of children by armed groups legal.

Some commanders, in fact, actively seek out children because they view them as obedient, highly motivated and dedicated. Children are also easier to manipulate since they do not have a fully developed sense of right and wrong and can be trained to be brutal soldiers. Children are more easily lured or captured by recruiters than adults because they are less able, and less likely, to resist. Weakened by fear and brutality, children often commit the most horrendous atrocities.[403] Children are good spies, as enemies seldom suspect them. They handle small weapons well and are mobile and can rapidly move to various fronts.

While the nature of armed conflict is changing, children's vulnerabilities are increasingly being exploited by extremist groups who use them as suicide bombers, such as in the occupied Palestinian territory,[404] where children are sent into Israel to blow themselves up at targets, or to engage them in other acts of terrorism. Additionally, children are used

by these groups as human shields and decoys. Having a less developed understanding of death makes children even more fearless. As a result of their engagement with extremist groups, children have been increasingly targeted in counter-terror operations, arrested and detained for suspected terrorist links and held in conditions that violate international standards of juvenile justice in places like Afghanistan, Iraq and Guantanamo Bay.[405] In counter-terrorist operations, children are often primary victims in the 'collateral damage'.[406]

United States-Child Soldiers Accountability Act of 2008:

Passed by the United States Congress and signed into law by President George W. Bush on 3 October 2008, the Child Soldiers Accountability Act allows the United States courts to prosecute those who recruit and use children in conflict. The Act makes it a crime to recruit or knowingly use children under the age of 15 and allows the US to prosecute offenders who are in the United States, even if the acts took place outside of the US and the perpetrator is not a US citizen. Fines and sentences of up to 20 years in prison for offenders, or life in prison if death of the child results from the recruitment, may be imposed. The Act also allows the United States to deport or deny entry to individuals who have recruited children. There is a 10 year limitation period for prosecution.[407]

As conflict itself evolves, children are used differently with each incarnation. For example, children are increasingly involved in urban and gang violence, such as those recruited in Haiti,[408] where some gangs are linked to politics and in Brazil, in urban gang warfare.[409] Conflict around the control of natural resources like oil, diamonds or coltan is a grey area, where both criminality and political motives play intersecting roles in fuelling conflict. Natural resources have diversified the role children play in armed conflict. Such conflicts frequently involve not only non-State actors and government forces, but other neighbouring states, criminal cartels and even private firms.[410]

In addition to forced recruitment in such conflicts, children are compelled to labour in mines and in other dangerous or exploitative activities, or be engaged in or affected by human and drug trafficking. The conflict is often fuelled by drugs or the arms trade

and it frequently takes on an internationalised character. It is increasingly difficult for the international community to solve or address this problem.

Exact numbers of children associated with armed groups and forces are not known, but it is known that there are tens of thousands of children actively participating in armed conflict.[411] For many reasons, it is difficult to ascertain the actual numbers. Armed forces or groups often deny the existence of children in their ranks, conceal their presence or use them in ancillary tasks, which are neither prominent, nor visible, to observers. Such groups often deny access to observers and human rights groups entirely or operate in inaccessible territories, rendering it impossible to track their use of children. Finally, many children are recruited for short periods, while others turn 18 while in the forces and become lost statistics.

The Coalition to Stop the Use of Child Soldiers' (the Coalition) Report for 2008 documented 21 countries or territories where children were deployed to areas of conflict between April 2004 and October 2007 (conflicts in two of these countries ended in 2005).[412] The Coalition also documented nine governments that used children in their armed forces in the same period, including Chad, the Democratic Republic of Congo, Israel, Myanmar, Somalia, Sudan and Southern Sudan, Uganda and Yemen. The United Kingdom deployed children under 18 to Iraq, but removed them shortly after deployment.[413]

The proliferation of small arms has also been a factor in children's engagement in violence. Children are easily taught to handle these light weapons, which are simple to use. After conflict has ended, the prevalence of such arms sustains a culture of violence to which children are exposed and in which children frequently participate. Some children formerly associated with fighting forces keep their weapons in order to survive economically, others for protection of themselves or their families.[414]

Children involved in hostilities suffer consequences to their physical, social and economic well-being. Children engaged with armed forces or groups are denied their basic rights to education, healthcare and development. They are further denied their right to family unity and protection from violence and abuse. When they are released or

escape from armed groups, they encounter enormous challenges to reintegrate into society. Children are sometimes supplied with drugs while in armed groups to make them fearless in battle, to which they rapidly become addicted. In Sierra Leone, armed groups fed children a mixture of gunpowder and cocaine.[415] Sometimes, children are given drugs before engaging in suicide or other attacks to erase their fear. Children are coerced or threatened into perpetrating atrocities on their communities and families, making reintegration a challenging process of forgiveness, acknowledgement, acceptance and negotiation to allow the child back into the community. In fact, many armed groups use this tactic (for instance, forcing the child to kill his best friend to prove his loyalty) to make it harder for the child to leave, as he or she feels like an outlaw who may now only be protected by his or her group. Children suffer trauma, nightmares and psychological damage from their experiences with armed groups. Treatment and services to address these impacts are seldom adequate. Lacking education or skills, and knowing only the gun, many children return to a life of banditry, violence or gang involvement. Girls face particular hardships, having often been raped and sometimes given birth to children. They are viewed as impure and unfit for marriage.[416] These hardships and trauma pose significant challenges to reintegration.

Philippines- Child Soldiers' Act of 2008:

In response to the estimated 2,000 children associated with armed groups in the Philippines,[417] a bill was introduced into the legislature to address the concern in December 2008. House Bill 554 asserts that the State shall treat these children as victims, rather than offenders, and provide them with support to be reintegrated into society. Within 24 hours of a child being rescued from an armed group or a child surrendering, the child must be turned over to the Department of Social Welfare and Development[418] for protective custody, care and evaluation and, within 48 hours, the child's parents or relatives must be notified. Medical, psychological and physical care is to be provided to the children. To promote reintegration, children formerly associated with armed groups or forces will be admitted to a scholarship programme. The draft legislation also provides for a task force to oversee the implementation of the law.

6.2 Laws and Norms

UN Department of Peacekeeping Operations and the Special Representative of the Secretary-General for Children in Armed Conflict:

Following the adoption of various Security Council Resolutions of Children and Armed Conflict, the UN Department of Peacekeeping Operations (DPKO) and the Special Representative of the Secretary-General for Children in Armed Conflict have begun to collaborate to increase awareness of children's issues among peacekeepers. This partnership has enabled the training of peacekeepers in child rights and child protection issues and allowed the deployment of child protection experts in peacekeeping missions, thus enabling better cooperation between civilian and military aspects of the UN missions. Some 60 child protection advisers have been deployed in seven peacekeeping and two political missions. Part of their role has been to implement the monitoring and reporting mechanism (MRM), which documents grave violations of children's rights.[419]

Concerning the Protection of Children from Recruitment and Use in Hostilities

Norms and legal standards pertaining to children engaged in armed conflict have undergone a steady evolution and momentum is growing to ensure ever more stringent restrictions and sanctioning of the use of children in armed conflict. In addition to international conventions, nations have ascribed to principles and commitments. While not legally binding like conventions, adopting these principles indicates the willingness and commitment of States to better protect children and adhere to the highest standards of protection.

Chapters 4 and 5 have already discussed the major legal developments, including Conventions, instruments, commitments and declarations by States, as well as jurisprudence that has evolved to protect children involved with armed groups or armed forces. Hence, the following provides a summary of the main instruments in international law. If the reader wishes for a deeper discussion of each, she or he should refer to the two Chapters directly preceding this one. Alternatively, Annex 4 reproduces the relevant articles listed below.

Additional Protocols to the Geneva Conventions (1977)

[See Annex 4 for full text of relevant articles on page 368]

The Additional Protocols to the Geneva Conventions marked the first time that the issue of recruitment and deployment of children was addressed in a binding international instrument. The document set an age limit of 15 years for the use of children in armed conflict. As of 25 November 2009, 194 States had ratified these Protocols [See Annex 2: Tables of Countries' Ratification of Instruments to view which countries have ratified this document].

UN Convention on the Rights of the Child (1989)

[See Annex 4 for full text of relevant articles on page 372]

The UN Convention on the Rights of the Child (CRC)[420] reaffirmed the standard set by the Additional Protocols, retaining 15 years as the minimum age for recruitment or participation in hostilities under Article 38. Article 39 asserts that States should take special measures to aid the recovery of children who have been victims of abuse, including recruitment in armed conflict.

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 (1997)

[See Annex 4 for full text of relevant articles on page 379]

Additional progress towards protecting children and a growing recognition that children fulfil roles other than that of combatant was established in 1997 with 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 (Cape Town Principles).[421] Most notably, the Cape Town Principles assert that the minimum age for recruitment is 18 years, and broadened the definition of children involved in armed conflict to include their roles as spies, porters, wives and messengers, among other functions.

Statute of the International Criminal Court (1998)

[See Annex 4 for full text of relevant articles on page 380]

In 1998, the Rome Statute of the International Criminal Court[422] defined the conscription or use of children under the age of 15 years as a war crime under the jurisdiction of the court. Article 8 of the Statute specifically prohibits conscripting or enlisting children under that age into national armed forces or using them to participate actively in hostilities. Interestingly, the Special Court in Sierra Leone has also ruled that the recruitment of children under the age of 15 is a war crime under customary international law.[423]

In addition, the Statute recognises that separate procedures are necessary to establish the criminal responsibility of children and special measures must be implemented to protect children as victims and witnesses during judicial proceedings. As of 25 November 2009, 110 States were party to this Statute, with 37 States having signed, but not yet ratified the instrument [See Annex 2: Tables of Countries' Ratification of Instruments to view which countries have ratified this document].

This issue has been prioritised by the United Nations General Assembly with the establishment of the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict for an initial period of three years, under resolution 51/77 of 12 December 1996. The Assembly has since extended this mandate four times, and most recently through resolution 63/241 of 13 March 2009.[424] Moreover, the UN Secretary-General recommended, in 1998,[425] that all UN Peacekeeping troops be at least 18, but preferably 21 years, due to the nature of their missions and the special maturity needed to successfully carry them out. This policy was to serve as an example for police and military forces worldwide to *"ensure that the UN benefit from experienced and mature uniformed personnel able to perform their duties according to the highest standards of the organisation"*. It was further recommended that civilian police and military observers be at least 25 years old.

ILO (International Labour Organization) Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour (1999)

[See Annex 4 for full text of relevant articles on page 382]

The ILO Convention 182[426] strengthened protection of children through its call for the prohibition and immediate action for the elimination of the worst forms of child labour, including the forced or compulsory recruitment of children under the age of 18 for use in armed conflict. Recommendation 190, which accompanies this Convention, requests that Member States make such recruitment practices a criminal offence. As of 25 November 2009, 171 States were party to this Convention [See Annex 2: Tables of Countries' Ratification of Instruments to view which countries have ratified this document].

Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000)

[See Annex 4 for full text of relevant articles on page 389]

This Optional Protocol asserts that State Parties must protect children from sexual exploitation, condemning the worst forms of child labour, similar to the ILO Convention 182.[427] There were 135 States party to this Protocol, as of 25 November 2009, with 27 that have yet to ratify it [See Annex 2: Tables of Countries' Ratification of Instruments to view which countries have ratified this document].

Optional Protocol to the UN Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000)

[See Annex 4 for full text of relevant articles on page 388]

The General Assembly adopted the Optional Protocol to the UN Convention on the Rights of the Child on the Involvement of Children in Armed Conflict,[428] which entered into force on 12 February 2002 This Protocol raised the minimum age for direct participation in hostilities to 18 years, prohibiting the compulsory recruitment of children under this age into national armed forces. It prohibits all recruitment of under 18s (whether forced or voluntary) by non-State armed groups and obliges States to criminalise such activities. The Optional Protocol does not

prohibit voluntary recruitment of children under the age of 18, but obliges States to raise the age of voluntary recruitment above 15 (the standard in the UN Convention on the Rights of the Child, Article 38(3)) and put in place appropriate safeguards to ensure that recruitment is voluntary and that proof of age has been sought and verified.

This instrument does contain a number of weaknesses that undermine the protection it seeks to provide. Article 1, which prohibits the deployment of children under the age of 18 to take a direct part in hostilities, only requires States to take *"all feasible measures"* to fulfil this obligation. The question of what is and is not 'feasible' in a particular context is likely to be controversial. This vague wording has allowed States to enter declarations interpreting the word 'feasible,' so as to weaken their obligation to ensure children are not deployed. The Committee on the Rights of the Child[429] is responsible for monitoring the implementation of the Optional Protocol through the examination of periodic State reports. There is no opportunity, however, for individual complaints to be heard or acted upon. The experience of the reporting mechanism to date has demonstrated that such an obligation does not guarantee full implementation or protection of children's rights.

As of 25 November 2009, 131 States were party to this Convention, with 27 that have yet to ratify it [See Annex 2: Tables of Countries' Ratification of Instruments to view which countries have ratified this document].

UN Security Council Resolutions

[See Annex 4 for full text of relevant articles]

In addition to court rulings, statutes, and international conventions, a number of United Nations Security Council resolutions have further strengthened the protection of children and worked towards ending their involvement in armed conflict.

UN Security Council resolution 1261(1999)[430] was the first resolution to formally establish that the protection of the rights and welfare of war-affected children was a peace and security concern. The resolution urged all Member States to intensify their efforts to end the recruitment and use of children as combatants, as well to facilitate the disarmament, demobilisation, rehabilitation and reintegration of children. In addition,

it urged warring parties to take special measures to protect children, especially girls, from rape and other forms of sexual violence.

UN Security Council resolution 1314 (2000)[431] emphasised the responsibility of all countries not to grant amnesty to those responsible for grave crimes against children. It also called for measures against the illicit trade in natural resources, such as diamonds, which contributes to the exploitation of children. Resolution 1314 called for increased efforts to release abducted children and emphasised the need to protect internally displaced persons and refugees. Increased regional and cross-border initiatives on children associated with armed forces or armed groups and the illicit traffic in small arms was recommended, as was the development of child protection policies and programmes, especially the strengthening of national capacities for child protection. The resolution also committed the inclusion of Child Protection Advisers[432] in peacekeeping operations.

UN Security Council resolution 1379 (2001)[433] called on the UN Secretary-General to create a list of parties that recruited or used children in violation of international obligations (the 'list of shame'). This resolution initiated further developments on monitoring and reporting violations of children's rights in armed conflict.[434]

UN Security Council resolution 1460 (2003)[435] called upon the States and armed groups named in the 'list of shame' to report on steps they have taken to halt the recruitment and use of children.[436] The UN Security Council expressed its intention to take appropriate steps to further address this issue, if it deemed that insufficient progress had been made by these warring parties. In this resolution, the UN Security Council urged Member States to take effective action to "control the illicit trade of small arms to parties in armed conflict that do not fully respect the relevant provisions of applicable international law".[437] The resolution also requested that the protection and rights of children be integrated into peace agreements and peace processes.

UN Security Council resolution 1539 (2004) is important because it is the first resolution to mention the possibility of using targeted measures against parties to armed conflict that refuse to stop their recruitment and use of children.

UN Security Council resolution 1612 (2005)[438] was a key advancement for the protection of children in armed conflict, as it established a

comprehensive monitoring and reporting mechanism (MRM) designed to improve the protection of children in armed conflict, notably through the collection and provision of "timely, objective, accurate and reliable information," so that the Security Council's capacity to take concrete responsive action to violations could be improved. Resolution 1612 required that the MRM focus on six grave violations against children in conflict:

- killing or maiming of children;
- recruiting or using children by armed forces or armed groups;
- attacks against schools or hospitals;
- rape or other sexual violence against children;
- abduction of children; and
- denial of humanitarian access for children.

A Security Council Working Group[439] was established to review the information submitted through the MRM and make concrete recommendations for action against parties that continue to violate children's security and rights. The Security Council reiterated its will to consider "targeted measures" against violators if there is no end or progress towards ending violations.[440] Task forces at the country level monitor the resolution.

In his eighth report to the Security Council on children and armed conflict in March 2009, the Secretary-General documented grave violations against children in 20 countries, including Afghanistan, Burundi, Central African Republic, Chad, Colombia, Côte d'Ivoire, the Democratic Republic of the Congo, Georgia, Haiti, Iraq, Lebanon, Myanmar, Nepal, Occupied Palestinian Territory/Israel, the Philippines, Somalia, Sri Lanka, Sudan, Thailand and Uganda.[441]

UN Security Council resolution 1882 (2009) builds on and strengthens previous resolutions. The Security Council:

> "strongly condemn[s] all violations of applicable international law involving the recruitment and use of children by parties to armed conflict as well as their re-recruitment, killing and maiming, rape and other sexual violence, abductions, attacks against schools or hospitals and denial of humanitarian access by parties to armed conflict and all other violations of international law committed against children in situations of armed conflict."[442]
>
> — *Security Council resolution 1882 (2009)*

This resolution recognises the importance of halting sexual violence against children, particularly girls, as well as killing and maiming of children under situations of armed conflict. Resolution 1882 therefore made these violations a criterion equal to recruiting or using children that allows for the listing of parties that commit this grave violation in the annexes of the Secretary-General's Report on Children and Armed Conflict. Another development in the area of accountability for crimes against children is that resolution 1882 requests more communication between the Working Group of the Security Council and the Sanctions Committees. This would greatly enhance individual responsibilities and the credibility of the threat of targeted measures.[443]

Other Developments

Paris Commitments and the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (2007)

The Paris Commitments and the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups[444] contain detailed guidelines to prevent recruitment of children, and to ensure that children already recruited receive assistance with DDR. They are designed to complement and support existing laws, resolutions and political mechanisms. Neither the Commitments nor the Guidelines are legally binding, but represent best practices that States commit to follow.

The Machel Report and the Machel Review

While not law, the landmark United Nations report "Impact of armed conflict on children" (1996), known as the Machel Report after its author, Graça Machel, is widely recognised and used as a foundation for programming and advocacy for children in armed conflict.[445] Ten years after the release of the first report, the Machel review analysed progress and noted challenges that continued to be faced by children in armed conflict.[446] Additionally, "*Will You Listen?*", a compilation of the views and recommendations of 1,700 children and young people in 92 countries was completed to accompany the report.

Responsibility of Child Combatants

While international law does not prohibit the prosecution of children, those who have committed crimes against humanity or war crimes while associated with armed groups are generally viewed as victims, rather than criminals. The Paris Principles and Principles and Guidelines on Children Associated with Armed Forces or Armed Groups do not rule out the prosecution of children, but emphasise that reintegration and rehabilitation of children should take precedence and that restorative justice mechanisms should be considered. The Principles state that: children, "should be considered primarily as victims of offences against international law" and that, "they must be treated in accordance with international law in a framework of restorative justice and social rehabilitation."[447] Both the UN Convention on the Rights of the Child and the Paris Principles encourage the prohibition of a capital sentence or imprisonment for life without relief for those who commit domestic or international crimes while under the age of 18.[448]

The Optional Protocol of the UN Convention on the Rights of the Child on the Involvement of Children in Armed Conflict offers special protection to children under 18 involved in armed conflicts and States that are party to the document are required to make available "all appropriate assistance for their physical and psychological recovery and their social reintegration."[449] Additionally, the UN Convention on the Rights of the Child places limitations on the sentences a child may receive and requires that States take into account the "desirability of promoting the child's reintegration and the child's assuming a constructive role in society" (article 40):

> "No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age."[450]
>
> *— UN Convention on the Rights of the Child, 1989*

In Sierra Leone, the Special Court has jurisdiction over persons over the age of 15. The Statute reads:

"Should any person who was at the time of the alleged commission of the crime between 15 and 18 years of age come before the Court, he or she shall be treated with dignity and a sense of worth, taking into account his or her young age and the desirability of promoting his or her rehabilitation, reintegration into and assumption of a constructive role in society, and in accordance with international human rights standards, in particular the rights of the child."[451]

— Statute of the Special Court for Sierra Leone, 2002

Nonetheless, David M. Crane, the former founding Chief Prosecutor for the UN Special Court for Sierra Leone between 2002 and 2005 has stated,

"Though mandated within the tribunal's statute to prosecute a child who committed a war crime between 15 and 18 years of age, I chose not to as I felt that no child had the mental capacity to commit mankind's most serious crimes. These truly were victims of cynical warlords, tyrants and thugs exploiting their childhood for their own personal criminal gain… Children found in these internal conflicts are as much the victims as the victims they abused. What needed to be done was to hold accountable the leadership that created the policy to recruit and enlist children as young as 6 years old into the various militia groups."[452]

– "The Scourge of Child Soldiers" Toronto Star

As of the date of writing, neither the Sierra Leone Special Court, nor any other of the currently operating international war crimes tribunals, has prosecuted anyone below the age of 18. The International Criminal Court (ICC) has precluded the prosecution of children and has adopted child- friendly procedures and measures to protect children that testify and act as witnesses. Yet, there are national governments that have charged children with war crimes in their courts and before military commissions. The United States, for example, has detained several children involved in armed activities at Guantanamo and charged two with war crimes. Omar Khadr, a Canadian citizen, was charged for an alleged attack on US soldiers in Afghanistan when he was age 15 and Mohammed Jawad, for a similar attack in Afghanistan when he was age 16 or 17. The charges against Jawad were later dropped and he was released.

It should be noted that there is the belief that children should still be held accountable for offences they may commit, but this accountability does not necessarily have to involve criminal prosecution. Instead, accountability can be upheld through truth and reconciliation commissions.

Jurisprudence regarding the Recruitment of Children

Recruiting children under the age of 15 is a war crime under the Rome Statute of the International Criminal Court. Important precedents have been set by special tribunals in holding those who use children in armed conflict accountable for their actions. The Special Court in Sierra Leone has ruled that the use or recruitment of children under 15 is a war crime under customary international law.[453]

The arrest and trials of major warlords has helped to end impunity for those who recruit and use children in armed conflict. The Special Court for Sierra Leone has convicted and sentenced Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu of the Armed Forces Revolutionary Council and Allieu Kondewa of the Civil Defence Forces militia for recruitment and use of children in armed conflict, among other crimes.[454]

High profile arrests resulting from International Criminal Court warrants have included Germain Katanga, the former leader of the Patriotic Resistance Force in Ituri (FRPI), and Thomas Lubanga Dyilo, leader and creator of the Union of Congolese Patriots in the Ituri area of the Democratic Republic of Congo, for using children under the age of 15 in hostilities.[455] Additionally, the International Criminal Court has issued arrest warrants for five members of the Lord's Resistance Army in Uganda. Among the charges in the warrants is the forcible enlistment and use of children under 15 in hostilities.[456]

As of 20 November 2009, Charles Taylor, the former leader of Liberia, was, and still is, being tried in The Hague by the Special Court for Sierra Leone. His charges of war crimes and crimes against humanity include conscripting or enlisting children into armed groups and using them in hostilities.[457]

Actions such as the Secretary-General's annual listing of violators, as requested under Security Council resolution 1379 and further strengthened by resolution 1882, which notes not only States and non-State actors

that recruit children, but also those who kill and maim children or rape and perpetrate other sexual violence against children, are important steps towards ending impunity and sending the message that the use of children in armed conflict is documented and considered by the Security Council.[458]

Although progress has been made, the use of children in armed conflict by armed forces and armed groups remains a grave concern. For the tens of thousands of children enslaved and denied their rights, more monitoring, more sanctions, and more prosecution is needed. For those children who will be caught in conflict in the future, more preventive actions are needed to protect them from falling prey to armed forces and groups. The Machel Plus 10 Review, released in 2009 (following on the ground-breaking report of Graça Machel discussed in earlier Chapters), analyses the progress and challenges in the decade following the original report. Some 40 United Nations agencies, nongovernmental organisations and academic institutions, along with children from nearly 100 countries, contributed to this report, which provides guidance and advocacy on what can be done.[459]

Other Standards of Child Protection

The United Nations has developed standards and Codes of Conduct for UN peacekeepers to prevent sexual exploitation and abuse of children and women,[460] as was discussed in the previous Chapter. Since 2005, training on preventing sexual exploitation and abuse has been mandatory for all personnel upon arrival in a UN peacekeeping mission in order to enable them to better understand and protect children and women. The UN standards establish a Sexual Exploitation and Abuse Victim Assistance Mechanism (SEA/VAM) in every country in which the UN operates.

Regional Developments

In addition to international developments, several regional bodies have taken steps for the prevention of recruitment and protection of children.

African Charter on the Rights and Welfare of the Child (1990)

[See Annex 4 for full text of relevant articles on page 376]

The 1990 African Charter on the Rights and Welfare of the Child,[461] which defines children as all those under 18,[462] obliges States to "take all

necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular, from recruiting any child."[463] Unlike the UN Convention on the Rights of the Child and the Optional Protocols, the recruitment of children under 18 for any purpose is strictly prohibited and the Charter does not allow children under 18 to be voluntarily recruited. Furthermore, in 1999, an African conference held to discuss the issue of children associated with armed forces or armed groups adopted the Maputo Declaration on the Use of Children as Soldiers. This declaration called for the end to the recruitment and use of children under 18 years.[464]

Organization of American States' Resolution on Children and Armed Conflict (2000)

[See Annex 4 for full text of relevant articles on page 391]

The Organization of American States Resolution on Children and Armed Conflict, adopted in 2000,[465] also urged its Member States to respect international law regarding children associated with armed forces or armed groups, especially the Optional Protocol on the Involvement of Children in Armed Conflict and ILO Convention 182, described in Chapter 4.

European Union Guidelines on Children and Armed Conflict (2003, revised 2008)

[See Annex 4 for full text of relevant articles on page 396]

The Council of Europe has also expressed its concern about the recruitment of children into armed forces and the treatment of children by national forces. The European Union (EU) Guidelines on Children and Armed Conflict[466] highlight the problems of children and armed conflict and undertake to promote respect for the rights of these children in non-EU countries. In these Guidelines, the EU undertakes to address the short, medium and long term impact of armed conflict on children. These guidelines also encourage to put an end to the recruitment of children into armies and armed groups. The European Union drew up these Guidelines with the UN Special Representative for Children and Armed Conflict, the United Nations Children's Fund (UNICEF) and specialised nongovernmental organisations.

International Law on the Rehabilitation of Children Associated with Armed Forces or Armed Groups

The need to rehabilitate children has only recently been recognised in international law. While the UN Convention on the Rights of the Child obliged States to promote the physical and psychological recovery and social reintegration of any child victim of armed conflict,[467] the Optional Protocol to the UN Convention on the Rights of the Child on the Involvement of Children in Armed Conflict includes a more specific obligation on States to demobilise, rehabilitate and reintegrate children who have been recruited or used in hostilities.[468]

In February 2000, the Secretary-General submitted a report entitled, The Role of the United Nations Peacekeeping in Disarmament, Demobilization and Reintegration, which stated *"[w]here relevant, the role of children in armed conflict should be acknowledged from the onset of peace negotiations and children's rights should be identified as an explicit priority in… disarmament, demobilization and reintegration plans."*[469]

Whether or not Disarmament, Demobilisation and Reintegration (DDR) programmes take into account the medium and long term needs of adult combatants, the purpose of DDR for children entails a different perspective. Indeed, when it comes to the fate of children associated with fighting forces, DDR processes are aimed at redressing abuses and restoring rights with long-term reintegration priorities. This position is embedded in several international standards that have repeatedly forbidden the use of children as soldiers in armed conflict. The reintegration of children affected by armed conflict constitutes a humanitarian priority, an obligation to assist those that are among the most vulnerable in society, notwithstanding the rationale behind the demilitarisation of adult combatants. The fundamental difference between adult and children DDR programmes is therefore that the disarmament, demobilisation and reintegration of child soldiers are a right issue as opposed to a security issue.[470] While the bulk of DDR work takes place nearing the end of a conflict, the report recognised the need for targeted and tailored assistance to ex-combatants under 18 to prevent re-recruitment (where the child is recruited again after being returned to civilian life).

Using **Security Council resolution 1261**, the Security Council has repeatedly called upon Member States and international organisations to

ensure that children formerly associated with armed forces or armed groups are involved in all disarmament, demobilisation and reintegration processes, which should be of sufficient duration to ensure successful reintegration. The resolution also highlighted the importance of taking into account the specific needs of girls.[471]

Integrated Disarmament, Demobilisation and Reintegration Standards (IDDRS) (2006)

In 2006, the release of the Integrated Disarmament, Demobilisation and Reintegration Standards (IDDRS) provided a comprehensive set of policies, guidelines and procedures, covering 24 areas of DDR. They represent a compilation of best practices from UN agencies, departments and programmes involved in DDR.[472] These standards were drafted when six UN agencies, departments, funds and programmes came together in 2004 to unify their approach. Following workshop discussions and extensive consultations with country-level practitioners from the UN, Member States, regional organisations, nongovernmental organisations and the World Bank, the IDDRS were further developed and a second draft was tested in 2005. The standards also address cross-cutting issues, such as women, gender and DDR,[473] and HIV/AIDs and DDR.[474]

The three main objectives of the IDDRS are to give DDR practitioners the opportunity to make informed decisions based on a clear, flexible and in-depth body of guidance across the range of DDR activities; to serve as a common foundation for the commencement of integrated operational planning at Headquarters and at the country level; and to function as a resource for the training of DDR specialists.

The Inter-Agency Working Group on DDR, which was formally established by the Executive Committee on Peace and Security in March 2005, with a mandate to improve the UN performance in DDR, now counts 15 UN departments, agencies, funds and programmes as its members. This first edition of the IDDRS has been jointly developed and approved by all 15 Working Group members.

Finally, the International Network for Education in Emergencies (INEE) has a good practice guide for children at risk in emergencies (INEE Good Practice Guide: Inclusive Education of Children At Risk – Gender Equality/Education of Girls and Women).[475] It urges

special consideration for the integration of children involved in armed conflict and emphasises the need to make education a viable alternative to military service. The INEE suggests six strategies to address the needs of children associated with armed conflict, including:

- preventing schools from becoming places of recruitment or abduction;
- identifying and coordinating education programmes for children formerly associated with armed groups and forces;
- conducting and participating in needs assessments of children formerly associated with armed groups and forces;
- developing plans for these children to reintegrate in schools;
- designing or supporting programmes created through participatory assessment; and
- evaluating and monitoring all programmes designed to assist children formerly associated with armed groups and forces.[476]

Philippines – Rebel Group signs Action Plan to End the Use and Recruitment of Children:

The Moro Islamic Liberation Front (MILF) of the Philippines agreed to an action plan to end the use and recruitment of children in July 2009. Not only does the plan set timelines and concrete steps to release children and prevent their use, it allows monitoring of activities to ensure compliance with the plan and provides for children to be reintegrated into civilian life. The action plan was developed by the MILF, in cooperation with the UN Country Team. It is significant that a rebel group took active steps to end the use of children amongst their ranks and to prevent further recruitment of children.[477]

Key points about children associated with armed forces or armed groups:

- International law recognises the diverse and complex experiences of children associated with armed forces or groups. The Paris Principles (2007) define such a child as, "[a]ny person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in hostilities".
- Children associated with armed groups and forces are always exploited, whether through labour or sexual abuse. Their fundamental rights are denied through participation in the activities of armed groups and forces. The Statute of the International Criminal Court (1998) acknowledges this violation by making the conscription or use of children under the age of 15 a war crime under its jurisdiction.
- In principle, children are protected from recruitment and use in hostilities through a framework of international and regional conventions and guidelines, national laws, customary law and UN Security Council resolutions. Important among these is the Optional Protocol to the United Nations Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000), which raised the minimum age for direct participation in hostilities to 18 years and requires States to criminalise all recruitment of children under age 18 by non-State armed groups.
- Children do not enjoy their rights and protections to the extent they ought to in armed conflict situations, whether associated with armed groups and forces or not. Several United Nations Security Council resolutions, including 1261, 1314, 1379, 1460, 1539, 1612 and 1882, emphasise the importance of protecting children from recruitment and use by armed groups, 'name and shame' the perpetrators, introduce special measures to protect girls from rape and other forms of sexual violence, call for countries to end impunity for the perpetrators of these crimes, establish and Monitoring and Reporting Mechanisms that are 'actionable' and create Child Protection Adviser positions within peacekeeping operations.
- These children require special consideration and treatment that recognises their unique and varied experiences when they are being disarmed, demobilised and reintegrated into their communities. Both the Cape Town and the Paris Principles provide guidelines for best practices in this area. The 1998 Statute of the International Criminal Court provides special measures to establish the criminal responsibility of children and to protect them as victims and witnesses during judicial proceedings.

6.3 Further Information

Key Actors

Child Rights Information Network (CRIN)
East Studio
2, Pontypool Place
London, SE1 8QF
United Kingdom
Tel.: +44 20 7401 2257
Website: http://www.crin.org/

Child Soldiers Initiative
Search for Common Ground
1601 Connecticut Ave., NW, Suite 200
Washington, DC 20009
United States
Tel.: +1 202 777 2249
Email: hseignior@sfcg.org
Website: http://www.childsoldiersinitiative.org/

Coalition to Stop the Use of Child Soldiers
9 Marshalsea Road, 4th Floor
London, SE1 1EP
United Kingdom
Tel.: +44 20 7367 4110/4129
Email: info@child-soldiers.org
Website: http://www.child-soldiers.org/home

International Bureau for Children's Rights
2715, Chemin de la Côte-Sainte-Catherine
Montréal (Québec)
Canada H3T1B6
Tel.: +1 514 932 7656
Fax: +1 514 932 9453
E-mail: info@ibcr.org
Website: http://www.ibcr.org/eng/

Office of the Special Representative of the Secretary-General for Children and Armed Conflict
United Nations S-3161
New York, NY 10017
United States
Tel.: +1 212 963 3178
Fax: +1 212 963 0807
Website: http://www.un.org/children/conflict/english/index.html

The Children and Armed Conflict Unit
The Children's Legal Centre
University of Essex
Wivenhoe Park
Colchester
Essex CO4 3SQ
United Kingdom
Tel.: + 44 1206 873 483
Fax: + 44 1206 874 026
Email: armedcon@essex.ac.uk
Website: http://www.essex.ac.uk/armedcon

United Nations Children's Fund (UNICEF)
UNICEF House
3 United Nations Plaza
New York 10017
United States
Tel.: +1 212 326 7000
Website: http://www.unicef.org/protection/index.html

Watchlist on Children and Armed Conflict
c/o Women's Refugee Commission
122 East 42nd Street, 12th Floor
New York, NY 10168-1289
United States
Tel.: +1 212 551 3111
Fax: +1 212 551 3180
Email: watchlist@watchlist.org
Website: http://www.watchlist.org

Education, Research and Training

EDUCATION

European Group on Training, Stadtschlaining, Austria
Specialisation course on child protection, monitoring and rehabilitation
http://www.europeangroupontraining.eu/docs/5%20SC%20Child%20Protection.pdf

International Civilian Peace Keeping and Peace Building Training Programme, Stadtschlaining, Austria
Specialisation course on "Child Protection, Monitoring and Rehabilitation" to prepare experts who would like to become involved in monitoring, advisory, and executive functions related to children in crisis areas.
http://www.aspr.ac.at/crisis_missions/ipt/ipt_specialisation_courses.htm#ChildProtection

International Civilian Peace Keeping and Peace Building Training Programme, Stadtschlaining, Austria
UN-IPT SC Child Protection, Monitoring and Rehabilitation specialisation course for experts who are already involved or would like to become specifically engaged in child protection, monitoring and rehabilitation in the framework of UN field missions.
http://www.aspr.ac.at/crisis_missions/ipt/ipt_specialisation_courses.htm#UNChild%20Protection

University for Peace, San José, Costa Rica
Academic programme that offers master's programmes, as well as training and specialisation courses that focus on the fundamental causes of conflict through a multidisciplinary, multicultural-oriented approach.
http://www.upeace.org/

RESEARCH

Coalition to Stop the Use of Child Soldiers
Bibliography on the disarmament, demobilisation and reintegration (DDR) of child soldiers
http://www.child-soldiers.org/childsoldiers/Final_June_2009_DDR_Bibliography.pdf

Coalition to Stop the Use of Child Soldiers
Global Report on legislation and practice related to the recruitment and use of child soldiers in over 190 countries worldwide.
http://www.childsoldiersglobalreport.org

1996 Graça Machel report: Impact of Armed Conflicts on Children
UN mandated report on the impact of armed conflict on children.
http://www.unicef.org/graca/a51-306_en.pdf

2009 Machel Study 10-Year Strategic Review – Children and Conflict in a Changing World
Review of the 1996 Graça Machel report.
http://www.unicef.org/publications/files/Machel_Study_10_Year_Strategic_Review_EN_030909.pdf

NGO Group for the Convention on the Rights of the Child
Network of 80 international and national non-governmental organisations which work together to facilitate the implementation of the United Nations Convention on the Rights of the Child.
http://www.childrightsnet.org/

Reports by the Office of the Special Representative of the Secretary-General for Children and Armed Conflict to the General Assembly of the UN, the Security Council, the Human Rights Council and the UN Economic and Social Council (ECOSOC)
http://www.un.org/children/conflict/english/reports.html

Security Council Working Group on Children and Armed Conflicts
Working group that reviews the reports of the monitoring and reporting mechanism and reviews progress in the development and implementation of action plans.
http://www.un.org/children/conflict/english/securitycouncilwgroupdoc.html

United Nations Children's Fund (UNICEF)
Links to useful websites on the Convention of the Rights of the Child
http://www.unicef.org/crc

United Nations Children's Fund (UNICEF)
Small arms and children
http://www.unicef.org/emerg/index_smallarms.html

United Nations Committee on the Rights of the Child
Country reports and the Committee's recommendations
http://www2.ohchr.org/english/bodies/crc/sessions.htm

United Nations High Commissioner for Refugees (UNHCR)
Lesson plan for ages 12 to14 in Civic Education: Child Soldiers
http://www.unhcr.org/469dc0e82.html

United Nations Resolutions by the General Assembly and Security Council on Children and Armed Conflict
http://www.un.org/children/conflict/english/resolutions.html
http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.3477117/k.D52F/Children_and_Armed_Conflictbr_Historical_Chronology.htm

United Nations Statements
http://www.un.org/children/conflict/english/statements.html

Events

http://www.armedgroups.org/the-armed-groups-project/events
http://www.child-soldiers.org/sub/calendar/calendar
http://www.crin.org/resources/events/
http://www.redhandday.org/

7. Refugees and Internally Displaced Children

What children had to say (Source: Children as Peacebuilders)[478]

"One thing that is so important is the spirit of connection. So it doesn't matter if you are a Ugandan or from another country, it is seen the same – there are no boundaries – and this is very, very important for people to understand, it is the basis for human rights. It creates a sense of responsibility to protect other people and also to protect yourself."

— Youth from Northern Uganda

This chapter looks at the situation and rights of children and their families who have been forced to leave their homes because of conflict, insecurity and violence. It provides information about refugee children and young people who cross borders into another country, as well as internally displaced people, who flee within their own country. The first section furnishes an overview of the situation of refugee and displaced children, highlighting the ways in which rights to health and education may be violated, as well as child protection concerns. It also examines the key international organisations working to respond to these challenges. The second section contains summarised information on international laws and norms that exist to protect refugee and internally displaced children and their families. It examines laws that apply to all refugees and internally displaced people, as well as those that are specific to children. The final section lists sources for further information, including contact details for key organisations and further training opportunities.

7.1 Describing the Issue

Millions of children and their families have been forcibly displaced from their homes due to war, political instability, insecurity, human rights violations, environmental degradation and natural disaster. A refugee is

a person who flees across an international border, while an internally displaced person is forced from his or her community, but remains in the country of origin. In order to obtain formal refugee status, a person has to satisfy criteria laid out in applicable domestic, regional and international law (see below). While this status is in the process of being determined, the person is called an asylum seeker.

Key definitions:
According to the international legal definition provided by the Convention relating to the Status of Refugees, a **refugee** is a person who:

- Leaves his or her home country;
- Does so because of a well-founded fear of persecution; and,
- Is persecuted because of his/her race, religion, nationality, political opinion or membership of a particular social group.

An **asylum seeker** is a person who has applied for refugee status in a foreign country. He or she is still waiting for a decision to be made on the application.

The United Nations has come up with guidelines for defining an **internally displaced person** as someone who:

- Leaves his or her home, but remains in the home country; and
- He or she is forced to leave because of armed conflict, generalised violence, human rights violations, natural disasters or man-made disasters.

A **stateless person** does not have citizenship in any country.

The Office of the United Nations High Commissioner for Refugees (UNHCR), the main international organisation responsible for refugees and internally displaced people, estimates that, in 2008, there were 15.2 million refugees and 26 million internally displaced people globally.[479] Of this total population, children under the age of 18 make up 44% of refugees and 43% of IDPs.[480]

In situations where large numbers of people flee at the same time, UNHCR and the host government will often establish together camps for refugees or the internally displaced. Because it is administratively more

efficient to provide assistance to people grouped together in these camps, governments may require refugees or internally displaced people to be registered and resident in a camp in order to access social services. In some countries, it is illegal for refugees to live outside of camps without special authorisation. Nevertheless, some refugees decide not to go to camps and settle instead in border areas or towns. These people are called 'self-settled' refugees. They often cannot access assistance or services, such as health-care and education. In many cases, self-settled refugees do not have identity documents and may be arrested and put in prison for being outside of refugee camps. In other cases, refugees live within local communities and are provided some identification documents and access to basic services. Even then, however, they often suffer from discrimination, restricted access to services and animosity from local communities who perceive their presence as draining already scarce existing resources.

Forced migration[481] may inhibit or prevent the realisation of children's rights, particularly in relation to education and health. Formal schooling is often disrupted when children leave their home communities. According to the Office of the United Nations High Commissioner for Refugees, at least one third of refugee children and young people under the age of 18 in camps were not attending school in 2005.[482] Refugee children may face language barriers and changes in curriculum in the host country. While primary education is technically free in most countries, fees for books, uniforms, school lunches and other necessary items may be prohibitive for refugee and displaced families in unstable economic situations. In addition, strict registration requirements, such as the possession of identification documents, can also be an impediment to children attending school. In many countries, secondary school is not provided for free. Under the UN Convention on the Rights of the Child, countries are only obliged to provide primary education to refugees. Similarly, UNHCR upholds international commitments to universal access to primary education and provides some funding for secondary schooling, vocational training and university scholarships.[483] Teachers are important role models for refugee and internally displaced children and can educate them about their rights. Yet, evaluations in some refugee contexts have also revealed that some teachers commit violence, including corporal punishment, sexual exploitation and forced labour against children.[484]

Tapping the Potential of Displaced Youth Initiative:

Young people between the ages of 10 and 24 make up over 30% of the global population displaced by conflict, but have few opportunities for meaningful participation in their communities.[485] Launched in 2008 by the Women's Refugee Commission and a Youth Advisory Group of 14 young people from different conflict-affected countries, the Tapping the Potential of Displaced Youth Initiative is a three year research and advocacy project. It aims to identify ways in which displaced children and young people's right to education can be fulfilled. It will also increase support for comprehensive job training programmes to help young people prepare for adult life during and after displacement.[486]

Infants, children and young people in critical stages of physical development may be adversely affected by forced migration. Where quality food is scarce, the nutritional needs of infants, children under the age of five and adolescents are frequently unmet.[487] Infants and young children are particularly vulnerable to diseases, such as cholera and malaria. A 2001 Multiple Indicator Cluster Survey conducted by UNICEF in Angola reported that 30% of all children affected by conflict die before reaching the age of five.[488] Preventable diseases are prevalent in densely populated refugee and internally displaced persons camps, where water, sanitation and health services are inadequate. Young people going through puberty in refugee and displacement contexts do not always have access to reproductive health information, services and supplies.[489] In addition, the psychosocial effects of forced migration may be detrimental to the cognitive, emotional and physical development of the child.

Due to the sudden circumstances of flight or the large numbers of people moving at the same time, a child may become temporarily or permanently separated from his or her parents. The Office of the United Nations High Commissioner for Refugees uses the term 'unaccompanied children' or 'unaccompanied minors' to designate people under the age of 18 "who are separated from both parents and are not being cared for by an adult who, by law or custom, is responsible to do so."[490] Other agencies prefer to use the broader category of 'separated children' to describe "those separated from both parents, or from their previous legal or customary primary care-giver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult

family members."[491] The term 'orphan' is often used to refer to children, whose parent or parents, caregivers or guardians have died.[492] Given the cultural variations in defining orphans, as well as the stigma attached to the word, UNICEF prefers the broader term 'children without parental care'. Moreover, 'orphan' implies availability for adoption, while the UNHCR policy indicates that refugee children in emergency contexts should not be adopted.[493] Instead, refugee and internally displaced children who are temporarily or permanently separated from their parents or guardians are placed in fostering situations or form child-headed households with siblings, cousins or peers.

Key terms:

- Unaccompanied children or minors – children who are without their parents or guardian.
- Separated children – children who are without their parents, but may be with other relatives.
- Orphans – children whose parents have died.

UNHCR has designated unaccompanied refugee children a particularly vulnerable group. The United Nations General Assembly has asked that unaccompanied children be given special assistance and care because they face particular risks, including:

- neglect;
- violence;
- forced military recruitment;
- sexual assault;
- abuse; and
- infectious diseases.[494]

In displacement contexts characterised by insecurity and shrinking family and social networks, children and young people face a number of protection challenges. Research indicates that there are strong linkages between displacement and recruitment into armed forces or groups.[495] Refugee and internally displaced children and young people are vulnerable to recruitment when displacement camps are militarised, targeted by groups abducting children for military purposes or sites of desperate

Refugee Law in South Africa:

South Africa is the largest recipient of individual refugee applications in the world, with one quarter of all applications globally.[496] In 2008, the South African government passed the Refugee Amendment Act, which improved upon the 1998 Refugee Act. In particular, it brought the definition of refugee applied in South Africa in line with the 1951 United Nations Refugee Convention.

Under current South African refugee law, specific provisions are made for children, including special asylum procedures and protection for unaccompanied children;[497] birth registration for children of refugees in the Republic of South Africa;[498] detention of children as a last resort, for the shortest possible time, and taking into consideration "the principle of family unity and the best interest of the child".[499]

socioeconomic conditions that make military life an attractive alternative. Once recruited, children associated with armed forces and groups move with their units, both within their home countries and across borders, resulting in further displacement.[500]

Sexual violence and exploitation is another child protection concern in forced migration contexts. Communal living arrangements, precarious security conditions and limited access to the legal system increase the likelihood of sexual harassment and violence. Because of unequal intergenerational power dynamics and their physical size, children and young people are particularly vulnerable to sexual violence.[501] While girls and young women are disproportionately affected by sexual harassment and violence in most contexts, boys and young men can also be harmed, although they tend to underreport abuse because of cultural norms of masculinity and machismo.[502] In fact, in some countries, male rape does not legally exist.[503] In migration contexts with limited resources and few employment opportunities, some children and young people engage in sex work or informally exchange sexual favours for goods and services.[504]

Children born in refugee and internally displaced contexts are not always formally registered. Birth registration is "the permanent and official record of a child's existence".[505] By providing proof of a person's name, age and identity, birth certificates are important child protection tools. Refugee and internally displaced children who lack this documentation become legally invisible. They are also "more vulnerable

to abuse and exploitation, such as trafficking, slavery, forced recruitment, early marriages, child labour and detention and prosecution as an adult".[506]

Children and their families, especially those waiting to be formally granted refugee status, are also frequently detained or deprived of their liberty and freedom of movement. Conditions in waiting centres may also be detrimental to a child's development when educational, healthcare and protection needs go unmet.

Trafficking is also a form of forced migration because the person is coerced in some way. Trafficking is defined as the recruitment and transportation of people by force or the threat of force for the purposes of exploitation.[507] International law recognises that unequal power relations may result in children being trafficked by trusted adults and therefore includes 'the abuse of power or of a position of vulnerability' as an element of coercion in the definition of trafficking.[508] While trafficking affects every country of the world, situations of poverty, conflict and displacement make some refugee and displaced children particularly vulnerable to trafficking.[509]

In some cases, children born in refugee contexts are stateless. A stateless person is someone who is not considered to be a citizen according to the law of any country.[510] Statelessness is often the result of laws in host countries that explicitly prevent children of refugees from gaining citizenship.[511] Refugee and internally displaced children can also be stateless if they are born in disputed territory. Stateless people can have more difficulty asserting their rights and cannot travel without the permission of the country of residence. This may make it impossible for refugee children to return to their parents' homeland.

In protracted refugee situations, children and young people are born and grow up outside their home countries. A protracted refugee situation is defined as a temporary refugee community in which a group of 25,000 people or more has lived for more than five years. According to this definition, these situations exist in over 22 countries[512] and account for over two thirds of refugees globally.[513] Living in refugee contexts for long periods of time has consequences for children's development and intergenerational relationships.[514] For example, refugee children may face discrimination because of their status as refugees, rather than citizens.

In order to respond to these protection concerns, a number of key international organisations work to establish and protect the rights of refugee and internally displaced persons. The **Office of the United Nations High Commissioner for Refugees (UNHCR)** is the principal United Nations agency working with refugees and internally displaced people. It was established by the United Nations General Assembly in 1951, under the United Nations Convention Relating to the Status of Refugees (discussed below). The General Assembly initially gave the agency a three year mandate to protect and resettle 1.2 million European refugees displaced during World War II. However, it has regularly renewed this mandate for five year periods up to the present. In 1967, a Protocol to the 1951 UN Refugee Convention extended the geographic mandate of UNHCR beyond Europe.[515] The agency's mandate has also increased from an exclusive focus on refugees, to a broader, more inclusive category of 'persons of concern'. Persons of concern include refugees, internally displaced people, stateless people and former refugees who have returned to their home country. In 2008, UNHCR provided protection or assistance to 24.9 million people around the world.[516]

The Statute of the UN High Commissioner for Refugees tasks the organisation with two areas of work in relation to refugees:

- to provide "international protection"; and
- to seek "permanent solutions for the problem of refugees".[517]

The international protection work of UNHCR is primarily concerned with the adoption and implementation of international law and norms to protect refugees. It also assists in the provision of three 'permanent solutions' to refugees. These are:

- voluntary repatriation to the refugee's country of origin when conditions are safe to do so;
- integration in the country of asylum; and
- resettlement to a third country.[518]

Resettlement refers to the transfer of refugees from the country where they initially sought protection to another country, known as the "resettlement country".[519] The United States resettles the most refugees

in the world, followed by Australia, Canada, Sweden, Norway and Finland.[520] In 2008, 65,548 refugees were transferred to 26 resettlement countries.[521] The three top source countries producing resettled refugees in 2008 were Iraq, Myanmar and Bhutan.[522] Resettlement is used only in special cases. UNHCR refers only 1% of refugees for resettlement.[523] Refugees with special protection needs are identified for resettlement. 'Women at risk', including refugee girls, children and adolescents, are among the categories of people given priority for resettlement.[524]

Immigration Law in Germany:

Germany hosts the largest number of asylum-seekers and refugees among industrialised countries.[525] The right of asylum is enshrined in the German Constitution as a fundamental right.[526] In 2005, a new immigration law came into force in Germany. The new law explicitly recognised as refugees people who are persecuted by non-State actors and seek asylum for gender-specific reasons, in line with other European countries' interpretation of the 1951 United Nations Refugee Convention.[527]

German immigration law contains a number of provisions relating to children, including special treatment for unaccompanied minors,[528] and right of residence for integrated children of foreigners whose deportation has been suspended.[529]

Once in the resettlement country, refugees often have to adapt to very different cultural and social contexts. They must also usually learn a new language. Children and young people who are enrolled in schools in the resettlement country have to learn in a different language. Because they often learn new languages more quickly than adults, children may be called on to act as interpreters for their parents and other adult relatives.

UNHCR is more restricted in its work with internally displaced people than with refugees. In 2008, for example, it assisted approximately two thirds of all refugees globally, compared with just over one half of internally displaced people.[530] Because internally displaced people remain within their own country, their governments feel that they have primary responsibility to deal with internal displacement. As discussed in the next section, there is also no existing international law that protects internally displaced people.

In order to provide assistance to internally displaced people, UNHCR requires:

- a request or authorisation from the General Assembly, Secretary-General or a competent principal organ of the UN;
- consent of the State concerned and, where applicable, other entities in a conflict;
- access to the affected population; and
- an adequate security environment for staff of UNHCR and other organisations in which to work.[531]

While children and young people have always made up a significant proportion of refugee and internally displaced populations, it was not until the 1990s that UNHCR developed specific policies and guidelines to address their special needs and rights. In 1993, UNHCR adopted its *Policy on Refugee Children*, in which the guiding principle is the best interests of the child.[532] In 1994, UNCHR published guidelines on the protection and care of refugee children. This document emphasises that the UN Convention on the Rights of the Child is the framework within which assistance and protection of refugee children should be provided.[533] In 2005, it identified five issues affecting refugee children that needed priority attention. These were:

- separation from families;
- sexual exploitation, violence and abuse;
- military recruitment;
- education; and
- specific concerns of adolescents.[534]

In 2007, the Executive Committee of the High Commissioner adopted a Conclusion on Children at Risk.[535] This provides operational guidance for UNHCR, countries and other agencies on the protection of children affected by displacement and statelessness. It is intended to help these organisations develop a comprehensive protection system for refugee and displaced children. The Conclusion on Children at Risk includes recommendations on best interests' determination, registration and status determination, integration and settlement and return. The document also includes recommended measures to address specific risk factors for separated and unaccompanied children, as well as gender

issues. While this declaration provides important guidance to UNHCR and other agencies working with refugee and displaced children, it has not transformed into a funded programme. As a result, implementation of these recommendations cannot be guaranteed.

In fact, despite the policies and guidelines aimed at mainstreaming children's rights into its policy, protection strategies and programming, UNHCR still has room for improvement in the protection of children's rights. An independent evaluation commissioned by the agency found that greater staff awareness and organisational change are still necessary to ensure comprehensive protection of refugee and displaced children. The first Global Analysis of the UNHCR Accountability Framework for Age, Gender and Diversity Mainstreaming found that only 41% of all respondents claimed that they were fully meeting the objective of enhancing the protection of children, including adolescents. The key constraints listed for not being able to perform better were lack of adequate staffing, lack of financial resourcing, sociocultural obstacles and lack of partner engagement.[536]

UNHCR does not have responsibility for Palestinian refugees, who are served under the mandate of the **United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).** Established in 1949 by United Nations General Assembly resolution 302(IV), following the 1948 Arab-Israeli conflict, its mandate has been repeatedly renewed to respond to the protracted situation of Palestinian refugees. The United Nations Relief and Works Agency for Palestine Refugees in the Near East is the main provider of education, health, relief and social services to 4.6 million registered Palestine refugees in the Middle East,[537] of whom approximately 40% are under the age of 18.[538] The Agency does not have an explicit policy on refugee children, but the UN Convention on the Rights of the Child is one of the international legal instruments that guide its work.[539] Education of refugee children is one of its main activities and it also has child-specific health initiatives.[540]

The **International Organisation for Migration** also has a mandate for managing forced migration.[541] Established in 1951, it is an intergovernmental organisation composed of 127 member countries. The International Organisation for Migration works with UNHCR and with its member governments to facilitate the resettlement of refugees to refugee-receiving countries. It does not have a specific policy for refugees.

Separated Children in Europe Programme:

In recent years, the number of separated children and young people arriving alone in Europe has increased. As highlighted in the international norms, guidelines and law discussed above, separated children require specialised protection and assistance during and after the refugee determination process; however, policymakers and practitioners are not always trained and equipped to provide this technical expertise.

A joint initiative between UNHCR and Save the Children, the Separated Children in Europe Programme was established in 1997 to respond to this situation. It promotes a greater recognition and realisation of separated children's rights in Europe through research, policy analysis and advocacy at national and regional levels. More specifically, the programme raises awareness, seeks to influence legislation and policy, develops skills and knowledge necessary for effective, rights-based work with separated children and promotes their meaningful participation in decisions and processes that affect them.[542]

Although UNHCR is beginning to work with internally displaced persons under the 'persons of concern' category, the main United Nations body responsible for internal displacement remains the Office of the **Representative of the Secretary-General on Internally Displaced Persons**. Established by the UN General Assembly in 1992, at the request of the Commission on Human Rights,[543] the Office of the Representative's mandate includes:

- engaging in advocacy for the protection and rights of internally displaced persons;
- dialoguing with governments, nongovernmental organisations and other actors;
- strengthening the international response to internal displacement; and
- mainstreaming the human rights of internally displaced persons into the UN system.[544]

The Office of the Representative is not an operational agency. Although the Representative conducts fact finding missions to countries of concern, with the permission of the host government, it does not implement programmes.[545] Instead, programming is undertaken by UNCHR. The Office of the Representative is focused on developing

guidelines, principles and standards to promote the rights of internally displaced persons. Its most significant work in this area has been the development of the *Guiding Principles on Internal Displacement* (1998), which contains several explicit references to children (discussed further below).

To support the work of the Office of the Representative, the Brookings-Bern Project on Internal Displacement was created.[546] It is jointly directed by the Representative and a senior fellow of the Brookings Institute, a nonprofit, public policy organisation. The Brookings-Bern Project works to "promote a more effective national, regional and international response" to internal displacement.[547] The Internal Displacement Monitoring Centre[548] is another initiative that promotes the rights of internally displaced persons. Established in 1998 by the Norwegian Refugee Council, it monitors internal displacement caused by conflict around the world. At the request of the United Nations, the Internal Displacement Monitoring Centre runs an on-line database to provide information on internal displacement in 50 countries.[549]

Many local and international nongovernmental organisations work with refugees and internally displaced persons. These include:

- The Women's Refugee Commission, which advocates for "laws, policies and programs to improve the lives and protect the rights of refugee and internally displaced women, children and young people, including those seeking asylum";[550]
- Refugees International, which advocates for "assistance and protection for displaced people and promotes solutions to displacement crises";[551] and
- The Norwegian Refugee Council, which provides "assistance, protection and durable solutions to refugees and internally displaced persons worldwide".[552]

7.2 Laws and Norms

This section explains the key international laws and norms that protect the rights of refugee and internally displaced children. Under international law, refugee children have clearly defined rights. In contrast, internally displaced children are covered under international human rights

laws; however, internally displaced children should continue to benefit from the same rights and freedoms as other citizens in their home country. Both refugee and internally displaced children should enjoy general rights, as outlined under the UN Convention on the Rights of the Child. Children's rights are also to be covered under the general rights for refugees and internally displaced people. In addition, there are specific rights detailed for refugee and displaced children because of the specific protection issues they face, as was discussed in the previous section.

Refugee Children

The rights of refugee children are clearly articulated in international law. While the term 'refugee' is often used generally to describe people fleeing armed conflict and insecurity, legal definitions are much more restrictive.

Convention relating to the Status of Refugees (1951)

[See Annex 4 for full text of relevant articles on page 366]

The 1951 Convention relating to the Status of Refugees (hereafter cited as the 1951 Refugee Convention) is the main international instrument governing who is to be considered a refugee, the rights flowing from this status and the legal obligations of receiving countries.

As of 13 November 2009, 144 States were party to this Convention.[553] The majority of countries that have neither signed, nor ratified, the Convention are in Asia [See Annex 2 for a listing of countries that have ratified this document]. Adopted in response to the mass displacement of people in Europe during World War II, the 1951 Refugee Convention was designed to address the rights of those people who became refugees due to events occurring before 1951. Recognising the continuing need to provide protection for refugees fleeing subsequent conflicts, the 1967 Protocol relating to the Status of Refugees removed this timeframe, enabling the Convention to be applied to anyone who fulfilled the relevant criteria, regardless of when he or she became a refugee.

The 1951 Refugee Convention defines a refugee as a person who:

- is outside of his or her home country;
- is unable or unwilling to have protection in that country, or to return there;

- can demonstrate that this inability or unwillingness is due to a well-founded fear of being persecuted; and
- can show that this fear of persecution is based on reasons of race, religion, nationality, membership of a particular social group or political group.[554]

This legal definition is restrictive and is applied on a case-by-case basis. It requires that claimants demonstrate that they specifically meet all of these conditions. Those who cannot prove this status may be returned to their home country; however, under the principle of *non-refoulement* in the 1951 Refugee Convention, people cannot be sent back to a situation where their lives or human rights are threatened.[555] Non-refoulement refers to situations of danger that people may face which are not resulting from discrimination, but rather from dangerous living conditions. People in this situation have an ambiguous legal status – they are not legally considered refugees, but they cannot be returned to their home country.

The individualist refugee definition in the 1951 Refugee Convention is thus impractical in responding to mass migration in contexts of generalised insecurity and conflict. In reaction, some regional instruments have been created to expand the definition.

Proposed Educational Reform in Thailand:

Thailand hosts large numbers of refugees from Myanmar (also known as Burma) – almost 50% of which are children[556] – in one of the most protracted refugee situations in the world.[557] Currently, the Thai government does not provide primary education for these refugee children, nor to stateless children who were born in Thailand to migrant parents.[558] The United Nations High Commissioner for Refugees and nongovernmental organisations have attempted to fill the void through various education projects, but the result is patchwork.

Thailand, like several Asian countries, is not a party to the 1951 Refugee Convention, nor its 1967 Protocol. However, under Article 28 of the UN Convention on the Rights of the Child, to which Thailand is a party, all children have the right to education on the basis of equal opportunity. The Thai Ministry of Education's proposed new education policy includes provisions for refugee, migrant and stateless children. If approved by its Cabinet, this will be a positive step towards realising the right to education for all children in Thailand.[559]

Convention Governing the Specific Aspects of the Refugee Problem in Africa (1969)

[See Annex 4 for full text of relevant articles on page 366]

The 1969 Convention Governing the Specific Aspects of the Refugee Problem in Africa extends the refugee definition to people experiencing generalised "aggression, occupation, foreign domination or events seriously disturbing public order".[560] This allows for large groups of people fleeing generalised insecurity to gain legal refugee status.

As of 25 November 2009, 45 States were party to this Convention and four States have signed it, but have yet to ratify it.[561] Given that there are only four African countries who have neither signed nor ratified the Convention, this Convention provides comprehensive legal status to most refugees fleeing conflict and insecurity in Africa [See Annex 2: Tables of Countries' Ratification of Instruments to view which countries have ratified this document].

Cartagena Declaration on Refugees (1984)

The 1984 Cartagena Declaration on Refugees also extends the refugee definition to Central America, Mexico and Panama. It recognises as refugees people, "who have fled their country because their lives, safety or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances, which have seriously disturbed the public order".[562] It was signed by all ten countries who participated in drafting the declaration. While the Cartagena Declaration is not legally binding, it is an important regional norm.[563] In 2004, to celebrate the twentieth anniversary of the Cartagena Declaration on Refugees, the governments of participating countries signed a plan of action to strengthen the protection of refugees in Latin America.[564]

None of these legal definitions of refugees distinguish between children and adults. In cases where children are accompanied by parents or guardians, the status of the latter determines the status of dependants. Where children are unaccompanied or separated from their families, their asylum claims are assessed in relation to general criteria under domestic, regional and international law.

One area of emerging legal distinction between children and adults relates to the exclusion clauses in international refugee law. A person who fulfils the legal criteria outlined above may be excluded from refugee status if they have committed a serious crime, such as a war crime or crime against humanity.[565] While exclusion clauses have been applied consistently in relation to adults, there is some ambiguity about whether they should be applicable to children and young people under the age of 18 who have committed serious crimes, as a consequence of their association with armed groups and armed forces. In most cases, under the legal principles of duress[566] or orders from a superior, children under the age of 18 have not been excluded from refugee status.[567] Nevertheless, in cases where young people are in their late teens or where they have held positions of authority, some people have advocated for their exclusion from refugee status.[568]

Regional and international refugee law not only defines who constitutes a refugee, but also outlines the rights and responsibilities accorded to those with refugee status. Refugee children and young people enjoy these general rights, as well as the following provisions specific to children and young people:

- Religious freedom: Article 4 of the 1951 Refugee Convention requires contracting states to provide refugees with the same treatment as nationals with respect to freedom of religious education; and
- Education: Article 22 of the 1951 Refugee Convention requires that contracting states grant refugees the same treatment as nationals with respect to primary education and the same treatment as aliens[569] with respect to all other levels of education.

Refugee children are also protected by **international humanitarian law**. In addition to general protections accorded to all aliens in the territory of a party to the conflict, Geneva Convention IV provides children under the age of 15 with the right to any preferential treatment granted to nationals of the State concerned.[570] Additional Protocol I to the Geneva Conventions also grants to those children who are evacuated to another country the right to continuing education, including reli-

gious and moral education [See Annex 2: Tables of Countries' Ratification of Instruments to view which countries have ratified this document].[571]

UN Convention on the Rights of the Child (1989)

[See Annex 4 for full text of relevant articles on page 372]

As mentioned before, all human rights are applicable to refugees and, as a result, all rights granted by the 1989 UN Convention on the Rights of the Child (CRC) apply to refugee children. In addition, the CRC provides specific rights for refugee children. Under Article 22 of the CRC, States are obliged to ensure that a child who is seeking refugee status or who is considered a refugee, whether accompanied or not by parents or a guardian, receives appropriate protection, humanitarian assistance and all guarantees enshrined in the CRC. This Article also commits States to cooperate with the UN and other organisations to facilitate family tracing and reunification[572] for unaccompanied children.

Other provisions in the CRC are applicable to all children, including refugee and displaced children. In particular, the 'best interests of the child' is a guiding principle that should be taken into account in all actions concerning children.[573] In recognition of the importance of this principle, the United Nations High Commissioner for Refugees has developed Guidelines on Determining the Best Interests of the Child.[574] This document provides guidance on how to apply the best interests principle to the specific circumstances of refugee children. 'Best interests determination' describes the formal process "to determine the child's best interests for particularly important decisions affecting the child".[575] The Guidelines are intended for United Nations High Commissioner for Refugees' staff and are not legally binding.

UNHCR Age, Gender and Diversity Mainstreaming (2004)[576]

The United Nations High Commissioner for Refugees (UNHCR) established the Age, Gender and Diversity Mainstreaming (AGDM) strategy to protect and empower vulnerable groups, including boys and girls. The strategy supports the meaningful participation of women, girls, boys and

men of all ages and backgrounds, using a rights and community-based approach in the design, implementation, monitoring and evaluation of UNHCR policies, programmes and operations.

The overarching goal of the Age, Gender and Diversity Mainstreaming strategy is to ensure gender equality and the enjoyment of rights, regardless of one's age, gender or background. The strategy involves the following:

- promoting a multifunctional team approach under the leadership of the head of every UNHCR office to bring together expertise and skills of all staff and partners to enhance their effectiveness in fulfilling UNHCR's mandate;
- undertaking regular participatory assessments with persons of concern to analyse their protection risks, concerns, priorities, capacities and proposed solutions and evaluating the outcomes in partnerships with them;
- putting persons of concern at the heart of the operational planning by ensuring that findings from participatory assessments are analysed from an AGDM perspective and that they form the basis of protection strategies and programming for solutions;
- identifying where targeted actions are required to address inequalities and support the empowerment and protection of discriminated groups, in particular women and girls at risk;
- mainstreaming age, gender and diversity analysis in all activities such as policy development, manuals and guidelines, capacity building and training, and in the design and delivery of programme assistance and sharing lessons learned; and
- holding staff accountable for mainstreaming and targeted action through an AGDM accountability framework.

Internally Displaced Children

Unlike refugees, internally displaced people do not benefit from binding international and regional legal instruments. Because internally displaced persons remain in their country of origin, they are legally entitled to the same rights, freedoms and protection as any other citizen of that country; however, their forced displacement is often indicative of the fact that their State is unable or unwilling to provide these rights and protection.

1998 Guiding Principles on Internal Displacement

[See Annex 4 for full text of relevant articles on page 379]

To address the lack of binding legal instruments to secure rights and protection, the Office of the Representative of the Secretary-General on Internally Displaced Persons developed the Guiding Principles on Internal Displacement (hereafter referred to as the Guiding Principles) in 1998. While the Guiding Principles "reflect and are consistent with international human rights and humanitarian law and analogous refugee law,"[577] they are not legally binding.

The Guiding Principles define internally displaced persons as:

> "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border."[578]

As with the definitions for refugees discussed above, the definition of internally displaced persons does not distinguish between adults and children.

The Guiding Principles set out a number of general principles that apply to all internally displaced persons, including children and young people. These include, among them:

- Internally displaced persons enjoy the same rights and freedoms as other people in the country;[579]
- National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons in their jurisdiction;[580] and
- Everyone has the right to be protected against arbitrary displacement.[581]

In addition, the Guiding Principles contain the following specific provisions relating to internally displaced children:

- "children, especially unaccompanied minors […] shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs";[582]

- children should be protected against forced labour;[583]
- "in no circumstances shall displaced children be recruited nor be required or permitted to take part in hostilities";[584]
- families separated by displacement should be reunited as soon as possible, "particularly when children are involved";[585] and
- authorities should provide to displaced children free and compulsory education at the primary level, which respects their "cultural identity, language and religion".[586]

2009 Report of the Special Representative of the Secretary-General for Children and Armed Conflict submitted to the General Assembly

"A priority area for advocacy and action should be the plight of internally displaced children, who face particular vulnerabilities in the context of fleeing from conflict, as they are exposed to acute danger in terms of their physical security. They are often at risk of separation from their families and are vulnerable to trafficking, as well as sexual and other forms of grave abuse, and they lack access to food, health services and education. The recruitment of children into armed groups continues to be a pressing issue for displaced families and communities. Children separated from their families during displacement are especially at risk of being recruited by armed groups. A protracted displacement situation, extended stays in camps, the proximity of camps to conflict zones and, in some cases, the infiltration of armed elements into settlements and their presence there places children at a heightened risk of recruitment. Some of the key remedial priorities include the creation of registration systems for separated and unaccompanied children and an emphasis on family tracing and reunification programmes. Special attention must also be given to the care and protection of children with critical medical conditions or disabilities. In addition, children formerly associated with armed groups should be granted legal protection and access to timely rehabilitation and reintegration programmes. In line with the Guiding Principles on Internal Displacement, the Special Representative has outlined fundamental rights and guarantees for internally displaced children. Programming around these basic elements should be made a priority and further enhanced."[587]

— Special Representative of the Secretary-General for Children and Armed Conflict
Report of the Special Representative of the Secretary-General for Children and Armed Conflict, 6 August 2009

Convention for the Protection and Assistance of Internally Displaced Persons in Africa (2009)

In October 2009, Heads of State of the African Union[588] adopted the Convention for the Protection and Assistance of Internally Displaced Persons in Africa, the first legally binding convention on internally displaced persons (IDPs).[589] At the end of 2008, Africa hosted 11.6 million IDPs, just under half of the world's total.[590] In addition to provisions pertaining to all IDPs, the Convention contains the following specific rights and protections for children:

- Armed groups are prohibited from "recruiting children or requiring or permitting them to take part in hostilities under any circumstances"[591] and engaging in "trafficking of persons, especially women and children";[592]
- Governments are required to protect children from recruitment and use in hostilities;[593]
- Governments are obliged to provide special protection for separated and unaccompanied children;[594] and
- Separated and unaccompanied children should have equal rights to identity documents issued in their own name.[595]

This convention must be ratified by fifteen African Union Member States before it enters into force and becomes legally binding.

Law on internal displacement in Colombia:

Due to ongoing internal armed conflict, Colombia has one of the highest internally displaced populations in the world. The Colombian government reports the existence of just under 3 million officially registered internally displaced persons,[596] while the Human Rights and Displacement Consortium[597] estimates that there are over 4 million internally displaced persons (some of whom have not officially registered) in the country.[598] These figures represent between six and 10% of the total Colombian population.[599]

To respond to this challenge, the Government of Colombia passed a law in 1997 to protect the rights of internally displaced persons. Known as Law 387, it is one of the most comprehensive and advanced pieces of domestic legislation on internally displaced people in the world.[600] The legislation contains specific references to children, including, provisions for a National Action Plan with an objective to provide special assistance to children, particularly orphans;[601] and social service programmes in health and education, with a specific focus on children.[602]

Landmark ruling by the Constitutional Court of Colombia on the 'unconstitutional' conditions faced by IDPs

In 2004, Colombia's Constitutional Court delivered judgement T-025/04, which concluded that the current state of assistance and protection of internally displaced persons in Colombia was 'unconstitutional' and summoned the State to promptly address the structural causes of the status quo.

After analysing the situation of children in a process which included public hearings, the court decided that the response of the government "had been fragmented and disorganised and revealed a glaring lack of coordination." The Court drew attention to the fact that displaced children were at risk of being victims of crime and forcible recruitment by illegal groups. It said they were also more vulnerable to the effects of landmines, sexual abuse and to the "social control strategies of illegal armed groups operating in large parts of the country."[603] The Court identified eight cross-cutting themes affecting displaced children and adolescents: vulnerability, hunger and malnutrition, health, education, psychosocial support, recreation, participation and organisation. The Court then ordered State ministries and other bodies to draft, within six months, a programme for attending to displaced children, with support from nongovernmental organisations and the international community.

Trafficking in Persons

The United Nations General Assembly adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, which entered into force in 2003.[604] As explicitly stated in the title of the Protocol, it identifies children as particularly vulnerable to trafficking. It provides for special attention to the "specific needs of children [who have been trafficked], including appropriate housing, education and care".[605] It also commits governments to child-sensitive training for officials involved in the prevention of trafficking.[606]

Key points about refugee and internally displaced children:

- Refugee and internally displaced children are at increased risk of family separation; sexual exploitation, violence and abuse; and recruitment by armed forces and armed groups. Moreover, displaced children are often denied education and unable to access health and social services. This can be especially traumatic for adolescents who are developing new concerns and needs. The United Nations High Commissioner for Refugees (UNHCR) has developed special policies and guidelines for the protection and care of refugee children, recognising their heightened vulnerability. The UNHCR has developed Guidelines on Determining the Best Interests of the Child to be applied to the specific circumstances of refugee children.
- The rights granted under the United Nations Convention on the Rights of the Child (1989) apply equally to refugee and internally displaced children. Additonally, States are obliged to cooperate with the United Nations and other organisations to facilitate family tracing and reunification for unaccompanied children.
- Neither the Convention relating to the Status of Refugees (1951), nor the United Nations Guiding Principles on Internal Displacement (1998) distinguish between adults and children, although the Principles offer specific provisions to protect children from exploitation and provide them with free education and services. While the Convention is binding, the Principles are not.
- Acknowledging that the African continent hosts nearly half of the world's total internally displaced persons, the African Union adopted the binding Convention for the Protection and Assistance of Internally Displaced Persons (2009). Specific rights and protections accorded to children include the prohibition of child recruitment and trafficking, special protection for separated and unaccompanied children and equal rights to identity documents for children without caregivers.

7.3 Further information

Key Actors

Brookings-Bern Project on Internal Displacement
Tel.: +1 202 797 6000
Website: http://www.brookings.edu/projects/idp.aspx

Child Rights Information Network (CRIN)
East Studio
2, Pontypool Place
London, SE1 8QF
United Kingdom
Tel.: +44 20 7401 2257
Website: http://www.crin.org/

Internal Displacement Monitoring Centre (IDMC)
Chemin de Balexert, 7-9
1219 Chatelaine Geneva
Switzerland
Tel.: +41 22 799 0700
Fax: +41 22 799 0701
Website: http://www.internal-displacement.org/

International Organization for Migration (IOM)
17, Route des Morillons
CH-1211 Geneva 19
Switzerland
Tel.: +41 22 717 9111
Fax: +41 22 798 6150
Email: hq@iom.int
Website: http://www.iom.int

Norwegian Refugee Council (NRC)
PO Box 6758 St. Olavs plass
0130 Oslo
Norway
Tel.: +47 23 10 9800
Fax: + 47 23 10 9801
Website: http://www.nrc.no/

Office of the United Nations High Commissioner for Refugees (UNHCR)
Documentation Centre:
United Nations Office in Geneva Library
Palais des Nations
Geneva
Switzerland
Tel.: + 41 22 917 4181
Email: library@unog.ch www.unog.ch/library
Website: http://www.unhcr.org/cgi-bin/texis/vtx/home and www.unog.ch/library

Refworld virtual documentation centre
Status Determination and Protection Information Section
Division of International Protection Services
UNHCR
Case Postale 2500
1211 Genève 2 Dépôt
Switzerland
Fax: +41 22 739 396
Email: refworld@unhcr.org
Website: http://www.unhcr.org/refworld/children.html

United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)
Headquarters Gaza:
Gamal Abdul Nasser Street
Gaza City
Tel.: + 972 8 288 7333 or + 970 8 288 7333
Fax: + 972 8 288 7555 or + 970 8 288 7555
Headquarters Amman:
Bayader Wadi Seer
PO Box 140157
Amman 11814
Jordan
Tel.: + 962 6 580 8100
Fax: + 962 6 580 8335
Website: http://www.un.org/unrwa/

Women's Refugee Commission
122 East 42nd Street
New York, NY 10168-1289
United States
Tel.: +1 212 551 3115
Website: http://www.womensrefugeecommission.org/

Education, Research and Training

EDUCATION

Master of Advanced Studies (MAS) in Children's Rights University of Fribourg – Institut Universitaire Kurt Bösch (IUKB), Switzerland
Part-time two year postgraduate programme intended for professionals who work with children's rights issues. It combines residential teaching and distance learning, requiring participants to attend four week long residential modules per year.
www.iukb.ch/mcr

Master of Arts (MA) Global Migration, School of Social Sciences, City University London, London, United Kingdom
A multidisciplinary, one year programme that provides students with a theoretical understanding of the background and responses to forced migration.
http://www.city.ac.uk/study/courses/social/global-migration-ma.html

Master of Arts (MA) Migration and Refugee Studies, American University, Cairo, Egypt
An interdisciplinary, two year programme that provides graduates with critical knowledge, research methods and analytical skills in migration and refugee studies.
http://www.aucegypt.edu/ResearchatAUC/rc/cmrs/diplprog/Pages/Home.aspx

Master of Arts (MA) Refugee Care, Centre for Psychoanalytical Studies, University of Essex, Essex, United Kingdom
One year programme that enables students to work directly with refugees and asylum seekers (as well as with other similar groups of clients) in a variety of different settings.
http://www.essex.ac.uk/centres/psycho/prospective/pg/ma_refugee_care.aspx

Master of Arts (MA) Refugee Studies, School of Humanities and Social Sciences, University of East London, United Kingdom
A multidisciplinary, one year programme exploring the causes of forced migration, the ethical and legal issues involved, the impact upon individuals and refugee communities and the implications for the wider society.
http://www.uel.ac.uk/hss/programmes/postgraduate/refugeestudies.htm

Master of Sciences (MSc) Forced Migration, Department of International Development, University of Oxford, United Kingdom
A multidisciplinary, one year programme examining forced migration resulting from conflict, repressive regimes, environmental change and development policies.
http://www.rsc.ox.ac.uk/

Master of Sciences (MSc) Humanitarian and Refugee Studies, University of Ibadan, Ibadan, Nigeria
18 month programme specially tailored to meet the professional needs of individuals, groups and agencies implicated in humanitarian work and refugee management in complex emergencies.
http://www.ui.edu.ng/

Refugee Council Training Courses, London, United Kingdom
One day courses specifically focused on refugee children and young people in the United Kingdom.
http://www.refugeecouncil.org.uk/eventsandtraining/training/service/fulldetails.htm

Reliefweb
Extensive list of training courses on refugees and internally displaced persons.
http://www.reliefweb.int/rw/rwt.nsf/doc209?OpenForm&query=3&cat=Refugees

Summer Course on Refugee and Forced Migration Issues, York University, Toronto, Canada
Eight days course for academics and practitioners on forced migration.
No explicit child rights component.
http://www.yorku.ca/crs/summer.htm

Summer School on Forced Migration, Oxford University, Oxford, United Kingdom
Three weeks course offering intensive, interdisciplinary and participative approach to the study of forced migration for practitioners and researchers. No explicit child rights component.
http://www.rsc.ox.ac.uk/index.html?teaching_summer

RESEARCH

United Nations Committee on the Rights of the Child
Country reports and the Committee's recommendations
http://www2.ohchr.org/english/bodies/crc/sessions.htm

United Nations Committee on the Rights of the Child
General Comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin
http://www.unhchr.ch/tbs/doc.nsf/(symbol)/CRC.GC.2005.6.En?OpenDocument

United Nations High Commissioner for Refugees
Global Report (published annually in June)
http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&query=global+report

EVENTS

Conferences

International Association for the Study of Forced Migration Conference
Annual event that takes place January/February.
http://www.iasfm.org/

Meetings

United Nations High Commissioner for Refugees Executive Committee Meeting
Annual event that takes place in late September/early October.

8. Sexual Violence Against Children

What children had to say (Source: UNICEF)[607]

"When I don't have a client [exploiter], I don't get any food and I cannot pay the rent."

— Félicienne, 16, who became involved in prostitution at the age of 14.

This section will address the uses and forms of sexual violence in the context of armed conflict. It will provide an overview of the issue and the effects that sexual violence has on children, their communities and peace and security, in general. The section will examine the legal definitions of sexual violence and the set of international norms that have been developed in response to increased recognition of the impact and incidence of sexual violence perpetrated against children in armed conflict.

8.1 Describing the Issue

Sexual violence is an umbrella term for a number of different acts, including, but not limited to, rape, sexual slavery, forced prostitution and sexual exploitation and abuse.[608] Sexual violence can be broadly defined as "any violence, physical or psychological, carried out through sexual means or by targeting sexuality".[609]

Sexual violence has long been recorded as a phenomenon associated with armed conflict. Historically, it was characterised mainly as a side effect of armed conflict.[610] This line of thinking used to define sexual violence as the impulsive act of individual combatants, framing sexual violence as one of the spoils of war. Since the 1990s, however, international legal and human rights institutions have increasingly recognised sexual violence as a deliberate strategy of armed conflict and as a threat to peace and security. Moreover, research demonstrates that the use of

sexual violence in armed conflict is neither accidental, nor inevitable.[611] Consequently, responses to armed conflicts in which sexual violence is endemic must consider why and how sexual violence is being used, by whom and against whom, and the immediate and long term impacts of its use.

Sexual violence occurs in peacetime, as well as in wartime. Armed conflicts create an environment in which sexual violence can become endemic because of the climate of impunity and the security vacuum that the conflict aggravates. Sexual violence can also serve distinct functions in situations of armed conflict and can be employed for distinct reasons. Sexual violence is a cheap and effective weapon of war. It requires no specialised skills. In many cases, the physical strength of the perpetrator or the threat of reprisal is sufficient.

Although sexual violence has been perpetrated against adults and children, men and women and civilians and combatants alike, these groups have not been targeted in equal numbers. Women and girls comprise the overwhelming majority of survivors of sexual violence. The perpetrators of sexual violence are disproportionately male.[612] The age of victims of sexual violence ranges from infants to the elderly and the extent to which girls and young women are targeted varies within different conflicts and settings. In the conflict in Darfur, for example, the United Nations estimates that 40% of the victims of sexual violence are under the age of 18.[613] During the conflict in Sierra Leone, an estimated 64,000 women and girls were raped and 25% of these victims were under the age of 13.[614]

In the ongoing conflict in the Democratic Republic of Congo, the reported incidence of sexual violence against girls under the age of 12 is rising.[615]

Sexual violence often produces feelings of shame and guilt in the victim. It may be accompanied by rejection and additional abuse from family and community members. It is, as a result, widely underreported. It is important, therefore, to preface any discussion about the special vulnerabilities of a particular group with the recognition that sexual violence has been perpetrated against people of all ages and has profound impacts on these people. That said, there are particular effects experienced by children and distinct consequences for girls and boys.

Democratic Republic of Congo:

Since 1993, the conflict in the Democratic Republic of Congo has resulted in over four million casualties, more than any armed conflict since World War II.[616] This conflict has been characterised as a "war on women and children" because of the epidemic levels of sexual violence and other atrocities committed against women and children.[617] In 2007, John Holmes, the United Nations Under-Secretary-General for Humanitarian Affairs, said "The sexual violence in Congo is the worst in the world. The sheer numbers, the wholesale brutality, the culture of impunity — it's appalling."[618] The report of the United Nations Special Rapporteur on Violence Against Women estimates that tens of thousands of women and children have been raped. Her report finds that 55% of all victims are aged between 10 and 17 years and 10% are under 10 years of age.[619]

The national Criminal Code of the Democratic Republic of Congo makes rape and other forms of sexual violence a criminal act. The 2006 Law On The Suppression Of Sexual Violence recognises the rape of boys, as well as that of girls. It also prohibits sexual slavery, forced prostitution and forced marriage.[620] Yet, the weak judicial system, the absence of rule of law in conflict-affected areas in the east of the country, and social beliefs regarding the acceptability of violence perpetrated against women and girls, all contribute to minimal or non-enforcement.[621]

— "North Kivu: No End to War on Women and Children", Amnesty International, 2008

Armed conflict weakens the structures that would otherwise protect children. Fragile or nonexistent governance institutions, the decimation of social and physical infrastructure and economic and physical insecurity, all contribute to the vulnerability of children in times of armed conflict. In these situations, family and community structures are essential to the support of children. Yet, sexual violence works to fragment precisely these structures. An unmarried girl who depends upon her family and community for food, shelter and basic protection from harm may be rejected by that same family and community, as a result of being victimised through sexual violence.

A significant motive in using sexual violence is to demonstrate the power of the perpetrator over the victim and his or her family and community. It is for this reason that acts of sexual violence are often carried out in public, in front of family members and in front of other combatants.[622] For example, in Bosnia, it was reported that "rapes were being committed in particularly sadistic ways to inflict maximum

humiliation on victims, their families, and on the whole community."[623] The vulnerability of the community to the perpetrators is effectively demonstrated, along with the implicit threat of further violence. In some cases, family members are forced to commit acts of sexual violence against one another. The implication of the public nature of these acts of sexual violence is that the bonds between family members and community members are disrupted or broken completely.[624] Early and forced marriages are also endemic in many conflict-affected countries, where girls are forced to marrying the commanders in order to get protection. As a consequence, they become stigmatised as 'bush wives'. It should be noted that the Committee against Torture finds that early marriages amount "to violence against [these girls] as well as inhuman or degrading treatment and thus is in breach of the Convention [against Torture]."[625]

Sexual violence seriously disrupts family and community bonds in societies where the status of girls is tied, among other things, to their sexual chastity or loyalty. In a society where property and status is passed from father to son, the sexual fidelity of girls becomes a guarantee of the legitimacy of heirs to property. The value of a girl to her community depends on her ability to provide legitimate (male) heirs. Her value to her family, prior to marriage, depends on proof of her chastity. Crimes of sexual violence are often focused on adolescent girls, who subsequently become alienated from their families and their communities because of their perceived loss of 'honour', or value, within the community. Conversely, masculine power is defined in terms of power over women and girls, including in terms of sexual access to women and girls. Consequently, sexual violence perpetrated against a girl demonstrates the 'weakness' of her male family and community members. Sexual violence perpetrated against boys is no less disruptive. Where masculine roles are defined in terms of strength and power over others, the display of control over a boy, exercised through sexual violence, undermines his status within his family and community.[626]

In conflicts that occur between ethnic groups, sexual violence may also be used to demonstrate, not only the power of one group over the other, but also to disrupt the perceived ethnic 'purity' of a community. This was an explicit tactic of Serb forces against Bosnians in the conflict

What children had to say (Source: Human Rights Watch)[627]

"I had gone to the fields to find potatoes. I was returning to the house. Then I saw soldiers coming towards me. They asked what I was doing in the fields. They said I could choose: give them food or become their wife. I said to take the food. They refused and took [raped] me, then they took the food anyway. They were two soldiers of the 14th brigade, with purple epaulettes and a solid colour uniform. When the rape happened, there had been fighting and insecurity. The 14th brigade had fought CNDP [National Congress for the Defence of the People] that same day."

— 18-year-old woman, Sake, North Kivu, March 2009 (17 years old at the time of the rape)

in the former Yugoslavia.[628] Not only were children and young people victims of systematic sexual violence, but girls and women were often raped repeatedly until they became pregnant, resulting in a generation of stigmatised children, rejected by their own communities.[629]

Sexual violence may also be used to cement internal group relations. It may be used to induct members of armed groups and forces into that group. Just as children associated with certain armed groups are often forced to commit other kinds of violence against their own families or communities, they can, in some cases, be forced to commit sexual violence. Young male conscripts may be forced to commit gang rapes, for example, in order to ensure that their ties to their home communities are shattered and to create a traumatic bond between the perpetrators.[630] Girls may be conscripted in order to serve as 'bush wives' to older male combatants. They can also be conscripted to serve in other domestic and logistical functions, but their alienation from their community and their obedience are often ensured through the use of sexual violence.

Sexual violence can be the cause of the displacement of populations. It can also be targeted at populations that are already displaced. Refugees and internally displaced persons are vulnerable to sexual violence, even when security forces or peacekeepers are present. Young girls who are separated from their families and adolescent girls who are heads of household are particularly vulnerable.

Peacekeepers are not always trained to prevent and respond to sexual violence, nor are they always sure of their mandate to do so. Women

and girls are often attacked when they leave the camp to gather food and fuel.[631] Peacekeepers, security forces and humanitarian aid workers have also been perpetrators of sexual violence and sexual exploitation and abuse.[632]

Perpetrators of sexual violence in armed conflict offer a number of other reasons for their actions. In recent studies of sexual violence in the Democratic Republic of Congo, perpetrators rationalise sexual violence as compensation for a lack of pay, as one of the 'spoils of war', and as a source of power and vitality that ensures victory in future combat.[633] The fear of HIV/AIDS and false notions that the rape of virgins can provide a cure are provided as reasons for raping young girls in particular.[634] There are also reports that combatants are well aware of the high level of impunity for crimes of sexual violence and are making a decision to engage in sexual violence, as opposed to other forms of violent combat, because they are less likely to be tried or jailed following any eventual peace negotiations.[635] This conclusion is supported by data, which show that very few perpetrators of sexual violence are ever prosecuted.[636]

V-Day Campaign: "Stop Raping Our Greatest Resource, Power to Women and Girls of DRC"

V-Day is an organisation founded by Eve Ensler, the author of the play, "The Vagina Monologues." The organisation is focused on ending violence against women and girls globally. Since publishing a widely read article on sexual violence in the Democratic Republic of Congo in 2007,[637] Ensler, V-Day, UNICEF and UN Action Against Sexual Violence in Conflict launched the campaign, "Stop Raping Our Greatest Resource, Power to Women and Girls of DRC." The campaign is aimed at raising international awareness of the widespread sexual violence committed against women and girls in eastern DRC, providing healthcare and psychosocial support for survivors and ending impunity for crimes of sexual violence.

Measuring the incidence of sexual violence in conflict poses a number of pragmatic and ethical difficulties. Efforts are underway to develop a uniform tool for collecting data on reported incidents of sexual violence in armed conflict. The International Rescue Committee, the United Nations High Commissioner for Refugees and the United Nations Population Fund have developed a Gender Based Violence

Information Management System, which will allow field personnel to collect data in a uniform manner.[638] The Gender Based Violence Information Management System will only collect information on incidents that have been reported to healthcare and humanitarian aid workers. It cannot measure the actual levels of sexual violence. The International Violence Against Women Survey has collected data that demonstrates that, in countries at peace, with strong, democratic legal and justice systems, an estimated 60 to 70% of crimes of sexual violence are never reported to authorities.[639] In conflict-affected settings, the United Nations Development Fund for Women (UNIFEM) estimates that only one in twenty crimes of sexual violence is reported. Among these reports, an even smaller number are reported to police or peacekeepers. Organisations working to assist survivors of sexual violence in Darfur, Rwanda, Sierra Leone and the Democratic Republic of Congo record extremely low levels of prosecution of the few cases that are reported to legal authorities.

The barriers to reporting sexual violence are extremely high and all the more so for children and youth. Firstly, not all victims of sexual violence survive and those who do may be more concerned with seeking immediate medical care than reporting the crime. Secondly, these crimes often cause feelings of shame and humiliation in the victim and their families or caregivers. There is strong resistance to making the crimes

Gender Based Violence Information Management System (GBV IMS):

The International Rescue Committee, the United Nations High Commissioner for Refugees, and the United Nations Population Fund have developed a Gender Based Violence Information Management System (GBV IMS), which will allow field personnel to collect data in a uniform manner in humanitarian settings. It provides an ethical method for the collection and analysis of data. The GBV IMS will allow service providers to share data and improve coordination. The GBV IMS has developed a classification system that identifies eight core incident types. The incident types are ranked and field personnel enter the incident into the highest ranking appropriate incident type. This precludes the same incident being recorded twice. The eight core incidence types are: "1. Female genital cutting/mutilation; 2. Rape; 3. Sexual assault; 4. Physical assault; 5. Forced marriage; 6. Denial of resources, opportunities & services; 7. Psychological/emotional abuse; and 8. Other GBV."[640]

known to authorities because this is perceived as increasing their shame and further alienating them from their families and communities. Thirdly, State and local police, legal advocates and judges often do not take these crimes seriously. Even where there is domestic legislation criminalising sexual violence, security sector actors may view the victim as the one who 'provoked' the crime or may simply not feel that the crime merits prosecution. Fourthly, members of State local security forces and peacekeepers are among perpetrators of sexual violence. Where this is the case, victims and their families will be extremely hesitant to access the same actors who perpetrated the crime in order to seek justice for that crime. Fifthly, even when sexual violence is reported, prosecution is rare. Survivors of sexual violence and their families are often encouraged to accept some form of payment as redress. In some countries, the law allows that a rapist can avoid prosecution by marrying the woman or girl he has raped. Moreover, victims, their families and those who accompany and advocate for survivors of sexual violence are often threatened with further violence if they report the incident. Finally, even when sexual violence is reported, prosecuted and a judgement is made against the perpetrator, sentences are often very minimal and may not be executed at all.

High levels of impunity for sexual violence affect both perpetrators and victims alike. As discussed earlier, perpetrators may be more likely to engage in sexual violence because the chance of serious reprisal, including prosecution by international courts or unfavourable terms in peace treaties, is low. Victims and their communities may interpret the level of impunity as a judgement that no serious crime was actually committed or that sexual violence is a legitimate form of behaviour. This, in turn, can lead to a rise in levels of sexual violence committed by civilians.

The short and long term effects of sexual violence on survivors are vast. Physical injuries sustained directly from sexual violence can include massive blood loss, severe internal injuries, such as vaginal fistula and uterine prolapse, and even death. Sexual violence may be accompanied by other forms of physical violence, including stabbing, burning, beating and shooting. For those that survive the initial physical trauma of sexual violence, long term health effects can include pregnancy, infertility, HIV/AIDS, other sexually transmitted infections and complications

Afghanistan:

Afghanistan has suffered from decades of armed conflict. The ongoing armed conflict, high levels of poverty, low levels of education, and shattered health, social and physical infrastructures all contribute to the vulnerability of Afghan children to sexual violence. Both during and after the period of Taliban governance, the majority of sexual violence in Afghanistan was committed by family or community members and occurred in private.[641] An investigation conducted by the United Nations Mission in Afghanistan found that "the majority of rape cases that have been reported involve young girls (as young as three years old) or females, aged between 7 and 30, with a fair number of cases affecting females between 10 and 20 years of age."[642] Although girls comprise the majority of victims of sexual violence, it is also committed against boys.[643] The Special Rapporteur on Violence Against Women further identifies the practice of child marriage as endemic.[644]

There is no specific provision for the criminalisation of rape under the Afghan national Criminal Code. Afghan law does recognise the crime of 'Zina', which includes adultery, pederasty (adult males sexually exploiting boys), and violation of 'honour'.'[645] Zina does not recognise rape within marriage. Moreover, the new Shi'a Personal Status Law requires a wife "to obey her husband in sexual matters" and implicitly condones marriage and sexual relations with minors.[646]

Another form of sexual violence in Afghanistan is named *bacha bazi*, a traditional practice whereby wealthy men buy young boys who are dressed as women and forced to perform sex acts on their master or his guests. It has been considered a form of modern day slavery. Although *Bacha bazi* is illegal in Afghanistan, the practice continues to thrive.[647]

resulting from fistula, such as infections and incontinence. Internal injuries may be more acute in the case of young children, as are the consequences of pregnancy for young adolescent girls. According to the United Nations Population Fund, "complications of pregnancy or child-bearing represent the leading cause of mortality for girls aged 15-19 in developing countries."[648] The younger girls are, the greater the risk posed by pregnancy. "Girls aged 15-20 are twice as likely to die in childbirth as those in their twenties. Girls under the age of 15 are five times as likely to die."[649]

In conflict-affected areas, the whole healthcare system may be destroyed, targeted, inaccessible or unaffordable and the delivery of medical assistance might be impeded. Travel to clinics, where they exist and where they have the capacity to provide care, can be insecure and

may result in further attacks on the survivor. Furthermore, survivors may not wish to be seen by others to be accessing medical clinics and health services that are known publicly to treat victims of sexual violence and HIV/AIDS or offer reproductive health services. As a result, the physical manifestations of sexual violence may go untreated, leading to lifelong disability or death.

The psychosocial effects of sexual violence on victims who survive these abuses are equally extensive and cannot be separated from the physical impacts. Victims of sexual violence often feel shame and humiliation as a result of the attack and are less likely to seek healthcare and counselling. The families and communities of survivors may withhold care from those survivors because they are perceived to be bringing shame upon the community. This leaves children and young people particularly vulnerable to further victimisation. The trauma directly related to the crime and the trauma from the rejection by family and community members can also have long term disabling effects on victims. These include both additional physical effects, such as persistent headaches and insomnia, and emotional effects, such as fear, anxiety and depression.

Sexual violence has a long term development impact for victims and their communities. Physical injuries and the shame associated with the injuries and the crime may cause victims to be unable or unwilling to attend school. Moreover, where schools are functioning in conflict settings, those schools may themselves be sites of sexual violence, exploitation and abuse.[650] In cases where victims are disowned by their families and communities, they are left with no means to provide for their own basic needs. When those who suffered sexual violence are also pregnant as the result of a rape, their ability to care for themselves is further complicated, just as their needs are amplified. The children born out of rape are often victims of discrimination, sometime more so than their mothers. The combination of physical and psychological injury, coupled with the lack of economic, educational and social resources, leaves many victims and their children without any means to care for themselves.

Post-conflict reintegration and reconstruction is significantly impaired by the long term effects of sexual violence. Perpetrators may take advantage of reconciliation processes and cleansing rituals to ask

What children had to say (Source: Human Rights Watch)[651]

"The day the CNDP arrived in Rutshuru, they pillaged my neighbourhood and shot and killed two boys, so I decided to flee to Goma. I ran through the farms on the edge of Rutshuru and met two Tutsi soldiers with guns and spears. They stopped me in the farm. I was alone. One of the soldiers spoke Kinyarwanda, and the other spoke Swahili. They said, 'We're going to kill you.' Then they put a knife on my arm. I said, 'No, please pardon me.' Then they said, 'The only way we can pardon you is if we rape you.' They cut my clothes off with the knife. One of the soldiers raped me from 4 p.m. until 7 p.m. There was blood everywhere. Then when the second soldier wanted to start, there were lots of gunshots nearby and they left, saying that if I fled they would kill me. After that, I managed to escape and made it to Kibati [a large displacement camp outside Goma]. I'm still in a lot of pain, but I don't have any medicine and there's no one here to treat me."

— Marie is a 16-year-old girl

forgiveness for the acts that they committed and to be received back into their community. Because sexual violence is perceived as a crime that changes the value of the survivor—that is, it affects his or her integral worth in the eyes of his or her community—reconciliation and cleansing rituals may not be sufficient to restore the victim's place in his or her community. Thus, even if the child survives the physical and psychological effects of sexual violence, he or she may never have full access to social and economic well-being. Social bonds remain severed and communities and families are no longer able to provide the networks of support and development that they may have done previously. Finally, because sexual violence primarily targets women and girls and because women and girls are responsible in many communities for the majority of food and fuel gathering activities, the very people who would carry out the most necessary and immediate tasks of post-conflict reconstruction are absent.

8.2 Laws and Norms

The following section addresses the international norms and laws pertaining to the use of sexual violence in conflict. These include norms that address crimes perpetrated against children, in particular, and norms that address crimes perpetrated against girls and women.

There is not a single, universally accepted definition of sexual violence within international humanitarian and human rights law. Legal definitions of sexual violence have changed over time, from that of a crime against the 'honour' of the victim, to a crime of violence.[652] In the 1998 report to the United Nations Commission on Human Rights, "Systematic Rape, Sexual Slavery and Slavery-Like Practices During Armed Conflict", sexual violence is defined as "any violence, physical or psychological, carried out through sexual means or by targeting sexuality."[653] The report goes on to specify that sexual violence may include, but is not limited to, acts such as, "forcing a person to strip naked in public, mutilating a person's genitals, or slicing off a women's breasts […] situations in which two victims are forced to perform sexual acts on one another or to harm one another in a sexual manner".[654]

Sexual violence also includes the act of rape. The definition of rape has also varied within international humanitarian and human rights law. The International Criminal Tribunal for the former Yugoslavia defines rape in terms of sexual penetration, whereas the International Criminal Tribunal for Rwanda defines it more broadly as "the physical invasion of a sexual nature, committed on a person under circumstances, which are coercive. Sexual violence is not limited to physical invasion of the human body and may include acts which do not involve penetration or even physical contact".[655] The question of coercion and consent is also affected by the age of the victim. In the case of children, international law specifies that a child lacks the capacity to provide meaningful consent. In its six principles on sexual exploitation and abuse, the Inter-Agency Standing Committee's Task Force on Protection from Exploitation and Abuse in Humanitarian Emergencies defines the age of consent as 18, "regardless of the age of majority or age of consent locally".[656]

Sexual slavery is considered to be a form of slavery within international humanitarian law and human rights law and, therefore, falls under the norms and laws that relate to the prohibition of slavery. The trafficking of children is expressly included in the definition of "enslavement" under the Rome Statute of the International Criminal Court.[657] This is an important clause recognising the widespread practice of trafficking of children for sexual and other purposes, both in times of conflict and of peace. Sexual slavery includes acts such as the confine-

ment of individuals (usually women and girls) for sexual use by combatants. Examples of this include the practices of the Japanese military during World War II with respect to 'comfort women', where women and girls were used as sexual slaves by the Japanese Imperial Army and the 'rape camps' set up by Serbian forces during the conflict in the former Yugoslavia, in which Bosnian women and girls were confined and subjected to sexual violence.[658] Sexual slavery also includes situations in which women and girls are coerced by armed groups to act as 'bush wives'. In this case, they are identified by the armed group as playing the role of sexual partner to a member of that group. This includes being raped by the particular combatant to whom they serve as 'wife' and being raped by others with his consent. This form of sexual slavery may involve not only sexual violence, but also "domestic servitude or other forced labour".[659] For example, 'bush wives' may also be expected to cook, clean, and cultivate food for their 'husbands'. Examples of this practice can be found in the behaviour of the Lord's Resistance Army in northern Uganda, where girls between the ages of 11 and 13 were especially targeted.[660]

Sexual slavery may also encompass forced commercial sexual exploitation, also referred to as forced prostitution. Forced prostitution refers to a situation in which a person is coerced into engaging in sexual activity. The Special Rapporteur on the issue of systematic rape, sexual slavery and slavery-like practices in armed conflict, Gay McDougall, points out that, "in situations of armed conflict, most factual scenarios that could be described as forced prostitution would also amount to sexual slavery and could more appropriately and more easily be characterised and prosecuted as slavery."[661] Forced prostitution is also a form of sexual exploitation and abuse and, in some cases, of child trafficking. It amounts to slavery, particularly in the case of children, because there is no question of the child's consent or willing participation. The child cannot leave the situation and cannot refuse to provide sexual services. For example, in Sierra Leone, McDougall recounts an incident where "a local rebel commander ordered all virgin girls to report for a physical examination. The girls were checked by a female companion of the commander and those who were verified as virgins, most of whom were between the ages of 12 and 15, were ordered to report each night for sexual abuse by the rebel fighters."[662]

Armed conflict renders children particularly vulnerable to sexual exploitation and abuse, not only by combatants, but also by the peacekeeping and humanitarian personnel who control access to safe passage, secure shelter and food. The arrival of peacekeeping and humanitarian personnel has produced a documented increase in levels of child commercial sexual exploitation and incidents of sexual exploitation and abuse continue to be recorded. This increase can be attributed, in part, to new reporting systems established by United Nations and humanitarian and human rights agencies that facilitate the denunciation of such abuse.[663] A 2002 report released by the United Nations High Commissioner for Human Rights and Save the Children details how some peacekeepers and personnel employed by a range of agencies, responsible for the care and protection of refugees and internally displaced persons, have used their position to sexually exploit children.[664] In response to this scourge, the United Nations Secretary-General issued his Zero Tolerance Policy in 2005 and established conduct units in all of the major peacekeeping operations of the UN, specifically tasked with addressing the problem. Humanitarian agencies and organisations have also adopted similar policies to ensure that the behaviour of a few will not tarnish the reputation of the peacekeeping and humanitarian community as a whole.[665]

Slavery Convention (1926)

[See Annex 4 for full text of relevant articles on page 363]

International humanitarian law and human rights instruments have increasingly sought to address the use of sexual violence, although earlier instruments also provide a basis for prosecution. The 1926 Slavery Convention prohibits slavery in all situations.[666] Since sexual violence may be defined as a form of slavery (as in the case of 'bush wives' and 'comfort women'), it is considered a crime under this Convention.

Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War (1949)

[See Annex 4 for full text of relevant articles on page 363]

The Fourth Geneva Convention of 1949 requires all States to armed conflict to provide for the protection of civilians, while common Article 3 of the Geneva Conventions, which applies to non-international

conflicts, prohibits all parties (State and non-State forces) from carrying out outrages on personal dignity. The Fourth Convention identifies children, mothers of young children and pregnant women as groups requiring particular protection. It also provides a basis for the definition of sexual violence as a crime. It specifically addresses the rape of women in Article 27, "Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault."[667] Additional Protocol I to the Geneva Conventions also includes a slightly broader definition of sexual violence in Article 76, to encompass "rape, forced prostitution and any other form of indecent assault."[668]

The Geneva Conventions primarily apply to situations of international armed conflict. However, conflicts in the present day are increasingly internal civil conflicts. Nonetheless, where sexual violence is deemed to violate a *jus cogens*[669] norm, such as the prohibition of slavery, it is not necessary that the violence occur during an international conflict. This broadens the scope of prosecution.[670] As of 25 November 2009, 194 States were party to these Conventions [See Annex 2: Tables of Countries' Ratification of Instruments to view which countries have ratified this document].

UN Convention on the Rights of the Child (1989)

[See Annex 4 for full text of relevant articles on page 372]

Article 34 of the Convention on the Rights of the Child (CRC) defines sexual exploitation and abuse as, "(a) The inducement or coercion of a child to engage in any unlawful sexual activity; (b) The exploitative use of children in commercial sexual exploitation or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials."[671]

The Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises has provided six core principles with regard to sexual exploitation and abuse that have been widely cited and adopted since they were issued in 2002. The principles define sexual exploitation and abuse more broadly than the Convention, including in its definition the "[e]xchange of money, employment, goods, or services for sex, including sexual favours or other

forms of humiliating, degrading or exploitative behaviour."[672] The principles further state that, "[s]exual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally."[673]

International instruments focusing on the rights and protection of children offer additional legal frameworks for the protection of children against sexual violence in armed conflict. Article 34 of the Convention on the Rights of the Child calls on State Parties to "protect the child from all forms of sexual exploitation and sexual abuse."[674] Article 35 further prohibits "the sale of or traffic in children for any purpose or in any form."[675] As of 25 November 2009, 193 States were party to this Convention [See Annex 2: Tables of Countries' Ratification of Instruments to view which countries have ratified this document].

Rome Statute of the International Criminal Court (1998)

[See Annex 4 for full text of relevant articles on page 380]

Sexual violence may also be prosecuted in some situations as constitutive of a crime against humanity.[676] Unlike ethnicity, gender is not recognised as grounds for persecution under crimes against humanity; however, the Statute of the International Criminal Court recognises that the acts of "[r]ape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence of comparable gravity" are constitutive of a crime against humanity "when committed as part of a widespread or systematic attack directed against any civilian population". As noted earlier in this Chapter, international criminal tribunals have varied in their interpretation of what constitutes rape or sexual violence. The International Criminal Court has charged seven individuals with sexual enslavement or rape. Still, evaluations of the International Criminal Court have found that testimony concerning crimes of sexual violence is rarely heard.[677]

The Machel Report

The landmark report by Graça Machel to the United Nations on "The Impact of Armed Conflict on Children" devotes a full section to sexual violence perpetrated against children in the course of armed conflict. In the report, Machel addresses different forms of sexual violence, including

Haiti:

Although Haiti is not a typical case of armed conflict, its population has suffered under years of insecurity and violence. Extreme poverty, a weak justice system and ongoing low level armed violence contribute to the insecurity of children.[678] All of these conditions contribute to making children vulnerable to sexual violence in Haiti. Although sexual violence is more often committed within the home or the community, rapes by armed men are also prevalent.[679] Reports indicate a significant increase in sexual violence. Moreover, children are the main targets of sexual violence in Haiti. In 2008, 60% of rape victims were under 18 years of age, with girls between 4 and 12 the main targets.[680]

Since 2005, rape has been classified as a crime under Haiti's national Criminal Code. Penalties for sexual violence committed against children under 16 are higher than for crimes against adults.[681] In spite of the weak justice system and low levels of implementation, the Government of Haiti is working on legislative reform. In 2005, the Government adopted the National Plan to Combat Violence Against Women and legislators are currently drafting legislation that would criminalise all forms of violence against women and girls.[682]

rape, forced prostitution, sexual slavery and sexual exploitation and abuse. The report states that sexual violence most often functions, "like other forms of torture and is used as a tactical weapon of war to humiliate and weaken the morale of the perceived enemy."[683] The subsequent ten year review highlights the continued prevalence of sexual violence perpetrated against children. It notes that adolescent girls "tend to be the first to be victimised during armed conflict" and that the consequences for all child victims of sexual violence are severe.[684]

UN Security Council Resolutions

[See Annex 4 for full text of relevant articles]

Perhaps the strongest legal framework for the prosecution of sexual violence against children in armed conflict comes from the United Nations Security Council. Over the past two decades, the United Nations Security Council has broadened its definition of security. It has built up a body of resolutions and mechanisms which address the issue of human security generally, and the security threat posed by systematic attacks on civilian populations and on children and women, in particular. These resolutions fall into three groups: protection of civilians;

children and armed conflict; and women, peace and security. While these resolutions have been explained at length earlier in this Guide, the following provides a brief summary.

Security Council resolutions 1265 (1999), 1296 (2000), 1674 (2006) and 1894 (2009) address the protection of civilians in armed conflict. These resolutions identify women and children as civilian groups that are particularly vulnerable to violence in armed conflict.[685] Resolution 1265 affirms "the importance of fully addressing their special protection and assistance needs in the mandates of peacemaking, peacekeeping and peace-building operations."[686] Resolution 1296 calls for peacekeeping mandates to ensure "adequate resources to protect civilians under imminent threat of physical danger."[687] Only resolution 1674 directly mentions sexual violence. Resolution 1674 calls for zero tolerance of sexual exploitation and abuse by peacekeeping personnel and condemns "all sexual and other forms of violence committed against civilians in armed conflict, in particular women and children, and undertakes to ensure that all peace support operations employ all feasible measures to prevent such violence and to address its impact where it takes place."[688]

Resolution 1674 underscores the mandate of peace operations to prevent sexual violence against civilians. Under Chapter VII of the United Nations Charter, United Nations peacekeepers are required to "use all necessary means" to protect civilians in armed conflict. The United Nations currently has Chapter VII peacekeeping missions in several countries, including the Democratic Republic of Congo, Liberia, Kosovo, Burundi, Haiti and Côte d'Ivoire.[689] Peacekeepers, however, do not always understand that their mandate includes the prevention of sexual violence.[690] Sexual violence may be viewed as a 'domestic' crime or it may occur outside protected areas (beyond the perimeter of an internally displaced persons camp, for example). The peacekeepers themselves may be engaged in sexual violence or exploitation and abuse. As mentioned earlier, there is still a significant gap between mandate and enforcement.

Resolution 1894 further stresses the need to ensure that peacekeeping missions with protection of civilians' mandates "conduct mission-wide planning, pre-deployment training, and senior leadership training on the protection of civilians (…) to heighten the awareness

and responsiveness to protection concerns, including (…) zero tolerance of sexual exploitation and abuse in UN peacekeeping missions".[691]

There are seven **Security Council resolutions on Children and Armed Conflict: 1261 (1999), 1314 (2000), 1460 (2003), 1379 (2001), 1539 (2004), 1612 (2005), and 1882 (2009)**. These resolutions directly address the situation of children in armed conflict and contain important additional protections and mechanisms for enforcement. From the start, they addressed the issue of sexual violence. Resolution 1261 "urges all parties to armed conflicts to take special measure to protect children, in particular girls, from rape and other forms of sexual abuse and gender-based violence in situations of armed conflict."[692] Resolution 1379 called for "special measures […] to put an end to all forms of violence and exploitation, including sexual violence, particularly rape."[693]

Resolution 1612 is considered to provide the strongest mechanism for the protection of children in armed conflict, because it calls for the implementation of a monitoring and reporting mechanism. Through this mechanism, the Secretary-General monitors and reports regularly to the Security Council on six "grave violations" of the rights of children in armed conflict, including "rape and other forms of sexual violence against children."[694] Resolution 1882 has further strengthened this mandate and called for additional actions with respect to sexual violence. Resolution 1882 specifically "requests the Secretary-General also to include in the annexes to his reports on children and armed conflict those parties to armed conflict that engage, in contravention of applicable international law, in patterns of killing and maiming of children and/or rape and other sexual violence against children, in situations of armed conflict."[695] The resolution also requests that parties responsible for such crimes "prepare concrete time-bound action plans to halt those violations and abuses."[696] Finally, this resolution addresses the high levels of impunity for crimes of sexual violence by calling on Member States to bring perpetrators to justice through all means available, including "through national justice systems, and where applicable, international justice mechanisms and mixed criminal courts and tribunals."[697]

Since 2000, the United Nations Security Council has passed four resolutions that address the situation of women and girls in armed conflict

under the theme of Women, Peace and Security: **resolution 1325 (2000), resolution 1820 (2008), resolution 1888 (2009), and resolution 1889 (2009)**. As with the resolutions on children and armed conflict, these resolutions address the needs and rights of both civilians and combatants. Resolution 1325, in particular, addresses both the violations of the rights of women and girls, including through sexual violence, and the necessity to include women and girls and their specific concerns in peace negotiations and post-conflict reconstruction. The resolution calls on all actors in armed conflict to "take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse." It identifies the need to end impunity for these crimes, to increase participation of women and girls in all decision-making processes and to increase the awareness and capacity of peacekeepers and other actors to respond to crimes of sexual violence. It identifies the importance of addressing the distinct needs of female and male ex-combatants, particularly in disarmament, demobilisation and reintegration processes.

Resolution 1820 focuses specifically on the use of sexual violence against women and girls in armed conflict. It contains a broad condemnation of sexual violence and a call for action to all parties to armed conflict. It also calls for ending impunity for crimes of sexual violence, for example, by requesting that amnesty provisions for such crimes not be included in peace agreements. Resolution 1820 focuses on sexual violence committed against civilians and does not include the important provisions of resolution 1325 that address the needs of girl combatants.

Plan International's Campaign: "Because I am a Girl"

Starting in 2007 and continuing until 2015, Plan International launched a campaign to advocate for and raise awareness of the particular challenges faced by girls in realising their rights and the need to respond to girls, in particular, in order to achieve the Millennium Development Goals. Each year, Plan publishes an international report that includes a review of projects, case studies, global data and indicators for progress, as well as a cohort study. The 2007 report provided an overview of the situation of girls globally and identified key needs and challenges. The 2008 report focused on the challenges facing girls in conflict settings and the 2009 report focused on girls in the global economy and the importance of investing in them. All reports provide concrete recommendations to ensure that duty bearers understand their role and take action to improve the lives of girls.[698]

Resolution 1888 goes further than any of the previous or subsequent resolutions on Women, Peace and Security, in requesting that the Secretary-General establish a mechanism to monitor the implementation of these resolutions and name a Special Representative to the Secretary-General on Sexual Violence in Conflict, whose main task is to provide leadership and coordination among "governments, including military and judicial representatives, as well as with all parties to armed conflict and civil society."[699] Resolution 1888 also asks for a specific proposal, within the next three months, "on ways to ensure monitoring and reporting in a more effective and efficient way."[700]

Resolution 1889 calls upon Members States to work with civil society to ensure that the specific needs of women and girls are addressed in post-conflict strategies and calls upon all parties involved in disarmament, demobilisation and reintegration to take into account the particular needs of women, girls and their children in the development of programmes. The Security Council requested that the Secretary-General develop a set of indicators for use at the global level to track the implementation of this resolution and develop recommendations to improve coordination within the UN and with States and civil society, both on data collection and the implementation of resolution 1325. [701]

Finally, there are also regional human rights instruments that furnish provisions for the rights of women and children, which may be called upon in the protection of children from sexual violence during armed conflict. These instruments do not address sexual violence in armed conflict with the same level of specificity as the United Nations' instruments do; however, they are more likely to be perceived by stakeholders as responding to regional and local norms, and, as such, may create a higher level of ownership of norms. Regional human rights mechanisms include the **African Charter on Human and Peoples' Rights**, which is monitored by the Commission on Human and Peoples' Rights; declarations made by the Organizaton of American States, which include the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights; and the **European Convention for the Protection of Human Rights and Fundamental Freedoms**, which is applied by the European Court of Human Rights.

Key points about sexual violence against children:

- Women and girls comprise the overwhelming majority of survivors of sexual abuse during armed conflict. Under the Statute of the International Criminal Court (1998), sexual violence may be prosecuted in some situations as constitutive of a crime against humanity. To date, seven individuals have been charged under this Court with sexual enslavement or rape.
- Armed conflict weakens the structures – government, family and community – that would otherwise protect children. Sexual violence marginalises its victims further from their support systems, since female 'value' may be intertwined with notions of chastity and 'purity' and, once girls are sexually abused, their families and communities may reject them. United Nations Security Council resolution 1674 underscores the mandate of peace operations to prevent sexual violence against civilians.
- Because of the shame, humiliation and fear attached to being a victim of sexual violence, children and their families rarely report these crimes to authorities who often do not take these crimes seriously anyway. Physical and psychosocial effects are often extensive and long lasting.
- United Nations Security Council resolution 1612 provides a strong mechanism for the protection of children in armed conflict because it calls for a monitoring and reporting mechanism. The Secretary-General, through this mechanism, monitors and regularly reports to the Security Council on six grave violations of children's rights in armed conflict, including "rape and other forms of sexual violence against children". Resolution 1882 further strengthens this mandate by requesting that the names of "parties to armed conflict that engage… in patterns of killing and maiming of children and/or rape and other sexual violence against children" be added to the annexes of the Secretary-General's report.
- Since 2000, the United Nations Security Council has passed four resolutions focusing on the situation of women and girls in armed conflict, under the theme of Women, Peace and Security. Resolution 1325 calls on all actors in armed conflict to "take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse". Resolution 1820 contains a broad condemnation of sexual violence and a call for action to end impunity for these crimes. A monitoring mechanism and the appointment of a Special Representative to the Secretary-General on Sexual Violence in Conflict to provide leadership and coordination are proposed under Resolution 1888. Resolution 1889 calls upon Member States to work with civil society to ensure that the needs of girls and women are addressed in post-conflict strategies, including disarmament, demobilisation and reintegration.

8.3 Further Information

Key Actors

Child Rights Information Network (CRIN)
East Studio
2, Pontypool Place
London, SE1 8QF
United Kingdom
Tel.: +44 20 7401 2257
Website: http://www.crin.org/

Coalition for Women's Human Rights in Conflict Situations
1001 de Maisonneuve Blvd. East
Suite 1100, Montreal, Quebec
H2L 4P9 Canada
Tel.: +1 514 283 6073
Fax: +1 514 283 3792
Email: coalition@dd-rd.ca
Website: http://www.coalitiondroitsdesfemmes.org/

Femmes Africa Solidarite
Geneva Office- International Secrétariat
8 Rue du Vieux-Billard
P.O. Box 5037
1211 Geneva 11
Switzerland
Tel.: +41 22 328 8050
Fax: +41 22 328 8052
Email: info@fasngo.org
Website: http://www.fasngo.org/

Gender and Peacebuilding Working Group
1, Nicholas Street, #1216
Ottawa, ON K1N 7B7
Canada
Tel.: +1 613 241 3446
Fax: +1 613 2414846
Email: info@peacebuild.ca
Website: http://www.peacebuild.ca/work-groups-gender-pb-e.php

International Bureau for Children's Rights
2715, Chemin de la Côte-Sainte-Catherine
Montréal (Québec)
Canada H3T1B6
Tel.: +1 514 932 7656
Fax: +1 514 932 9453
E-mail: info@ibcr.org
Website: http://www.ibcr.org/eng/

International Women's Tribune Centre
777 United Nations Plaza
New York, NY 10017
United States
Tel.: +1 212 687 8633
Fax: +1 212 661 2704
Email: iwtc@iwtc.org
Website: http://www.iwtc.org/

NGO Working Group on Girls' Rights
UNICEF House
3 UN Plaza
New York, NY 10017
United States
Tel.: +1 212 326 2713
Email: wggs@girlsrights.org
Website: http://www.girlsrights.org

NGO Working Group on Women, Peace and Security
777 United Nations Plaza, 7th Floor
New York, NY 10017
United States
Tel.: +1 212 557 7298
Email: info@womenpeacesecurity.org
Website: http://www.womenpeacesecurity.org/

Office of the Special Representative of the Secretary-General for Children and Armed Conflict
United Nations S-3161
New York, NY 10017
United States
Tel.: +1 212 963 3178
Fax: +1 212 963 0807
Website: http://www.un.org/children/conflict/english/index.html

Special Rapporteur on Contemporary Forms of Slavery, Its Causes and Consequences
Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais des Nations
CH-1211 Geneva 10
Switzerland
Fax: + 41 22 917 9006
Email: srslavery@ohchr.org
Website: http://www2.ohchr.org/english/issues/slavery/rapporteur/index.htm

Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography
Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais des Nations
CH-1211 Geneva 10
Switzerland
Tel.: +41 22 917 9220
Email: InfoDesk@ohchr.org
Website: http://www2.ohchr.org/english/issues/children/rapporteur/index.htm

Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais des Nations
CH-1211 Geneva 10
Switzerland
Tel.: +41 22 917 9220
Email: InfoDesk@ohchr.org
Website: http://www2.ohchr.org/english/issues/torture/rapporteur/

Special Rapporteur on Trafficking in Persons, especially in Women and Children
c/o Office Of the High Commissioner for Human Rights
United Nations at Geneva
8-14 avenue de la Paix
1211 Geneva 10
Switzerland
Fax: +41 22 917 9006
Email: SRtrafficking@ohchr.org (subject: Special Rapporteur on trafficking in persons)
Website: http://www2.ohchr.org/english/issues/trafficking/index.htm

Special Rapporteur on Violence against Women, Its Causes and Consequences
Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais des Nations
CH-1211 Geneva 10
Switzerland
Tel.: +41 22 917 9220
Email: vaw@ohchr.org
Website: http://www2.ohchr.org/english/issues/women/rapporteur/

United Nations Children's Fund (UNICEF)
UNICEF House
3 United Nations Plaza
New York 10017
United States
Tel.: +1 212 326 7000
Website: http://www.unicef.org/protection/index.html

United Nations Development Fund for Women (UNIFEM)
304 East 45th Street
15th Floor
New York, NY 10017
United States
Tel: +1 212 906 6400
Fax: +1 212 906 6705
Website: http://www.unifem.org/

United Nations Division for the Advancement of Women (UNDAW)
2 UN Plaza
DC2-12th Floor
New York, NY 10017
United States
Fax: +1 212 963 3463
Email: daw@un.org
Website: www.un.org/daw

United Nations Office on Drugs and Crime (UNODC)
Vienna International Centre
Wagramer Strasse 5
A 1400 Vienna
Austria
Tel.: +43 1 26060
Fax: +43 1 263 3389
Website: http://www.unodc.org/unodc/en/human-trafficking/index.html

United Nations Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI)
Department of Economic and Social Affairs
2 United Nations Plaza, 12th Floor
New York, NY 10017
United States
Email: osagi@un.org
Website: http://www.un.org/womenwatch/osagi/

United Nations Population Fund (UNFPA)
220 East 42nd Street
New York, New York 10017
United States
Tel.: +1 212 297 5000
Fax: +1 212 370 0201
Email: hq@unfpa.org
Website: http://www.unfpa.org/public/

U.S. Office of Global Women's Issues
U.S. Department of State
2201 C Street NW
Washington, DC 20520
United States
Tel.: +1 202 647 4000
Email: sgwipublic@state.gov
Website: http://www.state.gov/s/gwi/

Women Peace and Security Network Africa (WIPSEN-Africa)
68 Onyankle Street
Abelemkpe
Off Olusegun Obasanjo Highway
P.M.B. 36 Osu
Accra
Ghana
Phone: +233 21 769274/ +233 21 920741
E-mail: wipsen@wipsen-africa.org
Website: http://www.wipsen-africa.org/wipsen/

Education, Research and Training

EDUCATION

Human Rights Education Associates (HREA)
Course 14E10: Monitoring Children's Rights (distance learning)
http://www.hrea.org/index.php?base_id=332

United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW)
http://www.un-instraw.org/en/

RESEARCH

International Violence against Women Survey (IVAWS)
http://www.heuni.fi/12859.htm

Say NO – UNiTE to End Violence against Women
http://www.saynotoviolence.org/

Sexual Violence Research Initiative
www.svri.org

UN Action against Sexual Violence in Conflict
http://www.stoprapenow.org/

UNIFEM Portal on Women, Peace and Security
http://womenwarpeace.org/unifem/framework/publications

EVENTS

V-Day: A Global Movement to End Violence against Women and Girls
http://www.vday.org/

9. Child Labour

What children had to say (Source: Human Rights Watch)[702]

"Before I came here I went to [a government] school, but after one year I withdrew from school because of a problem—my sister's illness. After my sister got sick, we took her to the hospital, but the doctor said we had to pay more money, so my parents bonded me for Rs. 1,700 [U.S.$35]. I was seven or eight years old.

I did winding [unwinding the cocoons]. I didn't like to work, but I was forced to by my parents.

They said I couldn't go to school but had to work…

At 4:00 a.m. I got up and did silk winding… I only went home once a week. I slept in the factory with two or three other children. We prepared our food there and slept in the space between the machines. The owner provided the rice and cut it from our wages—he would deduct the price. We cooked the rice ourselves. We worked twelve hours a day with one hour for rest. If I made a mistake—if I cut the thread—he would beat me. Sometimes [the owner] used vulgar language. Then he would give me more work."

— Yeramma S., eleven years old, was living at an NGO-run school when Human Rights Watch interviewed her, 2003

This section seeks to explain the relationship between armed conflict and child labour. After the main technical terms have been defined, the causes, manifestations and consequences of child labour in armed conflict will be examined.

9.1 Describing the Issue

General Context: Armed Conflict, War Economies and the Use of Children

The nature of armed conflict has been changing over the past few decades, as discussed in Chapter 1. The United Nations reports that, in recent decades, the proportion of civilian casualties in armed conflicts has

increased considerably and is now estimated at more than 90% of all casualties. About half of these victims are children.[703]

Although armed conflicts appear to be highly detrimental and disruptive for populations as a whole and for the economic development of a country or a region, they also create economic and political opportunities for some individuals, armed groups, corporations and governments. The control and exploitation of valuable mineral resources, for example, is one of the major benefits of many armed conflicts today.[704]

Child labour comes in a great variety of forms and is perpetuated to an even greater extent in times of armed conflict by those who exploit children. According to the International Labour Organization (ILO), some 218 million children were working in 2004, out of whom 126 million were engaged in hazardous work. The majority of these child labourers are between the ages of 5 and 14.[705] These children are doing work that is damaging to their mental, physical and emotional development, but they continue doing so because their survival and that of their families depend on it. According to the ILO, nearly three quarters of working children are engaged in the worst forms of child labour, including domestic work, bonded labour, slavery, trafficking, sexual exploitation, forced recruitment into armed forces and groups, mining, agricultural work and other forms of hazardous work.[706]

Mining is classified by the ILO[707] as hazardous work, but some parties to armed conflict use children and other vulnerable groups to carry out this work. Sierra Leone emerged from a decade of armed conflict in 2002,[708] during which time, brutally mined 'conflict diamonds'[709] provided funds for the rebel group, the Revolutionary United Front.[710]

Children are also used to extract rubies in Myanmar (where they also face the risk of HIV/AIDS in the mining areas), emeralds in Colombia and bauxite in Guinea. Children in the Democratic Republic of Congo have suffered a similar fate. The Democratic Republic of Congo is one of the richest countries in the world with respect to natural resources. The country has most of the world's coltan, a mineral used in the production of mobile phones and computer chips. The country also possesses large deposits of minerals such as gold, diamonds and uranium, among a host of others.[711] In addition, the country is also home to large

exploitation of precious timber and rubber plantations. The battle to control and exploit the east of the country, where most of these resources are found, has been going on for more than 10 years and has taken the lives of hundreds of thousands of civilians and involved various armed forces and groups, including those from neighbouring countries.

Wiping off Children's Blood from Diamonds:

The Kimberley Process[712] (KP) is a joint initiative by governments, industry and civil society organisations to stop the flow of conflict diamonds. As of November 2008, the Kimberly Process had 49 members, representing 75 countries, with the European Community and its Member States counting as a single participant, and countries like Angola, Sierra Leone, the Democratic Republic of Congo, Venezuela and Indonesia, among others, as other members of the initiative.

The Kimberley Process Certification Scheme (KPCS) is a regulation that imposes various requirements on its members so that they can certify that their rough diamonds are 'conflict-free'.[713]

UNICEF estimated that in 2007 at least 50,000 children were involved in artisan mining across the Democratic Republic of Congo, where children worked in dangerous and hazardous conditions.[714] Children living in the streets have also been involved in illegal mining activities. Human Rights Watch reports that "children may be sent down small tunnels to dig for gems. Others work panning gravel and filtering out precious stones. Still other children are involved in weighing, selling and other activities around gem buying counters". [715]

Armed conflicts increase the risk of illegal exploitation of natural resources by various parties to the conflict and also by private firms that take advantage of the security vacuum. In this environment, children and other vulnerable groups are at greater risk of being used to perform dangerous tasks in resource extraction. Examples of this phenomenon can be seen in the Democratic Republic of Congo, as well as Liberia and Sierra Leone, when they were still affected by armed conflict.

As mentioned above, child labour during conflict is not only related to the exploitation of resources. As already discussed in Chapters 6 and 8, there are a number of studies that show that the recruitment and use

of children by armed forces and groups, as well as trafficking and sexual exploitation of children, increase in times of conflict because of a security vacuum and the unrestricted movement permitted from one country to another. All the worst forms of child labour listed in the ILO Convention significantly increase in times of armed conflict.

Definition of Terms:

Economic Exploitation

In 2008, the United Nations Committee on the Rights of the Child held a day of general discussion about the economic exploitation of children.[716] In that discussion, economic exploitation was defined as "taking unjust advantage of another for one's own advantage or benefit. It covers situations of manipulation, misuse, victimisation, oppression or ill-treatment. […] The human dignity of the child or the harmonious development of the child's personality is not respected when he or she is economically exploited."[717]

Article 32 of the UN Convention of the Rights of the Child is the foundation upon which the protection of children from economic exploitation and harmful work rests. It asserts that: "States Parties recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development."

Child Labour

Not all work performed by children should be considered child labour and subsequently eliminated. Children's or adolescents' participation in work that does not affect their health and personal development or interfere with their schooling is generally regarded as being something positive. This includes activities such as helping their parents around the home, assisting in a family business or earning pocket money outside school hours and during school holidays.[718]

The International Labour Organization (ILO) defines child labourers as all children younger than 12 years working in any economic activities; children aged between 12 and 14 years engaged in more than

light work; and all children engaged in the worst forms of child labour, to which they are enslaved, forcibly recruited, sexually exploited, trafficked, forced into illegal activities or exposed to hazards.[719] The International Programme on the Elimination of Child Labour (IPEC) defines child labour as "work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development".[720]

The ILO specifically refers to work that is mentally, physically, socially or morally dangerous and harmful to children and interferes with their schooling by depriving them of the opportunity to attend school, obliging them to leave school prematurely or requiring them to attempt to combine school attendance with excessively long and heavy work. In its most extreme forms, child labour involves children being enslaved, separated from their families, exposed to serious hazards and illnesses or left to fend for themselves on the streets of large cities, often at a very early age.[721]

UNICEF estimates that, worldwide, 158 million children aged 5 to 14 are engaged in child labour – that constitutes one in every six children.[722]

Worst forms of child labour

There are some categories of child labour that can be made safer or more child-friendly by removing the harm caused to children. For example, if a sixteen year old girl is working as a vendor of firewood for eight hours each day, seven days a week and missing out on school, she may be re-enrolled in school and still continue selling firewood for a few hours over the weekend. Such regulation allows children to work, but also have the time to enjoy their right to education[723] and to play,[724] among other rights.

There are, however, some categories of work, such as forced labour, that are forbidden by international law and classified among the 'worst forms of child labour'. The only way to protect children is to liberate them from such work. According to data from the International Labour Organization (ILO), approximately eight million children around the world are believed to be involved in work that falls within one of the categories of the worst forms of child labour.[725] The majority of children who engage in hazardous work live in Sub-Saharan Africa and Asia, where many work in mines. When armed conflict occurs in these

regions, some of these children are also forcibly recruited and used by armed forces and armed groups. Moreover, children under these conditions face sexual exploitation and the risk of being trafficked.[726]

The ILO Convention on the Worst Forms of Child Labour (Convention 182) defines the worst forms of child labour as:

- Forms of slavery,[727] servitude[728] and forced labour, including forced recruitment for use in armed conflicts;
- Commercial sexual exploitation[729] (prostitution or pornography);
- Illicit activities[730] (for example, involving children in drug production and trafficking); and
- Hazardous work[731] that jeopardises the lives, health or morals of those involved.

The ILO plans to work with all of its Member States to eliminate the worst forms of child labour by 2016.[732] [See Annex 4 for full text of relevant articles on page 382]

Sri Lanka Initiatives:

In the 1970s, the rebel Tamil Tigers in Sri Lanka started fighting for a separate state, Eelam, for the Tamil people in the country's north and east.[733] In mid 2009, Sri Lanka emerged from decades of armed conflict, but children have suffered dramatically and are still suffering from the consequences of such a long and violent conflict. They have been displaced, killed and maimed, recruited and used by armed groups and forces.

In order to respond to child labour in the country (including that directly resulting from the armed conflict), the International Programme for the Elimination of Child Labour (IPEC) in Sri Lanka has become an integrated initiative within defined areas such as child trafficking, child domestic labour and children affected by war.

In 2002, IPEC started to provide 1,000 ex-child combatants with financial support. This support was incorporated into vocational training and skills development for children in the northeastern province who were affected by conflict.

In similar programming, the International Labour Organization in Sri Lanka took on the responsibility of providing vocational training to an estimated 5,000 children, including 1,200 children who were associated with fighting forces, so that they could re-enter the labour market in less hazardous work.[734]

— "Child labour and responses, Overview of Sri Lanka", 2009

Causes and Consequences of Child Labour in Armed Conflict

Armed conflicts leave children vulnerable to many types of abuse, including economic exploitation, because protective structures, like family and community units, as well as governance institutions, are disrupted or severely weakened. Under such conditions, children can easily become victims of abductions,[735] enslavement[736] or forced recruitment and use[737] by armed forces and groups. In Uganda, for instance, approximately 30,000 children are believed to flee their homes at night for urban areas or larger camps for internally displaced persons, in order to escape attacks or abduction by the Lord's Resistance Army (LRA). This "night commuting" is a dangerous practice in and of itself, as it exposes children to various forms of harassment and violence, including rape and sexual exploitation, since they are without their family's protection.[738]

During armed conflicts, families and communities may be forced to flee their homes, becoming refugees or internally displaced persons. They often leave their property behind. In addition to losing loved ones and their sense of personal security, many families lose their only source of income when they lose their homes. In such cases when livelihoods are lost or overstretched, children may be forced to work, even in harmful labour, in order to survive.[739] Although poverty often contributes to child labour, it is not the only factor and not all poor children work.

Armed conflicts can cause the loss of lives and leave children without parental care. Sometimes, when communities are fleeing armed conflict, children may get separated from their primary caregivers. In such situations, child-headed households may emerge and, if not supported by the wider community or other actors from the government or humanitarian sectors, such minors may offer themselves to work in order to meet basic needs. One young boy in the Democratic Republic of Congo, while describing his life to a humanitarian worker said, "If you don't work, you don't eat".[740] The phenomenon of child-headed households has increased considerably across the globe due to natural disasters, war and civil strife.[741]

Child labour is sometimes preferred to adult labour because children are considered by their exploiters to possess certain 'advantages' over

adults. For example, children may not be in a position to stand up to their 'employer' because of the unequal power relations between the child and the adult. A UNICEF report also revealed that child labour is sometimes preferred because it is cheaper, because children are less conscious of the risk their work involves and because children are generally more malleable and more 'obedient' than adults.[742]

Armed conflicts tend to disrupt education because schools can be destroyed and communities, including teachers and students, may be displaced. According to UNICEF, "not attending school is consequently both a cause and effect of child labour."[743] When children do not attend school, they are more vulnerable to exploitation. Research undertaken by the Uganda Bureau of Statistics in 2008 revealed that children living in internally displaced camps in the war-ravaged north of the country are about 20% less likely to attend school full-time and more likely to combine work and school, when compared with their counterparts living in the rest of the country.[744]

Main Forms of Child Labour in Armed Conflict

As discussed in Chapter 6, children may be exploited and used in various roles in armed groups and armed forces.[745] Chapters 7 and 8 have also pointed out the issue of child trafficking and the commercial sexual exploitation of children as some of the worst forms of child labour.[746]

Even in the absence of armed conflict, child labour and harmful children's work also exist; however, armed conflicts bring a different dimension to the issue of child labour. Children may be caught in the middle of a fight for resources and may even be used as slaves to extract and transport these resources. Examples have been especially noted in mining. "Some [children] have been forced at gunpoint… to carry loads of extracted minerals. Child slaves have also been reported working in mines in Guinea, Sierra Leone and Liberia,"[747] during the armed conflicts in those countries.

A 2009 report from the United Nations on Colombia revealed that the presence of illegal armed groups and criminal gangs is more prominent in areas with coca[748] cultivation and in strategic corridors used for the commercialisation of drugs. Children are often used in the cultivation of coca as 'raspachines' (coca harvesters). Moreover, the report

What children had to say (Source: Human Rights Watch)[749]

Two boys living in Mbuji-Mayi told us [Human Rights Watch] that they often pan through gravel brought in by diamond diggers to look for diamond chips or stones. Matthew, a 12 year old boy, said he worked for a time with a team of adults, looking for diamonds illegally in a diamond concession in Mbuji-Mayi. Matthew's job was to sift through the collected gravel. He said, "This work was very tiring. My back hurt from leaning over all day panning for gems. I was afraid all the time of being spotted by guards and killed." One day, militia members in charge of security at the mine discovered the group in the concession and began firing on them. Matthew escaped unharmed, but he lost his mining pan while fleeing for his life, and so has quit mining.

— *"What Future? Street Children in the Democratic Republic of Congo", 2006*

recounts that communities do not report such cases of child labour because of fear of reprisal.[750]

In Haiti, the United Nations reports that armed groups recruit children as spies, fighters, informants, and gun and drug carriers.[751] The widespread forced use of children as porters by Myanmar's army has also been documented. This is distinct from the army's recruitment of boys as soldiers, since porters are often used for just a few days and then released.[752]

9.2 Laws and Norms

This section highlights international legal standards and norms with respect to the issue of child labour in situations of armed conflict. The legislation is discussed in chronological order, as in previous Chapters. It should be noted that the first international laws and standards to end child labour were enacted at the beginning of the 20th century, with the creation of the International Labour Organizaton in 1919.

International Labour Organization (ILO) Convention 138 Concerning Minimum Age for Admission to Employment(1973)

[See Annex 4 for full text of relevant articles on page 366]

In 1973, a general Minimum Age Convention (ILO Convention 138) was adopted. The Convention states that the minimum age for employment

should "not be less than 15 years," but allows developing countries to have a minimum age of 14 temporarily.[753] The Minimum Age Convention has a special provision allowing children aged 13 and 14 (or aged 12 and 13 in countries where 14 is the minimum age for full-time employment) to be employed in 'light work'.

Related provisions of the Convention make it clear that such children (employed in light work) are only supposed to work in limited circumstances. This leaves it to the government to specify which types of work are permitted as "light work" and to determine the hours and conditions involved.

The Minimum Age Convention also prohibits young people under 18 from being involved in dangerous work without training.[754] As of 25 November 2009, 154 States were party to this Convention [See Annex 2: Tables of Countries' Ratification of Instruments to view which countries have ratified this document].

Additional Protocols to the Geneva Conventions (1997)

[See Annex 4 for full text of relevant articles on page 368]

In 1977, two Additional Protocols to the Geneva Conventions[755] were adopted. Some of the provisions are important in addressing child labour in armed conflict situations. The Protocols set the minimum age for recruitment by armed forces and for the direct participation of children in combat; however, in both Additional Protocol I and Additional Protocol II (Article 77(1) & (3)), 15, not 18, years was set as the minimum age for participation and recruitment into armed forces. As of 25 November 2009, 194 States were party to these Protocols.

UN Convention on the Rights of the Child (1989)[756]

[See Annex 4 for full text of relevant articles on page 372]

The UN Convention on the Rights of the Child is the binding human rights treaty with the most Member States on board. It recognises the fundamental right of children to be protected from abuse and exploitation, including harmful work (Article 32). Although all articles apply to children at all times, the following Convention Articles are highlighted for offering legal protection against child labour in armed conflicts:

- **Article 32** requires governments to protect children from economic exploitation;
- **Article 34** requires governments to protect children from sexual exploitation and abuse. In particular this means preventing the "exploitative use of children in prostitution" or in pornographic performances and materials;
- **Article 35** requires governments to take action to prevent children from being trafficked;[757]
- **Article 36** requires governments to protect children "against all other forms of exploitation prejudicial to any aspects of the child's welfare";
- **Article 38** requires governments to protect children in armed conflict situations; and
- **Article 39** requires governments to help children recover from exploitation.

Besides the principles of child participation, non-discrimination and the right to survival and development, Article 3 of the Convention states that, "in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration." [758]

Stockholm Declaration and Agenda for Action (1996)[759] *and the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008)*[760]

The Stockholm Declaration and Agenda for Action was conceived in August 1996 at the 1st World Congress against Commercial Sexual Exploitation of Children held in Stockholm (Sweden). The call for action was reiterated in Yokohama (Japan) in 2001. Although the Stockholm Declaration is not legally binding, it offers some important recommendations for the protection of children from commercial sexual exploitation. For example, the Declaration urges all States to review, revise where appropriate, and enforce laws, policies, programmes and practices to eliminate the commercial sexual exploitation of children.

In November 2008, governments signed the Rio de Janeiro Declaration at the 3rd World Congress against Sexual Exploitation of Children and Adolescents. It was accompanied by an Action Plan that laid out new strategies to counter evolving forms of sexual exploitation, such as pornography and child trafficking around the world.

International Labour Organization (ILO) Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour (1999)[761]

[See Annex 4 for full text of relevant articles on page 382]

Convention 182 was adopted in 1999 and came into force in 2000. The convention is the most widely ratified international labour convention and is most famous for spelling out the 'worst forms of child labour'. The worst forms of child labour, according to the Convention are:

- Slavery and forced labour including forced recruitment for use in armed conflicts;[762]
- Commercial sexual exploitation;[763]
- Illicit activities[764] (for example production or trafficking of drugs); and
- Hazardous work that endangers their lives, health or morals.[765]

The first three forms are 'unconditional worst forms of child labour' and automatically constitute an abuse wherever they occur. Many unconditional worst forms are close to slavery and are generally unacceptable to the public.

According to Article 4, work that is classified as 'hazardous' in Article 3 (d) has to be identified by each country that ratifies the convention. Because the definition of 'hazardous' is flexible, work considered hazardous may vary from country to country.[766] Nevertheless, the International Labour Organization has set out criteria for identifying hazardous work under Article 3 (d) as work that may expose children to:

- Physical, psychological or sexual abuse;
- Work underground, under water, at dangerous heights or in confined spaces;

- Work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
- Work in an unhealthy environment which would expose children to hazardous substances, agents or processes, or to temperatures, noise levels or vibrations, which might damage their health; and
- Work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

As of 25 November 2009, 171 States were party to this Convention [See Annex 2: Tables of Countries' Ratification of Instruments to view which countries have ratified this document].

Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000)[767]

[See Annex 4 for full text of relevant articles on page 389]

In May 2000, after many years of negotiation, the General Assembly adopted the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. The Optional Protocol was adopted to raise the standards set out in the UN Convention on the Rights of the Child, in order to address the growing phenomenon of commercial sexual exploitation of children.

In its Article 3, the Optional Protocol obliges States to take measures to criminalise specific acts relating to the sale of children, child prostitution and child pornography, including the engagement of the child in forced labour. The Protocol sets out standards for the protection of child victims in the criminal justice process and the right of victims to seek compensation. Recognising the transborder nature of these activities, States are encouraged to cooperate with each other to tackle the abuse of children and to adopt legislation which criminalises abusers for sexual crimes committed against children while their nationals are abroad (extraterritorial legislation). As of 25 November 2009, 135 States were party to this Optional Protocol.

The Kimberly Process

Worldwide, there is also growing consumer awareness about the issue of child labour. More consumers and corporations want to distance themselves from child labour, wherever it occurs. For example, to boycott 'conflict diamonds', which use child labour in their extraction, a certification process to distinguish legitimate diamonds from the former was developed. The Kimberly process issues each diamond with a 'certificate of origin', requiring cooperation from producing countries and the diamond industry.

Following international concern about the role played by the illicit diamond trade in fuelling conflict in Sierra Leone, the Security Council adopted resolution 1306 on 5 July 2000, imposing a ban on the direct or indirect import of rough diamonds from Sierra Leone, not controlled by the Government of Sierra Leone, through a Certificate of Origin regime.

Regional Developments

In addition to these international instruments, several regional bodies have taken steps to prevent the economic exploitation of children.

African Charter on the Rights and Welfare of the Child (1990)

[See Annex 4 for full text of relevant articles on page 376]

The 1990 African Charter on the Rights and Welfare of the Child,[768] which defines children as all those under 18,[769] obliges States to protect every child from "all forms of economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's physical, mental, spiritual, moral, or social development".[770]

Council of Europe

The Council of Europe has also expressed its concern about the economic exploitation of children worldwide. Its Parliamentary Assembly, through Recommendation 1136,[771] emphasised that child labour, although more prevalent in Africa, Asia and Latin America, is also an important social problem in Europe and encouraged member states to put an immediate

end to the most intolerable forms of child labour by adopting clear national policies, undertaking research in all areas regarding child labour, reviewing national legislation, improving the efficiency of labour and school inspection services and awareness raising.

Key points about child labour:

- Armed conflicts leave children vulnerable to many types of abuse, including economic exploitation, as a result of the breakdown of protective structures, such as family, communities, and government institutions. When children do not attend school, as is common in the insecure and destroyed environments associated with armed conflict, they are more likely to be exploited.
- Child labour takes many forms in armed conflict – children can be exploited in various roles within armed groups and forces, commercial sexual exploitation can occur and children can be used for hazardous work, such as mining and cultivating coca.
- The International Labour Organization's Minimum Age Convention, 138 (1973) prohibits employment of children under 15 years of age, with special provisions allowing younger children (from 12 -14 years) to be employed in 'light work' as defined by national governments.
- Convention 182 of the International Labour Organization (1999) prohibits the worst forms of child labour, such as slavery and forced labour, including forced recruitment for use in armed conflicts; commercial sexual exploitation; illicit activities; and hazardous work that endangers their lives, health or morals.
- The Optional Protocol to the United Nations Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000) obliges States to criminalise specific acts relating to the exploitation of children, including the engagement of the child in forced labour.
- Growing consumer awareness about the use of child labour has led to a boycott of 'conflict diamonds', which use child labour in their extraction. The Kimberley Process issues each diamond with a certificate of origin, clarifying from which country the diamond has come, so that consumers can make choices about supporting companies known to exploit child labour.

9.3 Further Information

Key Actors

Child Rights Information Network (CRIN)
East Studio
2, Pontypool Place
London, SE1 8QF
United Kingdom
Tel.: +44 20 7401 2257
Website: http://www.crin.org/

Global Witness
6th Floor, Buchanan House
30 Holborn
London
EC1N 2HS
United Kingdom
Tel.: +44 207 492 5820
Fax: +44 207 492 5821
Email: mail@globalwitness.org.
Website: www.globalwitness.org

International Programme on the Elimination of Child Labour (IPEC), International Labour Organization (ILO)
4, route des Morillons
CH-1211 Geneva 22
Switzerland
Tel.: +41 22 799 8181
Fax: +41 22 799 8771
Email: ipec@ilo.org
Website: http://www.ilo.org/ipec/lang--en/index.htm

Partnership Canada Africa
600-331 Cooper Street
Ottawa, Ontario
K2P 0G5
Canada
Tel.: +1 613 237 6768
Fax: +1 613 237 6530
Website: http://www.pacweb.org

The Kimberly Process
KP Secretariat – Namibia
Ministry of Mines and Energy
Room 325, 3rd Floor

No.1 Aviation Road
Windhoek, Namibia
Tel.: +264 61 284 8234
Fax: +264 61 284 8203
Email: kpcs.namibia@kimberleyprocess.com
Website: http://www.kimberleyprocess.com/

United Nations Children's Fund (UNICEF)
United States Fund for UNICEF
125 Maiden Lane, 11th Floor
New York, NY 10038
Tel.: +1 212 686 5522
Fax: +1 212 779 1679
Website: http://www.unicef.org/protection/index.html

Education, Research and Training

EDUCATION

European Network of Masters in Children's Rights
Interdisciplinary one year master's programme aimed at graduates and professionals working in the field of childhood and children's rights.
http://www.enmcr.net/cms/index.php?option=com_content&task=view&id=31&Itemid=46
http://www.ewi-psy.fu-berlin.de/en/einrichtungen/weitere/enmcr/index.html

Master of Advanced Studies (MAS) in Children's Rights, University of Fribourg – Institut Universitaire Kurt Bösch (IUKB), Fribourg, Switzerland
Part-time two year postgraduate programme intended for professionals who work with children's rights issues. It combines residential teaching and distance learning, requiring participants to attend four week long residential modules per year.
www.iukb.ch/mcr

Masters of Sciences (MSc) in Children's Rights, University of Amsterdam, Amsterdam, the Netherlands
Interdisciplinary one year fulltime master's programme that discusses children's rights primarily from a social science perspective, but also examines some of its legal aspects.
http://www.studeren.uva.nl/msc_childrens_rights

RESEARCH

International Labour Organization
Report 'The End of Child Labour: Within Reach', 2006
http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=2419

10. Children, Landmines and Cluster Bombs

What children had to say (Source: International Campaign to Ban Landmines)

"Sometimes I dream that I have two legs again and I run freely in the rice fields, feeling the grass under my toes, I really wish that soon my friends and I can play without danger, with no more mines in our fields."

— Soung Kosal, a landmine survivor from Cambodia, who is also the Youth Ambassador for the International Campaign to Ban Landmines

The purpose of this chapter is to provide a comprehensive overview of the humanitarian issues caused by landmines, cluster bombs and other explosive remnants of war and the legal norms and practices that have evolved to mitigate the suffering of civilians. This Chapter is structured in three parts: 1) a summary of the humanitarian concerns arising from these weapon systems; 2) an overview of the evolution of policies and laws created to address the humanitarian harm caused by these weapons; and 3) training opportunities associated with these developments.

10.1 Describing the Issue

Landmines, Cluster Bombs and Explosive Remnants of War

Anti-personnel mines,[772] failed cluster bombs[773] and explosive remnants of war[774] (ERW) are indiscriminate weapons that injure and kill civilians in every corner of the globe, every day. They do not recognise ceasefires and peace processes and continue to claim victims long after the end of conflict. Because of the danger associated with these weapons, they instil fear in communities and become lethal barriers to development. Moreover, they adversely affect the health, economy, environment,

human rights and ability to achieve gender equality in communities afflicted by these remnants of conflict.

Over 70 countries and six areas that are not internationally recognised[775] are affected, to one degree or another, by landmines, cluster bombs and/or explosive remnants of war.[776] In the last ten years, there have been 73,576 casualties of these weapons documented in 119 countries and areas not internationally recognised, where this information was available. Most of these casualties were located in Afghanistan, Cambodia, Colombia, Iraq, India, Russia, Angola, Somalia, Myanmar, Lao PDR, Pakistan, Ethiopia, Sudan, the Democratic Republic of Congo, Vietnam and Sri Lanka. Of this total, 26% of all casualties occurred in just two countries – Afghanistan and Cambodia.[777]

Where the identity of the victim is known, it has been estimated that 71% were civilian casualties, 27% members of security forces or paramilitaries and 2% humanitarian workers. Men and boys continue to make up the majority of casualties at 90%. Where age was known, 32% of victims were children, predominantly consisting of boys (27%). Girls constituted 5% of the victims. The main activities victims were undertaking when they became casualties included livelihood tasks (34%), tampering or playing with the ordnance (20%) and travelling (18%).[778] In 2008, boys made up the single largest casualty group in Chad, El Salvador, Eritrea, Jordan, Lao PDR, Nepal, Somalia, Somaliland, Sudan and Yemen. In Afghanistan, almost half of all civilian casualties in 2008 were boys, a significant increase from the previous year.[779]

Uganda: Comprehensive Plan of Action on Victim Assistance

In the Nairobi Action Plan,[780] States committed to ensuring "effective integration of mine victims" in the work of the Anti-Personnel Mine Ban Convention.[781] To date, however, very few States have followed through on this promise. Uganda, a country with one of the highest numbers of mine survivors, is one of the few governments that has fulfilled this commitment through the inclusion of survivors and nongovernmental organisations in the development of the 2008-2012 Uganda Comprehensive Plan of Action on Victim Assistance.[782] The Plan dictates guidelines for the inclusion of people with disabilities in all planning processes and outlines specific goals for increased participation of people with disabilities in education and physical rehabilitation programmes.

Because anti-personnel landmines are mostly hidden, detonation by children or adults is almost always as a result of carrying out daily activities. Natural disasters, such as flooding and landslides, can scatter landmines, sometimes several kilometres away from their original site. In late 1998, Hurricane Mitch flooded much of the land in Nicaragua. This shifted landmines, left over from the Contra wars in the 1980s, from their original locations and scattered them around the countryside. Many have become covered with mud and are now very difficult to detect.[783] Detonation of most explosive remnants of war tends to occur as a result of activities involving more intentional action, such as trying to move the ordnance or tampering or playing with it. Landmines and cluster bombs are extremely volatile and can be hidden or on the surface of the earth and be triggered through both unintentional or intentional activities.

Children are particularly vulnerable to being killed or injured by these weapons because:

- they have less body mass and tend to be closer to the centre of the blast, reducing their chances of surviving a massive loss of blood;
- they are often the victims of their own curiosity and love of play.[784] Mines and other ERW come in different shapes, sizes and colours, which can be enticing to children;
- children in many affected countries are required to perform jobs that are crucial to the economic survival of the family, such as tending livestock, scavenging, gathering firewood and collecting water in potentially contaminated areas; and
- it has become common practice in some areas for children to be paid a small amount of money to retrieve anti-personnel landmines and explosive remnants of war for scrap metal.

Children's lives can be devastated in the short and long term by these weapons. A child directly injured by any of these weapons can sustain horrific injuries, including limb loss, disfigurement, genital mutilation or blindness and will require long term medical attention. Many children do not receive the long term medical care that they require, since few clinics are located outside of city centres and children who are not from the city are unable to get to the check-ups that they require. Rehabilitation and medical care are often costly, especially prostheses, which require regular

fittings in the case of children, whose bones are growing quickly. Without proper care and treatment, children have diminished opportunities for education and employment, since they are unable to get to school or work or to function in their usual environments. For many children, especially girls, their prospects for marriage and stability in adult life can also be limited because of their disability or inability to produce children. These practical difficulties compound the deep emotional trauma suffered, for which adequate counselling is rarely available.[785]

A child who has a family member injured or killed by landmines or explosive remnants of war can also be significantly affected. If the injured family member was a breadwinner, the child may be forced to discontinue schooling to earn money for the family or stay at home to become a caregiver for the injured relative.

In addition to the devastating impact on the lives of individuals and families, these weapons also have serious social and economic consequences for a country attempting to rebuild after the end of armed conflict. Farmland is rendered unworkable and roads and railways impassable, hampering development and post-conflict reconstruction. Injuries and deaths from these weapons also deplete the workforce and make more people dependent on the State or aid agencies for survival. Given that the UN Convention on the Rights of the Child obliges States to guarantee all children the right to adequate food, shelter, clean water, formal education, primary healthcare, leisure and recreation, living with the threat of victim activated weapons completely nullifies these rights.

Landmines

There are two types of landmines:

- anti-personnel mines, that are activated by the "presence, proximity or contact of a person… that will incapacitate, injure or kill one or more persons;"[786] and
- anti-vehicle mines, which require much heavier weight to activate them.

Anti-personnel landmines are of special concern, because they are victim-activated weapons that do not discriminate between civilian and military personnel, adult and child, or war and peace. The majority of

casualties from anti-personnel mines have overwhelmingly been civilians. Although the use of anti-personnel mines has decreased each year by governments and non-State armed groups since the Anti-Personnel Mine Ban Convention entered into force in 1999, anti-personnel mines continue to kill civilians around the world every year – often long after a conflict has ended. It is estimated that there are some 500,000 landmine survivors requiring assistance in the world today. This number does not take into account all the civilians who have died from their injuries or the cases where no data is available.[787]

The most landmine affected countries are in Africa, Asia-Pacific, the Middle East and North Africa and some parts of Latin America. The only region of the world unaffected by landmines is North America.[788]

Mine Risk Education

Article 6(3) of the Mine Ban Treaty calls on each State "in a position to do so" to provide assistance for mine awareness programmes. There is no specific requirement for affected governments to provide Mine Risk Education (MRE) to those at risk.[789] The Convention on Cluster Munitions advocates stronger terms for programming in areas affected by unexploded submunitions. It specifically obliges affected States to conduct "risk reduction education to ensure awareness among civilians living in or around cluster munition contaminated areas of the risks posed by such remnants," taking into consideration the provisions of Article 6 on international cooperation and assistance.[790] In conducting MRE, States are also required to take into account international standards, including the International Mine Action Standards (IMAS).[791]

School based MRE is an effective way to reach many children and integrating MRE into existing structures can make it more cost effective and sustainable. By 2008, MRE had been integrated into the curriculum of 13 States and areas[792] and education was conducted in schools in at least 15 other States and areas.[793] School based MRE does have its limitations and should not be employed as the only tool for MRE. School based MRE is essentially a one-way provision of information and, in some States, children are not even the primary target group, based on analysis of risk. In Bosnia and Herzegovina, school based MRE did not appear to be fully functional and, in Vietnam, UNICEF found that knowledge results in schools without MRE integrated into the curriculum were indistinguishable from those where it was included. In some States, efforts to integrate MRE fully into the curriculum were unsuccessful, due to a lack of resources or commitment from education ministries (although some school based MRE was still conducted in 2008).[794] Furthermore, school based MRE does not reach marginalised children who are not regularly attending school for various reasons.

Cluster Bombs

Another weapon with a devastating impact on civilian populations is the cluster bomb. Cluster bombs (also referred to as cluster munitions) consist of submunitions or bomblets packed in cargo containers. Fired, launched or dropped by aircraft or land-based artillery, the container opens in the air and disperses bomblets or submunitions over a wide area, often resulting in very dense contamination. These were originally designed to quickly block a large area of land in a battlefield to prevent tanks and soldiers from moving closer. As such, the bomblets are designed to pierce armour and can kill anyone within a range of 50 metres with its explosive lethal charge. A single cluster bomb strike can spread hundreds to thousands of bomblets over as much as one square kilometre, with no distinction between military or civilian targets during the time of its use or after conflict ends.[795]

By design, cluster bombs are different from landmines because they are intended to explode on impact or shortly before or after impact. Yet, a significant problem with cluster bombs is that, every time they have been used, they have had consistently high failure rates, resulting in a significant number of failed cluster bombs being left on the ground.[796] Those that do not explode on impact become explosive remnants of war.[797] These dud munitions become de facto landmines and must be treated and cleared as such. The result is a similar impact on affected communities as is found with landmines – limited ability to use the land, move about freely and conduct daily life activities.

During the 2006 conflict between Israel and Lebanon, Israel fired more than 4 million bomblets into southern Lebanon over the last three days of conflict. It is estimated that one million of these failed to detonate and now contaminate the land.[798] At one of the conferences leading up to the negotiation of a new treaty banning cluster bombs, Lebanese Ambassador Gebran Soufan stated, "Today across Lebanon unexploded submunitions are stuck in the branches of olive trees… they are on roof tops, mixed with rubble, littered across fields, farms, backyards, driveways, roads and outside of schools."[799]

Because cluster bombs are a larger, more complex weapon, requiring air or artillery equipment to launch, use of this weapon has been almost exclusively by States. Nonetheless, Hezbollah in Lebanon did fire more

than 100 cluster munition rockets into northern Israel during the 2006 conflict, which is the first recorded use of cluster bombs by a non-State armed group.[800]

The most cluster bomb affected countries or areas in the world include Afghanistan, Cambodia, Chechnya, Croatia, Democratic Republic of Congo, Iraq, Kosovo, Lao PDR, Lebanon and Vietnam.[801]

Explosive Remnants of War

The term 'explosive remnants of war' (ERW) includes all abandoned and/or unexploded weapons and ordnance left behind after a conflict and no longer effectively controlled.[802] For example, ERW include unexploded artillery shells, grenades, mortars, rockets, air-dropped bombs, anti-vehicle landmines, as well as dud cluster bombs.

ERW contain powerful explosives and metal fragments that become shrapnel when detonated, making multiple casualties more likely. Upon explosion, ERW typically project hundreds of shrapnel fragments that can kill or severely injure anyone within range. If a victim survives he or she may suffer the loss of limbs, burns, puncture wounds, ruptured eardrums and blindness. ERW can be wholly or partially visible, hidden by vegetation or buried. Until the explosive remnants of war are neutralised or removed from the community, they pose an ongoing serious threat to civilians. They are particularly dangerous because of their unpredictability. Detonation depends on whether the weapon was fired, the arming mechanism and fuse used, corrosion and degradation and how people interact with it. All ERW must be treated as live until otherwise determined. Because of their unpredictable nature, the presence of ERW compounds the already dangerous, expensive and painstaking task of mine and remnant clearance.[803]

Accidents happen when people try to move ERW out of economic necessity or social responsibility. Civilians try to clear land for farming and housing or to stop children from playing with the potentially dangerous ordnance. In some poor areas, people sometimes salvage military debris to sell as scrap metal. In addition to casualties, ERW create crippling social and economic problems. Like anti-personnel landmines and failed cluster bombs, their presence engenders fear in affected communities. The presence of ERW results in denied access to land and impeded free movement, such as the return of refugees and internally

displaced people. The presence of ERW can also delay the delivery of humanitarian assistance, place additional strain on medical resources and hinder reconstruction and development. Detonation of most ERW tends to happen as a result of activities involving more intentional interaction, as with cluster bombs, such as trying to move the ordnance and tampering or playing with it.

Although the total quantity of ERW is largely unknown, its impact is significant. For example, Laos, Cambodia, Kosovo, Eritrea, Iraq, Afghanistan and Lebanon have experienced ERW casualty levels on a scale similar to those caused by anti-personnel landmines and, in 2008, the majority of these ERW victims were children (57%).[804]

What about the real 'needs' of survivors?

"The level of understanding about Victim Assistance concepts has increased. States Parties have said that they understand that addressing the rights and needs of landmine victims is a long-term commitment which requires adequate financial, technical and human resources. States Parties have said that they recognize the importance of empowerment, inclusion and the meaningful participation of both landmine survivors and persons with disabilities in victim assistance development and poverty reduction programs.

This demonstrates that some progress has been made in the past five years. We, the survivors and persons with disabilities, appreciate these improvements, but our questions are: What is the impact of these achievements on the lives of individuals? Which of the "real needs" of survivors are being addressed? For example, can survivors living on top of a hill in Kabul access schools and clinics? Did unemployed survivors in Yemen get jobs? What happened to those children who dropped out of school in Turkey? Do the landmine survivors in Eritrea know about their rights?"

— Speech delivered by Firoz Alizada, Cartagena Summit on Mine-Free World, 29 November – 4 December 2009

10.2 Laws and Norms

While the previous section provided an overview of the impact of landmines, cluster bombs and explosive remnants of war on civilians, this section explores the evolution of laws and treaties intended to mitigate these effects.

Landmines

Prior to negotiations for a new treaty banning anti-personnel landmines, there was no international humanitarian law, nor was there customary international law that explicitly banned landmines. It can be argued, however, that the nature of landmines – they cause horrific and permanent injury (loss of limbs); they indiscriminately target both civilians and combatants; and the risk of injury and death from landmines continues long after the cessation of hostilities – makes their use incompatible with general laws of war, which limit the methods and means of warfare.[805]

It should be first noted that, under customary international law, it is prohibited to use weapons 'of a nature to cause superfluous injury or unnecessary suffering'.[806] This signifies that any weapon designed to cause more injury than required to take a soldier 'out of action', even when directed solely against combatants, is unlawful and must not be used. It is also prohibited to use weapons that are inherently indiscriminate, such as those that do not discriminate between a soldier and a civilian.

The Geneva Conventions (1949)

[See Annex 4 for full text of relevant articles on page 363]

Warfare has always been subject to terms and conditions and these unwritten rules have become customary law. These laws, which began to be codified in the 19th century, were the basis for what is now called International humanitarian law. International humanitarian law is a universally accepted set of rules that offers protection to those who are not or no longer actively participating in the conflict. In addition, it provides limits to the means and methods that can be used for warfare. International Humanitarian Law was created with the Geneva Conventions in 1949.[807]

The Geneva Conventions state that civilians, along with the wounded, sick, shipwrecked, prisoners of war and those providing medical aid, must be protected during an international conflict.[808] Thus, distinction must be made between combatants and civilians. Over time, it became clear that these rules did not provide sufficient protection to civilians during conflict, so two Additional Protocols were added to the

Convention.[809] As of 25 November 2009, 194 States were party to these Conventions.[810]

Additional Protocol I to the Geneva Conventions (1977)

[See Annex 4 for full text of relevant articles on page 368]

Additional Protocol I imposes restrictions on the methods and means of international armed conflict. Specifically, States are "prohibited to employ weapons, projectiles, material or tactics of a nature to cause superfluous injury or unnecessary suffering."[811] Furthermore, Article 51(4) prohibits indiscriminate attacks, which include in their definition the use of methods and means of combat for which the effects cannot be limited. This clearly applies to landmines.

The prohibition on the recruitment or use of children under 15 years old in the Additional Protocols is now considered customary international law.[812] It is also important to note that civilians were still not entitled to protection from the use of landmines under the Additional Protocols, which only explicitly protected civilians from being the object of attack during a conflict, and not afterwards. [813]

As of 25 November 2009, 168 States were party to Additional Protocol I while Additional Protocol II has been ratified by 165 States.[814]

Convention on Conventional Weapons (1980) (CCW)

In 1980, the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects was adopted.[815] Protocol II of the CCW, entitled Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices,[816] regulates the transfer and use of all landmines, including anti-personnel mines, in international armed conflicts. It also includes rules for marking and mapping minefields and the removal of mines at the end of wars. Importantly, Protocol II was amended in May 1996 to extend its application to non-international armed conflicts and to strengthen the rules relating to the use and transfer of mines.[817]

The CCW and Amended Protocol II still fall far short of a worldwide ban on landmines and have made little impact on their transfer

and use in the field. As of 25 November 2009, 111 States were party to this Convention, with five States having signed, but not ratified.[818] Ninety-three States are party to Protocol II.

What children had to say (Source: Handicap International Belgium)

"On 22 May 1992, the 11-year-old Davor Meštrović was playing in the woods near an army barrack outside Karlovac [in Croatia] when he stepped on a mine. He lost both his legs below the knee and his playmate suffered minor injuries. Soon after his injury, his mother died from cancer and his stepfather abandoned him and his two stepbrothers.

Davor's prospects seemed bleak, especially when he turned 18 and could no longer stay at the state orphanage. Luckily, some friends and the Karlovac Mine Survivors' Association decided to help him. With this support, he followed training to become a prosthetic/orthotic technician and he is now employed at a private orthopedic center. He earns the mimimum wage and gets some additional disability benefits. Nevertheless, Davor has been able to pay for the education of one of his stepbrothers, while also taking care of his wife and one-year-old daughter. They live in a rented apartment in Zagreb. But Davor's disability gives him priority status for housing assistance, for which they have now applied. With some luck, he and his family will be under their own roof by Christmas".

— Voices from the Ground: Landmine and Explosive Remnants of War Survivors Speak Out on Victim Assistance

Convention on the Prohibition of the Use, Stockpiling, Production, Transfer of Anti-Personnel Mines and on Their Destruction (1997) (also known as Mine Ban Treaty or the Ottawa Treaty)

[See Annex 4 for full text of relevant articles on page 378]

As a global civil society movement to ban anti-personnel landmines gained momentum during the 1990s, an inter-governmental conference, spearheaded by the Government of Canada, was held in Ottawa to bring States dissatisfied with the 1980 Convention on Conventional Weapons together to draft and enact a true international ban of anti-personnel mines, with no exceptions, exemptions or loopholes. The 1996 conference resulted in the Ottawa Declaration, which called for a global ban on landmines and a challenge to States to return to Ottawa to sign a treaty within one year. This is now known as the Axworthy[819] Challenge.[820]

During the following year, the International Campaign to Ban Landmines (ICBL) worked with governmental agencies and local, national and international organisations on the text and recommendations that came out of the inter-governmental conference to move the global landmine ban legislation forward. The efforts of the ICBL and States in favour of the ban were so successful that, one year later on 3 December 1997, the Ottawa Treaty was signed by 122 countries [See Annex 2: Tables of Countries' Ratification of Instruments to view which countries have ratified this document]. It entered into force less than two years later on 1 March 1999, making it the most rapidly ratified disarmament treaty in history.[821]

This Convention is an outstanding achievement because it marks the first time that countries, through international humanitarian law, have agreed to completely ban a weapon already in widespread use. More importantly, the Convention is making a tangible difference on the ground. Landmine Monitor 2009[822] reports that:

- Government use of anti-personnel mines has all but ceased since 1999, with only two allegations of use in 2007 by Myanmar and Russia;
- More than three quarters of the world's States are bound by the Mine Ban Treaty;
- Landmine producing States have been reduced from 38 to 15;
- Trade of anti-personnel mines has almost ceased, save for small scale, illicit, black market activity;
- Eighty-six States have completed the destruction of their stockpiled mines, resulting in the total destruction of over 44 million anti-personnel mines; and
- Although there are still new casualties each year, the number has fallen from an estimated 26,000 per year to approximately 6,000. This does not account, however, for the number of casualties who are still alive and require life long care, estimated at 500,000 people.

As of 25 November 2009, 156 States were party to this Convention, with two States that have signed, but not yet ratified it.[823]

Assistance to mine victims

Article 6 (3) of the Anti-Personnel Mine Ban Convention824 obliges States, that are in a position to do so, to provide assistance for the care and rehabilitation and social and economic reintegration of mine victims, as well as mine awareness programmes. This Article does not specify what constitutes adequate assistance or what measure will gauge whether this Article has been successfully achieved. Afghanistan[825] is one of the most mine and cluster bomb affected countries in the world. In 2009, President Karzai committed 1.5% of Afghanistan's national budget to services and programmes that will improve the lives of people with disabilities,[826] quite a groundbreaking development in such a severely affected state.

Cluster Bombs and Explosive Remnants of War

Up until December 2008, there was no international treaty that regulated the use of cluster bombs, although the same principles of customary law and international humanitarian law with respect to the use of landmines are equally relevant to cluster bombs. Humanitarian concerns have been raised about cluster bombs since the 1960s and the 1970s witnessed the first government backed proposal for a prohibition.[827] These efforts were primarily a response to the widespread use of cluster bombs in Southeast Asia. The proponents of the ban could not know at that time that unexploded submunitions from these cluster bombs would still be killing and injuring civilians in Lao PDR, Vietnam and Cambodia more than four decades later.[828]

In 1999, the use of cluster bombs by the North Atlantic Treaty Organisation (NATO) in the Federal Republic of Yugoslavia, particularly in Kosovo and Serbia, caused civilian casualties, both at the time of use and afterwards, rekindling international concern over these weapons.[829] Large scale use of cluster bombs in Afghanistan in 2001 and 2002 and in Iraq in 2003 deepened recognition of the humanitarian and legal problems posed by these weapons.[830]

In response to these developments, on 13 November 2003, the Cluster Munition Coalition (CMC)[831] was launched in The Hague. The CMC was united behind a call for the immediate moratorium on the use of cluster munitions, the acknowledgement of States' responsibility for the explosive remnants they leave behind and a commitment to provide resources to areas affected by ERW.

Convention on Conventional Weapons (CCW) Protocol V on Explosive Remnants of War (2003)

[See Annex 4 for full text of relevant articles on page 395]

In an effort to address the issue of ERW, States that were party to the Convention on Conventional Weapons adopted the **Protocol V on Explosive Remnants of War**.[832] This Protocol reinforced the principle that States bear a responsibility for the post-conflict harm caused by their weapons, but it was insufficient to tackle the specific challenges caused by cluster bombs both during and after attacks. As of 25 November 2009, 62 States were party to this Protocol.

Israel's massive use of cluster bombs in south Lebanon in July and August 2006 demonstrated again that there was a need for stronger action against this type of weapon. As discussed earlier in this Chapter, according to the United Nations, Israel fired some 4 million submunitions into Lebanon, leaving behind as many as one million duds.[833] A massive clearance operation was required, supported by risk education and victim assistance. As well as being part of this practical response, the Cluster Munition Coalition was able to rapidly document the impact of these weapons on individuals and communities. Their data stood in stark contrast to the arguments offered by many governments that existing legal rules were sufficient.[834]

At the CCW's Third Review Conference in November 2006, then UN Secretary-General Kofi Annan issued a statement calling for a 'freeze' on the use of cluster munitions in populated areas and the destruction of 'inaccurate and unreliable' cluster munitions.[835] Twenty-six nations supported a proposal for a mandate to negotiate a legally binding instrument "that addresses the humanitarian concerns posed by cluster munitions," but this proposal was rejected.[836]

On 17 November 2006, the final day of the Review Conference, Norway announced that it would start an independent process, outside the CCW, to negotiate a cluster bomb treaty and invited other governments to join, thus initiating what became known as the Oslo Process.[837]

In February 2007, 46 governments met in Oslo to endorse a call by Norwegian Foreign Minister Jonas Gahr Støre to finalise a new legally binding instrument that prohibits the use, production, transfer and

stockpiling of cluster bombs that cause unacceptable harm to civilians. The instrument included a call for adequate resources to assist survivors and clear contaminated areas.

Follow up meetings to the Oslo Process were held in Peru (May 2007), Austria (December 2007), and New Zealand (February 2008). In May 2008, 107 countries met in Dublin, Ireland, and negotiated and adopted a treaty that bans cluster bombs and provides assistance to affected communities.[838]

Convention on Cluster Munitions (2008)

[See Annex 4 for full text of relevant articles on page 401]

A landmark legal instrument, the Convention on Cluster Munitions[839] bans cluster munitions as an entire category of weapon. It is comprehensive in its approach, both from the disarmament perspective – a categorical ban on use, production, and trade, and a requirement and deadline for stockpile destruction; and, from the practical humanitarian perspective: a requirement and deadline for clearance of contaminated areas, requirements for risk education, an Article dedicated to victim assistance and international support for on the ground humanitarian actions. Risk education is aimed at the prevention of injury or death while communities wait for cluster bomblets to be cleared. This decreases the likelihood of new civilian victims, including children. A specific Article requiring States to provide victim assistance to civilian casualties (including children) and report on it annually also provides another level of protection for children and the families.

The Convention on Cluster Munitions was signed by 94 countries and ratified by four during the Signing Conference in Oslo that took place in December 2008. Thirty ratifications are required for the CCM to enter into force. The CCM is now open for all countries to sign at the United Nations Headquarters in New York [See Annex 2: Tables of Countries' Ratification of Instruments to view which countries have ratified this document]. As of 25 November 2009, 24 States were party to this Convention, with 79 having signed, but have ratified it.[840]

Key points about landmines and cluster bombs:

- In the last 10 years, there have been 73,576 casualties of landmines, cluster bombs and explosive remnants of war. Landmines, cluster bombs and unexploded ordnance are indiscriminate weapons that continue to claim victims, overwhelmingly civilians, long after the end of hostilities.
- Children are particularly vulnerable to being killed or maimed by unexploded ordnance because of the works they perform for family survival (tending livestock, scavenging, collecting water and firewood in potentially contaminated areas); their love of play and curiosity attract them to the brightly coloured mines and explosive devices; and the common practice of paying children a small amount of money to retrieve these weapons for scrap metal.
- The most important achievement to address this problem is the Convention on the Prohibition of the Use, Stockpiling, Production, Transfer of Anti-Personnel Mines and on Their Destruction – Mine Ban Treaty (1997), which completely bans the landmine, a weapon that was in widespread use at the time.
- In an effort to address the use of cluster bombs, States that were party to the Convention on Conventional Weapons adopted the Protocol V on Explosive Remnants of War in 2003. While the Protocol reinforced the principle that States bear responsibility for the post-conflict harm caused by their weapons, it did not call for an all out ban on cluster bombs.
- The 2008 Convention on Cluster Munitions does seek to ban these weapons entirely. The Convention has yet to enter into force, but is open for signature at the United Nations

10.3 Further Information

Key Actors

Child Rights Information Network (CRIN)
East Studio
2, Pontypool Place
London, SE1 8QF
United Kingdom
Tel.: +44 20 7401 2257
Website: http://www.crin.org/

Cluster Munition Coalition (CMC)
89 Albert Embankment
London
United Kingdom
SE1 7TP
Tel.: +44 207 820 0222
Website: www.stopclustermunitions.org

Geneva Call
Geneva Call
P.O. Box 334
CH-1211 Geneva 4
Switzerland
Tel.: +41 22 879 1050
Website: www.genevacall.org/Themes/Children/children.htm

International Campaign to Ban Landmines (ICBL)
9 Rue de Cornavin
CH-1201 Geneva
Switzerland
Tel.:+41 22 920 0325
Website: www.icbl.org

International Committee of the Red Cross
19 avenue de la Paix
CH 1202 Geneva
Switzerland
Tel.: + 41 22 734 6001
Website: www.icrc.org

Mines Action Canada (MAC)
1 Nicholas St – Suite 1502
Ottawa, ON
K1N 7B7
Canada
Tel.: +1 613 241 3777
Fax: +1 613 244 3410
Email: info@minesactioncanada.org
Website: http://www.minesactioncanada.org/

United Nations Children's Fund (UNICEF)
UNICEF House
3 United Nations Plaza
New York 10017
United States
Tel.: +1 212 326 7000
Website: www.unicef.org

United Nations Mine Action Service (UNMAS)
United Nations Mine Action Service
Office of Rule of Law and Security Institutions
Department of Peacekeeping Operations
380 Madison, 11th Floor
New York, NY 10017
United States
Tel.: +1 212 963 4710
Email: Dpko-unmas@un.org
Website: www.mineaction.org

United Nations Office for Disarmament Affairs (UNODA)
United Nations Office for Disarmament Affairs
Information and Outreach Branch
United Nations Room S-3151
New York, NY, 10017
United States
Tel.: +1 917 367 5369
Email: UNODA-web@un.org
Website: www.un.org/disarmament

Education, Research and Training

EDUCATION

Geneva International Centre for Humanitarian Demining (GICHD)
GICHD provides training and courses in a variety of countries each year to improve upon and consolidate lessons learned with respect to the practice of mine action in the field.
www.gichd.ch

International Program for Development Evaluation Training (IPDET)
IPDET offers full and mini executive training programmes each year in development evaluation around the world, including a mini IPDET course on evaluating mine action programmes.
www.ipdet.org

James Madison University (JMU), Harrisonburg, Virginia, United States
JMU offers a five week Senior Mine Action Manager Training Course for participants to learn the skills necessary to manage a successful mine action programme.
http://maic.jmu.edu/about/training/training.htm

Mines Action Canada (MAC)
On behalf of the International Campaign to Ban Landmines and the Cluster Munition Coalition, MAC annually offers regional and international training courses, alongside major landmine and cluster bomb treaty meetings, for aspiring young civil society leaders from the ages of 18 to 30 years.
www.minesactioncanada.org

Reliefweb
Extensive list of courses on landmines.
http://www.reliefweb.int/rw/rwt.nsf/doc209?OpenForm&query=3&cat=Landmines

RESEARCH

Electronic Mine Information Network (E-Mine)
http://www.mineaction.org/section.asp?s=what_is_mine_action

International Mine Action Standards
A website that is maintained by the United Nations Mine Action Service (UNMAS) and lists all guidelines for mine clearance and mine risk education.
www.mineactionstandards.org

Landmine Monitor
Annual report
http://www.lm.icbl.org/index.php/LM/Our-Research-Products/Landmine-Monitor

EVENTS

http://www.gichd.org/calendars/calendar-of-events/

11. Children, Small Arms and Light Weapons

This chapter reviews the problem of small arms and light weapons (SALW) for children and provides practical guidelines and positive examples as to how the problem can be addressed internationally. The chapter begins by describing the issue, the extent and nature of SALW use and its impact on children and goes on to outline the relevant norms and laws designed to protect children. It provides examples of where national legislation and special initiatives have respected and built upon the international norms and offers advice on how readers can obtain more information.

Introduction

Most conflicts today are fought with small arms and light weapons.[841] If properly stored and maintained, these weapons have a lifespan of several decades. They are, by nature, highly portable and they move with ease across borders and between communities. Their proliferation sustains conflicts, exacerbates violence, contributes to the displacement of civilians, hampers the search for food, fuel and water and impedes humanitarian assistance. Weapons that are not relinquished post-conflict leave their legacy in the form of violent crime and gang-related violence.[842] Moreover, when guns are considered normal by communities, the presence and use of SALW can sustain a 'culture of violence' and impunity[843] and become the tools used to violate the rights of children.[844]

A growing constituency of disarmament and rights advocates seeks to address the supply of and demand for small arms. With the exception of recent studies supported by the United Nations (UN) General Assembly, the UN Secretary-General and the Organisation for Economic Cooperation and Development (OECD), international attention to the dynamics of arms and violence is comparatively scarce.[845] Although some research has been done on the subject, including a preliminary assessment supported by UNICEF in Central America and the Caribbean, studies routinely neglect the child-specific features of small arms and their accompanying violence.[846]

Special Initiative-Somalia:

In 2003, UNICEF conducted an in depth child protection study in Somalia, which provided crucial information about the attitudes of both adults and children towards violence and arms. It was also the first time that children in Somalia had participated in such a project and had been given the opportunity to discuss their experiences and views.[847] The results emphasised the 'culture' of denial surrounding small arms.[848] The survey also found that 5% of the children surveyed said that they or their siblings had carried a gun or been involved in militias, with this percentage increasing in urban areas. To eradicate gun culture, UNICEF now works with 35 youth groups that will provide a space for boys and girls to cope with the violent disturbances in their lives. The groups provide recreational, sports and cultural activities, including traditional music, dance, drama and debate. They also organise and implement community development, peace promotion and disarmament.[849]

11.1 Describing the Issue

The destructive outcomes of most current armed conflicts are due to assault rifles[850] and light artillery[851] rather than large conventional weaponry. Likewise, organised and criminal activities are meted out with handguns, revolvers and semi-automatic arms, increasing the fear, brutality, injury and death. With the involvement of SALW, there is a higher risk that violence will be more brutal. Both armed conflict and violent crime are made more deadly owing to these weapons that are readily available, inexpensive and easy to transport, construct, maintain and use.[852]

National Legislation-South Africa:

South Africa is a country with high levels of youth gang violence. In July 2004, the country introduced its new Firearms Control Act, which raised the legal age for owning a firearm from 16 to 21 years of age.[853] Under the law, over two million gun owners have to reapply for their licences, undergo stringent checks and sit for a competency examination. Legislation has also been adopted promoting child protection; however, little progress has been made in stemming the homicide rate among children. As a result, in the Western Cape—one of the most affected provinces in South Africa—the local government has overhauled its Department of Community Safety. The Department's Strategic Plan 2003-04 to 2005-06 included several programmes in line with national legislation aimed at stemming gang violence through the enhancement of law enforcement and community cooperation. It is not clear yet whether or not these efforts have been effective.[854]

In relation to global spending on defence, the value of the authorised trade in small arms and light weapons, including their parts, accessories and ammunition, is relatively modest. The Small Arms Survey (2009) estimates that the global trade in small arms results in some USD 4 billion per year. Between 2000 and 2006, the trade increased by 28%, or approximately USD 653 million, suggesting that trends are on the increase.[855] Meanwhile, the illicit trade in small arms and light weapons, while exceedingly difficult to measure with precision, is estimated at about USD 1 billion per year.[856]

Children and youth may be victims, witnesses and perpetrators of small arms related violence. The impact of SALW on children in the context of armed violence can be categorised as either 'direct' or 'indirect' (Table 1). For example, direct impact includes death, injury and psychosocial trauma, whereas indirect impact includes transformation in social well-being, resulting from the death and injury of family and peers, forced displacement and reduced access to education and healthcare.[857] Children's rights are violated by the mere presence of SALW, which serve as tools of intimidation and threat.

In environments with abundant weapons, children in lower and middle income countries and in peripheral municipal areas are especially at risk of violent death, including homicide. Roughly 53,000 children are estimated to be killed each year, due to homicide.[858] Moreover, the child homicide rate is believed to be twice as high in low income countries as in high income countries (2.58 per 100,000 compared to 1.21 per 100,000).[859] Add to this that at least two to three times more children are killed in armed conflict.

In addition to child deaths, the number of wounded, disabled, and traumatised, as a consequence of SALW, is tremendous. Psychological wounds are also less 'visible' than physical wounds and may last a long time. For example, a child's nervous and immune systems can suffer from stunted development and contribute to long term psychological, emotional and social difficulties later on in life.[860] Post-traumatic stress syndrome features several manifestations that vary by age, sex, culture and the severity and type of trauma suffered.[861] Although male adolescents and young men generally form the majority of direct victims of SALW (through death, injury and psychosocial trauma), younger children may

Table 1 : Direct and indirect impact of armed violence[862]

Direct impact	■ Death ■ Injury and disability (including by sexual violence, exacerbated by poor healthcare) ■ Psychosocial trauma (short to medium term)
Indirect impact	■ Changes resulting from death and injury of family and peers (rise in unaccompanied children and child-headed households, higher school dropout rates) ■ Displacement (added protection risks of refugee camps) ■ Reduced access to education or a decrease in its quality ■ Reduced access to healthcare or a decrease in its quality

also suffer after experiencing targeted attacks on civilians or recruitment into armed groups under threat of a gun. Girls are particularly vulnerable to sexual exploitation, including rape and sexual slavery, as was discussed in Chapter 8.

The light weight and simplicity of most small arms enable even young children to use them to powerful effect. There are children associated with armed groups and armed forces who join fighting forces in order to carry a weapon and use it for self-defence, status or to get food more easily.[863] A recent study by the Small Arms Survey and Viva Rio for UNICEF focusing on eight countries (Brazil, Colombia, Haiti, Nepal, the Occupied Palestinian Territory, Senegal, South Africa and Yemen) reveals that one quarter of children interviewed reported having easy access to firearms, despite the fact that this is illegal in all of the countries of the study. For example, in Nepal, more than one quarter of children reported having 'easy access' to firearms, followed by Yemen (23%), and South Africa (21%). These weapons are often regarded as a form of 'status accumulation'.[864]

The eight country study also found that armed violence, along with the proliferation of SALW, can contribute to new forms of mobility and immobility. Sometimes, entire populations are displaced; while, at other times, people fear leaving their homes and deliberately limit their movements. In places affected by armed conflict, children may be unable to travel to and from school or health clinics out of

fear for their safety. Likewise, forced migration from violent areas can undermine children's access to basic public services and social networks, many of which are central to providing resources to children at times of crisis.[865] Through intimidation and fear, small arms continue to affect refugees and displaced children, both in camps and within the community at large, even after conflict has ended. When groups armed with SALW target humanitarian convoys, food distribution centres or emergency clinics, it is frequently children who pay the price in terms of reduced intake of basic nutrients, calories and access to medical care.

There is an urgent need to tighten national and municipal level regulations of small arms and light weapons. There are a host of international, regional and national instruments and precedents in this regard that guide or compel States to take action (see Part 2 of this Chapter). As both users and victims of SALW, children will be the biggest beneficiaries of all efforts to control the trade and ensure the safe storage of small arms, light weapons and ammunition. Ultimately, a reduction in weapons' availability will decrease deaths and injury from these weapons and allow support services to operate without fear of attack or disruption.[866]

National Legislation-Brazil:

Brazil experiences among the highest rates of firearm related violence in the world.[867] It is also an example of a country where the government is seeking to strengthen children's protective environment by mainstreaming comprehensive child protection issues into its legislation. In 2003, the government passed the "Disarmament Statute", widely considered one of the most comprehensive arms' control standards in the world. It involves prohibiting civilians to carry firearms and a "gun buy back campaign". Homicide rates have consistently decreased since the adoption of the Statute. In 2003, 39,325 people were killed by firearms and in 2004, this number fell to 36,091, a decrease of 8.2%.[868] In August 2007, the government approved the National Public Security and Citizenship Programme (PRONASCI), supporting it with more than BR 6.7 billion (USD 4 billion) until 2012. PRONASCI pays special attention to children and youth. It provides social rehabilitation to youth from 15 to 24 years who are at risk of becoming involved in crime or already interned in the country's prison system.

11.2 Laws and Norms

Some international initiatives have focused on awareness raising and debate on the issue of children and SALW. The United Nations Security Council has adopted two resolutions on children in armed conflict, 1261 (1999) and 1314 (2000), which make specific reference to the impact of small arms on children in conflict and the need for action (see Chapters 5 and 6). More generally, there are important multilateral controls on small arms' transfers with significant effects on children's lives.[869]

Special initiative-Senegal:

In the capital of Dakar and its outskirts, where insecurity has been on the increase, the rate of unemployment, coupled with poverty, easily attracts youth to illegal criminal activities and armed violence. Awareness raising campaigns on small arms and light weapons have been targeting children and youth. The Mouvement contre les Armes Légères (MALAO) is one of the main organisations focusing on communication and awareness raising strategies, education and research. The organisation also works in partnership with the National Commission against the Proliferation and Illicit Circulation of Small Arms and Light Weapons and has initiated numerous activities in sensitisation, lobbying and training. As part of its work, the organisation published a comic book illustrating dangers associated with small arms. Awareness raising campaigns are important because the issue of weapon access appears to be hard to talk about openly. A survey conducted by MALAO shows that 80% of the Senegalese population believe that there are too many weapons in circulation in the country, but simultaneously acknowledge that they do not openly talk about it and that the issue remains taboo.[870]

In some regions, a fairly dense web of standards and norms now govern small arms and light weapons' production, stockpiles, brokering, marking and tracing, export, import and possession. These norms are largely concerned with security sector reform, including control over police and surplus stocks, which are critical to prevent leakage into the illicit trade. Yet, many gaps remain in controlling both supply and demand. Exceptional challenges remain in relation to their implementation. For many governments, the control and containment of small arms remains highly sensitive and politicised, which continues to hinder progressive efforts to protect children from armed violence. In particular, the highly portable nature of SAWL provides a significant obstacle to their regulation.

It should be recalled that 'lawful' small arms and light weapons have a legitimate place in the provision of security and the State's monopoly on violence. There are commonly accepted principles governing the lawful acquisition and use of small arms among the police, military and, in many States, civilians. Nevertheless, it is also the case that legal small arms and light weapons are easily diverted to the illicit market. In environments exhibiting comparatively weak governance and where surplus weapons are poorly managed, weapons can leak directly from State arsenals into the hands of civilians.[871] When these civilians are criminals or belong to armed groups, the impact can be devastating for children.

Poor security controls, such as the lack of proper registration and licencing, results in criminals or individuals (perhaps with mental health problems) easily accessing weapons, which potentially leads to mass shootings, including in schools. If weapons and ammunition are not stored separately or under lock and key, the chances of children inadvertently harming themselves or others is increased. The availability of arms at home has also been associated with a greater number of gun-related suicides in youth.[872]

At the community level, the presence of abandoned, damaged or inappropriately stored and managed stockpiles of ammunition and explosives puts communities at risk of depot explosions. Between January 1998 and July 2009, there were 215 recorded explosions, involving 4,700 fatalities. In addition to the deaths and injuries experienced within the neighbouring communities, especially children, are also exposed to the risk of injury or death from the unexploded ordnance littering the surrounding area.[873]

UN Programme of Action and the UN Firearms Protocol (2001)

Since the mid 1990s, the United Nations has assumed an important role in bringing the small arms issue to international attention. It established panels of governmental experts in 1997[874] and 1999[875] that developed the foundation for international action on small arms and light weapons. The first international instruments were adopted in 2001, when a preliminary agreement was reached on the UN Programme of Action[876] and the UN Firearms Protocol.[877] In the Programme of Action, national governments

adopted a wide-ranging set of commitments which, if implemented, would aid greatly in preventing and reducing the negative impact of these weapons.[878] The UN Panel of Governmental Experts on Small Arms has drawn greater attention to the special needs of children affected by SALW in post-conflict situations, which led to UNICEF initiating a major programme on the impact of small arms on children in 2000.

The UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (2001)

The UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA) was adopted in July 2001. Applicable to all UN Member States, but not legally binding, the UN Programme incorporates a series of political commitments that address many, though not all,[879] aspects of the small arms problem. Importantly, it does not cover civilian possession, which falls under national laws. The Programme does make specific mention of 'children' in the preamble,[880] but the main means through which children will benefit is stricter laws on control and safe storage requirements. By agreeing to this Programme, national governments have made a political (but not legally binding) commitment to implement a series of measures at the national, regional and global levels. Specific issues addressed by the Programme include small arms' manufacture, international transfer, brokering, stockpile management, surplus disposal and post-conflict measures. UN meetings were held in 2003 and 2005 to consider the implementation of the Programme. National reporting appears to have broad support, but it does not yet allow for an evaluation of overall progress in Programme implementation.

Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (2001)

[See Annex 4 for full text of relevant articles on page 392]

The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (2001), otherwise known as the UN Firearms Protocol, entered into force in

July 2005. Reflecting a law enforcement approach to the small arms issue, the Protocol sets standards for national systems in such areas as firearms manufacture, marking and international transfer. It is legally binding, but fairly limited in its scope and content. For example, the controls exclude State to State transactions or transactions for national security. Some say that the Protocol does not challenge the status quo by not questioning current government policies or practices. In other words, the 'law enforcement' approach merely reinforces and strengthens laws and procedures that already exist in many States. It does not explicitly address the continued transfer of small arms and light weapons by governments to conflict and human rights crisis zones.[881]

As of 25 November 2005, 79 States were party to this Protocol, with 23 signatories who have yet to ratify it.

International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (2005)

The UN Programme of Action developed by consensus a set of basic policy tools that, if implemented at the State, regional, and global levels, would begin to make a dent in the availability of small arms. Developed within the framework of the Programme was the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (2005).[882] The 'International Tracing Instrument' consolidates and advances essential standards in the areas of weapon marking and recordkeeping, although it does not cover ammunition. Important added-value can be found in its sections on definition, cooperation in tracing and implementation.[883] Key weaknesses include the failure to agree on the mandatory marking of SALW at the time of import.[884] Like the UN Programme of Action, the Tracing Instrument is politically binding and applies to all UN Member States.

Geneva Declaration of Armed Violence and Development

The UN Development Programme (UNDP) in Geneva held a ministerial conference at which 42 States adopted the Geneva Declaration of

Armed Violence and Development (Geneva Declaration, GD). The Declaration contains promises to take specific measures against the disastrous interaction between armed violence and socioeconomic development. Over 100 governments have now pledged their support to this.

Global action aside, the first multilateral small arms control instruments were actually adopted at the regional level, in the Americas (Organizaton of American States), Europe (European Union) and western Africa (Economic Community of West African States) (see Table 2). Yet, most of these initiatives have focused on addressing the small arms issue in general, without paying specific attention to the impact of small arms on children. They do not provide specific recommendations for improving the conditions of children, although they make a potentially important contribution by seeking to reduce small arms' availability and proliferation.

Table 2: Main international and regional small arms control instruments[887]

Global	Africa	Americas	Asia-Pacific	Middle East	Europe
UN Programme of Action (2001)[888]	ECOWAS Convention (2006)[889]	OAS Convention (1997)[890]	Pacific Islands Forum (2003)[891]	League of Arab States (resolution 6447 2004)[892]	EU Code on Arms Exports (1998)[893]
UN Firearms Protocol (2001)[894]	Bamako Declaration (2000)[895]	OAS Model Regulations[896] (1998)	Nadi Framework[897] (2000)	League of Arab States (resolution 6625 2006)[898]	OSCE Document on SALW (2000)[899]
Wassenaar Arrangement (2004; 2002)[900]	SADC Firearms Protocol (2001)[901]	Antigua Guatemala Declaration (2006)[902]	ACP-EU (2446/98) (1998)[903]		
The International Tracing Instrument (2005)[904]	Nairobi Protocol (2004)[905]				

Special Initiatives: Jamaica

A range of initiatives have been implemented in Kingston and across the island of Jamaica. The work of the Peace Management Initiative (PMI), which started in 2002, has been highlighted by UNICEF as an innovative and promising effort. The initiative works closely with a host of volatile inner-city communities to provide mediation, conflict resolution, life skills' training and income generating opportunities. The main goal is to set up early warning and intervention mechanisms to detect and manage potential explosive, criminal or violent situations in a community. Interventions include counselling, referrals, crisis management, therapy, trips and games or sporting activities and specific aid. In February 2009, the Jamaican Violence Prevention Alliance launched its Peace for Prosperity Campaign, which targets young people, especially students, in light of the growing incidence of violence in schools. The hospital-based Injury Surveillance System, developed and implemented in Jamaica, was also lauded as a good model to be replicated elsewhere in the Caribbean and Central America.

The First Committee of the General Assembly of the United Nations adopted, on 30 October 2009, a resolution on "An Arms Trade Treaty", by which it "[d]ecides, therefore, to convene the United Nations Conference on the Arms Trade Treaty to sit for four consecutive weeks in 2012 to elaborate a legally binding instrument on the highest possible common international standards for the transfer of conventional arms."[885] States are currently negotiating such a Treaty, which would include small arms and light weapons.

Global and regional commitments offer vital entry points for enhancing international and regional cooperation to support stability and security. They provide the justification and impetus for national or municipal level interventions (undertaken by both State or non-State actors) to enhance safety and security in public spaces. Examples of this include designating zones as 'gun free', along with amnesties and gun collection activities. Community safes and specialised storage units can be provided for families to store their SALW. Training courses and awareness raising can be provided, as well as specialised vocational and recreational activities for high risk youth groups.[886] Examples of interventions specifically targeting children include awareness raising campaigns, setting up counselling and referral systems in schools and working with youth groups.

Key points about small arms and light weapons:

- Most conflicts today are fought with small arms and light weapons. Their easy availability and their light weight enable even young children to use them with powerful effect, which has contributed to the recruitment of children to armed groups and forces.
- Children and youth may be victims, witnesses and perpetrators of small arms related violence and suffer both direct (death, injury, psychosocial trauma) and indirect (consequences of injuries to themselves or family members, displacement, reduced access to education and healthcare) impacts.
- Small arms and light weapons are prolific in conflict zones and their harm will only be addressed when the transfer of these weapons to conflict zones is banned.
- The United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (2001) incorporates a series of political commitments to address many, but not all, aspects of the small arms problem; however, it is not legally binding on Member States.
- The United Nations Firearms Protocol (2005), which is binding on Member States, sets standards for firearms manufacture, marking and international transfer, but does not explicitly address the continued transfer of these weapons by governments to conflict and human rights crisis zones.
- The 2005 International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, a legally binding document, consolidates and advances essential standards in the areas of weapon marking and recordkeeping, although it does not cover ammunition.

11.3 Further Information

Key Actors

Coordinating Action on Small Arms (CASA)
Conventional Arms Branch, Department for Disarmament Affairs
Room S-3170G UNITED NATIONS
Tel.: +1 212 963 5876
Fax: +1 212 963 1121
E-mail: evora@un.org
Website: http://disarmament.un.org/cab/salw.html

Child Rights Information Network (CRIN)
East Studio
2, Pontypool Place
London, SE1 8QF
United Kingdom
Tel.: +44 20 7401 2257
Website: http://www.crin.org/

Children in Organized Armed Violence (COAV)
Website: http://www.coav.org.br/

International Action Network on Small Arms (IANSA)
Development House
56-64, Leonard Street
London EC2A 4LT
United Kingdom
Tel.: +44 207 065 0870
Fax: +44 207 065 0871
Email: contact@iansa.org
Website: http://www.iansa.org/

Norwegian Initiative on Small Arms Transfer (NISAT)
Norwegian Initiative on Small Arms Transfers
Norwegian Red Cross
Hausmannsgate 7
N-0133 Oslo
Norway
Tel.: +47 22 05 4166
Fax: +47 22 05 4040
Website: http://www.prio.no/nisat

Project Ploughshares
57 Erb Street West
Waterloo ON N2L 6C2
Canada
Tel.: +1 519 888 6541
Fax: +1 519 888 0018
Website: www.ploughshares.ca

Small Arms Survey
Avenue Blanc 47
1202 Geneva
Switzerland
Tel.: + 41 22 908 5777
Fax + 41 22 732 2738
E-mail: sas@smallarmssurvey.org
Website: http://www.smallarmssurvey.org/

United Nations Children's Fund (UNICEF)
UNICEF House
3 United Nations Plaza
New York 10017
United States
Tel.: +1 212 326 7000
Website: www.unicef.org/emerg/index_smallarms.html

United Nations Development Programme (UNDP)
Mine Action and Small Arms Adviser
Bureau for Crisis Prevention & Recovery
UNDP
One United Nations Plaza
DC1-2016
New York, NY 10017
United States
Tel.: +1 212 906 6974
Website: http://www.undp.org/cpr/we_do/small_arms.shtml

United Nations Disarmament, Demobilisation and Reintegration Resource Centre (UNDDR)
Room S-3035
Peacekeeping Best Practices Section
Department of Peacekeeping Operations Peacekeeping
United Nations,
NY 10017
United States
Tel: +1 917 367 5436
Fax: +1 917 367 2103
Email: info@unddr.org
Website: http://unddr.org/index.php

United Nations Institute for Disarmament Research (UNDIR)
Palais des Nations
1211 Geneva 10
Switzerland
Tel.: +41 22 917 3186
Fax: +41 22 917 0176
Email: unidir@unog.ch
Website: http://www.unidir.org/html/en/home.html

Education, Research and Training

EDUCATION

UN Programme of Action
Training modules on Small Arms and Light Weapons
http://www.poa-iss.org/TrainingModules/TrainingModules.aspx

RESEARCH

Secretary-General's view on small arms
http://www.poa-iss.org/DocsUpcomingEvents/S-2008-258-SmallArms.pdf

Small Arms Survey Yearbook
Annual review of global small arms issues and themes. The 2010 Yearbook is focused on "Gangs and Armed Groups" and will be launched on Monday 14 June 2010, at the Fourth Biennial Meeting of States in New York.
http://www.smallarmssurvey.org/files/sas/publications/yearbooks.html

United Nations Children's Fund (UNICEF)
Small arms and children
http://www.unicef.org/emerg/index_smallarms.html

UN documents on Small Arms and Light Weapons
http://www.poa-iss.org/

12. Children as Victims, Witnesses and Perpetrators of Crimes

What children had to say (Source: Oxfam International)[906]

"They hide in the bush and if you go looking for firewood they grab you and rape you," said a young woman from Unyama camp.

— A young woman from Unyama camp in Uganda

12.1 Describing the Issue

In armed conflict, children are at great risk – as children in conflict with the law or as victims or witnesses of crime. Regardless of the circumstances, armed conflict denies children their fundamental rights of safety, privacy, education and health.[907] These rights ought to be accorded to all children, regardless of their role in armed conflict.[908]

According to the UN Convention on the Rights of the Child, a child is any person under the age of 18; however, national laws may stipulate an earlier age.[909] Many groups involved in armed conflict argue that their survival depends on children assuming traditional adult responsibilities and, in this way, children may be encouraged or forced to become active in armed conflict and crime at a much earlier age.[910]

The age at which children can be arrested and charged for violating the law varies widely, from seven to 18 years, depending on the history and culture of a country, and, in many cases, also on the nature of the crime. Most frequently, the age limit for criminal responsibility is set somewhere between 14 and 16 years.[911]

Law on Child Rights in Belarus:

Since 1993, Belarus has had a Law on Children's Rights.[912] The law outlines 40 Rights of Children.

Article 13 *Protection of Rights and Interests by a Child* outlines the child's right to receive legal help for the "realization and protection of his rights and freedoms including the right to use a lawyer's help at any moment and other representatives in the court, other State bodies and in relations with officials and citizens without consent of parents or persons substituting them".

Article 33 *Prohibition of Children's Participation in Military Operations* states that "engaging children [under 18] to take part in military operations, armed conflicts, propaganda of war and violence among the children, creating children's militarized formations are prohibited".

Children who Commit Crime during Armed Conflict

In the past, a number of derogatory terms, such as 'juvenile delinquent', have been used to refer to children who are alleged to have broken the law. More recently, neutral terms, which avoid negatively labelling children, are preferred. Accordingly, the term 'children in conflict with the law' is used to refer to anyone under 18 who comes into conflict with the justice system, as a result of being suspected or accused of breaking the law. In times of peace, most children in conflict with the law commit petty crimes. In some countries, there are actions that are against the law if they are carried out by children, but not by adults. These laws are usually designed to tell children how they should behave. They are called 'status offences' because it is the status as a child that makes it illegal.[913] Examples vary by country but may include 'hanging around' places which are known to be areas where trouble has occurred, not attending school or consuming alcohol while under the legal drinking age.

In the context of armed conflict, the term 'perpetrators of crime' provides a way to indicate that, while children may be involved in committing criminal acts, they may never come into conflict with the law because they are never caught or prosecuted. This is true of most crimes, even the worst atrocities, committed during armed conflict. A fair, functioning criminal justice system in such places is often one of the first victims of armed conflict.

To some people, it may seem that children who commit crimes and who come into conflict with national or international law as a result of their involvement during armed conflict are child criminals and should be treated accordingly. Yet, often the circumstances of children in conflict with the law during armed conflict are significantly different from the circumstances of adults. It is very important, therefore, to understand the reasons why children commit crimes during armed conflict. There are three main reasons:

- because they are abducted and forced to commit crimes;
- because they are manipulated by adults; or
- because they make an intentional choice.

Arrest and detention further increase the risk that children will experience violence.[914] Reports of beatings at the time of arrest and interrogation are common. Once in detention, children often face violence at the hands of prison personnel, their peers and adult prisoners, when they are not held separately from them. While violent treatment is never justified, its occurrence is all the more disturbing, given that the vast majority of child offenders are arrested for petty, nonviolent crimes or for acts of abuse at the hands of adults.

Some children who commit crimes during armed conflict have been abducted and forcibly 'recruited' by soldiers. Once under the control of an armed unit, they are expected to commit a variety of criminal acts, as described below. Some children who commit crimes during armed conflict have been manipulated by adults, either through exploitation[915] or the threat of harm to either the child or his or her family. Forcing children to commit crimes during an armed conflict is in itself a war crime. It results in severe psychological harm to the child and is a violation of his or her rights. In such cases, it is important to remember that child perpetrators are themselves victims of crimes for which adults are primarily responsible.[916]

To further complicate matters, children's experiences of victimisation at the hands of armed forces or armed groups, or their witnessing of horrific acts of violence, undermine their sense of security and justice. As a result, they may come to see violence and criminal acts against the 'enemy' as a normal and accepted response to the wrongs they have

experienced.[917] Children may consciously join armed forces or armed groups out of a desire for revenge, such as avenging the killing of family members. In other cases, the revenge motive is directed against police or armed forces that have abused children.

While many children are forced or manipulated into committing criminal acts during armed conflict, other children make an intentional choice to become active in armed conflict. One way to understand the factors that lead children to choose to commit crimes in armed conflict is to consider push and pull factors.[918] Push factors are those that allow children to escape something negative in their lives by joining an armed force or group and becoming involved in crime. Pull factors are positive rewards or incentives for becoming active in criminal activity. Much of the literature on children in armed conflict is focused on protecting children from exploitation. As a result, there has been a tendency to underestimate the importance of pull factors.[919]

Children, especially as they mature towards adulthood, make calculated decisions during armed conflict about how to access shelter, food, medicine and the best ways to keep themselves and their family members safe. Sometimes, in their minds, the best, or the only, way to do this is to become active in armed forces or armed groups and to carry out crime.[920]

Children may see involvement in crime during armed conflict as a way to escape from a variety of negatives in their lives – abuse, boredom, physical insecurity, extreme poverty and the humiliation associated with personal or family victimisation and shame.[921] It is important to remember, however, that most children who have difficult family situations or live in abject poverty do not become involved in crime.

Despite the growing recognition of their rights, many adults continue to treat children as property, to be bought, sold or exploited.[922] While families offer the most important form of support for children, during periods of armed conflict, family circumstances may provide a push factor that encourages children to become involved in criminal activity. This can include engaging in sex work, theft, selling drugs or other crimes that may provide the family with property or money.

Schools are often destroyed, or at least rendered inoperable, during armed conflict. Without this important link to a positive future, children may be pushed into criminal activity to survive. Children who are out

of school and who sleep or work on the streets are at increased risk of recruitment, either through round-ups or through falling prey to recruiters who promise them money or goods.

Poverty is widely regarded as a root cause of many armed conflicts and it can amplify the impact of many other factors. Poverty increases children's sense of powerlessness, boosting the appeal of criminal activity. Poverty keeps many poor children out of school because, in many countries, school fees are required. Although poverty does not by itself cause children to commit crime, when combined with the other pressures discussed here, it can be an important contributing factor.

Children commit a number of types of crime during armed conflict.[923] Some of the crimes may be similar to those committed during times of peace, such as theft or assault; however, other crimes are unique to situations of armed conflict. Some of these crimes may be motivated by the need to obtain property or cash for the armed force of armed group. Children are also involved in violent crime, either as a way to strike back at enemies or to terrorise areas that the armed group seeks to control.

Examples of these types of crimes include:

- acting as suicide bombers or as decoys during bombings (some of these children are as young as 11 years of age);[924]
- terrorising civilians through assault, rape or robbery;[925]
- stealing property for the armed force or armed group;
- selling drugs that are often produced or imported by armed forces or armed groups;
- directly participating in killing civilians and in genocide;[926] and
- being active in recruiting and socialising new children by wavering back and forth between victimising newcomers and providing them with a kind, family-like environment.

What children had to say (Source: Save the Children Canada)[927]

"I remember in school we were afraid. They said, 'Tutsis, raise your hands.' But we were afraid to raise our hands, because the Tutsi was always described as a snake. A snake is dangerous and it should be destroyed. I can never forget this, because this story was repeated year after year in school, from the first to the sixth grade."

Although many of the youth who become involved in the above types of crime are young, poor, uneducated and easily influenced, one should not underestimate the force of the combined effect of manipulation by recruiters, the appeal of wealth and power and the extenuating circumstances that may lead even the strongest of children into these activities.[928] In addition to being active in crime, many more children provide ancillary support to armed forces or armed groups, such as food preparation, intelligence gathering, weapon maintenance and transport.

Regardless of the types of crimes children may commit in armed conflict, it is important to remember that some level of manipulation is likely at play. Furthermore, it is important to note that children recruited into armed conflict will likely face severe repercussions if they attempt to flee.[929]

Child Victims and Witnesses During Armed Conflict

The term 'children in contact with the law' refers both to children who have committed a crime and to those who are either victims or witnesses to crime and come into contact with criminal justice or child protection systems. The term recognises that all children who come into contact with the law have special support needs and rights. These rights are clearly outlined in the next section of this Chapter.

Witness Protection Laws in Canada:[930]

In many countries, legislation has been developed to protect child witnesses required to give testimony. In Canada, Section 486 of the Criminal Code provides many provisions for the support of child victims and witnesses who are under 18 years of age. Under Section 486 (1), the judge can exclude members of the public if the administration of justice is compromised by their presence. Specific to children, Section 486.1 (1) allows the judge to order a support person of the witness' choice to be present and close to the witness during testimony. The judge, under Section 486.2 (2), may also allow children to testify from outside the court room or behind a screen so that the child witness does not have to see the accused. Also, while Canadian law allows accused people the right to represent themselves, they are not allowed to cross examine any witness under 18 (as stated in Section 486.3(1)).

The term 'child victims or witnesses'[931] is strictly used to describe any child, regardless of his or her role in the offence, who is a victim or a witness to a crime, that can be prosecuted nationally by the state or internationally through the International Criminal Court or transitional justice processes. From the perspective of the criminal justice process, child victims are classified as witnesses because they may be required to testify against an individual or group accused of a crime.

Given that children are still developing physically and emotionally, they are susceptible to victimisation that might not happen to adults.[932] Children who face added challenges due to special needs or severe victimisation are even more vulnerable and deserve specialised support. It is now well established that children can be further victimised through police interrogation and court procedures, which do not always grant children the same assistance provided to adults.[933] It took quite some time before legal protection for child victims and witnesses was considered necessary and legitimate by national criminal justice policymakers and international organisations. This work is still in its infancy and much remains to be done.

Being a child victim or witness in a criminal process can be a perilous experience, especially in cases that follow armed conflict. In these cases, victims and witnesses may even face a threat to their lives. In such extreme circumstances, ensuring children's safety becomes an important aspect of protecting their rights.[934] Guaranteeing the safety of child victims and witnesses can entail protective and security measures to prevent them from being harmed, intimidated or retaliated against. Their right to safety also includes the right to confidentiality of information and evidence, as well as physical and emotional protection during the judicial process. Furthermore, their safety must be assured before and after the trial, by either keeping their whereabouts confidential or taking action against an offender to stop potential intimidation and retaliation.

Armed conflict breaks community structures that families rely on for support. The disappearance of these formal and informal social networks makes children even more vulnerable to victimisation. As highlighted in Chapter 8, girls are especially vulnerable to victimisation during armed conflict.

Young Witness Support Programme – United Kingdom:

In 1994, the United Kingdom established a National Witness Service. It is primarily funded by the Office for Criminal Justice Reform. The programme provides a free service in every criminal court to support all witnesses called to give evidence. Each region operates a child-focused support programme through a number of different agencies. Services available include pre-trial preparation, home visits, needs assessments, advocacy in promoting the perspective and interests of children and post-trial support. In recent years, research[935] has determined that young witnesses were much more comfortable and confident when these supports were available. All witnesses receive a Young Witness Pack[936] and tours of the courthouse. A document[937] that supports the development of these programmes by others is also available.

Children in Contact with the Law – The Post-Conflict Situation

During armed conflict, children in conflict with the law are often separated from their families. After the armed conflict has stopped, family reunification is the ideal situation. Yet, when children are active in crime, reunification can become an even longer and potentially more challenging process, during which children must learn or relearn civilian roles.[938] For children who learned that fighting is a normal, even necessary, means of dealing with conflict, it can be very difficult to learn to avoid fighting. For these children, the end of war leads to a void.

During the conflict, these children may have come to see themselves as self-sufficient, even authoritative; in other words, as adults. When these children are reunited with their families, conflict is likely, as they will have difficulty re-establishing relationships with their siblings and parents and often resist going to school. Great care must be taken to ensure that these children do not become involved in street gangs and other organised criminal groups. Family reunification may not be an appropriate option when other forms of aftercare and support are required. Not surprisingly, in societies trying to rebuild, resources for such services are scarce.

After the conflict subsides, children who were active participants in that armed conflict may be subject to prosecution by the State, denied benefits accorded to others or even face persecution by members of their own family or community. To date, however, children have rarely been

prosecuted for crimes committed during armed conflict. As discussed below, prosecution in the aftermath of armed conflict generally targets adults, who are seen as the most responsible.

The transition to peace is often problematic. After the UN Mission in Haiti halted the conflict in 2004, several armed groups morphed into criminal gangs, maintaining some of their political motivations. Many children recruited into the original conflict are now labelled as gang members. They are used directly in criminal activities and indirectly as spotters and messengers. At times, schools have been used as a base for the operations of the gangs.[939]

Conclusion: Resilience and Reunification as Protective Factors for all Children

While it is important to understand the factors that may lead children to become active in armed conflict, it is also important to know that protective factors, such as nurturing support from parents, caregivers and peers, can help build resilience in children. Resilience is not merely an individual quality of certain children.[940] There are several interrelated factors that affect resilience levels in children. They include individual attributes of the child, such as social and cognitive intelligence, strong internal control, good coping skills, an easy-going temperament, empathy and a positive future orientation. Attributes of a child's family, such as sufficient and sustained caregiving, are also important, as are characteristics of the larger social environment, such as other supportive adults, neighbourhood networks and mentors within the community.

A sense of resilience, specifically, the ability to adapt and function effectively in the face of adversity, does not mean that children have not been affected by their experiences. It simply means that they have developed the skills that allow them to effectively cope with their experiences to a certain degree. Generally, these skills are developed with the assistance of at least one emotionally available adult. This may be a parent, a teacher, a spiritual leader or a neighbour. During armed conflict, children's overall well-being is determined by the balance of risk and protective factors. As risks increase and protective factors decrease, the likelihood that a child will be able to develop or draw upon a personal sense of resilience is diminished. This is especially true for children facing

multiple vulnerabilities, including separation and displacement, sexual exploitation, HIV/AIDS or disabilities.[941]

12.2 Laws and Norms

The broad scope of international human rights and humanitarian law provides a legal framework for protecting children. This section outlines the various international standards developed to support children who come into contact with the law, whether as victims, witnesses or in conflict with the law. These international child rights standards outline the requirements of States to provide the services and structures necessary for children to develop to their full potential and, more specifically, for their rights to be upheld.

Responsibilities of States: General Protection of the Rights of all Children

UN Convention on the Rights of the Child (1989)

[See Annex 4 for full text of relevant articles on page 372]

The United Nations Convention on the Rights of the Child provides a comprehensive framework for all States to develop the mechanisms that allow for the delivery of services required for the holistic development of children. It also provides special protections for children during times of conflict; however, an addendum to the Convention, its Optional Protocol on the Involvement of children in armed conflict, provides clearer direction. It sets 18 years as the minimum age for compulsory recruitment and 16 years as the age for voluntary recruitment in armed forces.

As mentioned above, the Convention outlines the right of accused children to be treated with dignity and respect. As such, every accused child is to be guaranteed the right to the presumption of innocence, to be informed promptly of charges, to have legal assistance, to have the case promptly handled and to not be compelled to give testimony or to confess guilt. Furthermore, the Convention states that juvenile justice systems should provide for a variety of alternative dispositions, including counselling and education.

Relevant sections of the Convention include the following Articles:

- Article 19 recognises the right of children to be protected from all forms of physical and mental violence, injury and abuse, neglect or negligent mistreatment or exploitation by parents or others;
- Article 37(a) provides that no child shall be subject to torture or other cruel, inhuman or degrading treatment or punishment, encompassing those acts committed by State agents, such as law enforcement officers and corrections personnel;
- Article 39 focuses on the well-being, recovery and reintegration of children affected by armed conflict. It imposes a duty on States to develop programs that "promote physical and psychological recovery and social rehabilitation" of children who have been victims of "any form of neglect, exploitation or abuse". Such recovery and reintegration is to take place in an environment which fosters the health, self-respect and dignity of the child; and
- Article 40 of The Convention, in particular, details minimum legal guarantees for these children and requires States to set a minimum age for criminal responsibility, provide alternative measures to judicial proceedings and institutional care and promote the establishment of a distinct system of juvenile justice aimed at reintegrating children into a society in which they can play a constructive role.

As of 25 November 2009, 193 States were party to this Convention [See Annex 2: Tables of Countries' Ratification of Instruments to view which countries have ratified this document].

Responsibilities of States: Specific Protection for Children involved in Armed Conflict

UN Convention on the Rights of the Child Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) (2000)

[See Annex 4 for full text of relevant articles on page 388]

The protection of children was strengthened by the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC). The Protocol, which is an extension of the Convention, requires

States to "take all feasible measures" to ensure that persons under the age of 18 are neither compulsorily recruited into their armed forces (Article 2), nor made to take a direct part in hostilities (Article 1). Under this Optional Protocol, armed groups (as distinct from the armed forces of a State) are themselves directly prohibited from recruiting persons under age 18 or using them in hostilities. States retain the obligation to take all feasible measures to prevent such practices by armed groups, including the use of legal means to prohibit and criminalise these practices.

As of 25 November 2009, 130 States were party to this Protocol, with 27 States as signatories that have yet to ratify it [See Annex 2: Tables of Countries' Ratification of Instruments to view which countries have ratified this document].

The Paris Principles and the Paris Commitments (2007)

Recognising that returning a child to his or her family or caregivers is complex, UNICEF led the development of the Paris Principles[942] and the Paris Commitments[943] in 2007. The non-binding Paris Principles are a comprehensive set of principles broadly endorsed by Member States, intended to guide and strengthen preventive actions by governments and children to ensure the successful reintegration of children affected by armed conflict. The Paris Commitments complement existing legal and political mechanisms already in place. Article 3.6 of the Principles recommends that children accused of crimes, which were committed as a result of their association with armed groups, be considered victims, not just perpetrators, under international law. As such, they are to be dealt with according to international law and through alternative processes, such as restorative justice and rehabilitation. Article 3.8 goes on to say that, when truth and reconciliation processes are available, they should be offered on a voluntary basis, with informed consent of the child and his or her parents or guardians, if appropriate and possible. Article 3.9 states that capital punishment or life imprisonment should never be used as a punishment for children convicted of crimes which occurred during armed conflict. The above provisions are reiterated in the Paris Commitments.

Responsibilities of States to Prevent Juvenile Delinquency

The United Nations Guidelines for the Prevention of Juvenile Delinquency (1990)

The United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), introduced in 1990, represent a comprehensive and proactive approach to juvenile crime prevention, encompassing all aspects of a child's life. The Guidelines propose that States consider the roles the family, school and community, the media, social policy, legislation and juvenile justice administration play in the lives of juveniles. While priority should be given to juveniles who are at risk of being abandoned, neglected, exploited and abused, prevention is not seen merely as a matter of tackling negative situations, but rather as a means of positively promoting the general welfare and well-being of the child.

The Riyadh Guidelines require "efforts by the entire society to ensure the harmonious development of adolescents". States are urged to develop community-based interventions to assist in the prevention of juveniles coming into conflict with the law and to recognise that "formal agencies of social control" should be utilised only as a means of last resort. General prevention consists of "comprehensive prevention plans at every governmental level" and should include coordination between government and nongovernmental agencies, ongoing monitoring and evaluation, wide-ranging community involvement and youth participation.

As they relate to armed conflict, the Riyadh Guidelines are probably most helpful in providing a guide to a rights-based, child-centred juvenile crime prevention mechanism in post-conflict scenarios. The Riyadh Guidelines are prescriptive regarding the responsibilities of governments, schools and communities to provide services for children and their families. To be in compliance with the Riyadh Guidelines, States must:

- develop policies, practices and programmes that avoid criminalising children, especially for non-harmful behaviours;
- avoid negatively labelling children as criminals;

- coordinate crime prevention programmes across all levels of governmental and nongovernmental agencies;
- monitor and evaluate prevention programmes to determine effectiveness; and
- provide support services for at risk children and their families.

Responsibilities of States: Specific Protection for Children in Conflict with the Law

In addition to the Convention on the Rights of the Child, a number of instruments that outline the international standards applicable to juveniles in contact with the law have been developed. Significant strides have been made in developing implementation guidelines for the administration of juvenile justice, especially through a range of United Nations rules and guidelines. Unlike the Convention, these rules and guidelines are not legally binding on signatories. Instead, they provide detailed guidance to Member States on the situation of juveniles in conflict with the law.

The Standard Minimum Rules for the Administration of Juvenile Justice (1985)

The Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) detail the requirement of States to establish rules and provisions especially adapted to the varying needs of juvenile offenders, while, at the same time, protecting their basic rights (Rule 2.3). Rule 10.3 asserts that contacts between the criminal justice system and juveniles must be managed with due regard to the circumstances of the case, in such a way as to respect the legal status of the juvenile, promote his or her well-being and avoid causing him or her any harm. The responsibility to avoid causing harm is interpreted to include all criminal justice professionals. Rule 19.1 advocates that the institutionalisation of juveniles only be used as a last resort and for the minimum necessary period. In the commentary section for this Rule, the authors refer to the empirical findings on incarceration of juveniles: "little or no difference has been found in terms of the success of institutionalisation as compared to non-institutionalisation".[944]

The United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990)

The United Nations Rules for the Protection of Juveniles Deprived of their Liberty (The Havana Rules) outline the responsibility of the juvenile justice authorities to support the rights, safety and mental well-being of juveniles. Like its companion documents, the Rules state that incarceration should be a measure of last resort for the minimum necessary period. Other relevant rules include:

- Rule 12, stating that detainees shall be accorded activities and programmes to promote their health, self-respect, sense of responsibility and to develop their potential to be productive members of society;
- Rule 17, outlining the responsibility to avoid detention before trial and to consider alternative measures;
- Rules 63 and 64, prohibiting the use of restraints and force, except in exceptional circumstances where all other methods have failed. Under no circumstances should they be used to cause humiliation or degradation; and
- Disciplinary procedures (Rule 66) must uphold the dignity of the juvenile and aim to instil a sense of justice and respect.

Child Justice Act in South Africa:

After a long wait, South Africa introduced the Child Justice Act 75 of 2008.[945] The law complies with international standards, as it provides a rights-based framework for dealing with children who come into conflict with the law and also seeks to ensure children's accountability. It incorporates several best practices in providing for diversion (Sections 41, 54) and restorative justice (Section 53 (7)). As with most national legislation, there are aspects of the Act that fall short of international standards. For example, the age of criminal responsibility can be as low as 10 years, if the court determines that the child had the capacity to know that what she or he did was a crime (Section 7 (2)). While it is aimed primarily at children between the ages of 10 and 18, children under 10 years can be referred to a probation officer who may refer the child to a court, a counsellor or take no action (Section 9).

Responsibilities of States: The Rights of Child Victims and Witnesses[946]

Prosecuting those responsible for committing crimes against children during armed conflict often requires the testimony of children who have been victims or witnesses to horrific crimes. Sometimes, their role may be crucial to obtaining a conviction. As a result, it has been recognised that children giving testimony as witnesses or victims have special needs because of their age and vulnerability. As noted previously, during the course of testifying, children are particularly vulnerable to renewed or secondary traumatisation, manipulation and intimidation and fear in the face of their former oppressors.

Children face overwhelming obstacles in accessing justice following armed conflict. In most cases, they fear reprisal and believe that no one can protect them. Children may be unaware of their rights or unable to access officials able to provide guidance. Even when able to access courts, children often face justice systems that fail to take their situation seriously. The result of these factors is that children often do not come forward and war criminals feel they can act with impunity.

Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (2005)[947]

In the 1990s, the International Bureau for Children's Rights (IBCR) led a process of research and analysis of international and regional instruments, legislation and good practices in implementing child-friendly judicial procedures. In 2005, the United Nations explicitly recognised the special needs of child victims and witnesses by using the guidelines developed by IBCR and releasing the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime. The Guidelines, which are based on rights outlined in the Convention on the Rights of the Child and other international instruments, provide for the rights of children who are victims and witnesses to criminal offences. In addition to outlining the requirement to make the best interests of the child the primary consideration in all matters involving them, the Guidelines highlight several rights of child victims and witnesses. These rights include:

- the right to be treated with dignity and compassion;
- the right to be protected from discrimination;

- the right to be informed;
- the right to be heard and to express views and concerns;
- the right to effective assistance;
- the right to privacy;
- the right to be protected from hardship during the justice process;
- the right to safety;
- the right to reparation; and
- the right to special preventive measures.

Rome Statute of the International Criminal Court (1998)

[See Annex 4 for full text of relevant articles on page 380]

The Rome Statute, which came into force in 2002, has provided a vital channel to address the impunity of those who commit atrocities against civilians and children during armed conflict. The Rome Statute established the International Criminal Court, which has jurisdiction over genocide, crimes against humanity, war crimes and the crime of aggression. In defining these crimes, specific references to children are made. According to the Rome Statute:

- it is a war crime to conscript or enlist children under age 15 or to use them to participate actively in hostilities;
- the definition of genocide includes the forcible transfer of children of one group to another;
- the trafficking of children is expressly included in the definition of "enslavement", which is a crime against humanity; and
- it is a war crime to direct attacks against buildings dedicated to education.

In order to support children and provide for their safety during court proceedings, the International Criminal Court has put several protective measures in place. These include the adoption of closed sessions and the establishment of a victim and witness protection unit that takes into account the special needs of children who have experienced trauma or sexual violence. The Statute of the International Criminal Court and its Rules of Procedure and Evidence[948] state that the Court shall take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of child victims and witnesses during

investigation and prosecution.[949] The Rules of Procedure and Evidence include several key provisions to facilitate the involvement of children in the process. These include provisions:

- to assist traumatised children in giving their testimony (for example, the presence of a psychologist or a family member) – Rule 88(2) Rules of Procedure and Evidence;
- to allow applications for child victims to participate in proceedings – Rule 89(3) Rules of Procedure and Evidence;
- to ensure that the questioning of a child is carried out in a way that reduces the chances of further traumatising the child – Rule 112(4) Rules of Procedure and Evidence;
- to address the need for staff with expertise in supporting children who are victims or witnesses of violence – Article 42(9) Rome Statute;
- to appoint child supporters to protect and assist children through all stages of the proceedings – Rule 17(3) Rules of Procedure and Evidence; and
- to set up a Victims and Witnesses Unit, which provides "protective measures and security arrangements, counselling and other appropriate assistance for witnesses, victims who appear before the Court, and others who are at risk on account of testimony given by such witnesses" – Article 43(6), Rome Statute.

As of 25 November 2009, 110 States were party to this Statute, with 37 States having signed, but not yet ratified it [See Annex 2: Tables of Countries' Ratification of Instruments to view which countries have ratified this document].

Prosecuting Children in International Law

A controversial question to emerge in recent years concerns accountability for crimes alleged to have been committed by children during periods of armed conflict.[950] The Statutes of the International Criminal Court specifically limit its jurisdiction to individuals who were over 18 years of age at the time of the alleged commission of the crime. This standard is supported by the Paris Principles, which maintain that children accused of international crimes committed while they were

associated with armed forces or armed groups should be considered primarily as victims of offences against international law, not only as perpetrators. International juvenile justice standards state that the purpose of the justice system should be for rehabilitation and reintegration, not punishment. The purpose behind establishing an international court is to bring perpetrators of the most serious crimes to justice. As such, it is believed that national courts are more appropriate venues to try child offenders, so that the focus can remain on rehabilitation, rather than punishment.

Transitional Courts and Children

In addition to international standards for child rights and international law, there is a need for a range of legal processes that can be employed following regional conflicts. The term 'transitional justice' is used to refer to post-conflict processes that allow for accountability, justice and reconciliation.[951] These processes may include judicial and nonjudicial mechanisms that seek some, or all, of the following goals: prosecution of offenders; reparation; reconciliation and institutional reform.[952] The overriding goal of transitional justice processes is to prevent the recurrence of the gross violations of human rights and humanitarian law that occurred during armed conflict. It is hoped that transitional courts can play an important role in helping societies transition from conflict.[953] The participation of children and adolescents must be a priority in transitional justice mechanisms, as their involvement can lead to the development of child-friendly policies and strengthen procedures that protect children's rights in places where these processes may have been weak or nonexistent.[954]

Several transitional justice models have emerged in recent years (see Chapter 13 for more information on these). These include the International Criminal Tribunals for the former Yugoslavia and for Rwanda and hybrid tribunals in Sierra Leone, Bosnia and Herzegovina and Cambodia. International judges and prosecutors have been used in the courts of Kosovo. These tribunals have facilitated the development of a body of knowledge, particularly regarding the nature of sexual crimes, crimes against humanity and genocide, that can strengthen and inform future justice processes.[955]

Diversion of Children in Conflict with the Law in South Africa:

Since 1990, the South African National Institute for Crime Prevention and Reintegration of Offenders (NICRO) has been carrying out pioneer work in the diversion of children in conflict with the law. Diversion is offered as an alternative way of dealing with young people's offending behaviours – the young people are diverted away from the criminal justice system into a programme that makes them accountable for their actions. NICROs Diversion Project offers a second chance to young people charged with a criminal offence. In lieu of prosecution and conviction, young people have to participate and comply with one or more programmes which provide for youth empowerment, community service, victim-offender mediation and life skills training. Recently, the highly successful work with young people has been expanded to include youth at risk. In the first longitudinal study on the success of diversion, it was found that only 6.3% of young people re-offended in the first year after completing the programme.

International Criminal Tribunal for Yugoslavia

[See Annex 4 for full text of relevant articles on page 377]

In May 1993, following armed conflict that produced ethnic cleansing and genocide, the United Nations (UN) Security Council established the International Criminal Tribunal for Yugoslavia to try those responsible for violations of international humanitarian law in the territory of the former Yugoslavia. The tribunal seeks to bring justice to the victims of the conflict and deter future leaders from committing similar atrocities. The International Criminal Tribunal for the former Yugoslavia was the first war crimes court created by the UN.

In the International Criminal Tribunal for the former Yugoslavia, children are afforded the same protections provided to adult victims and witnesses.[956] These include a Victims and Witnesses Unit and safeguards for security and privacy during testimony. The Statute and Rules of Procedure and Evidence of the International Criminal Tribunals for the former Yugoslavia and Rwanda do not explicitly limit their jurisdiction to over 18 year olds. In theory, the ad hoc tribunal could seek prosecutions of those who were under 18 at the time of their crime; however, the International Criminal Tribunal for Yugoslavia has not sought to prosecute children, largely because children did not play a major role in the conflict in the former Yugoslavia. The International Criminal Tribunal for the former Yugoslavia is scheduled to complete its work in 2010.

International Criminal Tribunal for Rwanda

[See Annex 4 for full text of relevant articles on page 377]

Recognising that serious violations of international humanitarian law were committed during the 1994 genocide in Rwanda, the Security Council created the International Criminal Tribunal for Rwanda. In post-conflict Rwanda, the issue of prosecuting children was much more pertinent than it had been in Yugoslavia, as many children had taken part in the genocide. It was decided that, since 14 years is the national age of criminal responsibility, children under the age of 14 would not be prosecuted. Provisions were made to prosecute children aged 14 to 18 in national courts, rather than in the International Tribunal.[957]

In the Statute of the International Criminal Tribunal for Rwanda, the only specific reference to children appears in the list of crimes that constitute genocide, which includes "forcibly transferring children of the group to another group committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group".[958] As in Yugoslavia, the Tribunal afforded children the same protection provided to all victims and witnesses.[959] These include a Victims and Witnesses Unit and safeguards for security and privacy during testimony, provided for in Rule 34. The Rules of Procedure and Evidence of the Tribunal do not limit jurisdiction to over 18 year olds. In theory, the Tribunal could seek prosecution of those who were under 18 at the time of their crime; however, they have not sought to do so. Gacacas, semi-traditional local courts, were established in 2001 to speed up prosecution of those who had perpetrated less serious crimes. Gacacas also conveyed a sense of local justice, by using a traditional method of transitional justice and by recognising that telling the truth, at times, is more important for a society to move on and heal than sentencing all perpetrators.[960] The Tribunal is scheduled to complete its work in 2010.

Special Court for Sierra Leone

[See Annex 4 for full text of relevant articles on page 393]

In 2000, United Nations Security Council resolution 1315[961] requested that the Secretary-General negotiate with the Government of Sierra Leone to establish a Special Court for Sierra Leone to prosecute those who had committed crimes against humanity, war crimes and other serious violations of international humanitarian law, during the civil war. The Special

Court was established in 2002, "to prosecute persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996".[962] An amnesty was in place that precluded prosecution for crimes committed before that date (the civil war began in 1991).

The Special Court is an international court of a hybrid (jurisdiction over both domestic and international crimes) and mixed (having international and national staff) nature. It was established through a treaty between the United Nations and the Government of Sierra Leone. Reflecting on the atrocities committed against children, the Statute of the Special Court for Sierra Leone provides for the prosecution of crimes where children are the victims. These include:

- the crime of conscripting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities – Article 4 (c);
- the jurisdiction to prosecute crimes under Sierra Leone Law, including the abuse of girls – Article 5 (a); and
- the prosecution of rape, sexual slavery, enforced prostitution, forced pregnancy and any other form of sexual violence in its list of crimes against humanity – Article 2 (g).

The Special Court for Sierra Leone is considered the first war crimes tribunal to explicitly expose and administer justice for abuses perpetrated on or by children.[963] In May 2004, a judgement of the Appeals Chamber was qualified as a 'milestone in the enforcement of the crime of child recruitment'. For the first time in history, it was confirmed that the recruitment of children into armed forces or using them to participate in hostilities constituted a crime under international customary law for which a person can be held individually criminally responsible.[964]

In accordance with Article 14 of the Statute of the Special Court for Sierra Leone, the Rules of Procedure and Evidence for Rwanda are applicable to the proceedings before the Special Court, but they may be amended or added to where they do not adequately provide for the specific situation in Sierra Leone. Significantly, unlike the rules applying to the Tribunal for Rwanda, the Rules of Procedure and Evidence of the Special Court for Sierra Leone include limited special protection measures for children.

The Registry of the Tribunal is charged with establishing a Victims and Witnesses Unit that includes experts in trauma, including trauma related to crimes of sexual violence and violence against children.[965] The Rules of Procedure and Evidence provide that this Unit:

- ensure that witnesses or victims who appear before the Special Court or who are placed at risk on account of the testimony, shall receive support, counselling and other appropriate assistance including medical, physical and psychological rehabilitation, especially in cases of crimes against children, rape and sexual assault – Rule 34(A)(iii); and
- enable that a child "shall be permitted to testify if the Chamber is of the opinion that he is sufficiently mature to be able to report the facts of which he had knowledge, that he understands the duty to tell the truth, and is not subject to undue influence. However, he shall not be compelled to testify by solemn declaration" – Rule 90(C).

In addition, when a child is involved in the proceedings, Rule 79(A)(ii) allows for the Trial Chamber to hold a closed session, excluding the press and the public, if it is necessary to protect the privacy of the minor.

The Special Court for Sierra Leone is the first international court with explicit jurisdiction to prosecute children aged 15 to 18 years. This

From the United Nations Secretary-General

"Many of the legal choices made are intended to address the specificities of the Sierra Leonean conflict, the brutality of the crimes committed and the young age of those presumed responsible." [par. 11]

"The possible prosecution of children for crimes against humanity and war crimes presents a difficult moral dilemma." [par. 32]

"The Government of Sierra Leone and representatives of Sierra Leone civil society clearly wish to see a process of judicial accountability for child combatants presumed responsible for the crimes falling within the jurisdiction of the Court. It was said that the people of Sierra Leone would not look kindly upon a court which failed to bring to justice children who committed crimes of that nature and spared them the judicial process of accountability." [par. 35]

— The Secretary-General of the United Nations
Report of the Secretary-General on the Establishment of a Special Court for Sierra Leone, UN Doc. S/2000/915 (4 October 2000)

is because many children were forcibly abducted and took part in the worst atrocities during the conflict. The Government of Sierra Leone was adamant that those responsible were to be held accountable, regardless of their age, but the United Nations was not convinced that children should be prosecuted in the court. None have been prosecuted to date and child prosecutions are not a priority for the Court, which seeks to prosecute the persons who bear the greatest responsibility.

While prosecutions of children are not expected to take place, provisions are included in the Statute. Article 15(5) states that "[i]n the prosecution of juvenile offenders, the Prosecutor shall ensure that the child-rehabilitation programme is not placed at risk, and that where appropriate, resort should be had to alternative truth and reconciliation mechanisms, to the extent of their availability". Furthermore, the Statute recognises international juvenile justice standards that seek to protect juveniles who come into conflict with the law by ensuring that:

- the child shall be treated with dignity and a sense of worth, taking into account his or her young age and the desirability of promoting his or her rehabilitation, reintegration into and assumption of a constructive role in society – Article 7(1);
- if convicted, the child shall not be sentenced to prison (Article 19), but rather to appropriate care and rehabilitation programmes – Article 17(2); and
- judges and staff of the prosecutor have knowledge of juvenile justice law – Article 13(2).

Support for Children in Conflict with the Law – Peru:[966]

In Peru, lawyers and social workers are available at police stations to help children in conflict with the law immediately after their arrest. This programme aims to help children know their rights, to ensure that child-friendly procedures are used for interviews and to assist with locating the child's family, so that the child does not have to remain in custody. Often, the lawyers who perform this job are recent graduates able to gain valuable experience and to, ideally, develop a sense of pride in supporting the rights of children in conflict with the law. Terre des Hommes, a nongovernmental organisation, assists in training and operations of the programme. As a result of the success of the programme, it has been exported to Romania, Mauritania, Lebanon and Guinea. The programme in Peru has now expanded to provide educational and social opportunities. In 2008, 200 children benefitted from the expanded programme.

Key points about children as victims, witnesses and perpetrators of crimes:

- While some people believe that children who commit crimes and come into conflict with national or international law, as a result of their involvement in armed conflict, are criminals who should be treated accordingly, it must be recognised that the circumstances of children in conflict with the law during armed conflict are significantly different from the circumstances of adults. Children commit crimes during armed conflict because they are abducted and forced to do so; because they are manipulated by adults; or because they make an intentional, although seriously constrained, choice.
- The Paris Principles and Commitments (2007) are a non-binding, comprehensive set of principles intended to guide and strengthen preventive actions by governments and children to ensure the successful reintegration of children affected by armed conflict, encouraging States to use alternative processes, such as restorative justice and rehabilitation, and to deal with children who have committed crimes while associated with armed groups and forces.
- The United Nations Guidelines for the Prevention of Juvenile Delinquency (1990) provide a rights-based, child-centred juvenile crime prevention mechanism in post-conflict scenarios that avoids criminalising children. The Standard Minimum Rules for the Administration of Juvenile Justice provide additional guidelines for States to establish rules and provisions specific to protecting the rights of young offenders.
- Since children are still developing physically and emotionally, they are more susceptible to victimisation from adults and even their peers. It is now well established that children can be further victimised through police interrogation and court procedures, which do not always provide the same assistance and protection that is granted to adults.
- The Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime call for consideration of the best interests of the child in all cases and highlight several rights and needs of child victims and witnesses.
- The various tribunals and special courts established in the aftermath of armed conflict (for example in Rwanda, Sierra Leone and Yugoslavia) have included protections for children associated with armed groups and forces, although there are also provisions for prosecution. Interestingly, in those instances where illegal recruitment of children to armed groups was rampant and children did participate in atrocities, the courts have chosen to not prosecute them, instead focusing on the adults who bear greatest responsibility for these crimes.

12.3 Further Information

Key Actors

Child Rights Information Network (CRIN)
East Studio
2, Pontypool Place
London, SE1 8QF
United Kingdom
Tel.: +44 20 7401 2257
Website: http://www.crin.org/index.asp

Defence for Children International
Rue de Varembe 1
Case Postale 88
Geneva20
Switzerland
CH-1211
Tel.: +41 22 734 0558
Website: www.defenceforchildren.org

Interagency Panel on Juvenile Justice (IPJJ)
1, rue de Varembé
P.O. Box 88
CH 1211 Geneva 20
Switzerland
Email: info@juvenilejusticepanel.org
Tel.: +41 22 734 0558
Fax: + 41 22 740 1145
Website: www.juvenilejusticepanel.org

International Bureau for Children's Rights (IBCR)
2715, Chemin de la Côte-Sainte-Catherine
Montréal (Québec)
Canada H3T1B6
Tel.: +1 514 932 7656
Fax: +1 514 932 9453
E-mail: info@ibcr.org
Website: http://www.ibcr.org/eng/

International Criminal Court (ICC)
Maanweg 174
2516 AB The Hague
The Netherlands
Tel.: +31 70 515 8515
Fax: +31 70 515 8555
Website: http://www.icc-cpi.int/Menus/ICC?lan=en-GB

Penal Reform International
60-62 Commercial Street
London E1 6LT
United Kingdom
Tel.: + 44 20 7247 6515
Fax: + 44 20 7377 8711
Email: info@penalreform.org
Website: http://www.penalreform.org/juvenile-justice-2.html

Special Court for Sierra Leone
https://www.sl-trc.org

United Nations Children's Fund (UNICEF)
UNICEF House
3 United Nations Plaza
New York 10017
United States
Tel.: +1 212 326 7000
Website: http://www.unicef.org/emerg/index_smallarms.html

United Nations Office on Drugs and Crime (UNODC)
Vienna International Centre
Wagramer Strasse 5
A 1400 Vienna
Austria
Tel.: +43 1 26060
Fax: +43 1 263 3389
Website: http://www.unodc.org/unodc/en/justice-and-prison-reform/index.html?ref=menuside

Education, Research and Training

EDUCATION

Criminology and Criminal Justice Graduate Programs
Offers a list of programmes offered in Canada and Australia on criminology and criminal justice programmes, which include components on children's rights and victim-offender issues.
http://www.gradschoolfinder.com/schools/result.asp?FOSKeywords=criminology

European Network of Masters in Children's Rights
Interdisciplinary one year master's programme aimed at graduates and professionals working in the field of childhood and children's rights.
http://www.enmcr.net/cms/index.php?option=com_content&task=view&id=31&Itemid=46
http://www.ewi-psy.fu-berlin.de/en/einrichtungen/weitere/enmcr/index.html

Institute for Child Witnesses Research and Training, Port Elizabeth, South Africa
The Institute offers two courses courses – Preparing Children for Court and Introducing the Child Witness – for children who are victims and witnesses of crime and will be required to testify in court.
http://childwitness.net/index.php?option=com_content&task=blogcategory&id=14&Itemid=38

Master of Advanced Studies (MAS) in Children's Rights, University of Fribourg – Institut Universitaire Kurt Bösch (IUKB), Fribourg, Switzerland
Part-time two year postgraduate programme intended for professionals who work with children's rights issues. It combines residential teaching and distance learning, requiring participants to attend four week long residential modules per year.
www.iukb.ch/mcr

Masters of Law (LLM), Criminal Justice and Human Rights, University of Aberdeen Law School, Aberdeen, Scotland
One year master's programme in Criminal Justice and Human Rights which allows students to study contemporary issues in criminal justice and human rights at an advanced level.
http://www.abdn.ac.uk/law/graduate/gradcourse.php?ID=LLMCJHR

Masters of Sciences (MSc) in Children's Rights, University of Amsterdam, Amsterdam, the Netherlands
Interdisciplinary one year fulltime master's programme that discusses children's rights primarily from a social science perspective, but also examines some of its legal aspects.
http://www.studeren.uva.nl/msc_childrens_rights

National Society for the Prevention of Cruelty to Children (NSPCC), London, United Kingdom
Extensive roster of training courses in a variety of areas related to child protection.
http://www.nspcc.org.uk/Inform/trainingandconsultancy/Training/TrainingCourses/trainingcourses_wda47913.html

13. Changing Role of Children in Peace Processes

What children had to say (Source: UNICEF)[967]

"Change must take place through evolution, through educating the young people of today. We can only hope that the adults of tomorrow will make the right choice."

— Girl, 16, from the UK

This chapter looks at the recent evolution of the involvement of children in peace processes. It provides a summary of recent developments in international law, examining legal instruments and mechanisms to address post-conflict transitions. It then discusses how these instruments and mechanisms involve children.

13.1 Describing the Issue

Changing role of children in peace processes

What children had to say (Source: UNICEF)[968]

"While we should provide the basic needs for children, for them to continue their lives, we should give priority to education. That way, these kids will also work for other children and we will support each other. I think every one in the community should take responsibility on that."

— Gokce, 16, from Turkey

Over the past few decades, the changing nature of conflict has forced the international community to devise new means of handling post-conflict transitions. Low intensity, widespread conflicts fought internally

(as opposed to internationally) over long periods of time have left many countries destroyed, both in terms of infrastructure and social systems (for a fuller discussion, see Chapter 1).

New forms of justice have been tested and refined in order to better address the needs of societies emerging from conflict. The term 'transitional justice' refers to "the full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation."[969]

Historically, transitional justice processes have neglected the specific needs and rights of children and have not promoted their involvement in peace processes.[970] Recently, perceptions about the role of children in post-conflict societies have begun to change. This is due to the increased involvement of children in armed conflicts in a variety of roles. In addition to being victims of conflicts, children are now forcibly recruited as combatants and helpers to armed groups. The increasing involvement of children in active combat, sometimes for decades, and the recruitment of children as young as eight years old (as was seen in Sierra Leone), have resulted in new levels of human rights violations of children.[971] In most conflicts involving children, peace processes have to take into consideration, not only the suffering of children involved in the conflict, but also the long term disruption caused to their lives, such as the loss of education and means to support themselves as they enter their adult years.

Another challenge emerging from the evolving nature of conflicts is the difficulty of categorising children's involvement in conflict. Children who have been forced to take part in armed conflict are often responsible for serious violations of human rights, but are also victims of forced recruitment. There is an urgent need to design peace processes that address the dual nature of children's experiences and their resulting specific needs. There is also a growing need to bring perpetrators of crimes against children to justice, especially armed groups and armed forces commanders who encourage the recruitment of children for various reasons. International justice can play a deterrent role by demonstrating that recruitment of children will no longer be treated with impunity.

It has also been accepted that children have rights,[972] as well as needs, during and after conflicts, which are not necessarily guaranteed when the rights and needs of their community are addressed. Children require special care and assistance.[973] For example, children who have been associated with fighting forces and children who have been displaced by conflict will have special needs in terms of formal education after hostilities have ended. Humanitarian and development programmes, peace processes,[974] peace agreements[975] and peacekeeping forces[976] have all become more child-focused and more child rights' driven, with the UN Convention on the Rights of the Child used as a guiding tool for work with children.

Retorno de la Alegria: UNICEF brings back happiness to Colombia children[977]

In the town of Boca de Cupe in the Darien region of Panama, 30% of the population is composed of Colombian refugees. Children living in the town were showing signs of trauma from the conflict, such as depression, aggressiveness and lack of self esteem.

To address this situation, UNICEF created the 'Retorno de la Alegria' (Return to Happiness) project in 2002 to teach children and adolescents peaceful ways to overcome their trauma. Adolescents from surrounding towns in the Darien region were trained to use games, drawing, singing and role playing to promote mental health recovery for children.

"Helping children overcome the emotional impact of conflict is just as necessary as any other form of aid because it contributes towards the mental and emotional development of children living amidst violence and insecurity", says Ana Lorena Alfaro, UNICEF's project assistant.

The project was replicated in eight other communities in the region, with 120 adolescents helping approximately 5,000 children overcoming the trauma of war through art and play.

To ensure the long term peace, security and development of a country, there is a growing recognition that children must be fully included in the peace process. The Optional Protocol to the UN Convention on the Rights of the Child on the Involvement of Children in Armed Conflict[978] recognises in its preamble the "impact of conflict on children and the long term consequences this has for durable peace,

security and development". The Protocol also refers to the need to consider the economic, social and political root causes of children's involvement in armed conflict. In response, peace processes must pay attention to the context in which the conflict began, the impact of the conflict on children and the means to change this context to ensure durable peace.

Children have not historically had a say in societal matters, even those matters directly affecting them. A transformation in thinking has to occur in post-conflict societies that traditionally do not accept child participation in social issues. Including reference to children in peace agreements and transitional justice mechanisms is not enough and must be coupled with public awareness raising to promote understanding of the impact of violence on children and the long term impact this has on society.

Importantly, the international community has recognised that children have the right and the need to take an active role in peace processes. They need more than simply to be the beneficiaries. The United Nations Security Council has emphasised the need, not only to take the welfare and rights of children into account during peace negotiations and throughout the process of consolidating peace,[979] but also the need to involve children and consider their views in these processes.[980] This is in line with Article 12 of the UN Convention on the Rights of the Child, according to which, "State Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child"[981] and that, "the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child".[982] The Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, contained in Resolution 2005/20 of the United Nations Economic and Social Council (ECOSOC), reinforce the right of children to participate in judicial processes that concern them.[983]

Nevertheless, when ensuring child participation in these processes, tokenism should be avoided. Children's right to be heard and their right to express their views in matters that concern them should be institutionalised within existing and new systems established before, during and after a crisis. Recent examples where transitional justice

mechanisms involved children include the Truth and Reconciliation Commissions of Sierra Leone and Liberia. The involvement of children in these processes ensures that their experiences are included in the account of the conflict and that their needs are considered when creating a set of recommendations and reparations.[984] Reparations are intended to address the violations suffered by children during the conflict and repair the damage to children's rights, including the right to education and healthcare. Reparations targeting the specific needs of children can be monetary (for example, the provision of free education) or symbolic (such as an apology from the State for the suffering imposed on children).

International tribunals[985] have also recently started addressing the issue of children in peace processes. In the prosecution of those who carried out war crimes and crimes against humanity, children's testimonies are often important, and even crucial, in securing convictions. The specific cases of the Special Court for Sierra Leone, the first international tribunal to obtain convictions on the recruitment of children in armed groups,[986] and recent indictments by the Prosecutor of the International Criminal Court are described below.

It has also recently been recognised that children who provide testimony as witnesses or victims have special needs, because of their age and vulnerability. These needs have been discussed in Chapter 12.

Many challenges remain on how to involve children in peace processes. There is a fine balance between ensuring that children's voices and experiences are heard and shared and avoiding causing further harm to them. Below, some practical examples of peace processes that have included children are provided and the progress achieved in recent years is summarised.

What children had to say (Source: Save the children Canada)[987]

"I am glad to be able to go to school again and make new friends. I study hard and my teachers are helping me to have new dreams."

— Margarita, 10, Soacha, Colombia

Peace Agreements and Peace Processes

Peace Education Programme for Afghan Children[988]

Acknowledging that building sustainable peace entails teaching new generations to address the root causes of violence, Help the Afghan Children has created an education programme for children affected by conflict. Afghan children often suffer from trauma from exposure to violence, which makes them more vulnerable to extremism.

The education programme, created in 2002, focuses on helping children deal with the consequences of anger, fear, fighting and sadness, while embracing patience, apologies, bravery, sympathy, mediation and satisfaction. The programme has four objectives:

1. Help children cope with trauma;
2. Teach children the concepts of peaceful daily life;
3. Train teachers to become better advocates of peace; and
4. Work with parents to support peace education at home.

The programme also helps children from different ethnic groups to develop friendships, thus establishing grounds for better future inter-community relationships.

This next section offers an overview of recent initiatives that have included children's participation in post-conflict contexts. It examines peace agreements that contain legal provisions specifically relating to children and offers examples of transitional justice mechanisms that have successfully involved children.

What children had to say (Source: Children as Peacebuilders)[989]

"These laws allow young people to confront the kinds of situations in which they find themselves. In our country there is a high level of internalisation of violence. It is a sliding between life and death. There is a naturalness to violence – it is understood as the force that gives order. It is what regulates and structures life. This thinking needs to be changed."

— Youth from Colombia

Recently, the international community has developed a number of instruments to be used to transition a society from conflict to a post-conflict, peaceful phase. Peace processes vary greatly from one conflict to the other, but general patterns have emerged in the sequence of events

that immediately follow a ceasefire or a clearly expressed desire by warring factions to enter into some negotiations to end a conflict. The legal basis for ending hostilities is usually a peace agreement signed by all, or at least the major, fighting forces involved. Peace agreements typically include some provisions for the demobilisation of armed groups (and sometimes of the armed forces) and the creation of one or more mechanisms for addressing crimes committed during the conflict. These mechanisms can be judicial (tribunals or commissions of inquiry) or nonjudicial (truth commissions) in nature.

Lomé Peace Agreement

[See Annex 4 for full text of relevant articles on page 383]

Peace agreements have rarely mentioned children, let alone included child specific obligations for the parties to a conflict. The first specific and unambiguous obligation was contained in the Lomé Peace Agreement,[990] signed in 1999 by the Government of Sierra Leone and the Revolutionary United Front.[991] Article XXX required the Government to devote particular attention to the issue of children associated with armed groups and to "mobilise resources… to address the special needs of these children in the existing disarmament, demobilisation and reintegration processes".[992] Furthermore, Article XXXI obliges the Government to provide free compulsory education for the first nine years of schooling and to endeavour to provide free schooling for a further three years after that.

Arusha Peace and Reconciliation Agreement

[See Annex 4 for full text of relevant articles on page 386]

The following year, the Arusha Peace and Reconciliation Agreement[993] ended the conflict in Burundi. This agreement contains numerous specific references and obligations to children in its five protocols, including provisions for the protection of children from being used in armed conflict,[994] protection from abuse and exploitation[995] and an obligation to assist,[996] protect[997] and educate[998] returnee children. Article 10 (Protocol IV) states that, "[t]he Government shall ensure, through special assistance, the protection, rehabilitation and advancement of vulnerable groups, namely child heads of families, orphans, street

children, unaccompanied minors, traumatised children, juvenile delinquents." The Agreement also requires that the Government of Burundi incorporate the UN Convention on the Rights of the Child[999] and the African Charter on the Rights and Welfare of the Child[1000] into the Constitution of the Republic of Burundi.[1001] This act was completed in the 2005 Constitution.

One of the most important components of a peace process is to obtain justice against the wrongdoers and recognition for the victims. If well designed, such processes can contribute to national reconciliation[1002] and the process of restoring and maintaining peace. This can take a number of forms, but the most common are international and national courts and tribunals where the perpetrators of war crimes are tried and punished and truth and reconciliation commissions where the details of what took place during the conflict are established and recorded. The role of children in international courts and tribunals has been well covered in Chapter 12.

The Involvement of Children in Truth and Reconciliation Commissions

Over the past 25 years, more than 20 truth and reconciliation commissions have been established around the world, including commissions in Guatemala, Peru, Chile, Morocco and Chad. Truth commissions are presently active in the Solomon Islands, Canada and Kenya. Although these bodies are diverse in form and procedure, their main goal is the same – to establish what happened during a set period – normally a period of armed conflict or political violence, and by doing so, help to reconcile divided societies and build sustainable peace.[1003]

The United Nations Security Council, through resolution 1379 (2001), emphasised the need for serious abuses involving children to be addressed in post-conflict truth and reconciliation processes.[1004] These processes do not only document abuses, but also provide an opportunity for children to tell their stories and participate in peacebuilding and reconciliation. Truth and reconciliation processes can also acknowledge the huge impact that conflict has had on children (and other victims)[1005] and reinforce the importance of their role in society.

Yet, the involvement of children has been limited in truth and reconciliation processes around the world. Most commissions have not invited children to testify, although, it must be noted that many of these truth commissions are established years or decades after the end of a conflict or repressive regime and many of the children affected at the time are now adults.

Children played a significant role as both victims and perpetrators of violence in the struggle against apartheid in South Africa. In acknowledgement of their participation, children were specifically involved in the truth and reconciliation process there, although not in the mainstream proceedings because it was feared that this would be harmful to them.[1006] Instead, children gave their testimonies in special hearings and workshops and the information they provided was incorporated into a chapter dedicated to children and youth in the final report.[1007]

More recently, two truth commissions have made special efforts to involve children in their processes – the commissions in Sierra Leone and Liberia. The Commission in Timor-Leste made some efforts to involve children, although to a lesser extent. The section below describes some of the innovations implemented by these commissions with respect to children.

The Sierra Leone Truth and Reconciliation Commission

[See Annex 4 for full text of relevant articles on page 387]

Provision for the establishment of a Truth and Reconciliation Commission was made in Article XXVI of the Lomé Peace Agreement in 1999, in an attempt to end the eight year civil war in Sierra Leone.[1008] In spite of the agreement, fighting resumed and the Truth and Reconciliation Commission was only established in 2000 and did not begin its operations until 2002.

The mandate of the Commission was "to create an impartial historical record of violations and abuses of human rights and international humanitarian law related to the conflict […]; to address impunity, to respond to the needs of victims, to promote healing and reconciliation and to prevent a repetition of the violations and abuses suffered." As discussed earlier in this chapter, the mandate includes special provisions for children. The Truth and Reconciliation Act is the first document to

Sierra Leonean children are now protected under national law[1009]

The Sierra Leone Truth and Reconciliation Commission recognised the role children played both in the conflict and in building peace. In its final report, it recommended that the Government review national legislation to make it consistent with the UN Convention on the Rights of the Child.

The Parliament of Sierra Leone, following this recommendation, passed the Child Rights Bill into Law on 7 June 2007. The Bill stipulates the rights of Sierra Leonean children with respect to the prohibition of early marriage and conscription of children into the armed forces, the right to a name and nationality, free and compulsory education, protection against domestic violence and child trafficking, the creation of structures and systems for the protection of children at village and chiefdom levels, as well as protection against harmful traditional practices affecting children, including female genital mutilation.

impose a legal obligation to integrate children into the process.[1010] The conflict in Sierra Leone was characterised by significant involvement of children, both as victims of the conflict and as children associated with fighting forces. Various estimates exist for the number of children associated with fighting forces during the conflict. The National Committee for Disarmament, Demobilisation and Reintegration registered 6,774 children.[1011] All parties to the conflict forcibly recruited children and committed gross violations of their rights.[1012]

In 2001, UNICEF organised a meeting,[1013] bringing together international and national experts in Freetown, Sierra Leone, to discuss the involvement of children in the Commission. Among other specific recommendations, the expert meeting recommended that the work of the Commission be guided by the UN Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child and other relevant international standards. It also recommended that the best interests of the child be the primary consideration in all work with children.[1014]

The Truth and Reconciliation Commission began its operations in late 2002. During the testimony gathering phase, the Commission entered into an agreement with UNICEF and other child protection agencies (national and international) working in Sierra Leone, to support the inclusion of children in the Commission's proceedings.[1015] Under this agreement,[1016] UNICEF and the other agencies referred children under their care to the

Commission and provided psychosocial counselling to children who agreed to testify in front of the Commission. The counselling was offered prior to and after, the actual testimony. This enabled the Commission to reach out to children who were both victims and perpetrators in the conflict. The identity of children was kept confidential; however, this mechanism was not perfect and the Commission sometimes took statements from children who had not been referred by child protection agencies.[1017] The Commission received a total of 385 statements from children during this phase, which represents 5% of the total statements taken.[1018]

The fact that the Special Court for Sierra Leone was operating at the same time as the Commission led to some confusion in the minds of the public, especially those who were accused of crimes. The Truth and Reconciliation Commission was a nonjudicial process, aimed at uncovering root causes of the conflict and the nature and extent of the human rights violations that were committed. Participation in the Commission's processes was mostly voluntary[1019] and was meant to include as many people as possible. The Commission did not have prosecution authority, nor did it have the mandate to refer cases for prosecution to the Special Court or any other judicial body.

The Special Court was a judicial process, established to prosecute those mostly responsible for the conflict. It was the first time that a truth commission and an international tribunal were operating at the same time, in the same country. The Commission had to raise public awareness to convince those accused of crimes that their testimonies before the Commission would not be used to incriminate them before the Special Court.

After statements had been taken, the agreement with UNICEF and the child protection agencies continued as the Commission embarked on a five month hearings phase. Although most individuals appearing before the Commission were asked to do so in public hearings, special *in camera* hearings were organised for children (and victims of sexual abuse). Only the Commissioners, senior staff of the Commission, the child and adult who accompanied him or her (a social worker and, if requested by the child, a family member) were present at the hearings. Thematic hearings on children were also organised in Freetown, providing a forum for experts to make recommendations on the future of children in Sierra Leone.[1020]

In an initiative called the National Vision for Sierra Leone, the Commission invited children and adults to submit artwork on their experiences in the conflict and their vision for the future of Sierra Leone. The exhibit selected more than 250 pieces of art (poems, sculptures, drawings, paintings, plays and essays), created by children and adults, and presented them at the National Museum in Freetown. The art show also toured in some of the major cities in the country.

The Sierra Leone Children's Forum Network

In 2003, the children of Sierra Leone were invited by the Government and the United Nations to establish a forum of their own. The Children's Forum Network is run by children and serves as a platform to have children's voices heard. The Network has been engaging the Government of Sierra Leone on issues involving children's rights ever since.

In June 2003, the Children's Forum Network made a submission to the Truth and Reconciliation Commission, recommending, among other things, that the Commission create a child-friendly version of its final report. The Commission adopted the recommendation and published the "Truth and Reconciliation Commission Report for the Children of Sierra Leone" in 2004, with the help of UNICEF.

The Commission dedicated a full chapter of its final report to the experiences of children.[1021] The final report also includes recommendations specific to children. Although the short timeframe and limited resources imposed constraints on the Commission's ability to focus on children, the methodology used to work with children is likely to be used by other commissions and has already been adopted by the Liberian Truth and Reconciliation Commission.

The Truth and Reconciliation Commission of Liberia

The Truth and Reconciliation Commission of Liberia was established in 2005 by the Liberian National Transitional Legislative Assembly, with the mandate to "investigate gross human rights violations and violations of international humanitarian law […]; provide a forum to address impunity, as well as an opportunity for both victims and perpetrators of human rights violations to share their experiences" while "adopting specific mechanisms and procedures to address the experiences of women,

children and other vulnerable groups, paying special attention to […] the issue of child soldiers".[1022] The mandate of the Commission was to examine the timeframe from 1979 to the end of the conflict in 2003.[1023]

The procedures developed by the Commission included the creation of a special statement form to record testimonies from children, as well as the nomination of one of the commissioners to specifically oversee child related activities. The identity of child witnesses was kept confidential and the Commission accepted 1,000 statements from children, with 120 children testifying in hearings.[1024] During the hearings involving children, no video coverage was allowed, the media was not admitted and social workers were made available to provide counselling before, during and after the testimony.[1025] The Commission also held thematic hearings on children, inviting child protection agencies and government ministries to make submissions on the future of Liberian children.

As was the case in Sierra Leone, the Liberian Commission signed an agreement with UNICEF and the National Child Protection Network to create a taskforce comprising 80 child protection agencies. Joint activities were undertaken to ensure children's participation in the truth and reconciliation process, including special training for the Commissioners and awareness raising workshops around the country.[1026] The Commission's final report dedicates a section to children under its victim chapter, in which it details the range of violations suffered by children in the conflict. Those violations included forced recruitment by all armed groups, sexual abuse, torture and "cannibalisation".[1027]

Another initiative of the Commission was to open a Children's Art Gallery in September 2008, featuring artwork from children related to their experiences in the conflict. The Gallery exhibits drawings, poems and stories from 350 children.[1028] This initiative was certainly inspired by a similar programme undertaken by the Sierra Leone Truth and Reconciliation Commission.

The Commission for Reception, Truth and Reconciliation in Timor-Leste

The United Nations Transitional Administration in East Timor (UNTAET[1029]) established the Commission for Reception, Truth and Reconciliation in 2001. The existence of the Commission was also

recognised in the Constitution of the Democratic Republic of Timor-Leste.[1030] Its mandate was to establish the truth regarding human rights violations, promote reconciliation, make recommendations, refer cases for prosecution and support victims.[1031] The mandate of the Commission covered the period from the annexation to Indonesia in 1975 to independence in 1999.

Children in Timor-Leste suffered a range of violations, from forced displacements to recruitment in armed forces, including the Indonesian military.[1032] The only provision relating to children in the law establishing the Commission states that special measures may be taken when special groups of victims, including women and children, are involved in public hearings.[1033]

UNICEF initiated discussions with the Commission in 2002 to draft a special policy for children's involvement in its processes; however, the draft was never finalised and the Commission never adopted the policy.[1034] The Commission did not involve children in taking statements, nor did they participate in reconciliation activities.[1035] The

The Government of Timor-Leste launches the National Commission on Child Rights[1036]

The Commission on Reception, Truth and Reconciliation held a special hearing for children to gather recommendations on the future of Timorese children. These recommendations included asking the Government of Timor-Leste to submit its First State Party Report on the UN Convention on the Rights of the Child to the Committee on the Rights of the Child. The Government adopted this recommendation and filed its report in 2008.

The Committee on the Rights of the Child, in its reply to the Government, recommended that it carry out a study of the impact of the conflict on children involved in the hostilities and provide appropriate reintegration and social support. The Committee also recommended the creation of a national commission to monitor child rights.

Following this recommendation, the Government created the National Commission on the Rights of the Child on 22 September 2009. The Commission has the mandate to "promote, defend and monitor children's enjoyment of their rights". The work of the Commission is to be guided by the views and opinions of children.

Prime Minister Xanana Gusmão said the Commission was established because "children are the future of the nation".

Commission did organise a special hearing on Children and the Conflict, during which time artwork from children was presented and children were asked to publicly express their aspirations for the future and their recommendations to the country's leaders.[1037]

The Commission, in its final report published in 2005,[1038] lists the human rights standards on which it focused its inquiries. This list includes children's rights, defined as "a range of rights, including entitlement to special care".[1039] The final report dedicates a chapter to the experience of children in the conflict and the violations they suffered.[1040] The information used to write this chapter came from research and 100 statements collected from adults who had suffered violations as children.[1041] The report also mentions violations committed against children in its chapter on social and economic rights. The Timor-Leste Commission was the first to dedicate a part of its final report to such rights.

In its recommendations, the Commission addressed the issue of children separately. It recommended, among other things, that the Government of Timor-Leste pursue the harmonisation of national law with the UN Convention on the Rights of the Child (which Timor-Leste ratified in 2003), that a public information campaign be designed to raise awareness on the impact of violence on children, that the Government make education universally accessible, especially for children who were involved in the conflict, and that all children who had been forcibly taken to Indonesia should be repatriated.[1042] The Government has implemented an awareness raising campaign, but other recommendations, such as the repatriation of children from Indonesia and the creation of a special reparations programme for children, have not yet been implemented.[1043]

The recent initiatives by truth and reconciliation commissions to involve children in their processes are imbedded in international legal instruments and form a core set of guidelines for practice. Many challenges remain, especially the provision by truth commissions of adequate psychosocial support to children testifying. For the most part, the inadequacies in this context have been due to a lack of adequate resources (time, but also funding). One possible way to address this situation is for the international community to provide funding specifically earmarked for psychosocial support for children in truth commissions' activities.

Search for Common Ground helps children reintegrate through music in Nepal[1044]

Search for Common Ground, with support from UNICEF, has been organizing Dohiri festivals to reconcile children associated with armed groups with their parents and communities. Dohiri is a form of folk music that uses duets as a dialogue tool. Children and their communities can discuss the challenges and fears of coming back home and of reacceptance. The dialogues go back and forth and ideas and emotions are expressed and exchanged with the aim of changing attitudes.

The festivals, held in 11 districts, attracted thousands of people. Participants reported significant changes in their attitude towards children and in the way they were able to welcome them back.

An example from one of the festivals:

Oh fellow youth open your eyes
Light candles to remove darkness

That black night has now gone
The responsibility to build the country has now come to us

Let's discuss amongst youth, adult and children
Let's take decisions being responsible and determined

We have to eliminate the caste discrimination
Have to understand that all humans are equal

We have to return child soldiers and labours
We also have to eliminate the bonded labour

If the youths move ahead in positive action
There will be beautiful society if discrimination ends

Nepal government responsible for its citizen
Everyone has their right in the constitution that will be made

Key points about the changing role of children in peace processes:

- Due to the increased involvement of children in armed conflict, including active combat, peace processes and transitional justice mechanisms have begun to take into consideration their suffering and the long term disruption caused to their lives. It is accepted that children have rights and specific needs during and after conflicts, which are not necessarily addressed through peace initiatives at the community level. Moreover, children should be actively participating in peace process discussions and activities, and not only be considered beneficiaries.
- The first specific and unambiguous obligation to children was contained in the Lomé Peace Agreement, signed in 1999 by the Government of Sierra Leone and the Revolutionary United Front. It required the government to devote particular attention to the issue of children associated with armed groups and forces and to "mobilise resources… to address the special needs of these children in the existing disarmament, demobilisation and reintegration processes". The Arusha Peace and Reconciliation Agreement, signed in 2000 to end the war in Burundi, also included provisions for child protection.
- The Sierra Leone Truth and Reconciliation Commission and the Truth and Reconciliation Commission of Liberia, in recognition of the widespread recruitment and exploitation of children during armed conflict in these countries, supported the inclusion of children's voices in their proceedings. To this end, new forms and processes to record testimony were developed to protect children as witnesses.

13.2 Further information

Key Actors

Child Rights Information Network (CRIN)
East Studio
2, Pontypool Place
London, SE1 8QF
United Kingdom
Tel.: +44 20 7401 2257
Website: http://www.crin.org/

Commission for Reception, Truth and Reconciliation, Timor-Leste
East Timor and Indonesia Action Network (ETAN)
PO Box 21873
Brooklyn, NY 11202-1873
United States
Tel.: +1 718 596 7668
Email: etan@etan.org
Website: http://www.etan.org/news/2006/cavr.htm

International Centre for Transitional Justice (ICTJ)
5 Hanover Square. Floor 24
New York, NY USA 10004
United States
Tel.: +1 917 637 3800
Fax: +1 917 637 3900
Email: ChildrenTJinfo@ictj.org.
Website: www.ictj.org

International Committee of the Red Cross (ICRC)
19 avenue de la Paix
CH 1202 Geneva
Switzerland
Tel.: +41 22 734 6001
Fax: +41 22 733 2057
Website: http://www.icrc.org/

International Criminal Court
Po Box 19519
2500 CM The Hague
The Netherlands
Tel.: +31 070 515 8515
Fax: +31 070 515 8555
Website: http://www.icc-cpi.int/Menus/ICC

International Criminal Tribunal for Rwanda
Email: ictrlib@un.org
http://www.ictr.org/ and http://www.ictr.org/ENGLISH/cases/status.htm

International Criminal Tribunal for Yugoslavia
P.O. Box 13888
2501 EW The Hague
The Netherlands
Website: http://www.icty.org/

Office of the Special Representative of the Secretary-General for Children and Armed Conflict
United Nations S-3161
New York, NY 10017
United States
Tel.: +1 212 963 3178
Fax: +1 212 963 0807
Website: http://www.un.org/children/conflict/english/index.html

Sierra Leone Truth and Reconciliation Commission
https://www.sl-trc.org

Special Court for Sierra Leone
https://www.sl-trc.org

Truth and Reconciliation Commission of Liberia
9th Street, Beach Side
Sinkor, Monrovia
Liberia
Tel.: +231 6 123 456
Email: info@trcofliberia.org
Website: https://www.trcofliberia.org/

UNICEF Innocenti Research Centre
Piazza SS. Annunziata, 12
50122 Florence
Italy
Tel.: +39 39055 20330
Fax: +39 39055 2033220
Email: florence@unicef.org
Website: http://www.unicef-irc.org/

Education, Research and Training

EDUCATION

International Centre for Transitional Justice (ICTJ)
http://www.ictj.org/en/workshops/courses/index.html#peace

Conclusion

What children had to say (Source: Save the Children Canada)[1045]

"It's far better to learn life skills and lessons than the education of war. If we all go to school maybe there will be no more war."

— Sarah, 15, Southern Sudan

To conclude this guide, the International Bureau for Children's Rights hopes to expand the reader's thinking beyond the laws and norms themselves. We have described the legal standards, norms and international developments that address the situation of children in armed conflict and aim to stop the abuse of their rights and act against those who continue to abuse them. These laws and standards are developed by adults for the well-being and protection of children in armed conflict. But, what do children affected by armed conflict around the world think about these norms? Have they felt their impact?

It is important to consult with young people in order to understand their perspectives on these mechanisms. Our discussions with youth reveal their own set of confusions. For many, the concept of human rights is an odd one, as they have grown up in a world where humans are treated as disposable commodities. So, this is an exciting possibility for them – that a young person 'can have the future' and that the international community has an obligation to make this possible. The authority of foreign agencies to hold States responsible to this obligation, particularly the United Nations Security Council, is seen as significant, as is the symbolic power of laws designed to protect children and uphold their rights.

At the same time, young people worry about the gap between ideals and implementation. Youth can be quite cynical about the passionate speeches made by officials that rarely, if ever, are followed by actions. They function inside worlds where the indiscriminate use of violence is a daily truth that becomes invisible in official reports. The commitment

of officials to realise the aspirations of these laws is also questioned. As one youth said, "The reality is that there is no justice during times of war, no transparency and the implementation of laws requires both."

Despite these concerns, young people also want to believe in the potential of these laws to provide effective protection, to punish serious offenders and, most of all, to have their rights recognised. As they repeatedly state, "With rights come responsibilities." They are not interested in just being the passive recipients of others' assistance. Instead, they are convinced that they have an obligation to participate in the realisation of these rights and a practical contribution to make. They are interested in partnerships, ones where adults and youth combine their skills and talents to use these laws to protect vulnerable young people. This partnership can become a platform for building justice and peace in their countries.

In order to get the perspective of young people about these norms and laws, the International Bureau for Children's rights approached *Children/Youth as Peacebuilders* (CAP), a Canadian nongovernmental organisation focused on the rights of young people living in conflict situations and their active participation in peacebuilding, public education on children's rights, reconciliation processes, peer support and the prevention of sexual violence. With the assistance of CAP, a few young people living in Colombia and Uganda were interviewed. Some of the questions asked by Children/Youth as Peacebuilders included the following:

- How can international laws and norms be used to reduce injustice and advance justice? What is their value from a youth perspective?
- From their perspectives, what are the possibilities for youth intervention and participation in the successful implementation of mechanisms such as Security Council resolutions 1612 and 1882, and what can young people do to help enforce these laws and norms?
- Why do young people get lost in the measures undertaken to support them and how could this be changed?

Here is what these young people shared with us.

As a youth from Colombia said, we have to relate any international development regarding children in armed conflict to its relevance to children and young people at the local level. "*It must make sense to*

them." To a large extent, the successful implementation of rights instruments depends on the capacity of humanitarian agencies to provide protection that responds to the realities of children's lives as witnesses, combatants and victims in today's armed conflicts. Children, particularly male youth, are at the centre, not the periphery, of violence. This knowledge gives them unique perspectives on the connections between abstract ideals of protection and concrete experiences of war. As a youth from Colombia explained:

> "It is understood that the State has the obligation to ensure compliance with all human rights for all individuals. They should not be able to say, "I can give you such and such a right but I will take away this one." Unfortunately, in Colombia, human rights are only written on paper. We are a long way from being able to say that we have human rights – and their guarantee is an even bigger issue."
>
> — *Youth from Colombia*

For many young people, the concept of human rights is an odd one. They are more familiar with situations where humans are treated as disposable resources to achieve military objectives. At the same time, youth greatly appreciate this attention from international agencies. They are accustomed to the isolation caused by war and often assume that others do not know or care about the difficulties of their lives. The possibility that the international community has an obligation to make this possible is exciting to them.

> "You know all the difficulties we have gone through. But when other important organisations like the UN have a resolution like 1612 they show that they really care about us."
>
> — *Youth from Northern Uganda*

Unfortunately, the gap between ideals and implementation is one with which young people are all too familiar. They describe the number of times that they have been asked to stand next to a dignitary as he or she makes another set of promises that are rarely, if ever, fulfilled. A youth from Northern Uganda stated:

"It is true that these laws do promote justice and we are grateful that the policymakers have come up with these laws. But now they must be implemented. Because if this doesn't happen it is almost worse than if they have never existed – it disappoints people so much."

— Youth from Northern Uganda

Children have expressed their dismay at and incomprehension of a system where rights' offenders do not have to atone for their actions. For them, this is in direct contradiction to what they have been taught. If a child is punished for the smallest of mistakes, how can adults commit such atrocities and there be no recourse? A youth interviewed in Northern Uganda said:

"Part of implementation is to ensure that there is accountability. Everyone would agree – it is not right for someone to do something wrong and then to be marching around on the street, it is not good, it offends people to see this spirit of impunity – it would increase the rate of these offences, if people see that there are no consequences for these actions, of breaking laws and abusing rights. We need to punish those wrong doers, these rights abusers."

— Youth from Northern Uganda

In addition to the cynicism created by the gap between the enactment of laws and their implementation, children and young people understand that it has considerable negative impact on their human rights work. As time passes, more and more youth are sceptical about whether international standards can really make a difference. Many young people in Colombia explained that they are excited when they get the opportunity to learn about international norms to protect and promote their rights. They feel it is important for them to work hard to ensure that authorities know about these laws as a tool for evaluating the local conditions for boys and girls. Yet, as one youth from Colombia said, "At the same time there is a lot of concern, young people fear that resolutions such as 1612 are just a paper like many things that exist in Colombia."

Children are interested to learn about the laws themselves. They understand that they have an important symbolic value and also help

young people to understand the meaning of human rights. At the same time, they question the existing strategy to put such international standards into practice. They have witnessed repeated violations of children's rights. They see that children's perspectives and living conditions are often a low priority in the endless power games and corruption of long standing civil conflicts. As a young person from Colombia explained:

> "It is important to point out that there are people who not only don't recognise how to protect young people but also don't understand the very fact of their vulnerability. Taking the lack of information into account on the one hand and the lack of interest on the other, it is very few who are serious about spaces of protection."
>
> *— A young person from Colombia*

This does not mean that young people have given up on these measures – far from it. They remain hopeful, despite past disappointments. While recognising the reality that very few governments struggle for justice, this does not mean that they should give up the struggles to end these violations. They also understand that young people have an important role in this work. A youth from Colombia stated "Young people are becoming more aware and are creating space, demanding justice."

As part of the recent studies conducted by Children/Youth as Peacebuilders, children and young people stated that they have welcomed the passing of resolutions such as 1612 and 1882, seeing them as an important contribution to the establishment of a rights-based framework to reduce the isolation that armed conflict creates among families and communities. When asked if such measures make a difference, a youth from Northern Uganda explained that: "Many people here in our local setting, they act out of ignorance. If people have the information, it will create a different perspective."

Young people repeatedly emphasised the need for "an environment of awareness" and partnerships between adults and youth. They are eager to fill their side of the bargain and are not interested in just being the passive recipients of others' assistance. On this, a youth from Northern Uganda stressed that:

"For us, awareness is important – we see that it changes behaviour. Awareness is an important thing that young people can do. Young people can give information in so many ways. We have our methods for understanding and conveying messages to others, maybe through music, dance, drama, to send a complete message to other youth. With adults these messages are often just factual. It is so important that we involve young people – for them to speak about their rights and how their rights have been violated. Part of that is to see how they can prevent these problems from happening to them."

— Youth from Northern Uganda

Children must be involved in making norms and legal standards a reality. Moreover, many of these standards require that States and organisations integrate child participation into these processes. Because they live under conditions of conflict and rights violations, children and young people understand the complexities of the work ahead. Many of them have stressed that they are able to create mechanisms to work around these threats. A young person from Colombia said:

"We live in a world of stigmatisation and finger pointing, of a cross over between domestic problems and difficulties in our communities. So as we talk about rights, we are aware that there are unknown actors present, watching us. We construct new languages to facilitate this work – the construction of ideas through art and careful explanations. We have to confront the fear of discussing certain themes; we must take care not to go too far."

— A young person from Colombia

"We must strengthen our networks so that we don't feel so alone, each one of us. We need to change people's states of mind so that these issues can be dealt with more openly. Adults need to step inside our lives, to see how we are vulnerable in every way."

— Youth from Colombia

Young people are eager for new partnerships between adult-run organisations and youth groups; collaborations that draw on the strengths of both. Currently, there tends to be a gap between the awareness young people have and their capacity to transform that awareness into action. There is a need for a system that links young people to adult organisations. As a youth from Northern Uganda said:

"When we are first working with adults, they can be thinking that we are just kids; they say or think, 'What do these kids want?' But if they pay attention and see what we are trying to do in the community, then they will say do us, 'You may look young but in your brain you are not really young.' When they see us and what we want to do, that it is voluntary work and that we love that, when they see us, then they sit with us and listen to our ideas. It is good. […] We have to remember that young people are the majority. So if you want to have true protection, true respect for laws, then you have to give young people, as the majority, a role with this."

— Youth from Northern Uganda

"Protecting children is the responsibility of everyone – including children themselves to protect their own rights. These laws help children to know their rights and make community members to understand that young people are individuals with rights of their own."[1046]

— Youth from Northern Uganda

There are a number of lessons to be gleaned from these comments of children and young people regarding the protection of their rights in armed conflict. Most importantly, they have demonstrated how capable they are of educating others in their rights and undertaking advocacy to promote protection of these rights with international bodies, governments, communities, families and their peers. Yet, they cannot do it alone – young people need support and partnership from those responsible for protecting them.

From the Special Representative of the Secretary-General for Children and Armed Conflict to these young voices, we have heard that now is the time to implement these norms. It is incumbent upon those working in this area to take up the challenge to implement children's rights in armed conflict. The hopes of young people in conflict depend on it.

Annex 1 – Definition of terms and concepts

Acceptance and Approval

The instruments of "acceptance" or "approval" of a treaty have the same legal effect as ratification and express the consent of a State to be bound by a treaty. In the practice of certain States, acceptance and approval have been used instead of ratification when, at a national level, constitutional law does not require that the treaty be ratified by the head of state.[1047]

Accession

"Accession" is the act whereby a state accepts the offer or the opportunity to become a party to a treaty already negotiated and signed by other states. It has the same legal effect as ratification. Accession usually occurs after the treaty has entered into force. The Secretary-General of the United Nations, in his function as depositary, has also accepted accessions to some conventions before their entry into force. The conditions under which accession may occur and the procedure involved depend on the provisions of the treaty. A treaty might provide for the accession of all other states or for a limited and defined number of states. In the absence of such a provision, accession can only occur where the negotiating states were agreed or subsequently agree on it in the case of the state in question.[1048]

Adoption

"Adoption" is the formal act by which the form and content of a proposed treaty text are established. As a general rule, the adoption of the text of a treaty takes place through the expression of the consent of the states participating in the treaty making process. Treaties that are negotiated within an international organisation will usually be adopted by a resolution of a representative organ of the organisation whose membership more or less corresponds to the potential participation in the treaty in question. A treaty can also be adopted by an international conference which has specifically been convened for setting up the treaty, by a vote of two thirds of the states present and voting, unless, by the same majority, they have decided to apply a different rule.[1049]

Armed conflict

The International Committee of the Red Cross defines an armed conflict as any difference between two States leading to the intervention of the members of the armed forces.[1050] According to the Uppsala Conflict Data Programme, an "armed conflict" refers to the use of armed forces between two or more parties in an intra-state or inter-state conflict, due to a governmental or territorial incompatibility, with more than 25 battle-related deaths in a given year.[1051] More concretely, the term "armed conflict" is used to refer to both international and non-international conflicts of high and low intensity.[1052]

Armed forces
"Armed forces" refers to the armed forces of a State.[1053]

Armed groups
"Armed groups or armed political groups" generally refer to armed entities that are distinct from the government, including armed political groups, militias and paramilitaries. They include opposition forces, factional or tribal groups, armed groups belonging to ethnic or religious minorities and a range of other militia groups. These terms are also sometimes used to refer to armed groups (often paramilitaries and militias), that are backed by or allied to government forces, but are not officially part of them.[1054] It is important to note that some agencies use the terms "groups" and "forces" interchangeably.

Cape Town Principles
As part of the effort to deal with the growing problem of children serving in armed forces, UNICEF convened a symposium in April 1997, called 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." The Cape Town Principles emerged from this symposium[1055] and focused on ending the recruitment and use of under 18 year olds in armed conflict and demobilising under 18 year olds who form part of armed groups, ensuring that demobilisation of children is part of the peace process and reintegrating ex -child soldiers.

Child
Article 1 of the United Nations *Convention on the Rights of the Child* states that a child is a person below the age of 18, unless the age of majority is attained earlier under the national law applicable to the child.

Child soldier
The Paris Principles define a "child soldier" as any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including, but not limited to children, boys and girls, used as fighters, cooks, porters, messengers and spies or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in hostilities.[1056] "Child soldiers" are also oftentimes referred to by child protection agencies as "children associated with armed groups and forces".

Children affected by armed conflicts
The term "children affected by armed conflicts" refers to boys and girls suffering direct and indirect consequences of the war. Direct consequences of an armed conflict include unlawful recruitment, gender-based violence, killing and maiming, separation from families, trafficking, illegal detention and disability resulting from the war. Indirect consequences of war refer to the severing of basic services, increased poverty, malnutrition, disease and stigma within families and communities (for example, child soldiers who came back to live with their families or girls who have had babies, as a result of rape). The impacts of armed conflict on children can be substantial and have long term repercussions on their physical, emotional and mental well-being.

Child victim or witness of a crime

"Child victim or witness" means a person under the age of 18 who is a victim of or witness to a crime, regardless of his or her role in the offence or in the prosecution of the alleged offender or groups of offenders.[1057]

Child in conflict with the law

A child is in conflict with the law when he or she has committed or has been accused of having committed an offence. Depending upon the local context, children may also be in conflict with the law when they are dealt with by the juvenile justice or adult criminal justice system for reason of being considered to be in danger by virtue of their behaviour or the environment in which they live.[1058]

Child protection

The term 'child protection' refers to preventing and responding to violence, exploitation and abuse against children – including commercial sexual exploitation, trafficking, child labour and harmful traditional practices, such as female genital mutilation or cutting and child marriage.[1059] In its simplest form, child protection addresses every child's right not to be subjected to harm. It complements other rights that, together, ensure that children receive what they need in order to survive, develop and thrive.[1060]

Child protection is a special concern in situations of emergency and humanitarian crisis. Many of the defining features of emergencies – displacement, lack of humanitarian access, breakdown in family and social structures, erosion of traditional value systems, a culture of violence, weak governance, absence of accountability and lack of access to basic social services – create serious child protection problems. Emergencies may result in large numbers of children becoming orphaned, displaced or separated from their families. Children may become refugees or be internally displaced; abducted or forced to work for armed groups; disabled as a result of combat, landmines and unexploded ordnance; sexually exploited during and after conflict; or trafficked for military purposes. They may become soldiers, or be witnesses to war crimes and come before justice mechanisms. Armed conflict and periods of repression increase the risk that children will be tortured. For money or protection, children may turn to 'survival sex', which is usually unprotected and carries a high risk of transmission of disease, including HIV/AIDS. Ensuring accurate legislation that offers the best possible protection for children from violence, abuse and exploitation is of utmost importance.

A child's right to protection has been recognised in the following international instruments:

- UN Convention on the Rights of the Child
- The African Charter on the Rights and Welfare of the Child of the Organisation for African Unity (now African Union)
- The Geneva Conventions on International Humanitarian Law (1949) and their Additional Protocols
- International Labour Organizaton Convention No. 138
- International Labour Organizaton Convention No. 182
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children to the UN Convention on Transnational Organized Crime

Child Protection Adviser

The appointment of Child Protection Advisers attached to the Peacekeeping Operation in Sierra Leone (UNAMSIL) in 2000 and the assignment of two Child Protection Advisers to the Peacekeeping Operation in the Democratic Republic of Congo (MONUC), later the same year, resulted from the recommendation contained in Security Council resolution 1261, which aimed to promote the welfare of the child throughout the peace process. The priorities of the Child Protection Advisers were to"(1) advise senior mission leadership to ensure that child rights concerns are raised in all political and peace-building fora; (2) advise colleagues in other mission components to ensure that their relevant initiatives are 'child-sensitive'; (3) advocate on behalf of children's rights in collaboration with child protection partners on the ground; and (4) collaborate with mission and child protection personnel to monitor and report on child rights violations and issues".[1061]

Child protection advisers have been given an essential role in peacekeeping operations, in so far as they ensure that children are given a special priority in policies, activities and programmes throughout the different phases of peacekeeping and peace consolidation. This includes the provision of training for all mission personnel on child rights and protection, as explicitly requested by the Security Council, as well as systematic reporting on children's concerns in all country-specific reports to the Council. The Child Protection Adviser serves also as a contact point and interlocutor on issues related to children between peacekeeping operations and United Nations country teams, nongovernmental organisations working to protect children, national Governments and civil society groups, supporting and complementing work, in particular the work of UNICEF, on the ground.[1062]

Child labour

Not all work done by children should be classified as child labour to be targeted for elimination. Children's or adolescents' participation in work that does not affect their health and personal development or interfere with their schooling, is generally regarded as being something positive. This includes activities such as helping their parents around the home, assisting in a family business or earning pocket money outside school hours and during school holidays. These kinds of activities contribute to children's development and to the welfare of their families. They provide them with skills and experience and help to prepare them to be productive members of society during their adult life.

The term "child labour" is often defined as work that deprives children of their childhood, their potential and their dignity and that is harmful to physical and mental development. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children and interferes with their schooling by depriving them of the opportunity to attend school, obliging them to leave school prematurely or requiring them to attempt to combine school attendance with excessively long and heavy work.

In its most extreme forms, child labour involves children being enslaved, separated from their families, exposed to serious hazards and illnesses and/or left to fend for themselves on the streets of large cities, often at a very early age. Whether or not particular forms of "work" can be called "child labour" depends on the child's age, the type and hours of work performed, the conditions under which it is performed and the objectives pursued by individual countries. The answer varies from country to country, as well as among sectors within countries.[1063]

Cluster bomb or munition

Cluster bombs or munitions consist of cargo containers filled with submunitions or bomblets. Fired, launched or dropped by aircraft or land-based artillery, the container opens in the air and disperses bomblets or submunitions over a wide area - often resulting in very dense contamination. They were originally designed as a means to quickly block off a large area of land in a battlefield to prevent tanks and soldiers from coming closer. As such, the bomblets were designed to pierce armour and can kill anyone within a range of 50 metres with its explosive lethal charge. A single cluster bomb strike can spread hundreds to thousands of bomblets over as much as one square kilometre - with no distinction between military or civilian targets during the time of use or afterwards.

["Cluster munition" means a conventional munition that is designed to disperse or release explosive submunitions each weighing less than 20 kilograms. The definition encompasses those explosive submunitions.[1064]

It does not include the following:

a) a munition or submunition designed to dispense flares, smoke, pyrotechnics or chaff; or a munition designed exclusively for an air defence role;
b) a munition or submunition designed to produce electrical or electronic effects; or
c) a munition that, in order to avoid indiscriminate area effects and the risks posed by unexploded submunitions, has all of the following characteristics:
   (i) each munition contains fewer than 10 explosive submunitions;
   (ii) each explosive submunition weighs more than four kilograms;
   (iii) each explosive submunition is designed to detect and engage a single target object;
   (iv) each explosive submunition is equipped with an electronic self-destruction mechanism; and
   (v) each explosive submunition is equipped with an electronic self deactivating feature.]

Committee on the Rights of the Child

Consisting of eighteen experts, the Committee on the Rights of the Child is mandated with examining the progress made by State Parties in achieving the realisation of the obligations undertaken in the Convention on the Rights of the Child (CRC), as well as in the Optional Protocol to the CRC on the involvement of children in armed conflict and the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography. The Committee convenes three times a year for sessions of three weeks' duration, normally in January, May and September, at the United Nations Office in Geneva.

Disarmament, Demobilisation and Reintegration (DDR) programmes

This is the series of processes that lead a combatant (adult or child, male or female) to leave the armed forces or armed groups and return to civilian life. It includes the disarmament, demobilisation and reintegration phases. The three phases are interconnected and the successful conclusion of each phase is essential to the success of the others. Child-centred **DDR** programmes, also sometimes called **PDR** for prevention, demobilisation and reintegration, allow children to exit from armed forces and groups.[1065]

Demobilisation

"Demobilisation" is the second step of a DDR programme. It refers to the controlled discharge of soldiers from the fighting forces. The Center for Global Development explains that the demobilisation phase "represents the formal disbanding of military organisations – a process that strips combatants of the prestige, comradeship, and economic opportunities that may have been channelled through their participation in the fighting."[1066] Because children cannot be legally enrolled in armed groups, some child protection agencies prefer to speak of the "release" of child soldiers, rather than their "demobilisation". In demobilising children, the objectives are to corroborate the child's participation in an armed group or force, "to collect basic information which will establish the identity of the child for family tracing and to assess priority needs, and to provide the child with information about what is likely to happen next."[1067]

Disarmament

Disarmament – the first step in DDR programmes – corresponds to the collection, documentation, control and disposal of small arms, ammunition, explosives and light and heavy weapons of combatants and often the civilian population as well. Disarmament also includes the development of responsible arms' management programmes,[1068] including arms' safe storage and, sometimes, their destruction. Because many child soldiers do not carry their own weapons, disarmament should not be a prerequisite for the demobilisation and reintegration of child soldiers.[1069]

Domestic law

Domestic law refers to the national legislation of a particular State.

Explosive remnants of war (ERW)

This includes all abandoned and/or unexploded weapons and ordnance left behind after a conflict has ended. These weapons are thus no longer effectively controlled. Explosive remnants of war are explosive ordinance that has been primed, fused, armed or otherwise prepared for use. It includes Unexploded Ordnance (UXO) and Abandoned Explosive Ordnance (AXO) and may have been fired, dropped, launched or projected, yet remains unexploded either through malfunction, design or any other reason.[1070]

General Assembly of the United Nations

The United Nations General Assembly is the main decision-making organ of the United Nations. Established in 1945 under the Charter of the United Nations, the General Assembly occupies a central position as the chief deliberative, policymaking and representative organ of the United Nations. Comprising all 192 Members of the United Nations, it provides a unique forum for multilateral discussion of the full spectrum of international issues covered by the Charter.[1071]

The Assembly meets in regular session intensively from September to December each year, and thereafter, as required. Each Member State in the Assembly has one vote. Votes taken on designated important issues, such as recommendations on peace and security and the election of Security Council members, require a two-thirds majority of Member States, but other questions are decided by simple majority.

Geneva Conventions

The Geneva Conventions consist of four treaties formulated in Geneva, Switzerland, that set the standards for international law on humanitarian issues. They chiefly concern the treatment of non-combatants and prisoners of war. The adoption of the first Convention followed the foundation of the International Committee of the Red Cross in 1863. As of August 2006, the conventions had been ratified by 194 countries.[1072]

Internally displaced children

Internally displaced children are children who have been forced to flee their homes for reasons such as armed conflict, generalised violence, human rights abuses or other disasters and who have sought safety elsewhere in the same country. Internally displaced children count among the most vulnerable categories of children affected by armed conflict. In addition to the dangers to their physical safety and security during flight, these children are vulnerable to a host of other threats, including separation from family, trafficking, abduction by armed groups, lack of food and basic services, detention against their will and exploitation and abuse.[1073]

International customary law

Although not signed into law, international customary law includes those practices which many states adhere to, under a sense of obligation, and few states reject.[1074]

International humanitarian law

International humanitarian law is a set of rules which seek, for humanitarian reasons, *to limit the effects of armed conflict.* This law protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare. International humanitarian law is also known as the law of war or the law of armed conflict.[1075] The principal sources for international humanitarian law are:

- the four Geneva Conventions of 1949;
- the two Additional Protocols of 1977;
- a number of treaties prohibiting or restricting the use of specific weapons, for example the 1980 Convention on Certain Conventional Weapons and its Protocols;
- the 1954 Convention on the Protection of Cultural Property in the Event of War; and
- a body of customary law.[1076]

International humanitarian law applies to armed conflicts; however, it does not regulate whether a State may actually use force, as this is governed by an important, but distinct, part of international law, set out in the United Nations Charter.

International human rights law

International human rights law lays down rules that regulate the way that States treat people who are in their jurisdiction. These rules are enshrined in numerous international human rights treaties. While international humanitarian law only applies in times of armed conflict, human rights law applies at *all* times; in times of peace and in times of armed conflict. This said, some human rights treaties permit States to derogate from certain rights in times of public emergency. Certain key rights may never be suspended, including the right to

life and the prohibition of torture or cruel, inhuman or degrading treatment or punishment. Moreover, unless and until States have issued derogations in accordance with relevant procedures, they are bound by the entirety of their conventional obligations, even in times of armed conflict.[1077]

International law

International law is the body of law that governs the legal relations between or among States or nations.

Landmine

There are two types of landmines:

(1) an "anti-personnel" mine, which is designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons;[1078] and
(2) a "mine" means a munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle.

Orphans

Orphans are children, both of whose parents are known to be dead. In some countries, however, a child who has lost one parent is considered an orphan.[1079]

Paris Principles

Adopted in February 2007 by 76 Member States, including a number of conflict-affected countries, the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups – known as the Paris Principles – provide guidelines for the disarmament, demobilisation and reintegration of all categories of children associated with armed groups.[1080] Based on international law and standards, and on the original Cape Town Principles, this document incorporates knowledge and lessons learned and, in particular, emphasises the informal ways in which boys and girls both become associated with and leave armed forces or armed groups. Taking a child rights-based approach to the problem of children associated with armed forces or armed groups, the Principles underscore the humanitarian imperative to seek the unconditional release of children from these groups at all times, even in the midst of conflict and for the duration of the conflict.[1081]

Ratification

Ratification defines the international act whereby a State indicates its consent to be bound to a treaty, if the parties intended to show their consent by such an act. In the case of bilateral treaties, ratification is usually accomplished by exchanging the requisite instruments, while in the case of multilateral treaties, the usual procedure is for the depositary to collect the ratifications of all States, keeping all parties informed of the situation. The institution of ratification grants States the necessary timeframe to seek the required approval for the treaty at the domestic level and to enact the necessary legislation to give domestic effect to that treaty.[1082]

Refugee

A refugee is a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of particular social group or political opinion, is outside the

country of his or her nationality and is unable or, owing to such fear, unwilling to avail him or herself of the protection of that country; or who, not having a nationality and being outside the country of his or her former habitual residence as a result of such events, is unable or, owing to such fear, unwilling to return to it.[1083]

Reintegration

"Reintegration" – the third step of a DDR programme – is a long term process through which children transition into civil society and adopt meaningful roles and identities as civilians who are accepted by their families and communities in a context of local and national reconciliation. Sustainable reintegration is achieved when the political, legal, economic and social conditions needed for children to maintain life, livelihood and dignity have been secured. This process aims to ensure that children can access their rights, including formal and non-formal education, family unity, dignified livelihoods and safety from harm.[1084]

Reservation

A reservation is a declaration made by a State by which it purports to exclude or alter the legal effect of certain provisions of the treaty in their application to that State. A reservation enables a State to accept a multilateral treaty as a whole by reserving the possibility that it not apply certain provisions. Reservations can be made when the treaty is signed, ratified, accepted, approved or acceded to. Reservations must not be incompatible with the object and the purpose of the treaty. Furthermore, a treaty might prohibit reservations or only allow for certain reservations to be made.[1085]

Security Council

The Security Council of the United Nations has primary responsibility, under the Charter, for the maintenance of international peace and security. The Council is composed of five permanent members — China, France, the Russian Federation, the United Kingdom and the United States — and ten non-permanent members who are elected by the General Assembly for two year terms and not eligible for immediate re-election. Each Council member has one vote. Decisions on procedural matters are made by an affirmative vote of at least nine of the 15 members. Decisions on substantive matters require nine votes, including the concurring votes of all five permanent members. This is the rule of "great Power unanimity", often referred to as the "veto" power.

Under the United Nations Charter, the functions and powers of the Security Council are:

- to maintain international peace and security in accordance with the principles and purposes of the United Nations;
- to investigate any dispute or situation which might lead to international friction;
- to recommend methods of adjusting such disputes or the terms of settlement;
- to formulate plans for the establishment of a system to regulate armaments;
- to determine the existence of a threat to the peace or act of aggression and to recommend what action should be taken;
- to call on Members to apply economic sanctions and other measures not involving the use of force to prevent or stop aggression;

- to take military action against an aggressor;
- to recommend the admission of new Members;
- to exercise the trusteeship functions of the United Nations in "strategic areas"; and
- to recommend to the General Assembly the appointment of the Secretary-General and, together with the Assembly, to elect the Judges of the International Court of Justice.

Separated children

Separated children are those separated from both parents or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.[1086]

Sexual violence

The term "sexual violence" refers to many different crimes including rape, sexual mutilation, sexual humiliation, forced prostitution and forced pregnancy.[1087]

Sexual abuse

Sexual abuse of a child can be defined as contact or interaction between a child and an older or more knowledgeable child or adult, such as a stranger, sibling or parent, when the child is being used as an object of gratification for the abuser's sexual needs. These actions are carried out using force, threats, bribes, trickery or pressure. Sexually abusive activities do not necessarily involve bodily contact between abuser and child. Abusive activities could include exhibitionism or voyeurism, such as an adult watching a child undress or encouraging or forcing children to engage in sexual activities with one another, while the abuser observes or films such activities. Abusers are often people who have a responsibility in some capacity for the child's safety and well-being, thus a relationship of trust has been developed and at the same time, one of power.[1088]

Sexual exploitation

Commercial sexual exploitation of children is the adult exploitation of a child or an adolescent – female or male – under 18 years old, accompanied by a payment in money or in kind to the child or adolescent or to one or more third parties.[1089]

The commercial sexual exploitation of children is a fundamental violation of children's rights. It is defined by sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as both a sexual object and a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children and amounts to forced labour and a contemporary form of slavery.[1090] The term "commercial sexual exploitation" is also sometimes used to refer to child prostitution or child pornography.[1091]

Signature subject to ratification, acceptance or approval

When a signature is subject to ratification, acceptance or approval, the signature does not establish the consent to be bound. It is, however, a means of authentication and expresses the willingness of the signatory State to continue the treaty making process. The signature qualifies the signatory State to proceed to ratification, acceptance or approval. It also creates an obligation to refrain, in good faith, from acts that would defeat the objective and the purpose of the treaty.[1092]

Small arms and light weapons

Small arms include revolvers, self-loading pistols, rifles, sub-machine guns, assault rifles and light machine guns.

Light weapons include heavy machine guns, mortars, grenade launchers, portable anti-aircraft and anti-tank guns and portable missile launchers.[1093]

Small arms are the weapons of choice in most internal conflicts, because they are readily available, inexpensive, easy to transport, construct, maintain and use.

Succession

Participation in treaties not in force at the date of the succession of States: a newly independent State may, by a notification of succession, establish its status as a contracting State to a multilateral treaty that is not in force if, at the date of the State's succession, the predecessor State was a contracting State in the territory to which that succession relates.[1094]

Truth and reconciliation commission

Set up in a country emerging from internal conflict or authoritarian rule during the immediate post-conflict period, a truth and reconciliation commission is a commission of inquiry mandated "to address impunity, break the cycle of violence, provide a forum for both the victims and perpetrators of human rights violations to tell their story, get a clear picture of the past in order to facilitate genuine healing and reconciliation".[1095] Regarded as a mechanism of transitional justice, a truth commission is often an official State body that makes recommendations to remedy the human rights violations that occurred and to prevent their recurrence. While truth commissions do not replace the need for prosecutions, they do offer some form of accounting for the past and have thus been of particular interest in situations where prosecutions for massive crimes are impossible or unlikely to occur, owing to either a lack of capacity of the judicial system or a de facto or de jure amnesty.[1096]

Unaccompanied child

An unaccompanied child (also known as unaccompanied minor) is a person who is under the age of 18, unless, under the law applicable to the child, majority is attained earlier, and who is "separated from both parents and is not being cared for by an adult who by law or custom has responsibility to do so".[1097]

United Nations

The United Nations is an international organisation founded in 1945, after the Second World War, by 51 countries committed to maintaining international peace and security, developing friendly relations among nations and promoting social progress, better living standards and human rights. Due to its unique international character, and the powers vested in its founding Charter, the organisation can take action on a wide range of issues and provide a forum for its 192 Member States to express their views through the General Assembly, the Security Council, the Economic and Social Council and other bodies and committees.

The work of the United Nations reaches every corner of the globe. Although best known for peacekeeping, peacebuilding, conflict prevention and humanitarian assistance, there are many other ways the United Nations and its system (of specialised agencies, funds and programmes) affect our lives and make the world a better place. The United Nations works on a broad range of fundamental issues, from sustainable development, environment and refugee protection, disaster relief, counter terrorism, disarmament and non-proliferation, to promoting democracy, human rights, governance, economic and social development and international health, clearing landmines, expanding food production, and more, in order to achieve its goals and coordinate efforts for a safer world for this and future generations.

Annex 2 – Tables on the State of Ratification of Relevant International Treaties and Conventions

Children are subjects of rights under a plethora of international conventions and treaties. It is important to know whether a State is party to particular international conventions and treaties when developing a strategy in regards to the rights of children in armed conflict. This information allows child rights' defenders to be precise when they refer to these laws and to advocate for the full application of the instruments that have been fully adopted.

The International Bureau for Children's Rights has developed a series of tables for practitioners, policymakers, children and child rights' advocates to know the status of ratification of 33 key international conventions and treaties relevant to children's rights in the context of armed conflict. The tables below present this information for 193 States listed in alphabetical order. By selecting a country, the reader will be able to know the legal status of all relevant instruments and the year when adoption occurred.

The information in this table was collected in January 2010. Because this information requires constant updating to track new adoptions of these laws by States, the International Bureau for Children's Rights also features these tables on its website and updates them every six months. The reader is invited to visit www.ibcr.org and check the "research tools and analysis" section to see the latest information about the status of adoption by country.

The following page presents a legend of the terms used in the tables.

UN	United Nations Charter
CRC	UN Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to the Convention of the Rights of the Child on the Involvement of Children in Armed Conflict
OP-CRC-SC	Optional Protocol to the Convention of the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICCPR	International Covenant on Civil and Political Rights

ICCPR-OP1	Optional Protocol to the International Covenant on Civil and Political Rights
ICCPR-OP2	Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty
ICESCR	International Covenant on Economic, Social and Cultural Rights
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
OP-CEDAW	Optional Protocol to the Convention on the Elimination of all Forms of Discrimination Against Women
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman Degrading Treatment or Punishment
CRPD	Convention on the Rights of Persons with Disabilities
CSR	Convention Relating to the Status of Refugees
1967 Protocol to SR	Protocol Relating to the Status of Refugees
Reduction of Statelessness	Convention on the Reduction of Statelessness
ICPED	International Convention for the Protection of all Persons from Enforced Disappearance (not yet in force)
Suppression of Traffic & Prostitution	Convention for the Suppression of the Traffic in Persons and Exploitation of the Prostitution of Others
Palermo Protocol	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime
Consent to Marriage	Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages
ILO-138	Convention Concerning the Minimum Age for Admission to Employment
ILO-182	Convention Concerning the Elimination of the Worst Forms of Child Labour
UNESCO	Convention Against Discrimination in Education
PAGC I	Protocol Additional (I) to the Geneva Conventions, and Relating to the Protection of Victims of International Armed Conflicts

PAGV II	Protocol Additional (II) to the Geneva Conventions, and Relating to the Protection of Victims of Non-International Armed Conflicts
Firearms Protocol	Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, Supplementing, the United Nations Convention Against Transnational Organized Crime
Ottawa Treaty	Convention on the Prohibition of the Use, Stockpiling, Production and transfer of Anti-Personal Mines and on their Destruction
CCM	Convention on Cluster Munitions
Rome Statute	Rome Statute of the International Criminal Court
ECHR	European Convention on Human Rights (Also Called Convention for the Protection of Human Rights and Fundamental Freedoms)
AC	African Charter on the Rights and Welfare of the Child
ACHR	American Charter on Human Rights - Pact of San Jose, Costa Rica
R	Ratification
A	Accession
S	Signature
D	Succession
No Action	The State has taken no action regarding this particular treaty.
N/A	Not applicable

Treaties	Afghanistan	Albania	Algeria	Andorra	Angola	Antigua and Barbuda	Argentina	Armenia	Australia	Austria
UN	R 1946	R 1955	R 1962	R 1993	R 1976	R 1981	R 1945	R 1992	R 1945	R 1955
CRC	R 1994	R 1992	R 1993	R 1996	R 1990	R 1993	R 1990	A 1993	R 1990	R 1992
OP-CRC- AC	A 2003	A 2008	A 2009	R 2001	A 2007	No Action	R 2002	R 2005	R 2006	R 2002
OP-CRC- SC	A 2002	A 2008	A 2006	R 2001	A 2005	R 2002	R 2003	R 2005	R 2007	R 2004
ICERD	A 1983	A 1994	R 1972	R 2006	No Action	D 1988	R 1968	A 1993	R 1975	R 1972
ICCPR	A 1983	A 1991	R 1989	R 2006	A 1992	No Action	R 1986	A 1993	R 1980	R 1978
ICCPR-OP1	No Action	A 2007	A 1989	R 2006	A 1992	No Action	A 1986	A 1993	A 1991	R 1987
ICCPR-OP2	No Action	A 2007	No Action	R 2006	No Action	No Action	R 2008	No Action	A 1990	R 1993
ICESCR	A 1983	A 1991	R 1989	No Action	A 1992	No Action	R 1986	A 1993	R 1975	R 1978
CEDAW	R 2003	A 1994	A 1996	A 1997	A 1986	A 1989	R 1985	A 1993	R 1983	R 1982
OP-CEDAW	No Action	A 2003	No Action	R 2002	A 2007	A 2006	R 2007	A 2006	A 2008	R 2000
CAT	R 1987	A 1994	R 1989	R 2006	No Action	A 1993	R 1986	A 1993	R 1989	R 1987
OP-CAT	No Action	A 2003	No Action	No Action	No Action	No Action	R 2004	A 2006	S 2009	S 2003
CRPD	No Action	S 2009	R 2009	S 2007	No Action	S 2007	R 2008	S 2007	R 2008	R 2008
CSR	A 2005	A 1992	D 1963	No Action	A 1981	A 1995	A 1961	A 1993	A 1954	R 1954
1967 Protocol	A 2005	A 1992	A 1967	No Action	A 1981	A 1995	A 1967	A 1993	A 1973	A 1973
Statelessness	No Action	A 2003	No Action	No Action	No Action	No Action	No Action	A 1994	A 1973	A 1972
ICPED	No Action	R 2007	S 2007	No Action	No Action	No Action	R 2007	R 2007	No Action	S 2007
Traffic & Prostitution	A 1985	A 1958	A 1963	No Action	No Action	No Action	A 1957	No Action	No Action	No Action
Palermo Protocol	No Action	R 2002	D 2004	No Action	No Action	No Action	R 2002	R 2003	R 2005	R 2005
Consent Marriage	No Action	No Action	No Action	No Action	No Action	D 1988	A 1970	No Action	No Action	A 1969
ILO-138	No Action	R 1998	R 1984	No Action	R 2001	R 1983	R 1996	R 2006	No Action	R 2000
ILO-182	No Action	R 2001	A 2001	No Action	R 2001	R 2002	R 2001	R 2006	R 2006	R 2001
UNESCO	No Action	R 1963	A 1968	No Action	No Action	No Action	R 1963	D 1993	A 1966	No Action
PAGC I	No Action	A 1994	A 1990	No Action	A 1985	A 1987	A 1987	A 1993	R 1991	R 1983
PAGV II	No Action	A 1994	A 1990	No Action	No Action	A 1987	A 1987	A 1993	R 1991	R 1983
Firearms Protocol	No Action	A 2008	A 2004	No Action	No Action	No Action	R 2006	No Action	S 2001	S 2001
Ottawa Treaty	A 2002	R 2000	R 2001	R 1998	R 2002	R 1999	R 1999	No Action	R 1999	R 1998
CCM	S 2008	R 2009	No Action	No Action	S 2008	No Action	No Action	No Action	S 2008	R 2009
Rome Statute	R 2003	R 2003	S 2000	R 2001	S 1998	R 2001	R 2001	S 1999	R 2002	R 2000
ECHR	N/A	R 1996	N/A	R 1996	N/A	N/A	N/A	R 2002	N/A	R 1958
AC	N/A	N/A	R 2003	N/A	A 1992	N/A	N/A	N/A	N/A	N/A
ACHR	N/A	N/A	N/A	N/A	N/A	No Action	R 1984	N/A	N/A	N/A

Treaties	Azerbaijan	Bahamas	Bahrain	Bangladesh	Barbados	Belarus	Belgium	Belize	Benin	Bhutan
UN	R 1992	R 1973	R 1971	R 1974	R 1966	R 1945	R 1945	R 1981	R 1960	R 1971
CRC	A 1992	R 1991	A 1992	R 1990	R 1990	R 1990	R 1991	R 1990	R 1990	R 1990
OP-CRC- AC	R 2002	No Action	A 2004	R 2000	No Action	A 2006	R 2002	R 2003	R 2005	R 2009
OP-CRC- SC	R 2002	No Action	A 2004	R 2000	No Action	A 2002	R 2006	R 2003	R 2005	R 2009
ICERD	A 1996	D 1975	A 1990	A 1979	A 1972	R 1969	R 1975	R 2001	R 2001	S 1973
ICCPR	A 1992	R 2008	A 2006	A 2000	A 1973	R 1973	R 1983	A 1996	A 1992	No Action
ICCPR-OP1	A 2001	No Action	No Action	No Action	A 1973	A 1992	A 1994	No Action	A 1992	No Action
ICCPR-OP2	A 1999	No Action	No Action	No Action	No Action	No Action	R 1998	No Action	No Action	No Action
ICESCR	A 1992	R 2008	A 2007	A 1998	A 1973	R 1973	R 1983	S 2000	A 1992	No Action
CEDAW	A 1995	A 1993	A 2002	A 1984	R 1980	R 1981	R 1985	R 1990	R 1992	R 1981
OP-CEDAW	R 2001	No Action	No Action	R 2000	No Action	R 2004	R 2004	A 2002	S 2000	No Action
CAT	A 1996	S 2008	A 1998	A 1998	No Action	R 1987	R 1999	A 1986	A 1992	No Action
OP-CAT	R 2009	No Action	No Action	No Action	No Action	No Action	S 2005	No Action	R 2006	No Action
CRPD	R 2009	No Action	S 2007	R 2007	S 2007	No Action	R 2009	No Action	S 2008	No Action
CSR	A 1993	A 1993	No Action	No Action	No Action	A 2001	R 1953	A 1990	D 1962	No Action
1967 Protocol	A 1993	A 1993	No Action	No Action	No Action	A 2001	A 1969	A 1990	A 1970	No Action
Statelessness	A 1996	No Action	No Action	No Action	No Action	No Action	No Action	No Action	No Action	No Action
ICPED	S 2007	No Action	No Action	No Action	No Action	No Action	S 2007	No Action	No Action	No Action
Traffic & Prostitution	A 1996	No Action	No Action	A 1985	No Action	A 1956	A 1965	No Action	S 2003	No Action
Palermo Protocol	R 2003	R 2008	A 2004	No Action	S 2001	R 2003	R 2004	A 2003	R 2004	No Action
Consent Marriage	A 1996	No Action	No Action	A 1998	A 1979	No Action	No Action	No Action	A 1965	No Action
ILO-138	R 1992	R 2001	No Action	No Action	R 2000	R 1979	R 1988	R 2000	R 2001	No Action
ILO-182	R 2004	R 2001	R 2001	R 2001	R 2000	R 2000	R 2002	R 2000	R 2001	No Action
UNESCO	No Action	No Action	No Action	No Action	D 1975	R 1962	No Action	D 1982	A 1963	No Action
Firearms Protocol	A 2004	R 2008	No Action	No Action	S 2001	A 2004	R 2004	No Action	R 2004	No Action
Ottawa Treaty	No Action	R 1998	No Action	R 2000	R 1999	A 2003	R 1998	R 1998	R 1998	A 2005
CCM	No Action	No Action	No Action	No Action	No Action	No Action	R 2009	No Action	S 2008	No Action
PAGC I	No Action	A 1980	A 1987	A 1981	A 1990	R 1990	R 1986	A 1984	A 1986	No Action
PAGC II	No Action	A 1980	A 1987	A 1981	A 1990	R 1990	R 1986	A 1984	A 1986	No Action
Rome Statute	No Action	S 2000	S 2000	S 1999	R 2002	No Action	R 2000	R 2000	R 2002	No Action
ECHR	R 2002	N/A	N/A	N/A	N/A	N/A	R 1955	N/A	N/A	N/A
AC	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	R 1997	N/A
ACHR	N/A	No Action	N/A	N/A	R 1982	N/A	N/A	No Action	N/A	N/A

Treaties	Bolivia	Bosnia Herzegovina	Botswana	Brazil	Brunei	Bulgaria	Burkina Faso	Burundi	Cambodia	Cameroon
UN	R 1945	R 1992	R 1966	R 1945	R 1984	R 1955	R 1960	R 1962	R 1955	R 1960
CRC	R 1990	D 1993	A 1995	R 1990	A 1995	R 1991	R 1990	R 1990	A 1992	R 1993
OP-CRC- AC	A 2004	R 2003	R 2004	R 2004	No Action	R 2002	R 2007	R 2008	R 2004	S 2001
OP-CRC- SC	R 2003	R 2002	A 2003	R 2004	A 2006	R 2002	R 2006	A 2007	R 2002	S 2001
ICERD	R 1970	D 1993	A 1974	R 1968	No Action	R 1966	A 1974	R 1977	R 1983	R 1971
ICCPR	A 1982	D 1993	R 2000	A 1992	No Action	R 1970	A 1999	A 1990	A 1992	A 1984
ICCPR-OP1	A 1982	R 1995	No Action	A 2009	No Action	A 1992	A 1999	No Action	S 2004	A 1984
ICCPR-OP2	No Action	R 2001	No Action	A 2009	No Action	R 1999	No Action	No Action	No Action	No Action
ICESCR	A 1982	D 1993	No Action	A 1992	No Action	R 1970	A 1999	A 1990	A 1992	A 1984
CEDAW	R 1990	D 1993	A 1996	R 1984	A 2006	R 1982	A 1987	R 1992	A 1992	R 1994
OP-CEDAW	R 2000	R 2002	A 2007	R 2002	No Action	R 2006	R 2005	S 2001	S 2001	A 2005
CAT	R 1999	D 1993	R 2000	R 1989	No Action	R 1986	A 1999	A 1993	A 1992	A 1986
OP-CAT	R 2006	R 2008	No Action	R 2007	No Action	No Action	S 2005	No Action	R 2007	S 2009
CRPD	R 2009	S 2009	No Action	R 2008	S 2007	S 2007	R 2009	S 2007	S 2007	S 2008
CSR	A 1982	D 1993	A 1969	R 1960	No Action	A 1993	A 1980	A 1963	A 1992	D 1961
1967 Protocol	A 1982	D 1993	A 1969	A 1972	No Action	A 1993	A 1980	A 1971	A 1992	A 1967
Statelessness	A 1983	A 1996	No Action	A 2007	No Action	No Action	No Action	No Action	No Action	No Action
ICPED	R 2008	S 2007	No Action	S 2007	No Action	S 2008	R 2009	S 2007	No Action	S 2007
Traffic & Prostitution	A 1983	D 1993	No Action	R 1958	No Action	A 1955	A 1962	No Action	S 2004	A 1982
Palermo Protocol	R 2006	R 2002	R 2002	R 2004	No Action	R 2001	R 2002	S 2000	R 2007	R 2006
Consent Marriage	No Action	D 1993	No Action	A 1970	No Action	No Action	A 1964	No Action	No Action	No Action
ILO-138	R 1997	R 1993	R 1997	R 2001	No Action	R 1980	R 1999	R 2000	R 1999	R 2001
ILO-182	R 2003	R 2001	R 2000	R 2000	R 2008	R 2000	R 2001	R 2002	R 2006	R 2002
UNESCO	No Action	D 1993	No Action	R 1968	D 1985	A 1962	No Action	No Action	No Action	No Action
PAGC I	A 1984	D 1992	A 1979	A 1992	A 1992	R 1990	R 1988	A 1993	A 1998	A 1984
PAGV II	A 1984	D 1992	A 1979	A 1992	A 1992	R 1990	R 1988	A 1993	A 1998	A 1984
Firearms Protocol	No Action	A 2008	No Action	R 2006	No Action	R 2002	R 2002	No Action	A 2005	No Action
Ottawa Treaty	R 1998	R 1998	R 2000	R 1999	R 2006	R 1998	R 1998	R 2003	R 1999	R 2002
CCM	S 2008	S 2008	S 2008	No Action	No Action	S 2008	S 2008	R 2009	No Action	S 2009
Rome Statute	R 2002	R 2002	R 2000	R 2002	No Action	R 2002	R 2004	R 2004	R 2002	S 1998
ECHR	N/A	R 2002	N/A	N/A	N/A	R 1992	N/A	N/A	N/A	N/A
AC	N/A	N/A	R 2001	N/A	N/A	N/A	R 1992	R 2004	N/A	R 1997
ACHR	A 1979	N/A	N/A	A 1992	N/A	N/A	N/A	N/A	N/A	N/A

Treaties	Canada	Cape Verde	Central African Republic	Chad	Chile	China	Colombia	Comoros	Congo	Costa Rica
UN	R 1945	R 1975	R 1960	R 1960	R 1945	R 1945	R 1945	R 1975	R 1960	R 1945
CRC	R 1991	A 1992	R 1992	R 1990	R 1990	R 1992	R 1991	R 1993	A 1993	R 1990
OP-CRC- AC	R 2000	A 2002	No Action	R 2002	R 2003	R 2008	R 2005	No Action	No Action	R 2003
OP-CRC- SC	R 2005	A 2002	No Action	R 2002	R 2003	R 2002	R 2003	A 2007	A 2009	R 2002
ICERD	R 1970	A 1979	R 1971	A 1977	R 1971	A 1981	R 1981	R 2004	R 1988	R 1967
ICCPR	A 1976	A 1993	A 1981	A 1995	R 1972	S 1998	R 1969	S 2008	A 1983	R 1968
ICCPR-OP1	A 1976	A 2000	A 1981	A 1995	A 1992	No Action	A 1969	No Action	A 1983	R 1968
ICCPR-OP2	A 2005	A 2000	No Action	No Action	R 2008	No Action	A 1997	No Action	No Action	R 1998
ICESCR	A 1976	A 1993	A 1981	A 1995	R 1972	R 2001	R 1969	S 2008	A 1983	R 1968
CEDAW	R 1981	A 1980	A 1991	A 1995	R 1989	R 1980	R 1982	A 1994	R 1982	R 1986
OP-CEDAW	A 2002	No Action	No Action	No Action	S 1999	No Action	R 2007	No Action	S 2008	R 2001
CAT	R 1987	A 1992	No Action	A 1995	R 1988	R 1988	R 1987	S 2000	A 2003	R 1993
OP-CAT	No Action	No Action	No Action	No Action	R 2008	No Action	No Action	No Action	S 2008	R 2005
CRPD	S 2007	S 2007	S 2007	No Action	R 2008	R 2008	S 2007	S 2007	S 2007	R 2008
CSR	A 1969	No Action	D 1962	A 1981	A 1972	A 1982	R 1961	No Action	D 1962	A 1978
1967 Protocol	A 1969	A 1987	A 1967	A 1981	A 1972	A 1982	A 1980	No Action	A 1970	A 1978
Statelessness	A 1978	No Action	No Action	A 1999	No Action	No Action	No Action	No Action	No Action	A 1977
ICPED	No Action	S 2007	No Action	S 2007	R 2009	No Action	S 2007	S 2007	S 2007	S 2007
Traffic & Prostitution	No Action	No Action	A 1981	No Action	No Action	No Action	No Action	No Action	A 1977	No Action
Palermo Protocol	R 2002	R 2004	A 2006	A 2009	R 2004	No Action	R 2004	No Action	S 2000	R 2003
Consent Marriage	No Action	No Action	No Action	No Action	S 1962	No Action	No Action	No Action	No Action	No Action
ILO-138	No Action	No Action	R 2000	R 2005	R 1999	R 1999	R 2001	R 2004	R 1999	R 1976
ILO-182	R 2000	R 2001	R 2000	R 2000	R 2000	R 2002	R 2005	R 2004	R 2002	R 2001
UNESCO	No Action	No Action	A 1962	No Action	R 1971	No Action*	No Action	No Action	R 1968	R 1963
PAGC I	R 1991	A 1995	A 1985	A 1997	R 1991	A 1984	A 1994	A 1986	A 1984	A 1984
PAGV II	R 1991	A 1995	A 1985	A 1997	R 1991	A 1984	A 1996	A 1986	A 1984	A 1984
Firearms Protocol	S 2002	A 2004	A 2006	No Action	No Action	S 2002	No Action	No Action	No Action	R 2003
Ottawa Treaty	R 1997	R 2001	A 2002	R 1999	R 2001	No Action	R 2000	A 2002	A 2001	R 1999
CCM	S 2008	S 2008	S 2008	S 2008	S 2008	No Action	S 2008	S 2008	S 2008	S 2008
Rome Statute	R 2000	S 2000	R 2001	R 2006	R 2009	No Action	R 2002	R 2006	R 2004	R 2001
ECHR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
AC	N/A	R 1993	S 2003	R 2000	N/A	N/A	N/A	R 2004	R 2006	N/A
ACHR	No Action	N/A	N/A	N/A	R 1990	N/A	R 1978	N/A	N/A	R 1978

Treaties	Cote d'Ivoire	Croatia	Cuba	Cyprus	Czech Republic	Dem. Republic of Congo	Denmark	Djibouti	Dominica	Dominican Republic
UN	R 1960	R 1992	R 1945	R 1960	R 1993	R 1960	R 1945	R 1977	R 1978	R 1945
CRC	R 1991	D 1992	R 1991	R 1991	D 1993	R 1990	R 1991	R 1990	R 1991	R 1991
OP-CRC- AC	No Action	R 2002	R 2007	S 2008	R 2001	R 2001	R 2002	S 2006	A 2002	S 2002
OP-CRC- SC	No Action	R 2002	R 2001	R 2006	S 2005	A 2001	R 2003	S 2006	A 2002	A 2006
ICERD	A 1973	D 1992	R 1972	R 1967	D 1993	A 1976	R 1971	S 2006	No Action	A 1983
ICCPR	A 1992	D 1992	S 2008	R 1969	D 1993	A 1976	R 1972	A 2002	A 1993	A 1978
ICCPR-OP1	A 1997	A 1995	No Action	R 1992	D 1993	A 1976	R 1972	A 2002	No Action	A 1978
ICCPR-OP2	No Action	A 1995	No Action	A 1999	A 2004	No Action	R 1994	A 2002	No Action	No Action
ICESCR	A 1992	D 1992	S 2008	R 1969	D 1993	A 1976	R 1972	A 2002	A 1993	A 1978
CEDAW	R 1995	D 1992	R 1980	A 1985	D 1993	R 1986	R 1983	A 1998	R 1980	R 1982
OP-CEDAW	No Action	R 2001	S 2000	R 2002	R 2001	No Action	R 2000	No Action	No Action	R 2001
CAT	A 1995	D 1992	R 1995	R 1991	D 1993	R 1996	R 1987	A 2002	No Action	S 1985
OP-CAT	No Action	R 2005	No Action	R 2009	R 2006	No Action	R 2004	No Action	No Action	No Action
CRPD	S 2007	R 2007	R 2007	S 2007	R 2009	No Action	R 2009	No Action	S 2007	R 2009
CSR	D 1961	D 1992	No Action	D 1963	D 1993	A 1965	R 1952	D 1977	A 1994	A 1978
1967 Protocol	A 1970	D 1992	No Action	A 1968	D 1993	A 1975	A 1968	D 1977	A 1994	A 1978
Statelessness	No Action	No Action	No Action	No Action	A 2001	No Action	A 1977	No Action	No Action	S 1961
ICPED	No Action	S 2007	R 2009	S 2007	No Action	No Action	S 2007	No Action	No Action	No Action
Traffic & Prostitution	A 1999	D 1992	A 1952	A 1983	D 1993	No Action	S 1951	A 1979	No Action	No Action
Palermo Protocol	No Action	R 2003	No Action	R 2003	S 2002	A 2005	R 2003	A 2005	No Action	R 2008
Consent Marriage	A 1995	D 1992	R 1965	A 2002	D 1993	No Action	R 1964	No Action	No Action	A 1964
ILO-138	R 2003	R 1991	R 1975	R 1997	R 2007	R 2001	R 1997	R 2005	R 1983	R 1999
ILO-182	R 2003	R 2001	No Action	R 2000	R 2001	R 2001	R 2000	R 2005	R 2001	R 2000
UNESCO	R 1999	D 1992	R 1962	A 1970	D 1993	No Action	R 1963	No Action	D 1983	R 1977
PAGC I	R 1990	D 1991	A 1983	R 1979	R 1990	A 1982	R 1982	A 1991	A 1996	A 1994
PAGV II	R 1990	D 1991	A 1999	A 1996	D 1993	R 2002	R 1982	A 1991	A 1996	A 1994
Firearms Protocol	No Action	A 2005	A 2007	R 2003	No Action	A 2005	S 2002	No Action	No Action	R 2009
Ottawa Treaty	No Action	R 1998	No Action	R 2003	R 1999	A 2002	R 1998	R 1998	R 1999	R 2000
CCM	S 2008	R 2009	No Action	S 2009	S 2008	S 2009	S 2008	No Action	No Action	S 2009
Rome Statute	S 1998	R 2001	No Action	R 2002	R 2009	R 2002	R 2001	R 2002	A 2001	R 2005
ECHR	N/A	R 1997	N/A	R 1962	R 1993	N/A	R 1953	N/A	N/A	N/A
AC	R 2002	N/A	N/A	N/A	N/A	No Action	N/A	S 1992	N/A	N/A
ACHR	N/A	N/A	No Action	N/A	N/A	N/A	N/A	N/A	R 1993	R 1978

Treaties	Ecuador	Egypt	El Salvador	Equatorial Guinea	Eritrea	Estonia	Ethiopia	Fiji	Finland	France
UN	R 1945	R 1945	R 1945	R 1977	R 1993	R 1991	R 1945	R 1970	R 1955	R 1945
CRC	R 1990	R 1990	R 1990	A 1992	R 1994	A 1991	A 1991	R 1993	R 1991	R 1990
OP-CRC- AC	R 2004	A 2007	R 2002	No Action	A 2005	S 2003	No Action	S 2005	R 2002	R 2003
OP-CRC- SC	R 2004	A 2002	R 2004	A 2003	A 2005	R 2004	No Action	S 2005	S 2000	R 2003
ICERD	A 1966	R 1967	A 1979	A 2002	A 2001	A 1991	A 1976	D 1973	R 1970	A 1971
ICCPR	R 1969	R 1982	R 1979	A 1987	A 2002	A 1991	A 1993	No Action	R 1975	A 1980
ICCPR-OP1	R 1969	No Action	R 1995	A 1987	No Action	A 1991	No Action	No Action	R 1975	A 1984
ICCPR-OP2	A 1993	No Action	No Action	No Action	No Action	A 2004	No Action	No Action	R 1991	A 2007
ICESCR	R 1969	R 1982	R 1979	A 1987	A 2001	A 1991	A 1993	No Action	R 1975	A 1980
CEDAW	R 1981	R 1981	R 1981	A 1984	A 1995	A 1991	R 1981	A 1995	R 1986	R 1983
OP-CEDAW	R 2002	No Action	S 2001	A 2009	No Action	No Action	No Action	No Action	R 2000	R 2000
CAT	R 1988	A 1986	A 1996	A 2002	No Action	A 1991	A 1994	No Action	R 1989	R 1986
OP-CAT	S 2007	No Action	No Action	No Action	No Action	R 2006	No Action	No Action	S 2003	R 2008
CRPD	R 2008	R 2008	R 2007	No Action	No Action	S 2007	S 2007	No Action	S 2007	S 2007
CSR	A 1955	A 1981	A 1983	A 1986	No Action	A 1997	A 1969	D 972	A 1968	R 1954
1967 Protocol	A 1969	A 1981	A 1983	A 1986	No Action	A 1997	A 1969	D 1972	A 1968	A 1971
Statelessness	No Action	No Action	No Action	No Action	No Action	No Action	No Action	No Action	A 2008	S 1962
ICPED	R 2009	No Action	No Action	No Action	No Action	No Action	No Action	No Action	S 2007	R 2008
Traffic & Prostitution	R 1979	A 1959	No Action	No Action	No Action	No Action	A 1981	No Action	S 1972	A 1960
Palermo Protocol	R 2002	R 2004	R 2004	R 2003	No Action	R 2004	No Action	No Action	A 2006	R 2002
Consent Marriage	No Action	No Action	No Action	No Action	No Action	No Action	No Action	D 1971	A 1964	S 1962
ILO-138	R 2000	R 1999	R 1996	R 1985	R 2000	R 2007	R 1999	R 2003	R 1976	R 1990
ILO-182	R 2000	R 2002	R 2000	R 2001	No Action	R 2001	R 2003	R 2002	R 2000	R 2001
UNESCO	A 1979	A 1962	No Action	No Action	No Action	No Action	No Action	No Action	R 1971	R 1961
PAGC I	R 1979	R 1993	R 1979	A 1987	No Action	A 1993	No Action	No Action	R 1981	No Action
PAGV II	R 1979	R 1993	R 1979	A 1987	No Action	A 1993	No Action	No Action	R 1981	A 1984
Firearms Protocol	S 2001	No Action	R 2004	No Action	No Action	R 2004	No Action	No Action	S 2002	No Action
Ottawa Treaty	R 1999	No Action	R 1999	A 1998	A 2001	A 2004	R 2004	R 1998	No Action	R 1998
CCM	S 2008	No Action	S 2008	No Action	No Action	No Action	No Action	S 2008	No Action	R 2009
Rome Statute	R 2002	S 2000	No Action	No Action	S 1998	R 2002	No Action	R 1999	R 2000	R 2000
ECHR	N/A	N/A	N/A	N/A	N/A	R 1996	N/A	N/A	R 1990	R 1974
AC	N/A	R 2001	N/A	A 2002	A 1999	N/A	A 2002	N/A	N/A	N/A
ACHR	R 1978	N/A	R 1978	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Treaties	Gabon	Gambia	Georgia	Germany	Ghana	Greece	Grenada	Guatemala	Guinea	Guinea-Bissau
UN	R 1960	R 1965	R 1992	R 1973	R 1957	R 1945	R 1974	R 1945	R 1958	R 1974
CRC	R 1994	R 1990	A 1994	R 1992	R 1990	R 1993	R 1990	R 1990	A 1990	R 1990
OP-CRC-AC	S 2000	S 2000	No Action	R 2004	S 2003	R 2003	No Action	R 2002	No Action	S 2000
OP-CRC-SC	A 2007	S 2000	A 2005	R 2009	S 2003	R 2008	No Action	R 2002	No Action	S 2000
ICERD	R 1980	A 1978	A 1999	R 1969	R 1966	R 1970	S 1981	R 1983	R 1977	S 2000
ICCPR	A 1983	A 1979	A 1994	R 1973	R 2000	A 1997	A 1991	A 1992	R 1978	S 2000
ICCPR-OP1	No Action	A 1988	A 1994	A 1993	R 2000	A 1997	No Action	A 2000	R 1993	S 2000
ICCPR-OP2	No Action	No Action	A 1999	R 1992	No Action	A 1997	No Action	No Action	No Action	S 2000
ICESCR	A 1983	A 1978	A 1994	R 1973	R 2000	A 1985	A 1991	A 1988	R 1978	A 1992
CEDAW	R 1983	R 1993	A 1994	R 1985	R 1986	R 1983	R 1990	R 1982	R 1982	R 1985
OP-CEDAW	A 2004	No Action	A 2002	R 2002	S 2000	R 2002	No Action	R 2002	No Action	R 2009
CAT	R 2000	S 1985	A 1994	R 1990	R 2000	R 1988	No Action	A 1990	R 1989	S 2000
OP-CAT	S 2004	No Action	A 2005	R 2008	S 2006	No Action	No Action	R 2008	S 2005	No Action
CRPD	R 2007	No Action	S 2009	R 2009	S 2007	S 2007	No Action	R 2009	R 2008	No Action
CSR	A 1964	D 1966	A 1999	R 1953	A 1963	R 1960	No Action	A 1983	D 1965	A 1976
1967 Protocol	A 1973	A 1967	A 1999	A 1969	A 1968	A 1968	No Action	A 1983	A 1968	A 1976
Statelessness	No Action	No Action	No Action	A 1977	No Action	No Action	No Action	A 2001	No Action	No Action
ICPED	S 2007	No Action	No Action	R 2009	S 2007	S 2008	S 2007	S 2007	No Action	No Action
Traffic & Prostitution	No Action	No Action	No Action	No Action	S 2003	No Action	No Action	A 2007	A 1962	No Action
Palermo Protocol	No Action	R 2003	R 2006	R 2006	No Action	S 2000	A 2004	A 2004	A 2004	R 2007
Consent Marriage	No Action	No Action	No Action	A 1969	No Action	S 1963	No Action	A 1983	R 1978	No Action
ILO-138	No Action	R 2000	R 1996	R 1976	No Action	R 1986	R 2003	R 1990	R 2003	R 2009
ILO-182	R 2001	R 2001	R 2002	R 2002	R 2000	R 2001	R 2003	R 2001	R 2003	R 2008
UNESCO	No Action	No Action	D 1992	R 1968	No Action	No Action	No Action	R 1983	A 1964	No Action
PAGC I	A 1980	A 1989	A 1994	R 1991	R 1978	R 1989	A 1999	R 1988	A 1985	A 1987
PAGV II	A 1980	A 1989	A 1994	R 1991	R 1978	A 1993	A 1999	R 1988	A 1985	A 1987
Firearms Protocol	No Action	No Action	No Action	S 2002	No Action	S 2002	A 2004	A 2004	No Action	No Action
Ottawa Treaty	R 2000	R 2002	No Action	R 1998	R 2000	R 2003	R 1998	R 1999	R 1998	R 2001
CCM	No Action	S 2008	No Action	R 2009	S 2008	No Action	No Action	S 2008	S 2008	S 2008
Rome Statute	R 2000	R 2002	R 2003	R 2000	R 1999	R 2002	No Action	No Action	R 2003	S 2000
ECHR	N/A	N/A	R 1999	R 1953	N/A	R 1974	N/A	N/A	N/A	N/A
AC	R 2007	A 2000	N/A	N/A	R 2005	N/A	N/A	N/A	R 1999	R 2008
ACHR	N/A	N/A	N/A	N/A	N/A	N/A	R 1978	R 1978	N/A	N/A

Treaties	Guyana	Haiti	Honduras	Hungary	Iceland	India	Indonesia	Iran	Iraq	Ireland
UN	R 1966	R 1945	R 1945	R 1955	R 1946	R 1945	R 1950	R 1945	R 1945	R 1955
CRC	R 1991	R 1995	R 1990	R 1991	R 1992	A 1992	R 1990	R 1994	A 1994	R 1992
OP-CRC-AC	No Action	S 2002	A 2002	S 2002	R 2001	R 2005	S 2001	No Action	A 2008	R 2002
OP-CRC-SC	No Action	S 2002	A 2002	S 2002	R 2001	R 2005	S 2001	A 2007	A 2008	S 2000
ICERD	R 1977	R 1972	A 2002	R 1967	R 1967	R 1968	A 1999	R 1968	R 1970	R 2000
ICCPR	R 1977	A 1991	R 1997	R 1974	R 1979	A 1979	A 2006	R 1975	R 1971	R 1989
ICCPR-OP1	A 1999	No Action	R 2005	A 1988	A 1979	No Action	No Action	No Action	No Action	A 1989
ICCPR-OP2	No Action	No Action	R 2008	A 1994	R 1991	No Action	No Action	No Action	No Action	A 1993
ICESCR	R 1977	No Action	R 1981	R 1974	R 1979	A 1979	A 2006	R 1975	R 1971	R 1989
CEDAW	R 1980	R 1981	R 1983	R 1980	R 1985	R 1993	R 1984	No Action	A 1986	A 1985
OP-CEDAW	No Action	No Action	No Action	A 2000	R 2001	No Action	S 2000	No Action	No Action	R 2000
CAT	R 1988	No Action	A 1996	R 1987	R 1996	S 1997	R 1998	No Action	No Action	R 2002
OP-CAT	No Action	No Action	R 2006	No Action	S 2003	No Action	No Action	No Action	No Action	S 2007
CRPD	S 2007	A 2009	R 2008	R 2007	S 2007	R 2007	S 2007	A 2009	No Action	S 2007
CSR	No Action	A 1984	A 1992	A 1989	A 1955	No Action	No Action	A 1976	No Action	A 1956
1967 Protocol	No Action	A 1984	A 1992	A 1989	A 1968	No Action	No Action	A 1976	No Action	A 1968
Statelessness	No Action	No Action	No Action	A 2009	No Action	No Action	No Action	No Action	No Action	A 1973
ICPED	No Action	S 2007	R 2008	No Action	S 2008	S 2007	No Action	No Action	No Action	S 2007
Traffic & Prostitution	No Action	A 1953	R 1993	A 1955	No Action	R 1953	S 2003	S 1953	A 1955	No Action
Palermo Protocol	A 2004	S 2000	A 2008	R 2006	S 2000	S 2002	R 2009	No Action	A 2009	S 2000
Consent Marriage	No Action	No Action	No Action	A 1975	A 1977	No Action	No Action	No Action	No Action	No Action
ILO-138	R 1998	R 2009	R 1980	R 1998	R 1999	No Action	R 1999	No Action	R 1985	R 978
ILO-182	R 2001	R 2007	R 2001	R 2000	R 2000	No Action	R 2000	No Action	R 2001	R 1999
UNESCO	No Action	No Action	No Action	R 1964	No Action	No Action	A 1967	A 1968	R 1977	No Action
PAGC I	A 1988	A 2007	R 1995	R 1989	R 1987	No Action	No Action	S 1979	No Action	R 1999
PAGV II	A 1988	A 2007	R 1995	R 1989	R 1987	No Action	No Action	S 1979	No Action	R 1999
Firearms Protocol	A 2008	No Action	A 2008	No Action	S 2001	S 2002	No Action	No Action	No Action	No Action
Ottawa Treaty	R 2003	R 2006	R 1998	R 1998	R 1999	No Action	R 2007	No Action	A 2007	R 1997
CCM	No Action	S 2009	S 2008	S 2008	S 2008	No Action	S 2008	No Action	S 2009	R 2008
Rome Statute	R 2004	S 1999	R 2002	R 2001	R 2000	No Action	No Action	S 2009	No Action	R 2002
ECHR	N/A	N/A	N/A	R 1992	R 1953	N/A	N/A	N/A	N/A	R 1953
AC	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
ACHR	No Action	A 1978	R 1978	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Treaties	Israel	Italy	Jamaica	Japan	Jordan	Kazakhstan	Kenya	Kiribati	Kuwait	Kyrgyzstan
UN	R 1949	R 1955	R 1962	R 1956	R 1955	R 1992	R 1963	R 1999	R 1963	R 1992
CRC	R 1991	R 1991	R 1991	R 1994	R 1991	R 1994	R 1990	A 1995	R 1991	A 1994
OP-CRC-AC	R 2005	R 2002	R 2002	R 2004	R 2007	R 2003	R 2002	No Action	A 2004	A 2003
OP-CRC-SC	R 2008	R 2002	S 2000	R 2005	R 2006	R 2001	S 2000	No Action	A 2004	A 2003
ICERD	R 1979	R 1976	R 1971	A 1995	A 1974	A 1998	A 2001	No Action	A 1968	A 1997
ICCPR	R 1991	R 1978	R 1975	R 1979	R 1975	R 2006	A 1972	No Action	A 1996	A 1994
ICCPR-OP1	No Action	R 1978	R 1975	No Action	No Action	R 2009	No Action	No Action	No Action	A 1994
ICCPR-OP2	No Action	R 1995	No Action	No Action	No Action	No Action	No Action	No Action	No Action	No Action
ICESCR	R 1991	R 1978	R 1975	R 1979	R 1975	R 2006	A 1972	No Action	A 1996	A 1994
CEDAW	R 1991	R 1985	R 1984	R 1985	R 1992	A 1998	A 1984	A 2004	A 1994	A 1997
OP-CEDAW	No Action	R 2000	No Action	No Action	No Action	R 2001	No Action	No Action	No Action	A 2002
CAT	R 1991	R 1989	No Action	A 1999	A 1991	A 1998	A 1997	No Action	A 1996	A 1997
OP-CAT	No Action	S 2003	No Action	No Action	No Action	R 2008	No Action	No Action	No Action	A 2008
CRPD	S 2007	R 2009	R 2007	S 2007	R 2008	S 2008	R 2008	No Action	No Action	No Action
CSR	R 1954	R 1954	D 1964	A 1981	No Action	A 1999	A 1966	No Action	No Action	A 1996
1967 Protocol	A 1968	A 1972	A 1980	A 1982	No Action	A 1999	A 1981	No Action	No Action	A 1996
Statelessness	S 1961	No Action	No Action	No Action	No Action	No Action	No Action	D 1983	No Action	No Action
ICPED	No Action	S 2007	No Action	R 2009	No Action	A 2009	S 2007	No Action	No Action	No Action
Traffic & Prostitution	A 1950	A 1980	No Action	A 1958	A 1976	R 2006	No Action	No Action	A 1968	A 1997
Palermo Protocol	R 2008	R 2006	R 2003	S 2002	A 2009	A 2008	A 2005	A 2005	A 2006	R 2003
Consent Marriage	S 1962	S 1963	No Action	No Action	A 1992	No Action	No Action	No Action	No Action	A 1997
ILO-138	R 1979	R 1981	R 2003	R 2000	R 1998	R 2001	R 1979	No Action	R 1999	R 1992
ILO-182	R 2005	R 2000	R 2003	R 2001	R 2000	R 2003	R 2001	R 2009	R 2000	R 2004
UNESCO	R 1961	R 1966	R 2006	No Action	A 1976	No Action	No Action	No Action	A 1963	A 1995
PAGC I	No Action	R 1986	A 1987	A 2005	R 1979	D 1991	A 1999	No Action	A 1985	D 1991
PAGV II	No Action	R 1986	A 1987	A 2005	R 1979	D 1991	A 1999	No Action	A 1985	D 1991
Firearms Protocol	No Action	R 2006	R 2003	S 2002	No Action	A 2008	A 2005	No Action	A 2007	No Action
Ottawa Treaty	No Action	R 1999	R 1998	R 1998	R 1998	No Action	R 2001	A 2000	A 2007	No Action
CCM	No Action	S 2008	S 2009	R 2009	No Action	No Action	S 2008	No Action	No Action	No Action
Rome Statute	S 2000	R 1999	S 2000	R 2007	R 2002	No Action	R 2005	No Action	S 2000	S 1998
ECHR	N/A	R 1955	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
AC	N/A	N/A	N/A	N/A	N/A	N/A	A 2000	N/A	N/A	N/A
ACHR	N/A	N/A	R 1978	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Treaties	Lao	Latvia	Lebanon	Lesotho	Liberia	Libya	Liechtenstein	Lithuania	Luxembourg	Macedonia
UN	R 1955	R 1991	R 1945	R 1966	R 1945	R 1955	R 1990	R 1991	R 1945	R 1993
CRC	A 1991	A 1992	R 1991	R 1992	R 1993	A 1993	R 1995	A 1992	R 1994	D 1993
OP-CRC-AC	A 2006	R 2005	S 2002	R 2003	S 2004	A 2004	R 2005	R 2003	R 2004	R 2004
OP-CRC-SC	A 2006	R 2006	R 2004	R 2003	S 2004	A 2004	S 2000	A 2004	S 2000	R 2003
ICERD	A 1974	A 1992	A 1971	A 1971	A 1976	A 1968	A 2000	R 1998	R 1978	D 1994
ICCPR	R 2009	A 1992	A 1972	A 1992	R 2004	A 1970	A 1998	A 1991	R 1983	D 1994
ICCPR-OP1	No Action	A 1994	No Action	A 2000	S 2004	A 1989	A 1998	A 1991	A 1983	R 1994
ICCPR-OP2	No Action	No Action	No Action	No Action	A 2005	No Action	A 1998	R 2002	R 1992	A 1995
ICESCR	R 2007	A 1992	A 1972	A 1992	R 2004	A 1970	A 1998	A 1991	R 1983	D 1994
CEDAW	R 1981	A 1992	A 1997	R 1995	A 1984	A 1989	A 1995	A 1994	R 1989	D 1994
OP-CEDAW	No Action	No Action	No Action	R 2004	S 2004	A 2004	R 2001	R 2004	R 2003	R 2003
CAT	No Action	A 1992	A 2000	A 2001	A 2004	A 1989	R 1990	A 1996	R 1987	D 1994
OP-CAT	No Action	No Action	A 2008	No Action	A 2004	No Action	R 2006	No Action	S 2005	R 2009
CRPD	R 2009	S 2008	S 2007	A 2008	S 2007	S 2008	No Action	S 2007	S 2007	S 2007
CSR	No Action	A 1997	No Action	A 1981	A 1964	No Action	R 1957	A 1997	R 1953	D 1994
1967 Protocol	No Action	A 1997	No Action	A 1981	A 1980	No Action	A 1968	A 1997	A 1971	D 1994
Statelessness	No Action	A 1992	No Action	A 2004	A 2004	A 1989	A 2009	No Action	No Action	No Action
ICPED	S 2008	No Action	S 2007	No Action	No Action	No Action	S 2007	S 2007	S 2007	S 2007
Traffic & Prostitution	A 1978	A 1992	No Action	R 2004	S 1950	A 1956	No Action	No Action	R 1983	D 1994
Palermo Protocol	A 2003	R 2004	R 2005	R 2003	A 2004	R 2004	R 2008	R 2003	R 2009	R 2005
Consent Marriage	No Action	No Action	No Action	No Action	A 2005	A 2005	No Action	No Action	No Action	D 1994
ILO-138	R 2005	R 2006	R 2003	R 2001	No Action	R 1975	No Action	R 1988	R 1977	R 1991
ILO-182	R 2005	R 2006	R 2001	R 2001	R 2003	R 2000	No Action	R 2003	R 2001	R 2002
UNESCO	No Action	A 2009	R 1964	No Action	R 1962	R 1973	No Action	No Action	R 1970	D 1997
PAGC I	R 1981	A 1992	A 1998	A 1994	A 1988	A 1978	R 1990	A 2001	R 1990	D 1991
PAGV II	R 1981	A 1992	A 1998	A 1994	A 1988	A 1978	R 1990	A 2001	R 1990	D 1991
Firearms Protocol	A 2003	A 2004	R 2006	A 2003	A 2004	R 2004	No Action	R 2005	S 2002	No Action
Ottawa Treaty	No Action	A 2005	No Action	R 1998	A 1999	No Action	R 1999	R 2003	R 1999	A 1998
CCM	S 2008	No Action	S 2008	S 2008	S 2008	No Action	S 2008	S 2008	R 2009	No Action
Rome Statute	R 2009	R 2002	No Action	R 2000	R 2004	No Action	R 2001	R 2003	R 2000	R 2002
ECHR	N/A	R 1997	N/A	N/A	N/A	N/A	R 1982	R 1995	R 1953	R 1997
AC	N/A	N/A	N/A	A 1999	R 2007	R 2000	N/A	N/A	N/A	N/A
ACHR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Treaties	Madagascar	Malawi	Malaysia	Maldives	Mali	Malta	Marshall Islands	Mauritania	Mauritius	Mexico
UN	R 1960	R 1964	R 1957	R 1965	R 1960	R 1964	R 1991	R 1961	R 1968	R 1945
CRC	R 1991	A 1991	A 1995	R 1991	R 1990	R 1990	R 1993	R 1991	A 1990	R 1990
OP-CRC-AC	R 2004	S 2000	No Action	R 2004	R 2002	R 2002	No Action	No Action	R 2009	R 2002
OP-CRC-SC	R 2004	R 2009	No Action	R 2002	A 2002	S 2000	No Action	A 2007	S 2001	R 2002
ICERD	R 1969	A 1996	No Action	A 1984	A 1974	R 1971	No Action	R 1988	A 1972	R 1975
ICCPR	R 1971	A 1993	No Action	A 2006	A 1974	A 1990	No Action	A 2004	A 1973	A 1981
ICCPR-OP1	R 1971	A 1996	No Action	A 2006	A 2001	A 1990	No Action	No Action	A 1973	A 2002
ICCPR-OP2	No Action	No Action	No Action	No Action	No Action	A 1994	No Action	No Action	No Action	A 2007
ICESCR	R 1971	A 1993	No Action	A 2006	A 1974	R 1990	No Action	A 2004	A 1973	A 1981
CEDAW	R 1989	A 1987	A 1995	A 1993	R 1985	A 1991	A 2006	A 2001	A 1984	R 1981
OP-CEDAW	S 2000	S 2000	No Action	A 2006	A 2000	No Action	No Action	No Action	R 2008	R 2002
CAT	R 2005	A 1996	No Action	A 2004	A 1999	A 1990	No Action	A 2004	A 1992	R 1986
OP-CAT	S 2003	No Action	No Action	R 2006	R 2005	R 2003	No Action	No Action	A 2005	R 2005
CRPD	S 2007	R 2009	S 2008	S 2007	R 2008	S 2007	No Action	No Action	S 2007	R 2007
CSR	A 1967	A 1987	No Action	No Action	D 1973	A 1971	No Action	A 1987	No Action	A 2000
1967 Protocol	No Action	A 1987	No Action	No Action	A 1973	A 1971	No Action	A 1987	No Action	A 2000
Statelessness	No Action	No Action	No Action	No Action	No Action	No Action	No Action	No Action	No Action	No Action
ICPED	S 2007	No Action	No Action	S 2007	R 2009	S 2007	No Action	No Action	No Action	R 2008
Traffic & Prostitution	S 2001	A 1965	No Action	No Action	A 1964	No Action	No Action	A 1986	No Action	A 1956
Palermo Protocol	R 2005	A 2005	No Action	No Action	R 2002	R 2003	No Action	A 2005	A 2003	R 2003
Consent Marriage	No Action	No Action	No Action	No Action	A 1964	No Action	No Action	No Action	No Action	A 1983
ILO-138	R 2000	R 1999	R 1997	No Action	R 2002	R 1988	No Action	R 2001	R 1990	No Action
ILO-182	R 2001	R 1999	R 2000	No Action	R 2000	R 2001	No Action	R 2001	R 2000	R 2000
UNESCO	R 1964	No Action	No Action	No Action	R 2007	D 1966	No Action	No Action	D 1970	No Action
PAGC I	R 1992	A 1992	No Action	A 1992	A 1989	A 1989	No Action	A 1980	A 1982	A 1983
PAGV II	R 1992	A 1992	No Action	A 1992	A 1989	A 1989	No Action	A 1980	A 1982	No Action
Firearms Protocol	R 2005	A 2005	No Action	No Action	R 2002	No Action	No Action	A 2005	A 2003	R 2003
Ottawa Treaty	R 1999	R 1998	R 1999	R 2000	R 1998	R 2001	S 1997	R 2000	R 1997	R 1998
CCM	S 2008	R 2009	No Action	No Action	S 2008	R 2009	No Action	No Action	No Action	R 2009
Rome Statute	R 2008	R 2002	No Action	No Action	R 2000	R 2002	R 2000	No Action	R 2002	R 2005
ECHR	N/A	N/A	N/A	N/A	N/A	R 1967	N/A	N/A	N/A	N/A
AC	R 2005	R 1999	N/A	N/A	R 1998	N/A	N/A	A 2005	R 1992	N/A
ACHR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	A 1981

Treaties	Micronesia	Moldova	Monaco	Mongolia	Montenegro	Morocco	Mozambique	Myanmar	Namibia	Nauru
UN	R 1991	R 1992	R 1993	R 1961	R 2006	R 1956	R 1975	R 1948	R 1990	R 1999
CRC	A 1993	A 1993	A 1993	R 1990	D 2006	R 1993	R 1994	A 1991	R 1990	A 1994
OP-CRC-AC	S 2002	R 2004	R 2001	R 2004	D 2007	R 2002	A 2004	No Action	R 2002	S 2000
OP-CRC-SC	S 2002	R 2007	R 2008	R 2003	D 2006	R 2001	A 2003	No Action	R 2002	S 2000
ICERD	No Action	A 1993	A 1995	R 1969	D 2006	R 1970	A 1983	No Action	A 1982	S 2001
ICCPR	No Action	A 1993	R 1997	R 1974	D 2006	R 1979	A 1993	No Action	A 1994	S 2001
ICCPR-OP1	No Action	R 2008	No Action	A 1991	D 2006	No Action	No Action	No Action	A 1994	S 2001
ICCPR-OP2	No Action	A 2006	A 2000	No Action	D 2006	No Action	A 1993	No Action	A 1994	No Action
ICESCR	No Action	A 1993	R 1997	R 1974	D 2006	R 1979	No Action	No Action	A 1994	No Action
CEDAW	A 2004	A 1994	A 2005	R 1981	D 2006	A 1993	A 1997	A 1997	A 1992	No Action
OP-CEDAW	No Action	A 2006	No Action	R 2002	D 2006	No Action	A 2008	No Action	R 2000	No Action
CAT	No Action	A 1995	A 1991	A 2002	D 2006	R 1993	A 1999	No Action	A 1994	S 2001
OP-CAT	No Action	R 2006	No Action	No Action	R 2009	No Action	No Action	No Action	No Action	No Action
CRPD	No Action	S 2007	S 2009	A 2009	R 2009	R 2009	S 2007	No Action	R 2007	No Action
CSR	No Action	A 2002	A 1954	No Action	D 2006	D 1956	A 1983	No Action	A 1995	No Action
1967 Protocol	No Action	A 2002	No Action	No Action	D 2006	A 1971	A 1989	No Action	A 1995	No Action
Statelessness	No Action	No Action	No Action	No Action	No Action	No Action	No Action	No Action	No Action	No Action
ICPED	No Action	S 2007	S 2007	S 2007	S 2007	S 2007	S 2008	No Action	No Action	No Action
Traffic & Prostitution	S 2003	No Action	No Action	No Action	D 2006	A 1973	No Action	S 1956	No Action	No Action
Palermo Protocol	No Action	R 2005	R 2001	A 2008	D 2006	No Action	R 2006	A 2004	R 2002	S 2001
Consent Marriage	No Action	No Action	No Action	A 1991	D 2006	No Action	No Action	No Action	No Action	No Action
ILO-138	No Action	R 1999	No Action	R 2002	R 2006	R 2000	R 2003	No Action	R 2000	No Action
ILO-182	No Action	R 2002	No Action	R 2001	R 2006	R 2001	R 2003	No Action	R 2000	No Action
UNESCO	No Action	D 1993	No Action	R 1964	D 2007	A 1968	No Action	No Action	No Action	No Action
PAGC I	A 1996	A 1993	A 2000	R 1996	A 2007	S 1979	A 1983	No Action	A 1984	A 2006
PAGV II	A 1996	A 1993	A 2000	R 1996	A 2007	S 1979	No Action	No Action	A 1984	A 2006
Firearms Protocol	No Action	A 2006	S 2002	A 2008	D 2006	A 2009	A 2006	No Action	No Action	S 2001
Ottawa Treaty	No Action	R 2000	R 1998	No Action	D 2006	No Action	R 1998	No Action	R 1998	A 2000
CCM	No Action	S 2008	S 2008	No Action	S 2008	No Action	S 2008	No Action	S 2008	S 2008
Rome Statute	No Action	S 2000	S 1998	R 2002	D 2006	S 2000	S 2000	No Action	R 2002	R 2001
ECHR	N/A	R 1997	R 2005	N/A	R 2006	N/A	N/A	N/A	N/A	N/A
AC	N/A	N/A	N/A	N/A	N/A	No Action	A 1998	N/A	R 2004	N/A
ACHR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Treaties	Nepal	Netherlands	New Zealand	Nicaragua	Niger	Nigeria	North Korea	Norway	Oman	Pakistan
UN	R 1955	R 1945	R 1945	R 1945	R 1960	R 1960	R 1991	R 1945	R 1971	R 1947
CRC	R 1990	A 1995	R 1993	R 1990	R 1990	R 1991	R 1990	R 1991	A 1996	R 1990
OP-CRC-AC	R 2007	S 2000	R 2001	A 2005	No Action	S 2000	No Action	R 2003	A 2004	S 2001
OP-CRC-SC	R 2006	R 2005	S 2000	A 2004	R 2004	S 2000	No Action	R 2001	A 2004	S 2001
ICERD	A 1971	R 1971	R 1972	A 1978	R 1967	A 1967	No Action	R 1970	A 2003	R 1966
ICCPR	A 1991	R 1978	R 1978	A 1980	A 1986	A 1993	A 1981	R 1972	No Action	S 2008
ICCPR-OP1	A 1991	R 1978	A 1989	A 1980	A 1986	No Action	No Action	R 1972	No Action	No Action
ICCPR-OP2	A 1998	R 1991	R 1990	R 2009	No Action	No Action	No Action	R 1991	No Action	No Action
ICESCR	A 1991	R 1978	R 1978	A 1980	A 1986	A 1993	A 1981	R 1972	No Action	R 2008
CEDAW	R 1991	R 1991	R 1985	R 1981	A 1999	R 1985	A 2001	R 1981	A 2006	A 1996
OP-CEDAW	R 2007	R 2002	R 2000	No Action	A 2004	R 2004	No Action	R 2002	No Action	No Action
CAT	A 1991	R 1988	R 1989	R 2005	A 1998	R 2001	No Action	R 1986	No Action	S 2008
OP-CAT	No Action	S 2005	R 2007	R 2009	No Action	A 2009	No Action	S 2003	No Action	No Action
CRPD	S 2008	S 2007	R 2008	R 2007	R 2008	S 2007	No Action	S 2007	A 2009	S 2008
CSR	No Action	R 1956	A 1960	A 1980	D 1961	A 1967	No Action	R 1953	No Action	No Action
1967 Protocol	No Action	A 1968	A 1973	A 1980	A 1970	A 1968	No Action	A 1967	No Action	No Action
Statelessness	No Action	R 1985	A 2006	No Action	A 1985	No Action	No Action	A 1971	No Action	No Action
ICPED	No Action	S 2008	No Action	No Action	S 2007	A 2009	No Action	S 2007	No Action	No Action
Traffic & Prostitution	A 2002	No Action	No Action	No Action	A 1977	S 2003	No Action	A 1952	No Action	R 1952
Palermo Protocol	No Action	A 2005	R 2002	A 2004	R 2004	R 2001	No Action	R 2003	A 2005	No Action
Consent Marriage	No Action	R 1965	R 1964	No Action	A 1964	No Action	No Action	A 1964	No Action	No Action
ILO-138	R 1997	R 1976	No Action	R 1981	R 1978	R 2002	No Action	R 1980	R 2005	R 2006
ILO-182	R 2002	R 2002	R 2001	R 2000	R 2000	R 2002	No Action	R 2000	R 2001	R 2001
UNESCO	No Action	R 1966	R 1963	R 1981	A 1968	A 1969	No Action	R 1963	No Action	No Action
PAGC I	No Action	R 1987	R 1988	R 2000	R 1979	A 1989	A 1988	R 1982	A 1984	S 1979
PAGV II	No Action	R 1987	R 1988	R 2000	R 1979	A 1989	No Action	R 1982	A 1984	S 1979
Firearms Protocol	No Action	A 2005	No Action	A 2007	No Action	R 2006	No Action	R 2003	A 2005	No Action
Ottawa Treaty	No Action	R 1999	R 1999	R 1998	R 1999	A 2001	No Action	R 1998	No Action	No Action
CCM	No Action	S 2008	R 2009	R 2009	R 2009	S 2009	No Action	R 2008	No Action	No Action
Rome Statute	No Action	R 2001	R 2000	No Action	R 2002	R 2001	No Action	R 2000	S 2000	No Action
ECHR	N/A	R 1954	N/A	N/A	N/A	N/A	N/A	R 1953	N/A	N/A
AC	N/A	N/A	N/A	N/A	R 1996	R 2001	N/A	N/A	N/A	N/A
ACHR	N/A	N/A	N/A	R 1979	N/A	N/A	N/A	N/A	N/A	N/A

Treaties	Palau	Panama	Papua New Guinea	Paraguay	Peru	Philippines	Poland	Portugal	Qatar	Romania
UN	R 1994	R 1945	R 1975	R 1945	R 1945	R 1945	R 1945	R 1955	R 1971	R 1955
CRC	A 1995	R 1990	R 1993	R 1990	R 1990	R 1990	R 1991	R 1990	R 1995	R 1990
OP-CRC-AC	No Action	R 2001	No Action	R 2002	R 2002	R 2003	R 2005	R 2003	A 2002	R 2001
OP-CRC-SC	No Action	R 2001	No Action	R 2003	R 2002	R 2002	R 2005	R 2003	A 2001	R 2001
ICERD	No Action	R 1967	A 1982	R 2003	R 1971	R 1967	R 1968	A 1982	A 1976	A 1970
ICCPR	No Action	R 1977	A 2008	A 1992	R 1978	R 1986	R 1977	R 1978	No Action	R 1974
ICCPR-OP1	No Action	R 1977	No Action	A 1995	R 1980	R 1989	A 1991	R 1983	No Action	A 1993
ICCPR-OP2	No Action	A 1993	No Action	A 2003	No Action	R 2007	S 2000	R 1990	No Action	R 1991
ICESCR	No Action	R 1977	A 2008	A 1992	R 1978	R 1974	R 1977	R 1978	No Action	R 1974
CEDAW	No Action	R 1981	A 1995	A 1987	R 1982	R 1981	R 1980	R 1980	A 2009	R 1982
OP-CEDAW	No Action	R 2001	No Action	R 2001	R 2001	R 2003	A 2003	R 2002	No Action	R 2003
CAT	No Action	R 1987	No Action	R 1990	R 1988	A 1986	R 1989	R 1989	A 2000	A 1990
OP-CAT	No Action	No Action	No Action	R 2005	A 2006	No Action	R 2005	S 2006	No Action	R 2009
CRPD	No Action	R 2007	No Action	R 2008	R 2008	R 2008	S 2007	R 2009	R 2008	S 2007
CSR	No Action	A 1978	A 1986	A 1970	A 1964	A 1981	A 1991	A 1960	No Action	A 1991
1967 Protocol	No Action	A 1978	A 1986	A 1970	A 1983	A 1981	A 1991	A 1976	No Action	A 1991
Statelessness	No Action	No Action	No Action	No Action	No Action	No Action	No Action	No Action	No Action	A 2006
ICPED	No Action	S 2007	No Action	S 2007	No Action	No Action	No Action	S 2007	No Action	S 2008
Traffic & Prostitution	No Action	No Action	No Action	S 2007	No Action	R 1952	A 1952	A 1992	No Action	A 1955
Palermo Protocol	No Action	R 2004	No Action	R 2004	R 2002	R 2002	R 2003	R 2004	A 2009	R 2002
Consent Marriage	No Action	No Action	No Action	No Action	No Action	R 1965	R 1965	No Action	No Action	R 1993
ILO-138	No Action	R 2000	R 2000	R 2004	R 2002	R 1998	R 1978	R 1998	R 2006	R 1975
ILO-182	No Action	R 2000	R 2000	R 2001	R 2002	R 2000	R 2002	R 2000	R 2000	R 2000
UNESCO	No Action	A 1967	No Action	No Action	R 1966	A 1964	R 1964	R 1981	No Action	R 1964
PAGC I	A 1996	R 1996	No Action	A 1991	R 1990	S 1979	R 1992	R 1992	A 1988	R 1990
PAGV II	A 1996	R 1996	No Action	A 1991	R 1990	A 1987	R 1992	R 1992	A 2005	R 1990
Firearms Protocol	No Action	R 2004	No Action	A 2007	A 2003	No Action	R 2005	S 2002	No Action	A 2004
Ottawa Treaty	A 2007	R 1998	A 2004	R 1998	R 1998	R 2000	S 1997	R 1999	R 1998	R 2000
CCM	S 2008	S 2008	No Action	S 2008	S 2008	S 2008	No Action	S 2008	No Action	No Action
Rome Statute	No Action	R 2002	No Action	R 2001	R 2001	S 2000	R 2001	R 2002	No Action	R 2002
ECHR	N/A	N/A	N/A	N/A	N/A	N/A	R 1993	R 1978	N/A	R 1994
AC	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
ACHR	N/A	R 1978	N/A	R 1989	R 1978	N/A	N/A	N/A	N/A	N/A

Treaties	Russia	Rwanda	Saint Kitts and Nevis	Saint Lucia	Saint Vincent and Grenadines	Samoa	San Marino	Sao Tome and Principe	Saudi Arabia	Senegal
UN	R 1945	R 1962	R 1983	R 1979	R 1980	R 1976	R 1992	R 1975	R 1945	R 1960
CRC	R 1990	R 1991	R 1990	R 1993	R 1993	R 1994	A 1991	A 1991	A 1996	R 1990
OP-CRC-AC	R 2008	A 2002	No Action	No Action	No Action	No Action	S 2000	No Action	No Action	R 2004
OP-CRC-SC	No Action	A 2002	No Action	No Action	A 2005	No Action	S 2000	No Action	No Action	R 2003
ICERD	R 1969	A 1975	A 2006	D 1990	A 1981	No Action	R 2002	S 2000	A 1997	R 1972
ICCPR	R 1973	A 1975	No Action	No Action	A 1981	A 2008	A 1985	S 1995	No Action	R 1978
ICCPR-OP1	A 1991	No Action	No Action	No Action	A 1981	No Action	A 1985	S 2000	No Action	R 1978
ICCPR-OP2	No Action	A 2008	No Action	No Action	No Action	No Action	R 2004	S 2000	No Action	No Action
ICESCR	R 1973	A 1975	No Action	No Action	A 1981	No Action	A 1985	S 1995	No Action	R 1978
CEDAW	R 1981	R 1981	A 1985	A 1982	A 1981	A 1992	R 2003	R 2003	R 2000	R 1985
OP-CEDAW	R 2004	A 2008	A 2006	No Action	No Action	No Action	A 2005	S 2000	No Action	R 2000
CAT	R 1987	A 2008	No Action	No Action	A 2001	No Action	R 2006	S 2000	A 1997	R 1986
OP-CAT	No Action	No Action	No Action	No Action	No Action	No Action	No Action	No Action	No Action	R 2006
CRPD	S 2008	A 2008	No Action	No Action	No Action	No Action	R 2008	No Action	A 2008	S 2007
CSR	A 1993	A 1980	A 2002	No Action	A 1993	A 1988	No Action	A 1978	No Action	D 1963
1967 Protocol	A 1993	A 1980	No Action	No Action	A 2003	A 1994	No Action	A 1978	No Action	A 1967
Statelessness	No Action	A 2006	No Action	No Action	No Action	No Action	No Action	No Action	No Action	A 2005
ICPED	No Action	No Action	No Action	No Action	No Action	S 2007	No Action	No Action	No Action	R 2008
Traffic & Prostitution	A 1954	A 2003	No Action	No Action	No Action	No Action	No Action	No Action	No Action	A 1979
Palermo Protocol	R 2004	R 2003	A 2004	No Action	S 2002	No Action	S 2000	A 2006	R 2007	R 2003
Consent Marriage	No Action	No Action	No Action	No Action	D 1999	A 1964	No Action	No Action	No Action	No Action
ILO-138	R 1979	R 1981	R 2005	No Action	R 2006	R 2008	R 1995	R 2005	No Action	R 1999
ILO-182	R 2003	R 2000	R 2000	R 2000	R 2001	R 2008	R 2000	R 2005	R 2001	R 2000
UNESCO	R 1962	A 2000	No Action	No Action	D 1985	No Action	No Action	No Action	R 1973	R 1967
PAGC I	R 1989	A 1985	A 1986	A 1983	A 1983	A 1985	S 1979	A 1997	A 1988	R 1985
PAGV II	D 1992	A 1985	A 1986	A 1983	A 1983	A 1985	S 1979	A 1997	No Action	R 1985
Firearms Protocol	No Action	A 2006	A 2004	No Action	No Action	No Action	No Action	A 2006	A 2008	R 2006
Ottawa Treaty	No Action	R 2000	R 1998	R 1999	R 2001	R 1998	R 1998	R 2003	No Action	R 1998
CCM	No Action	S 2008	No Action	No Action	S 2009	S 2008	R 2009	S 2008	No Action	S 2008
Rome Statute	No Action	No Action	A 2006	S 1999	A 2002	R 2002	R 1999	S 2000	No Action	R 1999
ECHR	R 1998	N/A	N/A	N/A	N/A	N/A	R 1989	N/A	N/A	N/A
AC	N/A	R 2001	N/A	N/A	N/A	N/A	N/A	No Action	N/A	R 1998
ACHR	N/A	N/A	No Action	No Action	No Action	N/A	N/A	N/A	N/A	N/A

Treaties	Serbia	Seychelles	Sierra Leone	Singapore	Slovakia	Slovenia	Solomon Islands	Somalia	South Africa	South Korea
UN	R 2000	R 1976	R 1961	R 1965	R 1993	R 1992	R 1978	R 1960	R 1945	R 1991
CRC	D 2001	A 1990	R 1990	A 1995	D 1993	D 1992	A 1995	S 2002	R 1995	R 1991
OP-CRC-AC	R 2003	S 2001	R 2002	R 2008	R 2006	R 2004	S 2009	S 2005	R 2009	R 2004
OP-CRC-SC	R 2002	S 2001	R 2001	No Action	R 2004	R 2004	S 2009	No Action	A 2003	R 2004
ICERD	D 2001	A 1978	R 1967	No Action	D 1993	D 1992	D 1982	R 1975	R 1998	R 1978
ICCPR	D 2001	A 1992	A 1996	No Action	D 1993	D 1992	No Action	A 1990	R 1998	A 1990
ICCPR-OP1	R 2001	A 1992	A 1996	No Action	D 1993	A 1993	No Action	A 1990	A 2002	A 1990
ICCPR-OP2	A 2001	A 1994	No Action	No Action	R 1999	R 1994	No Action	No Action	A 2002	No Action
ICESCR	D 2001	A 1992	A 1996	No Action	D 1993	D 1992	D 1982	A 1990	S 1994	A 1990
CEDAW	D 2001	A 1992	R 1988	A 1995	D 1993	D 1992	A 2002	No Action	R 1995	R 1984
OP-CEDAW	A 2003	S 2002	S 2000	No Action	R 2000	R 2004	A 2002	No Action	A 2005	A 2006
CAT	D 2001	A 1992	R 2001	No Action	D 1993	A 1993	No Action	A 1990	R 1998	A 1995
OP-CAT	R 2006	No Action	S 2003	No Action	No Action	A 2007	No Action	No Action	S 2006	No Action
CRPD	R 2009	R 2009	S 2007	No Action	S 2007	R 2008	S 2008	No Action	R 2007	R 2008
CSR	D 2001	A 1980	A 1981	No Action	D 1993	D 1992	A 1995	A 1978	A 1996	A 1992
1967 Protocol	D 2001	A 1980	A 1981	No Action	D 1993	D 1992	A 1995	A 1978	A 1996	A 1992
Statelessness	No Action	No Action	No Action	No Action	A 2000	No Action	No Action	No Action	No Action	No Action
ICPED	S 2007	No Action	S 2007	No Action	S 2007	S 2007	No Action	No Action	No Action	No Action
Traffic & Prostitution	D 2001	A 1992	S 2003	A 1966	D 1993	D 1992	No Action	No Action	R 1951	A 1962
Palermo Protocol	R 2001	R 2004	S 2001	No Action	R 2004	R 2004	No Action	No Action	R 2004	S 2000
Consent Marriage	D 2001	No Action	No Action	No Action	D 1993	No Action	No Action	No Action	A 1993	No Action
ILO-138	R 2000	R 2000	No Action	R 2005	R 1997	R 1992	No Action	No Action	R 2000	No Action
ILO-182	R 2003	R 1999	No Action	R 2001	R 1999	R 2001	No Action	No Action	R 2000	No Action
UNESCO	D 2001	No Action	R 1967	No Action	D 1993	D 1992	D 1982	No Action	R 2000	No Action
PAGC I	A 2001	A 1985	A 1987	No Action	D 1993	D 1991	A 1989	No Action	A 1996	R 1982
PAGV II	A 2001	A 1985	A 1987	No Action	D 1993	D 1991	A 1989	No Action	A 1996	R 1982
Firearms Protocol	A 2005	S 2002	S 2001	No Action	R 2004	R 2004	No Action	No Action	R 2004	S 2001
Ottawa Treaty	A 2003	R 2000	R 2001	No Action	R 1999	R 1998	R 1999	No Action	R 1998	No Action
CCM	No Action	No Action	R 2008	No Action	No Action	R 2009	No Action	S 2008	S 2008	No Action
Rome Statute	R 2001	S 2000	R 2000	No Action	R 2002	R 2001	S 1998	No Action	R 2000	R 2002
ECHR	R 2004	N/A	N/A	N/A	R 1993	R 1994	N/A	N/A	N/A	N/A
AC	N/A	R 1992	R 2002	N/A	N/A	N/A	N/A	S 1991	R 2000	N/A
ACHR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Treaties	Spain	Sri Lanka	Sudan	Suriname	Swaziland	Sweden	Switzerland	Syria	Tajikistan	Tanzania
UN	R 1955	R 1955	R 1956	R 1975	R 1968	R 1946	R 2002	R 1945	R 1992	R 1961
CRC	R 1990	R 1991	R 1990	R 1993	R 1995	R 1990	R 1997	R 1993	A 1993	R 1991
OP-CRC-AC	R 2002	R 2000	R 2005	S 2002	No Action	R 2003	R 2002	A 2003	A 2002	A 2004
OP-CRC-SC	R 2001	R 2006	A 2004	S 2002	No Action	R 2007	R 2006	A 2003	A 2002	A 2003
ICERD	A 1968	A 1982	A 1977	D 1984	A 1969	R 1971	A 1994	A 1969	A 1995	A 1972
ICCPR	R 1977	A 1980	A 1986	A 1976	A 2004	R 1971	A 1992	A 1969	A 1999	A 1976
ICCPR-OP1	A 1985	A 1997	No Action	A 1976	No Action	R 1971	No Action	No Action	A 1999	No Action
ICCPR-OP2	R 1991	No Action	No Action	No Action	No Action	R 1990	A 1994	No Action	No Action	No Action
ICESCR	R 1977	A 1980	A 1986	A 1976	A 2004	R 1971	A 1992	A 1969	A 1999	A 1976
CEDAW	R 1984	R 1981	No Action	A 1993	A 2004	R 1980	R 1997	A 2003	A 1993	R 1985
OP-CEDAW	R 2001	A 2002	No Action	No Action	No Action	R 2003	R 2008	No Action	S 2000	A 2006
CAT	R 1987	A 1994	S 1986	No Action	A 2004	R 1986	R 1986	A 2004	A 1995	No Action
OP-CAT	R 2006	No Action	No Action	No Action	No Action	R 2005	R 2009	No Action	No Action	No Action
CRPD	R 2007	S 2007	R 2009	S 2007	S 2007	R 2008	No Action	R 2009	No Action	R 2009
CSR	A 1978	No Action	A 1974	D 1978	A 2000	R 1954	R 1955	No Action	A 1993	A 1964
1967 Protocol	A 1978	No Action	A 1974	D 1978	A 1969	A 1967	A 1968	No Action	A 1993	A 1968
Statelessness	No Action	No Action	No Action	No Action	A 1999	A 1969	No Action	No Action	No Action	No Action
ICPED	R 2009	No Action	No Action	No Action	S 2007	S 2007	No Action	No Action	No Action	S 2008
Traffic & Prostitution	A 1962	A 1958	No Action	No Action	No Action	No Action	No Action	A 1959	A 2001	No Action
Palermo Protocol	R 2002	S 2000	No Action	A 2007	S 2001	R 2004	R 2006	R 2009	A 2002	R 2006
Consent Marriage	A 1969	S 1962	No Action	No Action	No Action	R 1964	No Action	No Action	No Action	No Action
ILO-138	R 1977	R 2000	R 2002	No Action	R 2002	R 1990	R 1999	R 2001	R 1993	R 1998
ILO-182	R 2001	R 2001	R 2003	R 2006	R 2002	R 2001	R 2000	R 2003	R 2005	R 2001
UNESCO	A 1969	R 1983	No Action	No Action	A 1970	R 1968	No Action	No Action	D 1992	R 1979
PAGC I	R 1989	No Action	A 2006	A 1986	A 1996	R 1980	R 1982	A 1984	D 1991	A 1983
PAGV II	R 1989	No Action	A 2007	A 1986	A 1996	R 1980	R 1982	No Action	D 1991	A 1983
Firearms Protocol	A 2007	No Action	No Action	No Action	No Action	S 2002	No Action	No Action	No Action	A 2006
Ottawa Treaty	R 1999	No Action	R 2003	R 2002	R 1998	R 1998	R 1998	No Action	A 1999	R 2000
CCM	R 2009	No Action	No Action	No Action	No Action	S 2008	S 2008	No Action	No Action	S 2008
Rome Statute	R 2002	No Action	S 2000	A 2008	No Action	R 2001	R 2001	S 2000	R 2000	R 2002
ECHR	R 1979	N/A	N/A	N/A	N/A	R 1953	R 1974	N/A	N/A	N/A
AC	N/A	N/A	No Action	N/A	S 1992	N/A	N/A	N/A	N/A	R 2003
ACHR	N/A	N/A	N/A	A 1987	N/A	N/A	N/A	N/A	N/A	N/A

Treaties	Thailand	Timor- Leste	Togo	Tonga	Trinidad and Tobago	Tunisia	Turkey	Turkmenistan	Tuvalu	Uganda
UN	R 1946	R 2002	R 1960	R 1999	R 1962	R 1956	R 1945	R 1992	R 2000	R 1962
CRC	A 1992	A 2003	R 1990	A 1995	R 1991	R 1992	R 1995	A 1993	A 1995	R 1990
OP-CRC-AC	A 2006	A 2004	R 2005	No Action	No Action	R 2003	R 2004	A 2005	No Action	A 2002
OP-CRC-SC	A 2006	A 2003	R 2004	No Action	No Action	R 2002	R 2002	A 2005	No Action	A 2001
ICERD	A 2003	A 2003	A 1972	A 1972	R 1973	R 1967	R 2002	A 1994	No Action	A 1980
ICCPR	A 1996	A 2003	A 1984	No Action	A 1978	R 1969	R 2003	A 1997	No Action	A 1995
ICCPR-OP1	No Action	No Action	A 1988	No Action	A 1980	No Action	R 2006	A 1997	No Action	A 1995
ICCPR-OP2	No Action	A 2003	No Action	No Action	No Action	No Action	R 2006	A 2000	No Action	No Action
ICESCR	A 1999	A 2003	A 1984	No Action	A 1978	R 1969	R 2003	A 1997	No Action	A 1987
CEDAW	A 1985	A 2003	A 1983	No Action	R 1990	R 1985	A 1985	A 1997	A 1999	R 1985
OP-CEDAW	R 2000	A 2003	No Action	No Action	No Action	A 2008	R 2002	A 2009	No Action	No Action
CAT	A 2007	A 2003	R 1987	No Action	No Action	R 1988	R 1988	A 1999	No Action	A 1986
OP-CAT	No Action	S 2005	S 2005	No Action	No Action	No Action	S 2005	No Action	No Action	No Action
CRPD	R 2008	No Action	S 2008	S 2007	S 2007	R 2008	R 2009	A 2008	No Action	R 2008
CSR	No Action	A 2003	D 1962	No Action	A 2000	D 1957	R 1962	A 1998	D 1986	A 1976
1967 Protocol	No Action	A 2003	A 1969	No Action	A 2000	A 1968	A 1968	A 1998	D 1986	A 1976
Statelessness	No Action	No Action	No Action	No Action	No Action	A 2000	No Action	No Action	No Action	No Action
ICPED	No Action	No Action	No Action	No Action	No Action	S 2007	No Action	No Action	No Action	S 2007
Traffic & Prostitution	No Action	No Action	A 1990	No Action	No Action	No Action	No Action	No Action	No Action	No Action
Palermo Protocol	S 2001	A 2009	R 2009	No Action	R 2007	R 2003	R 2003	A 2005	No Action	S 2000
Consent Marriage	No Action	No Action	No Action	No Action	A 1969	A 1968	No Action	No Action	No Action	No Action
ILO-138	R 2004	No Action	R 1984	No Action	R 2004	R 1995	R 1998	No Action	No Action	R 2003
ILO-182	R 2001	R 2009	R 2000	No Action	R 2003	R 2000	R 2001	No Action	No Action	R 2001
UNESCO	No Action	No Action	No Action	No Action	No Action	R 1969	No Action	No Action	No Action	A 1968
PAGC I	No Action	A 2005	R 1984	No Action	No Action	R 1980	No Action	D 1991	No Action	A 1991
PAGV II	No Action	A 2005	R 1984	No Action	No Action	R 1980	No Action	D 1991	No Action	A 1991
Firearms Protocol	No Action	No Action	No Action	No Action	A 2007	R 2008	R 2004	A 2005	No Action	A 2005
Ottawa Treaty	R 1998	A 2003	R 2000	No Action	R 1998	R 1999	A 2003	R 1998	No Action	R 1999
CCM	No Action	No Action	S 2008	No Action	No Action	S 2009	No Action	No Action	No Action	S 2008
Rome Statute	S 2000	A 2002	No Action	No Action	R 1999	No Action	No Action	No Action	No Action	R 2002
ECHR	N/A	N/A	N/A	N/A	N/A	N/A	R 1954	N/A	N/A	N/A
AC	N/A	N/A	R 1998	N/A	N/A	S 1995	N/A	N/A	N/A	R 1994
ACHR	N/A	N/A	N/A	N/A	No Action	N/A	N/A	N/A	N/A	N/A

Treaties	Ukraine	United Arab Emirates	United Kingdom	United States	Uruguay	Uzbekistan	Vanuatu	Venezuela	Vietnam	Yemen
UN	R 1945	R 1971	R 1945	R 1945	R 1945	R 1992	R 1981	R 1945	R 1977	R 1947
CRC	R 1991	A 1997	R 1991	S 1995	R 1990	A 1994	R 1993	R 1990	R 1990	R 1991
OP-CRC-AC	R 2005	No Action	R 2003	R 2002	R 2003	A 2008	R 2007	R 2003	R 2001	A 2007
OP-CRC-SC	R 2003	No Action	R 2009	R 2002	R 2003	A 2008	R 2007	R 2002	R 2001	A 2004
ICERD	R 1969	A 1974	R 1969	R 1994	R 1968	A 1995	No Action	R 1967	A 1982	A 1972
ICCPR	R 1973	No Action	R 1976	R 1992	R 1970	A 1995	R 2008	R 1978	A 1982	A 1987
ICCPR-OP1	A 1991	No Action	No Action	No Action	R 1970	A 1995	No Action	R 1978	No Action	No Action
ICCPR-OP2	A 2007	No Action	R 1999	No Action	R 1993	A 2008	No Action	R 1993	No Action	No Action
ICESCR	R 1973	No Action	R 1976	S 1977	R 1970	A 1995	No Action	R 1978	A 1982	A 1987
CEDAW	R 1981	A 2004	R 1986	S 1980	R 1981	A 1995	A 1995	R 1983	R 1982	A 1984
OP-CEDAW	R 2003	No Action	A 2004	No Action	R 2001	No Action	A 2007	R 2002	No Action	No Action
CAT	R 1987	No Action	R 1988	R 1994	R 1986	A 1995	No Action	R 1991	No Action	A 1991
OP-CAT	R 2006	No Action	R 2003	No Action	R 2005	No Action	No Action	No Action	No Action	No Action
CRPD	S 2008	S 2008	R 2009	S 2009	R 2009	S 2009	R 2008	No Action	S 2007	R 2009
CSR	A 2002	No Action	R 1954	No Action	A 1970	No Action	No Action	No Action	No Action	A 1980
1967 Protocol	A 2002	No Action	A 1968	A 1968	A 1970	No Action	No Action	A 1986	No Action	A 1980
Statelessness	No Action	No Action	R 1966	No Action	A 2001	No Action	No Action	No Action	No Action	No Action
ICPED	No Action	No Action	No Action	No Action	R 2009	No Action	S 2007	S 2008	No Action	No Action
Traffic & Prostitution	A 1954	No Action	No Action	No Action	No Action	A 2004	No Action	A 1968	No Action	A 1989
Palermo Protocol	R 2004	A 2009	R 2006	R 2005	R 2005	R 2008	No Action	R 2002	No Action	No Action
Consent Marriage	No Action	No Action	A 1970	S 1962	No Action	No Action	No Action	A 1983	No Action	A 1987
ILO-138	R 1979	R 1998	R 2000	No Action	R 1977	R 2009	No Action	R 1987	R 2003	R 2000
ILO-182	R 2000	R 2001	R 2000	R 1999	R 2001	R 2008	R 2006	R 2005	R 2000	R 2000
UNESCO	R 1962	No Action	A 1962	No Action	A 2004	R 1997	No Action	R 1968	R 1968	No Action
PAGC I	R 1990	A 1983	R 1998	S 1979	A 1986	A 1994	A 1985	A 1999	R 1982	R 1990
PAGV II	R 1990	A 1983	R 1998	S 1979	A 1986	A 1994	A 1985	A 1999	No Action	R 1990
Firearms Protocol	No Action	No Action	S 2002	No Action	A 2008	No Action	No Action	No Action	No Action	No Action
Ottawa Treaty	R 2005	No Action	R 1998	No Action	R 2001	No Action	R 2005	R 1999	No Action	R 1998
CCM	No Action	No Action	S 2008	No Action	R 2009	No Action	No Action	No Action	No Action	No Action
Rome Statute	S 2000	S 2000	R 2001	S 2000	R 2002	S 2000	No Action	R 2000	No Action	S 2000
ECHR	R 1997	N/A	R 1953	N/A	N/A	N/A	N/A	N/A	N/A	N/A
AC	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
ACHR	N/A	N/A	N/A	S 1979	R 1985	N/A	N/A	R 1978	N/A	N/A

Treaties	Zambia	Zimbabwe
UN	R 1964	R 1980
CRC	R 1991	R 1990
OP-CRC-AC	S 2008	No Action
OP-CRC-SC	S 2008	No Action
ICERD	R 1972	A 1991
ICCPR	A 1984	A 1991
ICCPR-OP1	A 1984	No Action
ICCPR-OP2	No Action	No Action
ICESCR	A 1984	A 1991
CEDAW	R 1985	A 1991
OP-CEDAW	S 2008	No Action
CAT	A 1998	No Action
OP-CAT	No Action	No Action
CRPD	S 2008	No Action
CSR	D 1969	A 1981
1967 Protocol	A 1969	A 1981
Statelessness	No Action	No Action
ICPED	No Action	No Action
Traffic & Prostitution	No Action	A 1995
Palermo Protocol	A 2005	No Action
Consent Marriage	No Action	A 1994
ILO-138	R 1976	R 2000
ILO-182	R 2001	R 2000
UNESCO	No Action	A 2006
PAGC I	A 1995	A 1993
PAGV II	A 1995	A 1993
Firearms Protocol	A 2005	No Action
Ottawa Treaty	R 2001	R 1998
CCM	R 2009	No Action
Rome Statute	R 2002	S 1998
ECHR	N/A	N/A
AC	R 2008	A 1995
ACHR	N/A	N/A

* On 17 October 1999, China notified the Director-General of UNESCO that the Convention will continue to apply to the Macao Special Administrative Region of the People's Republic of China, in effect from 20 December 1999

Annex 3 – Table incorporating the Annexes of the Reports of the Secretary-General of the United Nations on Children and Armed Conflict

Since 2000, the Secretary-General of the United Nations has published a yearly report on the implementation of Security Council resolutions 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004), 1612 (2005) and 1882 (2009) on children and armed conflict. This report is of great importance, in so far as it discusses the evolution of the situation of children in armed conflict around the world on a yearly basis. The latest report was released on 26 March 2009 and can be accessed via http://www.un.org/Docs/sc/sgrep09.htm.

The report includes two annexes: Annex I lists situations on the Security Council's formal agenda where gross violations of children's rights occur, while Annex II lists situations of similar concern in zones of conflict that are not on the Security Council's agenda.

The International Bureau for Children's Rights decided to include a table that identifies retrospectively which parties to an armed conflict have been listed in the annexes of the Secretary-General's report since its first edition in 2000. This information should be useful to practitioners and advocates, because it shows, not only who has been violating children's rights in the context of an armed conflict, according to the UN Secretary-General, but it also illustrates very clearly who has continually violated children's rights.

Conflicts identified in the reports of the UN Secretary-General, in which Parties were recruiting or using child soldiers, 2000-2009

Annex I: on the United Nations Security Council Agenda

Annex II: not on United Nations Security Council Agenda

Mention of violation in reports (Prior to the use of Annexes, the reports mentioned conflicts where groups continued recruiting children.)

Conflicts	Names of armed groups/forces		2000	2001	2002	2003	2005	2006	2007	2009
Afghanistan	1. Taliban			Annex II	Annex I	Annex I				Annex I
	2. Factions N. Alliance			Annex II	Annex I	Annex I				
	3. Factions S. Afghanistan			Annex II	Annex I	Annex I				
Burundi	1. Gov't /FAB		Mention	Mention	Annex I	Annex I				
	2. PALIPEHUTU/FNL*		Mention	Mention	Annex I	Annex I	Annex I	Annex I	Annex I	
	3. CNDD/FDD		Mention	Mention	Annex I	Annex I	Annex I			
CAR (Central African Republic)	1. Armée populaire pour la restauration de la République (APRD)								Annex I	Annex I
	2. Forces démocratiques pour le rassemblement (UFDR)								Annex I	Annex I
	3. Forces démocratiques populaires de Centrafrique (FDPC)								Annex I	Annex I
	4. Lord's Resistance Army (LRA)									Annex I
	5. Mouvement des libérateurs centrafricains pour la justice (MLCJ)									Annex I
	6. Self-defence militias (supported by Gov't)									Annex I
Chad	1. Janjaweed (Gov't Sudan)								Annex II	
	2. Chadian Nat'l Army								Annex II	Annex I
	3. Chadian self-defence groups								Annex II	
	4. Sudanese groups backed by Gov't Chad	1. JEM							Annex II	Annex I
		2. Sudan Liberation Army (SLA)						Annex II	Annex II	
	5. Union des forces pour la démocratie et le dév't (UFDD)								Annex II	Annex I
	6. Concorde nationale tchadienne (CNT)									Annex I
	7. Convention révolutionnaire démocratique du Tchad (CRDT)									Annex I
	8. Direction Gén'le de Sécurisation des Services et Institutions de l'État (DGSSIE)									Annex I
	9. Front uni pour le changement (FUC)									Annex I
Colombia	Autodefensas Unidas de Colombia (AUC) – AUSC/AC/ ACCU/ACMM/AM/ ACSC/ APB		Mention	Mention	Mention	Annex II	Annex II	Annex II	Annex II	
	12. Ejército de Liberacion Nacional (ELN)*		Mention	Mention	Mention	Annex II	Annex II	Annex II	Annex II	Annex II
	13. FARC*		Mention	Mention	Mention	Annex II	Annex II	Annex II	Annex II	Annex II
Cote d'Ivoire	1. FANCI (Gov't)					Annex I				
	2. MPJ	FAFN (à partir de 2005)				Annex I	Annex I	Annex I		
	3. MPIGO					Annex I	Annex I	Annex I		
	4. MPCI					Annex I	Annex I	Annex I		
	5. LIMA force supplétive						Annex I			
	Armed militias affiliated w. Presidential camp	6. FLGO						Annex I		
		7. MILOCI						Annex I		
		8. APWé						Annex I		
		9. UPRGO						Annex I		
DRC (Democratic Republic of the Congo)	1. Gov't /FAC/FARDC*		Mention	Mention	Annex I	Annex I	Annex I	Annex I	Annex I	Annex I
	2. FAPC		Mention	Mention		Annex I	Annex I			
	3. FDLR/Interahamwe*		Mention	Mention	Annex I	Annex I	Annex I	Annex I	Annex I	Annex I
	4. FNI/ Lendu Militias*		Mention	Mention	Annex I	Annex I	Annex I	Annex I	Annex I	Annex I
	5. FPRI/Ngiti		Mention	Mention		Annex I			Annex I	
	6. Hema Militia/UPC		Mention	Mention	Annex I	Annex I	Annex I			
	7. Hema Militia/PUSIC		Mention	Mention		Annex I	Annex I			
	8. Mai-Mai*		Mention	Mention	Annex I	Annex I	Annex I	Annex I	Annex I	Annex I
	9. Masunzu's Forces		Mention	Mention	Annex I	Annex I				
	10. MLC		Mention	Mention	Annex I	Annex I				
	11. Mudundu-40		Mention	Mention		Annex I	Annex I			
	12. MRC/Nkunda/CNDP*		Mention	Mention			Annex I	Annex I	Annex I	Annex I

Conflicts	Names of armed groups/forces	2000	2001	2002	2003	2005	2006	2007	2009
DRC (Democratic Republic of the Congo)	13. RCD-Goma								
	14. RCD-Nat'l								
	15. RCD-Kisangani/ML								
	16. LRA								
Iraq	Al-Qaeda								
Liberia	1. Gov't/ AFL								
	2. LURD								
	3. MODEL								
Myanmar	1. Tatmadaw Kyi (Gov't)*								
	2. KNU/KNLA/KA*								
	3. United Wa State Army								
	4. DKBA								
	5. KIA								
	6. KNPLF								
	7. Myanmar Nat'l Dem. Alliance Army								
	8. SSA-S								
Nepal	(Unified) Communist Party of Nepal-Maoist (UCPN-M)*								
N. Ireland	Paramilitary Groups								
Philippines	1. New People's Army (NPA)*								
	2. Moro Islamic Liberation Front (MILF)*								
	3. Moro National Liberation Front (MNLF)								
	4. Abu Sayyaf*								
Russia (Chechnya)	Chechen insurgency groups								
Somalia	1. Transitional Nat'l Gov't								
	2. Transitional Fed. Gov't								
	3. Juba Valley Alliance/SNSC								
	4. RRA/SNSC/SRRC								
	5. Somali Reconciliation and Restoration Council (SRRC)								
	6. United Somali Congress (USC)								
	7. ARPCT								
	8. Al-Shabaab								
	9. Union of Islamic Courts (UIC)								
Sri Lanka	1. Liberation Tigers of Tamil Eelam (LTTE)*								
	2. Karuna faction/ Tamil Makkal Viduthalai Pulikal (TMVP)								
Sudan (Darfur as of 2007)	1. Janjaweed (Gov't supported militias)*								
	2. Sudan Armed Forces (SAF) (Gov't)								
	3. Police forces (Gov't)								
	4. Justice and Equality Movement (JEM)								
	5. S.Sudan Unity Movement (SSUM)								
	6. Sudan Liberation Movement/Army*								
	7. SPLA (S.Sudan Gov't)*								
	8. The White Army								
	9. Popular Defence Forces (Gov't)								
	10. Movement of Popular Force for rights and democracy								
	11. Chadian opposition groups (Gov't)								
South Sudan as of 2007)	1. Under control of Gov't of Sudan — 1. S.Sudan Defence Forces								
	1. Under control of Gov't of Sudan — 2. Sudan Armed Forces (SAF)								
	2. Under control of Govt' S. Sudan — 1. Pibor Defence Forces								
	2. Under control of Govt' S. Sudan — 2. Sudan People's Liberation Army (SPLA)*								
	3. LRA								
Timor									
Uganda	1. Uganda's People's Defence Forces (UPDF) — Gov't forces as of 2006								
	2. Local defence units (LDUs)								
	3. Lord's Resistance Army (LRA)*								

* Parties marked with an asterisk (*) have been on the annex lists for a minimum of 4 years.

Annex 4 – List of Provisions in International Law and Standards Relevant to Children in Armed Conflict

1926 The Slavery Convention

Article 1:

For the purpose of the present Convention, the following definitions are agreed upon:

1. Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.
2. The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves.

Article 2:

The High Contracting Parties undertake, each in respect of the territories placed under its sovereignty, jurisdiction, protection, suzerainty or tutelage, so far as they have not already taken the necessary steps:

a. To prevent and suppress the slave trade;
b. To bring about, progressively and as soon as possible, the complete abolition of slavery in all its forms.

1949 Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War[1098]

Common Article 3 – applicable to non-international armed conflicts

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

1. Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
(b) taking of hostages;
(c) outrages upon personal dignity, in particular humiliating and degrading treatment;
(d) the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

2. The wounded and sick shall be collected and cared for. An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict. The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention. The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

Article 4

Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals...

Article 14

In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties thereto, may establish in their own territory and, if the need arises, in occupied areas, hospital and safety zones and localities so organized as to protect from the effects of war, wounded, sick and aged persons, children under fifteen, expectant mothers and mothers of children under seven…

Article 17

The Parties to the conflict shall endeavour to conclude local agreements for the removal from besieged or encircled areas, of wounded, sick, infirm, and aged persons, children and maternity cases, and for the passage of ministers of all religions, medical personnel and medical equipment on their way to such areas.

Article 23

Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases…

Article 24

The Parties to the conflict shall take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances. Their education shall, as far as possible, be entrusted to persons of a similar cultural tradition. The Parties to the conflict shall facilitate the reception of such children in a neutral country for the duration of the conflict with the consent of the Protecting Power, if any, and under due safeguards for the observance of the principles

stated in the first paragraph. They shall, furthermore, endeavour to arrange for all children under twelve to be identified by the wearing of identity discs, or by some other means.

Article 27

Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights… Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

Article 29

The Party to the conflict in whose hands protected persons may be, is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred.

Article 38(5)

Children under fifteen years, pregnant women and mothers of children under seven years shall benefit by any preferential treatment to the same extent as the nationals of the State concerned.

Article 50

The Occupying Power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children. The Occupying Power shall take all necessary steps to facilitate the identification of children and the registration of their parentage. It may not, in any case, change their personal status, nor enlist them in formations or organizations subordinate to it. Should the local institutions be inadequate for the purpose, the Occupying Power shall make arrangements for the maintenance and education, if possible by persons of their own nationality, language and religion, of children who are orphaned or separated from their parents as a result of the war and who cannot be adequately cared for by a near relative or friend.

Article 51

The Occupying Power may not compel protected persons to serve in its armed or auxiliary forces. No pressure or propaganda which aims at securing voluntary enlistment is permitted. The Occupying Power may not compel protected persons to work unless they are over eighteen years of age…

Article 68

…In any case, the death penalty may not be pronounced against a protected person who was under eighteen years of age at the time of the offence.

Article 76

Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein. They shall, if possible, be separated from other detainees and shall enjoy conditions of food and hygiene which will be sufficient to keep them in good health, and which will be at least equal to those obtaining in prisons in the occupied country. They shall receive the medical attention required by their state of health. They shall also have the right to receive any spiritual assistance which they may require. Women shall be confined in separate quarters and shall be under the direct supervision of women. Proper regard shall be paid to the special treatment due to minors. Protected persons who are detained shall have the right to be visited by delegates of the Protecting Power and of the International Committee of the Red Cross, in accordance with the provisions of Article 143. Such persons shall have the right to receive at least one relief parcel monthly.

1950 Statute of the Office of the United Nations High Commissioner for Refugees

Article 9

The High Commissioner shall engage in such additional activities, including repatriation and resettlement, as the General Assembly may determine, within the limits of the resources placed at his disposal.

1951 Convention relating to the Status of Refugees

Article 1(a) (2)

The term 'refugee' shall apply to any person who:
…owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

Article 4 – Religion

The Contracting State shall accord to refugees within their territories treatment at least as favourable as that accorder to their nationals with respect to freedom to practise their religion and freedom as regards the religious education of their children.

Article 22 – Education

1. The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.
2. The Contracting States shall accord to refugees treatment as favourable as possible, and in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.

1969 Convention Governing the Specific Aspects of the Refugee Problem in Africa

Article 1

2. The term "refugee" shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.

1973 International Labour Organization Convention 138 Concerning Minimum Age for Admission to Employment

Article 1

Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum

age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

Article 2

1. Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.
2. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by further declarations, that it specifies a minimum age higher than that previously specified.
3. The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.
4. Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.
5. Each Member which has specified a minimum age of 14 years in pursuance of the provisions of the preceding paragraph shall include in its reports on the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation a statement—
   (a) that its reason for doing so subsists; or
   (b) that it renounces its right to avail itself of the provisions in question as from a stated date.

Article 3

1. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.
2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.
3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

Article 6

This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, and is an integral part of--

(a) a course of education or training for which a school or training institution is primarily responsible;
(b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or
(c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

Article 7

1. National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is—
   (a) not likely to be harmful to their health or development; and
   (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.
2. National laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in sub-paragraphs (a) and (b) of paragraph 1 of this Article.
3. The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.
4. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, a Member which has availed itself of the provisions of paragraph 4 of Article 2 may, for as long as it continues to do so, substitute the ages 12 and 14 for the ages 13 and 15 in paragraph 1 and the age 14 for the age 15 in paragraph 2 of this Article.

1977 Geneva Protocol I Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts

Article 35 – Methods and means of warfare

1. In any armed conflict, the right of Parties to the conflict to choose methods or means of warfare is not unlimited.
2. It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.

Article 48 – Need to distinguish between combatant and civilian

In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants…

Article 51(4) – Indiscriminate attacks

Indiscriminate attacks are prohibited. Indiscriminate attacks are:

a) those which are not directed at a specific military objective;
b) those which employ and method or means of combat which cannot be directed at a specific military objective; or
c) those which employ a method or means of combat the effects of which cannot be limited as required by this Protocol and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction.

Article 51(5) – Indiscriminate attacks

Among others, the following types of attacks are to be considered as indiscriminate:

a) an attack by bombardment by any methods of means which treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village or similar area containing a similar concentration of civilians or civilian objects; and
b) an attack which may be expected to cause incidental loss of civilian life, injury to civilians… which would be excessive in relation to the concrete and direct military advantage anticipated.

Article 75(2) (b) – Fundamental guarantees

The following acts are and shall remain prohibited at any time and in any place whatsoever, whether committed by civilian or military agents:

(b) outrages upon personal dignity, in particular humiliating and degrading treatment, enforced prostitution and any form of indecent assault.

Article 76(1) – Protection of women

Women shall be the object of special respect and shall be protected in particular against rape, forced prostitution and any other form of indecent assault.

Article 77 – Protection of children

1. Children shall be the object of special respect and shall be protected against any form of indecent assault. The Parties to the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason.
2. The Parties to the conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, the Parties to the conflict shall endeavour to give priority to those who are oldest.
3. If, in exceptional cases, despite the provisions of paragraph 2, children who have not attained the age of fifteen years take a direct part in hostilities and fall into the power of an adverse Party, they shall continue to benefit from the special protection accorded by this Article, whether or not they are prisoners of war.
4. If arrested, detained or interned for reasons related to the armed conflict, children shall be held in quarters separate from the quarters of adults, except where families are accommodated as family units as provided in Article 75(3).
5. The death penalty for an offence related to the armed conflict shall not be executed on persons who had not attained the age of eighteen years at the time of the offence.

Article 78 – Evacuation of Children

1. No Party to the conflict shall arrange for the evacuation of children, other than its own nationals, to a foreign country except for a temporary evacuation where compelling reasons of the health or medical treatment of the children or, except in occupied territory, their safety, so require. Where the parents or legal guardians can be found, their written consent to such evacuation is required. If these persons cannot be found, the written consent to such evacuation of the persons who by law or custom are primarily responsible for the care of the children is required. Any such evacuation shall be supervised by the Protecting Power in agreement with the Parties concerned, namely, the Party arranging for the evacuation, the Party receiving the children and any Parties whose nationals are being evacuated. In each case, all Parties to the conflict shall take all feasible precautions to avoid endangering the evacuation.
2. Whenever an evacuation occurs pursuant to paragraph 1, each child's education, including his religious and moral education as his parents desire, shall be provided while he is away with the greatest possible continuity.
3. With a view to facilitating the return to their families and country of children evacuated pursuant to this Article, the authorities of the Party arranging for the evacuation and, as appropriate, the authorities of the receiving country shall establish for each child a card with photographs, which they shall send to the Central Tracing Agency of the International Committee of the Red Cross…

1977 Geneva Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts

Article 4 – Fundamental Guarantees

1. All persons who do not take a direct part or who have ceased to take part in hostilities, whether or not their liberty has been restricted, are entitled to respect for their person, honour and convictions and religious practices. They shall in all circumstances be treated humanely, without any adverse distinction. It is prohibited to order that there shall be no survivors.
2. Without prejudice to the generality of the foregoing, the following acts against the persons referred to in paragraph I are and shall remain prohibited at any time and in any place whatsoever:
   (a) violence to the life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment;
   (b) collective punishments;
   (c) taking of hostages;
   (d) acts of terrorism;
   (e) outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form or indecent assault;
   (f) slavery and the slave trade in all their forms;
   (g) pillage;
   (h) threats to commit any or the foregoing acts.

3. Children shall be provided with the care and aid they require, and in particular:
   (a) they shall receive an education, including religious and moral education, in keeping with the wishes of their parents, or in the absence of parents, of those responsible for their care;
   (b) all appropriate steps shall be taken to facilitate the reunion of families temporarily separated;
   (c) children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities;
   (d) the special protection provided by this Article to children who have not attained the age of fifteen years shall remain applicable to them if they take a direct part in hostilities despite the provisions of subparagraph (c) and are captured;
   (e) measures shall be taken, if necessary, and whenever possible with the consent of their parents or persons who by law or custom are primarily responsible for their care, to remove children temporarily from the area in which hostilities are taking place to a safer area within the country and ensure that they are accompanied by persons responsible for their safety and well-being.

Article 6(4) – Penal prosecutions

The death penalty shall not be pronounced on persons who were under the age of eighteen years at the time of the offence and shall not be carried out on pregnant women or mothers of young children.

Article 13 – Protection of the Civilian Population

1. The civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations. To give effect to this protection, the following rules shall be observed in all circumstances.
2. The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.
3. Civilians shall enjoy the protection afforded by this part, unless and for such time as they take a direct part in hostilities.

1979 Convention on the Elimination of All Forms of Discrimination Against Women

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

   (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

1989 UN Convention on the Rights of the Child

Preamble

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 6

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child."

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who

have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.
2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organisations or non-governmental organisations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
   (a) To diminish infant and child mortality;
   (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
   (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
   (d) To ensure appropriate pre-natal and post-natal health care for mothers;
   (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
   (f) To develop preventive health care, guidance for parents and family planning education and services.
3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
   (a) Make primary education compulsory and available free to all;
   (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
   (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
   (d) Make educational and vocational information and guidance available and accessible to all children;
   (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
   (a) Provide for a minimum age or minimum ages for admission to employment;
   (b) Provide for appropriate regulation of the hours and conditions of employment;
   (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

(a) The inducement or coercion of a child to engage in any unlawful sexual activity;
(b) The exploitative use of children in prostitution or other unlawful sexual practices;
(c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts, which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.
3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:
   (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
   (b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. 4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

1990 African Charter on the Rights and Welfare of the Child

Article 22 – Armed conflicts

1. States Parties to this Charter shall undertake to respect and ensure respect for rules of international humanitarian law applicable in armed conflicts which affect the child.
2. States Parties to the present Charter shall take all necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular, from recruiting any child.
3. States Parties to the present Charter shall, in accordance with their obligations under international humanitarian law, protect the civilian population in armed conflicts and shall take all feasible measures to ensure the protection and care of children who are affected by armed conflicts. Such rules shall also apply to children in situations of internal armed conflicts, tension and strife.

1993 Statute of the International Criminal Tribunal for the former Yugoslavia

Article 4(2) (e) – Genocide

"Genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, such as:

e) Forcibly transferring children of the group to another group

Article 5(g) – Crimes against humanity

The International Tribunal shall have the power to prosecute persons responsible for the following crimes when committed in armed conflict, whether international or internal in character, and directed against any civilian population:

(g) Rape

1994 Statute of the International Tribunal for Rwanda

Article 2(2) (e) – Genocide

Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, such as:

(e) Forcibly transferring children of the group to another group

Article 3(g) – Crimes against humanity

The International Tribunal for Rwanda shall have the power to prosecute persons responsible for the following crimes when committed as part of a widespread or systematic attack against any civilian population on national, political, ethnic, racial or religious grounds:

(g) Rape

Article 4(e) – Violation of Common Article 3

The International Tribunal for Rwanda shall have the power to prosecute persons committing or ordering to be committed serious violations of Article 3 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, and of Additional Protocol II thereto of 8 June 1977. These violations shall include, but shall not be limited to:

(e) Outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault

1995 Beijing Platform for Action

Article 11

… Grave violations of the human rights of women occur, particularly in times of armed conflict, and include murder, torture, systematic rape, forced pregnancy and forced abortion, in particular under policies of "ethnic cleansing".

Article 12

The maintenance of peace and security at the global, regional and local levels, together with the prevention of policies of aggression and ethnic cleansing and the resolution of armed conflict, is crucial for the protection of the human rights of women and girl children, as well as for the elimination of all forms of violence against them and of their use as a weapon of war.

1996 Amended Protocol II on Prohibitions or restrictions on the Use of Mines, Booby-Traps and Other Devices to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects 1980

Article 2(3) – Definition of an anti-personnel mine

Anti-personnel mine' means a mine primarily designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure, or kill one or more persons.

1997 Convention on the Prohibition of the Use, Stockpiling, Production and the Transfer of Anti-Personnel Landmines and on their Destruction (Ottawa Treaty)

Article 1 – General obligations

1. Each State Party undertakes never under any circumstances:
   (a) To use anti-personnel mines;
   (b) To develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines.
2. Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in accordance with the provisions of this Convention.

Article 2

1. "Anti-personnel mine" means a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons. Mines designed to be detonated by the presence, proximity or contact of a Vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped.
5. "Mined area" means an area which is dangerous due to the presence or suspected presence of mines."

Article 6(3) – International cooperation

Each State Party in a position to do so shall provide assistance for the care and rehabilitation, and social and economic reintegration, of mine victims and for mine awareness programs. Such assistance may be provided, inter alia, through the United Nations system, international, regional or national organizations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, non-governmental organizations, or on a bilateral basis.

1997 Mandate of the Special Representative for Children and Armed Conflict

Paragraph 36

Recommends that the Special Representative:

(a) Assess progress achieved, steps taken and difficulties encountered in strengthening the protection of children in situations of armed conflict;

(b) Raise awareness and promote the collection of information about the plight of children affected by armed conflict and encourage the development of networking;
(c) Work closely with the Committee on the Rights of the Child, relevant United Nations bodies, the specialised agencies and other competent bodies, as well as non-governmental organisations;
(d) Foster international cooperation to ensure respect for children's rights in these situations and contribute to the coordination of efforts by Governments, relevant United Nations bodies, notably the office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the specialised agencies and the Committee on the Rights of the Child, relevant special rapporteurs and working groups, as well as United Nations field operations, regional and subregional organisations, other competent bodies and non-governmental organisations.

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

Definition of a child soldier

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

1998 Guiding Principles on Internal Displacement

Introduction – Scope and Purpose

2. For the purposes of these Principles, internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised State border.

Principle 4(2)

Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.

Principle 11(2) (b)

Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against: … forced labour of children.

Principle 13(1)
In no circumstances shall displaced children be recruited nor be required or permitted to take part in hostilities.

Principle 17(3)
Families which are separated by displacement should be reunited as quickly as possible. All appropriate steps shall be taken to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organisations engaged in the task of family.

Principle 23(1) & (2)
1. Every human being has the right to education.
2. To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion.

1998 Rome Statute of the International Criminal Court

Article 6
For the purpose of this Statute, 'genocide' means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:
(a) Killing members of the group;
(b) Causing serious bodily or mental harm to members of the group;
(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
(d) Imposing measures intended to prevent births within the group;
(e) Forcibly transferring children of the group to another group.

Article 7(1) – Crimes against humanity
For the purpose of this Statute, 'crime against humanity' means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:
(a) Murder;
(b) Extermination;
(c) Enslavement;
(d) Deportation or forcible transfer of population;
(e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
(f) Torture;
(g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;

(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
(i) Enforced disappearance of persons;
(j) The crime of apartheid;
(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

Article 7(2) (c)

For the purpose of paragraph 1:
"Enslavement" means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children."

Article 8(2) (b) (ix) (International conflicts) & Article 8(2) (e) (iv) (Non international conflicts) – War crimes

"War crimes" include:
Other serious violations of the laws and customs applicable in international armed conflict (or in armed conflicts not of an international character), within the established framework of international law, namely, any of the following acts:
Intentionally directing attacks against buildings dedicated to religion, education

Article 8(2) (b) (xxii) & (xxvi) – International conflicts – War crimes

"War crimes" include:
xxii) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilisation, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions.
xxvi) Conscripting or enlisting children under the age of 15 years into the national armed forces or using them to participate actively in hostilities.

Article 8(2) (e) (vi) & (vii) – Conflicts not of an international character– War crimes

"War crimes" include:
vi) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilisation, and any other form of sexual violence also constituting a serious violation of article 3 common to the four Geneva Conventions.
vii) Conscripting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities.

Article 11 – Jurisdiction

1. The Court has jurisdiction only with respect to crimes committed after the entry into force of this Statute.
2. If a State becomes a Party to this Statute after its entry into force, the Court may exercise its jurisdiction only with respect to crimes committed after the entry into force of this Statute for that State, unless that State has made a declaration under article 12, paragraph 3.

Article 12 – Exercise of jurisdiction

1. A State which becomes a Party to this Statute thereby accepts the jurisdiction of the Court with respect to the crimes referred to in article 5.
2. In the case of article 13, paragraph (a) or (c), the Court may exercise its jurisdiction if one or more of the following States are Parties to this Statute or have accepted the jurisdiction of the Court in accordance with paragraph 3:
   (a) The State on the territory of which the conduct in question occurred or, if the crime was committed on board a vessel or aircraft, the State of registration of that vessel or aircraft;
   (b) The State of which the person accused of the crime is a national.
3. If the acceptance of a State which is not a Party to this Statute is required under paragraph 2, that State may, by declaration lodged with the Registrar, accept the exercise of jurisdiction by the Court with respect to the crime in question. The accepting State shall cooperate with the Court without any delay or exception in accordance with Part 9.

Article 17 – Issues of admissibility

1. The Court shall determine that a case is inadmissible where:
   (a) The case is being investigated or prosecuted by a State which has jurisdiction over it, unless the State is unwilling or unable genuinely to carry out the investigation or prosecution;
   (b) The case has been investigated by a State which has jurisdiction over it and the State has decided not to prosecute the person concerned, unless the decision resulted from the unwillingness or inability of the State genuinely to prosecute…

Article 26 – Exclusion of jurisdiction over persons under eighteen

The Court shall have no jurisdiction over any person who was under the age of 18 at the time of the alleged commission of a crime.

1999 International Labour Organizaton Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour

Article 1

Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

Article 2

For the purposes of this Convention, the term "child" shall apply to all persons under the age of 18.

Article 3

For the purposes of this Convention, the term "the worst forms of child labour" comprises:

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Article 4

1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.
2. The competent authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.
3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

1999 Recommendation 190 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour

Recommendation 12

Members should provide that the following worst forms of child labour are criminal offences:

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; and
(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties, or for activities which involve the unlawful carrying or use of firearms or other weapons.

Recommendation 13

Members should ensure that penalties including, where appropriate, criminal penalties are applied for violations of the national provisions for the prohibition and elimination of any type of work referred to in Article 3(d) of the Convention.

1999 Lomé Peace Accord (Sierra Leone)

Article XXX: Disarmament, demobilisation and reintegration of Child Combatants

The Government shall accord particular attention to the issue of child soldiers. It shall, accordingly, mobilise resources, both within the country and from the International Community, and especially through the Office of the UN Special Representative for Children in Armed Conflict, UNICEF and other agencies, to address the special needs of these children in the existing disarmament, demobilisation and reintegration processes.

Article XXXI – Education and Health

The Government shall provide free compulsory education for the first nine years of schooling (Basic Education) and shall endeavour to provide free schooling for a further three years. The Government shall also endeavour to provide affordable primary health care throughout the country.

1999 United Nations Security Council Resolution 1261

Noting recent efforts to bring to an end the use of children as soldiers in violation of international law, in International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour which prohibits forced or compulsory labour, including the forced or compulsory recruitment of children for use in armed conflict, and in the Rome Statute of the International Criminal Court in which conscripting or enlisting children under the age of fifteen into national armed forces or using them to participate actively in hostilities is characterized as a war crime,

1. Expresses its grave concern at the harmful and widespread impact of armed conflict on children and the long-term consequences this has for durable peace, security and development;
2. Strongly condemns the targeting of children in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement, recruitment and use of children in armed conflict in violation of international law, and attacks on objects protected under international law, including places that usually have a significant presence of children such as schools and hospitals, and calls on all parties concerned to put an end to such practices;
3. Calls upon all parties concerned to comply strictly with their obligations under international law, in particular the Geneva Conventions of 12 August 1949 and the obligations applicable to them under the Additional Protocols thereto of 1977 and the United Nations Convention on the Rights of the Child of 1989, and stresses the responsibility of all States to bring an end to impunity and their obligation to prosecute those responsible for grave breaches of the Geneva Conventions of 12 August 1949;
4. Expresses its support for the ongoing work of the Special Representative of the Secretary-General for Children and Armed Conflict, the United Nations Children's Fund (UNICEF), the United Nations High Commissioner for Refugees (UNHCR), other parts of the United Nations system and other relevant international organizations dealing with children affected by armed conflict, and requests the Secretary-General to continue to develop coordination and coherence among them;
5. Welcomes and encourages efforts by all relevant actors at the national and international level to develop more coherent and effective approaches to the issue of children and armed conflict;
6. Supports the work of the open-ended inter-sessional working group of the Commission on Human Rights on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and expresses the hope that it will make further progress with a view to finalizing its work;
7. Urges all parties to armed conflicts to ensure that the protection, welfare and rights of children are taken into account during peace negotiations and throughout the process of consolidating peace in the aftermath of conflict;

8. Calls upon parties to armed conflicts to undertake feasible measures during armed conflicts to minimize the harm suffered by children, such as "days of tranquility" to allow the delivery of basic necessary services, and further calls upon all parties to armed conflicts to promote, implement and respect such measures;
9. Urges all parties to armed conflicts to abide by concrete commitments made to ensure the protection of children in situations of armed conflict;
10. Urges all parties to armed conflicts to take special measures to protect children, in particular girls, from rape and other forms of sexual abuse and gender-based violence in situations of armed conflict and to take into account the special needs of the girl child throughout armed conflicts and their aftermath, including in the delivery of humanitarian assistance;
11. Calls upon all parties to armed conflicts to ensure the full, safe and unhindered access of humanitarian personnel and the delivery of humanitarian assistance to all children affected by armed conflict;
12. Underscores the importance of the safety, security and freedom of movement of United Nations and associated personnel to the alleviation of the impact of armed conflict on children, and urges all parties to armed conflicts to respect fully the status of United Nations and associated personnel;
13. Urges States and all relevant parts of the United Nations system to intensify their efforts to ensure an end to the recruitment and use of children in armed conflict in violation of international law through political and other efforts, including promotion of the availability of alternatives for children to their participation in armed conflict;
14. Recognizes the deleterious impact of the proliferation of arms, in particular small arms, on the security of civilians, including refugees and other vulnerable populations, particularly children, and, in this regard, recalls resolution 1209 (1998) of 19 November 1998 which, inter alia, stresses the importance of all Member States, and in particular States involved in manufacturing and marketing of weapons, restricting arms transfers which could provoke or prolong armed conflicts or aggravate existing tensions or armed conflicts, and which urges international collaboration in combating illegal arms flows;
15. Urges States and the United Nations system to facilitate the disarmament, demobilization, rehabilitation and reintegration of children used as soldiers in violation of international law, and calls upon, in particular, the Special Representative of the Secretary-General for Children and Armed Conflict, UNICEF, the UNHCR and other relevant agencies of the United Nations system to intensify their efforts in this regard;
16. Undertakes, when taking action aimed at promoting peace and security, to give special attention to the protection, welfare and rights of children, and requests the Secretary-General to include in his reports recommendations in this regard;
17. Reaffirms its readiness when dealing with situations of armed conflict:
    (a) to continue to support the provision of humanitarian assistance to civilian populations in distress, taking into account the particular needs of children including, inter alia, the provision and rehabilitation of medical and educational services to respond to the needs of children, the rehabilitation of children who have been maimed or psychologically traumatized, and child-focused mine clearance and mine-awareness programmes;

(b) to continue to support the protection of displaced children including their resettlement by UNHCR and others as appropriate; and
(c) whenever adopting measures under Article 41 of the Charter of the United Nations, to give consideration to their impact on children, in order to consider appropriate humanitarian exemptions;

18. Reaffirms also its readiness to consider appropriate responses whenever buildings or sites which usually have a significant presence of children are specifically targeted in situations of armed conflict, in violation of international law;

2000 Arusha Peace and Reconciliation Agreement (Burundi)

PROTOCOL II:

Article 3

1. The rights and duties proclaimed and guaranteed inter alia by the Universal Declaration of Human Rights, the International Covenants on Human Rights, the African Charter on Human and Peoples' Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child shall form an integral part of the Constitution of the Republic of Burundi. These fundamental rights shall not be limited or derogated from, except in justifiable circumstances acceptable in international law and set forth in the Constitution.

26. Every child shall have the right to special measures to protect or promote her/his care, welfare, health and physical security, and to be protected from maltreatment, abuse or exploitation.

27. No child shall be used directly in armed conflict, and children shall be protected in times of armed conflict.

PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT

Article 2

Principles governing return, resettlement and reintegration

1. The Government of Burundi shall encourage the return of refugees and sinistrés and resettle and reintegrate them. It shall seek the support of other countries and international and non-governmental organizations in carrying out this responsibility.
2. It shall respect the following principles:
   (a) All Burundian refugees must be able to return to their country;
   (b) Refugees no longer in their first country of asylum are entitled to the same treatment as other returning Burundian refugees;
   (c) Return must be voluntary and must take place in dignity with guaranteed security, and taking into account the particular vulnerability of women and children;
   (d) The reception mechanisms must be put in place in advance of the return;
   (e) Returnees must have their rights as citizens and their property restored to them in accordance with the laws and regulations in force in Burundi after the entry into force of the Agreement;
   (f) All sinistrés wishing to do so must be able to return to their homes;

(g) Specific conditions must be provided for sinistrés who believe that they can no longer return to their property, so as to enable them to return to normal socio-professional life;
(h) In the return of the refugees and the resettlement and reintegration of the returnees and displaced and regrouped persons, the principle of equity, including gender equity, must be strictly applied in order to avoid any measure or treatment that discriminates against or favors any one among these categories.

Article 4

The CNRS shall decide on the activities for the resettlement and integration of refugees and *sinistrés* in accordance with the priority plan taking into account the availability of resources, in order to achieve the following aims and objectives:

(b) To give all returning families, including female- and child- headed families, food aid, material support and assistance with health, education, agriculture and reconstruction until they become self-sufficient;
(j) To assist returnees in other areas such as medical services, psycho-social support, social security and retirement, education of children and the equivalency of diplomas awarded outside Burundi.

Article 10

The Government shall ensure, through special assistance, the protection, rehabilitation and advancement of vulnerable groups, namely child heads of families, orphans, street children, unaccompanied minors, traumatised children, widows, women heads of families, juvenile delinquents, the physically and mentally disabled, etc.

2000 Truth and Reconciliation Commission Sierra Leone Provided for in the Lomé Peace Accord 1999 Article XXVI

Article 6(1) – Purpose of the Commission

… to create an impartial and official historical record of violations and abuses of human rights and international humanitarian law related to the armed conflict in Sierra Leone, from the beginning of the Conflict in 1991 to the signing of the Lomé Peace Agreement; to address impunity, to respond to the needs of the victims, to promote healing and reconciliation and to prevent a repetition of the violations and abuses suffered.

Article 6(2)(b) – Function of the Commission

It shall be the function of the Commission:
to work to help restore the human dignity of victims and promote reconciliation by providing an opportunity for victims to give an account of the violations and abuses suffered and for perpetrators to relate their experiences, … giving special attention to the subject of sexual abuses and to the experiences of children within the armed conflict.

Article 7 (1)&(2) - Jurisdiction over persons of 15 years of age

1. The Special Court shall have no jurisdiction over any person who was under the age of 15 at the time of the alleged commission of the crime. Should any person who was at the time of the alleged commission of the crime between 15 and 18 years of age come before the

Court, he or she shall be treated with dignity and a sense of worth, taking into account his or her young age and the desirability of promoting his or her rehabilitation, reintegration into and assumption of a constructive role in society, and in accordance with international human rights standards, in particular the rights of the child.

2. In the disposition of a case against a juvenile offender, the Special Court shall order any of the following: care guidance and supervision orders, community service orders, counselling, foster care, correctional, educational and vocational training programmes, approved schools and, as appropriate, any programmes of disarmament, demobilisation and reintegration or programmes of child protection agencies."

Article 7(4) – Special procedures for victims

The Commission shall take into account the interests of victims and witnesses when inviting them to give statements, … and the Commission may also implement special procedures to address the needs of such particular victims as children or those who have suffered sexual abuses as well as in working with child perpetrators of abuses or violations.

2000 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict

Article 1 – Direct participation

States parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.

Article 2 – Compulsory recruitment

States Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.

Article 3(1) – Voluntary recruitment

States Parties shall raise the minimum age for the voluntary recruitment of persons into their national armed forces from that set out in Article 38, paragraph 3 *[15 years]*, of the Convention on the Rights of the Child…

Article 3(3) - Voluntary recruitment

In recruiting under 18s, minimum safeguards must be in place to ensure:

(a) recruitment is genuinely voluntary
(b) recruitment is carried out with the informed consent of the person's parents or legal guardians
(c) such persons are fully informed of the duties involved in such military service
(d) such persons provide reliable proof of age prior to acceptance into national military service.

Article 4(1) – Recruitment and use by non-state armed forces

Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.

Article 6(3) – Demobilisation

States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to the present Protocol are demobilised or otherwise

released from service. States Parties shall, when necessary, accord to such persons all appropriate assistance for their physical and psychological recovery and their social reintegration.

Article 7 - Cooperation

1. States Parties shall cooperate in the implementation of the present Protocol, including in the prevention of any activity contrary thereto and in the rehabilitation and social reintegration of persons who are victims of acts contrary thereto, including through technical cooperation and financial assistance. Such assistance and cooperation will be undertaken in consultation with the States Parties concerned and the relevant international organisations.
2. States Parties in a position to do so shall provide such assistance through existing multilateral, bilateral or other programmes or, inter alia, through a voluntary fund established in accordance with the rules of the General Assembly.

2000 Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

The States Parties to the present Protocol,

Considering that, in order further to achieve the purposes of the Convention on the Rights of the Child and the implementation of its provisions, especially articles 1, 11, 21, 32, 33, 34, 35 and 36, it would be appropriate to extend the measures that States Parties should undertake in order to guarantee the protection of the child from the sale of children, child prostitution and child pornography,

Considering also that the Convention on the Rights of the Child recognizes the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development..."

2000 United Nations Security Council Resolution 1306

1. Decides that all States shall take the necessary measures to prohibit the direct or indirect import of all rough diamonds from Sierra Leone to their territory;
2. Requests the Government of Sierra Leone to ensure, as a matter of urgency, that an effective Certificate of Origin regime for trade in diamonds is in operation in Sierra Leone;
3. Also requests States, relevant international organizations and other bodies in a position to do so to offer assistance to the Government of Sierra Leone to facilitate the full operation of an effective Certificate of Origin regime for Sierra Leone rough diamonds;
4. Further requests the Government of Sierra Leone to notify the Committee established by resolution 1132 (1997) ("the Committee") of the details of such a Certificate of Origin regime when it is fully in operation;
5. Decides that rough diamonds controlled by the Government of Sierra Leone through the Certificate of Origin regime shall be exempt from the measures imposed in paragraph 1 above when the Committee has reported to the Council, taking into account expert advice obtained at the request of the Committee through the Secretary-General, that an effective regime is fully in operation;

2000 United Nations Security Council Resolution 1314

Reaffirms its strong condemnation of the deliberate targeting of children in situations of armed conflict and the harmful and widespread impact of armed conflict on children, and the long-term consequences this has for durable peace, security and development;

2. Emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity and war crimes, and, in this regard, stresses the need to exclude these, where feasible, from amnesty provisions and relevant legislation;
3. Urges all parties to armed conflict to respect fully international law applicable to the rights and protection of children in armed conflict, in particular the Geneva Conventions of 1949 and the obligations applicable to them under the Additional Protocols thereto of 1977, the United Nations Convention on the Rights of the Child of 1989 and the Optional Protocol thereto of 25 May 2000, and to bear in mind the relevant provisions of the Rome Statute of the International Criminal Court;
4. Urges Member States in a position to do so to sign and ratify the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict;
5. Expresses support for the ongoing work of the Special Representative of the Secretary-General for Children and Armed Conflict, the United Nations Children's Fund, the United Nations High Commissioner for Refugees, other parts of the United Nations system and other relevant international organizations dealing with children affected by armed conflict;
6. Urges Member States and parties to armed conflict to provide protection and assistance to refugees and internally displaced persons, as appropriate, the vast majority of whom are women and children;
7. Calls upon all parties to armed conflict to ensure the full, safe and unhindered access of humanitarian personnel and the delivery of humanitarian assistance to all children affected by armed conflict;
8. Expresses its grave concern at the linkages between the illicit trade in natural resources and armed conflict, as well as the linkages between the illicit trafficking in small arms and light weapons and armed conflict, which can prolong armed conflict and intensify its impact on children, and in this regard expresses its intention to consider taking appropriate steps, in accordance with the Charter of the United Nations;
11. Requests parties to armed conflict to include, where appropriate, provisions for the protection of children, including the disarmament, demobilization and reintegration of child combatants, in peace negotiations and in peace agreements and the involvement of children, where possible, in these processes;
19. Calls on Member States, relevant parts of the United Nations system, and civil society to encourage the involvement of young persons in programmes for peace consolidation and peace-building

2000 United Nations Security Council Resolution 1325

10. Calls on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict;

11. Emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes including those relating to sexual violence against women and girls, and in this regard, stresses the need to exclude these crimes, where feasible from amnesty provisions;

2000 Resolution 1709 of the Organization of American States on Children and Armed Conflict

The General Assembly,

Recalling its resolution AG/RES. 1667 (XXIX-O/99), in which it instructed the Inter-American Children's Institute to deal systematically with the problem of the participation of children and adolescents in armed conflicts;

Alarmed by the recruitment of children and their participation and use in armed conflicts, and noting that more than 300,000 children under 18 years of age are currently participating in armed conflicts worldwide;

Profoundly concerned that too often children are the intended or collateral victims of hostilities in the context of armed conflicts, suffering long-term physical, emotional, and psychological trauma;

Recognizing that in such situations, children are deprived, *inter alia,* of their right to due protection;

Noting the recommendations contained in the Declaration/ adopted by the Latin American and Caribbean Conference on the Use of Children as Soldiers, held in Montevideo, on July 5-8, 1999;

Welcoming with satisfaction recent international efforts to address the issue of the forced recruitment of children, including the adoption in 1998 of the Rome Statute of the International Criminal Court; the adoption in 1999 of Convention No. 182 of the International Labour Organization (ILO) on the prohibition of the worst forms of child labor, including the forced or compulsory recruitment of children for use in armed conflicts; and the adoption in 2000 of the Optional Protocol to the United Nations Convention on the Rights of the Child regarding the participation of children in armed conflicts;

Recalling the provisions of international humanitarian law that protect children in situations of armed conflicts; and

Having considered the Annual Report of the Inter-American Children's Institute/ and, in particular, the resolutions of its Directing Council in this area,

Resolves:

1. To urge the member states to consider signing and ratifying the Optional Protocol to the United Nations Convention on the Rights of the Child regarding the participation of children in armed conflicts.
2. Also to urge the member states that have not yet done so to sign and ratify without delay ILO Convention No. 182 on the worst forms of child labor.
3. To call upon all parties in armed conflicts, with due urgency, to respect the provisions of international humanitarian law that protect children.
4. To support the efforts of the countries concerned to demobilize child soldiers, and to rehabilitate and reintegrate into society children affected by armed conflicts.

5. To request the Inter-American Children's Institute to continue to work actively in this area and to identify a body to assume responsibility for following up on this resolution.

2001 Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention on Transnational Organised Crime

Article 1 – Relation with the United Nations Convention against Transnational Organized Crime

1. This Protocol supplements the United Nations Convention against Transnational Organized Crime. It shall be interpreted together with the Convention.
2. The provisions of the Convention shall apply, mutatis mutandis, to this Protocol unless otherwise provided herein.
3. The offences established in accordance with article 5 of this Protocol shall be regarded as offences established in accordance with the Convention.

Article 2 – Statement of purpose

The purpose of this Protocol is to promote, facilitate and strengthen cooperation among States Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

Paragraph II article 22

To address the special needs of children affected by armed conflict, in particular the reunification with their family, their reintegration into civil society, and their appropriate rehabilitation.

2001 United Nations Security Council Resolution 1379

8. Calls upon all parties to armed conflict to:
   (a) Respect fully the relevant provisions of applicable international law relating to the rights and protection of children in armed conflict, in particular the Geneva Conventions of 1949 and the obligations applicable to them under the Additional Protocols thereto of 1977, the United Nations Convention on the Rights of the Child of 1989, the Optional Protocol thereto of 25 May 2000, and the amended Protocol II to the Convention on Prohibition or Restriction on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, the International Labour Organization Convention No. 182 on the Elimination of the Worst Forms of Child Labour and the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, and notes the inclusion as a war crime in the Rome Statute of the conscription or enlistment of children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities;

(b) Provide protection and assistance to refugees and internally displaced persons, the majority of whom are women and children, in accordance with applicable international norms and standards;
(c) Take special measures to promote and protect the rights and meet the special needs of girls affected by armed conflict, and to put an end to all forms of violence and exploitation, including sexual violence, particularly rape;
(d) Abide by the concrete commitments they have made to the Special Representative of the Secretary-General for Children and Armed Conflict, as well as relevant United Nations bodies, to ensure the protection of children in situations of armed conflict;
(e) Provide protection of children in peace agreements, including, where appropriate, provisions relating to the disarmament, demobilization, reintegration and rehabilitation of child soldiers and the reunification of families, and to consider, when possible, the views of children in those processes;

9. Urges Member States to:
(a) Put an end to impunity, prosecute those responsible for genocide, crimes against humanity, war crimes, and other egregious crimes perpetrated against children and exclude, where feasible, these crimes from amnesty provisions and relevant legislation, and ensure that post-conflict truth-and-reconciliation processes address serious abuses involving children;

14. Requests the Secretary-General to continue to include in his written reports to the Council on conflict situations his observations concerning the protection of children and recommendations in this regard;
15. Requests the Secretary-General to submit a report to the Council by 31 October 2002 on the implementation of this resolution and of resolutions 1261(1999) and 1314 (2000);
16. Requests the Secretary-General to attach to his report a list of parties to armed conflict that recruit or use children in violation of the international obligations applicable to them, in situations that are on the Security Council's agenda or that may be brought to the attention of the Security Council by the Secretary-General, in accordance with Article 99 of the Charter of the United Nations, which in his opinion may threaten the maintenance of international peace and security

2002 Statute of the Special Court for Sierra Leone

Article 4(c) – Violation of international humanitarian law

The Special Court shall have the power to prosecute persons who committed the following serious violations of international humanitarian law:

c) Conscripting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities

Article 5(a) – Crime under Sierra Leonean Law

The Special Court shall have the power to prosecute persons who have committed the following crimes under Sierra Leonean law:

a) Offences relating to the abuse of girls under the Prevention of Cruelty to Children Act, 1926 (Cap.31):

i) Abusing a girl under 13 years of age, contrary to section 6;
ii) Abusing a girl between 13 and 14 years of age, contrary to section 7;
iii) Abduction of a girl for immoral purposes, contrary to section 12

Article 7 – Jurisdiction over persons of 15 years of age

1. The Special Court shall have no jurisdiction over any person who was under the age of 15 at the time of the alleged commission of the crime. Should any person who was at the time of the alleged commission of the crime between 15 and 18 years of age come before the Court, he or she shall be treated with dignity and a sense of worth, taking into account his or her young age and the desirability of promoting his or her rehabilitation, reintegration into and assumption of a constructive role in society, and in accordance with international human rights standards, in particular the rights of the child.
2. In the disposition of a case against a juvenile offender, the Special Court shall order any of the following: care guidance and supervision orders, community service orders, counselling, foster care, correctional, educational and vocational training programmes, approved schools and, as appropriate, any programmes of disarmament, demobilization and reintegration or programmes of child protection agencies.

2002 Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises

Plan of Action, Section I.A.: Six Core Principles Relating to Sexual Exploitation and Abuse

1. Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence.
3. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries.
4. Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.
5. Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.
6. Humanitarian workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

2003 United Nations Security Council Resolution 1460

3. Calls upon all parties to armed conflict, who are recruiting or using children in violation of the international obligations applicable to them, to immediately halt such recruitment or use of children;

4. Expresses its intention to enter into dialogue, as appropriate, or to support the Secretary-General in entering into dialogue with parties to armed conflict in violation of the international obligations applicable to them on the recruitment or use of children in armed conflict, in order to develop clear and time bound action plans to end this practice;
5. Notes with concern the list annexed to the Secretary-General's report, and calls on the parties identified in this list to provide information on steps they have taken to halt their recruitment or use of children in armed conflict in violation of the international obligations applicable to them, to the Special Representative of the Secretary-General for Children and Armed Conflict, bearing in mind the provisions of paragraph 9 of its resolution 1379 (2001);
6. Expresses, accordingly, its intention to consider taking appropriate steps to further address this issue, in accordance with the Charter of the United Nations and its resolution 1379 (2001), if it deems that insufficient progress is made upon the review of the next Secretary-General's report"
10. Notes with concern all the cases of sexual exploitation and abuse of women and children, especially girls, in humanitarian crisis, including those cases involving humanitarian workers and peacekeepers, and requests contributing countries to incorporate the Six Core Principles of the Inter-Agency Standing Committee on Emergencies into pertinent codes of conduct for peacekeeping personnel and to develop appropriate disciplinary and accountability mechanisms;
12. Calls upon all concerned parties to ensure that the protection, rights and well-being of children are integrated into the peace processes, peace agreements and the post-conflict recovery and reconstruction phases.

2003 Protocol V Explosive Remnants of War to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

Article 1 – General provision and scope of application

1. In conformity with the Charter of the United Nations and of the rules of the international law of armed conflict applicable to them, High Contracting Parties agree to comply with the obligations specified in this Protocol, both individually and in co-operation with other High Contracting Parties, to minimise the risks and effects of explosive remnants of war in post-conflict situations.
2. This Protocol shall apply to explosive remnants of war on the land territory including internal waters of High Contracting Parties.
3. This Protocol shall apply to situations resulting from conflicts referred to in Article 1, paragraphs 1 to 6, of the Convention as amended on 21 December 2001.
4. Articles 3, 4, 5 and 8 of this Protocol apply to explosive remnants of war other than existing explosive remnants of war as defined in Article 2, paragraph 5 of this Protocol.

Article 2 – Definitions

1. *Explosive ordnance* means conventional munitions containing explosives, with the exception of mines, booby traps and other devices as defined in Protocol II of this Convention as amended on 3 May 1996.

2. *Unexploded ordnance* means explosive ordnance that has been primed, fused, armed, or otherwise prepared for use and used in an armed conflict. It may have been fired, dropped, launched or projected and should have exploded but failed to do so.
3. *Abandoned explosive ordnance* means explosive ordnance that has not been used during an armed conflict, that has been left behind or dumped by a party to an armed conflict, and which is no longer under control of the party that left it behind or dumped it. Abandoned explosive ordnance may or may not have been primed, fused, armed or otherwise prepared for use.
4. *Explosive remnants of war* means unexploded ordnance and abandoned explosive ordnance.
5. *Existing explosive remnants of war* means unexploded ordnance and abandoned explosive ordnance that existed prior to the entry into force of this Protocol for the High Contracting Party on whose territory it exists.

Article 5 – Other precautions for the protection of the civilian population, individual civilians and civilian objects from the risks and effects of explosive remnants of war

High Contracting Parties and parties to an armed conflict shall take all feasible precautions in the territory under their control affected by explosive remnants of war to protect the civilian population, individual civilians and civilian objects from the risks and effects of explosive remnants of war. Feasible precautions are those precautions which are practicable or practicably possible, taking into account all circumstances ruling at the time, including humanitarian and military considerations. These precautions may include warnings, risk education to the civilian population, marking, fencing and monitoring of territory affected by explosive remnants of war, as set out in Part 2 of the Technical Annex.

Article 6 – Provisions for the protection of humanitarian missions and organisations from the effects of explosive remnants of war

1. Each High Contracting Party and party to an armed conflict shall:
   (a) Protect, as far as feasible, from the effects of explosive remnants of war, humanitarian missions and organisations that are or will be operating in the area under the control of the High Contracting Party or party to an armed conflict and with that party's consent.
   (b) Upon request by such a humanitarian mission or organisation, provide, as far as feasible, information on the location of all explosive remnants of war that it is aware of in territory where the requesting humanitarian mission or organisation will operate or is operating.
2. The provisions of this Article are without prejudice to existing International Humanitarian Law or other international instruments as applicable or decisions by the Security Council of the United Nations which provide for a higher level of protection.

2003 European Union Guidelines on Children and Armed Conflict

II. Purpose

5. Promotion and protection of the rights of the child is a priority of the EU's human rights policy. The European Union (EU) considers it of critical importance to address the issue of children and armed conflict both because children hold the future, and because they have rights, as set out in the CRC, its Optional Protocols and other international and regional human rights

instruments. The EU aims to raise the awareness of this issue by giving more prominence to EU actions in this field, both within the EU and towards third parties.

6. The EU undertakes to address the short, medium and long term impact of armed conflict on children in an effective and comprehensive manner, making use of the variety of tools at its disposal, and building on past and ongoing activities (overview of EU actions in Annex I). The EU's objective is to influence third countries and non state actors to implement international human rights norms and standards and humanitarian law, as well as regional international human rights law instruments (as in Annex II) and to take effective measures to protect children from the effects of armed conflict, to end the use of children in armies and armed groups, and to end impunity.

III. Principles

7. The EU is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law. These principles are common to the Member States. Respect for human rights features among the key objectives of the EU's Common Foreign and Security Policy (CFSP), which includes the European Security and Defence Policy (ESDP). Respect for human rights is also part of the Community's policies regarding trade and development co-operation and humanitarian assistance.
8. The promotion and protection of the rights of all children is a priority concern of the EU and its Member States. In its work to ensure the protection of children affected by armed conflict, the EU is guided by relevant international and regional norms and standards on human rights and humanitarian law including, inter alia, those contained in Annex II.
9. The EU supports the work of the relevant actors, in particular the UN Secretary-General, the Special Representative of the Secretary-General for Children and Armed Conflict, UNICEF, UNIFEM, OHCHR, UNHCR, UNDP, the Committee on the Rights of the Child, the Human Rights Committee, the Council of Europe, OSCE/ODIHR as well as UN Special Mechanisms and other relevant actors such as the ICRC, the Human Security Network and civil society organisations. The EU will pro-actively contribute and work with these actors to ensure that the existing international safeguards to the rights of the child are strengthened and effectively implemented.

2004 United Nations Security Council Resolution 1539

1. Strongly condemns the recruitment and use of child soldiers by parties to armed conflict in violation of international obligations applicable to them, killing and maiming of children, rape and other sexual violence mostly committed against girls, abduction and forced displacement, denial of humanitarian access to children, attacks against schools and hospitals as well as trafficking, forced labour and all forms of slavery and all other violations and abuses committed against children affected by armed conflict;
10. Notes with concern all the cases of sexual exploitation and abuse of women and children, especially girls, in humanitarian crisis, including those cases involving humanitarian workers and peacekeepers, requests contributing countries to incorporate the Six Core Principles of the Inter-Agency Standing Committee on Emergencies into pertinent codes of conduct for peacekeeping personnel and to develop appropriate disciplinary and accountability mechanisms and welcomes the promulgation of the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse;

Organic Law N°16/2004 of 19/6/2004 Establishing the Organisation, Competence and Functioning of Gacaca Courts:

Article 51:

Following acts of participation in offences referred to in article one of this organic law, committed between October 1, 1990 and December 31, 1994, the accused can be classified in one of the following categories:

First Category:

1° The person whose criminal acts or criminal participation place among planners, organisers, incitators, supervisors and ringleaders of the genocide or crimes against humanity, together with his or her accomplices;

2° The person who, at that time, was in the organs of leadership, at the national level, at the level of Prefecture, Sub-prefecture, Commune, in political parties, army, gendarmerie, communal police, religious denominations or in militia, has committed these offences or encouraged other people to commit them, together with his or her accomplices;

3° The well known murderer who distinguished himself or herself in the location where he or she lived or wherever he or she passed, because of the zeal which characterized him or her in killings or excessive wickedness with which they were carried out, together with his or her accomplices;

4° The person who committed acts of torture against others, even though they did not result into death, together with his or her accomplices;

5° The person who committed acts of rape or acts of torture against sexual organs, together with his or her accomplices;

6° The person who committed dehumanising acts on the dead body, together with his or her accomplices.

The Prosecutor General of the Republic publishes, at least twice a year, a list of persons classified in the first category, forwarded by Gacaca Courts of the Cell.

Second Category:

1° The person whose criminal acts or criminal participation place among killers or who committed acts of serious attacks against others, causing death, together with his or her accomplices;

2° The person who injured or committed other acts of serious attacks with the intention to kill them, but who did not attain his or her objective, together with his or her accomplices;

3° The person who committed or aided to commit other offences persons, without the intention to kill them, together with his or her accomplices.

Third Category:

The person who only committed offences against property. However, if the author of the offence and the victim have agreed on their own, or before the public authority or witnesses for an amicable settlement, he or she cannot be prosecuted.

Article 52:

The person in the position of authority at the level of the Sector and Cell, at the time of genocide, are classified in the category corresponding to offences they have committed, but their positions of leadership exposes them to the most severe penalty within the same category.

2005 United Nations Security Council Resolution 1612

Reaffirming its resolutions 1261 (1999) of 25 August 1999, 1314 (2000) of 11 August 2000, 1379 (2001) of 20 November 2001, 1460 (2003) of 30 January 2003, and 1539 (2004) of 22 April 2004, which contribute to a comprehensive framework for addressing the protection of children affected by armed conflict,

While noting the advances made for the protection of children affected by armed conflict, particularly in the areas of advocacy and the development of norms and standards, remaining deeply concerned over the lack of overall progress on the ground, where parties to conflict continue to violate with impunity the relevant provisions of applicable international law relating to the rights and protection of children in armed conflict,

Stressing the primary role of national governments in providing effective protection and relief to all children affected by armed conflicts,

Recalling the responsibilities of States to end impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes and other egregious crimes perpetrated against children,

Convinced that the protection of children in armed conflict should be regarded as an important aspect of any comprehensive strategy to resolve conflict,

Reiterating its primary responsibility for the maintenance of international peace and security and, in this connection, its commitment to address the widespread impact of armed conflict on children,

Stressing its determination to ensure respect for its resolutions and other international norms and standards for the protection of children affected by armed conflict,

Having considered the report of the Secretary-General of 9 February 2005 (S/2005/72) and stressing that the present resolution does not seek to make any legal determination as to whether situations which are referred to in the Secretary-General's report are or are not armed conflicts within the context of the Geneva Conventions and the Additional Protocols thereto, nor does it prejudge the legal status of the non-State parties involved in these situations,

Gravely concerned by the documented links between the use of child soldiers in violation of applicable international law and the illicit trafficking of small arms and light weapons and stressing the need for all States to take measures to prevent and to put an end to such trafficking,

1. Strongly condemns the recruitment and use of child soldiers by parties to armed conflict in violation of international obligations applicable to them and all other violations and abuses committed against children in situations of armed conflict;
2. Takes note of the action plan presented by the Secretary-General relating to the establishment of a monitoring and reporting mechanism on children and armed conflict as called for in paragraph 2 of its resolution 1539 (2004) and, in this regard:
   (a) underlines that the mechanism is to collect and provide timely, objective, accurate and reliable information on the recruitment and use of child soldiers in violation of applicable international law and on other violations and abuses committed against children affected by armed conflict, and the mechanism will report to the working group to be created in accordance with paragraph 8 of this resolution;

(b) underlines further that this mechanism must operate with the participation of and in cooperation with national government and relevant United Nations and civil society actors, including at the country-level;

(c) stresses that all actions undertaken by United Nations entities within the framework of the monitoring and reporting mechanism must be designed to support and supplement, as appropriate, the protection and rehabilitation roles of national governments;

(d) also stresses that any dialogue established under the framework of the monitoring and reporting mechanism by United Nations entities with non-state armed groups in order to ensure protection for and access to children must be conducted in the context of peace processes where they exist and the cooperation framework between the United Nations and the concerned government

3. Requests the Secretary-General to implement without delay, the above-mentioned monitoring and reporting mechanism, beginning with its application, within existing resources, in close consultation with countries concerned, to parties in situations of armed conflict listed in the annexes to Secretary-General's report (S/2005/72) that are on the agenda of the Security Council, and then, in close consultation with countries concerned, to apply it to parties in other situations of armed conflict listed in the annexes to Secretary-General's report (S/2005/72), bearing in mind the discussion of the Security Council and the views expressed by Member States, in particular during the annual debate on Children and Armed Conflict, and also taking into account the findings and recommendations of an independent review on the implementation of mechanism to be reported to the Security Council by 31 July 2006. The independent review will include:

(a) an assessment of the overall effectiveness of the mechanism, as well as the timeliness, accuracy, objectivity and reliability of the information compiled through the mechanism;

(b) information on how effectively the mechanism is linked to the work of the Security Council and other organs of the United Nations;

(c) information on the relevance and clarity of the division of responsibilities;

(d) information on the budgetary and other resource implications for United Nations actors and voluntary funded organizations contributing to the mechanism;

(e) recommendations for the full implementation of the mechanism;

4. Stresses that the implementation of the monitoring and reporting mechanism by the Secretary-General will be undertaken only in the context of and for the specific purpose of ensuring the protection of children affected by armed conflict and shall not thereby prejudge or imply a decision by the Security Council as to whether or not to include a situation on its agenda;

11. Welcomes the efforts undertaken by United Nations peacekeeping operations to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of their personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take appropriate preventive action including predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of misconduct involving their personnel;

2006 United Nations Convention on the Rights of Persons with Disabilities

Article 11 – Situations of risk and humanitarian emergencies

States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

2006 United Nations Security Council Resolution 1674

5. Reaffirms also its condemnation in the strongest terms of all acts of violence or abuses committed against civilians in situations of armed conflict in violation of applicable international obligations with respect in particular to
    (i) torture and other prohibited treatment,
    (ii) gender-based and sexual violence,
    (iii) violence against children,
    (iv) the recruitment and use of child soldiers,
    (v) trafficking in humans,
    (vi) forced displacement, and
    (vii) the intentional denial of humanitarian assistance, and demands that all parties put an end to such practices;

19. Condemns in the strongest terms all sexual and other forms of violence committed against civilians in armed conflict, in particular women and children, and undertakes to ensure that all peace support operations employ all feasible measures to prevent such violence and to address its impact where it takes place;

20. Condemns in equally strong terms all acts of sexual exploitation, abuse and trafficking of women and children by military, police and civilian personnel involved in United Nations operations, welcomes the efforts undertaken by United Nations agencies and peacekeeping operations to implement a zero-tolerance policy in this regard, and requests the Secretary-General and personnel-contributing countries to continue to take all appropriate action necessary to combat these abuses by such personnel, including through the full implementation without delay of those measures adopted in the relevant General Assembly resolutions based upon the recommendations of the report of the Special Committee on Peacekeeping, A/59/19/Rev.1.

2008 Convention on Cluster Munitions

Article 1 – General obligations and scope of application

1. Each State Party undertakes never under any circumstances to:
    (a) Use cluster munitions;
    (b) Develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, cluster munitions;
    (c) Assist, encourage or induce anyone to engage in any activity prohibited to a State Party under this Convention.

2. Paragraph 1 of this Article applies, mutatis mutandis, to explosive bomblets that are specifically designed to be dispersed or released from dispensers affixed to aircraft.
3. This Convention does not apply to mines.

Article 2 – Definitions

1. *Cluster munition victims* means all persons who have been killed or suffered physical or psychological injury, economic loss, social marginalisation or substantial impairment of the realisation of their rights caused by the use of cluster munitions. They include those persons directly impacted by cluster munitions as well as their affected families and communities;

Article 4 – Clearance and destruction of cluster munition remnants and risk reduction education

1. Each State Party undertakes to clear and destroy, or ensure the clearance and destruction of, cluster munition remnants located in cluster munition contaminated areas under its jurisdiction or control, as follows:
   (a) Where cluster munition remnants are located in areas under its jurisdiction or control at the date of entry into force of this Convention for that State Party, such clearance and destruction shall be completed as soon as possible but not later than ten years from that date;
   (b) Where, after entry into force of this Convention for that State Party, cluster munitions have become cluster munition remnants located in areas under its jurisdiction or control, such clearance and destruction must be completed as soon as possible but not later than ten years after the end of the active hostilities during which such cluster munitions became cluster munition remnants; and
   (c) Upon fulfilling either of its obligations set out in sub-paragraphs (a) and (b) of this paragraph, that State Party shall make a declaration of compliance to the next Meeting of States Parties.
2. In fulfilling its obligations under paragraph 1 of this Article, each State Party shall take the following measures as soon as possible, taking into consideration the provisions of Article 6 of this Convention regarding international cooperation and assistance:
   (e) Conduct risk reduction education to ensure awareness among civilians living in or around cluster munition contaminated areas of the risks posed by such remnants.

Article 5 – Victim assistance

1. Each State Party with respect to cluster munition victims in areas under its jurisdiction or control shall, in accordance with applicable international humanitarian and human rights law, adequately provide age- and gender-sensitive assistance, including medical care, rehabilitation and psychological support, as well as provide for their social and economic inclusion. Each State Party shall make every effort to collect reliable relevant data with respect to cluster munition victims.
2. In fulfilling its obligations under paragraph 1 of this Article each State Party shall:
   (a) Assess the needs of cluster munition victims;
   (b) Develop, implement and enforce any necessary national laws and policies;

(c) Develop a national plan and budget, including timeframes to carry out these activities, with a view to incorporating them within the existing national disability, development and human rights frameworks and mechanisms, while respecting the specific role and contribution of relevant actors;
(d) Take steps to mobilise national and international resources;
(e) Not discriminate against or among cluster munition victims, or between cluster munition victims and those who have suffered injuries or disabilities from other causes; differences in treatment should be based only on medical, rehabilitative, psychological or socio-economic needs;
(f) Closely consult with and actively involve cluster munition victims and their representative organisations;
(g) Designate a focal point within the government for coordination of matters relating to the implementation of this Article; and
(h) Strive to incorporate relevant guidelines and good practices including in the areas of medical care, rehabilitation and psychological support, as well as social and economic inclusion.

2008 United Nations Security Council Resolution 1820

2. Demands the immediate and complete cessation by all parties to armed conflict of all acts of sexual violence against civilians with immediate effect;
3. Demands that all parties to armed conflict immediately take appropriate measures to protect civilians, including women and girls, from all forms of sexual violence, which could include, inter alia, enforcing appropriate military disciplinary measures and upholding the principle of command responsibility, training troops on the categorical prohibition of all forms of sexual violence against civilians, debunking myths that fuel sexual violence, vetting armed and security forces to take into account past actions of rape and other forms of sexual violence, and evacuation of women and children under imminent threat of sexual violence to safety; and requests the Secretary-General, where appropriate, to encourage dialogue to address this issue in the context of broader discussions of conflict resolution between appropriate UN officials and the parties to the conflict, taking into account, inter alia, the views expressed by women of affected local communities;
4. Notes that rape and other forms of sexual violence can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide, stresses the need for the exclusion of sexual violence crimes from amnesty provisions in the context of conflict resolution processes, and calls upon Member States to comply with their obligations for prosecuting persons responsible for such acts, to ensure that all victims of sexual violence, particularly women and girls, have equal protection under the law and equal access to justice, and stresses the importance of ending impunity for such acts as part of a comprehensive approach to seeking sustainable peace, justice, truth, and national reconciliation;
5. Affirms its intention, when establishing and renewing state-specific sanctions regimes, to take into consideration the appropriateness of targeted and graduated measures against parties to situations of armed conflict who commit rape and other forms of sexual violence against women and girls in situations of armed conflict;

10. Requests the Secretary-General and relevant United Nations agencies, inter alia, through consultation with women and women-led organizations as appropriate, to develop effective mechanisms for providing protection from violence, including in particular sexual violence, to women and girls in and around UN managed refugee and internally displaced persons camps, as well as in all disarmament, demobilization, and reintegration processes, and in justice and security sector reform efforts assisted by the United Nations;

2009 United Nations Security Council Resolution 1882

1. Strongly condemns all violations of applicable international law involving the recruitment and use of children by parties to armed conflict as well as their re-recruitment, killing and maiming, rape and other sexual violence, abductions, attacks against schools or hospitals and denial of humanitarian access by parties to armed conflict and all other violations of international law committed against children in situations of armed conflict;
2. Reaffirms that the monitoring and reporting mechanism will continue to be implemented in situations listed in the annexes to the reports of the Secretary-General on children and armed conflict in line with the principles set out in paragraph 2 of its resolution 1612 (2005) and that its establishment and implementation shall not prejudge or imply a decision by the Security Council as to whether or not to include a situation on its agenda;
3. Recalls paragraph 16 of its resolution 1379 (2001) and requests the Secretary-General also to include in the annexes to his reports on children and armed conflict those parties to armed conflict that engage, in contravention of applicable international law, in patterns of killing and maiming of children and/or rape and other sexual violence against children, in situations of armed conflict, bearing in mind all other violations and abuses against children, and notes that the present paragraph will apply to situations in accordance with the conditions set out in paragraph 16 of its resolution 1379 (2001);
4. Invites the Secretary-General through his Special Representative for Children and Armed Conflict to exchange appropriate information and maintain interaction from the earliest opportunity with the governments concerned regarding violations and abuses committed against children by parties which may be included in the annexes to his periodic report;
5. (b) Calls upon those parties listed in the annexes of the Secretary-General's report on children and armed conflict that commit, in contravention of applicable international law, killing and maiming of children and/or rape and other sexual violence against children, in situations of armed conflict, to prepare concrete time bound action plans to halt those violations and abuses;

16. Calls upon concerned Member States to take decisive and immediate action against persistent perpetrators of violations and abuses committed against children in situations of armed conflict, and further calls upon them to bring to justice those responsible for such violations that are prohibited under applicable international law, including with regard to recruitment and use of children, killing and maiming and rape and other sexual violence, through national justice systems, and where applicable, international justice mechanisms and mixed criminal courts and tribunals, with a view to ending impunity for those committing crimes against children;

19. Requests the Secretary-General to submit a report by May 2010 on the implementation of its resolutions and presidential statements on children and armed conflict, including the present resolution, which would include, inter alia:
    (a) Annexed lists of parties in situations of armed conflict on the agenda of the Security Council or in other situations of concern, in accordance with paragraph 3of the present resolution;
    (b) Information on measures undertaken by parties listed in the annexes to end all violations and abuses committed against children in armed conflict;
    (c) Information of progress made in the implementation of the monitoring and reporting mechanism established in its resolution 1612 (2005);
    (d) Information on the criteria and procedures used for listing and de-listing parties to armed conflict in the annexes to his periodic reports, bearing in mind the views expressed by all the members of the Working Group during informal briefings to be held before the end of 2009;

2009 United Nations Security Council Resolution 1888

3. Demands that all parties to armed conflict immediately take appropriate measures to protect civilians, including women and children, from all forms of sexual violence, including measures such as, inter alia, enforcing appropriate military disciplinary measures and upholding the principle of command responsibility, training troops on the categorical prohibition of all forms of sexual violence against civilians, debunking myths that fuel sexual violence and vetting candidates for national armies and security forces to ensure the exclusion of those associated with serious violations of international humanitarian and human rights law, including sexual violence;
6. Urges States to undertake comprehensive legal and judicial reforms, as appropriate, in conformity with international law, without delay and with a view to bringing perpetrators of sexual violence in conflicts to justice and to ensuring that survivors have access to justice, are treated with dignity throughout the justice process and are protected and receive redress for their suffering;
7. Urges all parties to a conflict to ensure that all reports of sexual violence committed by civilians or by military personnel are thoroughly investigated and the alleged perpetrators brought to justice, and that civilian superiors and military commanders, in accordance with international humanitarian law, use their authority and powers to prevent sexual violence, including by combating impunity;
10. Reiterates its intention, when adopting or renewing targeted sanctions in situations of armed conflict, to consider including, where appropriate, designation criteria pertaining to acts of rape and other forms of sexual violence; and calls upon all peacekeeping and other relevant United Nations missions and United Nations bodies, in particular the Working Group on Children and Armed Conflict, to share with relevant United Nations Security Council sanctions committees, including through relevant United Nations Security Council Sanction Committees' monitoring groups and groups of experts, all pertinent information about sexual violence;

11. Expresses its intention to ensure that resolutions to establish or renew peacekeeping mandates contain provisions, as appropriate, on the prevention of, and response to, sexual violence, with corresponding reporting requirements to the Council;

2009 United Nations Security Council Resolution 1889

3. Strongly condemns all violations of applicable international law committed against women and girls in situations of armed conflicts and post-conflict situations, demands all parties to conflicts to cease such acts with immediate effect, and emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible for all forms of violence committed against women and girls in armed conflicts, including rape and other sexual violence;
12. Calls upon all parties to armed conflicts to respect the civilian and humanitarian character of refugee camps and settlements, and ensure the protection of all civilians inhabiting such camps, in particular women and girls, from all forms of violence, including rape and other sexual violence, and to ensure full, unimpeded and secure humanitarian access to them;
16. Requests the Secretary-General to ensure full transparency, cooperation and coordination of efforts between the Special Representative of the Secretary-General on Children and Armed Conflict and the Special Representative of the Secretary-General on sexual violence and armed conflict whose appointment has been requested by its resolution 1888 (2009).

Endnotes

1. In 2008, there were 26 million IDPs globally, according to "Internal Displacement: Global Overview of Trends and Developments in 2008", Internal Displacement Monitoring Centre, 2009, available on-line at http://www.internal-displacement.org/idmc/website/resources.nsf/(httpPublications)/0605361027488A28C12575A90042305B?OpenDocument
2. The past 20 years have seen a significant change in geo-politics. A variety of factors have influenced this change. With the collapse of the Soviet Union in 1991, the world was left with one super power ('unipolar'), the United States of America. This upset in the balance of power has played out across the globe as governing elites of former 'client states' were violently challenged by internal opponents. Since 2001, the American focus has been on the so-called 'War on Terror', with all of its related combat at a great distance from its actual territory.
3. For further information, see Peter James Spielmann, "Counting the fatalities of war: more, or less?", available on-line at http://www2.timesdispatch.com/rtd/lifestyles/health_med_fit/article/I-WARS0707_20090730-190209/283152/
4. Joseph Hewitt, "Trends in Global Conflict, 1946-2007", in Peace and Conflict 2010: Executive Summary, CIDCM, 2009, pg 19, available on-line at http://www.cidcm.umd.edu/pc/executive_summary/exec_sum_2010.pdf. Hewitt found that 31 of 39 different conflicts that became active in the last decade were flare-ups of old wars.
5. See "A contemporary perspective" below in the text for the definition and discussion of the term 'armed conflict'.
6. For more details, see http://www.globalsecurity.org/military/world/japan/bushi-do.htm
7. For further information on these military events, see http://www.atomicarchive.com/Docs/Hiroshima/index.shtml and http://www.saint-petersburg.com/history/siege.asp
8. OCHA, "Glossary of Humanitarian Terms", New York, 2003, available on-line at http://un-interpreters.org/glossaries/ocha%20glossary.pdf
9. ICRC, "How is the term armed conflict defined in International Humanitarian Law?", Geneva, 2008, available on-line at http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/armed-conflict-article-170308/$file/Opinion-paper-armed-conflict.pdf
10. The main terms are: armed forces (an umbrella term for the government-controlled military force of a country, including its army, navy and air force), armed groups (an umbrella term for any non-State [nongovernmental] actor who has taken up arms against a government), paramilitaries (military forces that have no allegiance to the armed forces of a particular country but are organised in the same manner and they may have an allegiance to the government of a country), rebels (a group opposed by force to a government or local authority), insurgents (similar to rebels but known to use guerrilla tactics), and local or civil defence units (communally organised groups that are on 'stand-by' to defend local interests with the use of violence).
11. Program on Humanitarian Policy and Conflict Research, "Transnationality, War and the Law", as quoted in "Machel Study 10-year Strategic Review", 2009, pg 8, available on-line at http://www.UNICEF.org/publications/index_49985.html
12. The International Institute for Strategic Studies, "The Military Balance 2002–2003", Oxford University Press, 2002
13. Ekaterina Stepanova, "Trends in armed conflicts: one-sided violence against civilians", SIPRI Yearbook 2009, Stockholm International Peace Research Institute, 2009, available on-line at http://www.sipri.org/yearbook
14. United Nations, "Children and Armed Conflict: Report of the Secretary-General", A/63/785-S/2009/158, UN, 2009, pg 10, available on line at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/282/44/PDF/N0928244.pdf?OpenElement
15. United Nations, 'Statement by the President of the Security Council', 25/06/2007, S/PRST/2007/22, para. 5, available on-line at http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CPR%20S%20PRST%202007%2022.pdf
16. For further information, see Paul Collier, "Natural Resources and Conflict in Africa", 2004, available on-line at http://www.crimesofwar.org/africa-mag/afr_04_collier.html or Human Rights Watch, "Rivers and Blood", New York, 2005, available on-line at http://www.hrw.org/en/reports/2005/02/04/rivers-and-blood or Abiodun Alao and Funmi Olonisakin, "Economic Fragility and Political Fluidity", in Managing Conflict in the 21st Century, 2001, available on-line at http://www.arts.ualberta.ca/~courses/PoliticalScience/474A1/documents/AlaoandOlonisakinEconFragilityPolFluidityResourceConflict.pdf

17. This is defined by the UN Convention against Transnational Organised Crime (2000); Article 2.a, as "a structured group of three or more persons that exists over a period of time, the members of which act in concert aiming at the commission of serious crimes in order to obtain a direct or indirect financial or other material benefit."
18. For additional background reading or information, a useful source is Nicola Dahrendorf's report entitled, "Addressing Sexual Exploitation and Abuse in MONUC: Lessons Learned Study", published in May 2005 by the Peacekeeping Best Practices Section of the United Nations Department of Peacekeeping Operations. http://www.peacekeepingbestpractices.unlb.org/PBPS/Library/OASEA%20LL%20Paper%20Final%20Version%20WITHOUT%20Ref%20to%20Annexes.pdf
19. Yoram Dinstein, "War, Aggression and Self-Defence", Cambridge: Cambridge University Press, 3rd Edition, 2001
20. In fact, 100% of current internal conflicts, according to the Human Security Centre, "Human Security Brief 2007", Simon Fraser University, 2007, pg 23, available on-line at http://www.humansecuritybrief.info/access.html. To clarify, "Iraq and Afghanistan, which many people might think of as interstate conflicts, are what [the database] calls "internationalized intrastate conflicts" – i.e., conflicts that take place within a country but which involve foreign military forces". pg 32
21. Yoram Dinstein,"War,Aggression and Self-Defence", Cambridge: Cambridge University Press, 3rd Edition, 2001
22. For further information, see Toni Pfanner, "Asymmetrical warfare from the perspective of humanitarian law and humanitarian action", ICRC, 2005, available on-line at http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/review-857-p149/$File/irrc_857_Pfanner.pdf
23. Ekaterina Stepanova, "Trends in armed conflicts: one-sided violence against civilians", SIPRI Yearbook 2009, Stockholm International Peace Research Institute, 2009, pg 39, available on-line at http://www.sipri.org/yearbook
24. Produced each year by an organisation based in Sweden, the SIPRI Yearbook is a summary of data and analysis of developments in security and conflicts, military spending, armaments and non-proliferation, arms control and disarmament. SIPRI's reports can be found at http://www.sipri.org/yearbook/
25. Adapted from Richard W Mansbach and Kirsten L Taylor, "Introduction to Global Politics", Routledge, 2007
26. These would include the government during the French Revolution and Vladimir Lenin after Russia's 1917 Bolshevik Revolution.
27. Center for International Development and Conflict Management, "Peace and Conflict 2010: Executive Summary", CIDCM, 2009, pg 4, available on-line at http://www.cidcm.umd.edu/pc/executive_summary/exec_sum_2010.pdf
28. Coalition to Stop the Use of Child Soldiers, "Child Soldiers: Global Report 2008 - Israel", 2008, available on-line at http://www.child-soldiers.org/document/get?id=1381
29. Luke Dowdney, "Child combatants in organised armed violence: a study of children and adolescents involved in territorial drug faction disputes in Rio de Janeiro," ISER/Viva Rio, Rio de Janeiro, 2002, available on-line at http://www.dreamscanbe.org/Dowdney%20-%20Child%20combatants_ENG_.pdf
30. Mo Hume, quoted in "Editorial," Environment and Urbanization, Vol. 16 No. 2, 2004, pg 6, available at http://www.brookings.edu/views/op-ed/200410moser.pdf
31. See Carlos Iván Fuentes, "The Applicability of International Humanitarian Law to Situations of Urban Violence", available on-line at http://www.irmgard-coninx-stiftung.de/fileadmin/user_upload/pdf/urbanplanet/collective_identities/Fuentes_Essay.pdf
32. United Nations Trust Fund for Human Security, Commission on Human Security, "Human Security Now", 2003, pg 4, available on-line at http://www.humansecurity-chs.org/finalreport/English/FinalReport.pdf. The Commission's definition of human security is as follows: "to protect the vital core of all human lives in ways that enhance human freedoms and human fulfilment. Human security means protecting fundamental freedoms— freedoms that are the essence of life. It means protecting people from critical (severe) and pervasive (widespread) threats and situations. It means using processes that build on people's strengths and aspirations. It means creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity".
33. The Secretary-General is the leader of the United Nations. It is a post nominated by the Security Council and officially appointed by the General Assembly for a renewable five year term. See www.un.org/sg/
34. For further information, see the International Coalition for the Responsibility to Protect, http://www.responsibilitytoprotect.org/index.php/component/content/article/35-r2pcs-topics/427-security-council-resolution-reaffirms-r2p
35. United Nations General Assembly, "Resolution 63/308. The Responsibility to Protect", A/RES/63/308, 14 September 2009, available on-line at http://globalr2p.org/media/pdf/UNResolutionA63L.80Rev.1.pdf
36. Adapted from "Sanctions Assessment Handbook", UN Inter-Agency Standing Committee, 2007, available on-line at http://www.humanitarianinfo.org/sanctions/handbook/index.htm
37. ICRC, as quoted in "Vulnerability in Humanitarian Crisis", Voice Out Loud, Vol. 5, May 2007, pg 4, available on-line at http://www.reliefweb.int/rw/lib.nsf/db900sid/TBRL-73NKZA/$file/voice-newsletter-may07.pdf?openelement
38. Used here, an "emergency" is an imminent or actual threat to peoples' survival and well-being.

39. The Will to Intervene Project, "Mobilizing the Will to Intervene", Montreal Institute for Genocide and Human Rights Studies, 2009, pg iv, available on-line at http://migs.concordia.ca/W2I/W2I_Project.html
40. For more details, see http://www.un.org/peace/peacebuilding/
41. Irma Specht, as quoted in Youth, Gender and the Changing Nature of Armed Conflict, available on-line at http://forum.peacebuild.ca/content/view/31/40
42. Action for the Rights of the Child (International Legal Standards Module), ARC Steering Committee, 2009, available on-line at www.arc-online.org
43. For more information, see CRIN, "General Measures of Implementation", available on-line at http://www.crin.org/resources/treaties/CRC_GMI.asp
44. Human Rights Watch," DR Congo: Hold Army Commanders Responsible for Rapes", 2009, available on-line at http://www.hrw.org/en/news/2009/07/16/dr-congo-hold-army-commanders-responsible-rapes
45. Children are defined as people who are under the age of 18 years, as laid out in Article 1 of the UN Convention on the Rights of the Child.
46. David Rosen, "Child Soldiers: Victims or Heroes", in FDU Magazine, Summer/Fall 2005, available on-line at http://www.fdu.edu/newspubs/magazine/05sf/childsoldiers.html
47. See, for example, the story of David and Goliath in the Bible (1 Samuel 17) or renditions of battles in Hittite and Ancient Egyptian art.
48. He mentions the immaturity of youth in ``Lives of the Roman Emperors".
49. Bhavani Fonseka, "The Protection of Child Soldiers in International Law", in Asia-Pacific Journal on Human Rights & the Law, 2 (2), pg 69-89, 2001, or George Orwell, "Homage to Catalonia", 1938, available on-line at http://www.george-orwell.org/Homage_to_Catalonia/index.html
50. Please see http://www.savethechildren.net/alliance/about_us/history.html, http://www.oxfam.org/en/about/history, and http://www.UNICEF.org/about/who/index_history.html for details of the history of each agency.
51. United Nations and UNICEF, "Impact of Armed Conflict on Children", New York, 1996, available on-line at http://www.UNICEF.org/Graça/
52. UNICEF, "Progress for Children", New York, 2009, pg 20, available on-line at http://www.UNICEF.org/protection/files/Progress_for_Children-No.8_EN_081309(1).pdf
53. UN Secretary-General "Children and Armed Conflict: Report of the Secretary-General", A/63/785-S/2009/158, UN, 2009, pg 47, available on line at http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/63/785&Lang=E&Area=UNDOC
54. UNICEF and No Peace without Justice "International Criminal Justice and Children", Innocenti Research Centre, 2002, pg 30, available on-line at http://www.UNICEF.org/emerg/files/ICJC.pdf
55. Coalition to Stop the Use of Child Soldiers, "Child Soldiers: Global Report 2008", 2008, pg 12, available on-line at http://www.childsoldiersglobalreport.org It is a fairly recent development to document the number of children caught up in armed conflict, particularly those associated with fighting forces. Thus, trends can be difficult to assess.
56. United Nations, "Children and Armed Conflict: Report of the Secretary-General", A/62/609-S/2007/757, UN, 2007, pg 7, available on-line at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N07/656/04/PDF/N0765604.pdf?OpenElement
57. United Nations, "Children and Armed Conflict: Report of the Secretary-General", A/63/785-S/2009/158, UN, 2009, pg 10, available on line at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/282/44/PDF/N0928244.pdf?OpenElement. According to the UN Secretary-General, children constituted 2,727 cases of sexual violence in Oriental province; among them 2,204 cases in Ituri, 528 cases in South Kivu and 1,196 cases in North Kivu.
58. UN, "Children and Armed Conflict: Report of the Secretary-General", A/63/785-S/2009/158, UN, 2009, pg 13, available on-line at http://unispal.un.org/UNISPAL.NSF/0/A85C9BB45A921C6E852575A10050D6FC
59. Office of the Special Representative on Children and Armed Conflict, http://ww.un.org/children/conflict/english/conflicts.html
60. UNICEF and OSRSG-CAC, "Machel Study 10-year Strategic Review", 2009, pg 4, available on-line at http://www.un.org/children/conflict/_documents/machel/msr2_en.pdf
61. The International Rescue Committee (IRC), "Mortality in the Democratic Republic of Congo: Results from a Nationwide Survey", 2003, available on-line at http://www.reliefweb.int/library/documents/2003/irc-drc-8apr.pdf. The IRC estimated that 86% of deaths in DRC's war-affected provinces were the indirect consequences of the conflict and affected children disproportionately. For a discussion on the indirect consequences on children of terrorist attacks, see Human Security Centre, "Human Security Report 2005", pg 44, available on-line at http://www.humansecurityreport.info/index.php?option=content&task=view&id=28&Itemid=63
62. Brendan O'Malley, "Education Under Attack", UNESCO, 2007, available at http://www.unesco.org/education/attack/educationunderattack.pdf

63. Save the Children Alliance, "Rewrite the Future – Three Years On", 2009, pg 1, available at http://www.savethechildren.org/publications/reports/Rewrite_the_Future_Three_Years_On_lowres-pdf-1.pdf. The OECD defines a 'fragile State' as a country that is "unable to provide physical security, legitimate political institutions, sound economic management and social services for the benefit of its population". See http://www.crisisgroup.org/home/index.cfm?id=4672&l=1
64. Terre des hommes, "Child Protection: Manual for intervention in humanitarian crisis", 2006, pg 14, available on-line at http://www.tdh.ch/website/doc_dnld.nsf/bf25ab0f47ba5dd785256499006b15a4/aa38138679a23d33c12571760041dd5d/$FILE/manuel_protection_en_2006.pdf
65. Ah-Jung Lee , "Understanding and Addressing the Phenomenon of 'Child Soldiers'", Refugee Studies Centre, 2009, pg 25, available on-line at http://www.rsc.ox.ac.uk/PDFs/RSCworkingpaper52.pdf
66. The notion of "children's agency" recognises that boys and girls are individuals with active control over their own lives, as well as being effective agents of change more broadly.
67. Resolution A/C.3/64/L.21/Rev.1 was adopted by consensus by the Third Committee on 20 November 2009 (the day of the 20th anniversary of the Convention on the Rights of the Child). This was the first time that the United States joined the consensus. The yearly theme of this Omnibus resolution was child participation and much advancement was achieved. It led to the General Assembly adoption resolution A/res/64/146 available on-line at http://www.un.org/ga/64/resolutions.shtml
68. For guidance, see UNICEF, "The Participation of Children and Young People in Emergencies", Bangkok, 2007, available on-line at http://www.UNICEF.org/eapro/the_participation_of_children_and_young_people_in_emergencies.pdf, as well as Children as Peacebuilders Project, "A Kind of Friendship", CIDA, 2003, available on-line at: http://www.acdi-cida.gc.ca/INET/IMAGES.NSF/vLUImages/Childprotection/$file/E04.pdf and Jason Hart, "Children's Participation in Humanitarian Action: learning from zones of armed conflict", CIDA, 2004, available on-line at http://www.acdi-cida.gc.ca/INET/IMAGES.NSF/vLUImages/Childprotection/$file/E05.pdf
69. UNICEF and OSRSG-CAC, "Machel Study 10-year Strategic Review", 2009, pg 148, available on-line at http://www.un.org/children/conflict/_documents/machel/msr2_en.pdf
70. Save the Children UK, "Children Rights: A Teacher's Guide", SC UK, London, 2006, pg 5, available on-line at http://www.savethechildren.org.uk/en/docs/childrensrights_teachersguide.pdf
71. Human Rights Watch,"DR Congo: Hold Army Commanders Responsible for Rapes", 2009, available on-line at http://www.hrw.org/en/news/2009/07/16/dr-congo-hold-army-commanders-responsible-rapes
72. From an interview conducted by Children as Peacebuilders in October 2009, in preparation for this guide.
73. UNICEF, "Eight elements of a protective environment", available on-line at http://www.UNICEF.org/protection/index_environment.html
74. For explanation of each element and examples of its use, see UNICEF, "Eight elements of a protective environment", available on-line at http://www.UNICEF.org/protection/index_environment.html
75. Children/Youth as Peacebuilders, "1612: 12 reasons why it is important – 6 ways to make it work", 2009, available on-line at http://www.childrenyouthaspeacebuilders.ca/pdfs/12_reasons_why_1612_is_important.pdf
76. A 'well-rounded education' would include formal schooling, social guidance on religious and cultural values, as well as livelihood and survival skills.
77. For example, children of minority ethnic groups may be denied a formal education, while girls or children with disabilities may be denied their inheritance.
78. Article 3.1 of the UN Convention on the Rights of the Child states, "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."
79. UNHCR, "UNHCR Guidelines on Determining the Best Interests of the Child", Geneva, 2008, available on line at http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=4566b16b2&query=best%20interests%20determination
80. David Nosworthy, "Seen but not Heard: Placing Children and Youth on the Security Governance Agenda" DCAF, 2009
81. Emily Delap, "Fighting Back: Child and Community Strategies to Avoid Child Recruitment", Save the Children UK, 2004, available on-line at http://www.savethechildren.org.uk/en/docs/fighting_back.pdf; Save the Children UK, "Community-based Child Protection in Emergencies" (draft), 2005; Margaret McCallin, "The Prevention of Under-age Military Recruitment: a review of local and community-based concerns and initiatives", International Save the Children Alliance, 2001, available on-line at http://www.savethechildren.org/publications/reports/FinalPrevention.pdf
82. UNICEF, "Rapid Assessment Guide and Tools for Child Protection in Emergencies" (draft), 2006
83. Mike Wessells, "What are we learning about community-based child protection mechanisms?" (draft), Inter-Agency report – World Vision, UNICEF, DCOF, et al, 2009; Justin Opoku and John Williamson, "Community Action and the Test of Time", Academy for Educational Development, 2008, available on-line at http://www.usaid.gov/our_work/humanitarian_assistance/the_funds/pubs/commob.pdf
84. For discussion of prosecution of war crimes in national courts, see "International Criminal Justice and Children", No Peace without Justice and UNICEF, 2002, available on-line at http://www.UNICEF.org/emerg/files/ICJC.pdf

85. United Nations General Assembly, "S-27/2. A world fit for children", A/RES/S-27/2, 11 October 2002, available on-line at http://www.unicef.org/specialsession/docs_new/documents/A-RES-S27-2E.pdf
86. For more information, see www.un.org/ga
87. For more information on this, see http://www.un.org/ga/third/64/propslist.shtml
88. These are China, Russia, France, the United States, and the United Kingdom.
89. For more information, see www.un.org/sc
90. United Nations Security Council resolutions 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004), 1612 (2005), 1882 (2009).
91. For an archive of the Secretary-General's reports on the issue – as well as other relevant Security Council documents - see http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.3477179/k.4EB/Children_and_Armed_Conflictbr_UN_Documents.htm
92. For the most recent list of parties to a conflict that are in violation of United Nations Security Council resolution 1612, see United Nations, "Children and Armed Conflict: Report of the Secretary-General", A/63/785-S/2009/158, UN, 2009, pg 47, available on-line at http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CAC%20S%202009158.pdf
93. For a full list of appointments and mandates, see "Special and Personal Representatives and Envoys of the Secretary-General" at http://www.un.org/Depts/dpko/SRSG/high.htm, as well as "Special Procedures of the Human Rights Council" at http://www2.ohchr.org/english/bodies/chr/special/index.htm.
94. While the post was created in 1997, the current occupant, Ms. Radhika Coomaraswamy, was appointed by the Secretary-General in 2006.
95. Office of the Special Representative of the Secretary-General for Children and Armed Conflict, http://www.un.org/children/conflict/english/theoffice.html
96. Office of the Special Representative of the Secretary-General for Children and Armed Conflict, http://www.un.org/children/conflict/english/theoffice.html
97. For further information, see "UNICEF in emergencies", available on-line at http://www.UNICEF.org/emerg/index.html
98. When UNHCR does not work with internally displaced people, the task usually falls to the International Organisation for Migration (IOM). For more information on the work of IOM, see www.iom.int
99. UNHCR, "Who we help", available on-line at http://www.unhcr.org/pages/49c3646c1e8.html
100. For further information on the UNHCR, see www.unhcr.org
101. For further information, see http://www.un.org/Depts/dpko/dpko
102. For further information, see www.un.org/News/briefings/docs/2009/090804_1882.doc.htm
103. For more information, see http://www.un.org/Depts/dpa/
104. For more information, see OCHA, "Children and War", available on-line at http://ochaonline.un.org/HumanitarianIssues/ProtectionofCiviliansinArmedConflict/WhataretheissuesChildrenandWar/tabid/1131/language/en-US/Default.aspx
105. For further general information on the World Health Organisation, see www.who.int or on specific issues, see WHO, "Rapid Assessment of Mental Health Needs of Refugees, Displaced and Other Populations Affected by Conflict and Post-Conflict Situations", 2001, available on-line at http://www.who.int/mental_health/media/en/645.pdf and Inter-Agency Standing Committee, "IASC Guildelines on Mental Health and Psychosocial Support in Emergency Settings", 2007, available on-line at http://www.wpro.who.int/internet/files/eha/toolkit/web/Health%20Cluster%20Approach/Implementing%20the%20Health%20Cluster%20Approach/IASC%20Guidelines%20on%20MHPSS%20in%20emergency%20settings%202007.pdf and Inter-Agency Standing Committee, "Guidelines for Gender-based Violence Interventions in Humanitarian Settings", 2005, available on-line at http://www.who.int/hac/techguidance/pht/GBVGuidelines08.28.05.pdf
106. For further details on the World Food Programme, see www.wfp.org
107. As of November 2009, there are Taskforces active or underway in Afghanistan, Burundi, Central African Republic, Chad, Colombia, Darfur, Democratic Republic of the Congo, Myanmar, Nepal, Philippines, Somalia, Southern Sudan, Sri Lanka and Uganda. For detailed information on violations against children, please consult United Nations, "Children and Armed Conflict: Report of the Secretary-General", A/63/785-S/2009/158, UN, 2009, pg 47, available on-line at http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CAC%20S%202009158.pdf
108. For further information on Child Protection Advisers, see http://www.un.org/children/conflict/english/childprotectionadvisors.html
109. For further information on the International Committee of the Red Cross, see www.icrc.org
110. For further information on these agencies, see www.watchlist.org, www.child-soldiers.org, www.hrw.org and www.womenscommission.org
111. For definitions and further details on the International Criminal Court, see http://www.icc-cpi.int/Menus/ICC/Home
112. Radhika Coomaraswamy, "Annual Report to UN Human Rights Council", A/64/254, 2009, available on-line at http://www.un.org/children/conflict/english/reports.html

113. International treaties are only binding on a State if:: the State has ratified the text (i.e. agreed formally to be bound by it). It must be noted that States will not be bound by certain provisions of a treaty, if they have entered a reservation (an intention to not be bound) to specific articles on ratification; or the relevant provisions have acquired the status of customary international law, which applies regardless of ratification.
114. See, for example, International Committee of the Red Cross (ICRC), International Humanitarian Law and International Human Rights Law, Similarities and Differences, available at: http://www.ehl.icrc.org/images/resources/pdf/ihl_and_ihrl.pdf
115. See, for example, International Committee of the Red Cross, International Humanitarian Law and International Human Rights Law, Similarities and Differences, available at: http://www.ehl.icrc.org/images/resources/pdf/ihl_and_ihrl.pdf
116. This section sets out both binding international instruments and standards that have been adopted by UN bodies.
117. ICRC, "From the battle of Solferino to the eve of the First World War", 2004, available online at http://www.icrc.org/Web/Eng/siteeng0.nsf/html/57JNVP
118. For a list of all international humanitarian law instruments, see the website of the International Committee of the Red Cross at www.icrc.org/ihl. For more information on the history of international humanitarian law, see the website of the International Committee of the Red Cross at http://www.icrc.org/Web/Eng/siteeng0.nsf/html/section_ihl_history
119. 1949 Geneva Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field
120. 1949 Geneva Convention II for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea
121. 1949 Geneva Convention III Relative to the Treatment of Prisoners of War
122. 1949 Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War
123. Articles 13-26, Geneva Convention IV. These articles are primarily concerned with the provision of medical facilities and supplies.
124. There are also a number of provisions that provide specific protection for pregnant women, for example, "… expectant mothers shall be the object of particular protection and respect" (Article 16).
125. Article 23, Geneva Convention IV
126. Article 24, Geneva Convention IV
127. Article 14, Geneva Convention IV
128. See, for example, UN Security Council, "Report of the Secretary-General pursuant to paragraph 2 of the Security Council resolution 808 on the Establishment of the International Criminal Tribunal for Yugoslavia", S/25704, 1993, available on-line at http://www.un.org/ga/search/view_doc.asp?symbol=S/25704. The Secretary-General stated that the law enshrined in the four Geneva Conventions had become part of customary international law.
129. This includes former combatants who are no longer taking part in hostilities due to injury, sickness or for any other reason (Article 3(1), Geneva Convention IV).
130. For example,. the application of law to guerilla warfare needed to be addressed.
131. United Nations General Assembly, "Resolution 3318 (XXIX): Declaration on the Protection of Women and Children in Emergency and Armed Conflict", A/RES/29/3318, 1974, available on-line at http://www.un-documents.net/a29r3318.htm
132. In 2005, Additional Protocol III was adopted to add the 'red crystal' to the list of three distinctive emblems – the red cross, the red crescent and the red lion and sun, recognized under the Geneva Conventions and Additional Protocols. The emblems denote humanitarian personnel and distinguish them from combatants. The new emblem was adopted because there was a desire to adopt one universal emblem; however, there were objections to using either the cross or the crescent because they had religious and political connotations and so conflicted with the neutral status of humanitarian personnel. (Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III), 8 December 2005)
133. 1977 Geneva Protocol I Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, available at: http://www2.ohchr.org/english/law/protocol1.htm. According to the ICRC website, available at http://www.icrc.org/IHL.nsf/(SPF)/party_main_treaties/$File/IHL_and_other_related_Treaties.pdf, as of 10 November 2009, there were 168 States party to this instrument.
134. 1977 Geneva Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts, available at http://www2.ohchr.org/english/law/protocol2.htm. According to the ICRC website, available at http://www.icrc.org/IHL.nsf/(SPF)/party_main_treaties/$File/IHL_and_other_related_Treaties.pdf, as of 10 November 2009, there were 164 States party to this instrument.
135. Article 77(1), Additional Protocol I
136. Article 77(2)&(3), Additional Protocol I
137. Articles 77(4)&(5) respectively, Additional Protocol I
138. Article 78(1), Additional Protocol I

139. Article 78(1), Additional Protocol I
140. Article 78(3), Additional Protocol I
141. Article 78(2), Additional Protocol I; it must be noted that slightly different rules apply to evacuation carried out by one's own State and evacuation carried out by the authorities of another.
142. Additional Protocol II applies to all conflicts that are not covered by Additional Protocol I, that take place in the territory of a State that is party to the Protocol, between its armed forces and rebel armed forces or other organized armed groups. Nongovernmental groups must be under responsible command and exercise enough control over part of the State's territory as to enable them to, firstly, carry out sustained and concerted military operations, and secondly, to implement Protocol II (Article 1). There are therefore internal conflicts in which both Common Article 3, discussed above, and Protocol II apply, and internal conflicts in which only Common Article 3 applies. In particular, Common Article 3 does not require State armed forces to be involved in the conflict, unlike Protocol II, and it is applicable at a much lower level of intensity of conflict, for example, nongovernment forces do not be in control of territory.
143. Article 4(3)(a), Additional Protocol II
144. Article 4(3)(b), Additional Protocol II
145. Article 4(3)(e), Additional Protocol II
146. Article 6(4), Additional Protocol II
147. Article 4(3)(c), Additional Protocol II
148. United Nations, Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (and Protocols) (As Amended on 21 December 2001), 10 October 1980. According to the United Nations Treaty Collection website, available at http://treaties.un.org, as of 18 November 2009, there were 50 Signatories and 110 Parties to this instrument.
149. In addition to the instruments listed below, the international community has adopted the following: Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and Warfare (1925); Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (1972); Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (1993).
150. United Nations, Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (and Protocols) (As Amended on 21 December 2001), 10 October 1980.
151. Protocol on Non-Detectable Fragments (Protocol I to the 1980 Convention), 1980; Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II), 1980; Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III), 1980; Protocol on Blinding Laser Weapons (Protocol IV), 1995; Protocol on Explosive Remnants of War (Protocol V), 2003; available on-line at http://www.icrc.org/ihl.nsf/TOPICS?OpenView#Methods%20and%20Means%20of%20Warfare
152. Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May, 1996 (Protocol II to the 1980 Convention as amended on 3 May 1996)
153. Article 1(3), Amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Amended Protocol II), 1996
154. The Mine Ban Treaty is the common name for the Convention on the Prohibition of the Use, Stockpiling, Production and the Transfer of Anti-Personnel Landmines and on their Destruction 1997 (entered into force 1 March 1999). For full text of the Convention, see http://www.un.org/Depts/mine/UNDocs/ban_trty.htm
155. The International Campaign to Ban Landmines is a coalition of relevant organisations working all over the world to bring about a ban on the production, transfer and use of anti-personnel mines. For more information, see the website of the International Campaign to Ban Landmines: www.icbl.org
156. As of 22 October 2009, 156 States were party to the treaty.
157. Article 2(3) Protocol II, Article 2, Ottawa Treaty
158. Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials was adopted 14 November 1997 and entered into force 1 July 1998
159. Established in 1889, the Organization of American States is the world's oldest regional inter-governmental organisation. For more information, see the OAS's website at http://www.oas.org/en/about/default.asp
160. U.S. Department of State, Fact Sheet, The Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, available at http://www.fas.org/asmp/campaigns/smallarms/Cifta_FactSheet_DoS.htm
161. Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (2001) (entered into force 3 July 2005), available on-line at http://www.unodc.org/pdf/crime/a_res_55/255e.pdf. According to the United Nations Treaty Collection website, available at http://treaties.un.org, as of 18 November 2009, there were 52 Signatories and 79 Parties to this instrument.
162. The UN Convention on Transnational Organized Crime was adopted in 2000.

163. The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition entered into force in 2005.
164. A/C.1/64/L.38/Rev.1, First Committee of the General Assembly of the United Nations, 30 October 2009. The draft resolution has been referred to the General Assembly for official adoption in December 2009.
165. Full text of the Convention on Cluster Munitions is available at http://www.clusterconvention.org. According to the United Nations Treaty Collection website, available at http://treaties.un.org, as of 18 November 2009, there were 103 Signatories and 24 Parties to this instrument. The Convention will enter into force six months after it receives 30 ratifications.
166. See the explanation of the Mine Ban Treaty (1997) for the specific impact that landmines have on children. Cluster munitions leave the same legacy for children.
167. Article 1, Convention on Cluster Munitions
168. Article 3(2), Convention on Cluster Munitions
169. Article 4(1), Convention on Cluster Munitions
170. Article 5, Convention on Cluster Munitions
171. Article 24, Charter of the United Nations. The functions and powers of the Security Council are set out in Chapters VI, VII, VIII and XII of the Charter, available at http://www.un.org/en/documents/charter/index.shtml
172. Chapter VI, Charter of the United Nations
173. Article 42, Chapter VII, Charter of the United Nations
174. There were 63 UN peacekeeping operations between 1948 and 2008. For more information, see the Peacekeeping section of the UN website at http://www.un.org/en/peacekeeping/
175. 1999 also marked the first year that the Security Council considered the protection of civilians in armed conflict as a thematic topic. See UN Security Council resolution 1265, S/RES/1265, 1999 (all Security Council resolutions can be found at http://www.un.org/Docs/sc/unsc_resolutions.html)
176. United Nations Security Council resolution 1261 (1999) on Children and armed conflict, S/RES/1261 (1999). Security Council resolutions on Children and armed conflict are available on the website of the Special Representative of the Secretary-General for Children and Armed Conflict at http://www.un.org/children/conflict/english/resolutions.html.
177. United Nations Security Council resolution 1314, S/RES/1314 (2000)
178. In the following year, Security Council resolution 1379 called on parties to armed conflicts to provide protection for internally displaced persons, recognising that the majority of internally displaced persons are women and children (S/RES/1379 (2001) (para 8(b)).
179. United Nations Security Council resolution 1379 (2001) on Children and armed conflict, S/RES/1379 (2001)
180. United Nations Security Council resolution 1460 (2003) on Children and armed conflict, S/RES/1460 (2003)
181. United Nations Security Council resolution 1539 (2004) on Children and armed conflict, S/RES/1539 (2004)
182. United Nations Security Council resolution 1612 (2005) on Children and armed conflict, S/RES/1612 (2005)
183. United Nations Security Council resolution 1882 (2009) on Children and armed conflict, S/RES/1882 (2009)
184. In an unprecedented move, signifying the importance of the issue of war-affected children, a 14 year old former child soldier addressed the Security Council in November 2001 on the occasion of the Security Council's annual debate on children and armed conflict. In May of the following year, three young people from war-affected countries (East Timor, Liberia and Bosnia and Herzegovina) also addressed the Security Council during its session on children and armed conflict, held prior to the General Assembly's special session on children.
185. The resolutions build on the commitments of the Beijing Declaration 1995 and Platform for Action (A/52/231, available on-line at http://www.un.org/womenwatch/daw/beijing/platform/index.html) and the Special Session of the United Nations General Assembly, entitled, "Women 2000: Gender Equality, Development and Peace for the Twenty-First Century" (A/S-23/10/Rev.1), available on-line at http://www.un.org/womenwatch/daw/followup/beijing+5.htm), in particular those concerning women and armed conflict.
186. United Nations Security Council resolution 1325 (2000) on Women and peace and security, S/RES/1325 (2000) All Security Council resolutions can be found at http://www.un.org/Docs/sc/unsc_resolutions.html
187. For more information, see the website of the Inter-Agency Taskforce on Women, Peace and Security at http://www.un.org/womenwatch/ianwge/activities/tfwpsecurity.htm.
188. United Nations Security Council resolution 1820 (2008) on Women and peace and security, S/RES/1820 (2008)
189. UN Security Council, Report of the Secretary-General pursuant to Security Council resolution 1820, S/2009/362, 2009, available on-line at http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/WPS%20S%202009%20362.pdf
190. United Nations Security Council resolution 1888 (2009) on Women and peace and security, S/RES/1888 (2009)
191. UN Security Council, Report of the Secretary-General pursuant to Security Council resolution 1820, S/2009/362, 2009, available on-line at http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/WPS%20S%202009%20362.pdf

192. United Nations Security Council resolution 1889 (2009) on Women and peace and security, S/RES/1889 (2009)
193. Article 4 (1) of the International Covenant on Civil and Political Rights 1966, for example, allows derogation of certain obligations under the Covenant. However, these treaties do not allow States to suspend fundamental guarantees, even in times of war. For example, article 4 (2) of the International Covenant on Civil and Political Rights provides that the following rights may never be derogated from: the right to life, the prohibition of torture or cruel, inhuman or degrading treatment or punishment, the prohibition of slavery and servitude, the prohibition of retroactive application of criminal law, and the right to freedom of thought, conscience and religion. Similarly, the International Covenant on Economic, Social and Cultural Rights has no derogation clause.
194. This gap was coined the 'Meron gap', named after the man who identified it. See Theodor Meron, "Human Rights in Internal Strife: Their International Protection", Cambridge: Grotius, 1987
195. Convention relating to the Status of Refugees (entered into force 22 April 1954); According to the United Nations Treaty Collection website, available at http://treaties.un.org, as of 18 November 2009, there were 19 Signatories and 144 Parties to this instrument.
196. Protocol relating to the Status of Refugees 1967 (entered into force 4 October 1967). According to the United Nations Treaty Collection website, available at http://treaties.un.org, as of 18 November 2009, there were 144 Parties to this instrument.
197. Article 1(A)(2), Convention relating to the Status of Refugees
198. Article 4, Convention relating to the Status of Refugees
199. Article 22(1), Convention relating to the Status of Refugees
200. Article 22(2), Convention relating to the Status of Refugees
201. Convention on the Elimination of All Forms of Discrimination against Women, 1979 (entered into force 3 September 1981), available on-line at http://www2.ohchr.org/english/law/cedaw.htm. According to the United Nations Treaty Collection website, available at: http://treaties.un.org, as of 18 November 2009, there were 98 Signatories and 186 Parties to this instrument.
202. Charter of the United Nations, 1945 (entered into force 24 October 1945), available on-line at http://www.un.org/en/documents/charter/index.shtml. There are 192 Members of the United Nations, with 51 original Members and 141 who have since been admitted to the United Nations. For more information, see http://treaties.un.org
203. Universal Declaration of Human Rights, 1948, available online at http://www.un.org/en/documents/udhr/
204. United Nations Security Council resolution 1325 (2000) on Women and peace and security, S/RES/1325 (2000)
205. United Nations Security Council resolution 1820 (2008) on Women and peace and security, S/RES/1820 (2008)
206. United Nations Security Council resolution 1889 (2009) on Women and peace and security, S/RES/1889 (2009)
207. UN Convention on the Rights of the Child, 1989 (entered into force 2 September 1990), available on-line at http://www2.ohchr.org/english/law/crc.htm. According to the United Nations Treaty Collection website, available at http://treaties.un.org, as of 18 November 2009, there were 140 Signatories and 193 Parties to this instrument.
208. It must be noted, however, that the League of Nations (the forerunner to the United Nations) endorsed the Geneva Declaration of the Rights of the Child in 1924 and the United Nations General Assembly unanimously adopted a more detailed Declaration of the Rights of the Child in 1959. However, neither of these documents is legally binding. League of Nations, Geneva Declaration of the Rights of the Child, available on-line at http://www1.umn.edu/humanrts/instree/childrights.html and UN General Assembly, Declaration of the Rights of the Child, available on-line at http://www1.umn.edu/humanrts/instree/k1drc.htm
209. Article 1, Convention on the Rights of the Child
210. The Committee on the Rights of the Child is composed of 18 independent experts on child rights and monitors States' implementation of the Convention on the Rights of the Child through regular reporting sessions. For more information, please see the Committee's website at http://www2.ohchr.org/english/bodies/crc/index.htm
211. There is a proposal to establish a complaints mechanism through an Optional Protocol to the Convention. For more information, see the Campaign for a Complaints Mechanism website http://www.crin.org/law/CRC_complaints/
212. In 1996, the importance of education was highlighted in Graça Machel's report to the UN Security Council on the Impact of Armed Conflict on Children (paras 184-203), A/51/306, 1996, available on-line at http://www.un.org/children/conflict/english/reports.html). Machel set out the mitigating impact that education can have on the effects of armed conflict on children and called for educational activity to be established as a priority for humanitarian assistance. A decade after Machel's report, the provision of education, whether formal or informal, is not only seen as important in and of itself, but is also seen by some as the fourth pillar of humanitarian assistance (for example, see UNESCO, "Educating in Emergencies, available on-line at http://portal.unesco.org/education/en/ev.php-URL_ID=37748&URL_DO=DO_TOPIC&URL_SECTION=201.html, and Peter Buckland, "Reshaping the future: Education in post conflict reconstruction", 2004, available on-line at http://www.reliefweb.int/rw/lib.nsf/db900sid/SODA-6C57V8/$file/Reshaping_the_Future.pdf?openelement)

213. In 1996, the importance of education was highlighted in Graça Machel's report to the UN Security Council on the Impact of Armed Conflict on Children (paras 184-203), A/51/306, 1996, available on-line at http://www.un.org/children/conflict/english/reports.html). Machel set out the mitigating impact that education can have on the effects of armed conflict on children and called for educational activity to be established as a priority for humanitarian assistance. A decade after Machel's report, the provision of education, whether formal or informal, is not only seen as important in and of itself, but is also seen by some as the fourth pillar of humanitarian assistance (for example, see UNESCO, "Educating in Emergencies, available on-line at http://portal.unesco.org/education/en/ev.php-URL_ID=37748&URL_DO=DO_TOPIC&URL_SECTION=201.html, and Peter Buckland, "Reshaping the future: Education in post conflict reconstruction", 2004, available on-line at http://www.reliefweb.int/rw/lib.nsf/db900sid/SODA-6C57V8/$file/Reshaping_the_Future.pdf?openelement)
214. In 1996, the importance of education was highlighted in Graça Machel's report to the UN Security Council on the Impact of Armed Conflict on Children (paras 184-203), A/51/306, 1996, available on-line at http://www.un.org/children/conflict/english/reports.html). Machel set out the mitigating impact that education can have on the effects of armed conflict on children and called for educational activity to be established as a priority for humanitarian assistance. A decade after Machel's report, the provision of education, whether formal or informal, is not only seen as important in and of itself, but is also seen by some as the fourth pillar of humanitarian assistance (for example, see UNESCO, "Educating in Emergencies, available on-line at http://portal.unesco.org/education/en/ev.php-URL_ID=37748&URL_DO=DO_TOPIC&URL_SECTION=201.html, and Peter Buckland, "Reshaping the future: Education in post conflict reconstruction", 2004, available on-line at http://www.reliefweb.int/rw/lib.nsf/db900sid/SODA-6C57V8/$file/Reshaping_the_Future.pdf?openelement)
215. In 1996, the importance of education was highlighted in Graça Machel's report to the UN Security Council on the Impact of Armed Conflict on Children (paras 184-203), A/51/306, 1996, available on-line at http://www.un.org/children/conflict/english/reports.html). Machel set out the mitigating impact that education can have on the effects of armed conflict on children and called for educational activity to be established as a priority for humanitarian assistance. A decade after Machel's report, the provision of education, whether formal or informal, is not only seen as important in and of itself, but is also seen by some as the fourth pillar of humanitarian assistance (for example, see UNESCO, "Educating in Emergencies, available on-line at http://portal.unesco.org/education/en/ev.php-URL_ID=37748&URL_DO=DO_TOPIC&URL_SECTION=201.html, and Peter Buckland, "Reshaping the future: Education in post conflict reconstruction", 2004, available on-line at http://www.reliefweb.int/rw/lib.nsf/db900sid/SODA-6C57V8/$file/Reshaping_the_Future.pdf?openelement)
216. In 1996, the importance of education was highlighted in Graça Machel's report to the UN Security Council on the Impact of Armed Conflict on Children (paras 184-203), A/51/306, 1996, available on-line at http://www.un.org/children/conflict/english/reports.html). Machel set out the mitigating impact that education can have on the effects of armed conflict on children and called for educational activity to be established as a priority for humanitarian assistance. A decade after Machel's report, the provision of education, whether formal or informal, is not only seen as important in and of itself, but is also seen by some as the fourth pillar of humanitarian assistance (for example, see UNESCO, "Educating in Emergencies, available on-line at http://portal.unesco.org/education/en/ev.php-URL_ID=37748&URL_DO=DO_TOPIC&URL_SECTION=201.html, and Peter Buckland, "Reshaping the future: Education in post conflict reconstruction", 2004, available on-line at http://www.reliefweb.int/rw/lib.nsf/db900sid/SODA-6C57V8/$file/Reshaping_the_Future.pdf?openelement)
217. African Charter on the Rights and Welfare of the Child, adopted on 27 June 1981(entered into force on 21 Oct.1986), available on-line at http://www.africa-union.org/Official_documents/Treaties_%20Conventions_%20Protocols/A.%20C.%20ON%20THE%20RIGHT%20AND%20WELF%20OF%20CHILD.pdf . According to the African Union, as of January 2004, 53 Member States were party to this instrument.
218. For an analysis of the two instruments, see Mzikenge Chirwa, D., "The Merits and Demerits of the African Charter on the Rights and Welfare of the Child", first appeared in "The International Journal of Children's Rights", Volume 10, Number 2, 2002, pg 157-177, available on-line at http://www.crin.org/docs/acrwc_merits_demerits.pdf
219. Article 2, African Charter on the Rights and Welfare of the Child
220. Rome Statute of the International Criminal Court (ICC), (entered into force 1 July 2002), available on-line at http://untreaty.un.org/cod/icc/index.html. According to the United Nations Treaty Collection website, available at http://treaties.un.org, as of 18 November 2009, there were 139 Signatories and 110 Parties to this instrument.
221. Ad hoc international tribunals were set up following the conflicts in the Former Republic of Yugoslavia and Rwanda – International Criminal Tribunal for Yugoslavia (ICTY) in 1993 (established by Security Council resolution 827) and the International Criminal Tribunal for Rwanda (ICTR) in 1994 (established by Security Council resolution 955).
222. Article 5, Rome Statute of the International Criminal Court
223. Article 12 limits the ICC's jurisdiction to crimes committed after 1 July 2002 (when the Statute came into force); either where the individual is a national of a State Party; or where the crime was committed on the territory of a State Party; or where a non-State party agrees to the jurisdiction of the Court to prosecute a specific individual.

Article 17 provides that the ICC also only has the jurisdiction to prosecute if a State is unable or unwilling to investigate and prosecute that person for one of the crimes within the ICC's jurisdiction or has investigated the crime and decided not to prosecute. This principle of 'complementarity', where the ICC does not usurp national courts, does not exist for the two ad hoc tribunals, which have primacy over national courts.

224. In both the Statute of the ICTY and ICTR the only specific reference to children appears in the list of crimes that constitute genocide, which includes "forcibly transferring children of the group to another group committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group" (Article 4(2)(e) Statute of the ICTY, Article 2(2)(e) Statute of the ICTR).
225. Article 6(e), Rome Statute of the International Criminal Court
226. Article 7(c), Rome Statute of the International Criminal Court
227. Article 8(2)(b)(ix) and Article 8(2)(e)(iv), respectively, Rome Statute of the International Criminal Court
228. These terms are not further defined within the Rome Statute and should, therefore, be read according to the plain and ordinary meaning of the terms. The United Nations Special Representative of the Secretary-General on Children and Armed Conflict in the Amicus Curiae brief for the case in the International Criminal Court "Situation in the Democratic Republic of the Congo in the case of Prosecutor v. Thomas Lubanga Dyilo", endorsed the definition that: "Conscription refers to the compulsory entry into the armed forces. Enlistment...refers to the generally voluntary act of joining armed forces by enrolment, typically on the 'list' of a military body or by engagement indicating membership and incorporation in the forces."; Otto Triffterer ed., "Commentary on the Rome Statute of the International Criminal Court 261",1999, in ICC, Situation in the Democratic Republic of the Congo in the case of the Prosecutor v. Thomas Lubanga Dyilo, Written Submissions of the United Nations Special Representative of the Secretary-General on Children and Armed Conflict Submitted in application of Rule 103 of the Rules of Procedure and Evidence, available at http://www.un.org/children/conflict/_documents/AmicuscuriaelCCLubanga.pdf
229. Article 8(2)(b)(xxvi) and Article 8(2)(e)(vii), respectively, Rome Statute of the International Criminal Court
230. Rules of Procedure and Evidence adopted by the Preparatory Commission for the International Criminal Court, at its 23rd meeting on 30 June 2000 (PCNICC/2000/1/Add.1), available on-line at http://untreaty.un.org/cod/icc/prepcomm/report/reportdocuments.htm. These rules guarantee that international standards for a fair trial are adhered to and witnesses receive appropriate protection.
231. Article 68(1), Rome Statute of the International Criminal Court
232. Articles 88 and 89, Rome Statute of the International Criminal Court
233. Article 26, Rome Statute of the International Criminal Court
234. Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO Convention no. 182), 1999 (entered into force 19 Nov 2000). According to the ILO website, http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?C182, as of 17 November 2009, 171 States had ratified this instrument.
235. Article 2, ILO Convention no.182
236. ILO Recommendation 190 concerning the prohibition and immediate action for the elimination of the worst forms of child labour was adopted by the conference at its eighty-seventh session, Geneva, 17 June 1999.
237. ILO Recommendation 190 on Worst Forms of Child Labour Recommendation, Para 12(a)
238. United Nations Optional Protocol to the Convention on the Elimination of Discrimination Against Women, 2000 (entered into force on 22 Dec. 2000), available on-line at http://www2.ohchr.org/english/law/cedaw-one.htm. According to the United Nations Treaty Collection website, available at http://treaties.un.org, as of 18 November 2009, there were 79 Signatories and 99 Parties to this instrument.
239. The Committee on the Elimination of Discrimination Against Women is an expert body established in 1982, whose mandate is to monitor progress for women in States party to the Convention on the Elimination of Discrimination Against Women. The Committee consists of 23 experts on the rights of women and reviews national reports on the status of women, publishes recommendations on issues affecting women and, under the Optional Protocol to the Convention on the Elimination of Discrimination Against Women, can consider individual complaints against Parties to the Protocol and issue decisions and views in consideration of these. More information can be found on the Committee's website at http://www.un.org/womenwatch/daw/cedaw/committee.htm
240. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 2000 (entered into force 12 February 2002), available on-line at http://www2.ohchr.org/english/law/crc-conflict.htm. According to the United Nations Treaty Collection website, available at http://treaties.un.org, as of 18 November 2009, there were 125 Signatories and 130 Parties to this instrument.
241. Article 1, Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
242. Article 2, Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
243. Article 3, Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
244. For example, the declaration of the United Kingdom, available on-line at http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-b&chapter=4&lang=en#EndDec
245. Article 4, Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

246. Article 4(2), Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
247. UN Security Council, Statute of the Special Court for Sierra Leone, 16 January 2002, available on-line at http://www.unhcr.org/refworld/type,INTINSTRUMENT,,,3dda29f94,0.html
248. United Nations Security Council resolution 1315 (2000) on the situation in Sierra Leone, S/RES/1315(2000)
249. Article 1, Agreement Between The United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone, 2002, available on-line at http://www.specialcourt.org/documents/Agreement.htm
250. Article 4(c), Statute of the Special Court for Sierra Leone
251. Of these 13 indictments, three were withdrawn when the accused died. One of the accused from the Armed Forces Revolutionary Council has never been located; "About the Special Court of Sierra Leone", available on-line at http://www.sc-sl.org/ABOUT/tabid/70/Default.aspx
252. For more information on all judgements, see http://www.sc-sl.org/CASES/tabid/71/Default.aspx
253. For more information, see http://www.sc-sl.org/CASES/ProsecutorvsCharlesTaylor/tabid/107/Default.aspx
254. Article 7, Statute of the Special Court for Sierra Leone; the Statute of the Special Court does not specify the grounds for deciding whether a particular child should be prosecuted. However, Article 15(5) states that ''[i]n the prosecution of juvenile offenders, the Prosecutor shall ensure that the child-rehabilitation programme is not placed at risk, and that where appropriate, resort should be had to alternative truth and reconciliation mechanisms, to the extent of their availability''. Neither the Statute of the ICTY not the Statute of the ICTR explicitly excludes the prosecution of under 18s; however, both tribunals focused on the prosecution of key adult perpetrators of war crimes.
255. Guidelines on Justice Matters involving Child Victims and Witnesses of Crime were adopted by the Economic and Social Council in its resolution 2005/20 of 22 July 2005, available on-line at http://www.un.org/ecosoc/docs/2005/Resolution%202005-20.pdf
256. UN Convention on the Rights of Persons with Disabilities, 2006 (entered into force 3 May 2008), available on-line at http://www2.ohchr.org/english/law/disabilities-convention.htm. According to the United Nations Treaty Collection website, available at http://treaties.un.org, as of 18 November 2009, there were 143 Signatories and 73 Parties to this instrument.
257. Article 7, Convention on the Rights of Persons with Disabilities
258. Article 11, Convention on the Rights of Persons with Disabilities
259. African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), adopted by the Special Summit of the Union held in Kampala, Uganda, 22-23 October 2009 (not yet in force: 18 signatories, no States Parties), available on-line at http://www.africa-union.org/root/AR/index/Convention%20on%20IDPs%20_Eng_%20-%20Final.pdf
260. See the website of the Internal Displacement Monitoring Centre (Norwegian Refugee Council), www.internal-displacement.org
261. Article 7(5)(e), Kampala Convention
262. Article 7(5)(f), Kampala Convention
263. Article 9(1)(d), Kampala Convention
264. Articles 9(2)(c) & 13(4), Kampala Convention
265. Graça Machel, "Impact of Armed Conflict on Children: Report of the Expert of the Secretary-General", submitted pursuant to General Assembly Resolution 48/157, A/51/306, 26 August 1996
266. During his tenure at the United Nations, Secretary-General Kofi Annan produced several documents in which he set out his vision for UN reform for consideration of Member States. These efforts began with the 1997 document, "Renewing the United Nations: A Programme for Reform", which set out proposals for structural and organisational reform that would enable the UN to "more effectively and efficiently meet the challenges that lie ahead". This was followed in 2002, with the report, "Strengthening of the United Nations: an agenda for further change", which adopted the Millennium Development Goals: [1) End Poverty and Hunger, 2) Universal Education, 3) Gender Equality, 4) Child Health, 5) Maternal Health, 6) Combat HIV/AIDS, 7) Environmental Sustainability and 8) Global Partnership. The Member States of the United Nations agreed to achieve these goals by 2015. For further information, see United Nations, "United Nations Millennium Developments Goals", available on-line at http://www.un.org/millenniumgoals/. This became the policy framework for the UN and encouraged further structural and operational reform to streamline UN operations and ensure better cooperation within and outside of the organisation. In 2005, the Secretary-General's submission "In Larger Freedom" set out a vision for reform, which led to the 2005 World Summit Outcome Document. Finally, in 2006, shortly before leaving office, the Secretary-General produced the policy document "Investing in the United Nations: For a stronger organisation worldwide". The idea of UN reform has since become known as the UN Coherence agenda. For further information, see: Renewing the United Nations: A Programme for Reform, 14/07/1997, A/51/950, available on-line at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N97/189/79/IMG/N9718979.pdf?OpenElement; "In Larger Freedom," 24/10/2005, A/RES/60/1, available on-line at http://www.unfpa.org/icpd/docs/2005summit_eng.pdf; "Strengthening of the United Nations: an agenda for further change," 09/09/2002, A/57/387, available on-line at

http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N02/583/26/PDF/N0258326.pdf?OpenElement; "Investing in the United Nations: For a stronger organisation worldwide," 07/03/2006, A/60/692, available on-line at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/251/77/PDF/N0625177.pdf?OpenElement; and United Nations, "Reform at the United Nations", available on-line at http://www.un.org/reform/investinginun/investing-in-un.shtml

267. United Nations, "UN Reform Highlights Since 1997-2006", available on-line at http://www.un.org/reform/highlights.shtml. The High Commissioner for Human Rights is the primary human rights official of the United Nations and is mandated to "promote and protect the enjoyment and full realization, by all people, of all rights established in the Charter of the United Nations and in international human rights laws and treaties". For further information, see United Nations Office of the High Commissioner for Human Rights, "Office of the High Commissioner for Human Rights", available on-line at http://www.ohchr.org/EN/Pages/WelcomePage.aspx
268. The Human Rights Council is an inter-governmental body composed of 47 States that seeks to promote and protect human rights around the world. The Human Rights Council is currently engaged in the Universal Periodic Review process, through which it will examine each States' compliance with international human rights obligations. For further information, see United Nations Office of the High Commissioner for Human Rights, "UN Human Rights Council", available on-line at http://www2.ohchr.org/english/bodies/hrcouncil/
269. "In larger freedom: towards development, security and human rights for all", 21/03/2005, A/59/2005, para. 182, available on-line at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/270/78/PDF/N0527078.pdf?OpenElement
270. "In larger freedom: towards development, security and human rights for all," 21/03/2005, A/59/2005, available on-line at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/270/78/PDF/N0527078.pdf?OpenElement
271. "In larger freedom: towards development, security and human rights for all," 23/05/2005, A/59/2005/Add.1 available on-line at http://www2.ohchr.org/english/bodies/hrcouncil/docs/gaA.59.2005.Add.1_En.pdf
272. Resolution adopted by the General Assembly 60/251. Human Rights Council, 03/04/2006, A/RES/60/251, available on-line at http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf. For further information, see United Nations Office of the High Commissioner for Human Rights, "Universal Periodic Review", available on-line at http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRmain.aspx
273. "Strengthening of the coordination of humanitarian emergency assistance of the United Nations", 19/12/1991, A/RES/46/182, available on-line at http://www.un.org/documents/ga/res/46/a46r182.htm
274. The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator chairs the Inter-Agency Standing Committee and the Executive Committee on Humanitarian Affairs. For further information, see United Nations Office for the Coordination of Humanitarian Affairs, "John Holmes, Under-Secretary-General, 2007 –", available on-line at http://ochaonline.un.org/AboutOCHA/Organigramme/TheUnderSecretaryGeneral/tabid/1154/language/en-US/Default.aspx
275. The Inter-Agency Standing Committee (IASC) is "the primary mechanism for inter-agency coordination of humanitarian assistance" and was established in 1992 following resolution 182 on "Strengthening of the coordination of humanitarian emergency assistance of the United Nations" (19/12/1991, A/RES/46/182). IASC develops humanitarian policies, agrees on a clear division of responsibility for the various aspects of humanitarian assistance, identifies and addresses gaps in response, and advocates for effective application of humanitarian principles. For further information, see Inter-Agency Standing Committee, "Welcome to the IASC", available on-line at http://www.humanitarianinfo.org/iasc/
276. The Consolidated Appeals Process is a means to raise funds and awareness for humanitarian efforts. Through the Consolidated Appeals Process, aid organisations work together to produce and present appeals to donors and the international community. For more information, see Consolidated Appeals Process, "The Consolidated Appeals Process (CAP)", available on-line at http://ochaonline.un.org/HUMANITARIANAPPEAL/webpage.asp?Page=1243
277. The Office for the Coordination of Humanitarian Affairs mobilises and coordinates humanitarian action with national and international actors. For further information, see United Nations Office for the Coordination of Humanitarian Affairs, "OCHA Mission Statement", available on-line at http://ochaonline.un.org/AboutOCHA/tabid/1076/Default.aspx
278. For further information, see Humanitarian Reform, "What is the 'Cluster Approach", available online at www.humanitarianreform.org/humanitarianreform/Default.aspx?tabid=70
279. For further information, see Humanitarian Reform, "Terms of Reference of the Child Protection Working Group of the Protection Cluster Working Group", available on-line at http://www.humanitarianreform.org/humanitarianreform/Portals/1/cluster%20approach%20page/clusters%20pages/Protection/CP%20TOR_Final.doc
280. The CERF "is a humanitarian fund established by the United Nations to enable more timely and reliable humanitarian assistance to those affected by natural disasters and armed conflicts": Central Emergency Response Fund, "CERF Home", available on-line at http://ochaonline.un.org/Default.aspx?alias=ochaonline.un.org/cerf
281. Central Emergency Response Fund, "What is the CERF?", available on-line at http://ochaonline.un.org/cerf/WhatistheCERF/tabid/3534/language/en-US/Default.aspx
282. Triggered in response to emergency for the first three to six months of the crisis
283. "UNHCR Policy on Refugee Children", 06/07/1993, EC/SCP/82, available on-line at http://www.unhcr.org/refworld/docid/3f9e6a534.html

284. "UNHCR Policy on Refugee Children", 06/07/1993, EC/SCP/82, para. 26(a), available on-line at http://www.unhcr.org/refworld/docid/3f9e6a534.html
285. United Nations High Commissioner for Refugees, "Refugee Children: Guidelines on Protection and Care", Geneva, 1994, available on-line at http://www.unhcr.org/refworld/docid/3ae6b3470.html
286. Graça Machel, "Impact of Armed Conflict on Children: Report of the Expert of the Secretary-General", submitted pursuant to General Assembly Resolution 48/157, UN Doc A/51/306, 26 August 1996
287. Graça Machel, "Impact of Armed Conflict on Children: Report of the Expert of the Secretary-General", submitted pursuant to General Assembly Resolution 48/157, UN Doc A/51/306, 26 August 1996, para. 2
288. UNICEF, "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", available on-line at http://www.UNICEF.org/emerg/files/Cape_Town_Principles(1).pdf
289. Coalition to Stop the Use of Child Soldiers, "Themed Reports", available on-line at http://www.child-soldiers.org/library/themed-reports?root_id=158&directory_id=162
290. Resolution Adopted by the General Assembly 51/77. The Rights of the Child, 12/12/1996, A/RES/51/77, available on-line at http://www.un.org/documents/ga/res/51/ares51-77.htm
291. Resolution Adopted by the General Assembly 51/77. The Rights of the Child, 12/12/1996, A/RES/51/77, para. 35, available on-line at http://www.un.org/documents/ga/res/51/ares51-77.htm
292. Resolution Adopted by the General Assembly 63/24. Cooperation between the United Nations and the Inter-Parliamentary Union, 13/03/2009, A/RES/63/24, available on-line at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/472/23/PDF/N0847223.pdf?OpenElement
293. United Nations, "Office of the Special Representative of the Secretary-General for Children and Armed Conflict", available on-line at http://www.un.org/children/conflict/english/theoffice.html
294. Olara Otunnu held the post from 1997 until 2006 when Ms. Radhika Coomaraswamy was appointed to this position.
295. "Guiding Principles on Internal Displacement", 11/02/1998, E/CN.4/1998/53/Add.2, available on-line at http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/d2e008c61b70263ec125661e0036f36e?Opendocument
296. There is no express right not to be arbitrarily displaced and no right to have access to protection and assistance during displacement.
297. After the establishment of the position of Representative on internally displaced persons in 1992, the position of Representative of the Secretary-General on the human rights of internally displaced persons was created in 2004 to focus on the human rights of internally displaced persons. For further information, see United Nations Office of the High Commissioner for Human Rights, "Representative of the Secretary-General on the human rights of internally displaced persons", available on-line at http://www2.ohchr.org/english/issues/idp/mandate.htm
298. "Guiding Principles on Internal Displacement", 11/02/1998, E/CN.4/1998/53/Add.2, available on-line at http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/d2e008c61b70263ec125661e0036f36e?Opendocument
299. "Guiding Principles on Internal Displacement", 11/02/1998, E/CN.4/1998/53/Add.2, Principle 4(2), available on-line at http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/d2e008c61b70263ec125661e0036f36e?Opendocument
300. "Guiding Principles on Internal Displacement", 11/02/1998, E/CN.4/1998/53/Add.2, Principle 11(2)(b), available on-line at http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/d2e008c61b70263ec125661e0036f36e?Opendocument
301. "Guiding Principles on Internal Displacement", 11/02/1998, E/CN.4/1998/53/Add.2, Principle 13(1), available on-line at http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/d2e008c61b70263ec125661e0036f36e?Opendocument
302. "Guiding Principles on Internal Displacement", 11/02/1998, E/CN.4/1998/53/Add.2, Principle 17(3), available on-line at http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/d2e008c61b70263ec125661e0036f36e?Opendocument
303. "Guiding Principles on Internal Displacement", 11/02/1998, E/CN.4/1998/53/Add.2, Principle 23(2), available on-line at http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/d2e008c61b70263ec125661e0036f36e?Opendocument
304. However, as many of the guidelines are based on the rules of international human rights and humanitarian law, a State will be bound to certain provisions, if it is a party to the treaty on which the guideline is based.
305. Sierra-leone.org, "Peace Agreement Between The Government Of Sierra Leone And The Revolutionary United Front Of Sierra Leone", available on-line at http://www.sierra-leone.org/lomeaccord.html
306. University of Essex, "Arusha Peace and Reconciliation Agreement for Burundi, available on-line at http://www.essex.ac.uk/armedcon/story_id/000888.pdf
307. The five protocols to the Agreement are: Protocol I: Nature of the conflict, problems of genocide and exclusion and their solutions; Protocol II: Democracy and good governance; Protocol III: Peace and security for all; Protocol IV: Reconstruction and development; Protocol V: Guarantees on the implementation of the Agreement.
308. Protocol II: Democracy and Good Governance, Article 3 (1)
309. Protocol II: Democracy and Good Governance, Article 3(27)
310. Protocol II: Democracy and Good Governance, Article 3(26)
311. Protocol IV: Reconstruction and Development, Article 4(b)
312. Protocol IV: Reconstruction and Development, Article 2
313. Protocol IV: Reconstruction and Development, Article 4(j)

314. United Nations Security Council resolution 1261 (1999) on children and armed conflict, 30/07/1999, S/RES/1261, available on-line at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/248/59/PDF/N9924859.pdf?OpenElement
315. United Nations, "United Nations Mission in Sierra Leone", available on-line at http://www.un.org/en/peacekeeping/missions/unamsil/index.html
316. United Nations, "United Nations Organization Mission in the Democratic Republic of the Congo", available on-line at http://www.un.org/en/peacekeeping/missions/monuc/
317. United Nations Special Representative of Secretary-General on Children and Armed Conflict, "Child protection advisors to UN peacekeeping operations and political missions", available on-line at http://www.un.org/children/conflict/english/childprotectionadvisors.html
318. OSRSG/CAAC, DPKO and UNICEF, "Terms of Reference to guide the work of Child Protection Advisers in peacekeeping operations", 2000
319. OSRSG/CAAC, DPKO and UNICEF, "Terms of Reference to guide the work of Child Protection Advisers in peacekeeping operations", 2000, para. 2
320. Special Representative of the Secretary-General for Children and Armed Conflict, "Child Protection Advisers to UN peacekeeping operations and political missions", available on-line at http://www.un.org/children/conflict/english/childprotectionadvisors.html; OSRSG/CAAC, DPKO and UNICEF, "Terms of Reference to guide the work of Child Protection Advisers in peacekeeping operations", 2000, para. 7
321. United Nations Peacekeeping Best Practices Section, "Lessons Learned Study: Child Protection. Impact of Child Protection Advisers in UN Peacekeeping Operations", May 2007, available on-line at http://www.peacekeepingbestpractices.unlb.org/PBPS/Library/LL_CPA_PBPS_May07_Final.pdf
322. United Nations Peacekeeping Best Practices Section, "Lessons Learned Study: Child Protection. Impact of Child Protection Advisers in UN Peacekeeping Operations", May 2007, available on-line at http://www.peacekeepingbestpractices.unlb.org/PBPS/Library/LL_CPA_PBPS_May07_Final.pdf. The fourth priority has been further developed since the adoption of Security Council resolution 1612 (2005), which established the Monitoring and Reporting Mechanism.
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324. United Nations Peacekeeping Best Practices Section, "Lessons Learned Study: Child Protection. Impact of Child Protection Advisers in UN Peacekeeping Operations", May 2007, para. 4, available on-line at http://www.peacekeepingbestpractices.unlb.org/PBPS/Library/LL_CPA_PBPS_May07_Final.pdf
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336. Irma Specht, Larry Attree and Yvonne Kemper, "Children and Armed Conflict: The Response of the EU", United Nations Institute for Disarmament Research, available on-line at http://www.unidir.org/pdf/EU_background_papers/EU_BGP_02.pdf
337. Council of the European Union, "Checklist for the Integration of the Protection of Children affected by Armed Conflict into ESDP Operations", 2006 (revised and updated in 2008), available on-line at http://register.consilium.europa.eu/pdf/en/06/st09/st09767.en06.pdf
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339. Council of the European Union, "Implementation Strategy for Guidelines on Children and Armed Conflict", 25 April 2006, available on-line at http://www.consilium.europa.eu/ueDocs/cms_Data/docs/hr/news65.pdf
340. The Council of the European Union (also known as the Council of Ministers or the Council) is the main decision-making body of the European Union. For further information, see Council of the European Union, "Homepage", available on-line at http://www.consilium.europa.eu/showPage.aspx?lang=EN&id=1
341. The UN Inter-Agency Working Group on Disarmament, Demobilisation and Reintegration provides and develops advice, guidance and training resources for Disarmament, Demobilisation and Reintegration. For further information, see United Nations Inter-Agency Working Group on Disarmament, Demobilisation and Reintegration, "About us", available on-line at http://www.unddr.org/aboutus.php
342. "Report of the Secretary-General, Disarmament, Demobilization and Reintegration", 2006, A/60/705, para. 7
343. "Report of the Secretary-General, Disarmament, Demobilization and Reintegration", 2006, A/60/705
344. "Report of the Secretary-General, Disarmament, Demobilization and Reintegration", 2006, A/60/705, para. 12
345. "Introduction to the Integrated DDR Standards Module 1.10" in United Nations, "Integrated Disarmament, Demobilistion and Reintegration Standards", 1August 2006, pg 3
346. For further information, see United Nations Disarmament, Demobilization and Reintegration Resource Centre, "UN DDR Resources Centre", available on-line at http://unddr.org/index.php
347. Protocol against the Illicit Manufacturing of and Trafficking in Firearms (2001), Mine Ban Treaty (1997), Convention on Cluster Munitions (2008)
348. General Assembly Resolution, "Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms", 18/12/2006, A/RES/61/89, available on-line at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/499/77/PDF/N0649977.pdf?OpenElement
349. "Report of the Group of Governmental Experts to examine the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms", 26/07/2008, A/63/334, available on-line at http://www.poa-iss.org/DocsUpcomingEvents/a-63-334-e.pdf
350. General Assembly Resolution, "Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms", 08/01/2009, A/RES/63/240, available on-line at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/485/19/PDF/N0848519.pdf?OpenElement
351. UNICEF, "The Paris Principles: Principles and guidelines on children associated with armed forces or armed groups", available on-line at http://www.unicef.org.uk/publications/pub_detail.asp?pub_id=122. The Commitment and Principles were adopted at an international conference called "Free children from war". As of 30 September 2009, 84 States had endorsed the Paris Commitments. While States endorse the Commitments, they are not legally binding. See United Nations, "List of 84 States which have endorsed the Paris Commitments", available on-line at http://www.un.org/children/conflict/_documents/ParisPrinciplescountrylist09.pdf
352. The conference was held following an 18 month review of the Cape Town Principles.
353. The strategic review was co-convened by UNICEF and undertaken with an inter-agency advisory group, which included representatives of UN agencies, States, NGOs, civil society and children.
354. "Report of the Special Representative of the Secretary-General for Children and Armed Conflict", 13/07/2007, A/62/228, Part 2, available on-line at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N07/457/60/PDF/N0745760.pdf?OpenElement. In 2009, the Office of the Special Representative and UNICEF published a more comprehensive strategic review: Special Representative of the Secretary-General for Children and Armed Conflict and UNICEF, "Machel Study 10-Year Strategic Review: Children and Conflict in a Changing World", 2009, available on-line at www.un.org/children/conflict/english/machel10.html
355. Special Representative of the Secretary-General for Children and Armed Conflict and UNICEF, "Will you listen? YoungVoices from conflict zones", available on-line at http://www.unicef.org/publications/files/Will_You_Listen_eng.pdf
356. United Nations High Commissioner for Refugees, "UNHCR Guidelines on Determining the Best Interest of the Child", 1 May 2008, available on-line at http://www.unhcr.org/4566b16b2.html

357. United Nations Department of Peacekeeping Operations, "Ten Rules, Code of Personal Conduct for Blue Helmets", 1993
358. United Nations Department of Peacekeeping Operations, "Ten Rules, Code of Personal Conduct for Blue Helmets", 1993, rule 4
359. United Nations High Commissioner for Refugees and Save the Children-UK, "Note for Implementing and Operational Partners on Sexual Violence and Exploitation: The Experience of Refugee Children in Guinea, Liberia and Sierra Leone based on Initial Findings and Recommendations from Assessment Mission, 22 October – 30 November 2001", February 2002, available on-line at http://www.essex.ac.uk/armedcon/story_id/000049.pdf
360. Rachel Harvey, "Fewer words and more action: Evaluating the progress made in ending the commercial sexual exploitation of children", March 2002, ChildRIGHT, issue 184
361. The IASC was set up in 1992 (by General Assembly Resolution 46/82) to coordinate the humanitarian responses of relevant UN bodies to complex and major emergencies. General Assembly Resolution 48/57 affirmed its role as the primary mechanism for inter-agency coordination of humanitarian assistance. For further information, see Inter-Agency Standing Committee, "Welcome to the IASC", available on-line at http://www.humanitarianinfo.org/iasc/pageloader.aspx
362. The Plan of Action is included in "Report of the Secretary-General on the activities of the Office of Internal Oversight Services: Investigation into sexual exploitation of refugees by aid workers in West Africa", 11/10/2002, A/57/465, available on-line at http://www.un.org/Depts/oios/reports/a57_465.htm. For more information, see Inter-Agency Standing Committee, "Report of the Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crisis", 13 June 2002, available on-line at http://www.unicef.org/emerg/files/IASCTFReport.pdf
363. "Report of the Secretary-General on the activities of the Office of Internal Oversight Services: Investigation into sexual exploitation of refugees by aid workers in West Africa", 11/10/2002, A/57/465, available on-line at http://www.un.org/Depts/oios/reports/a57_465.htm
364. The six core principles are: I. Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment; II. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence; III. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries; IV. Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work; V. Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms; VI. Humanitarian workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment. For further information, see International Council of Voluntary Agencies, "Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel", http://www.icva.ch/doc00001962.html
365. The age of majority is the age at which an individual is no longer considered a minor under a State's laws. At this stage, the individual will often be considered an 'adult' and attain additional legal rights, as well as legal liabilities.
366. The age of consent is the age at which an individual is considered to be legally able to consent to sexual activity. States may have different ages of consent for different sexual activity, although, in general, the 'age of consent' refers to sexual intercourse.
367. "Special measures for protection from sexual exploitation and sexual abuse", 15/10/2003 ST/SGB/2003/13, 15 October 2003, available on-line at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N03/550/40/PDF/N0355040.pdf?OpenElement. This reinforced the United Nations Staff Rules and Regulations.
368. "Special measures for protection from sexual exploitation and sexual abuse", 15/10/2003 ST/SGB/2003/13, 15 October 2003, paras 3(b) and (d), available on-line at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N03/550/40/PDF/N0355040.pdf?OpenElement. Every year since this bulletin, the Secretary-General has issued a report containing updates on the scope of the problem and prevention and response measures taken by the UN.
369. "A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations", 24/03/2005, A/59/710, available on-line at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/247/90/PDF/N0524790.pdf?OpenElement. This is also known as the Zeid report after its author, Prince Zeid Ra'ad Al-Hussein, (ex) Special Adviser on Sexual Exploitation and Abuse by UN Peacekeeping Personnel.
370. Letter dated 9 February 2005 from the Secretary-General addressed to the President of the Security Council, 09/02/2005, S/2005/79, available on-line at http://cdu.unlb.org/Portals/0/PdfFiles/PolicyDocJ.pdf

371. The Conduct and Discipline Team in the Department of Peacekeeping Operations was established in 2005, in order to ensure standards of conduct and accountability. The Conduct and Discipline Unit was formally established as the successor to the Conduct and Discipline Team in 2007. For further information, see United Nations Conduct and Discipline Unit, "Welcome to the Conduct and Discipline Unit", available on-line at http://cdu.unlb.org/
372. Two of the four UN bodies set up by the Secretary-General to improve coordination. The Executive Committee on Humanitarian Affairs meets monthly and is serviced by the same secretariat as the Inter-Agency Standing Committee. For further information, see United Nations Office for the Coordination for Humanitarian Affairs, "Executive Committee on Humanitarian Affairs", available on-line at http://ochaonline.un.org/Coordination/MandatedBodies/ExecutiveCommitteeonHumanitarianAffairs/tabid/1390/Default.aspx. The Executive Committee on Peace and Security is a high level body charged with interagency and interdepartmental cooperation under the UN Department of Political Affairs. For further information, see United Nations Department of Political Affairs, "Welcome to the site of DPA", available on-line at http://www.un.org/depts/dpa/intro.html
373. United Nations, "Statement of Commitment Eliminating Sexual Exploitation and Abuse by UN and non-UN Personnel", available on-line at http://www.icva.ch/doc00001962.html
374. The revised Memorandum of Understanding set out Troop Contributing Countries and the UN's expectations of standards of conduct and accountability. See United Nations General Assembly, "Special Committee on Peacekeeping Operations Concludes 2007 Session, Finalises Draft Memorandum of Understanding between United Nations, Troop Contributors", available on-line at http://www.un.org/News/Press/docs/2007/gapk195.doc.htm; "Report of the Special Committee on Peacekeeping Operations and its Working Group", 11/06/2007, A/61/19/Rev.1
375. "Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse", 07/03/2008, A/RES/62/214, available on-line at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N07/476/61/PDF/N0747661.pdf?OpenElement
376. "Criminal Accountability of United Nations Officials and Experts on Missions", 08/01/2008, A/RES/62/63, available on-line at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N07/467/55/PDF/N0746755.pdf?OpenElement
377. United Nations Security Council resolution 1261 (1999) on Children and armed conflict, para. 19, available on-line at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/248/59/PDF/N9924859.pdf?OpenElement
378. Peacekeeping Best Practices Sections, "Lessons Learned Study: Child Protection. Impact of Child Protection Advisers in UN Peacekeeping Operations" , May 2007, para 14-17, available on-line at http://www.peacekeepingbestpractices.unlb.org/PBPS/Library/LL_CPA_PBPS_May07_Final.pdf
379. Peacekeeping Best Practices Sections, "Lessons Learned Study: Child Protection. Impact of Child Protection Advisers in UN Peacekeeping Operations" , May 2007, para 14-17, available on-line at http://www.peacekeepingbestpractices.unlb.org/PBPS/Library/LL_CPA_PBPS_May07_Final.pdf
380. Pre-deployment training for civilian personnel is provided by Integrated Training Service of the Training Division of the Department of Peacekeeping Operations. For further information, see United Nations Peacekeeping, "Integrated Training Service (ITS)", available on-line at http://www.un.org/Depts/dpko/dpko/its.shtml
381. The UN Peacekeeping Training Standards support pre-deployment training of peacekeeping forces. The first of these is the United Nations, "UN Pre-deployment Training Standards for Police Officers", available on-line at http://pbpu.unlb.org/PBPS/Library/Training%20Standards%20for%20police%20-%20Experts%20on%20Mission.pdf
382. Training modules are also being developed for Military Experts on Mission, Staff Officers, FPUs, Policy Commanders and Contingent Commanders. For more information, see Peacekeeping Resource Hub, "About Peacekeeping Training", available on-line at http://www.peacekeepingbestpractices.unlb.org/PBPS/Pages/Public/PeacekeepingTraining.aspx?page=about&menukey=_12_1
383. For information on this programme and on programmes for other peacekeeping personnel, see United Nations Institute for Training and Research, "Peacekeeping Training", available on-line at http://www.unitar.org/ptp
384. Including, for example, Save the Children Alliance in West Africa, "Save the Children Sweden's work in West Africa", available on-line at http://www.savethechildren.se/Where-we-work/West-Africa/; International Rescue Committee in Central African Republic, "Central African Republic: A deepening crisis" available on-line at http://www.ircuk.org/about-irc-uk/media-centre/news/article/date/2009/09/central-african-republic-a-deepening-crisis/
385. United Nations Security Council resolution 1265 (1999), 17/09/1999, S/RES/1265, available on-line at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/267/94/PDF/N9926794.pdf?OpenElement
386. United Nations Security Council resolution 1270 (1999), 22/10/1999 S/RES/1270, para 14: "Acting under Chapter VII of the Charter of the United Nations, decides that in the discharge of its mandate UNAMSIL may take the necessary action… within its capabilities and areas of deployment, to afford protection to civilians under imminent threat of physical violence", available on-line at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/315/02/PDF/N9931502.pdf?OpenElement

387. United Nations Security Council resolution 1296 (2000), 19/04/2000, S/RES/1296, available on-line at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N00/399/03/PDF/N0039903.pdf?OpenElement; United Nations Security Council resolution 1674 (2006), 28/04/2006, S/RES/1674, available on-line at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/331/99/PDF/N0633199.pdf?OpenElement; United Nations Security Council resolution 1738 (2006), 23/12/2006, S/RES/1738, available on-line at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/681/60/PDF/N0668160.pdf?OpenElement. The Security Council also adopted a resolution on the Protection of Humanitarian Personnel and the UN and its Associated Partners in Conflict Zones: Resolution 1502 (2003), 26/07/2003, S/RES/1502, available on-line at http://ocha.unog.ch/ProCapOnline/docs/library/SC%20Res%201502%20of%2026%20Aug%202003.pdf. The way in which this resolution and the subsequent three resolutions had been implemented was analysed in Security Council Report, "Cross-Cutting Report on Protection of Civilians in Armed Conflict", 2008, and Security Council, "Cross-Cutting Report No. 4 Protection of Civilians in Armed Conflict", 30 October 2009, available on-line at http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.5556213/k.BED2/CrossCutting_Report_No_4brProtection_of_Civilians_in_Armed_Conflictbr30_October_2009.htm
388. Security Council, "Cross-Cutting Report No. 4 Protection of Civilians in Armed Conflict", 30 October 2009, available on-line at http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.5556213/k.BED2/CrossCutting_Report_No_4brProtection_of_Civilians_in_Armed_Conflictbr30_October_2009.htm
389. "Report of the Secretary-General on the protection of civilians in armed conflict", 29/05/2009, S/2009/277, available on-line at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/343/97/PDF/N0934397.pdf?OpenElement
390. "Report of the Secretary-General on the protection of civilians in armed conflict", 29/05/2009, S/2009/277, para 12, available on-line at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/343/97/PDF/N0934397.pdf?OpenElement. The Expert Group was set up following a recommendation from the Secretary-General in his previous report on the theme. ("Report of the Secretary-General on the protection of civilians in armed conflict", 28/10/2007, S/2007/643, available on-line at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N07/573/58/PDF/N0757358.pdf?OpenElement
391. United Nations Office for the Coordination of Humanitarian Affairs, "What is OCHA?", 2009
392. United Nations Office for the Coordination of Humanitarian Affairs, "OCHA in 2009. Annual Plan and Budget 2009", pg 43, available on-line at http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1100793
393. For further information, see United Nations Office for the Coordination of Humanitarian Affairs, "OCHA's 2009 Strategic Plan", available on-line at http://ochaonline.un.org/ocha2009/goal-two.html
394. Coalition to Stop the Use of Child Soldiers, "Global Report", 2004, available on-line at http://www.child-soldiers.org/library/global-reports?root_id=159&directory_id=165
395. UNICEF, "The Paris Principles. Principles and Guidelines on Children Associated With Armed Forces or Armed Groups", February 2007, sec. 2.1, available on-line at http://www.unhcr.org/refworld/docid/465198442.html
396. Save the Children Alliance, "Children - Not Soldiers: Guidelines for Working with Child Soldiers and Children Associated with Fighting Force", December 2001, available on-line at http://www.reliefweb.int/rw/lib.nsf/db900sid/LGEL-5D8D6Q/$file/sc-chidlren.pdf?openelement
397. For further information, see Alertnet, "Sudan Conflicts", available on-line at http://www.alertnet.org/db/crisisprofiles/SD_CON.htm?v=at_a_glance
398. Sudan, "Child Act, 2008 (Southern Sudan)", 13 October 2008, available on-line at http://www.unhcr.org/refworld/docid/49ed840c2.html
399. HIV – the Human Immunodeficiency Virus - is a virus that attacks the immune system, resulting in a chronic, progressive illness that leaves people vulnerable to opportunistic infections and cancers. When the body can no longer fight infection, the disease is known as AIDS, which stands for Acquired Immunodeficiency Syndrome. On average, it takes more than 10 years to progress from initial HIV infection to AIDS: Public Health Agency of Canada, "What is HIV/AIDS?", available on-line at http://www.phac-aspc.gc.ca/aids-sida/info/index-eng.php
400. Disarmament is the collection, documentation, control and disposal of small arms, ammunitions, explosives and light and heavy weapons of combatants and often civilians, as well. Disarmament also includes the development of responsible arms' management programmes. Demobilisation is the formal and controlled discharge of active combatants from armed forces or other armed groups. Reintegration is the process by which ex-combatants acquire civilian status and gain suitable employment and income. Reintegration is essentially a social and economic process with an open time frame, primarily taking place in communities at the local level: United Nations Disarmament, Demobilization and Reintegration Resource Centre, "What is DDR?", available on-line at http://unddr.org/whatisddr.php; See also Guillaume Landry, "Study on Reintegration of Children in Armed Conflict", Canadian International Development Agency, 27 December 2007, 56 pages
401. Mark Hobson, "Forgotten Casualties of War: Girls in Armed Conflict", London, Save the Children UK, 2005, available on-line at http://www.reliefweb.int/rw/lib.nsf/db900sid/EVIU-6BSFEG/$file/SCF_apr_2005.pdf?openelement

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403. Mike Wessels, "Child Soldiers", Bulletin of the Atomic Scientists, Chicago, November/December 97, available on-line at http://pangaea.org/street_children/africa/armies.htm
404. Human Rights Watch, "Occupied Territories: Stop Use of Children in Suicide Bombings", 1 November 2004, available on-line at http://www.hrw.org/en/news/2004/11/01/occupied-territories-stop-use-children-suicide-bombings
405. An example of this is the case of a Canadian citizen, Omar Khadr. Only 15 years old at the time of his capture by US forces in Afghanistan in the summer of 2002, Omar Khadr was transferred to Guantánamo Bay shortly afterwards. See Canadian Broadcasting Corporation, "Omar Khadr: Coming of age in a Guantanamo Bay jail cell", available on-line at http://www.cbc.ca/world/story/2009/01/13/f-omar-khadr.html
406. Collateral damage is the damage and destruction of targets or personnel not considered lawful military targets. For instance, accidental bombing of civilian populations or medical facilities would be considered collateral damage. See Army-technology.com, "Term: Collateral Damage", available on-line at http://www.army-technology.com/glossary/collateral-damage.html
407. Govtrack.us, "S.2135 Child Soldiers Accountability Act of 2008", available on-line at http://www.govtrack.us/congress/bill.xpd?bill=s110-2135
408. Coalition to Stop the Use of Child Soldiers, "Child Soldiers Global Report 2008 – Haiti", 20 May 2008, available on-line at: http://www.unhcr.org/refworld/docid/486cb10528.html
409. Coalition to Stop the Use of Child Soldiers, "Child Soldiers Global Report 2008 –Brazil", 20 May 2008, available on-line at www.childsoldiersglobalreport.org/content/brazil
410. Secretary-General of the United Nations, "Children and Armed Conflicts", 09/02/2005, A/59/695-S/2005/72, para 148, available on-line at http://www.UNICEF.org/emerg/files/SG_report_cac.pdf
411. Coalition to Stop the Use of Child Soldiers, "Child Soldiers Global Report 2008", available on-line at www.childsoldiersglobalreport.org
412. Coalition to Stop the Use of Child Soldiers, "Child Soldiers Global Report 2008", pg 16, available on-line at www.childsoldiersglobalreport.org
413. Coalition to Stop the Use of Child Soldiers, "Child Soldiers Global Report 2008", pg 1, available on-line at www.childsoldiersglobalreport.org
414. Office of the Special Representative of the Secretary-General for Children and Armed Conflict, "Impact on children of illicit trafficking of small arms, landmines and unexploded ordnance (sic)", available on-line at http://www.un.org/children/conflict/english/small-arms-landmines-and-unexploded-ordinance.html
415. Office of the Special Representative of the Secretary-General for Children and Armed Conflict, "Recruiting or using child soldiers", available on-line at http://www.un.org/children/conflict/english/child-soldiers.html
416. Mark Hobson, "Forgotten Casualties of War: Girls in Armed Conflict", London, Save the Children UK, 2005, available on-line at http://www.reliefweb.int/rw/lib.nsf/db900sid/EVIU-6BSFEG/$file/SCF_apr_2005.pdf?openelement
417. For further information, see Coalition to Stop the Use of Child Soldiers, "Child Soldiers Global Report 2008 – Philippines", 20 May 2008, available on-line at http://www.unhcr.org/refworld/docid/486cb1265.html
418. Philippines, Department of Social Welfare and Development, "Department of Social Welfare and Development – FO VII", available on-line at http://www.fo7.dswd.gov.ph/
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identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court; Enforced disappearance of persons; The crime of apartheid; Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health."

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726. UNICEF, 'End Child Exploitation, Child Labour Today', 2005, pg 22, available on-line at http://www.unicef.org.uk/publications/pdf/ECECHILD2_A4.pdf
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728. Servitude is the state of being a slave or completely subject to someone more powerful.
729. The Stockholm Declaration and Plan of Action define 'sexual exploitation' as "sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object". The commercial sexual exploitation of children constitutes a form of coercion and violence against children and amounts to forced labour and a contemporary form of slavery.
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732. International Labour Organizaton, "ILO's Global Report on Child Labour, The end of Child Labour within reach, Part IV, Towards a Global Action Plan", Geneva, 2006, pg 3, available on-line at http://www.ilo.org/ipecinfo/product/download.do?type=document&id=10992
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770. African Charter on the Rights and Welfare of the Child, 11 July 1990, CAB/LEG/24.9/49 (1990), Article 15(1), available on-line at http://www.unhcr.org/refworld/docid/3ae6b38c18.html
771. Council of Europe, Parliamentary Assembly, Recommendation 1336 (1997) on Combating Child Labour Exploitation as a Matter of Priority, available on-line at http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta97/EREC1336.htm
772. There are two types of landmines – anti-personnel mines, which can be activated by the presence, proximity or contact of a person that will incapacitate, injure or kill one or more persons and anti-vehicle mines, which take a much heavier weight to activate. See International Campaign to Ban Landmines, "What is a Landmine?", available on-line at http://www.icbl.org/index.php/icbl/Problem/Landmines/What-is-a-Landmine
773. Cluster bombs (also referred to as cluster munitions) consist of cargo containers filled with submunitions or bomblets. Fired, launched or dropped by aircraft or land-based artillery, the container opens in the air and disperses bomblets or submunitions over a wide area - often resulting in very dense contamination. See International Campaign to Ban Landmines, "What are Cluster Munitions?", available on-line at http://www.icbl.org/index.php/icbl/Problem/Cluster-Munitions/What-are-Cluster-Munitions
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783. Religioustolerance.org, "The Ban on Anti-Personnel Landmines", available on-line at www.religioustolerance.org/landmine.htm
784. Convention on the Rights of the Child, 20 November 1989, Article 31, available on-line at http://www2.ohchr.org/english/law/crc.htm
785. Handicap International, "Voices From the Ground", 2009, available on-line at http://en.handicapinternational.be/docs/Voices_from_the__Ground-report.pdf
786. Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 1 March 1999, Article 2, available on-line at http://www.apminebanconvention.org/overview-and-convention-text/
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"Despite these many developments over the last few years, new challenges to the children and armed conflict agenda are emerging. These have been captured in the new Guide. […] It is important that concerted action is taken to protect children and to provide them with a humane environment worthy of their dignity. This Guide sets out the standards and principles guaranteeing the most fundamental rights of children in armed conflict. I congratulate the International Bureau for Children's Rights for preparing this valuable document."

— Radhika Coomaraswamy, Under-Secretary-General, Special Representative for Children and Armed Conflict

Over the last ten years, there have been numerous additions to the body of international humanitarian and human rights law aimed at protecting the rights of children living in situations of armed conflict. Yet, practitioners, actors and governments are often unaware of the breadth of these new instruments and their methods of application and implementation. The International Bureau for Children's Rights produced this Guide for the benefit of the communities of practice working on children and armed conflict. These are the men and women who work directly with these children and may often lack opportunities for training and capacity building on issues such as the normative framework referring to children and armed conflict. This project provides such personnel and organisations with a current, concise guide to understand and apply the normative framework to the issues they face, such as children and landmines, child victims of sexual violence or the recruitment of children in armed groups and forces. The Guide will also be useful to academics, students and researchers as a reference tool. Policymakers and government officials will also find this document helpful to their understanding of the legal and normative instruments that will guide their strategies, policies and programmes. Finally, this Guide will also be useful for training facilitators and their participants on issues relevant to children and armed conflict, since it uses simple language and examples of what international laws mean for children.

In order to facilitate the widest possible dissemination and use of this Guide, the International Bureau for Children's Rights has made it accessible free of charge on its website at www.ibcr.org.

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