

CAPE TOWN

ANNOTATED PRINCIPLES AND BEST PRACTICE

ON THE PREVENTION OF RECRUITMENT OF CHILDREN INTO THE ARMED FORCES AND DEMOBILIZATION AND SOCIAL REINTEGRATION OF CHILD SOLDIERS IN AFRICA

Adopted by the participants in the Symposium on the Prevention of Recruitment of Children into the Armed Forces and Demobilization and Social Reintegration of Child Soldiers in Africa, organized by UNICEF in cooperation with the NGO Sub-group of the NGO Working Group on the Convention on the Rights of the Child, Cape Town, 30 April 1997

DEFINITIONS

"Child soldier" in this document means 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 those accompanying such groups, other than purely as family members. It includes girls recruited for sexual purposes and forced marriage. It does not, therefore, only refer to a child who is carrying or has carried arms.

"Recruitment" encompasses compulsory, forced and voluntary recruitment into any kind of regular or irregular armed force or armed group.

"Demobilization" means the formal and controlled discharge of child soldiers from the army or from an armed group.

The term "psycho-social" underlines the close relationship between the psychological and social effects of armed conflict, the one type of effect continually influencing the other. By "psychological effects" is meant those experiences which affect emotions, behaviour, thoughts, memory and learning ability and how a situation may be perceived and understood. By "social effects" is meant how the diverse experiences of war alter people's relationships to each other, in that such experiences change people, but also through death, separation, estrangement and other losses. "Social" may be extended to include an economic dimension, many individuals and families becoming destitute through the material and economic devastation of war, thus losing their social status and place in their familiar social network.

PREVENTION OF CHILD RECRUITMENT

Establish 18 as the minimum age for any participation in hostilities and for all forms of recruitment into all armed forces and armed groups.

Governments should adopt and ratify an Optional Protocol to the Convention on the Rights of the Child raising the minimum ages from 15 to 18.

Governments should ratify and implement pertinent regional and international treaties and

incorporate them into national law, namely:

The African Charter on the Rights and Welfare of the Child which upon entry into force will establish 18 as the minimum age for recruitment and participation;

The two Additional Protocols to the 1949 Geneva Conventions and the Convention on the Rights of the Child, which currently establish 15 as the minimum age for recruitment and participation.

Governments should adopt national legislation on voluntary and compulsory recruitment with a minimum age of 18 years and should establish proper recruitment procedures and the means to enforce them. Those responsible for illegally recruiting children should be brought to justice. These recruitment procedures must include:

- a. Requirement of proof of age;
- b. Safeguards against violations;

Dissemination of the standards to the military, especially the recruiters;

Publicization of the standards and safeguards to the civilian population, especially children at risk of recruitment and their families and those organizations working with them;

- e. Where the government establishes, condones or arms militias or other armed groups, including private security forces, it must also regulate recruitment into them.

A permanent International Criminal Court should be established whose jurisdiction would cover, *inter alia*, the illegal recruitment of children.

Written agreements between or with all parties to the conflict which include a commitment on the minimum age of recruitment should be concluded. The SPLM/Operation Lifeline Sudan Agreement on Ground Rules (July 1995) is a useful example .

Monitoring, documentation and advocacy are fundamental to eliminating child recruitment and to informing programmes to this end. Community efforts to prevent recruitment should be developed and supported.

- a. Local human rights organisations, the media, former child soldiers, and teachers, health workers, church leaders and other community leaders can play an important advocacy role.
- b. Establish a dialogue between government and communities in which children are regarded as adults before the age of 18 about the importance of the 18-year limit for recruitment.
- c. Provide children with alternative models to the glorification of war, including in the media;
- d. Government representatives, military personnel and former opposition leaders can be instrumental in advocating, negotiating and providing technical assistance to their counterparts in other countries in relation to the prevention of recruitment of child soldiers, as well as their demobilization and reintegration.

Programmes to prevent recruitment of children should be developed in response to the expressed needs and aspirations of the children.

In programmes for children, particular attention should be paid to those most at risk of recruitment: children in conflict zones, children (especially adolescents) separated from or without families, including children in institutions; other marginalized groups (e.g. street children, certain minorities, refugees and the internally displaced); economically and socially deprived children.

- a. Risk mapping can be helpful to identify the groups at risk in particular situations, including such issues as areas of concentration of fighting, the age and type of children being militarized and the main agents of militarization;
- b. Promote respect for international humanitarian law;
- c. To reduce volunteerism into opposing armed forces, avoid harassment of or attacks on children, their homes and families;
- d. Monitor recruitment practices and put pressure on recruiters to abide by the standards and to avoid forced recruitment.

All efforts should be made to keep or reunite children with their families or to place them within a family structure.

This can be done for example through warnings (e.g. by radio or posters) of the need to avoid separation, or through attaching identification to young children, except where this would expose them to additional risk. For further ideas, see "Unaccompanied Minors: Priority Action Handbook for UNICEF/UNHCR Field Staff".

Ensure birth registration, including for refugees and internally displaced children, and the provision of identity documents to all children, particularly those most at risk of recruitment.

Access to education, including secondary education and vocational training, should be promoted for *all* children, including refugee and internally displaced children.

Adequate economic provision or opportunities also need to be considered for children or their families.

Special protection measures are needed to prevent recruitment of children in camps for refugees and internally displaced persons .

- a. Refugee camps should be established at a reasonable distance from the border, wherever possible;
- b. The civilian nature and humanitarian character of camps for refugees and internally displaced persons should be ensured. Where this is a problem, specific educational and vocational programmes for children, including adolescents, are even more critical;

c. Host governments, if necessary with the assistance of the international community, should prevent the infiltration of armed elements into camps for refugees and internally displaced persons, and provide physical protection to persons in such camps.

The international community should recognize that children who leave their country of origin to avoid illegal recruitment or participation in hostilities are in need of international protection. Children who are not nationals of the country in which they are fighting are also in need of international protection.

Controls should be imposed on the manufacture and transfer of arms, especially small arms. No arms should be supplied to parties to an armed conflict who are recruiting children or allowing them to take part in hostilities.

DEMOBILIZATION

All persons under the age of 18 should be demobilized from any kind of regular or irregular armed force or armed group.

Direct and free access to all child soldiers should be granted to relevant authorities or organizations in charge of collecting information concerning their demobilization and of implementing specific programmes.

Children should be given priority in any demobilization process.

In anticipation of peace negotiations or as soon as they begin, preparations should be made to respond to children who will be demobilized.

Prepare initial situation analysis/needs assessment of children and their communities;

Ensure coordination between all parties to avoid duplication and gaps;

Where there is access to governmental and other local structures, incorporate and (where necessary) strengthen existing capacities to respond;

Ensure training of staff who will be involved in the process;

Organize logistical and technical support in collaboration with agencies responsible for the formal demobilization process;

Ensure that the demobilization package is of a long-term, sustaining nature rather than in the form of an immediate "reward", taking into account the implications of the nature of the package for future recruitment of children.

The issue of demobilization of children should be included in the peace process from the beginning.

Where children have participated in armed conflict, peace agreements and related documents should acknowledge this fact.

The demobilization process should be designed as the first step in the social reintegration process.

The demobilization process should be as short as possible and take into account the human dignity of the child and the need for confidentiality.

Ensure adequate time and appropriate personnel to make children feel secure and comfortable so that they are able to receive information, including about their rights, and to share concerns;

Wherever possible, staff dealing with the children should be nationals;

Special measures must be taken to ensure the protection of children who are in demobilization centres for extended periods of time;

Children should be interviewed individually and away from their superiors and peers;

It is not appropriate to raise sensitive issues in the initial interview. If they are raised subsequently, it must be done only when in the best interest of the child and by a competent person;

Confidentiality must be respected;

All children should be informed throughout the process of the reasons why the information is being collected and that confidentiality will be respected. Children should be further informed about what will happen to them at each step of the process;

Wherever possible, communication and information should be in the mother tongue of the children;

Particular attention should be paid to the special needs of girls and special responses should be developed to this end.

As soon as possible start establishing family tracing, contacts and reunification.

Health assessment and treatment should be priorities.

As soon as possible during the demobilization process, all children should undergo assessment of their physical health and receive treatment as necessary;

Particular responses should be developed for girls;

Particular responses are needed for children with special needs, e.g. children with disabilities, child soldiers with children of their own, children with substance abuse problems and sexually-transmitted diseases (HIV/AIDS, etc.);

Ensure linkages between the demobilization process and existing programmes which are competent to deal with the health needs of children.

Monitoring and documentation of child involvement, as well as advocacy for demobilization and release of children, should be undertaken throughout the armed conflict. Community efforts to this end should be supported.

Children who leave any armed forces or groups during on-going hostilities have special needs for protection which must be addressed.

During on-going hostilities there is rarely any formal demobilization. However, children may leave the army, for example by escaping or as a result of being captured or wounded. This may compromise their security, protection and access to services. Despite difficulties in identifying such children, there must be recognition of their special needs for protection:

Efforts should be made for an early start to programmes and family tracing for unaccompanied children;

Efforts should be made to ensure that re-recruitment does not occur. The likelihood of re-recruitment can be reduced if: (i) children are returned to their care-givers as soon as possible; (ii) children are informed of their rights not to be recruited; and (iii) where children have been formally demobilized, others are informed of this fact;

Any assembly areas must be sufficiently far from the conflict zones to ensure security.

Particular problems may include: (i) some children may not be able to go home; (ii) some areas may be inaccessible for tracing; (iii) families of some children may be in camps for refugees or internally displaced persons; and (iv) the risk of the children being placed in institutions.

Illegally recruited children who leave the armed forces or armed groups at any time should not be considered as deserters. Child soldiers retain their rights as children.

Special assistance and protection measures must be taken on behalf of children and those recruited as children. See for example "Basic Rights Recognized For the Angolan Under-aged Soldiers".

Ensure to the extent possible that demobilized children return to their communities under

conditions of safety.

Ensure that demobilized children are not discriminated against in services and benefits for demobilized soldiers.

Ensure that the rights of children involved in the demobilization process are respected by the media, researchers and others.

With specific regard to journalists, a code of conduct should be developed in order to prevent the exploitation of child soldiers by the media. Such a code should take account of *inter alia* the manner in which sensitive issues are raised, the child's right to anonymity and the frequency of contacts with the media.

RETURN TO FAMILY AND COMMUNITY LIFE

Family reunification is the principal factor in effective social reintegration.

For family reunification to be successful, special attention must be paid to re-establishing the emotional link between the child and the family prior to and following return;

Where children have not been reunited with their family, their need to establish and maintain stable emotional relationships must be recognized;

Institutionalization should only be used as a last resort, for the shortest possible time, and efforts to find family-based solutions should continue.

Programmes should be developed with the communities, built on existing resources, taking account of the context and community priorities, values and traditions.

Programmes responding to the needs of the children should be developed. They should seek to enhance the self-esteem of children, promote their capacity to protect their own integrity and to construct a positive life. Activities must take into account the age and stage of development of the child and accommodate the particular requirements of girls and children with special needs; Programmes can only develop through relationships of trust and confidence, require time and a commitment of resources, and will necessitate a close and on-going cooperation between all actors involved;

The impact of the conflict on children and their families must be assessed in order to develop effective programming. This should be undertaken through interviews and discussions with the children concerned, the families and the community as well as, where appropriate, the government. The information should be gathered as early as possible to enable preparation and planning;

Policies and strategies to address the situation of demobilized child soldiers should be developed and implemented on the basis of such assessments.

The capacity of the family and community to care for and protect the child should be developed and supported.

Identify and support traditional resources and practices in the community which can support the psycho-social integration of children affected by war;

Assess and understand the socio-economic context with specific reference to poverty, and food and nutritional security;

Identify and build on the traditional ways of generating income, traditional apprenticeships, credit and money-making schemes;

Initiate dialogue with communities to understand their main concerns for their children and their perception of their own roles and responsibilities with regard to the children.

Programmes targeted at former child soldiers should be integrated into programmes for the benefit of all war-affected children.

Whilst stressing that it is essential to normalize the life of child soldiers, it is important to recognize that all children in a community will have been affected to some degree by the conflict. Programmes for former child soldiers should therefore be integrated into efforts to address the situation of all children affected by the conflict, while ensuring the continuing implementation of specific rights and benefits of demobilized children;

The existing health, education and social services within the communities should be supported.

Provision should be made for educational activities which reflect: the loss of educational opportunities as a consequence of participation; the age and stage of development of the children; and their potential for promoting development of self-esteem.

Provision should be made for relevant vocational training and opportunities for (self-) employment, including for children with disabilities.

Upon completion of vocational skills training, trainees should be provided with the relevant tools and, where possible, with start-up loans to promote self-reliance.

Recreational activities are essential for psycho-social well-being.

Recreational activities should be included in all reintegration programmes for war-affected children. These contribute to the children's psycho-social well-being, facilitate the reconciliation process and form part of their rights as children.

Programme development and implementation should incorporate the participation of the children and, with due regard for the context of reintegration, reflect their needs and concerns.

Psycho-social programmes should assist children to develop and build those capacities that will facilitate a re-attachment to families and communities.

Monitoring and follow-up of the children should take place to ensure reintegration and receipt of rights and benefits. Use community resources for this, e.g. catechists, teachers or others, depending on the situation.

In order to be successful, reintegration of the child within the community should be carried out in the framework of efforts towards national reconciliation.

Programmes to prevent, demobilize and reintegrate child soldiers should be jointly and constantly monitored and evaluated with communities.

Cape Town, 30 April 1997.