

THE PARIS PRINCIPLES

PRINCIPLES AND GUIDELINES ON CHILDREN ASSOCIATED WITH ARMED FORCES OR ARMED GROUPS

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Note:

This document is in the process of being endorsed by organisations and individuals.
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endorsement process.

PRINCIPLES AND GUIDELINES ON CHILDREN ASSOCIATED WITH ARMED FORCES OR ARMED GROUPS¹

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¹ This document exists in English and French. In case of discrepancy between the two languages, English is to be considered the definitive version.

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1. INTRODUCTION

1.0 Hundreds of thousands of children are associated with armed forces and armed groups in conflicts around the world. Girls and boys are used in a variety of ways from support roles, such as cooking or portering, to active fighting, laying mines or spying and girls are frequently used for sexual purposes. This recruitment and use of children violates their rights and causes them physical, developmental, emotional, mental, and spiritual harm.

1.1 The recruitment and use of children by armed forces and armed groups has been a focus of international attention and has been widely condemned, yet children continue to be involved in adult wars and to become disabled or die in such conflicts. While the release and reintegration into civilian life of many of these children has been supported through interventions and programmes designed to assist them, others have returned home on their own, often to face an uncertain future and a further fight for acceptance from their family and community. Girls in particular are likely to be stigmatized and even rejected by their community if it is known that they have been used by an armed force or armed group and the rejection of their children may be even more severe. Other children are encouraged by their families and communities to participate in armed conflict, despite the danger and harm this involves. Despite their experiences, such children are resilient and can contribute constructively to reconstruction and reconciliation efforts if given appropriate help, support and encouragement.

Background to the principles

1.2 Almost a decade after they were agreed, UNICEF initiated a global review of the “Cape Town Principles and Best Practices on the Prevention of Recruitment of Children into the Armed Forces and on Demobilization and Social Reintegration of Child Soldiers in Africa” (“the Cape Town Principles”). Adopted in 1997, the Cape Town Principles were the result of a symposium organised by UNICEF and the NGO Working Group on the Convention on the Rights of the Child to develop strategies for preventing recruitment of children, demobilising child soldiers and helping them to reintegrate into society. The Principles have obtained recognition well beyond this original group to become a key instrument to inform the development of international norms as well as shifts in policy at the national, regional and international levels.

1.3 The accumulated knowledge gained from wide ranging and diverse experience in this field since 1997 has led to a more community-based and inclusive approach. There is a growing awareness of the multiple dimensions of the use of children by armed forces or armed groups and the complexities of dealing with the problem and addressing root causes. Together with changes such as the inclusion of recruitment of children under 15 years as a war crime in the International Criminal Court Statute and the development of jurisprudence in this area, these factors prompted recognition of the need to update the Principles and to increase their endorsement beyond actors who specialise in children’s rights.

1.4 An extensive review process was undertaken by UNICEF together with partners involving seven regional reviews, some including regional or sub-regional workshops, carried out in 2005 and 2006. This led to agreement on the need for two documents; the first a short and concise document – The Paris Commitments to Protect Children Unlawfully Recruited or Used by Armed Forces or Armed Groups (“The Paris Commitments”) and this second, complementary document

The Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (“the Paris Principles”), which provide more detailed guidance for those who are implementing programmes. Drafting of the documents was carried out in consultation with a reference group representing a wide range of actors. Revisions were made to incorporate recommendations made during a meeting held in New York in October 2006 which brought together implementing organisations, experts and other interested parties from across the globe. Broad political endorsement from States for the Paris Commitments and Paris Principles at a ministerial meeting held in Paris in February 2007

Overview of the principles

1.5 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 armed forces or armed groups at all times, even in the midst of conflict and for the duration of the conflict.

1.6 The Principles recognise that, in situations of armed conflict, States and armed groups are the primary actors responsible for the protection of civilians in their effective control and that if they are unable or unwilling to meet all of their humanitarian responsibilities directly they are charged with enabling the provision of humanitarian action by impartial actors.

1.7 The Principles are based on the following lessons drawn from global experience in implementing programmatic interventions to prevent recruitment, protect children, support their release from armed forces or armed groups and reintegrate them into civilian life:

1.7.0 The precise nature of the problem and the solution will vary according to the context. A situation analysis, including a gender analysis, should inform and guide all interventions;

1.7.1 Any solution should address the needs of all children affected by armed conflict and incorporate activities to develop and support local capacity to provide a protective environment for children;

1.7.2 The protective environment should incorporate measures to prevent discrimination against girls whose use in armed conflicts is pervasive yet often unrecognised and to promote their equal status in society;

1.7.3 A long term commitment by all actors to prevent the unlawful recruitment or use of children, promote their release from armed forces or armed groups, protect them and support their reintegration is essential;

1.7.4 The family including the extended family and clan and the community should be actively incorporated in the development and implementation of interventions and activities, and they in turn should participate in finding solutions. The inclusion of continuous advocacy to raise awareness of the criminality of recruiting children (including toward parents who “volunteer” the services of their children).

1.8 For solutions to be sustainable, child protection needs to span humanitarian and development programmes, requiring a strategic, child-centred coordination between civil society, humanitarian/emergency, peacekeeping and development and reconstruction actors. In order to address the underlying causes of child recruitment, to address the fluid nature of most armed conflicts and to address the need to take action for children while conflict is still active, the

preparation of an appropriate strategic response, supported by adequate funding, is required urgently as soon as children's unlawful recruitment or use by armed forces or armed groups is identified as a possibility and for the immediate, medium and long term. From the earliest possible stages, development actors should also involve themselves in strategies for the prevention of unlawful recruitment and the reintegration of children into civilian life.

Purpose of the principles

1.9 These Principles reflect experience and knowledge from across the globe and are intended to both foster greater programmatic coherence and support and promote good practice.

Scope and target audience

1.10 The Principles were developed by, and intend to affect the behaviour of, a broad range of actors including: States (both affected countries and donor governments), human rights actors, humanitarian actors, development actors, military and security actors (state and non-state), associated organisations including UN organisations, other inter-governmental actors, national and international organisations and community based organisations. While some of these actors have a specific mandate or role in relation to children, all have a role to play and broad responsibility for the rights and wellbeing of children associated with armed forces or groups.

1.11 These Principles are designed to guide interventions for the protection and well-being of such children and to assist in making policy and programming decisions. The principles aim to guide interventions with the following objectives:

- 1.11.1 To prevent unlawful recruitment or use of children;
- 1.11.2 To facilitate the release of children associated with armed forces and armed groups;
- 1.11.3 To facilitate the reintegration of all children associated with armed forces and armed groups;
- 1.11.4. To ensure the most protective environment for all children.

1.12 While it is recognised that no one set of 'best practice' applies in all contexts, these Principles are designed to provide a framework and bring together ideas and approaches which have been used successfully across the globe.

1.13 The Principles should be used alongside other resources; the UN Integrated Disarmament, Demobilisation and Reintegration Standards (IDDRS) modules on children, youth and gender provide comprehensive guidance particularly in relation to those children who enter a formal "Disarmament, Demobilisation and Reintegration" (DDR) process.

1.14 The Principles, as well as the Paris Commitments, are also designed to assist States and donors in meeting their obligations and taking funding decisions. Effort has been made to ensure that the Principles are consistent with relevant international law, notably legislation related to the minimum age of recruitment. While recognising that States have different obligations under international law, a majority of child protection actors will continue advocating for States to strive to raise the minimum age of recruitment or use to 18 in all circumstances.

2. DEFINITIONS

For the purposes of these Principles

2.0 “**Child**” refers to any person less than 18 years of age in accordance with the Convention on the Rights of the Child.

2.1 “**A child associated with an armed force or armed group**” refers to 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.

2.2 “**Armed forces**” refers to the armed forces of a State.

2.3 “**Armed groups**” refers to groups distinct from armed forces as defined by Article 4 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

2.4 “**Recruitment**” refers to compulsory, forced and voluntary conscription or enlistment of children into any kind of armed force or armed group.

2.5 “**Unlawful recruitment or use**” is recruitment or use of children under the age stipulated in the international treaties applicable to the armed force or armed group in question or under applicable national law.

2.6 “**Release**” Includes the process of formal and controlled disarmament and demobilisation of children from an armed force or armed group as well as the informal ways in which children leave by escaping, being captured or by any other means. It implies a disassociation from the armed force or armed group and the beginning of the transition from military to civilian life. Release can take place during a situation of armed conflict; it is not dependent on the temporary or permanent cessation of hostilities. Release is not dependent on children having weapons to forfeit.

2.7 “**Disarmament**”² is the collection, documentation, control and disposal of small arms, ammunition, explosives and light and heavy weapons of combatants and often also of the civilians population. Disarmament also includes the development of responsible arms management programmes.

2.8 “**Child Reintegration**” is the process through which children transition into civil society and enter 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.

² Report of the Secretary General A/60/705 Disarmament, demobilization and reintegration, 2 March 2006

2.9 “**Formal DDR process**”³ is the formal and controlled discharge of active combatants from armed forces or other armed groups. The first stage of demobilisation may extend from the processing of individual combatants in temporary centres to the massing of troops in camps designated for this purpose (cantonment sites, encampments, assembly areas or barracks). The second stage of demobilisation encompasses the support package provided to the demobilised [adults], which is called reinsertion.

3. OVERARCHING PRINCIPLES

General principles

Preamble

3.0 All children are entitled to protection and care under a broad range of international, regional and national instruments. The most widely ratified human rights instrument is the 1989 Convention on the Rights of the Child. States have primary responsibility for the protection of all children in their jurisdiction. A child rights approach, meaning that all interventions are developed within a human rights framework, should underpin all interventions aimed at preventing recruitment or use, securing the release of, protecting, and reintegrating children who have been associated with an armed force or armed group. Funding should be made available for this programming, according to the rights and needs of the children, irrespective of formal or informal peace processes or the progress of formal adult DDR processes.

Non-discrimination⁴

3.1 Discrimination may arise in various ways: on the basis of sex, between vulnerable groups upon reintegration and between children who were associated with different armed forces or armed groups or based on social definitions such as ethnicity, religion, disability or caste.

3.2 **Girls and their children:** Pro-active measures must be taken to ensure the full involvement and inclusion of girls in all aspects of prevention of recruitment, release and reintegration, and services should always respond to their specific needs for protection and assistance. Extreme sensitivity is required when seeking to identify and assist girls in order not to increase the stigma attached to their involvement and make their situation worse. It is central to programming interventions that attention be paid to the particular needs for protection and support both of girl mothers and of children born to girls as a result of their recruitment by an armed force or armed group.

3.3 **Reintegration:** Measures to secure the reintegration of children into civilian life should not stigmatise or make any negative distinction between children who have been recruited or used and those who have not, nor between children who have been recruited or used for temporary or short periods of time and those who have been recruited or used permanently or for longer periods of time. It is also detrimental to all conflict-affected children if other vulnerable children who have not been associated with armed forces or armed groups are placed at a disadvantage vis-à-vis those who have been so associated.

³ Report of the Secretary General A/60/705 Disarmament, demobilization and reintegration, 2 March 2006

⁴ 1989 Convention on the Rights of the Child, Article 2

Best interests of the child⁵

3.4.0 The release of children from armed forces or armed groups, their reintegration and prevention of recruitment and re-recruitment require priority attention. Actions in this regard must not be dependent or contingent on or attached in any way to the progress of peace processes. All measures to assure the release of children, their protection and the prevention of the recruitment of children shall be determined by the best interests of such children.

3.4.1 Prevention of recruitment, release, protection and reintegration are interdependent and indivisible. Efforts to develop lasting solutions to children's recruitment or use by armed forces or armed groups, and to prevent its future occurrence, should be inclusive of all children affected by armed conflict and address other egregious violations of children's rights under applicable international law or the national law of the countries affected.

Children and justice

Treatment of those accused of violations of children's rights

3.5 Those suspected of committing crimes against children under international law should receive particular attention in post-conflict or transitional justice mechanisms. No amnesty for crimes under international law, including those committed against children, should be granted in any peace or cease-fire agreement.

Treatment of children accused of crimes under international law

3.6 Children who are accused of crimes under international law allegedly 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. They must be treated in accordance with international law in a framework of restorative justice and social rehabilitation, consistent with international law which offers children special protection through numerous agreements and principles.

3.7 Wherever possible, alternatives to judicial proceedings must be sought, in line with the Convention on the Rights of the Child and other international standards for juvenile justice.⁶

3.8 Where truth-seeking and reconciliation mechanisms are established, children's involvement should be promoted and supported and their rights protected throughout the process. Their participation must be voluntary and by informed consent by both the child and her or his parent or guardian where appropriate and possible. Special procedures should be permitted to minimize greater susceptibility to distress.

⁵ 1989 Convention on the Rights of the Child, Article 3 (1).

⁶ 1967 International Covenant on Civil and Political Rights, United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") GA Res. 40/33 (1985); United Nations Guidelines for the Prevention of Juvenile Delinquency ("The Riyadh Guidelines") U.N. Doc. A/45/49 (1990).

The right to life, survival and development⁷

3.9 Capital punishment or imprisonment for life without possibility of release shall never be used against any person who is proved to have committed an offence against international or domestic criminal law while under 18 years of age.⁸

3.10 Programmes and policies intended to benefit children associated with armed forces or armed groups should also be informed by a child development perspective. This includes considering and addressing the way children's relationships with significant persons in their lives have been affected by their experiences as well as the way children's experiences impact on their own evolving capacities. A consideration of child development will always include recognising the individual capacities and resources of children in surviving and overcoming their difficulties.

Children's right to release from armed forces or armed groups

3.11 The unlawful recruitment or use of children is a violation of their rights; therefore preventive activities must be carried out continuously. The release, protection and reintegration of children unlawfully recruited or used must be sought at all times, without condition and must not be dependent on any parallel release or demobilisation process for adults.

3.12 Where there are formal disarmament, demobilisation and reintegration (DDR) processes, special provision should be made for children. The absence of a formal DDR process, however, should not prevent activities in pursuit of the release of children from armed forces or armed groups. These actions may require or include separate negotiations with armed forces or armed groups that are unrelated to the broader agenda driven by security reform or by other formal negotiations processes. Where formal processes are in place, linkages should be made to ensure coordinated and comprehensive support to the reintegration of children and their communities of return.

3.13 Where armed forces or armed groups have unlawfully recruited or used children, advocacy efforts - undertaken in accordance with respective mandates - should guard against the securing of advantages from such unlawful recruitment or use during peace negotiations and security sector reforms.

Participation and respect for the views of the child

3.14 All stages of programme assessment, planning, implementation and evaluation activities to prevent the association of children with armed forces or armed groups secure their release, provide protection and reintegrate them into civilian life should include the active participation of those communities concerned, including children. The views of children in particular, as well as the families and the communities to which children return, should always be sought.

⁷ 1989 Convention on the Rights of the Child, Article 6.

⁸ 1989 Convention on the Rights of the Child, Article 37.

Operational principles

Preamble

3.15 Children's reintegration into civilian life is the ultimate goal of the process of securing their release from armed forces or armed groups. Planning for reintegration should inform all stages of the process and should commence at the earliest possible stage.

Accountability and transparency

3.16 Actors seeking to support the children who are or who have been associated with armed forces or armed groups and to prevent such association should ensure that their actions are based on child rights and humanitarian principles, that applicable minimum standards in programmes are met and that systems for accountability are developed.⁹

3.17 All staff working with children must, as a condition of employment, be informed of the requirement to be familiar with and adhere to an effective code of conduct of their respective organisations which directly or implicitly includes the protection of children.¹⁰ Child protection and other actors should disseminate these standards and where possible provide training to partner organisations and any other individuals or groups working with children including volunteers, local community based or religious groups. Mechanisms for monitoring and reporting violations and holding those responsible to account should be established and used.¹¹ Moreover, violations of these codes of conduct that are also criminal offences under national law must also be reported to the relevant law-enforcement authorities.

Context-specific programming

3.18 Strategies and programmes should be based on a comprehensive analysis of the political, social, economic and cultural context, informed by a gender analysis. The comprehensive analysis should include threats, deficits and weaknesses as well as opportunities, capacities and resources. Such an analysis should describe the reasons why children have or may become associated with armed forces or armed groups and identify ways to address them. Likewise, a comprehensive analysis should be undertaken to understand the motivations and incentives of those recruiting or using children.

3.19 A thorough risk analysis should be conducted to ensure that the children, families and communities assisted by programmes are not placed at greater risk for being part of any programme.

3.20 A regional or sub-regional approach should be taken, especially where conflicts spill across international borders, in order to prevent children's unlawful recruitment and re-recruitment into armed forces or armed groups in neighbouring countries or conflicts and other forms of violations of children's rights across borders.

⁹ These include: The Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief, 1994; The Sphere Handbook, Humanitarian Charter and Minimum Standards in Disaster Response; Interagency Guiding Principles on Unaccompanied and Separated Children, ICRC 2004.

¹⁰ See, for example, 'Keeping Children Safe: A toolkit for child protection', by the Keeping Children Safe Coalition, 2006.

¹¹ Further information can be found on <http://ochaonline.un.org/webpage.asp?Site=sexex>.

Capacity strengthening

3.21 Programmes should always build on, support and develop regional, national, local and community efforts and capacity to prevent unlawful recruitment or use of children by armed forces or armed groups, support their release and reintegration and protect all children.

3.22 It should be recognised that communities, particularly the women and adolescent girls, are often already over-burdened. Efforts should always be taken to involve the community in planning for programming to ensure that it is adequately supported to care for children released from armed forces or armed groups and to prevent association with armed forces or armed groups from taking place.

Funding and other support for the prevention of unlawful recruitment or use and the release and reintegration of children

3.23 Funding should be made available to child protection actors as early as possible and independently of the progress of any formal or informal peace process and formal DDR planning. Funding should remain available, regardless of the success or progress of formal peace and DDR processes.

3.24 Funding should be made available for activities in communities benefiting a wide range of conflict-affected children and reintegration activities should, so far as possible, avoid maintaining distinctions between children formerly associated with an armed force or armed group and other children in the communities to which they reintegrate.

3.25 Measures are necessary to ameliorate, as far as possible, the negative consequences for children of having been associated with an armed force or armed group whether these are physical, developmental, emotional, mental or spiritual. Reintegration is a long term process requiring a long term commitment from states, supported or assisted by child protection actors and donors alike. Funding should, therefore, be available for the time required to ensure full reintegration of children who have been associated with armed forces or armed groups. It should be flexible, enabling programmes to be more responsive to the expressed needs of girls and boys and the needs for capacity-building of actors involved in these activities. Reintegration programmes should link at the earliest possible stage with other development programs and actors to build the local and national capacity necessary to provide longer-term support to these children and their communities.

Coordination, Collaboration and Cooperation

3.26 Communication, cooperation, coordination, information sharing and transparency among all those involved – from the community level to national institutions and international organisations - in preventing the association of children with armed forces or armed groups and supporting their release, providing protection and reintegrating children are essential at all times. This must be done in compliance with the respective mandates and working modalities of those involved.

3.27 Actors implementing programmes for children who are or have been associated with armed forces or armed groups should coordinate their efforts by establishing and maintaining an

interagency group where *inter alia*: roles and responsibilities are agreed and communicated, respective modes of action are understood and respected, possible collaborative action is planned, policy and programme approaches are defined and protocols for information sharing are developed.

3.28 UNICEF and its partners, working together with government ministries and other bodies with a child protection mandate, including child protection actors, shall support relevant States by providing the required technical and operational expertise and leadership in decision-making and programme implementation in prevention of unlawful recruitment, release, demobilisation and reintegration programmes for children.

Confidentiality

Information-sharing

3.29 It is essential for the protection of children and their families that personal information relating to violations of children's rights including unlawful recruitment or use by armed forces or armed groups be treated as confidential. Inter-agency information management systems should be developed and agreed between all actors implementing programmes who are collecting information, based on the need to protect children and to enable effective action on their behalf. Confidentiality rules applied by certain actors must also be taken into account. Principles on protection of all data should be developed and implemented and training should be provided as necessary. All data stored by UN departments, funds, offices and programmes must comply with the UN Fundamental Principles of Official Statistics.¹²

Media coverage

3.30 Inappropriate media coverage can place children and their families at risk of physical harm and cause psychological damage. Media and publication principles,¹³ including a code of conduct for journalists, should be implemented by actors working with children associated with armed forces or armed groups to provide safeguards and prevent placing them at risk, violating confidentiality standards, and otherwise causing harm to the children or their families.

3.31 Ethical standards are also essential for researchers, academics and any other persons who interview or work with children associated with armed forces or armed groups.

4. ADDRESSING THE SPECIFIC SITUATION OF GIRLS

4.0 There are almost always a significant number of girls amongst children associated with armed forces or armed groups. For a range of reasons, however, these girls are rarely provided with assistance. While there are commonalities between the circumstances and experiences of girls and boys, the situation for girls can be very different in relation to the reasons and manner in which they join the armed forces or armed groups; the potential for their release; the effects that the experience of being in the armed force or armed group has on their physical, social and emotional

¹² UN ECOSOC Report of the Special Session of the Statistics Commission 1994 E/1994/29.

¹³ UNICEF Media Guidelines – Guidelines on Ethical Reporting.

well being; and the consequences this may have for their ability to successfully adapt to civilian life or reintegrate into family and community life after their release.

4.1 From the planning stage onwards, through the design of eligibility criteria and screening procedures for inclusion in release and reintegration programmes and informal release processes through to programming for reintegration, monitoring and follow-up, actors should recognise that girls are at risk of being ‘invisible’ and take measures to ensure that girls are included and relevant issues addressed at all stages. It is important that the differences between girls’ and boys’ experiences are understood and taken into account by all actors and that programming for children who are or have been associated with armed forces or armed groups explicitly reflects the particular situation of both girls and boys.

4.2 Actors should establish the means to share and learn from one another’s experience and expertise including findings on research and outcomes of pilot programmes for girls associated with armed forces or armed groups.

4.3 Issues relating particularly or specifically to girls are considered throughout the Principles.

5. REFUGEE AND INTERNALLY DISPLACED CHILDREN

5.0 Children who have been internally displaced, whether due to natural disasters or armed conflict may be at greater risk of recruitment or use by armed forces or armed groups due to reduced social protection and coping mechanisms, discrimination on the basis of their displaced status or their perceived allegiance with a belligerent in the armed conflict. Additionally, the impact of lack of economic, educational or other opportunities caused by displacement also places refugee and internally displaced children at greater risk of recruitment in armed forces or armed groups. All actors must be sensitive to these increased risk factors. Humanitarian access to monitor the situation of internally displaced children is of particular importance in addressing these risks.

5.1 Children who have joined armed forces and armed groups and whose families are displaced are at greater risk of remaining separated from their families and communities. Efforts to trace and reunify children with their families once they have been released or demobilised must be guided by the Inter-agency Guiding Principles on Unaccompanied and Separated Children

Refugee children

5.2 Acknowledging their right to seek and enjoy asylum, children who are seeking international protection, irrespective of their age and sex and including those who are unaccompanied or separated, must be referred to available asylum procedures and assisted in gaining access to asylum or complementary forms of protection addressing their specific protection needs. Programmes should be guided by the following legal principles:

5.3 States, recognizing the right to seek and enjoy asylum, shall grant children who are seeking asylum, including those who are unaccompanied or separated, access to asylum procedures and other forms of complementary protection, irrespective of their age. When assessing their claims, States shall take into account the development of, and formative relationship between, international human rights and refugee law, including positions developed by UNHCR in

exercising its supervisory functions under the 1951 Refugee Convention. In particular, the refugee definition in that Convention must be interpreted in an age and gender-sensitive manner, taking into account particular motives for, and forms and manifestations of, persecution experienced by children. Unlawful recruitment or use of children is one of the child-specific forms and manifestations of persecution which may justify the granting of refugee status if such acts are related to one of the 1951 Refugee Convention grounds. States should therefore give utmost attention to such child-specific forms and manifestations of persecution in national refugee status determination procedures.¹⁴

5.4 Children must not be returned in any manner to the borders of a State where there is real risk, assessed on a case by case basis, of unlawful recruitment or re-recruitment or use by armed forces or armed groups or participation in hostilities.

5.5 In the case that the requirements for granting refugee status under the 1951 Refugee Convention are not met, children who are not in their state of nationality shall benefit from available forms of complementary protection to the extent determined by their protection needs. The application of such complementary forms of protection does not obviate States' obligations to address the particular protection needs of the unaccompanied and separated child. Therefore, children granted complementary forms of protection are entitled, to the fullest extent, to the enjoyment of their human rights, while in the territory or subject to the jurisdiction of the State, including those rights which require a lawful stay in the territory.

5.6 In line with the generally applicable principles and, in particular, those relating to the responsibilities of States with regard to unaccompanied or separated children finding themselves in their territory, children who are neither granted refugee status nor benefit from complementary forms of protection, will still enjoy protection under the Convention on the Rights of the Child and other international human rights norms and if applicable, international humanitarian law.

Internally displaced children

5.7 The majority of children who are displaced during or as a result of armed conflict remain within the boundaries of their own country. They may be displaced with their communities or families or be completely alone.

5.8 The Guiding Principles on Internal Displacement and the binding rules of international humanitarian law and human rights law on which they are based should inform all programmes and planning of programmes for children and their families who are internally displaced. This includes children who have returned from another country but not to their area of origin, whether they were abroad to seek international protection or as a result of being associated with armed forces or armed groups.

5.9 States and internally displaced persons (IDP) communities alike should be encouraged to recognise the protection needs of internally displaced children who have returned from being associated with armed forces or armed groups – particularly where those armed forces or armed groups acted against the State or against the displaced communities, respectively. Intensive advocacy should be conducted with States and displaced communities on behalf of these children.

¹⁴ Committee on the Rights of the Child, General Comment No. 6, Treatment of unaccompanied and separated children outside their country of origin, CRC/GC/2005/6.

5.10 Advocacy with governments and local authorities should remind them that children and their families may often become internally displaced as a result of the threat of the recruitment or use of children. These children and their families should not be regarded as taking a supportive stance to, or collaborating with either side to an armed conflict.

6. PREVENTION OF UNLAWFUL RECRUITMENT OR USE

6.0 Children become associated with armed forces or armed groups for numerous reasons. Many are forcibly recruited; others “volunteer” because of their circumstances. While war itself is a major determinant, children may view enlistment as their best option for survival for themselves, their families or communities in contexts of extreme poverty, violence, social inequality or injustice. Gender inequalities, discrimination and violence are frequently exacerbated in times of armed conflict. Girls and boys may be seeking to escape gender-based violence or other forms of discrimination. Successful prevention programs will address the underlying causes of recruitment, and efforts will be made to provide alternatives to the dangers inherent in association with armed forces or armed groups.

6.1 A lasting solution to the involvement of children in armed conflict will involve a comprehensive prevention plan by States. This should include the ratification and implementation of international treaties and the adoption and enforcement of national laws which criminalize the unlawful recruitment or use of children in armed conflict. Legal reform should be accompanied by public information campaigns on child protection laws and support for community efforts to provide protection for children at the local level.

6.2 Successful prevention requires a collaborative set of actions to be undertaken, broadly inclusive of all actors, including multi-national peacekeeping forces where they are present, relevant to the national or regional context in which children are, or are likely to be, associated with armed forces or armed groups. These actions should include the application of international humanitarian law, relevant human rights instruments and mechanisms, practical measures to improve children’s safety, programming that addresses factors that may encourage the involvement of children in armed forces or armed groups, broadly focused social mobilisation to make the use of children in conflict culturally and morally unacceptable and any other locally relevant measures.

6.3 Effective prevention of the unlawful recruitment or use of girls and boys includes safe attendance at schools, prevention of family separation and early identification, protection and reunification programmes for separated children. Viable alternatives to joining armed forces or armed groups should be available for children, including adolescents. This will include educational and vocational programmes, income generating activities, and access to livelihood opportunities. Child protection mechanisms must be in place, including raising awareness on children’s rights. However, as the gender context may not support girls’ attendance at school, in addition to carrying out certain domestic chores (walking long distances for water and firewood etc.) this may increase their vulnerability to recruitment and requires additional interventions to enrol and retain girls in school.

Ratification and implementation of international legal standards

6.4 Advocacy and other programming with States must be guided by the following: States should take necessary steps to ensure that all relevant international standards are ratified, respected and reflected in national law, including:

6.4.0 The Convention on the Rights of the Child

6.4.1 The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which raises the minimum age for compulsory recruitment into armed forces to 18 years; exhorts armed groups not to recruit or use children under the age of 18 and requires State Parties to take all feasible measures to criminalize such practices;

6.4.2 The African Charter on the Rights and Welfare of the Child, which establishes the age of 18 as the minimum age for recruitment and participation in any armed force or armed group;

6.4.3 The two Additional Protocols to the 1949 Geneva Conventions and the Convention on the Rights of the Child, which set 15 as the minimum age for recruitment or participation in hostilities; as well as the four Geneva Conventions of 1949 which offer important protections to children affected by armed conflict more generally;

6.4.4 The Rome Statute of the International Criminal Court, which states that conscripting or enlisting children under 15 years into national armed forces or armed groups or using them to participate actively in all kinds of hostilities is a war crime. It grants the International Criminal Court jurisdiction over this crime. By ratification, States should import the proscription of recruitment of children under 15 years of age into national legislation;

6.4.5 The ILO Convention No.182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which defines forced and compulsory recruitment of children in armed conflict as one of the worst forms of child labour and obliges States parties to provide and apply appropriate sanctions, including penal sanctions;

6.4.6 The 1951 Convention Relating to the Status of Refugees and its Protocol of 1967.

6.5 States should take all feasible measures to comply with UN Security Council resolutions 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004) and 1612 (2005).

6.6 States should take all feasible steps to establish and enforce recruitment procedures in line with the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and other relevant international law. Recruitment procedures and measures for implementation must include:

6.6.0 Requirement of proof of age. Where documentary evidence of the recruit's age is not available other means of verification - such as cross checking with other persons and medical screening - may be required; responsibility for establishing the age of the recruit lies with the recruiting party;

6.6.1 Legal and disciplinary measures to sanction those who contravene proof of age requirements;

6.6.2 Legal provisions on minimum recruitment age requirements should be disseminated to those responsible for the conscription and enlistment of military recruits.

6.7 To further ensure that minimum recruitment ages are respected, States, assisted by other relevant bodies and others working for or on behalf of children, should:

6.7.0 Carry out a national awareness raising campaign to disseminate information on international and national laws, standards and procedures protecting children from under-age recruitment;

6.7.1 Provide training on legal standards on minimum age for relevant military personnel;

6.7.2 Implement a national birth registration system for all children within the jurisdiction, including for refugees, internally displaced and returnee children, and provide identity documents to all children.

6.8 Training on applicable standards should be provided for armed forces both for senior officers and rank and file personnel, and where feasible to armed groups. Any training provided should include monitoring and evaluation mechanisms to assess its impact.

6.9 In line with their obligations under international law States must take all feasible measures to prevent the unlawful recruitment or use of children by armed groups.

6.10 Where feasible, governmental, inter-governmental and non-governmental organisations, should offer support and technical assistance to governments and to armed groups, to enable them to comply with their obligations under international law;

6.11 States and armed groups should comply with the Guiding Principles on Internal Displacement which restate the existing obligations that in no circumstances shall displaced children be unlawfully recruited nor be required or permitted to take part in hostilities;

6.12 In situations where provisions have been made to release children from armed forces or armed groups pursuant to the conclusion of peace or cease-fire agreements, mechanisms should be established to ensure that the agreements are respected, that children are immediately released and that no further unlawful recruitment or re-recruitment of children occurs;

6.13 Registration of all children within the jurisdiction of a State is key to preventing unlawful recruitment or use and to reducing the likelihood of children becoming stateless, which in turn may make them more vulnerable to recruitment or use.

Prevention in relation to refugees and internally displaced persons

6.14 Children who are displaced as refugees or are internally displaced whether in camps, with host communities or families or in urban situations can be particularly vulnerable to recruitment. States shall take additional measures to ensure the protection of displaced children against unlawful recruitment or use. Where necessary, States should take additional measures to ensure the protection of displaced children with, where necessary, the assistance of the international community, including by the implementation of the following principles:

6.14.0 States must respect and ensure the civilian and humanitarian character of camps for refugees and internally displaced persons at all times;

6.14.1 States have the responsibility to provide physical protection to persons in camps for refugees and internally displaced persons, which includes the prevention of infiltration in these camps by combatants;

6.14.2 States should make all efforts to locate refugee camps at a reasonable distance from the border, generally at least 50 kilometres, to maintain law and order, to curtail the flow of

arms into the camps and to disarm armed elements and identify, separate and intern combatants and to prevent cross-border recruitment;

6.14.3 Individual registration and documentation of displaced children is an important tool for the protection of children against unlawful recruitment or use, especially for unaccompanied and separated children.

Monitoring and reporting

6.15 Systematic monitoring and reporting of the unlawful recruitment or use of children by armed forces or armed groups as well as other human rights violations against children affected by armed conflict is an essential protection measure; it additionally serves as the basis for actions to pressure armed forces or armed groups to respect fundamental humanitarian and human rights norms and for actions to end impunity for those who violate these norms.

6.16 Pursuant to Security Council Resolutions 1539 (2004) and 1612 (2005) the Secretary General UNICEF and the Office of the Special Representative of the Secretary General for Children Affected by Armed Conflict (SRSG-CAAC) are tasked with a lead role in the implementation of a mechanism for monitoring and reporting on unlawful recruitment or use of children and other egregious violations against children in armed conflict. They are tasked with working alongside UN Peacekeeping forces and UN Country Teams. They act in collaboration with local and international NGOs, civil society actors and other partners.¹⁵ The following guidance should guide the work of monitoring and reporting mechanisms established within the UN framework:

6.16.0 Monitoring and reporting mechanisms should be linked to, support and develop community efforts to prevent the unlawful recruitment or use of children by armed forces or armed groups and facilitate community based outreach strategies;

6.16.1 International and national organisations should be informed of the provisions and available support to enable them to conduct monitoring and reporting in a way that preserves important evidence while reducing the risk to themselves and any children;

6.16.2 Information on recruitment patterns and other grave violations should be used to put pressure on those who recruit children to abide by the relevant law and standards;

6.16.3 Where feasible, monitoring and reporting structures should document cross border recruitment;

6.16.4 Creation of inter-agency information management systems, including databases, at local and sub-regional levels where appropriate, should be considered by international child protection agencies;

6.16.5 Country teams should decide collectively on the establishment of monitoring and reporting task forces as set forth in the Security Council Resolution 1612 (2005) Response measures should be implemented by the mission SRSG or the UN RC as appropriate;

¹⁵ In each country where children and armed conflict is an issue, a task force on monitoring and reporting will be constituted. The country-level Task Force on Monitoring and Reporting will be co-chaired by the Deputy SRSG and UNICEF Representative in situations where a UN peacekeeping mission is in place, or by the UNICEF representative and other UNCT members where appropriate in situations without a peacekeeping mission. All monitoring reports should be submitted through the SRSG or the Resident Coordinator to the Office of the SRSG for Children and Armed Conflict and copied to UNICEF HQ.

6.16.6 Humanitarian assistance mapping and planning should include the reality and risks of the recruitment of children. The UN Office for the Coordination of Humanitarian Affairs (OCHA) should be involved in this work at the earliest possible stage.

6.17 Monitoring and reporting at the national and local levels, as well as the regional and international levels, may constitute an effective means for preventing the unlawful recruitment of children and obtaining their release. International organizations, including UNICEF, peacekeeping mission, field presences of the Office of the High Commissioner for Human Rights, and other members of UN Country Teams, international humanitarian and human rights NGOs, peacekeeping operations and bilateral donors should, wherever possible, support national and local level monitoring and reporting initiatives, and other community-level initiatives.

6.18 Independently of inter-agency mechanisms, States should take all feasible measures to prevent violations and ensure that perpetrators are adequately prosecuted.

6.19 The European Union Guidelines for Children and Armed Conflict adopted in 2003 include a request for monitoring and reporting of recruitment and other violations and abuses against children through European Union Heads of Mission and outline actions to be taken. Information gathered through the monitoring and reporting mechanism can be used to request European Union bodies to take action on children's association with armed forces or armed groups.

6.20 Reports on the unlawful recruitment and use of children by armed forces or armed groups should be amongst those submitted to the Committee on the Rights of the Child which monitors government implementation on the Convention on the Rights of the Child and the Optional Protocol on the involvement of children in armed conflict. Information should also be shared with relevant special procedure mandates of the Human Rights Council as appropriate.

Advocacy for prevention

6.21 Prevention strategies and programmes by governments, UN, NGOs and other civil society actors should, wherever possible, be coordinated and effective information-sharing mechanisms should be developed. Where feasible, coordinated strategies targeting armed forces or armed groups recruiting or using children should be developed, and these should seek to involve those – from the local to the international levels - who may be able to influence the conduct of the forces and armed groups responsible.

6.22 A range of actors should be engaged to advocate for an end to the association of children with armed forces of armed groups. They include:

6.22.0 Local human rights defenders, children formerly associated with armed forces or armed groups, teachers, organised civil society, parents, health workers, religious leaders and other community leaders;

6.22.1 Government officials, military personnel, and current or former opposition leaders may be effective as advocates or negotiators in the context of actions to release children or implement prevention strategies, including in neighbouring countries;

6.22.2 Regional bodies such as the Economic Community of West African States (ECOWAS) the African Union (AU), Association of South East Asian Nations, (ASEAN),

Organisation of American States (OAS), and the European Union (EU)¹⁶ can play a vital role in advocacy as can strong and influential individuals, including those exerting authority at a regional level;

6.22.3 Neighbouring and other States can exert political pressure on armed forces or armed groups who recruit or use children, particularly when armed groups are based in those other countries;

6.22.4 The International Committee of the Red Cross has a particular role in relation to its mandate to protect and assist persons affected by armed conflict and in promoting respect for international humanitarian law;

6.22.5 Multi-national peacekeeping forces have particular responsibilities according to their mandates for the protection of civilians including the protection of children against unlawful recruitment or use by armed forces or groups;

6.22.6 Media personnel are frequently well informed on the recruitment or use of children by armed forces or armed groups or the impending risk of such recruitment and can provide the information to enable advocacy.

6.23 States, national and international humanitarian and human rights actors, religious bodies, and other civil society actors are strongly encouraged to use all means of communication to assert that using children to participate in armed conflict is not acceptable. Establishing this prohibition as an absolute social norm is a critical dimension in making it a reality.

6.24 States, national and international humanitarian and human rights actors, religious bodies, and other civil society actors should seek to limit the supply of arms and other support to parties unlawfully recruiting or using children in armed conflict. Control of the availability of small arms and light weapons may be especially important in reducing children's capacity to participate in armed conflict.

6.25 Children are more likely to join or be re-recruited into armed forces or armed groups if they are harassed or attacked or their rights are violated in any other way. Advocacy should therefore also include demands for respect of the humanitarian and human rights principles during and after armed conflict.

Prevention and education

6.26 Education provides opportunities to learn and, when effective, gives children the skills and competence to meet their needs, protect themselves and build hope for the future. Access to education, including appropriate education for older children, life skills and relevant vocational training should be promoted for all boys and girls including returnees and stateless, refugee and internally displaced children. The following principles should be considered to reduce the likelihood of recruitment and use:

6.26.0 Education should be free to all children and of good quality;

6.26.1 Measures must be taken to prevent propaganda or active recruitment taking place in or around schools and to protect children in the school environment.

¹⁶ The EU adopted Guidelines for Children and Armed Conflict in 2003 and an Implementation Strategy for the Guidelines was agreed in January 2006.

<http://ue.eu.int/uedocs/cmsUpload/GuidelinesChildren.pdf#search=%22european%20union%20guidelines%20on%20children%20and%20armed%20conflict%22>.

Building local initiatives

6.27 Programmes to prevent unlawful recruitment should support community efforts and be context-specific. They should be based on an analysis of the factors underlying children's involvement in armed forces or armed groups, preferably in collaboration with local communities and children themselves. Particular attention should be paid to those children most vulnerable to involvement with armed forces or armed groups, including adolescents, refugees, internally displaced children, children living in conflict zones and occupied territories and those who live in highly politicised environments. Attention should also be paid to children separated from their families (whether accompanied or not) or in institutions, those living or working on the streets, or in conflict with the law, and those who have been subjected to sexual and gender based violence. The following principles should be adhered to reduce the likelihood of unlawful recruitment and use:

6.27.0 Risk mapping can identify areas where conflict is concentrated, the groups at risk, the age of children being recruited and the type of risks they face, as well as the principal recruiting agents and tactics. Targeted strategies should be based on this information. Any risks associated with prevention activities should also be assessed;

6.27.1 Understanding the attitude and motivations of families and communities is vital; children living in highly militarised or politicised communities or those where violence is organised or commonplace may be particularly vulnerable to recruitment; children often join armed groups to support or remain with their families;

6.27.2 Where communities view children as adults before they are 18 years old, opportunities should be sought for involving the government and local communities in reflecting on the need to protect children from the dangers of participation in armed conflict and its negative consequences;

6.27.3 Community and family efforts to protect children from unlawful recruitment or enlistment should be identified and supported and where appropriate replicated;

6.27.4 Children and families should be involved in the design and implementation of prevention activities. Children who have joined up are best placed to describe why they did so. Strategies can be created to reflect on and address these issues, involving parents, children, teachers and community leaders. The influence of parents and other significant adults has been shown to be important in preventing children from joining an armed force or armed group;

6.27.5 Programmes should encourage the formation and continuation of youth groups which bring young people together, especially those from opposing communities. Sports, music or drama or work on conflict resolution or peace studies provide children with a positive alternative to taking up arms and can also promote reconciliation.

Preventing the unlawful recruitment or use of girls

6.28 General prevention strategies apply to girls in the same way as to boys. Girls should be included in the design of programmes as well as in monitoring and evaluation of programmes to ensure interventions are relevant and effective.

6.29 Girls may join armed forces or armed groups to escape sexual and gender-based violence, early marriage or other harmful practices and exploitation. Programmes should address these issues nationally and locally. They should seek to promote gender equality and freedom of choice for girls in line with international human rights norms. Programmes should be developed to provide girls with opportunities to develop skills and generate income in non-exploitative settings.

6.30 The following issues need to be given special consideration and addressed in relation to the prevention of the association of girls with armed forces or armed groups:

6.30.1 Dialogue with armed forces or armed groups should emphasize that the use of girls as “wives” or other forced sexual relations, actual forced marriage, and the use of girls for domestic labour or logistical support in armed conflict constitute acts of recruitment or use and can be thus contrary to fundamental human rights and humanitarian law and standards if not also contrary to national law;

6.30.2 Girls have an equal right to education irrespective of their status as mothers or wives and girls’ lack of access to education should be addressed;

6.30.3 Girls may be particularly vulnerable to forced recruitment or use by armed forces or armed groups if sufficient protection is not afforded, for example by having to fetch water and firewood unaccompanied in conflict zones. All possible measures must be taken to provide effective protection in these and other cases.

Family unity

6.31 The family and community generally provide the most effective protection for children. Every effort should be made to keep children with their families or to reunite them or place them within a family or community setting where they can be adequately cared for and protected.¹⁷

6.32 Where families decide to send children away temporarily to avoid recruitment, steps should be taken to ensure that these are informed decisions, that, wherever possible, children are consulted and that, above all, these decisions are motivated by the best interests of the child.

6.33 Child protection agencies and other relevant actors should work with governments in providing an urgent response that supports family reunification and the interim care of separated children in the context of armed conflict or natural disaster. In particular,

6.33.0 By providing children with registration documents or at least name tags and teaching them their name and place of origin;

¹⁷ For further information and ideas see Interagency Guiding Principles on Unaccompanied and Separated Children and Unaccompanied Minors & Priority Action Handbook for UNICEF/UNHCR field staff.

6.34.1 When children have to be evacuated, inter-agency guiding principles indicate: “Whenever possible, children should be evacuated from their place of residence with adult family members. Evacuating children without family members should be a last resort, carried out only after it has been carefully determined that protection and assistance cannot be provided in place and that evacuation of the entire family is not feasible;”¹⁸

6.35.2 An assessment of the motivation and capacity of families to provide care and protection should be carried out before unaccompanied or separated children are placed with the extended family or in foster care; these arrangements require monitoring to ensure children are not neglected, abused or exploited;

6.35.2 In many instances, children’s vulnerability to recruitment may be increased if they are in institutional settings. It is preferable, therefore, that families and communities are provided with adequate support to ensure a protective environment for children, including the capacity for monitoring.

7. RELEASE AND REINTEGRATION

Planning and preparation

7.0 At all stages, the planning and programming for children who have been associated with armed forces or armed groups should have the objective of enabling children to play an active role as a civilian member of society, integrated into the community and, where possible, reconciled with her / his family.

7.1 Planning for programmes to support the release and reintegration of children should commence as soon as it becomes apparent or possible that there will be children associated with armed forces or armed groups and should not be dependent either on the progress of any formal peace process or on any formal DDR process. Actors working towards the release of children should have agreed contingency plans in place to manage any unexpected, rapid or large-scale release of children by an armed force or armed group.

7.2 Funding for the release and reintegration of children into civilian life should be available at the earliest possible stages and continue after the cessation of formal adult or child DDR processes. Preparations should include an appeal for the necessary funding to support a programme of adequate duration.

7.3 The situation analysis required in planning for the release and reintegration of children associated with armed forces or armed groups should include careful attention to the circumstances of other war-affected children and families in the areas to which they will return.

7.4 Planning for programmes should emphasize community engagement, involve children and the communities to which they return, build on existing resources and take account of the rights and aspirations of children, balanced with community priorities and values. Assessments for programme planning should also acknowledge the changing roles, responsibilities, hierarchies and social dynamics that may have occurred in a community as a result of the disruption caused by the conflict in addition to the skills and experiences children have gained and how this will affect their reintegration process.

¹⁸ Op cit.

7.5 Preparation should include a strategy to meet the needs both of children who enter a release process *and* those who do not go through any kind of process but leave armed forces or armed groups and either return to their family and community or seek to integrate elsewhere.

Protection of children who have been associated with armed forces or armed groups

7.6 Children who leave armed forces or armed groups by any means, including those who escape, are abandoned or are captured by an opposing armed force or armed group or by multinational forces retain their human rights as children, and relevant international law and standards must be applied, inter alia:

7.6.0 No child may be subjected to torture or other cruel, inhuman or degrading treatment or punishment;

7.6.1 Neither capital punishment nor life imprisonment without possibility of release should be imposed for offences committed by persons below eighteen years of age;

7.6.2 No child may be deprived of his or her liberty unlawfully or arbitrarily;

7.6.3 Children who escape unlawful recruitment must never be considered deserters;

7.6.4 All appropriate measures to promote physical and psychological recovery and social reintegration must be taken;

7.6.5 All appropriate action must be taken to ensure and re-establish family unity;

7.6.6 Unless contrary to the best interests of the child, all allegations of violence, including sexual and gender-based violence must be promptly, thoroughly, and independently investigated and prosecuted and adequate and effective follow-up care offered to the child and her/ his family.

7.7 Many girls give birth during or after their time with an armed force or armed group; the surviving children are likely to face numerous child protection problems, so other specific programmes should be developed which seek to address the particular nature of the challenges faced by these children as infants and as they grow up. They are likely to suffer from health problems, neglect, rejection and abuse or there may be custody battles with the father or his family trying to reclaim the child. The legal status of these children according to both domestic and international law is likely to be unclear. Primarily, the state where the child currently resides has responsibility for ensuring that the best interests of the child are protected. This will include registration at birth or as soon as possible afterwards, the child's right to its identity, a nationality and its family and the right not to be discriminated against.

Advocacy

7.8 All actors should endeavour to work together in accordance with their mandate and respective working modalities to develop a coordinated advocacy strategy with the objective of securing the release and reintegration of children, including a particular focus on girls. Such advocacy should take place at all stages of a conflict, based on continuous monitoring and information collection. It should take place with all those responsible for the recruitment and retention in armed forces or armed groups, communities from where the children were recruited and / or to where they will be released or eventually integrated and with the children themselves.

7.9 Even when a collective or large scale release is agreed, some children (particularly girls) may be kept back and others may be reluctant to leave. Actors should continue to negotiate with armed forces or armed groups for the release of all children recruited or used unlawfully, provide accurate information about the release and reintegration process to children who remain inside armed forces or armed groups, and also consult children already released to find ways to communicate with and encourage those remaining to leave.

7.10 Where appropriate in and accordance with the best interests of the child, direct and free access to all children associated with armed forces or armed groups, regardless of their nationality, should always be granted. This should be done so, without hindrance, to those relevant authorities or actors who have committed to operate in accordance with the relevant standards and who are implementing programmes to support the release, protection and reintegration of children.

Armed groups

7.11 Based on their analysis of armed groups, actors working to promote and support the release of children should make contact with those armed groups who are recruiting or have recruited children and affiliated bodies where this can be done safely, in order to negotiate commitments to establish a minimum age of 18 years for recruitment or participation in armed conflict and to release children in their ranks.¹⁹

In such contacts:

7.11.0 Rigorous adherence to the principles of neutrality and impartiality are essential;

7.11.1 Actors should adopt a co-coordinated and transparent approach to the extent their mandate and working modalities allow in order to agree on a common strategy and ensure consistent communications. It can be helpful for one agency to take a lead role when making contact with armed groups;

7.11.2 Dialogue and negotiations should take place without media coverage;

7.11.3 Formal agreements should be sought, and should include mechanisms to monitor implementation;

7.11.4 Training and capacity-building on obligations under international law relating to the recruitment or use of children should be provided;

7.11.5 Training provided to armed groups should include monitoring and evaluating mechanisms to assess impact.

Peace processes and peace agreements

7.12 The issue of the release and reintegration of children should be included in all stages of any peace process; where children have participated in armed conflict, peace agreements and related documents should acknowledge this fact. Peace agreements should include specific provision for the needs of children, including the particular needs of girls and any children they have or will have as a result of their association with an armed force or armed group. Such provision should explicitly include financial and other resources required for programmes to support the swift and safe release, return and reintegration or integration of children at the earliest opportunity. There should be no liability for future conscription for those who fought as children.

¹⁹ More information can be found in the OCHA handbook Humanitarian Negotiations with Armed Groups published by OCHA available at <http://ochaonline.un.org/humanitariannegotiations/index.html>.

The release process

7.13. The transition of the child from a military environment and the first step towards reintegration into civilian life begins with their release from armed forces or armed groups.

7.14 It is usually in the best interests of children associated with armed forces or armed groups to go through some form of formal release process where they can receive support and assistance. Processes should be designed to ensure that all children who wish to are able to benefit from formal programmes. Concerned agencies should therefore:

7.14.0 Design and conduct an information campaign so that children, particularly girls, who are currently associated with armed forces or armed groups, are aware of their right to be released and the options available to them;

7.14.1 Liaise with families and communities of recruited children so that, where possible, they can inform the children of their rights and options;

7.14.2 Advocate with armed forces or armed groups for access to children to explain their rights and options.

7.15 At the same time, particularly for children (largely but not exclusively girls) who do not wish to join such formal processes, programming should develop community based mechanisms where children can be supported without being stigmatised. The following guidance should be adhered to during the release process:

7.15.0 Where there are existing governmental or other, local, structures, these capacities should be incorporated into programming and strengthened as necessary;

7.15.1 Actors supporting the release and reintegration of children must ensure that all those persons who will be working with children are trained and supervised;

7.15.2 Logistical and technical support should be organised in collaboration with agencies responsible for this in the case of a formal DDR process;

7.15.3 Actors should agree on documentation, data collection and storage (including databases) and information sharing, with particular attention to confidentiality and protection of sensitive information, especially vis a vis parties to the armed conflict.

7.16 Where children had not been separated from their families or communities, the release process should not do so unless this is absolutely necessary for the protection of the child.

7.17 Where it would enable children to more easily assume a civilian identity, demobilisation or release papers may be provided. Decisions regarding the provision of such documentation should take into account the local context and balance the help this may give to children against the risk it may entail. Actors working to support the release of children should agree, together with any formal DDR coordination body, on best practice in this regard.

Eligibility for the release process

7.18 The “Definitions” contained in this document should form the basis for criteria on deciding when a child is or has been associated with armed forces or armed groups. The criteria should be clearly laid down and communicated to all who have a role in screening who should be trained and supervised. The criteria must explicitly include girls; armed forces and armed groups and other actors must understand that girls, whatever their roles, are eligible for release and must be included in formal and informal release processes. Release programmes need to ensure that programme activities support policy level agreement to include girls.

7.19 All children who meet the criteria and wish to do so must be allowed to enter a release process.

7.20 All measures to ensure that girls see themselves as eligible for release need to be taken. In particular, information should be given that explicitly includes girls’ eligibility, and special vigilance given to monitoring their release given the reluctance of commanders to allow this.

The release

7.21 The duration of the release process should be as brief as possible and the safety and dignity of the child and their need for confidentiality must be primary considerations. Children should be rapidly separated from adult fighters and handed over to an appropriate, mandated, independent civilian process. Particular consideration should be given to the particular situation of children who are solely dependents of adult fighters and of children born to adults or children who are already in armed forces or armed groups. Formal or informal release processes may take place in a centre or community based environment. Throughout the release process, the following measures are necessary:

7.21.0 Children should be accommodated at a distance from adult ex-combatants with sufficient security to prevent harassment or abuse;

7.21.1 Measures to prevent sexual and gender based violence and ensure safety such as secure accommodation, adequate lighting and separate latrines are essential and girls and boys should be consulted to ensure these measures are sufficient and effective;

7.21.2 Child protection actors and children themselves should be involved in decision making throughout the process;

7.21.3 Adequate time and appropriate personnel, including females, are essential in order to help children feel secure and comfortable enough to receive information about what will happen to them and to be able to participate in decision making;

7.21.4 Wherever possible, staff dealing with children should be of the same nationality and all communication and information should be in the child’s mother tongue;

7.21.5 Measures should be taken to ensure the cultural diversity of the area is taken into account and to meet any particular needs of children in relation to their ethnicity or religion;

7.21.6 Original documentation forms should accompany the child throughout the process;

7.21.7 Information should be provided to children explaining that they have a right not to be abused by anybody (including humanitarian and security staff) and providing details of safe and efficient reporting and complaints mechanisms they can use should abuse occur;

The release of children who are not in their state of nationality

7.22 While these Principles apply equally to the release of children from armed forces and armed groups outside their country of origin or habitual residence, their situation needs special attention. Upon release the child must enjoy access to asylum procedures and other complementary protection. Refugee status determination procedures must be conducted and the refugee definition of the 1951 Refugee Convention interpreted in a gender and age-sensitive manner, while paying due consideration to child-specific forms of persecution. For unaccompanied or separated children, their degree of mental development and maturity needs to be considered when deciding how refugee status will be determined. The best interests of the child should guide any subsequent decision on a durable solution. The provision of identification documents to unaccompanied and separated children is crucial regardless of which durable solution is deemed most appropriate.

Girls and the release process

7.23 From the planning stage onwards, eligibility criteria and screening procedures for inclusion in release and reintegration programmes and informal release processes should always recognise that girls are at risk of being ‘invisible’. Girls may often remain in the armed forces or armed groups while boys are released due in many cases to the view that as “wives” or in other domestic roles, girls are not in the same category of “child soldiers” as boys. This should also be a key consideration in any release negotiations with parties to a conflict.

7.24 If the conditions pertaining throughout the release process are not explicitly inclusive of the specific needs of girls, they will bypass the formal release processes, will leave them prematurely to go straight to their communities or will return to the armed force or armed group. In order to increase the likelihood of girls associated with armed forces or armed groups including those who are pregnant or girl mothers accessing release programmes and to ensure their needs are met, release programmes for children should always be designed to include the following:²⁰

- 7.24.0 The presence of accessible female employees at all times during the process;
- 7.24.1 Safe and private accommodation for girls where accommodation is required, either at cantonment or transit//interim care or any residential care sites, with specific health services, including reproductive health care, separate washing and toilet facilities, adapted hygiene kits, and clean birthing kits;
- 7.24.2 Measures to ensure the safety and protection of girls in residential settings such as regulated access of male former combatants to the sites, proper lighting and regular surveillance and patrolling by security forces in which women are a majority wherever possible and in any event for girls’ areas;
- 7.24.3 Nutrition and health care for infants and young children where necessary and support to girl mothers to care for their children, where possible;
- 7.24.4 Education in parenting skills and mother and child health for girl mothers or pregnant girls; options for their future should be presented in a supportive environment;
- 7.24.5 Education and skills training that is unrelated to girls’ reproductive status and made equally accessible to girls who are or are not pregnant or mothers.

²⁰ The IDDRS module on children provides further information on girls in the DDR process.

Interviewing children

7.25 Children may need to be interviewed for a number of reasons; to determine whether they meet the criteria for eligibility for release programmes, to establish information about their current circumstances and future plans, to facilitate family tracing, for explicitly therapeutic reasons or for forensic purposes. Interviews should never be conducted to collect information for military purposes.

7.26 Measures should be taken to ensure the safety of the information gathered and a document control mechanism should be established. The safety of the interviewee should be considered paramount in information management mechanisms. Information collected from interviews should remain the property of the collecting organisation.

7.27 Throughout release and reintegration processes, all children should be informed as to why information is being collected, who will have access to it, and which steps have been taken to ensure confidentiality. Children should be kept informed about what will happen to them at each step of the process.

7.28 The following measures should be put in place by organisations whose personnel need to interview children:

7.28.0 Interviewing personnel should be clear about their purpose and should concentrate on information required for these purposes only;

7.28.1 Interviews should be carried out by personnel who are trained in interviewing children;

7.28.2 Children should be interviewed by adults of the same sex wherever possible;

7.28.3 Multiple interviews should be avoided;

7.28.3 Sensitive issues should be raised with children only when essential and in their best interests;

7.28.4 Additional support should be provided as necessary to children during and after the interview;

7.28.5 In all cases, psychological support should be available to children before, during and after interviews;

7.28.6 Interviews should be conducted in private where they cannot be overheard and confidentiality should be respected at all times by the organisation collecting the information.

7.29 See section eight for principles relating to forensic use of information gathered from children.

An inclusive approach to reintegration

7.30 Children who have been associated with armed forces or armed groups may be further stigmatised with a narrow provision of benefits and support only to that sector of children; community divisions and tensions can be increased. Inclusive programming which supports children who have been recruited or used as well as other vulnerable children benefits the wider community.

7.31 While the reintegration of children into civilian communities should wherever possible be carried out in ways that facilitate local and national reconciliation, it should always be preceded by a risk assessment including a cultural and gender analysis addressing issues of discrimination and should be based on the child's best interests irrespective of national considerations or priorities.

7.31.0 Programmes should build on the resilience of children, enhance self-worth and promote their capacity to protect their own integrity and construct a positive life;

7.31.1 The participation of women and girls in programme development and implementation should incorporate their views with regard to reintegration into family, community and economic and political life;

7.31.2 Activities should always take into account the age and stage of development of each child and any specific needs.

7.32 Programmes to support the reintegration of children associated with armed forces or armed groups should develop links with all programmes, policies and initiatives which may benefit these children and their families either directly, for example through local or national social welfare programmes, or indirectly, through reconstruction and rehabilitation of national institutions and other development programmes.

Material assistance

7.33 Assistance at the release or reintegration stages should aim to enable children leaving an armed force or armed group to assume a place within their community and standard of living comparable to that of other children of the same age. Circumstances vary, and it should not be assumed that all children who have been associated with an armed force or armed group require direct material assistance in order to reintegrate. While material assistance and particular attention may well be necessary, for instance, for children with disabilities or girl mothers, inappropriate assistance can impede reintegration, particularly if it is perceived to be rewarding children who have committed acts harmful to their community. Benefits in terms of services should be structured and provided in a manner that does not either stigmatize or inappropriately privilege children or place them at risk. This is generally best achieved by providing support to children, families, and communities. For example, assistance might be provided to schools which enable them to incorporate such additional children.

7.34 Where reintegration will require appropriate material and social assistance, appropriate planning involves assessing how such children and their actions are regarded by their respective communities, how long they have been away and what they require in order to re-enter civilian life in an age-appropriate stage of the life cycle.

7.35 Direct cash benefits to released or returning children are not an appropriate form of assistance, as experience has repeatedly shown.

Family tracing

7.36 Family tracing, if required, should begin urgently and contact with families and communities established as soon as possible with a view to timely reunification or placement of the child within a supportive protective environment, ideally their family. Child protection coordination groups or networks should agree on a strategy for family tracing, reunification and follow up of children and ensure that it includes children associated with armed forces or armed groups. Consideration should be given to the mandate and experience of the ICRC with regard to tracing and re-establishing family links in cooperation with the national Red Cross and Red Crescent societies.

Support for families and communities to which children return or integrate

7.37 The capacity of the family and community to care for and protect all children affected by conflict should be developed and supported from the earliest possible stage. Dialogue with the communities to which children will return or be integrated into should be initiated at the earliest possible opportunity.

7.38 As much as possible and when in the best interests of the child, this should be done before release in order to clarify their concerns and strengthen the community's understanding of their own roles and responsibilities with regard to released children. Discussions should explore any fears and prejudices towards returning children and the potential for stigmatisation of such children and should help communities understand that children have suffered, that experience from other conflicts indicates that children can, with appropriate support, integrate effectively into civilian life, and that the children are the responsibility of the community as well as the State. These discussions should set the stage for community initiatives to support the released children along with other vulnerable children in the community. Staff capacity should be developed to undertake such initiatives.

7.39 The stigmatization of children associated with armed forces or armed groups is one of the greatest barriers to reintegration and girls may be particularly ostracised. Children are frequently perceived initially as troublemakers prone to aggressive behaviour or criminal activities. The preparation of communities and on-going support to communities needs to address these perceptions and to help communities understand that the children are primarily victims.

7.40 Actors should advocate with programming partners and with donors for the necessary linkages between short term humanitarian assistance and longer term development assistance which will enable the reintegration of children.

7.41 Children may be reunited or integrated with families and communities that have suffered displacement, disruption, deprivation, and loss of social cohesion as a result of conflict. To enable children's return and reintegration, it is vital to prepare the family and community and also to provide mediation and support following children's return. Work with families and communities should:

7.41.0 Identify and build upon ways of supporting long term livelihoods within affected communities;

7.41.1 Offer economic support to families through income-generating activities provided in such a way that financial incentives are not the main attraction of caring for children;

7.41.2 Advocate on behalf of displaced families who are dependent on external support to ensure they receive adequate rations enabling them to support children who are reunited with them;

7.41.3 Raise awareness of the problems that may occur when children return, such as aggressive and rebellious behaviour and drug or alcohol use;

7.41.4 Emphasize the importance of families showing children they are loved and cared for despite these difficulties;

7.41.5 Encourage communities to provide mutual support in dealing with problems and facilitating the formation of constructive social relationships for returning children;

7.41.6 Support non-violent ways of managing conflict;

7.41.7 Encourage communities to realise that an investment in young people will support the long term peace and security of the community, which may otherwise suffer problems if reintegration is not achieved.

7.42 A risk assessment, including on the basis of gender, will indicate where it is likely that children will be feared, become targets of hostility for having been in enemy groups or be ostracised or neglected. In these cases, intensive community sensitisation should be undertaken before children return. Similarly, children who need to be integrated into new communities or different ethnic groups may require individual preparation and support.

7.43 Where children from different, opposing armed groups are returning to the same communities, there is urgent need for work on non-violent conflict resolution or management.

7.44 Where children have been encouraged by their communities or families to take part in hostilities, or are regarded as 'freedom fighters' or 'heroes', actors should encourage families and communities to remember that the children are primarily children and are entitled to the rights held by all children.

Family reunification and family based care arrangements

7.45 The majority of children should be returned to their family and community or integrated into a family and community environment as soon as possible after their release from an armed force or armed group. The principal factor for reintegration is for a child to be returned to or placed in a supportive and otherwise appropriate protective environment. Where it is not possible to integrate them with their own families, alternative family based care arrangements should generally be found. For some older adolescents, who may not wish to live as part of a family, supervised and supported independent living arrangements in a community setting may be an acceptable alternative. The following guidance should be adhered to:

7.45.0 Institutionalization does not constitute reintegration but is a short-term measure to facilitate release;

7.45.1 Local capacity should be developed to identify and support alternative care/ fostering arrangements for children and also to monitor the well-being and non-discriminatory treatment of children placed in extended family or alternative care/ fostering placements.

Supporting children in finding a role in their community

7.46 For some children, there may be positive aspects to association with an armed force or armed group. These children may be unwilling to give up new-found freedoms, power, increased status and respect particularly from their peers, remuneration, having a productive role and the opportunities to learn skills. Girls and boys may be reluctant to comply with traditional expectations or harmful cultural practices or otherwise be determined not to return to violence, neglect or abuse.

7.47 Programmes should recognise and build upon the skills and confidence that girls and boys may have learned while associated with the armed force or armed group. This will entail creating options and choices for them, so that they are not channelled into inappropriate or de-skilling training or livelihood options.

7.48 In particular, adolescent boys and girls need to be recognised for their particular capacities and resilience as well as their vulnerabilities. Their full participation should be included in the assessment, design and implementation of programmes. Engaging children in community service and helping them enter respected social roles are essential in breaking stigma and enabling children to develop appropriate support networks in the community.

7.49 Reintegration and reconciliation activities should recognise the need to redirect the potential of children and young people in developing leadership and conflict resolution skills and taking responsibility for their actions including through participation in the rebuilding of their communities and in peace building activities. Programmes that involve women's organisations can be particularly useful in this regard with girls who need both positive role models and a supportive environment.

Children with a disability and others requiring particular support

7.50 Association with armed forces or armed groups frequently results in children acquiring a disability. The marginalisation and disempowerment which a child with a disability may face in a stable situation can be exacerbated for child formerly associated with armed group or force. S/he can face isolation and negative attitudes and be at greater risk of abuse, neglect; s/he may be subject to longer term psychosocial distress than another child. The need to consult with children affected by a disability prior to planning any intervention is particularly important given that the needs and impact of disability can differ from child to child. The following principles ensure that the needs of children with disability are provided for:

7.50.0 Needs assessments should include questions to highlight the situation of children with disability;

7.50.1 Data management systems (including monitoring, reporting and follow-up mechanisms) should disaggregate data by disability as well as age and sex;

7.50.2 Children with disabilities should not be treated separately. Attention to their needs should be incorporated into ongoing programmes which should be adapted accordingly;

7.50.3 Structured activities in the community should be designed to ensure they increase social inclusion and mobility of affected children;

7.50.4 Children with disabilities should be given opportunities to participate in planning and decision on matters that affect them;

7.50.5 Advocacy and training activities should target decision makers in communities and government and humanitarian actors to raise awareness of the importance of including disabled children in decision making processes.

7.51 Other children who may require particular support include those who have problems related to drug or alcohol abuse, those who have serious health problems, those who have experienced rape or other forms of sexual abuse or those who witnessed or were forced to participate in atrocities, as well as those children whose family members cannot be found or who have died, those whose family have rejected them or those who face hostility from their family or community.

7.52 These or other children may benefit from a period of intensive psychological or medical support in the community or through a period in residential care or another supported environment. Any such plan should be firmly rooted in the community, involve the family and community, including children, where possible and consistently be aimed at facilitating the child's reintegration.

7.53 In some communities, children are viewed and view themselves as carrying bad spirits from their experiences with armed forces or armed groups. Appropriate cultural practices, as long as they are not harmful to children, can be essential to a child's reintegration and should be supported.

Interim care

7.54 Interim care for children who have been associated with armed forces or armed groups is not universally necessary for their reintegration; decisions about whether to organise interim care centres should be based on a careful situation analysis. Certain children may benefit from a period in interim care and where possible the needs of children should be considered on a case by case basis. Except where it is contrary to the best interests of the child, for instance where children are ill or have left their homes because of abuse or neglect, children leaving armed forces or armed groups should be assisted to return directly to their family as soon as they have been through the release process.

7.55 Where interim care is agreed this should be for as short a period as possible. The purpose of interim care is to provide care and protection for children while tracing is carried out and other durable solutions are being identified. Where interim care is necessary, it should be part of a community based programme to facilitate the return of children to their communities and to promote the protection of conflict affected children in general. Interim care may include placement in a foster family, an institution, or other supported care arrangements in the community. Institutional care is not an alternative to the development of adequate services in the community. In the case of all such arrangements criteria and standards must be developed and agreed, a code of conduct must be implemented and all interim care arrangements must be carefully monitored.²¹

²¹ Raising the Standards, Quality Childcare provision in East and Central Africa, 2005 provides standards for childcare in institutions.

Children who were not separated from family or community

7.56 Some children associated with armed forces or armed groups remain with their family and community or maintain close ties. The children may be used by an armed force or an armed group with community support and involvement. In these circumstances reintegration entails the reorientation of children towards civilian life. Key steps are to work with affected children and their families and communities to change attitudes which promote children's involvement and also to provide alternatives that enable transition to a civilian mode of living.

Prevention of re-recruitment

7.57 Re-recruitment is a particular danger for children who have been released from armed forces or armed groups during armed conflict and those who have remained with their communities while being part of an armed force or armed group. Actors should work with these children, their families and communities as well as the armed force or armed group in order to find a solution to their care and protection needs. This may include short term foster care with other families.

7.58 Ongoing monitoring and, as necessary, intervention should be provided to ensure that the chain of command between children and armed forces or armed groups is broken and children are not vulnerable to re-recruitment. The following guidance should be adhered to prevent re-recruitment:

7.58.0 Demobilisation sites or assembly areas should be sufficiently far from the conflict zones to ensure security;

7.58.1 Children should be reunited with their family or placed within a protective community-based environment as soon as possible;

7.58.2 Adequate, appropriate assistance is necessary to enable genuine reintegration;

7.58.3 Children should be informed of their right not to be recruited in any way.

The reintegration of girls

7.59 Girls face specific consequences from their time in armed forces or armed groups. The stigma facing girls is fundamentally different in kind – it lasts much longer, is critically more difficult to reduce and is more severe. Essentially, many girls will have lost their “value” as perceived by the community including in relation to marriage. Programmes should seek to establish positive values for the girls in their communities and families. In addition, a girl will often have to deal with residual relationships or feelings for her captor, as he may be both her “husband” and the father of her child or children. In appropriate circumstances, girls should be consulted and counselled about whether they wish to recognise or reject the relationship they had with a member of the armed group or force.

7.60 Programmes to assist girls associated with armed forces or armed groups need to strike a careful balance between seeking to identify them in order to ensure their particular needs are met and not stigmatizing them further. The key to any intervention is to consult with and be led by

those affected - many of the following suggestions have come from girls associated with armed forces or armed groups.²²

7.61 Extensive community dialogue and mediation is needed to support girls' reintegration. Key messages are that girls, especially those who are pregnant or girl mothers need the support of their family and community. Strategies should enable girls' acceptance through steps such as conducting traditional rituals, making reparations, providing health care and livelihoods support, and developing links with women's groups.

7.62 Some girls associated with armed forces or armed groups and girl mothers in particular may require a period of intensive, additional or lengthier support during reintegration. Although only a minority of girls may need residential care, most will benefit from family or community support for purposes of healing and adjustment, medical care, learning parenting and vocational skills, and the development of community support networks.

7.63 Girls may be viewed as an additional burden on their family and without value in terms of their potential to be married. With little hope of earning an income and limited opportunity to participate in educational and vocational training programmes without financial support or child care, girls may become depressed and isolated from their peers and wider community. Specialised, culturally appropriate responses should be identified or developed for those girls who have become depressed and even suicidal. Long term support may be necessary.

7.64 Families may expect girls to provide an income, which may result in them being sexually exploited. Girls need to be protected from such exploitation through advocacy with communities, educational and vocational skills training and the provision of alternative economic strategies.

7.65 Links should be established and maintained with existing women's groups, as social activities reduce the girls' isolation and promote their well-being.

7.66 Communities may need support in adjusting to girls who have learned non-traditional skills and have developed non-traditional expectations.

7.67 Not all girls wish to return to their previous community. Where girls prefer to live in urban centres in order to be invisible and to earn money, they need to be supported to ensure that they make choices in line with their best interests and that they can still access education and skills training.

Health

7.68 Children who have been associated with armed forces or armed groups are likely to have a variety of health-related needs that may be apparent immediately or may emerge over time. Disability, lower limb problems for children who have portered and sensory problems for children who have fired guns, pathologies resulting from sexual and gender based violence and drug and alcohol dependency are amongst those that require generalised as well as specialist treatment. The rebuilding of health infrastructure is necessary for these children and other vulnerable children such as mines victims as well as being positive for the entire community.

²² "Girls formerly associated with fighting forces and their children – returned and neglected" by Susan McKay, Malia Robinson, Maria Gonsalves and Miranda Worthen 2004 www.childsoldiers.org.

Linkages between release and reintegration processes and existing programmes for dealing with children's health needs should be developed.

7.69 The following principles should apply to health programming for children at the release or reintegration stages:

7.69.0 As soon as possible during the release process, all children should undergo assessment of their physical health including nutritional screening, and receive treatment or referral on to specialist services as necessary. Principles should be developed to ensure that screening identifies medical problems relating to the children's recruitment or use and that all clinically serious medical needs are addressed;

7.69.1 Health care facilities should be made available immediately continuously through the release and reintegration stages;

7.69.2 Health education, including in relation to reproductive health, is an important aspect of health care and should be provided to all children;

7.69.3 Reproductive health responses should be based on a thorough cultural analysis of gender relations, in order to ensure the most effective response;

7.69.4 Outreach programmes through facilities such as health centres and schools are essential to improve access for children, particularly girls, who have been recruited or used by armed forces or armed groups. Existing staff in these facilities can be trained;

7.69.5 Female and male health workers should be trained in dealing with children who have been used by armed forces or armed groups and respect the basic principles of confidentiality.

7.70 Specific responses and follow up are required for children likely to be infected with HIV, testing for which must be voluntary and the results of which must be confidential.²³

7.71 Appropriate responses should be developed to meet the particular needs of girls including those who are pregnant or child mothers and their children; health care should be provided with a mother and child perspective.

7.72 In many contexts, girls who have been associated with armed forces or armed groups are highly likely to have been subjected to gender based violence (GBV), including sexual violence. Boys can also be subjected to such violence. The provision of support services (including health, psychosocial and legal support) to survivors of GBV should follow international guiding principles of respect, dignity, non-discrimination, safety, security and the best interests of the survivor. In particular:

7.72.0 Programmes should include measures to deal with the physical impact of GBV on survivors, such as including injury, reproductive health problems including infertility, fistula and sexually transmitted infections, as well as the risks and results of early pregnancy and induced abortion or miscarriage or birth without adequate medical care;

7.72.1 Medical facilities should (where possible) provide clinical management of rape²⁴ and deal in a sensitive manner with the consequences (sexually transmitted infections,

²³ Guidelines for HIV can be found in the IASC Guidelines for HIV/AIDS interventions in emergency settings: http://www.unfpa.org/upload/lib_pub_file/249_filename_guidelines-hiv-emer.pdf#search=%22IASC%20guidance%20on%20SGBV%22.

²⁴ http://www.who.int/reproductive-health/publications/clinical_mngt_survivors_of_rape/clinical_mngt_survivors_of_rape.pdf.

attempted abortions etc). Other services available should include pregnancy testing, and management of pregnancy including management of induced abortion, safe termination, and provision of antenatal and postnatal care. Staff dealing with GBV must be fully trained and aware of child-friendly assessment and interview protocols;

7.72.3 Any programme offering girls access to medical facilities for GBV should also link in with girls or women's groups to ensure emotional support is available to address the psychosocial impact of GBV, including stigma, discrimination and depression;

7.72.4 Access to legal services should also be available to survivors, including as part of the health care response.

Psychosocial aspects

7.73 Psychosocial support should be incorporated into the release process at the earliest stages and into all stages of reintegration programming to assist children, families and communities in developing and building their strengths and resilience and involving them actively in their own recovery. Encouraging and facilitating children's active participation in developing responsive and sensitive activities and programmes is central to reducing their vulnerability and increasing their resilience.

7.74 Psychosocial support should focus on identifying and addressing any obstacles to the ability to develop an appropriate social role and engage in culturally expected social relationships.

7.75 Agencies and donors concerned with programming for the release and reintegration of children associated with armed forces or armed groups should make use of the Inter-Agency Standing Committee's Guidance on Psychosocial Support.²⁵ The following principles should inform approaches to psycho-social support:

7.75.0 The development of strong networks of peer support through youth groups or other community based programmes such as girls' clubs can allow young people to work together to solve problems, develop social competencies appropriate to civilian life and define their roles and responsibilities in their community;

7.75.1 Culturally appropriate approaches to assisting children with emotional and behavioural problems should be identified and assessed. Programmes should include recreational activities in order to promote development and well being, enable recovery, and to replace the military mentality with the community spirit needed to rebuild communities and support reconciliation;

7.75.2 It should not be assumed that all children associated with an armed force or armed group are traumatised - practical concerns such as identifying education or livelihood opportunities may be the priority for many children;

7.75.3 Referral support should be available for children who have been severely affected. Actors should avoid assumptions about which children may be most affected and which sets of violations will result in children becoming severely affected;

7.75.4 The provision of a safe and supportive environment where children are kept fully informed about what is going to happen and where health and other basic needs can be met is fundamental to psychosocial well being;

7.75.5 Children should be allowed the opportunity to talk individually or in a group about their future or about past experiences, if they wish to do so. There should not be an

²⁵ http://www.humanitarianinfo.org/iasc/content/subsidi/tf_mhps/default.asp?bodyID=5&publish=0.

expectation that children have to “open up” and counselling should not be forced on them. Most children benefit from a sensitive combination of traditional approaches and opportunities for supportive conversations;

7.75.6 Programmes should acknowledge that girls’ and boys’ experiences may be very different and that their psychosocial needs will reflect their differential experiences;

7.75.7 Programmes should acknowledge that children’s experiences will vary according to their age and level of responsibilities within the armed force or armed group and that this will have an impact on their psychosocial needs.

7.76 Trained staff members should be available to provide psychosocial assistance to children who have been subjected to sexual violence. Such violations are likely to have a profound and long lasting impact on their capacities for social relations and reintegration into the community.

Reintegration, education, vocational and skills training and livelihoods

7.77 Education, vocational and skills training and / or opportunities to support their own and their family’s livelihoods are essential elements for reintegration. Reintegration programmes should allow and encourage access for all groups, including children who need child care facilities. This support should be free, available on a part time as well as full time basis, and include informal as well as formal assistance. Children who participate should receive food whilst they are there and the hours should be flexible to allow for other commitments. Approaches to providing support of this kind should be adapted according to the child’s age, experiences, and circumstances.

7.78 Educational activities should take into account the children’s lost educational opportunities, their age and stage of development, their experiences with armed forces or armed groups and the potential to promote psychosocial well being, including a sense of self worth. Children with disability should be included in educational activities with their peers.

7.79 Educational and skills training should recognise that many children who were associated with armed forces or armed groups, while missing years of education, have learned other skills and competencies that they do not want to lose and which can be useful in civilian society.

7.80 Accelerated learning programmes suitable for adolescents who have missed years of school should be compatible with and recognised by the formal system of education.

7.81 Alternative forms of education such as adult literacy classes or evening classes should be offered to children who cannot or do not wish to enter the formal educational system.

7.82 Access to education or training programmes is likely to be even more difficult for girls than for boys for a variety of reasons including cultural expectations, poverty, and the need for girls to earn a livelihood, work at home, or look after children. Training programmes should include but not be restricted to occupations considered suitable for girls to enable subsequent income generation while building on the skills and abilities they have developed while with the armed force or armed group.

7.83 Provision should be made for relevant vocational training and opportunities for employment, suitable for the needs of all girls and boys including those with disabilities. The following guidance should be adhered to:

7.83.0 An adequate technical analysis of the livelihood systems, market opportunities, and household economies in the places to which children are returning should be used to develop economically relevant training, alternative forms of education, and opportunities for economic reintegration;

7.83.1 Actors supporting children's reintegration should coordinate their work, learn from each other, develop joint programmes, ensure appropriate referrals to those having particular expertise in income generation and vocational training and take measures to avoid variations in the benefits of their respective programmes;

7.83.2 Consultation with communities should develop local programmes such as collective initiatives that benefit small groups of children and the community they return to;

7.83.3 Training in very basic business skills is also needed to prepare children to keep accounts and handle money;

7.83.4 Young people with no previous work experience should be offered apprenticeship and/or 'on-the-job' training opportunities;

7.83.5 Children who need to earn a living immediately upon return to their family and community should have opportunities to do so while they obtain professional training and/or an improved education. For example, the sale of some objects produced in the training phase could allow them to purchase the tools they need for future work. In some circumstances, limited materials can be provided as start up support;

7.83.6 Life skills training – including civic education, parenting skills, rights at work and home, prevention of HIV/AIDS, and education to counter interpersonal violence – should also be part of all programmes designed for young people;

7.83.7 Life skills programming should be sensitive to the particular challenges faced by girls upon reintegration. It should allow both girls and boys to acquire a greater understanding of the challenges faced by the other and foster positive gender relationships;

7.83.8 Providing children with opportunities to begin to learn or relearn skills such as non-violent conflict resolution and anger management can be very helpful to children who have learnt to use violence and aggression in their everyday lives;

7.83.9 Training programmes for girls should take into account child care and meet other needs while training, such as flexible training schedules.

7.84 Care must be taken that vocational or skills training programmes do not support or lead to exploitation of children or child labour. Work and education should be balanced.

8. JUSTICE

8.0 These principles should be referred to when monitoring and reporting on the treatment of children within various justice mechanisms, including transitional justice and truth commissions. They should form the basis of advocacy with national and international institutions and bodies on the treatment of children who have been associated with armed forces or armed groups.

Ending the culture of impunity

8.1 Ending impunity for those responsible for unlawfully recruiting or using children in armed conflict, and the existence of mechanisms to hold such individuals to account can serve as a powerful deterrent against such violations.

8.2 National justice mechanisms and the adoption and implementation of laws to uphold international law, as well as international or hybrid tribunals to address violations of humanitarian and human rights law should be supported at all times.

8.3 Advocacy should be directed at states to ratify the Rome Statute of the International Criminal Court and to adopt its provisions in national law.

8.4 All feasible measures should be taken to protect the rights of child witnesses and victims who may be called upon to provide evidence of any sort against or on behalf of alleged perpetrators of crimes against them or others. In no circumstances should the provision of services or support be dependent on a child's full participation in justice mechanisms.

8.5 States should ensure that perpetrators of violence against children associated with armed forces or armed groups, including sexual violence against girls are prosecuted, either through national legislation or through the International Criminal Court.

The treatment of children within justice mechanisms

8.6 The Rome Statute of the International Criminal Court states that the Court shall have no jurisdiction over any person who was under 18 at the time of the alleged commission of a crime. Children should not be prosecuted by an international court or tribunal.

8.7 Children who have been associated with armed forces or armed groups should not be prosecuted or punished or threatened with prosecution or punishment solely for their membership of those forces or groups.

8.8 Children accused of crimes under international or national law allegedly committed while associated with armed forces or armed groups are entitled to be treated in accordance with international standards for juvenile justice.

8.9 All relevant international laws and standards must be respected, with due consideration to the defendants' status as children; moreover:

8.9.0 Alternatives to judicial proceedings should be sought for children at the national level;

8.9.1 If national judicial proceedings take place, children are entitled to the highest standards of safeguards available according to international law and standards and every effort should be made to seek alternatives to placing the child in institutions.

8.10 Where large numbers of people are facing criminal proceedings as a result of armed conflict, the processing the cases of children and of mothers who have children with them in detention should take priority.

8.11 Children associated with armed forces or armed groups who return to communities without undergoing any judicial or other proceedings should be closely monitored to ensure that they are not treated as scapegoats or subjected to any processes or mechanisms that contravene their rights.

Information management

8.12 Information should be gathered from children only in a manner that respects their rights and protects against causing additional distress to the child. It should be regarded as confidential.

8.13 Material drawn from information gathered from children might be shared for the purposes of supporting justice mechanisms that are themselves designed in a way that respects children's rights and does not cause distress to the child, as long as the material so disclosed does not identify particular children. Specific information gathered from children should in general only be disclosed upon a court order and in responding to such an order all efforts should be made to secure a further court order ensuring that the information will be treated in a way that respects children's rights and does not cause distress to the child. Note that certain organisations, including United Nations organisations and the ICRC, are afforded broad immunities from, among other things, court orders, though they are generally expected to cooperate in the proper administration of justice.

Truth-seeking and reconciliation mechanisms

8.14 Where truth-seeking and reconciliation mechanisms are established, and where the involvement of children is supported and promoted, all feasible measures shall be taken to protect the rights of children throughout the process, in accordance with international human rights and legal standards.

8.15 All children who take part in these mechanisms, including those who have been associated with armed forces or armed groups should be treated equally as witnesses or as victims.

8.16 Children's participation in these mechanisms must be voluntary. No provision of services or support should be dependent on their participation in these mechanisms

Civil proceedings

8.17 Specific issues that only emerge over time, such as land and property rights, have presented major obstacles to the reintegration of children in some contexts. Where necessary, children must be represented and assisted in the appropriate fora.

9. MONITORING AND FOLLOW-UP

9.0 Monitoring and follow-up of children are essential to ensure long term reintegration, the protection and upholding of rights and benefits, to prevent re-recruitment, and to identify and respond appropriately to children who experience serious difficulties with reintegration. In order to be effective, the community, including children formerly associated with armed forces or armed groups and other children affected by armed conflict, should be involved in planning the criteria and process for follow-up. Local capacity should be supported or developed to provide long term monitoring, support and intervention if children are felt to be at significant risk.

9.1 Actors should be alert to the possibility that individually focused monitoring may have for stigmatising children and take adequate measures to avoid this happening.

9.2 The community as described above should also be involved in deciding at which point a child can be considered to be successfully reintegrated into civilian life.

9.3 Such monitoring and decision-making should include and link local leaders, mechanisms and structures with relevant national and sub-regional mechanisms.

9.4 Girls may require a longer period of follow-up than boys or different approaches. Girl mothers will need to be supported in both the emotional and practical challenge of being in a mothering role and provided with appropriate options in a supportive environment.

10. MONITORING AND EVALUATION OF PROGRAMME INTERVENTIONS

10.0 Programmes to prevent recruitment of children and to protect, release and reintegrate them should be jointly and constantly monitored and evaluated with communities. Children, particularly girls, who have been associated with armed forces or armed groups, should be involved in the monitoring and evaluation of initiatives aimed at supporting them.

10.1 All actors working to support children's reintegration should develop common approaches and inform children of the nature of support available. There should be no discrimination based on age, gender, political or religious, affiliation²⁶ race or ethnicity or on the nature or the level of the child's involvement in the armed forces or armed groups.

²⁶ In accordance with the 1989 Convention on the Rights of the Child, article 2.