



Ministerial Follow-Up Forum to the Paris Commitments and Paris Principles on Children Associated with Armed Forces or Armed Groups

29th September 2009, 3.00 p.m.
UNHQ New York, Trusteeship Council

Objectives of the Forum:

- Assess the implementation of the Paris Commitments and the Paris Principles, **and exchange information on** lessons learned.
- Draw attention to the need for additional funds for successful prevention and reintegration programmes and monitoring and reporting on compliance by parties to armed conflict.
- For more Member States to endorse the Paris Commitments in order to reinforce them as the key standard used by all stakeholders to guide funding, advocacy and programme response **for the care and protection of Children Associated with Armed Forces and Armed Groups.**

Background paper

Thousands of boys and girls are still associated with armed forces and armed groups in conflicts around the world. They are abducted from their homes, forced to witness and commit atrocities, killed, maimed, raped or otherwise violated, deprived of education, health care and a family environment, and left with deep emotional scars. The impact on their mental and physical well-being is a negation of the most fundamental human rights and represents a grave threat to durable peace and sustainable development, as cultures and cycles of violence are perpetuated. The importance of addressing the recruitment and use of children by armed forces and armed groups has been recognised by the international community over the past ten or more years with the following key milestones.

Key milestones

- **1996:** Graça Machel study on the impact of children and armed conflict. As part of the reports' recommendations, the GA established the mandate of the Special Representative of the Secretary General for Children and Armed Conflict. Olara Otunnu was appointed as the first SRSG in 1997.
- **1997:** The *Cape Town Principles and Best Practices on the Recruitment of Children into the Armed Forces and on Demobilization and Social Reintegration of Child Soldiers in Africa* were adopted and provided the first framework for working on these issues. They led practitioners to prefer the more inclusive terminology of 'children associated with armed forces or armed groups' (CAAFAG) rather than 'child soldiers' and defined CAAFAG as: "*any person under 18...in regular or irregular armed force...in any capacity...*". The Cape Town Principles were the result of a regional symposium organized by UNICEF and the NGO Working Group on the CRC.
- **2000:** The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict was adopted, which sets an age-limit of 18 years for compulsory recruitment or direct participation in hostilities. OPAC entered into force in 2002, and to date has been ratified by 126 states.

- **2001:** The Security Council adopted resolution 1379 requesting the SG to annex to his annual report on children and armed conflict a list of parties that recruit and use children.
- **2004:** The Security Council adopted resolution 1539 requesting parties to the conflict that are listed in the annexes of the SG report to enter into dialogue with the UN for the preparation and implementation of time bound concrete action plans to stop the use of children.
- **2005:** The Security Council adopted resolution 1612 establishing the Monitoring and Reporting Mechanism on grave child rights violations and the SC Working Group on Children and Armed Conflict.
- **2006:** The first case to come before the International Criminal Court focused on charges of recruitment and use of children under the age of 15 in the Democratic Republic of the Congo (ref. Thomas Lubanga Dyilo).
- **2007:** *The Paris Commitments to Protect Children Unlawfully Recruited or Used by Armed Forces or Armed Groups and the Paris Principles and Guidelines on Children associated with Armed Forces or Armed Groups* were elaborated and endorsed at the Paris Conference “Free Children from War”, organised jointly by the French Ministry of Foreign Affairs and UNICEF. 59 States supported the adoption of the “Paris Commitments”.
- **2008:** *The first ministerial follow-up Forum on the Paris Commitments and the Paris Principles and Guidelines was held at UNHQ in New York on September 26th, 2008. 9 additional countries endorsed the Paris Commitments, bringing the total number of country endorsements to 76.*
- **2009:** SCR 1882(2009) was adopted expanding the gateway for parties to be listed by the Secretary General, and requesting action plans for sexual violence against children in armed conflict and killing & maiming of children in armed conflict.

Together, these various ‘steps’ have begun to yield positive results for children associated with armed forces or armed groups in terms of securing more commitments by parties to conflicts, obtaining more releases of children and ensuring improved programming for the reintegration of children within their families and communities.

Key elements and Lessons Learned of the “Paris Commitments” and “Paris Principles & Guidelines”

The “Paris Commitments” are a policy document, aiming at strengthening political action to prevent association of children with armed forces and armed groups and to ensure their successful reintegration. In the “Paris Commitments”, States commit themselves, *inter alia*, to make every effort to uphold and apply the “Paris Principles”, a set of operational guidelines for all actors on the ground dealing with prevention and reintegration of CAAFAG, which were also finalised and received support from governments, international organisations and agencies, as well as international and local NGOs during the Paris Conference. Some of the key elements and lessons learned related to these documents, including based on the field experiences of members of the Paris Principles Steering Group, are as follows:

- **Child recruitment as a human rights violation:** Recruitment and use of children are grave violations under international law and recruitment and use of children under the age of 15 is even a considered to be a war crime under the Rome Statute of the ICC. Perpetrators of child recruitment must be held accountable for their actions under national laws primarily, or by the ICC or international mixed tribunals. CAAFAG must always be considered primarily as victims, whatever their crimes, and not as perpetrators, whether in national or international jurisdictions. Because of their age, they deserve specific protection, and must be treated in accordance with international standards for juvenile justice, and alternatives to judicial proceedings should be sought wherever possible.

- **Types of child recruitment and use:** Children get associated with armed forces or groups for numerous reasons. Many are forcibly recruited or abducted; others so-called ‘volunteer’. While war itself is a major determinant, children may view enlistment as their only option for survival for themselves, their families or communities in contexts of extreme poverty, violence, social inequality or injustice. They may enlist as a means of avenging violent attacks against their villages and families. They may also enlist to escape abuse or violence in their homes, or because a parent or sibling is in the forces. In some communities where local defence forces have been established to protect the community, a social expectation and pressure exist that all able-bodied children, youth and adults participate in the local force; parents may even actively push their children to join. It is a violation of international norms to forcibly recruit a child; moreover, regardless of the circumstances by which a child becomes associated with an armed force or group, his /her participation in active hostilities is illegal under international law and commanders can be held accountable for this.
- **Prioritising release of children, including through formal DDR processes:** The lack of a peace agreement and formal disarmament, demobilisation and reintegration programme should not impede efforts to release children associated with an armed force or group. Indeed, the human rights imperative demands that the release of all children recruited or used unlawfully by armed forces or groups be pursued actively and unconditionally at all times, including during armed conflict. Experience has shown that the majority of CAAFAG do not leave armed forces / groups through formal DDR processes. While many are separated through informal ‘release and reintegration’ processes, others leave or escape on their account and melt back into their communities. This is particularly the case for girl CAAFAG, for whom formal DDR processes can be stigmatizing. Where a formal DDR process has been established, the identification and separation of associated boys and girls must be an utmost priority. Screening must include dependants of soldiers so as not to overlook children who did not serve in visible combatant roles. This is particularly important for girls and women who may have been forcibly abducted and subjected to sexual violence.
- **Impact on children:** Children who have been part of armed forces or groups have been exposed to extreme violence – as witnesses, as direct victims themselves and as forced participants. The level of brutality and conditions of daily life are extremely harsh. Physically, they may sustain wounds related to hostilities. Many also contract sexually transmitted or infectious diseases, which may include HIV and Aids, or succumb to preventable illnesses without access to appropriate medical care. Mentally and emotionally, the toll may be even greater. Children may manifest their experiences through engaging in high risk or aggressive behaviour, eating or sleeping disorders, nightmares, social withdrawal, or addictions, amongst others. Nearly all associated girls are subjected to sexual violence, and must endure the physical and psychological effects for many years. Longitudinal research indicates that the psychological impact of conflict among children who were both associated and not associated can continue for many years following end of conflict / demobilisation. Girls and boys may have a changed self perception - either diminished or aggrandized - upon leaving an armed force or group, both of which may impede their ability to reintegrate into a transitional post-conflict environment.
- **Sustainable, Inclusive, Community-based Reintegration:** Reintegration into civilian life is the ultimate goal of the process of securing children’s release from armed forces or groups. Experience has demonstrated that the longer a child remains in a group, the more difficult it will be for him/her to reintegrate successfully. All children can grow into positive and contributing citizens provided they can return as soon as possible to civilian life and be given

the long term care and protection to which they are entitled. Successful reintegration ensures that reintegration programmes avoid further stigmatization through an inclusive approach. Three types of children should be eligible to access reintegration and early protection: i) children who have gone through a formal DDR process; ii) children who have gone through an informal release process, including those who have escaped or left on their own accord; and iii) other vulnerable children who face severe risks. The inclusion of “other vulnerable children” is further supported by research which shows they suffer similar psychosocial negative impacts as those children that were associated.

This inclusive approach promotes greater equity in the delivery of assistance and recognizes that formerly associated children, while often vulnerable, are not always the most vulnerable children in their community. It helps to ensure no additional harm is done by targeting and further stigmatizing one particular group at the exclusion of another during reintegration and will avoid creating further divisions in a potentially already torn community. This approach will also ensure that children facing protection risks may be prevented from (re-)recruitment. Assistance may include support in returning to the formal education system, vocational training or support with initiating a small income generating activity. The comprehensive and community-based aspects of reintegration programmes favour the support of resources and services within the community that can help build a protective environment and increase development opportunities for all children in a given community affected by the conflict. This may include the establishment of community child or youth clubs and child protection committees.

Successful reintegration also requires early, flexible and long term funding mechanisms with coordinated and well-sequenced financial support. Agencies should be able to determine the most effective programme implementation strategies, in line with the Paris Principles and as appropriate to the context. Funding must be available during unstable periods and sustained over a minimum of 2 to 3 years to ensure adequate support to and follow-up of children within their communities.

- **Prevention and factors that protect children in a community:** Successful prevention programmes should address the underlying causes of recruitment. Since recruitment might be driven by economic and social factors, efforts should be made to provide alternatives to association with armed forces and groups. Factors that protect children in a community include, but are not limited to, caring families or other adults, access to safe schools with free primary education and to vocational training, access to appropriate health services, and access to information. The existence of these factors will reduce children’s vulnerability when they are exposed to displacement, family separation, discrimination or living in fear of an attack.

Reintegration support should include activities that strengthen the protective environment for children. This includes ensuring the community and representative sub-groups within the community (which must include the voice of boys and girls), identify vulnerable or at risk children; identifying existing factors that protect children within the local context; establishing referral mechanisms for children between existing medical and social services, and adapting them as necessary for special cases; establishing means to monitor and adapt activities and outcomes for children; engaging the whole community in peace-building activities; and supporting activities that establish a culture of zero-tolerance for recruitment consistent with national and international commitments.

- **Addressing the special needs of girls:** Gender inequalities, discrimination and violence are frequently exacerbated in times of armed conflict. 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 groups; the potential for their release; the effects that the experience of being in the armed force or group has on their physical, social and emotional 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. Social reintegration of girl mothers and young women who were girls when they were taken and who return with babies, is particularly difficult. Their communities may not welcome them because of the stigma attached to rape and giving birth to children outside of wedlock and potentially fathered by rebel-captors. Consequently, these girls and their children are at high risk of discrimination, rejection and ostracization and may find it difficult to access and benefit from skills training or educational opportunities due to, for example, a lack of child care.

A holistic approach is required to supporting these girls and young women, who bear a fundamentally greater burden of stigma having been subjected to sexual violence and abuse. Girls' stigma needs to be addressed by supporting their psychosocial healing, teaching girls and their communities about their rights and promoting girls' empowerment. This necessarily includes supporting them to access education and skills training, and information on life skills, to enable them and their children to survive. In the aftermath of war, girls and women are often urged to resume traditional gender roles instead of using the strengths they have developed to make new choices and seek broader opportunities.