

[http://www.securitycouncilreport.org/site/c.gKWLeMTIsG/b.5099181/k.A91/CrossCutting\\_Report\\_No\\_1brChildren\\_and\\_Armed\\_Conflictbr15\\_April\\_2009.htm](http://www.securitycouncilreport.org/site/c.gKWLeMTIsG/b.5099181/k.A91/CrossCutting_Report_No_1brChildren_and_Armed_Conflictbr15_April_2009.htm)

*This report made by the non-governmental organization Security Council Report summarizes all activities by the Working Group and the Security Council concerning children and armed conflict. It highlights goals that have been achieved and lists all reports and resolutions dealing with the issue. This report provides delegates with a detailed set of documents on children and armed conflict. The recommendations given in the report can be a good starting point for further research.*

United Nations Children's Fund. (2009, April). *Machel Study 10-Year Strategic Review: Children and Conflict in a Changing World*. Retrieved from United Nations website:

<http://www.un.org/children/conflict/english/machelreports.html>

*This study gives a detailed insight into all issues connected with children and armed conflict. It includes identification of remaining gaps and gives recommendations on how to solve these issues. The study outlines different ways how children are affected by conflict.*

Working Group of the Security Council on Children and Armed Conflict. (2008, July). *Annual report on the activities of the Security Council Working Group on Children and Armed Conflict (S/2008/455)*. Retrieved from Security Council website:

<http://daccessdds.un.org/doc/UNDOC/GEN/N08/420/87/PDF/N0842087.pdf?OpenElement>

*The Annual Report lists all the activities of the Working Group during the previous year. The report gives updated information on conflict zones and the impact on children. It is an excellent resource for delegates because it outlines the successes of the Working Group but also stresses the areas where improvement is still needed.*

## **I. Monitoring the violation of international standards pertaining to children and armed conflict**

*“Grave child rights violations in situations of armed conflict represent a profound challenge to the international legal order. The normative infrastructure for the protection of children is both robust and comprehensive and enjoys an unprecedented consensus among Member States. (...) However, running counter to this is the shocking reality that in far too many situations of armed conflict children are routinely brutalized and their most fundamental rights contravened. It is critical, therefore, for the international community to remain steadfast, resolute and focused on ensuring accountability and fighting impunity for grave violations.”<sup>47</sup>*

In almost all areas that affect children and armed conflict, one of the foremost concerns is the implementation of already existing standards. The development of international humanitarian law and international criminal law have set high legal standards and incriminated some of the worst forms of abuse against children in times of armed conflict. Most notably the Geneva Conventions and its Additional Protocols, the two ad-hoc tribunals for the Former Yugoslavia and Rwanda and most recently the adoption of the Rome Statute for the International Criminal Court in 2002 have contributed to this development.<sup>48</sup> Article 38 of the Convention on the Rights of the Child (CRC) explicitly defined humanitarian law guarantees as being distinct child's rights. The Optional Protocol to the CRC on the involvement of children in armed conflict, adopted in 2000, rose the age for conscription or enlistment into armed forces to eighteen years.<sup>49</sup> With 193 states having ratified the CRC and 128 parties to the Optional Protocol, those texts that have set out legal standards relative to the right of the child are amongst those human rights treaties with the highest number of ratifications.<sup>50</sup> However, it is all the more disturbing that violence against children especially during armed conflict does not seem to cease. Monitoring compliance with international standards pertaining to children and armed conflict and effectively countering violations must thus be amongst the priorities of the international community. In an effort to foster the application of and respect for international norms and standards for the protection of children affected by armed conflict, the Security Council requested the United Nations (UN) Secretary-General to devise an action plan for a systematic and comprehensive monitoring and reporting mechanism.<sup>51</sup> Based on previous reports as well as the highly acclaimed Graça Machel report of 1996 on Children and Armed Conflict, this report laid the foundation

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<sup>47</sup> United Nations Special Representative of the Secretary-General for Children and Armed Conflict, *Report of the Special Representative of the SG for Children and Armed Conflict [A/63/227]*, 2008, para. 22.

<sup>48</sup> *Rome Statute for the International Criminal Court*, 1998.

<sup>49</sup> *Optional Protocol to the CRC on the involvement of children in armed conflict*, 2000, Article 3.

<sup>50</sup> United Nations Children's Emergency Fund, *Convention on the Rights of the Child. Frequently asked questions*, 2006.

<sup>51</sup> United Nations Security Council, *Resolution 1539 (2004) on children and armed conflict*, para. 2.

for the activity of the Security Council Working Group on Children and Armed Conflict (CAAC).<sup>52</sup>

### *The six main violations*

Pursuant to the Secretary-General's proposal, the monitoring and review mechanism focuses on six grave violations, namely: killing or maiming children; recruitment or use of children as soldiers; rape and other grave sexual abuse of children; abduction of children; attacks against schools or hospitals and denial of humanitarian access for children.<sup>53</sup> All of these violations are criminalized under international law. An ever-evolving jurisprudence and the adoption of new legal texts have led to a comprehensive legal framework regarding these violations. The Secretary-General pointed out in his report that clear legal standards constitute an important basis to any monitoring mechanism.<sup>54</sup>

#### *Killing and maiming*

The Fourth Geneva Convention stipulates in its Article 146 that each state party to the Convention needs to put into place penal sanctions for grave breaches of the Convention. Furthermore, each state party to the Convention has an obligation to search for persons who allegedly committed grave breaches and either put them on trial or extradite them (*aut dedere aut judicare*).<sup>55</sup> Article 147 defines *inter alia* willful killing and the willful causing of serious injury to body or health as a grave breach of the Fourth Geneva Convention.<sup>56</sup> This definition of killing and maiming as constitutive of war crimes is part of international customary law and has been reiterated in numerous judgments and most recently in the Rome Statute of the International Criminal Court.<sup>57</sup> In its latest resolution on children and armed conflict, the Security Council requested the Secretary-General to indicate those parties into the annexes of his reports who are allegedly involved in killings.<sup>58</sup>

#### *Recruitment or use of children as soldiers*

Child soldiers have been an issue of great concern over decades. Conscription or enlistment of children under fifteen years of age constitutes a war crime according to Article 77 (2) of the Additional Protocol I to the Geneva Conventions, Article 4 (3) (c) of the Additional Protocol II to the Geneva Conventions as well as Articles 8 (2) (b) (xxvi) and 8 (2) (e) (vii) of the Rome Statute. However, the latest report by the Secretary-General on children and armed conflict stated that in most armed conflict situations that are currently monitored, children continue to serve in the armed forces and are newly recruited.<sup>59</sup> The Convention on the Rights of the Child (CRC) equally prohibits the recruitment of any person under fifteen years.<sup>60</sup> The Optional Protocol on the Convention on the Rights of the Child has set the minimum age for active participation in armed conflict in the armed forces of parties other than the state as well as of compulsory conscription at eighteen years.<sup>61</sup> In its resolution 1379 (2001), the Security Council requested the Secretary-General attach to his report a list of parties to armed conflict that recruit or use children in their armed forces.<sup>62</sup> Until recently, this was the only criterion for listing of a conflict party in the reports' annexes. However, the Security Council extended the so-called "list of shame" to include those parties that engage in patterns of killing and maiming and/or rape and other sexual violence against children in situations of armed conflict.<sup>63</sup>

#### *Rape and other grave sexual abuse of children*

Rape has been considered a war crime since the adoption of the Fourth Geneva Convention in 1949. Article 27 II of the Fourth Geneva Convention explicitly states that women shall be protected from rape and/or forced prostitution.<sup>64</sup> Article 7 (1) (g) of the Rome Statute defines rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity as a crime against

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<sup>52</sup> United Nations Secretary-General, *Children and armed conflict. Report of the Secretary-General*. [A/59/695-S/2005/72], 2005.

<sup>53</sup> United Nations Secretary-General, *Children and armed conflict. Report of the Secretary-General*. [A/59/695-S/2005/72], 2005, para. 68.

<sup>54</sup> United Nations Secretary-General, *Children and armed conflict. Report of the Secretary-General*. [A/59/695-S/2005/72], 2005.

<sup>55</sup> *Geneva Convention relative to the Protection of Civilian Persons in Time of War*, 1949, Article 146.

<sup>56</sup> *Geneva Convention relative to the Protection of Civilian Persons in Time of War*, 1949, Article 147.

<sup>57</sup> *Rome Statute of the International Criminal Court*, 1998, Article 8 (2) (a) (i)&(iii).

<sup>58</sup> United Nations Security Council, *Resolution 1882 (2009) on children and armed conflict*, para. 3.

<sup>59</sup> United Nations Secretary-General, *Report on Children and armed conflict* [A/63/785 – S/2009/158], 2009.

<sup>60</sup> United Nations, *Convention on the Right of the Child*, 1989, Article 38 (3).

<sup>61</sup> United Nations, *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*, 2000, Articles 2&4.

<sup>62</sup> *United Nations Security Council, Resolution 1379 (2001) on children and armed conflict*, para. 16.

<sup>63</sup> *United Nations Security Council, Resolution 1882 (2009) on children and armed conflict*.

<sup>64</sup> *Geneva Convention relative to the Protection of Civilian Persons in Time of War*, 1949, Article 27 II.

humanity.<sup>65</sup> According to the Rome Statute, all of these crimes equally constitute war crimes.<sup>66</sup> This development of international criminal law has led to the prosecution of such crimes at the international level and an increased consciousness.<sup>67</sup> Nevertheless, as pointed out by the UN Secretary-General, widespread and systematic rape and sexual violence against children, both boys and girls, is increasingly a characteristic of conflict.<sup>68</sup>

#### *Abduction of children*

In recent years, abductions have become increasingly systematic and widespread.<sup>69</sup> They have been employed as a means of systematically terrorizing the civilian population; and abducted children have subsequently been exposed to various other crimes, including forced labour, sexual slavery and forced recruitment.<sup>70</sup> The forcible deportation or the forcible transfer of population is a crime against humanity according to the Rome Statute of the International Criminal Court.<sup>71</sup>

#### *Attacks against schools or hospitals*

Attacks against any civilian object are strictly forbidden in international humanitarian law.<sup>72</sup> While the Geneva Conventions and their Additional Protocols do not offer a definition of a “civilian objective,” Article 52 (2) of the Additional Protocol I defines “military objects” as being those who make an effective contribution to military action and whose total or partial destruction offers an advantage. Clearly, schools and hospitals do generally not fulfill the first criterion of making an effective contribution. In addition, hospitals are under a special protection given by virtue of Article 18 of the Fourth Geneva Convention which stipulates that hospitals may under no circumstances be the object of attack. The only exception is a situation in which a hospital is used to commit acts harmful to the enemy.<sup>73</sup> Hospitals used by opposed forces for military purposes can thus constitute a military object and thus a legitimate target. However, in case of doubt, civilian objects are always to be presumed as such.<sup>74</sup> Furthermore, the principle of proportionality enshrined in Article 57 (2) (a) (iii) of Additional Protocol I ensures that hospitals, schools or other civilian objects, even if used by military forces, may not be targeted if the incidental loss of civilian life would be excessive. Despite this protection provided for in international humanitarian law, destructions of schools and hospitals with high casualties have been reported in recent years, for example in the Middle East.<sup>75</sup>

#### *Denial of humanitarian access for children*

Access to rapid and unimpeded passage of humanitarian relief is a basic principle of international humanitarian law.<sup>76</sup> Article 23 of the Fourth Geneva Convention requires that States allow free passage to medical stores and hospitals as well as essential food and clothing.<sup>77</sup> This passage specifically mentions children under the age of fifteen. Despite this provision, humanitarian access is still a major issue in armed conflicts. In his latest report, the Secretary-General mentions for example the critical situation in Afghanistan, where certain zones are “no-go” zones without access for humanitarian personnel to deliver basic care.<sup>78</sup>

#### ***The original proposal for a monitoring, reporting and compliance mechanism on children and armed conflict***

Building an effective monitoring and reporting process is at the core of the United Nations’ “era of application” campaign, aiming at implementing international protection standards states have committed to.<sup>79</sup> The proposal by the Secretary-General highlighted the importance of not only involving states in the monitoring process, but all parties to the conflict, including governments as well as insurgency groups, but also international

<sup>65</sup> Rome Statute of the International Criminal Court, 1998, Article 7 (1) (g).

<sup>66</sup> Rome Statute of the International Criminal Court, 1998, Article 8 (2) (b) (xxii) & Article 8 (2) (e) (vi).

<sup>67</sup> Seibert-Fohr, *Die Fortentwicklung des Völkerstrafrechts – Verbrechen gegen Frauen in bewaffneten Konflikten [Development of international criminal law – crimes against women committed during armed conflicts]*, 2006, p. 163.

<sup>68</sup> United Nations Secretary-General, Report on Children and armed conflict [A/63/785 – S/2009/158], 2009, para. 154.

<sup>69</sup> Chikuhwa, *Evolution of the United Nations protection agenda for children affected by armed conflict: towards an “era of application” of international standards*, 2007, p. 4.

<sup>70</sup> United Nations Office of the Special Representative for Children and Armed Conflict, *Issues. Abduction of Children.*, 2009.

<sup>71</sup> Rome Statute of the International Criminal Court, 1998, Article 7 (1) (d).

<sup>72</sup> Additional Protocol I to the Geneva Conventions, 1977, Article 52 (1).

<sup>73</sup> Geneva Convention relative to the Protection of Civilian Persons in Time of War, 1949, Article 19.

<sup>74</sup> Additional Protocol I to the Geneva Conventions, 1977, Article 52 (3).

<sup>75</sup> United Nations Secretary-General, Report on Children and armed conflict [A/63/785 – S/2009/158], 2009, paras. 89 & 90.

<sup>76</sup> Henckaerts & Doswald-Beck, *Customary International Humanitarian Rules, Volume I: Rules*, 2005, p. 193.

<sup>77</sup> Geneva Convention relative to the Protection of Civilian Persons in Time of War, 1949, Article 23.

<sup>78</sup> United Nations Secretary-General, Report on Children and armed conflict [A/63/785 – S/2009/158], 2009, para. 16.

<sup>79</sup> Chikuhwa, *Evolution of the United Nations protection agenda for children affected by armed conflict: towards an “era of application” of international standards*, 2007, p. 5.

peacekeeping forces and humanitarian personnel.<sup>80</sup> All parties to a conflict have the same obligations under international law to refrain from the commission of any of the six grave violations monitored by the CAAC. The proposal contains steps concerning gathering information for country reports at the national level, the preparation of reports at UN Headquarters and identifies several “destinations for action”, i.e. parts of the UN system that should examine the reports and take action based on them.<sup>81</sup>

#### *Gathering information at the country level*

In his report, the Secretary-General stressed the importance of country-level child protection actors in building an efficient monitoring mechanism.<sup>82</sup> It is evident that persons working in the field are in the best position to contribute to the gathering of information. This includes field personnel from UN agencies such as the United Nations International Children's Emergency Fund (UNICEF), the United Nations High Commissioner for Refugees (UNHCR), the Office for the Coordination of Humanitarian Affairs (OCHA) and peacekeeping personnel.<sup>83</sup> The Security Council has also highlighted the monitoring and reporting of activities by peacekeeping and peace-building support operations on children in armed conflict.<sup>84</sup> The Secretary-General recommended the establishment of task forces on monitoring, with the participation of each of the above-mentioned actors as well as NGOs with monitoring and reporting expertise at the country-level.<sup>85</sup> The report suggested that such task forces be co-chaired by a UNICEF representative and the Deputy Special Representative of the Secretary-General in countries with peacekeeping missions. In countries without peacekeeping missions, the UNICEF representative could chair the task force alone.<sup>86</sup> The critical role that UNICEF plays not only in gathering information, but also in cooperating with the Special Representative for Children and Armed Conflict has been highlighted and acclaimed by the 10-year review of the Machel Report.<sup>87</sup> However, that same report pointed out that data collection was often weak and not sufficiently disaggregated by geographic region, age and gender.<sup>88</sup> The report called for the establishment of a common framework including clarification of the objective of data collection, standardized definitions and indicators and a common information management system.<sup>89</sup> Civil society actors, in particular NGOs and academia, also carry an immense potential of closing the still existing lack of information, a lack which constitutes a major obstacle towards a strengthened monitoring and reporting system.<sup>90</sup>

#### *Reviewing and integrating information at the UN headquarters*

As a second step in the reporting mechanism, the Secretary-General suggested the transmission of information gathered at the country level to the Office of the Special Representative for Children and Armed Conflict for review, consolidation and compilation into monitoring and compliance reports.<sup>91</sup> The Special Representative is also in charge of issuing an annual monitoring report in consultation with the Task Force on Children and Armed Conflict.<sup>92</sup> This task force was established in May 2000 and consists of several UN agencies and Secretariat departments who have an interest in the issue. The Task Force is equally charged with the regular review of significant children and armed conflict developments in order to propose actions and raise timely alerts.<sup>93</sup> This task has subsequently been taken over by the Security Council Working Group on Children and Armed Conflict.

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<sup>80</sup> United Nations Secretary-General, *Children and armed conflict. Report of the Secretary-General. [A/59/695-S/2005/72]*, 2005 paras. 74&75.

<sup>81</sup> United Nations Secretary-General, *Children and armed conflict. Report of the Secretary-General. [A/59/695-S/2005/72]*.

<sup>82</sup> United Nations Secretary-General, *Children and armed conflict. Report of the Secretary-General. [A/59/695-S/2005/72]*, 2005 para. 78.

<sup>83</sup> United Nations Secretary-General, *Children and armed conflict. Report of the Secretary-General. [A/59/695-S/2005/72]*, 2005 para. 83.

<sup>84</sup> United Nations Security Council, *Resolution 1379 (2001) on children and armed conflict*, para. 10 (c).

<sup>85</sup> United Nations Secretary-General, *Children and armed conflict. Report of the Secretary-General. [A/59/695-S/2005/72]*, 2005 para. 83.

<sup>86</sup> United Nations Secretary-General, *Children and armed conflict. Report of the Secretary-General. [A/59/695-S/2005/72]*, 2005 para. 83.

<sup>87</sup> United Nations Special Representative of the Secretary-General for Children and Armed Conflict, *Report of the Special Representative of the Secretary-General for Children and Armed Conflict [A/62/228]*, 2007, para. 73.

<sup>88</sup> United Nations Special Representative of the Secretary-General for Children and Armed Conflict, *Report of the Special Representative of the Secretary-General for Children and Armed Conflict [A/62/228]*, 2007, para. 74.

<sup>89</sup> United Nations Special Representative of the Secretary-General for Children and Armed Conflict, *Report of the Special Representative of the Secretary-General for Children and Armed Conflict [A/62/228]*, 2007, para. 75.

<sup>90</sup> Chikuhwa, *Evolution of the United Nations protection agenda for children affected by armed conflict: towards an “era of application” of international standards*, 2007, p. 5.

<sup>91</sup> United Nations Secretary-General, *Children and armed conflict. Report of the Secretary-General. [A/59/695-S/2005/72]*, 2005 para. 92.

<sup>92</sup> United Nations Secretary-General, *Children and armed conflict. Report of the Secretary-General. [A/59/695-S/2005/72]*, 2005 para. 93.

<sup>93</sup> United Nations Secretary-General, *Children and armed conflict. Report of the Secretary-General. [A/59/695-S/2005/72]*, 2005 para. 101.

While the reports obviously serve as an information basis for action, they equally have a value in themselves. Security Council resolution 1379 of 2001 formally mandated the Secretary-General to include in his annual reports on the issue of children and armed conflict a list of parties that recruit or use children in situations of armed conflict.<sup>94</sup> Systematically naming and listing offending parties has thus become an integral part of the monitoring and reporting regime and is a value in itself.<sup>95</sup>

#### *“Destinations” for action*

A strong monitoring and reporting mechanism requires concrete action by key policy and decision-making bodies.<sup>96</sup> The reports, while creating a momentum for the protection of children in themselves, were primarily intended to serve as triggers for action.<sup>97</sup> The Secretary-General identified national governments, the Security Council, the General Assembly, the International Criminal Court, the Commission on Human Rights and regional organizations as being key “destinations for action.”<sup>98</sup> He further pointed out that while national governments have the main responsibility to implement national legislation protecting children and taking other measures at the national level, the Security Council was by far the most important destination for action with regard to ensuring compliance with children and armed conflict protection norms.<sup>99</sup> The Secretary-General further recommended targeted and concrete measures, such as travel bans or restrictions to arms trade, by the Security Council in situations where parties consistently failed to make any progress.<sup>100</sup> Addressing a thematic issue on a non-country specific basis is not evident in the work of the Security Council. In fact, it has been pointed out that this engagement in a thematic human rights issue necessitated a shift in the mode of business and a reconsideration of its scope of engagement.<sup>101</sup> The General Assembly especially has considered this to be an infringement on its mandate and working field.<sup>102</sup> Nevertheless, the Secretary-General reinforced the thematic work of the Security Council by highlighting its importance in the monitoring process, but equally called upon the General Assembly to act on the issue, for example through a resolution devoted to children and armed conflict monitoring and compliance as well as integrating children and armed conflict concerns into its country-specific resolutions.<sup>103</sup>

#### ***The CAAC and the Security Council at work***

The creation of the CAAC turned the monitoring mechanism outlined in the Secretary General's report into reality. The work of the CAAC needs to be seen in conjunction with the work of the Security Council, since the main task of the CAAC is to “make recommendations to the Council on possible measures to promote the protection of children affected by armed conflict, including through recommendations on appropriate mandates for peacekeeping missions and recommendations with respect to the parties to the conflict.”<sup>104</sup> Security Council resolutions on children and armed conflict should be seen as instruments specifically intended to bring parties to adhere to the outlined international children protection standards.<sup>105</sup> In that sense, the establishment of the CAAC needs to be seen as a deepening and systematization of the Security Council's work on the issue of children and armed conflict in that the CAAC can promptly respond to immediate concerns and bring imminent threats to children to the attention of the Council.<sup>106</sup>

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<sup>94</sup> United Nations Security Council, *Resolution 1379 (2001) on children and armed conflict*, para. 16.

<sup>95</sup> Chikuhwa, *Evolution of the United Nations protection agenda for children affected by armed conflict: towards an “era of application” of international standards*, 2007, p. 6.

<sup>96</sup> Chikuhwa, *Evolution of the United Nations protection agenda for children affected by armed conflict: towards an “era of application” of international standards*, 2007, p. 6.

<sup>97</sup> United Nations Secretary-General, *Children and armed conflict. Report of the Secretary-General. [A/59/695-S/2005/72]*, 2005 para. 107.

<sup>98</sup> United Nations Secretary-General, *Children and armed conflict. Report of the Secretary-General. [A/59/695-S/2005/72]*, 2005 para. 107.

<sup>99</sup> United Nations Secretary-General, *Children and armed conflict. Report of the Secretary-General. [A/59/695-S/2005/72]*, 2005 para. 110.

<sup>100</sup> United Nations Secretary-General, *Children and armed conflict. Report of the Secretary-General. [A/59/695-S/2005/72]*, 2005 para. 115.

<sup>101</sup> Chikuhwa, *Evolution of the United Nations protection agenda for children affected by armed conflict: towards an “era of application” of international standards*, 2007, p. 12.

<sup>102</sup> Chikuhwa, *Evolution of the United Nations protection agenda for children affected by armed conflict: towards an “era of application” of international standards*, 2007, p. 14.

<sup>103</sup> United Nations Secretary-General, *Children and armed conflict. Report of the Secretary-General. [A/59/695-S/2005/72]*, 2005 para. 117.

<sup>104</sup> United Nations Security Council, *Resolution 1612 (2005) on children and armed conflict*, para. 8 (a).

<sup>105</sup> Chikuhwa, *Evolution of the United Nations protection agenda for children affected by armed conflict: towards an “era of application” of international standards*, 2007, p. 14.

<sup>106</sup> Chikuhwa, *Evolution of the United Nations protection agenda for children affected by armed conflict: towards an “era of application” of international standards*, 2007, p. 18.

In 2008, the CAAC considered the situation of children in ten conflict situations.<sup>107</sup> All discussions were based on reports prepared by the Secretary-General on the situation of children in a specific armed conflict, as had been outlined in the proposal made by the Secretary-General. The CAAC further invites the countries concerned to engage in dialogue with the CAAC when conflict in their territory is under discussion, and all countries sent representatives to the working group's sessions.<sup>108</sup> It should be noted that the Secretary-General does not list countries as such in his reports, but rather parties committing violations of international child protection standards. The names of countries are only referred to in order to indicate the locations of conflicts affecting children.<sup>109</sup> Parties to conflicts as such have, however, not participated in CAAC debates.

#### *Case study: CAAC monitoring work on the conflict in the Democratic Republic of Congo*

During its 9<sup>th</sup> meeting, the CAAC considered the situation of children in the ongoing armed conflict in the Democratic Republic of Congo based on the report of the Secretary-General which was presented to the CAAC by the Special Representative on Children and Armed Conflict. The Permanent Representative of the Democratic Republic of Congo presented the point of view of the Congolese government.<sup>110</sup> In his view, the main obstacle to implement programs and policies that address the question of the protection of children in armed conflict was a lack of financial resources.<sup>111</sup> As a conclusion of the Working Group's debate, it issued recommendations to the President of the Security Council to issue several letters, including to the Governments of both the Democratic Republic of Congo as well as the government of Rwanda, calling for specific action by these governments.<sup>112</sup> The CAAC equally concluded that it would by itself address letters, specifically to donors, in order to identify financial resources which could enhance the DDR process in the Democratic Republic of Congo.<sup>113</sup>

#### *Prospects and challenges of the CAAC monitoring mechanism*

The recommendations from the Secretary-General to the Security Council give a good indication of what still remains to be done in the work of the CAAC and the Security Council, the CAAC being a direct sub-organ to the Council. In his latest report, the Secretary-General encouraged the Council to continue to insist on time-bound concrete action plans by all parties to halt violations currently in the scope of the review mechanism (i.e. the six main violations) and to take targeted measures in the case of non-compliance, especially against persistent perpetrators. He equally stressed the need for systematic communication between the CAAC and relevant sanctions Committees.<sup>114</sup> The CAAC noted that progress had been made in several situations but that it was uneven.<sup>115</sup> It equally noted the excessive workload resulting from examining every single country situation at least once, and sometimes on a recurring basis where recommendations had not yet yielded satisfactory results.<sup>116</sup>

#### **Conclusion**

The creation of the CAAC and the implementation of the Secretary-General's monitoring mechanism, coupled with fundamental mainstreaming of the concerns of children in armed conflict situations in other UN bodies and within parts of the UN Secretariat have created a strong momentum for children affected by armed conflict.<sup>117</sup> Nevertheless, children remain subject to atrocious violence in almost all conflict situations in today's world. Evidently, there remains much to be done on the level of monitoring the violation of international standards and

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<sup>107</sup> United Nations Security Council Working Group on Children and Armed Conflict, *Annual report (S/2008/455)*, 2008, para. 54.

<sup>108</sup> United Nations Security Council Working Group on Children and Armed Conflict, *Annual report (S/2008/455)*, 2008, para. 55.

<sup>109</sup> United Nations Secretary-General, *Children and armed conflict. Report of the Secretary-General. [A/63/785 – s/2009/158]*, 2009 para. 176.

<sup>110</sup> United Nations Security Council Working Group on Children and Armed Conflict, *Annual report (S/2008/455)*, 2008, paras. 8/9.

<sup>111</sup> United Nations Security Council Working Group on Children and Armed Conflict, *Conclusions on parties to the armed conflict in the Democratic Republic of Congo [S/AC.51/2007/17]*, 2007, para. 9.

<sup>112</sup> United Nations Security Council Working Group on Children and Armed Conflict, *Conclusions on parties to the armed conflict in the Democratic Republic of Congo [S/AC.51/2007/17]*, 2007, para. 11.

<sup>113</sup> United Nations Security Council Working Group on Children and Armed Conflict, *Conclusions on parties to the armed conflict in the Democratic Republic of Congo [S/AC.51/2007/17]*, 2007, para. 12.

<sup>114</sup> United Nations Secretary-General, *Children and armed conflict. Report of the Secretary-General. [A/63/785 – s/2009/158]*, 2009 paras. 164&167.

<sup>115</sup> United Nations Security Council Working Group on Children and Armed Conflict, *Annual report (S/2008/455)*, 2008, para. 57.

<sup>116</sup> United Nations Security Council Working Group on Children and Armed Conflict, *Annual report (S/2008/455)*, 2008, paras. 57/58.

<sup>117</sup> Chikuhwa, *Evolution of the United Nations protection agenda for children affected by armed conflict: towards an "era of application" of international standards*, 2007, p. 28.

reaction to abuses.

One of the major challenges remains the collection of accurate and reliable information on the ground.<sup>118</sup> Task forces, as suggested by the Secretary-General, have neither been established in all situations of concern nor are they mandatory. More systematic engagement of all other international institutions, NGOs and academia is critical.<sup>119</sup> On the CAAC monitoring debate level, it must be noted that parties to the conflict are not able to participate. Direct engagement of warring factions is crucial if the monitoring mechanism is to succeed. Identification of parties to a conflict undertaken in the annual Secretary-General reports. Whether their participation could contribute to enhanced compliance with international standards or if it could otherwise improve the efficiency of the monitoring mechanism is certainly an interesting question. This could include the question of the extent to which such parties could address the CAAC. Lastly, the suggested extension of the monitoring mechanism to violations other than the six grave violations currently in the focus of the CAAC might also deserve the attention of the CAAC. The CAAC is in a position to make recommendations to the Security Council; these can include both recommendations on external action within the mandate of the Security Council as well as internal measures to amend the mandate, scope and working modes of its subsidiary bodies, including the CAAC.

Questions that delegates should consider during research: Is your country affected by an armed conflict? If so, which measures were undertaken in order to counter grave violations of children's rights? Did your government engage in a dialogue with warring factions, aimed at developing an action plan with concrete, time-bound commitments to halt violations of international child protection standards? Which obstacles did your country encounter in implementing child protection standards? If your country is not affected by armed conflict, which measures has it undertaken to ensure children's rights in situations of armed conflict? Which measures have proved successful in order to trigger compliance with international human rights standards? Which of those measures could be integrated into a multilateral monitoring framework? Which support does your country give to countries affected by armed conflict (e.g. humanitarian aid)? If you give support, do you monitor how your financial and other resources are used and whether parties to the conflict comply with humanitarian law?

### **Must Reads**

Chikuhwa, T. W. (2007). *Evolution of the United Nations protection agenda for children affected by armed conflict: towards an "era of application" of international standards* (Ford Institute for Human Security, Ed.) (Working Paper). Retrieved September 3, 2009, from <http://www.fordinstitute.pitt.edu/papers/Chikuhwa07.pdf>

*This working paper is a product of the Ford Institute's working group on child soldiers. The author examines action undertaken by the United Nations system in order to address the issue of children affected by armed conflict. While all aspects of policy-making are addressed, the monitoring and reporting mechanism and the work of the CAAC constitute major cornerstones of the concerted effort to ease the situation of children affected by armed conflict. The author concludes that combined efforts have created a strong momentum for children's protection, but also acknowledges the fragility of this achievement and the need for further coherent action and follow-up.*

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, <http://www2.ohchr.org/english/law/crc-conflict.htm>

*The Optional Protocol to the CRC was adopted in 2000. It specifically focuses on the situation of children in armed conflict and sets minimum legal standards for their protection. One of the major achievements of the Optional Protocol on the involvement of children in armed conflict was to raise the minimum age for recruitment into any armed forces from 15 years to 18 years. Being a legally binding document, all states that have ratified the Optional Protocol on the involvement of children in armed conflict are bound by its provisions.*

United Nations. General Assembly Plenary. 44th Regular Session. (1989, November 20). Convention on the Rights of the Child (Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989). Retrieved July 23, 2009, from <http://www2.ohchr.org/english/law/crc.htm>

*The Convention on the Rights of the Child, opened for signature, ratification and accession in 1989 and entered into force in 1990, is to date the human rights treaty with the highest number of states parties to*

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<sup>118</sup> United Nations Special Representative of the Secretary-General for Children and Armed Conflict, *Report of the Special Representative of the Secretary-General for Children and Armed Conflict [A/62/228]*, 2007, para. 74.

<sup>119</sup> Chikuhwa, *Evolution of the United Nations protection agenda for children affected by armed conflict: towards an "era of application" of international standards*, 2007, p. 5.

*it. As such, it is one of the most important documents setting the legal standard for children's rights. Articles 38 and 39 of the Convention on the Rights of the Child provide for the full application of international humanitarian law to children and social reintegration of children who have been a victim of, inter alia, armed conflict. The Optional Protocol to the Convention on the involvement of children in armed conflict largely extended the protection provided by these provisions.*

United Nations. Secretary-General. (2005, February 9). Children and Armed Conflict. Report of the Secretary-General. (UN Doc. A/59/695-S/2005/72). Retrieved July 23, 2009, from <http://www.un.org/Docs/journal/asp/ws.asp?m=A/59/695>  
*This Report submitted by the Secretary-General pursuant to Security Council resolution 1539 (2004) outlines an "Action plan for the establishment of a monitoring, reporting and compliance mechanism" in order to enforce the application of international standards pertaining to children and armed conflict. Based on the Graça Machel report of 1996 and previous reports by the Secretary-General, the action plan not only mentions which specific offences should be monitored, but also contains recommendations on the gathering and processing of information both at the country- as well as the UN Headquarters-level. It equally outlines actions to be undertaken by specific parts of the UN system. This report laid the basis for the reviewing and monitoring activity of the Security Council Working Group on Children and Armed Conflict.*

United Nations. Security Council. 5235th meeting. (2005, July 26). Security Council Resolution 1612 (2005). Retrieved July 23, 2009, from [http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1612\(2005\)](http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1612(2005))  
*This resolution called for implementation of the review and monitoring mechanism outlined by the Secretary-General in his report on Children and Armed Conflict and established the Working Group on Children and Armed Conflict. By virtue of this resolution, the Working Group on Children and Armed Conflict is charged with the review of country reports and the review of progress in the development and implementation of action plans by certain countries. The resolution further mandates the Working Group to make recommendations to the Security Council on possible action to counter violations of international standards pertaining to children and armed conflict. The Working Group can also address requests to other relevant parts of the UN system regarding the full implementation of resolution 1612.*

## **II. Impact on Children of the Illicit Trafficking of Small Arms and Light Weapons**

*"Our collective failure to protect children must be transformed into an opportunity to confront the problems that cause their suffering."<sup>120</sup>*

### **Introduction**

For many children in areas of conflict pulling the trigger of a gun is their first perception of power, identity, and belonging so that weapons become a source of status and privilege in their eyes.<sup>121</sup> Children and young men can be indoctrinated, manipulated, and exploited easier than adult soldiers due to less resistance.<sup>122</sup> Child soldiers provide armed groups with cheap fighters and allow them to obtain a strong fighting force.<sup>123</sup>

### **Cycle of violence and exploitation**

The availability of small arms and light weapons is directly linked to the abduction and use of children as soldiers.<sup>124</sup> The ease of using small arms and light weapons makes them especially accessible to children.<sup>125</sup> Small and light weapons as the M-16 and the AK-47 are easy for small children to carry and use.<sup>126</sup>

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<sup>120</sup> Machel, Graça: The Impact of War on Children. A review of progress since the 1996 United Nations Report on the Impact of Armed Conflict on Children.

<sup>121</sup> Muggah, Robert/Berman, Eric: Humanitarianism Under Threat: The Humanitarian Impacts of Small Arms and Light Weapons, p. 41.

<sup>122</sup> Office of the Special Representative of the Secretary General for Children and Armed Conflict: Security Council Working Group, 2009.

<sup>123</sup> Quee, Allen: Regional Child Warriors in West Africa, 2008, p. 8.

<sup>124</sup> Office of the Special Representative of the Secretary General for Children and Armed Conflict: Security Council Working Group, 2009.

<sup>125</sup> United Nations's Children's Fund: Machel Study 10-Year Strategic Review. Children and Conflict in a Changing World.

<sup>126</sup> Russmann, Paul: Kindersoldaten, p. 105.

According to the Special Representative of the Secretary General for Children and Armed Conflict the impact of small arms and light weapons on children is not limited to abduction and enrolment in armies.<sup>127</sup> If children are constantly exposed to weapons it consequently leads to severe inter-generational issues concerning the productivity and the security of the affected societies.<sup>128</sup> Graca Machel who was in charge of the first global human rights assessment of children in armed conflict in 1996 points out that a lot of children in areas of conflict have never in their life experienced peace and a long-lasting period of time without violence because the circulation of small arms and light weapons lead to vicious cycles of violence and insecurity.<sup>129</sup>

Illicit trade in small arms and light weapons is financed by the earnings of exploitation of natural resources, for example diamonds, coltan, oil, gold, timber and cocoa.<sup>130</sup> Especially in countries of conflict like Afghanistan, Côte d'Ivoire, Democratic Republic of the Congo, Liberia and Sierra Leone "children are exploited as cheap labor and forced to work in unhealthy and dangerous conditions".<sup>131</sup> As former Secretary-General Kofi Annan pointed out in his report of February 2005 concerning "Children and armed conflict", illicit trafficking of small arms and light weapons and the connection with exploitation of natural resources expose children to further atrocities and abuse and undermine efforts at establishing peace, security, legitimate economic activities and the rule of law<sup>132</sup>.

Children are exposed to a lot more risks than adults by this cycle because groups that regulate natural resources are also in charge and control of community structures such as health, education, police and judicial institutions.<sup>133</sup> Because of this, the caring and protective environment that children need is further destroyed.<sup>134</sup> An environment where armed groups control community structures creates conditions under which children are either attracted or pushed to armed violence either because they are attracted by the financial and material resources or by the sense of status, power, and belonging.<sup>135</sup> In this context a lot of children voluntarily join armed groups because of poverty, illiteracy, discrimination, lack of formal education as well as the desire for revenge and the protection that these groups provide when children have lost their home and family members.<sup>136</sup>

### ***Illicit Trade and Trafficking***

The availability of small arms and light weapons plays a huge role in sustaining cultures and cycles of violence in fragile post-conflict societies.<sup>137</sup> More than 300,000 people are killed by small arms and light weapons in conflicts per year.<sup>138</sup> Several factors add to the lethal characteristics of small arms and light weapons: low cost and wide availability, increasing lethality, simplicity and durability, portability as well as the fact that they are not only used by military and police forces for security purposes but also by non-state actors and civilians.<sup>139</sup>

In order to fight cross-border activities that are harmful to children the Secretary-General proposed to set up coordination and monitoring mechanisms that would strengthen the collection, analysis, and the spread of information among actors that are responsible of the control of cross-border activities, such as border and customs control agencies and law enforcement.<sup>140</sup> This especially concerns mandates for peacekeeping missions. There are already mechanisms established by the peacekeeping missions in Sierra Leone (UNAMSIL), Liberia (UNMIL), and Côte d'Ivoire (ONUCI).<sup>141</sup> They have established a cross-border

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<sup>127</sup> Office of the Special Representative of the Secretary General for Children and Armed Conflict, 2009.

<sup>128</sup> Muggah, Robert/Berman, Eric: Humanitarianism Under Threat: The Humanitarian Impacts of Small Arms and Light Weapons, p. 41.

<sup>129</sup> Machel, Graca: The Impact of War on Children. A review of progress since the 1996 United Nations Report on the Impact of Armed Conflict on Children, p. 119.

<sup>130</sup> Office of the Special Representative of the Secretary General for Children and Armed Conflict: Security Council Working Group, 2009.

<sup>131</sup> Office of the Special Representative of the Secretary General for Children and Armed Conflict: Security Council Working Group, 2009.

<sup>132</sup> Report of the Secretary-General on Children and Armed Conflict, February 2005, p. 32.

<sup>133</sup> United Nations's Children's Fund: Machel Study 10-Year Strategic Review. Children and Conflict in a Changing World, p. 12.

<sup>134</sup> United Nations's Children's Fund: Machel Study 10-Year Strategic Review. Children and Conflict in a Changing World, p. 12.

<sup>135</sup> Peacebuild: Forum on Children and Armed Conflict. The Impact of Armed Violence on Children in Haiti, p. 13.

<sup>136</sup> Report of the Special Representative of the Secretary General for Children and Armed Conflict 2009, p. 4.

<sup>137</sup> Office of the Special Representative of the Secretary General for Children and Armed Conflict: Security Council Working Group, 2009.

<sup>138</sup> Muggah, Robert/Berman, Eric: Humanitarianism Under Threat: The Humanitarian Impacts of Small Arms and Light Weapons, p. 8.

<sup>139</sup> Muggah, Robert/Berman, Eric: Humanitarianism Under Threat: The Humanitarian Impacts of Small Arms and Light Weapons, p. 13.

<sup>140</sup> Report of the Secretary-General on Children and Armed Conflict 2005, p. 33.

<sup>141</sup> Report of the Secretary-General on Children and Armed Conflict 2005, p. 33.

cooperation which can serve as an example for other UN missions to control cross-border activities.<sup>142</sup> The cooperation includes information sharing concerning types of small arms and light weapons and their country of origin as well as arms flow and small arms and light weapons control programs in each mission area.<sup>143</sup> Also, military components of the UN missions in Liberia and Côte d'Ivoire received training by the UNAMSIL Child Protection Unit on demobilization, disarmament and reintegration programs for children prior to their deployment.<sup>144</sup>

Peace agreements following an armed conflict should put effective disarmament, demobilization and reintegration (DD&R) programs into place in order to provide the basis for a sustainable peaceful environment.<sup>145</sup> These programs are also needed for former child combatants so that arms and ammunition can be disposed in a safe and timely manner.<sup>146</sup>

### ***Eradicating the impact of small arms and light weapons on children***

In his 2008 report the Secretary-General recommends public-awareness campaigns on the protection of children and armed conflict and how they are affected by small arms and light weapons.<sup>147</sup> Public-awareness campaigns of that nature have already been successfully implemented concerning the dangers of landmines, especially for children.<sup>148</sup> These public-awareness campaigns should include education for children and families about the dangers of small arms and light weapons and at the same time promote a “culture of peace”.<sup>149</sup>

The Committee on the Rights of the Child has recommended that states reexamine domestic legislation and practice to abrogate arms trade with countries where children are involved in armed conflict.<sup>150</sup> Graca Machel, author of the first UN report on children and armed conflict, stresses the need for arms embargoes in situations of conflict where civilians are targeted and systematic violations of humanitarian and human rights are carried out and child soldiers are recruited.<sup>151</sup> In order to make these embargos as effective as possible, violations need to be criminalized and prosecuted.<sup>152</sup> Existing regional and sub regional instruments can be the basis for the formulation of binding international agreements concerning legal and illegal arms flow, production and stockpiling.<sup>153</sup>

Action plans following a ceasefire-agreement that have been developed by the UN in collaboration with the parties to the conflict include several measures to prevent the further use of child soldiers, such as release of all child soldiers, training of military personnel to prevent the re-recruitment of child soldiers and strengthening of birth registration.<sup>154</sup> In order to achieve sustainable success in the prevention of recruitment of children as soldiers, the Special Representative of the Secretary-General for Children and Armed Conflict, Radhika Coomraswamy, stresses the need for disciplinary action against those responsible for the recruitment of children and providing access to recruitment and training centers for independent monitoring by the United Nations.<sup>155</sup>

### ***Case Studies***

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<sup>142</sup> Report of the Secretary-General on Children and Armed Conflict 2005, p. 33.

<sup>143</sup> Report of the Secretary-General on inter-mission cooperation and possible cross-border operations between UNAMSIL, UNMIL and ONUCI, p. 9.

<sup>144</sup> Report of the Secretary-General on inter-mission cooperation and possible cross-border operations between UNAMSIL, UNMIL and ONUCI, p. 11.

<sup>145</sup> Machel, Graca: The Impact of War on Children. A review of progress since the 1996 United Nations Report on the Impact of Armed Conflict on Children, 2001, p. 201.

<sup>146</sup> Machel, Graca: The Impact of War on Children. A review of progress since the 1996 United Nations Report on the Impact of Armed Conflict on Children, 2001, p. 201.

<sup>147</sup> Report of the Secretary-General on Children and Armed Conflict 2008

<sup>148</sup> International Campaign to Ban Landmines, 2009.

<sup>149</sup> Machel, Graca: The Impact of War on Children. A review of progress since the 1996 United Nations Report on the Impact of Armed Conflict on Children, 2001, p. 201.

<sup>150</sup> United Nations's Children's Fund: Machel Study 10-Year Strategic Review. Children and Conflict in a Changing World.

<sup>151</sup> Machel, Graca: The Impact of War on Children. A review of progress since the 1996 United Nations Report on the Impact of Armed Conflict on Children, 2001, p. 200.

<sup>152</sup> Machel, Graca: The Impact of War on Children. A review of progress since the 1996 United Nations Report on the Impact of Armed Conflict on Children, 2001, p. 201.

<sup>153</sup> <sup>153</sup> Machel, Graca: The Impact of War on Children. A review of progress since the 1996 United Nations Report on the Impact of Armed Conflict on Children, 2001, p. 201.

<sup>154</sup> United Nations Human Rights Council: Annual report of the Special Representative of the Secretary-General for Children and Armed Conflict, Radhika Coomraswamy, p. 6.

<sup>155</sup> United Nations Human Rights Council: Annual report of the Special Representative of the Secretary-General for Children and Armed Conflict, Radhika Coomraswamy, p. 6.

Children are affected by conflict all over the world. In all areas of conflict the illicit trade and trafficking of small arms and light weapons undermine the efforts to create a peaceful and sustainable environment for children.<sup>156</sup> In these areas of conflict children have been involved with small arms and light weapons either as soldiers or have been involved in the illicit trade as smugglers and spotters.<sup>157</sup> The cases of Liberia, Côte-d'Ivoire and Haiti will provide good examples of what the peacekeeping missions to ensure that small arms and light weapons do not get in the way of sustainable peace.

#### *Liberia and Côte d'Ivoire*

Since the end of the 1980s the conflicts in Liberia, Sierra Leone, Guinea and Côte d'Ivoire have spread out across each country's porous borders.<sup>158</sup> To support the ceasefire agreement in Liberia in 2003 the Security Council adopted Resolution 1509 which established the United Nations Mission in Liberia (UNMIL) and the nomination of an interim government in October 2003.<sup>159</sup> Liberia, Sierra Leone and Côte d'Ivoire have experienced violent conflict in recent years and UN peacekeeping missions are currently present in all of these countries<sup>160</sup>. UNMIL and ONUCI are closely cooperating to fight illicit border activities. In order to deter any events to recruit Liberians UNMIL and ONUCI carry out border controls together.<sup>161</sup>

Most of the child soldiers in West Africa have fought with at least two armed groups in the region and have often been involved in cross-border activities.<sup>162</sup> While traveling across borders these children take their weapons with them.<sup>163</sup> Advances in weapons technology, which makes them easier to handle even for small children, have turned them into a new source of military labor because a child with a gun is an even match to an adult soldier.<sup>164</sup> In order to prevent child soldiers from moving to conflicts in neighboring countries several measurements have been introduced by the UN and several non-governmental organizations (NGOs). In West Africa the NGO Search for Common Ground introduced a youth strategy program which aims to find opportunities where youths can have a positive influence in political and social events to give them the opportunity to achieve something without a weapon.<sup>165</sup>

#### *Haiti*

The United Nations Stabilization mission in Haiti (MINUSTAH) was established in June 2004 pursuant to resolution 1542 after President Jean-Bertrand Aristide had left the country for exile.<sup>166</sup> MINUSTAH succeeded the Multinational Interim Force (MIF) which was deployed in February 2004 by the Security Council due to violent and armed conflict that broke out in several cities across the country after allegations of manipulated elections.<sup>167</sup> Several of the groups fighting in these riots have transformed into criminal groups and did not take part in the disarmament and reintegration programs of MINUSTAH.<sup>168</sup>

Although Haiti is not included in the annexed list of the Secretary-Generals report on children and armed conflict the situation in the country is mentioned in the text of the report.<sup>169</sup> Children living in Haiti have been exposed to a culture of impunity and illicit activities and many are involved in armed violence themselves either because they are attracted to it or because they are forced to.<sup>170</sup> The riots that broke out in Haiti and the following time of violence increasingly involved children, either directly or indirectly, in the gun trade.<sup>171</sup> Children remained associated with armed groups even after the conflict ended and were used as messengers, spotters, attackers and porters to transfer and hide weapons.<sup>172</sup>

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<sup>156</sup> Machel, Graca: *The Impact of War on Children. A review of progress since the 1996 United Nations Report on the Impact of Armed Conflict on Children*, 2001, p. 200.

<sup>157</sup> Machel, Graca: *The Impact of War on Children. A review of progress since the 1996 United Nations Report on the Impact of Armed Conflict on Children*, 2001, p. 200.

<sup>158</sup> Quee, Allan: *Regional Child Warriors in West Africa*, p. 3.

<sup>159</sup> Sherif, Abu: *Reintegration of female war-affected and ex-combatants in Liberia*, 2008, p. 27.

<sup>160</sup> Report of the Secretary General on inter-mission cooperation and possible cross-border operations between UNAMSIL, UNMIL and ONUCI, p. 9.

<sup>161</sup> Special Representative of the Secretary-General on Children and Armed Conflict: *Developments in Liberia*.

<sup>162</sup> Quee, Allan: *Regional Child Warriors in West Africa*, p. 6.

<sup>163</sup> Quee, Allan: *Regional Child Warriors in West Africa*, p. 6.

<sup>164</sup> Quee, Allan: *Regional Child Warriors in West Africa*, p. 8.

<sup>165</sup> Search for Common Ground: *Sierra Leone Projects*, 2009.

<sup>166</sup> United Nations Department of Peacekeeping Operations: *Haiti – MINUSTAH – Background*.

<sup>167</sup> United Nations Department of Peacekeeping Operations: *Haiti – MINUSTAH – Background*.

<sup>168</sup> United Nations's Children's Fund: *Machel Study 10-Year Strategic Review. Children and Conflict in a Changing World*, p.8.

<sup>169</sup> Report of the Secretary-General on Children and Armed Conflict 2008

<sup>170</sup> Peacebuild: *Forum on Children and Armed Conflict: The Impact of Armed Violence on Children in Haiti*, p. 13.

<sup>171</sup> Peacebuild: *Forum on Children and Armed Conflict: The Impact of Armed Violence on Children in Haiti*, p. 17.

<sup>172</sup> United Nations's Children's Fund: *Machel Study 10-Year Strategic Review. Children and Conflict in a Changing World*.

In his 2009 report on Children and Armed Conflict the Secretary-General points out a phenomenon reported by the United Nations Stabilization Mission in Haiti (MINUSTAH): armed groups handed out toy guns to children that looked realistic and were used by the children to disturb the base of MINUSTAH.<sup>173</sup> The Child Protection Unit of MINUSTAH tries to address these issues through monitoring and reporting of violations concerning children affected by armed violence and on the other hand through training of UN personnel and strengthening capacity building within national institutions.<sup>174</sup>

### **Conclusion**

Small arms and light weapons enable children to fight in conflicts as an even match for adult soldiers. This link between the ready availability of these weapons and the use of child soldiers can only be broken if trade of small arms and light weapons with countries, where children fight in armed conflicts, is prohibited.<sup>175</sup> Children are involved in the illicit trade and trafficking of small arms as smugglers and porters.<sup>176</sup> They are also used as cheap labor for the exploitation of natural resources to finance the trade in small arms and light weapons.<sup>177</sup> The continuous trade of small arms and light weapons allows the armed groups to sustain a culture of violence in which children experience times without armed violence.<sup>178</sup>

Delegates should consider following questions: What are the root causes why children become involved with armed groups? How can the cycle of violence and exploitation be broken? What preventive measures can be taken to avoid that children get involved in armed violence? What instruments need to be introduced to prevent the illegal trade of small arms and light weapons? How can the effect of small arms and light weapons on children be minimized?

### **Must Reads**

Machel, G. (2001). *The Impact of War on Children. A review of progress since the 1996 United Nations Report on the Impact of Armed Conflict on Children*. London: C. Hurst & Co.  
*The 1996 study by the United Nations on the situation of children in armed conflict was carried out by Graca Machel. In this book she focuses on several thematic issues including the impact of small arms and light weapons. Mrs. Machel gives recommendations on how to address the issue of illicit trafficking. This is an excellent source for delegates to develop concrete proposals.*

Office of the Special Representative of the Secretary-General for Children and Armed Conflict. (n.d.). *Impact on children of illicit trafficking of small arms, landmines, and unexploded ordnance*. Retrieved July 21, 2009, from United Nations website:

<http://www.un.org/children/conflict/english/smallarmslandmines.html>

On this website delegates are provided with a summarized overview of how children are affected by small arms and light weapons. Furthermore this website provides links to the essential reports and treaties. Information is also given on the countries mostly affected by or involved in trafficking of small arms and light weapons.

Office of the Special Representative of the Secretary General on Children and Armed Conflict. (n.d.). *Security Council Working Group*. Retrieved August 5, 2009, from United Nations website:

<http://www.un.org/children/conflict/english/securitycouncilwg.html>

The website of the Security Council Working Group is essential for delegates in this committee. On this website the specific tasks and responsibilities are explained and delegates can access all reports reviewed by the Working Group. An introduction is given to all areas of abuses considered by the Working Group in the country reports. The website outlines the current focus of the Working Group and provides access to detailed information on areas of concern of the Working Group.

United Nations Children's Fund. (n.d.). *Report of Graca Machel: Impact of Armed Conflict on Children*. Retrieved from United Nations website:

<http://www.un.org/children/conflict/english/themachelstudy.html>

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<sup>173</sup> Secretary-General: Report on Children and Armed Conflict, p. 12.

<sup>174</sup> United Nations Stabilization Mission in Haiti. (n.d.). Unité de protection de l'enfant, 2009.

<sup>175</sup> Machel, Graca: The Impact of War on Children. A review of progress since the 1996 United Nations Report on the Impact of Armed Conflict on Children, 2001, p. 200.

<sup>176</sup> United Nations's Children's Fund: Machel Study 10-Year Strategic Review. Children and Conflict in a Changing World.

<sup>177</sup> Office of the Special Representative of the Secretary General for Children and Armed Conflict: Security Council Working Group, 2009.

<sup>178</sup> Office of the Special Representative of the Secretary General for Children and Armed Conflict: Security Council Working Group, 2009.

This report was the groundbreaking milestone to introduce the topic of children and armed conflict on the agenda of the United Nations. The study outlines in detail how children are affected by armed conflict. Several measures for the protection of children in armed conflict are outlined in the study some of which have been introduced already. This report provides delegates with a good analysis of issues that need to be addressed but also proposals of measures that should be implemented.

### III. Girls and Armed Conflict

*“Special attention must (...) be given to the specific needs of girls. A deeper understanding is required of the acute vulnerability of girls in situations of armed conflict, which should inform more gender-sensitive strategies.”*<sup>179</sup>

Girls are particularly vulnerable during armed conflict. They are subject to a wide range of human rights and international humanitarian law violations, including killings and physical violence; abductions and forced removal from their families; and forced marriages. They are also subject to sexual exploitation, and other forms of sexual violations, including rape, enforced pregnancies and forced child-bearing.<sup>180</sup> Recently girls are increasingly being recruited into armed forces. Lastly, girls are also at danger in post-conflict situations and are often excluded from formal disarmament, demobilization and reintegration (DDR) processes.<sup>181</sup> This is particularly troublesome since girls are amongst the most vulnerable victims and are consequently in the greatest need of help. The Machel report, issued in 1996, which was groundbreaking in addressing children and armed conflict, highlighted the impact of armed conflict on girl children as a particular concern.<sup>182</sup> An estimated 40% of children affected by armed conflict are girls, but their manifold roles in conflict as well as their specific needs are often overlooked by the international community.<sup>183</sup> There is an urgent need to acknowledge and address the specific violations girls suffer in times of armed conflict.<sup>184</sup>

#### ***Sexual violence and forced impregnation as a tactical weapon during armed conflict***

While women of all ages can be and are victims of sexual violence, young women and girls are particularly vulnerable due to reasons such as age and size.<sup>185</sup> While rape and other forms of sexual violence are not incidental to conflict, sexual abuse in times of armed conflict can be used as a deliberate military tactic.<sup>186</sup> During the war in former Yugoslavia in 1994, Serb militia members used mass rape with the intention to humiliate, shame, degrade and terrify Muslims and to terrorize them into leaving certain areas.<sup>187</sup> A similar strategy was pursued by the Lord's Resistance Army in Uganda.<sup>188</sup> Sexual violence has severe physical effects upon the immature bodies of girls, and in addition exposes them to a much higher risk of contracting HIV/AIDS.<sup>189</sup> Amongst the traumatic psychological effects are flashbacks, persistent fears and difficulties in establishing intimate relationships.<sup>190</sup>

Rape has been considered a war crime since the adoption of the Fourth Geneva Convention in 1949. Article 27 II of the Fourth Geneva Convention explicitly states that women shall be protected from rape and/or forced prostitution.<sup>191</sup> However, this article mischaracterizes rape as an assault against honor rather than a crime against the physical integrity of the victim and fails to account for the dimension of violence constituted by an act of rape.<sup>192</sup> This dimension was added later through several judgments issued by the ad-hoc tribunals for the Former

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<sup>179</sup> United Nations Office of the Special Representative of the Secretary-General for Children and Armed Conflict, *Issues. Girls In War*, 2009.

<sup>180</sup> Mazurana & Carlson, *The girl child and armed conflict: Recognizing and addressing grave violations of girls' human rights*, 2006, p. 2.

<sup>181</sup> Save the Children, *Forgotten Casualties of War. Girls in armed conflict.*, 2005, p. 25.

<sup>182</sup> Machel, *Promotion and Protection of the Rights of Children. Impact of armed conflict on children.*, 1996, para. 11.

<sup>183</sup> Save the Children, *Forgotten Casualties of War. Girls in armed conflict.*, 2005, p. 1.

<sup>184</sup> Mazurana & Carlson, *The girl child and armed conflict: Recognizing and addressing grave violations of girls' human rights*, 2006, p. 2.

<sup>185</sup> Machel, *Promotion and Protection of the Rights of Children. Impact of armed conflict on children.*, 1996, para. 92.

<sup>186</sup> McKay, *The Effects of Armed Conflict on Girls and Women*, 1998, p. 384.

<sup>187</sup> Fisher, *Occupation of the womb: Forced impregnation as genocide*, 1996, p. 108/109.

<sup>188</sup> Mazurana & Carlson, *The girl child and armed conflict: Recognizing and addressing grave violations of girls' human rights*, 2006, p. 7.

<sup>189</sup> Mazurana & Carlson, *The girl child and armed conflict: Recognizing and addressing grave violations of girls' human rights*, 2006, p. 12/13.

<sup>190</sup> McKay, *The Effects of Armed Conflict on Girls and Women*, 1998, p. 385.

<sup>191</sup> Geneva Convention relative to the Protection of Civilian Persons in Time of War, 1949, Article 27 II.

<sup>192</sup> Seibert-Fohr, *Die Fortentwicklung des Völkerstrafrechts – Verbrechen gegen Frauen in bewaffneten Konflikten*

Yugoslavia and Rwanda.<sup>193</sup> Article 7 (1) (g) of the *Rome Statute* defines rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity as a crime against humanity.<sup>194</sup> According to the *Rome Statute*, all of these crimes equally constitute war crimes.<sup>195</sup> This development of international criminal law has led to the prosecution of such crimes at the international level and an increased consciousness.<sup>196</sup>

Despite these positive developments, the latest report by the United Nations (UN) Secretary-General to the General Assembly and the Security Council on Children and armed conflict pointed out that widespread and systematic rape and sexual violence against children have increasingly been characteristics of conflict.<sup>197</sup> While the criminal nature of such offenses is universally acknowledged, impunity of these crimes remains one of the greatest concerns.<sup>198</sup> The Secretary-General therefore suggested that the Security Council identify parties allegedly committing rape and sexual violence against children on a systematic basis (as is already being done for the recruitment of children into armed forces) with the aim of entering into a dialogue with listed parties.<sup>199</sup> Such a dialogue should result into formal commitments outlined by parties in order to put an end to such practices.<sup>200</sup> The Security Council took up this suggestion by the Secretary-General in its recently adopted Resolution 1882 (2009). The resolution calls upon parties listed in the annexes of the Secretary-General's report on children and armed conflict to prepare concrete time-bound action plans to halt violations and abuses such as *inter alia* rape and other sexual violence.<sup>201</sup>

### ***Girls as part of armed forces***

Another major concern is the recruitment of girls into armed forces. McKay and Mazurana have shown that during conflicts from 1990 to 2003, girls were present in government, paramilitary and armed opposition groups in a total of 55 countries, and in 34 of those countries they actively participated as fighters.<sup>202</sup> An estimated 10 to 30% of children in fighting forces around the world are girls.<sup>203</sup>

The use, recruitment, conscription or enlistment of children under 15 years of age is prohibited under international law. Article 38 (3) of the Convention on the Rights of the Child (CRC) prohibits the recruitment of any person under 15 years.<sup>204</sup> Article 77 (2) of the Additional Protocol I to the Geneva Conventions, Article 4 (3) (c) of the Additional Protocol II to the Geneva Conventions as well as Articles 8 (2) (b) (xxvi) and 8 (2) (e) (vii) of the Rome Statute all define the conscription or enlistment of children under the age of fifteen as a war crime, both in international and internal conflicts. All of these provisions furthermore foresee that warring parties should give the lowest priority to persons under eighteen when recruiting amongst over fifteen year-olds. The Optional Protocol on the Convention on the Rights of the Child has set the minimum age for active participation in armed conflict at eighteen years.<sup>205</sup> Despite these very clear stipulations prohibiting and incriminating conscription and enlistment of children, recruitment amongst children remains high, both amongst boys and girls.

The reasons for girls joining armed forces are manifold. They may join armed forces because their families are unable to sustain them, or because they seek protection from other warring factions.<sup>206</sup> Others may be

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[*Development of international criminal law – crimes against women committed during armed conflicts*], 2006, p. 149.

<sup>193</sup> Seibert-Fohr, *Die Fortentwicklung des Völkerstrafrechts – Verbrechen gegen Frauen in bewaffneten Konflikten* [*Development of international criminal law – crimes against women committed during armed conflicts*], 2006, p. 149.

<sup>194</sup> *Rome Statute of the International Criminal Court*, 1998, Article 7 (1) (g).

<sup>195</sup> *Rome Statute of the International Criminal Court*, 1998, Article 8 (2) (b) (xxii) & Article 8 (2) (e) (vi).

<sup>196</sup> Seibert-Fohr, *Die Fortentwicklung des Völkerstrafrechts – Verbrechen gegen Frauen in bewaffneten Konflikten* [*Development of international criminal law – crimes against women committed during armed conflicts*], 2006, p. 163.

<sup>197</sup> United Nations Secretary-General, *Report on Children and armed conflict [A/63/785 – S/2009/158]*, 2009, para. 154.

<sup>198</sup> United Nations Secretary-General, *Report on Children and armed conflict [A/63/785 – S/2009/158]*, 2009, para. 155.

<sup>199</sup> United Nations Secretary-General, *Report on Children and armed conflict [A/63/785 – S/2009/158]*, 2009, para. 158.

<sup>200</sup> United Nations Secretary-General, *Report on Children and armed conflict [A/63/785 – S/2009/158]*, 2009, para. 159.

<sup>201</sup> United Nations Security Council, *Resolution 1882 (2009) on children and armed conflict*, para. 5 (b).

<sup>202</sup> McKay & Mazurana, *Where are the girls? Girls in Fighting Forces in Northern Uganda, Sierra Leone and Mozambique: Their Lives During and After War*, 2004, p. 14.

<sup>203</sup> Mazurana & Carlson, *The girl child and armed conflict: Recognizing and addressing grave violations of girls' human rights*, 2006, p. 5.

<sup>204</sup> United Nations, *Convention on the Right of the Child*, 1989, Article 38 (3).

<sup>205</sup> *Optional Protocol on the Convention on the Rights of the Child*, Articles 1 and 3.

<sup>206</sup> McKay, *The Effects of Armed Conflict on Girls and Women*, 1998, p. 387; Mazurana & Carlson, *The girl child and armed conflict: Recognizing and addressing grave violations of girls' human rights*, 2006, p. 5.

involuntarily seized by the military and forcibly removed from their families.<sup>207</sup> Regardless of the reason for joining, in almost all conflict areas monitored by the Security Council, the presence of children in the armed forces remains alarmingly high, with girls being – although fewer than boys – almost always present as well.<sup>208</sup> Contrary to the general belief, girls in armed forces are not recruited for the sole purpose to serve as “sex slaves.” While almost all girl children within armed forces are repeatedly subject to sexual violence and exploitation, they equally serve in combat or carry out other military duties.<sup>209</sup> In recent publications, it has been underlined that while girls carry out various tasks, their productive and reproductive labor is of underlying importance since it replicates traditional societal gender roles and thus psychologically motivates the fighters.<sup>210</sup> Girls within armed forces are thus victims in several senses: they are usually subject to sexual assaults, oftentimes forced to carry out military duties and other work and face major reintegration challenges after the end of a conflict.

### ***Sexual exploitation, abductions and forced marriage***

The UN Inter-Agency Standing Committee (IASC) defines sexual exploitation as any abuse of a position of vulnerability, differential power, or trust for sexual purposes; including profiting monetarily, socially or politically from the sexual exploitation of another.<sup>211</sup> It is thus distinct from sexual violence, although both issues need to be regarded in combination with each other. The Machel report pointed to the problem of sexual exploitation in times of armed conflict arising out of poor living conditions and basic needs.<sup>212</sup> It also noted the devastating impact on physical and emotional development as well as the high risk of sexually transmitted diseases and HIV/AIDS.<sup>213</sup> At particular risk are girls who are refugees or internally displaced. In Uganda for example, soldiers and militia members have sexually exploited a number of girls in exchange for money to buy food and other necessities.<sup>214</sup>

Abductions are a related issue. There are manifold purposes of abductions carried out by armed forces. Firstly, they are often used as part of an effort to destabilize and terrorize communities, and occur frequently in combination with rape, for example in Colombia.<sup>215</sup> However, abductions are also carried out to force girls into armed forces, or for sexual labor. In the latter case, abducted girls are then frequently trafficked to other regions and countries, separating them from their families and sexually exploiting them.<sup>216</sup> Trafficked girls experience severe physical and psychological traumata. Again, the risk of contracting HIV/AIDS is extremely high.<sup>217</sup>

In 2000, Member States of the United Nations adopted a Protocol to prevent, suppress and punish trafficking in persons, especially women and children. This Protocol to the United Nations Convention against Transnational Organized Crime defines trafficking as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, (...) of the abuse of power or of a position of vulnerability (...) for the purpose of exploitation.”<sup>218</sup> According to the Protocol, exploitation will at a minimum include all forms of sexual exploitation. The Protocol obliges states parties to criminalize human trafficking and provide assistance to and protection of victims of human trafficking.<sup>219</sup> Furthermore, the Elements of Crime of the International Criminal Court include human trafficking within the crime of enslavement.<sup>220</sup> Despite the fact that human trafficking has consequently been recognized as an international crime constitutive of enslavement (which in turn is a crime against humanity), abductions are still frequent in times of armed conflict, with girls being used as sexual slaves, for example by the Lord’s Resistance

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<sup>207</sup> McKay, *The Effects of Armed Conflict on Girls and Women*, 1998, p. 387.

<sup>208</sup> United Nations Secretary-General, *Report on Children and armed conflict [A/63/785 – S/2009/158]*, 2009.

<sup>209</sup> Save the Children, *Forgotten Casualties of War. Girls in armed conflict.*, 2005, p. 11.

<sup>210</sup> McKay, *Girlhoods Stolen: The Plight of Girl Soldiers During and After Armed Conflict*, 2006, p. 121.

<sup>211</sup> United Nations Inter-Agency Standing Committee, *Report of the Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises*, 2002.

<sup>212</sup> Machel, *Promotion and Protection of the Rights of Children. Impact of armed conflict on children.*, 1996, para. 96.

<sup>213</sup> Machel, *Promotion and Protection of the Rights of Children. Impact of armed conflict on children*, para. 99.

<sup>214</sup> Mazurana & Carlson, *The girl child and armed conflict: Recognizing and addressing grave violations of girls' human rights*, 2006, p. 8.

<sup>215</sup> Mazurana & Carlson, *The girl child and armed conflict: Recognizing and addressing grave violations of girls' human rights*, 2006, p. 9.

<sup>216</sup> Mazurana & Carlson, *The girl child and armed conflict: Recognizing and addressing grave violations of girls' human rights*, 2006, p. 10.

<sup>217</sup> Mazurana & Carlson, *The girl child and armed conflict: Recognizing and addressing grave violations of girls' human rights*, 2006, p. 10.

<sup>218</sup> *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*, 2000, Article 3 (a).

<sup>219</sup> *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*, 2000, Articles 5&6.

<sup>220</sup> International Criminal Court, *Elements of Crime*, 2002, Article 7 (1) (g)-2.

Army in the Central African Republic.<sup>221</sup> The UN Security Council made a link between cross-border abductions, the trafficking in small arms and light weapons and natural and other resources, with the intention of taking appropriate measures to counter such linkages.<sup>222</sup>

Girls are also vulnerable to being forced into marrying soldiers or others fighters. In Uganda, the Lord's Resistance Army (LRA) systematically targeted and abducted females for the purpose of forcibly marrying them to its members, with a quarter of all abducted females forced into marriage.<sup>223</sup> These women were used in such a way as to strengthen the effectiveness of the rebel force directly.<sup>224</sup> Distinct from sexual slavery or enslavement, forced marriages bear the traditional characteristics of a marriage, such as shared domicile, domestic work, exclusivity, sexual intercourse and bearing children. This has forced many abducted women and girls into coercive, long-term relationships.<sup>225</sup> Girls and young women who have been exposed to forced marriage experience severe, long-lasting psychological, physical, and emotional traumata.<sup>226</sup>

The Convention on the Elimination of All Forms of Discrimination Against Women protects the rights of both men and women to choose their own spouse and only enter marriage with their free and full consent. However, forced marriage has yet to be defined as a crime against humanity distinct from crimes such as rape, sexual slavery or enslavement.<sup>227</sup>

### ***Problems in reintegration and discrimination in Disarmament, Demobilization & Reintegration (DDR) programs***

Girls are not only affected by ongoing armed conflicts, but face severe problems in reintegration and regarding access to DDR programs once hostilities end. Regardless of how the girl has been affected during the conflict, reintegration poses a continued challenge. In many post-conflict settings, socio-cultural beliefs or attitudes pose an obstacle to reintegration of girls suffering from the impacts of armed conflict into their local communities. Girl soldiers who have been raped or sexually abused can often find it difficult to return to their families or remarry in their local communities.<sup>228</sup> The Machel report pointed out a decade ago that social reintegration largely depends upon family and/or community support: social units which have often equally been adversely affected by the conflict and face impoverishment. The report further underlined the importance of education opportunities for former child combatants and the economic security of their families.<sup>229</sup> Consequently, economic challenges of families in post-conflict settings will likely constitute an obstacle to successful reintegration. Many women who were subjected to forced marriages equally face stigmatization upon return to their home communities; their children are equally frequently stigmatized and excluded from society.<sup>230</sup>

In most post-conflict states, a formal DDR process is installed with the support of the international community. DDR programs serve as a means of enabling former combatants to actively participate in the peace process by disarming former combatants, removing them from military structures and assisting them in integrating back into civilian society.<sup>231</sup> While DDR policies, including the UN Department of Peacekeeping Operations (UNDPKO) DDR Principles and Guidelines provide that special attention should be given to women and girls, ensuring girls' access to such programs remains a major challenge.<sup>232</sup> The international NGO Save the Children reported that due to the focus on disarmament, girls do not see themselves as being entitled to DDR benefits.<sup>233</sup> While DDR programs may provide valuable assistance for reintegration to girls who were part of armed forces, most of them choose to return to their communities spontaneously rather than after having completed a DDR process.<sup>234</sup> Consequently, identification of girls formerly associated with armed forces is of utmost importance.<sup>235</sup>

<sup>221</sup> United Nations Secretary-General, *Report on Children and armed conflict [A/63/785 – S/2009/158]*, 2009, para. 24.

<sup>222</sup> United Nations Security Council, *Resolution 1539 (2004) on children and armed conflict*, para. 3.

<sup>223</sup> Mazurana, *Forced Marriage within the Lord's Resistance Army, Uganda*, 2008, p. 14.

<sup>224</sup> Mazurana, *Forced Marriage within the Lord's Resistance Army, Uganda*, 2008, p. 15.

<sup>225</sup> Mazurana, *Forced Marriage within the Lord's Resistance Army, Uganda*, 2008, p. 14.

<sup>226</sup> Mazurana & Carlson, *The girl child and armed conflict: Recognizing and addressing grave violations of girls' human rights*, 2006, p. 12.

<sup>227</sup> Mazurana, *Forced Marriage within the Lord's Resistance Army, Uganda*, 2008, p. 64.

<sup>228</sup> McKay, *The Effects of Armed Conflict on Girls and Women*, 1998, p. 387.

<sup>229</sup> Machel, *Promotion and Protection of the Rights of Children. Impact of armed conflict on children.*, 1996, para. 53.

<sup>230</sup> Mazurana, *Forced Marriage within the Lord's Resistance Army, Uganda*, 2008, p. 26.

<sup>231</sup> United Nations, *Introduction to integrated DDR standards*, 2009.

<sup>232</sup> United Nations, *Integrated Disarmament, Demobilization and Reintegration Standards. Module 5.30 Children and DDR*, 2006, p. 10.

<sup>233</sup> Save the Children, *Forgotten Casualties of War. Girls in armed conflict.*, 2005, p. 20.

<sup>234</sup> McKay & Mazurana, *Where are the girls? Girls in Fighting Forces in Northern Uganda, Sierra Leone and Mozambique: Their Lives During and After War*, 2004, p. 34.

<sup>235</sup> United Nations, *Integrated Disarmament, Demobilization and Reintegration Standards. Module 5.30 Children and DDR*, 2006, p. 10.

According to the UN integrated DDR standards, DDR personnel needs to assume at all times that girls are present within armed forces and should not distinguish between combatants and non-combatants when applying eligibility criteria.<sup>236</sup>

### ***Action by the Security Council***

While there is to date no resolution exclusively addressing girls and armed conflict, the Security Council has adopted several resolutions the role of women in armed conflict and peace-building processes, addressing gender-specific problems women experience in times of armed conflict.

In 2000, the Security Council adopted Resolution 1325 on Women in Armed Conflict.<sup>237</sup> This resolution explicitly acknowledged the special needs of women and girls during and after armed conflict. It called *inter alia* for the inclusion of a gender perspective in peacekeeping operations and peace agreements and the involvement of more women in post-conflict decision-making processes.<sup>238</sup> Furthermore, it also called upon all parties to armed conflict to specifically protect women and girls from gender-based violence and sexual abuse and to respect international humanitarian law at all times.<sup>239</sup> Resolution 1325 (2000) thus included a gender component into armed conflict.

The Security Council followed up to this resolution in 2008, when it adopted Resolution 1820, equally on Women and Peace and Security.<sup>240</sup> Resolution 1820 focuses on sexual violence during armed conflict, and the Security Council expressed its readiness to take appropriate measures if sexual violence is used as a tactic of war and thus threatens international peace and security.<sup>241</sup> The resolution further demands that all parties to armed conflicts undertake positive steps towards ending sexual violence, including disciplinary measures against offenders of sexual crimes, and calls for compliance with international humanitarian law and international criminal law which explicitly prohibits sexual violence and rape in times of armed conflicts.<sup>242</sup> The resolution also includes several requests to the UN Secretary-General to specifically employ his good offices to bring to an end sexual violence during armed conflict and to continue reporting to the Security Council on the matter.

The Security Council adopted two more resolutions on the issue of women and peace and security in 2009 in two successive meetings. Resolution 1888 calls for the appointment of a Special Representative to lead, coordinate, and advocate efforts to end conflict-related sexual violence against women and children.<sup>243</sup> After reiterating the demands from resolution 1820, it puts an emphasis on ending impunity by demanding judicial reform to incriminate sexual violence during armed conflict and ensuring access to justice for victims as well as the establishment of a team of experts to be deployed to situations of particular concern, working with all parties to bring to an end sexual violence through various ways.<sup>244</sup> It further calls for more coherent and systematic reporting of incidents of sexual violence during armed conflict by the Secretary-General.<sup>245</sup>

Most recently, the Security Council adopted resolution 1889 calling for integration of women in peace-building processes at all levels, ensuring a gender perspective in post-conflict situations and addressing girls' and women's particular needs at all stages of post-conflict programs, including DDR programs.<sup>246</sup>

### ***Conclusion***

While the Security Council has recently strengthened its efforts to address sexual violence during armed conflict and to integrate a gender perspective into peace processes and post-conflict reintegration programs, the specific needs of girls have to date not been explicitly addressed. While all resolutions on women and peace and security issued by the Security Council usually employ the term 'women and girls', girls' particular vulnerability has not yet made it to the Council's agenda. Furthermore, while it is important to address sexual violence during armed conflict, sexual abuse occurs in many forms and situations, each of which requires its own targeted response. Girls that have experienced armed conflict are often traumatized for life. Girls and armed conflict is a complex

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<sup>236</sup> United Nations, *Integrated Disarmament, Demobilization and Reintegration Standards. Module 5.30 Children and DDR*, 2006, p. 10.

<sup>237</sup> United Nations Security Council, *Resolution 1325 (2000) on Women and Peace and Security*.

<sup>238</sup> United Nations Security Council, *Resolution 1325 (2000) on Women and Peace and Security*, paras. 1, 5, 6 & 8.

<sup>239</sup> United Nations Security Council, *Resolution 1325 (2000) on Women and Peace and Security*, paras. 9 – 11.

<sup>240</sup> United Nations Security Council, *Resolution 1820 (2008) on Women and Peace and Security*.

<sup>241</sup> United Nations Security Council, *Resolution 1820 (2008) on Women and Peace and Security*, para. 1.

<sup>242</sup> United Nations Security Council, *Resolution 1820 (2008) on Women and Peace and Security*, paras. 2-4.

<sup>243</sup> United Nations Security Council, *Resolution 1888 (2009) on Women and Peace and Security*, para. 4.

<sup>244</sup> United Nations Security Council, *Resolution 1888 (2009) on Women and Peace and Security*, paras. 6 & 8.

<sup>245</sup> United Nations Security Council, *Resolution 1888 (2009) on Women and Peace and Security*, para. 24.

<sup>246</sup> United Nations Security Council, *Resolution 1889 (2009) on Women and Peace and Security*.

issue that reaches far beyond only sexual violence, and that has long-term implications. Delegates have to consider how the Security Council can best address this multi-faceted topic in a comprehensive manner, improving the situation of girls as some of the most vulnerable victims of conflict.

**Must-read section:**

Mazurana, D., & Carlson, K. (2006, September). *The girl child and armed conflict: Recognizing and addressing grave violations of girls' human rights*. Retrieved July 24, 2009, from <http://www.update.un.org/womenwatch/daw/egm/elim-disc-viol-girlchild/ExpertPapers/EP.12%20Mazurana.pdf>

*This paper, prepared for an Expert Group Meeting on the Elimination of all Forms of Discrimination and Violence Against the Girl Child held by the UN Division for the Advancement of Women in Florence, Italy, 25-28 September 2006, analyzes human rights violations committed against girls (defined as females under 18) during situations of armed conflicts. It provides both an overview of existing trends of armed conflict and of international legal standards applicable to such situations. The paper offers examples of best practices to address these human rights violations and concludes with recommendations to various actors.*

McKay, S. (1998, February). The Effects of Armed Conflict on Girls and Women. *Peace and Conflict: Journal of Peace Psychology*, 4(4), 381-392. doi:10.1207/s15327949pac0404\_6

*This article explores the gender-specific effects of armed conflict on girls that were addressed in the Machel report. It discussed the psychological consequences of sexual exploitation and gender-based violence, and also looks at the specific problems faced by girls recruited as child soldiers and girls as refugees. It then moves on to explore the role that women can and should play in peace-building processes, as addressed by the Beijing Platform for Action.*

McKay, S., & Mazurana, D. (2004). *Where are the girls? Girls in Fighting Forces in Northern Uganda, Sierra Leone and Mozambique: Their Lives During and After War*. Retrieved July 24, 2009, from <http://uwacadweb.uwyo.edu/MCKAY/Documents/girls%20ang%20v5.pdf>

*This publication is the result of a study that was undertaken to assist the Canadian International Development Agency, the United Nations and other actors concerned in devising programs and policies to protect and empower girls during and after armed conflict. It looks specifically at where girls are used within armed forces, which problems they face and how their situation changes during and after conflict. The study includes psychological and socio-cultural aspects and recommendations for several actors.*

United Nations. Secretary-General. (2009, March 26). *Children and Armed Conflict. Report of the Secretary-General. (UN Doc. A/63/785-S/2009/158)*. Retrieved September 1, 2009, from <http://www.un.org/Docs/journal/asp/ws.asp?m=A/63/785>

*This report by the Secretary-General is the latest annual report presented jointly to the Security Council and the General Assembly. It highlights successes and challenges in the fight for protection of children in armed conflicts. Following a section with country-specific sub-sections on compliance, this report also specifically addresses the issue of monitoring rape and other grave sexual violence committed against children. It further provides the annual list of parties allegedly committing violations of international child protection standards which forms the basis for the CAAC working programme.*

United Nations. Security Council. 4213th meeting. (2000, October 31). *Security Council Resolution 1325 on Women and peace and security (UN Doc. S/Res/1325)*. Retrieved July 23, 2009, from [http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1325\(2000\)](http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1325(2000))

*This resolution on women and peace is one of the most important commitments by the international community addressing the role of women in armed conflicts. It points to the specific needs of women in peacebuilding processes, calls for an integration of a gender perspective in said processes and urges member states to increase the involvement of women in conflict resolution. While it does not specifically address girls' needs, this resolution applies to girls as well and is thus a major international agreement ensuring the protection of girls' rights in armed conflict.*