African Committee of Experts on the Rights and Welfare of the Child

ACERWC

CONTINENTAL STUDY ON THE IMPACT OF CONFLICT AND CRISES ON CHILDREN IN AFRICA

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THE IMPACT OF CONFLICT AND CRISES ON CHILDREN IN AFRICA

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ACRONYMS

ACERWC	African Committee of Experts on the Rights and Welfare of the Child
ACHPR	African Charter on Human and Peoples' Rights
ACRWC	African Charter on the Rights and Welfare of the Child
APSA	African Union Peace and Security Architecture
ASF	African Standby Force
AU	African Union
CAR	Central African Republic
CRC	Convention on the Rights of the Child
DTM	Displacement tracking matrix
ECOWAS	Economic Community of West African States
FGD	Focus group discussion
ICRC	International Committee of the Red Cross
IDP	Internally displaced person
ILO	International Labour Organization
LGA	Local government area
MSF	Médecins sans Frontières
NCCS	National Council for Children Services
NEMA	National Emergency Management Agency
NGO	Non-governmental organization
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
PSC	Peace and Security Council
SGBV	Sexual and gender-based violence
SPLA	Sudan People's Liberation Army
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund

FOREWORD

It is with great pleasure that I write this foreword for the continental study on the Impact of Conflict and Crisis on Children in Africa of the African Committee of Experts on the Rights and Welfare of the Child. The study constitutes a humble, but very important and well-informed, contribution to the debate and action on the issue.

The necessity to conduct this study arose from the alarming scale and horrifying picture of the consequences of conflict and crisis on children in Africa including their direct involvement in conflicts. The idea for the study was further consolidated during the Open Day on Children and Armed Conflict that the Committee held with the Peace and Security Council of the African Union in May 2014. Contrary to popular belief, in situations of conflicts and crises, children are not just incidental victims; rather they are suffering from targeted attacks including by both rebel groups and governmental forces. This happens despite the fact that children need a heightened level of protection and care during such hostile situations. Neglecting the particular aspects of child protection in conflict and crisis also contributes to a vicious cycle of conflict that can only be halted with a holistic intervention, which this study advocates for.

The study is a result of rigorous review of literature, field visits in a select number of African countries, interviews with various stakeholders including children, and focus group discussions. The use of the four cardinal principles of the international and regional child rights instruments as an anchor to analyze the impact of actions and policies on children in conflict and crisis contributed in making the study well grounded on the child rights discourse. The study also implemented a participatory approach by compiling the voices of children who are directly and indirectly affected by conflict and crisis. The study also delves into identifying factors that put children in a situation where they become easy targets for indoctrination and recruitment into armed groups in various circumstances.

The findings of the study shed light on the crucial challenges facing child protection systems in Africa in times of conflict and crisis. Particularly, it presents a comprehensive analysis on the wide-reaching impact of conflicts and crises on the overall wellbeing and development of children including their rights to health and education.

The study acknowledges the challenges that countries in conflict and crisis face. However, the study takes the position that the response of governments to the impacts of conflict and crisis on children is hardly adequate; in fact most of the countries in the study fail to implement existing protection frameworks or do not put a functional child protection system in the first place. The study then concludes by calling on an immediate need for African governments to implement their obligations to protect children's rights especially those under the African Children's Charter, with a view to prevent and address conflict and crisis.

I believe this study can serve as a useful tool to decision makers, governments, civil society and intergovernmental organizations, researchers, actors in the private sector, and others working with and for children. I highly recommend it to anyone working or interested in the area of children in conflict and post conflict situations.

Prof. Benyam Dawit Mezmur

Chairperson,

African Committee of Experts on the Rights and Welfare of the Child (ACERWC)

The landscape of conflict in Africa

The African continent has been experiencing frequent protracted conflicts and crisis situations. These have included civil wars, inter-country wars and other forms of armed violence, including terrorist activities. All of these have devastating effects on children. Children living in such situations are more likely to be killed, separated from their families, abducted, trafficked, sexually assaulted, maimed and recruited into armed forces and armed groups. They are less likely to be in school or to be able to meet their basic needs for health care, clean water and sanitation. They are more vulnerable to death from disease and malnutrition.

Conflict in Africa has been reported to account for a 50 per cent increase in infant deaths and a 15 per cent increase in undernutrition. In times of conflict there are 2.5 times fewer doctors per capita than during peacetime. Children are twenty-four times more likely to die during armed conflict due to illness and injury than in peacetime. In conflict situations, girls in particular face increased threats of trafficking, exploitation and sexual and gender-based violence.

Armed conflicts in Africa disconnect children from traditional means of child protection. The experience is catastrophic for their sense of well-being, affecting them emotionally, socially, economically and even spiritually.

Responsibility for protection of children from these devastating experiences has been firmly established under international, regional and domestic frameworks. These include the United Nations and African Union child rights frameworks that most African governments have both ratified and domesticated into law. Indeed, most national child protection laws and policies have been drafted with inspiration drawn from the international instruments.

However, the reality is that where laws are in place, they are ineffective, underfunded and unsupported by government commitments. Child protection in armed conflict and emergency contexts is among the least funded programmes. For instance, child protection in armed conflict countries received only 1.10 per

cent of global funding in 2008, and in 2009 the percentage fell further, to 0.7 per cent; education received the lowest percentage. National governments are often reluctant to advance protection. Sometimes they are perpetrators or abettors of conflict themselves, despite their binding commitments to protect the rights and welfare of children.

Conflict also results in a devastating waste of resources that could be invested in national development and children's well-being. The money spent on arms begs the question of whether conflicts are simply a façade for making financial gains through arms deals. For instance, up to 2011, Sudan is estimated to have spent $24 billion on the war in Darfur, equivalent to 162 per cent of the country's gross domestic product (GDP). This includes $10 billion in direct military expenses.

Research by Save the Children and other organizations has shown the cost of conflict in terms of lost investment in children. The cost of violence containment has been estimated at 22 per cent of GDP in Central African Republic, Somalia and South Sudan. Similarly, the civil war that broke out in South Sudan in 2013 resulted in a 15 per cent decline in GDP in 2014 and an increase of domestic debt from essentially nil in 2011 to approximately 12 per cent at the end of 2014. Conflict in the Democratic Republic of the Congo has led to one of the lowest revenue-to-GDP ratios in sub-Saharan Africa, estimated at 13.3 per cent in 2014. Meanwhile, the 2015 Refugee Response Plan by Ethiopia, Kenya and Sudan for the South Sudan conflict was estimated at almost $810 million. This is more than South Sudan's budget for education, health and child welfare combined.

African governments are not doing enough to reduce or stop the effect of conflict on children. Child protection mechanisms on the continent are weak. Where they exist they are typically ill-adapted to address the full scope of the impacts. They are not properly functional and are plagued by external factors that hinder access. This includes unawareness of these mechanisms by the people who need them and obstacles that prevent people from accessing them, especially in the case of sexual and gender-based violence.

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Libya

Mali

Guinea
Bissau

Sierra
Leone

Liberia

Nigeria

Sudan

Somalia

South
Sudan

CAR

Kenya

DRC

Location of field visits

Kenya
Nairobi

Mombasa and Lamu, Coast region, Garissa and Isiolo, North-eastern region

Nigeria
Abuja, Borno State

Somalia
Mogadishu, Banadir region

Baidoa, Bay region

South Sudan
Juba, Central Equatorial

Twic, Warrap state

Bor, Jonglei state

Tambura, Western Equatorial

Under the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC), States are obliged to protect children at all times, including during armed conflict. This is made clear in the principles of protection outlined in these instruments, together with other international instruments such as the Geneva Conventions and their Additional Protocols. Targeting children (and adults) for genocide, war crimes or crimes against humanity is a profound and devastating violation of international law.

Accountability for atrocities committed against children is crucial to strengthening the protection of children and ending impunity. But accountability is also needed for the children who participated in conflicts and committed offences. When children have perpetrated offences — even when they have done so after being recruited by armed forces and armed groups, which is illegal under international law — accountability helps them to be accepted by the community and to reintegrate into society. Mechanisms of accountability are therefore essential to halt the cycle of violations.

A child may be the primary victim of a conflict, or a secondary victim as a witness of violations committed on others — or both. Both primary and secondary victims may develop psychological problems such as post-traumatic stress disorders. Children may be both victims (of recruitment into forces) and offenders (having been obliged by their captors to commit crimes recognized under international law, such as war crimes, crimes against humanity and genocide).

Although international law recognizes the criminal responsibility of children involved in the commission of crimes in conflict situations, children cannot be subjected to adult punishment. This is because their participation resulted from coercion, threats, indoctrination or manipulation, or took place under the influence of mind-altering substances such as drugs. This may preclude them from responsibility and punishment or result in reduced responsibility. Article 17 of the ACRWC implicitly recognizes that children could be imprisoned under certain conditions that guarantee their safety and dignity. First and foremost, States and the international community must muster the political will to end conflict situations that result in abuses of children.

The study

The ACERWC has worked tirelessly to raise awareness among African governments on the continuing plight of African children in conflict situations, against the backdrop of near inaction by these governments. That is the motivation for carrying out this study. The goal is to highlight and evaluate the impact of conflict and crisis situations on children through children's voices in order to trigger political commitment and action by African leaders to address the issue as matter of urgency.

The study addresses 13 countries. Seven are countries experiencing active conflict as of the time of writing: Burundi, Central African Republic, Kenya, Libya, Nigeria, Somalia and South Sudan. The remaining six are in fragile post-conflict situations or in a major humanitarian crisis requiring a system-wide response: Democratic Republic of the Congo, Guinea-Bissau, Liberia, Mali, Sierra Leone and Sudan.

The study had two parts, a review of literature and field visits to four of the countries experiencing conflict: Kenya, Nigeria, Somalia and South Sudan. During the field visits interviews and focus group discussions were held with children. Key informants were also interviewed.

The report shows that accountability for violations in conflict situations remains a serious problem. Accountability extends to States, which have not been effective in preventing, stopping or managing conflicts and crisis situations in a manner sufficient to reduce their impact on children. No lessons seem to have been learned from earlier conflicts; the same violations continue and States remain aloof to the plight of their children.

These violations are taking place against the backdrop of an elaborate peace and security framework to handle and minimize the impact of crisis situations in Africa. The African Union (AU) established the African Peace and Security Architecture with the goal of preventing, managing and resolving conflicts on the continent. The institutionalization of its five pillars (Peace and Security Council; Panel of the Wise; AU Peace Fund; Continental Early Warning System; and African Standby Force) remains incomplete and its response to grave crises shaky and deficient. The African Standby Force, the military and police arm, has yet to become fully operational, and the Peace Fund is underused.

State reporting on implementation of treaties is a significant treaty obligation. It is also a tool for monitoring and assessing compliance under international human rights law, as well as curbing State inaction. But the reporting landscape is grim, with many governments not fulfilling their obligations. This study shows that States Parties to the ACRWC are either not complying with the recommendations of the African Committee of Experts on the Rights and Welfare of the Child

(ACERWC) or are slow in addressing its recommendations relative to armed conflicts and children. Some countries (Central African Republic, Somalia, South Sudan) are not parties to the Charter and are therefore under no obligation to report. Yet those countries are the most conflict-affected on the continent, registering profound child rights violations. (These countries are parties to the CRC and have submitted at least an initial report to the Committee on the Rights of the Child.)

The study highlights some examples of efforts to mitigate the impacts of conflicts and crises in Africa. However, many are undertaken and funded by non-governmental organizations (NGOs), not the governments themselves. As such, these responses are selective, fragmented and uncoordinated. They focus on areas relevant to the NGO's individual mandate, which may not address all aspects of impact.

The greater relevance of this study is not the revelation of the impact of armed conflict on children but rather the response of governments. The study has demonstrated clearly that governments lag behind in their obligations to protect children. From a legal, policy and institutional viewpoint, the bulk of the problem is failure to implement human rights frameworks (and in some cases failure to ratify them). As a result children continue to live with the harm suffered during and after conflict. States must therefore muster more political will to both end conflicts and prevent the exacerbation of their impacts, working in synergy with all relevant actors for a holistic and effective response. This requires real political commitment from within Africa itself. This is still lacking in the face of burgeoning crises on the continent that are affecting children more than ever before.

Following is a summary of the findings in the 13 countries in each of the thematic areas (psychological well-being; access to education, health, food security/nutrition; and effects of separation and sexual and gender-based violence). Kenya is addressed differently than the other countries in that the focus is on radicalization of children by extremists.

Burundi

The National Constitution is the major child protection instrument in the country. Burundi has ratified the CRC and the ACRWC and made them an integral part of its Constitution.

The ongoing instability has raised the risk of preventable diseases and diminished access to and quality of health services for children. More than 225,000 people have been displaced, preventing around 2,000 Burundian children who are refugees from taking their national grade 6 exam. This is devastating for these children, as continuing their education is crucial in restoring normalcy.

Children living on the street are particularly affected, and they have been reported as having become caught up in demonstrations. Numerous minors have been detained by law enforcement agencies. According to UNICEF, 2000 children living on the street in Bujumbura were affected by the crisis as of May 2015. As many as eight children were killed during demonstrations in July 2015, many of them as a result of police shootings.

The Ministry for Women's Affairs and the Ministry of Human Rights and of Gender are responsible for child protection. The latter Ministry also deals with the identification, demobilization and reintegration of children recruited by armed forces and armed groups. The National Human Rights Commission, National Youth Council, Ministry for Skills and Professional Training and the agency for youth employment all handle child rights issues. United Nations institutions such as the United Nations Children's Fund (UNICEF), World Food Programme, World Health Organization (WHO), United Nations High Commissioner for Refugees and the Office of the High Commissioner for Human Rights all take part in child protection at different levels.

Democratic Republic of Congo

The Constitution of the Democratic Republic of the Congo has no direct provision for protection of children in armed conflict, but it lays emphasis on sexual violence and other forms of exploitation that have plagued the country. The country has a Child Protection Code.

Persistent armed conflict has precluded children's access to basic social services such as health care. The health system is dysfunctional, leading to recurrent health crises and outbreaks of diseases, and even resurgence of eradicated illnesses.

The threat of armed attacks from rival factions disrupts agricultural activities, leading to food shortage and insecurity. Some farmers are afraid to plant crops while others have abandoned their land in the course of fleeing the violence. Children's access to education has been compromised in the eastern provinces by destruction and looting of many schools during the conflicts.

Other child protection issues include widespread rape and other forms of sexual violence, including bodily mutilation. Peacekeepers have been accused of rapes. According to UNICEF in 2012, an estimated 26,500 children suffered from emotional distress in Goma alone.

The Child Protection Code of 2009 provides a strong legal basis for child protection. It led to establishment of the National Children's Council and the National Council for Youth, which work to raise awareness on child protection laws in partnership with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). Special police brigades for child protection are in place in at least four provinces. Other mechanisms include the National System of Children's Courts, which hold hearings, deliver judgments, train social workers, provide legal assistance to children and assist with family reunifications.

NGOs and others have developed mechanisms for child protection, including for response to sexual violence and for children in conflict with the law. HEAL Africa and Comité de Suivi Justice pour Mineurs (Commission for the Follow-up of Justice for Children) have worked with judicial authorities since 2007 and provide referrals for medical responses and children in conflict with the law.

Guinea-Bissau

The Constitution of Guinea-Bissau has no provision that directly guarantees and protects children in armed conflict, but it commits the State to guarantee the right to health care and physical well-being of children. It has ratified the ACRWC but has not submitted its initial report, due to its ongoing fragile post-conflict situation.

The State has weak institutions, denying children access to basic needs including health care. The health system is underfunded and inefficient. Its infrastructure is weak and it lacks equipment and qualified human resources.

More than 45 per cent of school-age children do not have access to school. This is due to lack of infrastructure and the lack of qualified and motivated teachers. According to UNICEF, only 28 per cent of children aged 7 to 12 are enrolled in the schools. Only 12 per cent of girls complete the primary cycle compared to 18 per cent of boys, due to girls' responsibilities for housework and farming.

The judicial system and social protection structures are very weak, in some cases not operational due to lack of law enforcement, funds and personnel. This hinders accountability for atrocities committed against children. There is no specialized court to deal with juveniles in conflict with the law.

Before the war, the Inter-Ministerial Child Protection Commission developed a 10-year Action Plan (1992-2002), but it was not fully implemented due to the war of 1998/1999. The National Commission for Childhood and the Inter-ministerial Child

Protection Committee no longer exist due to lack of resources. The Ministry of Social Solidarity, Family and Fight against Poverty and the Institute for Women and Children were created shortly after the war to protect women and children. A Specialized Committee for Woman and Child Affairs was also created within the National Assembly. Cooperation between the Ministry of Labour and Social Solidarity of Portugal and the Ministry of Woman, Family, Social Cohesion and Fight against Poverty in Guinea-Bissau, helps to solve some child protection issues.

Libya

In Libya, the 2011 Constitutional Charter for the Transitional Stage has no provision that directly addresses the situation of children in armed conflict. Though Libya has ratified and submitted its initial report under the ACRWC, the armed conflict in Libya has impeded implementation of its provisions.

Libya's health care systems have been badly damaged and medical professionals attacked and injured due to the crises. Fighting has restricted the movements of health workers and patients. It has also brought new health needs such as mental health and psychosocial support, which must be handled by specialists.

In late 2015, UNICEF revealed that around 40 per cent of children were being denied their right to education due to the ongoing violence. Much of the school infrastructure has been destroyed and some is being used as shelter. The conflict has interrupted food imports (Libya traditionally imports 75 to 90 per cent of its food), and children are suffering from hunger.

Sexual violence against children is rampant as a result of their recruitment into armed forces and groups to serve as fighters, cooks and 'wives'. A majority of the

girls who were recruited were sexually abused by men on both sides of the conflict. Children have been exposed to unspeakable sexual violence. Children are traumatized throughout the country.

The Ministry of Social Welfare, set up by the National Transitional Council (NTC), has a department responsible for children's affairs that attends to child protection concerns. It works with humanitarian organizations through participation in the protection cluster, led by the United Nations High Commissioner for Refugees (UNHCR) and the newly established Child Protection Working Group, chaired by Save the Children. Some child-focused civil society groups and NGOs are working with children affected by the conflict, though they are constrained by lack of resources and capacity. The Libyan Scouts and the Libyan Red Crescent both play a crucial role, partnering with other humanitarian agencies to implement child protection activities. This includes the delivery of mine awareness and psychosocial support to children, registration of displaced people and distribution of food and other items in communities.

Liberia

The Constitution of Liberia has no direct provision that addresses the needs and welfare of children in armed conflict. The legal framework for protection of children in armed conflict is the 2011 Children's Law. The country has submitted its initial report under the ACRWC.

However, the state of social services, including health care, is very weak compared to before the conflict. More than a third of the population lives on less than $1 a day, and the proportion is higher among children. According to UNICEF, the infant and under-five mortality rates are among the five highest in the world. Armed conflict, HIV/AIDS and other diseases have orphaned an estimated 230,000 children. Half a million children do not attend school, and two

thirds of students are being taught by unqualified teachers. Girls' enrolment rates lag far behind those for boys.

Twelve years after the end of the civil war, children and women continue to face a significant threat of sexual violence; there are frequent reports of rapes of children. According to data from the Ministry of Gender, Children and Social Protection, there were 1,392 incidents of sexual and gender-based violence nationwide in 2014.

Despite the cessation of fighting in 2003, armed forces along the borders with Guinea and Côte d'Ivoire continue to recruit children into armed forces. The International Committee of the Red Cross (ICRC) in Liberia recorded around 600 children separated from their families in refugee camps and host communities in Maryland, River Gee, Nimba and Grand Gedeh counties.

The national child protection mandate is under the Ministry of Health and Social Welfare. The Ministry of Gender and Development is also mandated to advocate for mainstreaming child rights into the national development agenda. The Ministry of Justice and the judiciary oversee the delivery of legal services to juveniles in conflict with the law, while the Probate Court oversees domestic and international adoptions. Other organizations involved in providing social welfare services include United Nations organizations as well as NGOs such as Save the Children, Handicap International, Child Fund, Don Bosco Homes, Orphan Relief and Rescue, and the Liberian Union of Orphanages. The Liberian National Police set up a women and children protection section in 2005. It investigates cases of trafficking as well as sexual assault, sexual exploitation, domestic violence, child abuse and other related offences. Child welfare committees were established in several communities during the war to monitor child protection at the local level.

Mali

The 1992 Constitution of Mali has no provision that directly addresses the situation of children in armed conflict. The 2002 Child Protection Code is the major national child protection law. Mali has ratified the ACRWC and submitted its initial report

Since the crisis that broke out in Mali in 2012, at least 800,000 children are reported to have been affected. The armed conflict persisted for two years after the political normalization, making access to health care difficult for people in the northern part of the country. According to the ICRC, health facilities have not recovered from the collapse of social services that followed the crisis in 2012.

Acute food scarcity has resulted from the armed conflict in the northeast coupled with the country's arid and semi-arid conditions. This also led to frequent deadly clashes between pastoralists and farmers, resulting in abandonment of farmlands and loss of cattle when people fled.

In March 2013, 130 government schools were attacked, looted and destroyed by armed forces. During the major assault by pro-independence and jihadist armed groups in 2012, sexual crimes were committed on young girls and women in the communities. Again in 2014 the United Nations recorded 90 cases of alleged sexual violence in the regions of Gao and Timbuktu.

Over 200,000 people were reportedly displaced from their homes in 2013, the majority of them children who were separated from their families under threat of being recruited by armed forces/groups.

In 2007, before the crisis, the National Directorate of Social Development put in place a system of community referral for child victims of violence, exploitation, abuse and neglect, with UNICEF support.

Sierra Leone

The 1991 Constitution of Sierra Leone contains no direct provision for protection of children in armed conflict. The Child Rights Act of 2007 is the main legislation to safeguard children in armed conflict. The country has ratified the ACRWC and submitted its reports.

The Ebola outbreak took a major toll on children, provoking increases in food prices and food insecurity. The civil war destroyed many schools, but about 50 per cent of the primary schools are now functioning, albeit often in poor condition.

The use of sexual violence was widespread during the 10-year civil war, as documented by NGOs such as Human Rights Watch in a 2003 report. There is concern over lack of attention to conflict-related sexual violence, resulting in few programmes for victims. As a result, many live with severe physical and psychological trauma.

In response, in 2006 Sierra Leone initiated the National Policy on Child Well-Being. It promotes the well-being of children in a progressive manner, working to realizing the survival, development, participation and protection of every child in Sierra Leone. Other policies pertinent to child protection include the Agenda for Social Protection, prepared by a multi-agency steering committee under the leadership of the National Commission for Social Action.

Sudan

The 2005 Constitution and the 2010 Child Act protect the rights and welfare of children in armed conflict including duly ratified international and regional conventions such as the ACRWC. Sudan has submitted its initial report under the ACRWC.

In 2014, eight hospitals were looted and destroyed. One school and two hospitals run by NGOs were severely damaged in aerial bombardments by the armed forces, affecting access to education and medical care for over 75,000 children.

Drought and food shortages appear to have played a part in all civil wars in the Sahel region. The threat of armed attacks from rival factions in Sudan also disrupts agricultural activities. Some farmers are afraid to plant crops while others have abandoned their land while fleeing the violence.

Sexual violence is frequent in Sudan, committed by both regular forces and militias. Forty-eight incidents of sexual violence were reported by the United Nations in 2014. Furthermore, it received allegations of the rape of 200 women and children by the armed forces in north Darfur in October.

In response, the Government has made efforts to improve child protection mechanisms by establishing a specialized Family and Child Protection Unit (FCPU) within the Sudanese Police force in 2007. It is responsible for prevention of violence and protection of children from all forms of violence. UNICEF and Save the Children Sweden (SCS) support the FCPU.

South Sudan

The 2011 Transitional Constitution and the Child Act of 2008 are the main legal instruments for protecting the rights and welfare of children in armed conflict. However, abuses of them are widespread.

Children are often victims of attacks in hospitals and schools. In 2015, there were four confirmed attacks on hospitals and eight unverified attacks on health care infrastructure. The same year, there were 24 verified incidents of attacks on schools; around 7,700 children were victims. Half a million children have reportedly fled their homes since the outbreak of violence in December 2013. Most had stopped going to school.

Discussions with UNICEF in Jonglei confirmed that at least 91 schools had been closed as a result of the conflict. UNICEF reported that at least 24 schools were occupied (20 by displaced people and 4 by the military). Destruction of school materials was reported; at least 12 containers of textbooks were burned in Upper Nile. The conflict has also resulted in mass abductions and recruitment of children and teachers, affecting education delivery. An order from the Ministry of Defence in 2014 instructed all armies occupying schools to leave immediately.

Sexual violence is widespread, exacerbated by impunity and a militarized society with pronounced gender inequality.

Forced disarmament, the circulation of illegal arms, mass displacement, cattle raiding, inter-community violence and food insecurity have increased the vulnerability of women and girls to sexual violence.

Recruitment of children into armed groups is a grave concern in South Sudan, fuelled by the endless cycle of conflict. Reports indicate that there are over 10,000 registered separated children in South Sudan. The Sudan People's Liberation Army (SPLA) has already signed an action plan with the United Nations to remove all children from its ranks. Any factions incorporated into the SPLA are also required to do so. The Ministry of Defence has put in place a directorate for children, the SPLA Child Protection Unit.

The justice for children framework, social protection policy, and gender and disability policies all complement the Child Act. Traditional safeguarding mechanisms include supervision of children by parents and the community.

Other mechanisms include reunification, psychosocial support, prevention of recruitment, reintegration of children associated with armed groups, programmes for children without parental care, justice for children and a landmine eradication programme. At least 16 organizations are addressing the needs of unaccompanied and separated children in South Sudan.

Central African Republic

The country's Constitution of 2004 (amended in 2010) is the lone legal framework that deals with child protection in the country. It has no direct provision addressing the situation of children in armed conflict.

Due to the insecurity in the country, the health system has been devastated, with medical equipment looted and health workers attacked. Many health workers have fled the country in response, leaving a huge personnel gap. Security concerns have also hindered the dispatch of essential medicines and equipment to district health

centres, leaving thousands of women and children without access to care. WHO's 2014 assessment of the functionality of the health care system indicated that over 800 health facilities needed reconstruction.

The coup d'état in March 2013 worsened the country's already fragile education system. Schools closed throughout the country; teachers and students fled; some schools were looted and others occupied by displaced people or armed groups. The August 2013 education cluster evaluation of the impact of the crisis on education revealed that many schools had been closed for about six months.

Sexual violence against children continues to be of great concern. The Secretary-General's annual reports on children and armed conflict have documented many cases throughout the country between 2013 and 2016, by militia groups, the police and peacekeeping forces. These have accounted for 108 cases according to UN statistics. Sexual violence remains largely unreported, with little or no action taken against identified alleged perpetrators. The collapse of the judicial system has led to widespread impunity for large-scale commission of grave violations against children.

Although the country has no domestically adopted mechanism for protecting children, in April 2015 the National Transitional Council adopted a law to establish a special criminal court to investigate and prosecute war crimes and crimes against humanity. UN agencies and NGOs have established mechanisms to protect children. Because of the pressing emergencies, the first protection cluster strategy, elaborated in 2014, focused on communities that are at immediate risk of being targeted by armed groups and are unable to relocate to escape that threat.

Kenya

The 2010 Constitution guarantees and protects the rights of children, alongside the 2001 Children's Act. Kenya has ratified the ACRWC and submitted its initial and periodic reports.

Radicalization is a real threat, affecting different ages. There were reports that a sweep carried out by security agents in Mombasa's Masjid Musa mosque rescued over 200 children as young as 12 who were said to be undergoing radicalization.

A June 2015 report by Regional News Service estimated that 255 persons had left to join terrorist group since 2013. Other reports indicate that an estimated 200 children have been missing since 2014. They were assumed to have entered Somalia to join terrorist groups. This is also indicative of the number of children who may have dropped out of school.

To protect children, the police have standing orders to identify children as the most vulnerable in emergencies. The National Police Service has established children and gender desks and child protection units in some police stations. The National Counter Terrorism Centre is the lead agency on countering violent extremism.

The Ministry of Labour, Social Security and Services caters for children in need of care and protection through the Department of Children Services. The National Council for Children Services supervises planning, financing and coordination of child rights activities and advises the Government on aspects relating to children. The Department of Civil Registration is responsible for registering births and deaths. The judiciary has also established children's courts with special magistrates.

Nigeria

The 1999 Constitution has no direct provision for protection of children in armed conflict, but such an obligation can be read under the Fundamental Objectives and Directive Principles of State Policy under the Constitution. Nigeria has further domesticated the CRC and ACRWC through the Child Rights Act of 2003.

The Boko Haram insurgency is a major threat to child rights and protection. Reports indicate deliberate attacks on infrastructure including hospitals in the northeast. Education authorities reported that at least 338 schools were destroyed and at least 194 teachers killed between 2012 and 2014. The United Nations reports that more than 1 million children had been forced out of school as of in December 2015, and 600 teachers killed.

The conflict has had a huge impact on food production and access. Population displacement has caused farmers to leave their farms and cattle, affecting access to food.

Security is poor in camps for displaced people. Sexual violence among displaced people has been reported in the NYSC camp in Maiduguri. Some parents resorted to marrying off their young daughters to protect them from marriage to insurgents. There were also reports of mothers pushing their children to engage in sexual activities for money to help the family.

About 8,000 children have been recruited into the civilian Joint Task Force and were instrumental in working with the military on counter-insurgency activities. The militants were said to use force to recruit young boys, who were forced to carry out violent acts including killing and raping.

Psychosocial needs are enormous. The child protection sub-cluster estimated that 1 million children are in need in Nigeria.

A National Disaster Management Framework has been put in place, and humanitarian actors including NGOs are focused on child protection. Personnel have been assigned to work with children, and there are partnerships with community leaders and other organizations, including the media. Multi-stakeholder meetings are held monthly to assess the situation with regard to sexual violence and to ensure that proper procedures are followed when dealing with victims.

Somalia

Somalia's Provisional Constitution is the only framework with provisions to promote and protect the rights and welfare of children. The country has ratified the CRC, but the protracted conflict has hampered implementation.

Poor infrastructure and the Al-Shabaab threat restrict access to health facilities. Lack of food has increased malnutrition, and infectious diseases like measles and whooping cough are on the rise. High food insecurity is attributed to both poor rains and insecurity.

The ongoing conflict and civil fragility have had a catastrophic effect on education in Somalia. The nation's school enrolment rate is around 42 per cent, of which only one third are girls. Some children are not even aware of what education is, leaving them vulnerable to ideological teachings. In June 2015 the United Nations reported that 17 schools were attacked by Al-Shabaab, 8 by the national army, 6 by allied militia and 3 by unknown armed elements. Discussions with the Ministry of Education under the Federal Government revealed that only 4,000 of the 11,000 students registered for secondary

school examinations in 2014 were able to sit for them due to the conflict.

Armed groups in Somalia target children for recruitment and deny them access to education. Stakeholders reported that extremist groups were providing video material with violent messaging as part of their efforts to radicalize children.

Rape is so rampant in Somalia that it is being referred to as 'normal'. Reported perpetrators over the years have included Al-Shabaab and national forces. The insecurity in the camps worsens the risk, a result of poor structures and the necessity of walking long distances in search of water and fuel. The UN Office for the Coordination of Humanitarian Affairs reported 800 rape cases in the first half of 2013. At least one third of the victims were children.

There have been failed attempts to put in place measures to protect children from sexual violence. In February 2013, the Ministry of Justice and international bodies called for the reform of the justice system. A human rights 'road map' for the period 2013 to 2015 has been formally endorsed. It would lay the foundation for improving the protection and promotion of human rights in Somalia.

The impact of armed conflict on children, while despicable, is known. The relevance of this study, therefore, is not the revelation of the impact of armed conflict on children but rather the response of governments when violations of children's right to protection occur or are threatened. The study has demonstrated that governments lag behind in their obligations to protect children. In many cases the legal, policy and institutional frameworks are in place, and the bulk of the problem is poor implementation of laws and policies along with failure to ratify international treaties in some cases. As a result children continue to suffer under horrendous conditions and live with the devastating harm suffered during and after conflict.

RECOMMENDATIONS

- For African Governments

a) Mainstream a rights-based approach, foundation and mechanism for addressing all violations of child rights in situations of armed conflict. This would ensure recognition of the fact that States are duty-bearers with legal obligations to respect, protect and fulfil child rights at the behest of rights-holders. A rights-based approach demands accountability, transparency and participation; systematic identification of policy measures and activities derived from the normative content of the rights and the corresponding State obligations; and prevention and elimination of discrimination in access. In addition, the national legal and institutional framework should contain strong and adequate norms that clarify the rights, obligations and institutional roles for realization of rights. The framework should also provide remedies for violations of rights through clear mechanisms and strengthened mandates of national human rights institutions.

b) Institute special education programmes to enrol all children and youth to fulfil their right to education. This is crucial in order to rebuild countries and avoid the recurrence of conflict. This can be achieved through increased investments in schools and vocational training programmes.

c) Rebuild and equip health care systems to cater for the needs of children affected by conflict, including provision of psychosocial support. Health care must be accessible, which requires sufficient skilled medical personnel and free services. Where conflict is ongoing, States should leverage partnerships with international organizations to deliver health care services to all children, including immunization.

d) Adopt appropriate policy initiatives to fulfil people's right to food. These will vary country to country, and every government has the discretion to choose its own approaches. However, implementing this right will require adoption of a national strategy to ensure food and nutrition security for all. Guidance on defining objectives and formulating policies and benchmarks can be found, for example, in General Comment No. 12 by the Committee on Economic, Social and Cultural Rights and in the FAO Right to Food Guidelines.

African governments should also revitalize the agricultural sector to provide adequate food and guarantee food security. In conflict situations, governments

should explore partnerships with international development organizations to provide food aid to displaced populations, especially children.

e) Institute a protective environment for children to help prevent and respond to violence and safeguard the well-being of children. Governments should aim to provide essential services for prevention of violence and for children's recovery and reintegration, including health and education services. They should also establish and implement effective monitoring, reporting and oversight.

To establish an efficient child protection system, States must first ratify the main international and regional instruments on protection of children's rights, incorporate them into their national legal frameworks and implement them consistently. If States fulfil their periodic reporting obligations under the ACRWC, the ACERWC will be able to formulate recommendations to help them improve their implementation strategies.

f) Vehemently condemn sexual and gender-based violence in conflict situations and ensure the prosecution of perpetrators, no matter who they are. Governments must also pledge their commitment to end impunity, uphold the human dignity of children and insist on realization of children's rights to security and to freedom from sexual abuse. States should establish and publicize referral mechanisms so children know about them and how to use them. Children should be educated on how to report sexual and gender-based violence incidents in a timely manner and how to resist intimidation and other practices that encourage victims' silence, which encourages impunity and the perpetuation of this crime.

g) Provide every person with a legal identity, as the first step to protection. Governments should ensure that birth registration is accessible to all without discrimination of any kind, including on the basis of immigration status. Birth registration is a human right as provided under article 6 of the ACRWC and is connected to issues arising in international refugee and humanitarian law. Registration is essential for children and families living in irregular migration situations, for refugees and for asylum seekers. Registering children is the first step in securing their recognition before the law, safeguarding their rights and

ensuring that any violation of these rights does not go unnoticed,[1] especially in conflict situations, whether at home or abroad.

h) Counter radicalism and extremism. Experience with youth radicalization in Kenya, and similar experience in Libya, Mali, Nigeria and Somalia, highlights the risk of armed conflict and accompanying movement of refugees in parallel with poverty, unemployment and lack of prospects for youth. In particular, governments need to:

- Develop a well-coordinated approach to fighting terrorism and radicalization, managed by a lead agency with responsibility for coordinating other arms of government. This agency should also take a lead role in child protection. This requires clear and current information as a basis for developing action plans to counter radicalization. A study should be conducted to determine the underlying drivers of radicalism;

- Adopt a more hands-on approach involving relevant ministries in dealing with radicalization. For example, the Ministry of Education should be involved in removing teachers who are contributing to radicalization; the matter cannot be left to the schools alone;

- Support and partner with the media to foster independent voices as a counterweight to extremist voices;

- Engage community leaders to monitor and provide information about community members who may be offenders. Community leaders are better placed to monitor their communities and also identify issues that might open the door to radicalization. They can also provide insights on how children are co-opted by extremists. Such information can greatly inform legal and policy frameworks and counter measures;

- Support institutions, actors and processes relevant to at-risk populations that can be sources of resilience and counter the influence of violent extremist narratives. The goal is to provide youth, in particular, with positive role models

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1   Citizenship in Africa Rights Initiative. 'Every Child's Birth Right: Inequities and trends in birth registration'. Online at: http://citizenshiprightsinafrica.org/theme/access_to_nationality/page/64/ (accessed 10 March 2016).

- and a voice in community governance, which can turn a potential source of instability into an asset. In Niger, for example, informal associations of young people known as *fadas* provide a non-violent outlet for expressing needs and grievances, and a platform for positive social relationships and collective action.

i) End impunity and bring to justice perpetrators of crimes against children in conflict situations. This is the only way to halt the cycle of repeated violations, which threaten sustainable peace. Security Council resolution 1379 on children and armed conflict, adopted in November 2001, urges governments to end impunity and prosecute those responsible for the most serious crimes against children.[2] Governments should ensure that accountability mechanisms address crimes against children through investigation, prosecution of perpetrators and redress for victims. Governments should cooperate with all accountability mechanisms, including national justice systems and the international criminal justice system.

j) Establish effective special juvenile justice procedures for child perpetrators/ victims in conformity with international standards with the sole purpose of correction and not punishment.

k) Establish a reparation programme including adequate compensation for victims and survivors of conflict. Reparations should not wait for judicial processes since it is not in dispute that violations occurred. This should be informed by consultations to meet the dire needs of the beneficiaries.

- For the African Union

a) Urge States to adopt or improve child safeguarding laws, policies and mechanisms by providing support to establish or restructure justice systems, especially through building human resource capacity. Perpetrators of child rights' abuses should be held to account to deter recurrence even in the face of conflict.

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2   United Nations Security Council resolution 1379 of 20 November 2001, para. 9(a).

b) Urge Somalia and South Sudan, two active-conflict countries involved in the massive violation of children's rights, to (i) ratify the ACRWC with immediate effect, and (ii) take up their commitments thereunder in respecting, protecting and fulfilling children's rights under it. This includes reporting to the ACERWC and ending impunity. Countries cannot be held accountable for realizing children's rights and ACRWC standards unless they are parties to these agreements.

c) Make use of the AU Peace and Security Architecture, through its mandated institutions, as a tool for conflict prevention and management and peace building:

- The Peace and Security Council (PSC) has a mandate to prevent, manage and resolve conflicts; build post-conflict peace; and develop common defence policies. It should spell out proactive measures to be undertaken by States to reduce the impact of conflict. This would include preventing children from being recruited into armed forces and armed groups; ensure prosecution of grave violations of children's rights; and end impunity for crimes committed against children in armed conflict situations in collaboration with States, pursuant to relevant international human rights and humanitarian law standards.

- Article 20 of the Protocol Establishing the Peace and Security Council of the AU mandates the Council to engage with civil society organizations in the course of undertaking its functions. Article 8 mandates the PSC to hold closed and open meetings and consultations. In a specific crisis situation, the PSC can convene a formal consultation or open session and invite civil society groups with specific expertise on the matter being addressed to take part in their deliberations. This would enhance the members' understanding of particular situations, giving them a basis upon which to make decisions on how to respond.[3]

- The PSC should work with women's groups and service providers to address sexual and gender-based violence. Initiatives should be focused on preventing abuse, protecting those at risk, supporting

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3   See Bah, S. et al. (2014). The African Peace and Security Architecture: A Handbook. Friedrich-Ebert-Stiftung and the AU, pp. 104-105.

survivors, prosecuting perpetrators and strengthening the rights of girls. The PSC must ensure that justice strategies are developed in line with international humanitarian and human rights law.

- The African Standby Force (ASF) was supposed to be operational by 2015 but it has not yet been seen in any conflict. It needs to start operations. It was designed to have both civilian and military components on standby in their countries of origin, ready for rapid deployment at appropriate notice. ASF force elements can be authorized to participate in PSC peace support missions or in interventions authorized by the AU Assembly. Such interventions should include the protection of civilian populations, especially vulnerable groups and children, women and elderly people.

Like the Economic Community of West African States (ECOWAS), ASF should provide safe corridors for children in conflict and crisis situations. Military components should receive training on child protection in conflict situations as part of their conflict management training. It should focus not only on protection of children against the acts of the belligerent factions, but also from violations perpetrated by ASF members themselves.

- The Panel of the Wise should work with the Continental Early Warning System to obtain information on potential conflicts and threats to peace and security in Africa. The ultimate objective is for the ASF to deploy and take necessary child protection measures, funded by the AU Peace Fund. Although the Fund is said to be inadequately financed, and African States provided only 2 per cent of its budget between 2008 and 2011,[4] it is increasingly benefiting from Member States' support through assessed contributions.[5] This suggests that the Fund probably has sufficient resources to finance such child protection operations.

d) Consider setting standards for the protection and alternative care of unaccompanied, separated and refugee children. This would ensure timely placement of these children in a protective environment to prevent them from

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4   Karock, U. (2014). 'The African Peace and Security Architecture: Still under construction'. Briefing. DG EXPO/B/PolDep/Note/2014_47, p. 5.

5   Bah, S. et al., op. cit., p. 11.

being subject to protection abuses and to work on tracing and reunification with their families. This should involve both Governments and NGOs.

- For UN agencies and international NGOs

a) Shift from an issue-specific, fragmented approach and small-scale projects to a systems approach with a strong focus on prevention and efficiency. This approach would address the child and family in a more holistic fashion and improve coordination. At the national level, a systems approach requires strong leadership, long-term investments and consultation with all relevant sectors, especially social protection, education and health. It also requires effective links and coordination between community-based child protection mechanisms and formal systems.[6]

b) Allocate more funding to support child-centred responses in conflict situations to complement government-led initiatives, to ensure sustainability.

c) Scale up human rights education so that interventions can be informed by children's voices on how conflict affects them. Human rights organizations should support data collection to aid effective humanitarian response and mechanisms at the grass roots.

d) Include youth above age 18 in child protection and safeguarding mechanisms, given that the impact of conflict does not stop when children reach the age of adulthood. Child protection agencies should therefore undertake long-term psychological recovery and social reintegration programmes that focus on youth who suffered serious violations when they were children and continue to suffer in their majority.

e) Harness and support the role of community leaders to support rehabilitation of child survivors of conflict. Children should be involved at every stage of designing rehabilitation programmes to allow ownership and ease of post-conflict healing. Different programmes can be used including psychosocial support.

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6   , UNICEF. 'Child Protection - West and Central Africa'. Online at: www.unicef.org/wcaro/english/overview_6585. html (accessed 5 March 2016).

CHAPTER 1

INTRODUCTION

Chapter 1: Introduction

1.1 Background and justification

"...young people should be seen … as survivors and active participants in creating solutions, not just as victims or problems."

— *Graça Machel, 'Impact of Armed Conflict on Children', 1996*

Conflict leaves societies, especially children, with devastating scars. Children suffer unspeakable violence and injustice, including injuries and death, displacement, loss of family, the trauma associated with witnessing acts of violence and recruitment into armed forces or groups. The involvement of children in armed conflict violates every right of the child, including the right to life, education, health and family. It deprives children of access to fundamental services, putting their health and future at risk. The experience is catastrophic for their sense of well-being, affecting them emotionally, socially, economically and even spiritually. It has been estimated that children under 18 are twenty-four times more likely to die during armed conflict than in peacetime.[7]

The African continent has frequently experienced protracted conflicts and emergencies that have been devastating for children. Civil wars, inter-country wars and other forms of armed violence including terrorist activities are now prevalent across the continent. Just over the last 10 years, about 2 million children have been killed through armed conflicts. Another 1 million have become orphaned, and over 6 million have been seriously injured or permanently disabled.[8]

According to the United Nations, about 300,000 children below the age of 18 are actively engaged in armed forces and groups. Every month around 800 children are killed or seriously injured from landmines or unexploded ordinance.[9] An estimated 12 million children

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7   Hart, J. (2002). 'Children and Adolescents in Conflict Situations'. Available at: www.forcedmigration.org/research-resources/expert-guides/children-and-adolescents-in-conflict-situations/alldocuments (accessed 12 January 2016).

8   See SOS Children's Village site at www.child-soldier.org/; see also Duncan, J. (2004). 'Children in Crisis: good practices in evaluating psychosocial programming'. The International Psychosocial Evaluation Committee and Save the Children Federation, p. 1.

9   Ibid.

are internally displaced.[10] The effects of conflict cross borders in Africa, causing a surge in forced migration, separation of children from their families, sexual violence against children and recruitment of children into armed groups.

In 2014, the twenty-fifth anniversary year of the Convention on the Rights of the Child, UNICEF estimated that about 230 million children globally had been caught in violent conflict. The 2014 annual report of the United Nations Secretary-General on children and armed conflict indicated that in 2013 children in 23 countries were recruited, used, killed and maimed in conflicts and were victims of sexual violence and other serious violations during conflict.[11] It reported on cases of the recruitment and usage of children by seven national armies and armed groups involved in armed conflicts in the Central African Republic, South Sudan and other countries.[12]

The Boko Haram terrorist group, operating in northeastern Nigeria, was the latest entrant on the report's list of perpetrators of grave violations against children. The group is responsible for countless killings and maimings and has attacked hospitals and schools. One of its most despicable atrocities was the 2014 abduction of 276 girls from a boarding school. The Secretary-General's report further noted that the recruitment of children was systematic in the Central African Republic, and that the rights of children were violated by all parties to the conflict with total impunity. It said that attacks against schools and hospitals are on the rise in countries including the Central African Republic, Democratic Republic of the Congo and Nigeria.

Children's vulnerability demands special protection from States to prevent

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10 Hart, op. cit.

11 Zerrougui, L. (2014). 'Child rights being violated in conflict situations with total impunity, says UN official'. Online at: www.un.org/apps/news/story.asp?NewsID=48180#.VppTkPmLTIV (accessed 15 January 2016).

12 Other countries and armed groups include the following: Central African Republic (ex-Séléka coalition and associated armed groups, anti-Balaka); Democratic Republic of the Congo (Allied Democratic Forces [ADF], Forces armées de la République Démocratique du Congo [FARDC], Forces démocratiques de libération du Rwanda [FDLR], Front de résistance patriotique en Ituri [FRPI], etc; armed militias in Libya; rebel groups in Mali, especially the Mouvement national de liberation de l'Azawad (MNLA), Mouvement pour l'unicité et le j ihad en Afrique de l'Ouest (MUJAO) and Ansar Dine; Al-Shabaab in Somalia and clan militias like Ahlus Sunnah wal Jamaah (ASWJ), and Somali National Army; South Sudan's Lord's Resistance Army, SPLA in Opposition and White Army; Sudan armed forces and security forces including rebel groups like JEM, Popular Defense Forces (PDF), Sudan Police Forces, pro-government militias, Sudan People's Liberation Movement North (SPLM-N) and Sudan Liberation Army; and Boko Haram.

their exposure to conflict and mitigate its impact on the survivors. International, regional and domestic frameworks have been firmly established (in most countries) to protect children from such acts and experiences. Among these are frameworks developed by the United Nations and the African Union, which most African governments have both ratified and domesticated. Indeed, most national child protection laws and policies are drawn from these international instruments.

However, the reality is that such laws and institutions are often ineffective and under-funded, lacking government commitment. Indeed, child protection initiatives in armed conflict or emergency contexts are among the least funded programmes. For instance, child protection received only 1.10 per cent of government budgets in 2008 in countries facing conflict in Africa. In 2009, the percentage declined further, to a paltry 0.7 per cent, and education received less funding than child protection.[13] This demonstrates that national governments are often reluctant to advance protection. Sometimes they are perpetrators or abettors of conflict themselves, despite their international commitments to protect the rights and welfare of children.

Thus, despite the burgeoning crises in Africa, real political commitment is still lacking to protect children. This neglect is taking place in the face of an elaborate peace and security framework developed to handle and minimize the impact of crises within the African Union (AU). The African Peace and Security Architecture (APSA) was established by the AU with the goal of preventing, managing and resolving conflicts on the continent. Article 4(h) of the AU's Constitutive Act grants the AU the right to intervene in a Member State in grave circumstances, such as in times of genocide, war crimes and crimes against humanity.

APSA has five pillars:

- Peace and Security Council (PSC), the central organ for ensuring collective security and early warnings of conflicts. Its mandate is to guarantee the protection and preservation of life and property and the well-being of the African people, as well as the protection of human rights and fundamental freedoms, and respect for the sanctity of human life and international humanitarian law, as part of efforts to prevent conflicts[14]

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13 Lilley, S. et al., 'Too Late, Too Little: Child protection in emergencies'. Global Protection Cluster, p. 17. Online at: http://oneresponse.ifo.GlobalCluster/Protection/CP (accessed 11 January 2016).

14 As articulated in in Article 3 of the Protocol Establishing Peace and Security Council of the African Union.

- Panel of the Wise, a five-person panel of highly respected African individuals from various segments of society, with a mandate to support the efforts of the PSC, particularly in conflict prevention

- AU Peace Fund, established in 1993 to fund peace and security activities

- Continental Early Warning System, established to facilitate the anticipation and prevention of conflicts in Africa

- African Standby Force (ASF), APSA's military and police arm. A peacekeeping force composed of military, police and civilian contingents, it acts under the direction of the African Union and is deployed in times of crisis to participate in peace support missions by the PSC, or in interventions authorized by the AU Assembly. Each of the five African sub-regions has its own standby force.[15]

However, APSA is incompletely institutionalized, and its response to grave crises is deficient and shaky. The ASF has yet to become fully operational, and the Peace Fund remains underused. The PSC had never addressed the impact of conflict on children in any of its open sessions until February 2014, when the topic was forced onto its agenda by the African Committee of Experts on the Rights and Welfare of the Child (ACERWC).[16] Since then, the PSC has held five open sessions focused on women, children and other groups who are vulnerable in armed conflicts. Although these sessions were not specifically dedicated to children, the fact they were held is an affirmation of the AU's new commitment to child protection in armed conflict and to the holistic protection of vulnerable groups affected by conflicts and other crisis situations. These sessions also presented a

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15 The North Africa Regional Standby Brigade (NASBRIG), the East Africa Standby Brigade (EASBRIG), the Force Multinationale de l'Afrique Centrale (FOMAC), the Southern Africa Standby Brigade (SADC-BRIG), the ECOWAS Standby Brigade (ECOBRIG).

16 The ACERWC is the monitoring body established under the African child rights instrument, the African Charter on the Rights and Welfare of the Child. It comprises a group of 11 respected experts on children's rights and welfare. The Committee's mandate is to monitor and report on the fulfilment of child rights under the ACRWC and issue general comments, resolutions and declarations, which serve as interpretive guidelines to States Parties, and considered opinions on the status of states' implementation efforts. This is achieved through examining States Parties' reports, receiving individual complaints, carrying out investigative missions in countries experiencing systematic or gross violations of child rights, and interpreting the provisions of the Charter.

unique forum for engagement with high-level actors engaged in child protection, including representatives of the United Nations, the AU, governments, civil society and the private sector.

The ACERWC itself has worked tirelessly to raise awareness among African governments on the continuing plight of African children in conflict situations, against the backdrop of near inaction by the governments. This was the motivation for carrying out this study. The goal is to highlight and evaluate the impact of conflict and crisis situations on children through children's voices in order to trigger political commitment and action by African leaders to address the issue as matter of urgency.

This study comes against the backdrop of other nascent but unconsolidated AU initiatives to address the impact of armed conflict on children. For example, the African Commission on Human and Peoples' Rights (the African Commission), at its fifty-fifth Ordinary Session in Angola in 2014, decided to initiate a study on the impact of armed conflicts on the rights of children in Africa.[17]

The study is also in line with the AU Executive Council's Decision[18] requesting the PSC to take into account the rights of the child in its agenda and to cooperate actively with the ACERWC. The PSC has in turn called on AU Member States to strengthen the ACERWC and allow it to fulfil its mandate, by collaborating with it to ensure there is no impunity for violations of the ACRWC. (This underscores the synergy between the PSC and the ACERWC.) In view of implementing this Decision, the ACERWC met with the PSC on 18 February 2014 and the PSC proposed undertaking a study to assess the situation of children in armed conflict and its impact across the continent. The ACERWC accepted this suggestion and decided to perform the study in 2015.

This study is both a measure of the ACERWC's fulfilment of its mandate and a bolster to PSC efforts to prevent conflicts. One of its purposes is to reiterate the serious impact of conflict and crises on children through concrete evidence and children's voices. Another is to draw the attention of African governments and leaders to the gravity of the situation, to urge them

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17 Online at: www.achpr.org/sessions/55th/resolutions/283/ (accessed 20 May 2015).
18 Decision EX.CL/Dec.712 (XXI).

to take prompt action to prevent children from being victimized, and to provide protection, care and support to affected children. The ACERWC has taken on this responsibility with resolve and determination.

1.2. Objectives

The objectives of this study are to:

- Assess the impact of armed conflict on children in the areas of education, health, nutrition/food security and child protection
- Assess whether African countries have mechanisms in place to respond to the challenges of especially vulnerable children, including girls and separated children, during conflict situations
- Assess the role of children as victims and witnesses to gross violations, including killings, maimings and sexual abuse
- Assess whether child safeguarding policies are in place in conflict situations
- Collect, compile and analyse children's views on the impact of armed conflict on their rights and welfare.

1.3. Scope and methodology

The study concentrates on conflicts and crises across Africa over the last 10 years and the measures by State and non-State actors to protect the rights of children during and in the aftermath of such situations. It addresses psychological impact, education, health, nutrition/food security, separation from parents/caregivers, and sexual and gender-based violence. Child rights underlie its analysis, particularly the best interest of the child; the rights to life, survival and development; and respect for the views of the child as evidenced through children's voices.

The countries in the study are divided into two groups: (1) countries in active conflict (2) countries in fragile post-conflict situations or in a major humanitarian crisis requiring a system-wide response (see Table 1). The countries in the first

group are Burundi, Central African Republic, Kenya, Libya, Nigeria, Somalia and South Sudan. Those in the second group are Democratic Republic of the Congo, Guinea-Bissau, Liberia, Mali, Sierra Leone and Sudan.

Table 1. Case study countries, interviews and focus group discussions (FGDs)

Country	Desk review only	Country visit and desk review	# of girls interviewed	# of boys interviewed	# of girl participants in FGDs	# of boy participants in FGDs	Number of case studies	Number of key informant interviews participants
Countries in active conflict								
Burundi	x							
Central African Republic	x							
Kenya		x	186	208	8-64	8-64	-	43
Libya	x							
Nigeria		x	195	202	5-40	6-48	16	30
Somalia		x	219	200	5-40	3-24	4	39
South Sudan		x	199	232	5-40	6-48	6	4
Countries in fragile post-conflict situations or a major humanitarian crisis								
Democratic Republic of the Congo	x							
Guinea-Bissau	x							
Liberia	x							
Mali	x							
Sierra Leone								
Sudan	x							

The study was commissioned in May 2015. A methodology workshop was held on 29 June, which presented an opportunity for ACERWC and its partners to provide their inputs on the proposed approach and methodology. The field visits took place between 7 September and 17 December 2015.

The study was conducted in two parts. First was a desk review of research materials including academic literature, books, reports and media reports on the impact of armed conflict on children. Second was field visits to Kenya, Nigeria, Somalia and South Sudan (for locations see box).

The field visits involved focus group discussions with children aged 6 to 17 who had witnessed and/or experienced violence during the period of conflict; they

were either in camps for internally displaced people or living in host communities. A total of 46 focus groups were conducted in all the field visit countries, with a total of 366 participants. In addition more detailed interviews were conducted with 26 children on the upper end of the age spectrum.

A total of 125 key informant interviews were undertaken with State and non-state actors, including community leaders. A detailed list of key informants is provided in Annex 3. A short survey was administered to children both in the camps and in host communities to gauge their perception of the impact of armed conflict on their well-being. A total of 1,631 children were surveyed.

Legal and systemic methods were used to analyse the data. The legal method was used to analyse the content and relevance of protective legal standards in terms of the adaptability, successes and shortcomings to identify the outstanding challenges and consequently inform legal, policy and institutional reforms. The systemic approach examines the role of implementing institutions to determine their suitability and effectiveness.

Kenya is addressed differently than the other countries. Its children and young people are currently the targets of indoctrination and radicalization by extremist groups, which are encouraging perpetration of violence. Radicalization is being sown in schools and communities. This phenomenon is not limited to Kenya (Cameroon, Libya, Mali and Nigeria in particular are also affected), but in Kenya children are being indoctrinated and then sent to fight abroad, in Somalia. Sometimes they return to Kenya and instigate terror activities. Kenya is therefore the 'labour market supplier' of radicalized children and youth, while also periodically suffering from these acts itself.

This phenomenon brings to light the problems of poverty and unemployment, which cause frustration and leave children vulnerable to being radicalized. Young people are either willingly becoming radicalized and choosing to go abroad and fight or serve as suicide bombers, or they are actually encouraged by their families to do so in return for lump sum payments that will sustain the family they leave behind.

1.4. Limitations

The analyses of the countries that were not the subject of field studies are by definition less substantive. Another limitation is the absence of primary data in some cases, requiring reliance on secondary data, which were sometimes unavailable and sometimes contradictory.

In the field study countries, access to child victims and stakeholders was often difficult and sometimes impossible, due to security issues that limited travel. For example, in Maiduguri in Nigeria's Borno state interviews had to be cancelled due to a bomb attack in another state. Some scheduled interviews with State actors were cancelled. Some ministry officials declined to talk or never received the required authorization.

However, conflicts are often similar in their impact and in the response to them. Thus, information or data from one setting generally informs the situation in another where data were lacking.

1.5. Definition of key terms

- *Armed conflict:* For the purposes of this report, the definition of the Department of Peace and Conflict Research of the University of Uppsala, Sweden, is preferred since it takes into account the character of modern conflicts:

  Armed conflict is a contested incompatibility which concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths.[19]

- *Child:* This study uses the definition of a child as any person below the age of 18, as per the ACRWC. The ACRWC takes a definite and authoritative stance, as compared to the Convention on the Rights of the Child, which allows leeway for a lower age to be adopted in particular circumstances. As a result, some

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19 See Wallensteen, P. and Sollenberg, M. (2001). 'Armed Conflict 1989–2000', *Journal of Peace Research* 38(5): 629–644. Online at: www.pcr.uu.se/research/ucdp/definitions/definition_of_armed_conflict/ (accessed 10 January 2016).

countries have adopted legislative provisions that deprive children of their status and thus also of special protection measures. This is especially the case in criminal law, employment law and marriage. In any case, it is now accepted that a child is anyone below 18 years and that is so for the purposes of this study.

1.6. Structure of the report

This report is structured in four chapters. After this introduction, Chapter 2 briefly examines the international and African framework relevant to protection of children in conflict situations, addressing 'soft law' and other measures by subregional bodies. It then highlights the laws, policies and other measures governing children in conflict situations and provides the status of country reports to the child rights monitoring body under the ACRWC. The chapter also presents statistics on the proportion of children affected by conflict.

Chapter 3 presents the major findings of the study, addressing the impact of conflict on children in the six thematic areas: psychological distress, health, nutrition, education, separation of children and sexual violence. The chapter further examines radicalization and its impact on children in Kenya. The chapter examines the cost of conflict in terms of wasted resources. Children's voices as witnesses and victims are highlighted to show the extent of impact on them. Protection measures in study countries are also addressed.

Chapter 4 discusses accountability for violations, addressing both adult and child perpetrators. It also considers international legal mechanisms to handle the situation of such children. Some key avenues for protection and mitigation of the impact on children are discussed, focusing on some mitigation efforts.

The last chapter provides conclusions and offers feasible recommendations for the various actors to help mitigate the impact of conflict on African children and end impunity for violations of their rights in conflict situations.

CHAPTER 2

FRAMEWORK FOR THE PROTECTION OF CHILDREN AND PROFILES OF STUDY COUNTRIES

Chapter 2: Framework for the protection of children and profiles of study countries

The obligation of States to protect children in armed conflict is drawn from a range of international and regional human rights instruments and humanitarian law. However, States' commitments to protect human rights are only secured upon ratification of these instruments and establishment of normative legal standards and effective institutions at national levels, followed by effective implementation. United Nations and AU human rights law provides a normative framework for the protection of children in armed conflict situations. In addition are non-binding but authoritative 'soft law' standards. This chapter discusses selected instruments relevant to the protection of children in armed conflict situations and national safeguards. It also summarizes the reporting statuses of study countries before relevant monitoring bodies under these instruments at the African regional level.

2.1 International and regional frameworks

2.1.1 International frameworks

The Universal Declaration of Human Rights (1948) is considered the bedrock of contemporary international human rights law.[20] Though it does not contain any provision directly protecting children in armed conflict, it does so implicitly in guaranteeing "… everyone's right to a standard of living adequate for the health and well-being…including food…housing and medical care and necessary social services, amongst others".[21]

Two legally binding instruments give force to the Universal Declaration of Human Rights: the International Covenant on Civil and Political Rights, which entered into force on 23 March 1976, and the International Covenant on Economic, Social and Cultural Rights, which entered into force on 3 January 1976. The Covenant on Civil and Political Rights provides that "every child shall have, without any form of discrimination, the right to such measures of protection as are required by his or her status as a minor, on the part of his family, society and the State". The Covenant on Economic, Social and Cultural Rights also pledges rights pertinent to the protection of children in armed conflict, such as the right to

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20 Schabas, W.A. (2013). 'The Universal Declaration of Human Rights: The Travaux Préparatoires' vol 1, October 1946 to November 1947, p. 37.

21 United Nations (1948). 'The Universal Declaration of Human Rights', Article 25(1).

an adequate standard of living, including adequate food and housing.[22] These standards oblige States to adopt special measures to protect children in armed conflict situations.

The Convention on the Rights of the Child (CRC; entered into force on 2 September 1990) and its optional protocols is the main universal child rights instrument. In article 19(1) it obliges States Parties to take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse. It commits States Parties to take all feasible measures to ensure protection and care of children who are affected by an armed conflict.[23]

The CRC further provides that States Parties must take all necessary measures to ensure that persons under age 15 do not take a direct part in hostilities[24] and refrain from recruiting any person who has not attained the age of 15 years into armed forces.[25] It also enjoins State Parties to adopt legal measures to criminalize the recruitment and use of children in armed conflicts.[26] This is embraced in the Rome Statute of the International Criminal Court (ICC), which considers involvement of children below the age of 15 years in hostilities a war crime.[27] Indeed, the ICC tried, convicted and sentenced Thomas Lubanga of the Democratic Republic of the Congo to 14 years' imprisonment for conscripting children under the age of 15 to participate in hostilities under the Union of Congolese Patriots, which he led. This action sent a strong message against impunity.

These provisions may be considered to set a lower standard for protection of children to the extent that they recognize the minimum age of a child to be 15,

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22 Ibid, Article 11.

23   CRC, article 38(4). Article 39 of the CRC provides that 'States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child. '

24 Ibid., article 38 (2).

25 Ibid.

26 Ibid, article 4(2).

27 Rome Statute, Article 8(2)(b)(xxvi)(vii).

against the ACRWC which sets the age at 18 years. However, the CRC Optional Protocol on the involvement of children in armed conflict (2000) lifted the age to 18 years as a requirement for involvement in armed conflict.[28]

The Protocol Additional to the Geneva Conventions[29] on protection of victims of international armed conflict (Protocol 1) and non-international armed conflict (Protocol II) also contains provisions pertinent to the protection of children in armed conflict.[30]

2.1.2. African regional framework

Beyond the protections offered in international human rights documents, the African human rights system recognizes the protection of children in armed conflict situations. The African Charter on Human and Peoples' Rights (ACHPR) commits States to accord children protection for all rights stipulated in international declarations and conventions.[31] This implies that States Parties are enjoined not only to fulfil their duties but to conform to the standards under international human rights and humanitarian law to protect children in armed conflicts.

The ACRWC attempts to more directly address the contextual challenges facing children in Africa. It notes that States Parties are obliged to undertake to "the maximum extent possible, the survival, protection and development of the child".[32] Article 22 provides the normative standards for protecting children in armed conflict situations. It obliges States Parties to "undertake to respect and ensure respect for rules of international humanitarian law applicable in armed conflicts which affect the child". Similar to Protocol II of the 1949 Geneva Conventions, it places the duty on States Parties to "take all necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular, from recruiting any child". States Parties are obliged to take all feasible measures to ensure the protection and care of children who are affected by armed conflicts, internal armed conflicts, tension and strife", in accordance with their obligations under international humanitarian law.

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28 CRC Optional Protocol, articles 1 and 2.
29 12 August 1949 (1977),
30 Article 51 (1) of the Protocol I and arts 4(3), Protocol II.
31 ACHPR, Article 18(3).
32 Article 5(2) ACRWC.

The ACRWC established the ACERWC with the mandate to monitor the implementation of and protect the rights enshrined in the ACRWC, among others.

2.1.3. 'Soft law'

Soft law standards, while non-binding, serve as authoritative and high-level political statements that provide guidance to States under international law. They also serve as a booster to the binding normative framework.

One such example of soft law, the Oslo Safe Schools Declaration, resulted from a process started by the Global Coalition to Protect Education from Attack in 2012, led by the governments of Norway and Argentina.[33] It contains a number of other commitments aimed at strengthening the prevention of and response to attacks on education during armed conflict. This includes collecting reliable data on attacks and military use of schools and universities; providing assistance to victims of attacks; investigating allegations of violations of national and international law and prosecuting perpetrators where appropriate; developing and promoting 'conflict sensitive' approaches to education; seeking to continue education during armed conflict; and supporting the work of the United Nations on the children and armed conflict agenda.

The Principles and Guidelines on Human and Peoples' Rights while Countering Terrorism in Africa were adopted by the African Commission on Human and Peoples' Rights during its 56th Ordinary Session (Banjul, Gambia, 2015). Generally speaking, these Principles and Guidelines enjoin African States through a number of clear obligations. Among these are the obligations to refrain from and prevent terrorism and protect people from it; ensure accountability; provide effective and sufficient remedy wherever the State or any other entity violates an individual's human rights; and provide full and effective reparation to individuals who have suffered damage or violation of their fundamental rights as a result of terrorist or counter- terrorist measures.

Also, States are required to design special measures to respect and protect

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33 As of November 2015, 51 countries have signed the declaration including 15 African countries (Central African Republic, Chad, Côte d'Ivoire, Kenya, Liberia, Madagascar, Mozambique, Niger, Nigeria, Sierra Leone, Somalia, South Africa, South Sudan, Sudan and Zambia), of which 10 are study countries of this report (Nigeria, Central African Republic, Chad, Côte d'Ivoire, Kenya, Liberia, Sierra Leone, Somalia, South Sudan and Sudan).

the rights of persons with special needs who are affected by terrorism and counter-terrorism activities. These should ensure that legislation, procedures, policies and practices are designed to respect and protect the rights, special status and distinct needs of women and children who are victims of terrorism or subject to counter-terrorism measures. This includes during searches and investigations, all forms of detention, trials and sentencing.

2.1.4 The role of subregional bodies

Subregional bodies like regional economic communities do not have specific mandates dealing with child protection. However, some, such as the Economic Community of West African States (ECOWAS) and the Economic and Monetary Community of Central African States (CEMAC), have normative frameworks that broadly address conflict prevention and management as well as security measures. ECOWAS, for example, uses the collective expertise of specialized institutions and think tanks in the region to facilitate training for its military components on child protection in conflict situations. Also, some of these economic communities have human rights systems including courts (such as ECOWAS and the South African Development Community), whose mandate invariably includes the protection of children's rights. However, none of these courts have tested cases on the violation of children's rights in conflict situations.

Other regional bodies have also played a role. The Lake Chad Basin Commission, which brings together Benin, Cameroon, Chad, Niger and Nigeria, has been instrumental in mustering efforts to quell the insecurity generated by the Boko Haram insurgency.[34] In this light, the AU and the Lake Chad Basin Commission signed an agreement to operationalize the Multinational Joint Task Force to Counter the Boko Haram Terrorist Group on 16 October 2015.[35] Furthermore, in February 2016, the AU Commission held a donors' conference in support of the Task Force's operations. AU Member States and international partners pledged to provide financial and technical support for Commission countries in their efforts to fight insecurity and terrorism.[36]

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34 Parliamentarian Network for conflict prevention. 'A Regional Multinational Joint Task Force to Combat Boko Haram'. Online at: http://pncp.net/news/regional-multinational-joint-task-force-combat-boko-haram (accessed 23 March 2016).

35 https://unoau.unmissions.org/african-union-and-lake-chad-basin-commission-sign-agreement-operationalization-multinational-joint.

36 AUPSC,'The African Union Commission holds a donors' conference in support of the multinational joint

2.2. National frameworks

Conflicts are taking place throughout Africa except in the south (Figures 1 and 2). The eastern and northern regions are experiencing major active conflicts and have the highest death tolls, second only to single countries in Central Africa (CAR) and West Africa (Nigeria), followed by former conflict zones transitioning out of conflict. Most if not all of the active conflicts are religious based.

National governments have the responsibility to protect children from the impact of armed conflict as part of their compliance with international humanitarian and human rights law. An effective national child protection system stems from the State's obligation to protect children. This calls for the enactment of laws and adoption of policies that protect children from abuse, exploitation and violence, responding in the best interest of the child.

2.2.1   Category 1: Countries in active conflict

- **South Sudan:** The 2011 Transitional Constitution and the Child Act of 2008 are the main legal frameworks for protecting the rights and welfare of children in armed conflicts in South Sudan. The Transitional Constitution provides for the right to life, survival and development; the right not to be subjected to exploitive practices or abuse; and the right not to be required to serve in the army or permitted to perform work that may be hazardous or harmful to one's education, health or well-being. It further provides that all levels of government shall accord special protection to orphans and other vulnerable children, and child adoption shall be regulated by law.

  The Child Act also contains comprehensive provisions on protecting the rights and welfare of children in armed conflict. It guarantees the child's right to life, survival and development; to education and well-being; to health; and to protection from abuse.

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task force operations against Boko Haram terrorist group' Online at: http://www.peaceau.org/en/article/the-african-union-commission-holds-a-donors-conference-in-support-of-the-multinational-joint-task-force-operations-against-boko-haram-terrorist-group#sthash.2q431rp3.dpuf, (accessed 23 March 2016).
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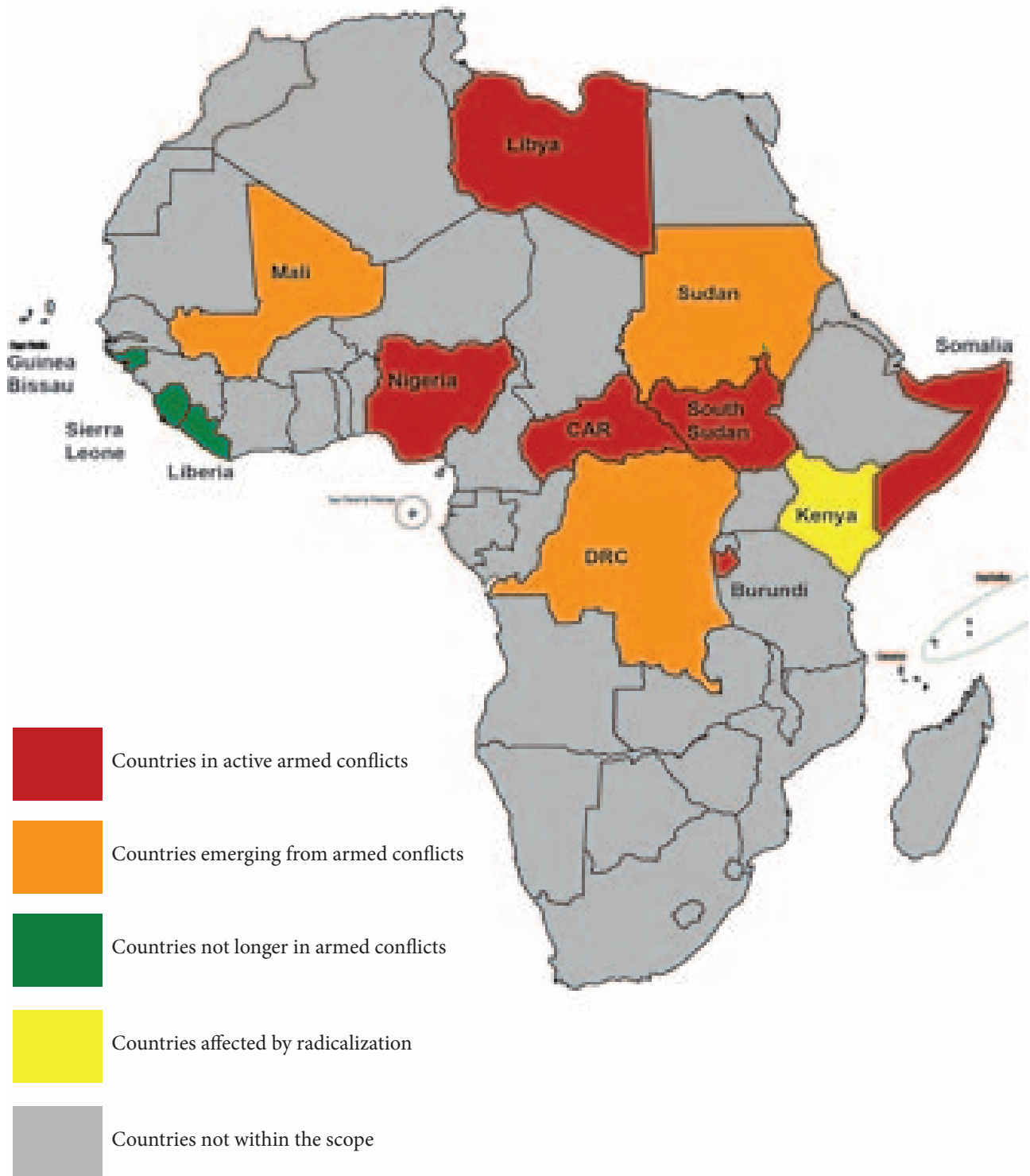
Figure 1: Map of Africa identifying conflict countries affected by armed conflicts

Source: *Authors' compilation*

On the protection of children in armed conflict, the Act focuses on providing guidelines for conscription or voluntary recruitment into armed forces. It obliges the State to ensure that no child is recruited or used in the military or paramilitary activities. It also provides for protection, rehabilitation and reintegration of children formerly associated with armed groups. Article 31(4) further obliges the State to ensure that children's rights are protected in accordance with the provisions of this Act and international humanitarian law.

- **Central African Republic:** The Constitution of 2004 (amended 2010) has no provision that directly addresses children in armed conflict. However, article 6 (3) provides for "the protection of the child against violence and insecurity, exploitation and moral, intellectual and physical neglect by the State and other public agents". This protection generally includes children in armed conflict.

- **Libya:** The 2011 Constitutional Charter for the Transitional Stage has no provision directly addressing children in armed conflict. However, it guarantees the protection of children and obliges the State to take care of children, youth and the handicapped. This provision extends to children in general, including those in armed conflict.

- **Nigeria:** The 1999 Constitution has no provision for protection of children in armed conflict. However, article 3(f) under the Fundamental Objectives and Directive Principles of State Policy provides that "children and young persons shall be protected against any exploitation whatsoever and against moral and material neglect".

  The main legislative framework for protecting children is the 2003 Child's Right Act. It prohibits the recruitment of children into the armed forces and guarantees that "no child shall be recruited into any of the branches of the armed forces of the Federal Republic of Nigeria". On this premise, it obliges the State or any other body to ensure that "no child is directly involved in any military operation or hostilities". The Act also guarantees the right to survival and development of every child. The rights of a child who is in need of special protection measure are also guaranteed.

- **Somalia:** Somalia's Provisional Constitution contains comprehensive provisions that promote and protect the rights and welfare of children. Article 29 guarantees that "every child has the right to be protected from mistreatment, neglect, abuse, or degradation". It also provides that "every child has the right to be protected from armed conflict, and not to be used in armed conflict". This provides a normative framework for protection of children in
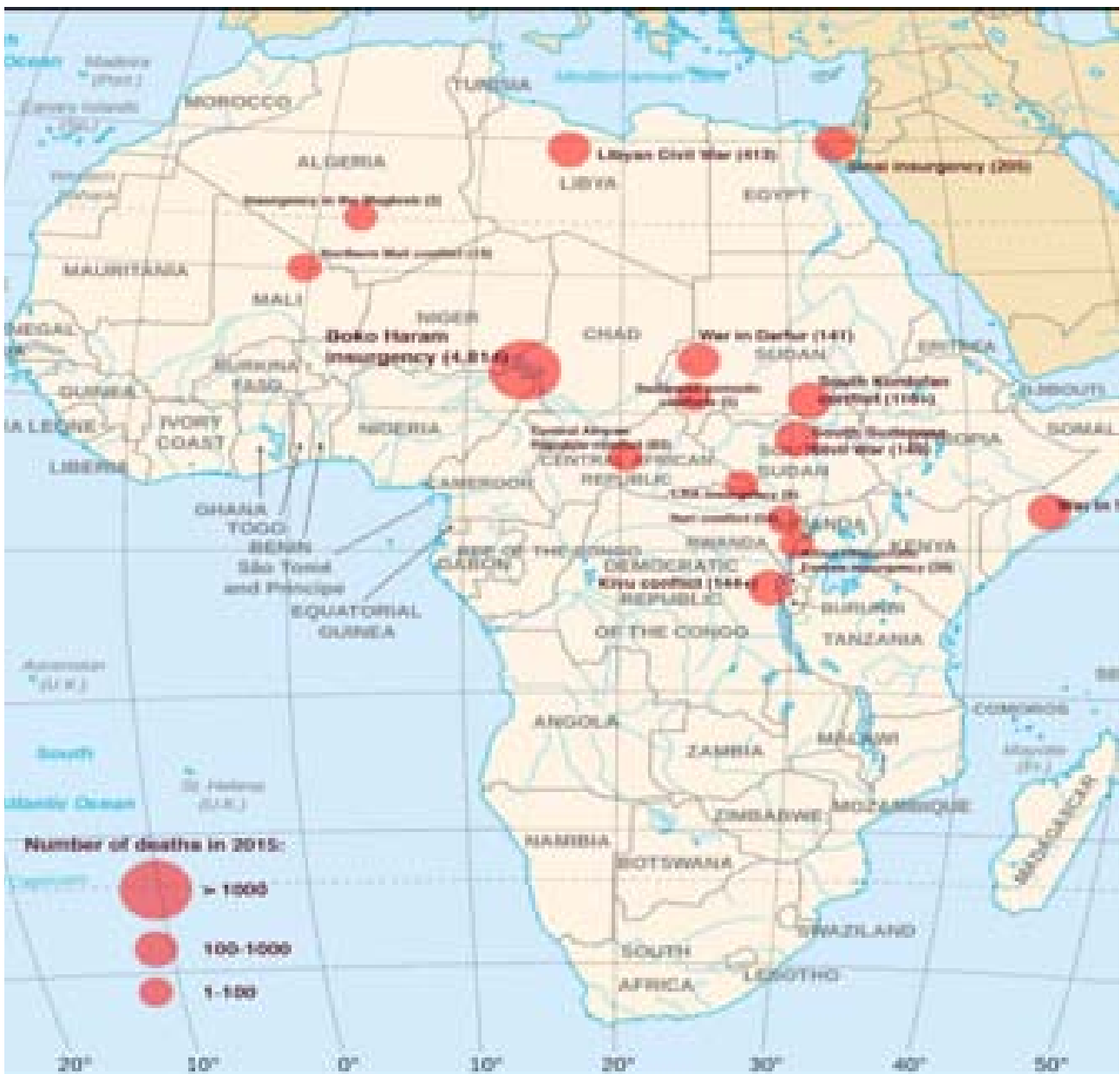
Figure 2: Map of Africa identifying conflict tolls in terms of number of deaths in conflict laden areas.

armed conflict. Apart from the Provisional Constitution, no other national legislation directly addresses the rights and welfare of children in general or in armed conflict in particular.

2.2.2   Category 2: Countries in fragile post-conflict situations or a major humanitarian crisis

- **Democratic Republic of the Congo:** The Constitution has no direct provision for protection of children in armed conflict. However, it accords generic protection to children, with emphasis on sexual violence and other forms of exploitation. For example,

article 15 obliges public authorities to eliminate sexual violence as a tool in destabilizing and displacing people. The Constitution also guarantees and protects the sanctity and sacredness of an individual, obligating the State to respect and protect the individual.

It further provides that "all persons have the right to life, physical integrity and to free development of their personality". The Constitution guarantees protection to all children without discrimination. The abandonment or maltreatment of children, especially sexual abuse, is prohibited and punishable by law. Public authorities are enjoined to ensure the protection of children in difficult situations and to bring to justice the perpetrators of violence against children. Finally, the Constitution enjoins public authorities to protect

children from any attack on their health, education or integral development. All these provisions extend to protection of children in armed conflict.

- **Guinea-Bissau:** The Constitution has no provision that directly pledges protection of children in armed conflict. However, the right to health care and physical well-being is guaranteed. The Constitution commits the State to promoting the right to health, to fight against epidemics and social calamities. The framework for protection of children in armed conflict revolves around protection against exploitation and moral abandonment, sexual abuse, child trafficking and human commerce.

- **Kenya:** The 2010 Constitution guarantees the right to freedom and security of every person. This includes the right, including for children, not to be subjected to any form of violence from public or private sources. Article 53 also provides that "every child has the right to basic nutrition, shelter and health care" as well as "to be protected from abuse, all forms of violence and exploitation".

The 2001 Children's Act is the main legislative mechanism for promoting and protecting the rights and welfare of children in Kenya. It protects children against child labour and armed conflicts as well as from sexual exploitation. Article 10 (2) guarantees that "no child shall take part in hostilities or be recruited in armed conflicts, and where armed conflict occurs, respect for and protection and care of children shall be maintained in accordance with the law". It further obliges the State "to provide protection, rehabilitation care, recovery and reintegration into normal social life for any child who may become a victim of armed conflict or natural disaster". Under the Act, every child has the right to life,

and the State and the family bear responsibility to ensure the survival and development of the child. The Act provides that the best interest of the child is to be the primary consideration in all actions concerning a child, whether by public or private institutions. The Act enshrines the right to education, health and medical care for children.

- **Liberia:** The Constitution has no provision directly addressing the needs and welfare of children in armed conflicts. The main legal framework for the protection of children in armed conflict is the 2011 Children's Law, which contains a bill of rights for children. The law seeks to facilitate the respect, protection, promotion and provision of child rights to make maximum contribution to the survival, development, participation and protection of every child in Liberia. The law is underpinned by the principle of the best interests of the child. It provides that "every child shall have the right to be protected from work and other practices that may threaten her or his health, educational, spiritual, physical and moral development". It further provides that "every child shall have the right to be protected from involvement in armed or any violent conflicts". It commits the Ministry of National Defence "not to recruit or conscript any child into military service".

- **Mali:** The 1992 Constitution has no provision that directly addresses the situation of children in armed conflict. It requires ratification of international treaties. In its preamble, the Constitution asserts the commitment of the Malian people to defend the rights of children, thus mainstreaming the general principles enshrined in the CRC and the ACRWC. The adoption of Ordinance No. 02-062/P-RM of 5 June 2002 on Child Protection Code, Law No. 01/081 of 24 August 2001 on the age of criminal responsibility and the establishment of juvenile courts, and the Person and Family Code reflect Mali's efforts to harmonize laws with international conventions covering the rights of the child.

    The Child Protection Code, though it does not directly deal with protection of children during armed conflict, stipulates in article 17 that the child shall benefit from all the guarantees of international humanitarian law provided for under internationally ratified conventions. It further states that it is forbidden to cause a child to take part in an armed conflict or to involve a child in an armed conflict, or to enlist a child under age 18 in armed forces or groups. Article 18 of the same code prohibits the exploitation of children in various forms of organized crime, including inculcating fanaticism and hatred or inciting the child to commit acts of violence and terror.

- **Sierra Leone:** The 1991 Constitution contains no provision for protection of children in armed conflict. The Child Rights Act of 2007 is the main legislation that safeguards children in such situations. It guarantees every child the right to be protected from involvement in

armed or violent conflict and sets the minimum age of recruitment into the armed forces at 18 years. The act prohibits the Government from recruiting or conscripting any child into military or para-military service. It also prohibits the use of landmines in Sierra Leone and other weapons adverse to children.

- **Sudan:** The 2005 Constitution obliges the State to adopt policies and provide facilities for child and youth welfare. It also requires the State to ensure that children develop morally and physically and to protect them from moral and physical abuse and abandonment. The Constitution further provides that the State "shall protect the rights of the child as provided in the international and regional conventions ratified by the Sudan". Therefore, relevant international instruments, including the CRC and the ACRWC, can be invoked in protecting children affected by armed conflict.

  The Child Act, 2010 protects the rights and welfare of children in armed conflicts. It prohibits the recruitment of child soldiers and calls for the demobilization and rehabilitation of those already involved. Article 43 (1) prohibits the recruitment of children into the armed forces or armed groups, or employment of children to participate in war actions.

- **Burundi:** The National Constitution devotes an entire chapter to the fundamental rights and duties of the individual and the citizen. The rights and duties pledged in international and regional human rights instruments, particularly the CRC, are guaranteed and protected as an integral part of the Constitution. Article 30 obliges the State, society and the family to provide special measures to protect the rights of the child. The State is required to take particular measures to provide the care necessary for children's well-being, health and physical security, and to protect children against all forms of torture, abuse, inhuman treatment and exploitation. Article 45 guarantees the rights of children during armed conflict and bans the direct use of children in it. However, it emphasizes that such rights may be restricted if justified on grounds of legality, or for general interest.

2.3 Statistics on violations against children in armed conflict

According to the 2014 report of the Secretary-General, *Children and armed conflict*, violence against children rose to unprecedented levels in 2013. The report observes that abductions of children became more widespread and occasioned further violations such as killing, maiming, recruitment and sexual violence. It reports an upsurge in the targeting of schools by extremist groups in Nigeria and Somalia, coinciding with these groups' opposition to education. The report noted that the abduction tactics used by the Lord's Resistance Army for many years were being adopted by non-State armed groups to terrorize ethnic or

religious groups in other countries in Africa. Children felt the appalling impacts of conflict especially in Central African Republic, Democratic Republic of the Congo, Nigeria and South Sudan.

The Secretary-General's 2015 report noted unprecedented challenges in 2014 to the protection of children growing up in conflict zones around Africa.[37] In Central African Republic as of November 2015, for example, an estimated 1.2 million children were in urgent need of humanitarian assistance nearly three years after conflict erupted in the country.[38]

2.3.1 Category 1: Countries in active conflict

Following is a summary of the situation in the countries in active conflict (see Table 2).

- **South Sudan**: Of South Sudan's estimated 12.7 million people,[39] an estimated three quarters (9.6 million people) are affected by the armed conflict. More than half of those affected (5.1 million) are children.[40] The 'Children, Not Soldiers' campaign has reported that 1,757 children have been released from the Cobra Faction.[41]

- **Central African Republic:** Of Central African Republic's estimated 5 million people,[42] almost half (2.35 million) are affected by the conflict, of whom 1.2 million are children.[43] In 2014 there was a sharp increase in documented cases of killing and maiming, with 146 children killed and 289 injured. The youngest victim was just 3 years old.[44] The UN confirmed 464 cases of child recruitment, 446 by the Antibalaka and 18 by the ex-Seleka.[45] However, these statistics are believed to be vastly underreported due to restricted reporting ability and lack of access. There was continuing concern about rape and sexual violence against children by both groups and the national police. About 3,000 children were rescued by the UN, which worked with the armed groups to identify and separate children.

37 UN General Assembly/Security Council (2015). 'Children and armed conflict'. : Report of the Secretary General. A/69/926–S/2015/409. Online at: http://reliefweb.int/sites/reliefweb.int/files/resources/N1510923.pdf (accessed 2 March 2016)

38 Ibid.

39 Worldometers 'Population by Country (2016)'. Online at: 2Fwww.worldometers.info%2Fworld-population%2Fpopulation-by-country / (accessed 7 March 2016).

40 UNICEF. South Sudan. Online at: unicef.org/appeals/southsudan.html (accessed 7 March 2016).

41 UN Security Council, 'Adopting Resolution 2225 (2015), Adds Parties Abducting Children During Armed Conflict to List Monitoring Grave Human Rights Violators', Meeting Coverage and Press Release. Online at www.un.org/press/en/2015/sc11932.doc.htm.

42 .Worldometers. op. cit.

43 UNICEF. 'Central African Republic'. Online at: unicef.org/appeals/car.html (accessed 7 March 2016).

44 Ibid.

45 United Nations General Assembly and Security Council (2015), op. cit.

- **Libya:** Almost one third of Libya's estimated population of 6.3 million[46] (an estimated 2.4 million people) are affected by the armed conflict. Children make up 1 million of this number.[47]

- **Nigeria:** Of the country's 187 million people,[48] 14.8 million are affected by the armed conflict in the north, of whom 7.3 million are children.[49] UNICEF reported that about 1 million children are directly affected.[50]

  Reports indicate increased use of children by Boko Haram in both support and combat roles, including the use of girls to carry out suicide bombings.[51] In July 2014, four girls carried out suicide bomb attacks in Kano, and in another incident a girl wearing an explosives belt was rescued at a checkpoint in Katsina State.[52] The group has particularly targeted schools, particularly those using a western curriculum. In February 2014, 59 schoolboys were killed in their dormitory, and in November 2014 a suicide bomber disguised as a schoolboy targeted another school, killing 47 and injuring 117. The abduction of 276 girls in Chibok from their school in April 2014 was the largest abduction carried out by Boko Haram.

- **Somalia:** Of the country's estimated 11.1 million people,[53] 4.9 million are affected by conflict, including 2 million children.[54] In 2014 alone, there were 1,870 documented violations against children in Somalia, mostly perpetrated by the Al-Shabaab.[55] Armed groups are reported to have recruited and used 819 children, including 40 girls.[56] Al-Shabaab has targeted schools and mosques in an effort to recruit children, and it executed two children on allegations of spying. There have been 70 reported incidents of rape and sexual violence committed by Al-Shabaab as well as the national army, armed militias

46   Worldometers, op. cit.
47   UNICEF. 'Kenya'. Online at: unicef.org/appeals/kenya.html (accessed 7 March 2016).
48   UNICEF. 'Nigeria'. Online at: unicef.org/appeals/nigeria.html (accessed 7 March 2016).
49   Ibid.
50   UNICEF (2015). 'Nigeria conflict forces more than 1 million children from school'. Online at: www.unicef.org/media/media_86621.html (accessed 6 January 2016).
51   UNICEF 'Beyond Chibok: Over 1.3 million children uprooted by Boko Haram violence'. Online at: www.unicef.org/media/files/Beyond_Chibok.pdf (accessed 20 May 2016)
52   Roggio, B. and Weiss, C. (4 January 2015). 'Female suicide bombers continue to strike in West Africa'. The Long War Journal. Online at www.longwarjournal.org/archives/2015/12/female-suicide-bombers-continue-to-strike-in-west-africa.php (accessed 16 March 2016).
53   Worldometers op. cit
54   UNICEF, 'Somalia'. Online at: unicef.org/appeals/somalia.html (accessed 7 March 2016).
55   UN Security Council, Adopting Resolution 2225 (2015), Adds Parties Abducting Children During Armed Conflict to List Monitoring Grave Human Rights Violators. Meeting Coverage and Press Release, available at www.un.org/press/en/2015/sc11932.doc.htm.
56   Ibid.

and other armed groups.[57] Limited access and reduced capacity to verify reports affects the accuracy of statistics in the country.

- **Burundi**: Of the country's estimated population of 11.6 million,[58] 500,000 people are affected by civil unrest and violence. Half of them are children.[59]

2.3.2 Category 2: Countries in fragile post-conflict situations or a major humanitarian crisis

- **Democratic Republic of the Congo:** Of the country's estimated population of 79.7 million,[60] 7.5 million have been affected by armed conflict, of whom 4.5 million are children.[61]

- **Guinea-Bissau**: The country has an estimated population of 1.9 million.[62] Statistics on those affected by conflict are difficult to obtain, but it can be argued that a majority of children were affected.

- **Kenya:** Of the country's estimated population of 47.3 million,[63] 1.1 million have been affected by conflict, of whom about 473,000 are children.[64]

- **Liberia:** Of the country's estimated 4.6 million people, 43 per cent of the children have been affected by the conflict.

- **Mali:** Of the country's estimated 18.1 million people,[65] about 2.5 million are presently affected by the conflict, of whom 1.4 million are children.[66] Nearly half of the country's people are below the age of 15. Ten per cent of the population lives in the conflict-prone northern part of the country.

- **Sierra Leone:** The country's estimated population is 6.6 million,[67] of which 42 per cent is under age 15. Around 2.6 million children have been affected by the armed conflict.

57 United Nations General Assembly and Security Council (2015), op. cit.
58 Worldometers. op. cit.
59 UNICEF, 'Somalia' op. cit..
60 Worldometers op. cit.
61 UNICEF, 'Democratic Republic of Congo'. Online at: unicef.org/appeals/drc.html (accessed 7 March 2016).
62 Worldometersop. cit.
63 Ibid.
64 UNICEF, 'Kenya' op. cit.
65 . Wordometers op. cit
66 UNICEF, 'Mali', Online at: unicef.org/appeals/mali.html (accessed 7 March 2016).
67   Wordometers op. cit

- **Sudan**: Of its estimated population of 41.1 million, 5.4 million have been affected by the armed conflict,[68] of whom 3.2 million are children.[69]

Table 2. Proportion of children affected by conflict in study countries*

Country	Population	Number of people affected	Percentage of people affected	Number of children affected	Children as a percentage of those affected
Countries in active conflict					
Nigeria	187,000,000	14,800,000	8	7,300,000	49
South Sudan	12,700,000	9,600,000	75	5,100,000	53
Somalia	11,100,000	4,900,000	44	2,000.000	41
CAR	5,000,000	2,350,000	47	1,200,000	51
Libya	6,300,000	2,400,000	38	1,000,000	42
Burundi	11,600,000	500,000	4	250,000	50
Countries emerging from conflict					
Dem. Rep. Congo	79,700,000	7,500,000	9	4,500,000	60
Sudan	41,100,000	5,400,000	13	3,200,000	59
Mali	18,000,000	2,500,000	14	1,425,000	57
Kenya	47,300,000	1,100,000	2	473,000	43
Sierra Leone	6,600,000	--	--	--	--
Liberia	4,600,000	--	--	--	--
Guinea-Bissau	1,900,000	--	--	--	--

* Note that all numbers are estimates. Data on the number/proportion of people affected by conflict in Guinea-Bissau, Liberia and Sierra Leone are unavailable. It is estimated that the majority of children in these countries have been affected by the conflict situations.

Source: Author's compilation

2.4   Status of ACRWC ratification and reporting in study countries

As earlier stated, a State incurs treaty obligations only upon ratification of a particular treaty. State reporting is one of the significant treaty obligations for monitoring and assessment. Reporting is a mechanism to assess whether commitments expressed through ratification are translated into actual practice. Under the ACRWC, States parties are

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68 Ibid.
69 UNICEF, 'Sudan'. Online at: unicef.org/appeals/sudan.html (accessed 7 March 2016).

required to conduct comprehensive and periodic reviews of their national legislations and administrative rules, procedures and practices in relation to children's rights. Under article 43 of ACRWC, States are required to submit initial reports within two years of ratification and periodic reports every three years.[70]

According to guidelines prepared by the Committee of Experts, the reports should provide information on any difficulties affecting fulfillment of the obligations under the ACRWC. The guidelines call on countries to ensure that the reporting process encourages and facilitates national introspection and public scrutiny of government policies and programmes affecting children by the general public, the private sector, NGOs and civil society groups. The reporting process is thus an important tool of implementation. However, a number of countries are behind on their reporting obligations (see Table 3 and Annex 1 for further details).

Table 3. Reporting status of study countries under the ACRWC and CRC

Country	Date of ratification of ACRWC	Reporting status of ACRWC	Date of ratification of CRC	Reporting status of CRC
Burundi	28/06/2004	Not submitted	19/10/1990	Submitted initial report and second periodic report.
Central African Republic	Not ratified	N/A	23/04/1992	Submitted initial report.
Democratic Republic of the Congo	Ratified*		27/09/1990	Submitted initial report and second, third and fourth periodic reports
Guinea-Bissau	19/06/2008	Not submitted	20/08/1990	Submitted initial report and second, third and fourth periodic reports
Kenya	25/07/2000	Submitted initial report in 2007 and periodic report in 2014	30/07/1990	Submitted initial report and second, third and fourth periodic reports
Liberia	01/08/2007	Submitted initial report in 2014	4/06/1993	Submitted initial report and second, third and fourth periodic reports

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70 Initially (i.e. before passage of the ACRWC), the African Charter on Human and Peoples' Rights prescribed in article 62 that each State Party shall undertake to submit every two years, from the date the Charter comes into force for that State, a report on the legislative or other measures taken, with a view to giving effect to the rights and freedoms recognized and guaranteed by the Charter. For example, under article 18, States were required to provide information on the nature of protection of children.

Libya	23/09/2000	Submitted initial report	15/04/1993(a)	Submitted initial report and second periodic report
Mali	03/06/1998	Submitted initial report in 2007	20/09/1990	Submitted initial report and second periodic report
Nigeria	23/07/2001	Submitted initial report in 2006 and periodic report in 2015	19/04/1991	Submitted initial report and second, third and fourth periodic reports
Sierra Leone	13/05/2002	Not submitted	18/06/1990	Submitted initial report and second, third and fourth periodic reports
Somalia	Not ratified	N/A	1/10/2015	Not submitted
South Sudan	Not ratified	N/A	30/04/2015(a)	Not submitted
Sudan	30/07/2005	Submitted initial report in 2010	3/08/1990	Submitted initial report and second periodic report

* Democratic Republic of the Congo has ratified the ACRWC but there is no proof of ratification at the AU.

N/A = not applicable.

Source: Authors' compilation

As indicated in Table 3, 11 of the 13 study countries are parties to the ACRWC, 6 of the 11 have submitted their initial reports on implementation of its provisions and only 2 (Kenya and Nigeria) have submitted at least one periodic report. All 13 study countries are now parties to the CRC and all have submitted their initial reports and at least one periodic report to the Committee on the Rights of the Child.

While three of the study countries (Central African Republic, Somalia and South Sudan) have not ratified the ACRWC, South Sudan has adhered to the CRC and Somalia has ratified it. A State that has not ratified a treaty incurs no obligation to implement it. All three countries are currently experiencing serious conflict, and their failure to ratify the ACRWC may be explained by a desire to avoid its stricter standards, especially concerning the age of a child. The CRC allows room for States Parties to consider a lower minimum age for a child, while the ACRWC does not. In addition, the CRC specifies 15 years as the minimum age for taking part in hostilities. It should be noted that Somalia and South Sudan have one of the highest rates of child recruitment in Africa. This could lead them to choose to delay becoming parties to the ACRWC. In addition, by avoiding reporting a country avoids scrutiny, including the reviews of laws and policies that may directly affect children, including those in conflict situations.

It is evident that States Parties to the ACRWC are either not complying with its obligations or are slow in addressing them in relation to armed conflicts and children. This makes it difficult for the ACERWC to assess States Parties' compliance. It is left with little leverage except to call on States to respect their obligations.

CHAPTER 3

FINDINGS AND ANALYSIS

Chapter 3 : Findings and Analysis

This chapter presents findings from the data collected through the desk review and the field studies in Kenya, Nigeria, Somalia and South Sudan. A different questionnaire was administered in Kenya to elicit information on radicalization, so its findings are presented separately.

A total of 1,246 children were surveyed using the quantitative questionnaire in Nigeria, Somalia and South Sudan (see Table 4). Gender balance was maintained; 51 per cent of the children surveyed were boys and 49 per cent were girls. More than half of the children had both parents, 28 per cent were from single parent families, 8 per cent lived with a guardian and 5 per cent were orphaned.

Table 4. Child interviews

Location of interview	Number	Per cent	Who child lives with	Number	Per cent	Gender and age	Number	Per cent
Refugee camp	57	5%	Both parents	727	58%	Male	630	51%
Camp for internally displaced	878	70%	One parent	355	28%	Female	616	49%
Community	311	25%	Guardian	100	8%	1 0 - 1 3 years	772	62%
			Orphaned	64	5%	1 4 - 1 8 years	474	38%

The impacts of conflict on a child depend on the type of conflict and the impact itself. Yet no single impact should be seen as being of greater or lesser magnitude since invariably all are intertwined — no single impact can be isolated from the others, and it is impossible to predict how a child will be affected by any impact.

Conflict separates children from their families, forces them out of school and makes them vulnerable to sexual and gender-based violence, forced marriage, trafficking and recruitment into armed groups. It leaves them exposed to abuse and other forms of violence and to loss of their identity. It also exposes them to health hazards, food insecurity and poor nutritional status. In some cases, conflicts cause a resurgence of eradicated illnesses. For example, polio was believed to have been eradicated in Democratic Republic of the Congo, but in 2005 it made a frightening reappearance. In Orientale province, the country's largest, more than 700,000 infants did not have access to vaccines from the beginning of 2009 until

April 2010, exposing them to yellow fever, tuberculosis, measles, polio and other illnesses.[71]

Displacement causes upheaval in communities due to the social and economic burden on host communities. Conflicts arise in terms of access to work, food, sanitation and security. This could be seen in the xenophobia that arose in South Africa against refugees in KwaZulu-Natal province in March 2015 following an apparent labour dispute involving South African and foreign workers.

3.1. Impacts of violence on children

3.1.1   Emotional state and well-being

Children encounter horrific scenes and conditions in times of armed conflicts and crisis situations. The children surveyed during this study showed evidence that they were seriously afflicted by such scenes and conditions. More than a third of the children surveyed indicated they were unhappy, and 22 per cent could not place their emotional state at either extreme. When asked to describe how they felt most of the time, an average number indicated they were happy most of the time. The children living with both parents were the happiest.

> *"I am filled with fear each time I think about the conflict. I have been separated from most of my family. I plead with our leaders to bring back peace so that I may go back to my home town. I can only be happy if the insurgency stops and there is security."*
>
> – 9-year-old boy, Maiduguri, Nigeria

> *"The conflict drove us from our land, killing some men. I am here with my grandmother. I don't know the whereabouts of my parents. My senior sister is in town. I was in primary 3. We have recreational facilities here at the camp but not lessons. I feel very bad and I don't talk to anyone about my feelings."*
>
> – 10-year-old girl, Maiduguri, Nigeria

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71 Chaco, E. (2010). 'Democratic Republic of the Congo: Vaccinations: Forewarned Is forearmed but for lack of funds'. Inter Press Service. Online at: www.globalissues.org/news (accessed 10 March 2016).

"When (the insurgents) came, my parents hid themselves in the room but they brought them out and my father was slaughtered. They took us to their camp, my two brothers, my mum and I, but we were spared because the insurgents considered us young. I cannot find my siblings and I only have news about my grandfather who is in Dalore camp. My mother is being held there but there are differing news about her – dead, transferred, alive…. I feel so bad and cry whenever I am alone. I have explained this situation to another researcher. I want to go back to school and become a better citizen in society. The conflict is past and gone; it is behind me, I cannot do anything about the things that happened and the killings and separation of my family; I just want to forge ahead."

— Mohammed, 16, Maiduguri, Nigeria

Children in **Nigeria** were especially found to harbour feelings of anger, and most stated clearly that they were angered by the impact the conflict had on them and their families. Discussions with community members and camp personnel also indicated that the children were highly traumatized by their experience of the conflict.

The desire for revenge among the children was observed. Worse still was the encouragement of revenge by the mothers. This demonstrates the vicious cycle of armed conflict, in which the victims may become violators themselves, making it extremely difficult to stop the conflict. A senior official at the Federal Ministry of Justice (Director of Legal Drafting) implied this during an interview with the researchers. He stated that the most important thing in working with internally displaced people is post-conflict psychosocial support. If children who have witnessed horrible events during a conflict are not provided with psychosocial support, they are potential time bombs themselves in their communities when they return to 'normal' life.

However, some children were found to be positive and aspirational in the face of the hostile conditions in which they found themselves as a result of ongoing conflicts. They expressed hope for a bright future free of violence in which they could achieve their dreams, including returning to school and contributing to nation building. In focus group discussions,

for example, children said they expressed feelings of happiness when there was peace, when they attended school and when they had freedom to play and socialize with other children. "It's not good to see a young baby or a person being killed; we want peace," a boy in a focus group in Somalia said.

The emotional experiences of children during conflict in different countries are similar in many ways. In Libya, where conflict has persisted since 2011, families displaced by violence and living in camps told of their children struggling with nightmares, insomnia and distress. This had been caused by threats of weapons and landmines.[72]

NGOs and UNICEF provide services to assist children in conflict. In Mali, UNICEF documented psychosocial distress among children, especially those who were forced to drop out of from school or were separated from their families.[73] The physical consequences of war often evolve into emotional and psychological trauma. This was observed in Central African Republic, Guinea-Bissau and Liberia, where children suffered from post-traumatic stress disorder.[74]

3.1.2 Health

Art. 14(1) of the ACRWC states that 'Every child shall have the right to enjoy the best attainable state of physical, mental and spiritual health'. Armed conflict worsens people's health status partly because it destroys health infrastructure and disrupts services. In **Nigeria**, reports from the National Emergency Management Agency (NEMA) indicated there were deliberate attacks on infrastructure including hospitals in Borno state. It found there were no health facilities in at least 22 of the country's 25 local government areas (LGAs). A social worker in one of the camps for displaced people said that the insurgents took over hospitals and started administering drugs to their own people, and took away all the medicines. The humanitarian health sector response indicated that there were operations in the states of Yobe, Adamawa and Borno and though there had been outbreak of diseases like measles and polio, they were still able to carry out immunization.

The main challenge in health provision was limits on drugs and supplies as well

72 Tidey, C. (July 2011. 'Libya's other crisis: 2 million children at physical and emotional risk as conflict drags on', UNICEF. Online : at: www.unicef.org/protection/laj_59204.html (accessed 10 February 2016).

73 UNICEF, 'Mali: In the aftermath of conflict, Mali's children remain at risk. Online at: www.unicef.org/infobycoun-try/mali_70110.html (accessed 10 February 2016).

74 War Child. 'The Effects of War on Children'. Online at: https://www.warchild.org.uk/issues/effects-war-children (accessed 10 February 2016).

as infrastructure. The conflict also led medical personnel to flee, reducing the number of personnel just when they were most needed. Humanitarian actors like UNICEF had to recruit doctors.

In **South Sudan**, there were four confirmed attacks on hospitals in 2015 and eight unverified attacks on health care infrastructure.[75] Residents of a village in Bor, Jonglei state, confirmed that attacks on health facilities had taken place. The community health centre was destroyed, forcing residents to travel to the main hospital in Bor town or access care at private facilities, both of which are costly. Discussions with the Ministry of Health confirmed the destruction and looting of health facilities and migration of health personnel, weakening the health system.

Health coverage for women and children was at 44 per cent, according to the Ministry, due to the conflict and lack of funding. The lack of funding limited the Ministry's ability to offer essential services like immunization, increasing reliance on donors. The lack of qualified personnel reduced maintenance of equipment, affecting delivery of immunization services.

The lack of nutritionists affected the ability of the Ministry to provide nutritional services, and undernutrition was found to be above the 15 per cent maximum threshold recommended by the World Health Organization (WHO). No food mapping exercise had been performed, hampering efforts to identify nutritional needs in different parts of the country. Diseases like malaria were increasing, along with child mortality from them, mainly due to limited access to health facilities.

In **Somalia** the World Bank found a staggering maternal mortality rate of 1,400 deaths per 100,000 live births.[76] The 2014 UNICEF report on Somalia's humanitarian situation also identified 203,000 acutely malnourished children under age 5 and 857,000 people living in a humanitarian crisis.[77] The report of the Secretary-General on children and armed conflict in June 2015 noted that four hospitals had been attacked, three by unknown armed groups and one by Al-Shabaab. At least 90 per cent of the country's 72 district hospitals, 24 regional hospitals and 7 referral hospitals had been attacked. Doctors were reported to have been held hostage or killed.

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75 UNICEF South Sudan (2015), 'Protection Trends Paper No 6', Jul-Sep 2015, Final.
76 'Teenage mothers (per cent of women ages 15-19 who have had children or are currently pregnant)'. Online at: http://data.worldbank.org/indicator/SP.MTR.1519.ZS/countries?display=default (accessed 22 January 2016).
77 UNICEF Somalia. 'Somalia Humanitarian Situation Report.' Online at: www.unicef.org/appeals/files/UNICEF_Somalia_July_2014_SitRep.pdf (accessed 10 January 2016).

Health care in **Somalia** is mainly limited to urban centres and is operated by private providers or international organizations. Outside of towns, poor infrastructure and the Al-Shabaab threat have also restricted people's access to medical facilities. Lack of food has increased malnutrition, and infectious diseases such as measles and whooping cough are on the rise.

The Ministry of Health is reporting less than 10 per cent immunization coverage. The Government is contributing only 0.4 per cent of total health expenditure, leaving health care dependent on international aid. Security is the main focus, and every other agenda has been made secondary. Organizations such as UNICEF are working to support delivery of medical care, but worsening security conditions have led to the exit of providers such as *Médecins Sans Frontières* (MSF).

The health care system in **Libya** has been badly damaged and medical professionals attacked and injured in recent years, leaving only a few health facilities functioning.[78] For example, Al Zahra Kidney Hospital near Tripoli was severely damaged and looted during April 2015 clashes. As the conflict continues, access to health services remains a major concern particularly in Benghazi, Zintan, Kikla, Ghat and Aubari. Fighting has restricted the movements of health workers and patients.

In December 2014 it was estimated that 2.5 million people were in need of humanitarian assistance in the country.[79] With hospitals full of trauma patients, there is limited access for other patients, such as pregnant women. Shortages of medicines and medical supplies are widespread, and vaccine stocks are diminishing. The conflict has brought new health needs such as mental health care and psychosocial support, which require expert care.[80]

In **Central African Republic**, the health system has been devastated, with many locations inaccessible due to insecurity. Health facilities have been demolished and medical equipment looted. Health workers have been attacked,

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78 See UNOHCR. 'The Human Rights Situation in Libya'. Online at: www.ohchr.org/Documents/Countries/LY/UNSMIL_OHCHRJointly_report_Libya_16.11.15.pdf (accessed 8 February 2016).
79 Ibid.
80 See WHO statement at: www.who.int/features/2012/libya_health_system/en/ (accessed 8 February 2016).

causing many to flee the country, leaving a huge personnel gap. Security concerns have also hindered the dispatch of essential medicines and equipment to district health centres, leaving thousands of women and children without access to any health services.

In 2014 WHO's assessment of the health care system indicated that over 800 hospitals, clinics and other health facilities needed reconstruction.   In December 2013, WHO categorized the country's health care crisis at Grade 3 – the highest level of humanitarian emergency.[81] By March 2014, armed conflict had displaced half a million people and caused severe injuries to over 7,000 people.[82] The conflict had also hindered immunization and other preventive health programmes and increased malnutrition.[83]

Guinea-Bissau is still in a fragile post-conflict state, with weak institutions. The health system suffers from underfunding, inefficiency and very weak infrastructure, equipment and qualified staff. As a result, children lack access to basic health services in both rural and urban areas. Barriers include the cost of services and long distances to facilities. The 2016 UNICEF Report on the State of the World's Children indicates that in 2015 the infant mortality rate stands 60 per 1,000 live births.

In **Liberia**, social services including the health care system have not recovered from the conflict. More than one third of the population lives on less than $1 a day, and the proportion is higher for children. According to UNICEF, the infant and under-5 mortality rates stand among the highest five in the world. More than 15 per cent of children die before reaching their first birthday.[84] Armed conflict, HIV/AIDS and other diseases have orphaned an estimated 230,000 children.

In **Mali**, the two-year armed conflict, now ended, is still limiting access to health care in the north. Civil servants in the health sector were yet to be redeployed

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81   WHO, 'WHO helps Central African Republic assess damage and restore its health system'. Online at: www.who.int/features/2014/car-health-system/en/ (accessed 8 February 2016).

82   Ibid.

83   Ibid.

84   UNICEF Liberia. 'Issues Facing Children in Liberia'. Online at: www.unicef.org/wcaro/Countries_1754.html (accessed 8 February 2016).

by early 2012,[85] though with support from the ICRC the main regional hospital in Gao was working as of May 2012.[86]

The persistent armed conflict in parts of **Democratic Republic of the Congo**, especially in the eastern provinces, has taken a heavy toll on basic social services. The two decades of conflict and instability have left a dysfunctional health system, resulting in recurrent humanitarian crises and disease outbreaks. According to MSF, there are disease outbreaks every year in the east, including of measles, malaria and cholera.[87]

Despite the steady improvement in the security and political situations after the war in **Sierra Leone,** several challenges remain. According to UNICEF, the improvement in the health delivery system is yet to address morbidity patterns.[88] Malaria, acute respiratory infections, diarrhoea and malnutrition account for the majority of consultations at peripheral health units.[89] In addition, underweight and stunting remain prevalent. The maternal mortality rate of 1,800 per 100,000 live births gives no sign of diminishing.[90]

Short-term impacts

Armed conflict affects all aspects of child development-physical, mental and emotional with some of the short term impacts noted as below.

- Denial of medical services has implications for the immediate health of children, including exposure to life-threatening diseases due to their compromised immune function, lack of immunization, suffering due to pain from disease and untreated injuries, and malnutrition.

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85 Ibid.

86 Ibid.

87 MSF. 'MSF releases report on shocking humanitarian situation in eastern Democratic Republic of Congo'. Online at: www.msf.org/article/msf-releases-report-shocking-humanitarian-situation-eastern-democratic-republic-congo. See MSF (2013), Everyday Emergencies: Silent Suffering in Democratic Republic of Congo http://www.msf.org/sites/msf.org/files/msf-drcreport-hr-en-final.pdf (accessed 12 December 2016)

88 UNICEF Sierra Leone.' UNICEF Activities', Online at: www.unicef.org/wcaro/Countries_1798.html (accessed 8 February 2016).

89 Ibid.

90 Ibid.

- The chances of resurgence of previously eradicated illnesses are increased, as in Democratic Republic of the Congo, where polio was eradicated in 2005 but has reappeared.

- The destruction of water, sanitation and hygiene facilities exposes vulnerable communities to water-borne diseases. For example, between May and October 2015, more than 1,800 cases of cholera were reported in Juba and Bor (South Sudan).

- Increased infant and child mortality due to disruption of health services during conflict situations

Long-term impacts

- Mental health problems emerge and disabilities increase.

- Education access declines thereby hampering later access to work.

- Limited access to immunization increases exposure to life-threatening diseases like polio.[91]

- Disease and malnutrition impair physical and mental health and children's development, thus increasing the risk that children will fail to reach their full cognitive potential.

- Children are exposed to diseases that may expose them to suffering lifetime disabilities.[92] In South Sudan, for example, trachoma (which if untreated can lead to irreversible blindness), was exacerbated by armed conflict.

- Protracted conflicts expose children associated with armed forces and armed groups to a range of physical injuries and disability from landmines and direct attacks.

- Experiencing traumatic events during armed conflict, including

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91 Ibid.
92 United Nations, 'Impact of Armed Conflict on Child Development'. Online at: www.essex.ac.uk/armed-con/story_id/THE_IMPACT_OF_ARMED_CONFLICT_ON_CHILD_DEVELOPMENT.pdf (accessed 25 March 2016).

displacement from family and familiar community surroundings, can harm children's mental health, causing stress, anxiety, nightmares, insomnia, and other post-traumatic stress disorders. These may in turn lead to frustration and abuse of drugs and alcohol.

3.1.3   Food security and nutrition

Article 14(2) provides that parties to the ACRWC shall take measures to ensure the provision of adequate nutrition to all children. Failure to ensure children's right to food has social consequences. Hunger makes children more vulnerable to the worst forms of child labour, including recruitment by armed groups. Poor nutrition causes illness and stunting and leads children to drop out of school for work or because hunger is depriving them of the physical and mental strength needed to learn.

Armed conflicts hamper food security in several ways, including by interrupting food production, infrastructure and transport and raising the cost of food. There is empirical evidence that food insecurity can trigger or aggravate armed conflicts.[93] For instance, food shortages resulting from drought have been identified as a factor in the civil wars in **Somalia**, **South Sudan** and **Sudan**.[94] Both **Liberia** and **Sierra Leone** have experienced civil war in the past decade, increasing food prices and food insecurity.

Social grievances can be exacerbated by scarcity of resources, particularly access to food by children and women.[95] **Libya**, which typically imports 75 per cent to 90 per cent of its food, has experienced food shortages due to conflict that interrupted imports.[96] As the conflict escalated in 2014, food security fell. By December 2014, an assessment indicated severe food shortages were afflicting 79 per cent of displaced populations.

93 Harris, D..K. and Mitchell, M. (2013). 'When Disasters and Conflict Collide: Improving the Links between Disaster Resilience and Conflict Prevention'. London: Overseas Development Institute.

94 Maystadt, J. F. and Ecker, O. (2009). 'Extreme Weather and Civil War: Does Drought Fuel Conflict in Somalia through Livestock Price Shocks?' *American Journal of Agricultural Economics*, vol 96 , p.1157; and Maystadt, J. F., Calderone. M. and You, L. (2014). 'Local Warming and Violent Conflict in North and South Sudan', *Journal of Economic Geography*, vol 1, no.23.

95 Ibid.

96   ACAPS, (5 June 2015). 'Libya Humanitarian Impact of the Conflict. ACAPS Secondary Data Review: Libya'. Online at: http://reliefweb.int/sites/reliefweb.int/files/resources/s-acaps-sdr-libya-humanitarian-impact-of-the-conflict-5-jun-2015.pdf (accessed 9 February 2016)

In **Mali**, the armed conflict in the northeast coupled with the country's arid and semi-arid conditions have often created acute food scarcity. This has also frequently led to deadly clashes between pastoralists and farmers.[97] The 2012 armed conflict, which coincided with a nationwide drought, affected more than 3.5 million people.[98] The combined effect of the drought and the political turmoil led to the displacement of about 300,000 people. Tens of thousands of cows and sheep were killed by the drought. The inactivity of the Government in providing relief for Tuareg pastoralists devastated their livelihoods and left many in extreme poverty and food insecurity. It is no surprise that the ranks of armed rebel groups are swelled by desperate people.[99]

Food shocks can fuel civil conflicts, and civil conflicts can aggravate food insecurity. The former has been shown by evidence from armed conflicts during the 2007/2008 global food crisis, while the latter is demonstrated by the violence in **Central African Republic**, **Democratic Republic of the Congo**, **Guinea-Bissau** and **Sudan**.[100] The World Bank estimates that hundreds of thousands of people, mainly children and women, have been displaced by armed conflicts in **Central African Republic**, **Democratic Republic of the Congo** and **Guinea-Bissau**. This has left many, especially in **Central African Republic** and **Democratic Republic of the Congo**, precariously short of food.[101] The armed conflicts and the resulting mass displacement of people have reduced the amount of food coming from agricultural areas and increased food demand in safer (urban) areas, leading to sharp increases in food prices in local markets.[102]

Furthermore, the looming threat of armed attacks from rival factions in rural parts of **Central African Republic**, **Democratic Republic of the Congo**, northern **Mali** and **Sudan** has disrupted agricultural activities. Some farmers are afraid to

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97   Watts, R. (2012). 'Managing Climate Change and Conflict in Mali, Case Study'. Brighton, UK: Institute of Development Studies.

98   Integrated Regional Information Networks (IRIN), 'Drought Blamed for Food Scarcity,' IRIN, 22 February 2009. Online at: www.irinnews.org/report/83069/syria-drought-blamed-for-food-scarcity (accessed 16 February 2016).

99   Ibid.

100   World Bank (2011). Conflict, Security, and Development, World Development Report, Washington D.C.

101   Ibid.

102   Famine Early Warning System Network (FEWS NET) (2014). 'Conflict Related Food Insecurity Continues in the Northeast, April 2014 to September 2014', FEWS NET Nigeria Food Security Outlook.

plant crops while others have abandoned their land in the course of fleeing the violence. Those who choose to continue farming have to cope with a shortage of farm labour and greatly reduced access to fertilizer, seeds and fuel. Market activity has also declined in conflict-affected areas. Trade is down due to the increase in road checkpoints, curfews, restricted vehicle access in certain areas, high fuel prices and traders' fearfulness about going to markets.[103] All of this has raised food prices beyond the ability of many to pay, increasing hunger.

Interviews with both state and non-state actors in **Nigeria** revealed how the conflict was reducing access to food. Little farming was taking place due to population displacement, with impacts on both the quantity of food and its nutritional content. Concerns were being raised that the food offered was low in calorie density, and that there was high dependence on the host community for food. Camp personnel also noted that the food given to children was lacking certain nutrients. Humanitarian response was short of the need as reported by the sector leads.

Discussions with humanitarian actors in Borno state revealed that more than 20 of the 25 LGAs could not be accessed due to insecurity. According to them, by August 2015 humanitarian support had been provided to only 600,000 of the 3.5 million children, breastfeeding mothers and pregnant women in dire need. They also estimated that only 8 per cent of the internally displaced people were in camps. This meant that humanitarian responses targeting the camps left out a significant proportion of the people in need, a majority of them children. Humanitarian response was also limited by lack of funding, personnel and data due to the inaccessibility of the areas affected.

Another weakness was the reliance on donor assistance rather than the Government for child feeding, which limited access by communities in need. Information from interviewees in Nigeria indicated that an estimated 80,000 children were severely malnourished in the north-eastern states.

Food insecurity was also high in **Somalia,** attributed to both poor rains and increased insecurity.

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103   World Bank (2011). op. cit.

"The fighting has affected us because we used to get fresh milk and meals. We used to eat fresh fruits; we miss all that."

— Girls in a focus group in Somalia

The United Nations reported that an estimated 1.7 million people both inside Somalia and across the border have fled areas affected by famine and drought in search of food and assistance. Many are thought to be school-age children.[104] Also, farmers' desire to avoid extortion by the Al-Shabaab militia and to avoid attracting its attention had led some to avoid planting. Pregnant mothers are also affected due to lack of food and health facilities.

Children in all the study countries were asked to recall the number of meals they ate daily before and during the emergency and currently (see Table 5).

Table 5. Number of daily meals per child, aggregated – Nigeria, Somalia and South Sudan

	Before the conflict Per cent Base=1.246	During the conflict Per cent Base=1,246	At the time of the survey Per cent Base=1,246
Less than 1 meal (no meal)	3%	30%	3%
1 meal	9%	45%	16%
2 meals	34%	17%	54%
3 meals	48%	6%	26%
More than 3 meals	6%	0%	0%
Don't know / can't tell / can't remember	0%	1%	0%

* Aggregated responses

As Table 5 shows, almost half of the children surveyed in Nigeria, Somalia and South Sudan were able to eat three meals a day before the conflict, and more than a third had at least two meals. This scenario changed drastically during the emergency, with 30 per cent of the children stating they sometimes went without a meal for an entire day, while 45 per cent had only one meal. Only 6 per cent of the children were able to eat three meals in a day. At the time of the survey, 26

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104   Provost, C. 'Schools Can Play a Big Role in Tackling Somalia's Crisis, Say Aid Groups'. *The Guardian.* Online at: www.theguardian.com/global-development/2011/aug/25/schools-big-role-somalia-crisis (accessed 25 November 2015).

per cent of the children reported having three meals a day, an indication that humanitarian efforts had increased their access to food within their camp and community settings.

"We used to have a lot of food before coming to the camp. We used to plant maize and so could access food."

— Boys in a focus group discussion, Baidoa, Somalia

Table 6. Number of daily meals per child, by country – Nigeria, Somalia and South Sudan

Number of meals per day	Before the emergency Base=1,246 (Per cent)			During the emergency Base =1,246 (Per cent)			At the time of the survey Base=1,246 (Per cent)		
	Nigeria Base= 397	Somalia Base= 418	South Sudan Base= 431	Nigeria Base= 397	Somalia Base= 418	South Sudan Base= 431	Nigeria Base= 397	Somalia Base= 418	South Sudan Base= 431
Less than 1 meal	0	5	3	25	20	44	1	1	7
1 meal	1	10	13	36	55	44	13	7	28
2 meals	18	39	44	21	20	11	63	47	53
3 meals	66	44	35	15	3	1	23	44	11
More than 3 meals	15	0	5	1	0	0	0	0	1
Don't know/can't remember	0	1	0	2	2	0	0	1	0

Table 6 presents the individual country scenarios with regard to children's access to food. In **Nigeria**, at least 25 per cent of the children surveyed were going without any meals in a day during the emergency. **Somalia's** situation was only slightly better, with 20 per cent of children unable to access any meals during the emergency. It seemed that humanitarian responses within the camps and communities had improved the situation, as the proportion of children accessing three meals a day was the same both before the emergency and at the time of the survey, at 44 per cent.

"I eat twice a day and the quality of food is not good. The quality of food I used to eat before at home was good."

— 10-year-old girl, Maiduguri, Nigeria

The situation in South Sudan is dire, with 44 per cent of children stating they would go without any meals in a day during the conflict. It was also the only country where the situation before the conflict was not much better, with only 35 per cent of the children eating at least three meals a day during that time. Of concern also was that the proportion of children accessing three meals in a day decreased from 35 per cent before the emergency to 11 per cent at the time of the survey, indicating a great impact on livelihoods and the humanitarian response system.

Short-term impacts

The short-term impact of lack of adequate food is in terms of both quantity and quality (nutritional content)

- Poor feeding and health contributes to poor chances for life due to early mortality.

- General body weakness and weakened immune system as a result of poor feeding increases children's vulnerability to diseases, including infectious diseases like measles and whooping cough.

- Malnourished lactating mothers experience reduced milk production, compromising the health and survival of their breastfeeding babies and increasing the risk of infant mortality.

Long-term impacts

- Low weight and stunted growth can be observed in populations. Stunting may affect brain development and compromise intellectual faculties, which in turn compromise school performance and eventually life chances.

- There is increased mortality due to a weakened immune system and thus poor life chances. The average underfive mortality rate in conflict affected countries is 81 per 1,000 live births, compared to a world

average of 72 deaths per 1,000 live births (UNICEF April 2009).[105]

- A malnourished child who survives to adulthood and who suffers from inadequate development may have poor education outcomes and a diminished capacity for work.

3.1.4   Education

Article 11(1) of the ACRWC states that "Every child shall have the right to education". The national governments' obligations to fulfil this right continue during times of conflict or crisis situations. The survey also sought to determine the impact of conflict on children's education. In **Nigeria,** education was directly affected by attacks and destruction of schools. Education authorities reported that at least 194 teachers were killed and at least 338 schools were destroyed between 2012 and 2014.[106] In Borno state alone, NEMA reported that at least 50 per cent to 60 per cent of the schools were destroyed. At the onset the insurgents focused on destruction of schools, as they wanted to eliminate western-style education. Occupation of schools by displaced people also affected the provision of education in Nigeria.

"We used to go to school before but Boko Haram burned down our schools and most of the houses in the village. They also burned our school uniforms and materials and all our belongings."

— Girls in focus group, Nigeria

"The war started and we ran into the mountains without water and food for a week, then we came here. They shot many boys in my presence but I managed to escape. Those who were unlucky were slaughtered and those who resisted orders to follow (the

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105   UNICEF (April 2009). 'Machel Study 10-Year Strategic Review: Children and conflict in a changing world.'

106   UN Office of the Special Representative of the Secretary-General for Children and Armed Conflict. 'Nigeria'. Online at: https://childrenandarmedconflict.un.org/countries/nigeria/ (accessed 22 January 2016).

insurgents) were slaughtered. They abducted 13 girls and 10 boys of about 15 and 16 years and we have not heard about them. I was in primary 4 and I feel very bad about the conflict and my present situation. Government should deploy soldiers in our village so that we can go back."

— David, age 13, Maiduguri, Nigeria

Nigeria was noted to have at least 10.5 million[107] children out of school, more in the northern states, and a female-to-male ratio of 60:40. This was worsened by population displacement to cities as a result of the conflict. This created overcrowding, increasing the demand at a time when education had a low priority. The schools are thus inadequate for the children, lacking sufficient teachers and other resources. It was reported that more than 200 schools were closed in Borno state, and services were also interrupted in those that were not closed. There were no recent data as no proper assessment had been carried out, according to stakeholders interviewed.

The United Nations reported that more than 1 million children had been forced out of school and 600 teachers killed as a result of the Boko Haram insurgency as of December 2015.[108] A safe school initiative was being implemented by the federal Government of Nigeria in partnership with the state government. It was reported that at least 45,000 displaced children in Gombe, Adamawa and Yobe were attending schools in different forms. Shifts were established, with children from the host community attending school in the morning and the displaced children in the afternoon. Temporary structures such as tent classrooms were set up to create additional learning spaces. The Government was also starting a teacher training and registration initiative. It was reported that the President had formed a committee to oversee the rehabilitation of schools.

In **South Sudan**, children have been victims during attacks on schools. In

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107   UNICEF. '10.5 M Children Out of School in Nigeria', VanGuard. Online at: www.vanguardngr.com/2015/08/10-5m-children-out-of-school-in-nigeria-unicef-2/ (accessed 27 May 2016.

108   Goldberg, E. 'Over 1 Million Children Out Of School Due To Boko Haram Attacks,' The Huffington Post. Online at: www.huffingtonpost.com/entry/over-1-million-children-out-of-school-due-to-boko-haram-attacks_us_56797c5ee4b06fa6887ebf3f. (accessed 22 January 2016).

2015, there were 24 verified incidents of attacks on schools and at least 7,704 child victims, 3,984 boys and 3,720 girls.[109] Half a million children were also reported to have fled their homes since the outbreak of violence in December 2013, and most had stopped going to school. As displaced people flooded into safer areas, schools were turned into shelters, forcing children out of school.[110] In Leer county of Unity state alone, at least 91 schools had been occupied by armed groups or used as shelters by displaced people.[111]

United Nations humanitarian organizations were running emergency education programmes including life, psychosocial, literacy and numeracy skills even as the conflict continued.[112] It should be noted that the hardest hit areas of the conflict were also the ones with the greatest educational needs, and the ones where education cluster partners struggled to access the population. In a civilian protection site in Bentiu (Unity state), where up to 25,000 children reside, less than 4,000 were reported to have been able to access education in emergency services provided by NGOs, including Plan International.[113]

The field visit also confirmed attacks on schools from community members in one village in Bor, Jonglei state. According to community members, the school was burned and everything in it destroyed. All the teachers had fled. This was a communal school, and since the community members' livelihoods were also destroyed, they had no capacity to rebuild it. Discussions with UNICEF in Jonglei also confirmed that at least 91 schools had been closed as a result of the conflict in at least five of the state's counties.

Data from the other three counties were not available due to challenges in access. UNICEF reported that at least 24 schools were occupied (4 by the military and 20 by displaced people). Destruction of school materials was reported, including the burning of at least 12 containers of books in Upper Nile.

109   Brown, G. (2013). 'Accelerating Progress to 2015 South Sudan', Report to the UN Special Envoy for Global Education, Working Paper. Online at: http://educationenvoy.org/wp-content/uploads/2013/07/SOUTH-SUDAN-UNSE-FINAL.pdf. (accessed 6 January 2016).
110   OCHA. 'South Sudan: An education system in crisis.' Online at: www.unocha.org/top-stories/all-stories/south-sudan-education-system-crisis (accessed 6 January 2016).
111   Ibid.
112   Ibid, p. 146.
113   Ibid, p. 148.

The conflict had also resulted in mass abductions and recruitment of children and teachers. The study found that educational needs were high in opposition areas as government services were not available.

> *"There are no good schools [in Jonglei]. I've come here to learn, and now it's good."[114]*
>
> — Daniel, 10, who had travelled to Yei with his 16-year-old sister in search of a better education

Michael, South Sudan: "I want to learn"

Michael, 17, was brought up by his mother after his father was killed during the war. "The army burned our house with everything in it," he said. "We sought refuge in Uganda where we stayed for four months. When we came back, life was miserable because we did not have anything and we had to start afresh.

"I was attending a government school before the crisis but our school was abandoned because all the teachers left. After we came back my mum enrolled me in this [NGO sponsored] school. The main problem I have right now is lack of school materials, lack of school fees. I am also afraid that after class 8 I may not be able to proceed to high school as I am above age and I may be forced to marry. But I want to learn."

In **Somalia**, ongoing conflict and societal fragility have had a catastrophic effect on education. The nation's school enrolment rate is extremely low, around 42 per cent, and only one third of students are girls. One interviewee said that some children are not aware of their vulnerability to ideological teachings.

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114   IRIN news analysis. 'South Sudan Struggles to Meet Demand for Education,' online at: www. irinnews.org/report/96237/analysis-south-sudan-struggles-to-meet-demand-for-education. (accessed 15 January 2016).

"We found out that children don't know what school is. Al-Shabaab takes advantage of such children and recruits them, and children here are proud to be with Al-Shabaab. They say they are being taught sophisticated things like how to use a gun and shoot swiftly."

— Interview with official from the UN Office for the Coordination of Humanitarian Affairs

Some children living in the displaced persons camps also lacked education as no schools were set up in the camps. Field visits confirmed mainly private schools were operating, while a few of the affordable public ones were sponsored by NGOs. This meant that a majority of the children had to walk long distances to school, exposing themselves to danger. Schools had also been attacked. In June 2015 the United Nations reported that 17 schools were attacked by Al-Shabaab, 8 by the national army, 6 by allied militia and 3 by unknown armed elements.[115] In Baidoa, three schools were reported to be occupied by the military, police and clan elders and were also used for non-school events such as state formation meetings. Community members could divert schools for other purposes, making government intervention urgent.

"Fighting is not good and we don't want to see it. When there is peace we can play and move around freely. Everyone is responsible for peace. Government should help to restore peace so that we get education and health."

—Focus group discussion with boys, Somalia

With the federal Government in place, efforts were being made to revive Somalia's education system, which by law is free for all. In 2013 the Government launched the 'Go 2 School' campaign, with a target of enrolling 1 million children

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115   UN Office of the Special Representative of the Secretary-General for Children and Armed Conflict, 'Somalia'. Online at: https://childrenandarmedconflict.un.org/countries/somalia/ (accessed 25 November 2015).

by 2015. After decades of educational stagnation, in 2014 nearly 90,000 children were enrolled in formal primary education. Yet education faces many challenges in Somalia, including a low teacher-to-student ratio, lack of resources, weak government institutions and continued insecurity.

Discussions with the Ministry of Education revealed that in 2014, only 4,000 of the 11,000 students registered for the secondary school examinations were able to sit for them. This was attributed to the effects of the conflict. Discussions with various stakeholders revealed that when Al-Shabaab insurgents occupied an area, they would establish schools teaching their own curriculum of indoctrination. Though this system tended to collapse when they left, the children were left confused by the ideas promoted by Al-Shabaab. Also of concern is that some government teachers were teaching the Al-Shabaab curriculum, such as in Baidoa, as acknowledged by the Ministry of Education.

In **Guinea-Bissau**, the education system is very weak, like most social services in the country. More than 45 per cent of school-age children do not have access to school. This is attributed to lack of infrastructure and the limited number of qualified and motivated teachers. According to UNICEF, only 28 per cent of children of primary school age (7-12) are enrolled in the schools. Only 12 per cent of girls were completing the primary cycle, compared to 18 per cent of boys, due to girls' responsibilities for housework and farming.

In **Liberia**, half a million children do not attend school, and two thirds of students are being taught by unqualified teachers.[116] Girls' enrolment rates lag far behind those for boys.

For **Sierra Leone**, which is on a steady path to recovery, education is one of the Government's highest priorities. The country's Education and Youth Development programme seeks to increase primary school enrolment and reduce the gender gap. Following post-conflict rehabilitation, about 50 per cent of primary schools are now functioning, though many are in poor condition. UNICEF is supporting the Government by providing temporary shelters, school benches, learning materials and teacher training.

In late 2015, UNICEF revealed that around 40 percent of children in **Libya**

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116   Ibid.

were being denied their right to education due to ongoing war and violence.[117] Much of the school infrastructure had been destroyed and parts of it were used to shelter people from violence. This directly threatens the country's future, as education is needed to rebuild communities and the economy and to address the issues causing conflict. In eastern provinces of the **Democratic Republic of the Congo**, children's right to education has been compromised by destruction and looting of many schools during the conflicts.[118] Rehabilitation of schools needs to be a priority since education is central to preventing recurrence of violence.

About 800,000 children are reported to have been affected by the crisis that broke out in **Mali** in 2012. In March 2013, 130 government schools were attacked, looted and destroyed by armed forces.[119] Schools in Gao and Kidal closed for three years, reopening only in 2015. Some planned reopening were cancelled due to anti-government protests and demands by the main teachers' union for military protection for its members.

The coup d'état in March 2013 exacerbated the situation of already fragile education system in **Central African Republic**. Schools closed throughout the country; teachers and students fled; some schools were looted; and others were occupied by displaced people or armed groups. An August 2013 evaluation of the impact of the crisis on education revealed that many schools had been closed for about six months. Seven out of 10 primary school students in the country had stopped going to classes due to fear of violence.[120]

Short-term impacts

- Disruption of the school cycle results in poor quality of education due to increased teacher absenteeism

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117   Atack, P. (January 2016) '24 million children without education due to conflict' The New Arab. Online at: http://www.alaraby.co.uk/english/indepth/2016/1/15/24-million-children-without-education-due-to-conflict (accessed 8 February 2016)

118   Tremblay, S. (25 November 2015) 'In DRC, Opportunities to Better Protect Children Affected by Conflict'. Online at: https://childrenandarmedconflict.un.org/press-release/in-drc-opportunities-to-better-protect-children/ (accessed 10 February 2016)

119   Sorrentino E. 'Impact of the conflict on children's education in Mali', Education in Emergency Specialist Plan Ireland. Online at: www.dsaireland.org/download/pdf/educationconflict_mali.pdf (accessed 8 February 2016).

120   UNICEF, 'Central African Republic: Violence Threatens 2.3 Million Children', Online at: www.unicefusa.org/mission/emergencies/child-refugees/central-african-republic (accessed 8 February 2016).

- Children are over age, leading to higher dropout rates.[121]

- Refugee or internally displaced children face problems pursuing education as the curricula may not be the same, and they may lack the appropriate documentation or language skills to participate/cope in new schools.

Long-term impacts

- Generations of children missing education leads to a highly illiterate population with poor employment and work skills. The upshot is huge numbers of children with poor life chances due to reduction of gainful employment opportunities, leaving them vulnerable to poverty and radicalization.

- School dropout increases the chances of child labour, association with armed forces and groups, and early/forced marriages.

- Loss of completion certificates and other educational/legal documents as a result of fleeing from conflict zones may preclude children's continuation in school at the appropriate grade or level, or shut out opportunities to improve their lives such as employment opportunities as a result of lack of proof of age or qualification.

3.1.5   Separation from families and caregivers

Article 25(2)(b) of the ACRWC provides that "State Parties to the present Charter shall take all necessary measures to trace and reunite children with parents or relatives where separation is caused by internal and external displacement arising from armed conflicts or natural disasters". Separation of children from families and caregivers is an obvious impact of conflict and crises situations. This is particularly grave because it opens the leeway to various violations of children's rights including recruitment in armed groups, economic exploitation, sexual abuse and early/forced marriages and trafficking for these purposes.

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121   UNESCO. 'The Hidden Crisis: Armed Conflict and Education'. Online at: www.uis.unesco.org/ Library/Documents/QuantImp.pdf (accessed 25 March 2016).

The conflict in Nigeria led to a massive displacement of children. A displacement tracking matrix (DTM) assessment carried out in February 2015 in 33 displacement sites in Borno and Adamawa states in northeast Nigeria found that of the 148,484 residents in the sites, 50 per cent were children and 1.6 per cent were unaccompanied and separated children.[122]

"There are many children who were separated from their parents. Many do not know where their parents are; some parents were killed and some were missing."

—Personnel of camp for displaced people, Borno state, Nigeria

Amina, Boro state, Nigeria: "We can rebuild our lives"

Amina, 18, has seen many disturbing things. "*I saw Boko Haram kill many people,*" she says. "*They shot my brother and abducted my grandfather and younger brother. I don't know where they are even today. They killed my father too but my mother is here with me in the camp. My mother was hurt on the shoulder by a flying bullet. She was taken to the hospital.*"

"*I am angry because of how they took my grandfather and brother and killed my father and brother. I would like to tell the leaders that we want to go back to the village because we can rebuild our lives.*"

Humanitarian actors felt they could reach 2,000 children, indicating a huge gap in response. Sexual violence against women and young mothers was also of concern, and questions were raised on the perception of these children by society, and its reception of them. Of concern also were women and children who were allied or associated with the militants and abandonment of children who had been born in this context.

The survey sought to determine the incidence of separation of children from family and its impact on them. Camp personnel confirmed that there were separations, and NEMA noted at least 2,000 separated children in one camp in Borno state.

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122   International Organisation for Migration (IOM), 'Displacement Tracking Matrix: Round II Report-February, 2015'. Online at: https://nigeria.iom.int/sites/default/files/dtm/IOM%20DTM%20Nigeria%20II%20Round%20Report_Feb_2015.pdf/ (accessed 27 May 2016).

In **South Sudan**, there are over 10,000 registered separated children.[123] Separation has an enormous impact on children, especially when they are forced to move to a new environment. Language barriers are especially traumatizing since the child initially cannot communicate and must learn a new language and culture. There was some effort by humanitarian actors to place children with adults from the same community.

In **Somalia**, the widespread violence, insecurity and displacement caused by two decades of conflict has created perilous conditions for women and girls, particularly those from displaced communities. Somalia has the seventh-largest internally displaced population in the world,[124] an estimated 1.4 million people. This includes 370,000 in Mogadishu and its outskirts, 500,000 or more in other parts of southern and central Somalia, about 130,000 in Puntland and 40,000 to 80,000 in Somaliland. The number continues to grow due to daily fighting between armed militant groups and the transitional government.[125]

In November 2013, there were more than 1 million Somali refugees, mainly in the east and the Horn of Africa. A new military offensive, begun in July 2015, has hampered the voluntary return of displaced people and of refugees from Kenya. It has also triggered the displacement of more than 40,000 people. Children in Somalia are particularly vulnerable in the armed conflict. They continue to be killed, including in recent air strikes in the south. Many have lost parents, caregivers and homes to the fighting.

Interviews with children during the field visits indicated that 46 per cent of them (573 out of the 1,246 interviewed) had been separated from their family during the conflicts in their countries. The incidence of separation was higher in Somalia (52 per cent of 418 interviewed) followed by Nigeria (50 per cent of 397 interviewed) and South Sudan (38 per cent of 431 interviewed). Separation from family resulted from population displacement in all countries. There were

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123   Veitch, J. 'The separated children of South Sudan'. Online at: http://news.news.trust.org/item/20151126170941-uty07/ (accessed 22 November 2015).

124   Drumtra, J. (2014). 'Internal Displacement in Somalia', Washington: Brookings Institution. Online at: http://www.brookings.edu/~/media/research/files/papers/2014/12/29-idp-humanitarian-reform-reports/brookings-idp-study-somalia-december-2014.pdf (accessed 20 June 2015)

125   United to End Genocide. 'Somalia - United to End Genocide'. Online at: http://endgenocide.org/conflict-areas/somalia/ (accessed 23 November 2015).

also cases of abduction and abandonment. The problem was worst in Nigeria; at least 37 children stated they had been abducted. Somalia recorded the highest number of abandonments, with 22 children claiming they were abandoned.

"The militia opened fire in our village and there was so much confusion with people running all over and screaming. I almost lost my mother in the confusion and my brother was also displaced at the same time."

— Suleiman, age 9

The study revealed that most of the children were separated from their families for more than a month (52 per cent in South Sudan, 50 per cent in Nigeria and 32 per cent in Somalia). Children stated that the separation had a big impact on their access to education, health care and food. The greatest impact on education access was felt in Nigeria, at 61 per cent, followed by South Sudan, at 54 per cent.

Children were also asked to what extent they felt separation had affected their health. The largest impact on health as a result of separation as stated by the children was also in Nigeria, at 55 per cent, followed by South Sudan (48 per cent) and Somalia (45 per cent). Children who had been separated from their families in Somalia felt they had experienced the greatest impact (72 per cent) followed by South Sudan (65 per cent) and Nigeria (63 per cent). In view of this level of impact from the perception of children, it is imperative to establish efficient family reunification systems as early as possible to reduce the length of separation. The study found that only 26 per cent of these children were aware of the resources available to help them. This indicates the need for tools to raise awareness of these resources among children.

An estimated 508,000 people remained internally displaced in Central African Republic in August 2014, according to the United Nations High Commissioner for Refugees (UNHCR). There were reported cases of unaccompanied children who did not know the names of their parents or other relatives. The children continue to suffer the trauma of family disintegration while

living in camps.[126] In **Guinea-Bissau**, conflict also led to involuntary separation of children from their families, which contravenes article 9 of the CRC.

In **Liberia** the ICRC recorded about 600 children separated from their families in refugee camps and host communities in Maryland, River Gee, Nimba and Grand Gedeh counties. UNICEF has been supporting implementation of the country's Children's Law (enacted in 2012) by establishing a National Child Well-being Council to spearhead and monitor progress. Policies and systems are being developed to ensure protection and prevent violations of children's rights. They are also aimed at developing a more responsive child justice component.

In **Sierra Leone**, children who had been registered as separated within the disarmament, demobilization and reintegration programme have since been reunited with their families. **Libya** has an estimated 435,000 internally displaced people, including 174,000 children.

A majority of the 200,000 people displaced in 2013 in **Mali** were children. Separated from their families by armed conflict, they are at risk of being recruited into armed groups.[127]

Short-term impacts

- Anxiety results from separation or displacement from family and familiar community surroundings and thus lack of parental care and community support.

- Vulnerability to infectious diseases and malnutrition increases due to diminished access to clean water, adequate food and shelter and a lack of access to basic health care services.

- Children are vulnerable to abduction, trafficking for other forms of

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126   International Federation of the Red Cross and Red Crescent Societies (January 2016), 'Central African Republic: the struggle to find missing family amid increased insecurity'. Online at: www.ifrc.org/en/news-and-media/news-stories/africa/central-african-republic/central-african-republic-the-struggle-to-find-missing-family-amid-increased-insecurity1-71847/ (accessed 16 February 2016).
127   SOS Children's Villages Canada. 'Children and Families in Mali are in Trouble'. Online at: http://www.soschildrensvillages.ca/children-and-families-mali-are-trouble#sthash.vjEY5hZF.dpuf (accessed 9 February, 2016)

violations (sex slavery and other forms of sexual abuse, child/forced marriage and forced child labour) and recruitment into armed groups

Long-term impacts

- People lose their sense of identity when they are forced to live as refugees for most of their lives.

- The risk of child labour and child-headed households increases where tracing and reunification are not successful and children are forced to take on parental responsibilities. Elder children may drop out of school to take care of younger siblings.

3.1.6   Sexual and gender-based violence

Article 27(1) of the ACRWC provides that "State Parties to the present Charter shall undertake to protect the child from all forms of sexual exploitation and sexual abuse and shall in particular take measures to prevent the inducement, coercion or encouragement of a child to engage in any sexual activity; the use of children in prostitution or other sexual practices; the use of children in pornographic activities, performances and materials." Sexual violence against children, particularly girls, is widespread in conflict situations, and insecurity in camps for refugees and displaced people is rampant. Some areas are more prone to this abuse of child rights than others.

Sexual violence is widespread in **South Sudan**, exacerbated by impunity and a militarized society with pronounced gender inequality. Forced disarmament, the circulation of illegal arms, mass displacement, cattle raiding, inter-community violence and food insecurity have increased the vulnerability of women and girls to sexual violence. However, this violence is trivialized by law enforcement officials and the community, and survivors are often forced to marry perpetrators as a 'remedy'. Moreover, medical, legal and psychosocial services are available only in limited areas, and some such facilities are deliberately targeted during military attacks. This is particularly the case in Jonglei, Unity and Upper Nile states.[128]

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128   United Nations Security Council. 'Conflict-related sexual violence'. Online at: www.security-councilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2015_203.pdf. (accessed

Sexual violence in South Sudan is often driven by ethnic or political motivations, but in the camps it has been largely a result of traditional cultural notions about marriage. Sudanese patriarchal norms prevail in camps, and women were often forced to adhere to practices set by male elders at home. In addition to early or forced marriage, some women were abducted from the camps and forcibly 'remarried' in South Sudan if a higher dowry could be obtained. Women and girls in Kakuma camp who attempted to leave abusive marriages were routinely held in the Sudanese-administered camp prisons. Their well-founded fears led some women to resort to survival mechanisms such as taking new 'husbands' to protect them in the camps.[129] Amnesty International and Human Rights Watch continued to report instances of rape carried out by fighters in the Sudan People's Liberation Army (SPLA). In some cases rapes were part of a broad retaliatory policy against communities.[130]

In **Sudan**, sexual and gender-based violence is perpetrated by both regular forces and militias. In 2013, at least 62 girls were raped in 40 incidents, including at least one as young as 6 years old, allegedly at the hands of a police officer. Most cases were perpetrated by unknown armed elements, some of whom were wearing military uniforms. Sexual violence remains underreported due to fear of stigma, reprisals by perpetrators and acceptance of out-of-court settlements.

Rape in **Somalia** has become so rampant that it is tragically referred to as 'normal'. Among those named as perpetrators have been Al-Shabaab and national forces. Insecurity in the camps raises the risk, as does the need to walk long distances in search of water and fuel. The UN Office for the Coordination of Humanitarian Affairs (OCHA) reported 800 rape cases in the first half of 2013, with children at least one third of the victims.[131] Intersoss, an organization working to stop gender-based violence, reported receiving about 23 rape cases a month, 4 to

8 January 2016).

129   Peter, K. (2013). 'Women and Comprehensive Peace Agreement: The Case of Southern Sudan, 2005-2012.' University of Nairobi.

130   Ibid.

131   Muscati, S. (2013). ' "Here, Rape is Normal": A Five-Point Plan to Curtail Sexual Violence in Somalia'. Online at: https://www.hrw.org/report/2014/02/13/here-rape-normal/five-point-plan-curtail-sexual-violence-somalia (accessed 20 February 2016)

5 of them children. This number is probably low since many cases go unreported due to lack of confidence in the justice system, stigma and lack of awareness on where to report.

The culture of impunity and the patriarchal nature of the police force make it even more complicated for victims to turn to the police for protection or prosecution of perpetrators. In one case a girl who reported rape against a peacekeeper was jailed together with the journalist she reported it to. Women and girls in Somalia suffer from 'double victimization', first from the sexual assault and then from the failure of the authorities to provide protection. Victims receive neither effective justice nor medical or social support.[132] Sexual violence ought to be prosecuted under the Penal Code, which criminalizes rape, but it is considered a crime against public morals rather than against the person.

In **Nigeria** gender-based violence and child marriages in camps for displaced people were confirmed by both State and non-State actors. One of the NGOs interviewed reported rape cases involving girls as young as 3 years. The perpetrator was allegedly released after handing out bribes.

In some cases, parents have been forced to marry off their young daughters to prevent them from a forced married with insurgents, according to an NGO representative. Specifically, a Boko Haram militant wanted to marry a 13-year-old girl, prompting the father to look for another suitor. Others reported that some mothers pushed their children to engage in sexual activities to contribute to the family income.

Rape and other forms of sexual violence have plagued eastern **Democratic Republic of the Congo** for almost two decades. According to Human Rights Watch, girls as young as 2 years old and women have been abducted and then raped; so too have some men and boys. There were some reported cases of mutilation of body parts such as breasts.[133] Peacekeepers were alleged to be

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132   'Rape in Somalia: Women and victimisation'. *Global Education Magazine.* Online at: www.globaleducationmagazine.com/rape-somalia-women-double-victimisation/ (accessed 25 November 2015).
133   See Human Rights Watch (June 2014). 'Democratic Republic of Congo: Ending impunity for sexual violence'. Online at: www.hrw.org/news/2014/06/10/democratic-republic-congo-ending-impunity-sexual-violence (accessed 16 February 2016).

bartering with young girls for sex in exchange for food or small amounts of money.[134] UN peacekeepers have also been investigated for sexual activities involving children.[135]

In **Central African Republic**, rape and other forms of sexual violence against children continue to be of great concern. The Secretary-General's report documented cases of rape involving over 400 children between the ages of 7 and 17, most by militia groups but also by police officers.[136]

Sexual violence remains largely underreported, and little action is taken against perpetrators when it is reported. MINUSCA has been investigating cases of sexual violence by elements of Operation Sangaris in and around the M'Poko camp for displaced persons in Bangui between December 2013 and May 2014. In March 2015, the United Nations announced 108 new alleged cases of sexual abuse of children by peacekeepers in Central African Republic. AIDS Free World said on 30 March that 98 girls reported sexual assaults between 2013 and 2015 by perpetrators who had already left the country.

In **Libya**, sexual violence against children resulted from their forced recruitment as fighters and cooks and for sexual exploitation as 'wives'. A majority of the girls involved were sexually abused by men on both sides of the conflict. Children reported unspeakable sexual crimes committed by both National Transitional Council (NTC) and government forces.[137] In northern **Mali,** sexual crimes were committed on young girls and women during a major assault by pro-independence and jihadist armed groups in 2012. In 2014, the United Nations recorded 90 cases of alleged sexual violence in the regions of Gao and Timbuktu.[138]

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134   Lacey, M. (2004). 'In Congo War, Even peacekeepers Add Horror'. New York Times, December 18, 2004, cited in 'Peacekeepers as Perpetrators: Sexual exploitation and abuse of women and children in the Democratic Republic of Congo', Journal of Gender, Politics and the Law, vol 4, no. 2, p. 414.
135   Ibid.
136   UN Office of the Special Representative of the Secretary General for 'Children and Armed conflict, 'Central African Republic', Online at: http://childrenandarmedconflict.un.org/countries/central-african-republic/ (accessed 8 February 2016).
137   Amusan, L. (2013) 'Libya's Implosion and its Impacts on Children'. Journal of International Women's Studies, Vol 14, Issue 5 Children and Arab Spring. Online at: http://vc.bridgew.edu/cgi/viewcontent.cgi?article=1727&context=jiws (accessed February 8 2016).
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138   United Nations Secretary-General. 'Conflict-related sexual violence'. Online at: www.security-councilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2015_203.pdf (accessed 9

The limited capacity of the national judicial system has made the investigation process extremely slow.[139] The massive commission of sexual violence during **Libya's** revolution led to adoption in 2014 of an unprecedented decree to protect victims of sexual violence and provide them with reparations.[140]

Children and women in **Liberia** continue to face a significant threat of sexual violence 12 years after the end of the civil war. The rape of children is frequently reported. According to official data from the Ministry of Gender, Children and Social Protection, 1,392 incidents of sexual and gender-based violence were reported nationwide in 2014, the majority in Montserrado county, which has the most developed services and reporting structures. Almost half of the victims were under 18. The country's nine one-stop centres for victims of sexual abuse recorded 1,162 cases.[141]

Sexual violence was used systematically during the 10-year civil war in **Sierra Leone,** as documented by NGOs including Human Rights Watch in a 2003 report. It noted concern over lack of attention to conflict-related sexual violence, with the result that few assistance programmes have been established for victims. As a result, survivors live with severe physical and psychological trauma.

Short-term impacts

- Sexual and gender-based violence in conflict situations can result in unwanted pregnancies as well as increased risk of sexually transmitted infections.

- Social stigma of rape victims is common and subjects the victims to psychological torture.[142]

February 2016).

139   Ibid.

140   World Movement for Human Rights (February 2014) 'Libya Adopts an Unprecedented Decree protecting Victims of Sexual Violence'. Online at: https://www.fidh.org/en/region/north-africa-middle-east/libya/14720-libya-adopts-an-unprecedented-decree-protecting-victims-of-sexual-violence (accessed 29 February, 2016).

141   *Ibid*.

142   Tamashiro, T. (2010), 'Impact of Conflict on Children's Health and Disability.' Background paper prepared for the Education for All Global Monitoring Report 2011 The hidden crisis: Armed conflict and education. UNESCO. Online at: http://unesdoc.unesco.org/images/0019/001907/190712e.pdf. (accessed 10 M1rch 2016)

Long-term impacts

- Female victims have diminished marriage opportunities as a result of stigma and often struggle as single parents.[143]

- Stigma and rejection of victims may cause grave psychological pain and suffering leading to suicidal options. For example, a girl in CAR who was rejected by her community after suffering unspeakable sexual abuse was reported to have committed suicide.

- Violent and multiple rapes can cause serious gynaecological complications including infections and sterility. Such rapes can also cause traumatic fistula (a rupture between the reproductive tract and the bladder and/or rectum). This serious, painful and chronic disability, which also causes stigma, may go untreated due to lack of reproductive health services.

- The physical trauma of rape may result in psychological trauma and long-term cognitive disability.

3.2. Impact on child protection systems

Child protection involves preventing and responding to violence, exploitation, abuse and neglect – including commercial sexual exploitation, trafficking, child labour and harmful traditional practices, such as female genital mutilation/

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143 Wikipedia. 'Wartime Sexual Violence'. Online at: https://en.wikipedia.org/w/index.php?title=Wartime_sexual_violence&oldid=692409140particularly in ethnic conflict, the phenomenon has broader sociological motives. Wartime sexual violence may also include gang rape and rape with objects. It is distinguished from sexual assaults and rape committed amongst troops in military service. It also covers the situation where girls and women are forced into prostitution or sexual slavery by an occupying power.\nDuring war and armed conflict, rape is frequently used as a means of psychological warfare in order to humiliate the enemy. Wartime sexual violence may occur in a variety of situations, including institutionalized sexual slavery, wartime sexual violence associated with specific battles or massacres, and individual or isolated acts of sexual violence.\nRape can also be recognized as genocide and/or ethnic cleansing when committed with the intent to destroy, in whole or in part, a targeted group; however, rape remains widespread in conflict zones. There are other international legal instruments to prosecute perpetrators but this has occurred as late as the 1990s. However, these legal instruments have so far only been used for international conflicts, thus putting the burden of proof in citing the international nature of conflict in order for prosecution to proceed.","URL":"https://en.wikipedia.org/w/index.php?title=Wartime_sexual_violence&oldid=692409140","note":"Page Version ID: 692409140","language":"en","issued":{"date-parts":[["2015",11,25]]},"accessed":{"-date-parts":[["2015",11,27]]}}}],"schema":"https://github.com/citation-style-language/schema/raw/master/csl-citation.json"} (accessed 25 November 2015).

cutting and child marriage.[144] All children have the right to protection. In conflict and crisis situations they encounter a wide range of protection risks. Children in these situations are at further risk of death, poor physical and mental health, HIV infection, educational problems, displacement, homelessness and vagrancy. They may have poor parenting skills later in life.[145]

The goal of child protection is to safeguard the rights of children by providing a safe and protective environment to prevent abuses of rights and to support children with appropriate services when their rights are violated. Protection goes hand in hand with prevention. While protection is ultimately a State's responsibility, parents, communities, local authorities and non-governmental organizations, including faith-based and community-based organizations, can help ensure that children grow up in a protective environment. Child protection cannot be effective without them.

Formal child protection services are provided by the State, while informal services are generally community based, operating within the law. Such services receive reports and investigate violations against children; provide and/or refer them to the services, including counselling and rehabilitation; and initiate legal proceedings where necessary.

In most of Africa, child protection has traditionally been the responsibility of families and communities. Formal child protection systems remain weak or nonexistent, with lack of financial and human resources, coordination and monitoring mechanisms. Community protection mechanisms generally lack effectiveness and are not linked to formal referral services. Especially in conflict situations, the implementation and enforcement of laws, policies and plans remains weak. Impunity for perpetrators is a major constraint to the effective prosecution of crimes committed against children. Child protection data are patchy and often unreliable, and evidence about effective approaches is generally lacking. A limited understanding of children's participation rights also hinders protection of children.[146]

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144   UNICEF. 'What is Child Protection?' Child protection information sheet. Online at: www.unicef. org/protection/files/What_is_Child_Protection.pdf (accessed 7 March 2016).
145   Ibid.
146   See UNICEF. 'Child Protection'. Online at: www.unicef.org/wcaro/english/overview_6585.html

> **Birth registration: the starting point of protection under the law**
>
> Every child has the right to a name and nationality (ACRWC article 6; CRC article 7), and birth registration is the tool for realizing this right. In crisis situations, proof of children's birth registration may be lost or left behind when people flee. Arriving at a service point for internally displaced people without identification puts children at risk, especially if they are separated from their relatives. For those fleeing across borders the situation is even worse. Children may be denied not just registration in the new country but also health care, education, the right to marry and participation in the labour market. A child without a birth certificate is at risk of being conscripted into the armed forces before the legal age.
>
> In adulthood, a birth certificate may be required to obtain social assistance or a job in the formal sector, to buy property or prove the right to inherit it, to vote and to obtain a passport. In short, registering children is the first step in securing their lifelong recognition before the law, safeguarding their rights and ensuring services for violation of these rights.
>
> However, only 44 per cent of sub-Saharan Africa's children under 5 are currently registered. In rural areas, the rate is even lower. In Eastern and Southern Africa only 38 per cent of children are registered.[1]

In **Nigeria**, the field study revealed a wide range of child protection issues. The child protection humanitarian response was planned to reach 90,000, far below what was required. It was limited by inadequate funding and quantity and quality of personnel. The issue of unaccompanied children was also of grave concern; DTM estimated that unaccompanied children made up 1.6 to 1.7 per cent of the entire displaced population in the three north-eastern states.

Another protection issue was children recruited into armed forces and armed groups. Militants were reported to use force to recruit young boys, who were then forced to carry out violent acts including killing and raping. The number of suicide bombers had reached 50 in 2015, mostly women and children. Thousands had been recruited but only a handful in Borno and in Adamawa were reported to have survived Concern was raised over their reintegration into society due to community perceptions that they were a danger to society.

(accessed March 2016).

In **South Sudan** the child protection sub-cluster estimated 1 million children were in need of protection. Elder children who had lost parents had taken on the responsibility of raising younger siblings. Recruitment of children into armed groups was a grave concern, fuelled by the continuous conflict. Children who were born and grew up in the conflict had little opportunity for education or to learn livelihood skills. Children tended to associate weapons with power, and were vulnerable to being recruited into armed groups. Some were forcibly recruited. In some cases spiritual leaders were directly involved in recruitment. The Monitoring and Reporting Mechanism on grave violations of child rights in situations of armed conflict reported an estimated 14,000 to 16,000 children recruited into armed forces and armed groups since the beginning of the conflict.

Children were also initiated as early as age 13 and were thus expected by society to take an active role in community protection during conflicts. Political elements played a part, as each warring faction sought to have a larger army. Some children who had been recruited into armed groups had been seen as having received benefits from the Government, making participation seem attractive to other children. There was also lack of awareness on child protection issues both in the community and among security personnel.

> *"When the conflict started thousands and thousands of children were mobilized for the conflict and within a period of one week we had an estimate of more than 9,000 children seen in different parts, fighting and taking part in hostilities."*

> — Personnel of the child protection sub-cluster, South Sudan

A number of child protection concerns were raised in discussions with the child protection sub-cluster. One concerned the reintroduction of arms to children who had previously been associated with armed groups, despite attempts to rehabilitate the children, especially in cattle-rearing communities. Child trafficking concerns were also raised, with information indicating that some attempts had been foiled. Child marriage was cited as an impact of conflict, since poverty pushed parents to ignore laws protecting children. Killing and maiming of children were reported as well as abductions. Humanitarian workers were denied access to children for long periods of time in the greater Upper Nile region, particularly at

the west bank of the Nile. They had also received threats that aircrafts attempting to land there would be shot down. In Unity state NGO workers were killed because of their ethnicity or for assisting the villagers.

While some of the more established areas of the refugee camp were well planned and laid out, safety audits found that it lacked basic site planning, security measures such as UN Police, allocation of safe spaces and adequate lighting. All four quadrants lacked consistent planning and had few discernible walkways. A significant portion of the community was living in makeshift shelters with no safety or privacy.[147]

Child protection and support systems that had been present before the conflict no longer existed. In Bor, it was reported that police officers had previously been assigned to the child protection unit, but this was no longer the case. In Twic East, courts were no longer operational and community members had to rely on traditional courts. This would mean no justice for cases such as rape, and the use of traditional 'remedies' such as forcing the victim to marry the perpetrator.

The Ministry of Gender reported that before the crisis began in 2013, South Sudan had made significant progress in disassociating children from armed groups and that only 39 children remained to be disassociated. With the onset of conflict in 2013, heavy recruitment of children began again. The Ministry reported that efforts were being made in partnership with other ministries and humanitarian actors to ensure that all children were disassociated from armed groups. In an effort to provide some education, the Government had put in place an accelerated learning programme for over-age children, condensing primary education into four years instead of eight. Unfortunately the programme was also disrupted by the crisis.

In **Somalia**, armed groups targeted children for recruitment. Killings of children were also registered along with denial of access to education. Extremist groups had used video material with violent messaging to train and radicalize children. The step-up in military operations against Al-Shabaab had led the armed

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147   IRIN news. 'Women Fearful in South Sudan Camps.' Online at: www.irinnews.org/report/100591/women-fearful-in-south-sudan-camps (accessed 8 January 2016).

groups to intensify their child recruitment. The Transitional Federal Government and militia affiliated with them were also accused of having children in their ranks.[148] Following the listing of Al-Sunnawal-Jama'a in the Secretary-General's report for the recruitment and use of children, the United Nations initiated dialogue with the group and discussed steps towards halting the practice. The United Nations also supported the reintegration of 500 children (375 boys, 125 girls) through community-based programmes. Reintegration activities included provision of psychosocial assistance, back-to-school support and vocational training.[149]

The situation of children in the **Central African Republic** worsened with continued fighting between armed groups, including anti-Balaka and ex-Séléka, and civilian attacks. According to the Special Representative of the Secretary General, there were documented cases of killing and maiming of children as young as three months old. As of mid-2015, 146 had been killed (109 boys, 37 girls) and 289 injured (182 boys, 107 girls). The collapse of the country's judicial system has led to widespread impunity for grave violations against children. However, MINUSCA is assisting the authorities to arrest and try alleged perpetrators of war crimes and crimes against humanity and to restore law and order to fight impunity. Accordingly, two anti-Balaka members who were accused of raping a girl in November 2014 were apprehended by MINUSCA police and were awaiting trial as of April 2015.[150]

In **Guinea-Bissau**, the judicial system and social protection structures are very weak, non-operational in some instances, due to lack of law enforcement, funds and personnel. This hinders accountability for atrocities committed against children. The absence of a specialized court and expertise to deal with juveniles in conflict with the law is very problematic. Harmful cultural practices and behaviours are also obstacles to children's enjoyment of their rights. These include female genital mutilation/cutting and early or forced marriage, which has affected 45 per cent of women aged 15-49 years.

In **Liberia**, despite the cessation of fighting in 2003, armed forces along the borders with Guinea and Côte d'Ivoire continue to recruit children into armed forces. UNICEF is

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148   Amnesty International. 'Somalia: Protection of civilians and human rights are critical for stable future'. Online at: www.amnesty.org/en/latest/news/2012/02/somalia-protection-civilians-and-human-rights-are-critical-stable-future/ (accessed 25 November 2015).

149   Provost, C. 'Schools Can Play a Big Role in Tackling Somalia's Crisis, Say Aid Groups.' The Guardian. Online at: www.theguardian.com/global-development/2011/aug/25/schools-big-role-somalia-crisis. accessed 25 November 2015.

150   UN Office of the Special Representative of the Secretary General for 'Children and Armed conflict, 'Central African Republic', op cit.

supporting its implementation of the Children's Law by supporting the establishment of a National Child Well-being Council to spearhead and monitor progress. Policies and systems are being developed to ensure protection and prevent violations of children's rights and develop a more responsive child justice system.[151]

In **Sierra Leone**, child abduction by armed forces has ceased. UNICEF is supporting efforts to ensure child protection through disarmament, demobilization, emergency care and reunification processes. Children who had been registered as 'separated' within the DDR programme have since been reunited with their families. Attacks against judicial personnel in **Libya** have been reported, such as the abduction of a judge at the al-Khoms Appeals Court, reported by the Libyan Judges Association.

In **Mali**, SOS Children Villages is providing protection assistance to children at risk, especially those separated from their families. This includes the establishment of protected areas to provide psychological and social support to children traumatized and abandoned.[152] In 2007, the National Directorate of Social Development, with support from UNICEF, put in place a community referral system for child victims of violence, exploitation, abuse and neglect. The Children's Affairs Department in the Ministry of Social Welfare is in charge of protecting orphaned and abandoned children; children in conflict with the law; children suffering from exploitation, abuse and neglect; and children with disabilities.

Countries that are in conflict or emerging from it face particular challenges in operating a child protection system.[153] Among these are fragmentation of services, lack of coordination and low capacity. The systems are further affected by the overall weak rule of law in such countries, including territories beyond state control. Government services (including health, education, civil registration, governance, police, justice, public transport, communication) are typically weak, so investments in child protection systems often do not yield the expected results. In this situation, there is often a shift from national delivery of child protection services to district

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151   UNICEF. 'Protecting Children from Violence, Abuse and Exploitation'. Online at: http://www. unicef.org/liberia/protection.html (accessed 9 February, 2016).

152   Ibid.

153   Theis, J. (May 2012). 'Notes on Child Protection Systems in Fragile States', UNICEF WCARO, pp. 2-3.

level approaches, such as in **Niger**.

Other challenges in countries suffering from or emerging from conflict include severe gaps in judicial capacity. For example, **Liberia** has a shortage of magistrates with formal legal training, lack of literacy skills in the police, lack of lawyers outside the capital city, and lack of transport for social workers, leaving them unable to provide services in communities. In the vacuum of State services, civil society and private sector groups step in. This leads to fragmentation, due to lack of a structure for collaboration, as well as isolation due to lack of security during conflict.

3.3 Children as witnesses of violations

In conflict and crises situations, children can be primary or secondary victims. Primary victims are those children who are directly and physically affected by the violence/violations of armed conflict and crises situations (including those who actively participate in the commission of violence/violations such as child solders,) and who may also suffer psychological trauma therefrom, as opposed to secondary victims who are merely witnesses of such situations and who may equally suffer psychological trauma. In other words, children are primary victims of a conflict when they are the direct target of a violation or active participants; they are secondary victims when they witness violations against others, which affects them psychologically. Often children are 'victims' in both senses. Both primary and secondary victims can be witnesses as discussed in the next section.

In **Somalia**, at least 130 of the children surveyed had witnessed conflict, ranging from fighting between armed groups to explosions of bombs. At least 50 per cent of the children in Nigeria, 49 per cent in Somalia and 34 per cent in South Sudan stated that family members had been victims of some form of violence. In Nigeria children recounted details of what they endured.

"They attacked our quarter in Bama at 4 am. They came shooting and we ran to the military barracks but it was under siege by the insurgents. We ran back to our homes and stayed for four days without food and water. We ran off to Kolofatah in northern

Cameroon. There was no food. Then we ran to Banki in Cameroon, then back to Banki in Nigeria. We later left for Bama where we stayed for four months before returning to Maiduguri. While in Bama, we stayed at the car park for a month and from there, we were directed by the state government to the NYSC camp for safety. We will never forget these incidents in our lives."

—Baba, 13, Nigeria

"There was shooting and shelling from air and land. If you were caught, you were slaughtered. We succeeded to escape from the village but my father was shot on the way. My mother's blood pressure rose and she also died."

— Mama, 14, Nigeria

"When they (Boko Haram) came my parents hid themselves in the room but they brought them out and my father was slaughtered. They took us to their camp, my two brothers, my mum and I, but we were spared because the insurgents considered us young. I cannot find my siblings."

— Mohammed, 16, Nigeria

"The insurgents came and we ran into the mountains without water and food for a week, then we came here. They shot many boys in my presence but I managed to escape. Those who were unlucky were slaughtered and those who resisted orders to follow them (Boko Haram) were slaughtered. Boko Haram abducted 13 girls and 10 boys of about 15 and 16 years and we have not heard about them."

— Sunday, 13, Nigeria

It is important for child victims of such trauma to receive services to help them deal with it. Yet the study found that even where the mechanisms exist, they are either not known about, are inadequately functional or are not made use of due

to cultural constraints, stigma and fear of reprisals. This is particularly the case for victims of sexual and gender-based violence. Only 25 per cent of the children said they knew where to get help. Older children (aged 14-18) and children in **South Sudan** were more aware of resources for help.

3.4. Country response mechanisms

All States that are party to child rights instruments are required to protect children, including from the impacts of armed conflict. In response, countries are developing child protection mechanisms, including nationwide systems. These mechanisms are essentially judicial, particularly juvenile justice system. However, there are alternatives to judicial mechanisms that may be evoked to circumvent challenges with judicial proceedings, which may be counterproductive to the protection being sought.

These mechanisms vary considerably — some countries have systems in place that operate down to the local level, while others have only standards. Most legal mechanisms are minimal. Most of the study countries have criminal justice systems including juvenile justice systems to handle perpetrators and children in conflict with the law. At this time these countries are focusing their juvenile proceedings on children recruited by armed forces and armed groups. The common trait among the study countries is in relation to juvenile proceedings. There are two sets of child victims in conflict situations.

As mentioned in the preceding section, children who are primary or secondary victims of conflicts and crisis situations can participate in the court proceedings only as victims or witnesses. The Rome Statute of the International Criminal Court and the Rules of Procedure and Evidence includes special provisions to protect children during the investigation and prosecution of cases. In proceedings before the Court, children may be asked to recall and mentally revisit horrors they have struggled to forget. This presents a clear risk of re-traumatizing the child unless child-friendly procedures are adopted and staff experienced in providing psychosocial support to children are at hand. Here the guiding principles of the CRC and ACRWC apply, in terms of the best interest of the child, the right to be heard and a focus on physical and mental recovery including social reintegration.

When children have been accused of crimes, alternatives to judicial proceedings are encouraged, such as restorative justice. It is focused on having the offender understand and take responsibility for his or her actions and on reconciliation between the offender, the victim and the wider community. For child victims, it can be reassuring to see perpetrators brought to justice by the very same community that was targeted.

3.4.1. Countries in active conflict

- **Nigeria**

The National Child Rights Act (2003) is said to be working at national level but was still awaiting ratification at the state level, and only about 23 of the country's 36 states have domesticated it. There is a National Disaster Management Framework in place to bridge the gap, now at the implementation phase. Humanitarian actors including NGOs are working on child protection. Personnel have been assigned to work with children who are confused about their situation and the whereabouts of their families.

State and non-State actors — including the military, the police and local and international NGOs — meet monthly to assess the situation with regard to victims of sexual violence and to ensure proper procedures when dealing with them. A representative of one of the NGOs indicated that all personnel who came across a sexually violated child knew the procedures to follow to (a) make sure the child received psychosocial support and treatment and (b) make a report and present it to the relevant authorities (mainly the camp management), who would submit it to the law enforcement agency.

NGOs working within the camps also made sure there was a mechanism to report incidents, from the household level to the relevant authorities. The NGOs made efforts to ensure the communities were sensitized on issues of violence against children and that they knew it was their duty to protect the children and report any form of violence against them, even at household level. The NGOs also worked with security personnel to improve camp security and sensitized community members on measures to ensure their safety and that of their children.

- ### Central Africa Republic

The country has not adopted a mechanism to protect children, beyond a generic provision in the Constitution. In April 2015, the National Transitional Council adopted a law to establish a special criminal court to investigate and prosecute war crimes and crimes against humanity committed in the country.[154] This will include crimes committed against children during the conflict. Other mechanisms for protecting children in the country are being implemented by United Nations agencies and humanitarian entities.

The first protection cluster strategy, elaborated in 2014, focused on communities at immediate risk of being targeted by armed groups and that were unable to relocate to escape. This strategy reinforces the physical protection of communities, including children and women, by deploying peacekeepers, providing humanitarian assistance and facilitating movement of populations away from the risk. It does not include provision of material assistance such as food and other necessities. In some instances, focusing assistance on enclaves prompted attacks following distributions.

- ### South Sudan

The Child Act (2008) is the main legislation for protecting children from armed conflict, although it faces implementation challenges. For example, in Bor (Jonglei state), no police were assigned to the child protection unit, which was not the case before the conflict. However, the peace deal signed between the South Sudanese Government and one of the factions included the release of children from their groups. The SPLA has signed an action plan with the United Nations to remove children from its ranks, and thus any factions incorporated into the SPLA had to do the same. The SPLA had a child protection unit to carry out this process. The Ministry of Defence was reported to have given a ministerial order to all its units and battalions in 2014 requiring the removal of all children. The Ministry has also put in place a directorate for children, the SPLA child protection unit.

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154   Human Rights' Watch Statement. Available at: www.hrw.org/news/2015/04/24/central-african-republic-key-step-toward-justice (accessed 6 February 2016).

The Ministry of Defence issued an order in 2014 instructing all armies living in schools to leave immediately. The Ministry of Gender was also developing a policy to complement the Child Act. The justice for children framework and social protection policy address child vulnerability through cash transfers for children. This would ensure that children receive services such as immunization and education and would improve the quality of their lives through the increased household income.

The Ministry of Health was developing the Boma Health Initiative to ensure the availability of health personnel at the lowest level of the county. At the Boma level there would be three health promoters who would ensure all children were vaccinated, that expectant mothers went for antenatal care and that members of the community exhibiting symptoms of illness sought medical attention.

Programmes for pregnant women requiring nutritional rehabilitation required them to stay in the programme until they gave birth and the child reached the age of 6 months. Health promoters would provide rapid screening for children under 5. A stabilization centre was set up for children with malnutrition. Outpatient care was provided for severely malnourished children with no medical complications; they were given food to take home and then would come back for follow-up. After discharge they would join a preventive supplementary feeding programme. Children who were moderately malnourished were screened and placed in supplementary feeding programmes.

Traditional safeguarding mechanisms include supervision of children by their parents and the community. Community members interviewed during the field visit indicated that this protection mechanism was difficult to maintain during crises. There were mechanisms to reunify separated children with their families. In addition efforts were made to provide psychosocial support, prevent recruitment of children, reintegrate children associated with armed groups, aid children without parental care and ensure justice for children. In addition UNICEF confirmed efforts to perform birth registration in the absence of a functional registration system in South Sudan.

There were also organizations committed to monitoring the protection of children in conflict with the law. Interim care centres had social workers from the

Ministry of Gender and other partners providing counselling to these children. The Ministry also worked with the DDR programme and the SPLA child protection unit in aiding children associated with armed groups. Once the children were disassociated from armed groups, they were given psychosocial support and then a reintegration package, which included support for school enrolment. At least 16 organizations were addressing the needs of unaccompanied and separated children in South Sudan.[155] UNHCR has worked closely with the Government of Ethiopia to ensure asylum-seekers have unhindered access to asylum in Ethiopia.

One of the main challenges facing humanitarian actors in dealing with separated children in South Sudan is the vast nature of the problem, with South Sudanese refugees in more than five countries across the region. Broken infrastructure and the lack of systems make the process a huge task, and resources are inadequate.

- **Somalia**

Somalia has no functional systems in place to help in tracing and reunifying children. The international community and the federal Government in central Somalia have made attempts to establish measures against sexual violence against children over the years.

In February 2013, the Ministry of Justice and international bodies urged the reform of justice institutions and gave priority to ensuring implementation of women-centred justice. In August 2013, a special session of the Cabinet of Ministers formally endorsed a human rights roadmap for the period 2013 to 2015, laying the foundation for improving the protection and promotion of human rights in Somalia.

- **Kenya**

According to stakeholders, the country has no specific policy for protection of children during conflicts. Children were considered part of 'vulnerable groups'

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155   Global Protection Cluster (April 2014) 'South Sudan – Child Protection Sub-Cluster Who is Doing What Where – Overview', Online at: http://cpwg.net/wp-content/uploads/sites/2/2014/05/SS_CP-SC_W_ANALYSIS_10APRIL20141.pdf. (accessed 13 January 2016).

that would be given priority in emergency settings. Discussions with the Kenya Police also confirmed the existence of standing orders that identify children as the most vulnerable during emergencies and thus the first to be rescued and receive care. The National Counter Terrorism Centre was described as the lead agency on countering violent extremism. It was felt to be inadequate in terms of psychosocial response, with few actors engaged.

The Government had also created institutions with specific mandates to lead the implementation of policies and programmes aimed at realizing children's rights to participation. Children in need of care and protection are handled by the Department of Children Services in the Ministry of Labour, Social Security and Services. This department has offices at national, county and sub-county (district) levels.

The National Council for Children Services was created to exercise general supervision and control over planning, financing and coordination of child rights activities and to advise the Government on all aspects relating to children. The Department of Civil Registration is responsible for registering births and deaths and has offices in nearly all sub-counties. The judiciary has also established children's courts handled by special children's magistrates. The National Police Service has established children and gender desks and child protection units in some police stations. Together these handle cases involving children who come into contact with the law in a manner that takes their special needs into consideration. A toll-free number (Child Help Line 116) has been established.

Traditional response mechanisms include community social agreements that sanction community members with regard to issues of violence and conflict, according to the Directorate of Peace Building. One such agreement was the Modogashe Declaration in North-Eastern Kenya. The role of traditional dispute mechanisms is critical in managing security challenges as it is traditional leaders who bless the youth going into conflict (thus they can also curse such activities).

- **Libya**

Libya has some limited child protection mechanisms. Though the country has ratified the CRC, its Child Act (in draft phase before the conflict) does not

adequately address issues such as the best interest of the child, non-discrimination and juvenile justice.[156] It therefore fell short of implementing the international standards and best practices on critical child protection issues.[157] The Childhood Care Directorate within the Department of Social Affairs coordinates child protection issues.

A limited number of child-focused civil society groups and NGOs are also working to protect, promote and rehabilitate children affected by the conflict, though they are constrained by their lack of resources and capacity. The Ministry of Social Welfare, set up by the NTC (National Transition Council), has a Children's Affairs Department responsible for children's issues including child protection concerns. It is charged with protecting orphaned and abandoned children; children in conflict with the law; exploited, abused and neglected children; and children with disabilities.[158]

The Ministry of Social Affairs works with humanitarian entities on child protection issues through its participation in the protection cluster, led by UNHCR, as well as the newly established child protection working group, chaired by Save the Children. The working group brings together all the key actors and coordinates child protection activities. The Libyan Scouts and the Libyan Red Crescent both have a large operational presence nationwide. Both partner with other humanitarian agencies to implement child protection activities. The Scouts (a large force of boys aged of 7-18) has been mobilized to aid communities affected by the crisis. This includes the delivery of mine awareness and psychosocial support to children, registration of displaced people and distribution of food and supplies in communities.

- **Burundi**

Burundi has national laws that deal with child rights, such as the Family Code, Penal Code, Labour Code and Civil Code. Despite this framework,

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156   Save the Children (16 April 2011). 'Libya Response Strategy: Six-month programme framework'.
157   UNICEF Middle East and North Africa Regional Office (November 2010). 'The situation of children and women in Libya'.
158   According to an interview with Ms. Elbekre the most common child protection concerns the department deals with include domestic violence, forced domestic labour, beating, discrimination by stepparents, and neglect and abandonment of illegitimate children.

responsibility for child protection is splintered among various institutions, such as the Ministries of Health, Justice and Social Affairs, leading to a sectoral approach to child protection. In this light, the Ministry of Human Rights and Gender provided the first initiative to protect girls. Under it is the National Human Rights Commission, which deals with child rights issues. Concerning children recruited by armed forces and groups, for example, the Ministry had a project to deal with their identification, demobilization and reintegration.

Other measures have also been taken by the Government of Burundi to facilitate integration of children and deter them from conflict. These include the establishment of the National Youth Council and the Ministry for Skills and Professional Training, which plays a role in training children unable to access secondary education, and a programme to enhance youth participation in social cohesion activities in their communities.

3.4.2. Countries in fragile post-conflict situations or a major humanitarian crisis

- **Guinea-Bissau**

The country has no national mechanism or strategy for protecting children in armed conflicts. A 1992 action plan designed to operate from 1992 to 2002 was not fully implemented due to the war of 1998/1999. The National Commission for Childhood and the Inter-ministerial Child Protection Committee no longer exist due to lack of resources. Shortly after the 1998/1999 war the then Ministry of Social Solidarity, Family and Fight against Poverty (now Ministry of Women, Family, Social Cohesion and Fight against Poverty) was established, along with the Institute for Women and Children. In addition, a specialized committee for women's and children's affairs was created in the National Assembly.

Through cooperation between the Ministry of Labour and Social Solidarity of Portugal and Guinea-Bissau's Ministry of Women, Family, Social Cohesion and Fight against Poverty, a partnership agreement was signed in 2004 among 15 NGOs working in social service areas, especially with children, youth and women. The aim was to implement a comprehensive project to improve conditions among poor families.

- **Mali**

In 2007, the National Directorate of Social Development, with UNICEF support, put in place a community referral system for child victims of violence, exploitation, abuse and neglect. It relies on government ministries working in consultation with NGOs and other humanitarian agencies to coordinate responses for child protection at the local level. Its effectiveness therefore depends on the information people have on child rights and poverty.[159] It aims to mobilize individuals within communities, train them and assign them child protection duties.

Also in place are local committees for child protection involving community supervision, set up by international NGOs and local associations to combat the worst forms of child labor, abuse, exploitation and trafficking.[160]

- **Liberia**

The child protection system in Liberia brings together various sectors of the Government but responsibilities are fragmented across different institutions. The Ministry of Health and Social Welfare responds to children who are vulnerable, in conflict with the law, exploited, abused or with special health or educational needs. The Ministry of Gender and Development is also mandated to advocate for child rights and mainstream them into the national development agenda. This includes reporting on progress made in the implementation of the CRC and ACRWC.

The Ministry of Justice and the judiciary oversee the delivery of legal services to juveniles in conflict with the law, while the Probate Court oversees domestic and international adoptions. Other agencies and organizations are involved in providing social welfare services such as NGOs including Save the Children, Handicap International, Child Fund, Don Bosco Homes, Orphan Relief and Rescue, and the Liberian Union of Orphanages.

The Liberian National Police set up the women and children protection

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159   Boursin-Balkouma, F. & Sidibé N. (2014). 'A study on child protection: Case studies from the region of Segou, Mali', *Terre de Hommes*, p. 37. Online at: childprotectionforum.org/resources/Mali-child-protection-English.pdf (accessed 20 February 2016)
160   Head of the Service for Social Development, Markala, 3 June 2013.

section in 2005. It is responsible for investigating cases of trafficking in persons as well as sexual assault, sexual exploitation, domestic violence, child abuse and other related offences. During the war several communities established child welfare committees to monitor child protection at the local level.

- **Sierra Leone**

The Child Rights Act of 2007 provides a framework for child protection services in Sierra Leone. Yet traditional authority and practices continue to play a major role in the day-to-day protection of children. In 2006, Sierra Leone initiated significant steps to incorporate the CRC and ACRWC into the national legal and policy framework.

The National Policy on Child Well-Being of 2006 outlines the key strategies for promoting the well-being of children by promoting and protecting their best interests in a progressive manner. It also aims to maximize the survival, development, participation and protection of every child in Sierra Leone. This policy includes a commitment to abide by and advance child rights principles at all societal levels.

Another policy pertinent to child protection is the Agenda for Social Protection, prepared by a multi-agency steering committee under the leadership of the National Commission for Social Action. It is being implemented through a partnership of government, civil society and the private sector. It focuses on reducing social and economic vulnerability through livelihood programmes and conditional cash transfers, and it specifically recognizes the importance of protecting vulnerable and neglected children. This agenda complements and supports the National Youth Policy of 2003, which seeks to empower youth in the post-war setting.

- **Sudan**

The Government of Sudan has made efforts to create a protective environment for children, particularly by complying with international standards. One of its major mechanisms is family and child protection units in the Sudanese police. Established in 2007, these units are charged with protecting children

from all forms of violence. They do this by investigating offences, searching for missing children and coordinating with relevant authorities to provide social and psychological support to child victims. These units, of which there are around 14 nationwide, also coordinate with specialized personnel to conduct research and surveys on delinquency and violations that affect children.

The Child Act 2010 gives these units their legal status and mandate. They are also responsible for preparing psychosocial reports on children in conflict with the law and recommending appropriate measures to be undertaken regarding children in waiting homes and reform/remand homes. UNICEF and NGOs such as Save the Children Sweden (SCS) support the family and child protection units in providing these services.

- ### Democratic Republic of the Congo

The Child Protection Code of 2009 provides a strong legal basis for the protection of children. It provides prohibitions and significant punishments for perpetrators of child abuse and exploitation of children, including recruitment of children, worst forms of child labour, sexual violence and torture. The Child Protection Code also established institutional arrangements for its implementation, involving the National Children's Council and the National Council for Youth. These institutions have undertaken activities in raising awareness of child protection laws in partnership with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).

At least four provinces have special police brigades for child protection. Other mechanisms to protect children include the national system of children's courts, which have had some success in holding hearings, delivering judgments, training social workers, providing legal assistance to children and assisting with family reunifications. These courts heavily rely on funding and technical support from UNICEF and other partners such as Children's Voice and War Child.

NGOs and other protection actors have also developed several mechanisms for child protection referrals and response, contributing to the eventual establishment of a functional child protection system. These include a response for sexual violence incidents and children in conflict with the law. HEAL Africa and *Comité de Suivi Justice pour Mineurs* (Commission for the Follow-up

of Justice for Children) have worked with judicial authorities since 2007, providing referral for medical response and for children in conflict with the law.

3.5   The cost of conflict

In addition to harming children in all the ways discussed so far in this report, armed conflict hampers public investment in children by diverting resources away from child well-being. Wars have been reported to account for a 50 per cent increase in infant deaths and 15 per cent increase in undernutrition. They also lower the doctor-patient ratio by 2.5 times.[161] Meanwhile, Sudan, for example, is estimated to have spent $24.07 billion on the war in the Darfur region up to 2011, equivalent to 162 per cent of GDP. This includes $10.08 billion in direct military expenses.[162]

The cost of conflict may therefore be seen from three perspectives: the cost of human lives; the cost of public spending on the conflict itself, related humanitarian expenditures, lost productivity and earnings, and infrastructure damage; and funding of peacekeeping operations. These are resources that could have been invested in developing the country, and in particular in the health, education and development of children. Research by Save the Children and other organizations has shown the startling cost of conflict on investment in children. For example, the cost of 'violence containment' has been estimated at 22 per cent of gross domestic product in Central African Republic, Somalia and South Sudan.

During Rwanda's civil war, GDP per capita fell dramatically, to just $130 per capita, approximately one third of pre-war levels. It did not return to pre-war levels until 2007. Similarly, the civil war that broke out in South Sudan in 2013 resulted in a 15 per cent decline in GDP in 2014 and an increase of domestic debt from almost nil in 2011 to approximately 12 per cent of GDP at the end of 2014. Due to conflict, the Democratic Republic of the Congo has one of the lowest revenue-to-GDP ratios in sub-Saharan Africa, estimated at 13.3 per cent in 2014.

The 2015 refugee response to the South Sudan conflict by Ethiopia, Kenya and

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161   IANSA, Oxfam and Saferworld (2007). 'Africa's Missing Billions'. Briefing paper, p. 1. Online at: www.oxfam.org/sites/www.oxfam.org/files/africas%20missing%20bils.pdf (accessed 10 July 2015).

162   See Ali, H. (2011). 'Estimate of the Economic Cost of Armed Conflict: A case study from Darfur'. Al Jazeera Centre for Studies, p. 2.

Sudan was estimated at almost $810 million, more than the country's budget for the ministries of education, health and child welfare combined.

Conflicts are also an opportunity for corrupt individuals to syphon aid and other funding. In the environment of institutional collapse that often accompanies conflict, there is little accountability. The result is an enormous waste of resources, and children lose out.

3.6   Radicalization of children: The case of Kenya

A report by the Institute of Security Studies points out that violent extremism in Kenya is not a new phenomenon. Although the threat originally came from outside the region, it gained momentum in Kenya by attracting Kenyans to its philosophy and objectives, after the bombing of the United States Embassy in August 1998.[163]

Interviews with children and stakeholders in the affected parts of the country confirmed that radicalization was taking place in Kenya and that the extremists were targeting children (among others). Stakeholders interviewed confirmed the recruitment of children and reported that a sweep carried out in Mombasa's Masjid Musa mosque by security agents in 2014 rescued over 200 youth, including 30 children said to be undergoing radicalization. Discussions with government officials confirmed the recruitment of children.

> *"We realized that we had so many who are between 14 and 17 who have already crossed to Somalia to go and train because they are being promised heaven, they are being promised wealth even without education."*
>
> — Kenya police official

Respondents interviewed, including children, agreed that the target group for the recruiters was young people aged 15 to 30, as they were strong, energetic and less likely to resist new ideologies. Discussions with government officials also revealed the targeting of children living on the street in the coast region.

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163   Institute of Security Studies. 'Radicalisation in Kenya: Recruitment to Al-Shabaab and the Mombasa Republican Council'. Online at: www.issafrica.org/uploads/Paper265.pdf (accessed 21 March 2016).

Media reports and discussions with stakeholders indicated recruitment of school children, with an estimated 200 children reported missing from Isiolo County in eastern Kenya alone since 2014. They were assumed to have crossed over to Somalia to join the terrorist groups.[164]

At least 20 per cent of the children in Kenya (out of the 394 interviewed) stated they were aware of recruitment of children into terrorist activities. Furthermore, 17 per cent indicated they were aware of children who had been involved in acts of terrorism. These children were said to have been used for different purposes, such as carrying out attacks (mentioned by 45 per cent of the children), recruiting for terror groups (33 per cent) and being taught the use of weapons (29 per cent).

3.6.1 Factors contributing to radicalization of children

In discussions during the study, key stakeholders suggested that the main factors contributing to radicalization are poverty and marginalization, unemployment, Kenya's close proximity to Somalia, its vulnerable borders, social injustice, alcohol and drug abuse, peer pressure and illiteracy.

They said the militants lured children to join them for money and a better future, leading children to drop out of school. This drew the Government's attention in 2014, when there were reports of children who had run away from school or home amid indications they had gone to join the militants. The case of a boy in secondary school who was recruited and promised a lot of money but was given only 35,000 Ksh highlights the level of vulnerability of the children. To counter this trend, in February 2015 the Ministry of Education issued a circular to all schools requiring them to report to the Ministry when any child misses school for two weeks.

Weak governance, especially in critical areas such as criminal justice, border security and the provision of essential services, increases Kenya's vulnerability to radicalization and terror.[165] Its close proximity to Somalia was

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164   Voice of America (26 May 2015). 'Kenyans Lament Al-Shabab's Recruitment of Youths'. Online at: www.voanews.com/content/kenyans-lament-al-shababs-recruitment-of-their-sons/2790917.html (accessed 26 January 2016).
165   Patterson, W. (2015) 'Islamic Radicalization in Kenya', National Defense University Press.. Online at: http://ndupress.ndu.edu/Media/News/NewsArticleView/tabid/7849/Article/607564/islamic-radi-

said to be a major factor contributing to radicalization of children at the coast. A report by the International Crisis Group warned in 2012 that Somalia's growing Islamist radicalism was spilling over into Kenya and that "the militant Al-Shabaab movement had built a cross-border presence and a clandestine support network among Muslim populations in the North East, Nairobi and the Coast, and was trying to radicalize and recruit youth from these communities, often capitalizing on long-standing grievances against the central state".[166] Those interviewed during this study concurred with this report. They added that the children were being trained by the terror gangs either in Somalia or locally and were being enticed with money.

> *"It starts from teaching. There are [teachers] who are sincere and fair and give the correct information to children, and there are teachers who start training on radicalism…..I found one teacher who had a [video] clip of a Palestinian boy killing four Israeli soldiers. So it is as if he is celebrating. And when you show these young people that type of material and you say, 'This is our hero'... The children would like to be heroes."*

> — Interview with Kenyan children's officer

Stakeholders also linked children's vulnerability to low levels of education. One concern raised was the country's high dropout rate. Though Kenya provides free education, only 875,300 children of the 1.3 million children enrolled in primary school at the onset of the free primary programme completed primary school, a dropout rate of 33 per cent. Children not in school are vulnerable to extremist groups. Alcohol, drugs and peer influence were also noted to be contributing factors.

Children who were surveyed seemed to agree that these factors were contributing

calization-in-kenya.aspx. (accessed 20 January 2016).

166   Masinjila, M. (undated). 'Youth Radicalization in Kenya or Unemployment Crisis?'inter","URL":"https://www.academia.edu/11657992/Youth_Radicalization_in_Kenya_or_Unemployment_Crisis","accessed":{"date-parts":[["2016",1,20]]}}}],"schema":"https://github.com/citation-style-language/schema/raw/master/csl-citation.json"} . Collaborative Centre for Gender and Development. Online at:www.academia.edu/11657992/Youth_Radicalization_in_Kenya_or_Unemployment_Crisis (accessed 20 January 2016).

to radicalization of children. At least 59 per cent of the children mentioned that the lure of money and gifts attracted children to these groups, while 50 per cent mentioned poverty. Another 30 per cent named peer pressure as a factor. False religious teachings were mentioned by 14 per cent of the children surveyed; 9 per cent mentioned alcohol and drugs; and 8 per cent named poor parenting.

3.6.2 Locations for radicalization

Children said that influencing took place in schools, places of worship and even at home. Responses from the children indicated that false teachings took place in secluded camps in the forests (33 per cent), in mosques and madrassas (21 per cent), and in schools and recreational clubs (19 per cent) as well as streets, towns and slum areas.

An article by the Institute for War and Peace Reporting confirms that radicalization is taking place in schools in Kenya. It mentioned an eight-year-old boy who claimed to have been taught by his science teacher to dismantle and reassemble a gun. He said that during the same lesson he learned to shoot at targets and practised firing at the blackboard with a toy pistol. The teacher's explanation was that he was preparing the children for defence against terrorists. In the same report, a teacher of a class of 11-year-olds was cited as having praised terrorist attacks, terming the act as an honour.[167]

An assessment carried out by the Kenyan Ministry of Education confirmed that radicalization was taking place in schools. Discussions with ministry officials indicated the presence of unregistered foreign children suspected to be radicalized. There were also a few cases mentioned of child trafficking for the purpose of radicalization. This involved three children from United Republic of Tanzania and one each from Democratic Republic of the Congo and Rwanda who had been trafficked to Kenya for this purpose, according to a government official. The Ministry revealed that they had received reports from schools about very poor students who previously were unable to pay their school fees and were suddenly paying them in single instalments. They were suspected to be sponsored by the

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167   Paterson, op. cit.

extremists. In other cases, teachers reported lack of discipline among children who were radicalized.

Various opinion leaders interviewed and children surveyed said that radicalization had also invaded children's playgrounds. The use of technology for radicalization was also noted; stakeholders confirmed cases of children who had been recruited online.

3.6.3 Protection concerns for radicalized children

There were alleged reports of detention of children suspected to be radicalized. A 2014 Human Rights Watch report indicated strong evidence that Kenya's Anti-Terrorism Police Unit had carried out a series of extrajudicial killings and enforced disappearances. In 2007 and 2008, Human Rights Watch and Muslim Human Rights Forum separately documented the involvement of the anti-terrorism unit and other Kenyan security forces in the arbitrary detention and unlawful rendition of at least 85 people, including 19 women and 15 children, from Kenya to Somalia.[168] Stakeholders suggested that at least 30 children were rescued during the raid of Masjid mosque in Mombasa. They were detained and then placed in remand homes. Stakeholders felt there should have been safe spaces for these children.

3.6.4 Policies and mechanisms for responding to violent extremism

In terms of addressing violent extremism, the National Counter Terrorism Centre was mentioned as the lead agency. However, there was lack of a policy for reintegrating returnees. To protect returnees, the Government withheld information about them from the public. It was noted that the Government was in the process of developing a policy on countering violent extremism.

Discussions with stakeholders revealed that the Government had initiated programmes to counter violent extremism. Programmes like the *Nyumba Kumi*

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168   Human Rights Watch. 'Kenya: Killings, Disappearances by Anti-Terror Police'. Online at: www.hrw.org/news/2014/08/18/kenya-killings-disappearances-anti-terror-police (accessed 26 January 2016).

Initiative were said to have been initiated to enhance community participation in countering insecurity including violent extremism. These had been successful in places such as Kwale County in the Coast region.

There were also plans to introduce security studies in the school curriculum; a draft policy was being formulated. Other measures included sensitization of madrassa teachers and working with professionals in north-eastern counties so they could influence their community members. Efforts were being made to influence the National Counter Terrorism Centre to take a softer approach, to avoid fuelling radicalization. This was to include working through community structures, including local peace committees. There were also ongoing talks among agencies about developing a comprehensive security strategy, and the small arms and light weapons policy was being reviewed.

In addition, the Ministry of Education issued new school guidelines on registration of foreign children and the transfer of children from one school to another, as well as the evaluation of material being presented to children. There were efforts to have madrassas teach the regular curriculum so the Government could have some form of control.

To stem radicalization, children felt it was important to educate them on the dangers of joining such groups. This was mentioned by at least 44 per cent of the children. They also noted that education was key in helping them make the right decisions (mentioned by 30 per cent of the children). They voiced the need for better parenting as a way of ensuring they were not recruited, as well as providing employment opportunities and increasing the punishment for offenders and recruiters.

CHAPTER 4

ACCOUNTABILITY AND MITIGATING THE IMPACT OF ARMED CONFLICT ON CHILDREN

Chapter 4: Accountability and Mitigating the impact of armed conflict on children

Accountability for the child rights violations committed against children in conflict and crisis situations is crucial. But who should be held accountable for what, and to what extent is the response effective? This chapter discusses accountability and the responsibility of perpetrators of violations against children, as well as the responsibility of children for the commission of crimes. The chapter summarizes some initiatives, mostly by NGOs, designed to protect children and mitigate the harm they suffer in conflict situations.

4.1. Accountability of perpetrators

4.1.1. Responsibility for violations against children

Along with perpetrators, States are accountable for violations committed during conflicts and crisis situations due to their failure to protect children and to bring perpetrators to account. It is crucial for States to end the impunity through effective prosecution of perpetrators. In effect, prosecution should deter would-be criminals from committing offences in the future. The deterrence effect has been minimal, as crimes continue to be committed. For example, in 2012 the International Criminal Court sentenced former rebel leader Thomas Lubanga of Democratic Republic of the Congo for recruitment of children — yet the practice continues. The United Nations documented 241 new cases of child recruitment in the country in 2014, according to the 2015 edition of the Secretary-General's report *Children and armed conflict.* Cases of rape by peacekeepers in Central African Republic continue to be reported despite ongoing investigation of earlier cases. When perpetrators go free it is a green light to others.

4.1.2. Responsibility of child perpetrators

Children's contact with international justice mechanisms is mostly as victims or witnesses. However, sometimes children are involved in the commission of crimes and thus may be the subject of prosecution themselves.

Much debate has centred on the question of the criminal responsibility of child perpetrators of violence during conflict. One approach holds that a child is a child and should never be punished or held criminally responsible for atrocities they commit during conflict situations. The argument is based on the concept that children lack the mental capacity to make judgments and therefore cannot be held accountable. This is particularly the case when the children have been recruited by armed forces and armed groups, making them victims themselves. In such cases they have executed such acts under force or duress or the influence of drugs forced upon them, which eliminates the possibility of having acted under their own will.

Another approach seeks to impose some responsibility on children for heinous crimes they have committed. This is based on the rationale that failing to punish or sanction them might encourage revenge, stigma and discrimination against them by their own communities, resulting in rejection. It is known that such situations can provoke a vicious cycle, in which a child rejected by the community may choose to return to the battlefield, where he or she is readily accepted.

It is clear that the child perpetrator is first of all a victim, as has been stressed by the Committee on the Rights of the Child. International law recognizes the criminal responsibility of children involved in the commission of crimes in conflict situations, but it recognizes that they cannot be treated or punished as adults because their involvement results from coercion, threats, indoctrination or manipulation. Forcing children to commit atrocities during armed conflict is itself a war crime, as well as a violation of their rights.

With regard to children who have participated in genocide, crimes against humanity or war crimes, alternative procedures and punishment are available that are appropriate for children. The principles generally applicable to juvenile offenders therefore apply in cases of armed conflict. The objective is the reintegration of the child in an environment that foster his or her self-respect and dignity and respect for the rights of others, and that supports a return to a constructive role in society.[169]

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169   CRC articles 39 and 40. See: No Justice Without Peace and UNICEF Innocenti Research Centre
      (2002). *International Criminal Justice and Children*. Rome: X Press S.r.l. p. 23.

This is the philosophy underlying article 17 of the ACRWC. It states that every child accused of or found guilty of having infringed penal law has the right to special treatment that reinforces the child's dignity and encourages respect for the human rights and freedoms of others. The essential aim of such treatment is the reintegration and social rehabilitation of the child. The ACRWC also holds that there is a minimum age below which children cannot be held criminally responsible (*doli incapax*).[170] Although the ACWRC does not state a specific age, in the practice of general criminal law in African countries it ranges from age 7 to age 17.

Most domestic judicial systems have rules and procedures covering children who commit crimes, but there are few precedents in either national or international courts regarding children who have committed crimes under international law, such as crimes against humanity, war crimes or genocide.[171] The Statutes of the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda do not explicitly exclude persons under 18 from their jurisdictions, but to date those tribunals have only prosecuted adults. The Special Court for Sierra Leone has jurisdiction over individuals who were aged 15 or older at the time of the alleged commission of the crime. Its jurisdiction is limited to those who bear the greatest responsibility for violations. The prosecutor is directed to consider alternative truth and reconciliation mechanisms, such as the country's Truth and Reconciliation Commission, for dealing with child perpetrators. Therefore prosecutions of children before the Special Court remain unlikely.[172]

Truth commissions have been recognized as an appropriate alternative to criminal proceedings for children who may have participated in atrocities during war. When criminal justice mechanisms are also operating, truth commissions can play a vital role in supporting their work by providing investigators with a broad picture of the conflict and drawing their attention to specific crimes, particularly those involving children. In appropriate circumstances, judicial and non-judicial methods can operate together to provide an overall accountability mechanism. Such an approach ensures that those responsible for violating the laws of war are

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170   Article 17(4).
171   No Justice Without Peace and UNICEF Innocenti Research op. cit., p. 54.
172   Ibid, p. 55.

brought to account while also providing a mechanism that allows victims' voices to be heard.[173]

It is also essential for alternatives to classical judicial justice systems, such as traditional justice mechanisms, to maintain international human rights standards and international standards of juvenile justice.[174]

International child protection standards set limits on the sentences of child offenders. In particular, they preclude the death penalty or life imprisonment without possibility of release. Imprisonment should only be used as a last resort and for the shortest possible period of time.[175] Article 22 of the ACRWC implicitly calls for children to be punished under conditions that guarantee their safety and dignity. It recognizes that child offenders in conflict situations are victims of the criminal justice system for which adults are primarily responsible.

Alternatives to institutionalization such as counselling, probation, foster care, education and vocational training are also appropriate.[176]

4.2. Mitigating the impact of conflict on children

Non-State stakeholders have generally been at the forefront of efforts to mitigate the impact of conflict and crisis situations on children. States have essentially abandoned this terrain to NGOs. This results in lack of coordination and uneven coverage.

4.2.1. Support to children affected by armed conflict

Child victims of conflict situations, whether or not they have been recruited and used by armed forces and armed groups, can be supported through a variety of means, including counselling, education and vocational training. In Uganda, many children were recruited and used by the Lord's Resistance Army (LRA) in the north. World Vision's Children of War Centre in Gulu has received more than 14,000 children formerly associated with the LRA. The Centre has provided

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173   Ibid, p. 24.
174   Ibid, p. 25.
175   CRC article 37(a)(b).
176   Ibid, article 40(4).

counselling to these children and reunited them with their families where possible. Children have also been able to resume their education and have received job-skills training, crucial for children who lost out on years of schooling.[177]

Jubilee Action's Youth Centre in Patonga, Uganda, offers similar programmes and services to children formerly associated with the LRA and other youth affected by conflict in the region. The services include a counselling programme and supportive youth groups. These projects allow children and young people the opportunity to work through their trauma by sharing their experiences and feelings with their peers in a safe environment. Jubilee Action also provides business training to support village loan associations in 30 established youth groups, enabling 1,000 youth to begin earning a decent income. To support reintegration into the community, Jubilee Action offers sensitivity training and public awareness campaigns to break down stereotypes and reduce stigma against children formerly associated with rebel groups.

4.2.2. Helping affected children access education

Accelerated learning programmes have proven particularly useful in reaching older children who missed out on education due to conflict. Such programmes have been implemented in Angola, Burundi, Democratic Republic of the Congo, Liberia, Sierra Leone, South Sudan and Uganda.

Sierra Leone's Complementary Rapid Education Programme for Schools was introduced towards the end of the civil war (1992-2002). It aimed to compress primary education from six years to three for older children whose education had been disrupted. The programme, supported by UNICEF and the Norwegian Refugee Council, provided training and incentives for teachers, school materials and vehicles and motorcycles to aid monitoring and evaluation. The programme saw a marked increase in enrolment of older boys and girls. By 2002, it had enrolled over 22,000 children aged 10-16 with a success rate over 75 per cent.[178]

177   See more at Wint, C. (February 2016) 'World Vision made them feel safe again', World Vision. Online at: http://www.worldvision.org.uk/news-and-views/blog/2016/february/world-vision-made-them-feel-safe-again (accessed 26 March 2016).
178   Nicolai, S [Ed] (2009), Opportunities for Change Education Innovation and Reform During and After Conflict, Paris: UNESCO and International Institute for Educational Planning. Online at: http://unes-

4.2.3 Reunifying displaced and separated children

After the end of the civil war in Liberia the country instituted special programmes for children returning from abroad, administered by the Liberia Repatriation, Reunification and Resettlement Commission. The programmes seek to support the return of children and their reintegration into society. The Commission addresses issues that cause separation and internal displacement arising from armed conflicts and aids family reunification. It has been commended by the ACERWC for its effectiveness.

4.2.4 Building child protection practitioner capacity

Assessing protection systems and building practitioner capacity in child protection and advocacy organizations helps in addressing the concerns of children generally. The African Child Policy Forum aids children in contact with the justice system. Its Safeguarding Children in Africa initiative assesses the effectiveness of child protection systems in Ethiopia, Kenya, Uganda and United Republic of Tanzania. It exposes the gaps and limitations in the legal and policy framework for child protection and child-centred institutional frameworks. It works on building awareness of child protection systems and knowledge in trends of abuse. The Forum is designing procedures for States to ensure child protection with child-centred organizations.

In November 2011, the Forum developed guidelines for children in contact with justice systems in Africa. It intends to carry out country consultations to implement the recommendations and lobby the African Union Commission for their adoption. Such initiatives both remind governments of their obligations and complement government efforts to strengthen child protection systems.

4.2.5. Involving the mass media

In Gulu district of Uganda, radio stations have been helpful in the rehabilitation and reintegration of former abductees. They support reintegration through return call and proclamations, testimonial programmes and peace

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doc.unesco.org/images/0018/001838/183808e.pdf, (accessed 26 March 2016).

education programmes. Local radio stations call the Gulu Support the Children Organization and World Vision when a returnee is found so they can begin the rehabilitation process. In post-return interviews, many children have testified that their resolve to return was aided by the radio announcements.

The Soul City Institute for Health and Development Communication, an NGO based in South Africa, designed and implemented the Soul Buddyz series. This programme for children ages 8-12 and their caregivers addresses children's rights and health issues. Through an 'edutainment' approach it integrates health education and social issues into programming. Capitalizing on the country's highly developed mass media infrastructure, the Soul Buddyz series involves television, radio and print components. This entertaining model reaches large, diverse audiences: Initial ratings showed that each Soul Buddyz broadcast was reaching over 2 million viewers.

Media campaigns are also instrumental in drawing the attention of the international community to the plight of child refugees. In Iraq, for example, World Vision launched a video, 'Iraqi Children Trapped', that went viral on YouTube. Coupled with reports by researchers, it proved very effective in drawing attention to the plight of Iraqi refugee children suffering from kidnappings, bomb blasts and killings. It also called for funding for education and admission of refugee families.

4.2.6 Programmes for victims of sexual and gender-based violence

In July 2003 UNICEF initiated a project to help women and child survivors of sexual violence in the Democratic Republic of the Congo following reports of widespread perpetration. During the first 12 months of the project, more than 10,000 children and women survivors received help in the most affected areas in the east. UNICEF raised awareness about sexual violence locally, nationally and internationally, using high-profile visits by its Goodwill Ambassadors. It also supported international media coverage and documentaries on the situation for survivors.

4.2.7 Initiatives to promote child protection and child rights

Poverty and other economic factors contribute to the exploitation of children. A recent study by Save the Children analysed the use of cash transfer programming to improve child protection in emergency and non-emergency situations.[179] Cash transfers were shown to improve children's education, nutrition/food security and livelihoods. The transfers also helped to reduce child labour, sexual exploitation and marriage and recruitment of children by armed forces and armed groups.

Advocates for Africa's Children work to protect and promote children's rights, especially among vulnerable and orphaned children. Orphaned children and their caregivers receive training in agricultural skills and assist in building irrigation systems and fences. The initiative also provides food and pays school fees.

Founded in 1986, the African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN) is a pan-African network. It addresses child rights and protection through social programmes and advocacy, legal reform initiatives, public health efforts and partnership building. ANPPCAN was active in drafting the ACRWC and in advocacy for its adoption. Its child participation programme supports children to be agents of their own development by advocating for realization of their rights.

In an initiative on protecting children from violence, stakeholders in Eritrea, Ethiopia, Kenya and Somalia are working to improve their knowledge and agency to reduce violence and child trafficking. They are building their capacity to broaden their advocacy efforts and encourage stronger implementation of relevant legal statutes.

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179   Save the Children (undated). 'Cash and Child Protection: How cash transfer programming can protect children from abuse, neglect, exploitation and violence'.

CHAPTER 5

CONCLUSIONS

5.1 Conclusions

This study has revealed that conflicts and crisis situations in Africa have far-reaching effects on children's lives and well-being. Children are killed, maimed and traumatized by the violence they experience and witness. They lose parents, relatives and communities. Some children are forced to participate in hostilities, leaving those who survive with emotional scars and unprepared for a productive adulthood. The destruction of essential infrastructure such as schools and health facilities puts at risk children's survival, development and well-being. Children who grow up in situations of conflict are at risk of becoming a lost generation. Yet response mechanisms are inadequate, and where they exist they are sometimes unknown or unused.

The study revealed that the destruction of schools is prominent in all the study countries, but especially in Libya, Nigeria and South Sudan. In Nigeria, about 10.5 million children are out of school, especially in the northern states. Six girls are out of school for every four boys. In Borno state alone, NEMA reports that 50 per cent to 60 per cent of schools were destroyed between 2012 and 2014. Teachers and children have been killed and children have been abducted from schools and sold or given to fighters in 'marriage' in northern Nigeria. In Libya, war and violence are keeping 40 per cent of children out of school. The study reveals that the children felt that separation had a high impact on their education. Those in Nigeria indicated the highest impact, at 61 per cent, followed by South Sudan at 45 per cent.

Recruitment of children by armed forces and armed groups has become a common practice, especially in Central African Republic, Democratic Republic of the Congo, South Sudan and Sudan, though efforts have been made to remove children from these groups. The Secretary-General's 2015 report on children and armed conflict noted 241 new cases of child recruitment in 2014.

Conflicts and crises displace children and families both within and outside their countries. Becoming separated from families impedes children's access to food, education and health care and puts them at risk of severe violations of their rights.

Sexual and gender-based violence has become a weapon of war. It is common in all the study countries, especially Democratic Republic of the Congo, Somalia and South Sudan. During Sierra Leone's 10-year civil war, use of rape and other forms of sexual violence as a weapon was widespread and systematic. In addition to belligerents, other perpetrators of sexual abuse have included security forces, guards in camps for displaced people, peacekeeping forces and social service workers, as documented in Central African Republic, Democratic Republic of the Congo, Nigeria and South Sudan. The study found insufficient attention to conflict-related sexual and gender-based violence. It tends to be trivialized by law enforcement officials and communities, and victims are sometimes forced to marry perpetrators as a 'remedy', such as in South Sudan.

Access to adequate food is a serious problem during conflicts. The study found that most children had better access to food before the conflict, partly because they were in rural communities that were producing food. In the camps they lack adequate and nutritious food. The study found that before the conflict, 50 per cent of all children surveyed in the study countries had access to three meals a day and one third of them to two meals during the conflict. During the conflict 45 per cent had access to one meal per day and 30 per cent to no meal. South Sudan registered a record high of 44 per cent of children going without a meal, followed by Nigeria at 25 per cent and Somalia at 20 per cent.

Conflict has worsened the already fragile access to health care in the study countries. Hospitals have been destroyed in Central African Republic, Libya and Somalia. Nigeria managed to carry out immunization amid the conflict following an outbreak of measles and polio. In other countries, including Central African Republic, South Sudan and Somalia, immunization remained a serious challenge. The study also revealed that conflict worsens existing health risks and reintroduces diseases that were once eradicated. For example, polio has resurfaced in Democratic Republic of the Congo, where it was thought to have been eradicated. Children felt that separation had a major impact on their health. In Nigeria 55 per cent of children expressed this concern, followed by South Sudan at 48 per cent and Somalia at 45 per cent.

Especially tragic is the effect of conflict on children's physical and emotional

health. In addition to starvation and diseases, children, especially those separated from their families, face emotional health problems since they are under fear, nightmares, insomnia, anxiety and post-traumatic stress disorders.

For countries no longer in conflict, post-conflict reconstruction remains a serious challenge. In Guinea-Bissau, the health and educational systems are plagued by underfunding, inefficiency, lack of qualified personnel, poor infrastructure and lack of equipment. Social protection structures are very weak, even non-operational in some instances, due to lack of funds and absence of personnel. In Liberia and Sierra Leone, sexual violence continues to be a serious threat.

The growing threat of radicalization is seen in Kenya's experience. It also affects many other countries in Africa, including Cameroon, Libya, Mali and Nigeria.

Child protection response mechanisms differ in the study countries, but all face challenges. Many States have essentially abandoned this terrain to NGOs, each of which has its own agenda and mandate. The result is a fragmented approach leading to spotty coverage, lack of coordination and inconsistency of services. The plight of victims is worsened by inadequate, inappropriate or non-existent protection mechanisms; lack of awareness of services; and victims' reluctance to make use of services due to threats from perpetrators, fear, stigma and other obstacles.

Given the gross violations of children's rights in conflict situations, fulfilment of reporting obligations on implementation of human rights instruments could help in revealing and curbing States' inaction. However, many States are behind in fulfilling these obligations. This prevents citizens from holding their governments accountable.

The study has demonstrated that governments in Africa lag behind in their obligations to protect children. The bulk of the problem is poor implementation of legal, policy and institutional frameworks, and in some cases non-ratification of instruments. Children suffer the consequences. African governments bear the primary obligation for remedying and preventing the harm caused to their children. It is crucial for them to re-commit to treaty obligations and summon the political

will to protect children in conflict situations, prevent conflicts and remedy these human rights violations.

5.2 Recommendations

5.2.1. For African Governments

a) Mainstream a rights-based approach, foundation and mechanism for addressing all violations of child rights in situations of armed conflict. This would ensure recognition of the fact that States are duty-bearers with legal obligations to respect, protect and fulfil child rights at the behest of rights-holders. A rights-based approach demands accountability, transparency and participation; systematic identification of policy measures and activities derived from the normative content of the rights and the corresponding State obligations; and prevention and elimination of discrimination in access. In addition, the national legal and institutional framework should contain strong and adequate norms to clarify the rights, obligations and institutional roles for realization of rights. The framework should also provide remedies for violations of rights through clear mechanisms and strengthened mandates of national human rights institutions.

b) Institute special education programmes to enrol all children and youth to fulfil their right to education. This is crucial in order to rebuild the country and avoid the recurrence of conflict. This can be achieved through increased investments in schools and vocational training programmes.

c) Rebuild and equip health care systems to cater for the needs of children affected by conflict, including provision of psychosocial support. Health care must be accessible, which requires sufficient skilled medical personnel and free services. Where conflict is ongoing, States should leverage partnerships with international organizations to deliver health care services to all children, including immunization.

d) Adopt appropriate policy initiatives to fulfil people's right to food. These will vary country to country, and every government has the discretion to choose its own approaches. However, implementing this right will require adoption of

a national strategy to ensure food and nutrition security for all. Guidance on defining objectives and formulating policies and benchmarks can be found, for example, in General Comment No. 12 by the Committee on Economic, Social and Cultural Rights and in the FAO Right to Food Guidelines.

African governments should also revitalize the agricultural sector to provide adequate food and guarantee food security. In conflict situations, governments should explore partnerships with international development organizations to provide food aid to displaced populations, especially children.

e) Institute a protective environment for children to help prevent and respond to violence and safeguard the well-being of children. Governments should aim to provide essential services for prevention of violence and for children's recovery and reintegration, including health and education services. They should also establish and implement effective monitoring, reporting and oversight.

To establish an efficient child protection system, States must first ratify the main international and regional instruments on protection of children's rights, incorporate them into their national legal frameworks and implement them consistently. If States fulfil their periodic reporting obligations under the ACRWC, the ACERWC will be able to formulate recommendations to help them improve their implementation strategies.

f) Vehemently condemn sexual and gender-based violence in conflict situations and ensure the prosecution of perpetrators, no matter who they are. Governments must also pledge their commitment to end impunity, uphold the human dignity of children and insist on realization of children's right to security and to freedom from sexual abuse. States should establish and publicize referral mechanisms so children know about them and how to use them. Children should be educated on how to report sexual and gender-based violence incidents in a timely manner and how to resist intimidation and other practices that encourage victims' silence, which encourages impunity and the perpetuation of this crime.

g) Provide every person with a legal identity, which is the first step to protection. Governments should ensure that birth registration is accessible to all without

discrimination of any kind, including on the basis of immigration status. Birth registration is a human right, as provided under Article 6 of the ACRWC, and is connected to issues arising in international refugee and humanitarian law. Registration is essential for children and families living in irregular migration situations, for refugees and for asylum seekers. Registering children is the first step in securing their recognition before the law, safeguarding their rights and ensuring that any violation of these rights does not go unnoticed,[180] especially in conflict situations, whether at home or abroad.

h) Establish effective special juvenile justice procedures for child perpetrators/ victims in conformity with international standards, with the sole purpose of correction and not punishment.

i) Establish a reparation programme including adequate compensation for victims and survivors of conflict. This should be informed by consultations to meet the dire needs of the beneficiaries. Reparations should not wait for judicial processes since there is no dispute that violations occurred.

j) Counter radicalism and extremism. Experience with youth radicalization in Kenya, and similar experience in Libya, Mali, Nigeria and Somalia, highlights the risk of armed conflict and accompanying movement of refugees in parallel with poverty, unemployment and lack of prospects for youth. In particular, governments need to:

- Develop a well-coordinated approach to fighting terrorism and radicalization, managed by a lead agency with responsibility for coordinating other arms of government. This agency should also take a lead role in child protection. This requires clear and current information as a basis for developing action plans to counter radicalization. A study should be conducted to determine the underlying drivers of radicalism;

- Adopt a more hands-on approach involving relevant ministries in

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180   Citizenship in Africa Rights Initiative. 'Every Child's Birth Right: Inequities and trends in birth registration.' Online at: http://citizenshiprightsinafrica.org/theme/access_to_nationality/page/64/ (accessed 10 March 2016).

dealing with radicalization. For example, the Ministry of Education should be involved in removing teachers who are contributing to radicalization; the matter cannot be left to the schools alone;

- Support and partner with the media to foster independent voices as a counterweight to extremist voices;

- Engage community leaders to monitor and provide information about community members who may be offenders. Community leaders are better placed to monitor their communities and also identify issues that might open the door to radicalization. They can also provide insights on how children are co-opted by extremists. Such information can greatly inform legal and policy frameworks and counter measures;

- Support institutions, actors and processes relevant to at-risk populations that can be sources of resilience and counter the influence of violent extremist narratives. The goal is to provide youth, in particular, with positive role models and a voice in community governance, which can turn a potential source of instability into an asset. In Niger, for example, informal associations of young people known as *fadas* provide a non-violent outlet for expressing needs and grievances, and a platform for positive social relationships and collective action.

k) End impunity and bring to justice perpetrators of crimes against children in conflict situations. Security Council resolution 1379 on children and armed conflict, adopted in November 2001, urges Governments to end impunity and prosecute those responsible for the most serious crimes against children.[181] They should ensure that accountability mechanisms address crimes against children, through investigation of crimes, prosecution of perpetrators and provision of redress for victims. Governments should cooperate with the international criminal justice system in the exercise of its primary jurisdiction or in its complementary role, together with national justice systems and other accountability mechanisms. Mechanisms of accountability are essential to halt the cycle of repeated violations and end the impunity that threatens sustainable

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181   United Nations Security Council. Resolution 1379 of 20 November 2001, para. 9(a).

peace. Protecting the rights of children by ensuring justice is done is an important foundation for successful peacemaking, and for peace-building in conflict and post-conflict situations.

5.2.2 African Union

a) Urge States to adopt or improve child safeguarding laws, policies and mechanisms by providing support to establish or restructure justice systems, especially through building human resource capacity. Perpetrators of child rights' abuses should be held to account to deter recurrences even in the face of conflict.

a) Urge Somalia and South Sudan, two active-conflict countries involved in the massive violation of children's rights, to (i) ratify the ACRWC with immediate effect and (ii) take up their commitments thereunder in respecting, protecting and fulfilling children's rights under it. This includes reporting to the ACERWC and ending impunity. Countries cannot be held accountable for realizing children's rights and ACRWC standards unless they are parties to these agreements.

b) Make use of the AU Peace and Security Architecture, through its mandated institutions, as a tool for conflict prevention and management and peacebuilding:

- The Peace and Security Council (PSC) has a mandate to prevent, manage and resolve conflicts; build post-conflict peace; and develop common defence policies. It should spell out proactive measures to be undertaken by States to reduce the impact of conflict. This would include preventing children from being recruited into armed forces and armed groups; ensure prosecution of grave violations of children's rights; and end impunity for crimes committed against children in armed conflict situations in collaboration with States, pursuant to relevant international human rights and humanitarian law standards

- Article 20 of the Protocol Establishing the Peace and Security Council of the AU mandates the Council to engage with civil society organizations

in the course of undertaking its functions. Article 8 mandates the PSC to hold closed and open meetings and consultations. In a specific crisis situation, the PSC can convene a formal consultation or open session and invite civil society groups with specific expertise on the matter being addressed to take part in their deliberations. This would enhance the members' understanding of particular situations, giving them a basis upon which to make decisions on how to respond.[182]

- The PSC should work with women's groups and service providers to address sexual and gender-based violence. Initiatives should focus on preventing abuse, protecting those at risk, supporting survivors, prosecuting perpetrators and strengthening the rights of girls. The PSC must ensure that justice strategies are developed in line with international humanitarian and human rights law.

- The African Standby Force was supposed to be operational by 2015 but it has not yet been seen in any conflict. It needs to start operations. The ASF was designed to have both civilian and military components on standby in their countries of origin, ready for rapid deployment at appropriate notice. ASF force elements can be authorized to participate in PSC peace support missions or in interventions authorized by the AU Assembly. Such interventions should include the protection of civilian populations, especially vulnerable groups and children, women and the elderly.

As in the case of ECOWAS, ASF should provide safe corridors for children in conflict and crisis situations. Military components should receive training on child protection in conflict situations as part of their conflict management training. It should focus not only on protection of children against the acts of the belligerent factions, but also from violations perpetrated by ASF members themselves.

- The Panel of the Wise should work with the Continental Early Warning System to obtain information on potential conflicts and threats to peace and security in Africa. The ultimate objective is for the ASF to deploy and

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182   See Bah, S. et al. (2014). op. cit., pp. 104-105.

take necessary child protection measures, funded by the AU Peace Fund. Although the Fund is said to be inadequately financed, and African States provided only 2 per cent of its budget between 2008 and 2011,[183] it is increasingly benefiting from Member States' support through assessed contributions.[184] This suggests that the Fund probably has sufficient resources to finance such child protection operations.

c) Consider setting standards for the protection and alternative care of unaccompanied, separated and refugee children. This would ensure the timely placement of these children in a protective environment to prevent them from protection abuses and to work on family tracing and reunification. This should involve both Governments and NGOs.

5.2.3 UN agencies and international NGOs

a) Shift from an issue-specific, fragmented approach and small-scale projects to a systems approach with a strong focus on prevention and efficiency. This approach would address the child and family in a more holistic fashion and improve coordination. At the national level, a systems approach requires strong leadership, long-term investments and consultation with all relevant sectors, especially social protection, education and health. It also requires effective links and coordination between community-based child protection mechanisms and formal systems.

b) Allocate more funding to support child-centred responses in conflict situations to complement government-led initiatives, to ensure sustainability.

c) Scale up human rights education so that interventions can be informed by children's voices on how conflict affects them. Human rights organizations should support data collection to aid effective humanitarian response and mechanisms at the grass roots.

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183   Karock, U. (2014). op. cit., p. 5.
184   Bah, S. et al. (2014). op. cit., p. 11.

d) Include youth above age 18 in child protection and safeguarding mechanisms, given that the impact of conflict does not stop when children reach the age of adulthood. Child protection agencies should therefore undertake long-term psychological recovery and social reintegration programmes that focus on youth who suffered serious violations when they were children and continue to suffer in their majority.

e) Harness and support the role of community leaders to support rehabilitation of child survivors of conflict. Children should be involved at every stage of designing rehabilitation programmes to allow ownership and ease of post-conflict healing. Different programmes can be used including psychosocial support.

ANNEXES

ANNEX 1.

ANNEX 2.

ANNEX 3.

ANNEX 4.