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The International Response to the Forced Recruitment of Girls in Uganda

by

Odilile Lindiwe Patricia Onu

Dissertation submitted to the faculty of
Humanities and Social Sciences in
fulfilment of the requirements for the
degree of Master of Arts (MA) in
International Relations at the University
of the Witwatersrand

Johannesburg, 2006

DECLARATION

I declare that this dissertation is my original and unaided work. It is being submitted for the award of the degree of Master of Arts (MA) at the University of the Witwatersrand, Johannesburg. To the best of my knowledge, it has not been submitted before for any degree or examination at any other university.

Candidate: Odilile Onu	Supervisor: Jacqui Ala (Ph.D)
Date:	Date:
Signature:	Signature:

ABSTRACT

Children fulfil various roles within armed forces including, active combat and offering support services such as spying and domestic services. Girls make up to 40 per cent of child soldiers in some states. Although in existence, data on girl soldiers has many gaps and tends to focus primarily on the sexual exploitation of girls. Arguably, this undercuts the other difficulties of girl's participation in conflict, and reintegration into the post-conflict society.

The international community has attempted to take up the global problem of child soldiers through various conventions yet; very few of these specifically focus on gender-based violations against children. The dissertation examines the international response to girl soldiers. The central hypotheses being that; girls- as a population group- are ignored in the international human rights regime. Furthermore, girl soldiers are disenfranchised owing to their dual identities of being female and children. The problem is addressed by firstly, defining the international human rights regime and its sub-regimes and secondly, showing its inadequacies in relation to girl soldiers. Uganda is used as a case study to test the hypothesis. Ultimately, this dissertation attempts to show that the international community has ignored a population group that is in need of protection.

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DEDICATION

I devote this work to God in whom all things are possible

Also, I dedicate this work to the loving memory of my father and grandfather, Dr. Pedro Onu and Dr. Peter Onu, both of whom taught me by example that hard work and doing work that you believe in pays off in the end.

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I would not have been able to get this far without the support and encouragement of a whole host of people. I would like to thank you to my partner Ayo, my mum, and my aunt Vivian, and, my supervisor Jacqui for their support.

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I also thank everyone else who supported, advised and prayed for me.

C h a p t e r O n e

INTRODUCTION

In 2002, as many as 300,000 child soldiers were engaged in fighting forces in approximately 30 countries on every continent except for Antarctica and Australia.[1] The international community has attempted to take up the problem of child soldiers and labourers through various conventions but very few focus specifically, on a gender disaggregated basis, the violations against children - "[t]here is little awareness of the dimensions of the suffering inflicted on girls, or of the many roles they play during conflict or of their experiences with their 'war-related' or 'war-spawned' offspring after conflict."[2] The assumption is made that the child related conventions will assist both girls and boys. There are approximately 120,000 girls associated with armed groups. There have been reports of girls being used within armed groups in Colombia, East Timor, Pakistan, Uganda, the Philippines, Sri Lanka, the Democratic Republic of Congo (DRC) and West Africa, among others. In the DRC, there are up to 12,500 girls currently in armed groups.[3] The central hypothesis of this study is that girl soldiers- as a population group- are not paid enough attention in the international human rights regime which thus results in their marginalization. This study will refer to 'girl soldier', which is any female, under age of 18, who is part of an armed force or group. The international community, based on the Cape Town Principles, accepts the following definition, although not a legal definition, for a child soldier "any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity, including but not limited to cooks, porters, messengers, and those accompanying such groups, other than

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[1] Timothy W Maier, Children are being used as soldiers , **Insight on the News**, Dec 10-Dec 23, 2002,p. 30

[2] ***Ibid***.

[3] Matt Hobson, **Forgotten Causalities of War: girls in armed conflict**, Save the Children UK, London, 2005, p.1

purely as family members. It includes girls recruited for sexual purposes and forced marriage. It does not, therefore, only refer to a child who is carrying or has carried arms."[4]The Cape Town principles by far has the most acceptable definition of a child soldier because it acknowledges the non combat roles children play, thus not excluding those girls who may play the role of 'wives'. The United Nations instruments and mechanisms are considered universal in nature that is why the UN is used in analysis of the international community's response to the problem of girl soldiers in this dissertation. Examining the gender aspect of the recruitment of children is important because the international community has, debatably, done more research from a male perspective than from a female perspective.

Uganda will be used as a case study to assess whether or not the human rights sub-regimes of gender and children's rights assists girls who are forcefully recruited into armed forces[5]. The Ugandan case study is helpful because they have ratified and have implemented, to a limited extent, the treaties that make up both sub-regimes. Further, the twenty year armed conflict in northern Uganda is arguably a microcosm of conflicts in the Third World in the post-Cold War era.
The end of the Cold War brought in its wake an amplification of the contemporary configuration of civil wars, which have "been fought internally, within the boundaries of a State and between one or more insurgent groups and the ruling government."[6] Prior to the Cold War, conflicts where inter-state rather than intra-state conflicts, contemporary clashes are multidimensional: they have

[4] CAPE TOWN PRINCIPLES AND BEST PRACTICE ON THE PREVENTION OF RECRUITMENT OF CHILDREN INTO THE ARMED FORCES AND DEMOBILIZATION AND SOCIAL REINTEGRATION OF CHILD SOLDIERS IN AFRICA embraced by the participants in the Symposium on the Prevention of Recruitment of Children into the Armed Forces and Demobilization and Social Reintegration of Child Soldiers in Africa, organized by UNICEF in cooperation with the NGO Sub-group of the NGO Working Group on the Convention on the Rights of the Child, Cape Town, 30 April 1997

[5] This applies to regular or irregular forces.

[6] Afua Twum-Danso (a), Africa's young Soldiers: The Co-Option of Childhood, **ISS Monograph, no.82**, April 2003, p.11

often have an ethnic dimension; they are characterized by human insecurity in the form of mass displacement and the civilians making up most of the victims of the battle; and, a proliferation of Cold War era light weaponry. An extensive range of people, including militaries, insurgents, individual citizens, private security personnel and child soldiers, use light weapons due to their straightforward operation and "low rate of obsolescence". [7]

Child soldiering is a global phenomenon. Many peacetime states ,including the United States of America and the United Kingdom, have persons under the age of eighteen enlisted in their armed forces. International legal instruments such as the Convention on the Rights of the Child and its optional protocol on the Involvement of Children in Armed Conflict state that children are not recruited into non-state armed forces and children should not participate in direct armed conflict. The reason why more attention is paid to child soldiers in African or Asian countries has to do with the fact that not only do those continents have the highest amount of child soldiers in the world but, they are more likely to actively participate in armed conflict due to the amount of civil wars and insurgent groups on both continents. A number of authors justify the recruitment of child soldiers has been "justified as an African Cultural Tradition."[8] Although, there is evidence that in Africa, children have been involved in the armed forces through out history; even girls have been used as combatants, a well-known example being that of the famed girl soldiers of the ancient kingdom of Dahomy, in modern day Benin. A number of scholars dispute that it is recruitment of children, as is done today, can be described as an African cultural norm. Further, historically, children being involved in armed conflict, was not rife only in Africa but there have been

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[7] Susannah Dyer and Geraldine O'Callaghan, **COMBATING ILLICIT LIGHT WEAPONS TRAFFICKING: DEVELOPMENTS AND OPPORTUNITIES**, January 1998, British American Security Information Council, London, pp 6-7

[8] T.W. Bennett, 'Using Children in Armed Conflict: A Legitimate African Tradition?'**, ISS Monograph No 32**, December 1998**,** http://www.iss.co.za/Pubs/Monographs/No32/Content.html, accessed on 13 April 2004

reports throughout history of this phenomenon- for example during the crusades, and in Napoleon's army.

AIMS

The objectives of this dissertation are: to explore the international response to the human rights challenges caused by the forced recruitment of girls in Uganda; and, to examine the efficiency, in the context of gendered forced recruitment, of the current human rights regime(s). The essay will:

- Define the human rights regime in which the sub regimes of gender s and child's rights in conflict will be considered;
- Define the concept of human security and its applicability to the dissertation
- Define the human rights challenges faced by female child soldiers within and outside of rebel groups and examine their experience with the purpose of making policy input;
- Examine the international community's response to the human rights challenges of girl soldiers ;
- Examine the efficacy of the gender regime and children's rights regime in responding to the issue of forced recruitment of girl soldiers; and,
- Critically discuss reintegration, rehabilitation and demobilisation programmes put in place by the international community

The essay will conclude with recommendations to the International community concerning:

- The expansion of the human rights regime to specifically deal with girl soldiers and, is influenced by their human security concerns; in addition,
- Further avenues of research concerning girls in conflict situations.

RATIONALE

This dissertation will consider the human security of girls because girls are, arguably, more vulnerable in conflict situations. Due to societal norms or the physiological make up of girls, little has been done. The dissertation examines human rights and the human rights regime as it is shaped by human security concerns. The Commission on Human Security[9] argues that the "state often fails to fulfill its security obligations." The Commission links security, human developments, human rights, and democracy. Many people, including Kofi Annan[10], make a case for the need to move away from traditional approaches to security to more human centered approaches in order to deal with contemporary threats to humanity. Although, this dissertation focuses on human rights this necessitates a discussion on human security as many human rights regimes now encompass human security issues.

In Africa, the conception of human security is particularly important because, as argued by Van Langenhove, regional integration [a desired outcome since the inception of the African Union], if driven by human security interests, would aid development on the continent.[11] According to, current United Nations Secretary-General Kofi Annan:

> Human security, in its broadest senses, embraces far more than the absence of violent conflict. It encompasses human rights, good governance, access to education and health care and ensuring that each individual has opportunities and choices to fulfil his or her potential..[12]

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[9] Commission on Human Security, **Human Security Now**, Commission on Human Security, New York, 2003

[10] Kofi Annan, 'Towards a Culture of Peace', http://www.unesco.org/opi2/lettres/TextAnglais/AnnanE.html, accessed on 23 February 2005

[11] Luk Van Langenhove, 'Regionalising Human Security in Africa'**, UNU-CRIS Occasional Papers**, 0-2004/8, Paper for the "UNU-TICAD III Follow-up" Workshop Tokyo, 29-30 March 2004

[12] Kofi Annan, 'Secretary-General Salutes International Workshop on Human Security in Mongolia', Two-Day Session in Ulaanbaatar, May 8-10, 2000. Press Release SG/SM/7382, http://www.un.org/news/press/docs/2000/20000508.sgsm7382.doc.html ,accessed on 23 February 2005

If there is to be a viable response to the issue of child soldiers (particularly girl soldiers) then it is important global human rights instruments address human security concerns. Several authors, including, Gow[13] and Kemper[14], recognize that in order to build peace in post conflict societies, it is important that the needs (and the rights) of children involved in these conflicts, are adequately addressed. Gow argues that peace-building is equally a preventative and restorative "approach to conflict and children as the decision-makers of the future, must be part of both." [15] It is the viewpoint of many authors, including the Commission on Human Security, that the reasons for conflict, or other forms of civil unrest, can be traced back to poverty, injustice and other forms of human insecurity.[16] "The disarmament, demobilisation and reintegration into society of former combatants and their dependants are critical steps toward 'human security'."[17] Combatants who are not correctly discharged may turn to crime or become vulnerable to domestic or gender-based violence.[18]

[13] Melanie Gow, 'Partnering with Children for peace' in Heather Elliot (ed.) Children and Peace building: Experiences and Perspectives, **World Vision Discussion Papers**, September 2001. p.1-3

[14] Yvonne Kemper, 'Youth in War-to-Peace Transitions : Approaches of International Organisations', **Berghof Report Nr. 10**, Berghof Research Center for Constructive Conflict Management, January 2005

[15] Gow, **Op Cit**, p.3

[16] Anonymous, 'Redefining security: The human dimension', **Current History**, May 1995, p.220

[17] Commission on Human Security, **Op Cit**, p.62

[18] ***Ibid***, p.63

SURVEY OF LITERATURE

This dissertation examines the response of the International community to girl soldiers. The literature being reviewed comprises of existing academic literature, government and non-government publications, newsletters and reports on child soldiers': particularly female child soldiers/abductees.

The limitations of this research are:

- There is not a great deal of literature on the problems experienced by girl soldiers. The literature available is mainly on child soldiers and girls are discussed briefly;
- More research has to be done into demobilisation and reintegration of girls because the experience of girls is, arguably, different to that of boys. In order to alleviate the problem of girls, the gender dimensions of conflict must be considered when developing rehabilitation programmes. Healthcare that is provided by international organisations must be gender-specific and provision must be made for the effects (physical and psychological) of sexual violence. The international community should address the issue of impunity for perpetrators of sexual violence and exploitation; and,
- More research has to be done on the children borne by girl soldiers. Very little is written about these children even though they do exist. And, these children are often not included in demobilisation and reintegration

programmes though; their fate is likely to be similar to that of their mothers.

As mentioned in previous sections, regime theory will be used as the basis of the theoretical framework. Though many definitions of a regime exist, the one being used for this dissertation is the one put forward by Stephen Krasner.[19] Many other authors have followed the reasoning employed by Krasner such as Puchala, Donnelly and Mignst. Puchala et al[20], in saying that a regime "exists in every substantive issue-area in international relations where there is detectably patterned behaviour." Donnelly[21] further delineates types of regimes and marks out the international human rights regimes. Donnelly asserts that the human rights regime is made up of regional human rights regimes and single issue human rights regimes (such as the regime for women's rights). Mingst[22], follows the same logic as Puchala and Donnelly. Robert Keohane and Joseph Nye[23] originally developed the theory of international regimes. Nye and Keohane asserted, "Understanding the development and breakdown of regimes is central to understanding the politics of interdependence."[24]

Charles W. Kegley Jr., Eugene R. Wittkopf,[25] explain how regimes operate. Holsti[26] and Strange[27] criticize regime theory. K.J. Hoslti argues[28] that the

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[19] Stephen D, Krasner, 'Structural Causes and Regime Consequences: Regimes as Intervening Variables', **International Organisation**, Vol.36, No.2, Spring 1982, p.187

[20] Donald T. Puchala; Raymond F. Hopkins, 'International Regimes: Lessons from Inductive Analysis', **International Organisation**, vol.36, No.2, Spring 1982, p.245-275

[21] Jack Donnelly, 'International Human Rights: A Regime Analysis', **International Organization**, vol.40, no.3, Summer 1986, p.599-642

[22] Karen A. Mingst, **Essentials of International Relations** 3rd Edition, W.W. Norton and Company Inc., New York, 2004

[23] Robert Keohane, Joseph Nye, **Power and Interdependence**, Scott Foreman & Co, Glenview, 1977

[24] ***Ibid***, p.38

[25] Charles W. Kegley Jr., Eugene R. Wittkopf, **World Politics: Trend and Transformation (8th ed)**, Bedford/St. Martins, Boston, 2001, p.101

international human rights regime is ineffectual. Though the treaties and agreements within this regime are relevant, the principles are broad and left to states to interpret. The inadequacy of regimes is also at the enforcement level because the only real form of punishment of non-compliance is negative publicity. Susan Strange[29] questions the efficacy of regime theory. Strange challenges the legitimacy of the concept and argues that it is flawed. Young[30] sees regimes as social institutions governing the actions of those interested in specific activities. Simmons[31] asks how and whether regimes can have an independent influence on state behaviour.

The youth are affected by conflict in their society either directly or indirectly. Several authors have explored the topic from various standpoints. The Coalition to Stop the Use of Child Soldiers[32] produces annual reports that explore child soldier use around the world and discusses everything from recruitment, demobilization to child protection programmes. Afua Twum-Danso [33]discusses the use and forms of recruitment of children in contemporary conflicts. T.W. Bennett[34] discusses the use of children in conflict from a historical perspective and discusses about ways the international community has tried to criminalize the

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[26] K.J Holsti., **International Politics: A Framework for Analysis 5th Ed**., New Jersey, 1988

[27] Strange Susan, 'Cave! Hic Dragones: A Critique of Regime Analysis', **International Organization**, Vol.36, No.2, Spring 1982

[28] Holsti, ***Ibid***

[29] Strange, ***Ibid***, pp.479 -496

[30] Oran R. Young, International Regimes: problems of concept formation, **World Politics**, vol.32, no.3, April 1980, p.331-356

[31] Beth A. Simmons and Stephen Haggard, Theories of International Regimes**, International Organization**, vol. 41, no.3, summer 1987, p491-517

[32] Coalition to Stop the Use of Child Soldiers, **Global Report 2001, 1379 Report (2002), Child Soldier Use 2003, Global Report 2004**

[33] Twum-Danso, ***Ibid***

[34]Bennett, ***Ibid***

practice. Mcintyre [35] explores the methods of military and political recruitment change. Mcintyre has suggestions for peace-building and post-conflict recovery. Beth Verhey[36] discusses Prevention, Demobilization and Reintegration of child soldiers in Africa. Machel discusses every aspect of the effect of conflict on children. The book is based on the report Machel wrote for the United Nations.[37] Ndogoni[38] puts forward a framework that tackles the root causes of child abuses. The article contends that a significant facet of peace building in Africa is bringing to halt violence against children.

One of the hurdles faced by post conflict societies is the disarmament, demobilizations and reintegration of ex-combatants.[39] Save the Children details the demobilization and reintegration of Rwandan child soldiers in the Democratic Republic of Congo.[40] It also has provided a broad policy framework for dealing with children in armed groups.[41]Jo Becker and Tony Tate[42] discuss the human rights abuses occurring in northern Uganda. There is also an analysis on the Lord's Resistance Army and their methods of recruitment. Annette Weber and

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[35] Angela Mcintyre**,** 'RIGHTS, ROOT CAUSES AND RECRUITMENT: The youth factor in Africa's armed conflicts' **African Security Review**, Issue 12, No.2, 2003

[36] Beth Verhey, 'Child Soldiers: Lessons Learned on Prevention, Demobilization and Reintegration'*,* **Findings,** No.207, May 2002, http://www.worldbank.org/afr/findings and 'Child Soldiers: Preventing, Demobilizing and Reintegrating'**, Africa Region Working Paper Series**, No. 23, November 2001

[37] Graça Machel, **The Impact of War on Children**, Hurst & Company, London, 2001

[38] Lincoln Ndogoni, 'At the mercy of strangers: ambiguous alliances between children and adults' in Heather Elliot (ed.) Children and Peace building: Experiences and Perspectives, **World Vision Discussion Papers**, September 2001. p.5-8

[39] Jeroen de Zeeuw, 'Building Peace in War-Torn Societies: Form Concept to Strategy', **Research Project on 'Rehabilitation, Sustainable Peace and Development**, Netherlands Institute of International Relations, Conflict Research Unit, August, 2001

[40] **Crossing the Border: The Demobilisation and Reintegration of Rwandan Boys and Girls Associated with Armed Groups in the Democratic Republic of Congo**, July 2004, Save the Children, UK

[41] **A Fighting Chance: guidelines and implications for programmes involving children associated with armed groups and armed forces**, Save the Children, 2004

[42] Jo Becker and Tony Tate, 'STOLEN CHILDREN: Abduction and Recruitment in Northern Uganda', **Human Rights Watch**, Vol.15, No. 7 (A), March 2003

Jemera Rone[43] further discuss the issue and update Becker and Tate's findings. Dodge[44] also discusses child soldiers in Uganda but does not recognize the fact that there are female child soldiers. The role that is attributed to them is more subsidiary. The ICG Report gives further analysis on the conflict in Uganda.[45] Anderson et al, also provide analysis of the war in Uganda and the use of child soldiers by the Lord's Resistance Army.[46] Fisher et al, provides tools for tackling conflict.[47]

Gender approaches in conflict and Post-conflict situations [48] deal with the evolution of approaches towards women in conflict, the current approach and recommendations for improving the approach, Girls 2000,[49] is a report on concerns of NGOs on girls discussed at Beijing +5. Yvonne Kearns[50] deals with girl soldiers specifically and the issues pertaining to them. Kearns discusses the reason why more attention must be turned to girl soldiers and policy implications. Joanne Csete[51] deals with the dangers women and girls face in Sub Saharan Africa in relation to the AIDS crisis. Girls especially, are vulnerable because of conflict, and poor socio-economic backgrounds. Brown[52] discusses the importance of the

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[43] Annette Weber and Jemera Rone 'ABDUCTED AND ABUSED: Renewed Conflict in Northern Uganda', **Human Rights Watch** Vol. 15, No. 12 (A) – July 2003

[44] Cole P Dodge, 'Child Soldiers of Uganda and Mozambique', in Cole P. Dodge and Magne Raundalen (eds.), **Reaching Children in War: Sudan, Uganda and Mozambique**, Sigma Forlut, Norway, 1991

[45] Northern Uganda: Understanding and Solving the Conflict' , **ICG Africa Report** ,N°77,14 April 2004

[46] Rory E. Anderson , Fortunate Sewankambo, and Kathy Vandergrift,**Pawns of Politics: children, conflict and peace in northern Uganda**, World Vision, 2004

[47] Simon Fisher, Dekha Ibrahim Abdi, Jawed Laudin, Richard Smith, Steve Williams, and Sue Williams, **Working with Conflict: Skills & Strategies for action**, Zed Books ltd., London, 2000

[48] 'Gender Approaches in Conflict a n d Post-conflict situations', **UNITED NATIONS DEVELOPMENT PROGRAMME**

[49] Sara Ann Friedman,' Girls 2000', **The Working Groups on Girls, 2000**

[50] Yvonne Kearns, 'The Voices of Girl Soldiers', **Quaker United Nations Report**, October 2002

[51] Joanne Csete, Policy paralysis: a call for action on HIV/AIDS-related human rights abuses against women and girls in Africa'**, Human Rights Watch**, December 2003,

[52] Chris Brown, **Understanding International Relations**, Macmillan Press Ltd, London, 1997, pp 240- 241

gender dimension in International Relations. Alfredson[53] discusses sexual exploitation of child soldiers, particularly that of girls. Alfredson also examines the relation between forms of recruitment and sexual exploitation. Clark's[54] study is on the process of reintegration and disarmament of former girl soldiers. "Review of the Implementation of Beijing Platform for Action[55]

Amnesty International outlines fifteen steps to protect women's rights.[56] Galey[57], describes the United Nations specific attention to "women's issues" and its effect on women.

Listed below are the International Human Rights instruments that would be used in examination of the international response to girl soldiers.

International Human Rights Law developments[58]:

1924 - League of Nations adopted the first declaration on the rights of the child.

1948 - UN adopted the Universal Declaration of Human Rights, a non binding instrument

1949 - Geneva Conventions (four) International Humanitarian Law

1951 - Convention and 1967 Protocol relating to the Status of Refugees

American Convention on Human Rights (in force in 1978)

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[53] Alfredson, Lisa. 'Sexual Exploitation of Child Soldiers: An exploration and analysis of global dimensions and trends', **Child Soldiers Newsletter**, Coalition to Stop the Use of Child Soldiers, London, December 2001

[54] Christina Clark, 'Girls in War: Public Health, Social & Economic Reintegration', http://www.child-soldiers.org/cs/childsoldiers.nsf/37a36da699a44b3e80256b240045b77b/1bf258ec516ab32480256c8b00495c20?OpenDocument , accessed on the 17 April 2004

[55] "Review and Appraisal of the Implementation of Beijing Platform for Action: Report of the Secretary-General" **(E/CN.6/2000/PC/2)**

[56] No Author, **Human Rights are Women's Rights**, Amnesty International, 1995

[57] Margaret E. Galey,' The United Nations and Women's Issues' in Peter R. Beckman and Francine D'Amico (eds.), **Women, Gender and World Politics: perspectives, policies, and prospects,** Bergin & Garvey, London, 1994, p.131

[58] G Goodwin-Gill, & Ilne Cohn**, Child soldiers: The role of children in armed conflicts,** Clarendon Press, Oxford, 1994

1977 - Additional Protocols to the 1949 Geneva Conventions

1981- African Charter on Human and Peoples' Rights

1984 - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

1989 - UN adopts the Convention on the Rights of the Child

1990 - African Charter on the Rights and Welfare of the Child –

> *This is the only regional treaty in the world that addresses the issue of child soldiers. It was adopted by the Organization of African Union (now the African Union) in 1990, coming into force in November 1999. It states that a child is anyone below the age of 18 without exception. It goes on to state that State parties should refrain from recruiting children for armed forces.*

1996 - Resolution on the Plight of African Children in Situation of Armed Conflicts

Additional Protocols to the Geneva Conventions

- Protocol I Relating to the Protection of Victims of International Armed Conflicts
- Protocol II Relating to the Protection of Victims of Non-International Armed Conflicts

Other International Legal standards relating to children:

- The Rome Statute of the International Criminal Court, which classifies conscription, enlistment or use in hostilities of children under 15, as well as attacks on schools and hospitals and grave acts of sexual violence, as war crimes-This statute gives the court jurisdiction over the war crime of enlisting children less than 15 years into national armed forces.
- The Optional Protocol to the Convention of the Rights of the Child on the involvement of children in armed conflict, which sets an age limit of 18 years for compulsory recruitment and

direct participation in hostilities, and requires States parties to raise the minimum age for voluntary recruitment to at least 16;

- Three Security Council resolutions - 1261 (1999), 1314 (2000), and 1379 (2001) on the protection of children during conflict;
- ILO Convention 182, which defines child soldiering as one of the worst forms of child labour and sets 18 as the minimum age for forced or compulsory recruitment and;
- Other international instruments which are important for the protection of children are the African Charter on the Rights and Well-being of the Child - the first regional treaty establishing age 18 as the minimum age for all recruitment and participation in hostilities
- Other Legal Standards come from the United Nations reports and statements by the Special Representative of the Secretary-General on Children and Armed Conflict, UNICEF, resolutions by the UN General Assembly and Commission on Human Rights, reports by UN Special Rapporteurs, and reports by the Secretary General to the Security Council.[59]

Uganda's national response to girl soldiers is informed by the following legal instruments:

- The Uganda constitution[60], promulgated in 1995, protects children from exploitation. Furthermore, it protects children involved in armed conflict

[59] E/CN.4/2000/59 - 26 April 2000; E/CN.4/2000/60 - 26 April 2000; E/CN.4/RES/1999/43 - 26 April 1999; E/CN.4/RES/1999/80 - 28 April 1999; E/CN.4/RES/1998/76 - 22 April 1998; E/CN.4/RES/1997/78 - 18 April1997; E/CN.4/RES/1996/85 - 24 April 1996; E/CN.4/RES/1995/79 - 8 March 1995; A/RES/54/145 - 17 December 1999; A/RES/54/149 17 December 1999; A/RES/53/128 - 9 December 1998; A/RES/53/193 - 15 December 1998; A/RES/52/105 - 12 December 1997; A/RES/52/107 - 12 December 1997; A/RES/51/77 - 12 December 1996; A/RES/50/153 - 21 December 1995; A/RES/50/154 - 21 December 1995; A/RES/49/209 - 23 December 1994

[60] http://www.government.go.ug/constitution/detail.php?myID=4

and, addresses the protection and promotion of human rights for all citizens; and,

- The Children's Statute[61] was enacted in 1996,

Currently, Uganda does not have a formal DDR or DDRR programme.[62] Colleta et al explain the DDR process and its application in Uganda. The authors primarily base their analysis on documentation and from the appraisal and implantation of the Uganda Veterans Assistance Programme.[63] Verhey's paper is based on case studies on Angola and El Salvador, as well as other country programme experiences. It explores the themes of prevention, demobilization, and reintegration. This study illustrates that children and youths involved in armed conflict can be successfully reintegrated into their families and communities. However, success of DDR is dependant on the political will and resources to incorporate child soldiers in peace agreements and demobilization programmes and to support their reintegration.[64]Chitalia and Odeh examine uniquely female issues concerning disarmament and social reintegration.[65]

Sullivan and Odeh give an outline of recent Disarmament, Demobilization, and Reintegration programmes for child soldiers.[66] The Field Guide to Child Soldier Programmes in Emergencies was created for those designing and operating a programme concentrated on child soldiers. It provides an outline of programming

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[61] The Children's statute, Statutory Instruments Supplement No.20, **Uganda Gazette No.45**, Vol. LXXXIX, July 1996

[62] Email from Daisey Muculezi, Programme Officer, Save the Children in Uganda, 12/August/2005

[63] Nat J. Colleta, Markus Kostner and Igno Wiederhofer, Case Studies in War-to Peace Transition : The Demobilization and Reintegration of Ex-Combatants in Ethiopia, Namibia, and Uganda, World Bank Discussion Paper No.331, Africa Technical Department Series, WDP 331, June 1996

[64] Beth Verhey, 'Child Soldiers: Preventing, Demobilizing and Reintegrating', **Africa Region Working Paper Series No. 23**, November 2001

[65] Ami Chitalia and Michael Odeh, 'How Girl Soldiers are Punished by Their Past, Children in Armed Conflict', **Youth Advocate Program International Resource Paper** , http://www.yapi.org

[66] Collin Sullivan and Michael Odeh, 'Recent Developments in International Rehabilitation of Child Soldiers, Children in Armed Conflict', **Youth Advocate Program International Resource Pape**r , http://www.yapi.org

alternatives in each of the three major areas of child soldier programmes: prevention of recruitment, demobilization, and reintegration.[67]

The most important step to ensuring that children (girls and boys) do not actively participate in conflict is to minimize conflict. It is not realistic to assert that conflict can end but it is realistic to contend that if the incentives for conflict are reduced there will be less of it. The international community has a responsibility towards protecting the human rights of girls worldwide. A step towards the protection of girls' rights is reforming the international gender regime, in particular, and, in general, the international human rights regime.

[67] Mark Lorey, **Child Soldiers: Care & Protection of Children in Emergencies A Field Guide**, Save the Children Federation, 2001

METHODOLOGY

The methodology employed for the paper will be qualitative and quantitative using the post behaviorialist approach. Quantitative refers to statistical data and qualitative refers to non-statistical data. J. David Singer identified four features that typify the approach to international relations:

- "the acceptance of probabilism";
- application of the "inductive-deductive continuum" ;
- "concern for replicabilty"; and,
- "emphasis on the specificity of variables"[68]

In essence, behavioralism is an approach to international relations research utilizing scientific methods. It applies "principles of the scientific method to understand how the world operates in political, economic, diplomatic, and military relations". [69] Karen Feste contends that gender has not appeared as a variable in behaviorialist research.[70]

Post-behaviouralism is an approach to international relations that requires consideration to the policy relevance of research carried out using behavioural methods. The chief proponent of post-Behaviouralism, David Easton, argues that

> If the choice of a theoretical approach on the grounds of scientific adequacy alone is still indeterminate, this gives us the opportunity to import other criteria for assessment between alternative modes of analysis. Because of the urgent requirement fro meeting the unusual social crises of our day, it does not seem artificial to inquire into the relative potential of any proposed theoretical approach for assisting in the solution of social problems.[71]

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[68] J. David Singer, 'The Relevance of the Behavioral Sciences to the Study of International Relations', **Behavioral Science**, VI, October 1961, p.327-328

[69] Karen A, Feste, 'Behavioral Theories: The Science of International Politics and Women', in Peter R. Beckman & Francine D'Amico (eds.), Women**, Gender , and World Politics: Perspectives, Policies and Prospects,** Bergin & Garvey, U.S.A, 1994, p.42

[70] ***Ibid***, p.41

[71] David Easton, **The Political System**, Alfred A. Knopf, New York , 1971, p.370

The issue being covered by the dissertation is one that requires examination using policy relevant methods and, can not be adequately analyzed using purely scientific methods. The nature of the study also necessitates the use of a methodology that takes gender into account in its examination. Therefore, post-behavioralism is the most appropriate methodology to be utilized for this study.

The data would be drawn mainly from secondary sources: United Nations documents (e.g. reports and statements by the Special Representative of the Secretary- General on Children and Armed Conflict, UNICEF, resolutions by the UN General Assembly and Commission on Human Rights, reports by UN Special Rapporteurs, and reports by the Secretary General to the Security Council); Coalition to Stop the Use of Child Soldiers (CSC) Publications (Global Report 2001, 1379 Report, Child Soldier Use 2003 & 2004 Reports and Child Soldier Newsletters); Reports from the non- governmental organisations making up the CSC steering committee reports and documents from the African Union.

The statistical data utilised in the dissertation will be drawn from the secondary sources outlined above. The data has already been collated and analysed by authors.

THEORETICAL FRAMEWORK

The response of intergovernmental Organizations (IGOs) and international non-governmental organizations (INGOs) are being used in the analysis of the international community's response to the problem of female abductions in the north of Uganda because the paper is trying to establish: if there is a human rights regime in existence that protects girls in conflict settings.

The basis of this paper's theoretical framework will be regime theory. Wittkopf and Kegley assert that "international regimes" are formed when states set up "rules" for collaboration.[72] Krasner contends that the objective of a regime is to facilitate "agreements"[73] and different factors such as dominance, interests, and customs all contribute to regime creation. He goes on to argue that these contributory issues may perhaps be exhibited via the behaviour of individuals and international organisations, in addition to states. According to Mingst:

> IGOs, along with states, often spear head the creation and maintenance of international rules and principles based on their common concerns. These have come to be known generally as international regimes. Charters of IGOs incorporate the norms, rules, and decision-making processes of regimes. By bringing members of the regime together, IGOs help to reduce the incentive to cheat and enhance the value of a good reputation. The principles of the international human rights regime, for example, are articulated in a number of international treaties, including the Universal Declaration of Human Rights. Some IGOs, like the United Nations (through its Office of the High Commissioners for Human Rights) and the European Union, institutionalize those principles into specific norms and rules. They establish processes designed to monitor states human rights behavior and compliance with human rights principles. These organizations provide opportunities for different members of the

[72]Kegley and Wittkopf, ***Op Cit***, p.260

[73] Stephen D, Krasner, 'Structural Causes and Regime Consequences: Regimes as Intervening Variables', **International Organisation**, Vol.36, No.2, Spring 1982, p.187

> regime- states, other NGOs, and individuals- to meet and evaluate their efforts.[74]

IGOs are "voluntary associations of sovereign states, organized to pursue the many different purposes for which states feel they wish to cooperate through some sort of formal often long-term structure."[75] They are categorized by two features: scope or function. "First, the organization may be global or regional. The United Nations includes most existing states and strives for universal membership." [76] The majority of IGOs are regional, for example the African Union.[77] IGOs functions may be: political, military, economic, or social. Although they engage in other activities, The United Nations and the African Union are essentially political organizations.[78]

Spanier contends an NGO is more appropriately described as a transnational organization because it "performs its functions not only across national frontiers but also often in disregard of them…The transnational organization represents its own interests and pursues them in many nations" unlike an IGO.[79] Mingst goes on to state that some INGOs "are better known than some of the smaller countries. They include

- Amnesty International
- Green Peace
- Red Cross

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[74] Karen A. Mingst, **Essentials of International Relations 3rd Edition**, W.W. Norton & Company, New York, 2004, p.163-165

[75] John Spanier, 'Who are the "Non-State Actors"' in William C. Olson (eds.), **The Theory and practice of International Relations 8th Edition**, Prentice Hall, New Jersey, 1991, p.43

[76] ***Ibid***

[77] ***Ibid***

[78] ***Ibid***, p.44

[79] ***Ibid***, p.46

- Save the Children"[80]

Robert Keohane and Joseph Nye[81] originally developed the theory of international regimes. Nye and Keohane asserted, "Understanding the development and breakdown of regimes is central to understanding the politics of interdependence."[82]According to Keohane and Nye, a regime is an interstate pact that controls a specific area of international affairs. This pact is administered by an interstate organization. The following suppositions are made:

- states are interdependent and hence establish regimes to manage their relationship; and,
- States are nation-states.

Though there are many definitions of a regime, the one that is widely accepted in the international community, and the one being used for this paper, is the one proposed by Stephen Krasner[83], "sets of implicit or explicit principles, norms, rules and decision-making procedures around which actor expectations converge in a given issue area." Principles refer to the belief system of the regime and norms relate to what behaviour is considered acceptable within the regime. Rules are a proscription for action (namely, treaties and conventions). Actors in regimes consist of treaty secretariats, human rights organizations, individuals and states. Monitoring and enforcement mechanisms are formed through public observation, economic and diplomatic pressure.

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[80] Peter Willetts, 'Transnational actors and international organizations in global politics', in John Baylis & Steve Smith (eds.), The **Globalization of World Politics: An Introduction to International Relations 2nd Edition**, Oxford University Press, New York, 2001, p.369

[81] Robert Keohane and Joseph Nye, **Power and Interdependence**, Scott Foreman & Co, Glenview, 1977

[82] ***Ibid***, p.38

[83] Krasner, **Op Cit**, p.186

This dissertation will follow the reasoning of Jack Donnelly[84], who mark outs types of human rights regimes. According to Donnelly, human rights regimes are either regional or single-issue (a key single issue human rights regimes is the international gender regime). The principles of the human rights regime are encompassed in the United Nations Charter. The international gender regime and the international child rights regime are sub regimes to the international human rights regime. The Charter fervently confirms the equality of all persons.[85] The United Nations conferences on the status of women, more specifically the Beijing Conference, satisfy the definitional elements of a regime. The Convention on the Elimination of Discrimination against women fulfils all but one of the elements – it does not have a decision-making procedure. The Universal Declaration of Human Rights, adopted on 10 December 1948 by the United Nations General Assembly, and the International Human Rights Covenants, which came into force in 1976, makes up the international human rights regime.[86]

K.J. Hoslti argues that the international human rights regime is ineffectual owing to States being able to change the terms of the treaty through reservations and declarations. [87]Moreover, Susan Strange[88] questions the efficacy of regime theory. Strange challenges the legitimacy of the concept on five counts: firstly, regime theory is considered a trend and makes little lasting contribution to international political scholarship; secondly, it is inexact; thirdly, it is value-biased; fourthly, it overstates the constant and understates the element of change in world politics thus causing distortion and; lastly, it is rooted in state-centric concepts. A number

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[84] Jack Donnelly,' International Human rights: A Regime Analysis', **International Organization**, Vol.40, No.3, Summer, 1986, p.599-642

[85] http://www.un.org

[86] **UN Resolutions 217A (III), 2200(XXI**)

[87] K.J. Holsti, **International Politics: A Framework for Analysis 5th Ed**., New Jersey, 1988

[88] Susan Strange, 'Cave! Hic Dragones: A Critique of Regime Analysis', **International Organization**, Vol.36, No.2, Spring 1982, pp.479 -496

of feminist intellectuals do not find regime theory practical as it is state-centric thus grouping the social and hence gendered nature of rules. Fred Halliday maintains that although international relations now incorporates more than security issues, the situation has not been sufficiently resolved. [89]

Even though regime theory has its flaws and has been critiqued, it is still a useful tool for analysis. The theory examines how and why different actors cooperate, in addition, it explains non-tangible issues such as norms, principles et cetera. It may be contended that states benefit from joining a regime in several ways including, access to donor funds and greater internal stability. Other possible reasons for wanting to join a regime are that relations between States in various areas of interest are to some extent regulated. Furthermore, the process of relating with other States provides a platform to influence international public policy and rally support. States may not want to join a regime for several reasons, some of them being: lack of internal political will, cultural beliefs within the state and fear of losing sovereignty.

For the purpose of this dissertation, regime theory will investigate if the international human rights regimes in particular; those dealing with women's and children's rights address the issue of girl soldiers/abductees, and to examine their effectiveness. From this investigation, recommendations will be made on what further action could be taken. The framework is used to critically examine the gender and children's rights regimes in relation to girl soldiers. Further, the framework will be used to test the application of both regimes to the issue of forced recruitment in Uganda.

[89] Nüket Kardam, Engendering International Relations' Discourses, **Paper prepared for presentation at the Workshop "Reshaping International Relations"**, Marmara University, Istanbul, May 18-19 2001, p.8

STRUCTURE of the STUDY

The arrangement of this study is as follows:

Chapter Two

The examination will begin with a discussion on human rights and human security as they relate to the protection of children and women. The legal standards available used to deal with this phenomenon such as international human rights treaties and treaties related to the protection of women and children are considered. The African human rights mechanisms are also discussed. The concept of human security is discussed as it shapes human rights regime. Furthermore, human security is discussed because the failure of the State to fulfil its security obligations may lead to violent conflict which consequently makes girls more vulnerable to forced recruitment.

Chapter Three

This chapter discusses the importance of gender consideration in international relations. The purpose is to demonstrate why the rights of girl soldiers cannot be viewed in a gender-neutral context.

Chapter Four

The child soldier crisis is examined. The definition of child soldiers that is employed includes combat and non-combat roles. Functions and methods of recruitment and consequences of child soldiering are considered. The investigation will go into functions and the vulnerability of girls in conflict situations.

Chapter Five

An overview of the disarmament, demobilization and reintegration process is provided. The discussion then goes into what the how this process affects girls and in what ways they may be disenfranchised because of it.

Chapter Six

The human rights regime and its sub-regimes of gender and child's rights are defined. The efficacy of these regimes in protecting girl soldiers is interrogated and some of the problems with the regime are highlighted.

Chapter Seven

The regime is applied to the Ugandan case. The efficacy of the gender regime and child's rights regime to the Ugandan case is considered.

Chapter Eight

A few recommendations for action are provided to the international community as a whole and to nation-States.

Chapter Two

HUMAN RIGHTS

Human rights may be described as the entitlements of every human being. There is no difference between those persons entitled to these rights on grounds such as sex, ethnicity, religion, language, sexuality or socio-economic circumstances.[90] The development of human rights standards and protocols began early in the twentieth century after the Second World War. The international community moved towards codifying international standards for protecting the human rights to ensure that the atrocities committed during the war were not repeated. The first of these documents was the Universal Declaration of Human Rights (UDHR) on the 10 December 1948. [91] The UN human rights machinery comprises of two main mechanisms- charter based bodies and treaty based bodies. Charter bodies are those instruments that are created under the human rights charter, for example, the Commission on Human Rights; the Sub-Commission for the Promotion and Protection of Human Rights; and, the Special Procedures of the Commission on Human Rights. [92] In June 2006, these charter bodies were replaced by the Human Rights Council. Currently the Council is reviewing all mandates of the previous Commission on Human Rights.[93]The new Human Rights Council will be discussed in detail later on in the text. The Commission on Human Rights was the main UN body on Human Rights. Established in 1946 by the Economic and Social Council of the UN, it imparts policy guidance, studies human rights problems, cultivates new international norms, and monitors the

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[90] Abdullahi Ahmed An-Na'im, Introduction: Expanding legal protection of Human Rights in African contexts in Abdullahi Ahmed An-Na'im (ed.) **Human Rights under African Constitutions: Realizing the promise for ourselves**, University of Pennsylvania Press, Philadelphia, 2003, p.3

[91] No Author, **Basic Facts:About the United Nations**, United Nations Department of Public Information, New York, 2004, p.228

[92] ***Ibid***, p.233

[93] www.ohchr.org/english/bodies/hrcouncil., accessed 19 June 2006

global adherence to human rights.[94] The procedures and mechanisms used to scrutinize, observe and publicly report state of affairs in individual countries with regard to human rights and human rights violations worldwide are jointly referred to as the Special procedure of the Commission on Human Rights.[95] Established in 1947 by the Commission on Human Rights, the Sub-Commission on Human Rights consists of experts who served in their personal capacity to study a broad range of human rights issues and make recommendations to the Commission on Human Rights. The experts reported to the Commission and, the UN general assembly. They worked as country-specific special rapporteurs, independent experts and representatives or thematic special rapporteurs, representatives and in working groups. [96]

The human rights approach is an important instrument in dealing with girl soldiers as it assumes that girls are entitled to certain rights even in times of armed conflict. The role of States is to ensure that these rights are protected and promoted.

The Main UN Human Rights Bodies and Mechanisms

The Office of the United Nations High Commissioner for Human Rights (OCHCHR) mission is to promote universal ratification and implementation of human rights treaties. It functioned as the focal point for United Nations Human Rights activities and the secretariat for the Commission on Human Rights. [97] The

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[94] ***Ibid***, p.233

[95] Commission on Human Rights, http://www.unhchr.ch/html/menu2/2/chr.thm, accessed 12 December 2005

[96] Basic Facts; About the United Nations, ***Op Cit***

[97] Commission on Human Rights, ***Op Cit*** ,http://www.unhchr.ch/html/menu2/2/chr.thm

new Human Rights Council will take on the role and responsibilities of the Commission on Human Rights relating to the work of the OCHCHR. [98]

The main UN bodies involved in the promotion of human rights are: The Security Council; The General Assembly; OCHR; and, the International Court of Justice (ICC).[99] The Security Council (SC) was an organ set up by article 24 of the UN charter. Its primary function is to maintain international peace and security. The charter says that the SC may investigate any problems that might jeopardize the protection of international peace and security. These issues arise in part from, or are associated with substantial and constant human rights violations. In acute cases, if the SC determines that an issue may by a threat to peace then it would take enforcement measures. The SC has the power to make decisions that member states are duty-bound to implement[100] For instance, under Chapter VII of the UN charter, the SC is allowed to put its decisions into effect through embargoes, sanctions or the use of force. The UN has endorsed the use of force in peacekeeping or humanitarian interventions, particularly in the former Yugoslavia, Somalia, and Sierra Leone.[101]

The General Assembly (GA) is the main deliberative body of the United Nations which has representatives from all UN member states. It reviews and takes action on human rights matters referred to it by its Third Committee (Social, Humanitarian and Cultural Committee) and by the Economic and Social Council. The decisions by the GA have no legal force but they do have more the moral weight of international opinion.[102] The International Court of Justice[103] is the

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[98] www.ohchr.org/english/bodies/hrcouncil., accessed 19 June 2006

[99] http://www.un.org/rights, accessed 12 December 2005

[100] The United Nations Blue Books Series, Volume VII "The United Nations and Human Rights, 1945-1995"

[101] http://en.wikipedia.org/wiki/Use_of_force_by_states and http://en.wikipedia.org/wiki/Chapter_VII_of_the_United_Nations_Charter

[102] http://www.un.org/rights/dpi1774e.htm

main judicial organ of the United Nations. It settles legal disputes between states and gives advisory opinion to the UN and its specialized agencies. The court is open to states that are party to its statutes, but not individuals.

The Economic and Social Council (ECOSOC) was developed by the UN Charter and it is the principal organ coordinating economic and social work by the UN and the specialized agencies and institutions. The following ECOSOC bodies deal with human rights:[104]

ECOSOC Commissions	ECOSOC Committees
▪ Human Rights; ***i.*** *Special Procedures (country situations / thematic issues)* **ii.** *Working Groups* ▪ Sub-commission on the Promotion and Protection of Human Rights; ▪ Commission on the Status of Women (CSW)	▪ Human Rights (HRC) ▪ Monitors implementation of the International Covenant on Civil and Political Rights ▪ Economic Social and Cultural Rights (CESCR) ▪ The Child (CRC) ▪ Promotion and Protection of Human Rights ▪ Racial Discrimination (CERD) ▪ Torture (CAT) ▪ Migrant Workers (CMW)

Table 1: ECOSOC bodies dealing with Human Rights[105]

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[103] http://www.icj-cij.org

[104] http://www.un.org/rights, accessed 12 December 2005

[105] Compiled by author from Commission on Human Rights, ***Op Cit*** ,http://www.unhchr.ch/html/menu2/2/chr.thm and The United Nations Human Rights Treaty System: An introduction to the core human rights treaties and the treaty bodies, ***Op Cit***,

A diagram illustrating the structure of the United Nations Human Rights bodies and Mechanisms may be found in appendix C.

Setting of Human Rights standards- treaties and optional protocols

The Universal Declaration of Human Rights (UDHR) was planned as the "common standard of achievement of all peoples." Its articles describe the basic civil, cultural, economic, political and social rights that every human being should enjoy. [106] The first article of the UDHR describes the notion of basic rights: "All human beings are born free and equal in dignity and rights."[107] The Declaration is not a legally-binding treaty but has ethical weight as it is the "first internationally agreed definition of the rights of all people, adopted in the shadow of a period of massive violations of the rights there described. The Declaration also laid in a direct fashion the groundwork for the treaty structure to be erected in the decades to come." [108] At the time that the UDHR was adopted there was broad consensus that the rights contained in it should be "translated into legal form as treaties[109], which would directly bind States which agreed to their terms."[110] The widest ranging human right treaties developed are the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant

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[106] Basic Facts, ***Op Cit***, p.228

[107] Office of the United Nations High Commissioner for Human Rights, The United Nations Human Rights Treaty System: An introduction to the core human rights treaties and the treaty bodies, Fact Sheet No. 30,p.9

[108] ***Ibid***

[109] According to the *United Nations Treaty Collection, Treaty Reference Guide, p.2* -a 'treaty' has the following characteristics:

A treaty may be a generic term embracing all international legally binding instruments concluded between international entities in spite of their formal description. This was confirmed by the 1969 Vienna Convention and the 1986 Vienna Convention confirm this generic use of the term "treaty". A treaty as may also be a specific term: There are no consistent rules when state practice employs the terms "treaty" as a title for an international instrument. The term "treaty" is reserved for matters of some gravity that require more solemn agreements but there are no steadfast rules when state practice make use of the term "treaty" as a title for an international instrument.. Their signatures are usually sealed and they normally require ratification. Typical examples of international instruments designated as "treaties" are Border Treaties, Extradition Treaties and Treaties of Friendship, Commerce and Co-operation.

[110] See note 102

on Civil and Political Rights (ICCPR). [111] The International Covenant on Economic, Social and Cultural Rights, entered into force in 1976, mirrors and expands upon the corresponding rights in the UDHR (articles 22-27)[112]; the articles in brackets indicate the expand rights. It seeks to promote and protect:

- The right to work (article 6) in favourable conditions (article 7);
- The right to social protection (article 2(1), to an adequate standard of living and to the highest attainable standards of physical and mental well-being (article 12);
- The right to education (articles 13 and 14) and the enjoyment of benefits of cultural freedom and scientific progress.

The International Covenant on Civil and Political Rights and its first Optional Protocol[113], came into force in 1976. The first Optional Protocol[114] was a procedural mechanism that provided the right to petition to persons who comply with the admissibility criterion. The second Optional Protocol established substantive duties towards the eradication of the death sentence[115]. The ICCPR elaborates the civil and political rights set out in the UDHR (articles 3 to 21). Civil and political rights include[116]:

> the right to life liberty and security; freedom from slavery; freedom form torture or cruel, inhuman or degrading treatment or punishment; the right to recognition as a person before the law; the right to judicial remedy; freedom from arbitrary arrest, detention or exile; the right to a fair trail and public hearing by an independent and impartial court; the right to be presumed innocent until proven guilty; freedom from capricious interference

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111 Basic Facts:; About the United Nations, ***Op Cit***, p.228

112 The United Nations Human Rights Treaty System: An introduction to the core human rights treaties and the treaty bodies, ***Op Cit***, p.13-14

113 Basic Facts, ***Op Cit***, p.228

114According to the *United Nations Treaty Collection, Treaty Reference Guide, p.2* - An Optional Protocol to a Treaty is an instrument that establishes additional rights and obligations to a treaty. It is usually adopted on the same day, but is of independent character and subject to independent ratification. Such protocols enable certain parties of the treaty to establish among themselves a framework of obligations which reach further than the general treaty and to which not all parties of the general treaty consent, creating a "two-tier system".

115 Basic Facts, ***Op Cit***, p.228, p.230

116 ***Ibid***, p.229

> with privacy, family, home or correspondence; freedom from attacks on honour and reputation; the right to protection of the law against such attacks; freedom of movement; the right to seek asylum; the right to a nationality; the right to marry and found a family; the right to own property; freedom of thought conscience and religion; freedom of opinion and expression; the right to peaceful assembly and association; and, the right to take part in government and to equal access to public service.

The International Bill of Human Rights was made up of: the fore mentioned conventions; the optional protocols to the International Covenant on Civil and Political Rights; and, the Universal Declaration of Human Rights.[117] Many other treaties were developed in line with the provision on the UDHR. A few of them include: International Convention on the Elimination of All Forms of Racial Discrimination (1965); Convention on the Elimination of All Forms of Discrimination against Women (1979); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984; Convention on the Rights of the Child (1989); and, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990). The Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child will be discussed later on in this chapter.

It is maintained that these treaties are not independent but rather complement each other, with the principles of non discriminatory effective protection against violations of rights, special protection for the particularly vulnerable, and equality, being the thread which ties them together. A number of states are party to regional human rights instruments and other international legal instruments, for example, conventions from the International Labour organization,

[117] ***Ibid***, p.228

concurrently to the UN human rights system.[118] All these mechanisms inform a State's human rights commitments under international law.

Women's Human Rights in conflict settings

The United Nations, since its inception, has to some degree championed the right to equality for women. The preamble and articles 1, 8, and, 55 of the UN charter lays down the purposes and principles of the United Nations and encouragement of the principle of non-discrimination on the basis of sex, language and religion. At the time the UN charter was being drafted, there was a large contingent of women's rights NGO's at the conference in which the UN was established lobbying for the inclusion of women's rights. Non-discrimination on the basis of sex and equality in international law was also acknowledged in the UDHR (preamble, articles 2, 7, 16, and 25); the ICESCR (articles 2, 3, 10 and 12); and, the ICCPR (articles 2, 3, 14, 16, 18, 23, 24 and 26). In December 1979, the General assembly adopted the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW).[119]CEDAW may be considered a highly influential mechanism for women's equality. [120] The Convention legally compels states, which have become parties to it, to give details, within a year of endorsement, and consequently every four years, on the measures they have implemented to eradicate impediments to the implementation the Convention. [121] The UN has formed policies for the global progression of women by organizing four key world conferences. The first of these conferences was convened in Mexico City to overlap with the 1975 International Women's Year. The

[118] The United Nations Human Rights Treaty System: An introduction to the core human rights treaties and the treaty bodies, ***Op Cit***, p.20-21

[119] http://www.un.org/womenwatch/daw/cedaw , accessed on 23 February 2005

[120] Kegley and Wittkopf, **Op Cit**, p.356

[121] http://www.confrences/women/pubinfo/staus/home.htm , accessed on 23 February 2005

conference, unleashed an enthusiasm in global attempts to encourage the development of women. "A process was set in motion – a process of learning – that would involve deliberation, negotiation, setting objectives, identify obstacles and reviewing the progress made." [122] The basic legal norm of the CEDAW is the prohibition of all forms of discrimination against women. This norm cannot be satisfied merely by the enactment of gender-neutral laws. In addition to demanding that women be accorded equal rights with men, the Convention goes further by prescribing the measures to be taken to ensure that women everywhere are able to enjoy the rights to which they are entitled. As of July 2005, 180 States had ratified[123] or acceded to the Convention on the Elimination of All Forms of Discrimination against Women and that, of those States, 71 had also become party to its Optional Protocol.[124]

The UN General Assembly called for the Mexico City Conference in order to direct international awareness "on the need to develop future orientated goals, effective strategies and plans of action for the advancement of women." It embraced a *World Plan of Action*, "a document that offered guidelines for governments and the international community to follow for the next ten years in pursuit of three key objectives set out by the general assembly. The plan of action set minimum targets to be met by 1980, which focused on securing equal access for women to resources such as education, employment opportunities, political participation, health services, housing, nutrition and family planning.
The conference called upon governments to formulate national strategies and identify targets and priorities in their effort to promote the equal participation of

[122] http://www.un.org/conferences/women/pubinfo/status/home.htm, accessed on 23 February 2005

[123] According to Articles 2 (1) (b), and 16 of Vienna Convention on the Law of Treaties 1969, ratification is the act whereby a state indicates its consent to be bound to a treaty if the parties intended to demonstrate their assent by such an act. The ratification process gives states the time to get the necessary approval for the treaty on the national level and to enact the necessary legislation to give domestic effect to that treaty.

[124] Ways and means of expediting the work of the Committee , CEDAW, **A/60/38 (2005)**

women." [125] A second conference was held in Copenhagen, 1980, with more state representatives in attendance. The purpose of this conference was to re-evaluate and assess the 1975 World Plan of Action. The International community had advanced rapidly towards realizing the objectives set out in Mexico City.

> The movement for gender equality had gained true global recognition as the third world conference on women, The World Conference to Review and Appraise the Achievements of the UN Decade for Women: Equality, Development and Peace, was convened in Nairobi in 1985. [126]

The fourth world conference, held in Beijing in 1995, ignited a new global dedication to the empowerment of women and brought in record international attention. The conference collectively adopted the Beijing Platform for Action.[127] Governments bound themselves to the successful insertion of a gender element throughout all their institutions, policies, planning and decision-making by taking on the Beijing Platform for Action. [128] Beijing Declaration and the Platform for Action, recognize gender equality and the empowerment of women as a key to development, peace and human rights. At Beijing, it was decided that states meet yet again in five years to assess the advancement towards implementing the Platform for Action. This evaluation process was known as the Beijing +5 review. In line with UN practice, "a formal document was developed for negotiation through a preparatory session of the Commission on the Status of Women. This 'Outcomes Document' listed achievements and obstacles that governments experience in trying to fulfil the promises they had made in the 12 Critical areas of concern during the Beijing conference." [129]

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[125] http://www.confrences/women/pubinfo/staus/home.htm , accessed on 23 February 2005

[126] ***Ibid***

[127] ***Ibid***.

[128] Kegley and Wittkopf, ***Op Cit***, p.357

[129] 'Holding on to the promise of Women's Human Rights and the Beijing +5 review', **WIN News**, Spring 2002 v28 i2 p44

In conflict settings, "the denial of women's human rights has reinforced oppression and discrimination."[130] The various interpretations of human rights make international commitments difficult to enforce. Further, there are a host of cultural, historical and patriarchal rationalizations put forward for the omission of gendered concerns. [131] The four Geneva Conventions and its 1977 Additional Protocols govern the protection of vulnerable groups which include women and children. "They are applicable to conflicts between States, to non-state entities and to armed conflict within states."[132]

The human rights of Children involved in armed conflict

"There is no single source for the international law of the child, which means it must be looked for in specific and general treaties, in the broad field of human rights at both universal and regional levels.[133] A working group set up by the Commission on Human Rights began to draft the Convention. On the 20th of November 1989, the Convention on the Rights of the Child was adopted and it entered into force in September of 1990.[134] The Convention on the Rights of the Child is the most widely ratified human rights treaty. "It is the first legally binding international instrument to incorporate the full range of human rights -- children's civil and political rights as well as their economic, social and cultural rights -- thus giving all rights equal emphasis. The Convention defines a child as every human being under 18, unless national laws recognize the age of majority earlier. It sets minimum legal and moral standards for the protection of children's rights. States party to the Convention have a legal and moral obligation to advance the cause of

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[130] Amani El Jack, **Gender and Armed Conflict: Overview Report**, BRIDGE, Institute of Development Studies, University of Sussex, August 2003, p.21

[131] ***Ibid***, p.24

[132] Graça Machel, ***Op Cit***, p.140

[133] G Goodwin-Gill, & I Cohn, **Child soldiers: The role of children in armed conflicts**, Clarendon Press, Oxford, 1994, p.55

[134] Factsheet No.10 (Rev.1), The Rights of the Child, http://www.ohchr.org/english/about/publications/docs/fs10.htm, accessed 11 October 2005

child rights, through administrative, legislative, judicial and other measures in implementation of this Convention. "[135]Four general principles are enshrined in the Convention which is meant to help with the interpretation of the convention and thereby guide nation programmes of implementation, these are:

- *Non Discrimination (article 2)*- State parties must ensure that all children within their jurisdiction enjoy their rights. This applies to all children "irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status."
- *Best interests of the child (article 3)*- When the authorities of a State take decisions which affect children, the best interests of children must be a primary consideration.
- *The right to life, survival and development (article* 6)- The right to life includes formulations about the right to survival and to development, which should be ensured "to the maximum extent possible.
- *The view of the child (article 12)*- Children should be free to have opinions in all matters affecting them, and those views should be given due weight "in accordance with the age and maturity of the child". [136]

The CRC makes a universal set of minimum standards for children's development available. It also ensures children's rights by involving states, international agencies, communities, individuals and NGO's. Prior to the CRC, the protection of the human rights of children were considered by the international community as early as 1959 in principle two of the Declaration of the rights of the Child.[137] In 1966 in Article 10 (3) of the ICESCR:

> Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions.

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[135] 'Child and Young Adult Soldiers: International Guidelines for Policy Decisions' http://www.pitt.edu/~ginie/mounzer/conventions.html , accessed on 3 March 2004

[136] Factsheet No.10 (Rev.1), The Rights of the Child, http://www.ohchr.org/english/about/publications/docs/fs10.htm, accessed 11 October 2005

[137] 'The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interests of the child shall be the paramount consideration.' From General Assembly Resolution 1386 (XIV) of 20 November 1959.

> Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law. [138]

An incongruity is caused by the fact that the CRC describes a child as being any person under the age of eighteen but allows for recruitment of a person of 15 to armed forces. Below, the recruitment and use of child soldiers will be discussed.

Although, there are legal standards governing the recruitment of children and defining the age of a child, there is no legal definition of who is a child soldier. The international community, based on the Cape Town Principles, accepts the following definition, although not a legal definition, for a child soldier "any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity, including but not limited to cooks, porters, messengers, and those accompanying such groups, other than purely as family members. It includes girls recruited for sexual purposes and forced marriage. It does not, therefore, only refer to a child who is carrying or has carried arms."[139]The Cape Town principles by far has the most acceptable definition of a child soldier because it acknowledges the non combat roles children play, thus not excluding girls who play the role of "wives". Appendix E contains the excerpts of the relevant legal provisions on the recruitment and use of child soldiers.

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[138] International Covenant on Economic, Social and Cultural Rights, **GA Resolution 2200 A (XXI**) of 16 December 1966, entry into force on 3 January 1976.

[139] CAPE TOWN PRINCIPLES AND BEST PRACTICE ON THE PREVENTION OF RECRUITMENT OF CHILDREN INTO THE ARMED FORCES AND DEMOBILIZATION AND SOCIAL REINTEGRATION OF CHILD SOLDIERS IN AFRICA embraced by the participants in the Symposium on the Prevention of Recruitment of Children into the Armed Forces and Demobilization and Social Reintegration of Child Soldiers in Africa, organized by UNICEF in cooperation with the NGO Sub-group of the NGO Working Group on the Convention on the Rights of the Child, Cape Town, 30 April 1997

- *Recruitment and use of Child Soldiers*

Fifteen is the minimum age of recruitment and participation established by the two Additional Protocols to the 1949 Geneva Conventions and the Convention on the Rights of the Child (article 38). Article 38 of the CRC speaks of "recruitment" as opposed to conscription, as the latter amounts to forced recruitment, which would be in violation of article 35 of the CRC and article 32 of the CRC, which prohibits the abduction of children and forced labour, respectively. The first paragraph of article 38 points out that its provisions apply to all armed conflict and the appropriate humanitarian law must be respected. An apparent problem with this is that, this is only effective if the States that have ratified the CRC have also ratified the four Geneva Conventions and its two additional protocols.[140] The second paragraph of article 38 stands out against the absolute ban contained in article 4(3)(c) of the Additional Protocol II which states that: "children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities"[141]
The prohibition contained in the CRC only applies to *direct participation* which is peculiar as it implicitly allows for indirect participation; many child soldiers are involved indirectly in armed conflict. Other legal standards developed recognize the age of recruitment as eighteen rather than fifteen. For instance: in 1973, the International Labour Organization (ILO) recognized the age of 18 as the minimum age for participation in hazardous work ,ILO Convention 138, and 1999 the ILO adopted Convention 182 which calls for the elimination of all forms of child recruitment because child soldiering is considered an insupportable form of labour. Child rights advocates have argued against the use of child and

[140] The first protocol is applicable to State parties and international state conflict where as, the second protocol is applicable to non- international armed conflicts and refers to non-state parties and armed groups.

[141] Protocol Addition to the Geneva Conventions of 12 August 1949, and relating to the protection of Victims of Non-International Conflicts (1977)

young adult soldiers;[142] the Rome Statute of the International Criminal Court gives the court jurisdiction over the war crime recruitment of children under 15 years into armed forces or (Article 8).[143]

In May 2000, the UN General Assembly adopted an Optional Protocol to the Convention on the Rights of the Child[144] on the involvement of Children in Armed Conflict (OP-CRC-AC**)**. The Optional Protocol sets 18 as the minimum age for recruitment and prevents states from unilaterally lowering their military recruitment age. It appeals to non-state actors to stop all recruitment of all children less than 18 years of age. The OP-CRC-AC only came into force on the 12 February 2002. In agreement with the ILO Convention 182 it prohibits forced or compulsory recruitment of children. The OP-CRC-AC corrects the incongruity created by the CRC by raising the minimum age of direct participation in conflict and recruitment by compulsory recruitment from fifteen to eighteen. It also requests that governments raise the minimum age for voluntary recruitment and implement stricter safeguards for voluntary recruitment of children and it prohibits all recruitment of children by non-state actors. Few states have ratified the OP-CRC-AC, and as with all other treaties, this means that the provisions of the OP-CRC-AC are not applicable to them. Furthermore, the Op-CRC-AC prohibits the use of child soldiers by non-State actors but, enforcing this lies in the hands of the State, which may abuse these provisions for political gain. In addition, as with all treaties ensuring the human rights of it citizens, it falls within the ambit of the State's jurisdiction.

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[142] http://www.ilo.org/, accessed on 23 February 2005

[143] Graça Machel, **Op Cit**, p.21

[144] Adopted and opened for signature, ratification and accession by General Assembly resolution **A/RES/54/263** of 25 May 2000 and entered into force on 12 February 2002

Regional Conventions: Human Rights in Africa

As fore mentioned, a states obligations under international law not only depends on the conventions it is party to at the UN but other instruments that it is party to including regional instruments. As the case study of this dissertation is Uganda, this section will take a cursory look at African Regional Human Rights Instruments.

Prior to the formation of the Organisation of African Unity (OAU) in 1963, which has now become the African Union, the African leaders had already begun to envision an African Human Rights system. The first step towards the formation of such a system took place in 1961 at the African Congress of Lagos, Nigeria which was organized by the International Commission of Jurists the Congress made the call for an African Convention on Human Rights. In what became known as the "Law of Lagos" the Congress considered the development of an African Convention of Human Rights. This Congress was followed up by a seminar commissioned by the UN Commission on Human Rights held in Cairo in 1969. These meetings were followed by UN seminars on the same issue in 1971 and 1973. In 1979, finally there was enough preparation on the ground to which consequently led to the convening of the Assembly of Heads of State and Government of the OAU to the Secretary General to arrange a meeting to draft a preliminary African Human Rights Charter. The African Charter on Human and Peoples' Rights (ACHPR) entered into force on 21st of October 1986.[145] The ACHPR mandated the development of a Human Rights Commission in Article 64 which declared[146]:

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[145] Dr. Kofi Quashigah, AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS: TOWARDS A MORE EFFECTIVE REPORTING MECHANISM, **Occasional Papers,** Paper 13, Centre for Human Rights, University of Pretoria, April 2002

[146] African [Banjul] Charter on Human and People's Rights, adopted June 27, 1981, **OAU DOC. CAB/LEG/67/3 rev,21 I.L.M. 58, 1982**, entered into force, 21 October 1986, adopted in Nairobi, Kenya

1. After the coming into force of the present Charter, members of the Commission shall be elected in accordance with the relevant articles of the present Charter.

2. The Secretary-General of the Organization of African Unity shall convene the first meeting of the Commission at the Headquarters of the Organization within three months of the constitution of the Commission. Thereafter, the Commission shall be convened by its Chairman whenever necessary but at least once a year.

The African Commission was established on 2nd November 1987.[147] The Commission was envisioned to be the primary mechanism for the promotion and protection of human rights under the Charter. [148] The Charter mirrored the UN charter and the UDHR in its regard of rights (and duties) and its initial development of its enforcement mechanisms. However, the Charter is founded upon principles of the attributes of African society: "a communitarian unit in which the status of the individual is defined with the family, society and state."[149]

- *Women's and Children's Rights in Africa*

A standard of women's rights in Africa was adopted in July 2003. The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa was adopted by the second ordinary session of the constitutive assembly of the African Union in Maputo in July 2003. The document addresses issues of women's choice, the elimination of harmful practices, violence against women, the protection of women in armed conflict and emotional and physical security. This protocol is a comprehensive and progressive document, advocating for the rights of women in Africa. However, it is still awaiting enough signatures to be

[147] Dr. Kofi Quashigah, ***Op Cit***

[148] Henry Onoria, Introduction to the African System of Protection of Human Rights and the Draft Protocol in Abdullahi Ahmed An-Na'im (ed.),**Op Cit,** p.237

[149] ***Ibid***

brought into force.[150]The African Charter on the Rights and Welfare of the Child is the only regional treaty in the world, which addresses the issue of child soldiers. It was adopted by the Organisation of African Unity (OAU) in 1990 and came into force in November 1999. It states that:

> States parties to the present Charter shall take all necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular, from recruiting any child.

A child according to the Charter is anyone below the age of 18[151] The African Charter on the Rights and Welfare of the Child (ACRWC) was adopted in 1990 and came into force in November 1999.[152]Article 1 provides an explicit directive to modify customs, practices or national laws that are incompatible with the Charter. Article two of the charter states:

> For the purposes of this Charter, a child means every human being below the age of 18 years.

According to the Coalition to Stop the Use of Child Soldiers,[153] an estimated one-third of the children being used in armed conflict, are found in Africa. It is the only regional charter in the world that addresses the issue of child soldiers. Article 22 of the ACRWC addresses the rights of children in conflict. The provision are more protective than the Geneva conventions and the CRC stipulations on the same matter. Article 22 states that:

> 1. States Parties to this Charter shall undertake to respect and ensure respect for rules of international humanitarian law applicable in armed conflicts which affect the child.
> 2. States Parties to the present Charter shall take all necessary measures to ensure that no child shall take a direct part in hostilities and refrain, in particular, from recruiting any child.

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[150] Amnesty International Public Statement, Africa Women's Day: More African governments must ratify Protocol on the Rights of Women in Africa, AI Index: **AFR/01/002/2005**, News Service No: 204, 29 July 2005

[151] The African Charter on the Rights and Welfare of the Child, (1990)

[152] ***Ibid***

[153] Coalition to Stop the Use of Child Soldiers, http://www.child-soldiers.org/childsoldiers/some-facts.html , accessed on the 12 December 2005

3. States Parties to the present Charter shall, in accordance with their obligations under international humanitarian law, protect the civilian population in armed conflicts and shall take all feasible measures to ensure the protection and care of children who are affected by armed conflicts. Such rules shall also apply to children in situation of internal armed conflicts, tension and strife.

- *Monitoring and Implementation*

The African Commission is unlike the UN Human Rights Committee in that the Commission was directly responsible to the OAU. [154] The Mandate of the Commission was set out in Article 45 of the ACHPR as follows [155]:

1. To promote human and peoples' rights and in particular:
   (a) To collect documents, undertake studies and research on African problems in the field of human and peoples' rights, organise seminars, symposia and conferences, disseminate information, encourage national and local institutions concerned with human and peoples' rights, and, should the case arise, give its views or make recommendations to governments;
   (b) To formulate and lay down principles and rules aimed at solving legal problems relating to human and peoples' rights and fundamental freedoms upon which African governments may base their legislations;
   (c) Co-operate with other African and international institutions concerned with the promotion and protection of human and peoples' rights.
2. Ensure the protection of human and peoples' rights under conditions laid down by the present Charter.
3. Interpret all the provisions of the present Charter at the request of a state party, an institution of the Organization of African Unity or an African organisation recognised by the Organization of African Unity.
4. Perform any other tasks which may be entrusted to it by the Assembly of Heads of State and Government.

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[154] Dr. Kofi Quashigah, ***Op Cit***

[155] African [Banjul] Charter on Human and People's Rights, adopted June 27, 1981, **OAU DOC. CAB/LEG/67/3 rev,21 I.L.M. 58, 1982**, entered into force, 21 October 1986, adopted in Nairobi, Kenya

Article 62 of the Charter requires states to submit reports every two years from the time it is entered into force.[156] The OAU assigned the African Commission with the task of reviewing periodic state reports. Cherubin-Doumbia, tells us that actual submission of reports has been low because: firstly, most African states are behind in their submissions; and, secondly, because the Commission decided, in 1995 that several reports could be combined into one report; this was done in attempt to address the backlog of submissions.[157] Complaints against States that are brought before the African Commission are called communications. The number of communications brought against a State is usually indicative of the States attitude to human rights at a national level. There is no enforcement mechanism, and a lack of political will, for States to adhere to the Charter's principles therefore rendering any decisions made by the commission meaningless.[158]Unlike the UN Committee on the Rights of the Child, the ACRWC's treaty body, the Committee of Independent Experts allows for individual complaints to be heard.

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[156] ***Ibid***

[157]Giliane Cherubin-Doumbia, **African Commitments to Human Rights: A Review of Eight NEPAD Countries**, African Human Security Initiative,p.17-18

[158]Giliane Cherubin-Doumbia, ***Op Cit***, p.18-20

HUMAN SECURITY

According to, the current United Nations Secretary-General Kofi Annan:

> Human security, in its broadest senses, embraces far more than the absence of violent conflict. It encompasses human rights, good governance, access to education and health care and ensuring that each individual has opportunities and choices to fulfill his or her potential.[159]

Human rights and human security[160] cannot be detached. In considering human security the root causes of the recruitment of child soldiers are dealt with. If there is to be a viable response to the issue of child soldiers, particularly girl soldiers, then it is important that global human rights instruments address human security concerns. A number of authors[161] recognize that; in order to build peace in post conflict societies, it is important that the needs, and the rights, of children involved in these conflicts, are adequately addressed. Addressing human security concerns, addresses the cause of children's vulnerability to recruitment by armed forces. It is a popular viewpoint that the reasons for conflict, or other forms of civil unrest, can be traced back to poverty, injustice and other forms of human insecurity. [162] The commission on human security has argued that actions taken by the international community "cannot be effective if it comes fragmented- from those dealing with rights; those dealing with security, those humanitarian concerns and those with development. With human security the objective, there must be a

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159 Kofi Annan, 'Secretary-General Salutes International Workshop on Human Security in Mongolia', Two-Day Session in Ulaanbaatar, May 8-10, 2000. Press Release SG/SM/7382, http://www.un.org/news/press/docs/2000/20000508.sgsm7382.doc.html ,accessed on 23 February 2005

160Commission on Human Security, **Op Cit**, p. 10

161 Melanie Gow, ***Op Cit***, p.1-3 and Yvonne Kemper, 'Youth in War-to-Peace Transitions : Approaches of International Organisations', **Berghof Report Nr. 10**, Berghof Research Center for Constructive Conflict Management, January 2005

162 Anonymous, 'Redefining security: The human dimension', **Current History**, May 1995, p.220

stronger and more integrated response from communities and states around the globe."[163] El Jack argues that:

> A human security focus for studying gender and conflict is significant because it establishes a link between gender equality and human security. Unlike a focus on rights, the human security approach implies that anything that threatens security is a violation of human rights, including gender-specific violations long considered to be normal, private or inevitable outcomes of war. However, even with the security framework, in practice there will still be resistance to recognition of these violations. [164]

The international community, with the United Nations at the forefront, seems to be moving towards a more consolidated response towards the issue of child soldiers- taking to account the special needs of girl soldiers. This section discusses human security and the way it shapes human rights issues. This discussion provides a backdrop for a subsequent examination of the human rights regime and its efficacy for girl soldiers further on in the dissertation. The inquiry will begin by exploring the concept of human security and its conception in Africa. Finally, the human security challenges faced by girl soldiers would be considered.

What is Human Security?

The post-Cold War/ post 9-11 security discourse is one that is in a state of flux. In recent years, there has been a move towards protection of individuals rather than just the nation-state. There are two main approaches to the debate over human security- broad versus narrow. Proponents of the narrow approach argue for the inclusion of violent threats into conventional security thinking. Whereas, advocates of the broad approach argue that human security constitutes more than safety from violent threats but, includes issues such as poverty and health. [165] The

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[163]Commission on Human Security, ***Op Cit***, p.2

[164] Amani El Jack, ***Op Cit***, p.22

[165] Taylor Owen, Human Security-Conflict, Critique and Consensus: Colloquium Remarks and a Proposal for a Threshold-Based Definition, **Security Dialogue**, Vol.35, No.3, September 2004, p.375

latter approach to human security appears to have won the debate as the United Nations, and others, seems to have embraced the broad conceptualization. For example, the United Nations Development Programme (UNDP) describes human security as having two main characteristics:

> It means, first, safety from such chronic threats as hunger, disease and repression. And second, it means protection from sudden and hurtful disruptions in the patterns of daily life- whether in homes, in jobs or in communities."[166]

The UNDP places threats to human security in seven main categories[167]:

1. Economic Security
2. Food Security
3. Health Security
4. Environmental Security
5. Personal Security
6. Community Security
7. Political Security

Axworthy, one of the advocates of the broad approach, argues that owing to current social realities ,such as bad governance and globalization, it is practical that security discourse change to mirror contemporary global social realities.[168] Yeun Foong Khong, on the other hand, argues that focusing on the security of the individual will lead to three major drawbacks.[169]Firstly, it may create false priorities; securitizing any issue for example the environment, makes it a main concern on policymaker's programmes. By securitizing every individual, it is unclear which type of insecurity should be a priority. Prioritizing all types of insecurity will lead to an overuse of both financial and human resources and thus,

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166 United Nations Development Programme, **Human Development Report 1994**, New York, Oxford University Press, p.23

167 ***Ibid***, .24-25

168 Lloyd Axworthy, Human Security and global governance: Putting people first, **Global Governance**, vol.7, no.1, Jan- Mar 2001, p.19

169 Yuen Foong Khong, Human Security: A shotgun approach to alleviating misery? **Global Governance**, Vol7, no.3, Jul- Sep 2001, p.232

ultimately, benefiting no-one.[170] Secondly, false hope is created; talk of human security without the ability to make a difference creates false hope for the victims of insecurity and the international community. [171] Lastly, false causal assumptions are made; the question of whether some people will have to forfeit their right to protection because of their actions is not answered. [172] For example, should rebel leaders in the LRA be afforded the same level of protection as their victims in northern Uganda? Although this argument has merit, this paper follows Axworthy's reasoning that the individual should be securitized. Although, the dissertation will take the direction that there needs to be prioritization in the types of insecurities protected.

Protecting the human security of girl soldiers

Although human security is interrelated to development and human rights, this piece will only consider the linkages between human security and human rights because the central thesis of this dissertation argues that girl soldiers are not protected in the human rights regime. According to the Commission on Human Security[173]:

> Respecting human rights is at the core of protecting human security. … Human rights and human security are mutually reinforcing. Human security helps identify the rights at stake in a particular situation. And human rights help answer the question: How should human security be promoted? The notion of duties and obligations complements the recognition of the ethical and political importance of human security.

A problem that may be found with the human security approach and human rights is the difficulty in ensuring compliance and enforcement of human rights in areas where there is great human insecurity. An-Na'im argues that the notion of

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[170] ***Ibid***, p.232 - 233

[171] ***Ibid***, p.233 - 234

[172] ***Ibid***, p.234

the protection of human rights assumes the existence of a state "that accepts responsibility for upholding the authority of human rights and has the institutional capacity and political will to effect such protection." [174] Like human rights, the human security approach hinges on national organisations to provide resolutions to security problems.[175]But, the state is not always able to provide security, particularly in some States in Africa, this approach is problematic. The reasons for this are: firstly, African borders are disputed. The borders of Africa were drawn up by their colonisers without taking into account historical or ethnic demarcations; Secondly, the porous nature of the borders allow for the overflow of all forms of security problems; and, thirdly, Africa has a problem with failing states. Failing states cannot guarantee the security of its people. [176] Owing to these factors, it is imperative that human security is approached from an international and regional perspective. The territorial spill-over requires regional cooperation and the nature of human security issues as previously outlined necessitates international collaboration.

The issue of girl soldiers falls within the human security paradigm. The human security approach provides an opportunity in which the predicament of girl soldiers can be acknowledged as a security problem. Meaning that recognition of human rights abuses as security calamities elevates the significance of the subject of girl soldiers. [177] Protection strategies involve a concentrated endeavour to develop and implement human rights norms and processes and institutions to

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[173]Commission on Human Security, **Op Cit**, p. 13

[174] Abdullahi Ahmed An-Na'im, ***Op Cit***, p.4

[175] Luk Van Langenhove, ***Op Cit***, p.6

[176] ***Ibid*** p.6

[177] Mary-Jane Fox, Girl Soldiers: Human Security and Gendered Insecurity, **Security Dialogue**, vol.35, no.4, December 2004, p.476

sustain it. [178] On condition that the human security policy approach is capable of providing "a different set of instruments calibrated to local circumstances", the needs of girls in DDR programmes, for instance, can be dealt with. Human Security supplements and expands state security, human rights, and human development.[179] Human security is essential for sustainable development and lasting peace. Lack of human security ultimately means that girls are more vulnerable.

[178] Sadako Ogata and Johan Cels, Human Security- Protecting and empowering the people, **Global Governance**, Jul-Sep 2003, vol.9, No.3, p.274

[179] ***Ibid***, p.275

Chapter Three

WHY GENDER IS IMPORTANT IN INTERNATIONAL RELATIONS

Gender is a social construct that assigns different social roles to the different biologically determined sexes. For example, people of the female sex would be expected to play a more submissive role in society whereas people of the male sex would be expected to be more dominant.[180] Feminism is a theory that seeks to explore how gender is conceptualized in international relations. Burchill contends that theories are important because it may be used a guide to solving problems within the terms of a specific viewpoint or, theories can reflect over the process of hypothesizing which increases the prospect of electing another point of view. [181] At this point in time, it is important to note that gender relates to both males and females. The focus of dissertation, particularly this chapter, is how females are affected by current gender, security and international relations discourses. The line of reasoning followed is that creating systems and theories that satisfies the needs of both genders is vital to creating a more even-handed international system. This chapter begins by interrogating the role of gender in international relations theories and methodologies. Subsequently, women in peace and security will be considered; the effect of armed conflict on women and girls as well as, the roles they play in armed conflict will be taken into account.

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[180] Rebecca Grant, The sources of gender bias in international relations theory in Rebecca Grant and Kathleen Newland (eds.), **Gender and International Relations**, Open University Press, Buckingham, 1991, p.8

[181] Scott Burchill, Introduction, in Burchill, S. et al. Palgrave(eds.), **Theories of International Relations**, New York.,p.19

Gender and International Relations Theories and Methodologies

According to Chris Brown, "International Relations were widely taken to be the paradigm of an 'ungendered discourse". The crucial group of actors in International Relations theory was considered neither to be male nor female.[182] Kegley and Wittkopf assert that realism, arguably the dominant theory in international relations, is a theory founded on the presupposition that international relations are, in essence, a mêlée amongst "self-interested states for power and position under anarchy."[183] The scholarly heritage of realism leads back to Thucydides, [184] a Greek historian from the fifth century BC. Thucydides underlines the significance of power politics in state relations in his account of the Peloponnesian War. Aversion for realism developed after World War I. This was due to the fact that the realist paradigm "rationalized great-power rivalry; arms races, secret alliances, and balance of power politics."[185] This led policymakers to turn to other doctrines of world politics, such as liberalism. The outbreak of World War II was blamed on the drive for worldwide subjugation, which incited intense disparagement of liberal theory.[186] Unlike realism and liberalism, Marxism, as formulated by Karl Marx, does not see the basic feature of the structure of international relations as the nation-state but rather 'differential positions in the capitalist production structure'. Marxists view the process of international relations a global class struggle where war is caused by conflicting economic interests. [187]

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[182] Chris Brown, **Understanding International Relations**, Macmillan Press Ltd, London, 1997, pp 240- 241

[183] Charles W. Kegley Jr. and Eugene R. Wittkopf, **World Politics: Trends and Transformations 8th ed**., Boston, Bedford, St, Martins, 20001, p.457- Describes power as the characteristic that facilitates the coercion of one state by another. The realist perspective places emphasis on military capacity as being the factor that resolves the issue of which state will win the argument.

[184] Thucydides, **History of the Peloponnesian War**, Penguin, London, 1985, Chapter XV!!, p.400-409

[185] Kegley and Wittkopf, ***Op Cit***, p.94

[186] Phillip Nel, 'Theories of International Relations' in Nel, P and McGowan, P.(eds.), **Power, Wealth and Global Order. An International Relations Textbook for Africa**, Cape Town, University of Cape Town Press, p.58- Liberalism is considered the main competitor to the realist paradigm in international relations. It is based on the belief that the use of logic and ethics in global politics will lead to a better world.

[187] ***Ibid*** p.68

Marxism was considered radical in that it set out to transform the world, it's view is apparent in the maxim articulated by Karl Marx when he wrote that " up until now, the philosophers have only interpreted the world in various ways; the point however is to change it" [188]. Walt argues that International relations are best understood as prolonged rivalry between realist, liberal and radical traditions.[189] During the Cold War, realism dominated because it explained international occurrences such as: the war; alliances; imperialism; and, obstacles to cooperation. After the Cold War, feminist writers criticized the prevailing theories of International Relations as illustrating male concept of power and as being answer to ensuring women an inferior status in politics. Grant argues that part of the reasons that gender bias exists in international relations theory is the "emphasis on males as citizens and political actors, as seen in several classic concepts of political theory", these models were embraced without examination of the gender bias in them.[190] Positivism is the principal methodological hypothesis of realism. It views the scientific method as the basis of causal explanation. A key positivist theory is behaviouralism.[191] Positivism was considered 'value-laden' and 'unscientific' as a result normative theory, though predating positivism, has come to the forefront. [192] Brown defines normative international relations theory as "that body of work which addresses the moral dimensions of international relations and the wider questions of meaning and interpretation generated by the discipline. At its most basic it addresses the ethical nature of the relations between communities/states."[193] In contemporary international relations, it is accepted that all theories have explicit or implicit normative assumptions. Significant divisions

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[188] ***Ibid***, p.62

[189] Stephen M. Walt, International relations: one world, many theories, **Foreign Policy**, Spring, 1998

[190] Grant, ***Op Cit***, 1991, p.9

[191] Baylis & Smith, ***Op Cit***

[192] ***Ibid***

[193] Chris Brown quoted in Jackson, R. and Sorenson, G. **Introduction to International Relations**. Oxford: OUP, 1999, Chapter 7, 'Methodological debates',, p.259

in normative theory are between cosmopolitanism and communitarianism. Cosmopolitanism views rights and obligations as being borne by individuals whereas, communitarianism sees rights and obligations being borne by the community/state. The former sees the bearers of rights and obligations as individuals; the latter sees them as being the community (usually the state). [194] Baylis and Smith contend that contemporary normative theory debates centre on issues such as: state sovereignty, the ethics of the use of force, and international justice. Normative issues have come to be included in foreign policy debates on humanitarian intervention and the conception of war. [195] The positivist approach is not useful in gender analysis because gender is not commonly used as a variable even in behaviorialist research.[196]A more useful tool in gender and policy analysis is post-positivist theories such as postmodernism, critical theory and constructivism. Post-modernism is a social theory that is a useful analytic tool of policy, particularly in gender issues. Postmodernism challenges the notion of truth as it does not believe that there is a shared reality. Narratives, including metanarratives[197], are constructed by the theorist and are therefore inherently prejudiced. [198] Post-modern approaches have been criticized for being too theoretical and abstract, however post-modernists counter this be arguing that there is no such thing as the real world. Further, post-modernists have worked significantly on empirical questions such as war and famine.[199] Post-modernist feminists are concerned with gender rather than the status of women. They are interested in the ways that masculinity and femininity are constructed in

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[194] ***Ibid***, p.260

[195] Baylis & Smith, ***Op Cit***,

[196] Karen A, Feste, 'Behavioral Theories: The Science of International Politics and Women', in Peter R. Beckman & Francine D'Amico (eds.), Women**, Gender , and World Politics: Perspectives, Policies and Prospects,** Bergin & Garvey, U.S.A, 1994, p.41

[197] Metanarratives are explanations such as neorealism or neoliberalism have their own version of the world order -Jackson and Sorenson, ***Op Cit***,, p251

[198] ***Ibid***, p.264-269

[199] Baylis & Smith, ***Op Cit***

international politics. [200] Constructivism give emphasis to behaviour as it relates to ideas and events in context. Constructivists believe that there are no permanent norms in international relations as international values change over time. State behaviour must be considered in context. [201] This methodology is difficult to apply. Critical theory may be considered as an alternative methodological approach, to the traditional theories such as Realism, Liberalism and Marxism, as it is not value-laden and it uncovers the level of the influence of social, cultural and ideological differences on international relations. Critical theory is frequently linked with the self-styled "Frankfurt School," which refers to the handiwork of members of the Institut fur Sozialforschung; [202] the expression "critical theory" first came into currency in 1937 following the mass immigration to the United States of America of the Institute's members after the Hitler's victory.[203] Critical theory, as envisaged by Theodor Adorno and Max Horkheimer, sets apart itself from "traditional" theory by maintaining that it is a theory that with practicable purposes.[204] Critical theory draws upon Marxist ideas, however, contemporary critical theory, as fashioned by Jűrgen Habermas, construes the Marxist requirement to change the world as "the identification and clarification of the "necessary conditions" for emancipated living."[205]In the 1980s, International Relations discourse was influenced by advances in other fields, particularly in European political and social theory. Making use of ideas from critical theory, some authors uncovered the associations "between theoretical methodology and the legitimating of political orders which favoured the interests of the ruling

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[200] ***Ibid***

[201] Jackson and Sorenson, ***Op Cit***, p.255

[202] Douglas Kellner, Critical Theory and the Crisis of Social Theory, **Sociological Perspectives**, vol.33, no.1, Critical Theory, Spring, 1990, p.13

[203] ***Ibid***, p.20

[204] Marie Fleming, Critical theory between modernity and post modernity, **Philosophy Today**, Spring 1997, p.31

[205] ***Ibid***, p.31

elites."[206] Arguably, even though critical theory does not take power relations for granted, it is inspired by on texts that have gender bias in them. Contemporary critical theorists have not included the feminist perspective and have given no place to feminist thinking. Grant argues that the origins of critical theory may be the problem; Marx did not see gender as an important detail. [207] But, ultimately, gender discourses and critical theory are interlinked as both are approaches "based in human experience". [208] Cox describes critical theory as allowing "for a normative choice in favor of a social and political order different form the prevailing order, but it limits the range of choice to alternative orders which are feasible transformations of the existing world." [209] Critical theory exposes the scale of the impact of social, cultural and ideological differences. The dissertation is suitable for critical theory analysis application of the human rights regime in determining whether or not girl soldiers are adequately provided for within the regime. The regime is interpreted to have several different dynamics at play such as culture, the social order and identity. It is important to include the issue of gender in international relations, especially international relations theory because the same fundamental problem is being faced globally- unearthing an approach to deal with the contradictory demands of 'Identity' and 'Difference'.[210] An individual's identity is the result of social conditioning.[211] In many social settings females are treated differently to males, females are restricted to mainly domestic roles. It is argued that these restrictions generates disparity in social relationships

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[206] Scott Burchill, Introduction, in **Theories of International Relations**. (eds.) Burchill, S. et al. Palgrave, New York.,p.21

[207] Rebecca Grant, ***Op Cit***, p.19

[208] ***Ibid***, p.23

[209] Robert Cox quoted in Jackson and Sorenson J. , ***Op Cit***, p.248

[210] Brown, ***Op Cit***, p.243

[211] C. Margaret Hall, **Women and Identity: Value choices in a changing world**, Hemisphere Publishing Corporation, Washington, 1990, p.13

and produces and maintains their separation in society. [212] Kardam maintains that by neglecting the gender dimension, international relations:

> "implicitly supports the thesis that international processes themselves are gender neutral; that is that they have no effect on the position and role of women in society and on the relative placement of men and women. But, in fact, many international processes such as colonialism, Western style modernization policies of newly independent states, or international economic policies (such as development assistance, or structural adjustment) all have had very important effects on gender relations."[213]

Robert Keohane suggests that the concept of power should be redefined with the purpose of reworking the conception of sovereignty. Keohane believes that existing notions of sovereignty echo traditional male thinking with the emphasis on control, a feminist perspective may help in differentiate between notions of sovereignty founded on power and control and those derived from power as 'actions in concert'[214] Gender and power are interlinked; "power relations are present in all social, economic, and political relations from the family institution to the global institutions, it is obvious to gender scholars that it can not be ignored. But it has not so obvious to those who work in the field of IR or are involved in international policy making."[215]

Undoubtedly, in the last century women have gained political power and changed the face of global political affairs. Fukuyama believes this development reflects a relationship between gender and the decrease in the use of force to resolve international disorder.[216]. The author considers that female input in international politics would restrict innate male aggression via laws, agreements, contracts and,

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[212] ***Ibid***, 1990, p.17

[213] Nüket Kardam, *Engendering International Relations' Discourses, Paper prepared for presentation at the Workshop "Reshaping International Relations*", Marmara University, Istanbul, May 18-19 2001, p.6

[214] ***Ibid***, p.8

[215] ***Ibid***, Marmara University, Istanbul, May 18-19 2001, p.2

[216] Francis Fukuyama, women and the evolution of world politics, **Foreign Affairs**, vol.77, no.5, Sept-Oct 1998, p.24

so on. Democratic theorists contend that democracies usually do not go to war with one another; Fukuyama would have us believe that this is due to the fact that developed democracies have more influence politically. [217] This contention is fundamentally flawed as the argument is too simplistic and assumes that the reason that the number of wars fought has decreased is due to female involvement in world politics. It may be argued that the reason that there are fewer wars is that technological advances have ensured immense powers of destruction which serves as a deterrent.

Feminism, nationalism and their formation in Africa.

Feminism has been assumed to be a universal phenomenon but some theorists have doubted whether feminism is fully applicable in the Third World. Postcolonial feminists, such as Gayatri Spivak, indicate that western feminists have overlooked the concerns of women in the global South, presuming that the western version of feminism is collective. Spivak argues that is a type of cultural imperialism with significant substantial consequences[218] Oyewumi[219], for example, argues that the concepts of gender and feminism have Eurocentric foundations and are based on accepted wisdom of a nuclear family that are not necessarily applicable to the African condition. The author argues that the trouble with western feminist conceptualization of gender is that it never surpasses the narrow boundaries of the nuclear family. Oyewumi points to the traditional Yoruba family in West Africa, as an example, as it may be described as a non-gendered family, in that in its separation of kinship categories there are no gender differentiation but, rather age predetermine seniority.[220] Even in

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[217] ***Ibid***

[218] Baylis & Smith, ***Op Cit***

[219] Oyeronke Oyewumi, Conceptualizing Gender: The Eurocentric Foundations Of Feminist Concepts And The Challenge Of African Epistemologies, **Jenda: A Journal Of Culture And African Women Studies**, Vol. 2, No. 1, 2002

[220] ***Ibid***, p.5

language, there are no categorizations of the family for example the terms "egbon refers to the older sibling and aburo to the younger sibling of the speaker regardless of gender." Further, there are no single words denoting a girl or boy, husband and wife (as is understood in English). [221] It is maintained, therefore, that feminist concepts are not the necessarily the best for analyzing African realities as the gender is not conceptualized the same way. [222] This perspective on gender in traditional Africa is interesting because it brings into question the way the relations between male and females in African societies are conducted. Furthermore, to a certain degree, discredits the idea that traditional understanding of a female's role in African society is inferior to that of male; if there is no male or female in some societies then it may be inferred that status in the community or family is conferred in another way, possibly age or physical prowess. As this perspective is beyond the scope of this dissertation, it will not be examined any further. The Western conceptualization of gender is the dominant understanding of gender and therefore it is the one that would be followed for the rest in this dissertation. The main analysis be undertaken is examining the response of the international community to the use of girl soldiers. The case study utilized is that of northern Uganda. It is important to understand that part of the problem in formulating an adequate response may possibly be due to the fact that the issue of gender is conceptualised differently by the different actors that make up the international community. In some societies, there is no substantive difference between male and female. In others, females are viewed in the role of 'victims', 'dependents' or incapable of playing an active part of conflict owing to their inherent non-aggressive nature. Noting the difference between the Western and African conceptualization of gender is essential as it may account for possible nuances in the analysis.

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[221] ***Ibid***, p.5

[222] ***Ibid***, p.7

Nationalist and feminist ideologies often intersect with feminism usually taking a backseat to nationalist ideals or female nationalist being tied up with in their constructions as 'mothers of the nations'. Nationalist movements sometimes use feminism or women as a way of gathering support, leaders in Mozambique[223] and South Africa[224], for example, drew in the 'emancipation of women' into their narrative but it is debatable whether not women's freedom was their primary goal or just a convenient tool to increase the amount of participants. Ndinda and Adar, discuss the interface between nationalist and feminist goals in South Africa. They argue that feminist goals took a back seat to nationalism until such goals had been achieved. [225] Ndinda and Adar reveal that during the struggle for liberation, it was believed that putting feminist concerns before the achievement of liberation would be "divisive". [226] The strong advocacy of women's rights was slated by many South African nationalist movements to be "anti-nationalist and anti-male" as it was a construction of Western feminists.[227] To a large extent, feminist goals have been achieved in South Africa with the rights of women protected in the constitution and laws of the nation. Yet, some would argue that these achievements have not been translated into the lives of the majority of women in South Africa. Many women are still disenfranchised in modern South Africa. [228] Liberation struggles have often played upon the patriarchal philosophy of women as "caregivers and nurtures, upholders of traditions and customs, reservoirs of culture, and, as a result, nationalist propagators of mother politics." [229] A number

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[223] [223] Harry G West, Girls with Guns: Narrating the experience of war of FRELIMO's "Female Detachment". **Anthropological Quarterly**; vol.73, no.4, October 2000

[224] Catherine Ndinda and Korwa Adar, **JENDA: A Journal of Culture and African Women Studies**, Issue 7 ,2005

[225] ***Ibid***

[226] ***Ibid****, p. 17*

[227] Joyce M Chadya, Mother Politics: Anti-Colonial Nationalism and the Women Question in Africa, Journal **of Women's History**, Vol.15, No.3, Autum 2003, p.155-156

[228] Ndinda and Adar, ***Op Cit***, p.17

[229] Chadya, ***Ibid*** p.153

of nationalist movements have constructed women as mothers of the nation, the women belonging to the Hindu nationalist movement , Rashtra Sevika Samiti , for instance, build their identities by using stories about Jijibai– the mother of the seventeenth century Hindu nationalist icon; king Shivaji, who has now become an icon of Hindu nationalist. [230] Menon proposes that these women present a gendered vision of the past in order to claim a part of the nation's history and future.[231] Women serving as combatants in nationalist movements will be discussed later on.

Gender in peace and security

The broader concept of gender emerged as an issue area in international relations in the last decade. At the foundation of the UN in 1945, the battle for gender equality was in its initial phase. The UN Charter vehemently confirmed the equality of all persons.[232] It took a long time for gender to be recognised as an issue due to the Cold War. This is because during the Cold War, the focal point was the rivalry between, and the potential destructive power of, the United States and the Soviet Union, which sought to restrain each other's growth and achieve global dominance. Both countries had opposite ideological leanings, which was part of the reason for their mutual animosity. [233] In the last century women have been given increasingly better roles particularly, when it comes to security studies, this is evidenced by more women becoming involved in global peace processes as was seen in the official peace processes in Burundi(2002), Afghanistan (2001-2002) and the inter-Congolese dialogues (2001-2002). Yet, in many instances, the roles that women play are still secondary to men, particularly in post conflict

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[230] Kalyani Devaki Menon, "We will become Jijabai": Historical tales of Hindu Nationalist Women in India, **The Journal of Asian Studies**, vol.64, no.1 , February 2005

[231] ***Ibid***

[232] http://www.un/org/conferences/women/pubinfo/status/home.htm

[233] Charles W. Kegley Jr., Eugene R. Wittkopf, **World Politics: Trend and Transformation (8th ed)**, Bedford/St. Martins, Boston, 2001, p.101

society. For example, in Guatemala, women were instrumental in bringing about peace and even secured their rights constitutionally however, as argued by Nakaya, once peace was attained there was a downsizing of women's representation in political and state structures.[234]

Women and girls in armed conflict

Although, the female experience of armed conflict is different to that of males, it is important to recognize that many women see their requirements and welfare as interlaced with that of the male partners and other family members.[235] This recognition provides a better understanding of impact of conflict on women and ways to address the imbalances. In many instances, in communities affected by armed conflict, women and girls are left behind to care for families whilst their men go and fight. The consequence of this is that this leaves women and girls exposed to rape, torture, economic and food insecurity and probable stigmatization following sexual abuse. Women and children are more often displace and, constitute the majority of refugees and internally displaced persons globally.[236] There has been a long history of the military, prostitution and female dependents, not necessarily wives and children, who followed the military camps. The mental and physical health of the military men has been "prioritized" above those women, whose roles were considered to be primarily sexual.[237] Gendered post-conflict initiatives often lack support due to the split in opinion between technical and social support. Technical support refers to aid for more quantifiable needs such as provision of running water, sewage systems, healthcare or and

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[234] Sumie Nakaya, Women and gender equality in peace processes: from women at the negotiating table to post war structural reforms in Guatemala and Somalia, **Global Governance**, vol9, no.4, Oct-Dec 2003, p.459

[235] **Women, Peace and Security Study submitted by the Secretary-General pursuant to Security Council resolution 1325 (2000**), United Nations Publication, 2002,p.13

[236] **Handbook on UN Multidimensional Peacekeeping Operations**, Department of Peacekeeping Best Practices Unit, Dec 2003, p.115

[237] Paul Higate, Peacekeeping and Gendered Relations, Special Report, **Peace Conflict Monitor**, University for Peace, 14 July 2003, p. 3

electricity supplies. On the other hand, social support deals with long term issues that are some times considered to be a lower priority such as education and social service provision. Failing to address gender during conflict often results in the support provided post-conflict being affected. Technical interventions for example large-scale sanitation projects may not cater for the different needs of male and females. [238]

- *Sexual and gender-based violence in conflict settings*

Gender-based violence (GBV) is unlike other types of violence because in this case the gender of the victim is what makes them a target. This form of violence includes physical, sexual, and psychological force, including coercion or the threat of force to achieve an objective.[239]By virtue of their gender, women are vulnerable to sexual and gender based violence during times of peace and conflict. The map below illustrates where there are high instances of gender based violence during and post conflict.

[238] Amani El Jack**, Gender and Armed Conflict: Overview Report**, BRIDGE, Institute of Development Studies, University of Sussex, August 2003, p.14

[239] **Gender-Based Violence in Populations Affected by Armed Conflict: A Field Guide for Displaced Settings,** The Gender-Based Violence Global Technical Support Project of the RHRC Consortium, Virginia, p.1

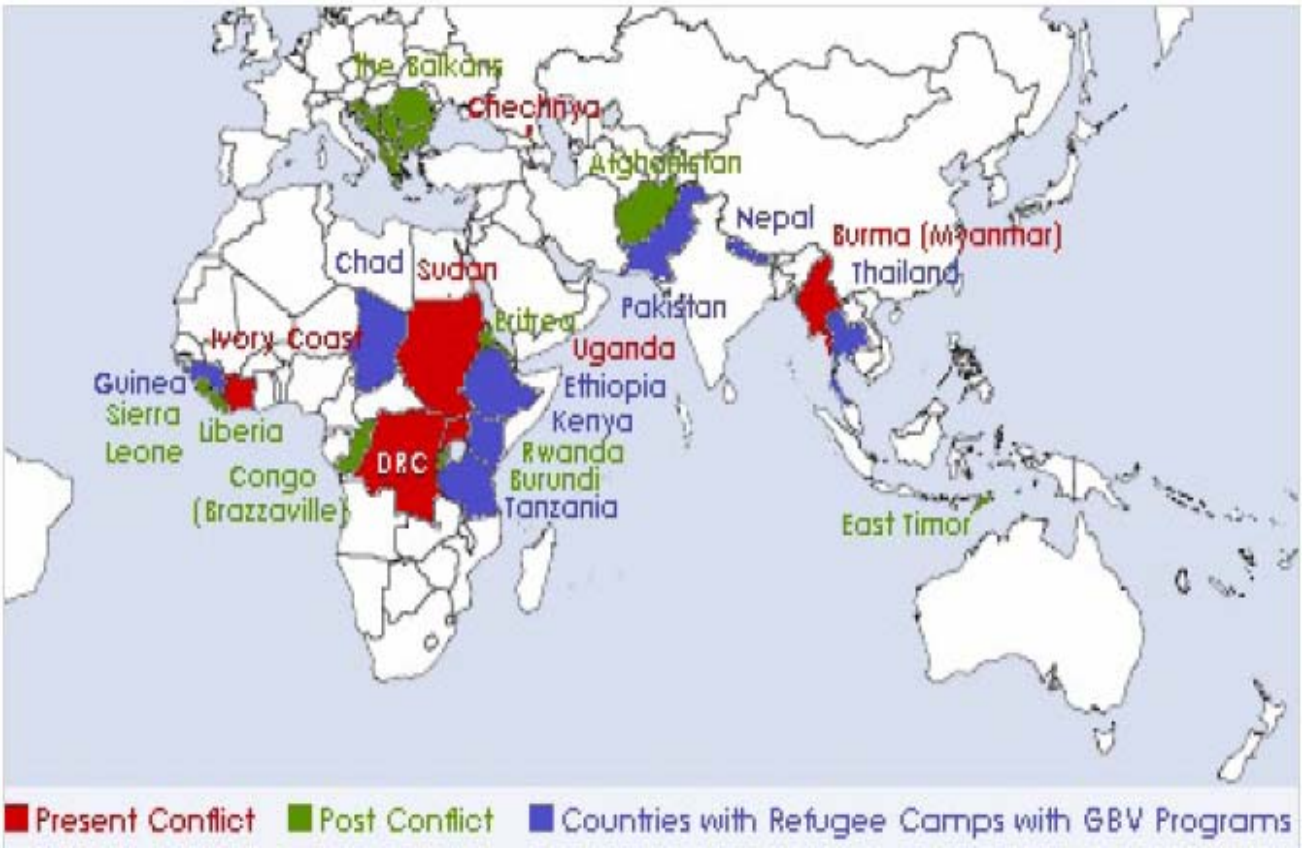


Figure 1 : Gender-based violence in countries in conflict & post conflict[240]

Csete argues that in recent years, sexual violence and war have been universally interlinked with the sub-ordination of women and girls. Rape has been used as a tool to terrorize, dishearten and disgrace the population and weaken the economy by hampering women's economic activities using fear and violence. International bodies have failed in advocating for protections that could reduce these abuses and mitigate their effects.[241] Often, rape and sexual abuse of women and girls is used as a manner of victimizing the woman, or girl, and the man by signifying the

[240] **Our Bodies - Their Battle Ground: Gender-based Violence in Conflict Zones, IRIN Web Special on violence against women and girls during and after conflic**t, September 2004, p.31

[241] Joanne Csete, **Policy Paralysis: A Call For Action On HIV/Aids-Related Human Rights Abuses Against Women And Girls In Africa,** Human Rights Watch, December 2003

inability of men in their role as protectors. [242] Men and boys may also be victims of sexual abuse and violence. Far from being unsystematic, sexual abuse is most often calculated; this may be inferred from the explicit or implicit approval of these actions by military commanders and political leaders.[243] Sexual violence has many health and societal consequences for its female victims. In some communities, women and girls are blamed for the abuse and consequently rejected by their communities. In other societies, women and girls may be stigmatized and as a result ostracized by their communities, husbands or families, for being sexually violated. For example, in Sierra Leone, some communities believe that raped women and girls become promiscuous and sterile. [244]

Recently, the international community began to see sexual violence in the context of armed conflict as a violation of international law. In the late 1990's, the ad-hoc tribunals for Rwanda and the former Yugoslavia acted against rape as crimes against humanity for the first time. The first international treaty to define sexualized crime as crimes against humanity and war crimes was the Rome Statute for the International Criminal Court (ICC), which was entered into force 2002 – although it was adopted in 1998.[245] Prior to this, the Fourth Geneva Convention and its optional protocol caused sexual violence to appear as not a very serious violation. The Fourth Geneva Convention, 1949, Article 27 states: "[W]omen shall be especially protected against any attack on their honour, in

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[242] Handbook on UN Multidimensional Peacekeeping Operations, ***Op Cit***, p.115

[243] ***Ibid***

[244] Women, Peace and Security Study submitted by the Secretary-General pursuant to Security Council resolution 1325 (2000), ***Op Cit***, p.21

[245] Voices from the Field :About Prosecution of Sexualized Violence in an International Context, Seminar Report, ***Op Cit***,p.7

particular against rape, enforced prostitution, or any form of indecent assault." The Additional Protocol refers to women as "the object of special respect."[246]

Conflict may displace women and, either forcibly or internally. Often, forced displacement is used as a strategy of war aimed at destabilizing the society by breaking down the family. [247] During the conflict in Sierra Leone approximately ninety-four percent of displaced households gave an account of incidents of sexual assault, including rape, torture and sexual slavery. During the genocide in Rwanda in 1994, no less than 250,000, women were raped.[248] Refugee women and children are in danger of Sexual and Gender-based Violence (SGBV) owing to their position. The table below describes the types of violence that can occur during the various phases of the refugee cycle. [249]

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[246] ***Ibid***,p.40

[247] El Jack, ***Op Cit***, p.15

[248] **Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Respons**e, United Nations High Commissioner for Refugees, May 2003, p.7

[249] ***Ibid***,p.20

Phase	Type of Violence
During conflict, Prior to flight	Abuse by persons in power; sexual bartering of women; sexual assault, rape, abduction by armed members of parties in conflict, including security forces; mass rape and forced pregnancies.
During flight	Sexual attack by bandits, border guards, pirates; capture for trafficking by smugglers, slave traders.
In the country of asylum	Sexual attack, coercion, extortion by persons in authority; sexual abuse of separated children in foster care; domestic violence; sexual assault when in transit facilities, collecting wood, water, etc.; sex for survival/forced prostitution; sexual exploitation of persons seeking legal status in asylum country or access to assistance and resources, resumption of harmful traditional practices.
During repatriation	Sexual abuse of women and children who have been separated from their families; sexual abuse by persons in power; sexual attacks, rape by bandits, border guards, forced/coerced repatriation.
During reintegration	Sexual abuse against returnees as a form of retribution; sexual extortion in order to regularise legal status, exclusion from decision-making processes; denial of or obstructed access to resources, right to individual documentation and right to recover/own property.

Table 2 : Sexual Violence during the refugee cycle[250]

- *Gender mainstreaming*

The United Nations has committed itself to thoroughly integrate gender outlooks in all areas of their work in various agreements and commitments including: the Beijing Declaration and Platform for Action (1995), adopted by the Fourth World Conference on Women; Economic and Social Council (ECOSOC) Agreed Conclusions on gender mainstreaming; Beijing +5 Political Declaration and Outcome Document (2000); and Security Council resolution 1325 of 2000. The United Nations Economic and Social Council agreed conclusions 1997/2 define gender mainstreaming as : : "the process of assessing the implications for

[250] ***Ibid***, p.20

women and men of any planned action, including legislation, policies or programmes in all areas and at all levels. It is a strategy for making the concerns and experiences of women and men an integral dimension of design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality". [251]

In post-conflict reconstruction, there have been instances where gender mainstreaming has been a relative success for example, In the Gender Affairs Units set up by the UN in East Timor and Rwanda. Gender issues were integrated into the peace-building and policy formation areas.[252] However, it must be highlighted that a focus on gender mainstreaming in conflict and post-conflict settings necessitates acknowledging the different experiences of women, girls, men and boys participation in armed conflict, peace processes and post-conflict recovery. [253] Recognizing the different experiences of women, girls, men and boys in conflict, would lead to a better understanding of what kind of assistance each group requires. Therefore, gender mainstreaming leads to appropriate and relevant policies being formulated for those who participate in armed conflict, peace processes and post-conflict recovery. This is particularly important when formulating a response to girl soldiers. Gender mainstreaming encompasses a lot more than the mere inclusion of women, women's participation does not guarantee gender sensitivity; gender training is necessary. [254]

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[251] Women, Peace and Security Study submitted by the Secretary-General pursuant to Security Council resolution 1325 (2000), ***Op Cit***, p.4

[252] El Jack, ***Op Cit***, p.35

[253] Women, Peace and Security Study submitted by the Secretary-General pursuant to Security Council resolution 1325 (2000), ***Op Cit***, 2002, p.4

[254] El Jack, ***Op Cit***, p.34

Women and post-Conflict interventions

In recent times, there has been increased involvement of women in post-conflict interventions such as peace-building and peacekeeping. This development is important considering the fact that the effects of conflict are different for males and females.

- *Peacekeeping*

Peacekeeping is considered as highly masculinized and militarized; putting men the role of protector. [255] It is defined by the United Nations as:

> the deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned, normally involving United Nations military and/or police personnel and frequently civilians as well. Peace-keeping is a technique that expands the possibilities for both the prevention of conflict and the making of peace[256]

Deployments of peacekeeping missions occur in situations of armed conflict and instability. As indicated above, armed conflict causes women and children to be in at high risk of displacement, socio-economic insecurity and physical and sexual abuse. [257] Contemporary peacekeeping missions include not only military components but, also civilian components.[258] Since the end of the Cold War, civilian police (CIVPOL) have taken part in more than twenty missions. In spite of the effectiveness of female CIVPOL in managing cases of SGBV, there are few female CIVPOLs in peacekeeping. [259] Often women are found filling the

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[255] ***Ibid***, p.31

[256] **Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992,** An Agenda for Peace Preventive diplomacy, peacemaking and peace-keeping, A/47/277 - S/24111, 17 June 1992, para. 20

[257] Issue Brief on Women, War, Peace and Peacekeeping available at http://www.WomenWarPeace.org , accessed 1/January/2005

[258] Kemi Ogunsanya and Kwezi Mngqibisa, A Gender Perspective for Conflict Management, Occassional Paper, No.4, 2002, http://www.accord.org.za/web.nsf/3a8b798d0e307a3542256a08003ef83a/db468701dd18638942256a0a0046fa1c!OpenDocument, accessed 5 November 2004

[259] Issue Brief on Women, War, Peace and Peacekeeping, ***Op Cit***

lower-level ranks in the peacekeeping field. Female experts and military officers are frequently not present in senior management levels. A large percentage of women professionals in UN peacekeeping missions participate in civilian operations. Historically, only five women have held leadership positions: Margaret Joan Anstee, UN Angola Verification Mission (UNAVEMII, 1992-93), Angela King, head of mission for UN Observer Mission to South Africa (UNOMSA , 1992- 94), Elizabeth Rehn, SRSG to the UN Mission in Bosnia and Herzegovina (UNMIBH, 1995-2001), Ann Hercus, UN Peacekeeping Force in Cyprus (UNFICYP, 1998-99), and Heidi Tagliavini, SRSG in UN Observer Mission in Georgia (UNOMIG, 2002-current). [260] Part of the reason that military members of peacekeeping missions are low may be attributed to the fact that many member states of the UN, either do not allow women to serve or limit the positions that they are allowed to occupy. [261] For example, the Botswana Defence Force currently does not allow women to enlist for service.

Higate contends that peacekeepers are often stereotyped as being men scarcely able to control their raging heterosexuality. In recent times, there have been several reports of sexual abuse and exploitation perpetrated by peacekeepers, for example, the rape and murder of a 12 year-old Kosovo-Albanian girl by a UN peacekeeper and the suspected rape of a 10 year old Congolese girl by a Moroccan peacekeeper.[262] The issue of SGBV committed by peacekeepers has been around for a long time. The UNHCR drew up guidelines in 1995 in an endeavour to avert, for example, refugee women and girls being approached to barter sexual favours in exchange for food and other goods in distribution.[263]

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[260] ***Ibid***

[261] ***Ibid***

[262] Paul Higate, ***Op Cit***, p. 1

[263] Paul Higate, Gender and Peacekeeping: Case Studies: The Democratic Republic of Congo and Sierra Leone, **ISS Monograph No.91**, March 2004, p.9

As most peacekeepers are from a military background, it is vital to consider how gender is conceptualized in the military environment. The feminine is viewed as the inferior and weak other in contras to the masculine as aggressive and powerful. Joshua Goldstein reasons that soldiers show an 'almost universal preoccupation with sex'. "Discussions about sex, images of sex, constant reference to sex and the sexual conquest of women, are relayed graphically and frequently, functioning as the lynchpin upon which the soldiering profession turns."[264]

The UN Department of Peacekeeping Operations (DPKO) has found there are several benefits to women being included in missions such as:[265]

- The attitude towards gender of the leadership affects whether or not gender sensitive policies are developed and implemented in the operation and the host nation;
- The accessibility to female peacekeepers is vital for women, particularly those who have experienced sexual trauma at the hands of male combatants;
- Making peacekeepers of both genders work together as equals provides a model that has a positive impact on breaking-down traditional views and stereotypes of women in the local communities;
- The presence of females in a peacekeeping mission may have the effect of mobilizing local women; and,
- "With just a token female presence," male soldiers are less inclined to be involved in the sexual exploitation of their host community.

[264] Paul Higate (a) , ***Op Cit***, p. 2

[265] Issue Brief on Women, War, Peace and Peacekeeping available , ***Op Cit***

- *Peacebuilding*

Peacebuilding has been defined as "the process of rebuilding normal relations between people who have been at war with each other, either literally or figuratively."[266] It is an important process because the process removes or reduces the risks to human security and consolidates peace enabling sustainable development to take place. Activities include: the return of IDPs; demobilizing and reintegrating former combatants into civilian society; providing assistance for democratic development; supporting economic and social development; and re-establishing the rule of law. Peace building is an area of post-conflict involvement where women are often associated. Women have a tendency to be engaged in activities such as "primary health care delivery, counselling and education services, or assistance with the provision of basic needs or income generation." [267] Female engagement in peace-building and the assimilation of women's rights in the peace process are separate issues. Women's issues may be addressed in post-conflict policies without involving them in the actual development of the policies. Gender equity will only be achieved if women are involved in long term decision-making and if female participation is not marginalized in official peace processes. The work that women are involved in peace-building initiatives serves to reinforce the stereotype of women as nurturers. [268] Vincent contends that women, particularly African women, have been singled out by international agencies, national governments and local civil society organizations for special attention in peace building efforts owing to this stereotype. [269] An example of the underlying assumption that African women are inherently passive and are interested in peace

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[266] ***Ibid***

[267] El Jack, ***Op Cit***, p.31

[268] El Jack, ***Op Cit***, p.37

[269] Louise Vincent, Engendering Peace in Africa: A Critical Inquiry Into Some Current Thinking on the Role of African Women in Peace-building, **Africa Journal in Conflict Resolution,.** No. 1. African Centre for the

building is the Zanzibar Conference on "Women of Africa for a Culture of Peace" held in Tanzania from the in 1999 over 300 practioners came together to discuss women's potential for peace building and current initiatives.[270]

Women's involvement, or desired involvement, in peacebuilding is not being argued. What this section is disputing is that the assumption that women are 'built' for such initiatives is fundamentally flawed. It is important that women are included in peace building and peace process but, it should not be assumed that all women's intentions are altruistic. Further, as pointed out by Vincent, increased involvement of women does not necessarily mirror changes in attitudes of the broader society. An example provided is that of the experience of women in Somalia. Early on in the Mogadishu peace deliberations, women were represented however, many clans refused to accept that female regional representatives be sent to the Transitional National Council. [271]

Women, Girls and the armed forces[272]

The above discussion is based on the assumption that all women and girls are victims or passive. However, women and girls are not always victims of armed conflict but at times; they are aggressors and in some instances benefit from of the post-conflict society. In order to fully appreciate the effect of conflict on the lives of women and girls it is important to take into account the different roles that they may play in society. Above, the effect of conflict on women and girls was considered in a more passive and 'victimized' position. This section, will consider the females as combatants and as political bodies. Such a discussion does not negate the need to help assist women, if anything it highlights the complex

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Constructive Resolution of Disputes, 2001 , article available at http://www.peacewomen.org, accessed in 1/January/2005

[270] ***Ibid***

[271] ***Ibid***

[272] Armed forces references to legitimate and illegitimate militaries and combatants

positions they are in with their intersecting identities and society's expectation of them, particularly in terms of armed conflict. Luckham defines militarisation as

> …multidimensional process through which a number of elements- such as military coups and regimes, authoritarian government, the dominance of patriarchy, powerful military and repressive State apparatuses, war and armed conflict, rising military spending and arms imports, and external military intervention-become dynamically linked, both to each other and more widely to capital accumulation and projects for national and international hegemony.[273]

Enloe points out that, militarisation takes place because the fears and interests of one group takes centre stage and displaces and marginalizes the interests and fears of other groups.[274] Often, militarised administrations typify the philosophical dealings between male 'protectors' and female 'protected, fortifying "the social and political marginality on women within the State." Conversely, as Luckham points out, there is not enough study as to the , at times contradictory, relationship between militarisation and patriarchy as military leaders such as Nigeria's Babangida and Burkina Faso's Sankara had obligated themselves to the lessening of gender discrimination- even more than their civilian populations.[275]

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[273] Robin Luckham, The Military, Militarisation and Democratisation in Africa: A Survey of Literature and Issues in Eboe Hutchful and Abdoulaye Bathily (eds.), **The Military and Militarism in Africa**, CODESRIA, 1998, p.14 -15

[274] Cynthia Enloe, **The Morning After. Sexual Politics at the End of the Cold War**, University of California Press, California, 1993, p. 246

[275] Robin Luckham, The Military, Militarisation and Democratisation in Africa: A Survey of Literature and Issues in Eboe Hutchful and Abdoulaye Bathily (eds.), **Op Cit**, p.14

Females as combatants in government and opposition forces

Women and girls have played a role in many armed forces all over the world. The roles play by women has not been confined to that of being a victim or follower of men but also, an aggressor. Throughout history and contemporary times, there have been narratives of women playing a part as: warriors; part of nationalist movements; as part of government forces; as part of insurgent groups and in more recently; as part of peacekeeping missions. On of the most fascinating female warriors are from the African kingdom of Dahomey, in present-day Benin. Throughout the 18th and 19th centuries, the Dahomey regarded their female warriors as superior to males and to maintain the strength of their forces, fathers regularly gave their daughters to the king for military duty. [276] Although their numbers were minute, there were accounts of female soldiers in China during the period of 496 - 453 B.C.[277] .Recently, there have been more women enlisting in legitimate military forces. For instance, the military of the former Soviet Union had female officers but this only became public knowledge in the late 1930s.[278] State sponsored gender equality projects led to women's mass voluntary conscription into the army in 1941. Although it should be kept in mind that these state sponsored gender equality programmes had a lot to do with the need for troops in the impending war.[279] However some quarters question the contradictory nature of enlisting women for active service in combat- especially in contemporary conflicts. Neumayer highlights this incongruity, asserting that

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[276] Afua Twum-Danso (a), 'Africa's Young Soldiers: The Co-option of Childhood'**, ISS Monograph**, **No.82**, April 2003, p.39

[277] Xiaolin Li, Chinese Women Soldiers: A history of 5000 years, **Social Education**, Vol.58, No.2, February 1994

[278] Anna Krylova, ' Stalinist Identity from the Viewpoint of Gender: Rearing a Generation of Professionally Violent Women-Fighters in 1930s Stalinist Russia', **Gender & History**, Vol.16 No.3 November 2004, p641

[279] ***Ibid***, p630.

"where protecting women against rape is a feminist priority in peace, it is a point of pride not to protect them against it in a time of war."[280]

Compared to other groups of women female ex-combatants are often marginalized in conflict and post-conflict societies. A reason for this may be tied up in the fact that combatant status is traditionally understood to be a male line of work. Post conflict, female ex-combatants are often prevented from take part in newly formed political structures and disregarded by veteran organizations. [281] In the late 1960's, in Mozambique's war for independence, Frente de Libertação de Moçambique (FRELIMO) formed a female military detachment called Destacamento Feminino (Female Detachment).[282] These girls and young women were taught socialist ideology, guerrilla strategy and used were used mostly as intelligence gathers and for mobilising support in areas not fortified by FRELIMO; they seldom participated in armed conflict. [283] The management roles for women decreased after the war. The roles were progressively more limited to positions in the Organization of Mozambican Women, which was primarily used to disseminate party commands and was not a vehicle for women to "participate in the exercise of power". Destacamento Feminino also had problems securing employment after the war due to a variety of factors: many of them did not have a formal education and eventually a better skilled generation, by and large males and family members of ranking FRELIMO officials displaced them in schools, hospitals and state farms. [284] In armed conflict, many women are faced with paradoxical demands from society and from the state. The state may require women to participate in nationalist struggles and in that regard are mobilized

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[280] George Neumayr, Equality Equals Death, **The American Spectator**, vol.37, No.6, July/August 2004

[281] Amani El Jack, **Op Cit**, p.29

[282] West, ***Op Cit***, p.183

[283] ***Ibid***, p.183-184

[284] ***Ibid***, p.189

because their support, labour and services are required. Simultaneously, the social identity of women as 'mother' and 'guardians of the culture' within nationalist liberation movements has limited their activism in conflict and post-conflict reconstruction. This construction of identity implies that women are victims in need of protection by men. Sexual violence and rape defiles women, in some communities, therefore making them unworthy of protection. [285]

Globally, women and girls participate in armed opposition groups as combatants. Between 1990 and 2004, women and girls have been members of fighting forces in at least 57 countries. Their reasons for enlisting are varied:

- They may feel that the state has not succeed in protecting them or their families;
- They may believe in the groups ideological goals;
- They may have political ambitions;
- They may have economic reasons for wanting to join an armed group; or,
- The may be forcefully enlisted[286]

In workshop on women in armed opposition groups, organized in Geneva by Geneva Call and the Program for the Study of International Organization(s) August 26 – 29, 2004, many women linked their movement with the fight for women's rights and women's equality although none of them actually joined the group for those reasons. [287] As described earlier on, many nationalist groups link their goals to feminist goals in order to gather more fighters. Kampwrith argues

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[285] El Jack, ***Op Cit***, p.11

[286] Dyan Mazurana, Women in Armed Opposition Groups Speak on War, Protection and Obligations under International Humanitarian and Human Rights Law, **Report of a workshop organized in Geneva by Geneva Call and the Program for the Study of International Organization**(s) August 26 – 29, 2004, p. 24 -25

[287] ***Ibid***, p. 25

the main effect of feminism was influencing male insurgent leaders to open to women's participation in their movements. [288]

A participant to the workshop from South Sudan explicated:

> One reason people go to war is because of social difficulties in the patriarchal systems. The movement talked of justice for all and that joining them in their fight was a way to abolish unequal systems… Women are fighting for justice. This is where women felt they could get their rights.[289]

In Latin America, El Salvador has the highest number of women participating in armed conflict. Around 30 percent of the 13,600 Farabundo Martı´ National Liberation Front (FMLN) - formerly a guerrilla group, now an official political party- serving as fighters.[290] Despite their numbers, female participation in armed conflict does not thwart challenges that women may face as fighters. A primary challenge is insubordination from their male counterparts.[291] Another challenge to women was the danger of being raped by member of the opposition group or government forces. However, a number of groups controlled the sexual behaviour of its members. For instance, FRELIMO did not allow their members, both male and female, to engage in sexual activity with each other or civilians. The reasons for this differ: it was partly intended as a measure to protect young women fighters and civilians from "men with guns" and, it was also a measure to prevent personal bonds forming that might take precedence over the campaign.[292] There are reports from female fighters in Burundi, Guatemala and Southern Sudan (SPLA) that men found guilty of raping a woman or girl within their forces would be executed. Though, because of the severity of the penalty, it was difficult to bring charges forward as:

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[288] Karen Kampwirth, W**omen and Guerilla Movements: Nicaragua, El Salvador, Chiapas, Cuba**, Pennsylvania State University Press, 2002, University Park

[289] Mazurana, ***Op Cit***, p. 25

[290] Irina Carlota Silber, 'Mothers/Fighters/Citizens: Violence and Disillusionment in Post-War El Salvador' **Gender & History**, Vol.16 No.3 November 2004, p571

[291] Mazurana, ***Op Cit***, p. 40

[292] West, ***Op Cit***, p.190

1. allegations were typically against senior men;
2. they were in physical danger from their accuser, and,
3. regardless of out come, the accuser risked retaliation. [293]

The participation of women in armed opposition groups or insurgencies is not new. There are several accounts of women taking part in liberation struggles around the formerly colonised world. A number of studies propose that movements that work against "existing state authority" frequently make available a "greater degree of ideological and practical space for women to participate as combatants than do institutionalized state or pro-state nationalisms."[294] Women and girls participate in armed groups for political or individual empowerment that may go beyond simple ideology. Participation in an armed group may result in women and girls obtaining "new status, skills, and power that result from taking on new responsibilities." [295] In many instances, women and girls in armed opposition forces have exploited "existing conservative gender constructions and stereotypes to pursue their objectives against the state or their perceived enemy. In Afghanistan, Algeria and Palestine, for example, women have used local cultural expectations about what clothing is appropriate for them to secretly transport small arms and explosives." [296] However, Enloe points out that the nationalist wars, such as in Algeria, Vietnam, Namibia, and Nicaragua amongst others, have shown that assessing female empowerment through insurgencies should be "nuanced" as participation in fighting doesn't necessarily change men's patriarchal beliefs.[297]

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[293] Mazurana , ***Op Cit***, p. 43-45

[294]Miranda Alison, Women as Agents of Political Violence: Gendering Security, **Security Dialogue**, vol.35, no.4, December 2004, p.448

[295] Mazurana, ***Op Cit***, p. 35-36

[296] Alison, ***Op Cit***,p.456

[297] Cynthia Enloe quoted in What if They Gave a War…, **Ms.**, Vol.9, No.5, August/September 1999, p.14

Armed opposition groups do not only make use of women in their structures but many use children of both sexes. Twum-Danso points out that the nature of conflict after the Cold War has meant that the main realm of violence is no longer a remote battlefield but rather rural communities or town centres which consequently pulls whole communities, adults and children, into the battle as "either the aggressors, victims or both at different times."[298] The use of children in conflict is not a new phenomenon but, has been occurring throughout history. The next chapter examines the reasons why girls and boys are utilized as combatants by State and non-State actors.

[298] Afua Twum-Danso (a), ***Op Cit***, p.11

Chapter Four

EXAMINING THE PARTICIPATION OF CHILDREN IN ARMED CONFLICT

Children's participation in armed conflict is not a new phenomenon. Approximately 30, 000 children took part in the Children's Crusade of 1212. In the 19th century, Napoleon's army featured numerous twelve year old combatants and there have been reports of boys lying about their ages so as to enlist in the army during the First and Second World Wars.[299] More recently, there are more children making up part of regular and irregular forces. According to the Coalition to Stop the Use of Child Soldiers, most child soldiers participating in armed conflict throughout the world are associated with government back paramilitary and militia group, as well as armed opposition groups. It also reports that in a number of states, children are used formally or informally by governments.[300] Recent statistics place child soldier participation in active combat, globally, at approximately 300, 000 child soldiers at any given time.[301] Armed conflict affects children negatively in a whole host of ways. Children, recruited as soldiers, are often denied access to education, protection, and healthcare. They are also exposed to possible exploitation and abuse.[302] A number of countries that do not use children in active conflict are guilty of actively recruiting children into the armed forces. The map in appendix A illustrates areas where children are being used as combatants in active conflicts around the world. Before addressing the issue of child soldiers, it is important to first interrogate the definition of childhood.

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[299] ***Ibid***, p.17

[300] **Child Soldiers Global Report 2004**, Coalition to Stop the Use of Child Soldiers, p18

[301] Coalition to Stop the Use of Child Soldiers, http://www.child-soldiers.org/childsoldiers/some-facts.html , accessed on the 12 December 2005

[302] **State of the World's Children 2006: Excluded and Invisible**, UNICEF, 2005, p.14

The definition of childhood and the child soldier

The Universally accepted definition of who is a child is found in the Convention for the Rights of the Child (CRC) which says:

> …a child means every human being below the age of eighteen years unless, under the applicable to the child, majority is attained earlier.[303]

The CRC is the most ratified human rights treaty in the world. It has been ratified by all states except the United States of America and Somalia. Although, the age of eighteen is the universally accepted of majority this age is conflict with some cultures in which reaching puberty is a mark of adulthood- this is not reflected in the CRC as puberty normally starts from the age of thirteen. The construction of childhood comes pre-packed with suppositions of behaviour and mental capabilities. The current definitions of childhood are a western conception.[304] This conception regards children as "physically weak" and "mentally immature". [305] A number of non-Western societies do not use chronological age to determine childhood rather physical capacity and/or standing in the social hierarchy determines age. [306] Further, children are often deemed as capable and competent. [307] Sometimes, the term "youth" is used to describe a person who is not considered a child but is not yet considered an adult in society. There is no common definition of 'youth'. International agencies have embraced a conception aligned with their respective mandates, complemented by an age range. For instance, The World Health Organization (WHO) makes a distinction between three different groups: adolescents (10 – 19 years-old),

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[303] Convention on the Rights of the Child, **A/RES/44/25**, 12 December 1989

[304] Twum-Danso (b), ***Op Cit***, P.9

[305] Twum-Danso (b), ***Op Cit***, P.11

[306] Twum-Danso (b), ***Op Cit***, P.12

[307] Twum-Danso (b), ***Op Cit***, P.12

youth (15 –24 years-old) and young people (10-24 years-old). [308] Often youth is a "political" construct that may be manipulated to achieve different goals. [309] As this stage is undefined, international organizations may not actively target this group which means that governments and rebel forces have found this are able to use this flexible classification for their recruitment efforts.

> Throughout history, teenagers' feelings of exclusion and drive for independence have been easily manipulated and exploited for military purposes. Further, there are strong political implications in defining childhood and youth: young activists call themselves children to avoid punishment while authorities call them 'youth' to make them legally culpable
>
> In the end, adolescent groups are likely to choose to join organizations whose understanding of youth offers them 'immediate participation in decision-making processes of the adult society'. Alas, militaries around the world regularly seem to hold this promise. [310]

Nevertheless, the definition of childhood is universal and does not include a category for youth. By ratifying instruments such as the Conventions on the Rights of the Child (CRC), the non-Western societies, appear to be agreeing to this definition even though it may not reflect the beliefs at the community level. Brocklehurst asserts that perceptions childhood may be chronologically fashioned by events. [311] Studies reveal that situations of conflict may bestow the status of adulthood on young people. For example, during the Liberian conflict some children where initiated militarily so that that they could participate fully in the conflict. [312] Kemper contends that although the use of soldiers under the age of eighteen is not a new phenomenon, the transformed nature of war has progressively included underage fighters for the following reasons:

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[308] Yvonne Kemper, "Youth in War-to-Peace Transitions : Approaches of International Organisations", **Berghof Report Nr. 10**, Berghof Research Center for Constructive Conflict Management, January 2005,p.8

[309] Twum-Danso (b), ***Op Cit***, P.13

[310] Kemper, "***Op Cit***,p.9

[311] Helen Brocklehurst, Kids 'R' us? Children as political bodies, **International Journal of Politics and Ethics**, Spring 2003, v3, i1 ,p79

[312] ***Ibid***

1. armed groups often disregard the division between civilian and military targets;
2. the proliferation of cheap, small and light weaponry makes it possible for armed groups recruit weak and inexperienced child combatants; and,
3. protracted conflicts decimates the adult population therefore causing armed groups to look to children as recruits.-

> Commanders describe these young soldiers as 'easier to condition into fearless killing and unthinking obedience'. Older children or young adults are even more useful for the military than younger children due to their greater physical strength and skills. They are also easier to recruit because they lack social protection when they are out of school but not yet married. What is more, many feel a strong desire to be part of a group again and – without family commitments - are more willing to engage in risky behavior and the 'thrill' of fighting. During conflict, the breakdown of state and family structures, including homes, schools, health systems and religious institutions, removes an important[313]

Approximately 100, 000 children are involved in conflicts in Africa.[314] There is a common misconception that children's participation in conflict is an African tradition.[315] Authors like Bennett argue that military traditions of Africa did not permit or encourage the conscription of children "whether the concept of child is defined in African or International terms". [316]Although, at times children were used in conflict, they rarely bore arms or actively participated in conflict. [317] Angela McIntyre contends that a reason why contemporary African children are more vulnerable to political and military co-option is that:

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[313] Kemper, ***Op Cit***,p.12

[314] Child Soldiers Global Report 2004, ***Op Cit***, p31

[315] Afua Twum-Danso (a*), Ibid,* p.13

[316]T.W. Bennet, Using Children in Armed Conflict: A legitimate African tradition? In Elizabeth Bennet, Virginia Gamba and Deirdré van der Merwe (ed.s) **ACT against child soldiers in Africa: A reader**, Institute for Security Studies, Pretoria, 2000 p.90

[317]***Ibid***

> A generation gulf will always exist between youth and the state and this rings familiar because intergenerational discord, albeit in many forms, is universal. But the difference between youthful protest in Africa and youthful protest in the developed world is that the latter permits safe expression within the family, community or school. These are the structures in a peaceful society that guide youth and protect them from adult moral and political consequences of less-than-mature actions. [318]

The recruitment of children in official military structures is not endemic only to States involved in conflict but, a number of peacetime states; although, most children serve in non-state armed groups. In 2004, approximately seventy per cent of the world's child soldiers were involved with non-state armed groups. [319] According to Parsons, involvement in armed forces, regular or irregular, takes place in two ways: recruitment of people under the age of eighteen into the armed forces, which functioned principally to amplify fighting strength; and, the 'politicisation of youth' which was meant programme children to guarantee their loyalty and support [320] Understanding how, and why, children become involved with armed groups is important because it gives policymakers and practioners better insight in creating programmes to prevent recruitment and protect the rights of the child.

Recruitment of child soldiers

Current research indicates that most child soldiers are recruited from the poorest least educated and mainly "marginalized" segments of the population. As mentioned in the chapter on human security the lack of human security causes

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[318] Angela McIntyre quoted in Aki Stavrou, Youth Citizenship and Mobilisation in Uganda in Angela McIntyre (ed.) **Invisible Stakeholders: Children and War in Africa**, Institute for Security Studies, 2005, p.89

[319] Enrique Restoy, Armed Groups and Resolution 1612, **Child Soldiers Newsletter**, Issue 14, Winter 2005-06, p.6

[320] Imogen Parsons, Youth, Conflict and Identity: Political Mobilisation and Subjection in Angola in Angela McIntyre (ed.) **Invisible Stakeholders: Children and War in Africa**, Institute for Security Studies, 2005, p.49

children to be more vulnerable to recruitment to armed groups. Children who are disconnected from their family unit or from a "disrupted" family settings in particular, refugees and internally displaced people, are the ones most in danger of recruitment.[321]Studies have revealed that children from more affluent and well-read families ran less of a risk of military enrolment through "legal means or political influence". Children who are most at risk of recruitment are: street children in "large" metropolis; displaced children, whom are unlikely to have any "proof of citizenship or age," ; and, children from minority groups are susceptible to recruitment for example in Somalia, social standing may situate the children outside "clan law" therefore putting them in danger of conscription.[322] A problem in dealing with the issue of child soldier relates to the fact that some organizations never admit to having child soldiers. FRELIMO, for instance, insists that it never had child soldiers when in fact they did recruit and use under-age combatants; during the civil war the opposition, the Mozambican National Resistance (RENAMO), actually acquired voluntary recruits from the children trying to avoid FRELIMO's policy of forced conscription.[323]

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[321] http://www.child-soldier.org/cs/childsoldiers.nsf/6c9394895ab5b8c980256b21003be243061b80256b210046f85b?Opendocument , accessed 20 March 2004

[322] Machel, ***Op Cit***, p.8

[323] Ana Leão, A Luta Continua: Children and Youth in Mozambique's Struggles in Angela McIntyre (ed.) **Invisible Stakeholders: Children and War in Africa**, Institute for Security Studies, 2005, p.40

Conscription and recruitment of under-18's

Children may be compelled to join armed forces due to conscription. The study conducted by Machel found that "[e]ven in countries where the legal minimum age of recruitment is 18; the law is not necessarily a safe guard." Globally, countless births go unregistered leaving many children without documentation or knowledge of their age. Because of this, government armed forces are able to sign up underage fighters, document them as being 18, and still give the facade of full legal compliance.[324] Articles 7 and 8 of the CRC states that all children are entitled to birth registration and States are responsible for the enforcement of these rights. The UNICEF 'State of the World's Children: 2006' report highlights the fact that children "unregistered at birth may also miss out on any protection that exists against premature conscription into the armed forces or, if they come into conflict UNICEF estimates that approximately fifty-five percent of births in the developing world, not including China, go unregistered each year.[325]

[324] Machel, ***Op Cit***, p.9

[325] State of the World's Children 2006: Excluded and Invisible, ***Op Cit***, p.36-38

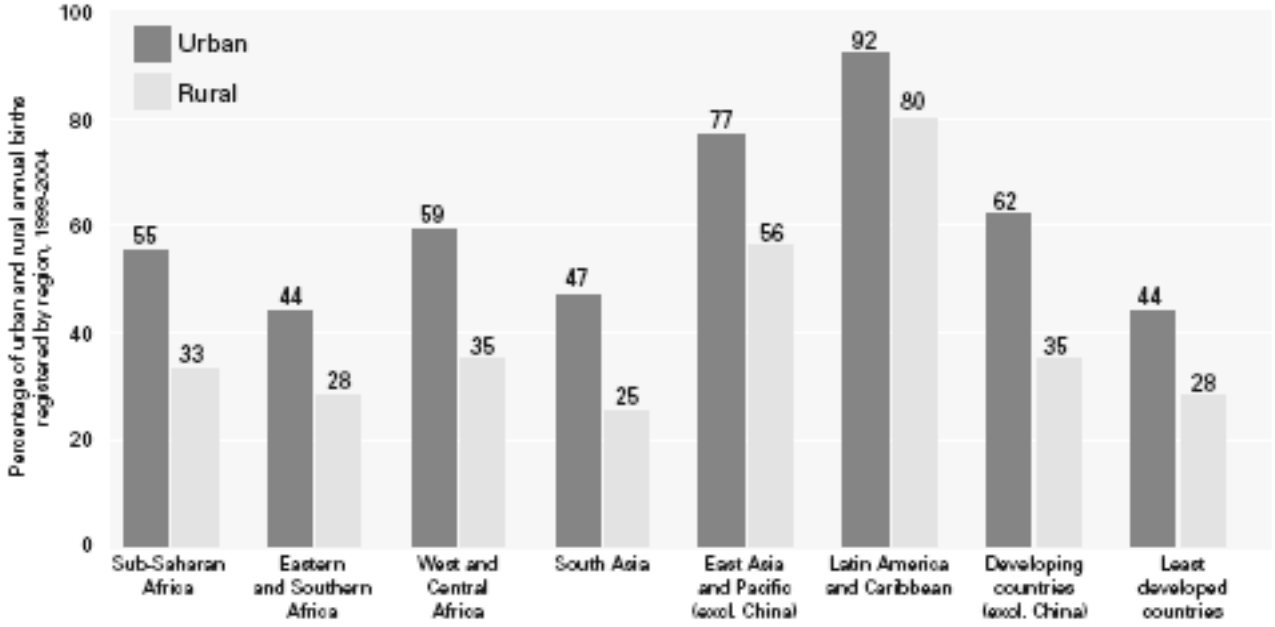


Figure: Birth Registration[♣] in the Developing World[327]

A method of ensuring recruits is the creation of youth movements which are a good ground for politicising children. UNITA, for example, enforced a system of youth politicisation by creating a group called Alvorada, meaning "dawn" which it made compulsory for pre-adolescent children in UNITA strongholds, adolescents had to join the youth military wing called HURA-UNITA. Members of JURA had

[326]♣ **Birth registration:** Percentage of children under 5 years of age who were registered at the time of the survey. The numerator of this indicator includes children whose birth certificate was seen by the interviewer or whose mother or caretaker says the birth has been registered. **Data range:** Data refer to the most recent year available during the period specified.

[327] State of the World's Children 2006: Excluded and Invisible, ***Op Cit***, p.37

to work for UNITA troops as porters, carriers of weapons to the frontlines and combatants. [328]

Voluntary Recruits

A number of children join armed groups 'voluntarily' owing to social factors. The collapse of social order due to "conflict" leaves children with no sense of routine: they have no "access to school"; they may be separated from family; furthermore, armed factions may be considered as a chance for "survival". Children may be led to 'volunteer' as a means to flee from destitution or as a means of revenge.[329] Machel contends that it is disingenuous to speak about 'voluntary' recruitment because the choice made by these children is in response to a variety of pressures (monetary, societal, political, et cetera) rather than being a free choice. There are reports that impecunious parents are often enticed into presenting their children for service in exchange for the child's army earnings. Children may also present themselves for service if they believe that this will ensure frequent food, "medical attention", and material possessions. "In some cases, armed forces will take in unaccompanied children to protect them from violence. But this is no guarantee that the children will not end up as soldiers, particularly if they stay with the group long enough to identify it as their protector or 'new family'." [330]

> Many children who fight with "civil defence forces and other militia" are often described as "volunteers when in fact, they were offered up by parents who may have been pressured by authorities seeking to fill recruitment quotas.[331]

Illustrating Machel's contention that there is no such thing as a volunteer, studies done in Sierra Leone, for example, reveal that most of the child volunteers were enlisted for security reasons because they no longer had "homes, families and

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[328] Parsons, ***Op Cit***, p.49-50

[329] ***Ibid***

[330] Machel, **Op Cit**, p.11

[331] ***Ibid***

friends". Studies conducted in Liberia revealed that some child volunteers "were looking for an opportunity to avenge the deaths of family members or were seeking fulfillment of false promises: "that they would be paid in US dollars, that they would get a house in Monrovia, or cars".[332] Another possible motivation for children voluntarily enlisting in the armed forces is that they may want to contribute to the liberation of their country. A well known example of this is partipaction of Palestian children in the different Palestinian liberation armies in Jordan, Lebanon, and Syria and in the Palestinian administered and Israeli occupied territories in "the *Intifada*" or armed uprising against the State of Israel. [333]

The Optional Protocol on the Involvement of Children in Armed Conflict, allows persons under eighteen to voluntarily enlist in the government armed forces as long as they are not deployed in combat zones. Peacetime government armed forces regularly enlist people under eighteen; for example, The Netherlands recruits seventeen year olds into their armed forces.[334] Similar to children in conflict settings, children in peacetime governments may enlist in the armed forces due to poverty, lack of education, lack of formal employment opportunities or even a sense of nationalism. For instance, in developed countries, like the UK and US, the military may be one of the few employers that do not require educational qualifications and, also offer to educate their employees. [335] Poverty stricken youth may see that military as a way out of their circumstances and as a way to improve the lives of their families. Various peacetime governments in the developed world may actively pursue young

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[332] T.W. Bennett, **Op Cit**

[333] Fred Grünfeld, Child Soldiers in Jan C.M. WILLEMS (ed.), **Developmental and Autonomy Rights of Children: Empowering Children, Caregivers and Communities**, Intersentia, Antwerp/Oxford/New York,2002, p.274

[334] ***Ibid***

people to enlist in the armed forces as a way of bolstering their forces power. For example, The United States of America's Defense Department actively pursues high school students for recruitment into the armed forces. In 2002, the "No Child Left behind Act', which is meant to ensure that all American children are educated, was signed into law in the U.S.A. This act requires that all public high school provide the names and personal details of all their high school students. Parents are allowed to "opt out" of this requirement but it is difficult to do so due to the complicated bureaucratic channels they have to pass through. Further, Schools that do not comply risk losing Federal funding.[336] People around the age of sixteen are allowed to enlist and attend basic training after their first year of high school, and then enter skills training a year later after graduation. In excess of 470,000 high school students are signed up in the Junior Reserve Officer Training Corps (JROTC), a programme that they may join as cadets from the age of 14.

> The military provides uniforms and instructional materials, and shares the costs of the instructors with the schools. Girls make up 56 per cent of army cadets, and about 40 per cent of air and navy cadets. The program's stated goal is to motivate and develop young people. Its curriculum includes communication skills, leadership, physical fitness, history and citizenship, and drug abuse prevention. Cadets participate in military drills with real and dummy firearms, and some programs include marksmanship and use of guns in firing ranges.[337]

After the ratification of the Optional Protocol in December 2002, the different branches of the U.S. armed forces enforced policies not allowing people under

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[335] Rachel Brett, Why do adolescents volunteer for armed forces or armed groups?, **Paper for Spanish Red Cross International Conference "Adding Colour to Peace**", Valencia, Spain, 5-7 November 2003), p.3

[336] Anonymous, Every child a soldier?, **Sojourners Magazine**; vol. 32, no.3 ,May/Jun 2003, p.10

[337] Coalition to Stop the Use of Child Soldiers, **Submission to the UN Study on Violence against Children, with specific reference to children in military schools and to children in peacetime government forces**, March 2005, p.17

the age of eighteen to deploy outside the Continental USA. However, the Marine Corps does not rule out the use of seventeen year olds in combat.[338]

Abduction

Abduction is a popular method of recruitment; often used my non-state armed forces. Many child soldiers are enlisted by force or captured, and follow orders out of fear of what would happen if they do not.[339]Captors turn children into fierce fighters through many cruel forms of programming. An example of this was a standard, RENAMO, recruitment procedure which entailed forcing a child to kill one or more people in their village, usually the child's own family, so that the child would have a no one to return to. These children become dependant on their captors for survival and in the long run, the child may relate with their captor's objective.[340]In Uganda, the Lord's Resistance Army, LRA, is said to be using similar indoctrination tactics as RENAMO. "The abducted children are systematically terrorized and brutalized." Almost immediately after their capture, the children are forced to commit murder under threat of their own death. This is psychologically devastating for them, implicates them in criminal acts, causing them to be afraid of being rejected by their community should they be able to return. Fellow children are compelled to kill those who try to escape.[341]Rebel forces in Sierra Leone also used brutal indoctrination tactics making abductees observe and take part in "horrible atrocities against civilians, including beheadings, amputations, rape, and burning people alive". Drugs were regularly "given" to children to help them "overcome their fear or reluctance to fight".

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[338] Child Soldier Global Report 2004, ***Op Cit***, p.153

[339] **The Child Soldiers Protocol: Global Issues**, http://www.hrw.org/campaigns/crp/liberia.jpg , accessed on 17 April 2004

[340] Cole P. Dodge, 'Child Soldiers of Uganda and Mozambique', in Cole P. Dodge and Magne Raundalen (eds.), **Reaching Children in War: Sudan, Uganda and Mozambique**, Sigma Forlut, Norway, 1991, p.57

[341]http://www.amnesty.org/ailib/intcam/tunion/1999/uganda.htm , accessed 20 March 2004

Functions of child soldiers

Often recruited children are inducted in the same violent rituals as adults and suffer similar, if not more severe, punishments for disobedience. "Many start out in support functions that involve great risk and hardship".[342] Several children are used as "porters, as 'safe' carriers for bombs and even sexual slaves".[343] Many children end up on the battlefield brandishing "AK-47s and M-16s", operating "as human mine detectors, participate in suicide missions, carry supplies, and act as spies, messengers or lookouts".[344] Numerous examples of children being used as mine-detectors are available: for instance, the government of Chad, has been accused of forcibly recruiting children, under thirteen, to use as mine detectors in the front line; in Myanmar, the International Labour Organisation in 1999 reported that "children had been forced to sweep roads with tree branches or brooms to detect or to detonate mines". [345] The use of children in suicide mission is not rare either. A startling example is one from the sub-group of the Sri Lankan armed group the Tamil Tigers, the Black Tigers; the purpose of this sub-group is to conduct suicide missions. The members of the group, which includes children, are trained and armed under the Tamil Tiger command.[346]

What challenges do child soldiers face?

Children who are soldiers are at risk of having their basic rights to protection, access to essential health care, family systems denied. Boys and girls risk sexual abuse, but little data is available on the sexual exploitation of boys.

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[342] Machel, **Op Cit**, p.12

[343] http://www.child-soldier.org/cs/childsoldiers.nsf , accessed on 23 February 2005

[344] The Child Soldier Protocol: Global Issues, http://www.hrw.org/ accessed on 23 February 2005,

[345] Grünfeld, ***Op Cit***, p.302

[346] Mary-Jane Fox, Too Young to Die, **The World Today**, July 2004, vol.60, no.7.p.15

Furthermore, they are at risk of exposure to violence, death, abuse and exploitation. Appendix E has a table that lists the rights that children risk by involvement with armed groups.

Increased Risk of Mortality

Children who participate in conflict risk their lives. "Children are often used to lay and clear landmines, such as the children in the Iran-Iraq war who had to de-mine the territory of the battlefield by walking in front of the troops."[347] Often, child soldiers have higher casualty and mortality rates than adult combatants. Those who survive combat are faced with the fact that they often do not have any marketable skills and often end up getting re-recruited.[348] Even children in peacetime government's armed forces increase their risk of death or injury. For instance, in Paraguay in excess of 100 young recruits have died whilst on military service since 1989. Numerous others have been victims of serious accidents; some of these conscripts were as young as 12. The deaths and injuries were believed to be the result of excessive punishment by officers and the lack of safety measures for dangerous activities such as handling weapons. Some conscripts suffered permanent psychiatric damage after systematic ill-treatment." [349]

Lack of Education

Children in armed opposition groups may not have access to basic education. Further, a number of States, particularly those experiencing protracted conflict are unable to provide basic services such as access to education. However, in some cases, membership of an armed opposition group translated into access to primary education. For example, Mozambique's FRELIMO provided basic

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[347] Grünfeld, ***Op Cit***,p.274

[348] Jo Becker, Child Soldiers: Changing a Culture of Violence, **Human Rights**, vol.32, no.1, Winter 2005, p.16

[349]Submission to the UN Study on Violence against Children, ***Op Cit***, p.4

education for a number of their fighters and members. This was also used as a recruitment tool as the Portuguese colonialists invested very little in education.[350] Another example is that of the National Resistance Army (NRA) in Uganda and their Kadogo (child soldier) school program. The NRA instituted a program to take child soldiers back into school in 1987. The Kadogo's that were in the program were NRA fighters who were given the chance to obtain a formal education whilst being soldiers. Those who did not further their education or dropped out of the program were reintegrated into the NRA.[351]

Health Related Difficulties

Involvement with an armed group may eventually cause the child soldier to suffer a variety of health and nutrition related problems including: untreated bullet wounds, bullets lodged in joints, destruction of joints, back problems and hernias from continually carrying heavy loads over long distances;

untreated tuberculosis and malaria ; permanent physical disabilities due to loss of limbs, loss of sight; malnutrition; and, loss of hearing caused by their prolonged proximity to artillery fire and other loud explosions. Children may also have significant dental problems, and some return in a state of severe malnutrition. [352] Children are also in danger of being addicted to drugs. Rebel groups such as the Revolutionary United Front were reported to force children to use drugs like cocaine and marijuana to become fearless in battle. When, they are demobilized they suffer very serious withdrawal symptoms including post-traumatic stress.[353]

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[350] Leão, A Luta , ***Op Cit***, p.34

[351] Col. Kale Kayihura, **UGANDA: THE INTEGRATION OF CHILD SOLDIERS INTO THE SCHOOL SYSTEM**, Association for the Development of Education in Africa (ADEA) 2000, p 29-30

[352] **A Fighting Chance: Guidelines and implications for programmes involving children associated with armed groups and armed forces**, The International Save the Children Alliance, 2004**,p. 48-49**

[353] Tom Masland, Growing Up in Africa's Cruelest War Zome : child soldiers of Sierra Leone, **Newsweek International** , 9 July 2001, p.28

Trauma and Post- Traumatic Stress

Child soldiers run the risk of developing post-traumatic stress disorder as a result of their experience in the armed forces. Such children may be exposed to rape, physical abuse, emotional abuse and/or witnesses, or perpetrators, of atrocities. This type of trauma could lead a child to become psychologically unstable, emotionally dull or prone to violent outbursts. The earliest literature on the effect of armed conflict on children dates, for the most part, from World War II and was of inconsistent quality. More organized studies were carried out in the 1980's although the presence of psychopathology in war affected children has been noted only in the last two decades. Post-traumatic Stress Disorder (PTSD) has emerged as a common psychiatric diagnosis for individuals who have experienced war-like circumstances. Children often have higher levels of symptoms than adults. Studies have suggested that childhood trauma may have a lasting impact on child cognitive, moral, and personality development, interpersonal relationships, and coping abilities.[354]There is anecdotal evidence illustrating that children's subsequent "moral responsiveness" is largely influenced by the period of time they spent in the armed group. For instance, children in armed groups in Mozambique who spent less than six months, after their liberation to begin with exhibited hostile behaviour and mistrust of adults, but these reactions hastily decreased and children described themselves as victims "rather than as members of the military group, with common reactions of posttraumatic stress and remorse." Simultaneously, children who spent a year or more with armed groups had considerably changed identities, which became entangled with those of their captors. "They continued to use violence as the principal means of exerting social control and influence, or even joined another armed group in a different country, like mercenaries."[355]

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[354] Joshua Barenbaum, Vladislav Ruchkin, and Mary Schwab-Stone, The psychosocial aspects of children exposed to war: practice and policy initiatives. **Journal of Child Psychology and Psychiatry** ,vol.45 no.1 (2004), p.42

[355] ***Ibid***, p.48

GIRLS AS SOLDIERS

Arguably, girls tend to be ignored within the broader gender discourse. For example, the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) is the first human rights treaty to focus specifically on gender. Even though its provisions apply to females in general, CEDAW concentrates mainly on women. The international treaty dedicated to children's human rights -The Convention on the Rights of the Child (CRC)- only has one article, that specifically addresses gender.[356]Sara Friedman argues that girls needs and rights have to be appreciated to guarantee gender equity. Frequently, girls are the most defenceless and vulnerable children. "For example, infant girls are abandoned, neglected and even killed because they are female. They are kept out of school, sexually and economically exploited because they are girls." [357] Dealing with the issue of girl soldier is complicated by their intersecting identities of being female and a child simultaneously. Legally, their principal identity is that of a child but, this does not take into account the specific maltreatment suffered owing to their gender.[358] The cultural descriptions of childhood for females are wide-ranging and the passage for childhood to adulthood for a girl may be marked by certain events. For example, a number of parents in sub-Saharan Africa have "brought forward the time of puberty rites for girls out of fear that their daughters' schooling may generate a risk of their being violated whilst away from the home. As "women," then, schooling plays no part in their lives." [359] In pre-colonial northern Nigeria, girls became adults upon becoming mothers although, it should be noted that in some societies, the attainment of adulthood is reserved

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[356] Sara Ann Friedman, 'Girls 2000', **The Working Groups on Girls,** 2000, p.6

[357] ***Ibid***, p.6

[358] Mary-Jane Fox, Girl Soldiers: Human Security and Gendered Insecurity, **Security Dialogue**, vol.35, no.4, December 2004, p.476

[359] Helen Brocklehurst, Kids 'R' us? Children as political bodies, **International Journal of Politics and Ethics**, vol 3, issue 1 Spring 2003, ,p79

for males.[360] Throughout ancient and contemporary history, there is evidence of girls being used as soldiers. For instance, in the nineteenth century kingdom of Dahomy, which is the modern day Benin, women and girls were employed as soldiers and royal body guards[361]; and, during the struggle for independence, Mozambique's FRELIMO had a regiment of young female soldiers.[362]

Why are girls recruited?

Twum-Danso asserts that girls "are recruited for the same reasons as their male peers—for the very qualities that they possess as children." Twum-Danso also states that girls have additional virtues that make them attractive to armed forces. It has been argued that "the recruitment of young girls may be a deliberate attempt to provide 'wives' free from HIV infection, thus the criteria used for 'marrying' girls to rebel men seems to be the sign of puberty." [363]Girls are very valuable to armed opposition groups. "Between 1992 and 1996 the majority of inhabitants of RUF camps in Sierra Leone were girls. Whilst it was estimated that up to 80 per cent of all RUF forces were children between the ages of seven and fourteen, 30 per cent of that figure were girls. [364]Studies reveal that girls are recruited mostly into armed opposition groups. Rebels, in Angola, have purportedly used girl soldiers around the age of thirteen.

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360 Twum-Danso (b), ***Op Cit***, P.12

361 Stanley B. Alpern, **Amazons of Black Sparta: The Women Warriors of Dahomey**, New York University Press, New York, 1998

362 West, ***Op Cit***

363 Twum-Danso (a), **Op Cit**

364 ***Ibid***

The methods of recruitment used have been mentioned above, including being born into a rebel group.[365] The table below illustrates the figures on the presence of girls in armed forces and groups in Africa.

	Government Forces	Paramilitary/Militia	Armed Opposition
Present	**27%**	**24%**	**100%**
Not Present	**73%**	**76%**	**0**

Table 3: African Figures on Presence of Gils in Armed Forces, 1990- 2000[366]

This table illustrates the global figures of girls in armed forces and armed opposition groups between 1990- 2000

	Government Forces	Paramilitary/Militia	Armed Opposition
Present	**37%**	**25%**	**100%**
Not Present	**62%**	**75%**	**0**

Table 4: Percentage of Confirmed Cases of Girls in Armed Forces and Armed Opposition Groups (1990-2000) [367]

According to a recent statement made by Chris Robertson, the head of Save the Children's Fund (SCF) in Sierra Leone, "negotiating the release of girls is a lot harder than boys." Whilst boy combatants are of little value in the post-war period because they performed largely combatant roles, armed groups are reluctant to release girls, despite the fact that the fighting has terminated. The RUF continues to use abducted girls as domestic workers and 'wives'. "The case in Liberia is similar to that of Sierra Leone: approximately 1 per cent of girl combatants were

[365] Twum-Danso (a), **Op Cit**

[366] Susan McKay and Dyan Mazurana, **Girls in Militaries, Paramilitaries, and Armed Opposition Groups**, Rights & Democracy, Canada ,2004

[367] ***Ibid***

released due to the unwillingness of armed factions to free girls post-conflict.[368] Apart from being soldiers, they are exposed to sexual violence and are often used as "wives" by rebels. [369]

Voluntary recruitment

The issue of voluntary recruitment of girls is greatly disputed. Certain sections of the international community argue that "frequently girls enter fighting forces because they provide food, shelter and a sense of security." [370]Machel's previously discussed contention that voluntary recruitment is not really an exercise of free choice but a response to socio-economic conditions may be considered as an effective counter to the fore mentioned argument.

Girls volunteer for pretty much the same reason that boys do. Studies have shown, however, that there are some particular factors for volunteering that are stronger in girls than in boys. These include:

1. Domestic exploitation or abuse: a high correlation has been found between domestic exploitation and the decision to volunteer for the armed forces;
2. Protection: in armed conflicts, there is a high level of sexual abuse of girls, they might decide to join the armed forces to avoid being raped, maimed and/or killed;
3. Equality: some girls just want to prove that they are equal with boys.[371]

Girls may perceive that there are beneficial aspects to joining the armed forces. These include protecting themselves against rage, death, and so on; or, because

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[368] ***Ibid***

[369]http://www.hrw.org/campaigsn/crp/Liberia.jpg , accessed on 23 February 2005

[370] Angela Veale, 'From Child Soldiers to Ex-fighter: Female Fighters, Demobilisation and Reintegration in Ethiopia', **ISS Monograph**, No.85, http://www.iss.co.za/Pubs/Monographs/No82/Content.html , accessed on 1 April 2003

the acquire skills, were able to participate in the group on an equal footing with boys and at times exercise leadership. [372]

Are girls more vulnerable in conflict situations than boys?

"In the last decade girls have become the targets of active recruitment by armed groups in many countries afflicted by conflicts." [373] For the reasons outlined above, female soldiers are seen as a valuable commodity to government and opposition forces. Girl soldiers are at risk of the same hazards as child soldiers in general but they have a number of additional risks as a result of their involvement with an armed group. It may be argued that girls are more vulnerable in conflict situations than boys due to their physiological makeup. Machel[374] reports:

> …in armed conflict, girls and women are threatened continually by rape, mutilation, violence, sexual exploitation and abuse. The dangers lurk in all settings, whether at home, during flight or in camps for displaced persons.

She[375] goes on to define sexual violence as:

> any act of a sexual nature committed under coercive circumstances. As such, sexual violence is not limited to physical invasion of the human body. It may include acts that do not involve physical contact, such as forcing women and girls to dance unclothed for the entertainment of others.

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[371] Rachel Brett, **Girl Soldiers: Challenging the Assumptions**, Quaker United Nations Office, Geneva, 5 November 2002, p.3

[372] ***Ibid***, p.4

[373]Twum-Danso (a), **Op Cit**

[374] Machel, **Op Cit**, p.54

[375] ***Ibid***

Alfredson[376] argues that sexual abuse of child soldiers is widespread in areas that are "in a state of high conflict or long-term conflict." Alfredson also intimated that there was a clear relationship linking conflict intensity or duration, and patterns of sexual exploitation of child soldiers. The factors Alfredson used to demonstrate this relationship are:

1. The probability of girls being used as soldiers increases in situations of armed conflict. This automatically makes conflict countries more likely locations of sexual exploitation, as girls form the vast majority of targets;[377]
2. Conflict settings are normally tied in with the breakdown in economic and social structures, which boosts the recruitment of youths due to lack of economic alternatives and exposure to a militarised environment; But also, sexual violence is more likely to be widespread when traditional social protection systems are not working. [378]

Often girls are in danger of sexual exploitation by opposition armed forces as well as government forces. It has been argued by a number of women who had formerly served as girl soldiers that it girls in armed opposition are often safer from sexual exploitation than girls in the civilian population, as they may be targeted by government forces. Consequently, they did agree acknowledge that in many instances, girls are protected from large-scale rape because they are the "wife" of a particular man in the armed opposition group, which in itself is exploitation.[379] In Liberia, Human Rights Watch documented that young girls are recruited for sexual slavery to commanders and as rewards to boy soldiers for good service. Older girls who managed to gain veneration, for their skills on the battlefield, from their male counterparts were ultimately capable of defending themselves from sexual assault. Yet, these girls would abduct other girls for sexual

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[376] Lisa. Alfredson, 'Sexual Exploitation of Child Soldiers: An exploration and analysis of global dimensions and trends', **Child Soldiers Newsletter**, Coalition to Stop the Use of Child Soldiers, London, December 2001, p.3

[377] ***Ibid***

[378] ***Ibid***

[379] Mazurana, ***Op Cit***, p. 52

slavery for the males in their camp.[380] Furthermore, girls have different health concerns to boys, especially in terms of reproductive health.

The risk of sexual exploitation in the armed forces is not limited to countries in protracted conflict, like Colombia and northern Uganda, but is reported in industrialized peacetime countries such as the United Kingdom, the United States of America and Canada. In the cases of sexual exploitation in developed countries, seventeen year old recruits' report that they are in danger of initiations that include: undignified sexual acts; and, having to march past male colleagues in wet t-shirts. In the 1997, a UK recruit reported being raped by her instructor whilst on manoeuvres.[381]

Clark[382] noted specific health concerns for young girls related to sexual assault such as:

1. Internal bleeding and physical injuries that may be permanently disabling.
2. Exposure to "sexually transmitted infections, including HIV/AIDS "Girls who become pregnant risk complications and death of their babies or themselves from giving birth alone or with only unskilled help";
3. "Young mothers are likely to have difficulties breast-feeding due to malnourishment, inadequate water and sanitation facilities, sleep deprivation and/or injury";
4. Due to physical and/or psychological trauma "[g]irls may experience loss of menstruation; and
5. Girls may have psychological difficulties, aggravated by societal rejection.

Girl soldiers, owing to involvement with an insurgent group, may suffer a number of reproductive health problems including fistulas, disappearance of

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[380]'How to Fight, How to Kill: Child Soldiers in Liberia, **Human Rights Watch,** Vol. 16, No. 2 (A), February 2004, p.29

[381] Africa News Service, Sexual Exploitation: A further Abuse of Child Soldiers, December 19, 2001, p.100835u6478

[382] Christina Clark, 'Girls in War: Public Health, Social & Economic Reintegration', http://www.child-soldiers.org/cs/childsoldiers.nsf/37a36da699a44b3e80256b240045b77b/1bf258ec516ab32480256c8b00495c20?OpenDocument , accessed on the 17 April 2004

menstruation and sterility due to infection.[383] Twum-Danso[384] delves into the psychological consequences of conflict on girls. "Girls who have experienced sexual violence also suffer from shock, shame, low self-esteem, poor concentration, persistent nightmares and depression". The effects of sexual violence on girls psyche usually manifests as withdrawal unlike boys who become aggressive.

Quite a few professionals define a child soldier as "a child who serves as a combatant and not as a porter, sex slave, or 'wife.'" A number of practioners have called on the operational definition of 'child soldier' to be changed because it does not provide a precise depiction of boys and girls experiences in conflict.

> This definition often eliminates girls, eliminating them also from demobilisation and reintegration programs. "War-affected youth," as two respondents stated, would better encompass all children involved in and affected by war and violent conflict.[385]

Recruitment and Participation in the northern Ugandan Conflict

The Child Soldiers Global Report 2004 noted that nearly half of Uganda's population of 25 million is below the age of eighteen. Although there is no conscription in Uganda and the voluntary recruitment age is eighteen, UNICEF, amongst others, have accused the UPDF of recruiting children as young as fifteen. Government forces are also accused of recruiting children into Local Defence Units (LDUs). Although, the minimum age of recruitment for the LDU's is eighteen and local leaders are responsible for age verification.[386]

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[383] **A Fighting Chance: Guidelines and implications for programmes involving children associated with armed groups and armed forces**, **Op Cit ,**p.851

[384] Twum-Danso (a), **Op Cit**

[385] Lisa Kays, **Why we cannot find the hidden girl soldier: A study of Professional attitudes towards gender analysis in International Conflict and Development work**, p.6

[386] Child Soldiers Global Report 2004, ***Op Cit***, p.105-106

In the current war in northern Uganda, approximately twenty to thirty percent of child soldiers abducted and recruited are girl's.[387] The LRA are responsible for the large scale abduction of children which has led to the phenomenon of "night commuters" in northern Uganda; there are approximately 44,000 "night commuters" in Acholiland. "These are mostly children, adolescents and women who flee their villages or IDP camps each night for town centers seeking safety from LRA attack." Although, they make up a small percentage of the IDP population, their situation illustrates the inadequacy of the child protection mechanisms that have been put in place.[388] The Women's Commission for Refugees has reported on a new trend emerging in the LRA abduction patterns. The abduction of girls and boys are increasingly for a shorter period of time and are primarily for the labour needs of their camps. The Women's Commission goes on to state that "while recorded numbers of abducted children and adolescents are estimated at over 11,000, actual numbers may be much higher, as many young people were abducted for shorter periods of a few weeks and made it home without further report." [389] According to Moorehead and Rone, the amount of abductions increased in mid-2002 declining in 2004. By early 2005 abductions began to increase therefore indicating that "the LRA was again abducting children to bolster its ranks."[390] The LRA may abduct children and adults together but, adults are abducted for short periods of time often to do odd tasks such as transporting stolen food or carry heavy loads. [391]

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[387] Women's Commission for Refugee Women and Children, **Against All Odds: Surviving the War on Adolescents**, May-July 2001, p.17

[388] Women's Commission for Refugee Women and Children and Adolescents Project, **Resilience in the Darkness: An Update on Child and Adolescent Night Commuters in Northern Uganda**, New York, February 2005, p.1

[389] Against All Odds: Surviving t h e War o n Adolescents, **Op Cit**, p.17

[390] Alex Moorehead and Jemera Rone, Uprooted and Forgotten: impunity and human rights abuses in northern Uganda, **HUMAN RIGHTS WATCH** VOL. 17, NO. 12(A), September 2005, p.22

[391] ***Ibid***, p.23-24

The UPDF has claimed to have rescued over 50 000 child soldiers from the LRA since the insurgency began.[392] The table below illustrates the statistics of abducted children in northern Uganda by the year 2000.

The LRA has abducted more than 11,000 children and adolescents since 1986

The Abducted Children Registration and Information System[30] figures from June 2000 show the following:

District	Returned children	Not returned	Total abducted
Gulu	2,105	3,554	5,659
Kitgum (including Pader)	2,093	2,786	4,879
Lira	344	177	521
Apac	185	89	274
Total:	4,727	6,606	11,333

Table 5: children abducted in Northern Uganda (June 2000 figures) [393]

Both the numbers of children abducted and the percentage of girls that make up these statistics are highly contested.[394] The reason for the contestation stems from the fact that there is no accurate way to keep count of children who are abducted or released and, rebel forces do not keep official records of the children enlisted or released.

[392] Africa News Service, Army Rescues 50, 000 LRA Child Soldiers in 20 years, 22 August 2005

[393] Against All Odds: Surviving t h e War o n Adolescents, **Op Cit**, p.14

[394] Judah, **Op Cit**

In 2003, Human Rights Watch reported the physical and sexual abuse of abductees and volunteers in Uganda. According to the report, following seizure, girls that have not reached puberty are allotted to commanders as "ting ting (servants)" they have to do domestic chores such as "carry heavy loads, fetch water and firewood, cook, wash, "dig" (farm), and tend the commanders' children". Girls that have reached puberty, around the age of fourteen, "are sexually enslaved as "wives" of commanders and subjected to rape, unwanted pregnancies, and the risk of sexually transmitted diseases, including HIV/AIDS." [395] Female abductees also, debatably, serve as "breeding machines for a new generation within the rebel community". [396] "In northern Uganda, Human Rights Watch interviewed girls who had been impregnated by rebel commanders, and then forced to strap their babies on their backs and take up arms against Ugandan security forces."[397] Machel illustrates the increased vulnerability of young girls by pointing to a 1999 Rädda Barnen (Save the Children Sweden) report that gives an account of "the release by an armed group of five Ugandan girls after their commander died of AIDS. The girls arrived at a reintegration centre for former child combatants. One girl was already showing symptoms of the virus. The girls were offered confidential HIV testing and counselling, but only two agreed to be tested and then chose not to learn the results. Both tested positive."[398]

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[395] Tate and Becker, **Op Cit**, p.13

[396] Veale, **Op Cit**

[397] http://www.hrw.org/campaigsn/crp/Liberia.jpg , accessed on 23 February 2005

[398] Graça Machel, **Op Cit**, p.46

The vulnerability of girls in terms of physical and mental health, reproductive health and physical security necessitates that a holistic approach is taken in responding to the issue of girl soldiers. Although, human rights and human security address the issues that make children vulnerable to becoming child soldiers, the response to their recruitment also has to be addressed through their disarmament, demobilisation and reintegration (DDR) which encompasses a lot more than human rights. In order to adequately assist girl soldiers in disarmament, demobilisation and reintegration, it is vital that their experiences are adequately documented. Further, there needs to be an understanding of the status of girls in conflict ridden societies. This type of information could be used in developing programmes to assist girls in conflict and post-conflict settings.

Chapter Five

DISARMAMENT, DEMOBILISATION AND REINTEGRATION (DDR) OF GIRL SOLDIERS

In the transition from war to peace, the proper disarmament, demobilisation and reintegration (DDR) of former combatants is a significant mode of ensuring 'human security'[399] Conflict, is not only a catalyst for human insecurity but, it is also a consequence. Former combatants who are not correctly discharged militarily and given social and economic support may turn to crime or become vulnerable to domestic or gender-based violence.[400] The protection of children affected by conflict is embodied in article 38 (2) of the Convention on the Rights of the Child which declares that States must take all "feasible measures" to protect children affected by armed conflict. Article 39 requires that all States take "all appropriate measures" to promote recovery and reintegration. Furthermore, Article 6 (3) of the optional protocol on the involvement of children in armed conflict states that:

> States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to this Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to these persons all appropriate assistance for their physical and psychological recovery and their social reintegration.

On paper, these provisions protect girls from exploitation and ensure their rehabilitation, demobilisation and reintegration into the community after leaving an armed group. The fact is that, in practice, girls may be further disenfranchised when the leave an armed group because the DDR programmes that are available do not address their specific needs or, at times, even acknowledge their

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[399]Commission on Human Security, ***Op Cit***, p.62

[400] ***Ibid***, p.63

participation in the armed group. Although a few DDR programmes also include attention to special categories such as women, children, disabled and others requiring special attention, the attention paid to girls in unsatisfactory. A number of scholars argue that the problem with DDR programmes is that they do not adequately cater for women and children who served as combatants. DDR initiatives have been criticized around the world; even UN Secretary-General Kofi Annan noted that "women combatants are often invisible and their needs are overlooked".[401] Many children are excluded from official demobilization exercises because of age, gender or function.[402] Improper demobilization makes reintegration into their communities difficult. De Wattevile argues that the reason that the needs of child soldiers and female combatants may not be targeted specifically may be that, the majority of the programmes available "treat them as a homogenous group, and the standard approach attracts only a small percentage of women and girls and does not address their special needs."[403] Girls soldiers in particular are in a precarious situation when it comes to DDR because of their intersecting identities; they are children, they may be abductees; they may be mothers during the conflict and, they are female. Each of these characteristics of a girl soldier affects the effectiveness of what ever programme that has been created to target them. For example, if an assistance plan does not care for females or does not cater for children, a girl soldier would be completely excluded because she would straddle both categories and figuratively fall between the cracks. The local understanding of childhood is also important "…in some parts of the world,

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[401] Ernest Harsch, Women: Africa's ignored combatants Gradual progress towards a greater role in DDR, **Africa Renewal**, Vol.19 no.3 ,October 2005, page 17

[402] Verhey, Child Soldiers, ***Op Cit***, p.6

[403] Nathalie de Wattevile, Addressing Gender Issues in Demobilization and Reintegration Programs, **Africa Region Working Paper Series**, May 2002, p.1

a girl who bears a child no matter how young she is, immediately gains the status of a woman"[404].

This chapter briefly describes the DDR process and goes on to examine the DDR process and its effect on children, in general, and girls in particular. This discussion is not comprehensive but rather serves to give an idea of the assistance girl soldiers require in both conflict and post-conflict settings.

What is DDR

DDR is described as "activities designed to facilitate disbanding military fighters and easing their transition back into society. They are often given priority at the cessation of hostilities, as it is important to help former combatants settle into peacetime occupations."[405]Disarmament, Demobilisation and Reintegration (DDR) programmes are an important part of preventing renewed conflict and promoting peacebuilding. It is located between ceasefire and post-conflict and reconstruction. Peacebuilding has been defined as "the process of rebuilding normal relations between people who have been at war with each other, either literally, or figuratively."[406] Peacebuilding is important because the process removes or reduces the risks to human security and permits peace enabling sustainable development to take place. The DDR of former combatants refers to the formal procedure that follows a peace agreement.[407] There are five interdependent dimensions of DDR: political; military/technical, security,

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[404] Vanessa A. Far, Gend**er-Aware Disarmament, Demobilization and Reintegration (DDR): A checklist**, UNIFEM, p.2

[405] World Bank. "Conflict, Peace building and Security: Gender Perspectives on Disarmament, Demobilization and Reintegration (DDR)." http://lnweb18.worldbank.org/ESSD/sdvext.nsf/67ByDocName/GenderPerspectivesonDisarmamentDemobilizationandReintegration/$FILE/OECDGenderDDRf.pdf , accessed 1february 2006

[406] International Online Training Program on Intractable Conflict, Conflict Research Consortium, University of Colorado, USA, http://www.colorado.edu/conflict/peace/treatment/peacebld.htm , accessed 2 November 2005

[407] Interview with Nelson Alusala, Pretoria, 13 September 2005

humanitarian and socio-economic.[408] These five dimensions are encapsulated in two goals; short term and long term.

- *Short-term goals*: These have political, military and security dimensions. The immediate goal is the re-establishment of security and stability, through the disarmament of warring parties. Disarmament minimizes the mistrust that between warring factions, allows aid workers to get involved efficiently, and opens the way for peaceful social and economic activity.
- *Long-term goals*: These have humanitarian and socio-economic dimensions. The ultimate objective of DDR is the sustained social and economic reintegration of ex-combatants into a peaceful society. However, DDR is only successful in the long-term if it is linked with interventions for post-conflict reconstruction and social and economic development.[409]

Targeting in DDR

Prior to implementing a DDR programme, the goal is to first identify the potential beneficiaries and assess their requirements. Organizations like the World Bank, and other donors, are involved in the demobilization and reintegration aspects of the process. For instance, the World Bank 'in conjunction with Belgium, Canada, Denmark, the European Commission, France, Germany, Italy, Netherlands, Norway, Sweden and the United Kingdom, finance the Multi-Country Demobilization and Reintegration programme (MDRP). This World Bank funded programme supports DDR efforts in the great lakes region. In 2004, the MDRP prepared a position paper on the beneficiary definition and targeting under MDRP-supported demobilization and reintegration projects. The MDRP position is important because it currently supports seven countries that have been involved in some

[408] ECHA Working Group on Disarmament, Demobilization, and Reintegration, "Harnessing Institutional Capacities in Support of the DDR of Former Combatants", 19 July 2000, p.1

of the most gruesome protracted conflicts: Angola, Burundi, Central African Republic, Democratic Republic of Congo, Republic of Congo, Rwanda and Uganda. The formal eligibility criteria of who fulfils the definition of combatant are agreed upon by the warring parties. The MDRP has categorized who it considers as child soldiers, female soldiers and disabled or chronically ill children as special target groups. It adopts the Cape Town principles for the definition of child soldiers but acknowledges that there are problems when these principles have to be integrated into national programmes. For instance, in Angola, child soldiers were underreported and thus few benefited from DDR. The cause of underreporting lay in the way that demobilization was carried out; UNITA forces were being integrated into the national army and consequently left child soldiers out. Women are also often under-reported by armed forces and in some cases women themselves do not want to be identified as combatants for fear of discrimination. The MDRP does provide assistance for ex-female combatants which are inclusive of gender specific healthcare and social assistance. The disabled and/or chronically ill are also provided for. Nevertheless, a major hurdle for special target groups is under-reporting by agencies that are not directly financed by the MDRP. [410] The key problems that lead to under-reporting are: the status of female combatants within the armed forces; the recognition of the armed force; the status of abducted girls; and, registration and data collection difficulties.

The Status of female combatants within the armed group

Reporting female ex-combatants is complicated because: firstly, in many instances men are unwilling to "share veteran status with women"; and, secondly, because sometimes women do not want to identify themselves as ex-

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[409] Massimo Fusato, Disarmament, Demobilization, and Reintegration of Ex-Combatants, Beyond Intractability, http://www.beyondintractability.org/m/demoblization.jsp, accessed 6 September 2005

[410] Multi-Country Demobilisation and Reintegration Program, Position Paper: Targeting MDRP assistance : Ex-combatants and other war-affected populations, January 2004

combatants for fear of discrimination within the community. [411] Several people involved with DDR may try to circumvent giving women the status of "ex-combatant" by arguing that many women fill more logistical roles than combat roles. [412]

Recognition of the armed force

Targeting former soldiers for DDR is, at times, complicated by political sensitivity. For instance, members of some armed groups are not recognized by the government of the country as equally entitled to demobilization and reintegration benefits. An illustrative example is the DDR process after the war between the opposing liberation movements RENAMO and FRELIMO. FRELIMO demobilized many male and female soldiers without recognizing the combatant status of many RENAMO fighters thus excluding them from benefits. [413] The FRELIMO government also made veteran's pensions available for ex-soldiers who enlisted in an armed group at 18, which again excluded many RENAMO soldiers who had joined as children. Yet another example, from Mozambique, of the way government excludes former combatants from opposition armed groups is that of the Naparama, a faction of 20, 000 fighters led by a traditional healer, which was excluded from the demobilization programme.[414]

Registration and data collection difficulties

Often, systematic registration of ex-combatants or incorrect registration of combatants is common. An example is the post-independence marginalization of fighters from the Eritrean Liberation Front (ELF) which formed to fight

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411 Elise Fredikke Barth, **Peace as Disappointment: The Reintegration of Female Soldiers in Post-Conflict Societies: A Comparative Study from Africa**, International Peace Research Institute (PRIO, August 2002, p5

412 Wattevile, ***Op Cit***, p.3

413 Barth, ***Op Cit***, p3-4

414 ***Ibid***

against Ethiopia. A splinter group from that faction formed calling itself the Eritrean People's Liberation Front (EPLF). The EPLF forced the ELF to leave Eritrea prior to liberation in 1991. During DDR, fighters from the ELF were not recognized which illustrates how some ex-soldiers may be left out because they were not around to get registered for benefits. [415]

Data collection and storage may be tricky. Many States are inhabited by different ethnic groups and languages. The collection of data may be complicated owing to language problems. For instance, after the Ugandan civil war in the 1980s, a number of veterans had their names misspelled on their registration cards by the clerks, from other language and ethnic groups, who filled in the information on the cards. Later, this caused lots of errors and substantial confusion. Furthermore, the information supplied on discharge by the ex-combatant is not always correct. For example, the dates of birth and army numbers of former combatants (if available) are commonly mixed up. "Different calendars, chronologies, and different ways of reckoning of time all may increase the likelihood that incorrect information is being collected." [416] Incorrect information leads to DDR practioners being unable to correctly plan for the different phases of the DDR process.

Disarmament

Disarmament is the first phase of DDR. It is important not only because it improves security conditions, but moreover for its psychosomatic effects. The fact that ex-combatants are led into disabling their weapons by their commanders represents the transition from military to civilian life. In addition, public

[415] ***Ibid***, p4

[416] ***Ibid***, p5

demolition of weapons "sensitizes" the community and promotes the DDR programme. [417] This phase includes:

> … the collection of small arms and light and heavy weapons within a conflict zone. It frequently entails the assembly and cantonment of combatants; it should also comprise the development of arms management programmes, including their safe storage and their final disposition, which may entail their destruction. De-mining may also be part of this process.[418]

In this phase, the weapons survey[419] is conducted followed by a weapons collection. After the collection, there arms are stored for demolition or reutilization at a later stage. [420] Disarmament is characterized as a process that is a fundamental part of demobilisation if the intention is to lessen the number of fighters or to break up an armed division. During the disarmament process, weapons that were used by the armed unit's personnel must be passed on to the designated authorities, who are then in charge of the storage, reallocation or destruction of those arms. [421] Potential targets for disarmament include: government force, civil defence forces, irregular armed groups and armed individuals. In situations where disarmament is incomplete, incentive programmes may be used to collect weapons that were not included in the official disarmament process; these include:

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[417] Fusato, ***Op Cit***

[418] THE ROLE OF UNITED NATIONS PEACEKEEPING IN DISARMAMENT, DEMOBILIZATION AND REINTEGRATION, **S/2000/101**, 11 February 2000,paragraph 6(a)

[419] In a survey the following questions are asked: How many weapons are there?; Who is expected to turn them in?; What role do SALW play in the region?; How does the presence of SALW affect social/interpersonal relations?; How do you know when all SALW have been collected?; Who controls weapons outside the armed forces (e.g. police, special police or gendarmes)?; Are there pockets of heavily armed people who might become bandits or pose a security threat?; Where are the armed units and their heavy weapons stocks?; What will happen to the latter? - Colin Gleichmann, Michael Odenwald, Kees Steenken and Adrian Wilkinson, **DISARMAMENT, DEMOBILISATION AND REINTEGRATION: A Practical Field And Classroom Guide**, GTZTechnische Zusammenarbeit (GTZ) GmbH, Norwegian Defence International Centre, Pearson Peacekeeping Centre, Swedish National Defence College, 2004 p.34

[420] ***Ibid***, p.17

[421] ***Ibid*** p.15

> … "turn-in", "buy-back", "swap" or weapons-for-development programmes, where weapons can be traded in for cash, or swapped for food, housing and construction material, among other things. These programmes may be effective if they do not themselves create a market for arms. The concept of buying back weapons from ex-combatants has been criticized by some donors as a scheme that rewards irresponsible armed personnel who may have done much harm to society and innocent civilians. If the warring parties are preserving a military option — in case the peace agreement fails—an exchange of cash for arms may achieve little more than to provide cash for purchasing new weapons by turning in old ones.[422]

Human Rights Watch reports that the extensive accessibility of small arms in many post-conflict countries has greatly added to the death toll. In post-conflict societies, in which combatants have not been properly disarmed, there is a possibility of anarchy emerging thus putting civilians at risk.[423] For this reason, UN missions do not advocate the "long-term storage of weapons surrendered during peacekeeping operations. The failure to properly store, document and destroy arms in custody after disarmament raises the prospect that the weapons may end up re-circulating in the country. United Nations Mission in Sierra Leone had legitimate concerns about the capacity of the Sierra Leonean government to safely store collected weapons after the civil war. This resulted in an agreement with the government that all weapons collected as part of the DDR process would be destroyed." [424]The significance of disarmament to the peace process often mirrored in the:

- Negotiation of the peace agreement;
- Design of the DDR plan;

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[422] Disarmament, Demobilization and Reintegration of Ex-Combatants in a Peacekeeping Environment, Lessons Learned Unit, ***Op Cit***, p.53, 66-67

[423] **A** Human Rights Watch Briefing Paper for the U.N. Biennial Meeting on Small Arms**, Small Arms and Human Rights: The Need for Global Action**, 7 July 2003, p.6

[424] Thokozani Thusi, Sarah Meek,' DISARMAMENT AND DEMOBILISATION' in Mark Malan, Sarah Meek, Thokozani Thusi, Jeremy Ginifer, Patrick Coker(ed.), **Sierra Leone : Building the Road to Recovery**, http://www.iss.org.za/Pubs/Monographs/No80/Chap1.html, accessed 10 December 2004

- Mandate of the peace operation authorized by the United Nations Security Council to oversee the peace implementation process. A lucid disarmament mandate necessitates the "inclusion of specific disarmament obligations and procedures in the disarmament, demobilization and reintegration plan and their subsequent incorporation into the peace agreement. The United Nations should encourage the parties to include provisions for weapons destruction in the peace agreement";
- Mission planning and implementation of the weapons management process;
- Post-implementation follow-up processes; and ,
- Provision of adequate funding for these tasks. [425]

Normally, the United Nations is the one involved in the disarmament process. The UN agencies involved in this part of the process are: the UN Department for Disarmament Affairs (DDA)[426] and the UN Department of Peacekeeping[427] (DPKO).[428]

Demobilisation

Demobilisation is defined by the United Nations as:

> …the process by which parties to a conflict begin to disband their military structures and combatants begin the transformation into civilian life. It generally entails registration of former combatants; some kind of assistance to enable them to meet their immediate basic needs; discharge, and transportation to

[425] Disarmament, Demobilization and Reintegration of Ex-Combatants in a Peacekeeping Environment, Lessons Learned Unit, ***Op Cit***,p.34-36

[426] Advocacy for small arms collection and removal; advice on the design of weapons collection programmes

[427] which is the lead agency for peacekeeping operations

[428] http://www.un.org/aboutun/mainbodies.htm, accessed 1 February 2006

> their home communities. It may be followed by recruitment into a new, unified military force. [429]

It involves either the dissolution of an armed unit; decreasing the number of soldiers in an armed group; or, the provisional phase ahead of reconstructing whole armed forces. [430] This is a twofold process of firstly, selecting and establishing a core force made up of elements drawn proportionally from each warring faction and secondly, demobilization of the rest based on economic realities of the war. The basic stages of demobilisation are[431]:

1. Encampment: massing the combatants in assembly areas (in post-war situations)
2. Registration: registering of person-related data and arms
3. Pre-discharge orientation: informing combatants about their rights, available services and options.
4. Discharge: formal discharge and return transport to combatants' home regions

The diagram below illustrates the typical steps of demobilization of armed forces.

[429] The Role Of United Nations Peacekeeping In Disarmament, Demobilization And Reintegration, S**/2000/101**, 11 February 2000,paragraph 6(b)

[430] Gleichmann et al,, ***Op Cit*** p.15

[431] ***Ibid*** p.17

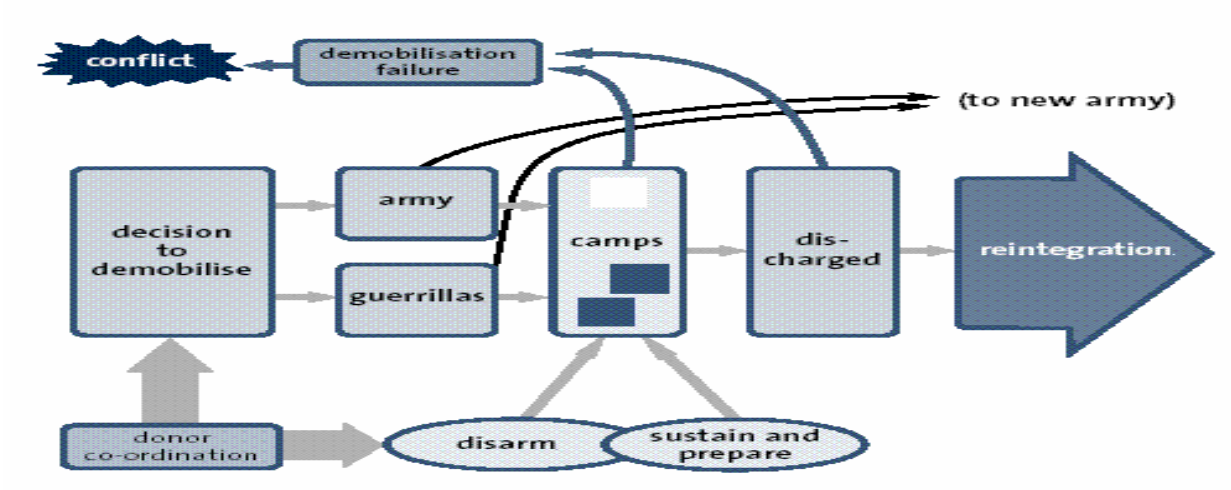


Figure 2: Steps of Demobilisation[432]

- *Encampment and Registration*

The gathering of ex-combatants helps ensure their participation in the DDR. Firstly, they are registered and then receive civilian identification cards, which allow the holders to participate in DDR programmes.[433] The registration and ID cards are critical as they give access to benefits. It is important that male and females get separate ID cards so that each has access to benefits and there is less room for discrimination or exploitation. Encampment is also an ideal period to collect data to for the creation of socio-economic data of ex-combatants. The cost of encampment and the security implications necessitate that this period should be short; weary fighters and easily reached weapons make soldiers in assembly areas particularly dangerous. [434] There are arguments that assembly points are badly designed and impair the DDR processes. The needs of women and girls associated with armed groups, ex-fighters or dependents are not met in

[432] ***Ibid***, p.49

[433] Fusato, ***Op Cit***

[434] de Wattevile, ***Op Cit***, p.6-7

part because they sites do not offer them security, nor do they offer essential health and childcare services.[435] Health services are important because not only does it make available basic medical services, it may also be used to: educate ex-combatants about hygiene and sanitation principles, do medical screenings, and recommend appropriate benefits. It has been argued that women's health services ought to be separated from those for men in order to treat victims of sexual violence; provide trauma counselling; provide reproductive health facilities and family planning; provide HIV counselling; and, provide paediatric, gynaecological and obstetric healthcare. Special target groups, such as female soldiers, miss out on encampment because they were not informed or where deliberately excluded.[436]

- *Orientation*

This phase should provide basic information about the DDR programme, benefits they are entitled to, where to obtain these benefits, what their rights are (for instance, the right to own property), and ways to ensure that their rights are respected. The liberation of female ex-combatants leads them to have higher employment expectations than their civilian counterparts. Information must be provided about: employment opportunities; opportunities for education; on starting a small business; how to write a credit proposal; how to transfer skills gained from the armed forces or get a skills certificate; and other information that would improve their socio-economic status. Ex-combatants must also be taught about sexual health and how to prevent HIV infection and condom usage.[437]

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[435] **Getting it Right, Doing it Right: Gender and Disarmament, Demobilization and reintegration, United Nations Development Fund for Women**, October 2004, p.7

[436] de Wattevile, ***Op Cit*** May 2002, p.6-7

[437] ***Ibid***, p.8

- *Discharge*

Ex-combatants must be discharged and information on, and where possible assistance with, the place of relocation, relevant local institutions, NGOs, and social networks. [438] The provision of transportation is important to help combatants with returning to their pre-mobilization communities. Women and girls need to be sent where they want to go. During the discharge process in Mozambique, there were reports that "abducted women and families were forced onto lorries to accompany departing soldiers while screaming "I want to go to *my* home." [439]

Reintegration

Harsch reports that, for many the disarmament and demobilisation process was easy in comparison to the reintegration to civilian life in countries that are suffering the after effects of conflict.[440]Reintegration may be described as the procedure by which ex-combatants attain civilian status. Fundamentally, this is a social and economic course of action without set time frames, principally occurring locally in communities. [441] According to the United Nations it

> … refers to the process which allows ex-combatants and their families to adapt, economically and socially, to productive civilian life. It generally entails the provision of a package of cash or in-kind compensation, training, and job- and income-generating projects. These measures frequently depend for their effectiveness upon other, broader undertakings, such as assistance to returning refugees and internally displaced persons; economic development at the community and national level; infrastructure rehabilitation; truth and reconciliation efforts; and

[438] Fusato, ***Op Cit***

[439] de Wattevile, ***Op Cit***, p.8

[440] Harsch, ***Op Cit***, p.14

[441] Gleichmann et al, ***Op Cit***, p.15

> institutional reform. Enhancement of local capacity is often crucial for the long-term success of reintegration. [442]

The reception of male and female ex-combatants is markedly different. Often, women are marginalized upon return to their communities and are "pushed in the direction of a gender role more suitable in that particular society. This is characteristic of female soldiers all over the world: conduct encouraged during the war is not encouraged in peacetime." [443]Harsch reports that women who combatants or victims of sexual violence are frequently not accepted by their families and communities. These women cannot get work and have no familial support and end up engaging in commercial sex work.[444]Reintegration hardly ever addresses the requirements of women, whether as recipients of assistance or as representatives of the host community. "The unpaid burden of care women shoulder in most societies places additional strain on ex-combatant and non-combatant women as they attempt to help their family members reintegrate or reintegrate themselves."[445]

DDR of Child Soldiers

Article 39 of the CRC states 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

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[442], S/2000/101, ***Op Cit***, paragraph 6(c)

[443] Elise Barth, The Reintegration of Female Soldiers in Post Conflict Societies, Aid Workers Exchange,20 August 2003, http://aidworkers.net/exchange/20030820.html, accessed 1 December 2005

[444] Ernest Harsch, Women: Africa's ignored combatants: Gradual progress towards a greater role in DDR, **Africa Renewal**, vol.19, No.3, October 2005, p.17

[445] Getting it Right, Doing it Right: Gender and Disarmament, Demobilization and reintegration, ***Op Cit***, October 2004, p.7

> reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

As highlighted previously, child soldiers are a particularly vulnerable group.[446] Machel argues that child soldiers must figure notably in DDR programmes in order to successfully reconstruct society. Demobilisation is defined as the "formal registration and release from combatant duty, providing assistance to help the meet their immediate needs and transport back to their communities."[447] The problem of making weapons the condition for demobilisation benefits is that "rebel commanders confiscated children's weapons prior to their release, making them ineligible to participate in the demobilisation process."[448] Not all children benefit from formal demobilisation and reintegration processes. In many circumstances, the majority of child soldiers are not involved in formal programmes for an array of reasons:

- no formal DDR programmes may be planned;
- DDR programmes may not yet have started;
- child soldiers may not be recognized in the DDR policy and programme; or
- coverage of existing programmes may be limited and allow children to 'slip through the cracks.'[449]

A number of DDR practioners have argued that child soldiers processes must correspond with adult demobilisation processes and emphasize community rebuilding; and, programme planning should reflect analysis of local

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[446] Mark Lorey, **Child Soldiers: Care & Protection of Children in Emergencies- A Field Guide,** Save the Children Federation, 2001,p.7

[447] Machel, ***Op Cit***, p.14

[448] ***Ibid***, p.16

[449] Lorey, ***Op Cit***,p.15

circumstances of child recruitment and the experiences and roles of child soldiers in that particular country. Regrettably, leadership and coordination roles in child demobilization suffer due to discord between competing humanitarian agencies. Child soldiers are often excluded from peace accords and demobilization and disarmament programmes because of their role. As outlined above, children also play non-combatant roles in conflict and this may exclude them in post-conflict programmes or agreements. Separating child soldiers from military authority is an important issue for programme practitioners. "The question of establishing special centres arises in both the demobilization and reintegration phase. In the reintegration phase, centre-based care may be proposed in the event that family reunification proves unsuccessful, for trauma counselling or as an efficient locale for training;" for example, in Angola, when UNITA child soldiers were mixed with adults in quartering areas for demobilisation. UNITA commanders deviously influenced the demobilisation process so that child solders were moved back into UNITA training camps. [450] Save the Children UK reports that the Cape Town principles definition of a child soldier is not consistently employed or accompanied with an appropriate commitment to resource allocation. During DDR in Sierra Leone, for instance, the definition of who was a child soldier was narrowed to include only those who had a weapon, or knew how to use one, mainly because of funding constraints. Further, there was little assistance for self-demobilised children who did not want to be identified in the formal programme "for fear of being stigmatized, accused of deserting or subject to violent retribution."[451]

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[450] Verhey, ***Op Cit***, November 2001, p.8-10

[451] **Reaching All: Core Principles for Working with Children Associated with Armed Groups and Forces**, Save the Children UK, March 2005, p.4

Targeting

The issue of targeting is a complex one for DDR programming for child soldiers. For example, if the proposed target of an assistance programme is an abducted girl, then, what characterizes abduction has to be clarified. Proof of abduction and identifying abductees is a thorny issue as some child soldiers 'volunteer' for service in the armed forces. "This issue may be less problematic for young girl soldiers because being a child soldier already qualifies them for reintegration programmes. However, it will be problematic for teenage wives of demobilized soldiers who claim to have been abducted and do not want to resettle with their partner." [452] Some DDR Programmes in Angola and El Salvador took on the terms "underage soldier" and "youth combatant" to steer clear of disputes over the term "child" and to elucidate understanding about child soldiers. [453]

Because many child soldiers, using the Cape Town definition, do not have access to weapons or are forced to relinquish them, this section will consider only the demobilisation and reintegration of former child soldiers.

Demobilization

Children may demobilise from an armed group in a variety of ways:

- Capture by an opposing force or by a peacekeeping force
- Surrender
- Handover as part of political negotiations
- Abandonment by armed group — because of injury or criticism of the practice of using child soldiers
- Desertion or escape from the armed group[454]

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[452] de Wattevile, ***Op Cit***, p.3-4

[453] Verhey, ***Op Cit***, p.8

[454] Lorey, ***Op Cit***,p.22

As fore mentioned formal demobilization typically follows a peace agreement but it can take place as part of a military reshuffle. Demobilization may also take place informally for example where children escape or are freed by their armed group.[455] Further, child soldiers may be demobilized involuntarily. They may be averse to demobilisation because they fear the shift from military to civilian life and uncertain employment prospects.[456] Often children self-demobilise by leaving armed groups outside formal processes. There should be support for children who do this. Yet national governments and donors only commit to a process of DDR for children after peace agreements are signed. [457] Save the Children advocates for children being demobilized during conflict, even though there is a risk of their re-recruitment and, resources should be allocated for this exercise early on. [458] UN agencies are usually responsible for the management of demobilization processes. In countries where there is no peace agreement, the demobilization process is coordinated by UN representative agencies (such as UNICEF and UNDP); International NGOs; Local NGOs and social networks; and, the government. Conventional demobilization of child soldiers has three basic stages:

1. Reception centres/demobilization sites;

2. Interim care centres (only for children usually); and,

3. Permanent reintegration[459]

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[455] Verhey, ***Op Cit***, p.6

[456] ***Ibid***

[457] Reaching All: Core Principles for Working with Children Associated with Armed Groups and Forces, ***Op Cit***, p.6

[458] Ibdi

[459] Lorey, ***Op Cit***,p.23

- *Reception Centres/demobilization sites*

Policy development and programme strategies are hotly debated; the discussions revolve around subjects such as : how to determine age, how to separate child soldiers form military authority, the procedure required for family reunification and community support, the role of trauma intervention and special centres for child soldiers. [460] Reception centres are intended as a short-term break in the journey for both adult and child combatants in the demobilization process. These reception centres are usually administered by a UN agency, a peacekeeping force, or the government. Frequently reception centres are small day-time facilities where as, demobilization sites are usually larger overnight facilities. The staffs at these facilities register and disarm combatants and prepare the combatants for civilian life. The separation of children from adults is critical, as children run the risk of re-recruitment or abuse by their former commanders.[461] The best framework for protection of children, however, is the family unit. Nevertheless, it takes time to locate, and prepare, the family and community thus, it is important to place the children in an interim care centre. It has been suggested that children should be placed in an interim care centre if:

• The child's family has not yet been identified and traced.

• The child's family or community needs to be prepared before receiving the child.

• The child needs special attention and care for her/his physical or psychological health.

• The child is unwilling to return home immediately.

• The area where a child's family lives remains dangerous

[460] Verhey, ***Op Cit***, p.10

[461] Lorey, ***Op Cit***,p.24

- *Interim Care Centres (ICCs)*

Interim Care Centres are temporary institutions administered by NGOs in coordination with the UN and other agencies. Many centres do not separate child soldiers from non-soldier children to prevent resentment and stigmatization. All children who have experienced severe trauma may be offered psychosocial support. Many centres are small and residential but in some cases there are day centres made available. In the case of day centres, children sleep at a nearby foster home, small group home, camp, or other setting. At these centres, focus is placed on the reintegration process and improving the availability of education, vocational training, and health care amongst other services. [462] A number of NGOs are involved in Family Tracing and Reunification (FTR) Programmes. Save the Children has found that at times the family may be unable or unwilling to provide protection for the child in the long term therefore follow-up is necessary but usually not possible due to funding constraints. A possible alternative may be community-based systems for support and protection for former child soldiers and other vulnerable children. These systems combine issues of family income and access to basic services like education and healthcare with individual protection; there have been positive reports on these systems in Liberia, the DRC and Uganda. Older children may choose to not to go to an interim care centre and go onto permanent reintegration on their own. [463]

Reintegration (and Rehabilitation)

Children may have difficulty reintegrating into society owing to the atrocities they committed whilst taking part in conflict. Forcing children to take up arms and commit violations against other human beings makes them accomplices with their

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[462] ***Ibid,*** p.26

[463] Reaching All: Core Principles for Working with Children Associated with Armed Groups and Forces, ***Op Cit***, p.4

oppressors. Reintegrating into the communities is made difficult by the fact that they may be excluded from original kinship and religious or tribal affiliations owing to acts committed whilst in the armed group. The community has to "make peace" with the acts that child committed and the resulting deviant behaviour that the child may display.[464]During the reintegration process there is a dimension of rehabilitation. Support that is provided in order to help former child soldiers successfully reintegrate into the community and their family includes: psychosocial support, healthcare and the provision of educational and economic opportunities. Verhey asserts that the reintegration of child soldiers is a complex process. One of the factors that make it difficult is that children "often have highly inflated expectations, exaggerated pride in their military identity, have learned to rely on aggression to meet needs and solve problems."[465] The focus of reintegration must be the socio-economic fabric of community life and the anchor in the transition from military to civilian identity. She[466] states that three components are vital to successful reintegration:

- Family Reunification (where this is not possible, foster placement or support for independent living;
- Psychosocial support; and,
- Education and Economic Opportunity.

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[464] Erika I Terburgh, The Child Soldier: Psychological Trauma in Elizabeth Bennet, Virginai Gamba and Dierdré van der Merwe (eds.) **ACT against child soldiers in Africa: A reader**, Institute for Security Studies, Pretoria, p.31

[465] Verhey, ***Op Cit***, p.10

[466] ***Ibid***

- *Family Reunification*

The ultimate goal of reintegration is to place children back with their families where possible. Jareg, from the Save the Children Norway, tells us that demobilized children, who may have been away for years and socialized in a military hierarchy, may be surprised to find changes in their family such as new siblings or separated or re-married parents. A number of ex-child soldiers will come across rejection from their families, or from individual members of their family. Potential difficulties in reunifying children with their families have to be dealt with as part of a community based programme; making time available for both the family and child to adjust. During this stage families and the child need to be prepared for potential problems between them. In situations where parents cannot be found, owing to displacement or death, the child needs to under go counselling and receive assistance in finding an alternative. [467]

- *Psychosocial support*

According to Barenbaum et al, "the impact of war on child mental health is determined by psychological and social effects, including altered relationships due to death, separation, estrangement and other losses, family and community breakdown, damage to social values and customary practices, and the destruction of social facilities and services". [468] Dealing with the psychological and social effects of conflict on ex-combatants is vital in successfully reintegrating them into society. An important way of doing this, particularly in rural settings, is community reunification.

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[467] Elizabeth Jareg, CROSSING BRIDGES AND NEGOTIATING RIVERS - THE REHABILITATION AND REINTEGRATION OF CHILDREN ASSOCIATED WITH ARMED FORCES, Personal Reflections, available at http://www.child-soldiers.org, p.5, accessed 1 January 2006

[468] Joshua Barenbaum, Vladislav Ruchkin, and Mary Schwab-Stone, The psychosocial aspects of children exposed to war: practice and policy initiatives. **Journal of Child Psychology and Psychiatry**, vol. 45, no.1, 2004,p.50

Community Reunification

Communities also need support in dealing with the return of demobilized children. There might be tension against the children owing to their past or because "they are perceived as receiving better treatment than other children". Sensitization and preparation for reintegration is essential for the community as well as the child.[469] The Christian Children's Fund (CCF) and UNICEF administered the DDR of child soldiers in Angola. A pilot study revealed 91 percent of the children in the programme were forcefully recruited and consequently had serious psychological and social damage. The CCF, appreciating the cultural context in which recruitment took place, chose a community-based approach that made use of the local traditions and included work with the families and communities of former child soldiers as well as the local leadership. "There were three phases to the project: preparation, which included community sensitization; re-entry and reunion, during which children were demobilized and reunited with their families; and reintegration, which included follow-up visits by *activistas*. During the re-entry and reunion phases, CCF worked with local chiefs and healers to assess what was needed for a successful transition from soldier to civilian."[470]

The value of traditional mechanisms to help family and children with reintegration

Traditional healing rituals may go a long way in helping the family and community accept and forgive the returning children. For the children, these ceremonies may have a "marked impact on the outlook of the children, as they are able to reconcile with their parents and realise they are forgiven for all their

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[469] Lilian Peters, War is no Child's Play: Child Soldiers from Battlefield to Playground, **OCCASIONAL PAPER ,** No 8**,** , GENEVA CENTRE FOR THE DEMOCRATIC CONTROL OF ARMED FORCES (DCAF)„ 2005,p.20

[470] Jane Lowicki ,**UNTAPPE D POTENTIAL : Adolescents affected by armed conflict A review o f programs and policies**, Women's Commission f o r Refugee Women & Children, New York, January 2000, p.39

actions."[471]After the civil war in Mozambique, many communities used traditional mechanisms to aid the demobilized child's transition military to civilian life in the family and community. [472]

…those individuals who were kidnapped would undergo a ritual of "breaking the bonds" with their social group. [Former child soldiers] related how they had to commit crimes within their own families, so that they would erase any bonding links from them and would acquire a new personality. .. As soon as the child arrived home she was taken to the "ndomba" [house of the spirits] to be introduced to the ancestors. There the elder in the family addressed the ancestors, informing them that the grandchild had returned home. At the same time the grandfather thanked the ancestors for the fact that the child was alive and had returned to the family. After this reception ritual, a purification ritual was conducted. "We took the child to the bush, where we built a small reed hut. There we put the child, dressed in the dirty and torn clothes that she had brought from the base of the rebels. Afterwards we set fire to the hut. The child already knew that she should get undressed and get out of the hut the minute it started burning…Afterwards, the child inhaled the smoke of some roots which were burned, and she bathed in water mixed with powdered roots as a medicine. Later at the "ndomba" the child was "vaccinated" using "kuthalavela" [a method by which small incisions are made on the wrists, tongue, and chest, and a medicinal paste is smeared on these incisions.]" Following this ritual, the former child soldier was accepted into the family and community and was able to speak about and eventually recover from her experiences with RENAMO.

Table 6: Example of a traditional healing mechanism in Mozambique[473]

[471] Stravros Stavrou and Robert Stuart, The Reintegration of Child Soldiers and Abducted Children: A case study of Palaro and Pabbom Gulu District, northern Uganda in Elizabeth Bennet, Virginai Gamba and Dierdré van der Merwe (eds.) **ACT against child soldiers in Africa: A reader**, Institute for Security Studies, Pretoria, p59

[472] Lorey, ***Op Cit***,p.36

- *Educational and Economic Assistance*

A means of reintegrating demobilized children into society is providing them with an education and economic opportunities. During the DDR, children may not be provided with financial assistance but they are provided with educational assistance, where it has been provided for by the government, NGOs and donors. Practioners in the field of mental health recognize that education is "a primary means to psychological and social healing, skills-building, training for livelihood, peacemaking, social reintegration, good health practices and protection." It gives children a sense of hope for the future and helps to build confidence.[474] During the Sierra Leone DDR process, it was recognized that education was critical to the process of social reintegration. In 2002, UNICEF, in conjunction with other child protection agencies, began to concentrate on the Community Education Investment Programme (CEIP). The goal of the programme was to offer a set package of material assistance to communities to sustain education efforts as children reintegrated into their communities. UNICEF states that the project:

> … hinges on war-affected children being admitted to schools without payment of fees. Instead of tuition fees, the schools participating in CEIP receive in-kind support, including teaching, learning and recreational materials such as textbooks and exercise books, pencils, pens, chalk, footballs and volleyballs, as well as classroom furniture.

The CEIP was intended as a temporary measure to assist the educational system, it provided only one year of education for demobilized children, which alleviated the initial financial burden for enrolment for families and was an uncomplicated and cost-effective way to get children back in school. Furthermore, it aided

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[473] ***Ibid***,p.36

[474] Lowicki, ***Op Cit***, p.12

schools in dealing with their dire need for supplies.[475] However, returning to school is not always easy for former child soldiers. They may often be beleaguered with name calling, abuse and "normal peer pressure and bullying" that are present in any school situation. In addition, the burden of making the grade, notwithstanding foregoing past education, frequently leads to psychological and emotional 'breakdowns' in the classroom. Teachers, at times who are unprepared to deal with such situations, are expected to handle these conditions and other behavioural problems such as anger flare-ups. [476] Older children, those between 15 and 17, may not be able to handle the difficulties of returning to school. They may be more interested in gaining occupational skills so that they can find employment, or build up their aptitude in business and trade, in order to earn an income. For instance during the Sierra Leonean reintegration process, older children were "given the opportunity to choose a skill to acquire and, in some districts, they have successfully apprenticed with local artisans in their communities."[477] Nonetheless, completion of schooling or vocational training does not secure the future of these children. The economies of post-conflict countries are particularly weak with limited income-generating opportunities. A demobilized Mozambican soldier was quoted as saying; they "reintegrated us back into basic poverty." [478] Without dealing with poverty and employment opportunities, these children risk re-recruitment into armed forces or, criminal activity.

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[475] **ADOLESCENT PROGRAMMING IN CONFLICT AND POST-CONFLICT SITUATIONS:CASE STUDIES**,UNITED NATIONS CHILDREN'S FUND (UNICEF), August 2003,p.85

[476] Stavrou and Stuart, ***Op Cit***,p.58

[477] ADOLESCENT PROGRAMMING IN CONFLICT AND POST-CONFLICT SITUATIONS:CASE STUDIES, ***Op Cit***,p.87

[478] Harsch, ***Op Cit***, p.19

DDR of girl soldiers

Machel notes that girls do not receive consideration in DDR programmes although girls make up to forty percent of child soldiers in some states. In Sierra Leone, girl soldiers were registered as "dependents" or "camp followers" so that they did not benefit from the DDR processes. In Angola, commanders did not identify girls as former combatants even though they were in the frontline or in support roles thus excluding them from the benefits of DDR. [479] It has been argued that the military emphasis of DDR has the effect of discriminating against girls. DDR assistance may act as a marker to the community that the girls used to be part of or involved with armed groups. For example, in the DRC many girls declined involvement in the DDR process where they would be clustered together and easily recognized by the community.[480] "Save the children's book, Children not Soldiers, reports that girls may be unwilling to participate in DDR programmes because they feel better off in military structures."[481] Veale reports that Ethiopian former girl soldiers were reluctant to demobilize because they were unaccustomed to "civilian life".[482] It has been noted that DDR programmes "have often failed to take into account the unique needs and experiences of girls". The United Nations Security Council, for instance, in March 2000, acknowledged that DDR programmes in Angola were not inclusive of girls, "by making the surrender of weapons the criterion for eligibility in the programmes."[483] A number of girls are disinclined to leaving the armed groups due to affection formed for member

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[479] Machel, ***Op Cit***, p.17

[480] Matt Hobson, **Forgotten Casualties of War: Girls in armed conflict**, Save the Children UK, 2005, p.19-20

[481] Alfredson, ***Op Cit***

[482] Veale, ***Op Cit***

[483] Twum-Danso (a), ***Op Cit***

of the rebel group this phenomenon was evident in Sierra Leone to the extent of rebel leaders expressing the wish to marry these girl soldiers. [484]

Status of abducted girls

Targeting abducted girls is fraught with complications as it is hard to define who is abducted and who is not. Adolescent girls, who are mother or "wives", may claim to have been abducted because they do not want to relocate with their partners. Reaching abducted girls is further complicated by the fact that they have may have escaped the armed group or were simply released. Consequently, they are left without any benefits or assistance. [485]

Demobilisation

Formal demobilisation that requires the turning in and functional knowledge of a weapon; and, fear and the perception of abducted girls as primarily 'sex slaves', may preclude their entry into official processes. Information campaigns to let girls know of their rights and potential benefits are seldom successful in reaching them. Save the Children, reports that, of the 12,056 girls who were associated with armed groups, most as active combatants, only 506 were formally included within the DDR. Not acknowledging "the extent of involvement of girls with armed actors and not addressing their specific needs amounts to discrimination which contravenes article 2 of the CRC." [486] Girls, themselves, may be averse to formal demobilisation because the return to customary female roles and societal norms

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[484] Alfredson, ***Op Cit***

[485] de Wattevile, ***Op Cit***s, May 2002, p.3

[486] Reaching All: Core Principles for Working with Children Associated with Armed Groups and Forces, ***Op Cit***, p.9

may confine them to roles that may not match up to their individual life expectations. [487]

Reintegration

Girls find it more difficult to reintegrate than boys for a host of reasons including but not limited to: community stigmatization; family rejection; and, having bore children whilst in the armed forces. Often, former girl soldiers have problems reintegrating into society:

> Many young women, whose identities were forged in combat, may have to conceal the role they played in conflict, and if married, "for fear of total rejection by their husband's family, must pretend to be gentle, soft-spoken and submissive woman that their civilian counter part is.[488]

In some cases in Sierra Leone, commanders forbade the girls whom they had taken as 'wives' to enter into the DDR process. A number of former girl soldiers moved into the ICCs and reintegration phase, but not enough thought was given to gender-specific services. [489] Furthermore, several girls in Sierra Leone did not join the programme because they were afraid to return to their communities. Not much had been done to sensitize communities about the victimization of girls during the conflict and a large amount of girls worried about the stigma of declaring qualification for demobilization.

> Many girls were aware of the risks of sexual infections they carried as a result of their abuse. They were afraid that the sexual abuse they had suffered and their lack of knowledge with regard to domestic chores and community values would make them unwanted.

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[487] Colin Gleichmann et al, ***Op Cit***, p.89

[488] Twum-Danso (a), ***Op Cit***

[489] ADOLESCENT PROGRAMMING IN CONFLICT AND POST-CONFLICT SITUATIONS:CASE STUDIES,: ***Op Cit***,p.88

Girls with children found it difficult to return home as they feared rejection from their families and community and consequently went back to their commander 'husbands', or settled in the city where they continue to be susceptible to exploitation and abuse. In response to these issues, UNICEF Country Office in Sierra Leone designed an intervention plan. Support for abducted girls and other girls and young women in need were provided. The services consist of medical and reproductive health care, psychosocial counselling, life skills and vocational training, childcare, and traditional ceremonies to speed up reconciliation with families and communities.[490]

Girls with children may oppose being considered as "children" themselves, and in fact "culturally speaking in many parts of the world they are viewed as adults." They may have played important roles during their time with the armed group and gained skills in social or health work above and beyond their military activities. All these factors have to be considered when planning reintegration and rehabilitation services.[491] Children of girl soldiers are also at risk of discrimination. The community of their mother's might reject them or their own mother might be ambivalent towards them. Although these children are protected by international law, their status according to national and customary laws is often unclear. [492]

- *Family Reunification*

Family reunification is important for girls as they need their families for survival. It is important to prepare the family for their return, particularly for girls who may come back with the shame of being raped. Information about the services they are

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[490] ***Ibid***,p.88

[491] JAREG, ***Op Cit*** ,p.8,

[492] A Fighting Chance: Guidelines and implications for programmes involving children associated with armed groups and armed forces, **Op Cit ,**p.55

entitled to access can help with reintegration. [493] Girl soldiers with a child ,or expecting one, face further complications upon returning home. In Liberia, many girl mothers reported that upon initial reunification with their families they had experienced support from their families. Though, friction developed when the girls received demobilization payment; the girl mothers and their families had different ideas for what the money should be used for. For instance, a number of girls had already planned the use of the money with the father of their children whilst, their families expected it to be used for paying debts, school fees and petty trading. Owing to the difference of opinion, family approval and care for their children diminished. [494]

> One girl in the DRC was told her child had become an 'extra charge' that the family could not afford. Others were shunned because the father of their child was not known, and this was seen to bring additional dishonour to the family. Some girls described how their children were viewed as potential enemies because of the father's ethnicity or nationality. [495]

As a result, a number of girl mothers do not want to reunify with their families and would rather look for new living arrangements. "The non-traditional living situations of girl mothers in war-affected countries are thus altering household patterns and kinship arrangements."[496]

- *Psychosocial support*

Characteristically, "rehabilitation projects overlook girls' needs for physical and psychosocial assistance. Girls have the right to develop, mentally and physically, to their fullest potential. Because girls are the mothers and caregivers for future

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[493] de Wattevile, ***Op Cit***, p.8

[494] Susan Mckay, Malia Robinson, Maria Gonsalves and Miranda Worthen, **Girls Formerly Associated with Fighting Forces and Their Children : Returned and Neglected**, 2006, p.3, http://www.child-soldiers.org, accessed on 4 February 2006,

Hobson, ***Op Cit***, p.20

[496] Mckay et al ***Op Cit***

generations, their health has a critical impact on the overall health of a nation and its population."[497] Whilst community responses to returning boy soldiers are often mixed, the reaction to girls is, more often than not, unmistakable. There is an underlying assumption in the community that these girls were sexually abused or had several sexual partners and consequently were returning with transmittable diseases such as HIV/AIDS, STDs and even tuberculosis. Girls in the DRC state that they are regarded as "having 'lost their value' and their families 'dishonoured"'. Furthermore, communities may worry that the

> girl's military commander or 'husband' will pursue the girl and that they will commit further violence against the community as part of 'reclaiming' her and any children she may have had, or avenging her escape. While this 'reclaiming' is unlikely to happen with boys, the likelihood of it happening is much higher with girls. Communities fear that the 'reclaiming' of girls and their children may lead to the recruitment of other girls in the village. [498]

The way that demobilized girls are perceived in their communities affects the level of community acceptance. For example, in several Liberian communities, they are assumed "to be sexually active, drug addicted, violent, and unpredictable. Therefore, they are considered useless." Parents in the community do not approve of their children mixing with these girls for fear that their children will be negatively influenced. Consequently, many demobilized girls only make friends with other demobilized girls. [499]

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[497] Dyan Mazurana & Susan McKay, Child soldiers: What about the girls?, **The Bulletin of Atomic Scientists,** Vol. 57, No. 5, pp. 30-35, September/October 2001, http://www.thebulletin.org/issues/2001/so01/so01mazurana.html , accessed on 23 February 2005

[498] Hobson, ***Op Cit***, p.15

[499] Mckay et al, ***Op Cit***

DDR of Girl Soldiers in northern Uganda

Currently, there isn't a national DDR program in Uganda. The last national program, following previous internal struggles, was from the period 1992 to 1996. Although, there was a huge amount of armed opposition groups operating in the country at the time, the Uganda Veterans Assistance Program (UVAP) demobilized and provided reintegration support only to former, male and female, NRA combatants. However, many women and children were reported as dependent's and as such were not entitled to any DDR benefits.[500]At present, there is no formal DDR progamme, peace agreement nor are UN peacekeepers present. The DDR that is presently being made use of in northern Uganda is a collaboration between the government and the international and local NGOs. In 2000, the Ugandan Government set up an Amnesty Commission (AC) "based on the Amnesty Bill, which offers immunity from prosecution to those engaged in fighting the Government since 1986."[501] The AC is in charge of the demobilization of irregular force in Uganda, and reintegration of ex-combatants who obtain amnesty under the Amnesty bill. The Commission was established to distribute school fees and resettlement packages and amnesty certificates to those surrendered themselves from rebel groups; these people are known as "reporters".[502]

> The procedure for reporting is that the escapee or 'reporter' has to report to the UPDF or the LCs (local counsellors). 'Reporters' then had to spend some time in the UPDF barracks as part of a reception and debriefing process. More recently, the length of time spent in the barrack has decreased from a few months to an average of 5 to 10 days. Most 'reporters' spend about a week in this reception programme. From there, the majority of 'reporters'

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[500] Matkus Kostner, Ingo Wiederhofer and Nat J. Colletta, The transistion from War to Peace in Sub-Sarahan Africa, **The World Bank Disscussion Paper No.331**, 01 May 1996, p. 217 - 230

[501] Angela Veale and Aki Stavrou, Violence, Reconciliation and Identity: The Reintegration of the Lord's Resistance Army Child abductees in Uganda, **ISS Monograph 92,** Institute of Security Studies, Pretoria, p.34

[502] ***Ibid***

> are directed to one of the three major rehabilitation and reintegration psychosocial programmes. Some return directly to the community. [503]

By 2002, the Demobilisation and Resettlement Team of the Amnesty Commission in Gulu chronicled a total of three hundred and seventy two 'reporters' in the Acholi region alone. Close to eighty per cent of these were adult who had been children who grew up in the group after abduction. "In a survey of 184 ex-LRA respondents who were part of the amnesty 43% reported to the LC, 29% to the armed forces (UPDF, SPLA, or Sudanese Armed Forces, 15% to community leaders, and 15% to NGO's."[504] In northern Uganda, an information campaign was embarked upon to inform possible abductees on where to go and how to be registered. Such campaigns help ensure the inclusion of abductees during peace talks.[505]According to Stavrou et al,[506]the reintegration process for former child soldiers in Uganda can be divided into roughly four phases:

- **PHASE ONE**: recapture or surrender and debriefing in a safe house*;*
- **PHASE TWO**: the children are passed on to the Resident District Commissioner's Office (RDC). This is imperative because it is the first time when the child is received as a civilian rather than as a combatant;
- **PHASE THREE**: This is takes the most time. The children are remanded into the guardianship of a care centre where they receive medical attention, training and counseling. Parents are

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[503] ***Ibid***

[504] ***Ibid***, p. 34 -35

[505] de Wattevile, ***Op Cit***, May 2002, p.3-4

[506] Stavros Stavrou, Robert Stewart, Amanda Stavrou, 'The Reintegration of Child Soldiers and Abducted Children: A Case Study of Palaro and Pabbo Gulu District, Northern Uganda', http://www.iss.co.za/Pubs/Books/ACTblurb.html , accessed 4 August 2004

> also prepared for their return; and, the children go back to the families and communities with a letter of full presidential pardon, for activities that they were involved in during their captivity, from the RDC.

Reintegration and Rehabilitation

Reintegration, for female long term captives, into their communities is further complicated by the fact that "they are expected to conform to certain stereotypes of female behaviour." Long-term female LRA detainees become accustomed to violence and inhospitable conditions. "At times they may have difficulty adjusting to traditional expectations of women. … Many women and girls find it hard to adjust to the life back home." [507]

> Young women or girls who escape and are able to return home face greater hurdles. The perception that they were willing wives of rebel commanders make them untouchable- as if they have been completely used. They suffer shame and humiliation by other children who taunt and tease them. The discussion by World Vision on the effects of armed conflicts on girls states that, among these children, girls are 52 percent more likely to commit suicide.[508]

Stavrou et al[509], point out that the successes of rehabilitation centres are limited due to several reasons, some of them being:

- **Incapacity of rehabilitation centres**. At the height of violence, World Vision rehabilitation centres had up to 600 children in its care although there is capacity for only 100 children at any one time. This over

[507] ***Ibid***

[508] Stavrou, Stewart and Stavrou, ***Op Cit***

[509] Stavrou, Stewart and Stavrou, ***Op Cit***

subscription of resources inevitable led to a decline in the quality of counselling and care[510];

- **The community is not prepared to deal with the reintegration of the child**;
- **The lack of formal training among counsellors**. Untrained counsellors are unable to pinpoint problems because they may be unable "to recognise the symptoms of specific behaviours and make an accurate diagnosis coupled with appropriate treatment". Even so, the existence of a secure setting helps with the process of mending physical and mental scars;[511] and,
- **The uses of religion in counselling**. In the case of religious based centres, children are not asked what their beliefs are or whether or not they are interested in becoming Christians. In a few cases, "children have to leave the centre under the pretext of visiting the family or another guise in order to undergo traditional cleansing ceremonies. This 'necessary' lie immediately creates a distance between the centre and the child and his or her family. Furthermore, if the family does not practice christianity, another element of discontinuity emerges, while conflict over religious practice may arise."[512]

- *Reintegration for Girl Mothers*

Seemingly, acceptance back into the community for long-term female abductees appears to be at a higher rate than the rate of acceptance for male abductees. This trend is not the same for "mothers who have LRA-born children." [513] Numerous Ugandan NGOs in Gulu working with returnees report that:

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[510] ***Ibid***

[511] ***Ibid***

[512] ***Ibid***

[513] Weber and Rone, ***Op Cit***, p. 30

> … the children born in captivity as a result of rape by one or several LRA soldiers are sometimes seen as unacceptable outsiders. According to the custom and kinship structure found amongst the Acholi people, the child belongs to the father and his family. Since the father in cases of gang rape is not known, or the father is an LRA rebel, the child may not be accepted by the mother's kin.[514]

Girls being interviewed by Mckay et al, described being treated as

> "second hand class citizens" i.e. without value, first by their abductors and then upon their return by their communities. Forced against their wills to become parents, the girls reported that they were not psychologically, physically or socially ready for the responsibilities of motherhood. Upon their return home, they had expected, among other things, to receive help in learning how to care for their children; to be cared for medically, and to be told how to get along with "once-friendly people" who now treated them aggressively. Unfortunately, these expectations were not realized. [515]

In response to such concerns aid and development agencies have developed programmes to assist girl mothers. The United Nations Development Programme (UNDP), for instance, has funded a pilot project, through the office of the prime minister, for the integration of ex- LRA child mothers in Gulu. The Acholi Private Sector Development Company Limited (APSDCL) will operate as the lead NGO in the implementation of the project in partnership with the Amnesty Commission as the lead agency to report on the implementation to the premier's office, the office of the chief administrative office and the UNDP office.[516]

The response of the international community to girl soldiers has to take into account the rights of girls not only when participating in armed groups but after ceasing to participate. This response informed by the human right regime. The

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[514] Weber and Rone, ***Op Cit***, p. 30

[515] Mckay et al , ***Op Cit***

[516] Africa News Service, UNDP Aids Ex-Child Soldiers, August 12, 2005

following chapter is going to examine the human rights regime in its response to girl soldiers.

Chapter Six

THE HUMAN RIGHTS REGIME

The rights of girl soldiers are not specifically addressed within more general human rights instruments even in the two major Conventions that address both women and children. The San Diego Union- Tribune[517] reported recently that, "Girl soldiers have been members of fighting forces on a larger scale than previously thought – taking part in conflicts in 38 nations since 1990". The traditional view of girls in conflict has always been one that places girls in supportive or domestic roles – which does not reflect reality. Hence, more research has to be done on girl soldiers and all their difficulties. Extensive research will assist policy makers in developing policies that actually assist girls who participate in conflict.

Globally, the law of the child does not have one source but is "in the broad field of human rights at both universal and regional levels, in the rules of international humanitarian law, in customary international law and in the law practice of States."[518] This section examines different components of the human rights regime. Though there are many definitions, the widely accepted version is in the international community, and the one being used, is the one proposed by Stephen Krasner[519], In this, he argues that "sets of implicit or explicit principles, norms, rules and decision-making procedures around which actor expectations converge in a given issue area." The principles cited refer to the belief system of the regime and norms relate to what behaviour is considered acceptable within the regime.

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[517] Edith M. Lederer, Girls Soldiers in Wider Use Across Globe Study Sa*ys*, **The San Diego Union-Tribune**, March 6, 2004, http://www.signonsandiego.com/uniontrib, accessed 16 September 2004

[518] G Goodwin-Gill, & I Cohn, **Child soldiers: The role of children in armed conflicts**, Clarendon Press, Oxford, 1994, p.55

[519] Krasner, **Op Cit**, p.186

Rules are a proscription for action (namely, treaties and conventions). Actors in regimes consist of treaty secretariats, human rights organizations, individuals and states. Monitoring and enforcement mechanisms are formed through public observation, economic and diplomatic pressure.

The reasoning of Jack Donnelly[520], who delineates types of human rights regimes, will be followed. According to Donnelly, human rights regimes are either regional or single-issue (a key single issue human rights regimes is the international gender regime). The international gender regime and the international child rights regime are sub regimes and are part of the broader international human rights regime. The United Nations Charter fervently confirms the equality of all persons and forms part of the principles of the human rights regime.[521] The UN position is embodied in the Universal Declaration of Human Rights, adopted on 10 December 1948 by the United Nations General Assembly. This was later reaffirmed under the International Human Rights Covenants, which came into force in 1976. Both these instruments make up the international human right regime.[522]The gender regime is made up of the key components of the human rights regime and the Convention on the Elimination of Discrimination Against Women.

K.J. Hoslti argues[523] that the international human rights regime is ineffectual. Though the treaties and agreements in the regime are relevant, the principles are broad and provide room for states to interpret key sections of the regime. The inadequacy of regimes is also at the enforcement level because the only real form of punishment of non-compliance is negative publicity. Moreover, Susan

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[520] Donnelly, ***Op Cit*** p.599-642

[521] http://www.un.org,

[522] **UN Resolutions 217A (III), 2200(XXI**)

[523] K.J. Holsti, **International Politics: A Framework for Analysis 5th Ed**., New Jersey, 1988

Strange[524] questions the efficacy of regime theory. Strange challenges the legitimacy of the concept on five counts: firstly, regime theory is considered a trend and makes little lasting contribution to international political scholarship; secondly, it is inexact; thirdly, it is value-biased; fourthly, it overstates the constant and understates the element of change in world politics thus causing distortion and; lastly, it is rooted in state-centric concepts.

Even though regime theory has its flaws and has been critiqued, it is still a useful tool for analysis. The theory examines how and why different actors cooperate in addition, explains non-tangible issues such as norms, principles et cetera. It may be contended that states benefit from joining a regime in several ways including, access to donor funds and greater internal stability. States may not want to join a regime for several reasons, some of them being: lack of internal political will, cultural beliefs within the state and fear of losing sovereignty.

For the purpose of this dissertation, regime theory will investigate if the international human rights sub-regimes, those dealing with gender and children's rights deal with the issue of girl soldiers/abductees.

[524] Susan Strange, 'Cave! Hic Dragones: A Critique of Regime Analysis', **International Organization**, Vol.36, No.2, Spring 1982, pp.479 -496

The Human Rights sub-Regimes relating to Gender and Children's Rights in armed conflict

Before examining the sub-regimes of women's and child rights, the broader international human rights regime will be discussed concisely.

Landman argues that the international human rights regime was developed after the defeat of fascism in Europe. There was need for an international response to provide a universal system of legal guarantees and mechanisms had to be established. The objective was to promote and protect individual and collective rights.[525] The founding documents of the international human rights regime are the United Nations Charter, 1945,[526] and the Universal Declaration of Human Rights, 1948.[527]

Principles

The principles of the human rights regime are the 'beliefs' of the regime. These values are contained in the UN charter, which was into force on the 24th October 1945; the UN Charter vehemently confirmed the equality of all persons.[528] The principles of equality are applicable to all the sub-regimes of the larger human rights regime. These principles are encompassed in article 2 of the Charter[529], which can be found in appendix B.

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[525] Todd Landman, The Evolution of the International Human Rights Regime; Political and Economic Determinants, **Paper prepared for the 98th Annual Meeting of the American Political Science Association**, Boston, 28 August-1 September 2002, p.3

[526] The UN charter is the "constituting instrument of the Organization, setting out the rights and obligations of member states, and establishing the United Nations organs and procedures.

[527] Basic Facts: About the United Nations, **Op Cit**, p.3

[528] http://www.un.org/conferences/women/pubinfo/status/home.htm, accessed on 23 February 2005

[529] http://www.un.org/aboutun/charter/, accessed 14 November 2005

Norms

Krasner characterizes norms as "standards of behaviour defined in terms of rights and obligations".[530] The norms of the human rights regime are covered in Universal Declaration of Human Rights[531] and the International Human Rights Covenants. Article 1 and 2 of the Universal Declaration of Human Rights guarantees all human beings equality and freedom from discrimination. Articles 3-21 communicate the civil and political rights to which all human beings are entitled. "Civil rights assures all human beings freedom from state-sanctioned interference or violence and… political rights thus guarantee individual rights to involvement in public affairs and the affairs of state."[532] States have the responsibility to uphold these rights. Articles 22-27 describe the economic, social and cultural rights to which all human beings are entitled. These rights endorse social and economic development and self-esteem whilst cultural rights protect minorities from national amalgamation.[533] These rights set forth in the Declaration are made legally binding in the International Covenant on Human Rights.

Rules and Decision-making procedures

"A regime's formal and visible instruments are its written rules, and its procedures for monitoring compliance and adjudicating disputes. Its surveillance mechanisms are often the instrumental form of a normative consensus." [534] As fore mentioned all the different Human Rights Treaties that make up the regime are monitored by a treaty body. Human rights standards are only efficient if they are implemented. The conventional method of monitoring are treaty bodies which are responsible for the monitoring the implementation of treaties. The extra-conventional

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[530] Krasner, **Op Cit**, p.186

[531] Universal Declaration of Human Rights, G.**A. res. 217A (III), U.N. Doc A/810** at 71 (1948).

[532] Landman, ***Op Cit***, p.4

[533] ***Ibid***

[534] http://qsilver.queensu.ca/~wolfer/461/Elements.html, accessed 3 January 2005

methods are the special procedures of the Human Rights Commission. It is important to note that, as mentioned in the second chapter, the Commission on Human Rights came to an end on the 16 June 2006. However, the Human Rights Council that replaces the commission inherits every one of the Commission's mandates and responsibilities "to ensure that there is not a protection gap in the transition."[535] An associated treaty body accompanies the treaties that make up the international human rights regime. These bodies monitor "state compliance, request reports, and make recommendations."[536] Treaty bodies fulfil their monitoring function through one or more of three different methods: A table illustrating the core International Human Rights Instruments and their monitoring bodies may be found in appendix D. [537] these methods are[538]:

I. States parties are obligated by the treaties to produce state reports on the compliance of domestic standards and practices with treaty rights. These reports are reviewed at various intervals by the treaty bodies, normally in the presence of state representatives. The treaty bodies, following the review, issue concluding observations, commenting on the adequacy of state compliance with treaty obligations.

II. Some treaties allow individuals to report of violation of their rights under the treaty. The relevant treaty body judges each complaint and communicates its view as to the validity of the claims.

III. In the case of Committee Against Torture and Committee on the Elimination of Discrimination Against Women, their work includes another procedure. This is an inquiry procedure, which provides for missions to states parties in the context of concerns about systematic or grave violations of treaty rights.

The treaties are attached to treaty bodies, which have the task of monitoring the

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535 http://www.un.org/news/dh/infocus/hr_council/h_r_q_and_a.#.htm, accessed 17 June 2006

536 Basic Facts: About the United Nations, **Op Cit**, p.234-235

537 http://www.ohchr.org/english/law/, accessed 14 November 2005

538 http://www.bayefsky.com/, accessed 14 November 2005

implementation of treaty obligations. They meet intermittently during the year, the All the treaty bodies are serviced by the Office of the UN High Commissioner for Human Rights (OHCHR) except for CEDAW, which is serviced by the UN Division for the Advancement of Women.

Treaty bodies are valuable monitoring systems that add to improving the advancement of human rights. Upon ratifying an international treaty, states agree to allow a group of independent experts to periodically review their human rights legislation and practice. Though there is no enforcement mechanism. The review process may be enough to embarrass a state into taking action in reforming their human rights legislation and practices. If there is any contestation as to factual matters, they are referred to as 'allegations'. The inclusion of the allegations means that the state party has failed to refute their credibility. The gravity of the concerns will manifest itself in the follow-up information or action requested of the state parities by the Human Rights Committee.[539] However, some states may not be worried about the impression created by non-submission of their periodic report on the contents of the review by the treaty bodies. For example, United States of America's report to the Committee against Torture and other cruel, Inhuman or Degrading Treatment or Punishment was many years overdue. [540]

The nature of the special procedures of the Commission on Human Rights was more flexible in their response to human rights violations than the treaty bodies. They made use of independent experts working as country or thematic specific special rapporteurs, special representatives and, in working groups. These experts were independent and report to the Commission and, the UN general

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[539] Nigel Rodley, United Nations Human Rights Treaty Bodies and Special Procedures of the Commission on Human Rights- Complementarity or Competition?, **Human Rights Quarterly**, Vol.25, November 2003, p.889

[540] Niko Kynakou, Bush: Treaty Outlawing Torture Doesn't Apply Beyond U.S. Soil, 29 October 2005, **oneworld.net**, http://www.commondreams.org , accessed on 23 November 2005

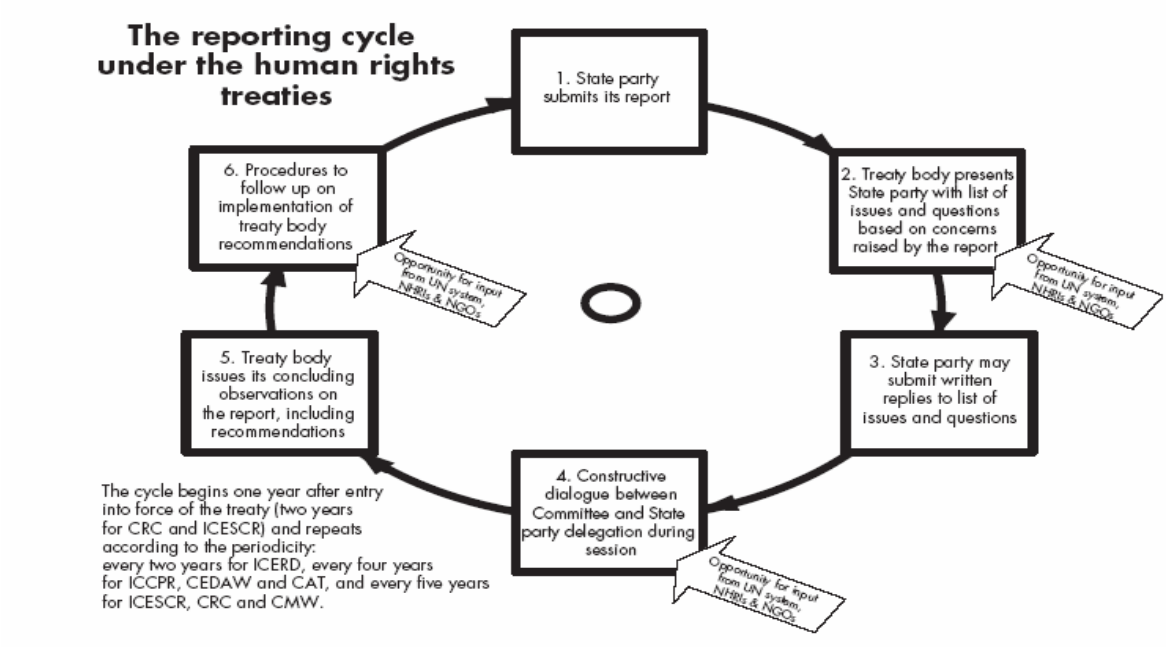
assembly.[541] If there was need for an aggressive response by the United Nations, the Commission on Human Rights would appoint a Special Rapporteur or working group to investigate. Carrying out interviews with both the authorities and the victims completed part of their research. The reports of the Special Rapporteur were made public by the Commission on Human Rights and thus contributed to exposing violations and the accountability of Governments. [542]

The general method for implementing a treaty would be:

- Submit an initial State report;
- Submit periodic State reports;
- The treaty body in question would review the State report with a detailed questionnaire sent to the reporting state;
- Motivate for an inquiry by a sub-committee or special rapporteurs;
- The treaty body will then submit a report detailing any problems with the reporting State's conduct and restate the requirements of the treaty.

[541] The United Nations and Human Rights, http://www.un.org/rights/dpi1744e, accessed 12 December 2005

[542] Monitoring Compliance, **UN Chronicle**, Winter 1998,, vol.35, Issue4, pp.44



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Figure 3: Reporting Cycle under UN human rights treaties[543]

In 1970, ECOSOC established an additional procedure for handling communications relating to gross violations of human rights; the 1503 Procedure. Accepted communications are reviewed by a work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which takes the decision of whether or not to transfer it to the working group of the Commission on Human Rights. [544]

[543] Office of the United Nations High Commissioner for Human Rights, The United Nations Human Rights Treaty System: An introduction to the core human rights treaties and the treaty bodies, **Fact Sheet No. 30**, p.28

[544] The United Nations and Human Rights, http://www.un.org/rights/dpi1744e, accessed 12 December 2005

International Gender regime

Using Krasner's definition, the question of whether or not there is a definable international gender regime is examined in this section using a component of a possible international gender regime: the Convention on the Elimination of All forms of Discrimination against Women (CEDAW). The description of a regime will be examined first. As CEDAW does not deal with women in armed conflict, the role of the Beijing Declaration and the Beijing Conference and Platform for action will be discussed in relation to the protection that the international women's regime provides girl soldiers.

Wittkopf and Kegley assert that "international regimes" are formed when states set up "rules" for collaboration.[545] Krasner contends that the objective of a regime is to facilitate "agreements"[546] and different factors such as dominance, interests, and customs all contribute to regime creation. [547] He goes on to argue that these contributory issues may perhaps be exhibited via the behaviour of individuals and international organizations, in addition to states.[548]Following Krasner's conception of a regime, it may be argued that the international gender regime does in fact exist. The UN has put forward principles, rules, norms and decision-making mechanisms for states to apply gender equality within their borders. The examination begins with a look at the concept of Principles. Krasner defines principles as being viewpoints, causation, and morality.[549]

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[545] Kegley and. Wittkopf, **Op Cit**, p.260

[546] Krasner, **Op Cit**, p.187

[547] ***Ibid***, p.205

[548] ***Ibid***

[549] ***Ibid***, p.186

Principles

The principles of the regime are encompassed within CEDAW. The Convention sets out legally binding principles on the rights of women, which are applicable to women in all fields. Upon accepting the Convention, States commit themselves to embark on a string of actions to end the discrimination of women in all forms including: assimilating the principle of equality of men and women in their legal system, abolishing all discriminatory laws and adopting suitable ones prohibiting discrimination against women; establishing tribunals and other public institutions to ensure the effective protection of women against discrimination; and, to ensure the elimination of all acts of discrimination against women by persons, organizations or enterprises.[550]

Norms

The basic legal norm of CEDAW is the prohibition of all forms of discrimination against women. It casts off the difference between the private and the public spheres, by recognising violations of women in the private sphere i.e. the home, as violations of women's human rights (article 16). It also recognises the harmful impact that social, customary and cultural practices which are based on principles of the "inferiority or the superiority" of either gender (article 5). Furthermore, CEDAW provides a broad definition of discrimination (article 1), that is inclusive of overt and covert discrimination or any action which that results in the discrimination of women. This norm of non-discrimination necessitates action, not just the enactment of gender-neutral laws.

[550] http://www.un.org/womenwatch/daw/cedaw, accessed 1/October/2005

Rules

Krasner describes rules as specific recommendations or prohibitions for "action."[551] CEDAW prescribes the measures to be taken to ensure that women everywhere are able to enjoy the rights to which they are entitled. In October 1999, the General Assembly adopted an optional protocol to CEDAW, which came into force in December 2000. States that signed the optional protocol did so to indicate that they had restated their resolve to ensure equal rights and freedom for women and to take measures to prevent infringements of these rights and freedom.[552]Countries that have ratified or acceded to CEDAW are legally bound to put its provisions into practice. Such law-making measures include:

- assimilating the principle of equality of men and women into their legal system, abolishing all discriminatory laws and adopting laws that prohibit discrimination against women;
- establishing tribunals and other institutions to guarantee the protection of women against discrimination; and
- ensuring the elimination of discrimination against women by individuals and organisations.

Further, States are committed to submit State reports, at least every four years on the measures their countries have taken to comply with their treaty obligations.

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[551] ***Ibid***, p.186

[552] http://www.unhchr.ch/html/menu3/b/opt_cedawinfo.htm , accessed on 23 February 2005

Decision-making Procedures

According to Krasner, decision-making measures "are prevailing practices for making and implementing collective choice."[553] Article 29(1) of CEDAW[554] creates the Commission on the Status of Women (CSW) which receives communications about violations of CEDAW; however, the CSW has no power to act on these communications. CEDAW sets out, in legally binding principles on the rights of women, which are applicable to all women in all fields. However, CEDAW does not include statements about gender-based violence, a concise statement on equality, women in armed conflict or a statement on HIV/AIDS. The convention's treaty body, the Committee on the Elimination of All Forms of Discrimination Against Women, has supplemented CEDAW with the following general recommendations[555]:

- General Recommendation No.12, 1992- Violence against Women
- General Recommendation No.21, 1994- Equality in Marriage and Family Relations
- General Recommendation No.23, 1997- Women in Political and Public Life
- General Recommendation No.27, 2004- Equality and Special Measures.

The optional protocol allows for individuals or groups, whose rights under CEDAW have been violated, to report to the Committee on the Elimination of all Forms of Discrimination Against Women. The Committee investigates and makes recommendations to the relevant state once all domestic remedies are depleted.

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[553] Krasner, ***Op Cit***, p.186

[554] Convention on the Elimination of All Forms of Discrimination against Women, **A/RES/34/46**, entered into force 3/Sep/1981

[555] These recommendations are available at http://www.un.org/womenwatch/daw/cedaw , accessed on 23 February 2005

International Children's Rights (for children involved in armed conflict) Regime

Using Krasner's definition, the question of whether or not there is a definable international child rights regime specifically for children involved in armed conflict is examined in this section. The Krasner definition will be used as in the previous section.

Principles

The Convention on the Rights of the Child (CRC)[556] has near universal ratification. It provides the values on the protection of children. The general principles that underpin the CRC are: non- discrimination (article 2); best interests of the child (article 3); the right to life, survival and development (article 6); and, the right for children to have their viewpoint heard and given due credence in decisions affecting them (article 12). The CRC makes up the principles of the regime. It is one of the most widely ratified human rights treaties. Drafted in 1979 and adopted by the UN General Assembly on 20 November 1989. The Convention defines a child as every human being under 18, except if national laws acknowledge the age of majority at an earlier time.

Norms

The following articles of the CRC inform the norms of the regime**.**

> *Article 38*
> 1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
> 2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

[556] Convention on the Rights of the Child, **A/RES/44/25** 20 November 1989

> 3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
> 4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.
> *Article 39*
> 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

Rules

When States ratify the CRC, they are obligated to ensure its implementation and the achievement of human rights for all children under their jurisdiction. States Parties are required to take "all appropriate legislative, administrative and other measures"[557] to ensure of the rights of the child. State parties have to ensure that domestic legislation is harmonious with the principles and norms of the CRC and the provision are enforced. The CRC requires State parties to set-up institutions and mechanisms committed to the protection and promotion of children's rights, in the government, parliament and the judiciary, at all levels of the community, including children. When reforming domestic legislation to reflect the principles and norms of the CRC state parties may undertake: wide-ranging reviews of legislation; the inclusion of children's rights in the Constitution; the development of specific laws to echo the CRC ; and by the

[557] Article 4 of the Convention on the Rights of the Child

making an allowance for remedies for children and their representatives if children's rights are breached.

Various instruments constitute the rules of the regime in relation to child soldiers. These include: the CRC, the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict, Rome Statute and the International Labour Conventions. The Optional Protocol sets eighteen as the minimum age for recruitment and prevents states from unilaterally lowering their military recruitment age. It appeals to non-state actors to stop all recruitment of all children less than 18 years of age. The optional protocol takes the place of article 38 of the CRC and, includes non-state actors in its prohibitions. The relevant provisions of the Optional Protocol[558]are available in appendix E. The International Labour Organisation prohibits the recruitment of children in armed conflicts. The Worst Forms of Child Labour Convention[559].Convention 182 calls for the elimination of all forms of child recruitment since the use of child soldiers are an intolerable form of labour. Furthermore, article 8 the 1998 Rome Statute of the International Criminal Court gives the court jurisdiction over the war crime of recruiting persons under 15 years into national armed forces or using them in open conflict

Decision-making procedures

The international human rights mechanism plays a part in ensuring the rights of the child. The human rights treaty bodies and charter bodies' work together to monitor the implementation of particular UN treaties by States that have ratified or acceded to the instruments in question. The Committee on the Rights of the

[558] Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, **A/RES/54/263** of 25 May 2000

[559] Convention 182, Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour,1999

Child was developed to monitor the implementation of the CRC based on examinations of State reports in close collaboration with UNICEF, specialized agencies, NGOS and other bodies. States parties are required to submit their initial State reports on the steps taken in their jurisdiction to implement the CRC to the Committee two years after becoming parties to the Convention and every five years after that. The Committee has no authority to receive individual or inter-state complaints. It just reviews the periodic reports. Parties to the OP-CRC-AC have to submit a report to the Committee, two years after the Protocol's entry into force, on the measures taken to implement the provisions of the protocol. At its regular sessions, the Committee spends a meeting or more discussing a particular article of the CRC or a specific issue. All interested parties, representatives from NGOs, IGOs and so on, can participate by making written contributions. The Committee may request further information on the implementation of the CRC from governments in the case of a serious problem.

Efficacy of the Human Rights sub-regimes in dealing with girl soldiers

Effective judging whether a regime is a successful or not is difficult because it brings up the question of how success is defined. Different types of regimes have different goals for example: regulatory regimes create rules and induce compliance (for instance the Kytoto protocol which regulates environmental pollution); programmatic regimes establish continuous programs for things that don't exist otherwise (International Monetary Fund and World Bank which regulate global finances); and, procedural regimes are unending processes for making multifaceted interdependent decisions (i.e. the International Whaling Commission or fisheries treaty). The effectiveness of a regime may have to do with compliance to the rules; resolution of the problem that the regime was created to resolve; or successful management of the problem. [560] The dissertation argues that the human

[560] Mark W. Zacher, Uniting Nations: Global Regimes and the UN System, **Working Paper No.23**, Institute of International Relations, The University of British Columbia, august 1998; Jack Donnelly,' International

rights regime is a combination of two of the three regimes described above, the human rights regime is regulatory in that it regulates the behaviour of States in terms of individuals in its jurisdiction but, to a limited degree, is programmatic in that human rights is an evolving abstract concept. Procedural regimes are suited to scientific research. Examples of relatively successful regimes are regulatory regimes such as the environmental regime and the non-proliferation of nuclear weapons regimes. However, it must be noted that the success of these regimes has to do with the fact that State parties are sticking to their obligations not because they necessarily for altruistic purposes but rather for national interest. For example, Zacher argues that State Parties to the environmental regime have joined because: firstly, many countries disagree with the conscious disposal of wastes in "other countries' territories or territorial seas — particularly if they do not have the capabilities to treat them properly". The interest had an influence in the conclusion of the London Dumping Convention of 1972 and the Basel Convention on the Export of Hazardous Wastes of 1989; secondly, pollution caused by ships traveling in international waters are better suited to being regulated by international treaties. "It would be very inefficient if ships could only service certain ports because states had different construction and equipment standards"; thirdly, many firms are willing to be regulated as long as its competitors are regulated in the same manner. "This consideration has definitely influenced the management of dumping at sea, the export of hazardous wastes, ship-generated marine pollution, acid rain, and ozone depletion"; fourthly, the impact of non-compliance are felt globally. "The ozone depletion regime is probably the most impressive example of a global response to an international environmental damage, and the global scope of the damages certainly was an

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Human rights: A Regime Analysis', **International Organization**, Vol.40, No.3, Summer, 1986; K.J. Holsti, **International Politics: A Framework for Analysis 5th Ed**., New Jersey, 1988; Todd Landman, The Evolution of the International Human Rights Regime; Political and Economic Determinants, **Paper prepared for the 98th Annual Meeting of the American Political Science Association**, Boston, 28 August-1 September 2002

important factor in the regime's development."; and lastly, States and firms join the international environmental regime for fear of strong public reactions to industries that cause environmental damage which consequently affects transnational economic interests.[561] The regime however is not perfect because not all States have joined it, for example the United States of America, but, unlike the human rights regime it has an enforcement mechanism, though limited, and, State parties interests are being addressed by joining the regime.

Approximately sixty million people have died or been maimed by armed conflict and human rights abuses since the adoption of the Universal Declaration of Human Rights. [562] If the human rights regime was effectual, this would not be the case. Normative reasons for not wanting to join, or abide by the rules of the human rights regime, have to do with the concept of the universality of human rights.

The problem with the universality of rights

The United Nations human rights instruments are thought of as having universal application once ratified by a particular state. The legal status of these instruments differ as: declarations, principles, guidelines, standard rules and recommendations are not legally binding, but have moral force and provide guidance to States in their behaviour; on the other hand, covenants, statutes, protocols and conventions are legally binding for those states that ratify or accede to them. The concept of the universality of human rights has been criticized as being a Western concept that does not take into account the different political, social, cultural and

[561] Zacher, ***Op Cit***, p.10

[562] William Fisher, U.N.: Universal Rights Declaration Turns 37 with Little Fan Fare, **Global Information Network,** New York December 2005, p.1

economic "realities" of non-Western societies.[563] Cultural critics of universality of human rights, such as the proponents of 'Asian Values' regard the western concept of human rights as self-serving. The self-styled 'Asian' view of human rights claims that:

1. *Rights are "culturally specific."* Human rights emerge in the context of particular social, economic, cultural and political conditions. The circumstances that prompted the institutionalization of human rights in the West do not exist in Asia.
2. *The community takes precedence over individuals.* The importance of the community in Asian culture is incompatible with the primacy of the individual, upon which the Western notion of human rights rests. The relationship between individuals and communities constitutes the key difference between Asian and Western cultural "values."
3. *Social and economic rights take precedence over civil and political rights.* Asian societies rank social and economic rights and "the right to economic development" over individuals' political and civil rights.
4. *Rights are a matter of national sovereignty.* The right of a nation to self-determination includes a government's domestic jurisdiction over human rights. Human rights are internal affairs, not to be interfered with by foreign states or multinational agencies..[564]

In Africa, the community's rights are put above that of an individual as it is the community that is protected and nurtures the individual.[565] Fox argues that the:

> oversimplified opposition between the individualistic west and communitarian Africa ignores the ways in which individuals with varying degrees of personal autonomy are constituted as members of society through groups, everywhere. [566]

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[563] Shashi Tharoor, Are Human Rights Universal?, **World Policy Journal**, vol.16. Issue. 4, Wimter 1999/2000, p.1

[564] Xiaorong Li, "Asian Values" and the Universality of Human Rights, **Report from the Institute for Philosophy and Public Policy**, vol. 16, No. 2, Spring 1996, http://www.puaf.umd.edu/IPPP/li.htm, accessed 1 February 2006

[565] Tharoor, ***Op Cit***, p.1

[566] Diana J. Fox, WOMEN'S HUMAN RIGHTS IN AFRICA: BEYOND THE DEBATE OVER THE UNIVERSALITY OR RELATIVITY OF HUMAN RIGHTS, **African Studies Quaterly**, http://web.africa.ufl.edu/asq/v2/v2i3a2.htm, accessed 1 February 2006

The majority human rights instruments guarantee cultural and individual rights simultaneously. However, there are times when both rights contradict each other, and the question is - which rights should prevail. In relation to children, African traditions have stressed on the extended welfare of the community, and children had no particularly special position.[567] For some, The African Charter on Human and Peoples' Rights stresses the friction between individual human rights and group rights "the sanctity of the extended family in Africa undermines the legitimacy of individual rights, viewed as a western import." Further, instruments like CEDAW privileges an *independent*, liberated woman. [568] Proponents of Universalism like African legal scholar Makau Wa Matua, argue:

> ... a thorough understanding of the meaning of human rights, and the complicated processes through which they are protected and realized, would seem to link inextricably the concepts of human rights, peoples' rights, and duties of individuals. Individual rights cannot make sense in a social and political vacuum, devoid of the duties assumed by individuals. This appears to be more true in Africa than any other place.[569]

Tharoor argues that, the divisions between these rights are not really an issue as most of the objections put forward against the universality of human rights echo an erroneous opposition between the individual and the pre-eminence of society. Civil and political rights protect groups whilst social and economic rights protect individuals. These two sets of rights are in fact mutually dependent and sustain each other. [570] Part of the basis for the culture arguments put forward is the belief that non-Western governments were not involved in the drafting of the UDHR. Whilst this is true for sub-Saharan Africa, it has been noted that Middle Eastern and Muslim diplomats were involved in the drafting process. According to Waltz,

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[567] T.W. Bennet, ***Op Cit***, p.78

[568] Fox, ***Op Cit***

[569] ***Ibid***

[570] Tharoor, ***Op Cit***, pp .3 , 6

United Nations Records document the work of Arab and Muslim diplomats from 1946-1996, although they were not necessarily united in their position. But, their contributions resulted in the right to self-determination, culturally sensitive language about religious beliefs that were ultimately enshrined in the UDHR.[571] The culture argument includes all members of a society under the dominant cultural context which may in fact be disadvantageous to them. "It is essential to recognize that universality does not presuppose uniformity. To assert the universality of human rights is not to suggest that our views of human rights transcend all possible philosophical, cultural, or religious difference." [572] Although the culture argument against universality of human rights is not completely accurate, there is some legitimacy to the argument that human rights are dominated by the western world. In 1999, Rudasingwa pointed out that the human rights are shaped by western governments, NGO's, human rights groups and international organizations. People from the western world dominated as prosecutors, jurors and judges but, did not succeed in using international organizations like the UN to promote human rights and prevent genocide; in numerous cases, they were collaborators in establishing and propping up governments whose records on human rights were absolutely abominable. A few examples cited were: France and Belgium in the case of Rwanda; under Idi Amin in Uganda the United Kingdom and Israel had a role to play in propping up the regime; and, in the Democratic Republic of Congo, the United States of America, France and Belgium also played a role. [573]

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[571] Susan Waltz, Universal Human Rights: the contribution of Muslim States, **Human Rights Quarterly**, November 2004, vol. 26, No. 4

[572] Tharoor, ***Op Cit***, p.1

[573] Arlene S. Kanter, Donna E. Artz, Theogene Rudasingwas, Paula C Johnson et al, Human Rights Symposium: The concept of human rights and its application in Africa, **Syracuse Journal of International Law and Commerce**, vol26, Spring 1999, p.193-194

Substantive problems with the broader human rights regime

A few of the key problems with the broader human rights regime are: States are allowed to implement the provisions of treaties according to their national laws; States are allowed to vary their obligations under human rights treaties by using reservations and derogations; and the decision-making procedures have no enforcement mechanism as decisions are supervisory.

- *Jurisdictional application*

A number of States are responsible for human rights abuses. The concept of universality of human rights was developed with the intention of guaranteeing the protection of minimum entitlements of all human beings, particularly those who are not adequately protected under national legal and political systems. The nature of international legal obligations means that its implementation and interpretation is controlled by the state. [574] The problem with this arrangement is that although states adopted various international laws and treaties, which become binding upon adoption, states have the vital power to interpret and implement these obligations within its own national jurisdiction. [575] Non-state actors such as the United Nations and civil society groups do try and influence state actions in the context of regimes. The success of NGOs, for example Amnesty International, is calculated according to membership, donations and the degree of public support which gives them influence with decision makers. [576] Arguably, part of the problem with the origins and development of human rights from the perspective of several African societies is that they were not involved in its formulation. At the time that Western Societies were developing these rights, Africa was not structured as states with state constitutional orders and related institutions. [577] In

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[574] An-Na'im, ***Op Cit***, p.4

[575] ***Ibid***, p.5

[576] Tim Dunne, 'We the Peoples': Contending Discourses of Security in Human Rights Theory and Practice, **International Relations**, Vol.18, No.1, 2004, p.18

[577] An-Na'im, ***Op Cit***, p.5

relations the UDHR, it has been argued that: "The U.N. cannot possibly do enough, for it is composed of countries that not 'buy into' the declaration even if they have signed it. The basic obstacle is the attitude of individuals, ethnic groups, communities, and nations that supports separation instead of a willingness to embrace humanity" [578]

An additional problem in ensuring the compliance and implementation of the treaties is that the State is fully responsible for the implementation of Human Rights treaties. As indicated in previous chapters' child soldiers, particularly girls are found mostly in non-state armed groups. Ensuring compliance and enforcement of human rights by states is a thorny issue but ensuring non-state actors, such as armed groups, respect international human rights law is even more complicated. States operate within legal international frameworks and when states fail to meet the obligations within these structures, there are ways of dealing with these states. Armed groups on the other hand, operate outside this context. Arguably, armed groups are responsible for insecurity in many instances owing to their role in internal conflicts. Yet because armed groups are not states, they are not bound international human rights law although individual members may be prosecuted for the crimes committed whilst they were members of the armed group. Bruderlein argues that protection strategies have to include the promotion of the responsibilities that armed groups have towards civilians.[579] The reasons for promoting these responsibilities are practical, armed groups play one or more of the following roles, they act:: as, for all intents and purposes, governments within the terrain they control; as active armed forces; as authorities accountable for the security of humanitarian assistance operations; and, as political bodies that may

[578] Fisher, Op it, p.1

[579] Claude Bruderlein, **The role of non-state actors in building human security: The case of armed groups in intra-state wars**, Centre for Humanitarian Dialogue, Geneva, 2000, p.6

be a participant in a peace settlement. [580] Scholars such as Bruderlein and Policzer[581], contend that to facilitate respect for human rights within armed groups, it is imperative that the features of the group be analyzed to ascertain how useful opening a channel of communication will be. Bruderlein describes the main characteristics of armed groups that should be considered as being:

1. the command structure- groups that are fragmented or have strong internal discord are not likely to be productive in dialogue on human rights issues;
2. the use of violence- is normally used to achieve political ends but individual combatants may take part in criminal activities for their own personal enrichment. The extent to which combatants are allowed to take part in independent criminal activities indicates the level of control its leaders have;
3. the independence from state control- some groups are controlled by the state directly or indirectly- the extent of the leaders control over the behaviour of the fighters indicates the independence of the group[582]

Part of the problem of members of the international community engaging with armed groups is that they fear that discussions may 'legitimize' the group. But, understanding the motivations, internal dynamics and support that a group has is important when developing protection strategies. For example, groups in places like Sierra Leone and northern Uganda often use abducted child recruits, these children abduct future recruits. As argued by Griffiths and Wheeler, this cycle needs to carefully analysis to devise engagement options and approaches.[583]

- *Reservations and Derogations and Declarations*

A State party to a multilateral treaty may to choose to limit its obligations under that treaty by: making a statement about a particular treaty; choosing to modify its obligations to the treaty; or even declining to accept certain provisions of the

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[580] ***Ibid*** p.7

[581] Pablo Policzer, Human rights Violations and Non-States Armed Groups: A New Framework, **Working Paper No.40**, March 2005, p.15

[582] Bruderlein, ***Op Cit***, 6-.9

[583] Aaron Griffiths and Sarah Wheeler, Lessons for Negotiating with Armed Groups: the experience of conciliation resources, **Child Soldiers newsletter**, Issue 14, Winter 2005-06, p.5

treaty even though they have ratified it. This is done by declarations, derogations and reservations.

Declarations

A State may decide or be required to make a declaration relating to a treaty to which it has become a party: There are, broadly, two types of declarations: Interpretative declarations; and, optional / mandatory declarations:[584]

- *Interpretative declarations*

State parties to a treaty make a declaration with regard to their understanding to some of the provisions of a treaty or the interpretation of a certain provision. Unlike a reservation, this type of declaration only clarifies the states position; it does not exclude or modify the legal effect of a treaty. Typically, this type of declarations is made in tandem with the deposit of the corresponding instrument or at the time of signature.[585]

- *Optional and mandatory declarations*

A number of treaties may provide for States to make optional and/or mandatory declarations. These declarations are legally binding. Consequently, for instance, under article 41 of the ICCPR, States may formulate an *optional* declaration that it accepts the HRC's competence to consider inter-State complaints. Likewise, States parties to the CRC Optional Protocol on the involvement of children in armed conflict are *required* under article 3(2) to make "a binding declaration setting out the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the

[584] OUNCHR, Fact Sheet No. 30, **Op Cit**, p.48

[585] ***Ibid***, p.48

safeguards that it has adopted to ensure that such recruitment is not forced or coerced". [586]

Derogation

Derogation is a measure assumed by a State party which partially defers the application of one or more of the provisions of a treaty temporarily. [587]
Governments may adopt measures derogating from their human rights obligations, under certain circumstances:

- A state of emergency must be declared;
- The specific measures derogating from an international treaty must be officially notified to the competent international organizations and other States parties;
- Derogation is permissible only to the extent strictly required by the situation;
- The derogation must be lifted as soon as the situation permits;
- The rights subject to derogation must not be among those that admit no derogation[588]

States are not allowed to take discriminatory measures when derogating.[589] Even in times of conflict, the rights in article 4 of the ICCPR are not allowed to be derogated. These rights are: the right to life; prohibition of torture, or cruel, inhuman or degrading treatment or punishment; prohibition of slavery and servitude; prohibition of detention for debt; freedom from retroactive criminal laws; right to recognition as a person before the law; freedom of thought, conscience and religion

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[586] ***Ibid***, p.48-49

[587] ***Ibid***,p.50

[588] Manfred Nowak, **HUMAN RIGHTS: A HANDBOOK FOR PARLIAMENTARIANS Nº 8, INTER-PARLIAMENTARY UNION, OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS**, 2005, p.23

[589] OHCR, ***Op Cit***, p.50

Reservations

A reservation is a declaration made by a State by which it aims to exclude or alter the legal effect of certain provisions of the treaty in their application to that State. It allows a State to accept a multilateral treaty as a whole by giving it the leeway not to apply certain provisions with which it does not want to comply. Reservations can be made when the treaty is signed, ratified, accepted, approved or acceded to. They must not be irreconcilable with the object and the purpose of the treaty. Moreover, a treaty might prohibit reservations or only allow for certain reservations to be made.[590] Several academics argue that reservations weaken the effectiveness of human rights treaties:

> A treaty's ability to establish law is undermined if a few counties ratify its provisions. But a treaty containing many signatories has limited value when the signatures come at the cost of so many reservations that the treaty provisions have little or no effect on the domestic policy of its State parties. The two seemingly conflicting ideas of integrity and universality have shaped the development of the law of reservations.[591]

Reservations may be withdrawn completely or partially by the State party at any time. [592] The treaty bodies are responsible for examining State reservations.

- *Problems with monitoring and implementation mechanisms*

The major problem with the human right regime is its monitoring and implementation mechanisms- the treaty based bodies and charter based bodies. A problem with charter-based bodies is that even though pertinent information from the reports of country-specific and thematic special rapporteurs is regularly made available to treaty bodies by OHCHR and DAW, participation from the special procedures of the Commission on Human Rights to the reporting

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[590] Articles.2 (1) (d) and 19-23, Vienna Convention of the Law of Treaties , 23 May 1969, only came into force 27 January 1980

[591] Jennifer Riddle, Making CEDAW Universal: A critique of CEDAW"s Reservation Regime Under Article 28 and the effectiveness of the reporting process, **The George Washington International Law Review**, Vol.34, No.63, 2002, p.623

[592] Office of the United Nations High Commissioner for Human Rights, ***Op Cit***, p.53

process is irregular.[593] "The international legal mechanisms remain weak-e.g. the state-to-state complaint mechanism of the U.N treaty bodies, and the limited rights to individual petition operation there and in the regional human rights bodies …"[594] Below we consider some of the problems with of monitoring and compliance mechanism which includes: non-submission of reports; limited rights to individual petition; and, state-to state reporting.

Non-submission of reports

States that have ratified all the core human rights treaties are expected to produce approximately one report every six months in order to meet its obligations under the various treaties, not including possible reports on issues the treaty body might want answered. A number of States do not have the resources to report in a timely manner under all the treaties, and some States may have political reasons for not submitting their reports. OHCHR provides technical assistance to States that might need help in their reporting; in the case of CEDAW, DAW provides this assistance. The practice, in exceptional cases, to examine the situation of the country without a report- this is sometimes called a "review procedure". This occurs when States have not submitted a report according to their obligations over a long period of time, usually over five years, and as a result ignore the treaty bodies' request to report.[595] Each treaty body has its own procedures on the review procedure but generally:

> (i) The committee notifies a non-reporting State party of its intention to examine implementation of the relevant treaty by the State party in the absence of a report during a public meeting on a specified date. The State party may respond by submitting a report, at which time the procedure is suspended and the normal

[593] REPORT ON THE WORKING METHODS OF THE HUMAN RIGHTS TREATY BODIES RELATING TO THE STATE PARTY REPORTING PROCESS, **HRI/MC/2005/4,** 25 May 2005 ,Paragraph 92

[594] Fisher, ***Op Cit***, p.1

[595] Office of the United Nations High Commissioner for Human Rights, ***Op Cit***, p.32-33

> process of consideration of the report begins. Where the State party concerned indicates that a report will be provided, pending receipt of that report, the review may be postponed to another session;
> (ii) The committee may formulate a list of issues and questions for the State party, which is invited to send a delegation to attend the session. If the State party is not represented, the committee may decide to proceed with the review, or it may notify the State party of a new date for consideration;
> (iii) The committee reviews the situation in the country on the basis of information available to it, including any dialogue with the State party delegation and information submitted by United Nations partners and NGOs. The committee will prepare provisional concluding observations, which will be referred to, but not published, in its annual report and which will be transmitted to the State party. These provisional concluding observations become final if the State party does not respond or indicate that it will submit a report in the near future. [596]

There is no enforcement mechanism in the regime, which means that there is no penalty for States for not complying with their obligations under the treaties that they have signed. In November 2001, under the various treaties signed, close to 50 initial reports has not been submitted and about one thousand three hundred state reports were also overdue of which approximately five hundred had been overdue for more than five years.[597]. In response to late submissions by State parties and the time lag between submission and consideration of a report, some treaty bodies have developed a flexible approach to reporting. The HRC and the CESCR have been given the discretion to determine when periodic reports should be submitted. Treaties like the CERD allows State parties to submitted "combined reports" (the combination of several reporting obligations in a single

[596] HRI/MC/2005/4, ***Op Cit***, paragraph 79

[597] Commission on Human Rights, Effective functioning of Human Rights Mechanisms: Treaty Bodies, Report of the Secretary-General on effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights**, E/CN.4/2002/110.7**, December 2001, paragraph 12

document), and ever since 1984 has routinely accepted the submission of an unlimited number of reports in one document.[598]

Limited Rights to Individual petition

Only the HRC, CERD, CAT and CEDAW allow for complaints or communications from individuals who believe that their rights under the treaty have been violated. The problem with this set up is that the circumstances in which the treaty body can consider the complaints is severely limited. For instance:

- The HRC may consider individual communications brought against States parties to the First Optional Protocol to the ICCPR; and,
- The CEDAW may consider individual communications brought against States parties to the Optional Protocol to CEDAW;

A treaty body cannot consider complaints relating to a State party unless the State has expressly recognized the competence of the treaty body in this regard, either by a declaration under the relevant treaty article or by accepting the relevant optional protocol. [599] Not all States ratify the optional protocol therefore this process does not apply. This disenfranchises girl soldiers because they are unable to make an individual complaint under CEDAW or any other treaty if they countries do not accede or ratify the relevant optional protocol to the treaty. This may mean in some cases, that violations may stay unidentified.

State-to-State Reporting

There is a procedure that allows States to complain about violations of the treaty by other States. This procedure is called State-to-State Reporting. Only four treaties have provisions for this type of reporting, CAT, ICRMW, ICCPR and ICERD. This procedure has never been used; it requires that domestic remedies

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[598], HRI/MC/2005/4, ***Op Cit***, paragraph 31 and 33

[599] Office of the United Nations High Commissioner for Human Rights, ***Op Cit***, p.37

first be depleted. Further, this mechanism can only be applied to States that have made a declaration that they accept the competence of the Committee in this regard. [600]

The value of, and key problems with, the international gender regime

CEDAW protects the rights of women and girls. Article 14(2) of CEDAW requires that State parties take all measures to eliminate discrimination against women in rural settings. As argued above, child soldiers, particularly girls, are often from poor backgrounds. In Africa, especially, the poverty rate is higher in rural areas than in urban areas; the poverty rate may be linked to the eruption of armed conflict and consequently, the recruitment of child soldiers. It may be argued that if the economic status of women and girls were raised, there would less chance of them being exploited in times of armed conflict. The exploitation of girls may also be linked to the social and cultural patterns of men and women. The possible sexual exploitation of girl soldiers and the difficulty they have in re-integrating after leaving an armed group may be related to the fact that in some cultures girls, already in an inferior position to boys, may be put in a lesser position owing to their involvement with an armed group. CEDAW, article 5, states that parties to the Convention have a duty to amend customary practices which are based on inferiority.

Monitoring and Implementation

In terms of monitoring and implementation of the CEDAW, the CEDAW committee has many challenges, some of which include: overdue reports; backlogs, lack of proper follow-up; reservations and declarations to CEDAW; and, inefficiency of the optional complaints procedures.

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[600] ***Ibid***, p.34

Over-due reports

The CEDAW reporting guidelines are straightforward: they request reports to be concise, in fact initial reports should be no more than one hundred pages long and, periodic reports should not exceed seventy pages; and, reports ought to address each substantive article of the Convention, but periodic reports should focus on the period between the consideration of the previous report and the current report, using the concluding comments on the previous report as the foundation and noting new developments.[601] Furthermore, CEDAW allows for States that are late in submitting their reports to submit several repots as a combined document, in exceptional cases. [602] Although, the reporting procedure has been simplified to make compliance easier only seventy nine percent, one hundred and forty-four, of the State parties to CEDAW[603] have submitted their initial report to the CEDAW treaty body. Moreover, a massive thirty-three percent, fifty-nine, of the State parties have overdue reports. [604] For States that have not submitted their reports in exceptionally long the review procedure is as follows:

> 1. At each session of the Committee, the Secretary-General shall notify the Committee of all cases of non-submission of reports and additional information under rules 48 and 50 of the present rules. In such cases, the Committee may transmit to the State party concerned, through the Secretary-General, a reminder concerning the submission of the report or the additional information.
> 2. If, after the reminder referred to in paragraph 1 of the present rule, the State party does not submit the report or the additional information sought, the Committee may include a reference to this effect in its annual report to the General Assembly.

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[601] HRI/MC/2005/4, ***Op Cit***, paragraph 22

[602] ***Ibid***, paragraph 35

[603] Figure do not include Niue or the Cook Islands, which have stated that they wish to be covered by New Zealand's ratification of the CEDAW

[604] ***Ibid***,paragraph 10

> 3. The Committee may allow States parties to submit a combined report comprising no more than two overdue reports.[605]

Backlogs[606]

The Committee has in the region of fifty-five State party reports, currently under consideration.[607] As method of dealing with the backlog, the Committee's proposal to the General Assembly included a request to add a third annual session which would enable the Committee to consider and additional eight reports.[608]

Follow-up mechanisms

After a State party's report has been reviewed, the Committee makes observations and recommendations in regards to both the positive and negative features of the State's implementation of the treaty. [609] To ensure that the recommendations made by the Committee are being implemented, the States have to report back the changes in their next periodic report. National Human Rights Institutions, NGOs, Rapporteurs[610] and Civil Society may be requested to play a role in this follow-up by writing their own report on the follow-up and reporting back to the Committee. [611] As with every component of the human rights regime; States

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[605]International Human Rights Instruments, COMPILATION OF RULES OF PROCEDURE ADOPTED BY HUMAN RIGHTS TREATY BODIES, **HRI/GEN/3/Rev.2** , 28 May 2005, Rule 49, p.110

[606] According to OHCHR fact sheet No.30-, bodies have found it difficult to keep abreast of the number of reports that they have to consider each year. An excessive backlog of reports awaiting consideration by a committee can mean a delay of up to two years from the date of submission of the report by the State party to the time that the committee begins to examine the content of the report. The need to request updated information is one reason why the practice of issuing lists of questions has been adopted by most of the treaty bodies. Efficient working methods can reduce the backlog, and some committees have proposed innovative approaches. The CRC, for example, from 2005 will meet in two parallel chambers to consider reports.

[607] Ways and means of expediting the work of the Committee , CEDAW, A/60/38 (2005) **,** para.422

[608] ***Ibid***

[609] Office of the United Nations High Commissioner for Human Rights, ***Op Cit***, p.47

[610] Most committees appoint a member as country rapporteur for each State party report under consideration. The country rapporteur usually takes a lead in drafting the list of issues, in questioning the delegation during the session, and in drafting concluding observations to be discussed and adopted by the Committee.

[611] HRI/GEN/3/Rev.2 , ***Op Cit***, Rules 44-47, p.109

can not be forced to comply and, there is no penalty involved. This means that even if they did not make substantive changes to their legislation, or whatever else needed to be changed, no penalty could be enforced.

Reservations and Declarations

CEDAW has been ratified more reservations than any other human rights treaty. During the reporting process, States are encouraged to do away with any reservations or declarations they might have in terms of the treaty. The Articles that are subject to the majority of the reservations are articles 2, 5, 7 and 18; they tend to address sensitive issues with regard to State sovereignty or cultural and religious practices. Further, CEDAW does not have objective criteria with which to establish whether or not the 'object and purpose' requirement has been satisfied, nor does the Convention establish an independent Committee to deal specifically with reservations; leading to haphazard and trivial objections.[612]

Optional Complaints Procedures

As state earlier on, the complaints procedure only applies to States that have ratified to the Optional Protocol of the Convention without any reservations or declarations.

CEDAW does not apply in conflict settings

In terms of assistance to girl soldiers, CEDAW may be of assistance laterally but, it may not be vertically applied because it does not have any specific terms on women and girls in conflict. The Beijing Declaration is the instrument that may be applied because it deals with the issue of women and girls in conflict. Again, the problem of the Beijing Declaration is that declarations are not always legally binding. "The term is often deliberately chosen to indicate that the parties do

[612] Riddle, ***Op Cit***, pp.605, 606,614, 625

not intend to create binding obligations but merely want to declare certain aspirations"[613] The 1995 Beijing UN Conference on Women concluded with the adoption of the Beijing Declaration and Platform for Action. The Beijing Conference declared, "the girl of today is the woman of tomorrow".[614] It had 12 critical areas of concern: The persistent burden of poverty; unequal access to education; unequal access to healthcare; violence; armed conflicts; inequality in economic structures; inequality in the sharing of power; insufficient mechanisms; human rights violation; stereotyping in the media; environment; and, the girl-child. Yet, the conference and its Platform for action did not adequately address the experiences of girls in conflict. The Platform for Action is one of the most comprehensive documents on the subject of women's human rights. The strategic objectives of the Platform for Action that specifically mentions girls are: Eradicate violence against the girl-child (strategic objective L.7); Eliminate discrimination against girls in education, skills development and training (strategic objective L.4); and, Eliminate negative cultural attitudes and practices against girls (strategic objective L.2). Five years after the initial conference a global review was launched in the form of the Beijing+5 review in June 2000. In 2005, The UN commission on the Status of Women carried out a ten year review and appraisal of the Beijing Platform for Action (Beijing+10). The Beijing+5 global review did little to alleviate the suffering of the girl child in general. The issue of the girl soldier, in particular, was not brought to the forefront at the Beijing +10 global review[615], coordinated by the UN Division for the Advancement of Women (UNDAW), held in 2005.

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[613] According to the **United Nations Treaty Collection, Treaty Reference Guide***, p.3*

[614] Kegley and Wittkopf, **Op Cit**, p.357

[615] Commission on Status of Women Adopts 10 Wide-Ranging Resolutions But Fails to conclude current Session, **Press Release WOM/1504**, 11/March/2005

The value of, and key problems with, the international children's rights regime

According to international law, the identity of a girl is that of a child before that of a female; therefore, to determine whether or not the human rights of girl soldiers are protected within the human rights regime it is critical that the sub-regime of the children's rights in armed conflict be considered. The Convention on the Rights of the Child provides an internationally agreed upon set of minimum standards for children's development, the only two countries who have not ratified this treaty are Somalia and the United States of America. It addresses the issue of violence against girls and, specifically, domestic violence. Under the Convention children are protected from economic and sexual exploitation and abuse, whilst article 35 of the Convention protects children from abduction and trafficking. In addition to Article 2 of the Convention ,which prohibits gender based discrimination, the CRC uses the term and phrase "children" and "his or her" through out the Convention. This appears to ensure that there is no discrimination against girls but, the CRC does not tackle the fact that discrimination in society is a deep-seated obstruction to girls enjoying the rights enshrined in its articles. Further, it doesn't propose a solution as to how to quash discrimination.

The Convention provides protection for child soldiers under article 38 which deals with children in armed conflict and sets fifteen as the minimum age for direct participation in hostilities. Article 39, compels States to promote reintegration and recovery for those children who participated in armed conflict. A major problem with this Convention is that only States are bound to the rules. Further protection to child soldiers, and girls soldier, is offered under the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. The CRC-OP-CAC, extends the age

of child recruitment requirement but, it does not address the existence of girls soldiers. The optional protocol refers to children who actively participate in armed conflict. Many girls, as outlined in previous chapters, are recruited in armed groups not only to serve as combatants but, may also play support functions such as, domestic help, sex slave, spies and 'wives'. The monitoring and implementation mechanisms of the regime are particularly weak and like all other treaties, they leave space for reservations and declarations that may weaken the strength of the treaty. Further, there is no penalty for non-compliance.

- *Monitoring and Implementation*

State Parties to the CRC have to report to the Committee once every five years. Then the usual procedures after the report is submitted are followed- assuming the report is submitted. The problem with this scenario is that there is no penalty for non-compliance within this regime and the provisions of the regime only apply to State parties. CRC-OP-AC allows for more monitoring of the fate of children participating in conflict, but as with all optional protocols, the State Parties need to be party to its provisions. In addition, the wording of the document refers to children who participate in 'direct hostilities', which excludes many girls who may not actually participate during direct hostilities.

The Way Forward: the girl soldier in the human rights regime

Both the gender regime and the children rights regime on the face of things do quite a bit to protect girl soldiers but, both regimes have no articles that specifically address girls or the problems that they face as soldiers. The OP-CRC-AC goes a long way in setting out standards of behaviour and protecting children in conflict; but as with the CRC, it does not have an efficient monitoring and implementation mechanism. As with all treaties, States make the decision as to whether they will comply with the provisions of the treaty. A number of States that have ratified the OP-CRC-AC have not met their

commitment in preventing the recruitment and use of child soldiers. For instance, both Uganda and DRC have ratified the protocol but are accused of continuing to use child soldiers. [616] A further example of States not following through on their obligations under the Optional Protocol is that the United States of America, "failed to effectively implement new policies after ratifying the protocol in late 2002 and sent over fifty soldiers under the age of 18 to Iraq in 2003 and early 2004."[617] As one of the most powerful States in the world, the United States of America has a big role to play in acting as a role model to the world on child protection; it has not ratified the CRC. Becker argues that if

> the United States were to ratify the CRC and act as a role model for nations of the world concerning the safe care of children, the U.S. State Department could – as part of formal foreign policy-work closely with other countries on improving children's rights law, constitutional protections, and judicial processes. All of that would help save children's lives and strengthen families across the globe. [618]

The international gender regime does not adequately address the issue of girl soldiers because it deals mainly with women's issues and, it does not have any articles that deal with women and girls in conflict. A possible protection that girl soldiers may have is protection by Beijing Declaration. But even that is not satisfactory as the Beijing Declarations Platform for action spent very little time discussing girls, let alone girl soldiers. In October 2000, the United Nations Security Council passed Resolution 1325 on Women, Peace and Security[619].. The Resolution called for, amongst other things, the protection and the respect for the rights of women and girls in conflict by all parties to the conflict. Whether this resolution will add up to any concrete action remains to be seen.

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[616] Jo Becker, Child Soldiers: Changing a Culture of Violence, **Human Rights**, vol.32, no.1, Winter 2005, p.17

[617] ***Ibid***

[618] ***Ibid***, p.18

[619] Security Council Resolution 1325, 31 October 2000, **S/RES/1325(2000)**

A major failing of both regimes is the lack of an efficient monitoring and implementation mechanism. Although, it is not really feasible to penalize States for not complying with the monitoring and implementation mechanisms of the regime, it is important that they following through on their obligations under the treaty in order to move protect the rights of child, particularly girl, soldiers.

A step in this direction is the recently adopted United Nations Security Council resolution on children and armed conflict. Although this is not the first resolution adopted by the Security Council on children and armed conflict[620], it is the first resolution that has weight behind it. Resolution 1612 of 2005 is an instrument that emphasizes accountability and compliance. Furthermore, the Resolution is applicable to both State and non-State parties that use children in armed conflict and, the resolution acknowledges the gender dimensions of the problem recruitment and use of child soldiers. It handles the issue of recruitment by creating a Monitoring and Research Mechanism (MRM) based on the idea of 'naming and shaming' aspired to in previous UNSC resolutions.[621] Appendix F contains the relevant excerpts of resolution 1612.[622] The MRM will monitor violations focusing mainly on:

- Killing and maiming of children;
- Recruiting or using child soldiers;
- Attacks against schools or hospitals;
- Rape or other sexual violence against children;
- Denial of humanitarian access for children; and,
- Abduction of children.

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[620] Other resolutions are resolutions 1261 (1999) of 25 August 1999, 1314 (2000) of 11 August 2000, 1379 (2001) of 20 November 2001, 1460 (2003) of 30 January 2003, and 1539 (2004) of 22 April 2004

[621] Restoy, ***Op Cit***, p.6

[622] United Nations Security Council Resolution 1612, 26 July 2005, **S/RES/1612 (2005)**

Resolution 1612(2005) was preceded by the Secretary-General's report on children and armed conflict in January 2005[623]. The report named parties, state and non-state, who are actively recruiting children into the armed forces. The report also describes how a monitoring and reporting framework for children in armed conflict would operate. Figure 1 illustrates this proposed framework can be found in Appendix G. This proposed framework also included a Task Force on Monitoring and Reporting on the ground (TF) directed by UN representatives (UNICEF and the Deputy Special Representative of the Secretary General) although with involvement of other UN agencies, NGOs and CBOs. A UNSC Working Group (WG) was also envisioned in the implementation of the MRM.[624] On the 16 November 2005, the WG held its inaugural session. The WG was composed of all UNSC members and chaired by France. It will ensure the timely evaluation of actions taken against offenders and progress achieved. The reports emanating from the reporting mechanism will be disseminated to bodies that make up the "destinations for action" in charge of taking action against the offending parties, the UNSC is one of the key destination for action.[625] Part of the problem with Resolution 1612 is that the agenda is set according UNSC considerations. For example, issues such as whether the conflict may spread to another country are considered not only, where children are most vulnerable. Also taken into account is whether or not powerful UNSC members may oppose actions in certain instances. [626] Another problem the resolution is doesn't link the measures taken by the UNSC and the recommendations by the TF to the UNSC.

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[623]Children and armed conflict, ***Op Cit***

[624] Restoy, ***Op Cit***, p.6

[625] Security Council Working Group to end gross violations of children in armed conflict holds landmark first meeting, SC/8559 ,HR/4874, 21 November 2005, http:/www.un.org/News/Press/docs/2005/sc8559.doc.htm , accessed 17/January/ 2006

[626] Restoy, ***Op Cit***, p.7

Though, the UNSC is not the only body that may be approached.[627] In section 2 of the resolution[628]:

> (c)Stresses that all actions undertaken by United Nations entities within the framework of the monitoring and reporting mechanism must be designed to support and supplement, as appropriate, the protection and rehabilitation roles of national Governments;
> (d) Also stresses that any dialogue established under the framework of the monitoring and reporting mechanism by United Nations entities with non-State armed groups in order to ensure protection for and access to children must be conducted in the context of peace processes where they exist and the cooperation framework between the United Nations and the concerned Government;

What is problematic about these two subsections is "all dialogue with armed opposition groups is circumscribed to a context of collaboration with the government against whom they fight."[629]

Positive developments

The standards surrounding child soldier have led to some changes which include the raising of the recruitment age of a number of governments, including those that are in the middle of conflict. For instance, during the civil war in Sierra Leone in May 2000, the government increased the minimum age for bearing arms and discharged over 600 children from the army and in excess of 200 from other armed forces. In 2003, the National Security Council of Afghanistan set the minimum recruitment age to twenty-two. [630] In terms of penalties for countries that still recruit child soldiers, there have been developments there as well. The most startling being the Special Court for Sierra Leone "which has included the use of child soldiers in each of the court's thirteen indictments against

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[627] ***Ibid***, p.7

[628] United Nations Security Council Resolution 1612, 26 July 2005, **S/RES/1612 (2005)**

[629] Restoy, ***Op Cit***, p.7

[630] Becker, ***Op Cit***, p.17

defendants accused of abuses during the civil war, including former Liberian President Charles Taylor." [631]

- *How the Human Rights Council improves the problems with both regimes*

The Human Rights Council, unlike the Commission which had one session a year, will hold three sessions per year. This would make it possible to give regular attention to human rights issues. In addition, the Council is able to convene to deal with urgent situations, and to hold special sessions when necessary through a request by a Member of the Council with the support of one-third of the membership of the Council. Members of the Council will undergo the Council's new universal review mechanism during their term of membership. The GA would have the right to suspend the rights and privileges of **any** Council Member that it determines has unremittingly committed gross and systematic violations of human rights during its term of membership. The Council has a higher status in the UN chain of command than the Commission did. The Council is a subsidiary body of the GA which makes it directly accountable to the full membership of the UN. Furthermore, the Council members themselves have to undergo a 'periodic review' of their human rights record. The Council has the possibility of having its status raised to that of the GA or SC after its review in five years time. [632]

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[631] ***Ibid***, p.18

[632] http://www.un.org/news/dh/infocus/hr_council/h_r_q_and_a.#.htm, accessed 17 June 2006

Chapter Seven

THE CASE OF UGANDA

According to the Coalition to Stop the Use of Child Soldiers[633], the Lord's Resistance Army in northern Uganda has abducted and recruited several children in the nineteen year conflict in that region. The history of conflict in Uganda, particularly in the north, it is interspersed with religious, ethnic and geographical divisions. According to the Stockholm International Peace Research Institute (SIPRI), in 2004, Uganda was the location of one of nineteen major armed conflicts around the world.[634] Uganda has been beleaguered by conflict since its independence from British colonial rule.

In order to test the hypothesis that the gender regime and child rights do not adequately assist forcefully recruited child soldiers, this chapter of the dissertation will consider the case of northern Uganda.[635] The investigation will begin with a brief examination of the background to the war in northern Uganda. Secondly, the national framework to protect children in Uganda will be explored. This includes a cursory consideration of the response to poverty stricken children. The effects of poverty have had grave economic and social effects throughout northern Uganda; including, increasing the vulnerability of children to recruitment by armed groups. Thirdly, the operation of the international gender regime and international child rights regime in Uganda will be explored. Lastly, the possibility of peace in northern Uganda will be examined.

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[633] Child Soldiers Global Report 2004, ***Op Cit***

[634] **SIPRI Yearbook 2005: Armaments, Disarmament and International Security**, /ttp://www.sipri.org/contents/publications/pocket/pocket_yb.html, accessed 1 January 2006

[635] Appendix H has a map of Uganda -the north refers to the areas above Lake Kyoga.

Background to the war in northern Uganda

The International Crisis Group has said that the current war in northern Uganda has it ancestry in colonial rule which aggravated divisions between different regions. Prior to World War II, the British colonial armed forces recruited Ugandans from both north and south into the King's African Rifles (KAR). After 1945, this changed as the colonial powers feared having a strong force that would be able to stage a struggle for liberation. The British colonialists removed people from southern ethnic groups from the KAR and placed them in administrative positions. As a result, the Acholi and West Nile ethnic groups dominated the KAR. This created "a balance of power between largely Southern civilian and largely Northern military elites." Simultaneously, the British established industry and cash crop production in the South, with the North becoming a pool of inexpensive workers. [636] Another colonial division in Ugandan society relates to religious affiliations. In Baganda, which is in the South, Islam, Protestantism and Catholicism battled for supremacy with the Protestants winning the battle due to the support received from the Imperial British East Africa Company. Soon after, Anglicans came to take over the top positions in civil service. "Consequently, religious beliefs and political party affiliations were to become entangled." [637]

Independence was achieved in 1962, followed shortly by a civil war. The post-independence politics in Uganda was characterized by violence and militarism. The northerner, Milton Obote, was the prime minister of Uganda from 1962-1971. According to Omara-Otunnu, the image of the military began to lose its "déclassé" image in 1966, when splinter group of the Ugandan political

[636] Northern Uganda: Understanding and Solving the Conflict, **International Crisis Group Africa Report No.77**, 14 April 2004, p.2

establishment, the Ugandan People's Congress (UPC), used the army to settle the power struggle between Obote and his "titular head of state", a Bagandan, President Kabaka Mutesa,[638]

In 1971, Obote was removed from power by his army commander, another northerner, General Idi Amin. Amin ordered Acholi and Langi soldiers, who made up the majority of the army, to relinquish their arms. Subsequently, he began to have these soldiers killed along with highly influential members of these ethnic groups. He protected his government, which did not have any political legitimacy within the country, by recruiting soldiers from the West Nile, his kinsmen. Surprisingly, the division of power was still that of the colonial past; southerners in civil service and northerners in the military and government. [639] Idi Amin put down the foundations for militarism in the Uganda effectively destroying democratic institutions and processes in Uganda: "first by introducing the military into every sector of the state; second by concentrating powers in the security force; third, by using terror to maintain himself in power; and fourth, by affording supreme priority to the military over and above any other sector of the state."[640] Exiled rebels, mostly from the Acholi and Langi, worked with the Tanzanian army and Yoweri Museveni's Front for National Salvation (FRONASA)[641], and eventually deposed Amin. Yusuf Lule assumed power but had to bow out months later owing to ideological and ethnic conflicts

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[637] **Uganda :Relief efforts hampered in one of the world's worst internal displacement crises-A profile of the internal displacement situation, Internal Displacement Monitoring Centre**, Norwegian Refugee Council, Geneva, 12 December, 2005,p.25 -26

[638] Ammi Omara-Otunnu, The Currency of Militarism in Uganda, in Eboe Hutchful and Abdoulaye Bathily (eds.), **The Military and Militarism in Africa**, CODESRIA, Senegal, p.405

[639] Uganda :Relief efforts hampered in one of the world's worst internal displacement crises-A profile of the internal displacement situation, Internal Displacement Monitoring Centre, ***Op Cit***, p.26

[640] Omara-Otunnu, ***Op Cit***, p.406

[641] According to Omara-Otunnu, ***Ibid***, p.407 – the NRA are the second guerilla force in Africa in the post-colonial era to oust an indigenous regime. The first was the FRONILAT of Chad which in July 1978 and June 1982 overthrew that country's indigenous administration

inside the Uganda National Liberation Front (UNLF) and the national army. Then, Godfrey Binaisa was installed but deposed in May 1980 by Paulo Muwanga and his deputy Yoweri Museveni. Soon afterwards, general elections were held in December 1980 which was won by Obote and the UPC. Owing to electoral irregularities, the Democratic Party (DP), and Museveni, rejected the results. Subsequently, many of armed groups, as well as "Lule's Uganda Freedom Fighters, Museveni's Popular Resistance Army (later they were to merge to form the National Resistance Movement/Army (NRM/A) and Dr Andrew Kayira's Uganda Freedom Movement/Army (UFM/A), declared war against the Obote government. In West Nile, Brigadier Moses Ali's Uganda National Rescue Front (UNRF) and General Lumago's Former Uganda National Army (FUNA) also engaged the army and the UPC in bitter armed opposition." The Bagandan population was targeted for their alleged support for the rebel groups whilst the NRM/A held the Acholi accountable for the violence that was committed during the conflict against the Bagandans. [642]

President Yoweri Museveni took power in 1986 and since then there have been approximately twenty two rebellions. With the victory of the NRA, there was a power shift to south-western Uganda. From all the Acholi grievances against the NRA, a major one originated in the apparent breach of a 1985 peace agreement with the brief military regime of General Tito Okello. The agreement was violated when the NRA invaded Kampala and took over government in 1986.[643] After this, the remnants of the former Ugandan army, the Uganda National Liberation Army (UNLA), made up from Lango and Acholi people, retreated to the north. By 1988, the NRA had fought off a number of rebel

[642] Uganda :Relief efforts hampered in one of the world's worst internal displacement crises-A profile of the internal displacement situation, Internal Displacement Monitoring Centre, ***Op Cit***, p.26

[643] Héloïse Ruaudel and Andrew **Timpson, Northern Uganda: from a forgotten war to an unforgivable crisis- the war against children, ISS** Situation Report, 12 December 2005, p.3

forces from the north. Most prominent of these were the Uganda People's Defence Army (UPDA) of Odong Latek, Holy Spirit Movement I of Severino Lukoya, and the Holy Spirit Movement II of his daughter Alice Auma Lakwena.[644]

The Holy Spirit Movement II began in 1986 when Alice Auma, from Gulu in Acholi, raised an army called the Holy Spirit Mobile Forces (HSMF). The army was created

> …on orders from and as the spirit-medium of a Christian holy spirit named Lakwena. Along with this spirit who was the Chairman and Commander in Chief of the movement, other spirits- like Wrong Element from the United States, Ching Po from Korea, Franko from Zaire, some Islamic fighting spirits, and a spirit name Nyaker from Acholi- also took possession of her. These spirits conducted the war. They also provided the other-worldly legitimation for the undertaking.[645]

Lakwena used spiritualism to gain civilian support and to motivate her fighters. She managed to get as far as Jinja in the south but the NRA soldiers ultimately defeated her in November 1987. The UPDA concluded a peace deal with the government and both Holy Spirit Movements failed which lead to a vacuum that was filled by a UPDA commander, and Lakewena's nephew, Joseph Kony.[646] For the last two decades, Kony and his rebel force, the Lord's Resistance Army, profess to fight a spiritual war for the Acholi people against the government of Uganda and its newly renamed military, the Ugandan People's Defense Forces. (UPDF). [647] Kony's teachings appear have Christian roots in that

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644 Kasaija Phillip Apuuli, The International Criminal Court (ICC) and the Lord's Resistance Army (LRA) Insurgency in Northern Uganda, **Criminal Law Forum**, Vol. 15, 2004,P.394

645 Heike Behrend, **Alice Lakwena and the Holy Spirits: War in Northern Uganda 1986-1997**, James Curry, Oxford, 1999,p.1

646 Zachary Lomo and Lucy Hovil, Behind the Violence: the war in northern Uganda, **ISS Monograph no.99**, March 2004, p.11-12

647 Becker and Tate, **Op Cit**, p.14

he would like to replace Uganda's Constitution with the Ten Commandments but, there are a lot of un-Christian practices within the LRA such as polygamy and abduction.[648]

Owing to the protracted conflict, there is no real infrastructure, or economy, trading centres, and life stock herds in northern Uganda. The majority of the problems of the problems are concentrated in Acholiland; these are the districts of Gulu, Kitgum, and Pader.[649] The conflict in northern Uganda is complicated by several factors: firstly, there has been a lack of control over government proxy armed forces of Sudan and Uganda; secondly, the north is severely under-developed; and, thirdly, it has been put forward that "internal factors have contributed to the perpetuation of the war." The majority of the children abducted by the LRA are Acholi. The insurgency might end if the Acholi chiefs put into practice the traditional customs and laws. The Acholi society is organized along clan lines with no central political authority.[650] There are other situations of conflict in Uganda and other armed groups that use child soldiers. However, the most prolific of these, are the LRA in Acholiland, and therefore the study will consider the effect the LRA insurgency has had on northern Uganda. It is important to remember that the phenomenon of child soldiers, girls and boys, is not new in Uganda. In 1981, the occurrence of child soldiers, or kadagos, was first noted during Obote's second rise to power. The NRA, still a resistance

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[648] Jeff Chu, In search of Uganda's Lost Youth: Abducted and Forced into a rebel army, former child soldiers and sex slaves are fighting for their rights, **Time International**, 28 July 2003, vol.162, Issue 4, p.42

[649] Dyan Mazurana and Susan McKay, Girls in Fighting Forces in Northern Uganda, Sierra Leone, and Mozambique: Policy and Program Recommendations, June 2003, http://www.redbarnet.dk/Files/Filer/Krig_Flugt/CIDA_June_03_policypare.doc, accessed 1 December 2005

[650] Judy El-Bushra and Ibrahim M. G. Sahl, **CYCLES OF VIOLENCE: GENDER RELATIONS AND ARMED CONFLICT**, ACORD - Agency for Co-operation and Research in Development, Nairobi, p.26

force at the time, had an estimated three thousand child soldiers, under the age of sixteen amongst its forces; one-sixth of those young girls. [651]

National Framework for the protection of children in Uganda

The Legal System in Uganda

In 1962, the British instituted a federal constitution which reflected the ethnic structure of Uganda. In 1966, upon assumption of power, Obote proclaimed a new constitution in which executive power was vested in an elected president. This constitution was suspended under Amin and upon Obote's return to power in 1980; it represented a return to constitutional rule. March 1994, saw the draft of a new constitution, which was drawn up after public consultation, being considered by a constituent assembly that was elected specifically for the purpose. Resistance councils that formed the grass-roots of the NRM system of government were established at village level by the NRA and consequently extended throughout the country after 1986. On September 22, 1995, the constitution was adopted and enacted; it is the supreme law of the land.[652]

Uganda follows a common law system which means that the obligations of international treaties can only be employed domestically if they are specially brought into the municipal law through enacting legislation. [653] Article 123 of the 1995 constitution states directly that:

> (1) The President or a person authorised by the President Execution may make treaties, conventions, agreements, or other arrangements between Uganda and any other country or between Uganda and any international organisation or body, in

[651] Stavros Stavrou, Robert Stewart, Amanda Stavrou, 'The Reintegration of Child Soldiers and Abducted Children: A Case Study of Palaro and Pabbo Gulu District, Northern Uganda', http://www.iss.co.za/Pubs/Books/ACTblurb.html , accessed 4 August 2004

[652] EIU ViewsWire, Uganda: Constitution and Institutions, New York, 11 January 2005

[653] Livingstone Sewanyana and Taaka Awori, **Uganda: The Long and Uncertain Road to Democracy** in Abdullahi Ahmed An-Na'im (ed.),**Op Cit,** p.392

> respect of any matter.
> (2) Parliament shall make laws to govern ratification of treaties, conventions, agreements or other arrangements made under clause (1) of this article.

Significantly, article 79(2) of the 1995 constitution provides that:

> Except as provided in this Constitution, no person or body other than Parliament shall have power to make provisions having the force of law in Uganda except under authority conferred by an Act of Parliament

What these provisions imply is that even if the executive ratifies an international treaty, it can not be applied until parliament has implemented enabling legislation. In terms of human rights treaty obligations, the constitution does support the use of international human rights norms in interpreting domestic legislation. However, there are no provisions made for the prosecution of gross human rights violations. Rebels, such as the LRA, who are guilty of crimes against humanity, if caught domestically are prosecuted under the broad crime of treason. This charge does not address the human rights violations and because it is a "political crime", it can be used to harass and terrorize political opponents of the government in power. [654] Although, there is difficulty in applying human rights treaties directly in Uganda, there is a framework in place for the protection and implementation of human rights. Some of the components of this framework are:

- Judicial- Formal courts such as the Supreme Court, the High Court and the Magistrate Courts are responsible for human rights protection. Informal Courts such as the Resistance council courts are also responsible for human rights protection;[655]

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[654] ***Ibid***, p.3292-395

[655] Paragraph 28 of the core document forming part of the reports of the State parties: Uganda, 7 March 1996, HRI/CORE/1/Add.69

- Administrative- Under the Inspector General of Government (IGG) Statute, Statute no.2 of 1998, the office of the IGG is mandated to protect and promote human rights and the rule of law in Uganda. The Human Rights Commission has the power to hear human rights related cases but not to try those implicated in the violation of these rights; Furthermore, the press actively highlights human rights abuses. [656]
- Machinery for overseeing implementation- The Ministry of Justice is responsible for receiving human rights complaints and educating the public. [657]

Framework for child protection

Uganda ratified the CRC in September 1990 with no reservations. The CRC obliges State parties to protect children from forced recruitment and participating in conflict. In compliance with the CRC the Ugandan government has created: The National Strategic Programme Plan of Interventions for Orphans and Other Vulnerable Children (2005/6-2009/10); National Council for Children (NCC) - which is currently under reform; and, the Uganda National Programme of Action for Children (UNPAC) in 1993. It provides a framework for all role players to protect the rights of children in the areas of child survival, development, protection and participation. The Children's Statute was passed in 1996 by the Ugandan government. It contains stipulations that ought to protect all children from physical and psychological harm. The Children Statute makes the UNPAC operational. It is complemented by sectoral plans, polices and programmes. However, programme implementation takes place at district and lower levels.[658]

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656 ***Ibid***, paragraph s 29-31

657 ***Ibid***. paragraph s 42 of

658 Republic of Uganda, The Local Government Act, 1997; Ministry of Gender and Community Development, **The Children' Statute, 1996, A simplified version:English** Kampala, Uganda, 1997; Ruth Evans , Ten Years after celebrating Uganda's success in implementing Children's Rights, UNICEF, 2001

Owing to the war, local communities in northern Uganda do not have functioning child welfare systems. Furthermore, continual underdevelopment of the region contributes to the lack of infrastructure that may protect children.

- *Poverty and Children*

One of major causes, and consequences, of human insecurity is poverty. As revealed in the section on human security, children's vulnerability to recruitment and other forms of abuse increases when their security is insufficient. Underdevelopment and poverty bolster the war in northern Uganda. According to Mukasa and Masiga, the theory of poverty is multidimensional.[659] When the first Poverty Eradication Action Plan (PEAP), Uganda's programme that is comparable to the Poverty Reduction Strategy Paper (PRSP), was launched in 1997, poverty was defined as the "lack of access to basic necessities of life (food, shelter, clothing and other needs like education and health)" [660]. In 1998, when the first Participatory Poverty Assessment (PPA1) was conducted, later confirmed by the second PPA, the government characterized poverty as "inability to satisfy a range of basic human needs, and the lack of employment and survival opportunities stemming from powerlessness, social exclusion, ignorance and lack of knowledge, as well as material resources. Powerlessness was defined as lack of participation in decision making at community and household level, especially by women." [661] The PEAP is Uganda's national Comprehensive Development Framework. It is a national strategy to eradicate poverty that started from recognition that the country is experiencing mass poverty.[662] It has four pillars[663], i.e.:

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[659] Eric Mukasa and Sam Masiga, Uganda Country Position Paper, Regional Workshop on Ageing and Poverty, October 2003, p.2

[660] **Ibid**

[661] **Ibid**

[662] Poverty Eradication Action Plan (PEAP 2001-2003) Volume 1

[663] http://www.undp.or.ug

1. Economic growth and structural transformation through ensuring watertight macroeconomic management;
2. Good governance and security;
3. Increased ability of the poor to raise their incomes; and,
4. Enhanced quality of life of the poor through improved delivery of social services

The PEAP is being put into operation in the framework of Sector-wide Approaches (SWAps). The Social development sector for example has put a Social Development Strategic Investment Plan (SDSIP) into practice. The plan aims to improve the livelihood of Ugandan citizens, including ensuring the attainment of economic, social, cultural, political and civic rights. This Sector Plan enables actors under the auspices of the Ministry of Gender, Labour and Social Development to obtain financial support from the Poverty Action fund. [664] The Health Sector has drafted a National Health Policy and Health Sector Strategic Plan which establishes the component of Private Public Partnership (PPP) into the provision of health services. The Education sector has created an Education Sector Investment Plan to improve education levels around the country. [665] Other sectors have also developed plans in line with PEAP.

[664] Ugandan Ministry of Labour, Gender and Social Development, **Country Report**, 2002 p.196

[665] Ibid

The social development sector

SDIP emphasizes policies and actions that will improve the survival, development, protection and participation of children. The Ministry of Gender, Labour and Social Development has a National Policy and Plan of Action to combat the worst forms of child labour, to include: children engaged in commercial agriculture, fishing, domestic labour, the informal sector, street activities, commercial sexual exploitation, construction sector and children in armed conflicts. Child labour puts children in danger and negatively affects their development. Direction on children's rights and protection may be found in the Employment Decree No. 4 of 1975, Sections 49—56, which stipulates that children below 12 years are not supposed to be employed.[666]Article 34 (4) of Chapter 4 of the Uganda Constitution (1995) states that children are entitled to be protected from social and economic exploitation, and shall not be employed in, or required to perform work that is likely to be hazardous to them, or to interfere with their education, or to be harmful to their health or physical, spiritual, moral or social development.[667] Furthermore, the Children's Statute of 1996, Section 6, clarifies the duties and responsibilities of parents and the State, to ensure that the child accesses proper shelter, food, clothing, education, guidance, health care, love, care and protection.[668]

The education sector

In 1997, Universal Primary Education (UPE) was introduced as the national goal for all children between 6- 12. Owing to this, in 2002 approximately 7.2 million

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[666] *Laws of Uganda (Employment Decree 4 of 1975).*

[667] *The Constitution of the Republic of Uganda*, Chapter 4, Article 34, Section 4.

[668] The Republic of Uganda and UNICEF (1997), *The Children's Statute*, Kampala.

children are enrolled in primary schools as compared to 2.7 million in 1996. [669] UPE has ensured that the number of girls and boys enrolled at primary school is near equal. [670] However, many children still struggle to gain access to education, such as: the over-aged, street children; children from semi-nomadic populations; physically and mentally challenged children; juvenile offenders, children from geographically marginalized populations; domestic workers; working children; orphans, the girl child and children affected by armed conflict such as refugees; internally displaced children and the abducted. [671] The girl child not attending school is partly as a result of negative cultural practices and the workload in the home. In order to improve this, and to ensure that girls achieve better results at school the Government with support from UNICEF and other development partners, launched the National Strategy for Girls' Education in Uganda. [672] The Ministry of Education and Sports, and other line ministries have been committed to implementing initiatives in girls' education. There are in excess of 127 interventions are dedicated to improving the education and welfare of the girl child. [673]Owing to UPE, orphans have access to free primary education.[674] There are interventions that target out-of-school children, children affected by armed conflict and children with disability include implementation. Three key programmes are: the Complementary Opportunity for Primary Education (COPE)- for children that have never attended school or have dropped out of school before acquiring basic skills. Learning takes place for between three and four hours; the Alternative Basic Education for Karamoja (ABEK)- children and adolescents in the nomadic society in Karamoja region. The programme focuses

[669]Ugandan Ministry of Labour, Gender and Social Development , **Op Cit**, p.197

[670] Convention on the Rights of the Child, Second Periodic Report, CRC/C/65/Add.33, 5 November 2004, para.29

[671] **Ibid**, para.172

[672] **Ibid**, para.28

[673] **Ibid**, para.181

[674] **Ibid**, para.28

on simple numeric and literacy skills; and Basic Education for Urban Poor Areas (BEUPA). [675] In 1991, the government introduced the practice of affirmative action at university level. This has increased the enrolment of girls at university.[676]

Education attainment	1993		1994		1995		1996		1997	
	M	F	M	F	M	F	M	F	M	F
Primary	57	43	54	46	55	45	54	46	55	45
Secondary	61	39	61	39	62	38	61	39		
University	71	29	66	34	65	35	66	34	65	35

Table 7: Enrolment by education levels (sex distribution percentages) [677]

The health sector

According to article 23 of the CRC states that State parties have an obligation to recognize a child's right to the highest attainable standard of health and to facilities of treatment of illnesses and rehabilitation. The State needs to ensure that infant and maternal mortality rates are reduced, furthermore, disease and malnutrition are lessened, as well as appropriate health facilities provided. The Ugandan government has developed a Health Sector Strategic Plan that provides for the reduction of the reported number or mortality rates and ill health. Other policy initiatives include: the Integrated Management of Childhood Illness (IMCI); early Childhood Survival and Nutrition; increasing access to safe water; and immunization programmes amongst other initiatives.[678] HIV/AIDS has become a major concern in terms of children protection. The Ministry of Health (MOH) established the AIDS Control Program (ACP) to create policy guidelines in the fight against HIV and AIDS. In 1992, recognizing that HIV/AIDS is more than a health issue, a Multi-sectoral AIDS Control Approach and AIDS Commission were established. In 2000, the Ministry of Health set up a Prevention of Mother to

[675] Convention on the Rights of the Child, Second Periodic Report, **Op Cit**, para.186

[676] Ugandan Ministry of Labour, Gender and Social Development, **Op Cit**, p.197

[677] Convention on the Rights of the Child, Second Periodic Report, **Op Cit**, p.68

[678] Ministry of Health, http://www.health.go.ug/policies.htm , accessed 3 June 2006

Child Transmission (PMTCT) pilot programme in three districts of Uganda. Services included: Voluntary Testing and Counseling (VCT); the administration of Anti Retroviral Therapy; modifications of birth practices and safe infant feeding counseling. According to the WHO, around 41,000 women received PMTCT services in 2001.[679]

Approximately half of the Ugandan national budget is funded by foreign donor. The main donors are: Britain, Ireland, Norway, and, Sweden. The government has enjoyed support from the developed world after ousting Idi Amin and making sweeping judicial and constitutional changes. Uganda has also been commended for: slashing poverty rates; improving access to healthcare, primary education, clean water; and, reversing the AIDS crisis. However, these successes have not reached the north of the country. [680]

[679] East Africa Living Encyclopedia - Ethnic Groups", African Studies Center, University of Pennsylvania, http://www.africa.upenn.edu/NEH/uethnic.htm , accessed 3 June 2006

[680] Ruth Gidley, FOCUS: Uganda donors urged to turn up pressure for peace, AlertNet, 8 June 2005, http://www.alertnet.org/thefacts/reliefresources/111822552315.htm, accessed 18 August 2005

Regimes in Action: the international gender regime and child rights regime

Uganda's Responsibility under both regimes is affected by its legal system. As mentioned in previous chapters, treaties within a regime are left to the State to interpret and apply them within according to their laws.

The child rights regime and the forced recruitment of girl soldiers

It must be noted that UNPAC, the Children Statute and the complementing sectoral programmes, although, recognising child soldiers as a vulnerable group do not have any concrete plans to deal with them .On paper it would appear that is has gone to extensive efforts to generate laws in order to meet its obligations under the treaty.

The national mechanisms that regulate the recruitment of child soldiers include the National Resistance Army Statue 3/92 and Conditions of Service Regulations of 1993, and the presently recruits must be aged between 18 and 30. [681] Recently, the NRA Statute has been replaced by the Uganda Defence Forces Bill which sets 18 as a minimum age for the recruitment of persons into the armed forces. The Children's Statute, passed by the Ugandan government in1996, clears up all uncertainty and consequently causes all statutes to recognize a child as the child as any person below the age of 18 years. Furthermore, the Children's Statute includes provisions that should protect children from physical or psychological harm but, implementation is left to local communities and the ability to access to court procedure. A World Vision report points out those local communities in northern Uganda affected by the conflict:

> …have been decimated and are unable to have functioning child welfare systems. Chronic underdevelopment in the North, one of the deep roots of the conflict, is another contributing factor to the lack of infrastructure that might protect children. The number of documented reports of child protection issues in this

[681] Child Soldiers Global Report 2004, **Op Cit**, p.105

> region warrant greater attention by the national government, including the deployment of authorities whose primary mandate is protection of children under the Children's Statute. It is not the mandate of the army, nor is it effective to leave child protection to the army alone. ..The result of this vacuum is that the children of northern Uganda do not have equal protection under Ugandan law.[682]

In addition to these Children's Statue and the reflection of the principles of the regime in the NRA Statue and Conditions of Service Regulations, the Uganda government has also ensured the rights of children in the Constitution. The provision of the Constitution and the Children's Statute protect the rights of the child as to especially as they relate to their welfare. However, theses laws do not obligate the government directly to support children. [683]

The Constitution has several articles that appear to protect the rights of girls. Article 2 prohibits discrimination on the basis gender; article 32 shields children from sexual exploitation and abuse whilst article 35 protects children from abduction. The initial failure in the regime in protecting girl soldiers has to do with the fact with the minimum age for participation in direct conflict. Most girl soldiers are forcefully recruited by means of abduction by non-State armed groups in Uganda. Many girls, as outlined previously, do not participate in conflict directly but rather, serve in other functions which include: spying, domestic services and other support services.

The CRC makes the minimum age for participation 15, and, the Constitution of Uganda, under article 34(4) states that "Children are entitled to be protected

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[682] Pawns of Politics, ***Op Cit***, p.22

[683] **Uganda Human Rights Commission Annual Report 2004**, p.149

from social or economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental spiritual, moral or social development." However, clause (5) says that "For the purposes of clause (4) of this article, children shall be persons under the age of sixteen years." Participation in the armed forces or conflict may be considered to be work that is contravention of article 34 (4) but, article 34 (5) of the Constitution implies that children of above the age of 16 years can lawfully join the army. [684] The CRC, however, does not allow recruitment of children into non-state forces, although, there is no specific crime under Ugandan law to counter this practice. Uganda acceded to the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict in 2002. Under this protocol the minimum age for direct participation in conflict is increased to 18. However, this disenfranchises girl soldiers and there is no Ugandan law that rectifies this anomaly. Most girls participate in conflict indirectly which means that they may be recruited by armed groups whilst under the age of 18. There is no law that criminalises this action, meaning that both state forces and non-state forces may recruit underage girls- although it would be more likely for non-state forces to do so.

Although, the Ugandan government has ratified the Optional Protocol, it's declaration to the Optional Protocol states that:

> The Government of the Republic of Uganda declares that the minimum age for the recruitment of persons into the armed forces is by law set at eighteen (18) years. Recruitment is entirely and squarely voluntary and is carried out with the full informed consent of the persons being recruited. There is no conscription in Uganda. The Government of the Republic of Uganda reserves the right at any time by means of a notification addressed to the Secretary-General of the United Nations, to add, amend or

[684] ***Ibid*** p.151

> strengthen the present declaration. Such notifications shall take effect from the date of their receipt by the Secretary-General of the United Nations.[685]

Therefore, fundamentally, the Ugandan government has left its options open in terms of being able to recruit children officially into the armed forces. Even though there a national laws in existence to protect and promote children's rights whilst giving the UN and NGOs the freedom to do the same, there is no specific provisions on the girl soldier. Specific provision for the protection of girl soldiers is necessary because, as outlined in previous chapters, the needs of girls are vastly different to that of boys. And, by not specifically providing for girls a situation is created in which girls are again disenfranchised as they are not adequately catered for or protected.

Under the national legal framework there are no laws specifically protecting girl soldiers. Although, the Constitution, to a limited extent protects children from exploitation none of the instruments address the typical plight of a girl who is forcefully recruited to participate in armed conflict by non-state armed forces. Furthermore, none of these laws specifically address the plight of girls, for instance, sexual assault of girls in conflict zones, or forced labour. Part of the problem may have to do with the unclear status of girls in general in Ugandan law. In 2005, in its concluding observations on the Ugandan governments State Report, the Committee on the Rights of the Child noted that even though the Ugandan Constitution forbids discrimination on grounds of sex, race, colour, ethnic origin, tribe, creed, religion, social or economic standing or political opinion, particular groups of children are still being discriminated against. This includes girls and former child soldiers. [686]

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[685] http://www.bayefsky.com/html/uganda_t2_crc_opt1.php, accessed 12/12/05

[686] Concluding Observations of the Committee on the Rights of the Child: Uganda, 30 September 2005, CRC/C/15/Add.270, Paragraph 30

In terms abiding by the decision-making procedures of the regime, Uganda has not been completely compliant. Uganda's second and third periodic reports were due 15 September 1997 and 2002 respectively but they only submitted their reports 2003 and 2005 correspondingly. And, although the intial State party report to the committee under the optional protocol was due on 6 June 2004, the Ugandan government has still not submitted any report on the implementation of the optional protocol to the committed on the rights of the child. It may be deduced, consequently, that although, the Uganda government is compliant with the regime on paper, upon closer inspection the regime is not being enforced. The laws are not sufficiently implemented and there is not sufficient compliance to the monitoring mechanisms. Furthermore, not only does the lack of enforcement of the regime fail to protect girl soldiers, girls are disenfranchised by the regime itself because the regime does not have sufficient provisions to protect them.

Article 39 of the CRC mandates that State Parties ensure the take appropriate measures to ensure the physical recovery and psychosocial support for children involved in armed conflict. In order to achieve this the government has teamed up with NGO's that provide the required services. The problem with NGOs being in charge of these services is that all NGO's have their own agenda's and might not ensure that there is proper provision for girl soldiers. One of the many international NGO's currently providing assistance to child soldiers is the International Rescue Committee (IRC) which operates in all four conflicted regions of Uganda: the north- Kitgum, Gulu, Pader, and Lira; the west- Bundibugyo and Kasese; West Nile- Yumbe and Arua; and Karamoja, Kotido, Moroto, and Nakapiripirit. The IRC began operating in Uganda in 1998, starting with Kitgum and Pader, in response with children who escaped the LRA. In 2002, the IRC expanded operations following LRA attacks on IRC refugee

camps in Pader. Target groups for assistance include, former abducted children, former combatants, orphans and vulnerable children, victims of torture, youth, the elderly, child headed households, young mothers, and persons affected by HIV and AIDS.[687] Médecins Sans Frontières (MSF) has medical programmes in Gulu Kitgum, Lira and Pader. The work of MSF includes providing medical assistance to victims of armed conflict and they provide assistance in twenty IDP camps in northern Uganda. The organization has been working in the country since 1982.[688] The World Food Programme (WFP) provides assistance to around 1.6 million IDPs in northern Uganda; eighty percent of these are women and children.[689] One of the programmes that the IRC runs is a UNICEF funded psychosocial assistance programme for children and adults who have escaped from the LRA. The assistance given includes food, medical attention, psychological assessment and counselling. Under this programme the IRC, implemented in conjunction with local organizations Kitgum Concerned Women's Association (KCWA) and Concerned Parent's Organisation (CPA) refugees may stay for at least a week at IRC reception facilities whilst the IRC locates families or relatives and arranges for reunification. The IRC also provides follow-up support during reintegration and, enrols children in schools.[690]

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[687] THE IRC in Uganda, http://www.theirc.org/index.cfm/wwwID/381/location_ID/43 . accessed 18 August 2005

[688] MSF: Increased insecutiy threatens aid in northern Uganda, NGO latest, 23 November 2005, http://www.alertnet.org

[689] http://www.wfp.org/english/?n=32&formCategory=Press%20Release&elemId1599&k=938, accessed 18 August 2005

[690] THE IRC in Uganda, ***Op Cit***

The gender regime and the forced recruitment of girl soldiers

Uganda ratified CEDAW in August of 1985 without reservations. CEDAW protects the human rights of women and an offshoot of this protection is the protection of girls. From the time that the current government of Uganda assumed power in 1986, it "pledged support to the emancipation and empowerment of women".[691]Since then, Uganda has gone a long way to establishing women's rights in the country. Women's rights are enshrined in the Constitution and Uganda agreed to mainstream a gender perspective into all its national policies in a resolution at the 13th meeting of the Commission for the Status of Women.[692] But, these developments have not necessarily translated into gender equality in the country. The Government established a Ministry of Gender; however, it is given far less money than any other government department. [693]

The Convention acknowledges the negative impact of social, customary and cultural practices which are based on the idea of the "inferiority or the superiority" of either sex or on stereotyped roles for women and men (article 5). Articles 1 and 5 used together offer wide ranging applicability because collectively they may be understood to refer to any situation that adversely affects women; this is important because CEDAW does not apply to women in conflict settings. This is a major oversight, as women suffer discrimination most during times of conflict or post-conflict reintegration. In northern Uganda, the vast majority of girl and adult female soldiers/abductees in the LRA are from rural areas. Bringing discrimination to an end in these areas could improve the social and economic

691 **BARBARA MBIRE-BARUNGI,** UGANDAN FEMINISM: POLITICAL RHETORIC OR REALITY?, **Women's Studies International Forum**, Vol.22,No.4,pp.437,1999

692 Commission on the Status of Women ,Report on the forty-ninth session (28 February-11 and 22 March 2005), Supplement No. 7 (E/2005/27-E/CN.6/2005/11), 2005, paragraphs 101-104

693 Fawzia Sheikh, UGANDA: GENDER EQUALITY LAGGING DESPITE LEGAL PROTECTIONS**, Global Information Network,** New York: Sep 6, 2005, p.1

position of women and girls; as a result, they could better protect themselves from different forms of exploitation.

CEDAW would be most useful to girl soldiers in that its optional protocol has an inquiry procedure that the CRC does not have. The inquiry procedure allows individuals to submit complaints about violations under CEDAW to the CEDAW Committee. The Protocol would allow the Committee to make specific requests to State Parties to ensure that violations of CEDAW are remedies, these may include, ending discriminatory practices, the amendment of legislation, and implementing affirmative action measures. Unfortunately, Uganda has not ratified this Protocol. In fact, its reporting to the Committee as mandated under the treaty, though up-to-date, has been flawed. Below is a table illustrating Uganda's reporting history under CEDAW.

	Due	Received
Initial[694]	21 August 1986	01 June 1992
Second Periodic	21 August 1990	01 June 1992
Third Periodic	21 August 1994	23 May 2000
Fourth Periodic	21 August 1998	
Fifth Periodic	21 August 2002	

Table 8: Uganda's CEDAW Reporting History[695]

[694] Initial and second periodic report submitted as one document.

The regime may not be useful for setting out the framework for dealing with forcefully recruited girls but it does provide a framework for dealing with the root causes of girl's vulnerability to exploitation in conflict settings. A major failing of this regime has to do with the fact that though it may be ratified the implementation of its norms and principles is difficult because it demands a change in behaviour at grassroots level.

Possibility of peace in northern Uganda

Recently, aid agencies and donors have applied pressure on the Ugandan government to enter negotiations with the LRA to end the civil war. Countries, like Britain have cancelled a big portion of aid to Uganda owing to Uganda's delayed return to multi-party politics. Many donors have also forced defense-spending restrictions ever since the country's entanglement in conflict in the DRC in the 1990s.[696] Previous Government schemes to end the insurgency have included: "the 1998 amnesty, and military campaigns such as the joint operations against the LRA by Ugandan and Sudanese armies in 2002/3 ('Operation Iron Fist). All have failed to deliver an end to the condition of extreme insecurity in which the populations have been living since 1986."[697]

There have been a number of key developments in the last few years that may lead to a peace agreement being struck between the LRA and the Ugandan government. These include: Firstly, the LRA losing support from the Sudan. The Khartoum government once supplied the LRA with tactical and logistical support in the form of training, weapons, bases and weapons. This ended when the Ugandan government and Sudan concluded an agreement that gave

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695 http://www.bayefsky.com/html/uganda_t3_cedaw.php, accessed 12/12/2005

696 ***Ibid***

697 El-Bushra and. Sahl, ***Op Cit***, p.13

Ugandan forces permission to launch attacks on LRA camps within its borders; Secondly, several senior LRA offices have taken advantage of the amnesty act by surrendering to government forces; and, UPDF operations against the LRA has improved with larger deployments in the north.[698] In October 2005, the International Criminal Court announced indictments against five LRA, including Kony, for the atrocities committed in northern Uganda over the two decades. There are fears within Uganda that these indictments might derail peace talks. Betty Bigombe, a former Uganda minister who has been trying to negotiate wit the LRA, has said that these charges might ruin any chances of negotiations.[699]

[698] EIU ViewsWire, Ugandan Politics: The forgotten crisis, New York, 25 May 2005

[699] Evelyn Leopold, Peace talks may yet be possible with Uganda cult, Reuters, 19 October 2005, http://www.alertnet.org/thenews/newsdesk/N18161315.htm, accessed 20 October 2005

Chapter Eight

CONCLUDING REMARKS

The study examined the international community's response to the issue of girl soldiers. The premise was that girl soldiers are not catered for in the human rights regime. The human rights regime was defined, including the sub regimes of gender and children. On the basis of the instruments that have been put in place to deal with gender and children, girls are mentioned infrequently.

There have been attempts at dealing with the universal problem of child soldiers but there are few references to girl soldiers as a group. Their dual roles as female and children may be the reason why girls are not adequately protected. There is a responsibility to protect the most vulnerable of society- girls are part of this demographic. A few of the problems experienced by girl soldiers and the loopholes in the international community's response were highlighted. The international community has a responsibility towards protecting the human rights of girls worldwide. A step towards the protection of girl's rights is reforming the international gender regime and the child rights regime. As States take longer to ratify treaties and the amendment of treaties is equally longer, perhaps an Optional Protocol for specifically linking the gender and child rights regime should be created. Another possibility is reducing the time for submission and consideration of reports. The amount of time that it takes is a long time, in terms of children. The time it takes to submit a report, get recommendations and make changes may be enough time for that child not only to have suffered several serious abuses but, grow up into an adult and perpetuate the cycle. The creation of the Human Rights Council has brought hope in improving the problems the human rights system. The problem with the Human rights council is that the actual details of exactly how the council will operate still have to be worked

out.700 A possible way that the new Council may want to consider in speeding up the human rights reporting process is that of other bodies, like the African Union, who do their reporting and consideration in between the period it takes for State parties to submit reports under UN treaties. The African Union and the African Commission on Human and People's rights has to report on human rights abuses but, the problem with African regime is that its reporting mechanism is weak. Unless it is reformed, it would not be able to work in conjunction with the UN reporting mechanism.

700 Human Rights in Transition, **QUNO Briefing Paper**, vol .25, No. 2, February 2006- April 2006

Recommendations

For the International Community

- A step towards the protection of girls' rights is continuing the reform and development of the international human rights regime. Explicit legal instruments or a special rapporteur, who, through constructive monitoring will advance their rights, must cater for girl soldiers as population group;
- More research has to be conducted on the active participation of girls in combat so that prevention and rehabilitation programmes can be developed; In order to alleviate the problems girls experience in conflict, the gender dimensions of conflict must be considered when developing rehabilitation programmes. Healthcare that is provided by international organisations must be gender- specific and provision must be made for the effects ,physical and psychological, of sexual violence ; and;
- As there is no formal punishment for states that do no fully implement the treaties. There has to be some for of enforcement mechanisms included in regimes, to aid in ensuring that states that implement the policies that they have agreed to in various treaties.

For States

- National legislation and practice must reflect an awareness of the need to protect girls; and,
- In conflict settings there must be mechanisms to protect girls- particularly girl soldiers;
- Perpetrators of sexual and gender based violence must be dealt with strongly by the law; and,

- Nation states must fulfil their obligations created by ratification of the various human rights instruments;
- Non-state actors must not be allowed to operate with impunity; and,
- All efforts must be made to protect the rights of girls in all conflict and post-conflict settings.

Appendix A



Figure 4: Map showing countries/ territories where children participate in active conflict (2001- 2004)[701]

[701] **Child Soldiers Global Report 2004**, Coalition to Stop the Use of Child Soldiers, p2

Appendix B

Article 2 of the UN Charter:

1. The Organization is based on the principle of the sovereign equality of all its Members.

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter Vll.

Appendix C

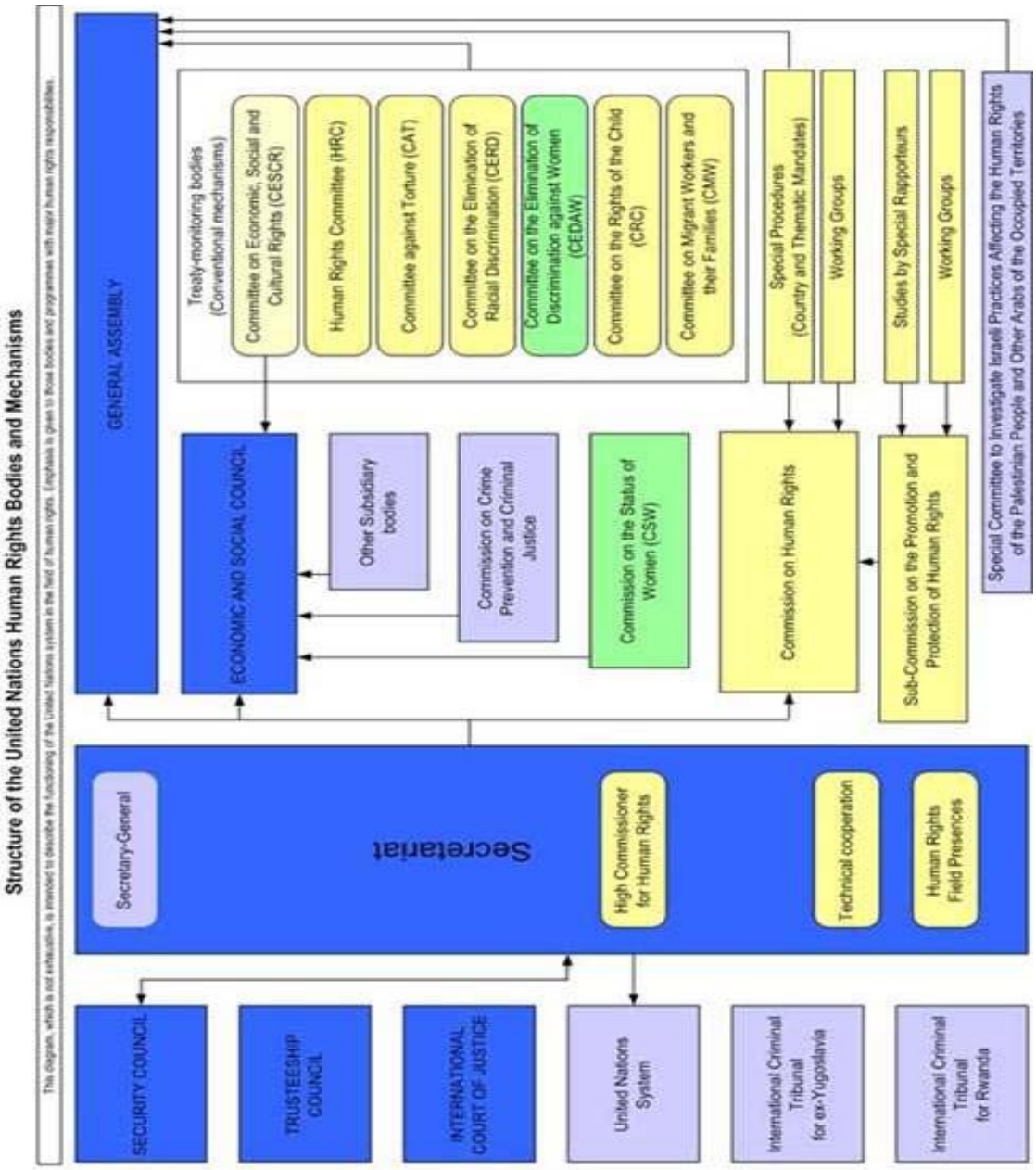


Figure 5: Structure of United Nations Human Rights Bodies and Mechanisms[702]

[702] http://www.ohchr.org/english/structure.htm , accessed 14 November 2005

Appendix D

Treaty	Monitoring Body
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	Committee on the Elimination of All Forms of Racial Discrimination (CERD)
International Covenant on Civil and Political Rights (ICCPR)	Human Rights Committee (HRC)
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Committee on Economic, Social and Cultural Rights (CESR)
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW)
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	Committee against Torture and other cruel, Inhuman or Degrading Treatment or Punishment (CAT)
Convention on the Rights of the Child (CRC)	Committee on the Rights of the Child (CRC)
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)	Committee on Migrant Workers (CMW)
Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP1)	HRC
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (ICCPR-OP2	HRC
Optional Protocol to the Convention on the Elimination of Discrimination against Women (OP-CEDAW)	CEDAW
Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP-CRC-AC)	CRC
Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OP-CRC-SC)	CRC
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT)	CAT

Table 9: Core International Human Rights Instruments and their monitoring bodies

Appendix E

Excerpts from Legal Instruments on the recruitment and use of Child Soldiers

Article 77 of Geneva Protocol 1 states that:

> 1. Children shall be the object of special respect and shall be protected against any form of indecent assault. The Parties to the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason.
> 2. The Parties to the conflict shall take all feasible measures in order that children who have not attained the age of 15 years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces. In recruiting among those persons who have attained the age of 15 years but who have not attained the age of 18 years, the Parties to the conflict shall endeavour to give priority to those who are oldest.
> 3. If, in exceptional cases, despite the provisions of paragraph 2, children who have not attained the age of 15 years take a direct part in hostilities and fall into the power of an adverse Party, they shall continue to benefit from the special protection accorded by this Article, whether or not they are prisoners of war.
> 4. If arrested, detained or interned for reasons related to the armed conflict, children shall be held in quarters separate from the quarters of adults, except where families are accommodated as family units as provided in Article 75, paragraph 5.
> 5. The death penalty for an offence related to the armed conflict shall not be executed on persons who had not attained the age of 18 years at the time the offence was committed.[703]

The Geneva Convention Protocol II , article (4,c,d,e) says that:

> (c) children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities;
> (d) the special protection provided by this Article to children who have not attained the age of fifteen years shall remain applicable to them if they take a direct part in hostilities despite the provisions of subparagraph
> (c) and are captured;

[703] Protocol Addition to the Geneva Conventions of 12 August 1949, and relating to the protection of Victims of International Conflicts (1977)

(e) measures shall be taken, if necessary, and whenever possible with the consent of their parents or persons who by law or custom are primarily responsible for their care, to remove children temporarily from the area in which hostilities are taking place to a safer area within the country and to ensure that they are accompanied by persons responsible for their safety and well-being.[704]

The ILO Convention 182 concerning the Worst Forms of Child Labour, Article 3(a):

For the purposes of this Convention, the term 'the worst forms of child labour' comprises:
(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;[705]

The United Nations Convention on the Rights of the Child (CRC) contains a specific article on child soldiers. Article 38 :

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict. [706]

The Rome Statute of The International Criminal Court in Article 8:

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[704] Protocol Addition to the Geneva Conventions of 12 August 1949, and relating to the protection of Victims of Non-International Conflicts (1977)

[705] Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO No.182), 38 I.L.M.1207, 1999, entered into force Nov 19, 2000

[706] Convention on the Rights of the Child, UN General Assembly, Doc. A/RES/44/25, 20 November 1989, Article 38

1. The Court shall have jurisdiction in respect of war crimes in particular when committed as a part of a plan or policy or as part of a large-scale commission of such crimes.
2. For the purpose of this Statute, 'war crimes' means:
(a) Grave breaches of the Geneva Conventions of 12 August 1949. . .
(b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:
(xxv) Conscripting or enlisting children under the age of 15 years into the national armed forces or using them to participate actively in hostilities.
(e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:
(vii) Conscripting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities.[707]

The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict:

Article 1

States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.

Article 2

States Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.

Article 3

1. States Parties shall raise the minimum age for the voluntary recruitment of persons into their national armed forces from that set out in Article 38, paragraph 3, of the Convention on the Rights of the Child, taking account of the principles contained in that article and recognizing that under the Convention persons under the age of 18 years are entitled to special protection.
2. Each State Party shall deposit a binding declaration upon ratification of or accession to the present Protocol that sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards it has adopted to ensure that such recruitment is not forced or coerced.
3. States Parties that permit voluntary recruitment into their national armed forces under the age of 18 years shall maintain safeguards to ensure, as a minimum, that:
(a) Such recruitment is genuinely voluntary;

[707] Rome Statute of the International Criminal Court entered into force 1 July 2002

(b) Such recruitment is carried out with the informed consent of the person's parents or legal guardians;
(c) Such persons are fully informed of the duties involved in such military service;
(d) Such persons provide reliable proof of age prior to acceptance into national military service.
4. Each State Party may strengthen its declaration at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall inform all States Parties. Such notification shall take effect on the date on which it is received by the Secretary-General.
5. The requirement to raise the age in paragraph 1 of the present article does not apply to schools operated by or under the control of the armed forces of the States Parties, in keeping with Articles 28 and 29 of the Convention on the Rights of the Child.

Article 4

1. Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.
2. States Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.
3. The application of the present article shall not affect the legal status of any party to an armed conflict.

Article 5

Nothing in the present Protocol shall be construed as precluding provisions in the law of a State Party or in international instruments and international humanitarian law that are more conducive to the realization of the rights of the child.

Article 6

1. Each State Party shall take all necessary legal, administrative and other measures to ensure the effective implementation and enforcement of the provisions of the present Protocol within its jurisdiction.
2. States Parties undertake to make the principles and provisions of the present Protocol widely known and promoted by appropriate means, to adults and children alike.
3. States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to the present Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to such persons all appropriate assistance for their physical and psychological recovery and their social reintegration.

Article 7

1. States Parties shall cooperate in the implementation of the present Protocol, including in the prevention of any activity contrary thereto and in the rehabilitation and social reintegration of persons who are victims of acts contrary thereto, including through technical cooperation and

financial assistance. Such assistance and cooperation will be undertaken in consultation with the States Parties concerned and the relevant international organizations.

2. States Parties in a position to do so shall provide such assistance through existing multilateral, bilateral or other programmes or, inter alia, through a voluntary fund established in accordance with the rules of the General Assembly.

Article 8

1. Each State Party shall, within two years following the entry into force of the present Protocol for that State Party, submit a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol, including the measures taken to implement the provisions on participation and recruitment.

2. Following the submission of the comprehensive report, each State Party shall include in the reports it submits to the Committee on the Rights of the Child, in accordance with Article 44 of the Convention, any further information with respect to the implementation of the Protocol. Other States Parties to the Protocol shall submit a report every five years.

3. The Committee on the Rights of the Child may request from States Parties further information relevant to the implementation of the present Protocol.

…

Article 11

1. Any State Party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the Convention and all States that have signed the Convention. The denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General. If, however, on the expiry of that year the denouncing State Party is engaged in armed conflict, the denunciation shall not take effect before the end of the armed conflict.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any act that occurs prior to the date on which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter that is already under consideration by the Committee on the Rights of the Child prior to the date on which the denunciation becomes effective.

Article 12

1. Any State Party may propose an amendment and file it with the Secretary- General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such

communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties that have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments they have accepted.

Article 13

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States Parties to the Convention and all States that have signed the Convention.[708]

[708] The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict Adopted and opened for signature, ratification and accession by General Assembly Resolution A/RES/54/263 of 25 May 2000

Child Soldiers rights that are risk of being violated under the CRC:

- right to life, survival and development (Article 6)
- right to preservation of identity (Article 8)
- right to an opinion/ be consulted in all matters pertaining to the Child (Article 12)
- right to protection from physical or mental violence or exploitation (Article 19)
- right to protection in case of separation from family (Article 20)
- right to adequate standard of living for physical, mental, spiritual, moral and social development (Article 27)
- right to education (Articles 28 and 29)
- right to play (Article 31)
- right to freedom from hazardous or exploitative labour (Article 32)
- right to freedom from sexual exploitation or abuse (Article 34)
- right to freedom from all other forms of exploitation prejudicial to welfare (Article 36)
- right to freedom from torture or other cruel, inhuman or degrading treatment or punishment; and freedom from unlawful detention (Article 37)
- right to protection under international humanitarian law in times of armed conflict, and right to freedom from military recruitment if under 15 (Article 38)
- right to physical and psychological recovery and social reintegration of child victims of neglect, abuse or exploitation (Article 39)
- right to fair judicial treatment taking into consideration the child's age and their reintegration into society (Article 40)

Under the Option Protocol on the Involvement of Children in Armed Conflict:

- right to freedom from forced recruitment for all under-18s (Article 2)

Figure 6: List of Rights that children risk being violated by being associated with armed forces/groups

Appendix F

Excerpts from Resolution 1612:

> Takes note of the action plan presented by the Secretary-General relating to the establishment of a monitoring and reporting mechanism on children and armed conflict as called for in paragraph 2 of its resolution 1539 (2004) and, in this regard:
>
> (a) Underlines that the mechanism is to collect and provide timely, objective, accurate and reliable information on the recruitment and use of child soldiers in violation of applicable international law and on other violations and abuses committed against children affected by armed conflict, and the mechanism will report to the working group to be created in accordance with paragraph 8 of this resolution;
>
> (b) Underlines further that this mechanism must operate with the participation of and in cooperation with national Governments and relevant United Nations and civil society actors, including at the country level;
>
> (c) Stresses that all actions undertaken by United Nations entities within the framework of the monitoring and reporting mechanism must be designed to support and supplement, as appropriate, the protection and rehabilitation roles of national
> Governments;
>
> (d) Also stresses that any dialogue established under the framework of the monitoring and reporting mechanism by United Nations entities with non-State armed groups in order to ensure protection for and access to children must be conducted in the context of peace processes where they exist and the cooperation framework between the United Nations and the concerned Government;

Appendix G

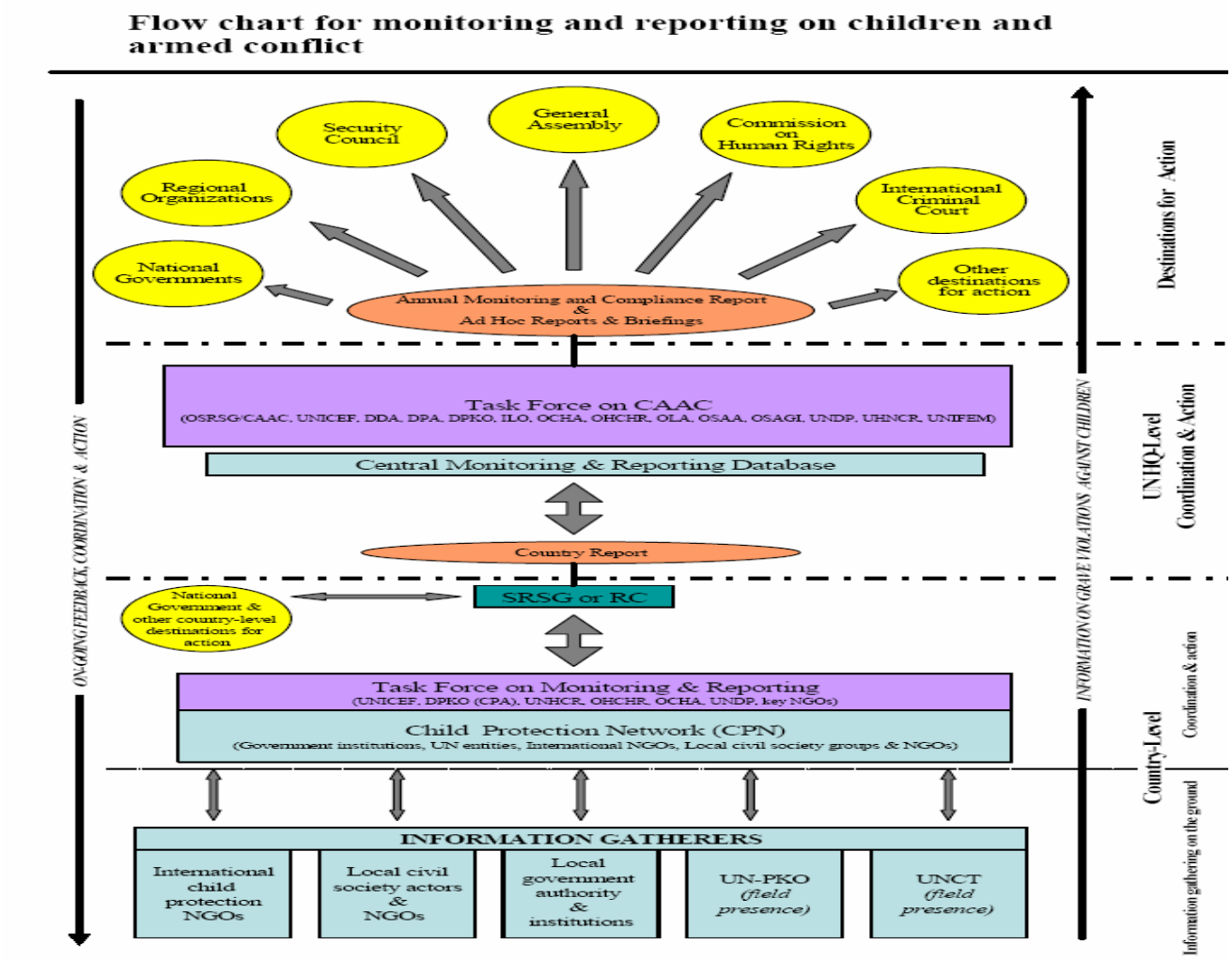


Figure 7: Report of the Secretary-General, Report of the Secretary-General, 9 February 2005

Appendix H



Figure 8[709]: Map of Uganda.

[709] From http://www.c-r.org/accord/Uganda/Uganda/accord11

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