

STOCKTAKE OF THE AFRICAN UNION RESPONSES TO CHILD PROTECTION IN CONFLICT SITUATIONS

December 2020

Cover Photo:

A young Somali boy greets a Ugandan soldier serving with The African Union Mission in Somalia (AMISOM) in the central Somali town of Buur-Hakba © AU-UN IST PHOTO / STUART PRICE. 2013



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

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LIST OF ACRONYMS

ACERWC	African Committee of Experts on the Rights and Welfare of the Child
ACHPR	African Charter on Human and Peoples' Rights
ACHPR	African Commission on Human and Peoples' Rights
ACPA	African Child Protection Architecture
ACPF	African Child Policy Forum
ACRWC	African Charter on the Rights and Welfare of the Child
AfCHPR	African Court on Human and Peoples' Rights
AFISMA	African-led International Support Mission to Mali
AGA	African Governance Architecture
AMIS	African Mission in Sudan
AMISOM	African Union Mission in Somalia
AMU	Arab Maghreb Union
APF	African Peace Facility
APF	African Peace Fund
APRM	African Peer Review Mechanism
APSA	African Union Peace and Security Architecture
ARCSS	Agreement for the Resolution of Conflict in South Sudan
ASF	African Standby Force
AU	African Union
AU CMPCRDD	AU Crisis Management, Conflict Prevention and Post-Conflict-Reconstruction and Development Division
AU OSE WPS	AU Office of the Special Envoy on Women, Peace and Security
AU PSOD	AU Peace Support Operations Division
AU PW	AU Panel of the Wise
AUC	AU Commission
AUCISS	AU Commission of Inquiry to South Sudan
AUCMPRD	AU Crisis Management and Post-Conflict Reconstruction Division
AUCR	AU Continental Results Framework for Measuring Progress on Women, Peace and Security
AUPSC	AU Peace and Security Council
AUPSD	AU Peace and Security Department
AUPSOD	AU Peace Support Operations Division
AYA	AU Ambassadors
BOI	Board of Inquiry
CAAC	Children Affected by Armed Conflict
CAAFAG	Children Associated with Armed Forces and Armed Groups
CAR	Central African Republic
CCTARC	AMISOM Civilian Casualty Tracking, Analysis and Response Cell
CEWARN	Intergovernmental Authority on Development Conflict Early Warning and Response Mechanism
CEWS	Continental Early Warning System
CFS	Child Friendly Space
CIAD	Critical Institutional Analysis and Development
COMESA	Common Market for East and Southern Africa
COMWARN	COMESA Early Warning System
COVID-19	Novel Coronavirus 2019
CP	Child Protection

CPA	Comprehensive Peace Agreement
CPA	Child Protection Architecture
CPSR	Child Protection Situation Room
CPTM	Core Pre-Deployment Training Module
CPU	Child Protection Unit
CRC	UN Convention on the Rights of the Child
CRSV	Conflict-Related Sexual Violence
CSOs	Civil Society Organizations
CTRH	Commission for Truth, Reconciliation and Healing
CTSMM	South Sudan Ceasefire Transnational Security Arrangement Monitoring Mechanism
DDR	Demobilization, Disarmament and Reintegration
DDRR	Demobilization, Disarmament, Rehabilitation And Reintegration
DPA	Darfur Peace Agreement
DRC	Democratic Republic of Congo
E-WARN	East African Standby Force Early Warning Mechanism
EAC	East African Community
EASF	East African Standby Force
ECCAS	Economic Community of Central African States
ECOWARN	ECOWAS Early Warning and Response Network
ECOWAS	Economic Community of West African States
ESF	ECOWAS Standby Force
EU	European Union
EWS	Early Warning System
FARDC	Armed Forces of the Democratic Republic of the Congo
FEMWISE	Network of African Women in Conflict Prevention and Mediation
FPU	Formed Police Units
GBV	Gender-Based Violence
GoS	Government of Sudan
GoSS	Government of South Sudan
HCSS	Hybrid Court for South Sudan
HIV	Human Immune Deficiency Syndrome
ICC	International Criminal Court
ICC	Interim Care Centre
ICGLR	International Conference on the Great Lakes Region
ICRC	International Committee of the Red Cross
IDPs	Internally Displaced Persons
IFP	Indirect Fire Policy
IGAD	Intergovernmental Authority on Development
IGAD CEWARN	IGAD Conflict Early Warning and Response Mechanism
IHL	International Humanitarian Law
JRR	Justice Rapid Response
LCBC	Lake Chad Basin Commission
LCP	Liberian Crusaders for Peace
LRA	Lord's Resistance Army
MARAC	ECCAS Central African Early Warning System
MINUSCA	United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic

MINUSMA	United Nations Multidimensional Integrated Stabilization Mission in Mali
MISAB	Malian Defence and Security Forces
MISCA	African-led International Support Mission in Central Africa
MNJTF	Multi-National Joint Task Force Against Boko Haram
MOU	Memorandum of Understanding
MSU	AUC Mediation Support Unit
NAP	National Action Plan
NARC	North African Regional Community
NEPAD	New Partnership for Africa's Development
NGO	Non-governmental Organization
NUPI	Norwegian Institute of International Affairs
OAU	Organisation of African Unity
OYE	Office of the AU Youth Envoy
PAP	Pan-African Parliament
PCCs	Police Contributing Countries
PCRD	Post-conflict Reconstruction and Development
PRC	Permanent Representative Committee
PSC	Peace and Security Council
PSOs	Peace Support Operations
REC	Regional Economic Community
RM	Regional Mechanism
ROE	Rules of Engagement
SADC	Southern African Development Community
SADC REWC	SADC Regional Early Warning Centre
SADC RPTC	SADC Regional Peacekeeping Training Centre
SADC SF	SADC Standby Force
SAPMIL	SADC Peacebuilding Mission in Lesotho
SEA	Sexual Exploitation and Abuse
SGBV	Sexual and Gender-based Violence
SOPs	Standard Operating Procedures
SPLA	Sudan People's Liberation Army
SPLM	South Sudan Liberation Movement
SPLM/IO	South Sudan Liberation Movement/in Opposition
SSR	Security Sector Reform
TCCs	Troop Contributing Countries
UN	United Nations
UN DPA	UN Department for Political Affairs
UNAMID	UN/AU Hybrid Mission in Darfur
UNCRC	UN Convention on the Rights of the Child
UNDP	UN Development Program
UNDPKO	UN Department for Peacekeeping Operations
UNESCO	UN Education, Scientific and Cultural Organization
UNHCR	UN High Commissioner for Refugees
UNICEF	UN Children's Fund
UNMIL	UN Mission in Liberia
UNMISS	UN Mission in South Sudan
UNPBSO	UN Peacebuilding Support Office
UNSC	UN Security Council
UNSCR	UN Security Council Resolution

FOREWORD

The achievement of Africa's Agenda 2063 with its vision to 'build an integrated, prosperous and peaceful Africa, an Africa driven and managed by its own citizens and representing a dynamic force in the international arena' is incumbent on a plethora of variables. One of them is an enabling environment for progress to take place. Certainly conflict, violence and insecurity impede progress and causes developmental regression. Further, it is uncontested that conflict situations pave way for the most egregious child rights violations and abuses. To the continent's dismay, the intensity of violence in Africa, in recent times, has been driven largely by the prevalence of small arms and light weapons (SALWs) from foreign suppliers, arms manufactured by African governments and those made by local artisans. The disconcerting reality is that despite the untold suffering and loss of every kind, conflicts are not relenting, with each of the five regions plagued by one nature of conflict or another. Seeds that these conflicts are leaving will be harvested by the children through excruciating pain.

Indeed, the African Union envisions a continent that will emerge as a peaceful and secure continent, conflict-free continent with harmony among communities at the lowest level (African Union, Agenda 2063 Aspiration 4). To actualize this aspiration, the AU has shown its unwavering commitment to issues of peace and security through the creation of African Peace and Security Architecture (APSA) and adoption of relevant legal instruments. One of the most recent efforts is the Silencing the Guns initiative. Further to this initiative, the African Union, through the Peace and Security Council (PSC), has embarked on several efforts to deal with conflicts on the continent. The PSC is the key pillar of the APSA, which is the framework for promoting peace, security and stability in Africa. The role of the AU in conflict resolution is given expression through APSA. There has been a steady operationalization of this Architecture in the last decade.

We know that some of these efforts have yielded positive results for children because conflict situations have subsided and eventually the countries are on the path to reconstruction. There have been however efforts where the initiatives have hit brick walls with the PSC efforts not abating the situation. We have observed, albeit anecdotally, that the PSC's track record in responding to child protection issues in conflict situations, tension and strife in the previous years has been marginal. Broadly, this can be attributed to the fact that the AU's ability to intervene in crises is restricted by its principles of national sovereignty (non-interference) and subsidiarity, rather than being spurred by the principle of non-indifference set out in Article (4h) of the Constitutive Act. As a result, children in situations of conflicts have borne the brunt of these conflicts and will continue to live with the effects thereof. This however can change, if deliberate efforts are made to put child protection at the centre of conflict management, resolution and reconstruction. Further, there has not been comprehensive efforts to appreciate the achievements and limitations of the various AU policy organs and frameworks in articulating and addressing the unique vulnerabilities of children. There is also a limited knowledge and evidence on effective mainstreaming of children's concerns and issues in the operationalization of all pillars of APSA framework.

It is in view of the foregoing that the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), at its 34th Ordinary Session held in December 2019 in Cairo-Egypt, resolved to undertake an assessment study on the extent to which child protection has been mainstreamed into the work, decisions, frameworks and interventions of key AU Policy Organs and frameworks such as APSA. In the broader African Union vision, this research fits

neatly in the tapestry of the Aspiration 4 of Agenda 2063 which aspires for 'A peaceful and secure Africa'. The research provides a robust and comprehensive child rights perspective to how the African Union has been integrating child protection in its peace efforts on the continent. The study articulates not only the Committee's authoritative view on child rights in conflict situations, but also how the Committee, equipped with its protection and promotion mandate seeks to address child rights challenges in conflict situations. The study also builds on a plethora of efforts which the Committee has had concerning children in situations of conflicts. In 2016, the Committee published a study titled ... which outlined the grim lived realities of children in conflict situations. The study revealed how there is rampant impunity for child rights violations. Fast forward to 2020, the Committee commissioned a study on the impact of terrorism on children as a growing phenomenon on the continent. The study will be novel since it will be the first of its kind on the continent. In a bid to institutionalize the thematic focus on children in situations of conflict, over and above the office of special rapporteur on children in situations of conflict that has been in place, the Committee resolved to have a working group addressing the same matter for guaranteed quality engagement on the subject.

This study is coming timeously to equip the Committee to empirically and proactively engage with various AU organs for systematic integration of child protection in their conflict prevention, management and peace building initiatives. As the study notes, there is no doubt that if Agenda 2063 is to be realized, focus has to be put on how the Union, its organs and Member States are prioritizing issues of children in all their endeavours.

Hon. Joseph Ndayisenga
Chairperson ACERWC

Hon. Benyam Dawit Mezmur
Special Rapporteur on Children and
Armed Conflict ACERWC

EXECUTIVE SUMMARY

Protecting the rights of children affected by armed conflict constitute one of the most pressing issues within the emerging African Peace and Security Architecture (APSA). This report is the outcome of an assessment commissioned by the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) to evaluate the extent to which child protection efforts in conflict situations are mainstreamed in African Union (AU) organs and peace and security initiatives.

The study employed a combination of approaches, including the critical institutional analysis and development (CIAD) framework and appreciative inquiry, to identify gaps and opportunities for mainstreaming child protection into the APSA. The report identifies some success stories and good practices in child protection that have been adopted by the AU. These are highlighted as follows: Good practices and achievements:

- Mainstreaming of child protection by the African Union Commission: the AU Peace Support Operations Division (AU PSOD) has developed several documents that reference child protection in conflict situations, including the Peace Support Operations Doctrine (2019), the AU Protection of Civilians Guidelines (2012), the African Standby Force (ASF) Civilian Dimensions Policy (2007) and the AU Policy on the Prevention of Sexual Exploitation and Abuse in African Peace Support Operations (PSOs).
- Incorporating child protection provisions in peace agreements: most post-2000 peace agreements have elaborated provisions and measures to assist former child soldiers, to demobilize and disarm them, and to reintegrate them back into society.
- Child Protection Officers at mission Level: the first Child Protection Officer (CPO) was deployed in the African Union Mission in Somalia (AMISOM) in 2015. The CPO's roles include facilitating capacity building, conducting outreach, coordinating policies and overseeing policy implementation.
- Institutionalizing protection of civilians in peace support operations: the AU has incorporated protection of civilians as a core feature of all PSOs, although this does mean that the child protection component has been subsumed into the protection of civilians and absorbed into cross-cutting issues and/or human rights issues.
- Establishment of mechanisms for reporting and addressing violations against children's rights: most missions have established mechanisms and focal points for reporting sexual exploitation and abuse (SEA) and conflict-related sexual violence (CRSV).
- Pre-deployment and in-mission training on child protection: child protection training has been integrated into pre-deployment and in-mission training manuals namely the Revised Harmonized Standards for Civilian Peacekeepers Foundation and Police Pre-Deployment Training Manual.
- Campaigns on child protection: the study recognizes ongoing campaigns to raise the visibility of the child protection agenda. For example, AMISOM engages security actors and the Federal Government of Somalia in child protection, and the Gender Department of the Economic Community of West African States (ECOWAS) and the AU International Centre for Girls and Women Education in Africa (AU/CIEFFA) work with Member States to ensure that children removed from school due to conflict are given opportunities to go back.

Outstanding gaps and challenges

This study identifies the following challenges:

- An ad hoc approach to mainstreaming child protection: various APSA pillars integrate child protection into their mandates to different degrees. AU mediation and preventive diplomacy processes have not yet developed guidelines for embedding child protection in peace processes. Since 2010, the AU Panel of the Wise has not sustained momentum in highlighting the impact of armed conflict on children. The AU Continental Early Warning System (CEWS) does not have child-sensitive early warning indicators.
- Weak integration of child protection in conflict situations by regional economic communities (RECs) and regional mechanisms (RMs): notably, the Intergovernmental Authority on Development (IGAD), the Southern African Development Community (SADC), the Economic Community for Central African States (ECCAS), and the Arab Maghreb Union (AMU) are yet to adopt child protection policies with a focus on children in conflict situations.
- Lack of regional standardized and institutionalized training resources and opportunities: the AU Standardized Pre-deployment Training Resources are yet to be replicated at sub-regional levels, thus hampering effective capacity building of peacekeepers.
- No permanent independent investigative mechanisms for child rights violations in theatres of conflict: often, the AU deploys Commissions of Inquiry to investigate misconduct against children in conflict situations; but in cases of violations against children committed by uniformed personnel, the capacity to act remains largely within the purview of troop contributing countries (TCCs) and police contributing countries (PCCs).
- Underdeveloped child protection in post-conflict reconstruction and development (PCRD) and transitional justice processes: with the exception of demobilization, disarmament and reintegration (DDR) and security sector reform (SSR) processes, PCRD and transitional justice processes undertaken by the AU and RECs/RMs are still under-developed with regard to child protection. The mainstreaming of child protection into these efforts tends to be ad hoc in nature.
- Lack of a coherent AU approach to child protection in transitional justice: there are ad hoc instances where the AU has stepped up to advocate for child rights in transitional justice processes; for example, in South Sudan the AU called for establishment of a hybrid court. However, in other ongoing conflicts like those in Eastern Democratic Republic of Congo (DRC), Cameroon, Mali, Northern Nigeria, Sudan and Libya, there has not been a clear and sustained AU approach to promoting child-centred transitional justice processes.

Recommendations

In view of these gaps, this study presents the following recommendations to strengthen child protection in conflict situations:

- Appoint a Special Envoy on Children in Conflict Situations: in line with the AU General Assembly's call in 2020, the African Union Commission (AUC) Chairperson should appoint a special envoy on Children in Armed Conflict who can spotlight the agenda to integrate child protection in conflict situations. The Special Envoy can work with the ACERWC and the Secretariat of the Committee to ensure a coordinated approach to mainstreaming child rights in conflict situations.
- Finalize the AU Policy on Mainstreaming Child Protection in the African Peace and Security Architecture: the Draft Policy on Mainstreaming Child Protection in the APSA should be finalized, to provide practical guidance in this area.
- Develop an AU Policy on Child Protection in Mediation and Negotiation Processes: the AUC Mediation Support Unit (MSU) should develop an AU Policy and Guidelines on Child Protection in Mediation Processes. Additionally, ongoing support for capacity building on child protection must be provided to all actors in peace processes, including mediation teams, parties to the conflict, negotiation observers and International Contact Group members.
- Develop child-sensitive indicators for conflict analysis and early warning: the AU Continental Early Warning System (CEWS) and Regional Early Warning Systems (EWSs) should integrate child protection indicators in order to promote child-centred data collection. The AU CEWS Framework should be updated to provide more detailed and precise analyses of challenges faced by children in conflict situations. Child protection indicators would ensure that AU-led conflict intervention processes regularly report on child protection efforts to the AUC Chairperson and the PSC.
- Develop AU Guidelines on Mainstreaming Child Protection in PCRD processes: these would address issues such as child protection in transitional justice, security sector reform, and relief and recovery. Additionally, the AUC should expedite the rolling out to Member States and regional economic communities and mechanisms of the AU DDR Operational Guidelines for Children developed by the Peace and Security Department in 2014.
- Strengthen the African Child Protection Architecture (ACPA): the Child Protection Advisor at the AUC should be supported by the AUC Inter-Departmental Group on Child Protection, Child Protection Officers at mission level, and AU Liaison Offices, and should liaise with similar mechanisms at the level of regional economic communities and mechanisms. A well-resourced ACPA should help interpret the African Charter on the Rights and Welfare of the Child (ACRWC, otherwise known as the Children's Charter) in situations of conflict, and must amplify its outreach, awareness-raising, research, monitoring, capacity building and advocacy efforts.
- Establish Child Protection Units at mission level: a polycentric approach to child protection will

require mission-level child protection units (CPUs), which will link with similar units in troop- and police-contributing countries. This will ensure that protection is sufficiently mainstreamed into operational missions and into the national armed forces which contribute troops. Fully operational mission-level CPUs can provide an effective accountability mechanism within PSOs, as they help prevent and address violations committed in conflict contexts.

- Create platforms for the ACERWC to consult and collaborate with actors in theatres of conflict: the AU should facilitate the creation of a child protection situation room (CPSR) to allow fast-tracked collaborative responses to protect children affected by conflict. Such collaboration will also facilitate child protection-focused in-mission capacity building processes for PSOs, AU Liaison Offices and mediation and PCRD actors.
- Recruit more female peacekeepers and civilians into PSOs: AU Member States should deploy more uniformed female personnel into PSOs, not only to strengthen the protection of civilians mandate but also to ensure that the child protection agenda at mission level is fully operationalized. Previous examples include the deployment of the all-female Formed Police Units (FPUs) in AMISOM.
- AU and REC/RM deployments in conflict situations should include child rights experts: child protection experts should be integral components of all mediation processes, PCRD missions, fact-finding missions and election observations missions. These experts can articulate the minimum standards for child protection in peace processes and conflict interventions.
- Create spaces for children's participation in consultations for peace: all processes designed to contribute to peace and security, including mediation, post-conflict reconstruction and development, transitional justice, demobilization, disarmament, reintegration and rehabilitation (DDRR) and security sector reform, should create spaces to encourage and facilitate children's participation. For all these a fully-fledged child protection strategy should be developed, putting children at the heart of the peace and security processes.
- Provide a dedicated budget for child protection in conflict situations: the African Peace Fund (APF) should provide regular financial resources to support child protection in conflict situations, including supporting capacity building of peacekeepers and mediators in child protection. A percentage of the AU Peace Fund must be used to share lessons and reflections on effective strategies for child protection.
- Develop a continental strategy on child protection and a roadmap for protection of children in conflict situations: this strategy should be used as a means to strengthen collaboration between the AU, RECs and RMs in child protection in conflict situations, and must address both preventative and responsive programmes.
- Support AU Member States to undertake law reform measures on child protection: human rights mechanisms such as the African Commission on Human and People's Rights (ACHPR), the African Court on Human and People's Rights (AfCHPR), the African Peer Review Mechanism and Panel of Experts and the Pan African Parliament (PAP), as well as regional parliaments, should support relevant mechanisms in AU Member States to ensure the visibility of child protection issues in conflict situations. For example, a Model Law on Child

Protection in Conflict Situations can be developed for adaptation by Member States.

- PSOs should establish clear, accessible mechanisms for handling complaints of child rights violations: child victims in conflict situations and their representatives should be provided with information on how to manage complaints. The procedure by which their complaints will be processed and dealt with, and what body is responsible for this, must be clear across all AU and REC/RM operations.
- Incorporate a child protection mandate in the AU's rights protection institutions: child protection should become a cross-cutting issue for the African Governance Architecture (AGA) including the ACHPR, the AfCHPR, the African Peer Review Mechanism (APRM) and the Pan-African Parliament. Given the conflict prevention roles of these mechanisms, they should include a focus on child protection in conflict situations when monitoring human rights situations. This will ensure generation of continent-wide data on the status of child protection in Africa.
- Institutionalize a learning platform and knowledge generation initiative on child protection: the Pan-African Conference on Children and Armed Conflict should be institutionalized as an annual event to ensure that child protection remains high on the agenda of peace and security processes. Additionally, the AUC should publish an annual Africa Report on Children in Situations of Conflict to promote a learning and knowledge generation platform that embodies the African reality of child protection.

CHAPTER 1: INTRODUCTION AND BACKGROUND

1.0 Context and background of the study

The constantly changing peace and security environment in Africa means that child rights are increasingly under threat from violent insurgencies, terrorism, proliferation of organised crime, and radicalization. The dynamic nature of African conflict has implications for the sociocultural and economic fabric of society, and particularly for vulnerable populations such as children affected by armed conflict.

One fundamental shift in African conflict is that the battlefield has moved to take in communities. Not only do armed groups and networks target and attack civilian populations and use them as human shields, but they also target children as recruits, because children are considered soft targets by actors in armed conflicts. Factors that increase the vulnerability of children to armed conflict include the increasing involvement of non-state actors in conflict, the asymmetric nature of conflict, weak mechanisms for monitoring and reporting violations, and the impunity of the violators.¹

While the efforts of the AU and regional economic communities and mechanisms to silence the guns are currently intensifying, the peace and conflict landscape remains risky and unpredictable for children in conflict situations.² The evolving context of conflict is characterized by the following:³

- Unclear front lines and unidentifiable opponents, which increases children's risk of attacks or forceful recruitment into hostilities
- The increasing use of terror tactics by belligerent groups, making children more vulnerable
- In some situations, children are being used as suicide bombers and human shields
- Schools and other humanitarian facilities continue to be attacked, and are also used for military purposes, thereby exposing children to attacks and affecting their safety and development
- National authorities are holding children in security detention camps for alleged association with armed groups
- Increasing cases of sexual and gender-based violence, slavery, sexual exploitation, rape, forced pregnancy, forced prostitution, forced marriage, forced child-bearing and other forms of exploitation are exposing children in particular to risks of HIV/AIDS and a range of reproductive health challenges.

Since the end of the cold war in the 1990s, there has been a shift across Africa from inter-state conflict towards intra-state conflict. Non-state actors and armed groups have become protagonists. This scenario has resulted in asymmetric types of conflicts, which make it difficult to separate belligerents from civilians.

1 UNICEF (United Nations Children's Fund) (2014) Field manual. Monitoring and reporting mechanism (MRM) on grave violations against children in situations of armed conflict.
https://childrenandarmedconflict.un.org/wp-content/uploads/2016/04/MRM_Field_5_June_2014.pdf

2 African Union. (2020). Report of the Peace and Security Council on its activities and the state of peace and security in Africa, for the period from Feb 2019 to Feb 2020. Addis Ababa.

3 Conflict Barometer. (2018). Disputes, non-violent crises, violent crises and limited wars. Heidelberg Institute for International Conflict Research, No. 26: Also see, Conflict Barometer. (2018). Disputes, non-violent crises, violent crises and limited wars. Heidelberg Institute for International Conflict Research, No. 26.

In addition, several reports have highlighted the role of peacekeepers themselves in violating children's rights. Human Rights Watch Reports from Somalia,⁴ Darfur in Sudan, the Democratic Republic of Congo (DRC)⁵ and the Central African Republic (CAR)⁶ collectively paint a grim picture of children's experiences and the violation of their rights.

It is therefore incumbent upon the AU to institute mechanisms to protect children from the impacts of conflict situations.

Against this background, this study seeks to enhance the understanding of efforts being made by the AU and its associated structures to ensure the rights of children are upheld and protected in conflict situations. To this end, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) has been engaged in investigative missions to obtain concrete information on the situations of children in armed conflict. For example, in 2014 the ACERWC conducted missions to assess child protection measures during conflicts in South Sudan,⁷ the Central African Republic,⁸ Somalia,⁹ and Uganda.

This study was motivated by a decision made during the 34th session of the ACERWC calling for an assessment of the extent to which child protection principles in situations of armed conflict have been mainstreamed into key AU Policy organs, institutions, structures and mechanisms. This decision highlighted the need to conduct a study uncovering gaps and capacity deficiencies in, and opportunities for strengthening, child protection mechanisms within the AU policy organs and associated structures.¹⁰

This research aligns with African Aspiration 4 of the AU Agenda 2063 – which aspires to “a peaceful and secure Africa” – and one of its flagship initiatives, Silencing the Guns by 2020, which is also the AU theme for 2020.

1.1 Scope and overall goal of the study

This study provides an assessment of the extent to which child protection efforts in situations of armed conflict are mainstreamed into key AU policy organs and peace and security initiatives. In doing so, it reflects on the role of the African peace and security architecture in mainstreaming child protection principles. To this end, it examines the key pillars of APSA: the AU Peace and Security Council (PSC); the Panel of the Wise (AU PW); the Continental Early Warning System (CEWS); the

4 Human Rights Watch. (2014). The power these men have over us. Sexual exploitation and abuse by African Union Forces in Somalia.

5 Human Rights Watch. (2005). MONUC: A case for peacekeeping reform. <https://www.hrw.org/news/2005/02/28/monuc-case-peacekeeping-reform>.

6 Human Rights Watch. (2016). Central African Republic: Rape by peacekeepers. <https://www.hrw.org/news/2016/02/04/central-african-republic-rape-peacekeepers>.

7 African Committee of Experts on the Rights and Welfare of the Child, (2014) Report on the Advocacy Mission to assess the Situation of Children in South Sudan. Addis Ababa, ACERWC. https://www.acerwc.africa/wp-content/uploads/2018/11/Advocacy_Mission_South_Sudan_English_PAGES-ilovepdf-compressed.pdf

8 African Committee of Experts on the Rights and Welfare of the Child, (2014). Mission Report of the ACERWC to assess the Situation of Children Affected by the conflict in Central African Republic. Addis Ababa: ACERWC https://www.acerwc.africa/wp-content/uploads/2018/11/Report_ACERWC_Advocacy_Mission_to_assess_the_situation_affected_by_the_conflict_in_CAR_English-ilovepdf-compressed-2.pdf

9 https://www.acerwc.africa/wp-content/uploads/2018/07/Press-Release-ACERWC-Advocacy-Mission-in-Somalia_30-31_July_2018.pdf

10 Through the AU Assembly Decision (Assembly/AU/Dec.718 (XXXII) adopted by the 32nd Ordinary Session of the Union held from 10 to 11 February 2019 in Addis Ababa, Ethiopia, which, among other things, requested the Commission, in close collaboration with relevant stakeholders, to explore ways to strengthen existing AU and REC/RM mechanisms on child protection.

African Peace Fund (APF); the African Standby Force (ASF); the Common African Defence and Security Policy; and the Military Staff Committee.

Acknowledging that the protection of child rights in conflict situations does not occur in a vacuum but instead requires collaboration, the study also reviews efforts made by various AU key policy organs (assemblies of heads of state and governments, the Permanent Representative Council (PRC) and the Specialized Technical Committees) in integrating child protection principles.

The study also examines efforts by the AU instruments on human rights and governance, including the African Commission on Human and People's Rights (ACHPR), the African Court of Human and People's Rights (AfCHPR), the Pan-African Parliament (PAP), the African Peer Review Mechanism (APRM) and the African Governance Architecture (AGA). Other African Union Commission structures examined include the Peace and Security Department and the African Union Commission (AUC) Office of the Special Envoy on Women, Peace and Security (AU OSE WPS).

1.2. Objectives of the study

Specifically, the study aims to achieve the following objectives:

- Reviewing the status of child protection mainstreaming within the AU's key policy organs
- Examining the extent of implementation of existing child protection provisions within the APSA as well in the policies and legal frameworks of RECs/RMs
- Identifying any gaps in existing mechanisms to enable diagnoses of problems and to provide clarity on actions that could be taken to address these problems
- Exploring mechanisms for effective mainstreaming of child protection efforts in conflict situations within the AU's key policy organs, the APSA and the RECs/RMs.

1.3. Study methodology and conceptual guiding framework

This study is framed by the cardinal principles of the rights of the child: survival and development, the best interests of the child, non-discrimination, and children's participation.¹¹

The study further utilizes the critical institutional analysis and development (CIAD) framework and the appreciative inquiry lens. CIAD focuses on the institutional setup of the AU, including the achievements and limitations of the various AU policy organs and frameworks in mainstreaming child protection principles in conflict situations.¹² The CIAD framework was useful in identifying the web of actors within APSA and how they interact to protect the rights of children in conflict situations.

The CIAD framework enables critical and reflective analysis of how the AU and sub-regional organizations are currently implementing efforts to address the unique vulnerabilities of children in conflict situations. CIAD also allows for a gap analysis, which serves as a platform to identify opportunities for strengthening the child protection agenda in conflict situations.

¹¹ UNICEF. Four principles of the Convention on the Rights of the Child. Available at: <https://www.unicef.org/armenia/en/stories/four-principles-convention-rights-child>. Accessed November 4, 2020.

¹² Ostrom, E. (1990). *Governing the Commons: The Evolution of Institutions for Collective Action*. Cambridge, UK: Cambridge University Press.

To augment the CIAD framework, the study also adopts the “appreciative inquiry”¹³ lens, particularly to identify and profile lessons and best practices emerging from the AU’s interventions in child protection in conflict situations in Africa.¹⁴ This approach was key in providing opportunity for stakeholders to improve future child protection response mechanisms.

The design of the study considered travel restrictions imposed during the COVID-19 pandemic, and made some adjustments. To this end, the report relied on various secondary sources of information, including policy documents, key AU decisions, and reviews of reports by other agencies with mandates and commitments to child protection, such as the United Nations Department for Peacekeeping Operations (UN DPKO), the United Nations Development Programme (UNDP) and the United Nations Children’s Education Fund (UNICEF).

Virtual consultations with experts in peace and security were undertaken to obtain first-hand information on policies and strategies guiding AU decisions. The snowball sampling technique was adopted to identify key informants at the AUC, including the AU Peace and Security Department, which includes the Peace Support Operations Division (AU PSOD) and the Crisis Management, Conflict Prevention and Post-Conflict-Reconstruction and Development Division (AU CMPCRDD).

Other key informants were drawn from selected RECs/RMs; regional components of the ASF; AU-mandated, endorsed and approved peace support operations (PSOs); ad hoc regional coalitions of the willing; academic centres; research organizations; local and international civil society organisations (CSOs); think tanks; and regional peacekeeping training centres of excellence.

1.4 Guiding research questions

The study was guided by the following questions:

- To what extent is child protection undertaken by the AU, RECs and RMs in conflict situations?
- Is the child protection agenda adequately represented in the APSA pillars and efforts to implement the continental peace and security agenda and the Agenda 2063?
- Are child protection principles and rights integrated in the policies of the AU, RECs and RMs sufficiently to ensure that strategies and programmes properly address the problems faced by children in conflict situations?
- What has been the impact of the various child protection efforts of the AU, RECs and RMs on the plight of children in conflict situations?
- What opportunities and entry points exist to mainstream child protection into those APSA pillars and mechanisms that have not yet started integrating child rights into their agenda?
- What potential policy guidelines should be considered to ensure that APSA pillars mainstream child protection effectively?
- What mechanisms should be established to ensure that child protection is fully and effectively integrated in all AU peace and security processes?

13 Cooperrider, D. L. and Srivastva, S. (1987). “Appreciative Inquiry in Organizational Life,” In. W. Pasmore and R. Woodman (Eds.), *Research in Organizational Change and Development*, Vol. I, 129 - 169.

14 Cooperrider, D., Whitney, D., and Stavros, J. (2005). *Appreciative inquiry handbook*, San Francisco, CA: Berrett-Koehler, Drumb, Mark A. (2012). *Reimagining Child Soldiers*. Oxford: Oxford University Press.



AMISOM soldiers from the Kenya Defence Forces serving in Dhobley, Somalia wave goodbye to baby Naima Mohamed and her father following her discharge from the AMISOM level two hospital in Dhobley where the baby girl spent seven months receiving treatment for severe burns. © AMISOM Photo/30 April 2020.

CHAPTER 2

MAINSTREAMING CHILD PROTECTION BY AFRICAN UNION POLICY ORGANS

2.0 An overview

This chapter examines efforts undertaken by the AU policy organs to mainstream child protection in their work, programmes and processes. It analyses the role played by the AU Peace and Security Council, the AU General Assembly, the Permanent Representative Committee (PRC), the Executive Council and the AU Specialized Technical Committees (STCs).

2.1 African Union policy organs

2.1.1 Peace and Security Council

The African Union Peace and Security Council, or AU PSC, is the key pillar of APSA. It is mandated to oversee the prevention, management and resolution of conflicts in Africa. As the foremost body charged with decision-making on African security, the PSC has on several occasions deliberated the issue of children in armed conflict and issued statements to highlight their plight.

- Analysis of impact of conflict on children in conflict situations: in recent years, the AU PSC has focused increasingly on child protection in conflict. In its analysis of the state of peace and security in Africa the PSC has, over the years, adopted child-inclusive language. For example, in its 2020 State of Peace and Security in Africa report, the Council identified the challenges facing conflict-affected children. The PSC notes that both terrorist groups and factions in conflicts in Mali and Burkina Faso have continued their attacks and indiscriminate killing of civilians, while Niger has witnessed pervasive abductions of children and massive displacement of civilians to internally displaced persons (IDP) and refugee camps.
- Organizing open sessions on children in conflict situations: since 2014 the PSC has organised five open sessions dedicated to children, with the goal of spotlighting the issue of child protection in conflict situations, and has produced a number of communiques and key decisions. There is increasing cooperation between the AU PSC, the Peace and Security Department and the ACERWC to operationalise the African Children's Charter on child protection issues. For instance, the 420th meeting of the PSC, held on 18 February 2014 in Addis Ababa, marked a turning point for the collaboration between the PSC and the ACERWC. During this meeting, the PSC devoted a session to a consultation with the ACERWC in its capacity as an organ of the AU,¹⁵ and discussed the opportunity for the ACERWC to extend its interaction from regional to national level, to enhance grassroots cooperation.
- This work is augmented by the APSA and AGA pillars, which are responsible for coordination, convergence, advocacy, outreach and awareness raising. The child protection architecture (CPA) at the AUC includes a Child Protection Advisor in the Peace and Security Department and a Child Protection Officer within the African Union Mission in Somalia (AMISOM). The AU and RECs/RMs will support Member States to implement the child protection agenda.

¹⁵ It is important to note that this meeting was held pursuant to the Executive Council Decision EX.CL/Dec.712 (XXI) adopted in June 2012, at its 21st Ordinary Session, held in Addis Ababa.

- Integrating child protection into the AU flagship programme, Silencing the Guns: the PSC convened the 2020 version of the annual High-Level Seminar on Peace and Security in Africa on the theme “Silencing the Guns in Africa: Creating Conducive Environment for Children in Conflict Situations.” The meeting took place from 13 to 14 January 2020 in Libreville, Gabon¹⁶ and identified concrete strategies to improve child protection in conflict situations in Africa. African leaders reaffirmed their commitment to address the structural causes of violent conflict and adopted a declaration: the Nelson Mandela Decade of Reconciliation in Africa (2014-2024). In addition, the PSC recommended the declaration of the African Day, 25 May, as an Amnesty Day for surrender of illegally owned weapons/arms to designated national law enforcement agencies. In March 2020, the AU PSC held another open session, which again called for the integration of child protection into the Silencing the Guns initiative.
- Spotlighting children’s rights during the Covid-19 pandemic: during its 924th meeting, held on 12 May 2020, the PSC examined the impact of the COVID-19 pandemic on the security and welfare of children in Africa. The PSC identified the negative and unintended effects of school closures, such as increased vulnerability of children to cyber-attacks, cybercrimes and exposure to inappropriate content including child pornography and online child sexual exploitation. The PSC acknowledged the disproportionate impact of COVID-19 on children in conflict settings where access to basic social services is significantly limited, and particularly in camps hosting refugees and IDPs. Against this background, the PSC called on AU Member States to ensure that they prioritize child protection even as they implement measures to contain and defeat COVID-19.

2.1.2 The AU General Assembly

The African Union Assembly has made several decisions on child protection, and AU Member States have ratified various treaties relevant to promoting child rights in conflict situations, including the African Charter on the Rights and Welfare of the Child and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).

More recently, the AU General Assembly has called for AU Member States, with the support of the AU Commission and the RECs/RMs, to redouble their efforts to mainstream child protection in their programmes. During the 33rd Ordinary Session of the African Union, a high-level side event on Children Affected by Armed Conflicts was held to remind AU Member States of their commitments to protect children affected by armed conflict. The event highlighted good practices from AU Member States and sought to galvanize commitment and action to prevent and address the Six Grave Violations against children in situations of armed conflict.¹⁷

The AU General Assembly also called for the establishment of a robust, institutionalized and properly financed child protection architecture to facilitate coordination and quality programming to address the needs of children in armed conflict and all AU peace support operations.¹⁸

¹⁶ PSC on the State of Peace and Security in Africa: https://au.int/sites/default/files/documents/38309-doc-8_report_on_psc_on_its_activities_and_the_state_of_peace_security_in_africa.pdf

¹⁷ According to United Nations Security Council Resolution 1261 (1999), there are six grave violations affecting children in conflict: killing and maiming of children, recruitment or use of children as soldiers, sexual violence against children, abduction of children, attacks against schools or hospitals and denial of humanitarian access to children.

¹⁸ AU Assembly Decision Assembly/AU/Dec.718 (XXXII)

At time of writing, the establishment of a CPA is partly completed. The AUC has technical personnel in place in the form of a Child Protection Advisor in the AU PSD who is working with a Child Protection Officer in AMISOM. There is also an Inter-Departmental Group on Child Protection at the AUC. The CPA should become more robust in time, with mechanisms for collaboration between treaty bodies such as the ACHPR, the AfCHPR, the APRM and the ACERWC. The CPA should also have strong coordination with regional economic communities.

As previously mentioned, in 2020 the AU General Assembly also called for the AUC to integrate child protection into the Silencing the Guns campaign and to develop a comprehensive policy on child protection in AU peace support operations. The Assembly also called on the Chairperson of the Commission to appoint a special envoy for children in armed conflict.¹⁹

In addition, 25 Members of the AU General Summit signed and endorsed the Safe Schools Declaration and Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict. This is an important move given that schools have been used for military purposes in many countries in Africa, including but not limited to Mali, Sudan, South Sudan and Cameroon. More needs to be done to ensure that the rest of the 31 AU Member States endorse this declaration.

2.1.3 The Executive Council

The AU's Executive Council decisions are key to enabling the organs, mechanisms, and structures of the AU to perform their mandates, including child protection. The following are some of the AU's sessions and decisions with direct implications on child protection.

During its 21st Ordinary Session, the Executive Council made a very important decision on the report of the ACERWC,²⁰ requesting the Permanent Representative Committee (PRC), the PSC and the RECs/RMs to consider child rights in their agendas and to cooperate actively with the ACERWC. This decision was important in the sense that it informed the maiden meeting between the PSC and the ACERWC.

The Executive Council requested the PSC to consider the rights of the child in its agenda and to co-operate actively with the ACERWC in its efforts to promote the welfare of children in Africa. This request was based firstly on the need for the PSC to stress the rules of international humanitarian law as applicable in armed conflicts that affect children; and secondly on the need for the PSC to ensure that parties in armed conflict take all necessary measures to ensure that no child is recruited or otherwise takes part in hostilities.

The decision of the Executive Council was based on the fact that there were common areas of engagement in protecting the rights of children in pre-conflict, conflict and post-conflict situations. All of these institutions have roles to play in accordance with their respective statutory mandates.

2.14 AU Specialized Technical Committees

The Specialized Technical Committees (STCs) are established under Article 14 of the AU Constitutive

¹⁹ AU Assembly Decision Assembly/AU/Dec.718 (XXXII)

²⁰ Decision on the Report of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) Doc. Ex.CL/744(XXI). Available at: <http://www.peaceau.org/uploads/ex-cl-dec-712-xxi-e.pdf> (accessed July 30, 2020).

Act and report to the Executive Council. They are a carryover from the Organisation of African Unity (OAU), where they had not been implemented. The purpose of the STCs is to work in close collaboration with AUC departments to ensure the harmonisation of AU projects and programmes and coordination with the regional economic communities.

The STC on Justice and Legal Affairs, the STC on Migration, Refugees and Internally Displaced Persons (IDPs), the STC on Human Rights, the STC on Gender and Women's Empowerment and the STC on Defence, Safety and Security all work on themes closely related to peace and security. The STC on gender and women's empowerment identifies protection and promotion of all human rights for women as a key priority but is silent on child protection. Extending the mandate of this STC to formulate child protection principles explicitly in line with its primary mandate could help strengthen implementation of the African Children's Charter.

The roles of the STC on Justice and Legal Affairs include drafting AU treaties and other legal instruments or documents, and surveying international law with a view to selecting topics for codification within AU legal frameworks. This STC also follows up on issues concerning ratification of AU instruments. There are opportunities within the work of this STC to strengthen child protection compliance, including by following up Member States that have not yet ratified the ACRWC, and by supporting the development of national legislation that is child-centred and which protects children from the impacts of conflict.

2.2 Reflections on the role of AU policy organs in child protection

Significant results have been achieved in pushing child protection further up the agenda of the AU Policy Organs. The establishment of a CPA is a step in the right direction. Sustaining these gains will require strengthening the CPA to undertake monitoring and evaluation of the implementation of AU decisions on child protection.

Furthermore, the AU should strengthen the work of the Inter-Departmental Support Group on Mainstreaming Child Protection into the AU Peace and Security Agenda. Several departments within the AU are capable of building synergy in this regard, including the departments of Peace and Security, the Department of Social Affairs, the Department of Political Affairs, the Department of Economic Affairs and the Department of Science and Technology.

While the PSC's efforts to institutionalise the child protection agenda in peace and security discussions have been notable, the PSC can still be doing more to facilitate the enforcement of norms and instruments. One of the challenges it faces is inaction in the face of certain conflicts: for example, there are reports of violations of children's rights that have not received much coverage by the PSC. A case in point is the "forgotten conflict" in Cameroon, which has not featured prominently in PSC discussions and decisions. This view is held by several independent actors, including the Institute for Security Studies (2019), which noted the AU's hesitation to prioritize the Cameroon conflict.²¹ As of October 2020 the conflict in Cameroon had seen the killing of at least six children and wounding of about eight more in Kumba, a region where separatist insurgents operate.²² In addition to the Kumba attack, Cameroon has experienced persistent instances of Anglophone secessionists kidnapping dozens of schoolchildren, imposing curfews and closing schools as part of their protests against President Paul Biya's perceived Francophone government and marginalization of the English-

21 Institute of Security Studies (2019). PSC Insights: Why the PSC should focus on Cameroon, Pretoria: ISS, 20 April 2019. Why.
22 Gunmen kill at least six children in Cameroon, The Guardian, 24 October 2020.

speaking minority.

In Mali, the ongoing conflict and tension among various ethnic groups since independence from France in 1960, coupled with the existence of insurgency groups such as the National Movement for the Liberation of Azawad (NMLA), the Movement for Unity and Jihad in West Africa (MUJAO), Al Qaeda in the Islamic Maghreb (AQIM) and the Ansar al-Dine, have seen the widespread destruction of schools. Many militants believe that schools are places where anti-Islamism is taught. The radicalization of youth has further compounded the obstacles that girls in particular face in attending school. Armed groups in northern Mali, especially Ansar al-Dine, AQIM and MUJAO, follow the Salafi brand of Islam, which has a stricter outlook on the way women and girls are viewed. Apart from curtailing their free movement (women and girls can only move around alongside their fathers, husbands or brothers), Salafism does not support their access to education.

The ongoing conflict has severely affected the already fragile education system and countered any progress that Mali had made in this regard. A 2018 UNICEF report indicates that insecurity has denied many children in Mali their right to education, as more than 1,100 schools in Mali have been closed due to insecurity, affecting over 350,000 children.²³ Figures from Plan International indicate that more than 800,000 school-aged children have been affected by the ongoing crisis.²⁴ The conflict in Mali has exposed girls to sexual violence, abductions and rape as well as the risk of early and forced child marriage.

In Sudan, reports by Amnesty International (2017)²⁵, Human Rights Watch (2017)²⁶ and the Global Coalition to Protect Education from Attack (2018) indicate that ongoing conflict, especially indiscriminate bombing by the government and opposition groups, has resulted in the killing and maiming of children in addition to damaging and destroying schools.²⁷ A report by the UN Security Council highlighted that the government and affiliated forces and armed groups in Darfur have all allegedly perpetrated individual and mass rapes against women and girls.²⁸

In South Sudan, reports from Human Rights Watch (2019) noted with concern that all parties to the conflict had committed serious abuses, including indiscriminate attacks against civilians including children. The UN Secretary-General to the Security Council and General Assembly reported that all sides of the conflict continued to recruit and employ children, noting that that 6,500 children were recruited and used as fighters by armed groups between October 2014 and June 2018.²⁹ In conflicts such as that in South Sudan, children are used as “weapons of war.”

23 UNICEF (2018). Children in Mali: Mali's Greatest Resource is its Children. Geneva; UNICEF, <https://www.unicef.org/mali/en/children-mali>

24 Refer to Plan International, 2018.

25 Amnesty International (2017). Darfuri Students Arrested, Detained, and Tortured for Speaking Out (London: Amnesty International)

26 Human Rights Watch, (2017). Good Girls Don't Protest, p. 25. Amnesty International, "Uninvestigated, Unpunished": Human Rights Violations Against Darfuri Students in Sudan (London: Amnesty International, 2017), p. 33.

27 Global Coalition to Protect Education from Attack (2018)., Education Under Attack 2018 - Sudan, 11 May 2018, available at: <https://www.refworld.org/docid/5be9430213.html> [accessed 2 November 2020]

28 UN Security Council, "Report of the Secretary-General," S/2015/203, para. 53. UN Security Council, "Report of the Secretary-General," S/2017/249, para. 64.

29 United Nations (2020). Children and armed conflict Report of the Secretary-General, A/74/845-S/2020/525, New York: United Nations, 9 June 2020. https://www.un.org/sg/sites/www.un.org.sg/files/atoms/files/15-June-2020_Secretary-General_Report_on_CAAC_Eng.pdf

Another challenge faced by the PSC is the disconnection between the AU and RECs when it comes to regional development and implementation of child protection norms. While it is understandable that the AU has a limited mandate to tell RECs/ RMs what to prioritize, due to the principle of subsidiarity, nevertheless the AU should still endeavour to push RECs/ RMs to adopt child protection norms in conflict situations. The CPA has a huge role to play here in collaboration with human rights protection mechanisms such as the ACHPR, the AfCHPR, the APRM and its Panel of Eminent Persons, and the ACERWC. The African CPA should engage in outreach at regional and Member State level to raise awareness on child protection norms and architecture, and to encourage reporting on progress.

This strategy worked when the AU Bureau of the Special Envoy on Women, Peace and Security engaged in a robust outreach mission with RECs/RMs to support the development of national action plans (NAPs) on women, peace and security. There were only 16 such NAPs across Africa when the Special Envoy was appointed in 2014, but due to sustained outreach and engagement with RECs, Africa currently boasts the highest number of national action plans of any region in the world, with 30 AU Member States having adopted NAPs to implement the WPS agenda.

The appointment of a Special Envoy on Child Protection in Conflict Situations is therefore critical. The Special Envoy for Children in Conflict Situations would have the opportunity to work closely with the ACERWC, especially the Special Rapporteur on Children in Conflict Situations, to undertake advocacy, outreach, and policy coordination with key actors within the APSA.

CHAPTER THREE: MAINSTREAMING CHILD PROTECTION IN APSA PILLARS

3.0 An overview

This chapter examines the role of the APSA in protecting children affected by armed conflict. The APSA is a set of institutions, mechanisms, norms and standards designed to facilitate conflict prevention and management and resolution of conflict. In fulfilling the APSA mandate to address peace and security through direct military intervention or indirectly through prevention, peacebuilding, promotion of democratic governance and humanitarian action, APSA pillars are mandated to protect children from all forms of vulnerabilities including sexual exploitation and physical and emotional abuse.

3.1 Key APSA Pillars

Of the nine AU principles, the principle of “non-indifference” is particularly important when it comes to child protection in conflict situations. It means that all situations that may threaten peace and security on the continent can be brought before the AU, including to justify intervening in a member state in cases of war crimes, crimes against humanity and genocide, or at the request of a member state. This idea, which frames Article 4(h) in the Constitutive Act for the African Union, calls for a commitment to an African solution for African conflicts and codifies the responsibility for collective African action in the gravest circumstances.

Key APSA pillars include the Peace and Security Council (PSC), the AU Panel of the Wise, the Network of African Women in Conflict Prevention and Mediation (FemWise), the Continental Early Warning System (CEWS), Regional Economic Communities, the AU Peace Fund, and the African Standby Force (ASF). The structure of the APSA is based on the protocol relating to the establishment of the Peace and Security Council of the African Union (PSC Protocol, 2002).

This chapter provides an analysis of the contribution of the APSA pillars to protecting children’s rights. The APSA framework is visually illustrated in Figure 1.



Figure 1: The APSA framework

3.1.1 The Peace and Security Council

This chapter notes that the PSC is the key pillar of APSA, but will not dwell on the PSC's role in child protection, having addressed this pillar as an AU policy organ in the preceding chapter.

3.1.2 The AU Panel of the Wise

The African Union Panel of the Wise (AU PW) is one of the critical pillars of the APSA. The AU PW is provided for by Article 11 of the Protocol Relating to the Establishment of the African Union Peace and Security Council (AU PSC) and is tasked with supporting the AU PSC and the Chairperson of the Commission in conflict prevention. Established in 2007, the AU PW is comprised of eminent personalities from Africa's five geographical regions. The Panel brings issues of timely importance to the attention of the Peace and Security Council.

The AU PW has been active in child protection. In 2010, the Panel considered ways to raise awareness of the impacts of war and sexual violence on women and children in a document entitled *Mitigating Vulnerabilities of Women and Children in Armed Conflicts*. The report highlighted issues of child protection in conflict situations and reminded the AU PSC of the need to act decisively to ensure that children are protected from the impacts of conflict. It produced four key recommendations, chief among which was the call to establish the Office of the Special Envoy on Women, Peace and Security.

The Panel has been involved in several preventive diplomacy missions, including in Guinea (2010), Egypt and Tunisia (during the post-"Arab Spring" transition), DRC (2011), Senegal (2012), Sierra Leone and Ghana (2012); Kenya (2013), South Sudan (2014) and Burundi (2014). Most of these Panel missions were supported by the Secretariat within the Peace and Security Division; but there was no child protection expertise on these missions. Nonetheless, the endeavours of the AU Panel of the Wise have sometimes contributed to peaceful resolution of conflicts, and thereby to building an Africa that is safe and fit for children.

3.1.3 The African Standby Force

The African Standby Force (ASF) is a critical pillar of APSA. The ASF has a multidimensional capacity to respond rapidly to conflicts across the continent through deployment of military forces, police, correctional officers and civilian experts to situations of armed conflict. As one of the key APSA components, the ASF consists of standby multidisciplinary contingents stationed in their countries of origin and ready for rapid deployment. These include the Southern African Development Community (SADC) Standby Force (SADC SF); the Eastern African Standby Force (EASF); the ECOWAS Standby Force (ESF); the Central African Standby Force and the North African Regional Community (NARC). Article 13 of the PSC protocol calls for the establishment of multi-dimensional regional standby forces.

The ASF Policy, developed in 2007, places the civilian members of PSOs on a high pedestal. The ASF Civilian Dimension Policy contains sections on the multidimensional management structures of PSOs and outlines the main civilian and police dimensions, roles and responsibilities within AU peace operations. This is in line with Article 13 of the PSC Protocol, which notes that the ASF shall be composed of multi-disciplinary civilian and military components held on standby in their countries of origin and ready for rapid deployment.

The ASF Civilian Dimension Policy recognizes the importance of protecting civilians, including children, in conflict situations. AU structures including the PSOD continue to embody civilian protection. It would, however, be progressive to delineate child protection as a separate process.

3.1.3.1 Regional standby forces and child protection

There are a few regional standby forces that have effectively considered child protection during training and deployment. For example, in 2017 the EASF launched the Child Protection Training Curriculum in Peace Support Operations in partnership with Save the Children International. This is accompanied by a training toolkit for PSO personnel on issues related to vulnerability of children during conflict (Save the Children, 2019). This training toolkit has been adopted by all ten Member States of the EASF. Efforts by the EASF to mainstream child protection in its training and pre-deployment capacity building are a result of long-standing collaboration with child-focused CSOs such as Save the Children.

The ECOWAS Standby Force also has an approved, harmonised and standardised curriculum on child protection. In addition, the ECOWAS Commission has established the Child Protection Unit (CPU), which is expected to deal with the intersection of child protection and peacekeeping. The ECOWAS CPU focuses on protection of children not only from violations committed because of armed conflict, but also from violations perpetrated by peacekeepers (troop conduct and accountability).

After years of developing doctrines, policies and strategies, and capacity building for military, police, correctional officers and civilian personnel, the ASF is ready to begin conducting operations. These can include a spectrum of missions from observation to peacekeeping and peace-enforcement and preventative interventions.

The SADC Standby Force (SF) provides a case in point,³⁰ illustrated in Box 1.

Box 1: SADC Standby Force in action: SADC preventative mission in the Kingdom of Lesotho (SAPMIL): 2018-2018

The SADC Preventative Mission in the Kingdom of Lesotho (SAPMIL) provides an example of a regional standby force being rapidly deployed to respond to a conflict situation. SAPMIL was deployed in December 2017 following a political crisis in Lesotho. It was officially launched by the Representative of the AU Chairperson of the SADC Organ on Politics, Defence and Security Cooperation (SADC Troika), Admiral Gasper Rufino, on 2 December 2017, pursuant to the decision of the Double Troika Summit of 15 September 2017.

The SADC Troika authorized deployment of a Contingent Force to the Kingdom of Lesotho to facilitate a secure, stable and peaceful environment conducive to the Rule of Law necessary for the implementation of SADC decisions, including security sector reforms (SSR). The decision by the SADC Troika followed a formal request from the Government of Lesotho for SADC to assist in restoring peace, security and stability.

SAPMIL comprised 269 personnel: 207 military personnel, 15 intelligence officers, 24 police officers and 12 civilian experts in different fields. The presence of SAPMIL and the conduct of confidence building patrols, among other things, acted as a deterrent to escalation of tacit conflict in the country.

30 SADC website: "SAPMIL closes down in Maseru," 21 November 2018, <https://www.sadc.int/news-events/news/sapmil-closes-down-maseru/>

SAPMIL undertook DDR processes to ensure that the political and security situation in Lesotho would be restored to a situation of stability. With SAPMIL support, the National Security Forum was established, and weapons that were seized from the Lesotho Mountain Police in raids in 2014 were returned.

SAPMIL was also able to support the Kingdom of Lesotho in re-training its personnel, especially in the area of civil military relations and international conflict management, and in building the capacity of 400 military, police, correctional services and intelligence personnel. SAPMIL assisted in the signing by key Basotho stakeholders of the “Framework Document to Facilitate the National Dialogue Process in the Kingdom of Lesotho.”

Although the mission was concluded in May 2018, SADC continued to monitor and act as an early warning mechanism and support the reconciliatory process in Lesotho. The Facilitator – His Excellency Cyril Ramaphosa – and his team continue to facilitate National Dialogue and reforms processes.

Most regional standby forces have developed their own operational frameworks, which articulate their civilian dimension. For example, the ESF Operational Framework is explicit about child protection. In its strategy, the EAF Operational strategy, it puts in place requirements for child protection experts to be deployed whenever ECOWAS deploys PSOs.

Peacekeepers in the African-led International Support Mission to Mali (AFISMA), deployed by ECOWAS, did transfer children caught up in the conflict to civilian actors; but the ESF has no Standard Operating Procedures (SOPs) for dealing with children affected by armed conflict. For example, when ECOWAS and the AU rapidly deployed AFISMA in 2013, or the African-led International Support Mission in Central Africa (MISCA) the same year, peacekeepers received no substantial child protection training.

To respond to this gap, in April 2013 AFISMA peacekeepers participated in a course on child protection, delivered with the support of the United Nations Children’s Fund (UNICEF), the European Union (EU) and the International Bureau for Children’s Rights (IBCR).

Similarly, in 2013 Save the Children, in collaboration with UNICEF, spearheaded a training schedule for the Regional Task Force (RTF) in East and Central Africa to train 3,500 troops by the end of 2014.

Despite such impressive collaborative efforts, most regional standby forces lack the infrastructural capability to respond to threats against children in armed conflict. They do not have strategic airlift capabilities, and they lack other essential transportation and intervention resources such as aircraft, armoured vehicles, helicopters and even radios.

3.1.4 Continental Early Warning System

The continental early warning system (CEWS) is another critical pillar of APSA. The CEWS collects and analyses information on a multitude of variables related to conflict outbreak in AU Member States. Its overall goal is to provide early warning of situations that could escalate to armed conflict, thereby giving the PSC the information needed to act preventatively.

A strong conflict prevention and child protection agenda depends on the development and full

institutionalization of early warning systems. Against this background, the African Union and nearly all Regional Economic Communities have established their own early warning systems (EWSs). The AU's CEWS is therefore augmented by regional early warning systems including the ECOWAS Early Warning Network (ECOWARN), the Intergovernmental Authority on Development's Conflict Early Warning and Response Mechanism (CEWARN), the Common Market for East and Southern Africa (COMESA) Early Warning System (COMWARN), the SADC Regional Early Warning Centre (SADC REWC), the East African Community (EAC) Early Warning System (E-WARN), and the Economic Community of Central African States (ECCAS) Central African Early Warning System (MARAC).

In practice, there is still a great need for information sharing between the AU CEWS and the early warning systems of the RECs and RMs. There is some degree of collaboration between ECOWARN, E-WARN and the SADC REWC, but in general the CEWS' limited connection with regional economic communities means that it is unable to collect regular information on key conflict variables pertinent to child protection. Furthermore, there seems to be a continental disconnect between early warning and early response, compounded by lack of political will to act preventatively and to intervene in the internal matters of Member States.

The importance of child-sensitive indicators cannot be overemphasised. To protect children in conflict situations and prevent them from experiencing the devastating consequences of violent conflict, the integration of child protection indicators into the analyses and formulation of CEWS processes is recommended. A systematic integration of child protection-sensitive indicators into early warning systems will improve their effectiveness as mechanisms to prevent violations of child rights.

A child-friendly early warning system allow the generation of more child-centred information, and would enable the AU to be better prepared and capable of more robust, accurate and measurable responses. The response mechanisms should also undertake gender disaggregated data analysis to provide a more nuanced, effective, child sensitive understanding of conflict factors and actors.

Box 2: The East African Community's efforts to integrate child protection in early warning

Integrating child protection in regional early warning systems: the case of EAC

The EAC's E-WARN's Priority 7 focuses on developing "an internal mechanism for detecting and responding to conflict and emergencies," with E-WARN Target 7.1 seeking to "strengthen the protection of children affected by armed conflict, including children displaced due to armed conflict, in collaboration with the African Union Commission."

To achieve Target 7.1, E-WARN sets out to "develop and implement a framework of institutional collaboration with the AUC and the African Committee of Experts on the Rights and Welfare of the Child on monitoring, accountability and reporting."

Target 7.2 seeks to "improve regional disaster preparedness plans and disaster risk reduction to include children and child protection response," while Target 7.3 seeks to establish a Regional Child Emergency Fund "to support children in conflict and emergencies, and to support national capacity

for child protection emergency response.”

Target 7.4 seeks to “enhance meaningful child participation initiatives in peace building at national and regional level,” through establishing and implementing a Children’s Dialogue Framework on peacebuilding from grassroots to regional level, building on existing national mechanisms for child participation. The EAC also proposes to achieve Target 7.4 through mainstreaming peace education in the curricula at national level.

Target 7.5 seeks to “establish and implement mechanisms to address the protection of children from all forms of abuse, violence, neglect, exploitation and extremism.” To achieve this, the EAC proposes to enhance existing national plans of action to address children in emergencies and children in conflict situations in order to protect them from abuse, violence, neglect, exploitation and extremism. The EAC also seeks to develop community-based and national systems for identifying, enumerating, and documenting children outside family care, including among refugee communities, through approaches that can be used rapidly in emergencies.

It is not, however, clear from this study whether E-WARN has taken steps to develop this framework for collaboration, and whether the EAC has begun to collect child-centred data in their early warning processes. Furthermore, evidence of the existence of the proposed Child Emergency Fund was not available. However, peace education curricula do now exist in some EAC Member States, including Rwanda and Kenya.

3.2 Reflections on APSA mechanisms and child protection

The PSC needs to establish appropriate consultative, operational, and legal relationships with RECs/RMs in order to ensure that the child protection agenda is effectively mainstreamed by these institutions.

The effectiveness of the AU CEWS and regional EWS can be enhanced by undertaking child-centred conflict analysis using child-sensitive indicators. There is also the need for CEWS to be connected to peace missions, including political missions, for the ongoing development and use of its conflict analysis and early warning products.

Additionally, while CEWS fills an important function within APSA, and while this pillar has the potential to contribute to mainstreaming child protection in peace and security processes, this platform is unlikely to play a role in conflict prevention if there is limited or no political will for an early response to its warning signals – which is frequently the case. To this end, the role of CEWS in undertaking child-centred conflict analysis can be enhanced if the data it generates can be presented to platforms that push for policy implementation and decision-making. The appointment by the AUC Chairperson of a Special Envoy on Children in Conflict Situations is therefore imperative.

The rapid deployment capability of the ASF is yet to be put to the test to examine how robustly and swiftly it responds to conflict situations. The ASF concept for peace enforcement operations also largely depends on the role of a lead region and a lead state, with the AUC retaining responsibility for mandating and setting norms and standards for such operations.

Despite the existence of the principle of non-indifference, it seems that the present ASF responds

to consensual peacekeeping. This means that interventions in conflict situations where there are apparent violations of child rights will not happen without consent from the parties to the conflict, especially the host state. The case of Cameroon is a stark illustration of a dilemma faced by all such regional structures; and currently ECCAS has been inactive in the Cameroon conflict despite its documented impact on children.

CHAPTER 4

CHILD PROTECTION EFFORTS BY THE AFRICAN UNION COMMISSION & ASSOCIATED STRUCTURES

4.0 Overview of the chapter

This chapter reviews work being undertaken through the various departments, divisions and directorates of the AU Commission. These include the AU Peace and Security Department, the Department for Political Affairs, the Department of Social Affairs, the Department of Economic Affairs, the Department of Science and Technology, the Human Resources Department, and the AU Women, Gender and Development Directorate. Although the levels to which they have integrated child protection in conflict situations is varied, the AUC departments are collectively involved in child protection issues.

4.1 The African Union Commission (AUC)

4.1.1 AUC Departments

The AUC departments with the most fully-fledged focus on children in conflict situations are the Peace and Security Department and the Department of Social Affairs. Various Divisions of the AU PSD, including the Peace Support Operations Division (AU PSOD) and the Crisis Management and Post-Conflict Reconstruction and Development Division (AU CMPCRDD) are involved in different activities that focus on children in conflict situations.

The AU Peace and Security Department (PSD) has recruited a Child Protection Expert to coordinate its child protection activities. The Expert is responsible for ensuring the rollout of the Child Protection programme, which seeks to strengthen AU efforts to protect children in conflict.

4.2 The AU Child Protection Architecture

The establishment of a CPA within the AU was largely supported by donors including UNICEF and the UN Office of the Special Advisor for Children Affected by Armed Conflict (CAAC). The Child Protection Advisor at the AUC was appointed in 2018 and is funded by UNICEF, but directly employed by the AUC. The roles and responsibilities of the Advisor include integrating child protection into decision-making processes to inform the policy of the AU, and strengthening the institutional capacity and knowledge management of AU Member States to protect children in conflict situations. The Child Protection Advisor works directly with AU Member states, especially their security forces, to raise awareness and strengthen capacity. The Advisor also provides direct support to AU PSOs such as AMISOM to ensure that they adopt implementation strategies and mission-specific plans for the protection of children in peacekeeping environments.

Additionally, within the AU PSD, but working in the field, a Child Protection Officer has been seconded by UNICEF to AMISOM, the largest AU peace support operation in Africa. The mandate of the Child Protection Officer is to strengthen the mainstreaming of child protection in the operations and activities of the mission through training, advocacy, advising, and coordination. It is unclear, however, whether donor support for this position will continue. In the long term, there is a need for increased AU ownership of the child rights agenda in support of children in conflict situations; this





Grade one students at Mohamud Hilowle Primary and Secondary School during a break session in Wadajir district, Mogadishu, Somalia on 12 January 2020.

© AMISOM Photo / Ilyas Ahmed

should be signalled by ensuring that such positions are fully funded by the AU.

More also needs to be done by the AU PSD to strengthen the accountability of AU Member States with respect to their obligations to treaty bodies such as ACERWC, the ACPHR and the AfCHPR, to ensure effective mainstreaming of child protection in conflict situations.

4.3 Other rights-based and coordination mechanisms

4.3 1 AU Special Envoy on Women, Peace and Security

In 2014, the AUC Chairperson appointed a Special Envoy for Women, Peace and Security (WPS), Madame Benita Diop. The Special Envoy on WPS has conducted several missions to Central African Republic (CAR), DRC, Somalia, South Sudan, Sudan and Mali, joining the Commission of Inquiry on sexual exploitation and abuse (SEA) by AU-led peacekeeping missions. The WPS agenda is crucial to addressing and preventing sexual violence in armed conflicts, and the WPS platform has often been used to spotlight SEA issues affecting women and girls.

Initially, the envisaged mandate of the AU Special Envoy, based on the 2020 AU Panel of the Wise Report, was to combine the women, peace and security agenda with the child protection agenda. However, there were calls for the Special Envoy to focus more on WPS and avoid peripheralizing either issue. This explains why the AU Special Envoy on WPS is not currently deeply invested in the child protection theme. Unavoidably, however, in the mandate of protecting women and girls, the Special Envoy also engages in outreach and advocacy on conflict situations that affect girls.

The Special Envoy was also part of the AU Commission of Inquiry to South Sudan (AUCISS) in 2014. The AUCISS³¹ emphasised the need to ensure that the welfare of children features prominently in the South Sudan transitional justice process. While there is a conceptual difference between the WPS agenda and the child protection agenda, the Office of the Special Envoy on WPS inevitably deals with child protection issues, especially considering the impact of conflict on women and girls. There is therefore a need to create more explicit avenues for collaboration between the AU protection mechanisms and the AU Office of the Special Envoy on WPS.

4.3.2 AU Special Representative for Silencing the Guns

As part of AU Agenda 2063, the AU Heads of State and Government adopted the Silencing the Guns by 2020 initiative as a flagship project, with the aims of ending all conflicts in Africa by 2020. This initiative is also one of the flagship projects and programmes of Agenda 2063. Silencing the Guns was adopted by the heads of state and government in their Solemn Declaration of 25 May 2013, marking the 50th Anniversary of the OAU/AU. In 2017 His Excellency Ramtane Lamamra was appointed as the AUC Chairperson's High Representative for Silencing the Guns in Africa. There have not been many tangible efforts by the Silencing the Guns initiative since, neither from

31 AUCISS is comprised of five eminent Africans: former Nigerian President Olusegun Obasanjo, the Honourable Sophia Akuffo of Ghana, Ms Bineta Diop of Senegal, Professor Mahmood Mamdani of Uganda and Professor Pacifique Manirakiza of Burundi. See: African Union Commission of Inquiry on South Sudan (AUCISS) 2014. Final Report. Addis Ababa, 15 October 2014. Available from: <<http://www.peaceau.org/uploads/auciss.final.report.pdf>> [Accessed 14 June 2020]; African Committee of Experts on the Rights and Welfare of the Child (ACERWC) 2014. Report of the ACERWC on the Advocacy Mission to assess the Situation of Children in South Sudan, August 2014. Addis Ababa, African Union.

the Special Representative nor from the Unit in the PSD tasked with integrating child protection into the work. There is, however, a huge opportunity for the initiative to give prominence to protecting child rights. This is in line with the desires of the 2020 AU General Assembly, which called for the AUC to integrate child protection into the Silencing the Guns campaign.

There is also a need for the roadmap for Silencing the Guns to include monitoring and evaluation indicators on the six grave violations against children, and mechanisms for the AU Commission to report on them.

4.3.3 AU Youth Envoy

The AU Youth Envoy, Ms Aya Chebbi, was appointed in November 2018 by the AUC Chairperson to ensure that African youth engage with the African Union. This appointment came against the backdrop of the AU Assembly Decision in January 2016 to devote the theme of 2017 to “harnessing the demographic dividend through investments in youth, and the subsequent adoption of the Roadmap for Harnessing the Demographic Dividend.”³²

The AU Youth Envoy’s mission is to lead advocacy and champion youth agency, prioritizing youth issues within continental and other decision-making. The Office of the Youth Envoy seeks to ensure that the work of the AUC mainstreams youth, and that it considers and amplifies a youth perspective in relevant AU frameworks. Additionally, the AU Youth Envoy is tasked with advocating for the implementation of progressive policies at regional, national and global levels, including through the African Youth Charter.

In implementing her mandate, the AU Youth Envoy is supported and advised by the nine-member AU Youth Advisory Council, which includes young people from all regions of the continent, with balanced gender and regional representation. The Office of the Youth Envoy (OYE) works closely with the Volunteer Network, a collection of talented young volunteers from across the African continent with specialized skills to support the work of the Envoy. The OYE also works closely with the AU Peace and Security Department, the Political Affairs Department, the Social Affairs Department and the Department for Human Resources, Science and Technology.

In her mandate to spearhead regional youth engagement, during her two-year term the Youth Envoy has engaged partners and youth in Africa and the diaspora on issues including youth, peace and security. Since her appointment the Youth Envoy has facilitated workshops and forums with youth across the continent; featured on panel discussions on Silencing the Guns; and held workshops to support youth participation in governance and political processes in Africa. There is work ongoing within the OYE to support the development of a policy framework for youth, peace and security, as well as guidelines for Member State engagement on the same.

Initiatives implemented by the Youth Envoy do not currently reflect a robust, explicit child protection theme; but by virtue of its focus on youth, there is opportunity for the OYE to integrate child protection in its programme of work. A cursory glance at the OYE’s 2019 programme of work reveals five thematic areas, include one on Youth Refugee Voices. The Youth Envoy seeks to amplify youth refugee voices and calls for strengthening shared responsibility for protection of refugees and IDPs. This presents an opportunity for the OYE to raise issues related to child protection in IDP and refugee situations.

32 Africa Union Assembly Decision (Assembly/AU/Dec.601(XXVI) of January 2016.

Working with the African Peer Review Mechanism (APRM), the AU Youth Envoy is mandated to produce the Annual State of African Youth report, incorporating reports from National Youth Councils and various stakeholders on the status of young people across Africa. The Report has not yet been produced. This is another avenue where the Youth Envoy can spotlight the impact of conflict on children, and give prominence to young voices calling for concrete action.

4.4 African Governance Architecture

The African Governance Architecture (AGA) is anchored in the AU's Constitutive Act, which expresses the aspiration in Article 3 (g) & (h) and Article 4(m) to "promote and protect human and people's rights, consolidate democratic institutions and culture and ensure good governance and the rule of law."^{33,34}

In 2011, the Declaration of the 16th Ordinary Session of the Union was adopted to create a framework for a dialogue among stakeholders with the aim of harmonizing a shared set of AU values and instruments and coordinating initiatives to promote and consolidate democratic governance on the continent. The mandate of the AGA is encapsulated in the Rules of Procedure of the African Governance Platform. The ACERWC is a member as well as an institutional mechanism of AGA.

Although AGA guiding principles and founding objects do not deal explicitly with the protection of children's rights, the Architecture envisages various aspects of human rights and rule of law that are applicable to children's rights. It also states the need to "accelerate the ratification, domestication, implementation and monitoring of African Shared values instruments" in line with the African Charter Article 11 (1), which emphasizes the importance of protecting children from harmful social and cultural practices that are not in line with the African value system.

There is opportunity for the coordinated mechanism of the AGA to provide a common agenda on child rights protection in conflict situations. This could be a flagship programme of the platform members (AU Organs), especially those mandated to develop standards for child protection.

Focusing on child protection and the promotion of children's rights in conflict situations provides a significant opportunity to enhance the nexus between peace and security and governance, ensuring an AGA-APSA synergy. Issues of child protection in conflict can be introduced as a collaborative work stream and a shared priority area between AGA and APSA, to avoid duplication of efforts.

4.4.1 African Peer Review Mechanism

The African Peer Review Mechanism, or APRM, was established in 2003 to spearhead the implementation of the New Partnership for Africa's Development (NEPAD).³⁵ Currently, the APRM has 40 participating Member States, with Seychelles and Zimbabwe the latest to accede to APRM

33 Its formation follows the 15th Ordinary Session of the Assembly of African Union Heads of States and Government (AU/Dec.304 (XV) held in July 2010.

34 See the Assembly of the African Union Fifteenth Ordinary Session 25-27 July 2010. Kampala, Uganda. Available at: https://au.int/sites/default/files/decisions/9630-assembly_en_25_27_july_2010_bcp_assembly_of_the_african_union_fifteenth_ordinary_session.pdf.

35 See NEPAD at: <https://www.nepad.org/>.

reviews.³⁶ The APRM assessments and reviews are intended to contribute to conflict prevention, and to help proactively to address national crises before they metamorphose into bigger continental conflicts.

The APRM has been recognized as one of the most effective mechanisms for conflict prevention. In establishing the APRM, and in appointing its Panel of Eminent Persons, the AU recognizes that this mechanism can be used to address some of the structural causes of conflicts on the continent, especially those relating to governance.

Given that child protection issues straddle the peace and security, governance and development landscapes, the APRM's convening power – and particularly the role of the APRM Panel of Eminent Persons – can be leveraged as key asset to reinforce best practices for child protection in conflict situations, and to identify outstanding gaps and challenges. The monitoring and sharing of best practices is particularly important for the implementation of the ACRWC. In its Article (5), the Charter ties the rights of children to not only the survival but also the development of the child.

Although the APRM reviews provisions with a focus on human rights, it is not explicitly focused on child protection in conflict situations. Most APRM reports do not explicitly monitor progress protecting children in conflict, although a country's development trajectory is very much dependent on its investment in children. The APRM could leverage its pan-African reach to expand the definition and scope of monitoring to include assessment of states' efforts to protect children in conflict situations.

APRM national structures can be leveraged for human rights monitoring and reporting, including on child protection, since they have almost all national/government stakeholders on board, including those responsible for human and child rights.

In addition to the above roles, the 2018 AU Assembly also designated the APRM as an early warning and conflict prevention tool.³⁷ This characterization provides the APRM with an opportunity to engage in peace and security issues, including monitoring child rights in conflict situations through its national structures and country review and targeted review processes.

4.4.2 Other AU organs with potential child protection role

Institutions within the AU that can impact the protection of child rights include the African Commission on Human and Peoples' Rights (ACHPR), which monitors the implementation of the African Charter on Human and Peoples' Rights and the Protocol on Women's Rights. The African Court on Human and People's Rights (AfCHPR) is another mechanism that has ample opportunity to incorporate child protection in its mandate.

The institutions and bodies within the AU that can have potential impact on the protection of child rights include the following.

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

³⁶ As of February 2020, 40 AU Member States had acceded to APRM reviews.

³⁷ Assembly/AU/Dec.686 (XXX) adopted by the 30th Ordinary Session of the Assembly of the Union held in January 2018, in Addis Ababa. <https://www.peaceau.org/en/article/communique-of-the-914th-meeting-of-the-psc-5-march-2020-on-the-reports-by-the-peer-review-mechanism-apmr-as-well-as-the-steps-taken-to-position-the-aprm-as-an-early-warning-tool-for-conflict-prevention>

The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) was established in 2002 as the primary mechanism for the promotion and protection of child rights and welfare in Africa. The Committee is an elected oversight body charged with supervising the implementation of the African Children's Charter. It consists of 11 independent experts elected by the Assembly of Heads of State of the African Union. The Committee has both a promotional and protective mandate, and receives communications on the violations of the provisions of the ACRWC.

The work of the Committee has significantly spotlighted the agenda of children in conflict situations. In 2016, the ACERWC undertook a detailed study of the impact of conflict on children in Africa entitled *The Impact of Conflict and Crisis on Children in Africa*. This continental study provided an overview of how children in Africa are affected by conflict and crisis situations, and revealed multiple challenges facing children in conflict situations, including direct and indirect forms of violence. The report further noted that children in conflict situations suffer from the actions of both government and non-state armed groups. A poignant conclusion of the ACERWC report is the realization that failure to institute child protection systems in regional conflict response mechanisms perpetrates conflict.

In 2016, the ACERWC adopted a 25 year plan entitled *Agenda 2040: Africa's Agenda for Children: Fostering an Africa Fit for Children*. This agenda is citizen-driven³⁸ and aligns with Aspiration 6 of Agenda 2063, which focuses on children and youth as the drivers of Africa's Renaissance.³⁹

4.4.2.2 The African Commission on Human and Peoples' Rights (ACHPR)

Inaugurated in 1987, the African Commission on Human and People's Rights (ACHPR) is charged with protection of people's rights and human rights, and interpretation of the African Charter on Human and People's rights. Also known as the Banjul Commission, the ACHPR is mandated to respond to violations of human rights, including those in the context of conflicts and political crises. The Banjul Commission has undertaken fact-finding missions to Mauritania, Senegal and Zimbabwe, among other places.

The ACHPR monitors implementation of the African Charter on Human and Peoples' Rights and the Protocol on Women's Rights, both of which have a bearing on children's rights and welfare. Currently, those of the ACHPR's reports and pronouncements on peace and security issues that have had implications for human rights have tended to be less focused on children. In November 2016, the ACHPR's statement on the conflict in South Sudan did not engage deeply with violations of child rights, focusing more on the impact of conflict on women, and especially the scale of sexual violence perpetrated against women and girls. It called for the strengthening of the security of women and girls during conflict.⁴⁰

It must be noted that there are already avenues for collaboration between the ACHPR and the ACERWC, especially in the production of the African Human Rights Yearbook, in which the ACHPR

38 ACERWC, *Agenda 2040, Africa's Agenda for children: Fostering an Africa Fit for Children*. 9 November 2016, available at <https://www.refworld.org/docid/5836c7ee4.html> (accessed 28 May 2020)

39 Aspiration 6 of Agenda 2063 underlines the need for "an Africa whose development is people-driven, relying on the potential of African people, especially its women and youth, and caring for children."

40 Statement by the Special Rapporteur on the Rights of Women in Africa in support of the AU Campaign to: "Restore the Dignity of Women and ensure Accountability in South Sudan" <https://www.achpr.org/news/viewdetail?id=44> (Date Accessed 30 October 2020)

makes pronouncements on the situation of children in Africa. The ACHPR can also respond to child rights violations and conflict situations through various mechanisms, including onsite investigations. There are opportunities for the ACHPR to address the impact of conflict on children by raising the profile of conflict situations to the AU PSC.

The ACHPR is responsible for spotlighting threatened or actual violations of child rights and for ensuring that relevant AU structures, such as the Panel of the Wise, the Special Envoys, AU Liaison Offices and AU PSOs, are deployed to address the identified challenges. The ACHPR can also serve as one of the bodies with the competence to deal with human rights violations involving children in situations of conflict. The ACHPR can conduct investigations, engage in early warning and provide recommendations for consideration by the AU PSC.

4.4.2.3 The African Court on Human and Peoples' Rights (AfCHPR)

The African Court on Human and Peoples' Rights (AfCHPR) was instituted by the Protocol to the African Charter on the Establishment of an African Court on Human and Peoples' Rights (the Court Protocol), which was adopted by the Assembly of the OAU on 9 June 1998. The Protocol entered into force on 25 January 2004, and the first 11 judges of the Court were inaugurated on 2 July 2006.

Among other human rights issues, the court has jurisdiction over the rights and welfare of children in Africa. However, this study has found no record of judicial processes concerning child protection that were brought before the court.

4.5 Reflections: the AUC, Special Envoys and AGA issues for consideration in child protection

Children in conflict situations should be high on the African political agenda.

Various mechanisms are in place to prevent and respond to violence. The appointment of a Special Representative for Silencing the Guns provides an opportunity to ensure that this AU flagship initiative has an institutional child protection anchor. The Silencing the Guns Unit at the AU, which is located within the PSD, should collaborate with the Child Protection Advisor and the Inter-Departmental Working Group on Child Protection to develop a programme of work that focuses on protecting child rights in conflict situations.

The establishment of the Office of the Special Envoy on WPS has its roots in the 2010 AU Panel of the Wise Report which highlighted the impact of armed conflict on women and children. The mandate to protect women and girls has a nexus with child protection, especially when discussing conflict situations that affect girls. There is therefore an opportunity for the African CPA to work more closely with the Office of the Special Envoy, especially in spotlighting the plight of refugee girls and raising awareness on sexual violence against girls and sexual exploitation of minors.

While there is a conceptual difference between the WPS agenda and the child protection agenda, a siloed approach to these interrelated issues will not be helpful. Considering the gendered impact of conflict on children, there is a need to create avenues for collaboration between the ACERWC and the AU Office of the Special Envoy on WPS.

While the current OYE workplan is not explicitly oriented towards children in conflict situations, the Youth Envoy's work on Youth Refugee Voices presents an opportunity to raise child protection issues in IDP and refugee situations. Furthermore, the Annual State of African Youth Report is another avenue through which the Envoy can spotlight the impact of conflict on children, including raising their voices for concrete actions.

Given that the APRM has been recognized as one of the most effective mechanisms for promoting conflict prevention, it should do more to collect data on child protection in conflict situations in its annual review of Member States. It is imperative to ensure that APRM reports include sections on child protection efforts at Member State level. More effort will be needed to ensure that when reviewing progress on governance issues, the APRM asks questions that address underlying root causes as part of the strategy to protect Africa's children from the scourge of conflict.

Given that it is one of the Treaty bodies listed under the CPA, the ACHPR should also be involved in the child protection agenda.

There are also opportunities for joint capacity building between CEWS and Human Rights observers to develop child-sensitive early warning indicators. Human rights observers can collaborate with the AU PCRDC to collect reliable information on the state of children in conflict situations and design child-sensitive relief and recovery efforts.

Additionally, since they are key pillars of the African CPA, the ACHPR, the AfCHPR, the APRM and the ACPRM Panel of Experts should all be more involved in child protection. The Inter-Departmental Working Group on Child Protection should ensure that these AGA pillars are involved in advancing child protection by carrying out consultations to identify opportunities for joint programming.

Looking at the example of the ACERWC, there should be more collaboration between Treaty bodies in engaging Member States on child protection and raising the visibility of the child rights agenda at REC/RM level. Focusing on promoting children's rights in conflict situations provides a significant opportunity to strengthen the nexus between peace and security and governance by ensuring strong AGA/APSA synergy.

CHAPTER 5

THE ROLE OF REGIONAL ORGANIZATIONS/ MECHANISMS IN MAINSTREAMING CHILD PROTECTION IN CONFLICT SITUATIONS

5.0 An overview

This chapter focuses on regional economic communities (RECs) and regional mechanisms (RMs), seeking to identify their existing policy frameworks, institutional mechanisms and child protection programmes in conflict situations. It recognizes that the PSC Protocol provides for partnerships between the AU and RECs/RMs, and that the AU-REC relationship is a potential avenue for promoting continued development and strengthening of the child protection agenda in Africa.

5. 1 Mainstreaming child protection within RECs

On balance, the RECs/RMs have been slow to adopt child protection principles.

Progress is mixed among the RECs, as there are some that have done significantly well, while others have not yet even started the process of developing child protection norms and strategies. For those RECs/RMs that have developed policies and strategies, the state of implementation is not clear.

There are, however, examples of RECs/RMs that are strong on child protection in conflict situations. For example, ECOWAS and the EAC have both started implementing child protection programmes. Child protection programmes for ECOWAS are implemented in liaison with PSOs and security sector institutions in Member States.

The following section provides an analysis of the state of child protection mainstreaming in the various RECs/RMs:

5.1.1 Economic Community for West African States

The Economic Community for West African States (ECOWAS) is one of the few RECs that has a strong child protection framework, and which focuses on children in armed conflict. In 2009 ECOWAS adopted a Child Policy along with an action plan and a Child Protection Monitoring and Evaluation Framework (2009-2013). One of the objectives of the Child Policy is to protect children from recruitment into armed forces or armed groups. It must be noted, however, that the timeframe for the strategic plan of action for the ECOWAS Child Policy expired seven years ago.

ECOWAS also adopted the Accra Declaration and Programme of Action on War-Affected Children. The Accra Declaration calls for the integration of child protection into ECOWAS peace making and peacekeeping processes. It was adopted in April 2000 following a high-level conference held in Ghana on the theme of children affected by armed conflict in West Africa.⁴¹

The Accra Declaration commits ECOWAS Member States to mainstreaming child rights and child protection training into their military structures. ECOWAS Member States were called upon to introduce courses on child rights and child protection into their training curricula for military units and

41 United Nations. (2000). Children and armed conflict. Available at: <https://childrenandarmedconflict.un.org/2000/04/28apr00/>.



Participants from various security sectors of the Federal Government of Somalia and the Regional Member States attend a training session on Human Rights and Prevention of the Recruitment and Use of Child Soldiers organised by the African Union Mission in Somalia (AMISOM), held in Mogadishu, Somalia on 29 April 2019. © AMISOM Photo / Omar Abdisalan



peacekeeping contingents.⁴² The Declaration resulted in the production of a booklet entitled *Child Rights and Child Protection Before, During and After Conflict: Booklet for Senior Military Personnel*, which is jointly published by ECOWAS & Save the Children Sweden West Africa (2001).

The Declaration provided a unique framework for protecting children in armed conflict in West Africa at a time when the region had suffered decades of civil war. It also called for the incorporation of an early warning system into PSOs, a commendable milestone towards protection of the West African child.

ECOWAS also adopted the Regional Action Plan for the Elimination of Child Labour, which aims to ensure that children are shielded from activities detrimental to their physical, social and/or psychological wellbeing. In line with the International Labour Organization (ILO) Convention on the Worst Forms of Child Labour (1999), also known as Convention 182, the ECOWAS Regional Action Plan recognizes that the recruitment of children into armed groups, child trafficking and child sexual exploitation are some of the worst forms of child labour.⁴³

In 2017, ECOWAS Heads of States and Governments adopted the Strategic Framework for Strengthening National Child Protection Systems, which aims to protect children from violence, exploitation, neglect and abuse. This is in line with Aspiration 2 of Agenda 2040: “An effective child-friendly national legislative, policy and institutional framework is in place in all Member States.” There is awareness within ECOWAS that responses to conflicts and complex emergencies in the region not only require a multi-dimensional approach, but also must exhibit child-focused interventions. The framework recognizes the need to integrate child protection principles into the ECOWAS peacekeeping missions, including through child protection-specific training programmes for military forces and other security agencies. Following the adoption of the Accra Declaration, the ECOWAS Secretariat established a Child Protection Unit (CPU) to ensure that its child protection work is anchored by relevant technical support and innovation.

Despite the impressive provisions of the Accra Declaration, to date the “declaration” and the “calls” remain largely on paper, due to the lack of specific, concrete steps on how to operationalize and achieve the “aspirations” therein.⁴⁴

The ECOWAS Gender Department has placed education at the centre of Silencing the Guns in the West Africa region, given that 60 million children in the region are not attending school because of conflict. In addition to declaring that education is mandatory for 12 years of children’s lives, ECOWAS engages in outreach with Member States to ensure that their budgets for education are significant and in line with the Abuja Declaration, which calls for 15 percent of national budgets to be allocated to education.

5.1.2 The East African Community

The promotion and protection of child rights is a key EAC priority. Article 120 (c) of the EAC Treaty calls on Partner States to cooperate closely in the field of social welfare with respect to the development and adoption of a common approach towards disadvantaged and marginalized groups, including

42 ECOWAS Accra Declaration 2000 “OP8: DECIDE to incorporate child rights and the protection of children in armed conflict, into training programs for military forces and other security agencies”

43 See the ECOWAS Regional Action Plan (RAP) for the Elimination of Child Labour, https://www.ilo.org/wcmsp5/groups/public/---africa/documents/publication/wcms_227737.pdf

44 World Press Freedom Day. 2018. Available at: https://en.unesco.org/sites/default/files/draft_accra_declaration.pdf.

children, youth, the elderly and persons with disabilities, through rehabilitation and provision of – among other measures – healthcare, education and training.

The EAC strategic plan for gender, youth, children, persons with disabilities, social protection and community development notes that children make up more than 50% of the EAC population. The Strategy acknowledges that they have the right to development, survival, participation and protection, as enshrined in the UN CRC and the ACRWC.

The EAC has adopted several social development policy frameworks, among them the EAC Child Policy (2016). The EAC Child Policy provides a functional regional framework to facilitate development, coordination and strengthening of national efforts to realise children's wellbeing. It takes note of transnational issues that can increase the risk of violence against children, including forced displacement, forced separation of children from their families, and trafficking of children across EAC borders, and encompasses a framework for strengthening child protection systems that makes specific reference to protecting children affected by armed conflict.

To operationalize these policy frameworks, the first EAC Child Rights Conference was held in September 2012 in Bujumbura, Burundi, to provide a platform through which the voices of EAC children could be heard. The second EAC Child Rights Conference, held in 2016, discussed the impact of conflict on children; issues of internal displacement; and proposed approaches by which relevant and responsible authorities, humanitarian agencies, CSOs and representatives of affected populations can coordinate child protection to ensure full, efficient and timely responses.

While these efforts by the EAC are commendable, the EAC has not yet established a clear-cut child protection architecture. Most of the programmes on child protection in the region are jointly undertaken by the Department of Peace and Security and the Department of Gender, Youth and Community Development.

5.1.3 Common Market for East and Southern Africa

The Common Market for East and Southern Africa's Early Warning model (COMWARN) recognizes that peace is a necessary condition for development and regional integration. Peace ensures that countries and communities can trade, and ultimately also opens doors to increased productivity and improved health.

While the COMWARN model does not discuss child protection in conflict situations, it uses a Positive Peace Index to define preventative approaches to peace and security. The COMWARN model recognizes that improvement in standards of living are critical to reducing regional and national vulnerability to conflict. For example, examining a variable on "maternal and child health" recognizes that improving the health standards of children contributes to long-term peace and prosperity outcomes. In contrast, diminished child health outcomes have implications for overburdening service delivery and diverting resources towards treatment of diseases.

COMWARN does not, however, have indicators and targets that focus on protecting children in conflict situations. In updating its model, COMESA should consider integrating child protection indicators into COMWARN.

5.1.4 The Intergovernmental Authority on Development

While the Horn of Africa has been affected by conflicts and protracted refugee and IDP situations, all of which have impacted children, unfortunately the Intergovernmental Authority on Development (IGAD) has not yet developed child protection policies and strategies focusing on children in conflict. While IGAD's health and social development agenda focuses on regional human development and welfare, with an emphasis on youth, children, women and other vulnerable population categories, the IGAD peace and security frameworks are silent on child protection.

The IGAD Regional Strategy notes that violent extremist groups such as Al-Shabaab and the Lord's Resistance Army (LRA) have abducted and enslaved women, and that girl child soldiers are often subject to sexual abuse.⁴⁵ Beyond this recognition, however, the IGAD Regional Strategy does not outline measures that can be taken to protect children, especially girls, in these conflict situations.

It must be noted that despite existing policies and strategies, IGAD's Migration Policy Framework recognizes the need to support the rehabilitation of former and demobilized combatants, with specific attention to child soldiers, abandoned spouses and others denied care during warfare.⁴⁶

The study observed that different IGAD Member States are at different levels of implementing child protection policies, especially regarding children in conflict situations. For example, Sudan adopted the National Child Act in 2010, followed by the establishment of a National Council for Child Welfare and a National Committee for the Eradication of Abduction of Women and Children (CEAWC). The latter has been focused on identification, retrieval, return and reunification of abducted women and children from the North of Sudan to their communities in the South.

Despite these achievements, children in the IGAD region continue to be abducted for purposes of forced recruitment, forced labour and sexual exploitation. Children in Somalia, South Sudan, Darfur and Chad continue to be victims of abductions and forced recruitments.

5.1.5 Southern African Development Community

The Southern African Development Community has a general framework on child protection (2010).⁴⁷ This framework focuses on orphans and vulnerable children (OVC). The SADC adopted the Minimum Package of Services to guide harmonization of service delivery for OVC. This package focuses on educational and vocational skills; health care, clean water and sanitation; food security and nutrition; protection of children and youth; psychosocial wellbeing and support; and social protection. This framework applies "protection" as a general process applicable to all children in the community, as opposed to a tool focussed on the unique conditions faced by children in armed conflict.

SADC has no specific policy frameworks on child protection in conflict situations. There is an opportunity for the SADC Gender Division to work closely with the Organ on Politics, Defence and Security Cooperation to ensure that regional organization integrates child protection in its peace

45 IGAD Regional Strategy: The Framework: Volume 1 (2016): <https://igad.int/documents/8-igad-rs-framework-final-v11/file>

46 IGAD Migration Policy Framework (2012). <http://migration.igad.int/wp-content/uploads/2017/02/Regional-Migration-Policy-Framework1.pdf>

47 The Southern African Development Community (2010). *Development of a SADC minimum package of services for orphans and vulnerable children and youth*. Regional Situation Analysis Report

and security processes. This includes integrating child protection into peacekeeping, mediation, peacebuilding and election observation missions.

The SADC Regional Peacekeeping Training Centre also has the opportunity to ensure that it designs and offers training programmes on child protection. Currently, the SADC Regional Peacekeeping Training Centre provides Civilian Foundation and Advanced Training courses and Protection of Civilians courses. It is imperative that the Centre establishes a fully-fledged course on child protection.

5.1.6 International Conference on the Great Lakes Region

The International Conference of the Great Lakes Region (ICGLR) adopted the Protocol on the Prevention and Suppression of Sexual Violence Against Women and Children (2007); the Goma Declaration on Eradicating Sexual Violence and Ending Impunity in the Great Lakes Region (2008); and the Kampala Declaration on Sexual and Gender-Based Violence (2011).

To address cases of sexual and gender based violence (SGBV) and sexual exploitation and abuse (SEA) at national level requires sustained capacity building coupled with robust outreach and engagement with law enforcement and judiciary actors. In July 2016 the AU Liaison Office in Burundi collaborated with UN Women and the Regional Women's Forum (RWF) of the ICGLR to train judicial officers and prosecutors from the 11 ICGLR Member States. In addition to highlighting strategies to fight impunity in ICGLR Member States, the training established a cadre of experts who can replicate the training on prevention of SGBV at local and national level.

Despite these efforts, efforts by the ICGLR are blighted by continued conflict in the Eastern part of DRC, where armed groups in North Kivu continue to commit crimes against children, including the recruitment and use of child soldiers.

5.2 Some reflections on REC/RM efforts in mainstreaming child protection

RECs and RMs are essential parts of APSA and key building blocks for the AU's objective of promoting continental peace and security. When their child protection architecture is not elaborate and effective, this curtails the AU's efforts. The PSC and AU Policy organs need to invest more in strengthening collaboration with RECs and RMs, and must ensure that child protection is an explicit theme of that collaboration.

Currently, RECs and RMs are at different levels of mainstreaming child protection and child rights into their peace and security architecture. Except for the EAC and ECOWAS, which are considered as advanced in norm-setting for child protection in conflict, most RECs and RMs have not taken significant steps to ensure that their policies are aligned to Agenda 2040, which seeks to create an Africa fit for children.

Most RECs/RMs have general child protection policies, which are often coordinated by Departments of Gender, Social Affairs and Community Development, with minimal involvement of Peace and Security Departments. For example, while the SADC has child protection policies and frameworks, the focus of these is not on children in conflict situations. The assumption that child protection only applies in peacetime leaves the region's children more vulnerable in conflict situations.

The lack of child protection policies in conflict situations means that regional actors, including governments and non-state armed groups, will not have frameworks that oblige them to adhere to child rights principles in conflict situations. It is therefore important for regional economic

communities and mechanisms to hasten the adoption of child protection policies, strategies, action plans and frameworks, with concrete steps for their implementation and clear responsibilities around protecting child rights in conflict situations.

This study reiterates the conclusion of the 2016 ACERWC study, which notes that the failure to institute child protection systems in regional conflict response mechanisms perpetrates conflict. Regional economic communities and mechanisms should be tasked with strengthening national protection systems, including through capacity building of law enforcement, security actors and the judiciary.

This study notes that most African countries have no dedicated child protection units or departments in their national military and police forces. National CPUs should be established and tasked with championing the child protection agenda.

CHAPTER 6: CHILD PROTECTION MAINSTREAMING IN AFRICAN UNION PSOs

6.0 An overview

This study assessed the extent to which AU-led and AU-supported PSOs have mainstreamed child protection principles and frameworks in the training, doctrine and conduct of peacekeepers. The study reviewed PSO missions that have been led by the AU, hybrid missions and/or those that have been transitioned to UN-manned missions to establish their preparedness for, and successes and/or failures in, protecting children in conflict situations. The assessment of PSOs was also meant to analyse AU measures to prevent and address the perpetuation of violations by peacekeepers in conflict situations.

6.1 Legal protection mandate of AU PSOs

Article 4 of the AU Constitutive Act mandates the AU to intervene in a Member State pursuant to a decision from the AU Assembly in grave circumstances. Articles 4(h) and 4(j) allow for AU intervention under the circumstances of genocide, war crimes and/or crimes against humanity. Member States also have the power to request interventions to restore peace and security in their countries. This principle both creates the legal basis for intervention and imposes an obligation on the AU to intervene to prevent or stop perpetration of heinous crimes anywhere on the continent.

6.2 Child protection in African PSOs: policies and frameworks

Since 2002, the AU PSC has authorised PSOs focused on protecting civilians and enhancing regional stability in Africa.⁴⁸ In 2010 the PSC committed to adhere to international humanitarian law (IHL) in all peace operations, though there was no explicit specific commitment to a child rights and protection ethos.⁴⁹ Within the remit of the AU protection of civilians, the term “protection” has been used to refer to IHL observance and “force protection” as well as to proactive protective activities which by extension includes children. AU PSOs are expected to implement the complex and often politically difficult objective of protecting civilians.

The Guidelines for the Protection of Civilians in African PSOs, although not explicitly focused on child protection or child rights, do include references to children in the provisions concerning civilian groups with special needs. It is obvious that both the international community and the AU are committed to institutionalising the protection of civilians in AU peace operations.

The Protection of Civilians Guidelines are organised into four tiers: protection through political process; physical protection; rights-based protection; and establishing a secure environment.⁵⁰ The Draft Guidelines⁵¹ recognize the importance of child protection by stating that

48 Abdullah, H.J. (2017). ‘Women and the African Peace and Security Architecture.’ African Peacebuilding Network Working Papers No. 10, Social Science Research Council, May 2017) p. 6 <https://s3.amazonaws.com/ssrc-cdn1/crmuploads/new_publication_3/%7B78FCD2E7-5F2F-E711-80C4-005056AB0BD9%7D.pdf>; Also see, Jeng, A. (2012). ‘Philosophy and structures of the African Union’, in *Peacebuilding in the African Union: Law, Philosophy and Practice* (Cambridge: Cambridge University Press) pp. 163–201.

49 Refer to the Decision: PSC/PR/2-CCLX-XI. May 2011. Cross-referenced in the NUPI Policy Brief: Available at: <https://www.files.ethz.ch/isn/168422/NUPI%20Policy%20Brief-7-13-Weir.pdf>.

50 African Union, Progress Report of the Chairperson of the Commission on the Development of Guidelines for the Protection of Civilians in African Union Peace Support Operations (PSC/PR/2 - CCLXX- IX) (May 2011), Para. 5. Available at: <http://www.peaceau.org/uploads/progress-report-protection-of-civilians-eng-.pdf>; Also see, P.D. Williams, ‘The African Union Mission in Somalia and Civilian Protection Challenges’, *Stability: International Journal of Security and Development*, Vol.2, forthcoming 2013, p. 3.

51 NUPI Policy Brief. (2013). Policies that protect: The African Union and the Protection of civilians. Available at: <https://www.files.ethz.ch/isn/168422/NUPI%20Policy%20Brief-7-13-Weir.pdf>.

“...the analysis undertaken within the APSA pillars should consider the threats to, and protection needs of, civilians, including groups with special needs, such as women, children, the elderly, persons with disabilities, internally displaced persons and refugees.”

All strategic documents guiding African PSOs – including concepts of operations, directives to Heads of Mission, status of forces agreements and memoranda of understanding between the African Union and regional standby forces and/or Member States – must reflect the PSO’s protection of civilians mandate.

The AU has also put in place a Policy on Conduct and Discipline for AU-led PSOs, and a Policy on Prevention of and Response to Sexual Exploitation and Abuse for PSOs. These two policies highlight the AU’s commitment to ensuring that its PSO personnel implement their mandates while holding to the highest standards of conduct, discipline and respect for international humanitarian and human rights law.

In the Code of Conduct for PSOs, all AU-led peacekeepers are now required to undergo the mandatory Core Pre-Deployment Training Module (CPTM). In missions such as AMISOM, the Integrated Mission Training Centres (IMPTC) incorporate a child protection advisory officer who ensures that continuous training and guidance on child rights and child protection are provided for mission personnel.

The AUC Conduct and Discipline Unit (CDU) has developed a training curriculum on compliance and accountability, which includes elements on child protection. Although it has not yet been implemented, this training package provides a significant opportunity to ensure that child protection principles are incorporated into the code of conduct for peacekeepers.

It is less clear, however, whether or not child protection training is a deployment pre-requisite in reality. Periodic evaluations of training and reviews are critical in matching the trainings to deployments, but systems for ensuring regular monitoring and evaluation of child protection capacity development are yet to be instituted in most AU-led PSOs.

6.3 Emerging child protection trends in African PSOs

There are ongoing efforts to develop an AU Policy on Integration of Child Protection into the African Peace and Security Architecture. This policy, which is being developed by the AU PSOD, is still in draft form. It seeks to provide practical guidance on when, where and how to mainstream child protection into the mandates of the different pillars of the APSA.

PSOs have made strides in mainstreaming child protection. Many of the AU PSOs have been developing peacekeepers’ capacity for protection of civilians in general, and protection of children affected by armed conflict in particular. The AU PSC has increasingly been including child protection language in the development of mission mandates. Including child protection as a priority at the mandate-setting stage ensures that various actors within the PSOs are given the responsibility to protect children.

It is not enough, however, to include child protection language in the mission mandate without providing guidance on how the child protection agenda will be operationalized. This therefore calls

for field assessments and mission planning processes to include child rights experts.

In addition, at mission level, it is important to establish implementation mechanisms to assist with coordination, monitoring, and follow-up.

Another key trend in PSOs is the establishment of Child Protection Units (CPUs) at mission level by troop- and police-contributing countries. CPUs are a key accountability mechanism within PSOs: not only do they have a role in preventing and addressing violations committed by armed protagonists in a conflict, but they also have an important role preventing and responding to violations committed by the units in which they are embedded.

6.4 Challenges of mainstreaming child protection in PSOs

- No child protection strategy at mission level: while the protection of civilians mandate of these PSOs by default includes a child protection agenda, some of the PSOs authorized and deployed by the PSC have not developed explicit child protection strategies.
- Criminal misconduct, including sexual violence and abuse by peacekeepers:⁵² in Somalia the prevalence and impact of sexual exploitation and abuse have been well-documented. The AMISOM mission has been blighted by incidences of sexual exploitation and abuse by peacekeepers, as highlighted in a 2014 Human Rights Watch Report, among others.⁵³ This has resulted in several challenges, including abandonment of children and persecution, marginalization and stigmatization of children born of SEA encounters.⁵⁴
- Jurisdictional issues to promote accountability: uniformed personnel from PCCs and TCCs have no individual contractual link with the AU; instead, they remain administratively attached to their respective national militaries. The legal obligations of military personnel in AU peace support operations are governed by memoranda of understanding (MOUs) agreed between the AU and each troop-contributing state. These MOUs hold TCCs responsible for training and disciplining their forces and for holding their forces to account for misconduct, including through criminal prosecutions.
- Lack of accountability for child protection in PSO mandates: currently, CPUs do not exist at mission level, though they are part of TCC and PCC mission structures. Having CPUs at mission level helps deal with the intersection of child protection and peacekeeping and promotes accountability for violations perpetrated by peacekeepers against children.
- Limited accessibility of mechanisms for redress: accessible mechanisms for victims and witnesses of violations arising from the actions or inaction of peacekeepers gain increased salience in mission contexts that are often characterised by secrecy, denial, coverups and unwillingness to tarnish a TCC's reputation or that of the entire peacekeeping mission. Accountability, on the other hand, happens when there is vertical commitment, policy and procedural guidelines, monitoring,

52 See the Child Rights International Network. Sexual Violence by Peacekeepers Against Children and Other Civilians: A Practical Guide for Advocacy. Available at: https://resourcecentre.savethechildren.net/node/10112/pdf/guide_-_peacekeeper_sexual_violence_final.pdf.

53 Johnston, N. (2012). Peace Support Operations. Available at: https://www.inclusivesecurity.org/wp-content/uploads/2012/04/38_peace_support.pdf.

54 "The Convention on the Rights of the Child." New York: United Nation, n.d. 15 June 2004. Also see, Liberia: UNMIL's Crackdown on Trafficking Puts Women at Risk" Refugees International Bulletin, May 10, 2004. Also see, Martin, "Sexual Exploitation in Liberia: Are the conditions ripe for another scandal?" 2004. 12 September 2004.

oversight and known and accessible complaints mechanisms. It also requires gathering of information and complaints to trigger investigations.

- Limited political will on the part of Member States to hold uniformed personnel to account: although significant change is resulting from training, changes in conduct and behaviour are unlikely to be triggered only by training. A political battle is still required to promote accountability. Political will and commitment at the highest level are required in order to translate policies and operational guidelines into concrete actions that benefit children in armed conflict.

6.5 Current AU-led and authorized PSOs in Africa

6.5.1 The African Union Mission in Somalia (AMISOM)

The AMISOM mission has been present in Somalia since 2007, with uniformed personnel from Burundi, Cameroon, Djibouti, Ethiopia, Gambia, Ghana, Kenya, Niger, Nigeria, Senegal, Sierra Leone, Uganda and Zambia. The largest troop contributors are Uganda, Burundi, Djibouti, Kenya, Ethiopia and Sierra Leone.⁵⁵ Only 3.5% of the force are female.⁵⁶

6.5.1.1 Good practices

Deployment of a Child Protection Officer: the AUC deployed the first PSO Child Protection Officer to AMISOM in 2015. Located within the Protection, Human Rights, and Gender section (PHRG) section of AMISOM, the Child Protection Officer has been collaborating with other actors within the mission, as well as working with the Somali government and other partners to establish CPUs within its security services.

- Child Protection Focal points: AMISOM has instituted a Child Protection Focal Point to coordinate with all stakeholders involved in protecting civilians.⁵⁷ This office is mandated to conduct tracing, identification, capture, documentation and handover to national authorities of children affected by armed conflict.
- Protection, Human Rights and Gender: a Protection, Human Rights and Gender unit is established within AMISOM for child rights and protection training. Child protection training is integrated within training courses on subjects such as international humanitarian and human rights law; protection of civilians; conduct and discipline; sexual exploitation and abuse; and sexual and gender based violence.
- Shared learning: among the initiatives undertaken by AMISOM to promote child protection is support for shared learning among key stakeholders in the protection cluster. This includes facilitating a South-South visit to Uganda to allow the Uganda People's Defence Forces (UPDF) to share their experiences protecting children with the Somali National Army (SNA).

⁵⁵ Letter dated 21 July 2015 from the Secretary-General addressed to the President of the Security Council, un Doc s/2015/556 (21 July 2015); Report of the Secretary-General on Somalia, un Doc s/2013/69

⁵⁶ AU Peace and Security Council open session on the role of women in protecting lives in challenging security environments in Africa, Bulletin, January-February 2017, United Nations Office to the African Union, p. 3 <https://unoau.unmissions.org/sites/default/files/01_unoau_bulletin_jan_feb_2017_14mar17.pdf>.

⁵⁷ AMISOM website: <https://amisom-au.org/2014/11/amisom-holds-a-child-protection-sensitization-workshop-in-baidoa/>.

- The Day of the African Child: over the years, AMISOM has been commemorating the Day of the African Child as part of its capacity building support to the government and people of Somalia.⁵⁸ In 2019, AMISOM, together with the Federal Government of Somalia, commemorated the day in Mogadishu, Kismayo, Baidoa and Jowhar. In 2020, despite the impact of the COVID-19 pandemic, AMISOM commemorated the day in Somalia's capital city, Mogadishu, to reflect on the resilience of the Somali child in the face of numerous child protection concerns in the country.
- The Mission Implementation Plan: adopted in 2011, the plan recognizes the importance of protection of civilians in commitment and adherence to, and implementation of, international humanitarian law.⁵⁹ AMISOM has a children's justice system that reiterates the importance of framing child protection as part of a broader perspective encompassing good health care, access to education and a fair justice system in line with international standards.
- Rules of Engagement (ROE): AMISOM's 2007 and 2010 Pocket Card explaining AMISOM's ROE specifies that soldiers are "authorized to use force, up to and including deadly force... to protect civilians, including children, under imminent threat of physical violence." This formulation parallels the language used in UN Chapter VII Protection of Civilians mandate, which indicates a proactive protection stance.
- The Civilian Casualty Tracking, Analysis and Response Cell (CCTARC): AMISOM developed CCTARC to improve the mission's ability to track and investigate violations against civilians.⁶⁰ Although it is not exclusively designed for child protection, CCTARC can be utilized as a tool to prevent child rights violations by recording the incidence of child casualties.
- The Board of Inquiry (BOI): AMISOM's investigative, administrative and quasi-legal platform is charged with handling disciplinary issues that arise in the mission area. The BOI is the instrument that AMISOM deploys to investigate allegations of serious misconduct in the mission area and to take disciplinary measures against errant officers.
- Recognizing former child soldiers and abductees as victims: AMISOM has been involved in child protection capacity building of security actors, including the Somalia Defence Forces. For example, the Federal Government of Somalia has developed and adopted SOPs for management of children associated with armed conflict (CAAC), and recognizes that children coerced and forcibly recruited to fight for Al-Shabaab should be recognized as victims and provided with a different pathway through the rehabilitation process.
- Pre-deployment and in-mission training: child protection measures undertaken by AMISOM have focused on pre-deployment and in-theatre training for all AMISOM personnel. These trainings are aligned with the broader training on protection of civilians and conduct and discipline.
- Screening recruits of the Somali Forces: AMISOM, in collaboration with UNICEF, has been significantly involved in supporting the Federal Government of Somalia in screening potential recruits into the Somalia National Security Forces to ensure that they meet required criteria,

⁵⁸ The theme for the 2020 Day of the African Child is "Access to a Child-Friendly Justice System in Africa," as adopted by the African Union Executive Council during its 34th Ordinary meeting.

⁵⁹ Lotze, W and Kasumba, Y. (2012). "AMISOM and the Protection of Civilians in Somalia," Conflict Trends, No. 2 (South Africa: ACCORD), p. 19.

⁶⁰ Rupesinghe, N. (2019). The civilian tracking analysis and response cell in the African Union Mission in Somalia: An emerging best practice for AU peace support operations. NUPI Policy Brief No. 3.

especially the accepted age for military and police service.

- Protection, human rights and gender clusters: AMISOM has established protection, gender and human rights clusters in different operational zones. These clusters engage with peacekeepers to sensitize them to international humanitarian law and issues related to child protection, gender, prevention of sexual exploitation and abuse, and national human rights laws.

Box 3: Good practices: addressing impunity and promoting accountability of peacekeepers

Uganda is an example of an AU member state making efforts to develop child-friendly reporting processes in cases of sexual exploitation and abuse by peacekeepers. Uganda holds court sessions in the country of deployment when violations committed by its peacekeepers have public importance. This practice allows for trust and accountability to be built between peacekeepers and the civilian population. It also serves an important role in winning the hearts and minds of the local population.

Uganda is also the only country in sub-Saharan Africa to have instituted a Female Engagement Team (FET) to act as an interface between peacekeepers and communities and to allow for interaction and sharing of information, particularly with women and children. Uganda has also developed a Women's Situation Room to enhance reporting and collection of information on violations of women's and girls' rights during political processes.

6.5.1.2 Barriers, gaps and challenges for AMISOM

- Allegations of sexual exploitation and abuse by AMISOM, including of children: AMISOM has been blighted by allegations of sexual exploitation and abuse by peacekeepers. A 2014 Human Rights Watch Report highlighted the extent of this challenge. The exploitation and abuse not only affects women, but also has child rights implications, especially as many children emerging from abusive relationships end up facing abandonment, marginalization and stigma from society. The AU PSD appointed a Gender Advisor in 2011 to oversee improvements in integration of gender considerations across its work.⁶¹
- Funding challenges: the lack of sustainable funding poses a serious challenge for AMISOM in terms of continuity of its operations and provision of the required capabilities and logistical support to ensure effective mainstreaming of child protection in the mission's operations. Despite several existing support models for AMISOM, including the UN Trust Fund, the EU African Peace Facility, United Nations Support Office for AMISOM (UNSOA), and direct donor support, AMISOM remains a heavy burden for the AU. Shifting donor priorities have caused funding cuts. Unreliable funding streams have seriously delayed implementation of this important mechanism, and seriously undermined AMISOM's capacity to fulfil its obligations under international humanitarian law, including the child protection agenda.
- Focus on offensive operations: while the robust nature of AMISOM can be regarded as a key strength, especially as the mission strives to secure territory and ward off Al Shabaab, the design of AMISOM is also a challenge. The lack of an explicit child protection mandate within AMISOM

⁶¹ Human Rights Watch Report, AU Letter Annex 3; See also, Irene Limo, The Training for Peace Program's Contribution to Gender Mainstreaming in Africa's Peace Operations, Conflict Trends 2015/2, accord (2015) <<http://www.accord.org.za/conflict-trends/the-training-for-peace-programmes-contribution-to-gender-mainstreaming-in-africas-peace-operations/>>.

emanates from the fact that the mission was conceived as a peace enforcement mission – and thus a party to the conflict almost from the very start.⁶²

- Lack of clarity on indirect fire policy (IFP): AMISOM developed an indirect fire policy (IFP) designed to constrain the use of indirect fire weapons with a view to reducing harm to civilians and particularly children. However, the policy was not implemented until 2011, and not incorporated into revised Rules of Engagement until a full year later. The implementation of the IFP did not result in the provision of additional resources for training, mentoring and equipping – in other words, expectations increased, but without the support necessary to help AMISOM soldiers meet those expectations.⁶³
- Underutilization of the CCTARC data for child protection: one challenge with the CCTARC is the lack of clarity on what the data it collects is used for. It is known that the data is submitted to the secretary general for preparation of the Annual Report, but there is no age disaggregation to establish the number of children who are attacked. Age disaggregation of CCTARC data could be used to monitor violations, and could also be used by other human rights oversight mechanisms such as the CPU.¹⁶

6.5.2. UN-AU hybrid mission in Darfur

The United Nations – African Union Hybrid Mission in Darfur (UNAMID) was authorized by the United Nations Security Council Resolution (UNSCR) 1769 of 31 July 2007.⁶⁴ This hybrid mission was deployed in the wake of humanitarian disasters in Darfur characterised by the displacement of millions of people due to conflict involving government troops, pro-government militias and various rebel groups.

6.5.2.1 Good practices

- Development of the Six Action Plans and 11 Command Orders: over the years UNAMID has engaged with parties to the conflict, resulting in the establishment of six Action Plans and 11 Command Orders to end recruitment or use of children as soldiers, and to stop other grave violations including abduction of children, killing and maiming of children, sexual violence against children and attacks on schools and hospitals.
- “Protect children – No Sexual Relations with Minors” campaign: UNAMID has supported a Darfur-wide campaign, “Protect children – no sexual relations with minors,” which has been part of the UN’s efforts to raise awareness among mission peacekeepers regarding child sexual abuse and exploitation, and to establish a zero-tolerance policy. Through the CPU the mission has conducted trainings on child protection under the rubric, “The key to sustainable peace in Darfur is through building the capacities of armed forces and armed groups on the basic principles that protect children.”⁶⁵
- Comprehensive protection framework: UNAMID has a comprehensive holistic protection framework encompassing four pillars: building the institutional framework and procedures of the

62 AMISOM website: <https://amisom-au.org/2019/12/amisom-sensitises-somali-communities-on-child-protection/>.

63 Human Rights Watch Website, <http://www.hrw.org/news/2012/08/23/somalia-protect-civilians-kismayo>.

64 United Nations SC/9089, July 31, 2007. Available at: <https://www.un.org/press/en/2007/sc9089.doc.htm>.

65 UNAMID. (2017). UNAMID trains Sudan Armed Forces on child rights and child protection in armed conflict. <https://unamid.unmissions.org/unamid-trains-sudan-armed-forces-child-rights-child-protection-armed-conflict>.

Sudanese police; capacity building; community policing; and programme implementation. This approach is designed to ensure that the mission builds strong institutions that can protect the population, including children. The emphasis on working with the police is designed to strengthen their capacity to mainstream child protection in their work.

6.5.2.2 Barriers, gaps and challenges for UNAMID

Despite UNAMID's robust capacities for protection of civilians, which are anchored in the three-tier approach of the AU protection of civilians strategy (dialogue and engagement, provision of physical protection and establishment of protective environment), it still faces obstacles that hinder effective protection.⁶⁶

- Deterioration of the security situation: uncertainty and deterioration of the security situation in Darfur since 2013 caused by an increasing number of armed actors, proliferation of weapons, banditry, crime and frequent attacks on the peacekeepers exposes children to vulnerability, including to being attacked, abducted and maimed.
- Exclusion of children outside IDP camps: the deployment of the Formed Police Units (FPUs) is not entirely focused on children but is mainly intended to protect civilian peacekeepers.⁶⁷ Furthermore, the protection provided by the FPUs to the civilian population is also limited to IDPs located in camps, leaving most civilians, including children of displaced families in Darfur, unattended. This is compounded by limited cooperation from the host country.
- Limited access by humanitarian and protection personnel: the Government of Sudan (GoS) often denies UNAMID personnel access to areas outside the camps. Such restrictions contribute significantly to curtailing the mission's ability to verify alleged attacks on civilians and children, leading to lax reporting of killings, attacks or sexual abuse. For example, in 2014, the verification team from UNAMID were denied access to the town of Tabit in Darfur to investigate a report that government troops had raped 200 women and girls.⁶⁸ This made it difficult for the CPU and other officials to sustain authentic monitoring, reporting and evaluation of sexual exploitation and abuse.
- Lack of procedures for screening children in armed forces: key challenges include lack of clear procedures for identifying and screening any children in armed forces, and for implementing complaint procedures and awareness-raising activities.

6.5.3. Regional task force in the Central African Republic

On 22 November 2011, the AU PSC established the Regional Cooperative Initiative against the Lord's Resistance Army/LRA (RCI-LRA), and an accompanying military component, the Regional Task Force against the LRA (RTF-LRA).⁶⁹ The AU PSC authorized the joint task force with the mandate to "strengthen the operational capabilities of the countries affected by the atrocities of the LRA,

⁶⁶ UNAMID, Standard Operating Procedures for UNAMID Police, 2014, para D1.1.2 and D1.1.3. Also see, United Nations, Revised Concept of Operations for the Police Component in the United Nations – African Union Hybrid Mission in Darfur (UN-AMID), July 2014, para 3 (3.2).

⁶⁷ United Nations Police. Available at: <https://police.un.org/en/formed-police-units-fpus>.

⁶⁸ Sudan denies U.N. access to Darfur village to check rape accusations, Reuters, 17 November 2014, <https://www.reuters.com/article/us-sudan-darfur-un-rape-idUSKCN0J10VH20141117>

⁶⁹ 3rd Ministerial Meeting of the Regional Cooperation Initiative for the Elimination of the Lord's Resistance Army (RCI-LRA), Addis Ababa, Ethiopia," African Union Media Advisory, April 24, 2013.

create an environment conducive to the stabilization of the affected areas, free of LRA atrocities, and facilitate the delivery of humanitarian aid to affected areas.”⁷⁰ By June 2013, 3,350 troops out of the authorized 5,000 had been contributed.⁷¹

Counter-LRA efforts have included encouraging defections and coordinating a DDR process as a key part of the strategy. RTF operations have resulted in successes including several senior-level defections and killing of LRA combatants and commanders.⁷²

6.5.3.1 Good practices of the RTF-LRA

- Capacity building for security forces in child protection: under a project dubbed “Strengthening child protection in AU Peace Support Operations,” the AU RTF (comprising the Uganda People’s Defence Force (UPDF), the Sudan People’s Liberation Army/Movement (SPLA/M), Forces Armées Centrales Africaines (FACA) and the Forces Armées de République Démocratique du Congo (FARDC)), worked side-by-side with US forces to train soldiers on child protection.
- Engaging child protection experts: the engagement of child protection expertise was a response to the LRA committing all facets of the six grave violations.⁷³ The LRA was abducting children into forced recruitment, brainwashing them and using them as combatants. Young girls would be forced into sex slavery. The group perpetrated crimes such as rape, sexual violence, mutilation, and other atrocities against children.⁷⁴
- Child abuse preventive strategies: the integration of child protection principles into combat operation manuals and training helped strengthen the capacity of forces to address child abuse and other acts of gender-based violence. The AU PSOD, working closely with international stakeholders, ensured that the peacekeepers’ training manuals included a focus on prevention of and response to child rights violations in conflict situations.⁷⁵

6.5.3.2 Barriers, gaps and challenges for the RTF-LRA

Although the RTF and RCI present examples of good practice in addressing a rapidly changing threat to civilians, and especially children, a study by the World Peace Foundation points to persistent challenges.⁷⁶

- Persistence of conflict within the region: the fragility of neighbouring governments has allowed the LRA to operate unchallenged and provided opportunities to regroup and recruit more children. Even though the Task Force has been able to reduce the number of LRA attacks against civilians, the LRA continues to maintain a presence in DRC, CAR and South

70 Ambassador Francisco Caetano José Madeira was appointed as the AU Special Envoy for the LRA initiative to oversee the new initiative and coordinate its development.

71 Uganda contributed 2,000 troops; DRC, 500; South Sudan, 500; and Central African republic, 350.

72 These men include Sam Opio (defected); Okat Odhiambo (killed); Okello Okutti (defected); Samuel Kangul (killed); Denis Obol (killed); and Otim Ferry (killed).

73 The State of the LRA in 2015: 8 key trends in LRA activity,” LRA Crisis Tracker, February 2015.

74 Arieff, A. and Ploch, L. (2014). “The Lord’s Resistance Army: The U.S. Response,” Congressional Research Service, May 15.

75 The training was multidimensional, and course modules were designed to capture various legal and policy frameworks and norms on child protection in peacekeeping and humanitarian emergency environments. The curriculum outline focused on topics such as: the changing nature of armed conflict; introduction to legal standards; the concept of childhood; UNSC Resolution 161; practical actions in monitoring and reporting on violations of child rights; codes of conduct and rules of engagement in relation to children; concepts in sexual violence and GBV; peacekeeping practice on prevention of and response to sexual violence; and military command measures in prevention of sexual violence.

76 World Peace Foundation. (2015). AU Regional Task Force against Lord’s Resistance Army Mission. Africa Politics, African Peace. Available at: <https://sites.tufts.edu/wpf/files/2017/07/Lords-Resistance-Army-Mission.pdf>

Sudan, and the lives of children remain under threat.

- Limited funding for the mission: funding challenges have meant that the RTF-LRA is constrained in executing its protection mandate, and particularly in implementing the child protection agenda. Funding challenges have contributed to the decision by the AU PSC to withdraw the military component of the RCI-LRA. This has left a yawning gap for children in the region, who are again at risk of abduction and recruitment by the LRA.

6.5.4 Multi-national joint task force in the Lake Chad Basin against Boko Haram

The regional nature of the Boko Haram insurgency, which targets children for recruitment, necessitated the establishment of the Multinational Joint Task Force (MNJTF) by the Lake Chad Basin (LCB) in April 2012.⁷⁷ The MNJTF was established through the Extraordinary Summit of the LCB Member States and Benin in Niamey, Niger on 7 October 2014; a month later it was fully endorsed by the AU PSC. It was upgraded in 2015.

6.5.4.1 Best practices of the MNJTF

- Community policing on child protection: working with local communities has been key in building community relations not only for intelligence, but also for winning trust on sealing borders to stop the passage of Boko Haram.
- Involvement of civilians in operations: The MNJTF doctrine incorporates civilians into the operation.⁷⁸ This approach was instrumental in their success in rescuing the Chibok girls from Boko Haram.

6.5.4.2 Challenges, gaps and barriers of the MNJTF

- Human rights violations in co-opting children into military operations: the MNJTF has been accused of human rights abuses, including violations of children's rights. The integration of civilians into the Force's operations, most of whom are underage, presents a delicate balance for the legacy and the long-term impact of the mission.⁷⁹ It is imperative for the Task Force to ensure that its actions comply with international humanitarian law and standards, especially those laws and policy instruments that protect the rights of children in conflict situations.⁸⁰
- Limited attention to IDP and returnee children: the MNJTF's formation doctrine mentions the need to restore the return of IDPs (internally displaced persons), but the Task Force does not explicitly embody the child protection mandate. Even though the Task Force was actively involved in the search for the Chibok girls in April 2014, the force lacks the capacity and legal mandate to establish or implement child protection systems and mechanisms.

77 Joint Task Force available at: <https://africa-eu-partnership.org/en/projects/multinational-joint-task-force-mnjtf-against-boko-haram>.

78 Agbiboa, D. (2018). Yes on the street: Civilian Joint Task Force and the Surveillance Boko Haram in North-eastern Nigeria. *Intelligence and National Security*, 33 (7): 1028.

79 Hankins, A. (2020). Key lessons for global counter-insurgency from the fight against Boko Haram. *ACCORD Conflict Trend No. 1*: Available at: <https://www.accord.org.za/conflict-trends/key-lessons-for-global-counter-insurgency-from-the-fight-against-boko-haram/>.

80 Assanvo, W, et al. (2016). *West Africa Report: Assessing the Multinational Joint Task Force against Boko Haram*. Institute of Security Studies. Issue No. 19, September.

6.5.5. African-led International Support Mission to Mali

Mali is a complex crisis involving several military coups, a separatist insurgency, an extremist insurgency involving terrorism, a weak state with limited capacity to tackle corruption and organized crime, failed security sector reform, and regional power struggles. In 2007 the Islamist group Al Qaeda in the Islamic Maghreb (AQIM), which had first established bases in northern Mali in the early 2000s, became increasingly active. In early 2012, well-armed Malian Tuaregs seized the opportunity caused by AQIM's destabilization efforts to advance their own interests, and sparked a rebellion combining Tuareg irredentism and militant Islamism.

Against this background, ECOWAS deployed the African-led International Support Mission to Mali (AFISMA), with endorsement from the AU PSC and the UN. Approximately 6,000 forces from eight ECOWAS Member States (Benin, Côte d'Ivoire, Ghana, Guinea, Liberia, Nigeria, Senegal, and Togo) and Chad served under AFISMA between January and June 2013. AFISMA later transferred authority to the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA).⁸¹

6.5.5.1 Best practices of AFISMA

- Explicit protection of civilians mandate: AFISMA supported Malian authorities in their primary responsibility to protect the population; transitioned to stabilization activities following the recovery of national territory; and assisted with humanitarian access to northern Mali.
- Focus on monitoring sexual exploitation and abuse: AFISMA is among the few missions on the continent that incorporated civilian peacekeepers to support monitoring and reporting of abuse of girls.
- Pre-deployment training focusing on child protection: given the impact of the conflict on children and the presence of children among armed groups, AFISMA troops received pre-deployment training that covered child protection. AFISMA and Malian forces received child protection training exposing them to protocols on children associated with armed forces and armed groups. TCCs that moved from AFISMA into MINUSMA were also trained in child protection; for example, the Chadian Government made some advances toward improving its policies and practices on child recruitment and use. Advances included improved methods for age verification and a Presidential Directive establishing 18 as the minimum age for recruitment into the armed and security forces.

6.5.5.2 Barriers, gaps and challenges for AFISMA and MINUSMA

- Challenges of coordination: AFISMA forces were unable to truly secure Mali's north, leaving children in this region vulnerable to attacks, abductions and forced recruitment by armed groups. The lack of coordination was not just between troops from various TCCs, but was also exhibited in relations between the AU and the UN. Partnerships for peace operations have been faulted for mistrust, tensions, and lack of predictability, making it difficult for a mission to perform protection of civilians, including children.⁸²

81 AFISMA available at: <http://www.peaceau.org/en/article/afisma-transfers-its-authority-to-minusma>.

82 Williams, P. D. and Boutellis, A. (2014). Partnership peacekeeping: Challenges and opportunities in the United Nations-African Union relationship. *African Affairs* 113 (451): 254-278.

- Delays in deployment: delays were compounded by the lack of readily available human and logistical capacity to deploy, and sluggish political decision-making. These were key factors that degraded the ability of the mission to deliver on its mandate.⁸³ As a result, children in Mali were exposed to heightened risks from continued fighting.
- Peripheralization of the child protection mandate: the mission was overwhelmed with responsibilities, including state-building, peacebuilding, managing a transitional political process and countering violent extremism. This made it very difficult for the civilian component of the mission to respond effectively to violations and abuses against children.
- Complexity of the operational environment: protection of children has proved particularly difficult in the face of new types of threats, including the activities of extremist non-state actors. On one hand, fighting between government forces and Islamist groups exposes children to direct hostilities; on the other, weak governance systems deny children access to education and nutrition. Those living in northern Mali, which largely remains in emergency mode, are exposed to killing, maiming and forced recruitment in addition to being used as human shields, raped and/or denied humanitarian access to aid.⁸⁴

6.5.6. African-led International Support Mission to the Central African Republic (MISCA)

The African Union peacekeeping mission to the Central African Republic (MISCA) was deployed in December 2013 and comprised soldiers from Gabon, Chad, Congo-Brazzaville, and Cameroon. Its mandate focused on protection of civilians, restoration of security and public order, and stabilization to create conditions conducive to the provision of humanitarian assistance. In September 2014, AU's MISCA troops were re-hatted into the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA).⁸⁵

6.5.6.1 Good practices for MISCA

- Explicit child protection mandate: MISCA had a child protection mandate, and its priorities included reducing vulnerability to armed violence; child protection; addressing gender-based violence; and reducing protection threats in and around IDP sites. MINUSCA's mandate included the obligation to protect civilians, with specific focus on providing protection for women and children affected by armed conflict.
- Provision of humanitarian support: MISCA was credited with allowing humanitarian organizations to do their jobs, especially in reaching the most vulnerable children. Humanitarian organisations recognised the role that MISCA played in providing security and were quick to

83 Maru, T. M. (2013). African-led International Support Mission in Mali (AFISMA): Military ahead of politics. Al Jazeera Centre for Studies.

84 Child Protection Sub-Cluster in Mali (June 2015). Plan de préparation et de réponse aux situations d'urgence – 2015. Unpublished document. p.6: See also, International Bureau for Children's Rights. (June 2015) Interviews with UNICEF, ICRC, and World Vision. Bamako.

85 United Nations Peacekeeping, MINUSCA <<http://www.un.org/en/peacekeeping/missions/minusca/>>; See further, Tatiana Carayannis and Mignonne Fowles, 'AU and UN Cooperation in Peace Operations in the Central African Republic', African Politics, African Peace Project, Program on African Peace Missions, Paper. 13 (June 2016) <<http://fletcher.tufts.edu/~media/Fletcher/Microsites/World%20Peace%20Foundation/African%20Peace%20Missions/Research/13%20AU%20and%20UN%20CAR%20Carayannis%20and%20Fowles.pdf>>.

ask for MISCA escorts. MISCA therefore created the conditions to allow the delivery of assistance to vulnerable populations, including children.

- Justice Rapid Response (JRR): MINUSCA's Child Protection Section and its Human Rights Division worked collaboratively to train peacekeepers on child protection principles.⁸⁶ For example, a workshop organized from 9-13 April 2019 in Bangui by MINUSCA aimed at strengthening capacities for monitoring, investigations and reporting on crimes against children.⁸⁷ The Justice Rapid Response (JRR) is key to the protection mandate of the mission.
- Capacity Building in Child Protection: MINUSCA also engaged in capacity building of peacekeepers in child protection. Some of the trainings it provided were set against the backdrop of an investigation report revealing a lack of investigative skills for crimes against children. MINUSCA troops were trained in analysis of reports and reporting of abuse and other violations of children's rights.
- Integrated approach to child protection mandate: MISCA worked closely with the UN Integrated Peacebuilding Office in the Central African Republic (BINUCA) to strengthen its capacity to protect civilians, support DDR and SSR, restore stability, and enable humanitarian actors to deliver humanitarian assistance.⁸⁸

6.5.6.2 Barriers, gaps and challenges for MISCA

- Capacity issues: MISCA had only a small number of peacekeepers deployed, which meant that forces were stretched very thin and were often unable to respond rapidly to security incidents. The mission's operations were mostly confined to Bangui, leading civilians to believe that MISCA was not doing all it could to maintain security across the country. The mission could not effectively carry out its protection mandate, and in particular its mandate to protect children from killing, maiming and raping.
- Complex command and control structure: there was no unified command structure, and rivalries among troop contributors were rife, with different factions displaying different levels of commitment to meeting the goals of MISCA's mandate. This hampered the protection of civilians mandate.⁸⁹
- Inadequate vetting of troops: although the mission was mandated to "provide specific protection for women and children affected by armed conflict,"⁹⁰ the urgency of the re-hatting process, among other factors, appears to have led to inadequate screening of troops, inadequate vetting, and the deployment of troops without adequate training – including with respect to gender, sexual exploitation and abuse (SEA), and UN standards of conduct.⁹¹

86 United Nations Peacekeeping. Available: <https://peacekeeping.un.org/en/capacity-building-to-address-serious-crimes-against-children>.

87 Transfer of Authority from MICOPAX to MISCA, African Union Peace and Security (2013). Available at: <http://www.peaceau.org/en/article/transfer-of-authority-from-micopax-to-misca>.

88 United Nations Security Council Report, March 2020. Available at: <https://www.securitycouncilreport.org/chronology/central-african-republic.php>.

89 Carayannis, T. and Fowlis, M. (2017). Lessons from African Union–United Nations cooperation in peace operations in the Central African Republic, *African Security Review*, 26:2, 220-236

90 Williams, P.D. (2013). 'The African Union Mission in Somalia and Civilian Protection Challenges' (2013) 2(2) *International Journal of Security and Development* <http://www.stabilityjournal.org/articles/10.5334/sta.bz/> ('The African Union Mission in Somalia').

91 Carayannis, T and Fowlis, M. (2017). 'Lessons from African Union – United Nations cooperation in peace operations in the Central African Republic,' *African Security Review*, 26(2), pp. 220–236.

- Perceived selective disarmament process: in January 2014, MISCA disarmament efforts only targeted the Seleka armed group, leading to the belief that peacekeepers were supporting the anti-Balaka militia against Muslims. This unbalanced approach to disarmament inadvertently left Muslims more vulnerable, resulting in targeted attacks against civilians including children.
- Sexual abuse allegations: MINUSCA was hampered by several allegations of sexual abuse against children. In 2016, Human Rights Watch reported sexual exploitation and abuse committed by MINUSCA peacekeepers from the Republic of Congo and DRC.

6.6 Some reflections on PSOs and child protection

African troops already form the bulk of peace support personnel currently engaged in UN missions and three AU-mandated missions on the continent. Through the weight of numbers and by virtue of the nature of their engagements, they clearly have a significant effect on the lives of girls and boys in the contexts in which they operate.

As peacekeepers they are mandated, through the African Charter and other international instruments on child protection, to protect children from violence. Peacekeepers also have an obligation ensure that peacekeepers themselves uphold the highest standards of conduct. The implementation of the AU's zero tolerance policy against SEA remains critical if peacekeepers in Africa are to make a significant positive difference in protecting children's rights in conflict situations.

Given this reality, there has been a significant focus on pre-deployment and in-mission child protection training for peacekeepers to ensure compliance with and respect for the rights of children in armed conflict. African PSOs have established a trend of liaising with regional peacekeeping training centres of excellence to ensure that they are periodically provided with platforms to strengthen their expertise in child protection.

It is important for missions such as AMISOM and others to leverage such platforms to ensure that peacekeepers attain the capacity and resources necessary to implement their mandates effectively.

CHAPTER 7 : CHILD PROTECTION IN AU PEACE PROCESSES AND PCRD PROCESSES

7.0. An overview

This chapter analyses what the AU has done to maximize child protection in conflict situations, paying attention to peace processes. It identifies specific examples of mainstreaming child protection into peace negotiations and post-conflict reconstruction and development (PCRD) processes. This chapter also reflects on the extent to which AU-led and AU-supported peace and PCRD policies and processes have integrated child protection and child rights into their design, implementation, reporting and assessment.

7. 1 Mainstreaming of child protection in mediation guiding documents

A review of mediation guidelines in the AU and in regional economic communities and mechanisms reveals that aspects of child protection do not feature in their SOPs and rules of procedure. For example, on the issue of the expertise required in technical mediation teams, AU SOPs highlight the importance of the critical personnel needed to provide mediation support to AU officials and envoys, and undertake and coordinate mediation capacity building. The SOP also mentions critical disciplines required in a mediation team, and includes experts in elements of peace agreements and peacebuilding processes including international law, legal drafting, DDR/SSR, economic development, power sharing, constitution drafting, public participation, transitional justice, land reform and refugee issues. The SOPs do not, however, mention the importance of a Child Protection Expert. Although the importance of gender diversity and inclusion is stressed, the issue of child protection is not, and is often assumed to reside in other cross-cutting issues and themes.

7. 2 Mainstreaming child protection in peace processes

Peace processes bring parties and belligerents to resolve disputes through processes such as mediation; negotiation and dialogues; and post-conflict reconstruction and development processes such as demobilization, disarmament, rehabilitation and reintegration (DDR), security sector reform (SSR) and transitional justice programmes. Several reports by non-state actors such as World Vision have characterised peace negotiations as perfect opportunities to mainstream child protection.

Over the years, the importance of including the protection of children in peace negotiation and mediation processes has been consistently highlighted.⁹² The inclusion and importance of child protection language (addressing rights, wellbeing and empowerment of children affected by armed conflict, and the integration of those rights into all peace processes) in mediation policies, guiding documents and peace agreements has increased over time.

7.3 Peace agreements and child protection

Most peace agreements signed in Africa have attempted to include child rights language. There has been progress in ensuring that the language of peace agreements addresses the four cardinal principles of child rights. Most peace agreements are explicit on provisions for redress for children

⁹² UNSC Resolution 1998 (para 19) (2011) calls for the protection, rights, wellbeing and empowerment of children affected by armed conflict, and the incorporation of their needs into all peace processes and post-conflict recovery and reconstruction planning, programmes and strategies.

recruited in armed conflict situations. Several agreements also take note of the occurrence of sexual and gender-based violence in conflict situations, and the impact of this phenomenon on children. Some peace agreements also refer to the role of children in post-agreement processes, including transitional justice.

The figure below provides a summary of issues that are articulated in most peace agreements signed in Africa after 2000:

Figure 2: Reference to child protection issues in armed conflict in peace agreements in Africa



The Lomé Peace Accord (2003) was one of the first peace agreements to incorporate the concerns of children as children. Following the signing of the peace agreement, a National Commission for War-Affected Children was established to give priority to children in resource allocation and policy setting.

The Inter-Congolese Agreement Final Act (Sun City Agreement) is one of the few peace agreements that recognises the impact of armed conflict on children's education. The Sun City Agreement notes that conflict in the DRC affected children by causing a decline in school attendance rates, contributing to between 3 and 5 million children dropping out of school.

The Sun City Agreement also acknowledged how armed conflict resulted in the destabilisation of homes, the separation or divorce of parents, and a subsequent increase in the number of abandoned children. This agreement also acknowledged the gendered impact of sexual violence on children in armed conflict, pointing out increases in the number of women as heads of households and child mothers, and increases in cases of rape, sexual exploitation, and abuse of women and girls – including rising cases of incest and paedophilia.

Peace dialogues in the Central African Republic also involved aspects of civilian protection in general, and child protection in particular. Guidelines were developed on how to include child protection language in peace processes. As a result, 13,000 children were released by rebel groups following the signing of the peace agreement.

In Northern Uganda, the LRA recruited more than 50,000 people into its army, and more than half of these were children under 18. One of the preconditions of the ceasefire deal was the release of women and children who were captured by the LRA and forced into marriage or used as slaves and soldiers. The 2006 peace agreement between the Ugandan government and the LRA was created with a child protection aspect, and ensured that more than 20,000 children were demobilized and reintegrated. The DDR programme for children in Northern Uganda was supported by development organizations.

In May 2014, the Sudan People's Liberation Movement-in-Opposition (SPLM/IO) and the Government of South Sudan signed a commitment to stop recruitment of children and to protect children from the impact of war. In June the same year the government of the Republic of South Sudan signed the Recommitment Agreement to implement the Revised Action Plan to end recruitment and use of children in conflict and other grave violations against children.

In South Sudan, parties committed to ceasing any acts of violence against children, girls, women and the elderly, and to support the reunion of families. Section 3.4 of the Agreement on the Cessation of Hostilities between the Government of South Sudan and the SPLM/A-IO mentions that "the parties shall cease acts of violence, summary executions, torture and displacement of populations; and refrain from recruitment of child soldiers."

Unfortunately, the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) missed the opportunity to incorporate child protection issues in proper breadth and depth. The only instance where children are mentioned is in Chapter 5 of the R-ARCSS, specifically the section on Transitional Justice (5.2.4.1.), which indicates that the Commission for Truth, Reconciliation and Healing (CTRH) shall implement measures to protect victims and witnesses, especially youth, women and children. The R-ARCSS also provides for the conduct of in camera proceedings and the protection of victims' and witnesses' identities.

There has also been a record of constant failure by parties in South Sudan to comply with international human rights and humanitarian laws. An IGAD report (2018) mentions that the Sudan People's Liberation Movement-in-Opposition pro Riek Machar (SPLA-IO) (RM) and the Sudan People's Liberation Movement-in-Opposition pro Taban Deng (SPLA-IO) (TD) have been found to have committed violations against their own people, including through killing civilians, committing rape and sexual violence, and continued recruitment of child soldiers. IGAD noted that the parties had failed to comply with the Articles of the 2017 Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access. Reports from the South Sudan Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM) have indicated that child soldiers continue to be recruited in South Sudan.⁹³

93 IGAD Council of Ministers of Ministers (CoM) Statement on the Reports of Violations of the Cessation and Hostilities Agreement in the Republic of South Sudan.
<https://www.igad.int/programs/115-south-sudan-office/1745-gad-council-of-ministers-com-statement-on-the-reports-of-violations-of-cessation-of-hostilities-agreement-in-the-republic-of-south-sudan>

Table 1: Child protection in African peace agreements

Table 1 provides an overview of the extent of mainstreaming of child protection elements in recent peace agreements in Africa (2002-2020):

Title of peace agreement and year of signature	Country and parties to the conflict	Section with child protection language and specific provisions
Lusaka Ceasefire Agreement, July 1999	Democratic Republic of Congo	Mentions that <i>the parties shall cease acts of violence, summary executions, torture and displacement of populations; and refrain from recruitment of child soldiers</i>
Peace Agreement Between the Government of the Republic of Uganda and the Uganda National Rescue Front (Yumbe Agreement) (24 December 2002)	Uganda Government of the Republic of Uganda and the Uganda National Rescue Front	<i>Government shall facilitate return to school of the 135 child soldiers who are interested in going back.</i>
Peace Agreement between the Government of Liberia, Liberians United for Reconciliation and Democracy (LURD), the Movement of Democracy in Liberia (MODEL) and the Political Parties (2003)	Government of Liberia, Liberians United for Reconciliation and Democracy (LURD), the Movement of Democracy in Liberia (MODEL) and the Political Parties	<p>ARTICLE XXXI</p> <p>VULNERABLE GROUPS</p> <p><i>1a) and 1 b) The National Transitional Government of Liberia (NTGL) shall accord particular attention to the issue of the rehabilitation of vulnerable groups, including children.</i></p> <p><i>2a) and 2b). The NTGL shall, in addition, accord special attention to the issue of child combatants and address their special demobilization and re-integration needs.</i></p>

<p>Inter-Congolese Negotiations: The Final Act (Sun City Agreement)- (April 2002)</p>	<p>Government of the Democratic Republic of Congo, the Congolese Rally for Democracy (RCD), the Movement of the Liberation of Congo (MLC), the main groupings of the Opposition and the Forces Vives of the Nation, the Congolese Rally for Democracy/ Liberation Movement (RCD/ML), the Congolese Rally for Democracy/ National (RCD/N), the Mai Mai</p>	<p>Article 2 (j) and (i) recommends the creation of a commission for the protection of women and children with the mandate to denounce all forms of violence specifically perpetrated against women and children, the elderly and persons with disabilities.</p> <p>2b) calls for a mechanism to facilitate the demobilisation and reintegration of child soldiers.</p> <p>EDUCATION</p> <p>a). urgent measures</p> <p><i>vii). Re-launch the policy relating to special teaching as well as to the reintegration of children, including child mothers who fail and drop out of the education system</i></p> <p>b). Short and medium term</p> <p><i>i). Provides for free primary education, particularly in the case of vulnerable populations, girls and underprivileged groups</i></p> <p>3.FAMILIES, WOMEN, CHILDREN AND VULNERABLE PERSONS</p> <p>a). urgent</p> <p><i>i). Set up psychological rehabilitation centres for women, girls, children and all other traumatised persons</i></p> <p><i>ii) Implement a systematic re-adaptation and social reintegration plan for children affected by the war and the rehabilitation of street children and young delinquents</i></p> <p>b). Short and medium term</p> <p><i>iii). Promote, increase awareness of and implement legal texts dealing with children's rights</i></p> <p>6. EMPLOYMENT AND PUBLIC ADMINISTRATION</p> <p>a). urgent</p> <p><i>ii). Speed up the implementation of legislation forbidding child labour</i></p>
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<p>Darfur Peace Agreement (May 2006)</p>	<p>Government of Sudan (GoS), the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM)</p>	<p>ARTICLE 3: HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS</p> <p><i>28d). The State shall provide maternity, childcare and medical care for pregnant women and children in need.</i></p> <p><i>28 e). The State shall protect the rights of the child, as provided in the regional and international conventions ratified by the GoS</i></p> <p>Compensation</p> <p><i>205d) The Commission shall work out principles for appropriate restitution or other compensation, considering the needs of vulnerable groups such as women and children</i></p> <p>Aims of the Comprehensive Ceasefire</p> <p><i>217). To ensure that protection of the civilian population is given the highest priority by all parties, and particularly that women and children are not subjected to gender-based violence</i></p> <p><i>236. AMIS shall not tolerate gender-based violence and abuse of women and children</i></p> <p>ARTICLE 26: PROTECTING IDPS AND HUMANITARIAN SUPPLY ROUTES</p> <p>Joint Humanitarian Facilitation and Monitoring Unit (JGFMU)</p> <p>The JGFMU shall :</p> <p><i>260 (j) Support efforts by relevant organisations to solve the problems of child soldiers, children who have disappeared, children who have been detained, and other children in Darfur</i></p> <p><i>262 (e) To provide special protection for women, children, the vulnerable and disabled persons</i></p> <p><i>279. A significant number of GoS Police, and Movements Police Liaison Officers shall work with women and children</i></p> <p>Protection of Women and Children</p> <p><i>275). The Parties shall release all boys and girls associated with armed forces and groups. UNICEF, UNHCR and the ICRC shall be called upon to assist in the identification, removal, family unification and reintegration of children associated with armed forces and groups</i></p> <p><i>276). The Parties shall ensure that women and children in the camp are protected from all forms of violence</i></p> <p>Disarmament and Demobilization</p> <p><i>430. The Parties agree that former combatants under the age of 18 shall not be moved to Assembly sites but shall instead be disarmed and demobilized separately, and that child disarmament and demobilization shall commence immediately after the signing of this Agreement</i></p> <p>Reintegration and Special Needs</p> <p><i>443. Specific programs shall be developed to address the reintegration needs of children, especially orphans of combatants</i></p>
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Comprehensive Peace Agreement between the Government of the Republic of Sudan and the Sudanese People's Liberation Movement/ Army (January 2005)	Sudan and SPLM/ A	<p>1.6. Human Rights and Fundamental Freedoms:</p> <p><i>The Republic of the Sudan shall comply fully with its obligations under the IHL treaties, including the Convention on the Rights of the Child</i></p> <p>1.6.2.15 The Rights of Children</p> <p><i>Every child shall have the right to measures of protection as are required by his/her status as a minor</i></p> <p>24. Guiding Principles of the DDR Programme</p> <p><i>24.9 The demobilization of all child soldiers within six months of the signature of the Comprehensive Peace Agreement</i></p> <p><i>24.10. The identification and registration within six months from the signature of the Comprehensive Peace Agreement of all children separated from their families for family tracing and ultimate reunification</i></p>
Comprehensive Ceasefire Agreement between the Government of the Republic of Burundi and the Palipehutu FNL (7 September 2006)	Burundi Government of the Republic of Burundi and the Palipehutu FNL	<p>Cessation of all acts of violence against civilians</p> <p><i>Parties shall cease violence against civilians, including use of child soldiers and sexual violence</i></p>

Agreement on the Cessation of Hostilities between the Government of the Republic of South Sudan (GRSS) and the South Sudan Liberation Movement/ Army (In Opposition) (SPLM/A IO) - (January 2014)	South Sudan SPLA-IG and SPLA-IO (RM) and SPLA-IO (TD)	<p>Protection of Civilians</p> <p><i>3.3 Parties shall not engage in any acts of violence against children, girls, women and the elderly, and shall support the reunion of families</i></p> <p><i>3.4 Parties shall cease acts of violence, summary executions, torture and displacement of populations; and refrain from recruitment of child soldiers</i></p>
Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access (ACOH)- (December 2017)	South Sudan SPLA-IG and SPLA-IO (RM) and SPLA-IO (TD)	<p>PART 1: CESSATION OF HOSTILITIES</p> <p>Article Two Commitment to the Agreement</p> <p>Section 5 of the Agreement indicates that:</p> <p><i>Each Party shall take the necessary steps to ensure that women and girls are not excluded or disadvantaged in the implementation of the Agreement, and that their special needs and vulnerabilities are fully addressed.</i></p> <p>Article Three: Obligations of the Parties under the CoH</p> <p><i>Parties undertake to cease hostile acts, including [...]</i></p> <p><i>e) recruitment and enlistment, including from Protection of Civilian sites (PoCs) and refugee camps</i></p> <p><i>(f) recruitment and enlistment of children</i></p>

Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) (September 2018)	Republic of South Sudan; SPLM/SPLA-IO SPLM former detainees and opposition parties	Chapter 5 of the R-ARCSS, specifically the section on Transitional Justice: <i>Section 5.2.4.1., The Commission for Truth, Healing and Healing (CTRH) shall implement measures to protect victims and witnesses, especially youth, women and children</i>
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7.4 Insights and reflections on child protection in peace processes

This study analysed examples of peace processes to examine their compliance with child protection principles.⁹⁴ Recent peace agreements facilitated by the AU and the regional economic communities and mechanisms have attempted to ensure that issues of child protection are significantly integrated in peace processes, particularly in peace agreements. Mediators and partners have ensured that child protection is included on the agenda of the peace talks as early as possible.

While most peace agreements are cover child protection in some detail, peace processes often fail to design forums that facilitate child participation. In Kenya, during the 2007/2008 post-election violence, the AU Panel of Eminent Persons – comprising the late former UN Secretary General Kofi Annan, the former first lady of Mozambique and South Africa Graça Machel, and Benjamin Mkapa, former president of Tanzania – created opportunities for the participation of women, CSOs and business actors; but channels for child participation were not prominent. Similarly, in Libya in 2018 broad-based consultations were held for women, university students and special category groups such as displaced populations, but these consultations did not include children.

Another challenge is that there is a gap between the provisions of peace agreements and the reality of subsequent concrete actions on the ground. Implementation problems persist and the mainstreaming of children's issues in peace processes has not been translated effectively into practice. The unconditional release and reintegration of children formerly associated with armed forces or armed groups has not been followed through. For example: although the Government of South Sudan has initiated vocational training as part of rehabilitation of child ex-combatants, a lack

⁹⁴ This is in line with the African Children's Charter, as well as UNSC Resolution 2143, which urges Member States and other concerned parties to ensure that child protection provisions are integrated into all peace negotiations and peace agreements.

of regular funding and scalability remains a barrier. There is also no adequate, child-sensitive justice system for dealing with former child soldiers in the post-conflict period.

7.5 Case studies of child protection in DDR processes

The incorporation of a child protection lens in disarmament, demobilization and reintegration (DDR) processes is especially important considering how armed groups often recruit and enlist children. The Defence and Security Division (DSD) of the AU PSD created the AU DDR Capacity Programme in October 2020, following consultative meetings with RECs and RMs. A key achievement of this programme was the development of the DDR and Children Guidelines. These guidelines aim to provide African stakeholders, particularly AU Member States but also the AU, RECs, RMs, and PSOs, with operational guidelines to assist in designing and building institutional frameworks for national DDR programmes.

In Liberia, the use and abuse of child soldiers was a deliberate policy at the highest levels of government and in the two opposition groups, the Movement for Democracy in Liberia (MODEL) and Liberians United for Reconciliation and Democracy (LURD). Child soldiers, often under the influence of drugs provided by their commanders, witnessed and participated in the killing and rape of civilians and other abuses.

Armed forces should be encouraged to release unconditionally any children who have been associated with hostilities.

In Burundi, for example, reintegration trajectories of former child soldiers are largely positive, demonstrating considerable resilience.⁹⁵ A reintegration support programme appears to have played a positive role in securing the improved wellbeing of the returnees. Such an effect was mainly observed on psychosocial rather than economic indicators and was best predicted by a sense of satisfaction with received services.

In Liberia, following the end of hostilities and the subsequent signing of the Accra Peace Agreement in August 2003, children who were in armed groups and forces were demobilized with support from the various child protection agencies in the country. Liberia's DDDR program started in December 2003 and included the formal process of releasing children. The DDDR for children was supported by UNICEF and a local civil society organization, the Liberia Crusaders for Peace (LCP). UNICEF coordinated the operations while the UN Mission in Liberia (UNMIL) provided funding for the programme. The LCP assisted the government to conduct preparatory visits across the country to inform communities about the terms and conditions of the demobilization, and to encourage child soldiers to take part in the DDR process.

In Sierra Leone, a National Commission for War-Affected Children was established. The government also collaborated with civil society organizations to ensure successful disarmament, demobilization and family and community reintegration processes. The Sierra Leone DDDR process involved community sensitization, tracing and family mediation, and family reunification elements supported by the establishment of Interim Care Centres (ICCs) to facilitate transition. More than 5,000 former child soldiers and over 2,000 non-combatants were placed in ICCs during the demobilization period.

⁹⁵ Jordans, M.J., Komproe, I.H., Tol, W.A. et al. (2012). 'Reintegration of child soldiers in Burundi: a tracer study.' *BMC Public Health* 12, 905 (2012).

The approach used in Sierra Leone and Liberia also included efforts to ensure that the needs of girl soldiers were met. Sierra Leone adopted the Cape Town principles to ensure that girl children benefitted from the DDR process.⁹⁶ Furthermore, DDR processes in Sierra Leone incorporated local knowledge systems and included traditional cleansing and healing ceremonies supported by religious and traditional leaders. To take care of the education and employment needs of children, the DDR programme ensured that demobilised children had access to formal education and vocational training. The programme also provided individual supportive counselling and trauma healing services.

7.6 Mainstreaming child protection in transitional justice processes

Armed conflicts have resulted in gross violations against children. Apart from maiming and mutilation, other impacts of armed conflict on children include but are not limited to forced recruitment, displacement, malnourishment, and dropping out of school. It is against this background that a child-centred approach to transitional justice is imperative.

Transitional justice is part of PCRD. It refers to efforts to achieve accountability, justice and reconciliation as part of recovery, specifically in situations where gross violations have taken place. These efforts may include judicial and non-judicial processes to enable individuals, communities and nations to respond to the atrocities and abuse arising from war. Transitional justice processes attempt to deal with the legacy of war but also help prevent future violations by establishing a way forward from conflict to a more just and stable society.

There are few examples of transitional justice processes that embodied a child protection lens.

- After signing the Lomé Accord (2003), Sierra Leone established a special court for crimes committed against children, the Special Court for Sierra Leone (SCSL).⁹⁷ The Sierra Leone Truth and Reconciliation Commission estimated that more than 10,000 children were abducted as child soldiers. Thousands more were victims of rape, mutilation, forced prostitution and sexual exploitation.
- In DRC, former militia leader Thomas Lubanga was the first individual to be charged by the International Criminal Court (ICC) with the crimes of enlisting and conscripting children as soldiers, which he did between September 2002 and August 2003, and causing them to participate actively in hostilities. In March 2006, Lubanga was transferred to the ICC in the Hague, where he was found guilty.
- In South Sudan, the Agreement for the Resolution of Conflict in South Sudan (ARCSS) provides for the establishment of the Hybrid Court for South Sudan (HCSS) as one of several transitional justice mechanisms.⁹⁸ Once active, the Hybrid Court would be a key instrument for accountability and transitional justice in South Sudan. The HCSS is expected to hear cases related to war

⁹⁶ In full, these are known as the Cape Town Principles and Best Practices: On the Prevention of Recruitment of Children into the Armed Forces and Demobilization and Social Reintegration of Child Soldiers in Africa. The Cape Town Principles define “child soldiers” to include girls recruited for sex and forced marriage, children pressed into support roles, and children who bear arms.

⁹⁷ The Special Court for Sierra Leone was established in 2002 to prosecute those “who bear the greatest responsibility” for war crimes, crimes against humanity, other serious violations of international humanitarian law and relevant domestic offenses committed since 1996.

⁹⁸ The HCSS has broad temporal jurisdiction over international crimes committed between 15 December 2013 and the end of the 30-month transition period.

crimes, crimes against humanity, sexual crimes, gender-based crimes and other serious crimes under both international and South Sudanese laws.

The above efforts continue to face structural challenges. For example, there is a lack of political will from the signatories to implement key provisions of the R-ARCSS.

Another challenge relating to current transitional justice processes in Africa is that despite widespread evidence of the recruitment and use of children by armed forces and groups, there have been few convictions by national military courts for this crime, the only convictions to date being in DRC and Sierra Leone.

Box 4: Lessons from Sierra Leone on child-centred transitional justice

Good practices from Sierra Leone in Transitional Justice

- Following the end of the war and the signing of the Lomé Accord (2003), Sierra Leone established a special court for crimes committed against children, the Special Court for Sierra Leone (SCSL).
- Grave violations of children's rights have figured prominently in cases before the SCSL and in the ICC. The SCSL was the first international or hybrid court to prosecute and convict persons for the crime of recruiting and using children in armed conflict. In February 2009, the SCSL prosecuted three Revolutionary United Front (RUF) commanders for war crimes, crimes against humanity, and other serious violations of international humanitarian law, including the recruitment and use of child soldiers and "forced marriage of girls"⁹⁹ during conflict.
- Protection policies and procedures for child witnesses in international courts and tribunals were first established by a framework of cooperation between the SCSL and the country's child protection agencies.
- The resulting agreement (Principles and Procedures for the Protection of Children in the Special Court) created a joint monitoring committee composed of the Special Court and the child protection agencies, which reviews the implementation of the principles and procedures every month.

⁹⁹ Prosecutor v Brima, Kamara and Kanu (AFRC Case, Case No. SCSL-2004-16-A), Special Court for Sierra Leone, Appeals Chamber Judgment of 22 February 2008, paras. 181-203. The judges found the three accused – Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu – guilty of various war crimes.

7.7 Some emerging reflections

This section has highlighted how child protection has been mainstreamed into AU mediation processes. Although children are mentioned in core AU handbook tools such as the AU Mediation Support Handbook, the inclusion of their specific needs and rights in peace negotiation and mediation efforts should be more systematic.

A lot has been done by the AU and the RECs to ensure that gender is integrated into peace mediation, but child protection elements have not received the same level of integration. The African Children's Charter and Agenda 2040 should be used as reference points for promoting child-centred peace processes. During peace negotiations, discussions must spotlight how children are negatively affected by conflict, while also recognizing their capacities as agents who can contribute to the design of inclusive, child-sensitive peace and post-agreement mechanisms.

Mediators mandated by the AU and the RECs/RMs, AU Special Envoys and preventive diplomacy structures such as the Panel of the Wise and FemWise all need capacity building in mainstreaming child protection. Mediators require tools with which to incorporate child rights and child protection issues at all stages of peace processes from conflict analysis through shuttle diplomacy, actual negotiations and drafting peace agreements, to post-agreement follow-up. There is a significant opportunity for the AU Mediation Support Unit to develop SOPs and guidelines for mediators on how to incorporate children's needs in conflict situations.

It is also important for mediation processes to ensure that they include child protection expertise as a critical component of mediation teams. Just as it is compulsory for a gender expert to be part of the mediation team, so too should it be compulsory to have a child protection expert to assist with child-sensitive conflict analysis, identify opportunities for children's participation, and ensure inclusion of child-sensitive language in peace agreements.

Child protection experts can also articulate the minimum standards for child protection in peace processes, including identifying child-sensitive strategies for promoting children's participation. For every mediation process undertaken in Africa it is recommended that a fully-fledged child protection strategy should be developed, to put children at the heart of the peace process. The strategy should be in line with AU guidelines for mainstreaming child protection in peace processes, the development of which is another recommendation of this study.

Although child protection principles have been incorporated into peace agreements, translation of this effort into real world wellbeing and protection remains slow. Examples of peace agreements with child-centred provisions include the agreements in Burundi (2000), Sudan (2005), South Sudan (2015; 2017) and the Central African Republic (2019).

While the AU has rich experience of integrating child rights into peace agreements, there has been no standard framework for doing so, as these efforts are often left to the discretion of mediators and the development partners supporting the peace processes. It is therefore critical to ensure that there is standard AU guidance on child-sensitive peace agreements, including the use of child-friendly language.

When it comes to mainstreaming child protection into transitional justice processes, the AU should play a more prominent role, as it has in South Sudan, where it is leading efforts to establish the

HCSS, including determining key aspects of the court such as location, funding, infrastructure, enforcement and personnel¹⁰⁰.

The HCSS should have a strong child protection component in line with the recommendations from assessment missions undertaken by the ACERWC and the AU Commission of Inquiry on South Sudan (AUCISS) in 2014.¹⁰¹ Both the ACERWC and AUCISS jointly called for the welfare of children to feature prominently in the South Sudan transitional justice process. The signing of the R-ARCSS is therefore an opportunity to revive plans to operationalize the HCSS and to ensure that transitional justice processes in South Sudan address the needs of children affected by the conflict. It is important for the HCSS to focus on a range of issues facing children during the conflict in South Sudan, including forced recruitment as child soldiers and the physical and psychological trauma of war.

Transitional justice processes require child-friendly policies, procedures and practices. This includes special hearings for crimes related to sexual and gender-based violence. Provisions should be made for private/in camera hearings to encourage child participation. Failure to improve accountability, provide reparations and enable reconciliation can hamper children's recovery and limit their future opportunities.

Efforts to facilitate children's participation in transitional justice processes must not only focus on giving children voice and agency, but they should also ensure that involving children builds their confidence and protects their rights. It is equally important that procedures are in place to protect and enable the involvement of girls and young women in justice- and truth-seeking, redress and reparation, and community reconciliation.

¹⁰⁰ The AU is expected to sign a Memorandum of Understanding (MoU) with the government of South Sudan to operationalise the court.

¹⁰¹ See: African Union Commission of Inquiry on South Sudan (AUCISS) 2014. Final Report. Addis Ababa, 15 October 2014. Available from: <<http://www.peaceau.org/uploads/auciss.final.report.pdf>> [Accessed 14 June 2020]; African Committee of Experts on the Rights and Welfare of the Child (ACERWC) 2014. Report of the ACERWC on the Advocacy Mission to assess the Situation of Children in South Sudan, August 2014. Addis Ababa, African Union.

CHAPTER 8

STUDY OBSERVATIONS, CONCLUSIONS AND RECOMMENDATIONS

8.0 An overview

This chapter reflects upon lessons and some examples of best practices in child protection within AU policy organs and other structures, carrying them forward as recommendations for improving child protection systems in Africa.

The observations and recommendations are systematically presented to evaluate how each of the AU's policy organs, structures, mechanisms, institutions and other initiatives has endeavoured to protect children in armed conflict, with specific attention to the impact of institutional weaknesses and strengths on children's rights in conflict situations.

8.1. Key observations and conclusions

This report affirms that there has been significant progress in adopting legal and policy frameworks on child protection in conflict situations. The AU PSC continues to spotlight issues of child protection in its decisions, resolutions, declarations, strategies and policies. For example, the PSC has held five open sessions focusing on children associated with armed conflicts.¹⁰² Moreover, the work of the ACERWC continues to play a role in encouraging Member States to be more accountable in their implementation of the ACRWC.

Despite these laudable developments, children in conflict situations still face high rates of human rights violations,¹⁰³ recruitment into armed conflict, maiming and sexual harassment, and are denied opportunities to develop as children. In Somalia, for instance, reporting of SGBV is highly stigmatized and can lead to serious backlash for victims reporting abuse, even possible prosecution. This is coupled with a lack of safe houses for victims, and far too few medical facilities and personnel to provide forensic medical examinations to document SGBV properly (evidence from medical examinations is critical for prosecuting perpetrators of SGBV).

Besides these structural challenges, the implementation of the ACRWC and other regional and global instruments on child protection faces systemic barriers.

8. 2 Outstanding challenges on child protection in conflict situations

The implementation of laws, policies and norms on the protection of child rights in armed conflict situations is curtailed by several structural challenges including a lack of appropriate budget allocation by the state and lack of human capacity with clear protection mandates.

- The disconnect between the law and accountability frameworks: most countries have legal instruments and institutions for ensuring that perpetrators of violations against children are held accountable. These include juvenile justice systems that cater for the special needs of children in

102 Available at: <https://au.int/en/newsevents/20200312/open-session-au-peace-and-security-council-implementation-safe-schools>.

103 United Nations Security Council: Press Release SC/14223. June 23, 2020. Available at: <https://www.un.org/press/en/2020/sc14223.doc.htm>.

conflict, children's courts, and child-friendly procedures to gather and give evidence. Apart from in Uganda, however, it is rare that a child from a country where peacekeepers have committed a violation is brought to testify in a court case in the peacekeeper's country of origin.

- Channels of complaints of child abuse are blurred: this is a clear gap in the AU's legal and policy frameworks. There is lack of specificity on how to make a complaint, and/or to which body. Furthermore, the functional distinction between the African Court on the People's Rights and the African Court of Justice is not clear. The institutions charged with responsibility for monitoring the implementation of the African Charter and the two courts all face significant problems including funding and resources, issues of universality, and monitoring, compliance and enforcement issues.¹⁰⁴ This hampers reporting and monitoring of child abuse and child rights violations in conflict situations.
- Delay in implementing AU Reforms: the pace at which AU reforms are implemented has been notably slow.¹⁰⁵ Discussions at AU level to restructure and broaden the mandate of child protection remain unclear, especially in the face of the forthcoming fusion of the Department of Political Affairs and the Department of Peace and Security. The structure and framework of the Child Protection Architecture in terms of responsibility and oversight is not yet known.
- Lack of institutionalization of child protection principles: while some peacekeepers have received reasonable levels of induction and training on child protection principles and practice, the high rate of rotation, promotion, and re-deployment of peacekeepers (particularly military personnel) leads to a lack of continuity as those with prerequisite child protection skills stay in the service of the CPU for only short periods of time.
- CPUs are not linked with PSO mission structures: although CPUs are known in PSOs, they lack institutional synchronicity with the rest of the mission structure. Furthermore, their lack of adequate budgets compels mission leaders to subsume their functions into other components. Even in missions where child protection principles are integrated into mission structures and SOPs, in practice only awareness campaigns are organized, rather than standalone programmes for child protection that help strengthen peacekeepers' competencies. This situation leads to lack of ownership of the child protection mandate and poor sustainability for the programme, which withers as soon as donor funding dries up. Ownership of child protection initiatives and programmes can increase their chance of sustainability and effectiveness.
- Structures and personnel do not translate into improved child protection: the AU has established Gender Units and CPUs in most of its PSOs. For example, in AMISOM a few countries, such as Kenya and Rwanda, have developed all-female Formed Police Units. FPU's put more emphasis on the protection needs of vulnerable groups including children. AMISOM also has a Child Protection Advisor as well as a Conduct and Discipline Officer, and the training of PSO personnel covers issues such as prevention and prohibition of sexual exploitation and abuse by peacekeeping personnel. Besides improving their understanding of the conflict landscape, AU-led PSOs need coherent strategies that explicitly state how the mission is designed to address the violations against children in conflict theatres.

104 Olowu, D. (2002). 'Protecting Children's Rights in Africa: A Critique of the African Charter on the Rights and Welfare of the Child', *The International Journal of Children's Rights* 10, no. 2 (February): 127– 36.

105 Institute for Peace and Security Studies. (2018). *Reforming for peace: State of peace and security in Africa*, 2018. IPSS, Addis Ababa.

- Child protection is subsumed into other issues in AU policy documents: the AU has incorporated protection of civilians as core to PSOs, and child protection has thereby been subsumed into that broader rubric. Although the AU has embraced both principles – protection of civilians and child protection – its guidelines on protection of civilians are still in draft form, despite having been developed as long ago as 2012. Moreover, there is still a gap in the conceptualisation of protection of civilians in terms of applying the notion to incorporate the behaviour of peacekeepers on mission, and not just limiting it to the protection of civilians from armed groups.
- Knowledge and skill management systems for child protection are yet to be systematized: capacities for documentation and knowledge management are limited, and a lack of institutional memory has meant that maintaining capacity in military and police institutions and security sector training institutions in AU Member States remains a huge challenge. The frequent transfer of staff also contributes to the slow rate of integration and uptake of child protection training.
- Lack of well-established child protection architectures at national level: the absence of dedicated child protection units or departments in the national military and police forces of most African Member States means that efforts to push the child protection agenda at national level are compromised. Where such national mechanisms on child protection do exist, they are usually small units subsumed into gender departments.
- Actors' roles and responsibilities are blurred: there are many actors linked to child protection and they come with varied approaches and SOPs for addressing the issue. The roles, responsibilities, mandates and jurisdictions of these actors are at times grey, hindering adequate coordination of child protection issues at mission level.
- Accountability mechanisms are complex: while some national and international mechanisms have made notable progress, for the most part accountability is hampered by several factors, including a lack of judicial mechanisms to prosecute perpetrators of crimes against children. Efforts to include or prioritize children in non-judicial efforts tend to be weak and sporadic. Prevention efforts do not always guarantee children a safer and more secure future. Children seldom benefit from tangible improvements to their environment and quality of life because of this lack of accountability. Addressing impunity is therefore key to forging a successful child protection system on the continent.
- Resources and funding challenges: the institutions charged with responsibility for monitoring the implementation of the ACRWC and the two Courts all face significant problems, such as restricted funding and resources, issues of universality, and monitoring, compliance and enforcement issues.¹⁰⁶

8.3 Recommendations

The study points to three important aspects of child protection that require attention from the AU and other stakeholders:

8.3.1 AU Peace and Security Council

- Address the root causes of conflicts including economic and social disparities: children's

¹⁰⁶ Olowu, D. (2002). 'Protecting Children's Rights in Africa: A Critique of the African Charter on the Rights and Welfare of the Child', *The International Journal of Children's Rights* 10, no. 2 (February): 127– 36.

vulnerability to conflict situations is of course only enabled by the existence of conflict. It is therefore important for the AU PSC to work with Member States to address the structural causes of conflict.¹⁰⁷ The AU PSC should hasten efforts to implement the roadmap for Silencing the Guns. Furthermore, African leaders should put an end to impunity by strengthening national and continental judicial institutions and ensuring accountability in line with the principles of collective responsibility and non-indifference.

- Provide funding and resources for child protection in PSOs: financial, material and technical resources are critical to effective mainstreaming of child protection in peace and security. The AU PSC administrative and budgetary processes should ensure that enough child protection capacity is mandated and retained when a new peacekeeping or political mission is set up, or when the budget of existing missions is being negotiated.
- Follow up on PSC decisions: the PSC should work in collaboration with the AUC to ensure compliance with its decisions in order to protect children in conflict situations. There is need for more accountability at state level, through a system of tracking and monitoring progress. This monitoring system would involve work by all AU protection organs, in collaboration with CEWS. Beyond making policy pronouncements and decisions, the PSC should do more to sanction Member States that do not comply with calls for child protection.

8.3.2 African Union Commission

- Appoint a Special Envoy on Children in Conflict Situations: in line with the AU General Assembly's call in 2020, the African Union Commission (AUC) Chairperson should appoint a special envoy on Children in Armed Conflict who can spotlight the need to integrate child protection in conflict situations. The Special Envoy can work with the ACERWC and the Secretariat of the Committee to ensure a coordinated approach to mainstreaming child rights in conflict situations.
- Strengthen the African child protection architecture's linkages with regional economic communities and mechanisms: the AU should strengthen its Child Protection Architecture to ensure linkages with RECs/RMs and to ensure synergies between AGA pillars such as the ACPHR, the AfCHPR, the Pan African Parliament and the APRM. Furthermore, the Inter-Departmental Working Group on Child Protection in Conflict Situations should develop a joint programme involving all Departments at the AUC working together on child protection. There is need for more collaboration between the Child Protection Advisor in the PSD with the Silencing the Guns Unit, the Department of Social Affairs, the Department of Economic Affairs and the Department of Science, Technology and Human Resources.
- Allocate a budget to the Inter-Departmental Working Group on Child Protection: the AU should prioritize the provision of a budget to the CPA, especially the technical staff in the PSD and the Inter-Departmental Working Group, to ensure that they implement child protection programmes effectively. Budgetary resources will enable this CPA to provide technical advice and support to Member States and Treaty Bodies, in addition to monitoring implementation of the child protection agenda. This budgetary support will also be critical in developing child-

¹⁰⁷ This is in line with the OAU/AU 50th Anniversary Solemn Declaration adopted by the AU Heads of State and Government in Addis Ababa on 25 May 2013, where they expressed their "...determination to achieve the goal of a conflict-free Africa, to make peace a reality for all our people and to rid the continent of wars, civil conflicts, human rights violations, humanitarian disasters and violent conflicts, and to prevent genocide."

sensitive indicators for the CEWS in addition to establishing Child Protection Situation Rooms and/or CPUs within PSOs.

- Develop a continental strategy on child protection: with the African CPA in place there is a need for a continental strategy and roadmap to protect children in conflict situations. This should be co-designed by the AU, RECs/RMs, CSOs, relevant Centres of Excellence and the UN-AU Working Group on Child Protection. This strategy should be contextualized and implemented at sub-regional levels with functional regional and national coordination structures (e.g. focal points). In addition, the AU should develop a Roadmap for Mainstreaming Child Protection in APSA pillars.

8.3.3 AU PSD, PSOD, CEWS and Mediation Support Unit

- Develop and adopt the Continental Framework for Monitoring Progress on Child Protection: a lack of systematic reporting and integration of child protection principles in peace and security can be overcome through a monitoring and evaluation system to track progress. The AU should develop a Continental Framework for Monitoring Progress on Child Protection in Conflict Situations.
- Finalize the AU Policy on Mainstreaming Child Protection in the African Peace and Security Architecture (APSA): the ACERWC has commended the AU PSD for spearheading the development of a Draft Policy on Mainstreaming Child Protection in the APSA. This policy, when finalized, will provide practical guidance on how to mainstream child protection into the mandates of the different pillars of the APSA. The policy should also outline guidelines for other diplomatic engagements (mediation, dialogue and negotiations) as well as PCRD processes (SSR and DDR). The design of the policy should be focused exclusively on child protection, with functional interactivity with the protection of civilians.
- Develop an AU Policy on Child Protection in Mediation and Negotiation Processes: the AUC, through the Mediation Support Unit, should develop an AU Policy on Child Protection in Mediation Processes. This Policy should be used together with the AU Guidelines on Mainstreaming Child Protection in Peace Processes to ensure that all AU-led or AU-endorsed mediation processes have a checklist with key outcomes to guide the peace process. The Guidance can also be a tool for strengthening the capacity of the myriad actors supporting peace processes, including mediation support teams, conflict parties, observers, International Contact Group members and development partners. These materials will also act as tools for promoting child rights accountability in situations of conflict.

- Strengthen child protection capacity building of mediation, preventive diplomacy and PCRD teams: the AUC's Mediation Support Unit and CEWS should leverage their relationship with the ACERWC Secretariat to provide capacity building support to mediators mandated by the AU and the RECs/RMs both prior to and during their deployments. The AU special envoys, the Panel of the Wise, FemWise, the APRM Panel of Experts and PCRD Missions all need constant capacity building on mainstreaming child protection into their workplans.
- Develop child-sensitive indicators for conflict analysis and early warning: in conducting conflict analysis, the CEWS should use child-centred indicators. The AU CEWS Framework should therefore be updated to incorporate child protection indicators. There is a huge opportunity for the AU CEWS and the Mediation Support Unit to assist mediation teams with mediators' briefs that are child-centred. Furthermore, reports on peace processes, written by mediation teams for the AUC chairperson, and for further consideration by the PSC, are required to address child protection steps during the peace process.
- Develop AU Guidelines on mainstreaming child protection in PCRD processes: These guidelines should address issues such as child protection in transitional justice, child protection in security sector reform and child protection in relief and recovery, as well as mainstreaming child protection in socioeconomic and livelihood processes. In addition, the AUC should expedite the rollout to Member States and RECs/RMs of the AU Disarmament, Demobilization and Reintegration Operational Guidelines for Children which were developed by the Peace and Security Department in 2014.
- Integrate child protection indicators into continental and regional early warning indicators: the AU Continental Early Warning System (CEWS) and Regional Early Warning Systems (EWSs) should integrate child protection indicators in their early warning indicators. This would allow for child-centred data collection, and more detailed and precise analyses of current and future challenges for children in conflict situations.

8.3.4 AU policy organs mandated to develop standards for child protection

- Strengthen capacity to investigate violations of children's rights: for example, missions without Boards of Inquiry (BOIs) should institute them to facilitate investigation of allegations of sexual exploitation and abuse. The AU should reinstitute BOIs as permanent, semi-autonomous structures overseen by senior civilian experts reporting directly to the Head of the AU Department of Peace and Security and/or the Head of Mission. Giving the BOIs a regular and systematic monitoring and reporting mandate is key to improving transparency and accountability. If possible, there is a need to restructure reporting channels: instead of referring allegations directly to TCCs for prosecution, such reports should be directly to the AU DPS.
- Build the capacity of the Justice Rapid Response (JRR): the JRR should be strengthened to offer specialized training to AU peacekeeping personnel on investigating sexual and gender-based violence, so qualified personnel could be deployed to assist with field investigations. Alternatively, the regional roster system should be strengthened to act as the lender of first resort to PSOs requiring child protection personnel.
- Education, outreach, dissemination and training: the AUC Interdepartmental Working Group on Child Protection should continually develop systematic training programmes

on human rights, including child rights, for all professional groups working for and with children. There is a need to disseminate relevant instruments such as the African Children's Charter and the Protection of Civilians Guidelines to community actors and leaders, religious actors, traditional leaders, children, and other key stakeholders.

8.3.5 AU PSOD and AU-Led PSOs

- **Oversee implementation of the AU protection policies:** The AU PSOD should oversee the implementation of the AU protection policies, including the Conduct and Discipline Policy for AU PSOs, the AU Policy for the Prevention of Sexual Exploitation and Abuse in PSOs, and the AU Protection of Civilians Policy. There should be benchmarks for progress (for example, the Conduct and Discipline Policy requires monitoring mechanisms such as databases to track misconduct). AU PSO personnel should receive training on these policies. Host communities, especially departments that deal with the mission, should be informed about reporting mechanisms to ensure transparency in matters of conduct and discipline, violations related to SEA, and violations against children.
- **Recruit and invest in trauma healing and counselling experts:** due to the long-term impacts of war and conflict on children, AU-led planning and operations structures should incorporate psychosocial support. PSOs will be required to institute and invest in training and recruitment of skillsets other than mainstream conflict analysis. For example, social workers and mental health professionals will be extremely important in conflict-affected countries, where they can address the mental health and psychosocial needs of children affected by armed conflict.
- **Strengthen the coordination mechanism between AU PSOs and the ACERWC:** there is a need for closer collaboration between AU PSOs and the ACERWC in order to facilitate the formulation of fundamental principles and policies for implementing the ACRWC in PSOs. The joint review of instruments and the outcomes of monitoring should be coordinated through some sort of Child Protection Situation Room.
- **Establish child friendly spaces in PSO missions:** PSO planning and execution should include the establishment of child friendly spaces. These are safe havens where children affected by armed conflict or humanitarian disasters can be sheltered. These spaces allow for integrated programming including provision of education, health, psychosocial support and recreation facilities. AU PSOs can partner with civil society and international agencies such as UNICEF to establish and coordinate these spaces.
- **Establish clear and accessible mechanisms for handling complaints of child violations:** given the lack of transparency around complaints handling mechanisms, child victims in conflict situations and their representatives need to know what body is responsible for the transmission of complaints, and how and by whom they will be supported. The procedure by which complaints are processed and dealt with, and what bodies are responsible, must be clear across all the AU and all REC/RM operations.
- **Support continuous capacity building on child protection for all AU deployments:** personnel in all AU and REC/RM deployments should receive mandatory training on child protection before deployment. While pre-deployment training for peacekeepers is more elaborate regarding child protection, the same cannot be said for training of personnel deployed in

AU mediation, negotiation, election monitoring, PCRD missions and other peace processes. All AU and REC/RM deployments in situations of conflict should include mandatory child protection training.

- Increase the presence of female police units in PSOs: not only does the presence of female peacekeepers enhance the gender equality goals of PSOs, but it also significantly enhances situational awareness and acceptance of a force by local communities. Local women and girls are more likely to report incidents of sexual violence to female peacekeepers, and women's presence in missions can reduce instances of sexual exploitation and abuse by peacekeepers. Female peacekeepers are also required to conduct sensitive body searches on women, screen female combatants at DDRR sites, and work with women prisoners.¹⁰⁸

8.3.6 Other AU organs

- Support AU Member States to undertake child protection law reform and enforcement: the AU PSD and other AUC organs such as the ACHPR and the Office of the Special Envoy on WPS should work with relevant mechanisms in AU Member States to harmonise national laws with the ACRWC, the UN CRC and the African Charter on Human and Peoples' Rights, to ensure the visibility of child rights issues in conflict situations.
- Support advocacy efforts on child protection in conflict situations: in line with the 2019 AU/EU campaign entitled, "Act to protect children affected by conflict," there is a need to continue promoting awareness and advocacy around the imperative to protect children from armed conflict. The AU PSOD, in collaboration with the Interdepartmental Working Group on Child Protection, should launch "Act to protect children from conflict situations"¹⁰⁹ in RECs and all AU Member States. This will draw attention to the plight of children in conflict and generate more support to improve their protection.
- Institutionalise a learning platform on child protection: The Pan African Conference on Children and Armed Conflict should be an annual affair and should demand immediate and specific actions from decision-makers in Africa to address the plight of children in conflict. Furthermore, there should be an annual report on the State of African Children in Conflict Situations, jointly published by the AU protection mechanisms, that spotlights key emerging issues and provides a platform for action by decision-makers to improve the protection of children affected by armed conflict and war in Africa.

108 Dharmapuri, S. (2013). Just A Numbers Game? Increasing Women's Participation in UN Peacekeeping Operations, Providing for Peacekeeping No. 4 (New York: International Peace Institute, July).

109 ACERWC, Agenda 2040, Africa's Agenda for children: Fostering an Africa Fit for Children., 9 November 2016, available at: <https://www.refworld.org/docid/5836c7ee4.html> (accessed 28 May 2020).

8.4 Final reflections

The impact of war and conflict on children is far-reaching. Conflict has devastating effects on children that severely curtail their wellbeing, including but not limited to their recruitment into armed conflict and their subjection to sexual violence.

The potential risk of sexual violence, abuse and exploitation of children increases during armed conflicts, and specific measures must be taken to ensure their security. In addition to DDR programmes targeting children, the AU, RECs/RMs and other stakeholders must find ways to address the specific needs of girls abducted during war to serve as sexual slaves.

Among other effects, conflict affects children's access to education, health, family environments and development. Against this background, emphasis should be on preventing conflict and thereby avoiding children's exposure to physical, social and psychological harm. The prevention of conflict should be high on the agenda of the AU PSC. This is in line with the First Ten-Year Implementation Plan of Agenda 2063, which stresses the urgent need to end all wars, civil conflicts, gender-based violence and other violent conflicts as part of Africa's collective efforts to Silence the Guns across the continent beyond 2020. The integration of child protection into the AU Master Road Map for Silencing the Guns is also important. Close collaboration between the Silencing the Guns Unit, the Child Protection Advisor at the AUC and other key actors will be critical to realizing this objective.

It is important to adopt a collaborative approach to child protection in conflict situations. At the AU level, efforts to ensure collaboration between departments have been fostered by setting up the Inter-Departmental Working Group on Child Protection in Conflict Situations, but more needs to be done to resource this mechanism. It is imperative that a budget is established to enable this inter-departmental group to undertake outreach, awareness-raising, policy follow up and monitoring.

Collaboration between the AU and regional economic communities and mechanisms is also critical. The development of a Joint Continental Strategy and Roadmap on Child protection in Conflict Situations would be a great starting point. Following the example of ECOWAS, which has a Child Protection Unit, other RECs/RMs must also take concrete steps to establish their child protection architectures and ensure coordinated approaches with the AU.

Child protection should be a critical feature of all APSA pillars, including continental and regional response and early warning capacities. Without data on the impact of conflict on children, and on how actors are responding to protect children in conflict situations, it is difficult for the protection mandate to be enforced. The AU CEWS and similar regional early warning systems therefore need to develop and use child-sensitive indicators. Bodies that have been given a protection mandate, such as ACHPR, and those that regularly collect state-level data, such as APRM, should intentionally collect child protection data at Member State level.

All actors who deal with conflict situations, including peacekeepers, mediators, election observers and the Panel of the Wise, need to acquire expertise in child protection. The development of Guidance on Child Protection for all conflict intervention processes therefore becomes imperative. This includes AU Guidelines for Child Protection in Mediation, AU Guidelines for Child Protection in PCRD, and a specific policy for child protection in PSOs. Deployments of technical teams in theatres of conflict should also consider the role of child protection experts who can ensure that the minimum standards in child protection are met in every intervention – whether it be for mediation,

preventive diplomacy or post-conflict reconstruction and development.

In PSOs, beyond the policy guidelines on child protection it is critical to ensure that child protection is considered in the mandating, pre-mission fact-finding missions, mission planning, and setup. All these processes should take child protection needs into consideration, along with protection of civilians, when developing the mandate of a mission. PSOs should be equipped with personnel and infrastructure that allows them to monitor the situations of children in conflict, and provide those children with protection. Mission facilities should include child friendly spaces. Missions should have clear and accessible complaints handling mechanisms that give the public in the host country confidence that their cases will be given the utmost importance.

Strengthening the capacity and infrastructure for peace in AU Member States is a critical part of preventing violations against children. To this end, the AU's protection mechanisms such as the ACPHR, the AfCHPR and the APRM, along with the regional economic communities and mechanisms, should work with national structures to strengthen the capacity of legal and judiciary infrastructure to protect children. It is important to ensure that national courts have the capacity to prosecute violations of children's rights in conflict situations.

Beyond prosecution, the enforcement of rulings is critical for accountability. Strengthening national legal mechanisms and ending impunity are imperative.

The AU, the regional economic communities and mechanisms and the Member States are all required to shift their perspectives and paradigms so that they view investment in children as a means of achieving durable peace and fostering sustainable human, social and economic development. African Union and REC/RM peace and security processes should focus on child protection while ensuring longer-term recovery, resilience and healing. The survival and development of children is a crucially important issue for the African peace and security architecture.

Protection processes should underscore the critical roles played by coordination and leadership between global governance institutions, regional and sub-regional organisations, governments, and civil society. Protecting the rights of children in armed conflict should be informed by the cardinal principles of the ACRWC of non-discrimination, the best interests of the child, and the rights to life, survival, development and child participation.

This study recommends that the African Union Commission should take the lead in developing structures for transparency and accountability for child protection, and incorporate them into the training and doctrines of the various peace support operations.

Protection of children should be viewed within the broader vision of the Silencing the Guns in Africa campaign. Mitigating violations against children in conflict situations should not be limited to official diplomacy, but should also adopt a multi-track approach that includes strong capacity building and outreach with the many actors who engage with children in conflict situations.



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