
Cape Town

Principles and

Best Practices

ADOPTED AT THE SYMPOSIUM* ON
THE PREVENTION OF RECRUITMENT
OF CHILDREN INTO THE ARMED
FORCES AND ON DEMOBILIZATION
AND SOCIAL REINTEGRATION OF
CHILD SOLDIERS IN AFRICA

*27–30 April 1997

Cape Town, South Africa



unicef

As part of the effort to deal with the tragic and growing problem of children serving in armed forces, the NGO Working Group on the Convention on the Rights of the Child and UNICEF conducted a symposium in Cape Town (South Africa) from 27 to 30 April 1997. The purpose of the symposium was to bring together experts and partners to develop strategies for preventing recruitment of children — in particular, for establishing 18 as the minimum age of recruitment — and for demobilizing child soldiers and helping them reintegrate into society. The Cape Town Principles and Best Practices are the result of that symposium. They recommend actions to be taken by governments and communities in affected countries to end this violation of children's rights.

PREVENTION OF CHILD RECRUITMENT

A minimum age of 18 years should be established for any person participating in hostilities and for recruitment in all forms into any armed force or armed group.

Governments should adopt and ratify the Optional Protocol to the Convention on the Rights of the Child, raising the minimum age from 15 to 18 years.

Governments should ratify and implement pertinent regional and international treaties and incorporate them into national law, namely:

▲ The African Charter on the Rights and Welfare of the Child, which, upon entry into force, will establish the age of 18 as the minimum age for recruitment and participation in any armed force or armed group;

▲ The two Additional Protocols to the 1949 Geneva Conventions and the Convention on the Rights of the Child, which currently establish 15 as the minimum age for recruitment and participation.

Governments should adopt national legislation that sets a minimum age of 18 years for voluntary and compulsory recruitment and should establish proper recruitment procedures and the means to enforce them. Those persons responsible for illegally recruiting children should be brought to justice. Recruitment procedures must include:

- ▲ Requirement of proof of age;
- ▲ Safeguards against violations;
- ▲ Dissemination of the legal standards on minimum age of recruitment to military personnel, especially to recruiters;
- ▲ Distribution of the standards and safeguards to the civilian population, especially to those children at risk of recruitment and to their families and those organizations that work with at-risk groups;
- ▲ Recruitment into militias or other armed groups — including private security forces, established, condoned or armed by the government — must also be regulated.

A permanent International Criminal Court should be established with jurisdiction covering, *inter alia*, the illegal recruitment of children.

All parties to a conflict should conclude written agreements that include a commitment to the establishment of a minimum age for recruitment. (The SPLM/Operation Lifeline Sudan Agreement on Ground Rules [July 1995] is a useful example.)

Monitoring, documentation and advocacy are fundamental to eliminating child recruitment and to informing programmes to this end. Community efforts to prevent child recruitment should therefore be developed and supported.

▲ Local human rights organizations, the media, former child soldiers and teachers, health workers, church and other community leaders can play an important advocacy role;

▲ Governments and communities that regard children as adults before the age of 18 can establish a dialogue about the importance of limiting the age of recruitment to persons 18 or older;

▲ Alternatives to the glorification of war, including those images shown in the media, can be provided to children;

▲ Government representatives, military personnel and former opposition leaders can be instrumental in advocating, negotiating and providing technical assistance to their counterparts in other countries in order to prevent the recruitment of child soldiers, as well as to facilitate their demobilization and reintegration into the community.

Programmes to prevent recruitment of children should be developed in response to children's expressed needs and aspirations.

In programmes for children, particular attention should be paid to those most at risk of recruitment: children in conflict zones, children (especially adolescents) separated from or without families, including those in institutions; other marginalized groups

(e.g., children living or working on the streets, certain minorities, refugees and the internally displaced); and economically and socially deprived children.

▲ Risk mapping can help to identify the groups at risk, including identifying areas where fighting is concentrated, the age of children being recruited into the military and the type of risks they face, as well as the principal recruiting agents;

▲ Respect for international humanitarian law should be promoted;

▲ Volunteerism into opposing armed forces can be reduced by avoiding harassment of or attacks on children, their homes and families;

▲ Recruitment practices can be monitored and pressure can be put on recruiters to abide by the standards and to avoid forced recruitment.

All efforts should be made to keep or reunite children with their families or to place them within a family structure.

▲ This can be done, for example, through warnings stressing the need to avoid separation (e.g., in radio broadcasts or posters), or by attaching identification papers to young children, except where identifying children would expose them to additional risk. (For further ideas, see 'Unaccompanied Minors: Priority Action Handbook for UNICEF/UNHCR Field Staff'.)

Birth registration, including for refugees and internally displaced children, should be ensured, and identity documents should be provided to all children, particularly to those most at risk of recruitment.

Access to education, including secondary education and vocational training, should be promoted for all children, including refugee and internally displaced children.

▲ Adequate economic provision or opportunities also need to be considered for children or their families.

Special protection measures are needed to prevent recruitment of children in camps for refugees and internally displaced persons.

▲ Refugee camps should be established at a reasonable distance from the border, wherever possible;

▲ The civilian nature and humanitarian character of camps for refugees and internally displaced persons should be ensured. Where this is a problem, specific educational and vocational programmes for children, including adolescents, are even more critical;

▲ Host governments, with the assistance of the international community, if necessary, should prevent the infiltration of armed elements into camps for refugees and internally displaced persons and should provide physical protection to persons in these camps.

The international community should recognize that children who leave their country of origin to avoid illegal recruitment or participation in hostilities are in need of international protection. Children who are not nationals of the country in which they are fighting are also in need of international protection.

Controls should be imposed on the manufacture and transfer of arms, especially small arms. No arms should be supplied to parties to an armed conflict that are recruiting children or allowing them to take part in hostilities.

DEMOBILIZATION OF CHILD SOLDIERS

All persons under the age of 18 should be demobilized from any kind of regular or irregular armed force or armed group.

▲ Direct and free access to all child soldiers should be granted to relevant authorities or organizations in charge of collecting information concerning their demobilization and of implementing specific programmes.

Priority should be given to children in any demobilization process.

In anticipation of peace negotiations or as soon as they begin, preparations should be made to respond to the needs of children who will be demobilized.

▲ An initial situation analysis/needs assessment of children and their communities should be prepared;

▲ Coordination between all parties should be ensured in order to avoid duplication and gaps;

▲ Where there is access to governmental and other local structures, existing capacities to respond should be incorporated and (where necessary) strengthened;

▲ Training of staff who will be involved in the process should be ensured;

▲ Logistical and technical support should be organized in collaboration with agencies responsible for the formal demobilization process;

▲ The demobilization package should provide long-term help of a sustaining nature rather than an immediate 'reward', taking into account the effect on future recruitment of offering children a demobilization package.

The issue of demobilization of children should be included in the peace process from the beginning.

Where children have participated in armed conflict, peace agreements and related documents should acknowledge this fact.

The demobilization process should be designed as the first step in the social reintegration process.

The duration of the demobilization process should be as short as possible and should take into account the child's dignity and the need for confidentiality.

▲ Adequate time and appropriate personnel should be ensured in order to make children feel secure and comfortable enough to receive information, including information on their rights, and to share their concerns;

▲ Wherever possible, staff dealing with the children should be nationals;

▲ Special measures must be taken to ensure the protection of children who are in demobilization centres for extended periods of time;

▲ Children should be interviewed individually and away from their superiors and peers;

▲ Sensitive issues should not be raised in the initial interview. If these issues need to be raised subsequently, they must be raised only when in the best interest of the child and only by a person qualified to raise such issues;

▲ Confidentiality must be respected;

▲ Throughout the process, all children should be informed as to why the information is being collected and should be assured that confidentiality will be respected. Children should be further informed about what will happen to them at each step of the process;

▲ Wherever possible, communication and information should be in the child's mother tongue;

▲ Particular attention should be paid to the special needs of girls, and appropriate responses should be developed to this end.

Family tracing, contacts and reunification should be established as soon as possible.

Priority should be given to health assessment and treatment.

▲ As quickly as possible during the demobilization process, all children should undergo assessment of their physical health and receive treatment as necessary;

▲ Appropriate responses should be developed to meet the special needs of girls;

▲ Specific responses are needed for children with special needs (e.g., children with disabilities, child soldiers with children of their own, children with substance abuse problems or sexually transmitted diseases such as HIV/AIDS, etc.);

▲ Linkages between the demobilization process and existing programmes for dealing with children's health needs should be ensured.

Monitoring and documentation of child involvement in hostilities, as well as advocacy for demobilization and release of children, should be undertaken throughout the armed conflict. Community efforts to this end should be supported.

The special protection needs of children who leave any armed force or group during ongoing hostilities must be addressed.

▲ Formal demobilization rarely takes place during hostilities. However, children may leave the army, for example, by escaping or as a result of being captured or wounded. This may compromise their security, protection and access to services. Despite difficulties in identifying such children, their special needs for protection must be recognized:

– Efforts should be made for early initiation of programmes and family tracing for unaccompanied children;

– Efforts should be made to ensure that re-recruitment does not occur. The likelihood of re-recruitment can be reduced if: (a) children are returned to their caregivers as soon as possible; (b) children are informed of their right to not be recruited; and (c) children involved in armed conflict are informed when other child soldiers have been formally demobilized;

– Assembly areas must be sufficiently far from the conflict zones to ensure security. Particular problems of reuniting demobilized child soldiers with their families may include: (a) some children may be unable to return home; (b) some areas may be inaccessible for family tracing; (c) families of some children may be in camps for refugees or internally displaced persons; and (d) children may be at risk of placement in institutions.

Illegally recruited children who leave the armed forces or armed groups at any time should not be considered as deserters. Child soldiers retain their rights as children.

Special assistance and protection measures must be taken on behalf of children and those adults who were recruited as children. (See, for example, 'Basic Rights Recognized for the Angolan Under-aged Soldiers'.)

To the extent possible, the return of demobilized children to their communities under conditions of safety should be ensured.

With regard to services and benefits for demobilized soldiers, non-discrimination of demobilized children should be ensured.

The rights of children involved in the demobilization process must be ensured and their rights must be respected by the media, researchers and others.

▲ A code of conduct for journalists should be developed in order to prevent the media exploitation of child soldiers. This code should take account of, *inter alia*, the manner in which sensitive issues are raised, the child's right to anonymity and the frequency of contact with the media.

REINTEGRATION INTO FAMILY AND COMMUNITY LIFE

Family reunification is the principal factor in effective social reintegration.

▲ For family reunification to be successful, special attention must be paid to re-establishing the emotional link between the child and the family prior to and following the child's return;

▲ Where children have not been reunited with their families, their need to establish and maintain stable emotional relationships must be recognized;

▲ Institutionalization should only be used as a last resort and for the shortest possible time, and efforts to find family-based solutions should continue.

Programmes should be developed with the communities, build on existing resources and take account of the context and community priorities, values and traditions.

▲ Programmes that respond to the needs of the children should be developed. Such programmes should seek to enhance their self-esteem and to promote their capacity to protect their own integrity and construct a positive life. Activities must take into account the age and stage of development of each child and must accommodate the particular requirements of girls and children with special needs;

▲ Programmes can only be developed through relationships of trust and confidence. They require time and a commitment of resources and will necessitate close and ongoing cooperation among all actors;

▲ The impact of the conflict on children and their families must be assessed in order to develop effective programming. This should be undertaken through interviews and discussions with the children concerned, the families and the community, as well as the government, where appropriate. Information should be gathered as early as possible to enable preparation and planning;

▲ Policies and strategies to address the situation of demobilized child soldiers should be developed and implemented on the basis of such assessments.

The capacity of the family and community to care for and protect the child should be developed and supported.

▲ Traditional resources and practices in the community, which can support the psychosocial integration of children affected by war, should be identified and supported;

▲ The socio-economic context, with specific reference to poverty, food and nutritional security, should be evaluated and clarified;

▲ Traditional ways of generating income, traditional apprenticeships and credit and money-making schemes should be identified and built upon;

▲ Dialogue with communities should be undertaken to clarify their main concerns for the children and the community's perception of their own roles and responsibilities with regard to the children.

Programmes targeted at former child soldiers should be integrated into programmes for the benefit of all war-affected children.

▲ While stressing that it is essential to normalize the life of child soldiers, it is important to recognize that all children in a community will have been affected by the conflict to some degree. Programmes for former child soldiers should therefore be integrated into efforts to address the situation of all children affected by the conflict, while ensuring the continuing implementation of specific rights and benefits of demobilized children;

▲ Existing health, education and social services within the communities should be supported.

Provision should be made for educational activities that reflect: the loss of educational opportunities as a consequence of participation in hostilities; the age and stage of development of the children; and the potential of these activities for promoting the development of self-esteem.

Provision should be made for relevant vocational training and opportunities for employment, including for children with disabilities.

▲ Upon completion of vocational skills training, trainees should be provided with the necessary tools and, where possible, with start-up loans to promote self-reliance.

Recreational activities are essential for psychosocial well-being.

▲ Recreational activities should be included in all reintegration programmes for war-affected children. These programmes contribute to the children's psychosocial well-being, facilitate the reconciliation process and constitute part of their rights as children.

Programme development and implementation should incorporate the participation of the children and reflect their needs and concerns with due regard for the context of reintegration.

Psychosocial programmes should assist children in developing and building those capacities that will facilitate reattachment to families and communities.

Monitoring and follow-up of children should take place to ensure reintegration and receipt of rights and benefits. Community resources (e.g., religious leaders, teachers or others, depending on the situation) should be used.

In order to be successful, reintegration of the child within the community should be carried out within the framework of efforts towards national reconciliation.

Programmes to prevent recruitment of child soldiers and to demobilize and reintegrate them should be jointly and constantly monitored and evaluated with communities.

Cape Town, 30 April 1997

DEFINITIONS

'**Child soldier**' in this document is any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity, including but not limited to cooks, porters, messengers and anyone accompanying such groups, other than family members. The definition includes girls recruited for sexual purposes and for forced marriage. It does not, therefore, only refer to a child who is carrying or has carried arms.

'**Recruitment**' includes compulsory, forced and voluntary recruitment into any kind of regular or irregular armed force or armed group.

'**Demobilization**' means the formal and controlled discharge of child soldiers from the army or from an armed group.

The term '**psychosocial**' underscores the close relationship between the psychological and social effects of armed conflict, the one type of effect continually influencing the other. '**Psychological effects**' are defined as those experiences that affect emotions, behaviour, thoughts, memory and learning ability and the perception and understanding of a given situation. '**Social effects**' are defined as the effects that the various experiences of war (including death, separation, estrangement and other losses) have on people, in that these effects change them and alter their relationships with others. '**Social effects**' may also include economic factors. Many individuals and families become destitute because of the material and economic devastation of war, losing their social status and place in their familiar social network.