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RIGHTS OF THE CHILD

Abduction of children in Africa

Report of the High Commissioner for Human Rights*

* This document is submitted late so as to include the most up-to-date information possible.

Summary

This report is submitted in accordance with Commission on Human Rights resolution 2004/47.

Following the adoption of the resolution, the Office of the High Commissioner for Human Rights sent notes verbales to Member States on 4 August 2004 requesting their observations. OHCHR also requested input from relevant international organizations, OHCHR field presences and non-governmental organizations.

There has been no response from Member States with respect to the submission of observations relating to the resolution. The present report compiles information drawn from responses to the above requests, including information received from the United Nations Children's Fund, the Office of the Special Representative of the Secretary-General on Children and Armed Conflict, the Office of the United Nations High Commissioner for Refugees, and from non-governmental organizations.

The Commission also requested OHCHR to organize, from within existing resources, subregional consultations which would provide a framework for gathering research, expertise and information from each subregion, and for sensitizing political actors and networking among public authorities and civil society, including non-governmental organizations. In this respect, OHCHR was represented at the International Conference on the Transatlantic Slave Trade: Landmarks, Legacies and Expectations, held from 30 August to 2 September 2004 in Ghana, and in the Arab-African Conference on exploitation, violence and sexual abuse against children held from 14 to 16 December 2004, in Rabat, Morocco. This participation is also reflected in the report.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1 - 2	4
I. INFORMATION PROVIDED BY UNICEF	3 - 21	4
II. INFORMATION PROVIDED BY UNHCR	22 - 25	8
III. INFORMATION PROVIDED BY THE OFFICE OF THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL FOR CHILDREN AND ARMED CONFLICT	26	9
IV. INFORMATION PROVIDED BY UNMIL	27 - 31	9
V. INFORMATION PROVIDED BY NON-GOVERNMENTAL ORGANIZATIONS	32 - 33	10
VI. ACTIVITIES UNDERTAKEN BY OHCHR	34 - 38	11
VII. CONCLUSIONS AND RECOMMENDATIONS	39 - 41	11

Introduction

1. The present report is submitted pursuant to Commission on Human Rights resolution 2004/47. Paragraph 15 of the resolution urges States to submit observations on the implementation of the resolution, and called on the relevant international organizations to submit reports on this issue to the Office of the High Commissioner for Human Rights. In paragraph 16, the resolution requested the High Commissioner for Human Rights to submit at its sixty-first session a report on the abduction of children in Africa.

2. To date, the Office of the High Commissioner for Human Rights (OHCHR) has not received any information from Member States in response to the note verbale which it sent on 4 August 2004. The present report compiles information drawn from information provided by the United Nations Children's Fund (UNICEF), the Office of the Special Representative of the Secretary-General on Children and Armed Conflict, from the Office of the United Nations High Commissioner for Refugees (UNHCR), and from non-governmental organizations (NGOs).

I. INFORMATION PROVIDED BY UNICEF

3. As reported in the recently released The State of the World's Children 2005: Childhood Under Threat, the abduction of children by parties to a conflict has significantly increased in recent years and requires greater attention if effective prevention methods are to be developed. Over the last decade, girls have increasingly become the primary targets for abduction during armed conflict with the objective of forcing them to become sexual slaves and/or domestic partners. At least 20 UNICEF country offices have reported high incidences of such exploitation, including Angola, Burundi, Liberia, Morocco, Rwanda, Sierra Leone and Uganda in Africa. UNICEF is particularly concerned about the significant correlation between the abduction and forced recruitment of girls and their widespread and systematic sexual exploitation and abuse.

4. Priority actions include:

- Promoting adherence to international standards such as those articulated in the Convention on the Rights of the Child and its Optional Protocols to stop the abduction of children;
- Engaging in dialogue with State and non-State actors to advocate for the release of abducted children;
- Ensuring voluntary return programmes for the safe return and reintegration of abducted children;
- Facilitating the reunification of separated children with their families or communities;
- Establishing a protective environment for children formerly associated with fighting forces to prevent their re-recruitment and ensure successful reintegration into their families and communities;

- Providing protection and assistance to displaced and refugee children who are especially vulnerable to abduction;
- Developing community-based programmes to provide medical and psychosocial support to former abductees who have been sexually abused or exploited and arrange for reunification with their families;
- Reducing the vulnerability of abducted children to trafficking by attacking the root causes of trafficking, including poverty and social attitudes, as well as assisting in the rescue and recovery of victims of trafficking.

Uganda

5. UNICEF estimates that the Lord's Resistance Army (LRA) has abducted 12,000 children in the northern districts of Uganda, with at least 3,000 forcibly taken from their homes between October 2003 and June 2004 and forced into combat and servitude. A focus of UNICEF activities in Uganda is protecting these children. In August 2004, UNICEF supported the return, reception, registration and follow-up assistance for 124 children (ranging from 2 weeks of age to 19 years) and young adults released from LRA captivity in southern Sudan and returned to Gulu district, Uganda. It collaborated with NGO partners to provide chartered air transport and assorted resettlement kits and tents, and to facilitate their transfer to various NGO reception centres for rehabilitation and reunification with their families or home communities. In Pader district, UNICEF supported the reception of 38 abducted children, including 7 girls and 18 child mothers, at an NGO reception in August. UNICEF continues to lobby the Ugandan army to ensure that all returnees are rapidly processed into reception centres for counselling, monitoring and family tracing.

6. A joint UNICEF-Gulu district initiative established mechanisms in July to monitor minimum standards for shelters that assist the district's estimated 15,000 child "night commuters" with a view to replicating the mechanism in other affected districts. Also in July, UNICEF supported the drafting of inter-agency guidelines for the care and protection of vulnerable and separated children within the framework provided by the district authorities in Lira.

Liberia

7. The abduction of children in Liberia remains a complex issue as many children were variously affected, including through forcible recruitment into armed groups, coercion into commercial sex, and child trafficking. UNICEF action in Liberia has placed emphasis on children recruited into armed fighting groups as fighters, sex slaves, cooks, potters and spies, among others.

8. To date, the Liberian disarmament, demobilization, rehabilitation and reintegration (DDRR) programme has demobilized over 11,000 children associated with fighting forces (CAFF). UNICEF, in collaboration with both local and international child protection agencies (CPAs), has been actively involved in the disarmament and demobilization process, attempting to ensure that children's rights were protected throughout. UNICEF and its partners provided basic services and psychosocial support to children in interim care centres (ICCs) and drop-in centres (DICs) established around the country.

9. The majority of the girls that went through the process indicated that they had been abducted by fighters from the fighting groups in Liberia. They were sexually harassed and abused throughout their stay with these fighting forces. Many were “wives” and sex slaves of commanders and other adult fighters. Close assessment of the girls in one ICC in Tubmanburg, in the north west of Liberia, showed that nearly 75 per cent of the more than 500 girls had been abducted by fighters and had served as sex slaves, cooks, potters, spies and frontline fighters.

10. Before the signing of the Comprehensive Peace Agreement in August 2003, the main areas of recruitment and abduction were internally displaced person and refugee camps, entertainment areas, and areas captured by fighting forces. High levels of violence, exploitation and abuse were also perpetrated against children in these areas.

11. Since the beginning of the DDR process in December 2003, UNICEF, in collaboration with CPAs, carried out continuous advocacy for the release of CAFF and their prioritization in the DDR programme; assisted children through the disarmament and demobilization exercises; and provided interim care and protection services, family tracing and reunification and other basic services including food, medical treatment, psychosocial support and recreation. With more than 95 per cent of all demobilized children reunified, follow-up is ongoing. In 2005, UNICEF’s focus will be on the reintegration of CAFF through formal education, providing skills-training and the development of community-based child protection through, for example, the formation of child welfare committees and the establishment of community resource centres.

12. UNICEF, in collaboration with CPAs, relevant government agencies and other institutions such as the Association of Female Lawyers of Liberia, are taking appropriate actions to assist, care for and protect children through community sensitization and awareness campaigns, working with communities to protect and promote children’s rights, pursuing legal action, and providing other basic services. In 2005, UNICEF’s “Prevention of sexual abuse and exploitation” project will focus on the development of protection systems. The first priority will be on training the police, judiciary and other law enforcement agencies to respond to victims and survivors of sexual violence, abuse and exploitation, and to undertake investigations of such cases. To prevent sexual abuse and exploitation of children and women by United Nations and humanitarian agency staff, the programme will also focus on developing and operationalizing a community-based reporting and investigation system.

13. The “Child rights” project will focus on developing systems at national and grass-roots levels for monitoring, reporting and addressing violations of children’s rights - including abduction - and on facilitating the implementation of the recommendations of the Committee on the Rights of the Child following the examination of Liberia’s initial report to the Committee. This work will include support to the Children’s Unit under the Ministry of Gender and Development. Further strengthening of the National Child Rights Observatory Group, established in 2004, will be prioritized in 2005, ensuring that an independent, nationwide child rights “watchdog” mechanism is functioning and contributing to the reduction of child rights violations. Also falling under the “Child rights” project is work with youth in the prevention of HIV/AIDS and sexual abuse and exploitation, and in the monitoring of child rights violations.

14. A task force on children in orphanages, consisting of representatives from child protection agencies, the United Nations and NGOs and relevant government agencies such as the Ministry of Health and Social Welfare, has been established. UNICEF is working with partners

to strengthen existing standards so that they are in conformity with those at the national level. For children who are not orphans, family tracing and reunification will be undertaken; to prevent such children from being put in orphanages, UNICEF will be working with the Ministry of Health and Social Welfare in the provision of basic services. For those children who are orphans, UNICEF and its partners will work to ensure that adequate care is provided. Allegations of orphanages misappropriating financial and material support will be carefully investigated.

15. Recently, Chairman Gyude Bryant, Chair of the National Transitional Government of Liberia, signed both Optional Protocols to the Convention on the Rights of the Child. Policies and laws need to be harmonized with the Convention, as do issues such as raising the legal age of recruitment in line with the standards in the Optional Protocol on the involvement of children in armed conflict. UNICEF is working closely with the Ministry of Gender to push the Government to ratify the Optional Protocols; their implementation - along with implementation of the provisions outlined in the Convention - remain Liberia's greatest challenge. UNICEF and its partners are working to make implementation of the Convention the Government's greatest priority.

Sudan

16. In 1999, following the large-scale abduction of Dinka women and children from Bahr al-Ghazal by the Baggara tribes of South Darfur and West Kordofan, and amidst mounting international pressure for an immediate government response, the Government of the Sudan established the Committee for the Eradication of the Abduction of Women and Children (CEAWAC). UNICEF and Save the Children UK (SC UK) then agreed to form the Child Abduction Project to partner CEAWAC and the Dinka Chiefs Committee (DCC) in efforts to identify, retrieve, return and reunify abducted women and children from the north to their communities in the south of the Sudan. In 2002, the Child Abduction Project determined its 2002-2006 objective as the reunification of at least 4,000 abducted children with their respective families.

17. Fraught by political pressures, financial disagreements and other complexities, the process was painstaking and expensive. Nonetheless, by 2004, 1,842 abductees had been located and retrieved and 1,497 were finally reunited with their families. The slow process and relatively low number of returns caused considerable frustration for the southern receiving communities and the Dinka Chiefs, however. In addition, the manner in which people were identified and returned was continually of great concern to UNICEF and SC UK, who made it clear to the local authorities that they would not support CEAWAC in a programme of forced returns.

18. Despite the protests of UNICEF and SC UK, however, CEAWAC continued to organize forced returns from IDP camps and other settlements while insisting on financial support for these efforts. UNICEF and SC UK were extremely concerned about the motives of CEAWAC and the consequences of its activities. Many so-called "returnees" were kept in ill-prepared transit care centres, given little food and left without social work support. A total of 734 women and children returnees have been recorded, 154 of them without reunification. Subsequent interviews indicate that a number of previously reunified returnees have separated themselves from households that are not able to absorb them and have returned to the local authorities.

Recent written and verbal communication from CEAWAC/DCC and the Joint Tribal Committees have confirmed plans to return 5,000 more people in December 2005.

19. Both UNICEF and SC UK believe resolution of the abduction question in the Sudan can only be achieved with sensitivity, patience and forethought. Currently, the agencies are requesting no further returns until:

- The documentation of each person identified by CEAWAC or DCC is complete;
- The voluntary nature of each individual's return has been verified;
- Family tracing information has been gathered for those who do not know the whereabouts of their families.

20. UNICEF and SC UK continue to play a monitoring and advocacy role in the north and assist in the documentation, family tracing, verification and reunification of separated women and children.

21. UNICEF's efforts to prevent abduction, sexual exploitation and abuse, and other child rights violations are grounded at the community level. By creating and strengthening community support systems, the risk of children being abducted or recruited into the fighting forces will be reduced. The reintegration process for demobilized children in Liberia, for example, is community based, with the emphasis on supporting all war-affected children in areas of return, not just those who were associated with the fighting forces. The UNICEF experience in the Sudan and elsewhere has also shown the importance of return and reintegration programmes that take account of the relevant tribal laws and the culture-specific needs of the community. At the same time, communities are being made aware of child rights, child rights violations, and how to prevent them. Through consistent outreach and technical support, UNICEF endeavours to strengthen community networks to be able to protect and care for their children.

II. INFORMATION PROVIDED BY UNHCR

22. Refugee situations in Africa, as elsewhere in the world, raise both security as well as humanitarian concerns which are also explicitly acknowledged by the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa of the Organization of African Unity. Maintaining the security of refugee settlements and ensuring the physical safety of refugees - in particular refugee children - remains the responsibility of the country granting asylum. In the framework of its mandate to provide international protection to refugees and to assist Governments in finding durable solutions UNHCR, as other international agencies, can only contribute and support measures to be executed by the authorities on the basis of their territorial sovereignty. Such measures include efforts by the UNHCR to maintain the civilian nature of asylum and, in particular, refugee camps, in addition to locating camps at a safe distance from borders. Indeed, UNHCR has on repeated occasions arranged the relocation of camps and/or persons of concern. These measures contribute to tackling the challenge of the abduction of children of concern to UNHCR. General measures for the protection of refugee children, including those related to education, make children less vulnerable to becoming victims of exploitation, including sexual exploitation or abduction. While UNHCR works actively to

counter abduction of children in refugee camps, it should be noted that abduction of refugees in urban settings is a bigger problem. Monitoring the situation and ensuring the protection of urban refugees represents an enormous challenge to UNHCR and its partners.

23. In the African context, the infiltration of refugee camps by armed elements and the resulting undermining of the civilian and humanitarian character of asylum has long since been of concern to UNHCR. One of the countries where UNHCR faces great challenges in protecting refugees and IDPs from abduction is Uganda, where thousands of children are being abducted by the Lord's Resistance Army or recruited by rebel forces in the Democratic Republic of the Congo, undergoing training in Uganda.

24. In recent years, initiatives aimed at the identification, disarmament and separation of combatants from the civilian refugee population, which is decisive in preventing the abduction of children for recruitment purposes, have been successfully pursued, often with the support of UNHCR, the Department of Peacekeeping Operations of the Secretariat, or the International Committee of the Red Cross, in the Democratic Republic of the Congo (Bokilio), Tanzania (Mwisa), Zambia (Ukwimi), Sierra Leone (Mapeh) and the Central African Republic (Kaga Bandoro). The issue was addressed at an expert round table on maintaining the civilian and humanitarian character of asylum held in Geneva in 2004.

25. Under-age recruitment, in particular if based on the abduction of the child, constitutes a serious human rights violation. As such, it can lead to the granting of refugee status if a child has a well-founded fear of being persecuted by such measures on grounds of race, religion, nationality, membership of a particular social group or political opinion. UNHCR is presently in the process of developing more detailed guidelines on age-sensitive asylum procedures which will, inter alia, address these issues in greater detail.

III. INFORMATION PROVIDED BY THE OFFICE OF THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL FOR CHILDREN AND ARMED CONFLICT

26. The Office submitted information it has received from United Nations Country Teams in the Sudan, Somalia and Uganda in which it provides details as to the actions taken by the respective UNCTs to address the issue of abducted children in the concerned countries. Information was also provided on the situation of the abduction of children in Liberia and the Democratic Republic of the Congo and actions taken by the respective United Nations missions.

IV. INFORMATION PROVIDED BY UNMIL

27. The United Nations Mission in Liberia (UNMIL), Human Rights and Protection Section, Child Protection Unit, submitted information directly to OHCHR, stating that child abduction has been one of the most systematic human rights abuses that has afflicted Liberia throughout its 14-year civil war. Over the course of the conflict, children were kidnapped, forcibly recruited

into the fighting forces and/or trafficked with frightening regularity. It has been estimated that as many as 15,000 child combatants were taking part in hostilities. Furthermore, an undetermined number of children have been abducted by fighting forces for use as child labour or for sexual purposes.

28. Since December 2003, over 10,680 CAFF, 2,407 of whom are girls, have participated in the DDRR process. This number accounts for a full 11 per cent of the total number of disarmed as of 20 November 2004. Child protection agencies, including UNICEF, ICRC, SC UK, the International Rescue Committee and the Christian Children's Fund, have worked to locate and reunite many of these ex-child combatants with their families, including foreign children from Guinea, Sierra Leone and Côte d'Ivoire.

29. Despite these successes, it is suspected that there remain several hundred child soldiers who have not yet gone through this disarmament process and thus have not been removed from the influence of their commanders and abductors. These children are very likely being utilized by their commanders on plantations and in mines as forced labourers and, thus, were withheld from the DDRR process. Other commanders are suspected of refusing to allow their CAFF to disarm until the children agree to share a portion of their disarmament payment with them.

30. Owing to the porous nature of Liberia's borders and the renewed hostilities in Côte d'Ivoire, it is feared that some of these children will be transported across the border to continue fighting. Such instances and circumstances also raise the possibility of further recruitment and abduction campaigns either by Liberian fighting forces or by their counterparts operating across the border in Côte d'Ivoire or Guinea. Another factor that could lead to renewed instances of child abduction are renewed population movements connected with the return of IDPs and refugees to their homes.

31. UNMIL has taken some initial steps, outside of the DDRR process, to address the problems of child abduction. The UNMIL Civilian Police component has established an anti-trafficking unit designed to build the capacity of local Liberian National Police to investigate, infiltrate and break up child trafficking networks operating in Liberia. The Human Rights and Protection Section and the Legal and Judicial Support Division are likewise engaged in similar mentoring activities with elements of the judiciary, prosecution services, police and penal systems to further emphasize the need for adequate enforcement of the applicable law and international standards to provide justice and support to child victims and perpetrators.

V. INFORMATION PROVIDED BY NON-GOVERNMENTAL ORGANIZATIONS

32. World Vision in West Africa provided information on the types of abduction in West Africa, including children associated with the fighting forces, children falsely enticed through their families to be taken to foreign countries, and children who are enticed into the mining sector by miners, as well as children who are in the street or separated from their families.

33. According to World Vision in Ethiopia, many of the factors that sustained abduction among different tribal groups and clans in different parts of the country have common denominators, including poverty, illiteracy, gender, deception and rape. The most significant issues identified in addressing the problems were awareness, and capacity of the government machineries at different levels.

VI. ACTIVITIES UNDERTAKEN BY OHCHR

34. Paragraph 13 of the resolution requested OHCHR to organize, from within existing resources, subregional consultations which will provide a framework for gathering research, expertise and information from each subregion, and for sensitizing political actors and networking among public authorities and civil society, including NGOs.

35. The Office sought to identify already planned meetings which would serve as forums for the discussion of abduction of children in Africa among relevant actors.

36. OHCHR approached the Government of Ghana, as organizers of the International Conference on the Transatlantic Slave Trade: Landmarks, Legacies and Expectations, and received a positive response to its request to participate. An OHCHR representative took part in the Conference, held from 30 August to 2 September 2004 in Ghana. The Conference was attended by roughly 160 government ministers, diplomats, United Nations representatives, academics, local elders, NGOs, and members of the private sector. It provided an opportunity to raise the issue among participants and in the local media, including questions such as links to slavery and how abductions could be addressed.

37. An OHCHR representative also attended the Arab-African Conference on exploitation, violence and sexual abuse against children held from 14 to 16 December 2004, in Rabat, Morocco. On that occasion, she chaired the session on "Vulnerability of children in armed conflict with respect to exploitation, violence and sexual abuse" and disseminated the resolution and a background paper on the abduction of children in Africa.

38. On 19 May 2004 two OHCHR representatives attended a meeting of NGOs seeking to be involved in the implementation of resolution 2004/47. The meeting was convened by World Vision International and attended by representatives from five other NGOs - the Quaker United Nations office, the International Catholic Child Bureau, the Lutheran World Federation, the World Organization against Torture and Human Rights Watch. OHCHR outlined its interest in collaborating with relevant NGOs, and the NGO representatives present indicated possible contributions through their colleagues and counterparts in the field as well as their possible participation in subregional meetings having this issue on the agenda, with a view to enhancing networking. OHCHR circulated a questionnaire among the NGOs to collect data for this report.

VII. CONCLUSIONS AND RECOMMENDATIONS

39. **The act of abduction violates all the rights enshrined in the Convention on the Rights of the Child, to which all African countries are parties, with the exception of Somalia. Principal relevant rights are the inherent right to life; the right to freedom from torture or other cruel, inhuman or degrading treatment or punishment; the right to**

liberty; the right of the child to know and be cared for by his or her parents; the right of the child to preserve his or her identity, including nationality, name and family relations; the right to education; the right to be protected from economic or sexual exploitation.

40. **While a clear picture of abduction of children in Africa has yet to emerge, challenges persist in data collection and analysis regarding the phenomenon. Greater investment is needed in awareness-raising, training, research and improved monitoring and reporting mechanisms, as is more regular and comprehensive reporting by Governments to monitoring and reporting bodies.**

41. **A diverse range of actors are operating on local, regional and international levels to address the problem, undertaking a wide spectrum of roles. They include Governments, community-based organizations, civil society organizations, children's groups and international organizations. The recurrence of these roles for different actors further underscores the need for sharing of information, joint strategizing and harmonization of functions. The rights of the child must lie at the heart of these responses.**
