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*The girl child and armed conflict:
Recognizing and addressing grave violations of
girls' human rights*

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* The views expressed in this paper are those of the authors and do not necessarily represent those of the United Nations.

I. Introduction

During armed conflict, girls are subject to widespread and, at times, systematic forms of human rights violations that have mental, emotional, spiritual, physical and material repercussions. These violations include illegal detention with or without family members, abduction and forced removal from families and homes, disappearances, torture and other inhuman treatment, amputation and mutilation, forced recruitment into fighting forces and groups, slavery, sexual exploitation, increased exposure to HIV/AIDS, and a wide range of physical and sexual violations, including rape, enforced pregnancy, forced prostitution, forced marriage and forced child-bearing.² There is urgent need for better documentation, monitoring and reporting on the extreme suffering that armed conflict inflicts on girls, as well as on the many roles girls play during conflict and its aftermath. Such information and response mechanisms are needed for the purpose of strengthening and developing policy and programs to prevent and or address these grave rights violations.

This paper documents and analyses the grave human rights violations girls³ endure during situations of armed conflict and offers recommendations on preventing and or addressing those harms.⁴

Currently there are over 30 situations of concern where the rights of children are being violated. In the last decade, 2 million children have been killed in situations of armed conflict, 6 million children have been permanently disabled or injured, over 14 million children have been displaced, and over 1 million have been orphaned and separated from their parents. Over 250,000 children are associ

armed forces and groups; 3) rape or other grave sexual violence against girls; 4) sexual exploitation; 5) abduction; 6) forced marriage; and 7) increasing girls' exposure to HIV/AIDS. The international community has a responsibility to address these issues.

populations. The ICTR, for example, has successfully convicted perpetrators of rape and sexual crimes as elements of genocide. In the ICTY, historic precedents were set when the court recognized rape as a violation of the laws and customs of warfare and as a basis of torture under the Geneva Conventions.

Sexual violence includes both physical and psychological attacks directed at a person's sexual characteristics such as forcing a person to strip naked in public, genital mutilation, or slicing off a female's breasts.²⁵ For example, during the genocide in Rwanda, girls were sexually mutilated after being subjected to rape, including gang-rape. In Sierra Leone, girls who tried to escape rebel captivity were carved with the rebel name "RUF" across their breasts.

Rape is defined as the insertion, under conditions of force, coercion or duress, of any object, including but not limited to a penis, into a victim's vagina or anus; or the insertion, under conditions of force, coercion or duress, of a penis into the mouth of the victim. Rape is defined in gender-neutral terms, as both females and males are victims of rape. Rape has been used to terrorize and control communities and individuals in many armed conflicts. During the war in the former Yugoslavia (particularly in Bosnia-Herzegovina), the systematic rape of girls and women as a weapon of war played an integral part in the war strategy. In Darfur, rape of girls and women by militias and, to a lesser extent, rebel forces is systematic, widespread and used to displace, punish and terrorize populations.²⁶

Sexual slavery encompasses most, if not all, forms of enforced prostitution. Sexual slavery is used as an adjective to describe a form of slavery, not to denote a separate crime. In all respects and in all circumstances, sexual slavery is slavery and it is prohibited. Girls are often abducted for sexual and other purposes by armed groups and forces. The Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed conflict and the Special Rapporteur on violence against women have drawn attention to the human rights violations, including sexual slavery, which are perpetrated against girls in times of armed conflict.²⁷

Forced pregnancy is defined as the unlawful confinement of a woman to forcibly make her pregnant. During the wars in former Yugoslavia girls were confined, raped and held captive until the possibility of abortion was no longer a viable option for the victim.²⁸ Girls abducted by rebel forces in Northern Uganda have also been subjected to forced pregnancy, with those who try to prevent pregnancy being beaten or killed.

Enforced prostitution, included in some international and humanitarian conventions, is insufficiently understood as compared to other sexual crimes. It generally refers to conditions of control by one person and coercion into sexual activity by another.

Sexual Exploitation of Girls

Sexual exploitation is any abuse of a position of vulnerability, differential power, or trust for sexual purposes; this includes profiting monetarily, socially or politically from the sexual exploitation of another.²⁹ Sexual exploitation is a form of gender-based violence and is widespread in conflict zones. Given increased rates of poverty and scarcity of goods, girls, at times pressured by their families, can be forced to seek sexually exploitative alliances with armed forces and groups, including peacekeepers, humanitarian personnel, government officials and other local power holders. Girls engage in these relationships to help ensure their safety and access to materials to meet their basic needs. In such cases, persons who are mandated and obligated to protect vulnerable populations abuse their power and violate others' rights with impunity.

Sexual exploitation of girls is exacerbated in situations where there are few opportunities for displaced or refugee populations to engage in livelihoods that meet basic needs. In such cases, commercial and exploitative sex may be among the few options girls have to generate income or acquire goods to support themselves or assist their families' survival. Sexual exploitation is also rife in situations where girls are coming from an environment where gender-based violence and exploitation of girls and women is frequent and where community structures play an active role in violating girls' and women's rights. Girls are at high risk of sexual exploitation in situations where the social structures and networks that protected girls are strained or no longer able to function, and where justice and policing mechanisms are unable to fill the gaps or are colluding in the violence.³⁰

In Colombia, young girls gave themselves or were given by their families to paramilitary forces in order to try stave off violence against their families. In Liberia, girls as young as 10 years old were sexually exploited by soldiers.³¹ In the crushing poverty caused by the conflict in Northern Uganda, some soldiers and militia have a number of girls in different internally displaced camps who they sexual exploit in exchange for giving the girls money to buy food and other basic necessities. Girls who are refugees and asylum seekers are at times sexually exploited by border guards, police, military, camp and government officials as they seek safe passage or the necessary paperwork to help them seek refuge.

Allegations and reports of the sexual exploitation of girls by United Nations peacekeeping and humanitarian personnel have increased over the last three years. polic4 In Li6(ss

coercion, forced and violent sex, sexual exploitation and enforced prostitution. Instability, disintegrating social networks, and breakdown of law and order in receiving and transit countries, which already suffer economic hardship and poverty, foster trafficking. In some cases, due to inefficiency, laxity and often involvement of the police, as well as the tacit support of military personnel, traffickers function in those countries where they do not fear arrest, prosecution or conviction. Trafficked girls face severely compromised physical and mental health, in particular regarding their reproductive health due to rape, sexual abuse, sexually transmitted diseases, including HIV/AIDS, trauma and unwanted pregnancies.⁴⁰

Forced cross-border migration due to internal armed conflict is connected to the abduction and exploitation of women and girls into forced labor. For example, girls are trafficked within and across borders to sexually service combatants.⁴¹ In some cases of international trafficking, girls are sold and subsequently brought into camps of rebels or soldiers. International military interventions may also act as a magnate for the exploitation of abducted girls and, to a lesser extent, boys. For example, with the conflict in the Balkans, Kosovo, in particular, became a hub for international traffickers who used routes to smuggle

Forced marriages of girls and young women by armed opposition groups have been documented in recent armed conflicts in Sierra Leone (1991-2001), Liberia (1990-2003), Uganda (1986-present), the Democratic Republic of Congo (1998-present), Algeria (1994-present), Kashmir (1990-present) and elsewhere. In Algeria and Kashmir, armed opposition groups have abducted girls and women with impunity and no cases to date have been brought to national or local courts. Forced marriages have also been committed by state armed forces. For example, from 1980-2000, Indonesian security forces in East Timor forcibly married Timorese girls and young women and forced others into prostitution.⁵² Prior to 2001, Taliban fighters in Afghanistan made death threats against families to handover their girls and young women and forced the families to complete marriage contracts.⁵³ Today in Afghanistan, armed opium dealers and *jihadi* commanders are forcibly marrying girls and young women.⁵⁴ Perhaps nowhere have there been more instances of abduction and forced marriage into armed groups, nor have captives been held for such long durations, than in Northern Uganda.

The violations experienced by girls and young women subjected to forced marriages are often severe and long-lasting and encompass a number of psychological, emotional, physical, social, economic and cultural elements. Among these elements are forced

these factors combine for the spread of HIV/AIDS, with girls in particular at high risk.⁵⁶ In addition, the presence of military personnel who often have HIV/AIDS infection rates three to four times higher than civilian populations often means that girls within war affected communities are at greater risk of exposure to the disease than they were previously.⁵⁷

HIV/AIDS destroys families due to the death of parents or caregivers. Significantly, 13 of the 17 countries with over 100,000 children orphaned by AIDS are either experiencing armed conflict or are on the brink of an emergency situation.⁵⁸ Female headed households, some of them infected by their now deceased husband or sexual partner, struggle to provide food and shelter for their children. In some cases girls are pulled out of school due to lack of resources or the need for them to engage in livelihoods to help support their families. When parents or caregivers die, girls may have to take on the role as head of household. Girl heads of households often experience higher levels of sexual abuse and exploitation as they try and provide for their siblings, thus increasing their risk of exposure to HIV/AIDS.⁵⁹ Notably, in most war affected areas, testing and treatment of HIV/AIDS affected children is non-existent.

IV. Best Practices

It should be recognized from the outset that there are few documented good practices regarding the prevention of grave rights viol

(2003) requested that the Secretary-General update the Security Council regarding the progress made by parties previously named within SCR 1379 on preventing the abduction and use of children in fighting forces and to develop specific proposals for more effective monitoring and reporting on the application and adherence of international norms on children and armed conflict. This resolution also requested the Secretary-General to include the protection of children in armed conflict in his country-specific reports. SCR 1539 (2004) called for an era of enforcement and implementation and requested that the Secretary-General set up a system of monitoring and reporting on grave violations of children's rights. SCR 1612 (2005) names six grave rights violations against children during armed conflict that will be monitored by UN agencies and reported on to the Security Council to help the Council's efforts to improve compliance with international standards regarding children's human rights. In his follow-up report, the Secretary-General (S/2005/72), proposed a detailed **action plan for the implementation of a comprehensive Monitoring and Reporting Mechanism to document six grave abuses** committed against children which is now being put into place. Finally, in SCR 1612, members of the **Security Council committed themselves to form a high-level Working Group** (consisting of all Security Council members) to address issues regarding children and armed conflict.

A number of important **international initiatives by civil society** have been undertaken to prevent, document, expose, and redress rights violations against girls in situations of armed conflict. At the **international level, frontline NGOs** in these efforts include the Coalition to Stop the Use of Child Soldiers, Human Rights Watch the International Fellowship of Reconciliation Women Peacemakers Programme, Urgent Action Fund for Women's Human Rights, the Women's Commission for Refugee Women and Children, and Women Living Under Muslim Law, among others. At the **national level, frontline civil society groups** working on issues of girls' rights violations and protection during armed conflict include the Association of War Affected Women, Sri Lanka, the Concerned Parents Association, Uganda, the Forum for African Women Educationalists, Sierra Leone, Organization of Women's Freedom in Iraq, and PROFEM, Rwanda, among others.

To counter **abduction and using, recruiting, conscripting or enlisting girls in armed forces and groups**, a number of efforts are being undertaken, including dialogue by local leaders and international humanitarian officials with commanders of fighting forces and groups. These initiatives are aimed at getting them to refrain from using children and to understand the consequences on non-compliance within the international norms regulating recruitment. They are also aimed at building schools, developing health care facilities, providing emergency feeding programs, providing shelter, and deploying protection units to physically protect communities and their children. In Sierra Leone's reintegration programming for girls, UNICEF worked with implementing partners to provide educational opportunities to girls formerly associated with fighting forces. These programs combined classroom and vocational training with child-care and feeding programming so that girls with infants could attend while their children were near-by in a positive, safe environment. Importantly, schools that received formerly captive children were "rewarded" with additional supplies and books that benefited all students in the community, thereby avoiding the appearance that only formerly captive children received educational assistance.

Additionally, accelerated schooling helped older girls gain basic literacy and math skills that they missed due to the length of time spent in fighting forces.

In efforts to address **rape and other grave sexual violence against girls**, in Sudan, UNHCR found and reported that fully two thirds of the Sudanese women refugees who were being treated in a regional hospital in Chad had been raped. The youngest victim was only ten years old. UNFPA and UNHCR are now supporting the hospital to treat women suffering from fistula, which is caused by obstructed labour or extreme sexual violence. Because women are too ashamed to report rape and seek assistance, UNHCR has been working to establish a referral system that coordinates medical and legal assistance.⁶⁰ In Burundi, UNHCR provides firewood and has installed mills within camps where girls and women were being raped when they left the camp parameters to collect firewood. Camp security forces now include women. In addition, over 70 older refugee women were appointed to serve as “volunteer mothers” to identify, assist and care for young rape victims. They have, in turn, recruited older men to act as “volunteer fathers”, recognizing that men can play a key role when it comes to preventing sexual violence.⁶¹

In **addressing sexual exploitation**, UNICEF has worked with local communities in some conflict areas to develop community monitoring and reporting system for sexual exploitation and child abuse for both camp and non-camp populations. UNICEF has also produced training materials for its staff and partners on the prevention of sexual abuse and exploitation and training is ongoing in several regions, including Southern and West Africa. Additionally, in 2002, following allegations of sexual abuse and exploitation by aid workers and peacekeepers, UNICEF became co-chair of the IASC Task Force on Protection from Sexual Abuse and Exploitation in Humanitarian Crises. The Task Force has received a committed and coordinated response from the humanitarian community to prevent and address sexual abuse and exploitation. Among the measures outlined in the Task Force Plan of Action is the requirement that a set of six core principles be incorporated into all IASC codes of conduct, including a principle prohibiting sexual activity with persons under the age of 18, regardless of the age of majority or age of consent locally. This code of conduct now applies to all United Nations peacekeeping and humanitarian personnel. The Task Force has also called for greater transparency and accountability in the delivery of humanitarian assistance. It is playing a lead role in developing mechanisms to prevent abuse and to ensure accountability. In Colombia, displaced girls are three times more likely than their peers to become pregnant before age 15. UNFPA and its partners have adopted an innovative approach to reaching these young people: projects that draw on artistic expression by adolescents as a release and remedy for the violence in their lives. The program uses drama, role playing, music and dance to encourage adolescents to recount the trauma they have experienced. Health providers visit twice a week to talk about reproductive health and prevention and offer services. Participants in the program have acquired the tools to challenge harmful aspects of gender relations, resist peer pressure and address sexual violence. They have received information and services to prevent disease and ensure maternal safety. The project has raised the self-esteem of displaced adolescents and given them a sense of control over their lives.⁶²

Regarding **forced marriage during situations of armed conflict**, the Office of the Prosecutor (OTP) to the Special Court for Sierra Leone set an important precedent when it included charges of forced marriage in addition to charges of recruitment of children into fighting forces. The OTP concluded during its investigations of crimes that the perpetration of forced marriage was systematic and widespread and by itself an indictable offense which more accurately reflects the treatment and suppression of girls by fighting forces than the singular crimes of rape and enslavement do not reflect. The OTP's indictments could help further develop international prohibitions against the abuse and exploitation of girls during situations of armed conflict.

To help address the issue of **girls' exposure to HIV/AIDS during armed conflict**

addition they should support programs that ensure that girls have access to information about their rights and how to put those rights into practice, including through access to justice systems.

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² UNICEF, *The State of the World's Children 2006: Excluded and Invisible*, New York, 2006, p. 14.

³ The Convention on the Rights of the Child defines the child as “below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.” See United Nations Convention on the Rights of the Child (1989), Article 1.

⁴ The term *armed conflict* is used here to describe varying degrees of conflict intensity. A precise definition of the term is not provided in any treaty body, see Final Report of the Special Rapporteur, Terrorism and Human Rights. UN Sub-Commission on the Promotion and Protection of Human Rights. Final Report of the Special Rapporteur, Kalliopi K. Koufa, E.CN.4/Sub.2/2004/40, 25 June 2004, para. 6.1()-6(K8)6.tiK8v JN(-1.1497.t)4v th14 t6-IP

North Africa: Israel/Occupied Palestinian Terr

³⁶ Other key international conventions include the Convention on the Elimination of all Forms of Discrimination against Women (A/RES/34/180), which requires State Parties to take all appropriate measures to suppress all forms of traffic in women and exploitation of prostitution of women (Art. 6); the Convention of the Rights of the Child (A/RES/44/25), which obliges State Parties to undertake to protect the child from all forms of sexual exploitation and sexual abuse (Art. 34) and to take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form (Art. 35); the Optional Protocol to the Convention of the Rights of the Child on sale of children, child prostitution and child pornography (A/RES/54/263); the International Labour Organization's C182 Worst Forms of Child Labour Convention, which requires each member to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour (Art. 1). The worst forms of child labour include all forms of slavery or practices, similar to slavery, such as the sale and trafficking on children (Art. 3(a)), as well as the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances (Art. 3(b)).

³⁷ Article 3(a) of the Trafficking Protocol defines trafficking in persons as, “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, or abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments of benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

³⁸ United Nations Commission on Human Rights Resolution 2003/85.

³⁹ United States Department of State, *Trafficking in Persons Report: June 2005*, Author: Washington DC, 2005.

⁴⁰ United Nations Doc. E/CN.4/2000/68.

⁴¹ IOM, “Anti-Trafficking Program in Kosovo – through prevention, awareness raising, capacity building and facilitation,” n.d.; United Nations Mission in Bosnia and Herzegovina (UNMIBH) Legal and Human Rights offices and the United Nations Office of the High Commissioner for Human Rights in Bosnia-Herzegovina (UNHCHR in BiH), *Report on Joint Trafficking Project of UNMIBH/OHCHR*, Sarajevo, UNMIBH/OHCHR, 2000.

⁴² Dyan Mazurana, “Gender and the Causes and Consequences of Armed Conflict,” in Dyan Mazurana, Angela Raven-Roberts, and Jane Parpart (eds.), *Gender, Conflict, and Peacekeeping*, Rowman & Littlefield: Oxford & Boulder, 2005.

⁴³ Ibid.; GTZ, *Armed Conflict and Trafficking in Women*, Author: Eschborn, 2004.

⁴⁴ Watchlist, *Colombia's War on Children*.

⁴⁵ Watchlist, *Afghanistan Update*, 2001,

