



Institute for Human Rights and Development in Africa

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Regional workshop on mainstreaming children’s rights in transitional justice processes in Africa (for West, Central and North Africa)

Date: 7-8 February 2023

Venue: Bujumbura, Burundi

Concept Note

1. Background

In May 2013, at the 50th Anniversary of the Organization of African Unity/African Union (OAU/AU), African leaders made a solemn declaration pledging not to pass on the burden of wars to the next generation of Africans and to end all wars in Africa by 2020.¹ Here we are in 2022! Wars continue and affect the generation that African leaders wanted to spare from the horrors of war.

Obviously, the declaration to ban wars has not, to some extent, been followed by concrete actions in many African countries, as witnessed by the recurrent and emerging conflicts due to unconstitutional changes of governments by coups d’état, the ritual and truncated organization of non-credible and non-transparent elections, armed rebellions, terrorism, intolerant dictatorships, various forms of discrimination (particularly those based on ethnic and regional origins as well as religious beliefs), inequitable distribution of power and resources, patronage, manipulation of the army and police forces and the judicial system, etc.

All or some of these drivers of wars are observed in many African countries and are particularly in the West, Central and North African regions where efforts to reconcile societies need to be scaled up. Conflicts in these two regions erode respect for fundamental rights and freedoms and negatively affect the enjoyment of human rights by vulnerable groups, especially children.

Massive human rights violations caused by conflicts in the Democratic Republic of Congo have resulted in early and forced marriages in Ituri province.² In eastern DRC, the United Nations reports that in the first half of 2022, 436 children (7 boys, 429 girls) were sexually abused by armed groups (Nyatura, CODECO, Mai Mai Malaika, Mai Mai Apa Na Pale, APCLS, ADF, Raia Mutomboki, Mai Mai Mazembe as well as by the defense and security forces.³ Most of

¹ Solemn Declaration on the Fiftieth Anniversary of the OAU/AU (Assembly/AU/Decl.3(XXI)), p.5

² Cécile Aptel and Virginie Ladisch, *Through a New Lens: A Child-Sensitive Approach to Transitional Justice*, ICTJ, 2011, p.8

³ See Report of the United Nations Secretary General on children and armed conflict ([A/76/871-S/2022/493](#)), July 2022, para. 57, p.10



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these sexual abuses involve gang rape and sexual slavery. As DRC authorities prepare to re-launch the transitional justice process⁴ including for crimes documented in the UN Mapping Report,⁵ stakeholders in the protection of children's rights should use this opportunity to ensure that transitional justice mechanisms take particularly into account violations affecting children in armed conflict in DRC.

In the Central African Republic, 329 children including children who are 7 years old have been recruited, since the beginning of 2022, to join rebel groups (Coalition des patriotes pour le changement, Front populaire pour la renaissance de la Centrafrique, Anti-Balaka et Retour, réclamation et réhabilitation—3R, Union pour la paix en Centrafrique, as well as Lord's Resistance Army- LRA) and the armed forces.⁶ The recently created Truth, Justice, Reparations and Reconciliation Commission (CVJRR)⁷ as well as other transitional justice mechanisms in the country will need to ensure that these violations that specifically affect children in armed conflicts are on their agenda.

In Cameroon, the conflict in the Anglophone region has resulted in child exploitation, child labor, early marriage, school dropouts, juvenile delinquency, and drug use,⁸ to name a few. Violations of children's rights in this region are mainly due to operations of security forces and militias such as Ambazonia Defence Forces, Southern Cameroons Defence Forces, Southern Cameroons Restoration Forces, Red Dragons, Bafut Seven Karta, Manyu Ghost Warriors, Amberland Forces, Amberland Quifos, Amberland Marine Forces, Manyu Ghost Warriors, Menchum Falls Warriors, Tigers of Ambazonia, Warriors of Nso, White Tigers, and Vipers.⁹ Actions of terrorist groups are also violating children's rights especially in northern Cameroon. Since the beginning of 2022, 75 children have been killed by terrorist groups such as Boko Haram and Islamic State West Africa Province as well as by armed forces. Similarly, 22 attacks were carried out on 18 schools and 4 hospitals¹⁰ in the first half of 2022, affecting the right to

⁴ Mutoy Mubiala (2021), *Vers un renouveau de la justice transitionnelle en R.D. Congo*, EGMONT Royal Institute for International Relations, pp.1-3et p.8

⁵ The UN Mapping Report documented the crimes committed between 1993 and 2003. Its recommendations, which include options for transitional justice mechanisms (from para 54), have not yet been implemented. The report is available at

https://www.ohchr.org/sites/default/files/Documents/Countries/CD/DRC_MAPPING_REPORT_FINAL_EN.pdf

⁶ Report of the United Nations Secretary General on children and armed conflict ([A/76/871-S/2022/493](#)), July 2022, para. 27, p.6

⁷ Amanda Lucey and Peter Knoope, *Assurer le succès de la Commission Vérité, Justice, Réparations et Réconciliation de la République Centrafricaine*, Institute for Justice and Reconciliation, No 35, July 2021

⁸ Bang and Balgah (2022), "The ramification of Cameroon's Anglophone crisis: conceptual analysis of a looming Complex Disaster Emergency" in *Journal of International Humanitarian Action*, p.13

⁹ Ibid, p.9

¹⁰ Ibid, paras 235 et 237, p.31

education and health for many children who need it so much. The Grand Dialogue National Report contains recommendations that require the involvement of all Cameroonians, including children, in peace building and national development.¹¹

In Burundi, as a result of the conflicts that have shaken the country since independence and particularly the crises of 1993 and 2015, the number of children living on the streets has increased significantly. Because of these crises, many children are orphans and live in precariousness and critical insecurity and had no other choice but to live on the streets in urban cities.¹² These children are exposed to all forms of human rights violations. They do not go to school, have difficulty finding food, have no access to health care and are subjected to the worst forms of child labor. To reconcile a nation that has long been plagued by a series of cyclical violence and massacres that have caused numerous losses of lives and properties, a National Truth and Reconciliation Commission is at work. Children's rights advocates should not be sidelined in the transitional justice process in Burundi. They can bring the views of children to the attention of the Commission set up in a country where the concept of transitional justice remains difficult to grasp.¹³

The recent coups d'état in countries such as Mali, Guinea and Burkina Faso aggravated the already precarious situation of children's rights. In Mali, children were arrested and detained on suspicion of working for armed groups. Others were recruited by armed groups to be used in hostilities or subjected to sexual violence.¹⁴ Transitional justice mechanisms in Mali¹⁵ could play an important role in protecting children from these types of human rights violations in the future.

In Burkina Faso, children are recruited as combatants, imprisoned, kidnapped, killed, and subjected to various forms of sexual exploitation.¹⁶ These violations of children's rights occur where each of the different actors in the transitional justice process (that began at the end of the

¹¹ OIF, *Les processus de transition, justice, vérité et réconciliation dans l'espace francophone*, 2^e Ed, 2021, p.144

¹² Pascal MUKENE, Rodolphe BARANYIZIGIYE, Enoce RURATEBUKA and Philippe NSHIMIRIMANA, *La prise en charge des enfants de la rue au Burundi*, 2014, p.5

¹³ Emmanuel Ntakarutimana, « Justice traditionnelle : ses limites et ses apports (réflexions sur le Burundi) » in Carol Mottet et Christian Pout, *La justice transitionnelle : une voie vers la réconciliation et la construction d'une paix durable*, pp.94-97

¹⁴ Report of the United Nations Secretary General on children and armed conflict ([A/76/871-S/2022/493](#)), July 2022, para. 119-120, p.17

¹⁵ ABA, *Stratégie de justice transitionnelle au Mali : Analyses découlant des observations et réflexions des structures communautaires et de la société civile*, pp.18-21

¹⁶ Report of the United Nations Secretary General on children and armed conflict ([A/76/871-S/2022/493](#)), July 2022, para. 220-227, p.29

Compaoré) is seeking to lead the process in favor of their own political interests¹⁷ without necessarily paying attention to the protection of children's rights.

In Côte d'Ivoire¹⁸ and Togo,¹⁹ transitional justice mechanisms that were put in place, more specifically the Justice-Truth and Reconciliation Commissions, although they were able to produce reports with recommendations, implementation bodies (CONARIV for Côte d'Ivoire and HCRRUN for Togo) were not able to effectively implement them, especially with regard to the prosecution of the perpetrators of the violations and reparations. In advocating for the implementation of the recommendations, stakeholders in the field of children's rights, must ensure that the respect of children's rights in the future and the non-repetition of past violations are guaranteed.

The situation being what it is in these regions, the African Union - through some of its organs - has equipped itself with policies and other documents relevant to mainstreaming human rights in transitional justice processes in member States. The African Union Commission has developed the African Union Policy on Transitional Justice in Africa, a document that serves as a guide to transitional justice mechanisms in member States. The policy "recognizes that children are most vulnerable to and affected by conflicts, including as direct targets of violence through killings, acts of mutilation or torture, abductions, recruitment as well as enrolment as soldiers and sexual violence. All transitional processes, including peace and justice processes, should take account of the disproportionate impact of violence on children" and "make adequate provision for children as victims, irrespective of their roles."²⁰ On the other side, the African Commission conducted a Study on Transitional Justice and Human Rights in Africa. This study is relevant to the children's rights in transitional justice processes. It refers to the provisions of Article 22 of the African Charter on the Rights and Welfare of the Child, which highlights "including the duty on the State to ensure that children do not take part in hostilities, and that they are not recruited as child soldiers, as well as taking all measures feasible to ensure the protection and care of children

¹⁷ Dakuyo, A. (2019). *Insurrection populaire et justice transitionnelle au Burkina Faso : entre dynamique « révolutionnaire » et réalisme politique*, Politique et Sociétés, Vol.38 (2), p.29

¹⁸ FIDH, Côte d'Ivoire : *de la justice sacrifiée au nom de la « réconciliation » à la justice instrumentalisée par le politique*, Rapport, 2022, pp.10-11

¹⁹ Ephrem Rugiririza, *La Semaine de la Justice Transitionnelle : Espoir en Guinée, Désillusion au Togo, Impunité au Burundi*, 2018 accessible sur <https://www.justiceinfo.net/fr/36176-la-semaine-de-la-justice-transitionnelle-espoir-en-guinee-desillusion-au-togo-impunite-au-burundi.html>

²⁰ AU Transitional Justice Policy para.105, p.24. see also Mukundi G., *The African Union Transitional Justice Policy Framework and How it Fits into the African Governance Architecture (AGA): Promise and Prospects for the African Court of Justice and Human Rights*, Cambridge University Press, 2019 available on <https://www.cambridge.org/core/books/african-court-of-justice-and-human-and-peoples-rights-in-context/african-union-transitional-justice-policy-framework-and-how-it-fits-into-the-african-governance-architecture-aga/AEF88EB3F10C747188D74B23CA99F858>

who are affected by armed conflict.”²¹ The Commission also conducted a study in relation to addressing human rights issues in the conflict situation, a study that highlights the opportunities for the Commission to contribute to transitional justice mechanisms particularly in “constitutional and institutional reform measures including justice sector reforms, which would benefit from the human rights perspective offered by the Commission including on matters such as the inclusion of women and the youth in peace and reconstruction processes.”²²

As an African Union mechanism with a mandate to promote and protect the rights of the child, the African Committee of Experts on the Rights and Welfare of the Child conducted a study on Mapping Children on the Move in Africa, which provides substantive information on the phenomenon of child migration in Africa. The study cites conflict as one of the major causes of child displacement.²³ Conflicts lead to serious and massive violations of children’s rights, forcing them into refugee or IDP camps and thus depriving them of the right to education, for example. They are deported under inhumane conditions and face difficulties for social reintegration, hence transitional justice mechanisms should specifically take into account the effects of migration of children during conflicts.

All of these resources and many more provide useful knowledge that human rights defenders need in order to effectively participate in mainstreaming human rights in transitional justice processes in Africa.

The African Charter on the Rights and Welfare of the Child is built on four (4) principles that underpin norms of protecting children’s rights in Africa. These are the best interests of the child, the right of the child to protection from discrimination, the right to survival, development and protection, and the right of children to participate in matters affecting them.²⁴ For a holistic *Never Again* approach, transitional justice mechanisms in Africa should integrate these Charter principles into their activities of truth-telling and reconciliation, prosecution of perpetrators, reparations, institutional reforms, and guarantees of non-repetition. Child rights defenders have daunting tasks, including advocacy so that children’s voices are heard²⁵ on violations such as rape, forced marriages by rebels or elements of the regular army as well as other GBV, child

²¹ ACHPR, Study on Transitional Justice and Human and Peoples’ s Rights in Africa Para 131, p.37

²² ACHPR Addressing Human Rights Issues in Conflict Situations Towards a More Systematic and Effective Role for the African Commission on Human and Peoples’ Rights, para 230, p.86

²³ ACERWC, *Mapping Children on the move within Africa*, 2019, p.41

²⁴ Joint General Comment of the African Commission on Human and Peoples’ Rights and the African Committee of Experts on the Rights and Welfare of the Child on Ending Child Marriage, pp.6-11

²⁵ See for example: *Transitional justice and children in The Gambia: Making the voices of children heard in The Gambia’s transitional justice process* accessible sur <https://www.unicef.org/gambia/stories/transitional-justice-and-children-gambia>



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labor, restrictions on the right to education for schools that have been inaccessible, closed or destroyed because of the war, etc., of which they have been victims during conflicts.

The inclusion (non-discrimination) and participation of children in the work of Truth and Reconciliation Commissions (TRCs) allow children to contribute to the construction of a world free of the burdens of war that African leaders dream of preventing future generations from. Transitional justice mechanisms in Africa, including TRCs that do not involve or have not yet involved children in their processes could be challenged by this statement from a Liberian girl at the workshop organized by the Truth and Reconciliation Commission (TRC) of Liberia: “I want the TRC to help us have good health and free education for our country Liberia. I want the TRC to help us to redevelop our country Liberia, and finally, I want the TRC to help us have a peaceful nation, not go back to war.”²⁶

In light of the above, the Institute for Human Rights and Development in Africa is organizing a two (2) day training workshop for children’s rights defenders in West, Central and North Africa to equip them with the knowledge on mainstreaming children’s rights in transitional justice processes. Child rights advocates will also be exposed to the theories and practices of regional mechanisms dealing with human rights issues arising from transitional justice contexts.

2. Workshop objectives

- Build the capacity of children’s rights defenders across West, Central and North Africa on mainstreaming children’s rights into transitional justice processes;
- Strengthen the capacity of child rights defenders across West, Central and North Africa on engaging the ACERWC on transitional justice issues;
- Enhance access to remedies and justice for children who are victims of massive and serious human rights violations in West, Central and North African countries; and
- Create a network for child rights and transitional justice stakeholders in West, Central and North Africa.

3. Expected outcomes

- Participants are aware of the African human rights mechanisms for the protection of children’s rights and their transitional justice mandate;
- Increased engagement of child rights defenders in advocating for and advancing child considerations in TJ processes at domestic and regional levels;

²⁶ Sharanjeet Parmar, Mindy Jane Roseman, Saudamini Siegrist and Theo Sowa, *Children and Transitional Justice Truth-Telling, Accountability and Reconciliation*, Harvard law School, 2010, p.399



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- The regional network of child rights defenders and TJ stakeholders is created.

4. Venue and dates

The workshop will take place in **Bujumbura, Burundi on 7-8 February 2023.**

5. Workshop language

English and French will be used at the workshop, with simultaneous interpretation available.

6. Eligibility requirements

- Child rights civil society actors based and working in a West, Central or North African country;
- Lawyers with demonstrated interest and/or experience in human rights;
- Knowledge, skills and/or experience in TJ matters and contexts is added advantage;
- Candidates in countries with existing TJ contexts would be given priority.

7. Submission of application

Interested candidates should send their cover letter and CVs to dbigirimana@ihrda.org, copying ebizimana@ihrda.org and fjangana@ihrda.org.

8. Application deadline

The deadline for applications is **January 6, 2023 at 5:00 PM, Banjul Time.**

For more information, please contact:

E-mails:

- ebizimana@ihrda.org
- dbigirimana@ihrda.org
- fjangana@ihrda.org

Tel: + 220 7751205 or + 220 7751204