

Level 5 Cross-cutting Issues

IDDRS 5.20 Children and DDR

7. Prevention of recruitment and re-recruitment of children

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Some children are particularly vulnerable to (re-)recruitment because of inadequate protection, such as children living in conflict zones, child refugees or those who have been internally displaced, unaccompanied children, orphans or those separated from their families, children in child- or female-headed households, and children with very young parents. Girls and boys are at greater risk of being recruited in certain locations, such as zones of intense conflict; areas frequently crossed by troops; and public places with concentrations of children such as markets, schools, refugee camps or camps for internally displaced persons, and places where children go to fetch wood or water.

Level 2 Concepts, Policy and Strategy of the IDDRS

IDDRS 2.10 The UN Approach to DDR

8. What principles guide UN DDR?

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The unconditional and immediate release of children associated with armed forces and groups must be a priority, irrespective of the status of peace negotiations and/ or the development of DDR programmes and DDR-related tools. UN-supported DDR interventions shall not be allowed to encourage the recruitment of children into armed forces and groups in any way, especially by commanders trying to increase the number of combatants entering DDR programmes in order to profit from assistance provided to combatants. When DDR programmes, DDR-related tools and reintegration support are implemented, children shall be separated from armed forces and groups and handed over to child protection agencies. Children will then be supported to demobilize and reintegrate into families and communities (see IDDRS 5.30 on Children and DDR). Only child protection practitioners should interview children associated with armed forces and groups.

Level 5 Cross-cutting Issues

IDDRS 5.30 Youth and DDR

1. Module scope and objectives

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This module is applicable to youth between the ages of 15 and 24. However, the document should be read in conjunction with IDDRS 5.20 on Children and DDR, as youth between the ages of 15 to 17, are also children, and require special considerations and protections in line with legal frameworks for children and may benefit from child sensitive approaches to DDR consistent with the best interests of the child. Children between the ages of 15 to 17 are included in this module in recognition of the reality that children who are nearing the age of 18 are more likely to have employment needs and/or socio-political reintegration demands, requiring additional guidance that is youth-focused. This module should also be read in conjunction with IDDRS 5.10 on Women, Gender and DDR.

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IDDRS 5.20 Children and DDR

9. Criminal responsibility and accountability

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Consistent with Article 40 of the CRC, any child suspected, accused, or convicted of having committed a terrorism-related offence or an offence against national security has the right to be treated in a manner consistent with international law and standards, including juvenile justice standards: "Procedures employed should promote the child's dignity and worth and reinforce the child's respect for the human rights and fundamental freedoms of others. It should take into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society."¹⁹ In addition, if

a state seeks to hold a child accountable for criminal acts alleged to have been committed while under the control of an armed group, courts and service providers should account for the child's experience and the coercive environment under which the child was living or forced to act when determining both criminal responsibility and the services or support that a child may need. In all decisions, the child's best interests shall be a primary consideration, "even when the child's interests may conflict with the State's perceived security interests."²⁰

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IDDRS 5.20 Children and DDR

4. Guiding principles

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DDR processes for children shall link to national and local structures for child protection with efforts to strengthen institutions working on child rights and advocacy. DDR processes for children require a long implementation period and the long-term success of DDR processes depends on and correlates to the capacities of local actors and communities. These capacities shall be strengthened to support community acceptance and local advocacy potential.

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IDDRS 5.20 Children and DDR

9. Criminal responsibility and accountability

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Under the CRC, States are required to establish a minimum age of criminal responsibility (MACR). The Committee on the Rights of the Child encouraged States to increase the MACR where possible, and not to lower it below 14 years of age, commending States that set a higher MACR such as 15 or 16 years of age. This is because children's brain development is still evolving during these years. Children under the MACR shall never be processed through the criminal justice system. Criminal accountability measures imposed on a child above the MACR shall consider the child's best interests, the child's age at the time of the commission of any alleged crime, the coercive environment under which the child may have been living, and any other mitigating circumstances, while simultaneously supporting the child's protection and reintegration. For all children, reintegration processes should be focused on addressing the root causes of their association and recovery, rather than punishment for any actions.

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IDDRS 5.20 Children and DDR

3. Introduction

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DDR processes shall be specific to the needs of children and apply child- and gender-sensitive approaches. This module provides critical guidance for DDR practitioners and child protection actors on how to work together to plan, design and implement services and interventions that aim to prevent children's recruitment and re-recruitment, as well as help children to recover and reintegrate children into their families and communities. The guidance recognizes that the needs of children formerly associated with armed forces and groups during reintegration are multisectoral and different than those of adults. Child-sensitive approaches require DDR practitioners and child protection actors to tailor interventions to meet the specific needs of individual boys and girls, but also to target other conflict-affected or at-risk children within the broader community in which children are reintegrating.

Level 4 Operations, Programmes and Support

IDDRS 4.10 Disarmament

6. Monitoring

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Before entering the disarmament site perimeter:

The individual is identified by his/her commander and physically checked by the designated security officials. Special measures will be required for children (see IDDRS 5.20 on Children and DDR). Men and women will be checked by those of the same sex, which requires having both male and female officers among UN military/DDR staff in mission settings and national security/DDR staff in non-mission settings.

If the individual is carrying ammunition or explosives that might present a threat, she/he will be asked to leave it outside the handover area, in a location identified by a WAM/EOD specialist, to be handled separately.

The individual is asked to move with the weapon pointing towards the ground, the catch in safety position (if relevant) and her/his finger off the trigger.

Level 6 IDDRS FRAMEWORK

IDDRS 6.40 DDR and Organized Crime

9. Reintegration support and organized crime

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Children who have been trafficked should be considered and treated as victims, including those who may have committed crimes during the period of their exploitation. Any criminal action taken against them should be handled according to child-friendly juvenile justice procedures, consistent with international law and norms regarding children in contact with the law, including the Beijing Rules and Havana Principles, among others. Consistent with the UN Convention on the Rights of the Child, the best interests of the child shall be a primary consideration in all decisions pertaining to a child. For further information, see IDDRS 5.30 on Children and DDR.

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IDDRS 5.20 Children and DDR

Annex B: Determining a child's age

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To determine a child's age, the following are general principles:

If in doubt, assume the person is below 18.

Identification should take place as early as possible to allow them to access age-appropriate services.

Identification must occur before disarmament.

A child protection actor should be given access to disarmament sites to identify children.

Children should be immediately informed that they are entitled to support so that they are less likely to try to identify as adults.

Level 2 Concepts, Policy and Strategy of the IDDRS

IDDRS 2.40 Reintegration as Part of Sustaining Peace

3. Guiding principles

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Children who were recruited by armed groups may have experienced significant harm and have specific needs. Furthermore, children who joined or supported armed forces or groups may have done so under duress, coercion or manipulation. For many children and youth who have been associated with armed forces or groups, the focus should be on reintegration and highlighting their self-worth and their ability to contribute to society, as well as offering alternatives to participation in armed groups in the form of training and education. At the same time, opportunities should be provided to other children and youth in the area, so as not to create tension or stigma. The following principles regarding reintegration support to children and youth apply:

Children shall be treated as children and, if they have been associated with armed forces or groups, as survivors of violations of their rights. They shall always be referred to as children.

In any decision that affects children, the best interests of the child shall be a primary consideration. International legal standards pertaining to children shall be applied.

States shall engage children's families to support rehabilitation and reintegration.

Level 5 Cross-cutting Issues

IDDRS 5.20 Children and DDR

5. Normative legal frameworks

Page: 11

The rights of the child, as espoused through the CRC and its OPAC, further support the reintegration of CAAFAG through requiring States to promote:

The child's right to life, survival and development: This right is not limited to ensuring a child's physical wellbeing but includes the need to ensure full and harmonious development, including at the spiritual, moral and social levels, where education plays a key role. In respect to DDR processes for children, this shall include consideration of how a child's experience in conflict impacts upon his/her own evolving capacities, as well as recognition of the resilience displayed in surviving and overcoming difficulties.

The child's right to be free from arbitrary detention - No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.

The child's right to fair justice and fair treatment - States recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society. States shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular

The physical and psychological recovery and social reintegration of child victims: States shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. DDR practitioners shall work with States to ensure that recovery and reintegration takes place in an environment which fosters the health, self-respect and dignity of the child. Article 7 of the OPAC forms the legal basis for support to CAAFAG through the obligation of signatories to rehabilitate and socially reintegrate CAAFAG.

The child's right to be free from discrimination: States shall ensure respect for the rights of all children within their jurisdiction – including non-national children – regardless of race, sex, age, religion, ethnicity, opinions, disability or any other status of the child or the child's parents or legal guardians. DDR practitioners shall pay particular attention to ensuring the full involvement and inclusion of girls and their children, as well as addressing any stigmatization of CAAFAG.

The child's right to participate: Children shall be allowed to express their opinions freely and participate in making decisions concerning family reunification and career and educational opportunities, and those opinions should be given due weight in accordance with the age and maturity of the child. Children shall be consulted at all stages of the release and reintegration process, and actions that affect them shall be in their best interests, considering their needs and concerns, placement and family.

The child's best interests as a primary consideration: Actions that affect the child should be based on an assessment of whether those actions are in the child's best interests. As part of DDR processes for children, this shall mean that all measures to assure release, protection, reintegration and prevention of re-recruitment shall be determined by their best interests. A child shall participate in determining what is in his/her best interests.

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IDDRS 5.20 Children and DDR

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Level 6 IDDRS FRAMEWORK

IDDRS 6.20 DDR and Transitional Justice

8. Prospects for coordination

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DDR programmes, UNICEF, child protection NGOs and the relevant child DDR agency in the Government often develop common individual child data forms, and even shared data-bases, for consistent gathering of information on children who leave the armed forces or groups. Various child protection agencies do not systematically record in their individual child forms the identity of the commanders who recruited the children. Yet, this information could be used later on for justice or vetting purposes regarding perpetrators of child recruitment. While the agencies indicate that such omission is done intentionally to protect the individual children released and CAAGF more generally, in some cases a thorough discussion on the value of recording certain data and the links of DDR with ongoing/potential transitional justice initiatives had not taken place amongst these actors. Child DDR and child protection actors may examine DDR information management databases, with appropriate consideration for issues of confidentiality, disclosure and consent, with a view on their potential value for justice and TJ purposes.

Level 5 Cross-cutting Issues

IDDRS 5.40 Cross-border Population Movements

11. Planning for foreign combatants' voluntary repatriation and inclusion in cross-border DDR operations

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Apart from combatants who are confined in internment camps, there are likely to be other former or active combatants living in communities in host countries. Therefore, national security authorities in host countries, in collaboration with UN missions, should identify sites in the host country where combatants can present themselves for voluntary repatriation and incorporation in DDR programmes. In all locations, UNICEF, in collaboration with child protection NGOs, should verify each child's age and status as a child soldier. In the event that female combatants and women associated with armed forces and groups are identified, their situation should be brought to the attention of the lead agency for women in the DDR process. Where combatants are in possession of armaments, they should be immediately disarmed by security forces in collaboration with the UN mission in the host country.

Level 4 Operations, Programmes and Support

IDDRS 4.50 UN Police Roles and Responsibilities

4. Guiding principles

Page: 4

In both mission and non-mission settings, UN police personnel are bound to international norms, laws and standards and must uphold the highest standards of protection, including child protection standards, in all aspects of their work. The importance of child protection shall be understood by all police personnel, through ongoing training, and mainstreamed into daily operations, and in particular, into protection activities. Police officers at all levels should ensure that differentiated and shared threats to boys and girls and their vulnerabilities are identified and that plans and orders are developed to provide effective protection on the ground, working in concert with mission child protection advisers (when relevant), other child protection partners and the responsible government authorities. A police child protection focal point shall be established. Child protection and child rights, including justice for children and other special protections in international law and standards applicable to children in contact with the law, shall be included not only in police training but in standard operating procedures as well as in police guidance as appropriate. Child protection shall be integrated into all police work, including when UN and international police personnel undertake mentoring and advisory activities and build the capacity of State police services in conflict-affected countries. UN police personnel shall contribute to larger efforts to bring about positive change in national laws and practices, promoting the highest standards for protecting children. Whenever orders are written, or an activity planned, UN police personnel shall always

consider the impact on children and their protection, including the appropriate measures to be taken to address any child protection concerns.

Level 5 Cross-cutting Issues

IDDRS 5.50 Food Assistance in DDR

4. Guiding principles

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The diverse and specific needs of CAAFAG, boys and girls, including in relation to nutrition, shall be taken into account in the design and implementation of the food assistance component of a child DDR process. DDR practitioners and food assistance staff shall be aware of the relevant legal conventions and key issues and vulnerabilities that have to be dealt with when assisting CAAFAG and work closely with child protection specialists when developing the food assistance component of a child DDR process. In addition, appropriate reporting mechanisms shall be established in advance with specialized child protection agencies to deal with child protection and other issues that arise during child demobilization ('release') (see IDDRS 5.20 on Children and DDR and IDDRS 5.30 on Youth and DDR).

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IDDRS 6.20 DDR and Transitional Justice

8. Prospects for coordination

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Level 5 Cross-cutting Issues

IDDRS 5.30 Youth and DDR

8. Criminal accountability and responsibility

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To be sure that children are afforded their rights and protection under law, where there is any question about whether the person is a child, an age assessment shall be conducted before any kind of criminal process, interrogation, or prosecution occurs. Any judicial proceedings for children shall respect internationally recognized juvenile justice and fair trial standards, with a focus on recovery and restorative justice in order to assist children's physical, psychological and social recovery.⁵ Where no separate juvenile justice system is in place, cases should be handled by civilian authorities who have special training in child-friendly procedures, rather than military or intelligence authorities. All judicial actions relating to children shall take place in the presence of the child's appointed legal representative or other appropriate assistance, whose role it is to protect the rights and interests of the child, and unless contrary to the best interests of the child, in the presence of the child's parents or legal guardians.

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IDDRS 5.20 Children and DDR

9. Criminal responsibility and accountability

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Children over the MACR can be held accountable for criminal acts they may have committed, including terrorist offences, but only while respecting their rights, employing child-specific juvenile justice processes, and with their best interests as a primary consideration. Due consideration shall be given to their right to child-specific due process and minimum standards based on their age, needs and specific vulnerabilities, including for example, the right to legal representation, and protections against self-incrimination. Justice systems handling cases of children over the MACR should always also prioritize the child's best interests and recognize the long-term process for children to sustainably reintegrate. Any judicial proceedings for children shall respect internationally recognized juvenile justice and fair trial standards, with a focus on recovery and restorative justice in order to assist children's physical, psychological and social recovery.¹⁴ Where no separate juvenile justice system is in place, cases should be handled by civilian authorities who have special training in child-friendly procedures, rather than military or intelligence authorities. All judicial actions relating to children shall take place in the presence of the child's appointed legal representative or other appropriate assistance, whose role it is to protect the rights and interests of the child, and unless contrary to the best interests of the child, in the presence of the child's parents or legal guardians.

Level 5 Cross-cutting Issues

IDDRS 5.20 Children and DDR

6. Planning and Designing DDR processes for children

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A detailed situation analysis should assess broad conflict-related issues (location, political and social dynamics, causes, impacts, etc.) but also the specific impacts on children, including disaggregation by gender, age and location (urban-rural). The situation analysis is critical to identifying obstacles to, and opportunities for, reintegration support. A detailed situation analysis should examine:

- § The objectives, tactics and command structure/management/hierarchy of the armed force or group;
- § The circumstances, patterns, causes, conditions, means and extent of child recruitment by age and gender;
- § The emotional and psychological consequences of children's living conditions and experiences and their gendered dimensions;
- § Attitudes, beliefs and norms regarding gender identities in armed forces and groups and in the community;
- § The attitudes of families and communities towards the conflict, and the extent of their resilience and capacities;
- § The absorption capacity of and support services necessary in communities of return, in particular families, which play a critical role in successful release and reintegration efforts;
- § The extent of children's participation in armed forces and groups, including roles played and gender, age or other differences;
- § Children's needs, expectations, and aspirations;
- § The evident obstacles to, and opportunities for, child and youth reintegration, with consideration of what risks and opportunities may arise in the future; and
- § The needs of, and challenges of working with, special groups (girls, girl mothers, disabled children, foreign children, young children, adolescents, male survivors of sexual violence, 16 severely distressed children, children displaying signs of post-traumatic stress disorder, and unaccompanied and separated children).

Level 5 Cross-cutting Issues

IDDRS 5.20 Children and DDR

5. Normative legal frameworks

Page: 13

Training and capacity building for armed forces or groups on their obligations under international law relating to the recruitment and use of children should be provided, including the identification and release of children, age assessment procedures to prevent child association, gender-based violence and other child protection concerns, and respect for humanitarian norms and principles.

Level 5 Cross-cutting Issues

IDDRS 5.20 Children and DDR

Annex B: Determining a child's age

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The checklist to determine the age includes:

Pre-procedure:

Undertake an age assessment only when relevant actors have serious doubts about the stated age of the child; ensure that the assessment is not being initiated as a routine or standard procedure. Is the procedure really necessary?

Plan any physical examination only as a measure of last resort to take place only when all other attempts e.g., the gathering of documentary evidence, interviewing the child, etc., have failed to establish age. Is a physical examination the only method of assessing age?

Secure informed consent to conduct the age assessment from the child or the guardian. It is extremely unlikely that genuine informed consent can be forthcoming at a time of 'crisis' and consent should only be sought when a child has had time to recover from traumatic or unsettling episodes – this may take considerable time in some instances. In circumstances where there is no consent, it cannot be used against the person and the person should be considered a child. Has the child given informed consent to a physical examination?

During the Procedure

Conduct any age assessment procedure using a multi-disciplinary approach that draws on a range of appropriately skilled professionals and not solely on a physical examination. Is a range of approaches being used in the age assessment?

When selecting professionals to conduct an age assessment, select only those without a vested interest in the outcome, and who are independent from any agencies and actors that would provide services or support to the child or who would become responsible for the child if they are assessed as being a child. Are the professionals engaged in the assessment independent? Subject to the wishes of the child, support him or her throughout the process of assessment, including by informing the child in a language he or she understands, and providing a guardian, legal or other representative to accompany them during the entire process. Is the child supported throughout the process?

Develop and conduct the age assessment process in a culturally and gender sensitive way using practitioners who are fully familiar with the child's cultural and ethnic background. Is the assessment sensitive to cultural and gender needs?

Protect the child's bodily integrity and dignity at every stage of the process. Is the process free from humiliation, discrimination, or other affront?

Conduct the age assessment in an environment that is safe for children, which supports their needs and is child appropriate. Is the process consistent with child safeguarding principles and child-friendly?

Post procedure

Provide any services and support relevant to the outcome of the assessment without delay. What services and support are required to address the person's identified needs?

If any doubt remains about the age of the child, ensure that this is applied to the advantage of the child. Has any doubt about the child's age been resolved in favor of the child?

As promptly as is reasonably practical, explain the outcome and the consequences of the outcome to the child. Have the outcome and its consequences been explained?

Inform the child of the ways that he or she can challenge a decision which they disagree with. Has the child been informed of his or her rights to challenge the decision?

Level 6 IDDRS FRAMEWORK

IDDRS 6.40 DDR and Organized Crime

4. Guiding principles

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The majority of girls and boys associated with armed forces and groups may be victims of human trafficking, and DDR practitioners shall treat all children who have been recruited by armed forces and groups, including children who have otherwise been exploited, as victims of crime and of human rights violations. When DDR processes are implemented, children shall be separated from armed forces and groups and handed over to child protection agencies. As victims of crime, children's cases shall be handled by child protection authorities. Children shall be provided with support for their recovery and reintegration into families and communities, and the specific needs arising from their exploitation shall be addressed. For further information, see IDDRS 5.20 on Children and DDR and IDDRS 5.30 on Youth and DDR.

Level 5 Cross-cutting Issues

IDDRS 5.40 Cross-border Population Movements

6. International law framework governing cross-border movements of foreign combatants and associated civilians

Page: 8

Several UN and regional conventions protect children caught up in armed conflict, including the 1989 UN Convention on the Rights of the Child and the 2000 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (for details, see IDDRS 5.30 on Children and DDR).

Level 4 Operations, Programmes and Support

IDDRS 4.20 Demobilization

7. DDR arms control activities and SALW control

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For guidance on cash, voucher and in-kind assistance to children, as well as the participation of children in public works programmes, see IDDRS 5.20 on Children and DDR and IDDRS 5.30 on Youth and DDR.

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IDDRS 5.20 Children and DDR

Annex C: Management guidelines for interim care centres

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Additional Resources:

United Nations Guidelines for Alternative Care, A/Res/64/142 (24 Feb 2010)

Care in Emergencies Toolkit, Interagency Working Group on Unaccompanied and Separated Children (2013).

Field Handbook on Unaccompanied and Separated Children, Alliance for Child Protection in Humanitarian Action (2016)

Toolkit on Unaccompanied and Separated Children, Alliance for Child Protection in Humanitarian Action (2017)

Child Safeguarding Standards and How to Implement Them, Keeping Children Safe (2014)

Protection from Sexual Exploitation and Abuse Task Force online resources

Guidelines for Justice in Matters involving Child Victims and Witnesses of Crime (2009).

Level 4 Operations, Programmes and Support

IDDRS 4.40 UN Military Roles and Responsibilities

5. The military component in mission settings

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If tasked and resourced, a military component may contribute to the creation and maintenance of a stable, secure environment in which DDR can take place. This may include the provision of security to areas in which DDR programmes and DDR-related tools (including pre-DDR and community violence reduction) are being implemented. Military components may also provide security to DDR and child protection practitioners, and to those participating in DDR processes, including children and

dependants. This may include the provision of security to routes that participants will use to enter DDR and/or the provision of military escorts. Security is provided primarily by armed UN troops, but could be supplemented by the State's defence security forces and/or any other security provider.

Level 6 IDDRS FRAMEWORK

IDDRS 6.40 DDR and Organized Crime

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