



Child Protection Provisions and Peace Agreements

Sean Molloy



THE UNIVERSITY
of EDINBURGH



PeaceRep
Peace and Conflict
Resolution Evidence
Platform



Author: Dr Sean Molloy

PeaceRep: The Peace and Conflict Resolution Evidence Platform
School of Law, Old College, The University of Edinburgh
South Bridge, Edinburgh EH8 9YL

Tel. +44 (0)131 651 4566

Fax. +44 (0)131 650 2005

E-mail: peacerep@ed.ac.uk

PeaceRep.org

Twitter: @Peace_Rep_

Facebook: <https://www.facebook.com/PeaceRepResearch>

LinkedIn: <https://www.linkedin.com/company/peacerep/>

Instagram: https://www.instagram.com/peace_rep_/

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About the author: Dr Sean Molloy is a NUAcT Fellow in Law at Newcastle Law School, Newcastle University, and an affiliate of PeaceRep at the University of Edinburgh. Sean's recent research focuses on children's rights, peace processes and transitional justice. He holds a PhD from the University of Edinburgh and degrees from Queen's University, Belfast, University of Ulster and Liverpool John Moore's. He has published in the areas of international human rights law, constitutional law and transitional justice, and authored numerous reports on peace agreements.

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Executive Summary

Peace agreements often serve as roadmaps for peacebuilding and the reconstruction of the post-conflict state. They do this by delineating issues to be addressed, reforms to be enacted and the groups that are to benefit from them. It follows that what and who is included in a peace agreement matters. This report contributes to ongoing efforts to recognise and support inclusion of child-related provisions in peace agreements, by examining how peace agreements address the issue of child protection.

The report first provides an overview of existing provisions on child protection in 339 peace agreements signed between 1990 and 2022, before analysing the benefits and drawbacks associated with how peace agreements address this issue. The report identifies a need for more clarity in how commitments intending to benefit children are constructed in peace agreements. It also suggests that provisions on child protection must be balanced with provisions on children's participation, and that children's views should be incorporated into peace negotiations to help inform how child-related provisions are addressed.

Recommendations

Many peace agreements have provisions on children that address critical issues such as education, development, and humanitarian assistance. At the same time, while peace agreements have the potential to be transformative, the ways in which peace agreements construct provisions can also be disempowering. In the context of child protection, for instance, presenting children only as victims, or vulnerable, or requiring protection can undermine children's agency and autonomy. This, in turn, can limit the level to which children are able to participate in the post-conflict state. This report analyses peace agreement provisions on child protection, offering recommendations to help bridge the gap between the potential of peace agreements to advance children's rights on one hand, and the challenges associated with the construction of peace agreement provisions on the other.

(a) Use concrete language

Commitments on child protection are important in conflict-affected settings. However, the language used can determine the extent to which these provisions translate into action. Provisions that delineate rights and obligations, or which draw on and at times promote implementation of existing obligations under international law can be regarded as strong provisions. By contrast, loose language often in preambles, or ambiguous commitments are less forceful. In line with Watchlist on Children and Armed Conflict – a global network of local, national, and international non-governmental organizations—it is important that peace agreements use concrete language. As Watchlist stipulates in its Checklist for drafting children and armed conflict provisions in ceasefire and peace agreements (2016: 1), peace agreements should:

Include determinative rather than aspirational language in child-related clauses (e.g. "will", "must", "shall", rather than "should") to ensure specific action during the implementation phase, where possible.

A second recommendation that stems from ambiguous provisions relates to the definition of a child. A review of peace agreement provisions demonstrates that a wide range of terms are used, often without clear definition. These include children, youths, adolescents, minors, young people, boys, girls, and juveniles. Despite the supposed consensus on the definition of children, others contest the notion of a universal child. For instance, as Njoroge notes,

The age of majority is attained at different periods according to different religions, cultures and legal systems. In many cultures, "youth" is not measured by either physical or intellectual development alone, or by laws. The situation of conflict exacerbates the issue, where growing up is a necessity for survival, sometimes turning a child into the sole caretaker of the family (Njoroge, 2020).

The lack of clarity around these terms, particularly those like youths and juveniles, renders uncertain who and what peace agreement provisions are addressing. This is particularly problematic when considering the role and application of international legal standards. As Simpson notes:

Young people over 18 years of age are not shielded by the umbrella of the rights regime that lends special status and protections to children under the United Nations Convention on the Rights of the Child (1989). However, the marginalization they experience means that there is often a gap between the formal civil, political and economic rights they should enjoy as adults and the substantive entitlements that, in practice, they often do not have access to (Simpson, 2018: 14).

Peace agreements, therefore, offer an opportunity to be concrete in the definition of a child: one that is more reflective of the context and its cultural, socioeconomic, legal and political landscape. Alternatively, where terms like youth have specific cultural meanings, these should be included alongside a clearly articulated definition of children, thus maintaining cultural variations while at the same time removing uncertainties as to when provisions address children.

(b) Balance provisions on protection with participation

Peace agreements should balance provisions on child protection with other, more participatory rights and provisions. This does not mean that provisions on protection should not be included. On the contrary, provisions on child protection properly reflect the risks and challenges that conflict poses to children. Instead, child protection provisions must be balanced with provisions that also reflect and seek to harness the capacities of children. As Pruitt summarises, 'while protection... is reasonable, the singular focus on it lends itself to focusing predominantly on children as victims without space for understanding nuance in their diverse lived experiences of conflict and recognizing their agency' (2020: 208). However, the inclusion of provisions on participatory rights is not always appropriate, due to the nature of conflict stage that peace agreements are addressing. It is right, for instance, that ceasefire agreements focus primarily on child protection. Equally, pre-negotiation agreements between parties to conflict on the conditions for entering talks, are unlikely to include much detail about participatory rights. These agreements can, however, include provisions that highlight the need for future agreements to address children's participation in more detail.

It is primarily in framework agreements - both partial and comprehensive - that provisions on child participation could and should be addressed. Indeed, the limited examples where children's participation is addressed are framework agreements (See Bahrain, [Bahrain National Dialogue Proposals, Executive Summary](#), 28 July 2011, pages 5-6; Colombia, [Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace](#), 24 November 2016, Page 42, 2.2; Colombia, [Political Constitution of Colombia](#), 1 July 1991, Article 45). While peace agreements are limited in the amount of detail that can be addressed, a useful example is creating mechanisms that are to be responsible for advancing children's rights in post-conflict settings. This could be a children's commission or a government department. Importantly, as documents that lay the framework for the post-conflict state, peace agreements are crucial mechanisms to stipulate the importance of engaging with children when developing programmes, laws and policies on children's rights.

It is also useful to expressly include specific rights to, for example, freedom of expression, or the rights of the child to be heard. This is particularly apparent when considering the Convention on the Rights of the Child (CRC). One criticism of the CRC is that there is a disproportionate focus on protection rights. For example, Naker (2007: 148) has argued that the Convention, while being implicitly supportive of the issue of participation [the CRC] is more focused on the protection of children and places the greatest emphasis on the role of duty-bearers to create a conducive environment for children's development. Cheney (2014: 19) contends that the fact that protection and 'best interests' are emphasized so much more than participation or empowerment in these documents points to the underlying assumption of children's vulnerability and reliance on adults, and that this is what still informs practice. Peace agreements, which can serve as foundations for the post-conflict state, offer an opportunity to address weaknesses in existing international standards by being explicit about children's rights, delineating entitlements, and including corresponding obligations and responsibilities to help ensure their realisation.

(c) Children's inclusion in the wider peace process

Children should be included in peace negotiations and peace agreement implementation. To some extent, the importance of children's views in the implementation phase is recognized by agreements in Uganda (see for example, [Uganda, Agreement on Accountability and Reconciliation between the Government of the Republic of Uganda and the Lord's Resistance Army/Movement](#), 29 June 2007, Article 12). However, children are rarely engaged in peace negotiations. This is despite the fact that the most recent United Nations Security Council Resolution—UNSCR 2427, adopted in 2018—asks that they are. This resolution, amongst other things:

Calls upon Member States, United Nations Entities, including the Peacebuilding Commission and other parties concerned to ensure that the views of children are taken into account in programming activities throughout the conflict cycle, and to ensure that the protection, rights, well-being and empowerment of children affected by armed conflict are fully incorporated and prioritized in all postconflict recovery and reconstruction planning, programs and strategies as well as in efforts on peacebuilding and sustaining peace and encourage and facilitate consideration of the views of children in these processes (UNSC, 2018: para. 23).

To this end, many emphasise the positive impacts that children can make to peace processes. Drummond-Mundal and Cave (2006) note, for example, that including children 'makes pragmatic and constructive sense.' They argue that:

These young people may have experience and capacities that can either work for or against new social and political constructions. For peace to be sustainable, the adults of tomorrow need to feel a sense of ownership and responsibility for the creation and maintenance of a climate of peace' (Drummond and Cave, 2006: 3).

How then, to ensure that children's views are heard during peace negotiations? Mikavica (2019: 18) recommends that UN Security Council Member States should be directly briefed on the status of child participation in peacemaking to raise awareness of these gaps regarding child participation and its own commitment to account for children's views in Resolution 2427. Similarly, Molloy (2022) examines the potential for applying existing child participation frameworks such as the Lundy Model of Child Participation to peace negotiations.

Box 1: The Lundy Model of Child Participation

The Lundy Model of Child Protection outlines four, interrelated components.

SPACE: Children must be given the opportunity to express a view

VOICE: Children must be facilitated to express their views.

AUDIENCE: The view must be listened to.

INFLUENCE: The view must be acted upon, as appropriate.

(Lundy, 2007)

While various obstacles might impede direct participation, parallel processes can be used to feed the views of children into peace negotiations, while at the same time those in positions of influence—such as mediators—can play a more active role in ascertaining and articulating the views of children and ensuring their 'right to be heard.'

Introduction

This report contributes to ongoing efforts to recognise and support inclusion of child-related provisions in peace agreements. Employing a qualitative content analysis of 339 peace agreements signed between 1990 and 2022, it examines how peace agreements have addressed the issue of child protection.

In 2019, it was estimated that 1.6 billion children were living in a conflict-affected country (Østby, Rustad and Tollefsen, 2020). These estimates continue to rise each year. Violent conflict affects children in all the ways it affects adults, but also in different ways (Barbara, 2006). As Save the Children International (2018: 18) notes:

[Children] are often deliberately and systematically targeted. They are killed, maimed, and raped. They are bombed in their schools and in their homes. They are abducted, tortured, and recruited by armed groups to fight and to work as porters, cooks and sex slaves. Children also suffer the indirect consequences of conflict. Children living in conflict-affected settings are less likely to be in school or have access to basic sanitation and clean water, and more likely to die in childhood due to under-nutrition and a lack of medical care, including vaccinations (Kirolos, Anning, Fylkesnes and Denselow, 2018: 8).

Due to the scale and effects of violence and war, child protection in conflict-affected settings has continued to be an essential priority for international development policy and programming at bilateral and multinational levels. For example, the 1996 Machel Report—a seminal expose of the wide-ranging consequences of conflict children—recommended a three-year appointment of a [Special Representative of the Secretary-General for Children and Armed Conflict](#). The office was set up in 1997 and [the United Nations \(UN\) General Assembly has since extended this mandate four times, most recently in March 2009](#). Amongst other things, the Office has established [ACT to Protect Children Affected by Conflict](#), a global campaign to generate greater awareness and action to protect children affected by war. UN Security Council Resolution 1261, which was adopted in 1999, identified six grave violations of children in conflict as follows: killing and maiming of children; recruitment or use of children as soldiers; sexual violence against children; abduction of children; attacks against schools or hospitals; denial of humanitarian access for children. These grave violations have formed the infrastructure of subsequent compulsory monitoring and reporting to the UN of children in situations of armed conflict.

For example, in 2005, pursuant to [Resolution 1612](#) the Security Council established a Monitoring and Reporting Mechanism to monitor, systematically document, and report to the Security Council on six grave violations committed against children in armed conflict situations by armed forces and groups.

The Machel Report was also explicit about promoting child-related provision in peace agreements. Paragraph 49 recommended that '[p]eace agreements and related documents should incorporate provisions for the demobilization of children' noting that 'without this recognition, there can be no effective planning or programming on a national scale.' Machel also drew attention to the importance of placing children at the centre of reconstruction provisions in peace agreements (para. 241) and identified the salience of supporting the implementation of peace agreements (para. 282). Since then, child protection provisions have been increasingly promoted as important in peace agreements. For instance, 10 of the 12 Security Council resolutions adopted under the aegis of the UN Security Council Children and Armed Conflict Agenda (CAAC) specifically address children in peace agreements (see table 1).

Table 1: Select Examples of SC Resolutions on Child Protection and Peace Agreements

2000	Resolution 1314	"OP 11: Requests parties to armed conflict to include, where appropriate, provisions for the protection of children, including in disarmament, demobilization and reintegration of child combatants, in peace negotiations and in peace agreements and the involvement of children, where possible, in these processes"
2003	Resolution 1460	"OP 12: Calls upon all concerned parties to ensure that the protection, rights and well-being of children are integrated into the peace processes, peace agreements, and the post-conflict recovery and reconstruction phases"
2005	Resolution 1612	"OP 14: Calls upon all parties concerned to ensure that the protection, rights and well-being of children affected by armed conflict are specifically integrated into all peace processes, peace agreements and post-conflict recovery and reconstruction planning programmes"

cont'd

2009	Resolution 1882	"OP 15: Calls upon Member States, United Nations entities, including the Peacebuilding Commission and other parties concerned to ensure that the protection, rights, well-being and empowerment of children affected by armed conflict are integrated into all peace processes and that post-conflict recovery and reconstruction planning, programmes and strategies prioritize issues concerning children affected by armed conflict;"
2015	Resolution 2225	"OP 9: Continues to urge Member States, United Nations entities, regional and subregional organizations and other parties concerned to ensure that child protection provisions, including those relating to the release and reintegration of children formerly associate with armed forces or armed groups, are integrated into all peace negotiations, ceasefire and peace agreements, and in provisions for ceasefire monitoring;"

Other initiatives exist in parallel to the CAAC. The [NGO Watchlist](#) on Children and Armed Conflict, with the Permanent Missions of Canada and Finland to the UN as co-hosts, launched the Checklist for drafting children and armed conflict provisions in peace agreements during the 71st UN General Assembly's Rights of the Child Days. The Checklist provides 'recommendations to mediators and their teams to assist in incorporating inclusive and child protection-relevant language and provisions in various parts of peace agreements.' Similarly, the [Office of the Special Representative of the Secretary-General for Children and Armed Conflict \(OSRSG CAAC\)](#) in partnership with the Department of Political and Peacebuilding Affairs, the Department of Peace Operations, United Nations International Children's Emergency Fund (UNICEF), and other stakeholders have produced a guidance document for mediators. This guidance exists 'to assist mediators in their consideration of child protection issues (page 17).'

Defining Children

There is not clear and unanimous definition of a child. This is due, in part, to differences that exist across, cultural, political, spatial and geographic divides. Nevertheless, The [Convention on the Rights of the Child](#) (CRC) - the most widely ratified international human rights treaty relating to children - stipulates under Article 1 that: 'For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.' Similarly, the [African Charter on the Rights and Welfare of the Child](#) states under Article 2 that 'for the purposes of this Charter, a child means every human being below the age of 18 years.' The [United Nations Children's Fund](#) (UNICEF) adopts this definition and related groups, such as child soldiers, are understood as those falling under the age of 18. For instance, the internationally accepted definition for a child soldier is established in the [Cape Town Principles](#) 1997 by UNICEF as 'any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity.' While most peace agreements refer to children without expressly defining what the term means, some peace agreements do offer definitions (see Box 2). For the purposes of this report, children are treated as those under 18, while also recognising difficulties that emerge from seeking a universal consensus.

Box 2: Definitions of Children in Peace Agreements

Sri Lanka, [Sri Lanka Constitution Bill, an Act to Repeal and Replace the Constitution of the Democratic Socialist Republic of Sri Lanka, 3 August 2000](#), art. 22

22. (9) For the purposes of this Article "child" means a person under the age of eighteen years.

Yemen, [National Dialogue Conference Outcomes Document, 25 January 2014](#) Page 158, Chapter two, Section one, Working Group on Rights and Freedoms, Decisions, First: Constitutional Guidelines, Rights of the Child

178. A child is every human being who has not exceeded eighteen solar years of age.

Somalia, Provisional Constitution of The Federal Republic of Somalia, 1 August 2012, Art. 29

(8) In this Article, the word “child” means a person under 18 years of age.

South Africa, South African Constitution of 1993 (Interim Constitution), 18 November 1993, Section 30

(3) For the purpose of this section a child shall mean a person under the age of 18 years and in all matters concerning such child his or her best interest shall be paramount.

Defining Child Protection

Some define child protection as efforts to prevent 'all forms of physical, sexual, psychological, spiritual and emotional abuse, neglect and exploitation' (Ruiz-Casares et al., 2017). Save the Children describes it as measures and structures to prevent and respond to abuse, neglect, exploitation and violence affecting children (Save the Children, 2007). Child protection means safeguarding children from harm, which includes violence, abuse, exploitation and neglect (Save the Children, 2007).

Drawing on existing peace agreements, child protection can be described as relating to the wide range of harms, both actual and potential, that include but are not limited to physical, sexual, psychological, spiritual and emotional abuse, neglect and exploitation perpetrated against children in general or categories of children. Based on this, child protection is about the delineation of responsibilities and obligations to undertake measures—political, legal, economic and social—that respond to and prevent these forms of abuse.

Child Protection Provisions and Peace Agreements

Most peace agreements refer specifically to child protection, but they can also include a range of terms, which imply child protection such as 'security of children' (Uganda, [Agreement on Accountability and Reconciliation between the Government of the Republic of Uganda and the Lord's Resistance Army/Movement](#), 29 June 2007, Article 12) or references to the 'safety and dignity of the child' (Sudan/ Darfur, [Doha Document for Peace in Darfur \(DDPD\)](#), 31 May 2011, Art. 72). Peace agreement provisions that address child protection can be grouped according to:

- (a) Harms Against Children
- (b) Categories of Children
- (c) Child Protection as a Right
- (d) Peace Agreements, Child Protection, and International law
- (e) Children and Transitional Justice
- (f) Implementation and Monitoring
- (g) Child Protection Provisions and Agreement Type

This section unpacks these categories before considering different interpretations of these provisions.

(a) Harms Against Children

Peace agreement provisions on child protection frequently frame the need for measures that safeguard children by first delineating the various harms that can be perpetrated against them. These references frequently provide the basis for protection provisions by drawing attention to the range of harms that children frequently suffer. For instance, peace agreements have covered physical abuse (Comoros/ Anjouan, [Comoros's Constitution of 2001, 23 December 2001](#), preamble), social and economic exploitation of children (Iraq, [Constitution of Iraq](#), 15 October 2005, Art. 29; Nepal, [Constitution of Nepal 2015](#), 20 September 2015, Art. 51(i)(3)), harms arising from adult negligence (Bahrain, [National Action Charter of Bahrain](#), 15 February 2001, page 7), bad treatment (Burundi, [Constitution of 18 March 2005](#), 18/ March 2005, Art. 44), oppression (Philippines, [Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law between the Government of the Republic of the Philippines and the National Democratic Front of the Philippines](#), 16 March 1998, Art. 2(24)), harassment (Sudan, [Sudan peace agreement \(Juba Agreement\)](#), 3 October 2020, Page 39), mental and sexual abuse (Nepal, [Constitution of Nepal 2015](#), 20 September 2015, Art. 39), and child trafficking (South Sudan, All-Jonglei Conference for Peace, Reconciliation and Tolerance, held in Bor, 1-5 May 2012: Conference Resolutions and Recommendations, 5 May 2012, page 2, para 4.)

In other cases, peace agreements prospectively seek to ensure protections for future harms. For instance, in ceasefire agreements—those typically concerned with bringing an immediate halt to violence—provisions often include commitments aimed at preventing child abduction (Myanmar, [The Nationwide Ceasefire Agreement \(NCA\) between The Government of the Republic of the Union of Myanmar and the Ethnic Armed Organizations \(EAO\)](#), 15 October 2015, Article 9), murder, mutilation, exploitation, rape and other violence (Central African Republic, [Accord de cessation des hostilités en République Centrafricaine \(Brazzaville Agreement on Cessation of Hostilities\)](#), 23 July 2014, Article 5), or sexual violence against children (Central African Republic, [Accord de cessez-le-feu entre le Gouvernement de la République Centrafricaine et la Coalition Seleka](#), 11 January 2013, Art. 5). These agreements also often focus on ensuring access for child protection agencies during a ceasefire.

An agreement in the DRC, for instance, includes a commitment from parties to the agreement to '[a]ccept to the immediate and unconditional presence of child protection agencies at the regroupment points in order to identify and take into care any children so identified' (Democratic Republic of Congo, [Accord Cadre pour la Paix en Ituri entre le Gouvernement de la Republique Democratique du Congo et les Groupes Armes de](#), 29 November 2006, page 2).

Box 3: Examples of Ceasefire Violations and Child Protection

Democratic Republic of Congo, [Accord entre le Gouvernement de la Republique Domocratique du Congo et la Force de Resistance Patriotique de l'Ituri \(FRPI\)](#), 28 February 2020 Article 2: Ceasefire

2. ... - Any act of violence, extortion, discrimination or exclusion of civilian populations, particularly women, children and other vulnerable persons.

Myanmar, [The Nationwide Ceasefire Agreement \(NCA\) between The Government of the Republic of the Union of Myanmar and the Ethnic Armed Organizations \(EAO\)](#), 15 October 2015, Article 9

The Tatmadaw and the Ethnic Armed Organizations shall abide by the following provisions regarding the protection of civilians:

...n. Avoid killing or maiming, forced conscription, rape or other forms of sexual assault or violence, or abduction of children.

Central African Republic, [Accord de cessation des hostilités en République Centrafricaine \(Brazzaville Agreement on Cessation of Hostilities\)](#), 23 July 2014, Article 5

The parties also agree to:

...d. To end and prevent any future violations of children, in particular murder, mutilation, exploitation, rape and other violence

(b) Categories of Children

Peace agreements often refer to protection for children, or use other synonyms like young people, minors, or adolescents. However, peace agreements can also refer to protection for specific groups of children. These include, as examples, child heads of families, orphans, street children, unaccompanied minors, refugee children and traumatized children (Burundi, [Arusha Peace and Reconciliation Agreement for Burundi, 28 August 2000](#), Article 10; Uganda, [Agreement on Comprehensive Solutions between the Government of the Republic of Uganda and the LRA/M, 2 May 2007](#), Article 12).

One category of children that regularly appears in all peace agreements is child soldiers (c.f. Nosworthy, 2007; Mukhar, 2014). It is relatively common for peace agreements to include provisions on the prohibition of recruitment (Central African Republic, [Accord de cessation des hostilités en République Centrafricaine \(Brazzaville Agreement on Cessation of Hostilities\)](#), 23 July 2014, Art. 5; Burundi, [Magaliesburg Declaration on the Burundi Peace Process](#), 10 June 2008, Art. 1.), conscription of child soldiers (Central African Republic, [Accord de cessez-le-feu entre le Gouvernement de la République Centrafricaine et la Coalition Seleka](#), 11 January 2013, Article 5), use of child soldiers (South Sudan/ Sudan, [Nuba Mountains Ceasefire Agreement on Sudan](#), 19 January 2002, Art. 2(3)(d)), demobilisation (South Sudan/Sudan, [Comprehensive Peace Agreement between the Government of the Republic of the Sudan and the Sudan People's Liberation Army/ Sudan People's Liberation Movement \(Naivasha Agreement\)](#), 09 January 2005, page 122), release of child soldiers (Sudan/ [Darfur, Darfur Peace Agreement](#), 5 May 2006, Art. 27), reintegration (Democratic Republic of Congo, [Intercongolèse Negotiations: The Final Act \('The Sun City Agreement'\)](#), 2 April 2003, preamble), and disarmament (Sudan, [Sudan peace agreement \(Juba Agreement\)](#), 3 October 2020, Article 2).

Box 4: Examples of Provisions on Child Soldiers

Recruitment

Burundi, Magaliesburg Declaration on the Burundi Peace Process, 10 June 2008, Page 2, I.

The Government of Burundi and PALIPEHUTU-FNL have mutually undertaken to: ...Abstain from all actions that might be perceived as fresh recruitment drives, particularly among children.

Central African Republic, Accord de cessation des hostilités en République Centrafricaine (Brazzaville Agreement on Cessation of Hostilities), 23 July 2014, Article 5

The parties also agree to:

e. To end the recruitment of child soldiers, in line with the African Charter for the Rights and Welfare of the Child, the Convention on the Rights of the Child, and the Optional Protocol on the Convention on the Rights of the Child on the involvement of children in armed conflict.

Use of child soldiers

Burundi, Constitution of 18 March 2005, 18 March 2005 Article 45:

No child may be directly utilized in an armed conflict. The protection of children is assured in times of armed conflict.

cont'd

Democratic Republic of Congo, Ceasefire Agreement (Lusaka Agreement), 10 July 1999, Article I

2. The cease-fire shall mean:

... c. all acts of violence against the civilian population by respecting and protection human rights. The acts of violence include summary executions, torture, harassment, detention and execution of civilians based on their ethnic origin; propaganda, inciting ethnic and tribal hatred; arming civilians; recruitment and use of child soldiers; sexual violence; training and use of terrorists; massacres, downing of civilian aircraft; and bombing the civilian populations.

Disarmament, Demobilization and Reintegration (DDR)

Democratic Republic of Congo, Intercongolese Negotiations: The Final Act ('The Sun City Agreement'), 2 April 2003

Page 30, 13.

1. The mechanism to be instituted at the close of the Inter-Congolese Dialogue for the formation of the new army shall be responsible for:

[...]

b. demobilisation and reintegration of child soldiers and vulnerable persons in collaboration with the appropriate organisations.

Sudan, Sudan peace agreement (Juba Agreement), 3 October 2020

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30.7.DDR shall be undertaken with care and the process therefor shall proceed as follows:

30.7.3. The Parties shall decide to immediately and unconditionally dismiss and release all combatant children, if any, as well as groups with special needs and former female combatants, provided that they are handed over to the Joint DDR Committee to be reintegrated.

(c) Child Protection as a Right

Child protection is often stipulated in terms of rights, and frequently included in peace agreement constitutions or interim constitutions. Serving as basic law of the country or establishing the transitional legal framework between constitutions (Nathan, 2020; Bisarya, 2016; Zulueta-Fülscher 2015), these documents operate in much the same way as normal constitutions do, setting out the fundamental principles by which the state is governed. They can, for instance, stipulate a legal entitlement on the part of the child to be protected. In Somalia, the Provisional Constitution peace agreement provides that '[e]very child has the right to be protected from mistreatment, neglect, abuse, or degradation' (Somalia, [Provisional Constitution of The Federal Republic of Somalia](#), 1 August 2012, Art. 29). Similarly, a constitution peace agreement in Burundi stipulates that:

Every child has the right to individual measures to ensure or improve the care that is necessary to his or her well-being, health and physical safety, and to be protected against abuse, acts of violence or exploitation (Burundi, [Constitution de transition du 28 octobre 2001](#), 28 October 2001, Art. 39).

Some peace agreement constitutions refer explicitly to the right of children to protection from conflict (Burundi, [Constitution of 18 March 2005](#), 18 March 2005, article 45; Burundi, [Constitution de transition du 28 octobre 2001](#), 28 October 2001, Article 40). In other cases, the right to protection is as wide and encompassing as the many harms that can be perpetrated against children. For example, in the DRC the 2013 [Draft Constitution of the Transition](#) stipulates that 'The protection of women and children against violence and insecurity, exploitation and moral, intellectual and physical neglect is a duty for the State and other public authorities' and that 'The State shall be obliged to protect the child'... (art. 45).

(d) Peace Agreements, Child Protection, and International Law

Provisions on rights and obligations regarding child protection can also be implied through references to international law in peace agreements. As the primary international agreement on children's rights, the CRC comprises a range of provisions on protection. These include protection against all forms of discrimination or punishment (article 2), the best interests of the child (article 3), the right to the protection of the law against such interference or attacks (article 16), and the right to protection from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment, or exploitation, including sexual abuse (article 19). Article 38 specifically addresses the issue of protecting children in times of armed conflict. It requires States to take 'all feasible measures' to ensure the protection and care of children. The [African Charter on the Rights and Welfare of the Child](#) includes multiple references to child protection. In particular, Article 22 stipulates that:

"States Parties to this Charter shall undertake to respect and ensure respect for rules of international humanitarian law applicable in armed conflicts which affect the child".

International humanitarian law addresses child protection (1977 [Geneva Protocol I](#) Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of International Armed Conflicts, Art.77; Plattner, 1984), as does international criminal law ([Rome Statute of the International Criminal Court.](#), Art. 6(e) and 7(e)). In the area of child soldiers, the [Optional Protocol to the UN Convention on the Rights of the Child on the Involvement of Children in Armed Conflict](#) was adopted to curb the growing use of children in armed conflict and to raise the standards set out in the UN CRC and the Additional Protocols to the Geneva Conventions for recruitment and use of children.

References to international standards appear frequently in peace agreements. In promoting compliance with international standards, peace agreements attempt to ensure the implementation of existing obligations. For instance, an agreement in the DRC references the CRC by reiterating that 'our country has ratified several international conventions relating to the protection of the individual, including ... the Convention on Children's Rights' ([Intercongolese Negotiations: The Final Act \('The Sun City Agreement'\)](#), 2 April 2003). In other cases, mentions of the CRC are more specific.

For example, in Burundi, an agreement stipulates that '[t]he rights and duties proclaimed and guaranteed ...by... the Convention on the Rights of the Child shall form an integral part of the Constitution of the Republic of Burundi' ([Arusha Peace and Reconciliation Agreement for Burundi](#), 28 August 2000, article 3). The CRC is included in an annex of the 1995 [Dayton Peace Agreement](#) for Bosnia and Herzegovina, listed as one of various human rights treaties 'to be applied in Bosnia Herzegovina.'

Peace agreements also refer to the Optional Protocol to the UN Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, which concerns child soldiers (African Great Lakes, [Dar-Es-Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region](#), 20 November 2004, Preamble), or regional children's rights mechanisms like the African Charter on the Rights and Welfare of the Child (See, for example, Burundi, [Constitution of 18 March 2005](#), 18 March 2005, Article 19; Comoros/ Anjouan, [Comoros's Constitution](#) of 2001, 23 December 2001, preamble). Equally, peace agreements can reference international humanitarian law and international criminal [law](#), which can be applied to cases involving children (see Sudan/ Darfur, Doha Document for Peace in Darfur (DDPD), 31 May 2011).

(e) Children and Transitional Justice

Transitional justice refers to how societies respond to the legacies of massive and serious human rights violations. Given the widespread impact of conflict on children, it is reasonable to assume that peace agreements, particularly those that address transitional justice, would include numerous provisions on children in the context of transitional justice. However, such references are relatively sparse.

In Sudan, the 2015 [Agreement on the Resolution of the Conflict in the Republic of South Sudan \(ARCSS\)](#) provided for the establishment of the Commission for Truth, Reconciliation and Healing (CTRH). The parties to this agreement committed that this mechanism would hold to ensure that the experiences of women, men, girls and boys are sufficiently documented and the findings of such consultations incorporated in the resultant legislation (page 43, para. 2.1.3.). A key agreement for Darfur provides that:

The recognition of the special situation and concerns of women, children and youth and the important role of women and youth in the prevention and resolution of conflicts, in transitional justice processes and in peacebuilding, and the imperative of their equal participation and full involvement in all efforts for the maintenance of peace and security, including justice and reconciliation (Sudan/ Darfur, [Doha Document for Peace in Darfur \(DDPD\)](#), 31 May 2011, para. 284).

Some peace agreements do focus on child protection in the context of transitional justice. An agreement in Uganda provides under the heading of transitional justice that 'All bodies implementing the Agreement shall establish internal procedures and arrangements for protecting and ensuring the participation of victims, traumatised individuals, women, children, persons with disabilities and victims of sexual violence in proceedings' ([Annexure to the Agreement on Accountability and Reconciliation](#), 19 February 2008). In Yemen, an agreement stipulates somewhat ambivalently that, as part of transitional justice processes, the law shall identify transitional justice programs in compliance with the rights of children ([National Dialogue Conference Outcomes Document](#), 25 January 2014). Other agreements provide protection from prosecution for children who have been involved in armed conflict. In Yemen, for instance, an agreement stipulates that:

Children who have connection to armed groups or forces shall be considered victims and not perpetrators. They shall not be charged with criminal responsibility. During prosecution, they shall be treated in accordance with the International Covenant on Civil and Political Rights, Covenant on the Rights of the Child and United Nations Standard Minimum Rules for the Administration of Juvenile justice ([National Dialogue Conference Outcomes Document](#), 25 January 2014, para. 76).

With these exceptions, there is a relative lack of provisions addressing either accountability for violations against children or those that seek to integrate children into transitional justice mechanisms and processes.

(f) Implementation and monitoring

Peace agreements can also task a range of actors to oversee the implementation of child protection provisions. For instance, bodies charged with implementation can also be asked to guarantee child protection. In Burundi, an agreement provides that the Joint Verification and Monitoring Mechanism (JVMM)—the body responsible for overseeing the implementation of the ceasefire accord between Burundi's government and the last active rebel movement, the Forces nationales de libération (FNL)—was tasked with verifying the demobilisation of children associated with non-state armed forces (Burundi, [Comprehensive Ceasefire Agreement between the Government of the Republic of Burundi and the Palipehutu – FNL](#), 7 September 2006). Similarly, in Zimbabwe, the 2013 [Constitution of Zimbabwe Amendment](#) refers to the courts' role in child protection, noting that 'Children are entitled to adequate protection by the courts, in particular by the High Court as their upper guardian.'

Peace agreements also refer to external organisations that focus on child protection. In some cases, peace agreement provisions are general, stating, for instance, that parties to an agreement '[a]ccept to the immediate and unconditional presence of child protection agencies at the regroupment points in order to identify and take into care any children so identified' (Democratic Republic of Congo, [Accord Cadre pour la Paix en Ituri entre le Gouvernement de la Republique Democratique du Congo et les Groupes Armes de l'Ituri \(MRC, FNI, et FRPI\)](#), 29 November 2006, para. 3). In other cases, peace agreements refer to specific organisations including, the International Committee of the Red Cross (ICRC), UNICEF, and the Office of the U.N. Special Representative for Children in Armed Conflict. For instance, in Colombia, [Joint Communiqué #96](#) mandated UNICEF is to be involved in demobilising children from the ranks of the FARC. Similar responsibilities were assigned to both UNICEF and the ICRC in respect of the conflict in Sudan. The 2015 [Agreement on the Resolution of the Conflict in the Republic of South Sudan \(ARCSS\)](#) stipulated that:

The warring parties shall undertake to ensure the immediate and unconditional release of all Prisoners of War (POWs), all those detained in connection with the conflict, and child soldiers who are under their command or influence upon the signing of this Agreement through the International Committee of Red Cross (ICRC) and UNICEF (chapter 2, para. 1.10).

Similarly, in Sierra Leone, the [1999 Lomé Accord](#) stated that:

The Government shall accord particular attention to the issue of child soldiers. It shall, accordingly, mobilize resources, both within the country and from the International Community, and especially through the Office of the UN Special Representative for Children in Armed Conflict, UNICEF and other agencies, to address the special needs of these children in the existing disarmament, demobilization and reintegration processes (Article 30).

(i) Peace Agreements and Agreement Types

One question that emerges is how different peace agreements address different issues. Interestingly, there is no clear differentiation in child protection provisions across peace agreement types (such as ceasefires, framework agreements, implementation deals etc.). For instance, the issue of child soldiers, references to the CRC, and the right to protection, are addressed in all types of agreements (with the exception of the right to protection, which is not addressed in renewal agreements). Even provisions which define acts against children as ceasefire violations - which are primarily found in ceasefire agreements - can be found elsewhere. For example, a partial framework agreement in the DRC provides that ceasefire violations included '[a]ny act of violence, extortion, discrimination or exclusion of civilian populations, particularly women, children and other vulnerable persons' (Democratic Republic of Congo, [Accord entre le Gouvernement de la République Domocratique du Congo et la Force de Resistance Patriotique de l'Ituri \(FRPI\)](#), 28 February 2020, Article 2).

Table 2: Child Protection Provisions by Agreement Type

	Pre-negotiation	Ceasefire	Partial	Comprehensive	Renewal	Implementation
Child Soldiers	Central African Republic, Déclaration de principe des parties aux négociations de Libreville sur la crise Centrafricaine, 11 January 2013; Sri Lanka, Press release by Royal Norwegian Government, 8 February 2003	Sudan/ Darfur, Ceasefire Agreement between the Government of Sudan and the Justice and Equality Movement- Sudan (JEM), 10 February 2013	Burundi, Forces Technical Agreement between the Transitional Government of the Republic of Burundi and the CNDD-FDD, 2 November 2003	Central African Republic, Political Agreement for Peace and Reconciliation in the Central African Republic (Khartoum Accord), 5 February 2019	Sudan/ Darfur, Protocol between the Government of the Sudan (GoS), The Sudan Liberation movement/ Army (SLM/A) and the Justice and Equality Movement (JEM) on the Enhancement of the Security Situation in Darfur in Accordance with the N'Djamena Agreement, 9 November 2004	Burundi, Magaliesburg Declaration on the Burundi Peace Process, 10 June 2008

cont'd

Table 2: Child Protection Provisions by Agreement Type

	Pre-negotiation	Ceasefire	Partial	Comprehensive	Renewal	Implementation
CRC	South Sudan/ Sudan, SPLM-United / Operation Lifeline Sudan Agreement on Ground Rules, 1 May 1996		Bosnia and Herzegovina/ Yugoslavia (former), Declaration Concerning the Constitution of the Federation of Bosnia and Herzegovina (with Proposed Constitution of the Federation of Bosnia and Herzegovina attached), 18 March 1994	Bosnia and Herzegovina, Yugoslavia (former), General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Peace Agreement), 21 November 1995	Sudan/ Darfur, Protocol between the Government of the Sudan (GoS), The Sudan Liberation movement/ Army (SLM/A) and the Justice and Equality Movement (JEM) on the Enhancement of the Security Situation in Darfur in Accordance with the N'Djamena Agreement, 9 November 2004	Croatia/ Yugoslavia (former), Programme of the Government of the Republic of Croatia for the Establishment of Trust, Accelerated Return, and Normalization of Living Conditions in the War- affected Regions of the Republic of Croatia, 3 October 1997

cont'd

Table 2: Child Protection Provisions by Agreement Type

	Pre-negotiation	Ceasefire	Partial	Comprehensive	Renewal	Implementation
Right to Protection	Central African Republic, Déclaration de principe des parties aux négociations de Libreville su'r la crise Centrafricaine, 11 January 2013	Sudan/ Darfur, Ceasefire Agreement between the Government of Sudan and the Justice and Equality Movement-Sudan (JEM), 10 February 2013	South Sudan/ Sudan, Protocol between the Government of the Sudan and the Sudan People's Liberation Movement (SPLM) on Power Sharing, 26 May 2004	Burundi, Constitution of 18 March 2005, 18 March 2005		African Great Lakes, Pact on Security, Stability, and Development in the Great Lakes Region, 15 December 2006

While only a snapshot, the above discussion demonstrates that different peace agreements address child protection in a range of ways.

Opportunities of Including Child Protection Provisions

The inclusion of provisions on child protection in peace agreements can provide opportunities to support children in conflict. These provisions are necessary, reflecting the impacts of conflict on children and the vulnerability of children to the deleterious effects of war. Understanding children's rights as interrelated, protection can be understood as a requirement for the enjoyment of other, non-protection related aspects. The importance of child protection also helps to frame the role of peace agreements in promoting and extending beyond the requirements laid down under international law. As discussed throughout this section, provisions on protection are important and positive contributions to children's rights.

(i) The Necessity of Child Protection Provisions

Child protection provisions in peace agreements can be regarded as necessary, particularly considering the vulnerability of children in conflict settings. Indeed, it is common for parties to introduce provisions by stressing the need to 'protect vulnerable persons including children' (South Sudan, [Agreement on the Cessation of Hostilities, Protection of Civilians and Humanitarian Access, Republic of South Sudan](#), 21 December 2017, Art. 5) or to underline 'the imperative that the children ... especially those affected by armed conflict, in view of their vulnerability, are entitled to special care and the protection of their inherent right to life, survival and development' (Sierra Leone, [Peace Agreement between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone \(RUF/SL\) \(Lome Agreement\)](#), 7 July 1999, preamble). In addition, peace agreements often refer to children as victims, acknowledging that children are often directly and adversely affected by war (Colombia, [Joint Communiqué #70](#), 15 May 2016, Art. 1(d)). In Liberia, for example, parties to the Accra Agreement agreed to 'accord particular attention to the issue of the rehabilitation of vulnerable groups or war victims (children, women, the elderly and the disabled) within Liberia, who have been severely affected by the conflict in Liberia' (Liberia, [Peace Agreement between the Government of Liberia, the Liberians United for Reconciliation and Democracy \(LURD\), the Movement of Democracy in Liberia \(MODEL\) and the Political Parties \(Accra Agreement\)](#), 18 August 2003, Art. 31). Similarly, in respect of the conflict in Darfur, the Doha Document for peace states that 'Children implicated in the conflict who may have been involved in the commission of crimes under international law shall be considered primarily as victims' (Sudan/ Darfur, [Doha Document for Peace in Darfur \(DDPD\)](#), 31/05/2011, Art. 55).

The acute consequences of conflict on children are well-documented. For example, the Machel report (1996) covered the consequences of war for a range of children, which included, child soldiers, children in flight, unaccompanied children, children in refugee camps and internally displaced children. The report highlighted that armed conflicts dramatically increase children's vulnerability to human rights and humanitarian law violations—from impeded access to education, health and humanitarian assistance, family separation and displacement, to more acute risks of killing and maiming, recruitment and sexual violence. Children are often directly targeted, for example by being recruited as combatants (see Birhane, 2021). Stoffel (2021) notes that violence against children is used as a tactic of war—for example, children in Syria have been tortured to gather intelligence about their families or were used as human shields by government forces as they sacked cities in the Northwest region. And because children often symbolize the future of a particular ethnic, religious or ideological group, violence against children can be used as a form of eradicating entire populations, such as during the Rwandan genocide.

Therefore, peace agreement provisions for protection can be interpreted as necessary because of the vulnerability of children to the direct and indirect, deliberate, and consequential impacts of conflict on them. Given that these documents often serve as roadmaps for peace building and, at times, the post-conflict state, addressing child protection in peace agreements is also a way of operationalising child protection after war, as well as during.

(ii) The Interrelatedness of Children Rights

Any discussion on the potentially delimiting impact of an emphasis on protection on other rights—by undermines other categories of rights (or principles) (Quennerstedt, 2010)—must also recognise the relationship between protection and the realisation or enjoyment of other rights as well. For example, to enjoy rights to education, health care, and housing, children must have at least a basic level of security. It is difficult, for children to attend school during conflict or enjoy play and recreation when bombs continue to go off around them. These rights necessitate that children are afforded safe environments. Peace agreement provisions that prioritise child protection, therefore, can be thought of not necessarily as limiting others, but rather helping to lay the foundations for other rights to be realised. In this vein, the discussions above on children's rights and the steps to be taken in order for these rights to be realised, helps to illustrate the ways in which peace agreements can make important contributions.

(iii) Operationalising Child Protection

If peace agreements reflect the impacts of war on the vulnerability of children, they can also promote measures that translate child protection into reality. For instance, the inclusion of the language of rights and obligations to protection attempts to endow children with legal entitlements, which can be claimed against the state through appropriate legal channels including courts and legislation. References to third party actors are a nod towards the challenges associated with translating commitments into practice. To this end, that peace agreements assign roles and responsibilities to ICRC and UNICEF, as examples, can be interpreted as evidence of peace agreements attempting to ensure that commitments to child protection from conflict protagonists are translated into action. International law has addressed child protection, particularly in conflict-affected settings, reflecting the catastrophic impacts that conflict can have on children. Peace agreement can attempt to realise international law obligations in diverse ways. Firstly, examples from [Nepal](#) and [Colombia](#) in 1991 demonstrate that some peace agreements can be constitutions or interim constitutions, serving as basic law of the country or establishing the transitional legal framework between constitutions.

Through provisions like 'The protection of women and children against violence and insecurity, exploitation and moral, intellectual and physical neglect is a duty for the State and other public authorities' (Central African Republic, [Transitional National Charter \(Interim Constitution\)](#), 18 July 2013, Article 6) or those that stipulate 'right to enjoy protection' (Democratic Republic of Congo, [Draft Constitution of the Transition](#), 1 April 2003, Article 44), peace agreements create legally binding obligations on the part of states. This is because these documents operate in much the same way as normal constitutions do, setting out the fundamental principles by which the state is governed. In other cases, peace agreements can restate existing obligations and rights under international law. A useful example are peace agreements that mention the CRC or Optional Protocol, both of which have been widely ratified and contain numerous commitments to child protection. For example, an agreement in the Central African Republic states that

The parties also agree to:

...

- d. To end and prevent any future violations of children, in particular murder, mutilation, exploitation, rape and other violence
- e. To end the recruitment of child soldiers, in line with the African Charter for the Rights and Welfare of the Child, the Convention on the Rights of the Child, and the Optional Protocol on the Convention on the Rights of the Child on the involvement of children in armed conflict (Democratic Republic of Congo, [Draft Constitution of the Transition](#), 1 April 2003, Article 44).

Peace agreements can also provide for the particular legal mechanism by which international legal standards are implemented (Davies, 2021). For instance, a peace agreement between the nations of the African Great Lakes commits parties to prohibit the recruitment of children into armed forces or their participation in any manner in hostilities, including support roles, and to this end, accede to and implement, domestic legislation in internal legal systems, the relevant provisions of the African Charter on the Right and Welfare of the Child, the optional Protocol to the Convention of the Rights of the Child ([Dar-Es-Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region](#), 20 November 2004, emphasis added).

In addition to buttressing existing international law standards, peace agreements can be understood, at times, to extend beyond the requirements of international law. In this regard, scholars like Christine Bell (2008) have alluded to what is termed *lex pacificatoria* – the law of the peacemakers. This term captures the fact that peace agreements often surpass the requirements laid down under international law in ways that are more context specific. In the case of child protection, for instance, while the primary duty bearers under international law are states, peace agreement commitments will often extend to non-state actors. For example, an agreement in Colombia states that:

The FARC – EP bind themselves to fully and effectively implement the following measures:
 ...
 c. Proceed with the release of the minors under 15 years old from the camps of the FARC--EP as soon as the protocol and the transitory placement plan are agreed, pursuant to the provisions set forth in this agreement (Colombia, [Joint Communiqué #70](#), 15 May 2016).

Similarly, a criticism of the CRC is that it omits certain groups of children. Freeman (2020: 246), for instance, assesses that certain groups of children are marginalised. In particular, he identifies that 'insufficient attention was given to girl children, to gay children, to children with disabilities, to child refugees and asylum-seeking children, to abandoned children, to indigenous children, to children of prisoners.' Peace agreements, in identifying a range of children, can help to fill this gap.

(i) Creating Environments for Future Protection

For some, peace agreements lack the legal authority to either endow rights or create obligations. Indeed, the legal status of peace agreements is an issue that has been widely contested (c.f. Retter et al., 2021; Muller, 2021). Various peace agreement titles give a strong indication that they are political, rather than legal agreements (Cote d'Ivoire, [Ouagadougou Political Agreement](#), 4 March 2007; Democratic Republic of Congo, [Global and Inclusive Political Agreement of the Inter-diocesan Center of Kinshasa](#), 31 December 2016). Yet even if this argument is accepted, peace agreements can nevertheless be understood to lay the foundations for the right to protection to be realised in substantive ways in the future. As Reynaert and others (2015: 3) note, the reality of children's rights is much richer than a legal instrument and its implementation: 'Children's rights are not only about rules, but also about structures, relationships, and processes.'

Thus, even if peace agreements cannot or do not create rights and obligations, they can nevertheless be interpreted as playing a supporting role in creating or altering structures, relationships, or processes. For example, peace agreements can provide for the creation of institutions and/or mechanisms to assume responsibility for child protection. An agreement in the DRC, for instance, requires the establishment of 'a commission for the protection of women and children with the mandate to, amongst other things, 'denounce all forms of violence specifically perpetrated against women and children' ([Intercongolese Negotiations: The Final Act \('The Sun City Agreement'\)](#), 2 April 2003). Alternatively, peace agreements can include provisions on strengthening existing mechanisms that could have a role in child protection. A useful illustration comes from the 2003 [Agreed Statement on behalf of the Parties in Sri Lanka](#), which included proposals to strengthen the National Human Rights Commission of Sri Lanka so that it might assist in monitoring child protection (para. 12). Another example of creating the conditions for rights protection is clarifying where responsibilities for child protection lie. For instance, an agreement in South Sudan stipulates that the National and State Governments shall have concurrent Legislative and Executive competencies on child protection and care (South Sudan/ Sudan, [The Interim National Constitution of the Republic of Sudan 2005](#), 6 July 2005, Schedule D, para. 26). Peace agreements can also commit parties to adopt various measures aimed at strengthening child protection in the aftermath of conflict. In the Philippines, parties agree:

[T]o undertake programs and projects for the promotion and protection of human rights in general and particularly the rights of workers, peasants, women, youth, children and indigenous peoples as well as the protection of the environment (Philippines, [Joint Agreement in Support of Socio-economic Projects of Private Development Organizations and Institutes](#), 16 March 1998, Article 1).

Alternatively, peace agreements, even when not dealing comprehensively with child protection, can earmark the issue for future discussion. In Colombia, the 2016 peace agreement stipulates that issues around the protection of former child soldiers will be discussed by the National Reincorporation Council, drawing up guiding principles that will apply to minors and the guidelines for drawing up the Special Programme ...to ensure restitution of their rights with an equity-based approach, prioritising their access to healthcare and education (Colombia, [Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace](#), 24 November 2016, para. 3.2.2.5.).

Therefore, particularly when approached from a children's rights perspective, it is both necessary and important for peace agreements to address child protection. Alongside recognising the interrelatedness of children's rights, peace agreements help to reflect the particular vulnerability of children. In seeking to promote compliance with international law, surpassing it, or engaging third party actors, peace agreements attempt to engage action as a response to this vulnerability.

Challenges of Providing for Child Protection in Peace Agreements

The use of provisions for child protection in peace agreements can also highlight potential challenges. Firstly, peace agreements provisions can be general, lacking commitment from the parties for concrete action. Secondly, while provisions on child protection might be viewed as important, they nevertheless significantly outnumber provisions addressing more progressive and participatory rights, such as the right of the views of the child to be heard. The diminishing of these rights in favour of protection is an issue that has been flagged by both those working in children's rights and children in conflict-affected settings more generally. Thirdly, the propensity to frame child protection provisions from the perspective of vulnerability and victimhood has also been highlighted by scholars as potentially disempowering. Such concerns also align with those working in the area of childhood studies, particular as it relates to the agency of children.

(i) Weak Language

The first issue with how peace agreements address child protection is the relative weakness of some provisions. Although the language of rights and obligations can demonstrate strong commitments to child protection, in other cases the language is ambiguous. For example, an agreement in Afghanistan simply states that 'We express our profound concern at the violations of the human rights, including those of...women and girls' (Afghanistan, [Tashkent Declaration on Fundamental Principles for a Peaceful Settlement of the Conflict in Afghanistan](#), 19 July 1999, page 2).

References to international law also show various levels of commitment. Sometimes references to international law and child protection provisions are general in nature. An agreement in the DRC alludes to the fact that 'several international conventions relating to the protection of the individual, including ... the Convention on Children's Rights have been ratified' (Democratic Republic of Congo, [Intercongolese Negotiations: The Final Act \('The Sun City Agreement'\)](#), 2 April 2003).

Peace agreement preambles—which are often general rhetorical statements—also frequently cite the impact of conflict on children and the salience of protection from the effects of war (Central African Republic, [Political Agreement for Peace and Reconciliation in the Central African Republic \(Khartoum Accord\)](#), 5 February 2019, preamble). In Sierra Leone, for instance, the preamble of the [1999 Lomé Agreement](#) provides:

Recognising the imperative that the children of Sierra Leone, especially those affected by armed conflict, in view of their vulnerability, are entitled to special care and the protection of their inherent right to life, survival and development.

Peace agreements can also use weaker language in other ways. For instance, in Yemen, the National Dialogue Conference Outcomes Document provides that the state 'should work to combat child smuggling and human trafficking including joining international agreements in this area' (Yemen, National Dialogue Conference Outcomes Document, 25 January 2014, chapter 2, para. 15, italics added). It also states that 'Children should never be subjected to violence and abuse, or anything that will harm their well being, health, and education.' In these instances, weak and ambiguous language could be met with weak levels of commitment to child protection.

(ii) The Prioritisation of Child Protection over other Rights

The rights contained within the UN Convention of the Child are often, although not without controversy, are often described as falling within one of the three categories of P: protection, provision, and participation. Participation is a broad category encompassing, as examples, freedom of expression and right to information, the right to freedom of thought, conscience and religion, and the right to freedom of association and assembly. These rights are not presented in any form of hierarchy, each enjoying the same level of importance as the right to protection. Yet, only in a handful of cases do peace agreements address freedom of expression (Colombia, [Political Constitution of Colombia](#), 1 July 1991, Art. 44), freedom of conscience (Colombia, Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace, 24 November 2016; Zimbabwe, Constitution of Zimbabwe Amendment (No 20) 2013, Art. 60), and freedom of assembly and association (Philippines, [Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law between the Government of the Republic of the Philippines and the National Democratic Front of the Philippines](#), Art. 11). All other participatory rights are ignored. One exception is provisions that are similar to article 12 of the CRC.

This article provides that:

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

To some extent, peace agreements can be interpreted as attempting to advance opportunities for participation of children in the post-conflict state. For instance, an agreement in Colombia acknowledges the rights of minors to participate in the decisions that affect them (Colombia, [Joint Communiqué #70](#), 15 May 2016, page 1). A different agreement in the same context stipulates that '[t]he State and society guarantee the active participation of adolescents in public and private organs that are responsible for the protection, education, and progress of the youth' (Colombia, [Political Constitution of Colombia](#), 1 July 1991, Article 45). In Uganda, an agreement states that as part of the implementation process, the experiences, views and concerns of children will be taken into consideration, demonstrating opportunities for children's participation in peacebuilding ([Agreement on Accountability and Reconciliation between the Government of the Republic of Uganda and the Lord's Resistance Army/Movement](#), 29 June 2007, Article 12). An agreement in Bahrain commits to redoubling efforts to increase the participation of young people in the decision-making process ([Bahrain National Dialogue Proposals, Executive Summary](#), 28 July 2011, pages 5-6). In Nepal, the 2015 peace agreement constitution stipulates that '[e]very child shall have the right to formative child development, and child participation' ([Constitution of Nepal 2015](#), 20 September 2015, Article 39(3)). In most cases, provisions on participation are addressed to youths (See, for example, Afghanistan, [Afghanistan Compact Building on Success \(London Conference\)](#), 1 February 2006, Page 12, Annex I. Benchmarks and Timelines, Economic and Social Development; Kenya, [Kenya National Dialogue and Reconciliation, Statement of Principles on Long-term Issues and Solutions](#), 23 May 2008, page 1; Libya, [Libyan Political Agreement \(Sukhairat Agreement\)](#), 17 December 2015). For instance, in Yemen, the 2014 [National Dialogue Conference Outcomes Document](#) stipulates that

The law shall provide for empowerment of youth, educationally, professionally, politically and economically and the provision of suitable conditions for the utilization of their energies and development of their skills to play their role in the service of the nation and its issues ([National Dialogue Conference Outcomes Document](#), 25 January 2014, Art 80).

The issue of whether the term youth encompasses the category of children is contested. This is partly because the term itself has no fixed and conclusive legal definition. For example, the United Nations, for statistical purposes, defines people falling within this category as those persons between the ages of 15 and 24 years (Secretary-General's Report to the General Assembly, A/36/215, 1981). UNSCR 2250 defines the youth age category as 18-29 years. In a report on YPS, Altiok and Grizeli (2019: 13) note that:

Youth as a social construct refers to a transitional phase of life between childhood and adulthood. The beginning and the end of this period is often defined by rite of passages from childhood to youth and from youth to adulthood, which vary significantly depending on cultures and contexts.

However, in many peace agreements the terms youth and children are used in tandem, suggesting a differentiation between the two. Indeed, some agreements specifically rule children out. An agreement in the Philippines, states that a youth shall not be less than 18 years of age nor more than 21 years of age at the time of his appointment ([Final agreement on the implementation of the 1976 Tripoli Agreement between the Government of the Republic of the Philippines \(GRP\) and the Moro National Liberation Front \(MNLF\)](#), 2 September 1996). Peace agreements, therefore, marginalise provisions on participation in favour of protection. This reflects similar approaches elsewhere. For example, Lee-Koo (2018), analysing the CAAC agenda notes that it is 'animated by a protection ethic.' Johnson (2022), analysing UN peacekeeping practice and policy, has uncovered what the same protectionist ethos. The implications of attending primarily to child protection means that 'the SC shies away from advocating a more robust implementation of the children's rights agenda to include, for example, children's active participation in peacebuilding or relief and recovery programmes' (Lee-Koo, 2018). Thus, while child protection is both necessary and important, those drafting peace agreements often omit to include other, more participation-oriented provisions, which can then marginalise these rights. This is particularly problematic when peace agreements are understood to help lay the foundations for the post-conflict state and thus perpetuating a subordination of other rights.

(iii) The Perpetuation of Disempowering Images

It is not only the failure to include provisions on child participation—whether in terms of rights or involvement in peacebuilding and the post-conflict state—that is a problem. Article 12 of the CRC is recognised as important not only because of its normative importance. It also exists as a testament to shifting perceptions of the child, children, and childhood more generally. For many years, the predominant paradigm was constructed by developmental psychologists with children presented as ‘adults in waiting’ (Reynaert et al. 2015: 3). As Reynaert and others note, according to this view, ‘children are considered as objects in need of protection because of their vulnerability (ibid). What characterizes them is their position of ‘adults in waiting’ or their ‘not yet’ status, i.e., ‘not yet-fully-developed.’ Sociologists of childhood from the late 1980s onwards have instead argued that children should be understood and researched as social ‘beings.’ Children who are seen as beings are considered active agents, social actors, competent, capable of co-constructing their lives and able to comment on things that affect them. According to Jenks, Prout and James, the notion of social being implies that

The child is conceived of as a person, a status, a course of action, a set of needs, rights or differences – in sum, as a social actor ... [T]he ‘being’ child can be understood in its own right. It does not have to be approached from an assumed shortfall of competence, reason or significance. The ‘being’ child is not, however, static, for it too is in time. Like all social actors, it populates history (1998: 2017).

In recognising the importance of the voice of the child, some assess that article 12 ‘makes a significant contribution to the evolution of rights by recognizing children as individuals who are capable of forming (their) own views and who ought to be listened to by adults’ (O’Neill and Zinga, 2008: 9).

The ways in which children are presented—primarily as vulnerable or victims—can also lead to difficulties. As Tobin (2015: 171) notes, a common concern with an emphasis on the vulnerability of children is that it leads to their objectification and silencing. Beyond the direct impacts on the enjoyment of other, more participatory rights, such an approach can undermine the aforementioned developments in recognising children’s agency.

For instance, writing on the challenges facing the realisation of Article 12, some have pointed to the fact that 'many adults tend to be sceptical about children's capacity to have a meaningful role in decisions that affect them' (Vandenhoe et al. 2021: 157). Part of overcoming this scepticism is by attempting to change perceptions of children. As Ebrahim (2011: 121) notes, it is necessary to alter the dominant image of young children from adults-in-the-making, irrational, incompetent beings, to capable people in their own right.' Yet, when peace agreements refer to the salience of protection by virtue of a child's vulnerability, far from empowering children, these provisions can in fact be disempowering. As Ruiz-Casares and colleagues (2017: 5) identify:

Whereas a vulnerability or dependency approach may help galvanise attention and resources in favour of children and young people, concern has been raised regarding whether we overemphasise children and young people's developmental challenges at the exclusion of other rights and at the expense of mobilising and supporting children and young people's strengths.

The consequences of focusing disproportionately on protection and the presentation of children as vulnerable or victims has been discussed elsewhere. For instance, examining images of children affected by conflict, Zarif (2017) addresses the treatment of children as passive victims. She notes that as central objects of news stories about war and violence, children are represented in a passive, helpless fashion or framed in narratives to arouse the compassion or indignation of the viewing public. She argues that 'ideologies of childhood as passive victims of circumstances have been in most cases obstructing the need to listen to them beyond their perceived dire conditions as 'war affected' children' (2017: 217).

When generalised provisions on protection are included based on perceptions of children as vulnerable, it does not only remove the recognition of children's potential for exerting agency. The actuality of this agency, manifested in multiple forms during war, is ignored. For instance, Berents (2020: 470) examines biographies of children affected by conflicts and notes that in presenting children as 'the ultimate victim', childhood has been 'decontextualised' and characterised by 'dependence and vulnerability', such that 'the breadth of experiences and multiple subjectivities of children in armed conflict' is overlooked. Similarly, in his review of UNSC policy and practice, Johnson (2022) assesses that the UNSC presents children in a binary way as either having complete agency or no agency at all. He continues that child soldiers are either active and willing participants in conflict, or are conscripted into non-state armed forces against their will.

For Johnson, in reality, 'rather than this binary understanding of children having complete or no agency, children navigate the threats, opportunities, and lack of information as best they can, experiencing 'shifting realities of victimisation, participation and resistance' (2020: 289). Analysing the rhetoric of pictures of Iraqi children in the British press during the 2004 UK/US invasion of Iraq, Well (2007: 55) writes:

The narrative of the innocent children shows how the display of children as abstracted from their social and familial context and therefore in need of adult care may be used to justify the very same military interventions that caused their injuries.

In short, the predominance of protection provisions in peace agreements frames children in ways that seem counterproductive to viewing children as endowed with agency and capable of contributing more than that which is assumed through the lens of vulnerability and victimhood. The argument is not that provisions on protection should not be included. On the contrary, they properly reflect the risks and challenges that conflict poses to children. The argument is instead that these must be balanced with provisions that also reflect and seek to harness the capacities of children. As Pruitt summarises, 'while protection... is reasonable, the singular focus on it lends itself to focusing predominantly on children as victims without space for understanding nuance in their diverse lived experiences of conflict and recognizing their agency' (2020: 208).

Conclusion

Peace agreements endeavour to bring about degrees of peace: from the absence of violence through to attitudes, institutions and structures that create and sustain peaceful societies. They often serve as blueprints or roadmaps, comprised of multiple reform processes—economic, political, legal, constitutional—that shape both the peace process and the post-conflict state. For this reason, the issues that a peace agreement addresses matters for the type of society that emerges after conflict, as do the groups or sections of society that could benefit from these reforms. Conversely, not only do the issues that are excluded from an agreement matter but so too does how provisions addressing specific groups and issues are constructed.

Provisions on child protection demonstrate this multiplicity of outcomes. On one hand, peace agreements can identify the range of harms perpetrated against children, actual and potential. In doing so, they can reflect the interrelatedness of children's rights, create environments for child protection and contribute to the creation of rights and obligations, as well as underlining the salience and necessity of existing international law standards. Alternatively, the way in which this inclusion manifests can be problematic. Provisions can be loose and ambiguous, rendering the realisation of commitments into action challenging. Prioritising protection over other rights can undermine the realisation of the full spectrum of children's rights. Moreover, the language used to frame these provisions can hamper efforts to shift how children are viewed within society, particularly when language becomes disempowering rather than empowering.

It follows that those engaging with children and peace agreements must also concern themselves with how children have been included, alongside the more popular approach of lamenting exclusion. This report suggests a number of approaches that might offset the potential externalities associated with the construction of child protection provisions.

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University of Edinburgh, School of Law, Old College, South Bridge, EH8 9YL

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