

UDC 341

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## International Security and Protection of the Rights of the Child in the African Continent

**Abstract.** This analysis focuses on typical issues concerning the international legal aspects of ensuring and protecting the rights of the child in armed conflicts. The world community has entered the third Millennium, but unfortunately, it didn't get rid of the main blemish, which was fighting. International security and the special protection of children's rights is a set of comprehensive measures which are aimed to prevent children from participation in hostilities, where they often get injured and die, and from the use of them as spies, porters, servants, to transmit messages, and to set mines and mine clearance, to eliminate rape and other sexual abuse. Such children are robbed of their childhood and exposed to terrible dangers and to psychological and physical suffering.

**Key words:** African continent, the special protection of children's rights, armed conflict, child soldiers.

### Introduction

It's no secret that war has always been the most dangerous social phenomenon throughout the history of mankind. Because of the wars a large number of people in the past were killed, primarily civilians, the majority of which still remain unprotected women and children.

In general, it can be seen that the end of the twentieth century was marked by the fact that the talks about children's rights and the adoption of the humanistic conventions of the international childhood were almost deprived of the status of inviolability. Children are increasingly involved in military conflict, who become victims and who become the accomplices of atrocious crimes committed during armed conflicts.

In this case, it is necessary to establish the fact that armed conflicts are becoming increasingly complex, technical improvement of means of warfare is continuing at full speed. Destructive power of weapons, speed and range objects are increasing. The way to universal peace is long and difficult, because if 100-200 years ago only soldiers were involved in the wars, and civilians did not suffer, but later, especially after the Second World War, civilian casualties began to exceed the loss of the military. It is particularly sad to note the death of children during the wars, when children are also victims of armed conflicts and collisions.

### Methods

During the research of this topic, the author analyzes the current situation in the sphere of protection of the rights of the child accumulated between armed conflict, analyzes the legal aspects of international involvement in the African continent, it is proposed to complement and receive the special acts in the sphere of ensuring the rights and safety of children during armed conflict.

### Main body

In the postwar period the practice of receiving children for military service gradually ceased. In accordance with Additional Protocol II to the Geneva conventions of 12 August 1949, adopted in 1977, participation in armed conflict of persons under the age of fifteen years was prohibited. In 1995 the United Nations urged not to accept on military service of minors under the age of eighteen years. But nevertheless it should be noted that, unfortunately, few people pay attention to how many people and especially children die during local armed conflicts and child soldiers remain an integral part of armed conflicts in modern times, especially in Africa, Asia, and Latin America. Children and adolescents most often were used as soldiers by insurgency as the government troops of African, Asian and Latin American States in this regard were somewhat limited by applicable law. Because children and teen-

agers are fearless due to age features and soldiers opened for controlling. It is easy to find them, the existence of problems with them is minimum and often the war for them is not that terrible content that is for adults, who already know the joy and hardships of life, people [1].

Despite the improvements in many conflict zones, brutal exploitation of children is ongoing on the continent by the command of the armed forces and armed political groups seeking to achieve their own material and political ends. The steps taken by African governments and the international community on the issue of child soldiers are ineffective and insufficient. Today most children and teenagers are forced to fight with a weapon in the hands in numerous armed conflicts plaguing the African continent. Tropical Africa remains the most unstable region of the world and there the phenomenon of «child soldiers» was the most common.

According to the representative of Child Fund of the United Nations in the Central African Republic the armed groups consist of 6 to 10 thousand children. If to take on trust the statement of the warlords, all of them will come back to home. However, child soldiers are used not only in the Central African Republic. In almost all countries of Tropical Africa, where for years and even decades, the last armed conflicts on ethnic grounds, in opposition rebel groups used children as soldiers or workers. According to researchers, nearly one in ten children in Central and Western Africa involved in the fighting on the side of any rebel armies or gangs. Child soldiers fight in Liberia and Sierra Leone, the Congo and Uganda, Burundi and the Central African Republic, Somalia and Kenya. In the Democratic Republic of Congo about 30 thousand fighters of the rebel troops are children and adolescents. Underage soldiers comprise the bulk of the fighters of the rebel group in Uganda and Liberia. The possibility of the use of child soldiers in African countries is associated with specific attitudes to childhood and especially in adolescence. The child soldiers grow up disproportionately sooner than the children in Europe, the USA or Russia, but also the life expectancy are much less — in some African countries it is less than forty years. Until recently, African cultures did not have adolescence as such. After the rite of passage the child becomes an adult with all the consequences, including with the adoption in number of soldiers. Another thing is that many rebel groups fighting in African countries attract soldiers of children, who are not mature enough until the age of use as warriors even by local standards. There are even ten years and eight soldiers in Uganda and

Sierra Leone. The commanders of rebel militias, forcibly gaining children in the villages to military units and service believe that the main thing is that soldiers are able to lift a Kalashnikov [2].

The African Charter on the rights and welfare of the child is one of the most important document among the regional international legal acts in the field of protection of children's rights in times of armed conflict, which entered into force in November 1999, which, thus, also is the first Treaty at the regional level on the rights of the child. Its provisions include a ban on the imposition of the death penalty for crimes committed by children, as well as the customs and cultural practices that are hazardous to health and lives of children or discriminatory ones (by sex and other characteristics). The Charter is the first Treaty at the regional level, establishing a minimum age for all recruitment and participation in armed conflict to 18 years, which exceeds the requirements of the optional Protocol to the Convention on the rights of the child on the involvement of children in armed conflict [3].

This Charter complements the African Charter on human and peoples' rights and the UN Convention on the rights of the child, taking into account social and cultural specificities of Africa and provides protection against violation of the rights of the child. Its compliance monitors the African Committee of experts on the rights and welfare of the child. As for 1 June 2004 the Charter was ratified by 33 of the 53 member States of the African Union, another 10 have signed it. The terrifying reality is that children easily are able to become obedient killing machines, recruited as cheap cannon fodder. Child soldiers are often sent on the most dangerous assignments or forced to participate in crimes, often against their relatives and fellow tribesmen. They are forced to carry ammunition, find and cook food and perform other non-combat tasks. In addition, each day the child soldiers are dying, suffering from beatings and other forms of torture and ill-treatment, forced labour. Girls are raped and subjected to sexual enslavement. The restoration of physical health and emotional balance to children is a huge effort; for many of them it takes years to achieve full rehabilitation and integration into society and return to a normal life. All this predetermined the necessity of the adoption of this Charter.

African Charter on the rights and welfare of the child prohibits the recruitment and use of children under the age of 18 years in both international and internal armed conflicts. The Charter is an important complement to universal rules of international law prohibiting the use of child soldiers, clearly

indicating that the involvement of children in conflict is unacceptable and cannot be ignored by the world community. All African States that have not already done so, including the DRC, Burundi and Liberia must ratify the Charter and to bring its legislation into full conformity with its provisions, to end the recruitment and use of children as soldiers. Moreover, as recognized in the Rome Statute of the International criminal court and customary international law (which was confirmed in the decision of the Special court for Sierra Leone, 31 may 2004), the recruitment and use in armed conflict of children under the age of 15 is a war crime. Therefore, African States within the meaning of the Charter must ensure that all such facts are being investigated, and the culprits have been well-deserved and inescapable punishment.

Thus, this Charter sets the minimum age of 18 years for all types of conscription or participation in hostilities.

In general, it is necessary to add that according to official information of the international organization «the international Amnesty», for example, in the Democratic Republic of the Congo (DRC) children make up 40% of some involved in the conflict groups, and up to 40 percent of these children are girls [2].

It's been over seven years since the government commenced the national program for the liberation of child soldiers and their return to civilian life. However, at least 11,000 children are still with armed groups or remain missing. That number includes most girls, captured by armed groups and since then unaccounted for. The programme is aimed at the disarmament, demobilization and reintegration (WFD) into civilian life of combatants, whose number is estimated at 150,000, including 30,000 children, the execution of which is delayed due to lack of political and military will, serious problems of organizational and technical character and the ongoing dangerous situation in the East of the country [2].

In some areas girls make up less than two percent of children released from armed groups and participating in the WFD program, because they either quit or are wrongly considered «dependants» of adult fighters. The commanders and fighters often do not feel obliged to release girls, whom they treated as their sexual property. The preservation of this discrimination is supported by some of the government officials of the DRC, closing their eyes to the fact that these girls are considered «dependants» instead of girls who can participate in the WFD program for children [2].

Girls caught in armed forces and groups are often traumatised by years of abuse and sometimes have children. However, very little is being done currently to ensure that they receive necessary support and assistance required to them by law. Overall, the majority of children released and returned to their families and communities — men and women — are forced to return to civilian life, receiving only a small support or not getting it at all. In particular, it relates to opportunities in obtaining adequate education and profession. Some children were only six years old when they were first recruited [4].

In 2012, UNICEF expressed concern about the use of child soldiers by the warring factions leading the fighting in Mali. According to the UN, the most actively minors are attracted to participate in the fighting representatives of Tuareg rebel groups. Hundreds of boys aged from 12 to 18 years are fighting in their ranks. Negative reaction to the UN is accompanied by active use of child soldiers by government forces of neighboring Chad. Once in 2005, the Chadian army began to call children who were are used not only as cooks and attendants, but also for guard and patrol service, available for service in infantry and intelligence units of the Chadian army after intensified armed confrontation between Chadian army and rebel groups associated with neighboring Sudan. Although the Chadian government in 2013 promised to cooperate with UNICEF in the field of fight for children's rights, but in reality only a very small part of young Chadians was discharged from military service after the protests of the world community. During the forum on national reconciliation held in the capital of the Central African Republic Bangui in May 5, 2015, it was decided to demobilize child soldiers from armed forces fighting rebel groups and the release contained in the groups of children and adolescents, used as cooks, servants and sexual servants[1].

«The recruitment and use of children under the age of 15 in armed conflict is a flagrant violation of human rights and constitutes a war crime. This year, on the Day of the African child the African governments should sign, ratify and then to actively implement international standards prohibiting the recruitment and use of child soldiers, in particular the optional Protocol to the Convention on the rights of the child on the involvement of children in armed conflict and the African Charter on the rights and welfare of the child,» said Amnesty international [5].

### **Conclusion**

Therefore, the eradication of the practice itself, as well as the elimination of the consequences of

the use of child soldiers is an important element of lasting peace, based on respect for human rights of all citizens. In countries, where the programs of disarmament, demobilization and rehabilitation of former combatants are in force, the main attention should be given to child soldiers. Also need to think about the problems of economic development and peace efforts in addition to legal and political

ban on the recruitment and use of child soldier, in order to make demobilization and rehabilitation of former child soldiers be sustainable. If the problem of the use of child soldiers in Africa is not being resolved properly, it would be difficult to get rid of the heavy heritage. Not less serious consequences can occur in the life of the children who witnessed the crimes or were their participants.

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