

Chapter 5

Reparations for Children and Youth: A Peacebuilding Mechanism

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ABSTRACT

Violence against children and youth in war causes severe damage to individuals, communities and societies. This chapter aims to demonstrate the importance of reparations for children and youth as a peacebuilding mechanism in the context of transitional justice. On one hand, the chapter seeks to address reparations for children and youth understood as a political project, with a transformative and participatory potential for rebuilding societies and healing the wounds of those who have been affected by armed conflict. On the other hand, the paper attempts to overcome the conception of children and youth as passive victims, providing them with agency to become engaged political members in building peaceful societies. Thus, reparations should position them as subjects of rights, giving them voice as contributors in peacebuilding processes.

INTRODUCTION

Children and youth are amongst the most affected groups by armed conflicts. The brutalities committed against these groups pose enormous challenges to local and international communities aiming at ending tolerance for war and calling for accountability for human rights atrocities. Violence against children and youth in war causes severe damage to individuals, communities and societies. Transitional justice has been positioning itself in the international political and legal scene,

as well as in the academic and professional sphere for already the past two decades. In this context, reparations programs are conceived as a political project based on rights and refer to the attempts to provide recognition and benefits directly to the victims of systematic abuses of human rights and international humanitarian law.

Nevertheless, the field of transitional, both in theory and practice, has frequently ignored children's and youths' views and interests and has paid extremely limited attention to their possible role in it. Aptel and Ladisch (2011) argue that this

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failure is due to the disempowerment of children in a general, and of child and youth victims in particular, as a result of their lack of representation in and by political entities and civil society organizations. Indeed, it is important to recognize children and youth as rights holders. Failure to acknowledge crimes committed against them may reflect misperceptions regarding children and youth as political actors and agents (Mazurana & Carlson, 2009). Besides this, at least in theory, effective participation results in policies and public agendas that respond to the real needs and priorities of stakeholders, taking into account opinions and proposals of local communities (Laplante & Rivera, 2006).

The international human rights movement has been focusing on the instrumental value of a participatory approach to design, implementation and monitoring policies and programs. Transitional justice is not the exception, and here my interest does not lie simply in pointing out the importance of reparations, but also in how participatory reparations could contribute to the positioning of children and youth as peacemakers.

To overlook children and youth as part of sustainable peacebuilding mechanisms is self-defeating (Helsing, 2006). It is necessary to include young people in the political process so that they can move from a position of being disenfranchised to a position of sharing power (Cairns, McLernon, Moore & Hakvoort, 2006). Reparations for children and youth have a participatory and transformative potential - to heal the wounds (to the extent that they can) and to contribute to rebuilding societies.

My aim in this chapter, therefore, is to demonstrate the importance of reparations for children and youth as a peacebuilding mechanism in the context of transitional justice. On one hand, the chapter seeks to address reparations for children and youth understood as a political project which seeks recognition by means of participatory processes. On the other hand, the paper attempts to overcome the conception of children and youth

as passive victims. To achieve this, this paper proposes to focus on the instrumental value of participation, based on the recognition of the right of the children to participate in the processes that affect them, providing them agency to become engaged political members in building peaceful societies. Accordingly, the proposed thesis is that reparations should be sensitive to address the realities of children and youth affected by war, positioning them as subjects of rights, giving them a voice and taking into account their role as contributors in peacebuilding processes.

BACKGROUND

Who Are Considered as Children and Youth?

Our world is not seen as an easy place for children (Farson, 1974). Nevertheless, there is no consensus about a proper definition of who are considered as children and youth; many authors agree that these categories are socially constructed, historically variable, and highly contestable (Dallaire, 2010; Farson, 1974; McEvoy-Levy, 2006; Singer, 2006; Wessels, 2007; Woodhead & Montgomery, 2003). In most cases, the label “adult” tends to mean competent, reliable, wise; whilst the labels “child” and “youth” mean incompetent, unreliable, and ignorant. Furthermore, the concept of childhood is inevitably linked to that of adulthood, and it is defined as “that which lacks the capacities, skills and powers of adulthood” (Archard, 1993, p.30). As Garbarino and Kostelny (1996) argue, there is a human relationship that unites children and adults, but there are important cognitive, linguistic, emotional, and physical differences that separate us.

In legal terms, according to the Convention on the Rights of the Child (CRC) a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier (1981, art.1). But children are

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