



Coalition to Stop the Use of Child Soldiers

4th Floor, 9 Marshalsea Road, London SE1 1EP

Tel/Fax: +44 (0)20 7367 4110/4129

Email: info@child-soldiers.org Web: www.child-soldiers.org

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Dear Ambassador,

As you prepare for the forthcoming Security Council debate on children and armed conflict, the Coalition to Stop the Use of Child Soldiers (the Coalition) would like to draw your attention to a number of key issues.

The Coalition welcomes the continued efforts of the Security Council to protect children in situations of armed conflict. This has contributed to some important progress. However, the impact is still to be felt by many tens of thousands of children who are, or are at risk of becoming, child soldiers.

The Coalition has documented a decrease in the number countries or territories in which children are involved in armed conflict in recent years (child soldiers are currently used in 15 countries or territories), but the decrease is largely attributable to conflicts ending. Where armed conflict does exist, it remains the case that children will almost inevitably become involved.

The record of some governments remains disappointing. Children have fought in armed forces in a handful of countries and the involvement of children in government-backed militias and local defence groups persists. The majority of child soldiers are, however, associated with non-state armed groups – progress towards ending their recruitment and use of children remains painfully slow. Increasingly under-18s are being used to conduct acts of terrorism, including suicide attacks. Efforts to secure the release and assist these children must be intensified.

At the same time a stronger focus on prevention is required to ensure that children are protected against current and future use. Indeed, the Coalition believes that prevention must be at the heart of any strategy to end child soldier recruitment and use. This will involve co-ordinated responses by multiple actors and require a more explicit recognition of child soldiers on the agendas of those involved in the full spectrum of initiatives and interventions from conflict prevention, peacemaking and mediation, through to peace-building and longer-term development.

The Coalition would like to draw your attention to the following issues which it considers must be addressed by the continued efforts of the Security Council and those of its Working Group on Children and Armed Conflict to bring about an end to child soldiering.

The Coalition to Stop the Use of Child Soldiers unites national, regional and international organizations and Coalitions in Africa, Asia, Europe, Latin America and the Middle East. Its Steering Committee member organizations are Amnesty International, Defence for Children International, Human Rights Watch, International Federation Terre des Hommes, International Save the Children Alliance, and the Jesuit Refugee Service.



I Recruitment and use of children by government armed forces and related groups

The number of governments that have raised the minimum age of compulsory and voluntary recruitment into their armed forces to 18 years, or which have introduced safeguards to ensure that under-18s are not deployed in situations of armed conflict, is steadily increasing. However, several government armed forces continue to use children in combat or other frontline duties. Myanmar's armed forces, which are engaged in ongoing counter-insurgency operations against ethnic armed groups, are believed to contain thousands of children. Children are also reported to have been used in hostilities in the past year by armed forces in Chad, Sudan and Somalia.

A number of governments, some of which prohibit the involvement of children in their armed forces, fail to apply the same standards to auxiliary forces linked to national armies or to local-level militias, civilian defence or other armed groups that support government-led counter-insurgency operations. Children are reported to be associated with such groups in the Central African Republic, the Democratic Republic of the Congo (DRC), India (Chhattisgarh state), Philippines and Sri Lanka. In some situations, such as Chad and Sudan, armed groups effectively act as proxies for government forces. In Colombia and elsewhere children have been used as spies and for other intelligence gathering purposes. In the Occupied Palestinian Territory children are reported to have been used as human shields by the Israel Defense Forces including in recent military operations against Hamas.¹

The Coalition urges that the full extent of government illegal recruitment and use in hostilities of children is addressed and that effective action, including where appropriate targeted measures, is taken against any government that fails to protect children from involvement in any capacity in all fighting forces, whether official or unofficial, under their control or influence.

II Recruitment and use by non-state armed groups

A number of armed groups have now committed to ending child soldier recruitment and use and several have developed time-bound action plans to halt the practice in cooperation with the UN. However, ending child soldier recruitment and use by armed groups remains a formidable challenge. Armed groups in some 20 countries or territories are known to recruit under-18s and many have used them in hostilities.

The risk to children in the ranks of armed groups is dramatically increased at moments of intensified conflict. For example in the eastern DRC in late 2008 or the current situation in Sri Lanka where child soldiers in the Liberation Tigers of Tamil Eelam (LTTE), as well as other children trapped in conflict affected areas, are at grave risk of death or injury.

Many armed groups have proved resistant to pressure and persuasion and while efforts to encourage their cooperation with the UN to end recruitment of children should continue, durable solutions must also be sought via longer term, multifaceted, context-specific strategies. Above all, effective strategies must address the root causes of recruitment. Poor governance and its effects, including impoverishment, inequality, discrimination and human rights abuses, are all known to contribute to the

¹ Hamas is also alleged to have used children as human shields.



risk of child recruitment. While such conditions persist, children will remain vulnerable to involvement in armed groups.

The Coalition urges that: action is taken to increase pressure on armed groups to end the recruitment and use of children including, where appropriate, by applying targeted measures; relevant UN personnel are authorized to engage in dialogue with armed groups (and armed forces) to develop and implement time-bound action plans and governments are urged to allow this engagement; national governments are encouraged and supported to undertake legal, policy and practical measures to promote and protect the economic, social, cultural, civil and political rights of children such that durable barriers to recruitment by armed groups are constructed. The Coalition also urges that a mechanism is developed to ensure that timely and effective responses are made to rapidly deteriorating situations in which the lives of children, including those associated with armed groups or armed forces, are at increased risk.

III Release and reintegration of child soldiers

Demobilization of child soldiers during armed conflict presents a significant challenge. Despite the best efforts of UN agencies, NGOs and others, large-scale releases of children from armed forces or groups have rarely taken place before hostilities end. This fact reinforces the urgent need for peaceful settlements of conflicts and the inclusion of specific disarmament, demobilization and reintegration (DDR) provisions for children in peace agreements.

As peace or ceasefire agreements are negotiated, the pressure to disarm combatants often drives the pace and substance of DDR planning. Short-term solutions derived from adult DDR have on occasion prevailed while the specific needs of children receive insufficient attention or are ignored. Girls have been particularly poorly served by official DDR programs: on average the participation of girl soldiers in DDR programs is less than 15% and reintegration support for their complex medical and psychosocial support is often lacking.

An artificial division of labour and funding between the emergency phase, post-conflict recovery and development can also contribute to failed reintegration. Funding for national DDR programs has typically been provided for immediate post-conflict demobilization and short-term reintegration, normally for a one-year period. Funding for longer-term support is rarely available on the scale it is needed.

Experience has additionally shown that the reintegration needs of both girls and boys are best served by programs based in communities which aim to support a wide range of war-affected children. Such programs can militate against further stigmatization and resentment of child soldiers and, by addressing broader needs, contribute more effectively to post-conflict recovery of the children, their families and communities. This lesson has not, however, been consistently applied.

The Coalition urges that: all available tools are used to pressure parties to armed conflict to ensure the immediate release of children; protection of children is factored into peace negotiations and agreements, including provisions relating to DDR; DDR programs incorporate best practice designed to meet the specific needs of girls as well as boys; and donors provide long-term reintegration support for former child soldiers.



IV Detention, torture and ill-treatment of child soldiers

There is wide consensus that children who have been illegally recruited and used by fighting forces should be treated primarily as victims² and a legal obligation under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Optional Protocol) that they should be provided with all necessary support for their release and reintegration. However, in a significant number of situations child soldiers have been detained, often on the basis of their alleged association with armed groups rather than for any recognizable criminal offence. In these and other cases where child soldiers are detained, international juvenile justice standards are frequently ignored. In some cases such children have been subjected to torture and other forms of ill-treatment.

Children allegedly associated with armed groups are believed to have been detained, in many cases arbitrarily, in countries including Afghanistan, the DRC, India, Iraq, Israel, Philippines, Somalia, Sudan, Thailand, Turkey and Uganda. In addition, US forces have held under-18 year olds in military detention facilities in Afghanistan and Iraq. Five individuals who were arrested by US forces when they were below the age of 18 remain in indefinite detention in the US naval facility base in Guantánamo Bay, Cuba. They have been denied protections as required under international law. Allegations that they were subjected to torture or other ill-treatment in US custody have not been adequately investigated.

In a few situations under-18s who are members of government armed forces have been imprisoned for desertion or other military offences. In Myanmar, for example, an unknown number of children have been sentenced to terms of imprisonment for desertion from the armed forces.

The Coalition urges that: arbitrary detention, torture and other forms of ill-treatment of child soldiers are addressed as among the violations that occur as a direct consequence of their illegal recruitment and use; that states fulfil their primary responsibility to provide former child soldiers with all necessary assistance for their recovery and reintegration and that children should only be detained as a last resort and only where they have committed a recognizably criminal offence; in cases where former child soldiers are detained, international juvenile justice standards should be stringently applied.

V Accountability

The first important steps towards establishing individual criminal responsibility for those who recruit and use children in hostilities have been taken in recent years. Suspects from both the DRC and Uganda are facing war crimes trials at the International Criminal Court (ICC) and five former members of armed groups have been convicted by the Special Court for Sierra Leone for conscription, enlistment or use in hostilities of under-15 year olds. The pursuit of justice has also been furthered by the work of truth commissions in Sierra Leone, Timor-Leste and recently Liberia, all of which have addressed the issue of child soldiers.

² See: The Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris Principles).



However, impunity for those who illegally recruit and use children remains widespread. The Coalition knows of only one country (the DRC) in which prosecutions have taken place in national courts, but is concerned that even these efforts are limited. Moreover the struggle against impunity is undermined by the appointment to positions in government or national armed forces of individuals who are implicated in child soldier recruitment and use. Such cases include: former DRC militia commander Jean-Pierre Biyoyo. (He was convicted in a military court of crimes including child recruitment and use but escaped from prison and is now reported to be commanding a battalion of the DRC armed forces in South Kivu); DRC armed group commander Bosco Ntaganda. (He was indicted by the ICC on charges including conscripting and enlisting children below the age of 15 but was recently accepted into the army unification program); and former LTTE senior commander/ head of the breakaway faction of the LTTE, Tamil Makkal Viduthalai Pulligal (TMVP) in Sri Lanka, Vinayagamoorthi Muralitharan, known as Colonel Karuna Amman. (He is alleged to have been involved in widespread recruitment and use of child soldiers. He was appointed in March 2009 as non-Cabinet Minister of national integration and reconciliation in the Sri Lankan government).

The Coalition urges that efforts are intensified to ensure that individuals suspected of the illegal recruitment and use of children are brought to justice including by: actively supporting the efforts of the ICC to bring suspects to trial and referring relevant cases to it for investigation; encouraging and supporting national level investigations and prosecutions of grave violations committed against children including child soldier recruitment and use; condemning the appointment to positions in government or armed forces of individuals suspected of serious crimes including recruiting and using children.

VI Optional Protocol on children in armed conflict

There are currently 127 state parties to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict – the most specific prohibition of child soldiers under international law. This high-level of ratification demonstrates the strength of international consensus that the military is no place for a child. However, many states have yet to take the necessary measures to fully implement the treaty and a further 65 states have yet to ratify it.

The Coalition calls upon the Security Council to: urge states that have not already done so, to ratify the Optional Protocol without delay; and to coordinate with and support the efforts of the Committee on the Rights of the Child to ensure its effective implementation.

Yours sincerely,

Victoria Forbes Adam
Director