This piece was written by Katie Taylor from Reprieve, a human rights organisation that promotes the rule of law around the world and strives to secure each person’s right to a fair trial. Ms Taylor gives us an insight into how the US drone programme affects children's lives and how their use against children amounts to grave violations of their rights. A summary of this piece appeared in the Armed Conflict CRINMAIL, March 2013 edition.

**Drones: No Safe Place for Children**

Since 2004, the US has launched 415 strikes by unmanned aircraft, or ‘drones’ in Pakistan, Yemen, and Somalia—killing more than 3,000 people. Beyond these direct casualties, the U.S. drone programme is terrorizing entire civilian populations, nearly half of which are children.

Drones are unmanned aircraft which can be used for surveillance or to launch missiles. The US first used armed drones in Afghanistan in 2001, and has since expanded its drone use to countries with which the US has not declared war. The Bush administration carried out at least 45 drone strikes in Pakistan under the so-called ‘war on terror. Since then, the Obama administration has expanded this practice, carrying out more than five times as many strikes in Pakistan alone.

Drones hover over communities 24 hours a day, creating a constant, physical reminder for the people below that they could be killed at any moment. Nobody knows who is being targeted, so nobody knows how to make themselves safe. As a result, parents are afraid to send their children to school, teachers are afraid to teach and people are afraid to leave their homes. Even trips to the market to buy food can be dangerous - you never know what the drone’s next target is. All of this causes the local community and economy to grind to a halt.

The US not only targets individuals who are specifically identified on a “kill list”; they also target individuals who unwittingly engage in behaviour which the US deems to be suspicious. As a result, people, including children, may be killed simply for being in the wrong place at the wrong time.

The US’s drone programme represents a dangerous violation of international law and in particular, children’s rights. The purpose of this piece is to explain how the US’ drone programmes in Yemen, Pakistan and Somalia violate specific children’s rights under international law.

**Drones and international law**

The rise in the use of drone technology represents a real challenge to the framework of established international law. According to the UN Special Rapporteur on Counter-Terrorism and Human Rights, Ben Emmerson: “the reality here is that the world is facing a
new technological development which is not easily accommodated within the existing legal frameworks, and none of the analyses that have been floated are entirely satisfactory or comprehensive.”

Below is a brief outline of how the US’s drone programme amounts to ‘grave violations’ of children’s rights, followed by a more in depth analysis of specific violations of the Convention on the Rights of the Child.

‘Grave violations’ of children’s rights

The United Nations Security Council has identified six grave violations of children’s rights that occur in armed conflict. We believe the use of drones by the US violates at least three.

1. Killing and Maiming

In Yemen, Pakistan and Somalia drone strikes have killed at minimum 204 children, as documented by the Bureau of Investigative Journalism (TBIJ), between 2004 and January 2013.[1] This number is continuing to grow: two children were reportedly killed in the most recent strike on Yemen in January 2013.[2]

There is evidence that the number of children killed could be considerably higher than the cases confirmed by TBIJ, but there is a lack of political will to document child deaths from drone strikes. Similarly, it is difficult to know exactly how many children have been maimed by drone strikes.

2. Attacks on Schools

Evidence suggests drones have directly targeted schools or in some instances failed to ensure that they were adequately avoiding schools. TBIJ has identified more than ten strikes on current or former schools[3], including a strike on a religious school in Pakistan on 30 October 2006. The school was flattened and 69 children between seven and 17 were killed.[4]

3. Denial of Humanitarian Access—The US’s Use of ‘Rescuer Strikes’[5]

The denial of humanitarian access is defined as “blocking the free passage or timely delivery of humanitarian assistance to persons in need as well as the deliberate attacks against humanitarian workers.”

The US has been known to use a method called “double taps”, which means striking the same location more than once in succession. This has meant that humanitarian actors attempting to rescue those injured by drone strikes have been themselves hit. The US’s policy of using double taps is so widespread that humanitarian organisations have had to develop policies to protect their workers. As a consequence, they now have to wait, sometimes up to six hours[6], before going in to rescue the victims.
It is important to remember that “double taps” are often used in isolated areas and in some of the poorest countries in the world. The FATA region of Pakistan, where the vast majority of strikes have occurred, is cut off from the rest of the country by a regime of checkpoints that make travelling difficult.

One person interviewed by the research team who produced the “Living Under Drones” study[7] described the aftermath of a strike: “Other people came to check what had happened; they were looking for the children in the beds and then a second drone strike hit those people.”[8]

Reprieve client, Faheem Qureshi, is a 14 year-old who was injured in a US drone strike in Pakistan on 23 January 2009. Faheem says that he could have died waiting for rescuers to save him. In his words, “[u]sually, when a drone strikes and people die, nobody comes near the bodies for half an hour because they fear another missile will strike.”[9] Faheem survived the strike only because he was able to drag his burning body from the rubble to an area far enough away that people felt it was safe to provide aid.

**Violations of the Convention on the Rights of the Child**

In addition to the above grave violations of children’s rights in armed conflict, the US’s drone program also violates a range of rights enshrined in the CRC.

1. **The Right to Survival and Development: CRC Art. 6**

Article 6 of the CRC clearly spells out that children have the right to life. One of the US ‘signature strikes’ targets gatherings of groups of people, whether adults or children, putting children at risk whenever they are outside, whether out playing with friends or in school. As noted above, US drones have so far killed at least 204 children in Yemen, Pakistan and Somalia.

There is no denying that US drone strikes kill children in violation of this most basic human right. And not only are children killed, but - to use the military slang of drone pilots - hundreds of children have become "bug splats", killed by drones whether specifically targeted or not.

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*Seven year old Nabila was caring for her cow, when a missile struck a few feet away from her on 24 October 2012. Nabila, and her grandmother, who was nearby picking vegetables, immediately ran for their house. Before they could make it, though, a second missile struck, killing her grandmother and imbedding shrapnel in Nabila’s arm. When Kaleem, Nabila’s older brother heard the blast, he ran out the house to try and help his grandmother. He soon realised that there was nothing he could do as his grandmother’s body was in pieces. Approximately five minutes later, the drone returned and struck again, severely injuring, Kaleem, and knocking him unconscious.*
When Nabila’s father Rafik heard about the strike he rushed back from work only to find his older sons digging his mother’s grave. Nabila and her younger siblings are now left without a caregiver, as Rafik has to work to bring bread to the family table. At only seven, Nabila witnessed the violent death of her grandmother, the closest she had to a mother figure.

Click to watch BBC’s Report: ‘Drone strike killed my grandmother outside our house’

There is a lack of political will to investigate child casualties and the US keeps its drone programme shrouded in complete secrecy. In March 2013, US Senator Rand Paul spoke on the senate floor for 13 hours in an attempt to delay John Brennan’s nomination for CIA chief over the issue of the secrecy of the drones programme. Senator Paul could not get an answer from the administration over whether the President could order a drone strike on US soil. Given the lack of transparency the US Government affords its own citizens, there is little hope that it will ever investigate the deaths of children and casualties of its drone programme in the marginalised communities of Pakistan, Somalia and Yemen.

Despite the US Government’s secrecy, stories have started to emerge from drone-affected communities, and the process of documenting the myriad of children’s rights violations stemming from the programme has begun.

US drones often target homes and community gatherings where children would naturally be present. For instance, of six drone strikes which have already occurred in Pakistan in 2013, half targeted homes. Fourteen year-old victim, Faheem Qureshi, offers a vivid description of the moment when drone missiles struck his uncle’s home, where he was visiting, to the ‘Living Under Drones’ research team:

On the night of January 23 2009, in the village of Zeraki in North Waziristan, relatives and neighbours gathered for tea and conversation in the hujra [reception area of a Waziri home]...Also in the hujra were Khalil’s nephews, twenty-one-year-old Azaz-el-Rehman Qureshi and fourteen-year-old Faheem Qureshi. His female family members were present, as were children, but they were in a nearby space...At about 5:00 that evening, they heard the hissing sound of a missile and instinctively bent their heads down. The missile slammed into the center of the room, blowing off the ceiling and roof, and shattering all the windows. The immense pressure from the impact cracked the walls of the attached house, as well as those of neighboring houses....Faheem, who stated that he was approximately ten footsteps away from the center of the hujra, suffered a fractured skull and received shrapnel wounds and burns all over the left side of his body and face. All others in the hujra—at least seven, but as many as 15 people—were killed.[10]

2. Children’s Right to an Adequate Standard of Living: CRC Art. 27
The harm which the US’s drone programme has caused children does not end at the threat of death or injury. There are a host of knock-on effects with dire consequences, including the violation of children’s right to an adequate standard of living.

The economic hardship drones cause is severe - They destroy homes, cause the loss of families’ wage earners and lead to unaffordable medical costs. In poor countries lacking any sort of social safety net, the financial shock of the loss of a life or home can throw a family into a cycle of debt and poverty.

A large percentage of drone strikes have been on homes; for instance more than 25 strikes in Yemen have hit at least one home.[11] In Pakistan, Yemen and in Somalia (and indeed in much of the world) a family’s home is likely to be its primary asset. Thus, among the devastating consequences that the shelling of homes can have on families is the obliteration of whatever assets and economic security that a family might have had.

Furthermore, the particular housing customs in Pakistan extend the financial harm that families suffer from drone strikes. Extended families tend to live together in housing complexes containing several small individual homes. Researchers for the “Living Under Drones” report learned about how the effects of drone strikes are exacerbated in these circumstances.

“Many interviewees told us that often strikes not only obliterate the target house, usually made of mud, but also cause significant damage to three or four surrounding houses. Such destruction exacts a significant cost on communities, especially in a place like FATA where ‘underdevelopment and poverty are particularly stark,’ and savings, insurance, and social safety nets’ are largely unavailable.”[12]

Researchers from the “Living Under Drones” study identified a direct link between drone strikes and child labour in Pakistan. When a key earner is lost in a drone strike, the study says, “families struggle to compensate for the lost income, often forcing children or other younger relatives to forgo school and enter the workforce at a young age.”[13]

“In all three countries, the threat of drone strikes has been linked to displacement. Unable to prevent—or even predict—when drones will strike, families in Yemen, Pakistan and Somalia
have left their communities and livelihoods and became internally displaced persons (IDPs), often with dire economic consequences. For instance, in Yemen, Ahmad Khulani, head of the observation committee formed to help evacuating residents, said that many of the tens of thousands of people fleeing Abyan province are doing so because they fear drone strikes.[15]

"Who can we complain to for the death of a relative? We will not come back to this city."
Salma Ja’afar, a housewife who left Abyan for Aden[16]

### 3. Children’s Right to Health: CRC Art. 24

**Children’s Physical Health:**

Beyond the direct injuring and maiming of children noted above, arguably the most egregious violation of children’s right to health by the US’s drone programme is the targeting and striking of health facilities, such as the attack on Al-Razi hospital in Abyan Yemen in September 2011.[17] Before the strike that destroyed it, this hospital, which featured a paediatric ward, was the only functioning hospital in the region. Currently, residents must seek medical aid from the post office, where provisional services have been set up.

The context in which the US operates its drone programme compounds violations of this vital right. As noted above, one factor which unifies the plight of drone-affected communities in Somalia, North Waziristan (in Pakistan) and Yemen is lack of access to health facilities. For instance, North Waziristan suffers from a dearth of basic health facilities—from emergency medical centres to adequate hospitals. UNICEF reports that in the FATA region, where many drone strikes occur, 450 community health centres were closed by the Government in 2010 due to the unwillingness of personnel to work in the region.[18] Drone strike victims must travel to Peshawar for medical treatment, where they only have recourse to private hospitals, receiving treatment costing many times the average annual income in their communities.[19] Similarly, in Yemen, where almost half of the population is food insecure, health services have broken down to such an extent that much of the population is at risk of epidemics.[20] According to UNOCHA in Yemen: “Following the breakdown in public services, more than five million people lack access to basic health care....”.[21] Because of the lack of health infrastructure in drone-affected areas, victims must make long journeys to seek care from hospitals in Aden or Sana’a. Once there, it is likely that the hospitals will be unable to supply the specialised treatment victims need. The necessary tertiary care must be sought outside Yemen’s borders, at a high cost. The situation is little different in Somalia, where the World Health Organization reports that, “health standards in Somalia are reported to be among the worst in Sub-Saharan Africa because of widespread poverty, frequent famines and civil strife...”.[22]

The drone programme itself compromises children’s access to emergency services. As explained in the section on denial of humanitarian access above, the US practice of using so-
called ‘double taps’ (striking the same location more than once in quick succession) works to ensure that in subsequent strikes, humanitarian actors will delay assistance to avoid being hit in a double tap. First responders and humanitarian agencies have learned from hard experience that to ensure their own safety, they must delay their response—sometimes for hours.

**Children’s Mental Health and Psychological Trauma:**

While drone strikes physically injure some children, the constant, terrorising presence of drones overhead traumatises whole populations of children. Testimonies from community members in Pakistan and Yemen have led researchers to one conclusion: the US drone programme is having a profound and possibly irreversible psychological effect on children.

One of the most frequently cited psychological ailments is post-traumatic stress disorder (PTSD). The PTSD in this context has a dual root cause: the constant presence of the hovering drone serves as a continuous reminder to children of death, while the community’s inability to predict when strikes will occur, or who the drone will target, means people are perpetually insecure. The result is that entire communities, more than half of which are comprised of children, live with a constant, physical reminder that their death or that of their family members could come at any, arbitrary moment.

Dr. Peter Schaapveld, a clinical and forensic psychologist and an expert in psychological trauma, conducted an assessment of the psychological impact of drone strikes on communities in Adan, Yemen, in February 2013. He described what he found as a ‘psychological emergency’ and said that of the 28 victims interviewed, approximately 99% had some type of traumatic disorder. For nearly all of the subjects, the triggering incident for their mental health problem was an air strike. All continue to be affected by, and prevented from recovering, by the presence of drones. He stated that the constant presence of drones means that residents are consistently re-traumatised and recovery is virtually impossible:

> “What I saw in Yemen was deeply disturbing. Entire communities – including young children who are the next generation of Yemenis - are being traumatised and re-traumatised by drones.”[23]

He noted that the most disturbing finding was the dire impact on children, and that the overwhelming concern of community members was the impact on children.[24] Dr Schaapveld found that those examined were suffering from attachment disorders (either clinging to parents or behaving in an aloof, disconnected manner, essentially withdrawing). They also exhibited a severe fear of noise, a lack of concentration, a loss of interest in pleasurable activities and infrequent or non-existent school attendance. He further described children as appearing as "hollowed-out shells of children" who looked "sullen" and had "lost their spark".[25]
Dr. Schaapveld describes the case of eight-year-old Yasmin,[26] who witnessed a presumed drone strike on her next door neighbour’s house. Before a strike hit the house next door she was a keen student. After the strike she has been restless and unable to concentrate on studying. She is also resistant to attending school. She is hyperactive and argumentative, has hallucinations and dreams of chaos and dead people. She frequently vomits at the sounds of drones and airplanes; indeed she vomited as she passed the airport on her journey to the clinic:

“Her father said that she vomits every day, and also when she hears aircraft, or drones, or anything related. She said, in her own words, 'I am scared of those things because they throw missiles.'...She has been waking terrified from her sleep. She points to the ceiling and says ‘people there want me to suffocate. ‘Her dreams are of dead people, planes and people running around scared’.”[27]

According to Dr. Schaapveld, persistent traumatic experiences were damaging the brains of child victims such as Yasmin and the two cases described here:

**Jamil (not his real name) was seven years old and had experienced air strikes since 2012. He regularly woke up screaming, and was startled by loud noises. He was ‘spaced out’, characteristics of dissociative re-experience of the trauma. He was now doing poorly at school. Murad (not his real name), aged 17, often re-experienced the trauma of watching his friend burn to death after a drone strike. He told Dr. Schaapveld that he used to be interested in Western music and films but had now lost all interest. He appeared withdrawn.**

Researchers in drone-affected communities in Pakistan had similar findings. For instance, Michael Kugelman of the Woodrow Wilson International Center for Scholars, reports: “I have heard Pakistanis speak about children in the tribal areas who become hysterical when they hear the characteristic buzz of a drone.”[28] Similarly, a person interviewed for the “Living Under Drones” report described how children are affected:

“When [children] hear the drones, they get really scared, and they can hear them all the time so they’re always fearful that the drone is going to attack them... [B]ecause of the noise, we’re psychologically disturbed—women, men, and children...Twenty-four hours, [a] person is in stress and there is pain in his head.”[29]

Researchers for the report found that the consequences of drone use on communities and individuals included emotional breakdowns; running indoors or hiding when drones appear above; fainting; nightmares and flashbacks; hyper startled reactions to loud noises; outbursts of anger or irritability; loss of appetite; and insomnia. A mental health professional working with drone-affected communities in Pakistan explains his concerns:

“The biggest concern I have as a [mental health professional] is that when the children grow
up, the kinds of images they will have with them, it is going to have a lot of consequences. You can imagine the impact it has on personality development. People who have experienced such things, they don’t trust people; they have anger...So when you have these young boys and girls growing up with these impressions, it causes permanent scarring and damage.”[30]

Finally, it is important to note that the places where drone strikes occur in all three countries are places where it is least likely that children would have access to psychological care.

4. Children’s Right to Education: CRC Art. 28

“I wanted to be a doctor, but I can’t walk to school anymore. When I see others going, I wish I could join them.” Saidullah Khan, who has since died, lost both legs and an eye in a 2009 strike on his home when he was 15 years old. [31]

Children in the three countries targeted by the US’s drone programme already face immense challenges in terms of their ability to access education. The affected regions are impoverished and lack educational infrastructure. In the FATA region of Pakistan, schools—particularly girls’ schools—have been targeted and attacked by armed non-state actors.

There is no question that drones make this worse. It has been well-documented that parents pull their children from school because they fear that the schools will be struck or that children will be targeted while travelling to and from school. As reported by the ‘Living under Drones’ research team:

“One father, after seeing the bodies of three dead children in the rubble of a strike, decided to pull his own children out of school. ‘I stopped [them] from getting an education,’ he admitted. ‘I told them we will be finished one day, the same as other people who were going [to school] and were killed in the drone attacks.’ He stated that this is not uncommon: ‘I know a lot of people, girls and boys, whose families have stopped them from getting [an] education because of drone attacks.’ Another father stated that when his children go to school ‘they fear that they will all be killed, because they are congregating.’ Ismail Hussain, noting similar trends among the young, said that ‘the children are crying and they don’t go to school. They fear that their schools will be targeted by the drones.’

Mohammad Kausar, a father of three, explained: ‘ Strikes are always on our minds. That is why people don’t go out to schools, because they are afraid that they may be the next ones to be hit.’ A college student, whose brother was killed in a drone strike, told us that in some
cases, staff and teachers also ‘don’t come because of these drone strikes. The principal and maybe a few nominal staff come just for presence, but, apart from that, nobody comes . . . other people are scared to come to our places to teach us.’” [32]

As stressed in the testimonies related above, parents and children fear school for two primary reasons: the US’s use of ‘signature strikes’ makes people—including children—fear gathering in groups as they believe that this could lead the US to classify them as militants; and parents and children fear school because schools have been directly targeted and struck. As outlined in the section above on attacks on schools, TBIJ has identified more than ten strikes on current or former schools, including one in which 69 children were killed.

“We managed to compile a list comprising the ages and addresses of those who fell prey so that we could tell the world that there was no terrorist in the madrassa and no militancy training was going on there.”[33]

For children who do make it to school, the effects of drones impair their ability to learn. As Dr. Schaapveld found in his research of drone-affected communities in Yemen, effects of post-traumatic stress disorder on children include not wanting to go to school, and being unable to form relationships or play with other children. Similarly, in Pakistan, Faheem Qureshi, who was the sole survivor of an attack on a home which left him disabled, now struggles with attention, cognitive, and emotional difficulties. In his words:

Our minds have been diverted from studying. We cannot learn things because we are always in fear of the drones hovering over us, and it really scares the small kids who go to school. . . . At the time the drone struck, I had to take exams, but I couldn’t take exams after that because it weakened my brain. I couldn’t learn things, and it affected me emotionally. My [mind] was so badly affected . . . [34]

Fourteen year-old Mohsin Haq similarly described the effect of drones on some of his classmates, who have dropped out, and discusses his hopes for the future:

“[t]hey are mentally disturbed. They can’t focus. They’re just too worried about their family. They’re not sure about anything, so school doesn’t make sense to them.” [The children in my community] are very optimistic that someday, when these things do stop, they will continue with their life as they were before, start going to school again. They still dream about a bright future, about the aspiring people they want to be, the future administrators, the future principals of the schools, and teachers and future politicians. . . . Every family, everybody, they do want to think about their bright futures, their prosperous jobs, and their young kids. But they can’t think like that because of these drones, because of this uncertainty.” [35]
**Justice for victims of drone strikes**

Drone strikes against civilians are clearly unlawful and constitute violations of the fundamental human right to not be arbitrarily deprived of life. The US drone programme targets civilians, including children, violating children’s rights as outlined in the CRC and other human rights instruments.

The UN Special Rapporteur on Counter-Terrorism and Human Rights recently launched an inquiry into the civilian impact, and human rights implications of the use of drones and other forms of targeted killing for the purpose of counter-terrorism and counter-insurgency.

According to the Special Rapporteur, States are under an international law obligation to establish effective independent and impartial investigations into any drone strike in which it is plausibly alleged that civilian casualties were sustained.

**What you can do to help fight the US’s drone programme and its violation of children’s rights:**

1. Get in touch with Reprieve to arrange an opportunity to discuss how you can use your expertise to address these issues: Contact Us

2. Follow Reprieve’s twitter feed to receive regular updates on drones and anti-drone actions

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[5] The U.S. military refers to these as ‘double taps’

[6] Ibid. p.76

[7] In 2012, Stanford and New York Universities released *Living Under Drones*, one of the most comprehensive studies to date on the impact of drones on communities in Pakistan. The study was conducted over a nine month period. The team conducted 130 interviews with victims, communities, civil society, and government, as well as thousands of pages of document review.
[9] Ibid. p. 75
[13] Ibid.
[14] “Civilian Harm and Conflict in Northwest Pakistan.” Campaign for Innocent Victims in Conflict (CIVIC); 2010, p. 62
[18] UNICEF Pakistan Annual Report p. xvii
[25] Ibid.
[26] Not her real name
[31] Saadullah, drone victim who lost both legs and an eye quoted in ‘Pakistani civilian victims vent anger over US drones, Orla Guerin, BBC; 3 November 2011.
[33] Maulana Haroonur Rashid, member of the National Assembly, quoted in ‘Most Bajaur victims were under 20’, The News; 5 November 2006.
[34] Living Under Drones; Death, Injury, and Trauma to Civilians From US Drone Practices in Pakistan.” International Human Rights and Conflict Resolution Clinic Stanford Law School & Global Justice Clinic NYU School of Law. September 2012 p.87
[35] Ibid p.87