

# CHILD SOLDIERS



## Global Report 2008



COALITION TO STOP THE USE OF CHILD SOLDIERS

Girl soldiers and others gathered at a Communist Party of Nepal (Maoist) event in Tila, Rolpa district, Nepal.

*Cover photo © Marcus Bleasdale 2005*

The Coalition to Stop the Use of Child Soldiers was formed in May 1998 by leading non-governmental organizations to end the recruitment and use of child soldiers, both boys and girls, to secure their demobilization, and to promote their reintegration into their communities. It works to achieve this through advocacy and public education, research and monitoring, and network development and capacity building.

The Coalition's Steering Committee members are: Amnesty International, Defence for Children International, Human Rights Watch, International Federation Terre des Hommes, International Save the Children Alliance, Jesuit Refugee Service, and the Quaker United Nations Office – Geneva. The Coalition has regional representatives in Africa, the Americas, Asia and the Middle East and national networks in about 30 countries. The Coalition unites local, national and international organizations, as well as youth, experts and concerned individuals from every region of the world.



**COALITION TO STOP THE USE OF CHILD SOLDIERS**  
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# **Child Soldiers**

## **Global Report 2008**

This report covers the period from  
April 2004 to October 2007.

# Countries/situations where children were recruited

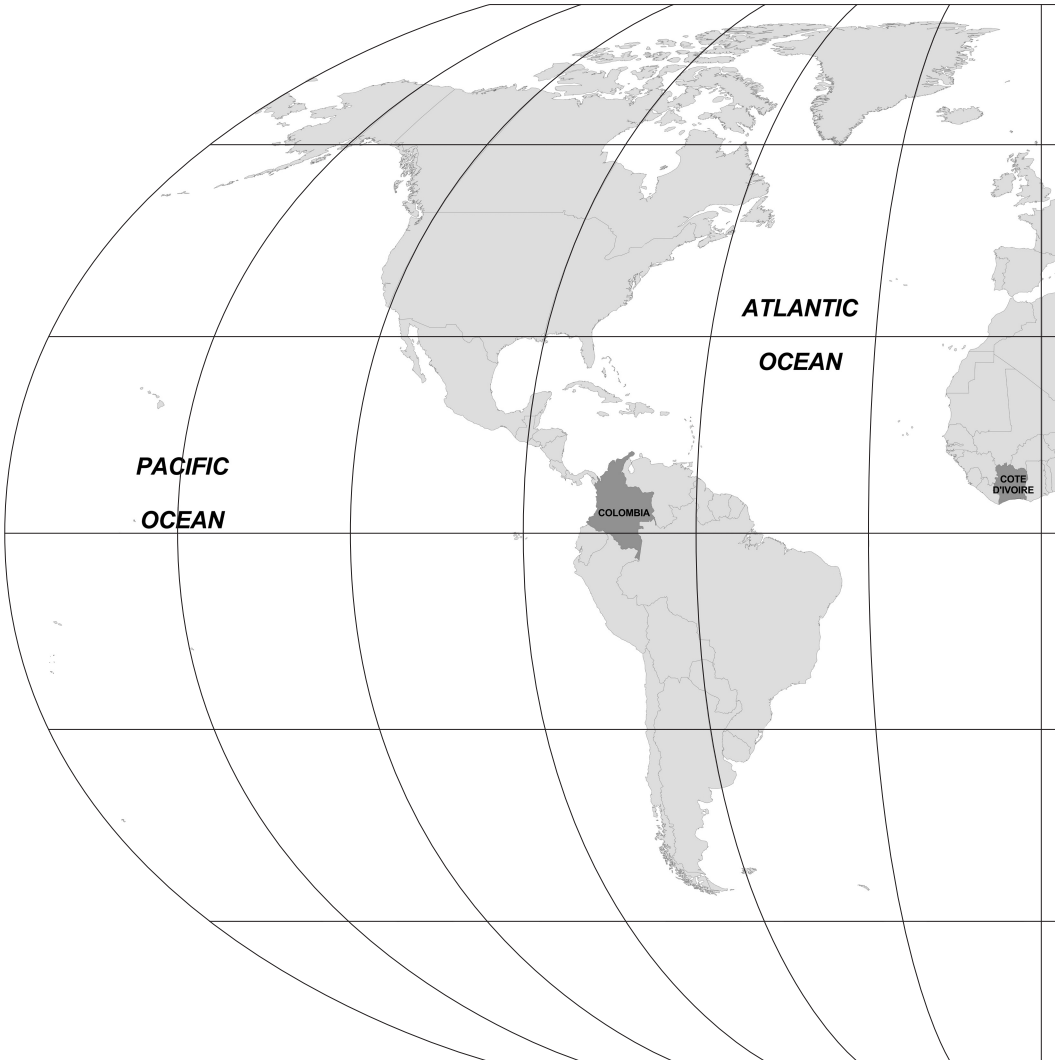
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Central African Republic  
Chad  
Cote d'Ivoire

Democratic Republic of the Congo  
Somalia  
Sudan  
Uganda

## **Americas and the Caribbean**

Colombia



# or used in hostilities – April 2004 to October 2007

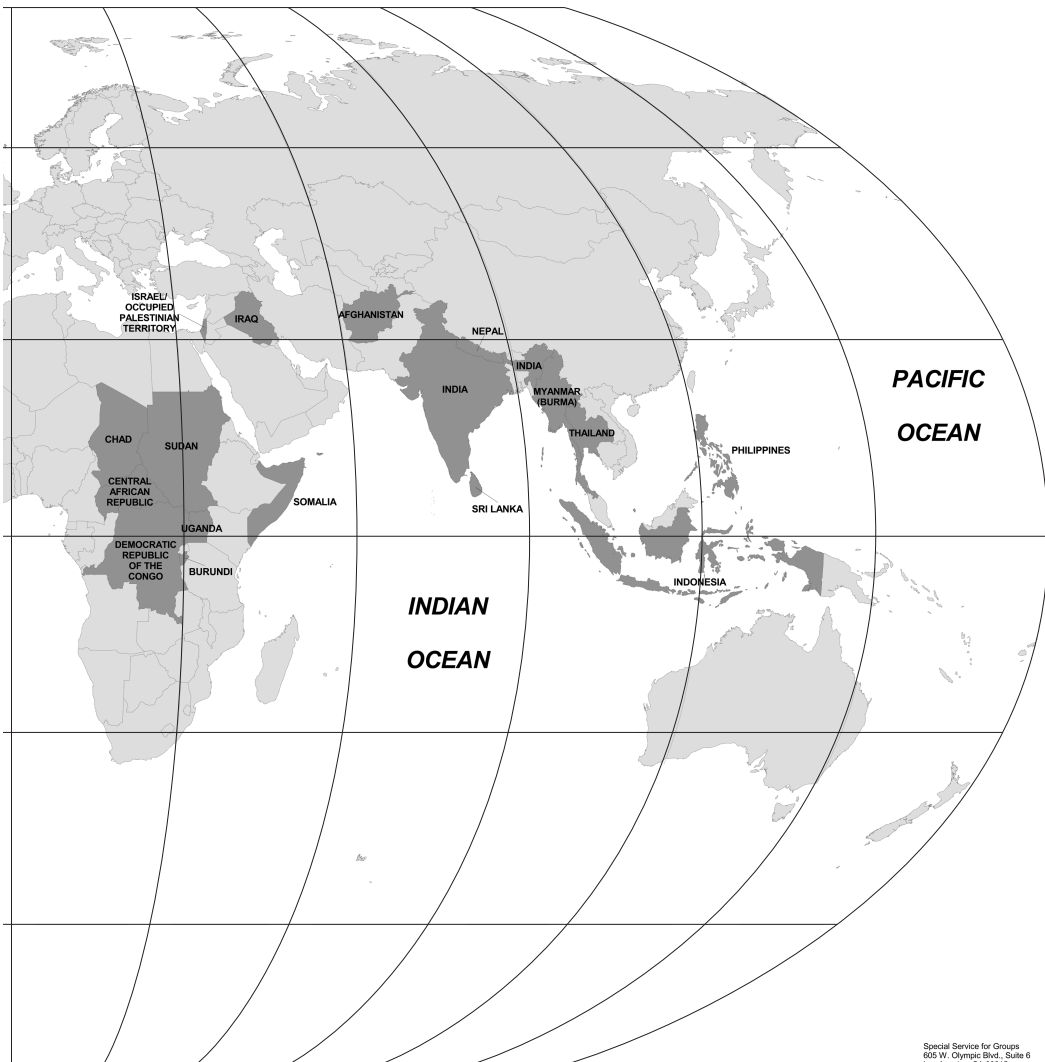
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Sri Lanka  
Thailand

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Israel/Occupied Palestinian Territory



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This report covers the period from April 2004 to October 2007. It contains detailed information on child soldier recruitment and use in 197 countries. Where relevant, information is provided on disarmament, demobilization and reintegration programs, and on justice and accountability measures to address the problem.

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This report is dedicated to child soldiers and their children.

**Dr Victoria Forbes Adam**  
**Director**  
**London April 2008**

# Preface

Child soldiers. Two simple words. But they describe a world of atrocities committed against children and sometimes by children. Committed in many different countries and often hidden from the public eye. We know how devastating these experiences are for children – thanks to the courage and determination of those who have spoken out and called on the international community to take action on their behalf.

This Global Report, the third produced by the Coalition to Stop the Use of Child Soldiers, elaborates on progress over the past four years, confirming for example, that tens of thousands of child soldiers have been demobilized during this period. But as this meticulously documented report shows, tens of thousands more have remained in or been newly recruited and used in armed conflicts – primarily by non-state armed groups, but also by some national armies. Governments have failed to prevent the use of children by proxy forces and child soldiers who have escaped or been captured have been used as spies or sources of intelligence rather than provided with rehabilitation and reintegration support. Numerous governments persist in recruiting under-18 year olds into national armies, exposing them to military discipline, hazardous activity, bullying, abuse and possible deployment to war zones.

There is an urgent need to increase all our efforts to prevent and eradicate the recruitment and use of children in armed conflict.

The Global Report 2008 shows that achieving this goal is far from easy. Nevertheless, there is reason for hope. An

impressive and unprecedented number of international instruments are in place to support efforts to “stop the use of child soldiers”. They testify to an emerging global consensus on this damaging practice. The Optional Protocol on the involvement of children in armed conflict has been ratified by 120 states; special war crime tribunals and the International Criminal Court are becoming a more important means for bringing the perpetrators of crimes against children to justice. The Security Council has established a working group to closely monitor developments in states where child soldiers are used and the UN has devoted substantial resources to this problem. Most recently, the Paris Principles and Guidelines on children associated with armed forces and armed groups have been endorsed by 66 governments – they have pledged to work for the release of all child soldiers from fighting forces, and to support programs which genuinely address the complex needs of returning child soldiers.

In short, a rich body of international instruments exists. Our challenge is to ensure they are used to maximum effect. This will involve well-coordinated and multi-faceted actions by a wide range of actors, the exertion of pressure where it is needed, and sustained funding for programs to assist returning child soldiers and other war-affected children. Ultimately, success will depend on addressing root causes and building societies where the rights and dignity of all children are upheld.

Last but not least, organizations like the Coalition to Stop the Use of Child Soldiers have played a vital role in the

global movement to definitively end child soldiering. For ten years the Coalition has served as an independent global monitor for child soldiers; they have tirelessly advocated for the right of all children to protection from military exploitation; and they have substantially contributed to the policy and human rights agenda regarding child soldiers. Their partnerships with grassroots organizations working with and for children in conflict zones have greatly enriched all our knowledge of the realities on the ground, and the challenges to be met if we are to achieve our goals.

This Global Report is an important record of progress made and the many obstacles yet to be overcome. May it inspire us all to renew our efforts so that one day in the near future we can shout: “Children are free from involvement in war at last!”

**Professor Jaap E. Doek**  
**Chairperson**  
**Committee on the Rights of the Child**  
**2001 to 2007**



*Ethnic Wa child soldier in the ceasefire group, the United Wa State Army, at a Wa region checkpoint, Shan State, northern Myanmar*

## INTRODUCTION

# Child soldiers: progress, but too little

We feel different because of the way other children look at us; it seems as if we are not children born from this land. They view us as though we come from a different place.

You cannot be completely happy with all these wounds – both in your body and in your mind.<sup>1</sup>

Four years is a long time in a child's life. Much can happen that will touch the rest of their lives for good or for ill. Some children may live their lives in situations of peace and security. For countless others war continues to be all too real. Over this aspect of the adult world they have little say and no control.

Four years is sufficient for substantial developments in the life of a global movement. The last *Global Report* was published by the Coalition to Stop the Use of Child Soldiers (Coalition) in November 2004; since then the movement to end the use of child soldiers has seen continued progress towards a universal consensus against their use in hostilities, witnessed by the fact that over three-quarters of states have now signed, ratified or acceded to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

On the ground, the consensus would appear to be reflected most clearly by a decrease in the number of conflicts in which children are directly involved – from 27 in 2004 to 17 by the end of 2007. The Coalition's research for this *Global Report* shows, however, that that this downward

trend is more the result of conflicts ending than the impact of initiatives to end child soldier recruitment and use. Indeed, where armed conflict does exist, child soldiers will almost certainly be involved. The majority of these children are in non-state armed groups, but the record of some governments is also little improved.

The figures for conflict do not reveal the whole picture. The military recruitment of children (under-18s) and their use in hostilities is a much larger phenomenon, that still takes place in one form or another in at least 86 countries and territories worldwide. This includes unlawful recruitment by armed groups, forcible recruitment by government forces, recruitment or use of children into militias or other groups associated with armed forces, their use as spies, as well as legal recruitment into peacetime armies.

The findings make it clear that, despite the high level of international attention on the issue, the impact of that attention is yet to be felt by many children who are, or are at risk of becoming, child soldiers. They have reinforced the fact that a complex range of co-ordinated responses by multiple actors are required to achieve the goal

of preventing children's involvement in armed conflict, obtaining their release and supporting successful reintegration. This will involve a more explicit recognition of child soldiers on the agendas of those involved in a whole range of initiatives, from conflict prevention, peacemaking and mediation through to peace-building and longer-term development.

Ultimately, if, over the next four years, the international community is to make good its promise to protect children from military exploitation, the level of political will, the amount of human and financial resources, the adherence to established best practice and the quantity as well as the quality of collaborative effort and imaginative endeavour must all be multiplied.

# Overview

## *International efforts continue*

The international framework to protect children from involvement in armed forces and groups has been reinforced and efforts have focused increasingly on field-level implementation.

The first important steps towards establishing individual criminal responsibility for those who recruit and use children in hostilities have been taken. War crimes charges relating to the conscription, enlistment and active participation in hostilities of children under 15 years old have been issued by the International Criminal Court (ICC) against members of armed groups in the Democratic Republic of the Congo (DRC) and Uganda. A landmark in international justice was forged by the conviction in 2007 by the Special Court for Sierra Leone of four people on charges that included the recruitment and use of children during the civil war. 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.

The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Optional Protocol) – the most specific prohibition of child soldiers under international law – has now been ratified by 120 states, up from 77 in mid-2004. The United Nations (UN) Committee on the Rights of the Child began to examine state party reports on the Optional Protocol implementation in January 2005. Their concluding observations are generating an increased momentum towards developing modalities for protecting children from military recruitment and use, as well as providing an insight into further measures

that many governments must take if they are to achieve this goal.

Building on previous actions, the UN Security Council adopted resolutions 1539 (2004) and 1612 (2005) calling for the establishment of a monitoring and reporting mechanism on children and armed conflict. Now set up in around a dozen countries, the mechanism is tasked with documenting six categories of grave abuse against children, including recruitment and use of child soldiers, in the situations of armed conflict listed in the annexes of the UN Secretary-General's regular reports on the topic. A Security Council working group on children and armed conflict was set up in 2005 to review reports submitted under the mechanism and to monitor progress in the development and implementation of time-bound action plans by warring parties to end their recruitment and use of child soldiers. The working group has issued conclusions based on the reports, transmitted letters and appeals to parties engaged in violations, and taken a range of other actions on situations where abuses against children have been committed.

The first actions by the Security Council to apply targeted measures against individuals specifically for recruiting and using children were taken in 2006, when a travel ban was imposed on an armed group leader in Côte d'Ivoire. A Security Council resolution the same year sought to subject to travel bans and asset freezing leaders in the DRC who recruited or used child soldiers.<sup>2</sup>

Regional bodies have also continued to focus attention on this issue. The European Union's (EU) 2003 Guidelines on children and armed conflict were given practical direction by an implementation strategy issued in 2006. The same year a checklist on integration and protection of children was adopted to ensure that child rights and protection concerns are systematically addressed in European Security and

Defence Policy (ESDP) operations and mission planning. The African Union (AU) renewed its calls for its member states to ratify the African Charter on the Rights and Welfare of the Child by the end of 2008 and to enact relevant implementing legislation by 2010. The Charter requires state parties *inter alia* to refrain from recruiting children and to ensure that they do not take direct part in hostilities.<sup>3</sup>

On the ground, tens of thousands of child soldiers have been released from armies and armed groups since 2004 as long-running conflicts in sub-Saharan Africa have ended. A major initiative to gather and compile accumulated experience from the demobilization, disarmament and reintegration (DDR) of child soldiers around the world culminated in the Paris Principles and Guidelines on children associated with armed forces or armed groups (Paris Principles). Endorsed by 66 governments at ministerial meetings in February and October in 2007, including many from conflict-affected countries, the Paris Principles offer guidance on protecting children from recruitment and on providing effective assistance to those already involved with armed groups or forces.

The large-scale recruitment and deployment of children by government forces in countries such as Burundi, Côte d'Ivoire, Guinea and Liberia ceased with the end of conflicts. More than half of countries worldwide have set the minimum age at which an individual can enter the military, including for training, at 18.

In response to international pressure and local initiatives, several armed groups have committed themselves to ending the recruitment and use of children. Groups in Côte d'Ivoire and Sri Lanka are working with the UN to develop and implement time-bound action plans to release children and prevent their recruitment. Ethnic armed groups in Myanmar have agreed to do likewise.



## ***Real protection requires redoubling of effort***

While the general direction is positive, the pace of progress is slow and its impact is not yet felt by the tens of thousands of children in the ranks of fighting forces. The international framework offers little real protection for countless others who are at risk of recruitment and use in conflict.

The Coalition has documented information on 21 countries or territories where children were deployed to areas of conflict between April 2004 and October 2007. Within this period conflicts ended in two of the 21 – Indonesia and Nepal – and so too did child soldier use there. Although this is fewer than the preceding four years, the Coalition’s research reveals a number of disturbing findings that make it clear that the efforts to date have been insufficient.

The first of these findings is perhaps the most stark. It is this: when armed conflict breaks out, reignites or intensifies, children will almost inevitably become involved as soldiers. The Central African Republic, Chad, Iraq, Somalia and Sudan (Darfur) are all cases in point.

Next, efforts to demobilize children during conflict have met with only limited success. Peace remains the main hope for securing the release of child soldiers from armed forces and groups, a fact that further reinforces the importance of child protection being integral to peace negotiations, as well as the need for explicit provisions relating to child soldiers in ceasefire and peace agreements.

The impact of efforts to end child soldier recruitment and use by armed groups has been similarly limited. Armed groups in at least 24 countries located in every region of the world were known to have recruited under-18s and many have used them in hostilities. Many have proved resistant to pressure and persuasion. Their widely diverse characters, aims and

methods, and the varied environments in which they operate militate against generic solutions. Effective strategies must be multifaceted and context-specific. Above all, they must address root causes. Poor governance and its effects, including impoverishment, inequality, discrimination and human rights abuses, are all known to contribute to the risk that children will be recruited by armed groups. While such conditions persist, children will remain vulnerable to involvement in armed forces and groups.

The number of governments that deployed children in combat or other frontline duties in their armed forces has not significantly decreased since 2004. Children have been used in armed conflict by government forces in nine situations compared with 10 in the previous four-year period. The most notable offender remains Myanmar, whose armed forces, engaged in long-running counter-insurgency operations against a range of ethnic armed groups, are believed to contain thousands of children. Children were also reported to have been used in hostilities in Chad, the DRC, Somalia, Sudan and Uganda. Additionally, Palestinian children were used on several occasions by defence forces in Israel as human shields. There were reports of child soldier use by Yemeni armed forces in fighting in 2007. A few under-18s in the UK armed forces were sent to Iraq.

The flouting of international standards by governments extends beyond official armed forces. Children in at least 14 countries have been recruited into auxiliary forces linked to national armies; into local-level civilian defence groups established to support counter-insurgency operations; or into militias and armed groups acting as proxies for government forces. In at least eight countries children were used as spies and for other intelligence-gathering purposes, placing them at risk of reprisals and ignoring government responsibilities

to provide protection and reintegration assistance.

**Governments which used child soldiers in armed conflict between April 2004 and October 2007.**

Chad  
Democratic Republic of the Congo (DRC)  
Israel  
Myanmar  
Somalia  
Sudan & Southern Sudan  
Uganda  
Yemen  
Additionally, the United Kingdom deployed under-18s to Iraq where they were exposed to risk of hostilities

Despite growing knowledge of best practices for the disarmament, demobilization and reintegration (DDR) of child soldiers, lessons learned from past efforts have continued to be overlooked in the implementation of official programs. In many DDR processes the needs of child soldiers were not prioritized and in some were entirely overlooked. Reintegration programs were frequently not tailored to their specific needs and have suffered from chronic under-funding.

The repetition of mistakes has been acute in relation to girls. The special needs and vulnerabilities of girls affected by armed conflict have long been recognized, yet they are not well served by DDR processes. The vast majority of girls associated with fighting forces do not participate in official DDR programs and are not catered for in post-demobilization support. Specialized medical care for physical injury resulting from rape or sexually transmitted diseases is rarely available. Girl mothers and their children, often born of rape, are known to be particularly vulnerable, but continue to

suffer stigmatization and rejection by their families and communities.

Universal responsibilities under the Optional Protocol to protect children against recruitment and to promote the recovery and reintegration of former child soldiers have yet to be fully realized. When former child soldiers flee their country of origin, asylum processes and special measures facilitating their recognition as refugees are frequently lacking in destination countries, as is the provision of adequate services for their recovery and social reintegration. The legal framework to criminalize the recruitment and use of child soldiers and to establish extraterritorial jurisdiction over such crimes is also far from complete.

Finally, many state parties have undermined the spirit, if not the letter, of the Optional Protocol by continuing to target under-18s for military recruitment. While a number of states have raised the age of voluntary military recruitment within the past four years, at least 63 countries permitted the voluntary recruitment of children by their armed forces; 26 were known to have under-18s in the ranks. Others introduced children, often at a very young age, to military culture through military training in schools, cadet corps and various other youth initiatives.

Placing children's rights ahead of military needs requires far-reaching shifts in values and attitudes. Until it is accepted that childhood extends to 18, and that the spirit of the Protocol expects more of states than just amending the age of conscription, children will continue to be at risk of becoming soldiers, especially in times of crisis.

# Governments and international law: a measure of progress

Almost two-thirds of the world's states have ratified the Optional Protocol, and others have prohibited the recruitment and use of child soldiers in domestic law or regulations. However, the gap between what governments say and what they do remains wide.

## *Children sent to war*

A small number of states persist not only in recruiting children but also in exposing them to the physical and psychological dangers of combat. Despite repeated denials by the government, there is evidence that Myanmar continues to recruit large numbers of children into its armed forces – often forcibly through intimidation, coercion and violence – and to use them in a range of combat and non-combat roles. In Chad, children were among those rounded up in hasty manpower drives in 2006 and deployed to defend the capital against armed groups; in Somalia, the Transitional Federal Government allegedly recruited and used children during intense fighting for control of Mogadishu in late 2006; in Sudan, children have been used in Darfur by the Sudan Armed Forces and in the south of the country by the Sudan People's Liberation Army (SPLA); and in Uganda, children who escaped from the Lord's Resistance Army (LRA), or were captured or released from it, were pressured to join the government defence forces to fight the LRA.

Additionally, there were reports that Palestinian children have been used on several occasions by the Israeli Defense Forces as human shields. In the Philippines children were reported to be in paramilitary units used to support counter-insurgency efforts. In Yemen, there are unconfirmed reports that untrained children as young as 15 were given weapons and sent to the front against an armed group in early 2007. Additionally, a few British under-18s were sent to Iraq as recently as mid-2005. Although most were swiftly removed, they were, in the meantime, exposed to risk of hostilities.

## *State responsibility at arm's length*

The responsibility of governments extends beyond their official armed forces to militias and armed groups which they support or which act as proxy forces.

In Sudan, for example, responsibility for ending the widespread use in hostilities of children by the government-backed Janjaweed militias rests squarely with the Sudanese authorities. The Sudanese government's support for armed groups in Chad and the Chadian government's backing for armed groups in Sudan also render these governments responsible for the recruitment and use of child soldiers by these groups. The government in Sri Lanka cannot escape responsibility for the abduction of children by the Karuna Group, a breakaway group of the Liberation Tigers of Tamil Eelam (LTTE) that was linked to government armed forces. Likewise, the government of Côte d'Ivoire is accountable for recruitment of children in 2004 and 2005 by pro-government militias, many of them former child soldiers from Liberia.

Local-level civilian defence groups established to support counter-insurgency efforts also demand attention. Informally structured and in some cases unregulated by law, such groups include village-level

self-defence forces in Chad; anti-Maoist village defence forces in India; self-defence committees in Peru; civilian volunteer organizations and village defence groups in the Philippines; and local defence units in Uganda. Often located in remote areas, such groups may escape scrutiny and accountability for crimes committed, including the recruitment and use of children.

**Countries where children were recruited and used by paramilitaries, militias, civilian defence forces or armed groups linked to, supported by, or acting as proxies for governments.**

Chad	Myanmar
Colombia	Peru
Côte d'Ivoire	Philippines
DRC	Sri Lanka
India	Sudan
Iran	Uganda
Libya	

In addition, several thousand children and youth received training in paramilitary skills in Zimbabwe's youth militias.

***Child soldiers in detention***

In many situations child soldiers associated with armed groups and captured by government forces have been treated solely as adversaries rather than as children. Contrary to the principle that child soldiers should be treated first and foremost as victims in need of support and assistance for reintegration, some have been detained solely on the basis of their alleged association with armed groups, or for desertion and other military offences while in armed forces. International standards of juvenile justice and the right to fair trial have been violated in situations where child soldiers have been detained for prolonged

periods and subjected to torture or ill-treatment.

Scores of children, some as young as nine, have been detained in Burundi on suspicion of collaboration with the National Liberation Forces (FNL). Some were reportedly severely beaten – one 16-year-old alleged to have been a member of the FNL youth wing was believed to have been unlawfully killed while in custody. In Israel hundreds of Palestinian children have been held under military provisions; incidents of ill-treatment and torture were reportedly common. In one case, a 16-year-old boy was held in solitary confinement for 35 days in 2007 and pressured to become an informant. In the Philippines, detailed policies on the treatment of rescued, captured or surrendered child soldiers by the security forces are not always implemented, and children have been detained beyond the officially sanctioned time-limits and in some cases ill-treated. In both Myanmar and the DRC, child soldiers who have escaped from armed forces have been charged with desertion and sentenced to terms of imprisonment. In the DRC a few children convicted of military offences remained in prison under sentence of death, in contravention of international law.

In Iraq hundreds of children accused of security violations were detained in Multi-National Force – Iraq facilities – where there were reports of abuse – as well as in Iraqi-run facilities. In its “war on terror”, the United States of America (USA) has designated a number of children, some as young as 13, as “enemy combatants” – a status, as used by the USA, that is unrecognized in international law. Several under-18-year-olds were transferred from US custody in Afghanistan to indefinite military detention in the US Naval Base in Guantánamo Bay in Cuba. One such individual is Omar Khadr, a Canadian national shot and captured in a firefight with US forces in Afghanistan in 2002. He has alleged that he was ill-

treated in US custody in Afghanistan and Guantánamo. Six years on he is facing trial before a military commission for offences allegedly committed in 2002 when he was 15. In its case against him, the prosecution suggested that Khadr had become involved with al-Qaeda when he was just 10 years old.

From the start, Omar Khadr and others like him should have been treated primarily as children and as victims. Their treatment should focus on maximizing the potential of the individual for successful social reintegration. Accountability for any criminal acts that may have been committed can be a part of this, but any process to this end must take full account of the age of the child at the time of involvement with an armed group, and not allow the pursuit of punishment to blind the prosecuting authorities to the responsibility of others in his or her predicament.

The use of children – often captured or escaped from armed forces – as spies or informants similarly violates basic human rights principles for the protection of children. It also contravenes government obligations to assist in the recovery of child soldiers and, moreover, exposes children to risks of reprisals. Yet this practice is known to have been carried out by armed forces in Burundi, Colombia, the DRC, India, Indonesia, Israel, Nepal and Uganda during the reporting period.

### ***Recruitment age***

While ensuring that under-18s do not take a direct part in hostilities is an essential component of the pledge to prevent child soldiering, the Optional Protocol demands more. As its Preamble spells out, its goal is the “continuous improvement of the situation of children without distinction”. This suggests the need for serious reflection on whether the inclusion of under-18s in military forces satisfies the ultimate goal of the Convention and its Optional Protocol

– to promote the development and well-being of the child.

Of the 120 states that have ratified the Protocol, almost two thirds have committed themselves in their declarations to set the compulsory and minimum voluntary recruitment ages at 18 or higher. In the past four years the minimum age for voluntary recruitment into the armed forces has been raised to 18 in Chile, Italy, Jordan, the Maldives, Sierra Leone, Slovenia and South Korea. In Nepal, a law that permitted recruitment of under-18s was declared null and void by the Supreme Court.

However, a number of states whose commitment to stopping the use of child soldiers is otherwise not in doubt continue to assert their need to target 16- and 17-year-olds for voluntary recruitment into their own forces. Some openly insist on placing the manpower requirements of their armed forces ahead of children’s rights. Calls to raise the minimum age of voluntary recruitment to 18 have been resisted by armed forces in Australia, New Zealand and the United Kingdom, on the grounds that it would adversely affect the availability of recruits. In the USA, following a dramatic fall in the number of under-18s joining the military and general recruitment shortfalls, increased enlistment bonuses were introduced and minimum educational standards for recruits lowered.

#### **Government armed forces which used children as spies, informants or messengers.**

Burundi	Indonesia
Colombia	Israel
DRC	Nepal
India	Uganda

Resistance to the spirit of the Optional Protocol in the interests of filling the ranks raises questions about the value assigned to child protection. Active targeting of

children – often from deprived backgrounds with fewer educational or vocational options – undermines official claims that such recruitment is genuinely voluntary.

Elsewhere, a stated intention to recruit only those above the age of 18 is undermined by the absence of measures to determine the age of recruits. Registration at birth is the right of every child and is the first of many essential measures that a state must take to build a framework of protection around children. Low birth registration is most prevalent in war-affected and heavily indebted poor countries – precisely those countries where children are most at risk of recruitment and use by armed forces.

The risk of inadvertent under-age recruitment of children because of low birth registration rates was noted in countries such as Bangladesh, Botswana, Ethiopia, Guatemala, Guinea, India, Kenya and Zambia. In Paraguay the lack of birth registration procedures has facilitated the forced conscription of children as young as 12 years old. Elsewhere, for example in Afghanistan and Yemen, inadequate verification procedures to determine the age of new recruits has meant that under-age soldiers were likely to be serving in security forces.

### ***A shift in culture is called for***

By late 2007 the UN Committee on the Rights of the Child had examined initial reports from 28 state parties to the Optional Protocol. The examinations have revealed much about the attitudes of these countries to childhood and how far a state is willing to go to protect children from under-age recruitment and involvement in conflict. The Committee's work shows that the implementation of the Protocol requires more than changes to legislation. Values have to be entrenched if legislative progress

is to prove durable when put to the test by conflict, crisis or emergency.

Military values are often inculcated in the educational and recreational settings where children's physical and intellectual formation takes place. At one extreme, a "military first" policy is reported to translate into the equivalent of some 12 weeks annually of drills and other military training for North Korean secondary-school students. But military culture and training permeate school life elsewhere. Military training is compulsory for school children in countries including China, Fiji, Kyrgyzstan, the Russian Federation, United Arab Emirates and Venezuela. The presence of cadet corps within schools, for example in Antigua and Barbuda, the United Kingdom and the USA, may also introduce militarism into places of development and learning.

The Optional Protocol permits the admission of under-18s into schools operated by or under the control of the military, but requires them to operate in accordance with Articles 28 and 29 of the Convention on the Rights of the Child. Primary or secondary education is provided in military-run schools in countries such as Argentina, Bolivia, Brazil, Egypt, Honduras, Israel, Kazakhstan, Nicaragua, Peru, the Russian Federation, Turkmenistan, Ukraine and Viet Nam. In some military schools children wear military uniforms, live in military-style barracks and are subject to military discipline. Some offer a standard school curriculum, while others provide a narrow education involving hard physical drill and weapons handling. It is true that in many cases these schools fill gaps in state education and children from poor families particularly can stand to benefit. However, states must not be allowed to sidestep their obligation to provide *every* child with an education consistent with the aims enshrined in the Convention.

There is also a variety of youth initiatives which may not sit comfortably

with the Optional Protocol. The Committee on the Rights of the Child suggested that Norway's voluntary youth program, the Home Guard, could not be regarded as genuinely conforming to the spirit of the Protocol, despite a range of safeguards prohibiting practical military training for under-18s. Youth initiatives elsewhere do not even incorporate such safeguards. In Australia, Georgia, Sweden, the USA and Uzbekistan, for example, a variety of patriot camps, cadet corps and military and sporting competitions and the like involve military drills, weapons handling and, in some cases, the use of weapons. Such activities cast doubt on claims that these programs motivate young people to be better citizens and make a wholly positive contribution to youth development.

Children attending military schools or participating in such initiatives are, for the most part, under no formal obligation to enlist. It is nonetheless apparent that early exposure to military life can be used to facilitate military recruitment. In Kazakhstan, for example, of the approximately 4,000 children studying in military schools in 2005–6, some 65 per cent went on to join the army. In the USA an estimated 40 per cent of students who graduate from high school with two or more years in the Junior Reserve Officer Training Corp, open to children from 14 upwards, eventually enlist in the military. Children from 12 to 15 years old, many of them orphans, who enter cadet schools in the Russian Federation have no legal means of reversing either their decision to attend the school or the undertaking to do vocational military work on graduation.

### ***A global responsibility***

The Optional Protocol embraces values of global responsibility that promote the universality of human rights. Neither victim nor perpetrator of serious abuses of

human rights should be considered outside the sphere of moral and legal concern – regardless of where those abuses have taken place. Building on other human rights treaties, the Optional Protocol requires state parties to commit resources, energies and political will to a recovery and rehabilitation agenda for former child soldiers and to ensure accountability for those who recruit and use children in hostilities. That agenda encompasses responsive and responsible asylum procedures, international assistance to and co-operation with countries where children have been active participants in armed conflict, and the establishment of robust legal protections against the recruitment of children and their use in hostilities.

When former child soldiers seek asylum, the values of global responsibility are put to the test and many states the world over are found lacking. Problems identified by the Committee on the Rights of the Child include failure to identify children who may have been recruited or used in hostilities, failure to recognize this form of persecution as a basis for granting refugee status, absence of systematic data collection, deficient training of immigration officials and other relevant professionals, and inadequate services. In these circumstances former child soldiers can be left without support in a strange country. They are also at risk of forcible return and, in countries where children seeking asylum are detained, such as Italy and Australia, of detention. State parties, many of them in Europe, have been put on notice by the Committee that progress is expected towards developing asylum procedures that are sensitive to former child soldiers and putting in place special measures to assist them.

The Committee has also closely scrutinized domestic laws that explicitly prohibit the involvement of under-18s in hostilities and under-age recruitment,

including third-party recruitment of under-18s for military activity. It has given similar scrutiny to laws to establish extraterritorial jurisdiction for crimes of under-age recruitment and use of child soldiers, including the incorporation into domestic law of the relevant provisions of the Rome Statute of the ICC.

While many governments have policies prohibiting the recruitment and use of children, very few have explicitly prohibited by law the violation of these provisions of the Optional Protocol. Australia, Belgium and Germany are among a small number of countries that have introduced criminal penalties for individuals who conscript, enlist or use children under the age of 15 at home and abroad. In Norway, Sweden and the USA, such legislation was pending. In the case of Norway it was proposed that conscripting or enlisting children under the age of 18 could be prosecuted as a war crime – a standard higher than the age limit of 15 contained in the Rome Statute. Where legislation exists some states have limited its application, for example to times of war and armed conflict, or to apply only to crimes committed within the borders of the state against or by its own nationals. The enactment of legislation that criminalizes child recruitment and use both nationally and extraterritorially is essential in establishing the legal framework necessary to end impunity for this crime.

Even in states which have yet to become parties to the Optional Protocol this progressive standard can be a useful basis for dialogue about conceptions of childhood and why children should not be seen as acceptable participants in armed conflict by either governments or non-state actors. In countries where governments seek to justify inaction on grounds of inadequate resources, those measures in the Protocol more dependent on political will than cash for their realization can be emphasized.

## Armed groups: confronting the challenge

While fewer states are recruiting and using child soldiers, when it comes to non-state armed groups the news is far less positive. Despite some examples of progress, the bigger picture remains essentially unaltered: the recruitment and use of boys and girls by armed groups remains widespread.

The uses to which children are put by armed groups remained largely unchanged. In Afghanistan, Burundi, the Central African Republic and Colombia, for example, under-18s have been used as combatants and in other front-line duties. Here and elsewhere armed groups also employed children in a range of support roles from cooking and portering to carrying messages and acting as lookouts and spies. Girls are reported to have been raped and subjected to other forms of sexual violence and exploitation including by the Revolutionary Armed Forces of Columbia (FARC), the Armed Forces of the New Forces (FAFN) in Côte d'Ivoire, various armed groups in the DRC, and the LRA in northern Uganda. On occasion, children have been used by militant groups in suicide attacks in Iraq, as well as in the Occupied Palestinian Territory until late 2004. This phenomenon has also recently emerged in both Afghanistan and Pakistan. In situations such as those in Haiti, Kenya and Nigeria, children have been active players in political violence through their membership of criminal gangs whose services are intermittently employed by politicians and other actors for political ends.



## ***Positive developments***

An end to conflicts in Angola, Liberia and Sierra Leone in the last decade brought a halt to the massive recruitment and use of children by armed groups there. Peace agreements in Burundi, Côte d'Ivoire, the DRC, Nepal and Southern Sudan have also delivered significant reductions in such recruitment, if not in all cases a total end to the practice.

Peace processes aside, the impact of measures aimed at preventing and ending the recruitment and use of children by armed groups has been limited, reaching only a few groups and benefiting relatively small numbers of children. While the value of such measures is undeniable, it must be recognized that more needs to be done to bring about demonstrable change in conflict-affected countries.

The UN-led monitoring and reporting mechanism has significantly increased available data on abuses against children committed by armed groups, as well as armed forces, in selected situations.<sup>4</sup> The principle of engagement with armed groups for child protection purposes is now widely accepted and has yielded some positive results. Armed groups in Côte d'Ivoire and Sri Lanka have agreed to UN-sponsored action plans to end their recruitment of child soldiers and to demobilize the children already in their ranks. Two armed groups in Myanmar have committed to end the use of child soldiers and another has expressed willingness to enter into discussions with UNICEF.

At grass-roots level, initiatives aimed at building awareness of children's rights among armed groups and the communities that surround them have demonstrated potential to impact on the policy and practices of some groups. A case in point is in relation to ethnic armed groups in Myanmar, where, although the work of the UN was impeded by the

government, workshops and advocacy with armed groups conducted by a local non-governmental organization (NGO) has contributed to changing attitudes.

## ***Armed groups continue to recruit children***

Despite progress, the overall picture is one of armed groups that have ignored international law and standards, that renege on commitments, are resistant to pressure and persuasion, or have so far proved to be beyond the reach of efforts to end the involvement of children in conflict and political violence.

The examples are many. The LTTE has repeatedly been condemned for its recruitment and use of children. Yet as Sri Lanka descends once again into all-out war, the LTTE is reported to be recruiting and re-recruiting children, albeit in fewer numbers than previously, despite its repeated commitments to end the practice. The LRA, notorious for abducting and brutalizing thousands of boys and girls during the 22-year-long conflict in northern Uganda, has steadfastly ignored appeals to release children even though peace talks are taking place. In the DRC, groups loyal to Laurent Nkunda, a former commander of the Rwanda-backed Congolese Rally for Democracy (RCD-Goma), have continued to deploy children in hostilities against various other armed groups. Some of the children had been recruited from refugee camps in Rwanda. In Colombia, where peace efforts have stalled, several thousand children remain within the ranks of FARC and the National Liberation Army (ELN) with little apparent prospect of release.

Other groups operating in little-known conflicts have largely escaped international scrutiny and action. In Thailand, for example, the separatist group National Revolution Front-Coordinate (BRN-C), responsible for much of the spiralling

violence in the southern provinces since early 2004, is reported to use under-18s in various roles including propaganda and support for military operations. In India, despite a reported increase in child recruitment by Maoist groups since 2005, and persistent reports of child soldier use by armed groups in Jammu and Kashmir and northeastern states, the issue has to date largely escaped national or international scrutiny.

**Countries where there were child soldiers in non-state armed groups.**

Afghanistan	Lebanon
Bhutan	Liberia
Burundi	Myanmar
Central African Republic	Nepal
Chad	Nigeria
Colombia	Pakistan
Côte d'Ivoire	Philippines
DRC	Somalia
India	Sri Lanka
Indonesia	Sudan
Iraq	Thailand
Israel/Occupied Palestinian Territory	Uganda

Solutions have proved elusive in relation to groups involved in protracted low-level conflicts, where child soldiers have been recruited and used over many years. Such groups include the New People's Army (NPA) and the Moro Islamic Liberation Front (MILF) in the Philippines. More challenging still are numerous irregular groups – often with obscure goals and opaque command structures – that fragment, fracture and shift alliances and whose activities are often as criminal as they are political. Such groups are characteristic of the conflicts in the Central African Republic and Chad and are appearing in Colombia.

***The limits of existing approaches***

Existing strategies have been remarkably effective in establishing a broad consensus that armed forces are unsuitable places for children. But it is clear that many armed groups have not joined this consensus. Tens of thousands of children have continued to be recruited and used by such groups, and to be put at risk of death, injury and sexual violence. Thousands more remain at risk of recruitment. Changing this reality requires a critical analysis of the limits of existing approaches and the development of strategies to address underlying causes as well as symptoms.

The international legal framework prohibits the recruitment and use of under-18s by non-state armed groups and criminalizes the recruitment and use of under-15s by state and non-state forces alike. This framework should underpin any strategy. Indeed, some armed groups have proved willing to commit to international standards and a few have acted on such commitments by releasing under-18s and ending further recruitment. The threat of prosecution of individuals who recruit and use children – far more of a reality in 2008 than it was in 2004 – should contribute to awareness among members of armed groups of the potential consequences of their criminal conduct.

However, some armed groups and their leaders appear to attach little value to international law and display little inclination to adhere to it. The military imperatives of the group and the political, economic and social factors that drive conflicts and cause children to enlist – often underpinned by local cultural attitudes towards the age of majority – can outweigh legal and moral arguments. And, while it is premature to assess the future deterrent effect of prosecutions by international courts, members of many armed groups will, in all likelihood, continue to regard

themselves as beyond the reach of international justice and remain confident that national-level prosecutions are unlikely.

The public naming of certain armed groups in the UN Secretary-General's regular reports to the Security Council on children and armed conflict has encouraged several groups to renounce the practice and co-operate with the UN to prevent it. The monitoring and reporting mechanism has prompted more systematic data collection, focused attention and resources on selected situations and created entry points for dialogue by humanitarian actors.

Undoubtedly more could be achieved. For example, the Security Council could, through its working group, apply more pressure on parties listed in the annexes to the Secretary-General's report to develop and implement action plans. It could also be bolder in its application of measures, including, when appropriate, targeted measures, in particular in relation to those parties, the majority of which are armed groups, identified in each of the five annexes so far published. International condemnation can have a powerful effect and the threat of sanctions or other targeted measures may at least limit the extent of child recruitment. However, the full effect of such measures can only be achieved when combined with the concerted efforts of a whole range of national and international government and non-government actors working in a co-ordinated fashion to persuade parties to conflict to end the practice, to monitor and support their implementation of commitments and to design and implement policies to prevent future recruitment.

Expectations of the role of communities must be similarly qualified. Communities are essential to understanding why children are recruited and how they can be protected. Engagement with communities can help build resistance to

child recruitment. Community interventions with armed groups have in some cases succeeded in obtaining the release of children or reducing levels of recruitment. Wherever possible community involvement should be actively encouraged and supported. However, in situations such as Iraq, Sri Lanka and southern Thailand, civil society organization and action are rendered ineffective by insecurity and violence. Moreover, where boys are considered adults at puberty or where Islamist doctrine is strong, community members may not oppose children's association with armed groups.

There are no quick or easy solutions. Armed groups have widely varying characters, ideologies, aims, capacities and constituencies, and they operate in diverse, often rapidly changing and frequently insecure environments. Strategies must take into account that what may be effective in influencing one group may have little impact on another. Strategies must also reflect the complex web of relations, including regional and international links, surrounding such groups. Armed groups in Chad, the DRC and Sudan, for example, enjoy the material or political support of neighbouring governments, some of which are in turn recipients of economic and development aid from second governments or donor bodies. Pressure can be exerted on such governments and donors to use what influence they have to encourage compliance with human rights standards and international humanitarian law.

### ***Addressing the root causes***

Efforts to influence the policies and behaviour of armed groups should continue wherever possible and appropriate. Direct and indirect engagement, advocacy, targeted measures and prosecutions can all have an effect. Greater attention must be paid, however, to questions of where

children are recruited by armed groups and, critically, why.

While the conditions facilitating child recruitment persist, as they do in countless countries worldwide, it will remain easy for armed groups to exploit children. Many children have few alternatives to, or defences against, joining armed groups.

When hostilities are ongoing, poverty, social dislocation and other environmental factors create conditions of extreme vulnerability to recruitment. Children in refugee camps, the internally displaced, children separated from their families and children among the rural poor and in urban slums are at higher risk. Changing conflict dynamics may exacerbate the risks. For example, intensified recruitment drives by armed groups have taken place in Burundi, Nepal and Southern Sudan prior to ceasefire and disarmament agreements. Protection strategies should, as a matter of course, target identifiably vulnerable children and respond to changes which may impact on child recruitment patterns.

Action to prevent recruitment should not only be triggered by conflict. The Optional Protocol requires states to take all feasible measures to prevent armed groups recruiting and using under-18s. The first step is to criminalize such practices in domestic law. Beyond this, durable protection means changing the conditions that make recruitment possible or virtually inevitable, as is the case in situations such as the Central African Republic, Chad and Somalia. Ineffective government, the absence of legal protections for children and lack of effective institutions to enforce them, poverty, discrimination, political and social exclusion, lack of access to education and vocational training and limited livelihood prospects set the conditions for recruitment. Children are also more likely to be drawn to armed groups by experiences of human rights violations or other forms of violence, including domestic violence.

Governments and societies that fail to prioritize the promotion and protection of children's rights – economic, social and cultural, as well as civil and political – share responsibility for driving children into the ranks of armed groups.

As with recruitment into armed forces, education merits particular attention – schools can be part of the problem as well as part of the solution. Denied an adequate education, school leavers are unequipped for employment in the modern world and more vulnerable to recruitment by armed groups.

Schools are convenient sites for recruitment of children, often forced and en masse – a deplorable abuse. There is also increasing evidence that schools are used by armed groups to indoctrinate children, encourage volunteers and identify suitable candidates for training and recruitment. In both Bangladesh and Pakistan there are reports that children have been recruited by armed groups from madrasas (Islamic religious schools). In the case of Pakistan, such children have been involved in suicide attacks both at home and across the border in Afghanistan. In southern Thailand, schools and mosques are thought to be used to indoctrinate children from the age of six in a version of history and Islam that supports BRN-C's political and military aims and encourages teenage "volunteerism". Youth summer camps and other out-of-school activities are reportedly organized by armed groups in Lebanon and the Occupied Palestinian Territory, which, while not necessarily overtly military, can generate links and loyalties to the armed groups.

The risk of education becoming a recruitment tool in the hands of armed groups is heightened in situations where the public schooling system is inadequate. In these circumstances, unregulated alternatives offering narrow curricula can flourish, with, in some cases, sectarian or Islamist content. In Indonesia, an innovative

approach is being taken to tackle the problem in Central Sulawesi where the armed Islamist group Jemaah Islamiyah (JI) had significant influence in certain religious boarding schools. The authorities are embarking on an experiment to establish a model religious school to encourage students away from radical schools and reduce their vulnerability to recruitment by militant groups.<sup>5</sup> While it is too early to judge its success, and despite questions over the transparency and equity of the program, this type of approach merits consideration.

While governments have primary responsibility for ensuring child protection and preventing their recruitment into armed groups, it should be a priority for all those engaged in human rights protection, humanitarian work, development, conflict prevention and post-conflict peace-building. It should feature explicitly in the mandates of all involved. It is only through collective endeavour that robust and durable barriers will be erected that effectively protect children from being recruited into armed groups.

# Disarmament, demobilization and reintegration

Several major disarmament, demobilization and reintegration (DDR) programs for adults and children have drawn to a close in the past four years, resulting in the release of tens of thousands of children. Many thousands more have escaped, been captured or have found their own way home. Efforts have continued to release children from fighting forces and to support their reintegration in countries such as Afghanistan, Colombia and Sri Lanka, where hostilities are ongoing. New DDR initiatives for children have been established, including in the Central African Republic and Chad. Overall, however, DDR efforts are inadequate, and many children have failed to receive the assistance needed to successfully return to their families and communities.

The majority of DDR programs in the last decade have been carried out in sub-Saharan Africa with support from peacekeeping operations. From these and other experiences, a wealth of knowledge exists on the identity of girls and boys in fighting forces, and their needs and priorities when returning to civilian life. While the Paris Principles encapsulate much that has been learned over recent years about how to achieve successful DDR for children, this knowledge has yet to be fully applied.

## ***Demobilization during conflict***

Demobilization of child soldiers during conflict presents the greatest of challenges. 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.

Difficulties in gaining access and lack of security pose major obstacles to releasing child soldiers during conflict. The murder in July 2006 of an NGO worker in the DRC – killed while seeking the release of child soldiers in North Kivu – highlighted the risks for human rights defenders. In Chad and Colombia continued fighting has prevented children from returning to their families. Many have been forced to remain in transit centres or institutional care for months after being released.

The record suggests that when armed conflict persists, political and military imperatives are likely to dictate the ebb and flow of recruitment, but consistently applied pressure can bring about some improvement. In Sri Lanka, an action plan in 2003, the threat of targeted measures and ongoing dialogue with the LTTE have resulted in reduced rates of recruitment and release of under-18s. Nevertheless, recruitment patterns were at least in part determined by conflict dynamics and the LTTE's own training cycles. Difficulties in verifying the situation of those released have also persisted. In Chad, where an estimated 7,000 to 10,000 children remained in armed forces and groups by October 2007, an agreement by the Chadian government to release children from the national army resulted in the release of several hundred children. However, further releases have been hampered by obstructions to UNICEF's access to most military installations. Recruitment by all fighting forces has continued, fluctuating according to military needs.

In other situations armed groups have placed unacceptable conditions on the release of children. In the DRC, for example, Ituri-based armed groups have refused to release children unless demands for amnesties are met by the government. Militias associated with the SPLA increased

child recruitment in 2005 to bolster fighting strength and negotiating power prior to their integration into the army of Southern Sudan.

These and other difficulties should not prevent efforts to release children from armed groups or to deploy international human rights monitors if no other protection is likely to be effective. However, reality dictates that an end to conflict will produce the most concrete results, reinforcing the urgent need for peaceful settlements and the inclusion of specific DDR provisions for child soldiers in peace agreements. Exemptions from future conscription of those who served as children should also be included in such texts.

### ***Girl soldiers – still excluded***

There is wide recognition of the involvement of girls in fighting forces, in combat and non-combat roles and as victims of sexual slavery, rape and other forms of sexual violence. Repeated Security Council resolutions have highlighted the need to take into account the special needs and vulnerabilities of girls affected by armed conflict, including girls involved in fighting forces.<sup>6</sup> The importance of considering the requirements of girls during DDR processes was explicitly reaffirmed by the Paris Principles in 2007.

The existence of girl soldiers became evident in the aftermath of armed conflicts in Angola and Mozambique in the 1990s, and girl soldiers have been present in virtually every non-international conflict since. Yet figures from national DDR programs reflect extraordinarily low figures for girls' participation, with average levels of between 8 and 15 per cent of those girls. In Liberia some 3,000 girl soldiers were officially demobilized through the formal DDR process that ended in November 2004. However, as many as 8,000 were excluded or did not register and received no subsequent support. A similar situation occurred in the DRC, where only 3,000 girls

(about 15 per cent of the total number of girls estimated to have been involved in the conflict) were officially demobilized by the end of 2006 as the national DDR program drew to a close. Thousands of girls who returned home informally received no reintegration support.

**Government armed forces known to have had children in their ranks.**

Armenia	Jordan
Australia	Luxembourg
Austria	Myanmar
Bangladesh	Netherlands
Barbados	New Zealand
Bolivia	Paraguay
Canada	Russian Federation
Chad	Somalia
Cuba	Sudan
Democratic Republic of the Congo	Uganda
Germany	United Kingdom
Guatemala	United States of America
Ireland	Yemen

The reasons why girls have not participated in formal DDR processes are complex. Girls in many conflicts in Africa have been held back, as they perform useful support roles or are regarded as “wives”. The LRA, for example, has refused to release some 2,000 women and children on the grounds that they are wives and children of fighters. Girls themselves may not wish to be identified as child soldiers for fear of rejection by families and communities, having been deemed to have “lost value” through involvement in sexual activity. As a result, many have returned to their communities informally with their complex medical, psychosocial and economic needs unmet.

The military orientation of many DDR programs – entailing formal registration and identification as part of a fighting force – itself presents a major obstacle to the participation of girl soldiers. Overlooked at

the demobilization stage, many girls remain outside the orbit of reintegration support.

It is recognized that returning girl soldiers have multiple needs, including specialized medical care for physical injury resulting from rape or infection from sexually transmitted diseases and psychosocial support to address the reality of rape and the further trauma of rejection by family or community. Returning girls may equally need support over whether to leave or remain in relationships formed in the ranks. Girl mothers and babies who are born of rape in situations such as the DRC, Liberia and Uganda are especially vulnerable to rejection.

The needs of girl soldiers must be seen within broader contexts of entrenched and complex gender discrimination and inequalities. These precede armed conflict, facilitate human rights abuses against women and girls during hostilities and persist in its aftermath. Attention must be paid to the fact that some girl soldiers enlist to escape sexual abuse, enforced marriage or a life of domestic servitude. The context-specific characteristics of gender discrimination, sexual exploitation and abuse require careful analysis to identify the particular vulnerabilities of girls and the types of discrimination in the communities to which they return. Awareness of these realities has to be matched by programs to identify girls through less formal channels and to support their reintegration without returning them to further stigmatization, violence or exploitation.

***Addressing the needs of children during DDR***

An oft-repeated error has been the failure to acknowledge and act on the well-established fact that many children do not register for formal DDR programs. Fearing stigmatization, thousands of child soldiers – particularly girls – choose not to reveal their identity as soldiers by registering for DDR. The problem

can be compounded by local dynamics. In Colombia, for example, restrictive criteria for accessing the government-run DDR program has effectively excluded many former child soldiers, including many of those discharged by their commanders or who escaped and found their own way home. In the DRC, anecdotal evidence from 2007 suggests that some child soldiers were abandoned en route to demobilization centres by commanders fearing prosecution for child recruitment. Children who fought across borders are especially vulnerable. For example, of some 2,000 Guinean children believed to have been involved in armed conflict in Liberia only 29 were formally demobilized and repatriated to Guinea.

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.

As peace or ceasefire agreements are negotiated, the pressure to end hostilities and disarm combatants drives the pace and substance of DDR planning, and short-term solutions derived from adult DDR have on occasion prevailed over longer-term community-based programs. For example, best-practice principles for children's DDR were apparently overlooked in Nepal, where hundreds of child soldiers remained in cantonments for over a year after a peace agreement between the government and the Communist Party of Nepal (CPN) (Maoist). Community-based programs were too few and too late to assist all the children associated with the CPN (Maoist) armed wing. Despite lessons learned from Liberia and Sudan on the sort of problems

generated by giving children cash packages, demobilized children were reportedly provided with cash payments designed for adult combatants. NGOs noted community resentment of returning child soldiers.

In Nepal and elsewhere it is necessary for all actors involved to examine why agreed principles for children's DDR have continued to be overlooked and to develop mechanisms to ensure that this is avoided in future.

### ***Long-term support for reintegration***

The reintegration of child soldiers is a long-term process which aims to give returning child soldiers viable alternatives to involvement in armed conflict and to help them resume life in the community. Elements of reintegration are well understood and include family reunification (or alternative living arrangements if reunification is not possible), psychosocial support, education, vocational training and income-generation projects. Yet sustained funding for long-term support is rarely available. Lack of funding combined with poor planning and a tendency to privilege demobilization over longer-term reintegration objectives, have continued to undermine children's prospects of successfully returning to civilian life.

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

Inadequate provision for long-term reintegration has been reported from Afghanistan, Burundi, Côte d'Ivoire, Liberia



and Southern Sudan. In Guinea about 350 members of government-backed civilian militias (adults and children) active in 2000–1 had completed training by 2004 as part of a demobilization program. Thousands of others, many recruited as children, had not benefited from the program because of lack of funds. In the DRC, the impact of delayed, unpredictable and short-term funding, combined with poor planning and mismanagement, resulted in some 14,000 former child soldiers being excluded from reintegration support. By the end of 2006, some four years after the start of the program, close to half of the total 30,000 children demobilized had not received reintegration assistance and international funding had virtually ceased.

If the reintegration needs of former child soldiers are to be seriously addressed, these well-documented lessons must be learned. More resources should be directed at community-based programs which are sensitive to the needs of returning child soldiers but designed to benefit all conflict-affected children. In relation to girls, carefully designed gender-specific outreach programs, to include provision for the babies and children of girl soldiers, and backed by dedicated financial resources, must be integral to DDR programming from the start, along with funding for sustained reintegration to address their complex physical, psychosocial and economic needs.

### ***Child soldiers: a blind spot in DDR***

Despite the accumulated knowledge, the conceptualization of fighting forces as comprising adult male combatants has continued to result in the design of DDR eligibility criteria that exclude girls and children who do not carry arms. This reveals a lack of awareness by adult DDR planners that children (both boys and girls) were involved in particular conflicts in a multitude of roles

and results in DDR programs that do not include provisions for children.

In the Central African Republic, for example, only 26 children (almost all boys) were among over 7,500 combatants who went through a three-year DDR program that ended in early 2007, despite it being known that larger numbers of children had participated in the armed conflict there. In Indonesia, the DDR program that followed the 2005 peace agreement in Aceh made no provision for the release and reintegration of child soldiers, despite evidence that children were actively involved in both the Indonesian armed forces and the armed opposition group, the Free Aceh Movement (GAM).

Elsewhere, the failure of governments to acknowledge the problem, or in some cases their outright denial, means that there is no provision to assist the release of or support for former child soldiers. In Myanmar, despite the establishment of a Committee for the Prevention of Military Recruitment of Under-age Children and other government-proclaimed initiatives to stop recruitment, the authorities have so far not permitted independent verification of how many children reside within the ranks of its armed forces. Additionally, no DDR arrangements exist for children associated with armed groups in Myanmar. In countries such as India, Thailand and Uganda, despite reported recruitment and use of children by armed groups, there is no official support for release and reintegration of children. Support, where it exists, is provided by NGOs.

Evidence suggests that children are likely to be involved in armed conflict when it exists. This should be reflected in DDR planning from the outset. All future DDR efforts must be closely monitored by those involved, including governments, donors and international bodies involved in designing and implementing programs to ensure that agreed and well-tested principles are applied.

# Ending impunity

The international community's commitment to taking action against individuals who recruit and use child soldiers has been clearly demonstrated through the efforts of the ICC and the Special Court for Sierra Leone.

The inclusion of charges of forcible recruitment and use of children in the first ever arrest warrants issued in 2005 by the ICC – against senior members of the LRA – gives due recognition to one of the defining crimes committed in the course of the Uganda conflict. The first ICC trial, that of the Congolese armed-group leader, Thomas Lubanga Dyilo, on charges of enlisting, conscripting and using children under the age of 15 for active participation in hostilities, marks the beginning of the journey towards justice for former child soldiers there.

Convictions by the Special Court for Sierra Leone in June 2007 of three members of the Armed Forces Revolutionary Council (AFRC) represented the first ever convictions before an international court on charges relating to the recruitment and use of children. A fourth guilty verdict was handed down to a member of the government-backed Civilian Defence Forces (CDF) in August the same year, while the trial of members of the Revolutionary United Front (RUF) for crimes including the enlistment of children was ongoing. The Special Court's prosecution of Charles Taylor, the former Liberian president and the principal backer of the RUF, is another departure, marking the first time a former head of state has been brought to trial for the crime of recruiting children.

Abuses committed against children have also emerged as a matter for consideration by truth commissions, several

of which have addressed the issue of child soldiers. In so doing they have given children and young people a platform to tell their own stories and have contributed to a broader understanding of the experiences of child soldiers, of how to assist their recovery and of how to protect children in the future.

## ***The importance of national investigations and prosecutions***

The ICC and other ad hoc international or hybrid courts (combined national–international courts) will continue to play an important role in situations where national authorities lack the capacity or will to prosecute war crimes and other grave violations of human rights. However, if prosecutions are not to be limited to a few individuals in a handful of countries, national-level processes in domestic courts must be encouraged and supported.

Justice-sector reform in the context of international peace-building efforts has received increasing attention in recent years. However, examples of national-level prosecutions in relation to child soldiers are rare. In one of only two cases where a national trial is known to have taken place it proved unsatisfactory. Observers of the 2006 military trial in the DRC of the former armed group leader Jean-Pierre Biyoyo for de facto child recruitment reported that the tribunal was unable to guarantee the physical or psychosocial protection of child victims or witnesses, and that children present at the hearings were exposed to risk.<sup>7</sup> On a positive note, in the ongoing trial in the DRC of a former commander of a local defence group (Mai-Mai) on charges that include the recruitment of children, various measures are reported to have been put in place to assist children participating in the trial while protecting their identities.

National-level trials in countries where already weak justice systems have

been further degraded by conflict require substantial technical and financial support if international standards are to be met. This is particularly so if children, including former child soldiers, are involved in proceedings.

Political will is equally important. Amnesties or deals struck to reward individuals with positions in the government or armed forces can undermine efforts to tackle impunity. In Colombia, for example, there were fears that legislation protecting former government-backed paramilitaries from disclosing information about their activities could protect members of the paramilitaries from being held accountable for their crimes, including child-soldier recruitment and use. Amnesties for crimes under international law should be opposed in all circumstances.

Issues of domestic capacity and political will are central to the viability of the agreement on accountability and reconciliation signed in June 2007 by the Ugandan government and the LRA and elaborated in a February 2008 annex to that agreement. Under the terms of the agreement a special division of the Ugandan High Court will prosecute those responsible for war crimes or other widespread or systematic crimes against civilians. Proposed as an alternative to the prosecution of LRA leaders by the ICC, which the LRA has consistently cited as an obstacle to peace, a nationally based process could have some benefits. If the parties to the conflict prove genuinely committed to pursuing accountability, the agreement offers the prospect of both peace and justice. Critically, it could also pave the way for the release of the estimated 2,000 women and children believed to remain in LRA camps in the eastern DRC and southern Sudan. However, if domestic trials are to complement the ICC credibly, they must satisfy international fair trial standards and apply appropriate

penalties – in no circumstances should the death penalty be applied. As yet there is no guarantee that these conditions will be met.

### ***The scope of prosecutions***

Prosecutions should not, by focusing solely on the recruitment and use of child soldiers, exclude other crimes committed against children. Such an approach risks stigmatizing child soldiers and ignores the wider abuses experienced by children in conflict situations. It is on these grounds that some have questioned the exclusive child-soldier focus of the ICC's charges against Thomas Lubanga. After all, the Union of Congolese Patriots (UPC/L), the armed group he led, is widely acknowledged to have committed numerous other serious crimes against children, as well as adults, including murder, torture and sexual violence. A broader range of charges is contained in the subsequent ICC indictments against two other Congolese suspects, Germain Katanga and Matieu Ngudjolo Chui.

Child soldiers frequently experience a profoundly traumatizing array of abuses, including ill-treatment and torture, rape and other sexual violence. Many other children suffer similar abuses in armed conflict. The full spectrum of child victims and the abuses they endure, including sexual violence, must be addressed by justice processes.

### ***Truth commissions and other non-judicial approaches***

Truth commissions, now an established element of transitional justice, have increasingly recognized the importance of addressing children. Intended to complement rather than provide an alternative to trials, the non-judicial, less formal, more participatory nature of truth commissions is seen to be particularly suited to the involvement of children

and to addressing crimes that have been committed against them. The courtroom can be an intimidating forum for children and few can participate in formal justice processes. Their stories are frequently not told, at least not in their own words, and their experiences are often not well documented or understood. Truth commissions also look to the causes and consequences of abuses, and can recommend reform and economic and social measures aimed at repairing damage that can also address broader notions of justice.

Several truth commissions have devoted chapters to children in their final reports. The Truth and Reconciliation Commission for Sierra Leone was, however, the first with an explicit mandate to pay “special attention” to the experiences of children during the conflict<sup>8</sup> and the first in which children participated. Its final report, released in October 2004, testified to the legion of legal, institutional and policy failures that had combined to make children vulnerable, and directed a spotlight on where reform efforts should be focused.

Subsequently, the report of the Commission for Reception, Truth and Reconciliation for Timor-Leste, that investigated human rights violations committed in Timor between 1974 and 1999, revealed previously little-known information about the extent of the involvement of Timorese children, in particular in the Indonesian occupying forces and its associated paramilitary and militia groups – crimes for which no one has been held accountable.

The Truth and Reconciliation Commission of Liberia began its work in June 2006 with a specific mandate to address the issue of child soldiers. Already several former child soldiers have testified to the Commission, and special children’s hearings are planned. Its work represents an important opportunity for national and international reflection

on the circumstances that led to the systematic and widespread use by fighting forces of girls and boys from Liberia and neighbouring countries.

The mandates of truth commissions should make specific reference to the investigation of abuses against children, including, where appropriate, the issue of child soldiers. Those working with children affected by armed conflict or on related issues should be consulted from the outset. At the same time, careful consideration should be given to whether and how former child soldiers should participate in consultations around the design and implementation of a truth commission and in providing information to it. Specific efforts and special arrangements are needed to ensure that the voices of girls who have been associated with fighting forces are heard and their concerns addressed.

The role of other non-judicial accountability mechanisms in addressing impunity also merits further consideration. For example, in the context of security and broader institutional reform, vetting should remove from the armed forces (or other public office) individuals responsible for recruiting and using children. As part of broader institutional reform efforts, vetting for these and other crimes can contribute towards preventing further abuses. Similarly, within deliberations on the design of reparations programs, consideration of child soldiers within the broader category of child victims should be included.

### ***Ensuring children’s best interests***

Those designing and implementing accountability strategies must be alert to the impact of justice processes on the broader security and protection needs of current or former child soldiers. Good practice on the involvement and protection of child victims and witnesses in war crimes

**Countries where the minimum age for voluntary recruitment was under 18 including for training purposes or as cadets.**

Armenia	France	Netherlands
Australia	Germany	New Zealand
Austria	Guinea-Bissau	Pakistan
Azerbaijan	Guyana	Papua New Guinea
Bangladesh	Hungary	Paraguay
Barbados	India	Peru
Belarus	Iran	Philippines
Bolivia	Ireland	Poland
Brazil	Israel	Russian Federation
Brunei Darussalam	Jamaica	Sao Tome and Principe
Burundi	Kazakhstan	Seychelles
Cameroon	Kenya	Singapore
Canada	Korea, (Democratic	Tanzania
Cape Verde	People's Republic of)	Tonga
Chad	Kyrgyzstan	Trinidad and Tobago
China	Lebanon	Turkmenistan
Cuba	Libya	United Kingdom
Cyprus	Luxembourg	United States of America
Dominican Republic	Malaysia	Viet Nam
Ecuador	Malta	Zambia
Egypt	Mexico	
El Salvador	Moldova	

trials and truth commissions is emerging, and important initiatives to capture and build on them are under way.<sup>9</sup> But there are specific considerations in the case of child soldiers that have yet to be fully acknowledged or properly addressed.

The physical security of children is of paramount concern. This applies particularly to children who are still in the ranks of armed groups or forces when prosecutions or other accountability processes are pending. The dilemmas are evident in Uganda, where the ICC indictments against LRA leaders have been seen by some as representing an obstacle to the signing of a peace deal and thereby delaying the release of children still in the ranks of the LRA.

The effects of accountability processes on children involved in conflict and their

prospects for social reintegration must also be addressed. Again, this relationship is insufficiently understood, but the responsible promotion of justice initiatives requires a full understanding of their impact, short- and long-term, on all victims, including child soldiers.

In addition to questions around the benefits and risks of former child soldiers participating in court proceedings or truth commissions, there are broader issues to be explored. These include whether and how accountability processes help children to make sense of their experiences, to what extent their expectations of justice are fulfilled, and whether trials, truth-seeking or other accountability mechanisms promote understanding and acceptance of former child soldiers by communities.

Through understanding how accountability processes affect the lives of child soldiers (many of whom are young adults before such processes begin) and the communities around them, the potential for justice mechanisms to contribute positively to their reintegration can be maximized and risk of harm kept to a minimum.

### ***Children and criminal responsibility***

Accountability for serious crimes committed by child soldiers remains a contentious issue. While the ICC does not have jurisdiction over under-18s and other international tribunals have chosen not to apply it, the question remains whether children should generally be exempt from having to account for human rights abuses committed in their capacity as members of an armed force or group.

Truth commissions in Sierra Leone and Timor-Leste have addressed the issue of child perpetrators. The Sierra Leone commission treated all children equally, as victims of war, but also examined the “dual identities” of child soldiers as both victims and perpetrators. It emphasized that it was not seeking to explore guilt, but to understand how children came to carry out violations, what motivated them, whether they had the capacity to understand their actions, and how such crimes might be prevented in the future.

Recognizing that child soldiers are first and foremost victims of grave abuses of human rights, and prioritizing the prosecution of those who unlawfully recruited and used them, is essential. Truth commissions in particular can contribute to understanding the full impact of this crime and to the design of more effective strategies to assist former child soldiers in making their way back into society.

However, victims who have suffered abuses at the hands of a child soldier also have a right to justice and reparations.<sup>10</sup>

Moreover, it is reasonable to ask whether absolving children of responsibility for crimes they have committed is necessarily in the best interests of the child. In at least some cases, where the individual was clearly in control of their actions, and not coerced, drugged, or forced into committing atrocities, acknowledgement and atonement, including in some instances prosecution, might be an important part of personal recovery. It may also contribute to their acceptance by families, communities and society at large.

Protecting the rights of former child soldiers in justice processes and improving their chances of successful reintegration require the issue of criminal accountability to be confronted. A clear distinction must be drawn between this exploration of accountability and the pursuit of national security agendas that ignore juvenile justice standards and the best interests of the child. The framework for the accountability discussion and appropriate action already exists in the international standards on juvenile justice, with their emphasis on objectives of rehabilitation and restorative justice, and the accumulated best practice from this field. In addition, the experience of former child soldiers, including those who have participated – as victims, as perpetrators or as both – in transitional justice processes, whether judicial, non-judicial or traditional/customary, must inform the debates. The views of victims, as well as of members of communities to which child soldiers have been or will be returned, must also be taken into account.

# Benchmarks for change

In four years' time the Optional Protocol will have been in force for a decade. The next four years cannot be allowed to go by without more progress to show. The ultimate judges of that progress will be children whose lives are blighted by their involvement in conflict and for whom international attention is of little comfort unless it changes their individual circumstances for the better. As the children quoted at the beginning of this introduction indicate, the damage resulting from the experience of being a child soldier may never be fully repaired. However, much can be done to lessen it. A great deal can also be done to prevent other children from ever suffering the same experience.

The task is most urgent in situations of armed conflict, but if the recruitment and use of child soldiers is to be definitively ended there must be global recognition that armed forces are no place for a child. On this basis, the Coalition is opposed to the military recruitment or use of any girl or boy under the age of 18. The benchmarks against which the progress over the next four years towards this goal will be judged include:

- A complete end to the use of children in hostilities in any capacity by government armed forces and by any forces linked to or supported by governments including auxiliaries, militias and civilian defence organizations.
- A significant increase in the numbers of non-state armed groups that have developed action plans to prevent the recruitment of under-18s and the release of children within their ranks; these armed groups are being supported and monitored in their implementation of such plans.
- The inclusion in all ceasefire and peace agreements of provisions for the immediate disarmament, demobilization and reintegration of child soldiers.
- The inclusion of provisions for children in the design of official DDR programs and the consistent application of the Paris Principles in the implementation of all DDR initiatives, taking account of context-specific needs and realities. The inclusion as a matter of course of specialized culturally appropriate programs for girls, and the building into donor planning of long-term financial support for reintegration.
- The establishment by governments in countries with child soldiers (but no peacekeeping operation) of programs to identify and release such children and support their reintegration.
- The development of multi-faceted, multi-agency strategies to prevent child recruitment and use by armed groups, involving legal, institutional, social, economic and cultural measures in all high-risk situations including countries affected by conflict and those where armed groups operate or where conflict is possible.
- The explicit criminalization in domestic law of underage recruitment (i.e. conscription and enlistment) and use of any persons under the age of 18 to participate in hostilities and the establishment of universal jurisdiction for such crimes.
- Progress towards the systematic investigation and prosecution by national and international courts of individuals suspected of recruiting and using children in armed forces and groups. Where relevant this crime would also be addressed by other transitional justice processes, including truth commissions, reparations and vetting.

- The establishment of effective measures for refugee, asylum-seeking and migrant children in destination countries to protect those who may have been recruited or used in hostilities. This includes ensuring their early identification and providing them with culturally and child-sensitive assistance for their physical and psychological recovery and their social reintegration.
- A significant increase in the number of countries that have abandoned domestic provisions that allow children to be legally recruited into the armed forces at the age of 16 or 17 and have adopted a “straight-18” standard for all forms of military recruitment.

1 Quotations from two boy (15 and 17 years old) former members of the Lord's Resistance Army in Coalition to Stop the Use of Child Soldiers, “Returning Home – Children's Perspectives on Reintegration: A Case Study of Children Abducted by the Lord's Resistance Army in Teso, Eastern Uganda”, February 2008.

2 Security Council Resolution 1698 (2006).

3 Call for Accelerated Action on the Implementation of the Plan of Action Towards Africa Fit for Children (2008–2012), Second Pan-African Forum on Children: Mid-Term Review, 29 October–2 November 2007, Cairo, Egypt.

4 The monitoring and reporting mechanism is established in situations that feature in Annex I or II of the Secretary-General's reports on children and armed conflict. Annex I countries (situations of armed conflict on the agenda of the Security Council) are subject to the monitoring and reporting mechanism. Annex II countries (situations of armed conflict not on the agenda of the Security Council) are only subject to it if the relevant government agrees to participate voluntarily.

5 International Crisis Group, “Indonesia: Tackling Radicalism in Poso”, 22 January 2008.

6 Security Council Resolutions 1314 (2000), 1325 (2000), 1379 (2001), 1460 (2003).

7 See Redress Trust “Victims, Perpetrators or Heroes? Child Soldiers before the International Criminal Court”, September 2006, [www.redress.org](http://www.redress.org). Jean-Pierre Biyoyo subsequently escaped from prison and returned to Bukavu as part of an official DRC armed forces delegation.

8 Truth Commission Act 2000, Part III (2(b)).

9 See, for example, UNICEF Innocenti Research Centre, Expert Discussion on Transitional Justice and Children, 10–12 November 2005, Background Documents and Outcome Document.

10 See, for example, Report of Diane Orentlicher, independent expert to update the Set of Principles to combat impunity, Updated Set of Principles for the protection and promotion of human rights through action to combat impunity, and Addendum: Updated Set of Principles for the protection and promotion of human rights through action to combat impunity, UN Doc. E/CN.4/2005/102/Add.1, 8 February 2005; and UN Declaration of Basic Principles of justice for victims of crime and abuse of power, UN Doc. A/RES/40/34, 29 November 1985.





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*Former girl soldier, abducted by the LRA, sitting with two of her children in the army's Child Protection Unit before being handed over to a reintegration organization, Gulu, northern Uganda, 2007*

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# AFGHANISTAN

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## Afghanistan

**Population:** 29.9 million (15.8 million under 18)

**Government armed forces:** 50,000

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** acceded 24 September 2003

**Other treaties ratified (see glossary):**

CRC, ICC

*There were anecdotal reports of under-18s serving in the armed forces. There were reports of the use of children as suicide bombers by anti-government elements including the Taleban, and of both forcible and voluntary recruitment by the Taleban of children in southern provinces and parts of Pakistan.*

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## Context

Presidential elections were held in October 2004 and Hamid Karzai was subsequently declared president. National Assembly elections were held in September 2005. Early in 2006 the Afghan government and the international community committed themselves to the Afghanistan Compact, a strategic framework for the rebuilding of Afghanistan. Close to 50,000 international troops remained in Afghanistan: 39,500 under the NATO-led International Security Assistance Force (ISAF) and nearly 10,000 under the US-led coalition forces.<sup>1</sup> The UN Assistance Mission in Afghanistan (UNAMA) continued to provide support to the government including on the peace process, the implementation of the Afghanistan Compact, and human rights.

Resurgent Taleban forces challenged government control in many of the southern provinces and gained full control in some districts. In other areas commanders against whom there were credible allegations of grave human rights abuses and who controlled armed militias became further entrenched, and some were elected to parliament.<sup>2</sup>

Weak government and an increase in insurgency, in particular in the southern provinces, diverted time and resources from development and reconstruction programs and led to disillusionment among many Afghans, which was reported to have fuelled recruitment to and support for armed groups.<sup>3</sup>

There were concerns over the increasing number of civilian casualties resulting both from operations against insurgents by coalition forces and the Afghan National Army (ANA) and

from operations by the Taleban and other armed groups. In 2006 more than 4,000 people were reported to have died as a result of the conflict, one third of them civilians.<sup>4</sup> There was a sharp increase in 2006 in civilian deaths from insurgent attacks, including deliberate attacks on civilian targets.<sup>5</sup> President Karzai, the Afghanistan Independent Human Rights Commission (AIHRC), the UN and non-governmental organizations (NGOs) all expressed concern over civilian casualties resulting from coalition forces and NATO/ISAF operations.<sup>6</sup> ISAF publicly stated that civilian casualties were its single biggest failure in 2006 and measures would be taken to reduce them.<sup>7</sup>

There was a significant increase in suicide attacks in 2006 and 2007 which were reported to have been carried out by anti-government elements, including al-Qaeda, the Taleban and Hizb-e Islami. A study by UNAMA concluded that the bombers “appear to be young (sometimes children), poor, uneducated, easily influenced by recruiters and drawn heavily from madrasas (Islamic religious schools) across the border in Pakistan”.<sup>8</sup>

There was a sharp rise in attacks on teachers, students and schools in the first half of 2006. In 2006 over 200 schools were burned, attacked or partially destroyed, at least 15 teachers killed and some 200,000 students affected by school closures.<sup>9</sup> Although reduced from earlier levels, there were still many attacks on schools and threats to teachers and students in 2007.<sup>10</sup>

In 2006 the government launched a National Strategy for Children at Risk. Designed by the Ministry of Martyrs, Disabled and Social Affairs, with the support of UNICEF and other partners, it was intended to improve care for vulnerable children and their families.<sup>11</sup>

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## Government

### National recruitment legislation and practice

Afghanistan’s declaration on acceding to the Optional Protocol stated that “according to the Decree No. 20 dated 25 May 2003 on the voluntary enrolment to the Afghan National Army ... the minimum age for recruitment of Afghan Citizen to an active military service is limited by the age of 22 to 28. All recruitments of personnel in the Afghan National Army is voluntary and is not forced or coerced”.<sup>12</sup> A presidential decree (No. 97) issued in December 2003 amended the minimum age of recruitment into the ANA to 18. There was anecdotal evidence of the recruitment of under-18s by the ANA and unconfirmed reports of under-18s falsifying their identification records to join.<sup>13</sup>

The minimum recruitment age for the Afghan National Police (ANP) was 18. There were reports that ill-equipped and under-trained ANP were

used inappropriately as a fighting force to tackle insurgency.<sup>14</sup> In September 2006 a presidential decree officially established the Afghan National Auxiliary Police (ANAP) in a scheme covering 124 districts in 21 mainly southern and eastern provinces. ANAP recruits were reportedly provided with only ten days' training and given weapons and a salary equivalent to ordinary police. Concerns were raised that the ANAP scheme conferred an official status on privately owned and operated militias and that there were inadequate command and control structures in place to supervise them.<sup>15</sup> A reportedly lax approach to recruitment and vetting meant that it was impossible to rule out the recruitment of under-18s into the ANP and ANAP. There were reports of the "informal" recruitment of children by ANP commanders to perform duties in police check posts in Kandahar province.<sup>16</sup>

## Armed groups

A number of armed groups were involved in insurgency including tribal factions, criminal networks and groups ideologically opposed to the government, including the Taleban and the Hizb-e Islami. Most armed groups had been responsible for the recruitment of child soldiers during the previous period of conflict.<sup>17</sup>

There were reports of both forcible and voluntary recruitment by the Taleban of children in southern provinces and parts of Pakistan,<sup>18</sup> as well as reports of the increasing use of children by the Taleban as messengers, couriers and fighters.<sup>19</sup> There were unconfirmed reports that the Taleban had issued a statement early in 2007 claiming that they did not recruit or use children, in response to allegations by NATO forces that they were using children as human shields in provinces in the south. National and international agencies were reportedly unable to independently verify the allegations of the use of children as human shields.<sup>20</sup>

In June 2007 it was reported that a 12-year-old boy wearing an explosive vest had been picked up by ISAF forces in Ghazni province. He had reportedly been instructed by armed insurgents to target an ISAF patrol in the area.<sup>21</sup> In the same month ISAF claimed to have defused an explosive vest placed on a six-year-old who had been told to attack army forces in Ghazni province.<sup>22</sup> In response, a Taleban spokesman denied the use of child soldiers, saying it was against Islamic and humanitarian law and that the report was propaganda.<sup>23</sup> In July 2007 it was reported that a 14-year-old boy from Pakistan was detained wearing an explosive vest to target a provincial governor of Khost province. He claimed to have been forced at gunpoint by the Taleban, while at a madrasa in Pakistan, to put on the vest and attack the governor. He was publicly pardoned by President Karzai and reportedly returned to Pakistan.<sup>24</sup> A study by UNAMA of suicide attacks

documented the cases of children aged 15 and 16 who had been tricked, promised money and forced into becoming suicide bombers.<sup>25</sup>

In April 2007 the Taleban released a video of a 12-year-old boy beheading a Pakistani man accused of spying. Asked why they used a boy, a Taleban official was reported as saying, "We want to tell the non-Muslims that our youngsters are also Mujahideens [holy warriors] and fight with us against you ... These youngsters will be our Holy War commanders in the future and continue the jihad for freedom. Islam allow boys and women to do jihad against occupying non-Muslim troops and their spies and puppets."<sup>26</sup>

In 2006 it was widely reported that the Taleban Rule Book (issued by the Taleban command during Ramadan in 2006) included as its Rule 19 that "Mujahideen are not allowed to take young boys with no facial hair onto the battlefield or into their private quarters."<sup>27</sup>

Children had been detained by US forces at Bagram airbase in the past,<sup>28</sup> but it was not possible to verify whether children continued to be detained there. There were concerns at the apparent absence of any mechanisms among international and national armed forces to determine the age of detainees.<sup>29</sup> Detainees were generally transferred by NATO forces to the National Directorate of Security (NDS) but access to those detainees was severely restricted.<sup>30</sup>

## Disarmament, demobilization and reintegration (DDR)

A community-based demobilization and reintegration program, established by UNICEF in collaboration with NGOs, the Ministry of Labour and Social Affairs, and the National Commission for Disarmament, Demobilization and Reintegration, which was launched in February 2004, continued to facilitate demobilization through the support of the local demobilization and reintegration committees in their respective communities. As of June 2007 reintegration support was being provided in 29 provinces to a total of 12,590 war-affected and at-risk children, including 5,042 former child soldiers, combining information education, skills training, life skills and psychosocial support.<sup>31</sup>

## Developments

At a February 2007 ministerial meeting in Paris, Afghanistan and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global

consultation jointly sponsored by the French government and UNICEF.

- 1 Report of the UN Secretary-General on the situation in Afghanistan and its implications for international peace and security, UN Doc. A/62/345-S2007/555, 21 September 2007.
- 2 International Crisis Group (ICG), *Afghanistan's New Legislature: Making Democracy Work*, Asia Report No. 116, 15 May 2006, www.crisisgroup.org.
- 3 ICG, *Afghanistan's Endangered Compact*, Asia Briefing No. 59, 29 January 2007.
- 4 Report of the UN High Commissioner for Human Rights on the situation of human rights in Afghanistan, UN Doc. A/HRC/4/98, 5 March 2007.
- 5 Human Rights Watch (HRW), *The Human Cost: Consequences of Insurgent Attacks in Afghanistan*, April 2007.
- 6 See, for example, Report of the High Commissioner for Human Rights, above note 4, and "Backlash from Afghan Civilian Deaths", *Time*, 23 June 2007.
- 7 Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security, UN Doc. A/61/799-S/2007/152, 15 March 2007.
- 8 UN Assistance Mission in Afghanistan (UNAMA), *Suicide Attacks in Afghanistan (2001–2007)*, September 2007, www.unama-afg.org.
- 9 Report of the High Commissioner for Human Rights, above note 4.
- 10 Report of the Secretary-General, above note 1.
- 11 US Department of State, *Country Reports on Human Rights Practices 2006*.
- 12 Declaration on accession to the Optional Protocol, www2.ohchr.org.
- 13 US Department of State, above note 11.
- 14 ICG, *Reforming Afghanistan's Police*, Asia Report No. 138, 30 August 2007.
- 15 *Ibid.*
- 16 Confidential source.
- 17 UNICEF, Rapid Assessment on the Situation of Child Soldiers in Afghanistan, July 2003, cited in *Child Soldiers: Global Report 2004*.
- 18 "Afghanistan: Civilians paying the price in Taliban conflict", IRIN, 16 July 2007; "Recruiting Taleban 'child soldiers'", BBC News, 12 June 2007.
- 19 Confidential source.
- 20 Confidential source, August 2007.
- 21 Confidential source, June 2007.
- 22 "Nato accuses Taliban of using children in suicide missions", *Guardian*, 23 June 2007.
- 23 "Six-Year-Old Afghan Boy Foils Taliban Plot to Use Him in Suicide Attack on Americans", Associated Press, 25 June 2007.
- 24 "Boy forced by Taliban to become would-be bomber is pardoned", *Guardian*, 16 July 2007.
- 25 UNAMA, above note 8, refers to the cases of Amir, aged 15, and Ghulam, aged 16, who were interviewed by UNAMA staff in detention, held on charges of involvement in suicide attacks.
- 26 "Taliban video of boy executioner causes anger", Reuters, 26 April 2007, at www.alertnet.org.
- 27 Henry Schuster, "The Taliban's rules", CNN, 7 December 2006.
- 28 See, for example, Amnesty International (AI), *USA: Human dignity denied: Torture and accountability in the war on terror* (AMR 51/145/2004), 27 October 2004.
- 29 Confidential source, September 2007.
- 30 The Afghanistan Independent Human Rights Commission (AIHRC) and five countries contributing troops to NATO forces (Canada, Denmark, Norway, the Netherlands and the United Kingdom), were party to memorandums of understanding which ensured that a list of detainees handed over to the National Directorate of Security (NDS) would be provided to the AIHRC. However, as of September 2007 these lists did not contain information about the age of the detainees. AIHRC access to NDS detainees was limited. Confidential source, September 2007.
- 31 Confidential source, August 2007.

# ALBANIA

## Republic of Albania

**Population:** 3.1 million (1.0 million under 18)

**Government armed forces:** 11,000

**Compulsory recruitment age:** 19

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

*There were no reports of under-18s serving in the armed forces.*

## Government

### National recruitment legislation and practice

The constitution required all citizens to participate in the defence of the state. Conscientious objectors were required to perform alternative service (Article 166).

Under the 2003 Law on Military Service in the Republic of Albania, the minimum age for military duty was 19 although in cases of general or partial mobilization by law or by presidential decree the age could be lowered to 18. The length of duty was 12 months or only one month for university graduates.<sup>1</sup> Under a law passed in 2006, university graduates were exempted from compulsory service.<sup>2</sup>

The minimum age for voluntary service was 18.<sup>3</sup>

### Military training and military schools

Military training was offered at the Academy of Defence “Spiro Moisiu”, the Military University “Skenderbej”, and an academy for non-commissioned officers. The Academy of Defence was the armed forces’ highest military teaching and scientific institution, and trained military leaders for all levels of command in the three armed services.<sup>4</sup>

There was no military training within the general education system, and no dedicated military educational establishment for under-18s or youth organizations with a military orientation.<sup>5</sup>

## Developments

### International standards

In January 2005 the Albanian delegation informed the UN Committee on the Rights of the Child of Albania’s intention to ratify the Optional Protocols, and the Committee urged Albania to do so.<sup>6</sup> In April 2007 the Albanian embassy in

London stated that the Optional Protocol on the involvement of children in armed conflict was under evaluation and that Albania would “soon” adhere to it.<sup>7</sup> However, by October 2007 Albania had not yet done so.

- 1 Communication from embassy of Albania, London, 10 April 2007.
- 2 Law No. 9487 of 6 March 2006, Article 1, [www.qpz.gov.al](http://www.qpz.gov.al).
- 3 Communication from embassy of Albania, London, June 2004.
- 4 Ministry of Defence, [www.mod.gov.al](http://www.mod.gov.al).
- 5 Communication from embassy, above note 3.
- 6 Committee on the Rights of the Child, Consideration of report submitted by Albania, Concluding observations, UN Doc. CRC/C/15/Add.249, 31 March 2005.
- 7 Communication from embassy, above note 1.

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# ALGERIA

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## People's Democratic Republic of Algeria

**Population:** 32.9 million (12.0 million under 18)

**Government armed forces:** 137,500

**Compulsory recruitment age:** 19

**Voluntary recruitment age:** unclear

**Voting age:** 18

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182, ACRWC

***Although the voluntary recruitment age remained unclear, children did not appear to have been recruited into government armed forces.***

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## Context

Algeria continued to be affected by the legacy of violent internal conflict of the 1990s which, by the end of 2006, had claimed over 200,000 lives. A process of National Reconciliation was under way, under which the government introduced amnesty measures, exemptions and impunity for past human rights abuses by government forces and former armed group members.<sup>1</sup> Fighting between armed groups and government security forces persisted and violence continued throughout 2007.<sup>2</sup> The government continued its military campaign against armed groups which it claimed were aligned with al-Qaeda, and carried out search operations in which alleged armed group members were killed. There were concerns that women and children related to armed group members were also killed.<sup>3</sup>

The Salafist Group for Preaching and Combat (Groupe Salafiste de Predication et de Combat, GSPC), an offshoot of the now defunct Armed Islamic Group (Groupe islamique armé, GIA), announced in September 2006 that it had joined forces with al-Qaeda and at the start of 2007 officially renamed itself as the al-Qaeda Organization in the Islamic Maghreb. This was accompanied by increased attacks against commercial and military targets in 2007.<sup>4</sup> Following the April 2007 suicide bomb attacks claimed by the GSPC in Algiers, in which some 30 people were killed, an estimated 80 Algerian men, many of whom were thought to have received training in Iraq, were arrested by Algerian authorities.<sup>5</sup>

According to press reports, there were incidents in 2006 involving the kidnapping and rape of girls by armed groups. In May 2006 the bodies of 22 children were found in the province of Jijel. They were alleged to have been used as human shields by the GSPC.<sup>6</sup>

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## Government

### National recruitment legislation and practice

The legal basis for conscription into the regular armed forces remained the National Service Code. Algerian men were liable for 18 months' compulsory conscription between the ages of 19 and 30, and an additional six months' service as a reservist up to the age of 50. Some 375,000 young men were estimated as reaching military service age annually.<sup>7</sup> Evading conscription was punishable by a five-year prison sentence in accordance with Article 254 of the Algerian Military Justice Code.<sup>8</sup>

The minimum age for voluntary recruitment into the armed forces or paramilitary forces was unclear.<sup>9</sup>

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### Armed groups

#### Paramilitaries and militias

As part of its National Reconciliation initiative the government began dismantling government-allied paramilitary groups and local militias. In May 2004 the Algerian government endorsed the demobilizing of half the 300,000 members of the Legitimate Defence Force (GLD), the self-defence militias established in 1997 under Executive Decree.<sup>10</sup>

#### Armed opposition groups

In May 2007 the purported leader of al-Qaeda in the Islamic Maghreb released a recorded statement urging the youth of Algeria to join "the growing rank of martyrs".<sup>11</sup> It was not known whether armed groups recruited or used under-18s.

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### Developments

In October 2005 the UN Committee on the Rights of the Child expressed serious concern over the alleged cases of persons under 18 years of age being used by government-allied paramilitary forces and armed political groups, and over deficiencies in the birth registration system for children belonging to nomadic minorities. The Committee expressed deep concern over the situation of Western Saharan children living in refugee camps in Algeria.<sup>12</sup>

A bill on child protection (Code de protection de l'enfant) was introduced and was expected to harmonize existing laws pertaining to the protection and promotion of child rights.<sup>13</sup>

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1 "Algeria", *Amnesty International Report 2007*.

2 "Algeria violence death toll jumps in September – reports", Reuters, 1 October 2007.

3 "Algeria", above note 1.

- 4 "Al Qaeda: profile in north Africa", BBC News, 11 December 2007; "Violence ahead of Algeria polls", BBC News, 14 May 2007.
- 5 "Echoes of past as Algeria probes Iraq bomb link", Reuters, 25 April 2007.
- 6 US State Department, Country Reports on Human Rights Practices, Algeria, 6 March 2007, <http://www.state.gov>.
- 7 Central Intelligence Agency (CIA), "Algeria", *World Factbook 2007*, [www.cia.gov](http://www.cia.gov).
- 8 UK Home Office, Border and Immigration Agency, Country of Origin Information Report, Algeria, 2 November 2007, <http://www.homeoffice.gov.uk>.
- 9 UN Committee on the Rights of the Child, Consideration of report submitted by Algeria, Concluding observations, UN Doc. CRC/C/15/Add.269, 12 October 2005.
- 10 Hugh Roberts, *Demilitarizing Algeria*, Carnegie Paper No. 86, Carnegie Endowment, May 2007, [www.carnegieendowment.org](http://www.carnegieendowment.org).
- 11 "Algeria bombing video released", Al Jazeera, 8 May 2007, <http://english.aljazeera.net>.
- 12 Concluding observations, above note 9.
- 13 Ibid.

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## ANDORRA

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### Principality of Andorra

**Population:** 67,000 (12,000 under 18)

**Government armed forces:** none

**Compulsory recruitment age:** not applicable

**Voluntary recruitment age:** not applicable

**Voting age:** 18

**Optional Protocol:** ratified 30 April 2001

**Other treaties ratified (see glossary):**

CRC, ICC

***The defence of Andorra was the responsibility of France and Spain; Andorra had no armed forces.***

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### Government

#### National recruitment legislation and practice

Andorra had no armed forces; neighbouring France and Spain had responsibility for its defence.<sup>1</sup> There was no possibility that Andorran citizens would be recruited into the French or Spanish armed forces.<sup>2</sup> Only the Andorran police and customs services were authorized to carry arms, and the minimum ages for recruitment into these services were 19 and 18 respectively. A special unit of forest wardens employed by the Ministry of Agriculture and the Environment, who on occasion provided back-up for the police and the fire brigade, was also permitted to carry weapons in strictly limited circumstances. Those recruited to serve as forest wardens were between the ages of 18 and 35.<sup>3</sup>

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### Developments

Following its examination in January 2006 of Andorra's initial report on the Optional Protocol, the UN Committee on the Rights of the Child recommended that the Andorran government adopt provisions that would allow extraterritorial jurisdiction for the crime of conscripting or enlisting children under the age of 15 into the armed forces or armed groups, or compelling their active participation in hostilities.<sup>4</sup>

1 UK Foreign and Commonwealth Office, Country Profile: Andorra, [www.fco.gov.uk](http://www.fco.gov.uk).

2 Report of the NGO Group for the Convention on the Rights of the Child/Liaison Unit, Child Rights Information Network, [www.crin.org](http://www.crin.org).

3 Initial report of Andorra to the UN Committee on the Rights of the Child on the Optional Protocol, UN Doc. CRC/C/OPAC/AND/1, 14 July 2005.

4 Report of the NGO Group, above note 2.

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# ANGOLA

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## Republic of Angola

**Population:** 15.9 million (8.5 million under 18)

**Government armed forces:** 107,000

**Compulsory recruitment age:** 20

**Voluntary recruitment age:** 18 for men, 20 for women

**Voting age:** 18

**Optional Protocol:** acceded 11 October 2007

**Other treaties ratified (see glossary):**

CRC, GC AP I, ILO 138, ILO 182, ACRWC

*Child soldiers were used extensively during the 27-year civil war by both government armed forces and the armed opposition group UNITA (União Nacional para a Independência Total de Angola, National Union for the Total Independence of Angola), and were also used by the armed separatist Cabinda Liberation Front (Frente de Liberação do Enclave de Cabinda, FLEC). There were no reports of under-18s currently being recruited into the armed forces.*

## Context

Stability increased following the April 2002 signing of the Luena Peace Accords by the government and UNITA. An estimated 4.5 million people were internally displaced during the conflict and some 450,000 fled to neighbouring countries.<sup>1</sup> By December 2006 a UN refugee repatriation program had resulted in the return of over 400,000 refugees,<sup>2</sup> but an estimated 100,000 people remained internally displaced.<sup>3</sup>

Low-intensity fighting continued in the oil-rich province of Cabinda between government forces and armed factions of the FLEC.<sup>4</sup> In August 2004 FLEC-FAC (Forças Armadas de Cabinda, Cabindan Armed Forces) and FLEC-Renovada (Renewed) merged, and with the Catholic Church and civil society groups formed the Cabindan Forum for Dialogue (Forum Cabindés para o Diálogo, FCD). FCD-led negotiations with the government resulted in the signing of a Memorandum of Understanding for Peace and Reconciliation for the province of Cabinda in August 2006. However, the agreement was rejected by a majority of the groups in the FCD.<sup>5</sup>

The memorandum provided for special status for Cabinda and an amnesty for military crimes and crimes against the security of the state committed in the context of the armed conflict in that province.<sup>6</sup> It also provided for the demobilization and integration of FLEC troops

into the armed forces.<sup>7</sup> Political and military tension continued and in May 2007 sporadic small-scale attacks by FLEC forces that had remained active increased.<sup>8</sup> On 1 August 2007 they changed their name to the Liberation Front of the State (as opposed to ‘Enclave’) of Cabinda.

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## Government

### National recruitment legislation and practice

Under the constitution it was the right and highest duty of every citizen to defend the country, military service was compulsory, and the manner in which it was fulfilled was established by law. Under Law 1/93, military service was compulsory for all men aged between 20 and 45. Women over 20 could also volunteer to join. Recruitment started at 18, with registration under the military census. Those who failed to register were subject to unspecified sanctions, which in practice amounted to the payment of fines.

Under Article 8.3 of Law 1/93, the National Assembly was empowered to decree the military call-up of citizens from the age of 18 in the case of a national emergency and at the request of the Council of Ministers. The law also stipulated that military service was for two years, but the National Assembly could extend or reduce the term by a year if needed and if “conditions of service permit”. The law provided for conscientious objectors to perform civilian service. Decree No. 40/96 of 13 December 1996, on the application of military service, established a minimum age of 18 for the voluntary recruitment of men.

Recruitment into the armed forces was suspended during 2002 and 2003 but resumed in 2004.<sup>9</sup> Former child soldiers were exempt from compulsory military service, although they could still be recruited on a voluntary basis.<sup>10</sup>

### Child recruitment and deployment

From late 2002 there were no reports of children being recruited into the armed forces or being used by the armed forces in the fighting in Cabinda.<sup>11</sup>

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## Armed groups

Both FLEC-FAC and FLEC-Renovada had recruited children during the war, some as young as eight, and at least 30 per cent of them were girls.<sup>12</sup> More recent information on the recruitment of children by FLEC was not available.

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## Disarmament, demobilization and reintegration (DDR)

The demobilization and reintegration of former UNITA fighters was completed by December



2005, by which time almost 100,000 combatants had been demobilized. Thousands benefited from government programs of social reintegration, particularly in agricultural projects. In March 2007, 30,000 soldiers in the armed forces were also demobilized.<sup>13</sup> In total, around 300,000 government and former UNITA soldiers had been demobilized since the first peace agreement of May 1991.<sup>14</sup>

The quartering (provision of lodgings) of FLEC soldiers was declared completed in November 2006 with the cantonment and disarming of between 500 and 1,800 soldiers.<sup>15</sup> There were no reports that child soldiers were among them. Ammunition and hundreds of weapons were decommissioned and destroyed in January 2007 when FLEC's military organization was formally dismantled. Of its members, 615 were incorporated into the Angolan armed forces, 113 joined the Angolan National Police and 131 were either retired or returned to civilian life.<sup>16</sup> No information was provided on specific packages for the social reintegration of those demobilized.

The "Post-war Child Protection Strategy" adopted by the government in 2002 ended in 2006. The program involved the reintegration into society of more than 3,000 children, including former child soldiers. The children received skills training, assistance with civil registration and access to social assistance.<sup>17</sup>

Despite attempts by the police to collect weapons left over from the war, the number of weapons in civilian hands as of March 2006 was estimated at between 2.5 and 4 million.<sup>18</sup> Landmines remained a threat, particularly to children, who continued to be killed and maimed, albeit to a lesser extent in recent years. Non-governmental organizations working on mine clearance estimated that there were 500,000 landmines still to clear.<sup>19</sup> On 31 May 2007 the government announced that it had completed the destruction of its 83,557 stockpiled landmines in accordance with the Ottawa Convention.<sup>20</sup>

## Developments

Angola presented its initial report to the UN Committee on the Rights of the Child on 4 June 2004. In considering the report, the Committee welcomed Angola's efforts to strengthen the protection of children's rights. It also welcomed the ratification in 2001 of the ILO Minimum Age Convention 138 and the ILO Worst Forms of Child Labour Convention 182 and of the African Charter on the Rights and Welfare of the Child in July 2003. The Committee expressed concern about the inadequate attention given to the plight of child soldiers, especially girls, in the context of the disarmament, demobilization and reintegration of combatants.<sup>21</sup>

In June 2004 it was widely reported that Angolan troops had been deployed in the Democratic Republic of the Congo (DRC). The

Angolan authorities denied the reports, but confirmed that the government had agreed to a request by the DRC to help train its police and army.<sup>22</sup>

## International standards

Angola acceded to the Optional Protocol on the involvement of children in armed conflict on 11 October 2007. The accompanying declaration stated that "the inclusion of persons in the Angolan Army, as appropriate, is done upon their reaching 20 years of age, and the minimum age for voluntary enlistment is 18 years".<sup>23</sup>

- 1 World Bank, "Angola: Emergency Demobilization and Reintegration Project, February 2003", Report No. PID 11534, www.worldbank.org.
- 2 Embassy of the Republic of Angola in the United Kingdom, *Angola News*, No. 120, December 2006–January 2007.
- 3 US State Department, Country Reports on Human Rights Practices, Angola – 2006, Bureau of Democracy, Human Rights and Labour, 6 March 2007.
- 4 Human Rights Watch (HRW), "Angola", *Human Rights Watch World Report 2005*.
- 5 *Semário Angolense*, 4 September 2006.
- 6 *Ibinda*, 26 October 2006, www.ibinda.org.
- 7 *Amnesty International Report 2007*.
- 8 *Jornal Apostolado*, 30 July 2007.
- 9 Order issued by the Minister of Defence, read on Rádio Nacional de Angola on 5 January 2004 and quoted by the BBC.
- 10 Minister of Social Welfare, *Mesa Redonda sobre os desafios da Protecção da Criança, no Processo de Reintegração*, 7 March 2003.
- 11 HRW, *Forgotten Fighters: Child Soldiers in Angola*, April 2003.
- 12 Institute of Security Studies, Country Profiles: Angola, 8 November 2002, www.iss.co.za.
- 13 *Jornal de Angola*, 8 December 2005; *Agora*, 24 March 2007; and *Angola News*, above note 2, No. 123, April 2007.
- 14 *A Capital*, 28 April–5 May 2007.
- 15 Figures vary. For instance, *Jornal de Angola*, 5 October and 11 November 2006, and Angola Press Agency, 10 November 2006, refer to 500 soldiers. Another report by *Jornal de Angola* on 28 November 2006 refers to 1,804 soldiers.
- 16 *Angola News*, above note 2, No. 120, December 2006–January 2007.
- 17 Confidential source, February 2007.
- 18 IRIN, 13 March 2006, quoting the Pretoria-based Institute of Security Studies.
- 19 US State Department, Country Reports on Human Rights Practices, Angola – 2005, Bureau of Democracy, Human Rights and Labour, 8 March 2006; Initial report of Angola to the UN Committee on the Rights of the Child, UN Doc. CRC/C/3/Add.66, 10 August 2004.

- 20 *Angola News*, above note 2, No. 120, December 2006–January 2007; EFE (Spanish Press Agency), 31 May 2007.
- 21 Committee on the Rights of the Child, Consideration of report submitted by Angola, Concluding observations, UN Doc. CRC/C/15/Add.246, 1 October 2004.
- 22 Radio France Internationale (RFI) on 8 June 2004, quoted by the BBC; AFP, 25 June 2004.
- 23 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, www2.ohchr.org.

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## ANTIGUA AND BARBUDA

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### Antigua and Barbuda

**Population:** 81,000 (27,000 under 18)  
**Government armed forces:** 170  
**Compulsory recruitment age:** no conscription (see text)  
**Voluntary recruitment age:** 18  
**Voting age:** 18  
**Optional Protocol:** not signed  
**Other treaties ratified (see glossary):** CRC, GC AP I and II, ICC, ILO 138, ILO 182

*There were no reports of under-18s in the armed forces.*

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### Government

#### National recruitment legislation and practice

There was no conscription into the Antigua and Barbuda Defence Force, and no legal basis for compulsory military service during states of emergency.<sup>1</sup> Under the 1981 Defence Act, nobody under the age of 18 could be enlisted into the regular armed forces, but the Governor-General had powers to call up men for national service and to set the age at which they could be called up.<sup>2</sup> The 1981 Act was amended by the Defence Act 2003, No. 10 of 2006.<sup>3</sup>

#### Military training and military schools

The armed forces managed National Cadet Corps units in secondary-schools, providing physical training, basic military skills, discipline and academic and technical guidance, and promoting national service and patriotism. The government announced in September 2006 that it was considering making enrolment in the corps compulsory for every student in the first and second years of secondary-school.<sup>4</sup>

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### Developments

In November 2004 the UN Committee on the Rights of the Child recommended that Antigua and Barbuda ratify the Optional Protocol.<sup>5</sup>

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- 1967 Emergency Powers Act, Chapter 147, www.laws.gov.ag.
  - 1981 Defence Act, Chapter 132, Sections 15(2) and 161.
  - International Labour Organization, www.ilo.org/ (natlex database).

- 4 Prime Minister W. Baldwin Spencer, speech at the Antigua and Barbuda Defence Force 25th Anniversary Banquet, 2 September 2006, [www.antigua.gov.ag](http://www.antigua.gov.ag).
- 5 UN Committee on the Rights of the Child, Consideration of initial report submitted by Antigua and Barbuda, Concluding observations, UN Doc. CRC/C/15/Add.247, 3 November 2004.

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## ARGENTINA

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### Argentine Republic

**Population:** 38.7 million (12.3 million under 18)

**Government armed forces:** 71,700

**Compulsory recruitment age:** no conscription (see text)

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 10 September 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

*There were no reports of under-18s in the armed forces.*

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### Government

#### National recruitment legislation and practice

Compulsory military service had been replaced by voluntary enrolment in 1994, although the government retained powers to restore conscription in an emergency.<sup>1</sup> Volunteers to the armed forces were on renewable two-year contracts.<sup>2</sup> They had to be 18–24 years old and to have seven years of basic education. Those under 21 were required to have parental consent.<sup>3</sup>

If the number of volunteers failed to meet the quota of recruits for a particular year, Congress could authorize the conscription for up to 12 months of citizens who turned 18 that year.<sup>4</sup> In such circumstances, conscientious objectors could carry out an alternative form of social service. In an armed conflict, the whole population had to support the war effort with non-military service.<sup>5</sup>

In June 2006, Decree 727 regulating the National Defence Law established a clearer line of civilian command over the armed forces and in the development of defence policies.<sup>6</sup> The armed forces could respond to external threats only and were excluded from internal security operations related to drug trafficking and terrorism.

#### Military training and military schools

Each branch of the armed forces had its own primary, secondary and training schools. The army had seven primary and secondary-schools around the country, which offered the national curriculum as well as military instruction.<sup>7</sup>

Candidates for officer training at the National Military College had to have completed secondary education and were usually about 17 or 18 years old. They needed parental consent if they were under 21. Women could take courses that included artillery, engineering,

communications and logistics. Students were allowed to leave the college without penalty.<sup>8</sup>

Candidates to the Military Aviation School had to be aged 16–22 and to have completed their secondary education. Officers graduated after four years as second lieutenants (*alférez*).<sup>9</sup>

Those seeking to enrol at the Military Naval School had to be at least in their final secondary school year (typically aged 17) and have parental consent if under 21.<sup>10</sup>

Candidates to the non-commissioned officers' air force school had to be aged 16–22, have parental consent if under 21 and have completed their secondary education. Graduates received the rank of corporal (*cabo*) after two years' training.<sup>11</sup>

Boys and girls aged 11–15 could enrol in military high schools (*liceos militares*) run by the armed forces. The schools provided a general education, with military instruction for students in their last two years.<sup>12</sup>

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## Developments

In October 2007 Argentina endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The two documents, which were previously endorsed by 59 states at a February 2007 ministerial meeting in Paris, reaffirmed international standards and operational principles for the protection of and assistance to child soldiers, following a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

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1 Facultad Latinoamericana de Ciencias Sociales (FLACSO), Programa Seguridad y Ciudadanía, *Reporte del Sector Seguridad en América Latina y el Caribe, Informe Nacional: Argentina*, August 2006, [www.flacso.cl](http://www.flacso.cl).

2 FLACSO, above note 1.

3 Ejército Argentino, Servicio Militar Voluntario, Soldado voluntario, [www.ejercito.mil.ar](http://www.ejercito.mil.ar).

4 Ley del Servicio Militar Voluntario, No. 24429, Articles 19, 20 and 21.

5 Ley de Defensa Nacional, No. 23554.

6 FLACSO, above note 1; see also *Child Soldiers: Global Report 2004*

7 FLACSO, above note 1.

8 Colegio Militar de la Nación, Preguntas frecuentes, [www.colegiomilitar.mil.ar](http://www.colegiomilitar.mil.ar).

9 Escuela de Aviación Militar, Incorporación y educación, [www.fuerzaaerea.mil.ar](http://www.fuerzaaerea.mil.ar).

10 Escuela Naval Militar, [www.esculanaval.mil.ar](http://www.esculanaval.mil.ar).

11 Escuela de Suboficiales de la Fuerza Aérea, Información General, Condiciones y Programas de Ingreso, [www.esfa.iaa.edu.ar](http://www.esfa.iaa.edu.ar).

12 Comando de Educación y doctrina, [www.coedoc.ejercito.mil.ar](http://www.coedoc.ejercito.mil.ar); see also *Global Report 2004*, above note 6.

# ARMENIA

## Republic of Armenia

**Population:** 3.0 million (819,000 under 18)  
**Government armed forces:** 43,600  
**Compulsory recruitment age:** 18  
**Voluntary recruitment age:** 18; 16–17 as a cadet  
**Voting age:** 18  
**Optional Protocol:** ratified 30 September 2005  
**Other treaties ratified (see glossary):**  
 CRC, GC AP I and II, ILO 138, ILO 182

*There were no reports of under-18s on active duty in the armed forces, but cadets under 18 in military higher education were considered to be military personnel. Under a pilot scheme children as young as 11 received weapons training in school.*

## Context

Negotiations with Azerbaijan continued under the auspices of the Organization for Security and Co-operation in Europe (OSCE) to end the dispute over the status of the enclave of Nagorno-Karabakh.<sup>1</sup> The government insisted that the people in the enclave had to be guaranteed the right to exist within safe borders and that a link with Armenia had to be maintained.<sup>2</sup>

## Government

### National recruitment legislation and practice

Military service was regulated by the 1998 Law on Military Duty and the 2002 Law on Performance of Military Service. Conscription was provided for in the constitution. The 1998 Law on Military Duty (Article 11.1) stated that male citizens between the ages of 18 and 27 were liable for call-up in peacetime. In 2005 the law was amended to oblige graduates of military educational institutions to sign up for professional military service or else to refund the costs of their education.<sup>3</sup>

There were reports of physical and mental abuse, murder and rape of army conscripts.<sup>4</sup> Three soldiers who in 2005 had been convicted of killing two fellow conscripts in December 2003 had their sentences increased in May 2006 from 15 years' to life imprisonment by the Court of Appeal. One of them stated that military investigators beat him and threatened him with rape, coercing him into signing a confession in which he named the two others as accomplices.<sup>5</sup> The three, who had consistently maintained their innocence, were released by the Court of Cassation in December 2006. Shortly afterwards

the judge who ordered their release was removed from his post.<sup>6</sup> The three soldiers submitted an application to the European Court of Human Rights, complaining of ill-treatment during questioning and unlawful detention. The Court's decision as to the admissibility of the case was still under consideration at the end of October 2007.<sup>7</sup>

The Law on Alternative Service, which gave legal recognition to conscientious objection, entered into force in July 2004.<sup>8</sup> A government order of 9 July 2006 made available just 45 places for alternative service and a further 300 non-armed military positions.<sup>9</sup> Many conscientious objectors, mainly Jehovah's Witnesses, refused to enlist for alternative service on the grounds that it was controlled by the military and not a fully civilian alternative.<sup>10</sup> In 2006, 40 Jehovah's Witnesses were convicted for their refusal to do military service and by May 2007 over 70 were in prison.<sup>11</sup>

The army of the Nagorno-Karabakh Republic (NKR), which was not internationally recognized as an independent state, was estimated at 18,500–20,000, of whom over half were reportedly citizens of Armenia and included Armenian army conscripts.<sup>12</sup>

### Military training and military schools

Military training was compulsory for school students aged about 16–18. Boys and girls in grades 8 and 9 in weekly classes learned how to handle automatic weapons. Girls could begin a nursing course from grade 9.<sup>13</sup>

In 2006 in one school in a poor suburb of Yerevan, the capital, military training started much earlier. A class of 18 boys and six girls aged 11 and 12, many of whom were orphans, were chosen to pilot military training for pre-adolescents, with the stated aim of improving school discipline. They were taught by a former paratrooper to march, handle automatic weapons and use combat skills. The Ministry of Education and Science reportedly planned to extend the course to 11 other "special schools" with disadvantaged pupils around the country, and to allow children who wanted military careers to transfer to those schools.<sup>14</sup>

Military training after secondary-school was provided through officer training at the Vazgen Sarkizyan Military Institute, the Military Aviation Institute, and the Military Medical Faculty of Yerevan Medical University. Cadets could be accepted for military higher education from the year they turned 17. During their studies, they were considered to be military personnel, with all the corresponding rights and duties.<sup>15</sup> The inclusion of under-18s among this group was not explicitly mentioned in Armenia's declaration on ratifying the Optional Protocol.

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## Developments

### International standards

Armenia ratified the Optional Protocol in September 2005, stating in its declaration that under Armenian law citizens under 18 could not be called on for either obligatory or contractual (voluntary) military service.<sup>16</sup>

In January 2006 Armenia ratified the ILO Minimum Age Convention 138 and the ILO Worst Forms of Child Labour Convention 182.

\* Titles of non-English-language sources have been translated by the Coalition.

- 1 “Armenian, Azerbaijan Envoys Meet over Nagorno-Karabakh”, Radio Free Europe/Radio Liberty (RFE/RL), 14 March 2007, [www.rferl.org](http://www.rferl.org).
- 2 Armenia Country Profile, BBC News, 4 March 2007.
- 3 Confidential sources, April 2007.
- 4 “Violence in the Ranks: Army conscript says he was raped by comrades”, *ArmeniaNow*, 17 February 2006, [www.armenianow.com](http://www.armenianow.com).
- 5 *Human Rights Watch World Report 2007*.
- 6 Gayane Abrahamyan, “Free at last: struggle to prove soldiers’ innocence ends with surprise victory in court”, *ArmeniaNow*, 12 January 2007.
- 7 *Arayik Zalyan, Razmik Sargsyan and Musa Serobyanyan v. Armenia* (Application Nos 36894/04 and 3521/07), European Court of Human Rights, admissibility hearing 11 October 2007, [www.echr.coe.int](http://www.echr.coe.int).
- 8 Marc Stolwijk, *The Right to Conscientious Objection in Europe: A Review of the Current Situation*, Quaker Council for European Affairs, April 2005, [www.quaker.org/qcea/coreport](http://www.quaker.org/qcea/coreport).
- 9 Confidential sources, above note 3.
- 10 Emil Danielyan, “New alternative service falls flat in Armenia”, *Eurasianet*, 10 March 2006, [www.eurasianet.org](http://www.eurasianet.org).
- 11 International Helsinki Federation, *Human Rights in the OSCE Region: Armenia*, 27 March 2007, [www.ihf-hr.org](http://www.ihf-hr.org) (IHF reports); Felix Corley, “Armenia, 72 religious prisoners of conscience is new record”, *Forum 18 News Service*, 2 May 2007, [www.forum18.org](http://www.forum18.org).
- 12 International Crisis Group (ICG), *Nagorno-Karabakh: Viewing the Conflict from the Ground*, Europe Report No. 166, 14 September 2005, [www.crisisgroup.org](http://www.crisisgroup.org).
- 13 Confidential sources, above note 3.
- 14 Gegham Vardanian, “Armenian pupils march to new step”, *Institute for War and Peace Reporting (IWPR)*, 20 July 2006, [www.iwpr.net](http://www.iwpr.net); *Armenian Helsinki Federation*, above note 11.
- 15 “Armenian National Army – 15 years old”, *Respublika Armeniya*, 31 January 2007, [www.ra.am](http://www.ra.am).
- 16 Declaration on accession to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).

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## AUSTRALIA

### Australia

**Population:** 20.2 million (4.8 million under 18)

**Government armed forces:** 51,600

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 17

**Voting age:** 18

**Optional Protocol:** ratified 26 September 2006

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 182

***As of mid-2007, there were nearly 500 under-18s serving in the armed forces, including girls.***

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### Context

Australian Defence Force (ADF) personnel participated in a major government crackdown, which included forced medical examinations for children, on reported widespread child abuse among Aboriginal communities in 2007. This in turn prompted fears among the community members of a return to former assimilation policies that saw a “stolen generation” of children forcibly removed and placed with non-Aboriginal families.<sup>1</sup>

In July 2005 the government abandoned its policy of detaining child asylum seekers in high-security facilities, but unaccompanied children continued to be detained under guard, and criticism of the government’s asylum and immigration policies continued.<sup>2</sup>

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### Government

#### National recruitment legislation and practice

There was no conscription in Australia, but the 1903 Defence Act allowed for its introduction in time of war by a proclamation approved by both houses of parliament (Section 60). The minimum conscription age was specified as 18 (Section 59). The legal basis for voluntary recruitment was provided by the Defence Act (Article 34), the Naval Defence Act 1910 (Article 24) and the 1923 Air Force Act (Article 4E).<sup>3</sup>

The Defence Instructions of 2005 specified 17 as the minimum voluntary recruitment age for all three armed forces (Article 4). However, children could apply to join the armed forces at 16 years and 6 months. Children from the age of ten were encouraged to register their details with an online service that could put them in contact with armed forces recruitment officers. The Defence Instructions stated that all personnel wishing to join the armed forces had to present an original

or certified copy of their birth certificate to their recruiting officer (Article 5) and that all under-18s had to have the written informed consent of their parents or guardians (Article 6). All applicants wishing to join the armed forces had to be fully informed of the nature of their future duties and responsibilities (Article 7), and the recruitment of all children had to be genuinely voluntary (Article 8).<sup>4</sup>

The Defence Instructions stated that the armed forces had to take “all feasible measures” to ensure that under-18s did not participate in hostilities (Article 10), and outlined a number of limited safeguards, including that under-18s should not be deployed in areas of operations where there was a likelihood of hostile action “to the maximum extent possible, and where it will not adversely impact on the conduct of operations” (Article 11). However, a commander was not obliged to remove an under-18 from direct participation in hostilities in certain circumstances, including “where it would prejudice the effectiveness of the mission” (Article 13).<sup>5</sup>

Australia’s declaration on ratification of the Optional Protocol in 2006 stated that the minimum age of voluntary recruitment was 17; that proper documentation of age and informed consent of parents or guardians of under-18s were required; that all applicants be fully informed of their duties and responsibilities; and that recruiting officers had to be satisfied that applications for enlistment of under-18s were on a “genuinely voluntary basis”.<sup>6</sup>

Following ratification of the Optional Protocol, the Criminal Code Act (1995) was amended in 2007 to provide for a series of criminal penalties for individuals who used, conscripted or enlisted children under the age of 15 into the national armed forces or under the age of 18 into a force or group other than the national armed forces in both international or non-international armed conflicts.<sup>7</sup>

In October 2005 the Defence Force Ombudsman released the report from his investigation into the management and administration of under-age personnel in the armed forces. It included a recommendation that the forces undertake an analysis of the costs and benefits of accepting children for enlistment in the ADF, with a view to determining whether the enlistment age should be raised to 18 years. The Defence Department disagreed with the recommendation, claiming that to raise the minimum age would “severely restrict the quality and quantity of recruits”.<sup>8</sup>

### **Military training and military schools**

In its declaration on ratification of the Optional Protocol in 2006, Australia stated that the minimum voluntary recruitment age of 17 did not apply to military schools. Nor did it apply

to cadet schemes, “members of which are not recruited into, and are therefore not members of, the ADF”.<sup>9</sup>

The Australian Defence Force Cadets describes itself as a “community-based youth development organization” of 22,000 cadets and 2,100 cadet staff in 475 units and squadrons across Australia, funded by the government through the Department of Defence. The minimum age of recruitment is 12 years and 6 months for navy and army cadets, and 13 for air force cadets. Training included weapons handling. The cadet force was considered a path to a defence career, and “a safe and fun military-like experience”.<sup>10</sup>

### **Child recruitment and deployment**

As of 27 July 2007, there were a total of 486 under-18s serving in the armed forces, including 62 girls. The government stated that it had no record of children being deployed into areas of operations.<sup>11</sup>

### **Disarmament, demobilization, and reintegration (DDR)**

The government was providing Australian \$200,000 to help UNICEF and the UN Special Representative for Children and Armed Conflict undertake the ten-year strategic review of the 1996 Machel study, “The Impact of Armed Conflict on Children”.<sup>12</sup>

## **Developments**

### **International standards**

Australia ratified the Optional Protocol in September 2006, the Rome Statute of the International Criminal Court in July 2002 and ILO Convention 182 in December 2006.<sup>13</sup>

- 1 Reuters, “Australia’s Aborigines fear losing children”, 26 June 2007.
- 2 Children out of Detention, [www.chilout.org/](http://www.chilout.org/); Mary Crock, *Seeking Asylum Alone: Australia*, Harvard, 2006, [www.humanrights.harvard.edu](http://www.humanrights.harvard.edu).
- 3 Commonwealth of Australia Law, [www.comlaw.gov.au](http://www.comlaw.gov.au).
- 4 Department of Defence, “Recruitment and employment of members under 18 years in the Australian Defence Force”, Defence Instructions (General), 4 July 2005; “Underage candidates”; “Recruitment and employment of members under 18 years in the Australian Defence Force”, Defence Instructions (General), 4 July 2005; all at [www.defencejobs.gov.au](http://www.defencejobs.gov.au).
- 5 Department of Defence, “Recruitment and employment of members under 18 years in the Australian Defence Force”, above note 4.
- 6 Declaration on ratification of the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).

- 7 Commonwealth of Australia Law, above note 3.
- 8 Commonwealth and Defence Force Ombudsman, “Australian Defence Force: management of service personnel under the age of 18 years”, October 2005, [www.comb.gov.au](http://www.comb.gov.au).
- 9 Declaration, above note 6.
- 10 Department of Defence, Defence Force Cadets, [www.cadetnet.gov.au](http://www.cadetnet.gov.au).
- 11 Child Soldiers Coalition correspondence with Ministry of Defence, October 2007.
- 12 Ibid.
- 13 Ratification of the Optional Protocol, above note 6; ICC Assembly of States Parties, [www.icc-cpi.int/](http://www.icc-cpi.int/); International Labour Standards, [www.ilo.org](http://www.ilo.org) (ILOlex database).

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## AUSTRIA

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### Republic of Austria

**Population:** 8.2 million (1.6 million under 18)

**Government armed forces:** 39,600

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 17 (training only)

**Voting age:** 18

**Optional Protocol:** ratified 1 February 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***Voluntary recruitment was allowed for 17-year-olds. The precise number of under-18s in the armed forces was not available. Legislation ruled out the participation of under-18s in active service.***

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### Government

#### National recruitment legislation and practice

The constitution and the 1990 National Defence Act provided the basis for compulsory military service.<sup>1</sup> According to the National Defence Act, all Austrian men were required to register for compulsory military service during the calendar year in which they became 18. Recruitment orders could not be served earlier than six months following the decision on fitness for service by a recruitment commission. The National Defence Act also allowed for voluntary recruitment to the Austrian armed forces at the age of 17 – although the explicit consent of parents or guardians was required. Volunteers under 18 could enter the armed forces for training purposes only, and any deployment overseas of 17-year-olds was prohibited. The Act on Dispatching of Soldiers for Assistance Abroad allowed for voluntary requests for international deployment to be made only at the age of 19. According to a 2003 National Defence Act amendment, women could volunteer for military training and “functional services” in the armed forces, but were prohibited from participation in armed conflict.<sup>2</sup> The length of ordinary military service was currently six months. Precise figures on the number of volunteers under the age of 18 currently serving in the armed forces were unavailable, but the current figure was believed to be very low.<sup>3</sup> A 2001 amendment to the National Defence Act explicitly banned “the direct participation of persons under the age of 18 in direct hostilities”. According to the Austrian government, “the term ‘direct participation’ is interpreted in a restrictive manner and does not include acts such as gathering and transmission of military



information, transportation of arms and munitions, provision of supplies, etc.”.<sup>4</sup>

The Austrian Penal Code “prohibits and criminalizes the recruitment and use of persons of any age in hostilities by armed groups that are distinct from the armed forces”.<sup>5</sup>

### Military training and military schools

Although the Austrian government stated that there were no schools in the country directly operated by the armed forces, the Militaerrealgymnasium, located in Wiener Neustadt, “offers students from age 14 a higher secondary education with a specialization in natural sciences and a military-led boarding school. The school is supervised by the general school authorities in all relevant aspects. The boarding school is governed by internal rules under the supervision of the Federal Ministry of Defence.”<sup>6</sup>

Although it was not an exclusive aim, preparation for a military career as an officer was certainly one of the institution’s stated purposes. The government stated that the students of the school were not considered to be members of the armed forces, and emphasized that the pursuit of a military career following graduation was not compulsory.<sup>7</sup> In its January 2005 examination of Austria’s initial report on implementation of the Optional Protocol, the UN Committee on the Rights of the Child noted that students at the school were referred to as “cadets”. The Committee went on to request the following: “With regard to incentives for recruitment, and in light of the fact that a significant proportion of new recruits in the armed forces come from the cadet forces, the Committee requests the State party, in its next report, to include more detailed information and statistics on its military school and the cadet forces ... and on recruitment activities undertaken by the armed forces within the cadet forces.”<sup>8</sup> In its report to the Committee, the government stated that training in international law and the rights of the child was being included in the preparation of Austrian soldiers for overseas missions. Austrian peacekeepers were also given particular instruction relevant to the place of their deployment – as in the case of two armed forces personnel whose preparatory training included specific attention to the issue of child soldiers in the Democratic Republic of the Congo. The curriculum of the Militaerrealgymnasium also included instruction in the basics of international humanitarian law.<sup>9</sup>

### Developments

At a February 2007 ministerial meeting in Paris, Austria and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed

groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

- 1 Quaker Council for European Affairs, *The Right to Conscientious Objection to Military Service in Europe: A Review of the Current Situation*, April 2005.
- 2 Initial report of Austria to the UN Committee on the Rights of the Child on the Optional Protocol to the Convention on the Rights on the Child on the Involvement of Children in Armed Conflict, UN Doc. CRC/C/OPAC/AUT/1, 8 July 2004.
- 3 Information from the defence attaché, Austrian embassy, London, September 2007.
- 4 Initial report, above note 2.
- 5 Ibid.
- 6 Ibid.
- 7 Ibid.
- 8 Committee on the Rights of the Child, Consideration of report submitted by Austria on the Optional Protocol on the Involvement of Children in Armed Conflict, Concluding observations, UN Doc. CRC/C/OPAC/CO/2, January 2005.
- 9 Initial report, above note 2.

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# AZERBAIJAN

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## Republic of Azerbaijan

**Population:** 8.4 million (2.7 million under 18)

**Government armed forces:** 66,740

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 17 (as a cadet school student)

**Voting age:** 18

**Optional Protocol:** ratified 3 July 2002

**Other treaties ratified (see glossary):**

CRC, ILO 138, ILO 182

***Under-18s could volunteer to join the armed forces as cadets at military school.***

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## Context

Negotiations with Armenia continued under the auspices of the Organization for Security and Co-operation in Europe (OSCE) to end the dispute over the status of Nagorno-Karabakh.<sup>1</sup> Azerbaijan's oil wealth was channelled into the military to bring its forces up to NATO standards and to counterbalance Armenia's armed forces. Military spending rose from US\$135 million in 2003 to US\$700 million in 2006, and was projected to increase further.<sup>2</sup>

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## Government

### National recruitment legislation and practice

The November 1992 Law on Military Service set the age of conscription at 18. Boys at the age of 16 were usually required to have a medical examination, and at the age of 18 were called up.<sup>3</sup>

Recruitment legislation was amended in December 2006 to ensure a larger pool of conscripts. Matriculating students and people caring for disabled relatives no longer had the right to defer military service. Eighteen-year-olds who did not register for conscription could face criminal charges. Compulsory military service was increased from 12 to 18 months, with call-ups four times a year, rather than twice as previously. District military commissioners, reorganized on a regional basis, were to answer directly to the president, rather than the Ministry of Defence. Conscripts could be assigned to other government departments, such as the Ministries of Justice or Emergency Situations, in addition to the armed forces. The new system was to be fully implemented by 2010.<sup>4</sup>

According to Azerbaijan's declaration on ratifying the Optional Protocol in 2002, 17-year-olds could voluntarily enter active military service while at military cadet schools.<sup>5</sup> Non-governmental organizations (NGOs) in Azerbaijan

reported that in practice 17-year-olds who had graduated from military secondary-schools could go straight into military service.<sup>6</sup>

The direct participation of children aged under 15 in military action was prohibited. The recruitment of minors into the armed forces was treated as a violation of international humanitarian law and punishable under Article 116 of the Criminal Code.<sup>7</sup>

Advocates of military reform raised concerns that the rights of **soldiers, cadets and even officers** were violated in the military. Living conditions were poor, with a reported rise in suicides and criminality. In the early 2007 it was reported that during the previous year there had been about 200 cases of corruption or violence against soldiers. Conscripts' housing, annual leave and salaries were reported to have been arbitrarily withheld or withdrawn in some cases. A group researching military and security issues reported that in 2006, in contrast to previous years, the majority of casualties in Azerbaijan's army were non-battlefield-related – 75 per cent were the result of suicide or bullying. In December 2006 three soldiers were reported to have fled across the front line into Armenian captivity to escape physical abuse and bullying in the Azerbaijani army.<sup>8</sup>

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## Military training and military schools

Two military secondary-schools admitted pupils after eight years of education.<sup>9</sup> The first was founded in the 1970s; the second, in the Nakhichevan enclave, was opened in 2004.<sup>10</sup> Children could enter the schools at 14 years of age. Graduates were expected to go on to study at military higher-education institutions to become officers, but those who did not could join the army as ordinary soldiers.<sup>11</sup> Three Supreme Military Schools for the army, navy and air force and the Academy of National Security accepted pupils aged 17–19 as cadets who were considered to be members of the armed forces. The schools offered courses based on NATO standards.<sup>12</sup>

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## Nagorno-Karabakh Republic (NKR)

The Nagorno-Karabakh Republic (NKR) had its own laws and armed forces, but remained unrecognized internationally. The strength of the army was estimated at 18,500–20,000, of whom over half were reportedly citizens of Armenia.<sup>13</sup> The remainder were largely conscripts.

The NKR constitution required citizens to do compulsory military service (Article 57). Conscription and voluntary recruitment were regulated by the Law on Military Service, as amended in 2006, and the Law on Military Obligations of 2001. The Law on Military Obligations stipulated that all male citizens at the age of 16 submit to a medical examination

(Articles 5 and 11). Those who passed had to carry out two years' military service between the ages of 18 and 27.

The minimum age for voluntary recruitment was also 18. Men could become professional soldiers on completing military service. Women could also sign up voluntarily.<sup>14</sup>

\* Titles of non-English-language sources have been translated by the Coalition.

- 1 "Armenian, Azerbaijan envoys meet over Nagorno-Karabakh", Radio Free Europe/Radio Liberty (RFE/RL), 14 March 2007, www.rferl.org.
- 2 Speech of President Ilham Aliyev at Graduation Ceremony at Heydar Aliyev High Military School, 23 June 2006, in UNDP Azerbaijan Development Bulletin, Issue No. 39, July 2006, www.un-az.org/undp; Adalat Bargarar, "Azerbaijan boosts military", Institute of War and Peace Reporting (IWPR), 7 July 2005, www.iwpr.net; Jasur Mamedov, "Azerbaijan tiptoes towards NATO", IWPR, 23 November 2006.
- 3 Marc Stolwijk, *The Right to Conscientious Objection in Europe: A Review of the Current Situation*, Quaker Council for European Affairs, April 2005, www.quaker.org/qcea/coreport.
- 4 B. Safarov, "Parliament passed amendments to the law on the basics of conscription", *Ekho*, 26 December 2006, www.echo-az.com; J. Mazakhiroglu, "Military Commissioners' Offices will be Abolished", *Armeyskoe Zerkalo*, 30 December 2006, www.zerkalo.az.
- 5 Declaration on accession to the Optional Protocol, www2.ohchr.org.
- 6 Confidential sources, March 2007.
- 7 Second periodic report of Azerbaijan to the UN Committee on the Rights of the Child, UN Doc. CRC/C/83/Add.13, 7 April 2005.
- 8 Adalat Bargarar, above note 2; Jasur Mamedov, "Army abuse claims in Azerbaijan", IWPR, 8 March 2007; Liz Fuller, "Azerbaijan: Military has Cash, but no Security Doctrine", RFE/RL, 2 February 2006.
- 9 Confidential sources, above note 6.
- 10 "Executive Order of President of Azerbaijan on founding military lyceum named after Heydar Aliyev", *Azerbaijan*, No. 49, 27 February 2004, at www.vescc.com.
- 11 Confidential sources, above note 6.
- 12 J. Sumerinli, "Reforms in the Army are a long-term process", *Voennoe Zerkalo*, undated, http://old.zerkalo.az; Ministry of National Security, "The role of the Ministry of National Security in NATO-Azerbaijan cooperation", *Diplomacy and Law*, No. 1 (007), April 2007, www.mns.gov.az.
- 13 International Crisis Group (ICG), *Nagorno-Karabakh: Viewing the Conflict from the Ground*, Europe Report No. 166, 14 September 2005, www.crisisgroup.org.
- 14 Confidential sources, Nagorno Karabakh, March 2007.

## BAHAMAS

### Commonwealth of the Bahamas

**Population:** 323,000 (108,000 under 18)

**Government armed forces:** 900

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol: not signed**

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182

**No information was available on under-18s in the security forces.**

### Government

#### National recruitment legislation and practice

The armed forces were responsible for defence and protection, the provision of disaster relief, and, in conjunction with other law enforcement agencies, the maintenance of order.<sup>1</sup> The age for recruitment into the armed forces under the Defence Act was 18.<sup>2</sup> There was no conscription.

In times of imminent danger of invasion or other emergency, the Governor-General could order that the police force be liable for military service.<sup>3</sup> The minimum age of recruitment to the police was 18.<sup>4</sup> However, the Bahamas stated in its initial report to the UN Committee on the Rights of the Child that under the Police Act the recruitment age was 16 years.<sup>5</sup>

#### Developments

In March 2005 the UN Committee on the Rights of the Child recommended that the Bahamas ratify the Optional Protocol.<sup>6</sup>

- 1 Defence Act, Chapter 211.
- 2 Initial report of Bahamas to the Committee on the Rights of the Child, UN Doc. CRC/C/8/Add.50, 28 January 2004.
- 3 Police Force (Military Service) Act, Chapter 207.
- 4 Police Act, Chapter 205.
- 5 Initial report, above note 2.
- 6 Committee on the Rights of the Child, Consideration of initial report submitted by Bahamas, Concluding observations, UN Doc. CRC/C/15/Add.253, 31 March 2005.

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# BAHRAIN

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## Kingdom of Bahrain

**Population:** 727,000 (232,000 under 18)  
**Government armed forces:** 11,200  
**Compulsory recruitment age:** no conscription  
**Voluntary recruitment age:** unclear  
**Voting age:** 20  
**Optional Protocol:** acceded 21 September 2004  
**Other treaties ratified (see glossary):**  
CRC, GC AP I and II, ILO 182

*Non-commissioned officers, technicians and specialized personnel could apparently join the army as cadets from the age of 15 and as regular soldiers at 17. However, Bahrain's declaration on its accession to the Optional Protocol stated that the minimum age for voluntary recruitment was 18.*

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## Government

### National recruitment legislation and practice

While military service was not compulsory, according to Article 30 of the constitution, "defending [the state] shall be the duty of every citizen. Military service is an honour for the citizens and regulated by law."

The government had stated in its 2001 Initial Report to the UN Committee on the Rights of the Child that "Legislative Decree No. 23 of 1979 ... stipulates that recruits into the ranks must not be under 17 or over 35 years of age, except in the case of non-commissioned officers, technicians and specialized personnel who can be recruited from the age of 15 (as cadets) to the age of 40",<sup>1</sup> while Article 3 of the decree stated that the age limit could be disregarded in times of necessity. However, Bahrain's declaration on its accession to the Optional Protocol stated that the minimum age for voluntary recruitment was 18.<sup>2</sup>

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## Developments

### International standards

Bahrain acceded to the Optional Protocol on 21 September 2004.

1 Initial report by Bahrain to the UN Committee on the Rights of the Child, UN Doc. CRC/C/11/Add.24, 23 July 2001.

2 Declaration by Bahrain on accession to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).

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# BANGLADESH

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## People's Republic of Bangladesh

**Population:** 141.8 million (59.4 million under 18)  
**Government armed forces:** 126,500  
**Compulsory recruitment age:** no conscription  
**Voluntary recruitment age:** 16 (air force); 17 (army and navy); 18 (paramilitary and auxiliary forces)  
**Voting age:** 18  
**Optional Protocol:** ratified 6 September 2000  
**Other treaties ratified (see glossary):**  
CRC, GC AP I and II, ILO 182

*Under-18s were reported to be serving in the armed forces. Despite government assertions to the contrary a number of armed groups were known to be operating in the country, and there were allegations that some had recruited children.*

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## Context

Following a series of bombings in 63 districts in August 2005, the government cracked down on Islamist groups. Hundreds of arrests were carried out and several Islamist organizations – including the Jagrata Muslim Janata Bangladesh (JMJB), Jamaat-ul-Mujahideen Bangladesh (JMB) and Harkat-ul-Jihad-al-Islami (HuJI) – were banned.<sup>1</sup>

In January 2007 a state of emergency was declared by the president. Imminent elections were cancelled following widespread political violence. A military-backed caretaker government took power; it banned political rallies and other political activity and began a campaign against corrupt politicians and organized crime under which thousands of people were detained.

Observers voiced concern that the slow implementation of the 1997 Peace Accord in the Chittagong Hill Tracts (CHT) threatened the return of organized violence. Non-governmental organizations (NGOs) concerned with child rights feared that such violence would involve children.<sup>2</sup> In May 2007 the CHT Affairs Ministry Advisory Committee held its first meeting for six years to discuss implementation of the Accord.<sup>3</sup>

India continued to allege that numerous separatist groups active in northeast India were operating from inside Bangladesh's borders. In early 2007 the caretaker government of Bangladesh appeared to acknowledge this and said that it would take action against them.<sup>4</sup>

According to the government in 2005, a National Child Labour Policy had been drafted, but not finalized, which would remove anomalies in legislation, fix a uniform age for admission to work, and simplify and consolidate all legal provisions for the progressive elimination of child

labour, including its worst forms.<sup>5</sup> A Baseline Survey conducted by the International Labour Organization (ILO) in 2005 estimated that there were 532,000 child workers aged 5–17 engaged in hazardous labour.<sup>6</sup>

The age of criminal responsibility was raised from seven to nine years. UNICEF commented that “for children in conflict with the law, rehabilitation instead of punishment is yet to become the main aim”.<sup>7</sup> Under the 1974 Children Act “child” and “youthful offender” were defined as a person under the age of 16, so that children between the ages of 16 and 18 were treated as adults.

## Government

### National recruitment legislation and practice

There was no provision for compulsory recruitment into the armed or paramilitary forces. There was no legislation governing the minimum age for recruitment and deployment, but according to the government the minimum age of recruitment into the army and navy was 17 years, and 16 for the air force.<sup>8</sup> The minimum age for recruitment into Bangladesh’s armed paramilitary and auxiliary forces, including the Bangladesh Rifles and the Ansars, was 18.<sup>9</sup> The government maintained that there was no scope for any person to be employed for actual service or combat duty in the defence services, internal security services or paramilitary forces before attaining the age of 18, because those recruited below that age were required to undergo periods of training (although in the case of the army, the government indicated that training was for a period of only nine months).<sup>10</sup>

The UN Committee on the Rights of the Child expressed concern about the reportedly high number of children under 18 who enrolled in the armed forces and the difficulty of determining the real age of recruits.<sup>11</sup> Recruitment information issued by the Army of Bangladesh specified the need for education certificates, a nationality certificate and a certificate of parental consent, but not a birth certificate. The birth registration rate was reported as 10 per cent (having been 7 per cent in 2003).<sup>12</sup> The Committee also expressed concern about the lack of mandatory parental consent except for recruits to the air force, and the lack of measures to ensure that recruitment of under-18s was genuinely voluntary and well informed.<sup>13</sup>

### Military training and military schools

According to information provided by the government to the Committee on the Rights of the Child, durations of training varied from one branch of the armed forces to another. Army training lasted nine months and the duration of

naval training was from 15 months to two years. The training period was the same for recruits of all ages, including those under the age of 18, who on completing training were required to perform the same duties as other soldiers.<sup>14</sup>

Ten cadet colleges (including one girls’ college) enrolled children from the age of 12 and provided military and academic instruction. The Defence Ministry and the Bangladesh Army had a direct role in the operation of these colleges, and a high number of students were said to join the armed forces on leaving.<sup>15</sup>

## Armed groups

In its initial report to the Committee on the Rights of the Child on implementation of the Optional Protocol, the government stated that “There is no armed group in Bangladeshi territory, so the question of involving under-18s in such a group does not arise”.<sup>16</sup> However, a number of armed groups were operating in the country, and there were widespread allegations that many of them had recruited children.<sup>17</sup>

### Islamist groups

There were fears that the spread of madrasas (Islamic religious schools) might make children more susceptible to recruitment by militant Islamist groups. The Committee on the Rights of the Child expressed concern about the possible military training given to children in unregistered madrasas from a very young age.<sup>18</sup> Concrete evidence of child recruitment by Islamist groups was scarce, but non-governmental organizations (NGOs) reported that they considered incidents of child recruitment to be common. In the Khulna and Rajshahi districts, some teachers in the privately owned unregistered madrasas were accused of providing under-age activists to the JMB, which was involved in the serial bombings of August 2005. It was also alleged that children aged 12–15 were working for the JMJB, not only as couriers but also to carry and set off bombs.<sup>19</sup>

It was reported that most members of the JMB, including district and regional commanders, who had been arrested were barely 18–20 and that two of those arrested in 2005 had been 16. Most of the boys were said to have been recruited from madrasas.<sup>20</sup> A report in the local media further claimed that another militant group, Hizbut Tawhid, which believed in a jihad to establish Islamic rule globally, said that groups of 6–11 “skilled mujahids” currently operated in almost every district in the country to persuade children to join in preparation for an armed jihad. Financial incentives were offered in some cases, while others received a mobile phone. The report claimed that most children who joined were acting against their parents’ wishes.<sup>21</sup>

## Maoist groups

In southwest Bangladesh, factions of the banned Maoist Purbo Banglar Communist Party (PBCP) were reported to have recruited children aged 13–16 to make and plant bombs and throw grenades. Party operatives were reported to have targeted children from slum areas and families of victims of political violence for recruitment. A number of such children were reported to have been killed by police in “crossfire” in 2004 and 2005.<sup>22</sup>

## Criminal gangs

Primary research on recruitment of children by criminal gangs (known as *mastans*) was scarce, but some child rights NGOs claimed that poor children were being used for drugs trafficking and arms carrying in slum areas of Dhaka. The increasing availability of small arms made under-age slum and street children increasingly vulnerable to recruitment by gangs.<sup>23</sup>

## Disarmament, demobilization and reintegration (DDR)

There was no formal disarmament, demobilization and reintegration (DDR) process for children involved in the conflict in the Chittagong Hill Tracts. With the government having reported to the Committee on the Rights of the Child that there were 1,947 persons with “some sort of combatant background”, the Committee expressed concern about the lack of information about programs for DDR, in particular for children who had been involved in the Chittagong Hill Tracts conflict, taking into account that involvement in armed conflict produces long-term consequences requiring psychosocial assistance.<sup>24</sup>

## Developments

Bangladesh’s initial report on implementation of the Optional Protocol referred to a number of plans and policies for the protection of children, which focused on child trafficking, birth registration and juvenile justice, but included no policies for the protection of children involved in armed conflict.<sup>25</sup>

- 1 International Crisis Group (ICG), *Bangladesh Today, Asia Report No. 121*, 23 October 2006, [www.crisisgroup.org](http://www.crisisgroup.org).
- 2 Charu Lata Hogg, *Child Recruitment in South Asian Conflicts: A Comparative Analysis of Sri Lanka, Nepal and Bangladesh*, London: Chatham House and Coalition to Stop the Use of Child Soldiers, 2006. (An edited extract from the report, *Child Recruitment in South Asian Conflicts: Bangladesh*, issued by the Coalition in April 2007, is available at [www.child-soldiers.org](http://www.child-soldiers.org)).

- 3 “CHT leaders for full implementation of peace accord”, *Daily Star*, 29 May 2007.
- 4 “No refuge to Indian insurgents: Bangladesh”, [Rediff.net](http://Rediff.net), 3 March 2007.
- 5 Initial report of Bangladesh to the UN Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/BGD/1, 14 July 2005.
- 6 International Labour Organization (ILO), International Programme on the Elimination of Child Labour (IPEC), cited in US Department of State, *Country Reports on Human Rights Practices 2006*.
- 7 UNICEF: Juvenile Justice in Bangladesh, undated, [www.unicef.org/bangladesh](http://www.unicef.org/bangladesh).
- 8 Initial report, above note 5.
- 9 Ibid.
- 10 Answers by the State Party to the questions asked by the Committee on the Rights of the Child, UN Doc. CRC/C/OPAC/BGD/Q/1/Add.1.
- 11 Committee on the Rights of the Child, Consideration of report submitted by Bangladesh on implementation of the Optional Protocol, Concluding observations, UN Doc. CRC/C/OPAC/BGD/CO/1, January 2006.
- 12 Response to the issues raised by the Committee on the Rights of the Child related to the report submitted by the Government of Bangladesh on the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography in 2007, UN Doc. CRC/C/OPSC/BGD/Q/1/Add.1.
- 13 Committee on the Rights of the Child, above note 11; Answers by State Party, above note 10.
- 14 Initial report, above note 5.
- 15 Information from websites of a number of cadet schools, including [www.acocweb.com](http://www.acocweb.com).
- 16 Initial report, above note 5.
- 17 Lata Hogg, above note 2.
- 18 Committee on the Rights of the Child, above note 11.
- 19 Lata Hogg, above note 2.
- 20 “Militants found teenagers easy to brainwash”, *Daily Star*, 16 March 2006.
- 21 “Turning into a militant”, *Daily Star*, 22 August 2005.
- 22 “Outlawed parties recruiting slum boys, street urchins”, *Daily Star*, 24 July 2005.
- 23 Lata Hogg, above note 2.
- 24 Committee on the Rights of the Child, above note 11; Answers by State Party, above note 10.
- 25 Initial report, above note 5.

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# BARBADOS

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## Barbados

**Population:** 270,000 (63,000 under 18)

**Government armed forces:** 600

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18 (younger with parental consent)

**Voting age:** 18

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***Under-18s could enlist with parental consent. In 2007 there was reportedly one under-18 in the armed forces.***

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## Government

### National recruitment legislation and practice

The Barbados Defence Force comprised regular and reserve forces, a cadet corps and the coastguard. There was no conscription, and volunteers for enlistment to the regular and reserve force had to be at least 18. However, the Defence Act also allowed the possibility for under-18s to enlist with the consent of parents or legal guardians (Chapter 159, Article 19.2).<sup>1</sup> In 2007 there was one under-18 in the regular force who enlisted with parental consent at 17 years and 9 months.<sup>2</sup>

The 12-year term of service could be partly served in the reserve.<sup>3</sup> Enlistment in the regular force could be for an initial period of six years, with two three-year increments.<sup>4</sup>

Under the Police Act, the police force had to perform military duties in addition to maintaining law and order (Section II.5).<sup>5</sup> In 2006 there were nearly 1,500 police constables. Regular and special police constables had to be at least 19 to join the force.<sup>6</sup>

### Military training and military schools

Initial and further training was conducted locally. Additional training was provided regionally by Jamaica, Trinidad, Belize, the Regional Security System<sup>7</sup> and the French Forces of the Antilles. Training was also provided by the United Kingdom, the USA, Canada and, more recently, the People's Republic of China.<sup>8</sup>

In 2006 there were around 1,360 members of the Barbados Cadet Corps in 22 units in secondary-schools. Students could enrol in the cadet corps from the age of 11. Cadet training included leadership and character-building, band training, sea cadet training, adventure training, archery, paramedical and first aid, and catering.<sup>9</sup>

- 1 Latin American School of Social Sciences (FLACSO), Security and Citizenship Program, *Latin America and the Caribbean Security Sector Report, Country case study: Barbados*, October 2006, [www.flacso.cl](http://www.flacso.cl).
- 2 Information from Coalition source.
- 3 FLACSO, above note 1.
- 4 Information from Coalition source.
- 5 FLACSO, above note 1.
- 6 Royal Barbados Police Force, Human Resources, Recruitment, [www.barbadospolice.gov.bb](http://www.barbadospolice.gov.bb).
- 7 The Regional Security System comprises Antigua and Barbuda, Barbados, Dominica, Grenada, Saint Kitts and Nevis, Saint Lucia, and Saint Vincent and the Grenadines; see [www.rss.org.bb](http://www.rss.org.bb).
- 8 Information from Coalition source.
- 9 Ibid.

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# BELARUS

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## Republic of Belarus

**Population:** 9.8 million (2.0 million under 18)

**Government armed forces:** 72,900

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18 (men), 19 (women); 17 (training); 16 (as cadets with parental consent)

**Voting age:** 18

**Optional Protocol:** acceded 25 January 2006

**Other treaties ratified (see glossary):**

CRC, GC API and II, ILO 138, ILO 182

***Under-18s entering military training institutions from the age of 13 were entitled to the social benefits of military servicemen and obliged to accept military discipline.***

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## Context

In 2006 the National Commission on the Rights of the Child was restructured so that it could monitor the government's implementation of the UN Convention on the Rights of the Child. It had powers to request information from state bodies and other organizations, and official bodies were required to implement its decisions.<sup>1</sup>

The government declared 2007 the Year of the Child as part of a four-year program focused on children in the period 2006–10. The program included provisions on adoption and marriage, but not on military service.

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## Government

### National recruitment legislation and practice

Under the 1992 Law on Military Obligations and Military Service, between January and April every year boys aged 16 had to register for the draft (Article 14). Military call-up applied to all male citizens between the ages of 18 and 27 years (Article 30). Conscription was for 18 months, or 12 months for graduates of higher education. College students could defer their service until the end of their studies. Training contracts in military-technical professions were available to boys from the age of 17 (Article 26) and professional contracts in the army, navy and air force were available to men from the age of 18 and women from the age of 19 (Article 42).<sup>2</sup>

Under the Law on the Status of Military Servicemen and Servicewomen, military personnel were under an obligation to observe the constitution of Belarus, its laws and the orders of their superiors (Article 20). They were

prohibited from obeying orders that would “contravene the international obligations of Belarus” (Article 3).<sup>3</sup>

### Military training and military schools

Pupils at the Suvorov Military College in Minsk were entitled to the social benefits of military servicemen under the Law on the Status of Military Servicemen and Servicewomen. Their rights to holidays and medical benefits were set down by the Ministry of Defence (Articles 12 and 13). They were obliged to accept military discipline, which included “mastering military skills; being continually alert to new military techniques and technology; and looking after military property” (Article 20).

The Suvorov Military College was open to boys from the age of 13, who were often the sons of existing officers.<sup>4</sup> It prepared cadets aged 15–16 for fast-track admission to Higher Military Education Institutes. These institutes, intended for students aged 17–21, trained officers with a specialist profile for each armed service or combat arm. Around 60 per cent of their curriculum was devoted to military service and weaponry. Successful students graduated with a university diploma and the rank of junior lieutenant.

Outside Minsk, the government could set up local branch institutions that were designed to give boys a military grounding and accepted pupils from the age of seven years through to 16 (Law on the Status of Military Servicemen and Servicewomen, Article 27).

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## Developments

### International standards

Belarus acceded to the Optional Protocol in January 2006. Its declaration stated that the age for voluntary recruitment was 18, with the exception of those who, with parental consent, entered a military academy as a cadet at 17 or during the year they turned 17.<sup>5</sup>

- 1 Presidential Decree, No. 675, 16 November 2006, National Legal Internet Portal of the Republic of Belarus, <http://pravo.by>.
- 2 Law on Military Obligations and Military Service, No. 2/1247 of 1992, most recently amended by Law No. 50-Z19, July 2006, at [www.mod.mil.by/zakonzak.html](http://www.mod.mil.by/zakonzak.html).
- 3 Law on the Status of Military Servicemen and Servicewomen, No. 1939-XII of 13 November 1992, at [www.mod.mil.by/zakonzak.html](http://www.mod.mil.by/zakonzak.html).
- 4 Ministry of Defence, [www.mod.mil.by/vv/msvu1.html](http://www.mod.mil.by/vv/msvu1.html).
- 5 Declaration on accession to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).



# BELGIUM

## Kingdom of Belgium

**Population:** 10.4 million (2.1 million under 18)

**Government armed forces:** 39,700

**Compulsory recruitment age:** 17 (conscription suspended)

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 6 May 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***Belgium backed a “straight-18” position, but had yet to amend its national legislation to exclude the possibility of under-18s serving in the armed forces. Legislation ruled out the deployment of under-18s in hostilities at all times.***

## Government

### National recruitment legislation and practice

Although compulsory military service as such no longer existed in Belgium, the Consolidated Military Service Acts of 1962 had not yet been repealed; the Acts allowed for the conscription of individuals at 18 or 19 into the armed forces in peacetime, and permitted conscription into the recruitment reserve at 17 in wartime.<sup>1</sup> In June 2006 the UN Committee on the Rights of the Child called on the government to “repeal all laws that allow the recruitment of persons under the age of 18 into the armed forces in time of war”.<sup>2</sup> Following on from Belgium’s declaration on ratification of the Optional Protocol in May 2002, the minimum age for voluntary recruitment into the Belgian Armed Forces was now 18. Furthermore, the declaration contained an absolute prohibition on the participation of any individual under 18 in armed engagement of any kind or in peacekeeping operations in times of both war and peace (1962 legislation notwithstanding).<sup>3</sup> The conscription or enlistment of children under the age of 15 into the armed forces or armed groups, as well as compelling children to play an active role in hostilities, were criminalized in the Act of 5 August 2003, and could now be prosecuted as war crimes. In June 2006 the Committee on the Rights of the Child welcomed the fact that “children who have been recruited into national armed forces or who have been used for active participation in hostilities while they were under the age of 15 can obtain direct access to the Belgian courts if there is a link between Belgium and the crime”. However, the Committee regretted the limits

placed on extraterritorial jurisdiction by the 2003 act, whereby there could be no prosecutions of serious violations of international humanitarian law without the establishment of a clear link connecting the violations with Belgium.<sup>4</sup> In April 2006 the Belgian senate adopted a detailed resolution calling on the government to make children in armed conflict a policy priority.

### Military training and military schools

Individuals who applied successfully to become career non-commissioned officers in the armed forces could from the age of 16 complete their secondary education in a non-commissioned officers’ college. Those who applied successfully to become a career officer candidate and wished to attend the Royal Military Academy had first to have completed their secondary education and would generally be 17 or 18 years of age on entering the academy, where courses were at university level. Although there was no specific legislation in place concerning the military status of students under 18 in these institutions (including their status in a time of armed conflict), the government emphasized that, in accordance with a March 2003 act concerning military recruitment, no such mobilization would be possible for those who had not already completed their secondary education.<sup>5</sup> According to the government, “the question of protecting children in armed conflicts is addressed in the training given to all military personnel. It is brought to the attention of all categories of personnel on several occasions during basic and in-service training courses on the law of armed conflict.”<sup>6</sup>

### Developments

In June 2006 the Committee on the Rights of the Child made particular note of the fact that Belgium was a “country of destination” for children migrating or seeking asylum from war-affected areas. The Committee praised the efforts of the Belgian Red Cross, working alongside the Federal Agency for the Reception of Asylum Seekers, to offer social and psychological support to such children. However, the Committee called on the authorities greatly to expand its efforts to provide specific services for child refugees, asylum-seekers and migrants who might have been participants in or victims of hostilities in their countries of origin.<sup>7</sup>

At a February 2007 ministerial meeting in Paris, Belgium and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting

child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

- 1 Initial report of Belgium to the UN Committee on the Rights of the Child on the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, UN Doc. CRC/C/OPAC/BEL/1, 15 August 2005.
- 2 Committee on the Rights of the Child, Consideration of the initial report submitted by Belgium, Concluding observations, UN Doc. CRC/C/OPAC/BEL/CO/1, 9 June 2006.
- 3 Initial report, above note 1.
- 4 Concluding observations, above note 2.
- 5 Initial report, above note 1.
- 6 Written replies of the Belgian Government concerning the list of issues to be taken up in consideration of the initial report of Belgium to the UN Committee on the Rights of the Child on the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, UN Doc. CRC/C/OPAC/BEL/Q/1/Add.1, 3 April 2006.
- 7 Concluding observations, above note 2.

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## BELIZE

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### Belize

**Population:** 270,000 (117,000 under 18)  
**Government armed forces:** 1,100 (estimate)  
**Compulsory recruitment age:** not specified  
**Voluntary recruitment age:** 18 (see text)  
**Voting age:** 18  
**Optional Protocol:** ratified 1 December 2003  
**Other treaties ratified (see glossary):**  
CRC, GC AP I and II, ICC, ILO 138, ILO 182

*There were no reports of under-18s in the armed forces.*

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### Government

#### National recruitment legislation and practice

The Belize Defence Force consisted of a regular force, a volunteer element and a reserve.<sup>1</sup> Belize declared on ratifying the Optional Protocol that 16 was the minimum age for voluntary recruitment to any military service, but the Defence Act (Section 16) provided that no under-18s could be enlisted into the regular force.<sup>2</sup> However, the Governor-General could make regulations for the call-up that specified the age and numbers of conscripts (Section 167). In addition, the Defence Regulations did not specify what steps recruiting officers should take in order to satisfy themselves that recruits were 18.<sup>3</sup> There was no minimum age for joining the police force, which could be deployed in the service of the armed forces in time of war or emergency.<sup>4</sup>

Many members of the Police Youth Cadet Corps went on to join not only the police force but also the armed forces.<sup>5</sup> Originally established in 1994 to “rehabilitate troubled young men”, the corps was part of the community policing program and was aimed at boys and girls aged between 8 and 17. In 2006 it numbered some 800 members.<sup>6</sup>

- 1 Defence Act (Chapter 135).
- 2 Ibid., Section 16(2), cited in Second periodic report of Belize to the UN Committee on the Rights of the Child, UN Doc. CRC/C/65/Add.29, 13 July 2004 and Committee on the Rights of the Child, Consideration of second periodic report submitted by Belize, Concluding observations, UN Doc. CRC/C/15/Add.252, 31 March 2005.
- 3 Defence Act – Subsidiary Laws, Defence (Regular Force Enlistment and Service) Regulations.
- 4 Police Act (Chapter 138), Section 5.
- 5 “Cadet Corps holds camp at Benque”, Channel 5, www.channel5belize.com, 13 July 2004.
- 6 “Police Cadet Corps enjoy sports camp”, Channel 5, above note 5, 21 April 2006.

# BENIN

## Republic of Benin

**Population:** 8.4 million (4.3 million under 18)

**Government armed forces:** 4,800

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 31 January 2005

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182, ACRWC

*There were no reports of under-18s in the armed forces.*

## Government

### National recruitment legislation and practice

The 1990 constitution stated that the defence of the nation and its territorial integrity was the duty of all citizens, and that military service was compulsory under the terms set down by law (Article 32). Recruitment to the armed forces was governed by Law No. 63-5 of 30 May 1963, as amended by Ordinance No. 75-77 of 28 November 1975.

Benin's declaration on ratifying the Optional Protocol stated that the minimum age for voluntary recruitment into the armed forces or gendarmerie was 18, and that applicants had to submit a birth certificate and a certificate of school attendance.<sup>1</sup> Previously it had stated to the UN Committee on the Rights of the Child that the age for voluntary and compulsory recruitment was 21.<sup>2</sup>

A new law on national service came into effect in October 2007.<sup>3</sup> It provided that citizens between 18 and 35 would be liable for compulsory selection for military service in the national interest.<sup>4</sup> Recruits, who had to have higher-education diplomas, would undertake military training before being deployed in sectors deemed to be in the national interest, including education and health.<sup>5</sup>

## Developments

At a February 2007 ministerial meeting in Paris, Benin and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation

jointly sponsored by the French government and UNICEF.

## International standards

Benin ratified the Optional Protocol in January 2005.

- 1 Declaration on accession to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).
- 2 Initial report of Benin to the UN Committee on the Rights of the Child, UN Doc. CRC/C/3/Add.52, 4 July 1997.
- 3 Loi no. 2007-27 portant institution du Service Militaire d'Intérêt National; Gouvernement du Bénin, Conseil des ministres no. 26/PR/SGG/Com/2007, 19 October 2007.
- 4 "Le service militaire est désormais obligatoire pour les jeunes Béninois", PANAPRESS, 24 September 2007, at [www.jeuneafrique.com](http://www.jeuneafrique.com).
- 5 "Bientôt 3000 jeunes enseignants pour réveiller l'école béninoise", Fraternité (Cotonou), Bénin, 22 October 2007, at <http://fr.allafrica.com>.

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# BHUTAN

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## Kingdom of Bhutan

**Population:** unclear<sup>1</sup>

**Government armed forces:** 9,000<sup>2</sup>

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 18<sup>3</sup>

**Optional Protocol:** signed 15 September 2005

**Other treaties ratified (see glossary):**

CRC

*There were no reports of under-18s in government armed forces, but armed political groups were recruiting from among refugees in eastern Nepal and there were reportedly many children among them.*

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## Context

In December 2006 King Jigme Singye Wangchuk stepped down and handed over the crown to his son, Jigme Khesar Namgyel Wangchuck. The king had given up some of his absolute powers in 1998 and directed that a written constitution should be drafted and elections held. As of mid-2007 a draft constitution was in circulation and political parties had started to register. Elections were scheduled for 2008.

Tension in south-east Bhutan decreased after military operations in 2003 and 2004 against three armed separatist groups from north-east India – the United Liberation Front of Assam (ULFA), National Democratic Front of Bodoland and Kamtapur Liberation Organization – who had set up camps in Bhutan. During that period it was reported by Bhutanese and Indian officials that 30 camps had been destroyed and 650 combatants killed or taken into custody. Bhutanese authorities also said that up to 65,000 local people had been moved for their safety. There were further unconfirmed reports that Bhutanese civilians suspected of supporting these groups had been arrested and tortured.<sup>4</sup> Family members of ULFA members, including 27 children reportedly captured during the operation, were said by the government to have been handed over to Indian civil authorities.<sup>5</sup>

More than 100,000 refugees from southern Bhutan had remained in refugee camps in eastern Nepal since the early 1990s. In October 2006 the United States (USA) offered to resettle 60,000 of the refugees. Several other countries expressed similar interest. In this context the UN refugee agency UNHCR started a mass campaign to inform refugees of their individual right to choose resettlement, and the relevant procedures.<sup>6</sup> There was tension in the camps between refugee

leaders in favour of resettlement, and others who opposed it and who continued to campaign for a return to Bhutan. In late May 2007 the tension resulted in violence in one of the camps, when two teenage refugees died and others were injured. A third refugee was killed in a confrontation with Indian police forces around the same time, when thousands of refugees attempted to march across the border into India on their way back to Bhutan. The march was allegedly planned to coincide with a mock election organized by the Bhutan government as part of an educational exercise in the run-up to the 2008 elections.<sup>7</sup> It was reportedly organized by the Bhutan Movement Steering Committee, consisting of three political parties in exile (the Bhutan People's Party, the Druk National Congress and the Gorkha National Liberation Front).<sup>8</sup>

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## Government

### National recruitment legislation and practice

The minimum age for recruitment into the military was 18.<sup>9</sup> During the 87th session of the National Assembly in June 2007, the commander of the army confirmed that the army strength was just over 9,000 soldiers, and announced that it was to be reduced to around 8,000 by the end of 2008.<sup>10</sup>

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### Armed groups

During the National Assembly's 87th session, in June 2007, it decided that recruitment and training of militias should start by the beginning of 2008. This was an apparent reversal of a decision made during a 2005 Assembly session not to proceed with the recruitment of voluntary militias, but to strengthen the army instead. The Assembly also resolved that the Royal Bhutan Army should decide the age limit, qualifications and training centre for the militia training.<sup>11</sup> According to the government, by mid-2007 full details of the upcoming recruitment process had not been finalized. The government also stated that none of the 700 militia volunteers recruited earlier, in 2003, remained active.<sup>12</sup>

There were reports of increased activity by two armed political groups, the Bhutan Communist Party (Marxist-Leninist-Maoist) (BCP) with its youth wing, the Bhutan Revolutionary Youth (BRY); and the Bhutan Tiger Force (BTF) in southern Bhutan in early 2007. The main political objective of both groups was the repatriation of the refugees from camps in eastern Nepal. Both groups were said to be recruiting in the refugee camps, including from among children younger than 16 years old.<sup>13</sup> Recruitment was reported to be most common from Beldangi 1 and 2 camps. There were further reports of weapons training for new recruits in the forests near these camps.

According to government sources, the BCP had a recruitment campaign inside Bhutan.

Both the BTF and the BRY allegedly claimed responsibility for planting several explosive devices in Phuentsholing town, Samtse district in early 2007.<sup>14</sup> Thirteen people were arrested in this regard and were awaiting trial under the National Security Act and the Penal Code.<sup>15</sup> The explosions were allegedly planned to coincide with the mock election organized by the government in the run-up to the 2008 elections.

## Developments

### International standards

Bhutan signed the Optional Protocol in September 2005.

- 1 Estimates of the population vary widely even among different agencies in the UN system. The Bhutanese government's population and housing census gives a figure of 672,425 (2005); the Ministry of Labour and Human Resources gives a figure of 537,900 (October 2006) (cited in *Kuensel*, Bhutan's national newspaper, 20 June 2007). The UN statistics division gives a figure of 658,500 (2007), and the World Bank gives a similar figure, of 0.6 million (2006). Other UN agencies, however, notably the WHO, UNICEF and the UNDP, give figures in the region of 2 million. UNICEF's *State of the World's Children 2007* (the source of the population data used in the entries throughout this global report) gives a figure of 2.2 million (983,000 under 18).
- 2 "Militia should start in 2008", Kuensel Online, 16 June 2007, www.kuenselonline.com.
- 3 Election Commission of Bhutan, "Bhutan Voter Guide", 21 August 2006, www.election-bhutan.org.bt/VG/english.pdf.
- 4 *Amnesty International Report 2005*.
- 5 Correspondence to Coalition from Permanent Mission of Bhutan to the UN at Geneva, 17 July 2007.
- 6 "Refugees must be free to choose own solution in Nepal, says Guterres", UNHCR News Stories, 23 May 2007, www.unhcr.org.
- 7 "Bhutan refugees give 15-day ultimatum to India", *Times of India*, 30 May 2007.
- 8 Coalition interview, Kathmandu, July 2007.
- 9 Second periodic report of Bhutan to the UN Committee on the Rights of the Child, 2007, UN Doc. CRC/C/BTN/2, 16 July 2007.
- 10 "Militia should start in 2008", above note 2.
- 11 *Ibid.*
- 12 Permanent Mission of Bhutan, above note 5.
- 13 Coalition interviews, Kathmandu, July 2007.
- 14 "Tight security in Bhutan after bomb found in border town", *Hindustan Times*, 25 April 2007, www.hindustantimes.com.
- 15 "Communist Party members involved in subversive activities", Kuensel Online, 13 June 2007.

# BOLIVIA

## Republic of Bolivia

**Population:** 9.2 million (4.1 million under 18)

**Government armed forces:** 46,100

**Compulsory recruitment age:** 19

**Voluntary recruitment age:** 15 (for pre-military service)

**Voting age:** 18

**Optional Protocol:** acceded 22 December 2004

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***In July 2004 it was reported that under-18s had been conscripted illegally to support anti-narcotics operations in Chapare.***

## Context

President Evo Morales Ayma took office in January 2006 and implemented wide-ranging reforms. He established a constituent assembly to write a new constitution to replace the 1967 constitution and aimed at giving more power to the indigenous majority.<sup>1</sup> In May and June 2007 the assembly approved several articles of the new constitution, including a ban on armed groups separate from the armed forces and the police and the requirement for all men and women, with or without military training, to defend the nation in case of war.<sup>2</sup>

## Government

### National recruitment legislation and practice

According to the 1967 constitution, every person had to carry out all military and civilian service required by the nation for its development, defence and conservation.

Fewer than one third of the Bolivian armed forces were professional soldiers. The rest were conscripts recruited twice a year, mainly from rural areas.<sup>3</sup> Around 15,000 conscripts were recruited every year.<sup>4</sup> Military service was obligatory for men from the age of 19.<sup>5</sup> Proof of having completed military service or voluntary pre-military service was essential to gain a university or professional degree and, for males aged 17–55, to travel abroad.<sup>6</sup>

In case of war or emergency, women aged 19–35 with no children would be required to join the Female Auxiliary Service for up to two years to carry out production activities. In case of emergency, girls in the last three years of secondary-school (typically from age 16) could volunteer to join the Female Auxiliary Service.<sup>7</sup>

Compulsory military service could be postponed for an individual living abroad or studying,

or who had a verified medical condition. Men supporting elderly parents or whose fathers had died in international armed conflict or during military service, theology students, the mentally incapacitated and married or widowed men with children were exempted.<sup>8</sup>

Living conditions for conscripts were poor and resources meagre. In February 2006 the Defence Minister reported that the food budget was only 3 bolivianos (US\$0.30) per soldier per day.<sup>9</sup> In May 2007 President Evo Morales promised thousands of dollars in funding for the armed forces to renew their infrastructure and improve basic services, as part of the national program “Bolivia changes, Evo delivers” (*Bolivia Cambia, Evo Cumple*).<sup>10</sup>

According to reports, the government was considering a new compulsory military service law, after the Constitutional Court (Tribunal Constitucional) in January 2006 declared Decree 7755 (1966) on military service to be unconstitutional.<sup>11</sup>

According to the government there was no domestic legislation on children in armed conflict “because there are no child refugees and there is no armed conflict in Bolivia”. There were no legal provisions regarding children’s participation in hostilities.<sup>12</sup>

## Military training and military schools

The army had five basic training institutions, including the Military College, the Sergeants’ Military School (Escuela Militar de Sargentos del Ejército, EMSE) and the Military School (Liceo Militar). The Military College accepted students aged 17–21 who had completed or were in the last two years of secondary education.<sup>13</sup> It had an enrolment of around 800, of whom 10 per cent were women.<sup>14</sup>

Secondary school graduates could apply to become cadets at the Navy Military School from age 16. From the second semester onwards, cadets participated in joint training exercises with the Argentine and Peruvian navies. Cadets completing one or more years of study were deemed to have fulfilled their military obligations.<sup>15</sup>

From 2003, female cadets were allowed into military schools as day students, specializing in logistics and administration.<sup>16</sup>

In 2005 the government offered for the first time scholarships to members of indigenous communities to attend the Military College.<sup>17</sup> Twenty students from indigenous communities were enrolled in July 2005.<sup>18</sup> In 2006 five women were among the 25 new indigenous cadets. As part of an equal-opportunities project, indigenous cadets took a seven-month academic program before joining the school’s regular program.<sup>19</sup>

In May 2007 the government announced the creation of 25 technological military institutes to offer training and education to the poorer sec-

tions of society, with the aim of training 60,000 conscripts by 2010 and preparing them for the employment market on leaving the service.<sup>20</sup>

Young men and women aged 15–19 with basic secondary education could also do voluntary pre-military service, involving literacy and other training courses, and attending military instruction every Saturday and during holidays for 12 months.<sup>21</sup> In Sucre alone, 1,200 young men and women volunteered to do pre-military service in 2005.<sup>22</sup> Since military service gave conscripts access to training and education they might not have elsewhere, voluntary pre-military service was an attractive option for some young people.

## Child recruitment and deployment

In July 2004 the government acknowledged to the UN Committee on the Rights of the Child that youngsters between 14 and 17 had been found doing military service. It also reported that many cases had been discovered of conscript labour being exploited for private gain and of conscripts being subjected to ill-treatment which could result in irreversible injuries.<sup>23</sup>

In 2005 human rights organizations reported that hundreds of children in the Chapare region and border areas continued to be subjected to violence and harassment by law-enforcement officials, in the context of anti-drug trafficking and coca leaf eradication operations.<sup>24</sup> Homes were broken into and schools taken over and used as military encampments. The government reported that under-18s had been conscripted illegally to support anti-narcotics operations in Chapare.<sup>25</sup>

Local non-governmental organizations (NGOs) organized training courses on child rights for members of the Rural Patrol Mobile Units (Unidad Móvil de Patrullaje Rural, UMOPAR), rural police assigned to the area, and army and police officers of the Joint Task Forces (Fuerza de Tarea Conjunta, combined units of army and police officers working on coca leaf eradication in Chapare).<sup>26</sup> In 2004 greater powers were given to seven local ombudsmen’s offices in the region to improve the situation of children and adolescents affected by the violence.<sup>27</sup>

## Developments

On reviewing Bolivia’s third periodic report, the Committee on the Rights of the Child criticized the lack of specific procedures for providing special care and assistance to refugee children, particularly those who were unaccompanied or separated, and urged the government to establish a fully functioning and comprehensive refugee status-determination mechanism, with specific procedures for minors.<sup>28</sup>

## International standards

Bolivia acceded to the Optional Protocol in December 2004. Its declaration stated that 18

was the minimum age for conscription and that voluntary pre-military service was available for young people from the age of 17. The declaration made no mention of the possibility for 15-year-olds to do voluntary pre-military service.

- 1 "Push for new Bolivia constitution", BBC News, 6 August 2006.
- 2 Asamblea Constituyente, Comisión No. 21, Seguridad y Defensa Nacional, Artículos Aprobados para la nueva Constitución Política del Estado, [www.constituyente.bo](http://www.constituyente.bo).
- 3 Juan Ramón Quintana Taborga, "Documento de análisis: La gestión política de la Defensa Nacional en Bolivia", Resdal, Atlas Comparativo de la Defensa en América Latina, Bolivia, 2005, [www.resdal.org](http://www.resdal.org).
- 4 "2,500 soldados culminan el servicio militar obligatorio", *Los Tiempos*, 16 January 2005, [www.lostiempos.com](http://www.lostiempos.com).
- 5 Ley Servicio Nacional Defensa, Artículo 22, cited at Ministerio de Defensa Nacional, Servicio militar, Disposiciones legales, [www.mindef.gov.bo](http://www.mindef.gov.bo).
- 6 Servicio Militar, Disposiciones Legales, [www.mindef.gov.bo](http://www.mindef.gov.bo).
- 7 Facultad Latinoamericana de Ciencias Sociales (FLACSO), Programa Seguridad y Ciudadanía, *Reporte del Sector Seguridad en América Latina y el Caribe, Informe Nacional: Bolivia*, October 2006, [www.flacso.cl](http://www.flacso.cl).
- 8 Ibid.
- 9 "Ministro comprueba la vida precaria de los soldados", *La Prensa*, 22 February 2006, [www.laprensa.com.bo](http://www.laprensa.com.bo).
- 10 "Evo ofrece \$US50 mil para cada unidad militar", *Los Tiempos*, 20 May 2007.
- 11 "Servicio militar es inconstitucional", *Los Tiempos*, 8 February 2006.
- 12 Third periodic report of Bolivia to the UN Committee on the Rights of the Child, UN Doc. CRC/C/125/Add.2, 16 July 2004.
- 13 FLACSO, above note 7.
- 14 "Otros 25 jóvenes indígenas en la carrera militar", BolPress, 13 August 2006, [www.bolpress.com](http://www.bolpress.com).
- 15 Escuela Naval Militar, Admisión, [www.armada.mil.bo](http://www.armada.mil.bo).
- 16 "La igualdad de género llegó al liceo militar", *Bolivia Hoy*, 4 February 2003, [www.boliviahoy.com](http://www.boliviahoy.com).
- 17 "El Ejército será pionero con cadetes indígenas becados", *La Prensa*, 1 February 2005, at Canadian Defence Academy website, [www.acd.forces.gc.ca](http://www.acd.forces.gc.ca).
- 18 "Lanzan programa piloto denominado 'Igualdad de Oportunidades'", *La Prensa*, 26 July 2005, at Canadian Defence Academy website, above note 17.
- 19 "Otros 25 jóvenes indígenas en la carrera militar", BolPress.
- 20 "Sesenta mil conscriptos tendrán formación técnica", *El Diario*, February 2007, [www.eldiario.net](http://www.eldiario.net).
- 21 Resdal, Atlas Comparativo de la Defensa en América Latina, Bolivia, 2005; Servicio Militar, Servicio Premilitar, [www.mindef.gov.bo](http://www.mindef.gov.bo).
- 22 "Más de 1,200 premilitares cerraron importante ciclo", *Correo del Sur*, 25 September 2005, [www.correodelsur.net](http://www.correodelsur.net).
- 23 Third periodic report, above note 12.
- 24 Defence for Children International (Bolivia), *Supplementary report to Bolivia's third periodic report on the implementation of the UN Convention on the Rights of the Child*, 10 January 2005, at [www.crin.org](http://www.crin.org).
- 25 Third periodic report, above note 12.
- 26 Defence for Children International, *Supplementary report*.
- 27 Third periodic report, above note 12.
- 28 Committee on the Rights of the Child, Consideration of third periodic report submitted by Bolivia, Concluding observations, UN Doc. CRC/C/15/Add.256, 11 February 2005.

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# BOSNIA-HERZEGOVINA

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## Bosnia and Herzegovina

**Population:** 3.9 million (807,000 under 18)

**Government armed forces:** 11,900

**Compulsory recruitment age:** no conscription (ended 2006)

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 10 October 2003

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

*There were no reports of under-18s serving in the armed forces.*

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## Context

Bosnia-Herzegovina remained divided into two semi-autonomous entities, the Republika Srpska and the Federation of Bosnia and Herzegovina, with a special status granted to the Brcko district. The international community exerted influence over the country's political process, in particular through a high representative with executive powers nominated by the intergovernmental body responsible for implementing the 1995 Dayton Peace Agreement. A European Union (EU)-led peacekeeping force, EUFOR, replaced NATO troops in December 2004. The EU decided in March 2007 to reduce EUFOR's size from approximately 7,000 troops to 2,500.<sup>1</sup> In addition to EUFOR, about 150 NATO troops remained in Bosnia-Herzegovina, reportedly to provide support to the International Criminal Tribunal for the former Yugoslavia in detaining people indicted for war crimes, to combat terrorism and to assist the Bosnia-Herzegovina authorities in defence reform.<sup>2</sup> In 2007 some 200 members of the EU Police Mission remained in Bosnia-Herzegovina.<sup>3</sup>

In June 2006 the Peace Implementation Council, an intergovernmental body that monitors implementation of the Dayton Peace Agreement, began preparing the closure of the Office of the High Representative (OHR) in June 2007.<sup>4</sup> However, in February 2007 the Peace Implementation Council reviewed this decision and decided against closing down the OHR in 2007, with the aim of OHR closure by June 2008 instead. The decision was taken as a result of little progress in reform and because the Parliamentary Assembly of Bosnia and Herzegovina had not been fully constituted following a tense electoral campaign in October 2006. The engagement of the international community in Bosnia-Herzegovina was also

expected to continue through the strengthening of the Office of the EU Special Representative.<sup>5</sup> In June 2007 UN Security Council Resolution 1764 reaffirmed the importance of the high representative in pursuing the implementation of the Peace Agreement and noted that the Office of the High Representative would continue to carry out its mandate, with the aim of closing the office by 20 June 2008.<sup>6</sup>

Impunity for war crimes and crimes against humanity during the 1992–5 war remained widespread, with thousands of enforced disappearances still unresolved. Of an estimated 2.2 million people displaced by the conflict, more than 1 million refugees and internally displaced people from the 1992–5 war were estimated to have returned to their homes.<sup>7</sup>

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## Government

### National recruitment legislation and practice

Conscription formally ended on 1 January 2006 under a defence reform law passed by parliament on 5 October 2005. The law abolished separate defence ministries for the Republika Srpska and the Federation of Bosnia and Herzegovina entities, thus creating a single unified force and in general moving the military closer to NATO standards.<sup>8</sup> On 5 July 2006 the Presidency – the country's three-member head-of-state body consisting of a Bosniac and a Croat elected from the Federation of Bosnia and Herzegovina and a Serb elected from the Republika Srpska – approved the proposals.<sup>9</sup>

In its declaration on ratifying the Optional Protocol in October 2003, Bosnia-Herzegovina stated that voluntary recruitment into the armed forces was not permitted for anybody under the age of 18.<sup>10</sup>

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## Developments

In its 2005 Concluding Observations on Bosnia-Herzegovina's initial report on the Convention on the Rights of the Child, the UN Committee on the Rights of the Child expressed concern that, although the number was decreasing, between 1992 and August 2000 a total of 4,371 people, including about 300 children, had been victims of landmines. There were still 1 million mines in approximately 30,000 minefields throughout the country, including around schools and play areas, and Red Cross sources reported that 50 children were injured every month. The Committee was also concerned at the physical and psychological effects of the armed conflict on child victims.<sup>11</sup>

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1 EUFOR, 16 March 2007, [www.euforbih.org](http://www.euforbih.org).



- 2 Amnesty International (AI), Europe and Central Asia: Summary of Amnesty International's concerns in the region, January–June 2006, 1 December 2006, AI Index Number EUR 01/017/2006.
- 3 EU Police Mission in Bosnia-Herzegovina website, 16 March 2007, www.eupm.org.
- 4 AI, above note 2.
- 5 <http://www.ohr.int>.
- 6 UN Security Council Resolution 1764(2007), UN Doc. S/RES/1764(2007), 29 June 2007.
- 7 Amnesty International Report 2007.
- 8 War Resisters International, "Bosnia to end conscription on 1 January 2006", CO Update, No. 15, November 2005, www.wri-irg.org.
- 9 UK Foreign and Commonwealth Office, Country Profile, www.fco.gov.uk.
- 10 Declarations and Reservations to the Optional Protocol, www2.ohchr.org.
- 11 UN Committee on the Rights of the Child, Consideration of report submitted by Bosnia and Herzegovina, Concluding Observations, UN Doc. CRC/C/15/Add.260, 21 September 2005.

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## BOTSWANA

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### Republic of Botswana

**Population:** 1.8 million (800,000 under 18)

**Government armed forces:** 9,000

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 4 October 2004

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182, ACRWC

*There were no reports of under-18s in the armed forces.*

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### Government

#### National recruitment legislation and practice

There was no conscription. The Botswana Defence Force Act of 1977 provided that recruitment to the armed forces was on a voluntary basis and that recruits had to appear to be 18.<sup>1</sup>

In its 2004 Declaration accompanying the ratification of the Optional Protocol, the government confirmed that there was no conscription into the Defence Force, that the minimum age for recruitment was 18 and that "recruits are required to present a national identity card which states their date of birth, school completion certificate, and other educational records where necessary. In addition, all recruits undergo a rigorous medical examination where pre-pubescence would be noticed, and any person determined to be underage is routinely rejected from recruitment."<sup>2</sup>

In November 2006 the Botswana Defence Force announced that it planned to begin the recruitment of women, and in September 2007 some 30 women were recruited as officer cadets, who were intended to serve in a variety of non-combat roles.<sup>3</sup>

Plans were announced in September 2007 that officer cadets would attend 12 months' training at the Tanzania Military Academy.<sup>4</sup>

Both the Penal Code and the Children's Act criminalized the abduction of children.<sup>5</sup>

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### Developments

In its November 2004 concluding observations, the UN Committee on the Rights of the Child expressed concern at low birth registration, particularly in rural areas, and at the extent of child labour.<sup>6</sup>

## International standards

Botswana ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in October 2004.

- 1 Initial Report of Botswana to the Committee on the Rights of the Child, UN Doc. CRC/C/51/Add.9, 27 February 2004.
- 2 Declaration by Botswana on accession to Optional Protocol, www2.ohchr.org.
- 3 “Botswana: Army rolls out carpet for women”, IRIN, 22 November 2006; “Women to sweat it out in the army”, *Botswana Guardian*, 10–16 August 2007; “Botswana: BDF Recruits Female Soldiers Today”, *Mmegi/The Reporter* (Gaborone), 17 September 2007, <http://allafrica.com>.
- 4 *Mmegi/The Reporter*, above note 3, 17 September 2007.
- 5 Initial Report of Botswana, above note 1.
- 6 Committee on the Rights of the Child, Consideration of report submitted by Botswana, Concluding observations, UN Doc. CRC/C/15/Add.242, 3 November 2004.

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## BRAZIL

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### Federative Republic of Brazil

**Population:** 186.4 million (62.2 million under 18)

**Government armed forces:** 287,900

**Compulsory recruitment age:** 18 (see text)

**Voluntary recruitment age:** 17; 16 with parental consent

**Voting age:** 16

**Optional Protocol:** ratified 27 January 2004

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***Although 16-year-olds could volunteer to do military service, there was no information on under-18s in the armed forces.***

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### Context

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Public security was a major problem, with rioting in overcrowded prisons and generally high levels of violence, including killings of police, by criminal gangs.<sup>1</sup>

Children as young as seven continued to be involved in drug gangs in urban and rural areas, often being made responsible for gun and drug smuggling and distribution.<sup>2</sup> Armed confrontations between urban-based drug factions killed hundreds of people every year.<sup>3</sup> Children’s involvement in drug-based armed violence was reported in small towns as well as larger urban areas.<sup>4</sup> Children as young as seven were reported to be armed and selling drugs in Rio de Janeiro.<sup>5</sup> According to one study an estimated one in five youths was killed within two years of joining a drug gang.<sup>6</sup> Recruitment and use of children by drug factions was regarded by some observers as comparable to that by forces involved in armed conflict: they targeted particular age groups for recruitment, allocated them specific functions and standing within the command structure, and rewarded them financially.

During 2006 state authorities in Rio de Janeiro used armoured troop carriers (*caveirões*) and deployed troops and tanks in an attempt to combat drug gangs controlling most of the city’s shanty towns. There were reports that up to 92 shanty towns were under the control of paramilitary-style militias, made up of active and former police officers acting with the support of local politicians and community leaders.<sup>7</sup>

## Government

### National recruitment legislation and practice

All citizens between 18 and 45 years of age were liable to military duties according to the law.<sup>8</sup> Individuals had to register with the Military Service Board (Junta de Serviço Militar) between 1 January and 30 April of the year they turned 18. Between July and September military commissions throughout the country selected those who would be enlisted into the armed forces. Military service law stated that recruits for active service or for the reserves must be Brazilians who turned 19 between 1 January and 31 December of the year they joined the armed forces.<sup>9</sup> While the law stated this position clearly, there appeared, however, to be some ambiguity on this point in Brazil's declaration on ratification of the Optional Protocol, which seemed to indicate that recruitment could take place at a younger age.

Military service lasted 12 months and included military, technical, academic and vocational instruction. According to some analysts it was seen as a source of opportunities and social progress, and the number of young men seeking to do military service often exceeded the number selected.<sup>10</sup>

Those with at least three years' secondary education could choose to do their military service for one year at reserve officer training institutions (Centro de Preparação de Oficiais da Reserva – CPOR, Reserve Officers Training Centre, and Núcleo de Preparação de Oficiais da Reserva – NPOR, Reserve Officers Training Unit) and then remain as temporary army officers if they so wished. Medicine, pharmacy, dentistry or veterinary students who had been enlisted could delay their entry until completing their studies; they had to register with the military authorities within a year of graduation and begin active service. On finishing, they could choose to remain within the armed forces as health-service officials for a fixed period.<sup>11</sup>

Reservists could join the Tiros-de-Guerra (TG) training units in their own municipalities, doing military service while continuing their studies or jobs. There were more than 200 TGs throughout the country.<sup>12</sup>

Women were exempt from conscription but could volunteer for the armed forces. Volunteers could do military service from the year they turned 17.<sup>13</sup> Brazil's declaration on ratification of the Optional Protocol stated that volunteers under 17 had to have written parental consent.

### Military training and military schools

Each branch of the armed forces had its own educational institutions, both facilities for training soldiers and officers, and primary and

secondary schools. Candidates to officer schools had to be 21–24 years of age, depending on the branch, and to have completed their secondary education. Women could only specialize in health, administration or engineering.<sup>14</sup> All military educational institutions were under the authority of the Ministry of Education and Research.<sup>15</sup>

Candidates to the Agulhas Negras Military Academy (AMAN) first had to attend a course at the Army Cadets Preparatory School (EsPCEX) for a year, equivalent to the third year of secondary-school.<sup>16</sup> They had to be at least 16 at the end of the year in which they attended EsPCEX, and under-18s needed to have parental consent.<sup>17</sup> Students were given the rank of second or third sergeant and, on graduating, were automatically registered for AMAN. On entering AMAN, EsPCEX graduates were considered to be cadets – that is, between second lieutenant and officer candidate.<sup>18</sup>

There were 12 military schools offering education to children aged 10–17.<sup>19</sup>

## Developments

At a February 2007 ministerial meeting in Paris, Brazil and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

- 1 *Amnesty International Report 2006 and 2007.*
- 2 “More and younger children in the Brazil's Mato Grosso drug trade”, *Comunidad Segura*, 19 October 2007, [www.comunidadessegura.org](http://www.comunidadessegura.org).
- 3 *Amnesty International Report 2007.*
- 4 Children and Youth in Organised Armed Violence (COAV), “Youths with guns, increasingly a part of life in Brazil's small towns”, 9 March 2006, [www.coav.org.br](http://www.coav.org.br).
- 5 Marcelo Monteiro, “Study shows that children as young as seven are taking part in Rio drug trade”, *COAV*, 7 March 2005.
- 6 “Rio Slums Blighted by Drug Crime”, *BBC News*, 21 October 2005; “Short lifespan in Rio drug gangs”, *BBC News*, 25 November 2006.
- 7 *Amnesty International Report 2006 and 2007.*
- 8 Decreto No. 57.654, 20 January 1966, *Regulamenta a lei do Serviço Militar*, Art. 98.2.a. and Art 166.2.5, [www.dgp.eb.mil.br](http://www.dgp.eb.mil.br).

- 9 Facultad Latinoamericana de Ciencias Sociales (FLACSO), Programa Seguridad y Ciudadanía, *Reporte del Sector Seguridad en América Latina y el Caribe, Informe Nacional: Brasil*, August 2006, www.flacso.cl.
- 10 Ibid.
- 11 Exército Brasileiro, O Serviço Militar, www.exercito.gov.br.
- 12 Ibid.
- 13 FLACSO, above note 9.
- 14 Ibid.
- 15 Regimento Interno dos Colégios Militares, www.cmbh.ensino.eb.br.
- 16 Academia Militar das Agulhas Negras, Ingresso, www.aman.ensino.eb.br.
- 17 Escola Preparatória de Cadetes do Exército, Manual Candidato ESPCEX 2007, www.espcex.ensino.eb.br.
- 18 Academia Militar das Agulhas Negras, above note 16.
- 19 Exército Brasileiro, Portal de Educação, Educação Fundamental e Média, www.ensino.eb.br.

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## BRUNEI

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### Brunei Darussalam

**Population:** 374,000 (130,000 under 18)

**Government armed forces:** 7,000

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 17 and a half

**Voting age:** not applicable

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, GC AP I and II

*The minimum voluntary recruitment age was 17 and a half years, but figures for serving under-18s were not available. The armed forces included the Boys' Wing, in which 15- to 17-year-olds could enrol for training.*

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### Government

#### National recruitment legislation and practice

There was no conscription. The minimum age of recruitment into the Royal Brunei Armed Forces (RBAF) under the Royal Brunei Armed Forces Act was 17 years and 6 months.<sup>1</sup> Section 13 of the Act allowed for “eligible young persons” to be enlisted into the armed forces or the reserves regiment “for the purpose of raising and maintaining any unit consisting of or including boy soldiers or boy reservists with written consent from the boy’s parents, person with parental rights and powers or the District Officer”.<sup>2</sup>

#### Military training and military schools

The armed forces had a Boys’ Wing, to which boys between the ages of 15 and 16 and a half could apply for selection, designed to be the training ground for young soldiers who intended to serve in the RBAF as technical personnel or military officers. Applicants were required to have the consent of their parents and their school principal.<sup>3</sup>

Those who joined the Boys’ Wing were provided with full-term higher secondary education. They were required to undergo a 26-month basic military training consisting of drills, shooting skills, map reading, first aid, physical training and other preparedness for combat.<sup>4</sup> It was unclear whether members of the Boys’ Wing were considered to be part of the armed forces.

## Developments

On consideration of Brunei's initial report to the UN Committee on the Rights of the Child on the Convention on the Rights of the Child in 2003, the Committee had recommended that Brunei ratify the Optional Protocol.<sup>5</sup>

- 1 Ministry of Defence, [www.mindef.gov.bn](http://www.mindef.gov.bn).
- 2 Initial state party report on the Convention on the Rights of the Child, Brunei Darussalam, UN Doc. CRC/C/61/Add.5, 13 March 2003.
- 3 Training Institute, Royal Brunei Armed Forces, [www.mindef.gov.bn](http://www.mindef.gov.bn).
- 4 Training Institute, Royal Brunei Armed Forces; "Passing-out parade of the 26th and 27th intake of Boys' Wing recruits", 9 February 2007; both at [www.mindef.gov.bn](http://www.mindef.gov.bn).
- 5 UN Committee on the Rights of the Child, Concluding observations on initial report submitted by Brunei Darussalam, UN Doc. CRC/C/15/Add.219, 27 October 2003.

## BULGARIA

### Republic of Bulgaria

**Population:** 7.7 million (1.4 million under 18)

**Government armed forces:** 51,000

**Compulsory recruitment age:** 18 (conscription phased out)

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 12 February 2002

**Other treaties ratified (see glossary):** CRC, GC AP I and II, ICC, ILO 138, ILO 182

*There were no reports of under-18s in the armed forces.*

### Government

#### National recruitment legislation and practice

Conscription was provided for in the 1991 constitution, which stated that "To defend the country shall be a duty and a matter of honour of every Bulgarian citizen" (Article 59), and in the Law on Defence and Armed Forces of the Republic of Bulgaria (Article 2).

In December 2006 Bulgaria informed the UN Committee on the Rights of the Child that "Persons subject to the jurisdiction of the Republic of Bulgaria, who are under 18 years of age, cannot be recruited to serve in the army. According to article 97, paragraph 1, of the Defence and Armed Forces Act of the Republic of Bulgaria, the minimum conscription age is 18, and the maximum conscription age is 27... Bulgarian legislation also provides for the possibility of alternative service (article 84, paragraph 1, of the Defence and Armed Forces Act) ... [T]here are no cases of participation in armed conflicts of persons subject to the jurisdiction of the Republic of Bulgaria who are under 18 years of age."<sup>1</sup> Military service lasted nine months, or six months for graduates.<sup>2</sup>

The minimum age for voluntary recruitment was also 18.<sup>3</sup>

Around one third of Bulgaria's military was conscripted.<sup>4</sup> A law abolishing military conscription was approved by parliament on 29 June 2006, to take effect on 1 January 2008.<sup>5</sup>

#### Military training and military schools

Applicants to military colleges had to have a high school diploma, but there were no specific age requirements. Secondary-school graduates under the age of 18 could enter military schools until they were old enough to perform military service.<sup>6</sup> In its declaration on ratifying the Optional Protocol in February 2002 Bulgaria

stated that “Persons who have not come of age shall be trained at military schools subject to the conclusion of a training agreement to be signed by them with the consent of their parents or guardians. Having come of age, the trainees shall sign a training agreement on a regular military duty.”

## Developments

In October 2007 the Committee on the Rights of the Child recommended that the government explicitly criminalize the recruitment and involvement of children in hostilities in domestic legislation and ensure extraterritorial jurisdiction for these crimes when they are committed by or against a person who is a citizen of or has other links with Bulgaria.<sup>7</sup>

At a February 2007 ministerial meeting in Paris, Bulgaria and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

- 1 Initial report of Bulgaria to the UN Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/BGR/1, 23 January 2007.
- 2 Communication from Ministry of Foreign Affairs, 18 May 2004.
- 3 Initial report of Bulgaria to the Committee on the Rights of the Child, UN Doc. CRC/C/8/Add.29, 12 October 1995.
- 4 “Bulgaria scraps the draft”, New York Times, 30 June 2006.
- 5 “Conscription to be dropped off, Bulgarian Armed Forces to become professional”, Bulgarian National Radio, 29 June 2006, www.bnr.bg.
- 6 Communication from Ministry of Foreign Affairs, above note 2.
- 7 Committee on the Rights of the Child, Consideration of report submitted by Bulgaria, Concluding observations, UN Doc. CRC/C/OPAC/BGR/CO/1, 5 October 2007.

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# BURKINA FASO

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## Burkina Faso

**Population:** 13.2 million (7.2 million under 18)

**Government armed forces:** 10,800

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 6 July 2007

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182, ACRWC

***There were no reports of under-18s in the armed forces.***

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## Context

A report by a UN international commission of inquiry mandated to investigate allegations of serious violations of human rights and international humanitarian law which occurred in Côte d’Ivoire from 19 September 2002 to 15 October 2004 called for the role of neighbouring states, including Burkina Faso, to be clarified. It found neighbouring states to be directly or indirectly involved, including through arms transfers, the use of their territories as rear bases and involvement in a war economy.<sup>1</sup>

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## Government

### National recruitment legislation and practice

According to the 1991 constitution, “Each citizen of Burkina Faso is required to contribute to the defence and preservation of territorial integrity” (Article 10).

Recruitment to the armed forces was voluntary. Ordinance No. 84-037/CNR/PRES of 17 July 1984, modifying Law No. 49/62/AN, set the minimum age for recruitment into the armed forces at 20 years. However, Decree No. 2000-374/PRES/PM/DEF of 1 September 2000 allowed for recruitment from the age of 18, provided that the recruit was unmarried and enjoying full civic rights. Recruits reportedly underwent two years of training before entering into active service.<sup>2</sup> There were no reports of under-18s in the armed forces.

National development service (Service national pour le développement, SND) was compulsory for all Burkinabès aged between 18 and 30. The SND comprised civic education, basic education and vocational training.<sup>3</sup>

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## Developments

In December 2004 the government wrote to the Child Soldiers Coalition, stating that while

members of an Ivorian armed political group, the Patriotic Movement of Côte d'Ivoire (Mouvement patriotique de Côte d'Ivoire, MPC) might have been present temporarily in Burkina Faso at some point, they had never received training or military equipment of any sort from the Burkina government. It also stated that it had repeatedly requested the government of Côte d'Ivoire to take the necessary measures to allow members of the Ivorian armed forces who had sought refuge in Burkina Faso to return home.<sup>4</sup>

### International standards

In July 2007 Burkina Faso ratified the Optional Protocol. In its Declaration at the time of ratification, the government stated that the minimum age for voluntary recruitment into the armed forces was 18, that recruitment was voluntary, and that proof of age had to be provided.<sup>5</sup> In April 2004 it ratified the Rome Statute of the International Criminal Court.

- 1 Rapport de la Commission d'enquête internationale sur les allégations de violations des droits de l'homme en Côte d'Ivoire, <http://fr.wikisource.org>.
- 2 Letter received from the Ministry of Foreign Affairs in response to the Child Soldiers Coalition, *Global Report 2004*, ref: 004675/MAECR/SG/DAM, 22 December 2004.
- 3 Decree No. 99-445/PRES/PM of 7 December 1999.
- 4 Letter received from the Ministry of Foreign Affairs, above note 2.
- 5 Multilateral treaties deposited with the Secretary-General, Optional Protocol to the Convention on Rights of the Child on the involvement of children in armed conflict, Declarations and Reservations, [www2.ohchr.org](http://www2.ohchr.org).

## BURUNDI

### Republic of Burundi

**Population:** 7.5 million (4.0 million under 18)

**Government armed forces:** 35,000

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 16 (see text)

**Voting age:** 18

**Optional protocol:** signed 13 November 2001 (see text)

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182, ACRWC

***Children were recruited and used by the armed opposition group FNL. Government forces continued to use captured child soldiers for intelligence-gathering. Scores of children accused of membership of or support for the FNL were illegally detained and some were tortured in detention.***

### Context

The 2001 Arusha Peace and Reconciliation Agreement for Burundi was the starting point for a political transition to end more than a decade of civil war. In October 2003 a power-sharing agreement (Pretoria Agreement) was signed by the government and the opposition National Council for the Defence of Democracy – Forces for the Defence of Democracy (Conseil national pour la défense de la démocratie – Forces pour la Défense de la Démocratie, CNDD-FDD (Nkurunziza)). In November a new, inclusive government was established after a second Pretoria agreement granted the forces of both sides immunity from prosecution.<sup>1</sup> In 2005 the CNDD-FDD won parliamentary and local administrative elections. Pierre Nkurunziza, head of the CNDD-FDD, was elected president in August 2005.<sup>2</sup> Fighting between government forces and the one remaining armed group, the National Liberation Forces (Forces Nationales de Libération, FNL), continued sporadically. In June 2006 the government and the FNL signed an agreement on the restoration of peace and security. In September the same year a Comprehensive Ceasefire Agreement between the two parties set a date for the cessation of hostilities and established army integration and demobilization procedures. The agreement created a joint verification and monitoring mechanism (JVMM) and an African Union special task force to protect FNL leaders and move combatants to assembly areas.

The process stalled repeatedly, however. In March 2007 the FNL suspended participation in the JVMM until various demands were met,

including the release of political prisoners and FNL incorporation into political institutions. In July, following further negotiations, the FNL delegation left the capital, saying that it would not return until army repression of its members had ceased and agreement was reached on its political status. The security situation deteriorated after the ceasefire agreement, with a reported upsurge in torture, arbitrary arrest and detention of children by government security forces, and an increase in incidents of rape and other sexual violence by FNL members.<sup>3</sup>

The United Nations peacekeeping operation (Opération des Nations Unies au Burundi, ONUB) was deployed in June 2004, replacing the African Mission in Burundi (AMIB). It was mandated, *inter alia*, to support the country's national disarmament, demobilization and reintegration (DDR) process, initiated in 2003, and to ensure human rights promotion and protection, especially with regard to women, children and other vulnerable persons.<sup>4</sup> On 1 January 2007 ONUB was replaced by a UN Integrated Office in Burundi (Bureau Intégré des Nations Unies au Burundi, BINUB), mandated to support the government in its efforts towards long-term peace and stability.<sup>5</sup>

## Government

### National recruitment legislation and practice

The February 2005 constitution stated that no child could be used in direct combat and that the protection of children during an armed conflict should be assured (Article 45). The constitution did not define the age of majority, but the Convention on the Rights of the Child and other international human rights treaties ratified by the government were incorporated into it (Article 19). In its 1998 initial report to the UN Committee on the Rights of the Child on implementing the Convention on the Rights of the Child, the government stated that recruitment into the armed forces "is set at between 16 and 25 years and that in practice that limit is 18 years and the recruit must have a primary-school leaving certificate".<sup>6</sup> The 2004 armed forces law stated that recruitment was voluntary (Article 37), but no minimum recruitment age was specified.<sup>7</sup> A revised criminal code was awaiting approval by the National Assembly in October 2007. It defined the military recruitment of children below the age of 16 as a war crime and raised the age of criminal responsibility from 13 to 15.<sup>8</sup>

Legislation punishing and preventing the crime of genocide, crimes against humanity and war crimes came into force in May 2003. The law defined the conscription of children under 15 into national armed forces and their use in active hostilities as a war crime. It provided for

the death penalty for those found guilty of the offence.<sup>9</sup>

In October 2005 the Senate and National Assembly issued a statement calling on the armed forces to stop using children as porters.<sup>10</sup> Government soldiers and police regularly used former FNL fighters, including children, to identify suspected members of the FNL in 2006.<sup>11</sup>

## Child recruitment and deployment

### FNDD-CDD (Nkrunziza)

The FNDD-CDD (Nkrunziza), which joined the transitional government at the end of 2003, reportedly continued to recruit children for civil defence militias in 2004.<sup>12</sup> Recruitment by the CNDD-FDD (Nkrunziza) was reported in refugee camps in Tanzania as late as September 2004, and at the end of that year they and other armed political groups were reported still to be demanding financial contributions from the refugee population.<sup>13</sup>

## Armed groups

### FNL

From November 2003 the FNL was the only remaining active armed group in Burundi. In 2004 it was reported to be forcibly recruiting and using children for frontline duties, to transport ammunition, to carry wounded or dead and for intelligence-gathering activities.<sup>14</sup> Recruitment continued into 2006, and intensified in June and July, although this appeared to be linked to peace negotiations and the prospect of rapid demobilization packages for new recruits. The latter reportedly included street children from Bujumbura Mairie province, and there were anecdotal reports of recruitment through raids on schools by FNL members. Some captured child soldiers said that they had been promised cars and other luxury goods if they enlisted.<sup>15</sup> A further upsurge of recruitment was reported immediately after the September 2006 ceasefire agreement, and some children reported being asked to pay to enlist voluntarily in the FNL. More than 48 schoolchildren were recruited in Bururi and Ngozi provinces in April and May 2007.<sup>16</sup>

## Disarmament, demobilization and reintegration (DDR)

A DDR program for children recruited and used during the armed conflict began in 2003 under the auspices of a government national structure for child soldiers, with implementation support from UNICEF.<sup>17</sup> A National Commission to manage the country's DDR program was subsequently established but did not begin work until September 2005.<sup>18</sup> By June 2006 some 3,000 children had been demobilized from the former



government's armed forces, the government-backed Peace Guardian militias, and all armed opposition groups except the FNL. The majority of those who took part in the program returned to farm and fish in their local communities, but nearly 600 returned to school. Some 1,800 former child soldiers received occupational training. Health care was provided for those with special needs and psychosocial support was provided through individual and group meetings.<sup>19</sup> Concerns were expressed over the lack of initiatives to prevent future recruitment and the fact that many returning child soldiers were nearing the age of majority, with adult concerns and responsibilities. The lack of programs to facilitate sustainable reintegration was also noted as a flaw in the DDR process.<sup>20</sup>

In April 2006 the government assembled several hundred FNL fighters at a "welcome centre" in Randa, Bubanza province, in preparation for demobilization. By March 2007 preparations for the demobilization of an estimated 500 FNL child soldiers from Randa were under way.<sup>21</sup> The children in Randa were transferred to a transit centre for demobilized FNL fighters in Gitega in November 2006 and their parents were traced. By 10 March 2007 all the children had been reunited with their families.<sup>22</sup>

### Other treatment of child soldiers

After taking office in August 2005, government forces targeted real or suspected FNL supporters, arresting, torturing and even summarily executing those suspected of belonging to or supporting the FNL.<sup>23</sup> Although the age of criminal responsibility was 13, children as young as nine were detained on suspicion of collaborating with the FNL. Over 170 cases of detention of alleged FNL child soldiers were reported to ONUB between November 2005 and July 2006.<sup>24</sup> In early 2007, 51 FNL child soldiers, including one aged 14, were in detention.<sup>25</sup> Captured child soldiers were reportedly severely beaten in detention, some with metal bars and hammers. Some were denied medical attention until human rights groups intervened on their behalf.<sup>26</sup> Captured child soldiers injured during combat were also denied medical treatment while in detention.<sup>27</sup> In February 2007 the Minister of National Solidarity was reported to have declared that all children accused of FNL participation would be released.<sup>28</sup> More than 67 children detained at Mpimba prison for alleged association with FNL were released in March.<sup>29</sup>

Ramazani Nahimana, aged 16, was detained in November 2005 by the state intelligence agency after being identified by a former FNL combatant as a member of the FNL youth wing, the Patriotic Hutu Youth (Jeunesse patriotique hutu, JPH). He was reportedly severely beaten during his detention and was subsequently shot dead in the Kinama district of Bujumbura.

The official version of events was that he had been shot either as he attempted to flee or in crossfire, although evidence at the scene strongly suggested he had been extrajudicially executed. No investigation into his death was carried out.<sup>30</sup>

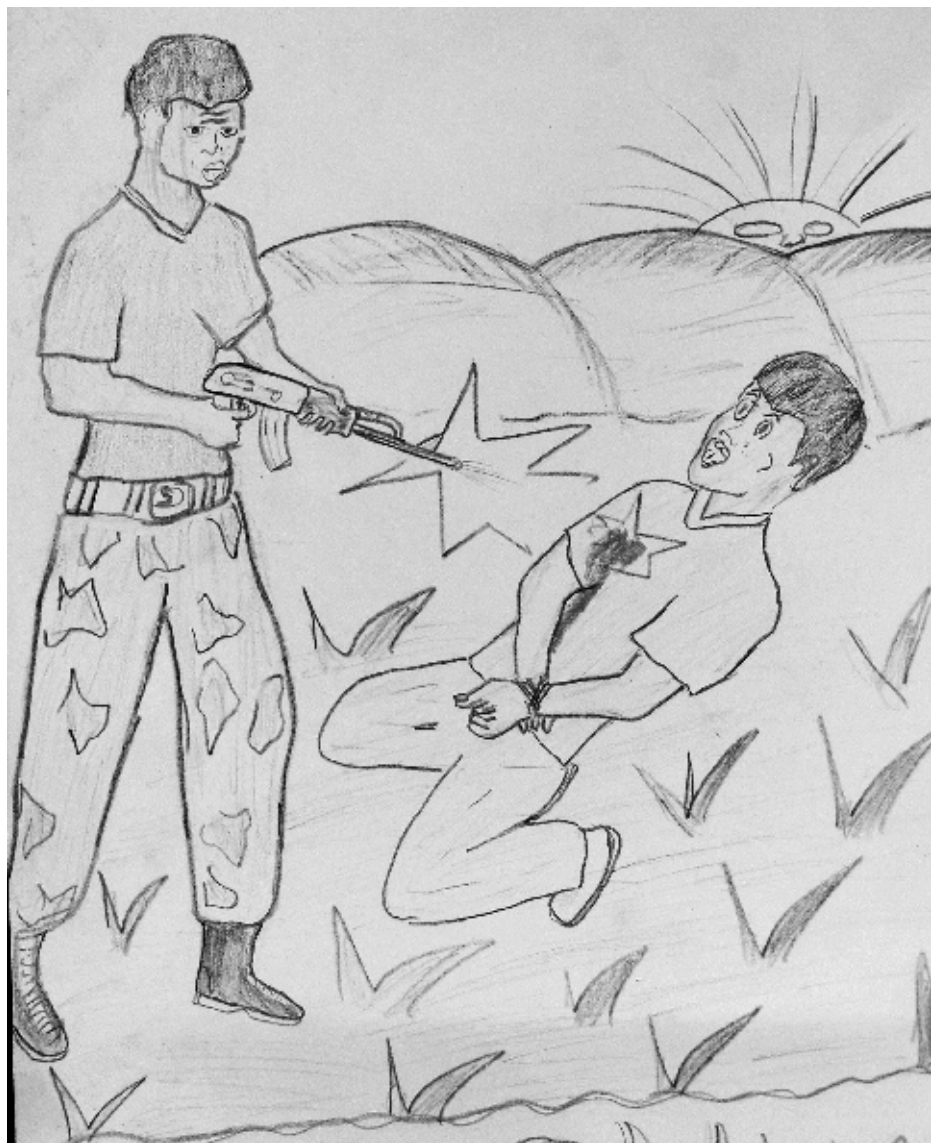
## Developments

The National Assembly on 28 January 2005 approved ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. However, the instruments of ratification had not been deposited with the UN at the end of October 2007.

At a February 2007 ministerial meeting in Paris, Burundi and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

The UN Secretary-General's Special Representative for Children and Armed Conflict visited Burundi in March 2007. She commended the government for its progress on the DDR of children, but said that more needed to be done to protect children in detention and called for the release of FNL child soldiers.<sup>31</sup> The FNL was listed as a party recruiting and using child soldiers in the Secretary-General's annual reports between 2002 and 2008.

- 1 Amnesty International (AI), *Burundi: Child soldiers – the challenge of demobilization*, March 2004.
- 2 Report of the Secretary-General on Children and Armed Conflict in Burundi, UN Doc. S/2006/851, 27 October 2006.
- 3 Report of the Secretary-General on Children and Armed Conflict in Burundi, UN Doc. S/2007/686, 28 November 2007; International Crisis Group (ICG), *Burundi: Finalising Peace with the FNL*, 28 August 2007.
- 4 UN Security Council Resolution 1545, The Situation in Burundi, UN Doc. S/RES/1545 (2004), 21 May 2004.
- 5 UN Security Council Resolution 1719, The Situation in Burundi, UN Doc: S/RES/1719 (2006), 25 October 2006.
- 6 Initial report of Burundi to the UN Committee on the Rights of the Child, UN Doc. CRC/C/3/Add.58, 31 July 1998.
- 7 Loi No.1/019 du 31 décembre 2004 portant Création, Organisation, Missions, Composition et Fonctionnement de la force de Défense Nationale.



*Drawing by a former child soldier of the armed group National Liberation Forces, Burundi*

- 8 “Burundi: Government committed to child protection”, UN press release, 13 March 2007, [www.un.org/children/conflict](http://www.un.org/children/conflict); Human Rights Watch (HRW), *Paying the Price – Violations of the Rights of Children in Burundi*, March 2007.
- 9 Loi No. 1/004 du 8 mai 2003, portant Répression du Crime de Génocide, des Crimes contre l’Humanité et des Crimes de Guerre.
- 10 Child Soldiers Coalition meeting with the President of the Senate, Bujumbura, October 2005.
- 11 HRW, *A Long Way from Home: FNL Child Soldiers in Burundi*, June 2006.
- 12 Report of the Secretary-General on children and armed conflict, UN Doc. A/59/695-S/2005/72, 9 February 2005.
- 13 AI, “Burundi: refugee rights at risk: human rights abuses in returns to and from Burundi”, AI Index: AFR 16/006/2005, 27 June 2005.
- 14 Amnesty International (AI), “Burundi: child soldiers – the challenge of demobilisation”, AI Index: AFR 16/011/2004, 24 March 2004.
- 15 Report of the Secretary-General, above note 2.
- 16 Report of the Secretary-General, above note 3.
- 17 “Ex-combatants in Burundi: Why they joined, why they left, how they fared”, Multi Country Demobilization and Reintegration Program (MDRP), Working Paper No. 3, October 2007, at [www.child-soldiers.org/document](http://www.child-soldiers.org/document).
- 18 Action Aid, “BINUB: Good governance, security sector reform and enhancing human rights – establishing priorities”, October 2006, [www.actionaid.org](http://www.actionaid.org).
- 19 Report of the Secretary-General, above note 2.
- 20 Confidential source, May 2006.
- 21 World Bank, MDRP, [www.mdrp.org/burundi.htm](http://www.mdrp.org/burundi.htm).
- 22 Information provided by MDRP World Bank country office, November 2007.
- 23 Children and armed conflict, Report of the Secretary-General, UN Doc. A/61/529-S/2006/826, 26 October 2006; HRW, “Warning signs: continuing abuses in Burundi”, 27 February 2006.
- 24 Report of the Secretary-General, above note 2.
- 25 Confidential source, April 2007.
- 26 HRW, above note 23.
- 27 HRW, above note 11.
- 28 HRW, above note 8.
- 29 Report of the Secretary-General, above note 2.
- 30 HRW, above note 23.
- 31 “UN Special Representative commends demobilization of child soldiers in Burundi”, ReliefWeb, 27 March 2007, [www.reliefweb.int..](http://www.reliefweb.int..)

## CAMBODIA

### Kingdom of Cambodia

**Population:** 14.1 million (6.2 million under 18)

**Government armed forces:** 124,300

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18 (see text)

**Voting age:** 18

**Optional Protocol:** ratified 16 July 2004

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***Although there were no reports of under-18s being recruited or used, the recruitment and use of children as soldiers was not specifically criminalized in national legislation.***

### Context

Child labour was still widespread, with more than half of Cambodian children aged under 14 being put to work, despite a national legal minimum working age of 15.<sup>1</sup> The Extraordinary Chambers in the Courts of Cambodia (ECCC) was established in 2006 to bring to trial those responsible for serious crimes committed during the Khmer Rouge period.<sup>2</sup>

### Government

#### National recruitment legislation and practice

The constitution provided that “The State shall protect the rights of children as stipulated in the Convention on Children, in particular, the right to life, education, protection during wartime, and ... shall protect children from acts that are injurious to their educational opportunities, health and welfare” (Article 48).

According to the government’s initial report to the UN Committee on the Rights of the Child, under-18s were not accepted for military service.<sup>3</sup> The Law on General Statutes for the Military Personnel of the Royal Cambodian Armed Forces contained separate provisions for regular military personnel and those serving fixed-term contracts. It stipulated that those on contracts should be at least 18 (Article 42), but did not expressly stipulate a minimum age for other military personnel.<sup>4</sup>

In October 2006 the National Assembly passed a new law on compulsory military service, requiring all Cambodian men aged 18–30 to register and, if required, to serve 18 months in the Royal Cambodian Armed Forces.<sup>5</sup> The law also provided for prison sentences of up to five years for men who refused to join up.<sup>6</sup> A similar

law had been rejected in 1996.<sup>7</sup> Critics of the new law accused the government of using military service to hide growing unemployment figures.<sup>8</sup> As of October 2007, regulations to establish registration and call-up procedures had yet to be finalized, and no conscription had taken place.

### **Military training and military schools**

Cambodia operated several military schools, although full details of their structure and operation were not clear. Four levels of professional military education were set out in a Defence White Paper in 2000. Comprehensive recruit training was to be provided by commanders in each military region, with emphasis placed on physical training and sport. The Junior Officer School would develop courses on discipline and humanitarian law for all newly commissioned officers. A command and staff course would provide training to middle-ranking officers. Finally, a senior officer training program would be provided at the Officers' Academy.<sup>9</sup> However, an updated Defence White Paper in 2006 acknowledged that the control of educational institutions for career soldiers was "in disarray", and announced a new series of reforms intended to reorganize and modernize military training. The 2006 White Paper also noted the important and extensive role in training new recruits played by the Army Non-commissioned Officers' School, now planned to be brought under the Army Training Centre.<sup>10</sup>

It was not clear whether students at the various military schools were considered active members of the military and what, if any, military training was given to students below the age of 18. The law did not set a lower age limit for regular military personnel, but the duration of training courses at military schools would appear to preclude students from being selected to join military ranks before the age of 18.<sup>11</sup>

### **Child recruitment and deployment**

The recruitment and use of children as soldiers was not specifically criminalized in national legislation.

Recruitment of children as soldiers and cadres had been very common in the Khmer Rouge period (1975–9), with evidence of children as young as five being trained as cadres.<sup>12</sup> It was not known whether the prosecutors' office of the ECCC would seek to bring charges either against former child soldiers or in relation to their recruitment.

### **Disarmament, demobilization and reintegration (DDR)**

Both non-governmental organizations (NGOs) and UN bodies reported many cases of underage recruitment by the Royal Cambodian Armed

Forces during Cambodia's civil war in the years following the end of the Khmer Rouge period in 1979.<sup>13</sup>

The second phase of the government's US\$42 million donor-assisted demobilization program, which had commenced in 1999 and was suspended indefinitely in 2003 after the World Bank identified irregularities in the use of funds, was not resumed. In total, 16,500 of a planned 31,500 soldiers, most of whom were old, sick or disabled, had been demobilized under the program before it was suspended.<sup>14</sup> The program did not include a component for the demobilization or reintegration of those who were under 18 when recruited.

In October 2006 the government announced its intention to reduce the size of the army by a further 40,000, to a total of 70,000 troops.<sup>15</sup> There was reported to have been an attempt to identify former child soldiers for demobilization, but there was no follow-up action taken or further available information.<sup>16</sup> The government's 2006 Defence White Paper stated that Category II soldiers (the disabled, the elderly and the chronically ill) would again constitute the principal group for discharge over the next five years.<sup>17</sup>

### **Developments**

At a February 2007 ministerial meeting in Paris, Cambodia and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

### **Extraordinary Chambers in the Courts of Cambodia (ECCC)**

In October 2004 Cambodia ratified its May 2003 agreement with the UN to establish a criminal tribunal to bring to justice suspected perpetrators of serious human rights violations during the period of Khmer Rouge rule (1975–9). The ECCC was established in 2006, its judicial work being formally launched in July with the swearing in of judicial officers.<sup>18</sup> The tribunal was based on a mixed model with both Cambodian and international judges, prosecutors and defence lawyers, and a voting system designed to ensure that every decision had the support of both Cambodian and international judges.<sup>19</sup>

From its inception the ECCC was subject to repeated delays and dogged by accusations of politicization and corruption, but by June 2007 two obstacles to progress had been removed with

the unanimous adoption of ECCC internal rules<sup>20</sup> and measures to facilitate the participation of foreign defence lawyers.<sup>21</sup> The first suspect was arrested and charged with crimes against humanity in July 2007.<sup>22</sup>

## International standards

In July 2004 Cambodia ratified the Optional Protocol, referring in its declaration to Article 42 of the Law on General Statutes for the Military Personnel of the Royal Cambodian Armed Forces, which set 18 as the minimum age for contractual-service military personnel.<sup>23</sup>

Cambodia ratified the ILO Worst Forms of Child Labour Convention 182 in March 2006.

- 1 “Child labour still rampant in Cambodia: UNICEF”, ABC News, 12 June 2006.
- 2 Extraordinary Chambers in the Courts of Cambodia (ECCC), [www.eccc.gov.kh](http://www.eccc.gov.kh).
- 3 **Initial report of Cambodia to the UN Committee on the Rights of the Child**, UN Doc. CRC/C/11/Add.16, 24 June 1998.
- 4 Law on General Statutes for the Military Personnel of the Royal Cambodian Armed Forces (1997), [www.moc.gov.kh](http://www.moc.gov.kh).
- 5 “Lawmakers OK military conscription”, *Cambodia Daily*, 26 October 2006.
- 6 “Cambodia defies int’l donors with military conscription”, *China Post*, 26 October 2006.
- 7 “Cambodia introduces conscription”, *CO Update*, November 2006, War Resisters International, [www.wri-irg.org](http://www.wri-irg.org).
- 8 “Cambodia votes for conscription”, BBC News, 25 October 2006.
- 9 *Defending the Kingdom of Cambodia*, Royal Government of Cambodia Defence White Paper, August 2000, <http://merln.ndu.edu/whitepapers/Cambodia-2000.pdf>.
- 10 *Defending the Kingdom of Cambodia*, Royal Government of Cambodia Defence White Paper, August 2006.
- 11 *Ibid.*
- 12 *Child Soldiers in Cambodia*, LICADHO (Cambodian League for the Promotion and Defence of Human Rights) Briefing Paper, June 1998, [www.licadho.org](http://www.licadho.org).
- 13 A Survey of Programs on the Reintegration of Former Child Soldiers, Ministry of Foreign Affairs of Japan, 30 March 2001, [www.mofa.go.jp](http://www.mofa.go.jp).
- 14 Ian C. Porter, World Bank Country Director, “World Bank defends role in demob process”, letter, *Phnom Penh Post*, 22 April–5 May 2005, [www.phnompenhpost.com](http://www.phnompenhpost.com).
- 15 “Cambodia to downsize troops by 40,000”, Xinhua, 16 October 2006.
- 16 Confidential source, October 2007.
- 17 *Defending the Kingdom of Cambodia*, above note 10.
- 18 *Annual report on achievements of the ECCC for 2006*, [www.eccc.gov.kh](http://www.eccc.gov.kh).

- 19 Khmer Rouge Trial Task Force, “An Introduction to the Khmer Rouge Trials”, August 2004, [www.cambodia.gov.kh/krt/english/introduction\\_eng/index.htm](http://www.cambodia.gov.kh/krt/english/introduction_eng/index.htm).
- 20 ECCC, above note 2, Internal Rules, 12 June 2007.
- 21 “Cambodia’s Khmer Rouge tribunal still at risk: UN judge”, ABC Radio Australia, 24 March 2007.
- 22 ECCC, above note 2, Statement of the Co-investigating Judges, 31 July 2007.
- 23 Declaration on accession to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).

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# CAMEROON

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## Republic of Cameroon

**Population:** 16.3 million (7.9 million under 18)

**Government armed forces:** 14,100

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18; under 18 with parental consent

**Voting age:** 20

**Optional Protocol:** signed 5 October 2001

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182, ACRWC

*There were no reports of under-18s in the armed forces.*

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## Context

There was an increased spill-over of insecurity and refugees from the Central African Republic in mid-2007, and Cameroon sent troops from its Rapid Intervention Battalion to its eastern regions.<sup>1</sup>

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## Government

### National recruitment legislation and practice

Presidential Decree No. 94/185 (September 1994), concerning non-officer military personnel, set the minimum recruitment age at 18 (Article 11); recruitment was on a voluntary basis.<sup>2</sup> In April 2001 Cameroon reported to the UN Committee on the Rights of the Child that there was no conscription in Cameroon. The government also stated that no child under the age of 18 might be recruited into the armed forces, gendarmerie or police force, except with parental consent.<sup>3</sup> No information was available on the number of recruits under the age of 18 in the security forces.

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1 International Crisis Group (ICG), *CrisisWatch* No. 47, 1 July 2007, www.crisisgroup.org.

2 Bart Horemans and Marc Stolwijk, *Refusing to bear arms: A world survey of conscription and conscientious objection to military service*, War Resisters International, 1998, www.wri-irg.org.

3 Initial report of Cameroon to the UN Committee on the Rights of the Child, UN Doc. CRC/C/28/Add.16, 26 March 2001.

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# CANADA

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## Canada

**Population:** 32.3 million (7.0 million under 18)

**Government armed forces:** 62,500

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 16

**Voting age:** 18

**Optional Protocol:** ratified 7 July 2000

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 182

*Sixteen- and 17-year-olds continued to be recruited into the armed forces.*

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## Government

### National recruitment legislation and practice

Recruitment into the Canadian armed forces was entirely voluntary under the terms of the National Defence Act. Most Canadian Forces programs permitted enrolment at 17, although 16-year-olds could enrol in the Regular Officer Training Plan (Junior Program) and the reserves.<sup>1</sup> As of July 2007, 139 16- and 17-year-olds were serving in the regular Canadian armed forces, and 2,194 16- and 17-year-olds were enrolled in the reserves.<sup>2</sup> Those serving in the Canadian Forces under the age of 18 were permitted to leave the forces at any time without penalty. However, those who had entered the Regular Officer Training Program under the age of 18 could be required to repay their educational costs should they choose to leave after a year's service. Under the National Defence Act, "members of the Canadian Forces who have not yet reached the age of 18 may not be deployed to any theatre of hostilities, or indeed, any area where armed combat is a possibility. The Canadian Forces also do not permit persons under the age of 18 to be deployed in any domestic emergency where weapon use cannot be ruled out."<sup>3</sup>

### Military training and military schools

Canada's Royal Military College is operated and managed by the Canadian Forces. However, the government does not regard it as being bound by the restrictions on the age of recruitment required by Article 3 of the Optional Protocol.<sup>4</sup> In June 2006 the UN Committee on the Rights of the Child asked the government to "provide further information on the status of children attending the Royal Military College, particularly as to whether they are considered as just civilian students of a military college or already as military recruits".<sup>5</sup>

## Developments

Omar Ahmed Khadr, a Canadian national, was taken into US custody in Afghanistan in late July 2002 when he was 15 years old, and subsequently transferred to the US naval base Guantánamo, Cuba. In November 2005 he was charged for trial by military commission under a military order signed by President George W. Bush in November 2001. The military commission system was replaced by a revised system under the 2006 Military Commissions Act (MCA). In April 2007 Omar Khadr was charged under the MCA with murder and attempted murder in violation of the law of war, conspiracy, providing material support for terrorism, and spying.<sup>6</sup> In June 2007 a military judge dismissed the charges against Khadr on a jurisdictional question.<sup>7</sup> On 24 September 2007 a newly established Court of Military Commission Review overturned the ruling, allowing proceedings against Khadr to continue.

In connection with a concern about rules and procedures regarding the capture of persons under the age of 18 in the context of the International Security Assistance Force (ISAF) mission in Afghanistan, the UN Committee on the Rights of the Child expressed concern in June 2006 about “the lack of information about measures taken to ensure that captured persons below 18 are treated in accordance with international standards of human rights and humanitarian law when transferred to other national authorities”. The Committee recommended that the government ensure that transfers of such detained persons to national authorities only take place when “there is a reason to believe that their human rights will be respected and as long as the State party is satisfied that the receiving State is willing and able to apply the Geneva Conventions”. Noting that Canada exported small arms and light weapons, the Committee recommended that “the State party ensure that its domestic legislation and practice prohibit in any case the trade of small arms and light weapons to countries where persons who have not attained the age of 18 may take a direct part in hostilities as members of their armed forces or armed groups that are distinct from the armed forces of a State”.<sup>8</sup>

With regard to dissemination of the Optional Protocol, the Committee urged the government to “strengthen education and training in all domestic languages on the provisions of the Optional Protocol for all relevant professional groups, in particular military personnel”. It was likewise suggested that the Optional Protocol be made “widely known to the public at large and in particular to children and their parents, through, inter alia, school curricula in a child-friendly version”.<sup>9</sup>

At a February 2007 ministerial meeting in Paris, Canada and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

- 1 Initial report of Canada to the UN Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/CAN/1, 29 July 2005.
- 2 Government Response to the Standing Senate Committee on Human Rights Report, “Children: the silenced citizens – effective implementation of Canada’s obligations with respect to the rights of children”, tabled in the Canadian Senate on 16 November 2007.
- 3 Initial report, above note 1.
- 4 Ibid.
- 5 Committee on the Rights of the Child, Consideration of report submitted by Canada on implementation of the Optional Protocol, Concluding observations, UN Doc. CRC/C/OPAC/CAN/CO/1, 9 June 2006.
- 6 Charge sheet available at [www.defenselink.mil](http://www.defenselink.mil).
- 7 At his arraignment proceedings in Guantánamo on 4 June 2007, the military judge dismissed the charges against him because, while Omar Khadr had been designated as an “enemy combatant” in Guantánamo, nowhere was there a record of his designation as an “unlawful enemy combatant”, the label which (when attached to a non-US national) is a prerequisite for trial by military commission under the MCA.
- 8 Concluding observations, above note 5.
- 9 Ibid.

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# CAPE VERDE

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## Republic of Cape Verde

**Population:** 507,000 (238,000 under 18)

**Government armed forces:** 1,200

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 17

**Voting age:** 18

**Optional Protocol:** acceded 10 May 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 182, ACRWC

***17-year-olds could volunteer for military service with parental consent. No information was available on the presence of under-18s in the armed forces.***

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## Government

### National recruitment legislation and practice

Under the 1992 constitution, all individuals “shall have the duty to contribute to the defence of the nation” (Article 83). The constitution also stated that “Military service shall be compulsory” and that “Conscientious objectors and those who are unfit for military service shall perform civic service, as provided by law” (Article 271).

Military service, reportedly for two years, was compulsory for all men aged between 18 and 35.<sup>1</sup> Volunteers could enlist at the age of 17, with parental consent.<sup>2</sup>

In its declaration on accession to the Optional Protocol in 2002, Cape Verde stated that “the minimum age for special voluntary recruitment into the Cape Verdean armed forces is 17 years in accordance with article 31 of Legislative Decree No. 6/93 of 24 May 1993”, and that “Special recruitment shall apply to citizens, who of their own freely expressed will, decide to enter military service subject to meeting the following requirements: (a) They must have attained the minimum age of 17 years; (b) They must have the consent of their parents or legal guardians; (c) They must be mentally and physically fit for military service.”<sup>3</sup>

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1 B. Horeman and M. Stolwijk, *Refusing to Bear Arms: A World Survey of Conscript and Conscientious Objection to Military Service*, War Resisters International, London, 1998, www.wri-irg.org.

2 Initial report by Cape Verde to UN Committee on the Rights of the Child, UN Doc. CRC/C/11/Add.23, 9 January 2001; summary record of the 746th meeting: Cape Verde, UN Doc. CRC/C/SR.746, 7 November 2000.

3 Declaration by Cape Verde on acceding to the Optional Protocol, 10 May 2002, www2.ohchr.org.

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# CARIBBEAN

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**Commonwealth of Dominica, Grenada, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines (see individual entries for Antigua and Barbuda, Barbados, Cuba, Dominican Republic, Haiti, Jamaica, and Trinidad and Tobago)**

**Population:** 505,000

**Government armed forces:** see text

**Compulsory recruitment age:** not applicable

**Voluntary recruitment age:** 18–19

**Voting age:** 18

**Optional Protocol:** Dominica acceded 20 September 2002

**Other treaties ratified (see glossary):**

Dominica: CRC, GC AP I and II, ICC, ILO 138, ILO 182

Grenada: CRC, GC AP I and II, ILO 138, ILO 182

Saint Kitts and Nevis: CRC, GC AP I and II, ICC, ILO 138, ILO 182

Saint Lucia: CRC, GC AP I and II, ILO 182

Saint Vincent and the Grenadines: CRC, GC AP I and II, ICC, ILO 138, ILO 182

***Dominica, Grenada, Saint Lucia and Saint Vincent and the Grenadines had no military forces; security was the responsibility of their police forces. Saint Kitts and Nevis had a small military force that patrolled jointly with the police. There were no reports of under-18s in these security forces.***

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## Government

### National recruitment legislation and practice

The police force in Dominica, Grenada, Saint Lucia and Saint Vincent and the Grenadines was each country's sole security force. None maintained military armed forces, although the police forces carried out a range of security duties and the police force in Saint Vincent and the Grenadines included a coastguard and a special unit with paramilitary training. The police force in Dominica had around 400 officers, in Grenada about 750, and in Saint Vincent and the Grenadines approximately 850.<sup>1</sup>

Saint Kitts and Nevis had a defence force consisting of an infantry unit and a coastguard.<sup>2</sup> Its police force could also be employed for defence against external aggression.<sup>3</sup>

Recruitment to the security forces was voluntary. In Dominica and Saint Lucia, the minimum age for recruitment to the police force was 18.<sup>4</sup> In Grenada and in Saint Vincent and



the Grenadines the minimum age was 19.<sup>5</sup> The minimum age for recruitment to the defence or police forces in Saint Kitts and Nevis was 18.<sup>6</sup>

## Military training and military schools

In Grenada police officers received 18 weeks' training at the Police Training School.<sup>7</sup> In Saint Lucia the cadet corps, a paramilitary youth organization, enrolled around 180 members in 2005 and developed new units in all secondary schools and the community college in 2006.<sup>8</sup> A focus of its activities in 2006 was training in emergency and disaster relief.<sup>9</sup> In Saint Vincent and the Grenadines a small cadet unit formed part of the police force.<sup>10</sup>

In Saint Kitts and Nevis secondary-school pupils of 13 years and above could join the cadet corps, which was organized by the defence forces but could not be used in military operations. The defence forces conducted basic training of troops, and advanced training was provided by regional, Canadian, UK and US armed forces.<sup>11</sup>

## Developments

In June 2004 the UN Committee on the Rights of the Child recommended that Dominica improve its birth registration system, develop its national plan of action for youth and ensure that children defined in Dominica as "young persons" between the ages of 14 and 18 received the same protection as those under the age of 14 defined as "children".<sup>12</sup>

The government of Saint Lucia reported to the Committee on the Rights of the Child in 2004 that it worked with civil society groups to advance the issue of child rights and had designated 2003–4 as the Year of the Child.<sup>13</sup> In September 2005 the Committee recommended ratification of the Optional Protocol.<sup>14</sup>

## International standards

Saint Kitts and Nevis ratified the ILO Minimum Age Convention 138 in June 2005 and the Rome Statute of the International Criminal Court in August 2006. Saint Vincent and the Grenadines ratified the ILO Minimum Age Convention 138 in July 2006.

- 1 Matthias Lestrade, "Crime Management and Challenges in the 21st Century", National Symposium on Crime – Commonwealth of Dominica, 2003, [www.da-academy.org/](http://www.da-academy.org/); Royal Grenada Police Force, [www.spiceisle.com/rgpf](http://www.spiceisle.com/rgpf); CIA, *World Factbook 2007* (Saint Vincent and the Grenadines).
- 2 Stanford Conway, "SKNDF: Over a Century and Counting", *St Kitts–Nevis Observer*, 21 October 2005, [www.thestkittsnevisobserver.com](http://www.thestkittsnevisobserver.com); CIA, above note 1.
- 3 Saint Kitts and Nevis, 2003 Police Act, [www.police.gov.kn](http://www.police.gov.kn).

- 4 Initial report of Dominica to the Committee on the Rights of the Child, UN Doc. CRC/C/8/Add.48, 15 October 2003; Royal Saint Lucia Police Force, Training information, [www.rslpf.com](http://www.rslpf.com).
- 5 Royal Grenada Police Force, Training School; Government of Saint Vincent and the Grenadines, Service Commissions, [www.gov.vc](http://www.gov.vc).
- 6 CIA, above note 1; Saint Kitts and Nevis, 2003 Police Act.
- 7 Royal Grenada Police Force, Training School.
- 8 "St Lucia Cadet Corps on recruitment drive", Caribbean Net News, 9 October 2006, [www.caribbeanetnews.com](http://www.caribbeanetnews.com).
- 9 Government of Saint Lucia, "Cadet Corps to attend Disaster Management Training", press release, 15 March 2006, [www.stlucia.gov.lc](http://www.stlucia.gov.lc).
- 10 US Department of State, *Country Reports on Human Rights Practices 2003*.
- 11 Conway, above note 2.
- 12 UN Committee on the Rights of the Child, Consideration of initial report submitted by Dominica, Concluding observations, UN Doc. CRC/C/15/Add.238, 30 June 2004.
- 13 Initial report of Saint Lucia to the Committee on the Rights of the Child, UN Doc. CRC/C/28/Add.23, 13 October 2004.
- 14 Committee on the Rights of the Child, Consideration of initial report submitted by Saint Lucia, Concluding observations, UN Doc. CRC/C/15/Add.258, 21 September 2005.

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# CENTRAL AFRICAN REPUBLIC

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## Central African Republic

**Population:** 4.0 million (2.0 million under 18)

**Government armed forces:** 3,200

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***The opposition Popular Army for the Restoration of the Republic and Democracy (APRD) and the Union of Democratic Forces (UFDR) used children in hostilities which broke out in early 2005. Both expressed willingness to demobilize their child soldiers, but only the UFDR had officially entered a disarmament, demobilization and reintegration (DDR) process by October 2007. Children were thought to be present in government armed forces, but were not believed to be actively involved in hostilities.***

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## Context

General François Bozizé won the May 2005 elections after seizing power in a coup against President Ange-Félix Patassé in March 2003. From May 2005 hostilities were ongoing in the north-western and north-eastern provinces between the government Central African Armed Forces (Forces armées Centrafricaines, FACA) and the Presidential Guard (Garde présidentielle, GP), and various armed opposition groups.<sup>1</sup>

In the north-west, ex-president Patassé's traditional stronghold, the Popular Army for the Restoration of the Republic and Democracy (Armée Populaire pour la Restauration de la République et la Démocratie, APRD) launched attacks on the government almost immediately following the May 2005 elections. The APRD was composed of former members of Patassé's Presidential Guard and local armed self-defence groups,<sup>2</sup> established in response to the failure of government forces to protect the local population from bandits (known as *zaraguinas*), who commonly attacked civilians and kidnapped children repeatedly for ransom.<sup>3</sup> In January 2007 the APRD launched a failed attack on the town of Paoua, resulting in further casualties and civilian displacement. Conflict between the APRD and the government continued in 2007.<sup>4</sup>

In the remote and marginalized north-east, the Union of Democratic Forces (UFDR) was mostly active in Vakaga province. It was composed of General Bozizé's own former supporters and members of the Gula ethnic group, who claimed long-standing ethnic discrimination by the government.<sup>5</sup> In September and October 2006 the UFDR seized control of several towns, prompting French military assistance to government forces in December 2006. The French military intervened once again in an air strike, in which 15 children were reportedly killed, following a UFDR attack on Birao in March 2007.<sup>6</sup> Birao's estimated 14,000 inhabitants fled and 70 per cent of houses were thought to have been burned down following the recapture of Birao.<sup>7</sup> In April 2007 a peace agreement was signed between the government and the UFDR chief of staff, Damané Zakaria, only to be rejected by the jailed UFDR leader, Abakar Saboune.<sup>8</sup>

The majority of human rights abuses against civilians in the north-west were attributed to government forces, in particular the GP. Attacks on government forces by the APRD were typically followed by reprisals against the civilian population by the FACA and the GP. By September 2007 hundreds of summary executions, extrajudicial killings, enforced disappearances and rapes of civilians had taken place. In addition the FACA and the GP burned tens of thousands of houses, leading to mass internal displacement.<sup>9</sup> By August 2007, 180,000 people were internally displaced in the north-west.<sup>10</sup> Human rights violations were also committed by the FACA and the GP in the north-east against the Gula ethnic group.<sup>11</sup> As of August 2007, 30,000 people were internally displaced in the region.<sup>12</sup> By September 2007 a total of approximately 212,000 people had fled their homes in the north-west and north-east to take refuge in the bush. Another 80,000 sought refuge in Chad, Cameroon and south Darfur, Sudan.<sup>13</sup>

The situation in the CAR was exacerbated by regional conflict and instability. Chadian government troops regularly conducted cross-border raids into the CAR, attacking CAR opposition groups, looting villages and raping women and girls. Chadian bandits were implicated in criminal groups, including *zaraguinas*, attacking people in the north of the country. The APRD and the UFDR recruited and used children in their forces, and engaged in widespread extortion, kidnappings and beatings of the civilian population. UFDR members killed captured civilians.<sup>14</sup>

## Government

### National recruitment legislation and practice

The 1994 constitution provided for (male-only) conscription or voluntary recruitment into the government armed forces at 18. Conscription was not enforced and there was no legislation relating to child soldiers.<sup>15</sup>

Neither the constitution nor the criminal code criminalized child recruitment or use. The CAR was, however, a party to the Rome Statute of the International Criminal Court (ICC), and the constitution stated that international law took precedence over national law and policy. There were moves to reform the criminal code to bring it in line with the Rome Statute and to introduce a military justice code, which would hold military personnel criminally liable for serious human rights violations.<sup>16</sup>

### Child recruitment and use

Children were thought to be present in the FACA and the GP but not actively engaged in the current armed conflict, in contrast to the 2002–3 conflict when large numbers of children were reportedly actively involved.<sup>17</sup> Documents providing proof of age of recruits enlisting in the armed forces were checked by recruiters when available. However, central government records had been destroyed or looted during the 2002–3 armed conflict, and no one whose records had been lost could obtain copies. The government stated that recruiters should use common sense and ask children questions that would reveal whether they were really 18. If a child joined the armed forces, he was treated as an adult. There were no reports available that any recruiters or others had been subject to disciplinary measures or other sanctions for recruiting children.<sup>18</sup>

## Armed groups

The number of children in the APRD and the UFDR was unknown, but both groups recruited and used child soldiers. Until May 2007 both groups refused to recognize 15–18-year-olds as children, but they subsequently accepted that they had children in their ranks and said that they were willing to discuss the demobilization of children below the age of 15. Reports indicated that both the UFDR and the APRD recruited Chadian and Sudanese children. Children in the north-east of the CAR were also reportedly forcibly recruited by Chadian armed groups.<sup>19</sup>

### Popular Army for the Restoration of the Republic and Democracy (APRD)

There were large numbers of child soldiers in the APRD ranks. APRD commanders confirmed the use of children as young as 12 in their forces, and

stated that many were armed and participated in combat. They claimed that many children joined the APRD voluntarily, for protection from government forces.<sup>20</sup>

### Union of Democratic Forces (UFDR)

The UFDR forcibly recruited children, and witnesses reported seeing child soldiers with the UFDR in the October–November 2006 offensive. An inter-agency UN mission reported seeing children in UFDR ranks in January 2007. The UFDR reportedly used civilians, including young girls, to cook or to transport looted goods.<sup>21</sup> During UFDR attacks on the FACA in March 2007, former students at the Birao government secondary-school were identified among its troops. Many of the children, aged 12 to 17 and most of them boys, who had participated in the attacks, were killed.<sup>22</sup>

## Disarmament, demobilization and reintegration (DDR)

An adult DDR program, administered by the UN Development Programme (UNDP), was in place from February 2004 to end-February 2007,<sup>23</sup> with the aim, among others, of integrating ex-combatants into the national armed forces. Of more than 7,500 combatants who went through the process, only 26 children, most of them boys, were included.<sup>24</sup> UNICEF was not involved in the process.

In February 2007 the APRD told the non-governmental organization (NGO) Human Rights Watch that they would demobilize child soldiers immediately, as long as their security could be guaranteed.<sup>25</sup> In March and June 2007 the APRD requested assistance from the UN country team in a children's DDR procedure. However, by late 2007 it was not clear that progress had been made, and formal negotiations were hampered by insecurity in the north-western region.<sup>26</sup>

### UFDR

In April and May 2007 more than 450 children associated with the UFDR were demobilized, all of whom were subsequently reintegrated into their communities and families. Some 75 per cent of this group were boys aged between 13 and 17, and 75 per cent had participated in military operations and combat for sustained periods that averaged from nine months to a year. Some 10 per cent of the children were as young as ten, and were used mainly for logistical support during 2006 and early 2007.<sup>27</sup> On 16 June 2007 a tripartite action plan between the UFDR, the government and UNICEF to allow children to be reintegrated was signed and another group of approximately 200 children was released.<sup>28</sup> It was claimed that by September 2007 the last remaining 450–500 children were released into

their communities; however, this was not verified by the joint UNICEF–UFDR monitoring structure established by the tripartite action plan.<sup>29</sup>

The UN Secretary-General’s Representative on human rights of internally displaced persons visited the country during March 2007. He recommended that armed groups immediately cease the recruitment of children and enter the DDR process. He also recommended that the government and the armed groups comply with their obligations under international humanitarian law.<sup>30</sup>

## Developments

The government referred the situation of 2002 and 2003 to the International Criminal Court in December 2004. In May 2007 the ICC agreed to begin an investigation into the most serious crimes committed after 1 July 2002. The Prosecutor stated that the investigation would focus in particular on allegations of rape, which, he said, appeared to have been “committed in numbers that cannot be ignored under international law”. Reports received by the ICC indicated that the victims included elderly women, young girls and men, often with aggravated aspects of cruelty, such as rape committed by multiple perpetrators, in front of third persons, or where relatives were forced to participate. Many victims were subsequently shunned by their families and communities. The ICC Office of the Prosecutor also continued to monitor closely allegations of crimes committed since the end of 2005.<sup>31</sup>

On 25 September 2007 the UN Security Council adopted Resolution 1778 (2007) on the Central African Republic and Chad. It established MINURCAT, a “multidimensional presence” of UN and EU personnel, comprising police, military liaison officers and civilian personnel. It mandated the protection of civilians in danger, particularly refugees and internally displaced persons, and the facilitation of humanitarian aid and movement of humanitarian personnel in north-eastern CAR and eastern Chad.<sup>32</sup> Up to 4,000 UN-mandated European Union troops were expected to be deployed to Chad by early 2008.<sup>33</sup> In November 2006 the mandate of the UN Peace-Building Support Office in the Central African Republic (BONUCA), authorized in 2000 by the Security Council, was renewed until 31 December 2007.<sup>34</sup>

The UFDR and the APRD were among the parties listed as recruiting and using child soldiers in the 21 December 2007 report of the Secretary-General to the UN Security Council on children and armed conflict.<sup>35</sup>

- 2 Human Rights Watch (HRW), “State of anarchy: rebellion and abuses against civilians”, *Human Rights Watch*, Vol. 19, No. 13(A) (September 2007).
- 3 “CAR: Villagers flee kidnapers demanding huge ransoms”, 5 March 2007, “Central African Republic – Cameroon: CAR refugees in Cameroon fear returning home”, 29 November 2007, IRIN.
- 4 “CAR: Civilians in northwest still afraid of going home”, IRIN, 2 August 2007; Report of the Secretary-General on Chad and the Central African Republic, UN Doc. S/2007/97, 23 February 2007.
- 5 HRW, above note 2.
- 6 ICG, above note 1; “CAR: Rebel activity fuels insecurity in the northeast”, IRIN, 8 February 2007.
- 7 Report of the Secretary-General on Chad and the Central African Republic, UN Doc. S/2007/488, 10 August 2007.
- 8 HRW, above note 2.
- 9 Ibid.; “Central African Republic”, *Amnesty International Report 2007*; US Department of State, Country Reports on Human Rights Practices 2006, Central African Republic, 6 March 2007, [www.state.gov](http://www.state.gov); “Caught in CAR’s deadly crossfire”, BBC News, 30 July 2007.
- 10 Report of the Secretary-General, above note 7.
- 11 HRW, above note 2.
- 12 Report of the Secretary-General, above note 7.
- 13 UNHCR News Stories, “Central African Republic’s quiet conflict uproots more than 290,000”, 27 September 2007, [www.unhcr.org/](http://www.unhcr.org/); “Thousands flee from CAR violence”, BBC News, 25 March 2006.
- 14 HRW, above note 2.
- 15 Child Soldiers Coalition, discussion with minister for information, Bangui, March 2007.
- 16 “La Centrafrique va se doter d’un code de justice militaire”, APA Bangui, 11 July 2007, [www.apanews.net](http://www.apanews.net).
- 17 Confidential coalition interviews, Bangui, March 2007.
- 18 Confidential source, Bangui, March 2007.
- 19 Confidential source, November 2007.
- 20 “CAR: Conflict forces children into insurgency”, IRIN, 23 February 2007; HRW, above note 2.
- 21 HRW, above note 2.
- 22 Report of the Secretary-General on children in armed conflict, UN Doc. A/62/609-S/2007/757, 21 December 2007.
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- 24 Confidential source, Bangui, March 2007.
- 25 HRW, above note 2.
- 26 Report of the Secretary-General, above note 22.
- 27 Ibid.

1 International Crisis Group (ICG), “Central African Republic: anatomy of a phantom state”, Africa Report No. 136, 13 December 2007.

- 28 UNICEF, “Central African Republic signed child soldiers reintegration agreement, 16 June 2007, [www.unicef.org](http://www.unicef.org).
- 29 Report of the Secretary-General, above note 22.
- 30 Report of the Representative of the Secretary-General on human rights of internally displaced persons, Addendum: Mission to the Central African Republic, preliminary note, UN Doc. A/HRC/4/38/Add.5, 16 March 2007.
- 31 International Criminal Court (ICC), “Prosecutor opens investigation into the Central African Republic”, press release, 22 May 2007; “Background: Situation in the Central African Republic”, 22 May 2007; [www.icc-cpi.int/](http://www.icc-cpi.int/)
- 32 UN Security Council Resolution S/RES/1778 (2007) on the situation in Chad, the Central African Republic and the subregion.
- 33 Reuters Foundation, AlertNet, “Chad fighting raises stakes of EU peace deployment”, 27 November 2007, [www.alertnet.org](http://www.alertnet.org).
- 34 UN Security Council, Statement by the President of the Security Council, UN Doc. S/PRST/2000/5, 10 February 2000; UN Security Council, Statement by the President of the Security Council, UN Doc. S/PRST/2006/47, 22 November 2006.
- 35 Report of the Secretary-General, above note 22.

## CHAD

### Republic of Chad

**Population:** 9.7 million: (5.3 million under 18)

**Government armed forces:** 25,400

**Compulsory Recruitment Age:** 20

**Voluntary Recruitment Age:** 18 (lower with parental consent)

**Voting Age:** 18

**Optional Protocol:** ratified 28 August 2002

**Treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182, ACRWC

***Increased recruitment of children by Chadian armed forces and Chadian and Sudanese armed groups was reported in 2006 and 2007, in particular along Chad's eastern border with Sudan and from its refugee and displaced persons camps. Despite an agreement by the government to facilitate the demobilization of child soldiers, an estimated 7,000 to 10,000 children remained in armed forces and groups in September 2007.***

### Context

Constitutional changes in June 2005 allowed President Idriss Déby to run for a third term in office. They exacerbated tensions over governance and access to Chad's oil wealth and intensified political and armed resistance to the president.<sup>1</sup> Between 2005 and 2006 the two principal Chadian armed opposition groups were the United Front for Change (Front uni pour le changement, FUC), and the Platform for Change, Unity and Democracy (Socle pour le changement, l'unité et la démocratie, SCUD).<sup>2</sup> These groups launched several attacks against the government between 2005 and 2006.<sup>3</sup> In April 2006 an FUC-led offensive on the capital, N'Djaména, sought to oust President Déby and resulted in hundreds of civilian deaths.<sup>4</sup> President Déby, of Zaghawa ethnicity, was elected for a third term in office in May 2006. The elections, in which under-age voting was reported, were boycotted by major opposition parties.<sup>5</sup>

In December 2006 FUC leader Mahamat Nour signed a peace accord with the government that extended a general amnesty to all FUC soldiers and called for “the creation of the conditions” for the integration of FUC soldiers into the Chadian National Army (Armée Nationale Tchadienne, ANT).<sup>6</sup> Following the agreement Nour was appointed minister of defence, and other FUC officials took government posts in March 2007. The government stated that it would not accept child soldiers from the FUC in the ANT.<sup>7</sup>

From 2006, three, at times overlapping, dimensions of conflict contributed to an emerging humanitarian and human rights crisis in eastern Chad and along the border with Sudan. These were internal armed conflict between government forces and opposition groups, intercommunal and ethnically based violence in the east, and the Darfur conflict and tensions between Chad and Sudan along their common border, which led to a proliferation of arms and cross-border banditry. In addition, the Darfur conflict enabled Chadian armed opposition groups to use Sudan as a base for attacks against Chadian government forces, and Sudanese armed opposition groups, including the Justice and Equality Movement and the Sudanese Liberation Army (SLA), to seek refuge in eastern Chad.<sup>8</sup> Increasingly frequent attacks by Sudanese government-backed Janjaweed militias on eastern Chadian villages resulted in the deaths of hundreds of civilians in late 2006.<sup>9</sup> In April 2007, after attacks, allegedly by Janjaweed, on their villages, 9,000 Chadians moved to Habile camp, administered by the UN refugee agency UNHCR, for internally displaced persons (IDPs).<sup>10</sup>

Intercommunal violence between the Zaghawa and Tama ethnic groups in north-eastern Chad escalated during the second half of 2006. Fuelled by clan disputes and competition for water and grazing lands, hostilities were additionally embedded in and informed by national political dynamics. Dozens of Tama civilians were killed and thousands were displaced in attacks on Tama villages between August and November 2006. The attacks were reportedly carried out by Zaghawa militias (loyal to the president) backed by the Chadian government.<sup>11</sup> By January 2007 up to 1,500 FUC soldiers, mostly of Tama ethnicity, had taken up positions in and around Guéréda in north-eastern Chad, prompting a renewed spate of ethnic violence between the Tama and Zaghawa groups.<sup>12</sup>

In October 2007 a peace accord was signed in Libya between the Chadian government and four armed opposition groups, which included two factions of the Union of Forces for Democracy and Development (Union des forces pour la démocratie et le développement, UFDD), the Chadian National Concord (Concorde nationale tchadienne, CNT), and the Rally of Forces for Change (Rassemblement des forces pour le changement, RFC), a SCUD splinter group. The agreement called for an immediate ceasefire, the integration of opposition fighters into the national army and the start of a process to integrate the parties into the government.<sup>13</sup> However, heavy fighting between the ANT and these groups resumed in eastern Chad in late 2007.<sup>14</sup>

ANT forces regularly conducted cross-border raids into the Central African Republic (CAR), attacking CAR armed opposition groups, looting

villages and raping women and girls. Chadian anti-Déby groups based themselves in the CAR, and Chadian bandits were involved in criminal groups attacking civilians in the northern CAR.<sup>15</sup> Reports indicated that children in the CAR were forcibly recruited by Chadian armed groups and that the CAR armed groups recruited Chadian and Sudanese children.<sup>16</sup>

By late 2007 there were approximately 240,000 Sudanese refugees in Chad, almost all located in the east. Of these, 60 per cent were estimated to be under 18. There were approximately 45,000 refugees from the CAR in eastern Chad and approximately 180,000 internally displaced persons (IDPs) in Chad, the vast majority of whom were also located in the east. It was estimated that school-age children constituted approximately 30 per cent of the IDP population in eastern Chad.<sup>17</sup>

## Government

### National recruitment legislation and practice

On ratification of the Optional Protocol in 2002 Chad declared that the minimum age for recruitment into the Chadian armed forces was 18. It stated that enlistment was voluntary, and could take place only on a fully informed basis.<sup>18</sup> The 1996 constitution stated that the defence of the country and of national territorial integrity was the duty of every citizen, and that military service was compulsory (Article 51). A national law adopted in January 1991 on the reorganization of the armed forces stated that the minimum age of recruitment into the ANT was 18, and that the minimum age for conscription was 20.<sup>19</sup> However, the 1992 General Statute of the Army provided that a person under the age of 18 could be enrolled with the consent of a parent or guardian.<sup>20</sup> The Labour Code prohibited children under the age of 18 from undertaking any work which by its nature was likely to cause harm to the health, safety or morals of children.<sup>21</sup>

In November 2006 the minister of defence ordered the military leadership not to recruit children, and a memorandum was issued by the ministry stating that the recruitment of children below the age of 18 was prohibited. In February 2007 the government acknowledged that children had been associated with armed groups and forces in Chad and that the ANT might have recruited and used children.<sup>22</sup> Following the peace agreement with the FUC, the ANT stated that it would not accept under-age FUC soldiers into its ranks.

### Child recruitment and deployment

Children were known to have been recruited and used in the ANT as of mid-2007. One official told Human Rights Watch that boys between the ages

of 12 and 15 were deployed to make tea, find water, collect firewood and mind goats. Another senior ANT official stated that “child soldiers are ideal because they don’t complain, they don’t expect to be paid, and if you tell them to kill, they kill”. Recruitment of children between January 2006 and July 2007 into the ANT took place in the Salamat and Ouddai regions in the east, and in the Wadi Fira region in the north-east. Civilians were reportedly recruited en masse in late 2006 at a time of ANT losses, and included children as young as 14, who were rapidly organized into units to defend the capital, and issued uniforms and weapons. The ANT reportedly held captured armed opposition-group child soldiers as young as 13 in the same facilities as adult soldiers.<sup>23</sup>

### Militias incorporated into the ANT

In late 2006 the government incorporated village-level and ethnically based self-defence militias, composed mainly of the Dadjo clan group, into the ANT in areas where it was militarily weak, such as the Dar Sila area in south-eastern Chad. This resulted in widespread child recruitment. An agreement between the Dadjos and the Zaghawas in November 2006 stipulated that the Dadjos would provide young people in exchange for arms and training. Soldiers who appeared to be under 18 were reported in self-defence forces in Gougour, Borot, Koloy, Modoyna, Tiero and Dogdore.<sup>24</sup>

## Armed groups

### United Front for Change (FUC)

The FUC, concentrated in north-eastern Chad, recruited children as young as 12 on a large scale before its integration into the ANT in late 2006. More than 25 per cent of the FUC was estimated to be made up of children, including children under 15. There were confirmed reports that between January 2006 and May 2007 the FUC abducted children in the Guéréda area on their way to school or the market to strengthen their forces.<sup>25</sup> Children reportedly joined up to avenge killings of family members by Zaghawa militias, or to protect themselves in a context of armed violence and insecurity. While girls were not recruited in large numbers, the 3rd Brigade was composed of 52 women and girls. Some female soldiers had reportedly taken part in operations against ANT forces in late 2006. Girl members of the brigade said they had enlisted after being raped or to seek protection from rape by Zaghawa militias. Children were also forcibly recruited by the FUC from refugee camps in Darfur.<sup>26</sup>

Following the 2006 peace agreement, FUC leader Mahamad Nour became minister of defence, and in March 2007 the first FUC officials accepted positions in the Chadian government.<sup>27</sup> By October 2007 FUC troops operating outside

ANT control abandoned their positions in eastern Chad and returned to Darfur.<sup>28</sup>

### Chadian-backed Sudanese armed opposition groups

Massive recruitment took place among the refugee and IDP communities in eastern Chad by Sudanese armed opposition groups in March and April 2006. Recruitment was at times carried out forcibly, with reports of torture as a coercive means. In July 2007 the UN reported that the Chadian government alleged that more than 1,000 children had been recruited by the SLA in refugee camps in the east.<sup>29</sup> In March 2006 the G-19 faction of the SLA, working in co-operation with Chadian government officials, recruited, some forcibly, 4,700 Sudanese refugees, including hundreds of children, from the Bredjing and Treguine UN-supervised refugee camps 50 km west of Adré, in eastern Chad.<sup>30</sup> Most of these people subsequently returned to the camps. In 2006, Sudanese children were recruited from the Djabal and Goz Amir refugee camps in eastern Chad, where teachers were among the recruiters.<sup>31</sup> In January 2007, 39 children were recruited from the Bredjing refugee camp by Sudanese armed opposition groups.<sup>32</sup>

### Other armed groups

Unidentified armed groups increasingly recruited children in the east during 2006 and 2007. They were known to attract new members by offering financial compensation on joining as well as monthly pay.<sup>33</sup> In February 2007 the government alleged that there were hundreds of children in the UFDD and claimed that a significant proportion of UFDD prisoners captured during combat in Abeche in November 2006 were children.<sup>34</sup>

## Disarmament, demobilization and reintegration (DDR)

In September 2007 an estimated 7,000 to 10,000 children, used in combat and non-combat roles, were identified by the UN as needing DDR from armed forces and groups.<sup>35</sup> The government and UNICEF signed an agreement on 9 May 2007 to begin the demobilization of children from the ANT and integrated FUC forces. By July 2007, 425 boys – ex-FUC members – had been released from government military installations.<sup>36</sup> However, despite promises from the government, UNICEF had by July been granted access to only one government military installation, at Mongo in south central Chad, where they identified 383 child soldiers, some as young as eight, in May 2007. Evidence suggested that ANT personnel were concealing children to prevent them from registering for demobilization.<sup>37</sup> Children who

were demobilized could not be reunited with their families because of ongoing hostilities.<sup>38</sup>

In May 2007 the UNHCR in Abeche organized a series of three refugee-protection workshops for local authorities, with specific reference to the need to prevent child recruitment in the east. As of July 2007 a strategy on prevention, release and reintegration of children associated with armed forces and groups was being developed by a consortium of government ministries, UN agencies and local NGOs.<sup>39</sup>

## Developments

In May 2006 the UN Emergency Relief Coordinator expressed serious concern over recruitment in and around refugee camps and IDP sites, and the increasing militarization of refugee camps.<sup>40</sup> In September 2007 the UN Security Council Working Group on Children and Armed Conflict expressed grave concern over the recruitment and use of children by armed groups and local commanders of the ANT; strongly condemned the continuous recruitment and use of children by armed groups, in particular the SLA, the Sudanese rebel Justice and Equality Movement (JEM) and the UFDD; and urged the government to criminalize the unlawful recruitment and use of children in armed conflict.<sup>41</sup> Chad was listed as a situation of concern in the UN Secretary-General's October 2006 and December 2007 Reports on Children and Armed Conflict.<sup>42</sup>

On 25 September 2007 the UN Security Council adopted Resolution 1778 (2007) concerning the CAR and Chad. Its provisions established the United Nations Mission in the Central African Republic and Chad (MINURCAT), a "multidimensional presence" of UN and EU personnel, comprising police, military liaison officers and civilian personnel. Its mandate authorized the protection of civilians in danger, particularly refugees and internally displaced persons, and the facilitation of humanitarian aid and movement of humanitarian personnel in the north-eastern CAR and eastern Chad.<sup>43</sup> Up to 4,000 UN-mandated EU troops were expected to be deployed to Chad by early 2008.<sup>44</sup>

At a February 2007 ministerial meeting in Paris, Chad and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The document reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

- 1 Human Rights Watch (HRW), *"They Came Here to Kill Us": Militia Attacks and Ethnic Targeting of Civilians in Eastern Chad*, January 2007.
- 2 Report of the Secretary-General on children and armed conflict in Chad, UN Doc. S/2007/400, 3 July 2007.
- 3 "Chad: Déby dissolves presidential guard following wave of desertions", IRIN, 31 October 2005; "Chad fight-back kills '300 rebels'", BBC News, 20 December 2005.
- 4 International Crisis Group (ICG), *Chad: Back towards War?*, June 2006.
- 5 US Department of State, Country Reports on Human Rights Practices 2006, Chad, www.state.gov.
- 6 HRW, *Early to War: Child Soldiers in the Chad Conflict*, July 2007.
- 7 Report of the Secretary-General, above note 2.
- 8 HRW, above note 1; Report of the Secretary-General, above note 2.
- 9 "Chad", *Amnesty International Report 2007*; UNHCR, "Lives in limbo as terror resumes in eastern Chad", 1 November 2006, www.unhcr.org.
- 10 UNHCR, "Some 9,000 Chadians move to IDP camp after brutal village attacks", 10 April 2007, www.unhcr.org.
- 11 HRW, above note 1.
- 12 HRW, above note 6.
- 13 "Chad: peace deal signed to end rebellion", IRIN, 26 October 2007.
- 14 "Chad's battle army in east", BBC News, 19 October 2007; "Hundreds dead in Chad fighting", BBC News, 27 November 2007.
- 15 HRW, "State and Anarchy: Rebellion and Abuses against Civilians", September 2007.
- 16 Confidential source, November 2007.
- 17 OCHA, "Humanitarian Action in Chad: Facts and Figures Snapshot Report", 15 November 2007, www.reliefweb.int.
- 18 Declaration on accession to the Optional Protocol, www2.ohchr.org.
- 19 Report of the Secretary-General, above note 2.
- 20 Child Soldiers Coalition, *Child Soldiers: Global Report 2004*.
- 21 US Department of State, Country Reports on Human Rights Practices, March 2007, www.state.gov.
- 22 Report of the Secretary-General, above note 2.
- 23 HRW, above note 6.
- 24 Ibid.; Report of the Secretary-General, above note 2.
- 25 Report of the Secretary-General, above note 2.
- 26 HRW, above note 6.
- 27 Ibid.
- 28 "Chad: Unravelling the meaning of latest ex-revolt", IRIN, 19 October 2007.
- 29 Report of the Secretary-General, above note 2.
- 30 HRW, *Violence beyond Borders: The Human Rights Crisis in Eastern Chad*, June 2006.



- 31 Report of the Secretary-General on children in armed conflict, UN Doc. A/61/529-S/2006/826, 26 October 2006.
- 32 Report of the Secretary-General on children in armed conflict, UN Doc. A/62/609-S/2007/757, 21 December 2007.
- 33 Report of the Secretary-General, above note 2.
- 34 HRW, above note 6.
- 35 Security Council Working Group on children and armed conflict, Conclusions on children and armed conflict in Chad, UN Docs. S/AC 51/2007/16, 3 July 2007, and S/AC 51/2007/16, 24 September 2007.
- 36 Report of the Secretary-General, above note 32.
- 37 HRW, above note 6.
- 38 Confidential sources, February 2008.
- 39 Report of the Secretary-General, above note 2.
- 40 Ibid.
- 41 Security Council Working Group, 24 September 2007, above note 35.
- 42 Report of the Secretary-General, above note 31.
- 43 UN Security Council Resolution S/RES/1778 (2007) on the situation in Chad, the Central African Republic and the subregion.
- 44 Reuters Foundation, AlertNet, "Chad fighting raises stakes of EU peace deployment", 27 November 2007, www.alertnet.org.

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## CHILE

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### Republic of Chile

**Population:** 16.3 million (4.9 million under 18)

**Government armed forces:** 75,700

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18 (see text)

**Voting age:** 18

**Optional Protocol:** ratified 31 July 2003

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182

*There was no information about under-18s in the armed forces.*

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### Government

#### National recruitment legislation and practice

Military recruitment was transformed following the death in May 2005 of 44 conscripts during a compulsory training exercise in sub-zero temperatures in the Andes mountains.<sup>1</sup> The victims, some of whom were from the indigenous Mapuche community, had received only a few weeks' military training.<sup>2</sup> Demands for reform focused on the recruitment system, which was widely seen as targeted at the poorest sectors of the population. In practice only 15–20 per cent of those liable each year did active service.<sup>3</sup>

A new law came into effect in September 2005 to modernize recruitment and mobilization. Under the new law all citizens were automatically registered for compulsory military service at the age of 18. Citizens aged 18–45 had to fulfil their military obligations, either through two years' compulsory military service (for men) or (for men and women) through voluntary military service or being available for mass mobilization. Quotas were first filled by volunteers and the remainder chosen by lottery. Those declared able to do military service but who delayed their enlistment could be called up for an additional year. The law also established a channel for complaints of ill-treatment or abuse.<sup>4</sup>

In 2007, for the first time since compulsory military service was introduced in Chile over a century earlier, all quotas were filled by the selection of 15,000 candidates from among 40,000 volunteers.<sup>5</sup>

Students could delay military service until they completed their studies, when they could choose to serve in the regular forces for a year or in an armed forces professional institution for a total of 180 days, or to follow a Military Instruction Special Course (Curso Especial de Instrucción Militar) for 150 days.<sup>6</sup>

The 2005 law also increased the minimum age for voluntary recruitment from 17 to 18.

Individuals who wanted to bring forward their registration for military service could do so, but could only undertake active service when they were at least 18. This effectively prevented under-18s from participating in hostilities. By law the minimum age of recruitment could not be lowered even in exceptional circumstances such as a state of emergency.<sup>7</sup>

Women aged 18–24 could volunteer to do military service.<sup>8</sup> There were around 1,000 female volunteers in the army, and they constituted about 15 per cent of the air force.<sup>9</sup>

## Military training and military schools

Each branch of the armed forces had its own training schools. Officer schools offered four years of military, legal, economic, scientific and moral training, including human rights education. Non-commissioned officers took a two-year course to obtain a technical diploma.<sup>10</sup>

Candidates to military schools offering basic training were required to have completed secondary education. Some schools stipulated also that candidates had to be 18. Courses were for between two and five years.<sup>11</sup> Students at military schools were considered to be on active service.<sup>12</sup>

10 FLACSO, Programa Seguridad y Ciudadanía, *Reporte del Sector Seguridad en América Latina y el Caribe, Informe Nacional: Chile*, August 2006, [www.flacso.cl](http://www.flacso.cl).

11 Initial report, above note 7.

12 Ley moderniza el servicio militar obligatorio, ab.

1 “Tragedia militar podría cambiar conscripción obligatoria en Chile”, *Terra*, 24 May 2005, [www.terra.com/noticias](http://www.terra.com/noticias); “Families angry at deaths in Andes”, *Guardian* (UK), 21 May 2005, [www.guardian.co.uk](http://www.guardian.co.uk).

2 “El derecho a decir No”, *Quechua Network*, 25 May 2005, [www.quechuanetwork.org](http://www.quechuanetwork.org).

3 David Álvarez Veloso, *Servicio Militar en Chile: un debate obligatorio*, Facultad Latinoamericana de Ciencias Sociales (FLACSO)-Chile, July 2006, [www.flacso.cl](http://www.flacso.cl).

4 Ley moderniza el servicio militar obligatorio, No. 20.045 of 2005, Biblioteca del Congreso Nacional de Chile, [www.bcn.cl](http://www.bcn.cl).

5 “Por primera vez en 107 años habrá sólo voluntarios realizando la milicia en las Fuerzas Armadas chilenas”, *Terra*, 3 April 2007, [http://actualidad.terra.es/articulo/por\\_fuerzas\\_armadas\\_1496070.htm](http://actualidad.terra.es/articulo/por_fuerzas_armadas_1496070.htm).

6 Dirección General de Movilización Nacional, Servicio militar, [www.dgmn.cl](http://www.dgmn.cl), No voluntarios sorteados.

7 Initial report of Chile to the UN Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/CHL/1, 6 July 2007.

8 Dirección General de Movilización Nacional, Servicio militar, above note 6, Servicio militar femenino.

9 Ministerio de Defensa Nacional, Participación de las mujeres en las fuerzas armadas, March 2005, [www.defensa.cl](http://www.defensa.cl).

## CHINA

### People's Republic of China

**Population:** 1,315.8 million (352.7 million under 18)

**Government armed forces:** 2,255,000

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 17 (see text)

**Voting age:** 18

**Optional Protocol:** ratified 20 February 2008

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182

***Because of the high number of volunteers, it had apparently not been necessary to enforce conscription. The minimum voluntary recruitment age was apparently 17. There were close links between the military and the education system, and secondary-school and higher education students were required by law to undergo some military training.***

### Context

The predominantly Muslim population in the Xinjiang Uighur Autonomous Region, particularly alleged Uighur nationalists characterized by the government as “ethnic separatists, terrorists and religious extremists”,<sup>1</sup> continued to face denial of their human rights, including freedom of religion and access to education. The authorities used the “war on terror”, initiated by the United States (USA) following the attacks of 11 September 2001, as justification for the detention and imprisonment of alleged Uighur separatists.<sup>2</sup> An increased number of Uighurs were extradited to China from Central Asian countries, reflecting growing pressure by China on governments in the region. One individual, who was under 18 at the time of his arrest in Pakistan in 2001 and who was subsequently detained in Guantánamo Bay, was among a group of five Uighurs who were released and transferred to Albania in May 2006.<sup>3</sup>

Restrictions on the rights to religious belief, expression and association, and discrimination in employment, continued to be reported from the Tibet Autonomous Region and other Tibetan areas.<sup>4</sup> Many people were detained, including children between the ages of approximately six and ten.<sup>5</sup>

China was a member of the Shanghai Cooperation Organisation (SCO), established in June 2001, comprising also Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan, whose goals included mutual co-operation in security matters.<sup>6</sup>

## Government

### National recruitment legislation and practice

The 1982 constitution provided for conscription as the sacred obligation of every citizen of the People's Republic of China to defend the motherland and resist aggression, and provided for the power of the president to proclaim a state of war and issue mobilization orders (Articles 55 and 80).

The 1984 Military Service Law, revised in 1998, provided the legal basis for military service. The armed forces were recruited mainly by conscription but included volunteers and a militia with a reserve service (Article 2).<sup>7</sup> Article 12 stated that “Each year, male citizens who have reached 18 years of age by 31 December shall be enlisted for active service. Those who are not enlisted during the year shall remain eligible for active service until they are 22. To meet the needs of the armed forces, female citizens may be enlisted for active service.” Conscripts had to be registered for military service by 30 September in the year in which they turned 18 (Article 13). However, it appeared that, because of the number of volunteers from rural areas and the downsizing of the standing army, the Peoples' Liberation Army had not found it necessary to enforce conscription.

The minimum age for voluntary recruitment was not specified in the Military Service Law, which stated, “To meet the needs of the armed forces and on the principle of voluntary participation, male and female citizens who have not yet reached 18 years of age by 31 December of a certain year may be enlisted for active service” (Article 22). However, in the “Decision of the State Council and the Central Military Commission on Amending the Regulations on Conscription Work” of September 2001, Article 3(3) of the Regulations on Conscription Work was revised as follows: “To meet the needs of the armed forces and on the principle of voluntary participation, male and female citizens who have reached 17 years of age but have not yet reached 18 years of age by 31 December of a certain year may be enlisted for active service.”<sup>8</sup> This appeared to impose a minimum voluntary recruitment age of 17. China's second periodic report to the UN Committee on the Rights of the Child quoted the Military Service Law as stipulating that “no one in China under the age of 15 may voluntarily enlist in any armed force”.<sup>9</sup> This might, however, be an error.

In its declaration to the Optional Protocol, China stated that the minimum age for voluntary recruitment was 17. However, there was an apparent contradiction later in the declaration, which stated that the Regulations on the Recruitment of Soldiers “provides that in order

to meet the needs of the armed forces and on the principle of voluntary participation, male and female citizens who have not yet reached 17 years of age by 31 December of a given year may be recruited for active service".<sup>10</sup>

Reservists in the militia or reserve service had to be between 18 and 35 (Article 23) but age limits could be extended, including "in frontier areas on land or sea, areas inhabited by minority nationalities as well as urban units in special circumstances" (Articles 37 and 38). The militia provided assistance and support to the People's Liberation Army, including in preparations against war, defending China's borders and maintaining public order, as well as participating in combat operations (Article 36).<sup>11</sup>

## Military training and military schools

The Law on Military Service stated that "military institutes and academies may, according to the needs in building up the armed forces, enrol cadets from among young students. The age limit for the cadets to be enrolled must be the same as that for the active servicemen" (Article 30). It therefore appeared that under-18s could enrol for military training at specialist institutions.

There were close links between the military and the education system. The Military Service Law required secondary school and higher education students to undergo one month's military training (Articles 43–46).

## Developments

The Law on the Protection of Minors which came into effect in 1992 defined "minors" as "citizens under the age of eighteen". A revised Law on the Protection of Minors was adopted by the Standing Committee of the National People's Congress and came into force on 1 June 2007. It required People's Courts to set up special tribunals to try cases involving under-age offenders and ensure that a guardian was present when a child was questioned by the police or prosecutors.<sup>12</sup>

While millions of children accompanied migrant worker parents, it was estimated that as many as 20 million rural children, most of them cared for by relatives, were left behind by parents migrating to cities to work. The residency registration system, which restricted access to education and healthcare, discouraged migrant worker parents from taking their children with them. Official reports claimed negative consequences in health, schooling and psychological development in children left behind.<sup>13</sup>

A September 2006 amendment to the Compulsory Education Law (which guaranteed nine years of free education to all children) provided for the right to education of children of migrant workers regardless of where they

resided in the country.<sup>14</sup> However, more than 50 schools for the children of migrant workers were reportedly closed down in Beijing in September 2006, the authorities claiming that the schools were unregistered and substandard.<sup>15</sup> It was widely assumed the closures were linked to a crackdown on unregistered migrant workers in preparation for the 2008 Olympic Games in Beijing.<sup>16</sup>

China had submitted a second periodic report to the UN Committee on the Rights of the Child in June 2003. In the concluding observations to its consideration of the report, the Committee called for an independent expert to be allowed to visit and confirm the well-being of Gedhun Choekyi Nyima, the disputed reincarnation of the Panchen Lama – the second most important figure in Tibet after the Dalai Lama.<sup>17</sup> Gedhun Choekyi Nyima had disappeared in 1995, aged six, and had since then been held by the Chinese authorities in "protective custody".<sup>18</sup>

At a February 2007 ministerial meeting in Paris, China and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

1 On the labelling of Chinese Uighur separatists as "terrorists", see Human Rights Watch (HRW), *Devastating blows, religious repression of Uighurs in Xinjiang*, April 2005.

2 *Amnesty International Report 2006*.

3 Confidential source, September 2007.

4 *Amnesty International Report 2007*.

5 "Chinese troops detain Tibetan children", Associated Press, 11 October 2006, at [www.taipetimes.com](http://www.taipetimes.com).

6 Shanghai Cooperation Organisation, [www.sectsc.org](http://www.sectsc.org).

7 Military Service Law of 31 May 1984.

8 GOV.cn (Chinese government official web portal), "Decision of the State Council and the Central Military Commission on Amending the Regulations on Conscription Work", September 2001, [www.gov.cn](http://www.gov.cn).

9 Second periodic report of China to the UN Committee on the Rights of the Child, UN Doc. CRC/C/83/Add.9, 15 July 2005.

10 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, China: Ratification, 20 February 2008, [http://untreaty.un.org/english/CNs/2008/101\\_200/164E.pdf](http://untreaty.un.org/english/CNs/2008/101_200/164E.pdf).

11 Military Service Law, above note 7.

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## COLOMBIA

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### Republic of Colombia

**Population:** 45.6 million (16.8 million under 18)

**Government armed forces:** 208,600

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 25 May 2005

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***Children were both forcibly and voluntarily recruited and used by the two armed opposition groups, the FARC and the ELN. They were used as combatants, to lay mines and explosives and to carry out other military tasks. Girls were subjected to sexual abuse, including rape and forced abortion. Some children reportedly remained with paramilitary groups which had failed to demobilize fully. Government forces used captured and surrendered child soldiers to gather intelligence on opposition forces.***

### Context

The armed conflict which had so far lasted 40 years continued between government forces and the opposition Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC) and the National Liberation Army (Ejército de Liberación Nacional, ELN), accompanied by widespread human rights abuses and breaches of international humanitarian law (IHL), including abuses against children.<sup>1</sup> The government, headed by President Alvaro Uribe Vélez, continued to pursue its democratic security policy, announced in June 2003, which involved civilians in the conflict, particularly in gathering information.<sup>2</sup> The government reported a decline from 2002 to 2007 in murders and “massacres” (defined as the killing of more than three people at the same time and in the same place).<sup>3</sup> However, the number of enforced disappearances increased from 2004 to 2005, and the level of IHL violations was relatively constant in 2005 and 2006. Reports of hostage-taking declined during the same period.<sup>4</sup>

Government efforts to resume peace talks and discuss the release of hostages with the FARC were stalled after the president blamed the group for a car bomb explosion at a Bogotá military college in October 2006.<sup>5</sup> Government and FARC forces attacked each other throughout



*Female government soldier puts camouflage cream on a boy's face during a "Soldiers for a Day" session at school, Colombia*

the remainder of 2006 and periodically in 2007. Eleven FARC hostages were shot and killed in June 2007.<sup>6</sup> Peace talks with the ELN, initiated in December 2005, had produced no tangible results by October 2007.<sup>7</sup>

More than 31,000 adult members of Colombia's largest paramilitary group, the United Self-Defence Forces of Colombia (Autodefensas Unidas de Colombia, AUC), were demobilized between 2003 and 2006, although some units had not fully disbanded.<sup>8</sup> The army-backed AUC was responsible for widespread human rights abuses and child recruitment before 2003.<sup>9</sup> The 2005 Justice and Peace Law, providing the legal framework for demobilization, was widely criticized for failing to comply with international law, raising fears that AUC members would not be held accountable for abuses and other criminal acts.<sup>10</sup> The law allowed paramilitaries not to provide information on offences they had committed, not to turn over illegally obtained assets and not to disclose information about their groups' criminal activities.<sup>11</sup> Article 64 stated that "the handing over of minors by members of outlawed armed groups shall not be grounds for losing the benefits referred to in this law and Law 782 of 2002".<sup>12</sup>

From early 2006 the UN and civil society groups in Colombia increasingly warned of the rearming of demobilized paramilitary units, the continued existence of groups not involved in the AUC demobilization and the merging of some former paramilitary units with criminal organizations, often involved in drug trafficking. Evidence was also emerging of new armed groups and criminal organizations establishing business relations over drugs with elements of the FARC and the ELN. Some of the groups reportedly operated along similar lines to the AUC, including involvement in counter-insurgency operations and efforts to control territory.<sup>13</sup>

Internal armed conflict continued to have a devastating impact on civilians. They were victims of extrajudicial executions, enforced disappearance, death threats, anti-personnel mines, indiscriminate attacks and forcible displacement in large numbers.<sup>14</sup> Children formed a high proportion of the victims, in part because fighting forces at times operated in and near schools and other places where children were likely to gather. In one case, in March 2006, army troops took up positions in a village school near Puerto Asís, Putumayo, causing 30 village families to leave their homes after the FARC announced that it would attack the site.<sup>15</sup> In June 2006 the Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons observed that "the armed forces had installed their headquarters in the middle of the village [of Toribo, Cauca], next to a primary-school, and had erected posts in the central square of town immediately next to a playground and a church centre".<sup>16</sup>

## Government

### National recruitment legislation and practice

The minimum age for recruitment to the armed forces was 18, established by Law 418 of 1997 for conscription and Law 548 of 1999 for voluntary recruitment.<sup>17</sup> However, the government's 2005 declaration on ratification of the Optional Protocol signalled an apparent exception to recruitment legislation. The declaration stated that "minors in age" could be recruited with the consent of their parents.<sup>18</sup> The recruitment of children into illegal armed groups was an offence under the criminal code, with prison sentences of between six and ten years, in addition to the possibility of fines.<sup>19</sup> Law 418 of 1997 also prohibited the recruitment of children by armed forces or armed groups, with a penalty of up to five years' imprisonment (Article 14).

Law on membership of armed groups and the use of children for intelligence-gathering appeared to be contradictory. The Childhood and Adolescence Code expressly prohibited the use of demobilized children for intelligence-gathering activities.<sup>20</sup> However, Decree 128 of 2003 stated that children could be used for activities related to intelligence work (Article 22), and could be financially rewarded for supplying information (Article 9). Law 782 of 2002 stated that a child could only be recognized as belonging to an armed group by the spokesperson of the group in question or as a result of evidence provided by the child (Article 53), even though providing such evidence could involve children being used in intelligence work.

Law and implementing regulations on demobilization treated children recruited by illegal armed groups primarily as victims of violence requiring special care and protection. Law 782 of 2002 defined children involved in armed groups as victims of the armed conflict rather than as combatants (Article 15). In March 2005 the Constitutional Court handed down Judgment 203 which revoked another provision of Law 782 which allowed the prosecution of minors involved in armed groups (Article 19).<sup>21</sup> However, under the Childhood and Adolescence Code, prosecution for membership of, or for acts committed during membership of, an armed group could be waived for all but the most serious acts – those "which may constitute grave breaches of international humanitarian law, crimes against humanity or genocide under the Rome Statute".<sup>22</sup>

### Child recruitment and deployment

Government security forces did not officially recruit under-18s, but continued to use captured children for intelligence-gathering, despite the legal prohibition of the practice. The

Ombudsman's Office reported that in Cauca a child demobilized from the FARC was used as an informant during a military operation and was later killed at the age of 19 while in combat with the FARC.<sup>23</sup> Captured children continued to be held by security forces for longer than the 36-hour period provided for by law, after which they had to be placed in the care of the Colombian Institute of Family Welfare (Instituto Colombiano de Bienestar Familiar, ICBF).<sup>24</sup> Children who had left armed groups told the Ombudsman's Office that they were kept in police stations and army bases for longer periods and were pressured to give information about the groups they had left.<sup>25</sup> The UN Committee on the Rights of the Child expressed concern about these practices, which placed children at serious risk of reprisals by armed groups.<sup>26</sup>

Sixteen-year-olds could enter air force training programs and 17-year-olds could train with the national army as non-commissioned officers in the infantry. Students could also enrol as cadets in military secondary-schools, where they carried out "special" military service from years 4 to 6, including 1,300 hours of military training and participation in military exercises.<sup>27</sup>

Government programs such as "soldiers for a day" (*soldados por un día*) and "peasant soldiers" (*soldados campesinos*) aimed to familiarize children with the "war dynamic".<sup>28</sup> The UN Special Rapporteur on the right to freedom of opinion and expression was among those who observed that the programs "militarize the countryside" and "ultimately endanger entire villages, exposing them to the retaliation of the guerrillas".<sup>29</sup>

## Armed groups

Children were recruited and used by the opposition FARC and ELN and various other armed groups, mostly operating in urban areas, including some paramilitaries who had failed to demobilize.<sup>30</sup> Recruitment of children by the FARC and ELN extended to areas of Ecuador and Venezuela near the Colombian border.<sup>31</sup>

## Revolutionary Armed Forces of Colombia (FARC)

Children were forcibly recruited by the FARC or joined up for lack of alternatives in a context of rural poverty. They acted as combatants, laid explosives, ferried supplies, carried messages and served as guides. Girls were subjected to sexual abuse including rape and forced abortions.<sup>32</sup> Child recruitment by the FARC was recorded in at least eight departments, including Arauca, Cauca and Putumayo.<sup>33</sup>

## National Liberation Army (ELN)

The ELN pledged in 1998 to stop child recruitment, on signing the Puerta del Cielo

accord in Germany.<sup>34</sup> The UN High Commissioner for Human Rights continued to receive some reports of recruitment of children by the ELN in Arauca and other parts of the country.<sup>35</sup> More than 50 children demobilized in 2005 and 2006 said that they had been in the ranks of the ELN. Two girls aged 14 and 15 were reported to have been forcibly recruited in Nariño in December 2006.<sup>36</sup>

## Paramilitary and other armed groups

Children were believed to remain with the AUC and other partially demobilized paramilitary groups, such as the Peasant Self-Defence Forces of Casanare and the Cacique Pipinta Front.<sup>37</sup> The Ombudsman's Office reported that more than 200 children in the AUC ranks had not been demobilized in 2006.<sup>38</sup>

## Disarmament, demobilization and reintegration (DDR)

The rules and practices governing demobilization were unclear. Law 782 of 2002 stated that children surrendering to the armed forces should be placed in the care of the ICBF within 36 hours. Decree 128 stated that only those who voluntarily left an armed opposition or paramilitary group were allowed to benefit from the government-run DDR program. However, since child soldiers were required to identify themselves as members of an armed group under Law 782, those who escaped or were discharged, and those afraid to reveal their identity, were unable to receive assistance. In practice the majority of FARC and ELN child soldiers entering the DDR program had surrendered to the security forces and been handed over to the ICBF.<sup>39</sup> Some 3,300 former child soldiers, mostly from the FARC, had taken part in the government's DDR program since its inception in November 1999.<sup>40</sup>

Some 300 children were formally released by the AUC and handed over to the authorities during the demobilization process which began in 2003. However, the majority of AUC child soldiers left the groups informally and made their way to the ICBF on their own, thus failing to meet the requirements of the collective demobilization process. Concerns were expressed that many former AUC child soldiers consequently received no demobilization or reintegration support.<sup>41</sup>

The DDR program was run by the ICBF, working in partnership with a number of international and national organizations that provided direct services, care and support. Returning children initially received medical attention and counselling at a "transition home". They were then transferred to specialized institutional care centres for adolescents up to the age of 18 for nine to 12 months in preparation for "reintegration".<sup>42</sup> The program initially envisaged that children would be



reunited with their families or placed in a foster home. In practice security concerns and the risk of re-recruitment made it impossible for many child soldiers to return to their families in areas affected by the armed conflict. Foster care presented a major challenge, with families fearful of being targeted by the armed groups. The stigmatization of child soldiers, frequently perceived as violent and threatening, meant that families were reluctant to receive former child soldiers. Those leaving the specialized care centres moved either to youth homes or youth protection facilities for those with special protection problems. While efforts continued to strengthen fostering and family-based care, approximately 60 per cent of those entering the DDR program were in institutional care in 2007.<sup>43</sup>

Child soldiers from the FARC and ELN, many of whom came from rural areas and enlisted voluntarily for economic reasons, experienced particular difficulties adapting to life in the cities where the centres were located. They were separated from family, friends and community support systems, and faced the additional challenge of stigmatization by the population. Child soldiers demobilizing from the AUC presented greater psychological and behavioural problems, including drug addiction.<sup>44</sup>

## Developments

The Committee on the Rights of the Child considered Colombia's Third Periodic Report on the Convention on the Rights of the Child in June 2006. In its concluding observations the Committee called on the government to take effective measures to prevent the recruitment and involvement of children in armed groups. It urged the government to issue clear instructions and training to the armed forces to ensure that captured child soldiers were no longer interrogated or used for intelligence gathering and were handed over to civilian authorities within 36 hours. The Committee further urged the government to increase substantially resources for social reintegration, rehabilitation and reparations for returning child soldiers. It asked the government to consider withdrawing its reservation under Article 124 of the Rome Statute of the International Criminal Court (ICC). The reservation allowed a country not to submit cases of those accused of war crimes to the ICC for seven years. Once this period was over, only war crimes committed after the seven-year moratorium could be submitted to the ICC. The Committee expressed concern that the current position blocked accountability for those responsible for the recruitment of child soldiers and the planting of landmines.<sup>45</sup>

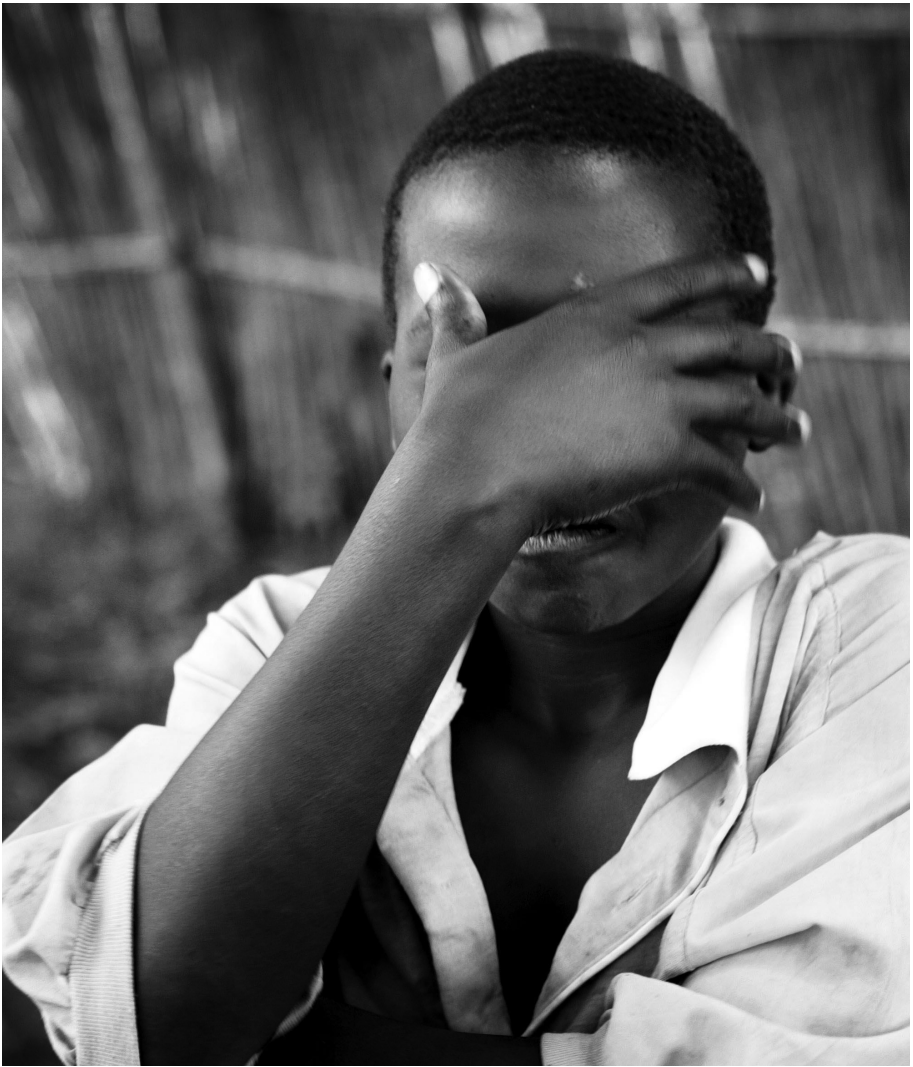
At a February 2007 ministerial meeting in Paris, Colombia and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed

forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

The FARC and the ELN were listed as recruiting and using child soldiers in the UN Secretary-General's annual reports on children and armed conflict between 2002 and 2007. Paramilitary groups were listed for child recruitment and use between 2003 and 2005, with the exception of two listed up to 2007.

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- 5 "Colombia's president vows to defeat rebels," *New York Times*, 3 November 2006, [www.nytimes.com](http://www.nytimes.com).
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- 7 ICG, "Colombia: moving forward with the ELN?", Latin America Briefing No. 16, 11 October 2007.
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- 12 Article 64, *Diario Oficial 45,980*, Ley 975, 25 July 2005.
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- 14 See, for example, Human Rights Council, 4th sess., provisional agenda item 2, Report of the United Nations High Commissioner for Human Rights, above note 13; HRW, “Maiming the people: guerrilla use of antipersonnel landmines and other indiscriminate weapons in Colombia”, July 2007.
- 15 Human Rights Council, above note 14.
- 16 Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, Addendum: Mission to Colombia, UN Doc. A/HRC/4/38/Add.3, 24 January 2007.
- 17 Law No. 418 of 1997 and Law No. 548, <http://www.secretariasenado.gov.co/leyes>.
- 18 Declaration on accession to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).
- 19 Law No. 599 of 24 July 2000, ‘por la cual se expide el Código Penal’, Art. 162 (illicit recruitment).
- 20 Código de la Infancia y la Adolescencia, Article 176.
- 21 *Sentencia C-203/05*, Corte Constitucional de Colombia, 8 March 2005, [www.secretariasenado.gov.co](http://www.secretariasenado.gov.co).
- 22 Código de la Infancia y la Adolescencia, Article 175. This article largely took the approach of Law 418 of 1997 and legislation extending it.
- 23 Report of the Secretary-General on children and armed conflict, UN Doc. A/62/608/S/2007/757, 21 December 2007.
- 24 Law 782 of 2002.
- 25 Defensoría del Pueblo, *Caracterización de los niños, niñas y adolescentes desvinculados de los grupos armados ilegales: Inserción social y productiva desde un enfoque de derechos humanos*, Bogotá, 2006, [www.saliendodelcallejon.pnud.org.co](http://www.saliendodelcallejon.pnud.org.co).
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- 32 Report of the UN High Commissioner for Human Rights on the situation of human rights in Colombia, UN Doc. E/CN.4/2005/10, 28 February 2005; Special Rapporteur on the Rights of Women of the Inter-American Commission on Human Rights (IACHR), “Violence and Discrimination against Women in the armed conflict in Colombia”, OEA/Ser.L/V/II, Doc. 67, 18 October 2006; Defensoría del Pueblo and UNICEF, “La niñez y sus derechos, Caracterización de las niñas, niños, adolescentes desvinculados de los grupos armados ilegales”, November 2006.
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- 34 Acuerdo del Puerto del Cielo con el ELN, 15 July 1998, [www.ciponline.org](http://www.ciponline.org).
- 35 Report of the UN High Commissioner for Human Rights, above note 1.
- 36 Report of the Secretary-General, above note 30.
- 37 Report of the Secretary-General on children and armed conflict, UN Doc. A/62-S/2007/757, 21 December 2007; “Smoke and mirrors”, above note 11.
- 38 Defensoría del Pueblo, *Defensoría Delegada para los Derechos de la Niñez, la Juventud y la Mujer, Caracterización de las niñas, niños y adolescentes desvinculados de los grupos armados ilegales: Inserción social y productiva desde un enfoque de derechos humanos*, Bogotá, 2006, [www.saliendodelcallejon.pnud.org.co](http://www.saliendodelcallejon.pnud.org.co).
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- 40 Informe alterno, above note 28; Procuraduría General de la Nación, *Seguimiento a políticas públicas de desmovilización y reinserción*, Bogotá, June 2006, Vol. II.
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- 42 Instituto Colombiano de Bienestar Familiar, “Programa de Atención a Jóvenes Desvinculados y Amenazados por el Conflicto Armado”, [www.bienestarfamiliar.gov.co](http://www.bienestarfamiliar.gov.co).
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- 45 Concluding observations, above note 26.



*Former child soldier talks to a professional counsellor at a rehabilitation centre in Beni, Democratic Republic of the Congo*

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# COMOROS

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## Union of the Comoros

**Population:** 798,000 (387,000 under 18)

**Government armed forces:** unclear<sup>1</sup>

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182, ACRWC

*There were no reports of under-18s in the armed forces.*

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## Government

### National recruitment legislation and practice

There was no conscription in Comoros. Military recruitment was governed by law No. 97-06(AF), which specified that the minimum age for entrance into the armed forces was 18.<sup>2</sup>

The 2001 constitution enshrined in its preamble respect for international human rights standards, in particular those relating to the rights of children, and specifically includes the right of children to be protected from violence.

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## Armed groups

There were no new reports of the recruitment of children by armed political groups or militias. Children associated with armed groups on the island of Nzwani during the secession crisis in 1997 were reintegrated into civilian life through two socio-economic programs with the support of the World Bank and the UNDP. The programs ended in 2002.<sup>3</sup> Nzwani still had an armed militia, thought to be about 500 strong.<sup>4</sup>

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## Developments

### International standards

In August 2006 Comoros ratified the Rome Statute of the International Criminal Court.

1 The military resources of the Comoros consist of a small standing army and a 500-member police force, as well as a 500-member defence force. A defence treaty with France provides naval resources for protection of territorial waters, training of Comorian military personnel, and air surveillance. France maintains a small maritime base and a Foreign Legion contingent on Mayotte.

2 Confidential source, April 2007.

3 Ibid.

4 "Comoros: An expensive statement", IRIN, 3 August 2007.

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# CONGO, Democratic Republic of the

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## Democratic Republic of the Congo

**Population:** 57.5 million (31.0 million under 18)

**Government armed forces:** 51,000

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 11 November 2001

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

*An estimated 7,000 child soldiers remained in government forces and armed groups, including foreign armed groups mostly to be found in the eastern provinces of Equateur, Ituri, Katanga, North and South Kivu, and Maniema. They were used as combatants, porters, guards and sexual slaves. Children were recruited from refugee camps in Rwanda and used by armed groups in North Kivu.*

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## Context

Nearly 5.5 million people were estimated to have died in the Democratic Republic of the Congo (DRC) since the beginning of the armed conflict in 1998.<sup>1</sup> Exploitation of mineral and other economic resources fuelled the conflict, which was characterized by systematic human rights abuses and population displacement, particularly in the east and north-east. Following an agreement in 2002 a government of national unity took office in July 2003, composed of representatives of the former government, major armed groups, opposition political parties and civil society.<sup>2</sup> Priorities for the transition included restoring security and the extension of state authority throughout the national territory, the creation of a unified national army and the demobilization and reintegration of combatants, including children.<sup>3</sup> The UN mission in the DRC (MONUC) maintained a peacekeeping force of 16,000 troops across the country.<sup>4</sup>

Delayed presidential and legislative elections were held in July and October 2006. In December President Joseph Kabila was inaugurated and became head of the DRC's first democratically elected government.<sup>5</sup> However, parts of the country remained under the control of different armed forces and groups, with some military commanders resisting army unification and operating parallel chains of command. Tensions were exacerbated by delayed and poorly managed army unification, which left thousands

of former combatants without reintegration support.<sup>6</sup>

Armed activity by foreign armed groups continued, causing insecurity, violence and displacement in the east. These groups included the Rwandan Democratic Forces for the Liberation of Rwanda (Forces démocratiques pour la libération du Rwanda (FDLR)), and the Ugandan Allied Democratic Forces and National Army for the Liberation of Uganda (ADF-NALU). A small number of Ugandan Lord's Resistance Army troops were located in the remote Garamba Park area.<sup>7</sup> By late 2007 about 15,300 foreign fighters, primarily from the FDLR, had been repatriated.<sup>8</sup> However, regional relations continued to be characterized by tension and mistrust. In 2004 Rwanda threatened three times to renew military operations in the DRC, citing the need to protect Congolese Tutsi and to counter the threat posed by the FDLR.<sup>9</sup>

Hostilities continued in several areas, particularly Ituri, Katanga, and North and South Kivu provinces, where ethnic tensions were manipulated for political ends or control of economic resources in politically or militarily strategic areas.<sup>10</sup> Human rights abuses against civilians, including rape and murder, were widely committed by armed forces and groups involved in hostilities. Those suspected of committing abuses continued to enjoy near-total impunity. A handful of military and armed-group leaders were arrested and prosecuted, but dozens of others were promoted to senior military or government positions.<sup>11</sup>

Children were recruited and used by all parties to the armed conflict for combat and support roles, and thousands of girls were used as sexual slaves. An estimated 30,000 children were awaiting demobilization from armed forces and other parties to the armed conflict at the end of 2003. Child recruitment by the former Congolese army officially ended in 2003, although some children remained in individual units. National army unification and the national disarmament, demobilization and reintegration (DDR) programs did not begin in earnest until 2005; some 30,000 children had been demobilized by mid-2007.<sup>12</sup> Thousands of others, including many girls, escaped, were abandoned or left the armed forces without being officially demobilized. From 2005 the UN reported an overall reduction in child-soldier recruitment and use by armed forces and groups – a consequence of a decrease in the number of active fighting zones, the progressive incorporation of armed groups into the national army and the associated demobilization process for adults and children.<sup>13</sup> However, some 7,000 child soldiers remained in armed groups and the Armed Forces of the DRC (Forces armées de la République démocratique du Congo, FARDC). Active recruitment continued in some areas in 2007, particularly in North Kivu.

## Government

### National recruitment legislation and practice

The February 2006 constitution defined a child as any person below the age of 18. All forms of exploitation of children were punishable by the law (Article 41), and public authorities were under obligation to protect young people from threats to their health, education and development (Article 42). The organization of military or paramilitary formations, private militias or youth armies was prohibited (Article 190).

The 2004 Defence and Armed Forces Law prohibited the individual requisition of one or more children below the age of 18 in the event of a mobilization (Article 10) and the maintenance of a youth army or youth subversive group (Article 41). Responsibility for child-soldier demobilization was held by the Minister of National Defence, Demobilization and Former Combatants (Article 25).<sup>14</sup> A previous decree-law, of 9 June 2000, ordered the demobilization of children below the age of 18 from armed forces and groups. A May 2005 circular issued by the military prosecutor instructed regional and local military prosecutors to initiate proceedings against all those accused of child recruitment or use in military operations. The same circular instructed military prosecutors to refer illegally recruited children accused of crimes to a competent civilian court, or to the official DDR program for demobilization.<sup>15</sup>

A comprehensive Child Protection Code was awaiting approval by parliament in October 2007. The code prohibited the forced recruitment of children or their use in armed conflict (Article 50a), as well as the enlistment or use of children in the national armed forces, the police and armed groups (Article 73). Prison terms of between ten and 20 years were specified for these offences (Article 193). The code criminalized rape, (Article 175) and sexual slavery (Article 189), with prison terms of 7–25 and 10–25 years respectively. A wide range of other acts of sexual violence and exploitation were criminalized by the code.<sup>16</sup>

### Child recruitment and deployment

Children remained in FARDC units which had completed the army unification program (known as integrated units) and in those awaiting unification (non-integrated units). In mid-2006 more than 26 cases of child recruitment and other violations by FARDC were brought to the attention of FARDC chief of staff by MONUC. Children were seen in FARDC brigades in Kasai Occidental, Katanga and South Kivu.<sup>17</sup> FARDC troops undergoing redeployment in Ituri and the Kivus abducted children to carry equipment and belongings.<sup>18</sup> In mid-2007

local sources reported seeing children used as guards and “wives” in integrated and non-integrated units in the Fizi area, South Kivu. Children interviewed complained of lack of food and harsh conditions.<sup>19</sup> Some child soldiers were abandoned by commanders en route to unification centres in several locations, including South Kivu and Katanga, possibly for fear of prosecution.<sup>20</sup> Children captured from armed groups were detained by FARDC members in order to gather information on armed groups or to extort money from family members. Some had been beaten while in detention. Former child soldiers faced intimidation and harassment by FARDC members, including non-respect for their official demobilization certificates.<sup>21</sup>

## Armed groups

### Child recruitment in armed units loyal to Laurent Nkunda

Child soldiers were actively recruited and used in hostilities by FARDC brigades and other armed units loyal to Laurent Nkunda, predominantly in North Kivu. Recruitment intensified in late 2006 and continued throughout 2007. Nkunda, a former military officer of the armed wing of the Rwanda-backed Congolese Rally for Democracy (Rassemblement Congolais pour la Démocratie-Goma, RCD-Goma), remained hostile to the army unification process and exerted control over troops and territory. Troops loyal to Nkunda clashed with the FARDC in Bukavu in 2004 and in Sake in August and November 2006, after Nkunda mobilized his troops, ostensibly to confront threats posed by the FDLR.<sup>22</sup> An arrest warrant for Nkunda, widely accused of human rights abuses, was issued by the government in September 2005, but he remained at large as of October 2007.

In January 2007 some armed units loyal to Nkunda agreed to enter the FARDC following Rwanda-facilitated talks under an informally agreed process known as *mixage*, under which Nkunda-affiliated troops combined with government forces into five “mixed” brigades which remained in North Kivu. In practice Nkunda retained command over the newly formed FARDC units and his own troops, and controlled parts of North Kivu. Troops loyal to Nkunda were deployed to fight against the FDLR and Mai Mai militias,<sup>23</sup> especially in Masisi and Rutshuru, throughout 2007, contributing to rising insecurity, ethnic tension and human rights abuses in the province.<sup>24</sup> In July 2006 Alphonse Batibwira, a non-governmental organization (NGO) staff member, was killed while trying negotiate the release of child soldiers. A member of the non-integrated 81st brigade, loyal to Nkunda, was accused of the killing.<sup>25</sup> Commanders of mixed brigades denied the presence of children, obstructed access to

camps and threatened child-protection workers throughout 2007.

Some 300 to 500 children, some as young as 13, were reportedly serving in newly formed “mixed” brigades in North Kivu in April 2007, and were deployed to fight against Mai-Mai and the FDLR.<sup>26</sup> Forcible recruitment was reported in Ngungu and Rutshuru (North Kivu) in July, and children were being hidden by troops loyal to Nkunda in these and other zones in violation of Military HQ Command’s orders. Children were told to lie about their age (to state that they were adults) and those who managed to escape returned to their villages, where they remained at risk of re-recruitment.<sup>27</sup> MONUC reported in October that around 200 children remained in the FARDC units loyal to Nkunda, particularly among North Kivu brigades.<sup>28</sup>

An upsurge in child recruitment from refugee camps and communities in Rwanda occurred from January 2007.<sup>29</sup> Children said they were offered money and employment if they returned to North Kivu, but on arrival were recruited into “mixed” brigades loyal to Nkunda.<sup>30</sup> Rwandan authorities carried out a joint assessment with officials from the UN refugee agency UNHCR in May. They visited refugee camps to establish mechanisms for improved child protection, including improved control over the exit of children from the camps.<sup>31</sup> The Rwanda government initiated an investigation into the alleged removal of eight children from Kiziba camp in July, for deployment in South Kivu.<sup>32</sup> Some Rwandan child soldiers repatriated to Rwanda were reportedly arrested and beaten by the authorities.<sup>33</sup>

### Armed groups in Ituri

Numerous armed groups, often formed along ethnic lines, continued to operate in Ituri, an area of considerable natural wealth. Tensions between Hema and Lendu (pastoralist and agriculturalist respectively) and associated communities, over land use, arms smuggling and other resources, persisted throughout 2004. The groups carried out killings, rape and abductions of the civilian population, as well as burning property and looting.<sup>34</sup> All the groups recruited and used children. Some groups signed an “act of engagement” with the government in May 2004. They committed to joining the transitional process and agreed to take part in a pilot DDR program initiated in September.<sup>35</sup> However, disarmament was repeatedly delayed as commanders attempted to negotiate amnesties and to secure senior FARDC posts.

Several leaders of armed groups were arrested in March 2005 after nine UN peacekeepers from Bangladesh were killed in the Bunia area. They included Thomas Lubanga, head of the Union of Patriotic Congolese (Union des patriotes congolais, UPC/L), and Germain Katanga, head of the Ituri Patriotic Resistance

Front (Front de résistance patriotique en Ituri, FRPI).<sup>36</sup> The two were subsequently indicted by and handed over to the International Criminal Court (ICC). From 2005 the FARDC and MONUC increased their efforts to compel the groups to disarm and to protect the civilian population. The Congolese Popular Armed Forces (Forces armées populaires congolaises, FAPC) was completely dismantled in 2006 and hundreds of children, including numerous girls, joined the DDR program. Some children could have remained with remnants of the group, which crossed the border into Uganda.<sup>37</sup>

While militarily weakened, the FRPI and the Nationalist and Integrationist Front (Front des nationalistes et intégrationnistes, FNI) continued to operate, and in 2005 they attempted to consolidate their remaining forces under a new alliance, the Congolese Revolutionary Movement (Mouvement révolutionnaire congolais, MRC).<sup>38</sup> Children continued to be recruited and re-recruited by the FNI, led by Peter Karim Udaga throughout 2005. In July 2006 Karim agreed to disarm and enter the DDR program, and 87 children were demobilized from his forces. By late August the UN reported that the FNI was again recruiting children, including by force.<sup>39</sup> Several dozen children were released from these groups or escaped during the first months of 2007, but some FNI commanders actively obstructed the release of children.<sup>40</sup> Local sources estimated that as of April 2007 several hundred children remained in these groups.<sup>41</sup> They included children forced to remain unless amnesty conditions for disarmament were met by the authorities.<sup>42</sup>

### Forces démocratiques pour la libération du Rwanda (FDLR)

Rwandan armed groups opposed to the Rwandan government had been present in the eastern DRC since shortly after the 1994 genocide, and the Rwandan FDLR had been active in North and South Kivu from about 2004. While officially opposed to the Rwandan government, it primarily engaged in criminal activities in the Kivus, including extortion and trading in minerals.<sup>43</sup> Reports persisted of Congolese government assistance in the form of weapons and military support to the FDLR, and in early 2007 some FARDC brigades might have been assisted by the FDLR in fighting troops loyal to Laurent Nkunda. Killings, abductions and looting by the FDLR were reported throughout 2006 and 2007.<sup>44</sup> Numerous cases of rape were reported, including the rape of a four-year-old girl in South Kivu in 2006. In at least one case a group of abductees was released after a ransom was paid.<sup>45</sup> The FDLR recruited and used a number of children, some of whom were deployed to fight against Nkunda-affiliated troops in 2007, although numbers were difficult to establish.<sup>46</sup>

### Other armed groups

Mai-Mai militias – local defence groups – were active in the eastern provinces of Katanga, the Kivu and Maniema during the armed conflict. They received direct military support from the armed forces, as well as entering opportunistic alliances with adversary groups. Some Mai-Mai groups entered the transitional process in 2003. Others, particularly in Katanga and North and South Kivu, were not eligible for, or remained hostile to, army unification and the DDR program.<sup>47</sup> Seventy-six children were released from one group in Katanga in May 2006 when Mai-Mai leader Kyungu Mutanga surrendered, but children probably remained among the 2–4,000 remaining militia members.<sup>48</sup> Children were deployed by Mai-Mai to fight troops affiliated with Laurent Nkunda in North Kivu from 2006, and recruitment was ongoing in 2007. Children were recruited and used by Banyamulenge (Congolese Tutsi) militias in South Kivu.<sup>49</sup>

### Disarmament, demobilization and reintegration (DDR)

Ongoing impunity for human rights violations, including for sexual violence, hindered the successful reintegration of former child soldiers. Efforts by the government, the international community, donors and NGOs were hampered by a context of poverty, weak or non-existent state institutions and an infrastructure devastated by war.

Funding for adults' and children's DDR was established by the World Bank and the Multi-country Demobilization and Reintegration Program in 2002. In the absence of a national body, DDR was initially carried out by UNICEF and NGOs with assistance from MONUC child protection advisers.<sup>50</sup> A national body, the Commission Nationale de Désarmement, Démobilisation et Réinsertion (CONADER), was established in December 2003 to oversee a DDR program for an estimated 150,000 adult fighters and 30,000 children. An operational framework for children's DDR was adopted by CONADER in March 2004.<sup>51</sup> By December 2006 CONADER stated that 30,000 children had been released from armed forces and groups.<sup>52</sup> Four thousand children were released between October 2006 and August 2007, mainly from "mixed" brigades and armed groups.<sup>53</sup>

Implementation of the children's DDR program was delayed, owing to continued hostilities, lack of political and military will, mismanagement of funds and poor co-ordination and timetabling.<sup>54</sup> Throughout 2005 CONADER, the UN and NGOs were forced to respond on an emergency basis to urgent needs to identify, demobilize, transport, shelter and feed thousands of children. Most reintegration programs did not start until 2006.<sup>55</sup>

Reintegration support was consistently underfunded or entirely absent. In December 2006 CONADER said that of the 30,000 demobilized children some 14,000 had yet to receive reintegration assistance. By mid-2007 CONADER was winding down and international funding had virtually ceased.<sup>56</sup> CONADER was slow to approve funding for NGO-based reintegration projects. Most programs were established in urban centres and inaccessible to the majority of child soldiers, who were based in rural areas.<sup>57</sup>

An estimated 11,000 children escaped or left the armed forces and groups without being officially demobilized.<sup>58</sup> Children, many of them used in frontline combat, saw adults receive demobilization packages and support for a one-year period, while they returned home without material support, training or other assistance. Some reportedly resorted to identifying themselves as adults to enter the adult program.<sup>59</sup> Others were either forcibly re-recruited or re-enlisted “voluntarily” in the face of a dearth of alternatives.

Thousands of girls were recruited and used by armed forces and groups during and after the armed conflict, and girls continued to be associated with armed forces and groups in the eastern DRC. They performed combat duties and portering, provided medical assistance and carried out domestic labour. Thousands were raped, resulting in serious and permanent injuries; many had children as a result of rape.<sup>60</sup> Girl soldiers were initially largely overlooked by the government and the donor community. Most girls did not enter the official DDR program, fearing stigmatization by their communities if they were identified as child soldiers. Others remained with their military “husbands” for fear of violence and recrimination if they left.<sup>61</sup> Only 12 per cent of formally demobilized children were girls, despite estimates that girls might have comprised up to 40 per cent of the total number of child soldiers during the armed conflict. CONADER reported in May 2006 that of the 18,500 demobilized children at that date, only 2,900 (15 per cent) were girls. A World Bank official told Amnesty International in March 2006 that very little was being done for girl soldiers, adding that “we have no good profile of who these girls are”.<sup>62</sup>

In April 2007 DRC Child Soldiers Coalition members identified 415 girls in the ranks of armed forces and groups in South Kivu. All the commanders denied the presence of girls in their ranks, alleging that they were dependents or “wives”. Local sources reported that many girls remained with the 115th brigade of the FARDC, Mai Mai groups and the FDLR in North Kivu.<sup>63</sup> Military commanders and fighters frequently assumed possession of the girls, claimed them as “wives” and saw no obligation to identify or release them.<sup>64</sup>

Community-based initiatives were established from 2004 to respond to the needs of girls in some regions, but thousands of girls received no reintegration support. Despite well-documented evidence of widespread sexual violence against girls, their complex medical and psychosocial needs remained largely unmet. Programs to assist girl mothers and their children remained virtually non-existent.<sup>65</sup> Existing provision was largely provided by NGOs working at the community level.<sup>66</sup> Returning girls were rejected by their communities because of their involvement in sexual activity.<sup>67</sup>

## Other treatment of child soldiers

Children were arrested, detained and tried in military courts for military offences and other crimes allegedly committed while they were in armed forces or groups. The trials contravened Article 114 of the Military Justice Code, which stipulated that persons below the age of 18 did not fall under military jurisdiction.<sup>68</sup> A decree-law passed in 2000 ordered the demobilization of children illegally recruited or used by armed forces and groups, and the provision was reinforced in May 2005 by a circular issued by the military prosecutor (*auditeur général*) instructing military prosecutors to refer illegally recruited children accused of crimes to a competent civilian court or the national body responsible for DDR for demobilization.<sup>69</sup>

At least 12 children were known to have been sentenced to death since 2003.<sup>70</sup> The Child Soldiers Coalition was informed in mid-2007 that executions were no longer carried out in the DRC,<sup>71</sup> but at least five children were believed to remain in detention under sentence of death in July 2007 in prisons in the eastern DRC.<sup>72</sup>

The arrest and detention of child soldiers on charges of desertion and other military offences (such as abandonment of duty and disobeying orders) appeared to have decreased over the previous two years, but cases of children detained for desertion continued to be identified. Captured child soldiers were also held by the FARDC so that information on the activities of armed groups could be extracted from them.<sup>73</sup>

## Developments

### Impunity

On 29 January 2007 the ICC confirmed three charges against Thomas Lubanga Dylilo, head of the UPC, for conscripting and enlisting children under the age of 15 and for using them to participate actively in hostilities in Ituri from September 2002 to 13 August 2003.<sup>74</sup> His trial, the first in the ICC’s history, was scheduled to begin in early 2008. Germain Katanga, of the Ituri-based FRPI, was indicted by the ICC in June on three counts of crimes against humanity, including murder, inhumane acts and sexual



enslavement, and six counts of war crimes, including child-soldier recruitment and use. Katanga was transferred to The Hague in October 2007.

A Mai-Mai militia leader based in Katanga province, Kyungu Mutanga, also known as “Gédéon”, surrendered to MONUC in 2006 and was subsequently held by the FARDC along with his wife and four child soldiers previously with his group.<sup>75</sup> He was charged with “insurrection, crimes against humanity, war crimes and terrorism”, and his trial, which began in August 2007, was ongoing in October.<sup>76</sup> National authorities prosecuted Jean-Pierre Biyoyo, a FARDC member and former leader of the Mudundu 40 militia. He was tried by a military court and sentenced in March 2006 to life imprisonment for insurrection and to five years’ imprisonment for the arbitrary arrest and illegal detention of children (de facto child recruitment) carried out in South Kivu in April 2004.<sup>77</sup> Biyoyo escaped from prison in June 2006 and the following February returned to Bukavu as part of a military delegation to address military units resisting the army unification process in Minembwe (South Kivu).<sup>78</sup>

Laurent Nkunda remained at large despite being widely accused of serious human abuses, including responsibility for a massacre in Kisangani in May 2002, summary executions, torture, rape and looting following hostilities in Bukavu in 2004, as well as forced recruitment and use of children in hostilities. In September 2005 the government issued an international arrest warrant for Nkunda on charges of insurrection, war crimes and crimes against humanity.<sup>79</sup>

Impunity for rape and other acts of sexual violence contributed to the widespread and continued commission of these crimes, with children (girls and boys) comprising a high proportion of the victims. A handful of prosecutions was successfully carried out. In one important case, in April 2006, seven FARDC members were convicted of crimes against humanity for mass rapes carried out in Equateur province in 2003. The court applied the Rome Statute of the ICC, which qualified rape as a crime against humanity. A further dozen or so FARDC soldiers were convicted by military courts and sentenced to prison terms of between eight and ten years in 2006 and 2007.<sup>80</sup>

## Other developments

At a February 2007 ministerial meeting in Paris, the DRC and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for

protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

Mrs Radhika Coomaraswamy, the UN Special Representative of the Secretary-General for children and armed conflict, visited the DRC in March 2007. She urged the authorities to take timely and decisive action against the violators of children’s rights, including the arrest of Laurent Nkunda, and called for measures to demobilise children still in the FARDC and armed groups. Mrs Coomaraswamy expressed concern at the extent of sexual violence in the eastern DRC and the prevailing climate of impunity for such crimes. She noted that long-term development strategies were required along with adequate donor support for the work of child-protection agencies.<sup>81</sup>

The FARDC and numerous armed groups (including many of those named above) were repeatedly listed as parties responsible for recruiting and using children between 2002 and 2007 in the annex to the Secretary-General’s annual reports on children and armed conflict. Most were additionally named as responsible for killings, abductions and rape.<sup>82</sup>

- 1 International Rescue Committee, *Mortality in the DRC, an Ongoing Crisis*, January 2008, <http://their.org>.
- 2 *Amnesty International Report 2005*.
- 3 Global and Inclusive Agreement on Transition in the DRC, 16 December 2002, [www.reliefweb.org](http://www.reliefweb.org).
- 4 Report of the Secretary-General on the UN Mission in the Democratic Republic of the Congo, UN Doc. S/2007/671, 14 November 2007.
- 5 Report of the Secretary-General on the UN Mission in the Democratic Republic of the Congo, UN Doc.S/2007/156, 20 March 2007.
- 6 Amnesty International (AI), *DRC, Children at War: Creating Hope for their Future*, October 2006.
- 7 Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo, UN Doc. S/2007/391, 28 June 2007.
- 8 Report of the Secretary-General, above note 4.
- 9 *Amnesty International Report 2005*.
- 10 Ibid.
- 11 *Human Rights Watch World Report 2008*.
- 12 *DRC, Children at War*, above note 6.
- 13 Report of the Secretary-General on children and armed conflict in the DRC, UN Doc. S/2006/389, 13 June 2006, and Report of the Secretary-General, above note 7.
- 14 Loi No. 04/023 du 12 novembre 2004 portant organisation générale de la défense et les forces armées, *Journal officiel de la République démocratique du Congo*, 13 November 2004.

- 15 Circular No. AG/0631/D8a/2005, 19 May 2005, cited in MONUC Child Protection Section, Arrestations et détentions dans les prisons et cachots de la RDC et la détention des enfants et la justice pour mineurs, March 2006, www.monuc.org.
- 16 RDC, Ministère de la Condition Féminine, *Projet de Code de Protection de l'Enfant*, version définitive à traiter au Conseil des Ministres, October 2007.
- 17 Report of the Secretary-General, above note 13.
- 18 Ibid.
- 19 Confidential sources, South Kivu, July 2007.
- 20 Report of the Secretary-General, above note 13.
- 21 *DRC, Children at War*, above note 6.
- 22 Human Rights Watch (HRW), "DRC: Arrest Laurent Nkundwa for war crimes", 1 February 2006; Report of the Secretary-General on children and armed conflict, UN Doc. A/61/529 S/2006/826, 26 October 2006.
- 23 Mai Mai groups were locally based armed militias. Mainly active in the eastern provinces of Maniema, Katanga and the Kivus, they were backed by government forces during the armed conflict but entered opportunistic alliances with opposing forces. Some entered the unification process but others remained outside and engaged in armed activity against FARDC units.
- 24 HRW, *Renewed Crisis in North Kivu*, October 2007; International Crisis Group (ICG), *Congo: Bringing Peace to North Kivu*, 31 October 2007.
- 25 Report of the Secretary-General, above note 7.
- 26 HRW, "Army should stop use of child soldiers", 19 April 2007; RDC-Humanitaire, "Implications of the *mixage* for the demobilisation of children associated with armed groups", February 2007, www.rdc-humanitaire.net; Coalition sources, eastern DRC, June 2007.
- 27 Coalition sources, June 2007
- 28 MONUC, "MONUC denounces the presence of children in FARDC's ranks", press statement, 31 October 2007.
- 29 Coalition sources, eastern DRC, April 2007
- 30 HRW, above note 26.
- 31 HRW, above note 24.
- 32 Report of the Secretary-General on Children and armed conflict, UN Doc. A/62/609-S.2007/757, 21 December 2007.
- 33 Coalition source, July 2007.
- 34 MONUC Human Rights Division, *The Human Rights Situation in the DRC*, 10 May 2006; Seventeenth Report of the Secretary-General on the UN Mission in the Democratic Republic of the Congo, UN Doc. S/2005/167, 15 March 2005.
- 35 Third Special Report of the Secretary-General on the UN Mission in the Democratic Republic of the Congo, UN Doc. S/2004/645, 12 August 2004.
- 36 Seventeenth Report of the Secretary-General, above note 34.
- 37 Report of the Secretary-General on children and armed conflict, UN Doc. A/61/529-S/2006/826, 26 October 2006.
- 38 Eighteenth Report of the Secretary-General on the UN Mission in Democratic Republic of the Congo, UN Doc. S/2005/506, 2 August 2005; *DRC, Children at War*, above note 6.
- 39 Report of the Secretary-General, above note 37; MONUC Press release, 18 August 2006.
- 40 Report of the Secretary-General, above note 7.
- 41 Interviews with child protection agencies, Bunia, March 2007; report on the national workshop on DDR, Goma, 12–14 April 2007.
- 42 "RDC, Peter Karim, dernier chef milicien d'Ituri a rendu les armes", Agence France-Presse, 7 April 2007; interviews with child protection agencies, Bunia, March 2007.
- 43 ICG, *The Congo: Solving the FDLR Problem Once and for All*, May 2005; ICG, *Congo: Bringing peace to North Kivu*, October 2007.
- 44 HRW, above note 24.
- 45 Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo, UN Doc. S/2007/391, 28 June 2007.
- 46 UNICEF, *Report of the National Workshop on Children's DDR*, Goma, 12–14 April 2007.
- 47 *DRC, Children at War*, above note 6; Report of the Secretary-General, above note 13.
- 48 Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo, UN Doc. S/2007/381, 28 June 2007.
- 49 Coalition information from local sources, eastern DRC, June 2007.
- 50 A separate process was established for the demobilization and repatriation of all foreign groups, which was managed by MONUC.
- 51 *DRC, Children at War*, above note 6.
- 52 Report of the Secretary-General, above note 13.
- 53 Report of the Secretary-General, above note 32.
- 54 *DRC, Children at War*, above note 6.
- 55 Coalition sources, July 2007.
- 56 Coalition sources, July 2007.
- 57 Coalition sources, eastern DRC, April 2007.
- 58 UNICEF, above note 46.
- 59 Under the adult DDR program fighters received a monetary sum on demobilization followed by a monthly allowance for one year.
- 60 *Child Soldiers: Global Report 2004*; report of the Secretary-General, above note 13.
- 61 Beth Verhey, *Reaching the Girls: Study on Girls Associated with Armed Forces and Groups in the DRC*, Save the Children and NGO Group: CARE, IFESH, IRC, April, 2005.
- 62 *DRC, Children at War*, above note 6.
- 63 Coalition sources, DRC, April 2007.
- 64 *DRC, Children at War*, above note 6.
- 65 Coalition interviews, March, April and July 2007.

- 66 Save the Children UK, *The Forgotten Casualties of War*, April 2005, [www.savethechildren.org.uk](http://www.savethechildren.org.uk); Verhey, above note 61.
- 67 Verhey, above note 61.
- 68 Military Justice Code, Law No. 023/2002 of 18 November 2002, Article 114.
- 69 MONUC Child Protection Section, Circular No. AG/0631/D8a/2005, 19 May 2005, cited in *Arrestations et détentions*, above note 15.
- 70 MONUC Child Protection Section, *Arrestations et détentions*, above note 15.
- 71 Coalition source, July 2007.
- 72 Ibid.
- 73 MONUC Human Rights Section, “Monthly report on human rights, March 2007”, 16 April 2007.
- 74 International Criminal Court, “Pre-trial Chamber I commits Thomas Lubanga Dyilo for trial”, press release, 29 January 2007, <http://www.icc-cpi.int>.
- 75 MONUC, “The human rights situation in the DRC, July to December 2006”, 8 February 2007, [www.monuc.org](http://www.monuc.org).
- 76 MONUC, monthly human rights assessment, September 2007.
- 77 Report of the Secretary-General, above note 13; MONUC, “RD Congo: l’ONU est ‘consternée’ par l’impunité à l’est du pays pour les coupables du recrutement des enfants”, *MONUC News*, 12 March 2007.
- 78 *Le Potentiel*, Kinshasa, 1 March 2007; “RDC: un Officier condamné au sein d’une mission officielle, l’ONU préoccupée”, Agence France-Presse, 1 March 2007.
- 79 HRW, above note 22; AI, *DRC, Civilians Pay the Price for Political and Military Rivalry*, September 2005.
- 80 Reports of the Secretary-General, above notes 7 and 13.
- 81 UN, Report of the Special Representative of the Secretary-General for Children and Armed Conflict, UN Doc. A/62/228, 13 August 2007.
- 82 Reports of the Secretary-General, above notes 32 and 37.

## CONGO, Republic of

### Republic of Congo

**Population:** 4.0 million (2.2 million under 18)

**Government armed forces:** 10,000

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182, ACRWC

***There were no reports of under-18s in the armed forces. An unknown number of child soldiers and former child soldiers were thought to remain with an armed group.***

### Context

Implementation of the March 2003 peace agreement between the government and the National Resistance Council (Conseil national de résistance, CNR) (known as the Ninjas) was repeatedly delayed. The situation in the Pool region in south-eastern Congo, the stronghold of the Ninjas, remained particularly difficult. By March 2007 security appeared to have improved, but the fragility of the improvement was underlined by the failure fully to implement disarmament, demobilization and reintegration (DDR) programs or to control the spread of small arms.<sup>1</sup> In January 2007 CNR leader Frédéric Bitsangou, alias Pasteur Ntoumi, announced that the CNR had applied to be registered as a political party and committed itself to disarmament.<sup>2</sup> In May Frédéric Bitsangou was appointed by presidential decree as general delegate in charge of promotion of peace and post-conflict reconstruction, but failed to take up his post as expected in September after a dispute with the government.<sup>3</sup>

Former CNR child soldiers, not always under the control of their former leaders, were reported to be a major factor in the insecurity in the Pool region through their involvement in armed robbery. UNICEF expressed concern that the presence of armed elements increased the threat of sexual violence.<sup>4</sup>

### Government

#### National recruitment legislation and practice

There had been no conscription since 1969. Enlistment in the armed forces was voluntary with a minimum recruitment age of 18.<sup>5</sup>

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## Armed groups

No recent information was available on the recruitment of child soldiers by the CNR. The vast majority of former child soldiers who had fought with the CNR during the conflict were by 2007 believed to be over 18. However, child soldiers were reported as guarding the railway in the Pool region, suggesting that recruitment in some form may have been continuing.<sup>6</sup> Estimates dating from 2003 were that some 1,500–1,800 former child soldiers required demobilization, but the reliability of these figures had not been established.<sup>7</sup>

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## Disarmament, demobilization and reintegration (DDR)

The governmental commission for the reintegration of former combatants, Haut Commissariat à la Réinsertion des Ex-combattants, estimated that over 4,600 child soldiers took part in Congo's conflicts between 1993 and 2002.<sup>8</sup>

Between February 2002 and December 2004, 965 former child soldiers, most of whom were by then over 18, were among 9,000 former combatants taking part in an Emergency Demobilization and Reintegration Program (Projet d'Urgence de Démobilisation et de Réinsertion, PDR).<sup>9</sup>

After significant delays due in part to the difficulty in establishing the number of beneficiaries and a financial management system, a National Disarmament, Demobilization and Reinsertion Program (Programme national de désarmement, démobilisation et réinsertion, PNDDR), partially funded by the Multi-country Demobilization and Reintegration Program (MDRP),<sup>10</sup> received its first disbursement in October 2006. It was expected that by July 2007 reintegration support would have been delivered to some 1,000 former combatants who had self-demobilized.<sup>11</sup> Up to 30,000 former combatants, including 19,000 from the 1998–9 conflict, were expected to benefit from the PNDDR.<sup>12</sup>

Of former child soldiers to have been provisionally identified, 517 were girls and 1,261 boys.<sup>13</sup>

Building on the lessons of other MDRP-supported DDR programs in the region, the PNDDR explicitly recognized the necessity of addressing the particular needs of former child soldiers, recruited as children but demobilized as young adults. It proposed that particular attention be paid to psychosocial counselling and support, life skills, independent living skills, employment orientation and guidance for former child soldiers up to the age of 21 in the case of males and 25 in the case of females.<sup>14</sup> The PNDDR also recognized the special attention required to address the needs of former girl child soldiers, including en-

couraging participation in the program, adapting psychosocial support to female trauma profiles and conflict experiences, providing appropriate apprenticeships and training, and sensitizing spouses and families.<sup>15</sup>

A project on Prevention and Reintegration of Children involved in Armed Conflict was implemented between 2004 and 2007 by the International Program on the Elimination of Child Labour (IPEC) of the International Labour Organization (ILO). It focused on socio-economic reintegration support and preventing recruitment of children by armed groups. Approximately 200 former child soldiers, more than 70 of them girls, received professional training or work placements, while over 650 vulnerable children, including more than 200 girls, participated in the anti-recruitment program.<sup>16</sup>

In 2006 an estimated 34,000 weapons were illegally held in Congo by members of former armed groups as well as by the civilian population. In September 2005, 507 firearms and over 3,600 pieces of ammunition were destroyed, and weapons collected between December 2005 and March 2006 from 800 civilians and former soldiers were destroyed in March 2006 through an internationally funded weapons collection program.<sup>17</sup>

The CNR received an unknown sum of money from the Congolese government to disarm its combatants in the Pool region. Progress was not clear, and in May 2007 a first symbolic burning of collected weapons was postponed.<sup>18</sup>

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## Developments

In 2006 the UN Committee on the Rights of the Child expressed concern that despite international support for a DDR process, the physical and psychological recovery needs of many former child soldiers had not been met. It recommended that particular attention be paid to the specific needs of girls and to the reintegration of former child soldiers into the education system.<sup>19</sup>

At a February 2007 ministerial meeting in Paris, the Republic of Congo and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

## International standards

The Republic of Congo ratified the Rome Statute of the International Criminal Court (ICC) in May

2004 and the African Charter on the Rights and Welfare of the Child in September 2006.

- 1 UNICEF Humanitarian Action Report 2007: Republic of Congo, [www.unicef.org/haro7](http://www.unicef.org/haro7).
- 2 “Congo: Govt, agencies welcome decision to make rebel group political party”, IRIN, 1 February 2007, [www.irinnews.org](http://www.irinnews.org).
- 3 “Congo: Ntoumi ‘problem’ is solved, says president”, IRIN, 5 October 2007.
- 4 UNICEF, above note 1.
- 5 Rachel Brett and Margaret McCallin, *Children: The Invisible Soldiers*, Rädda Barnen (Save the Children–Sweden), Stockholm, 1998; Guy S. Goodwin-Gill and Ilene Cohn, *Child Soldiers*, Clarendon Press, Oxford, 1994.
- 6 Information from Haut Commissariat à la Réinsertion des Ex-combattants, May 2007.
- 7 Information from Lead Specialist, World Bank, April 2007.
- 8 Haut Commissariat, above note 6.
- 9 Ibid.
- 10 The Multi-country Demobilization and Reintegration Program (MDRP) supports demobilization and reintegration of ex-combatants in the greater Great Lakes region of central Africa (Angola, Burundi Central African Republic, the Democratic Republic of Congo, Republic of Congo, Rwanda and Uganda). It is financed by the World Bank, 12 donor governments and the European Commission, and involves governments in the region, the UN and its agencies, and regional organizations. See [www.mdrp.org](http://www.mdrp.org).
- 11 World Bank, above note 7.
- 12 MDRP, Republic of Congo Activities at a Glance, [www.mdrp.org](http://www.mdrp.org), updated March 2007.
- 13 Haut commissariat, above note 6.
- 14 World Bank Document, *Technical Annex for a Program of US\$17 million from the MDRP multi-donor trust fund to the Republic of Congo for an emergency reintegration program*, Report No. 33787, 14 December 2005, [www.mdrp.org](http://www.mdrp.org).
- 15 World Bank, above note 7.
- 16 Le projet BIT/IPEC fait le bilan de ses activités, [www.congo-site.com](http://www.congo-site.com).
- 17 “Congo: small arms continue to threaten political transition and stability”, IRIN, 9 May 2006.
- 18 Haut commissariat, above note 6.
- 19 UN Committee on the Rights of the Child, Consideration of report submitted by the Republic of Congo, Concluding observations, UN Doc. CRC/C/COG/CO/1, 20 October 2006.

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## COSTA RICA

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### Republic of Costa Rica

**Population:** 4.3 million (1.5 million under 18)

**Government armed forces:** no armed forces

**Compulsory recruitment age:** not applicable

**Voluntary recruitment age:** not applicable

**Voting age:** 18

**Optional Protocol:** ratified 24 January 2003

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***The minimum age for recruitment to the police, the country’s only security force, was 18.***

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### Government

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#### National recruitment legislation and practice

Under the 1949 constitution, which abolished the armed forces, the police force was the country’s only security force, and military forces could be organized only under a continental agreement or for national defence and had always to be subordinate to civilian control.<sup>1</sup>

Police recruits had to be 18 and to have completed their third year of general basic education (secondary education).<sup>2</sup> Police training was vocational, accredited by the Ministry of Education and civilian in nature, and directed towards upholding civil law, democracy and human rights.<sup>3</sup>

The UN Committee on the Rights of the Child recommended in May 2007 that the prohibition on recruiting children under 15 and their direct participation in hostilities be expressly set out in law.<sup>4</sup>

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#### Disarmament, demobilization and reintegration (DDR)

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There were about 13,000 refugees in Costa Rica, 10,000 of whom were Colombian.<sup>5</sup> In May 2007 the Committee on the Rights of the Child noted the lack of information in Costa Rica’s 2005 report to the Committee about child refugees and migrants from countries affected by armed conflict, and about “measures adopted with regard to their identification, physical and psychological recovery and social reintegration”. The Committee recommended early identification of those who might have been recruited or used in hostilities, and assistance for their recovery and reintegration.<sup>6</sup>

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1 Constitución Política de la República de Costa Rica, Article 12.

- 2 2001 Ley General de Policía.
- 3 Initial report of Costa Rica to the UN Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/CRI/1, 22 December 2005.
- 4 Committee on the Rights of the Child, Consideration of initial report submitted by Costa Rica on implementation of the Optional Protocol, Concluding observations, UN Doc. CRC/C/OPAC/CRI/CO/1, 1 May 2007.
- 5 “Costa Rica, el segundo país con más refugiados en Latinoamérica”, EFE, 15 June 2006, at www.acnur.org.
- 6 Concluding observations, above note 4.

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## CÔTE D’IVOIRE

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### Republic of Côte d’Ivoire

**Population:** 18.2 million (8.9 million under 18)

**Government armed forces:** 17,050

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18

**Voting age:** 21

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182, ACRWC

***Children, including former child soldiers from the Liberian conflict, were recruited for use in pro-government militias and the armed opposition group Forces armées des Forces nouvelles (FAFN) at least until late 2005. Active recruitment of children appeared to have stopped from October 2006, but by late 2007 children reportedly continued to be associated with both militias and the FAFN, despite concerted efforts at demobilization.***

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### Context

The conflict in Côte d’Ivoire began with an attempted coup against President Laurent Gbagbo in September 2002, and led to the country being divided into two territories. The south was controlled by the government and the north by the opposition New Forces (Forces nouvelles), which had been formed out of the Côte d’Ivoire Patriotic Movement (Mouvement patriotique de Côte d’Ivoire, MPC), and two other armed opposition groups, the Ivorian Popular Movement of the Great West (Mouvement populaire ivoirien du grand ouest, MPIGO), and the Justice and Peace Movement (Mouvement pour la justice et la paix, MJP). The January 2003 Linas-Marcoussis agreement, signed by all parties to the conflict and aimed at bringing them all within a transitional government of national reconciliation, was only partially and reluctantly implemented.<sup>1</sup>

Interests within neighbouring countries fuelled the conflict. The Liberian government of President Charles Taylor reportedly supported armed opposition groups in western Côte d’Ivoire, which included fighters from armed groups in Liberia and Sierra Leone, and Liberian fighters and Liberian nationals recruited from refugee camps in Côte d’Ivoire and Ghana fought in both pro-government militias and armed opposition groups.<sup>2</sup>

In April 2004 a UN peacekeeping force (United Nations Operation in Côte d’Ivoire, UNOCI) was deployed. Also present in the country were

French troops, initially sent in September 2002 to protect foreign nationals, whose presence had subsequently been endorsed and clarified by UN Security Council resolutions.<sup>3</sup> The international troops patrolled a buffer zone, known as the “zone of confidence”, between the north and south of the country.

A number of agreements, including the Accra Agreement III of July 2004<sup>4</sup> and the Pretoria Agreement of April 2005,<sup>5</sup> were reached with international mediation, but political stalemates, disagreements about implementation and outbreaks of violence hindered the peace process.<sup>6</sup> Presidential elections originally scheduled for October 2005 were postponed several times. In November 2006 UN Security Council Resolution 1721 extended the transitional government’s mandate and tasked it with completing the peace process by October 2007.

In March 2007 President Gbagbo and the leader of the Forces nouvelles, Guillaume Soro, signed the Ouagadougou peace accord, under which Guillaume Soro was named prime minister.<sup>7</sup> The agreement included provisions for creating a new transitional government, merging the Forces nouvelles and the national defence and security forces within an integrated command centre, disarming combatants, granting amnesty for all crimes relating to national security committed since September 2000, and organizing a presidential election.<sup>8</sup> As a supplement to the agreement, in April the president signed a decree, applicable to both sides, granting amnesty for crimes committed during the armed conflict. However, contrary to the Ouagadougou agreement and the 2003 amnesty law, which excluded from amnesty “crimes constituting serious violations of human rights and international humanitarian law and crimes listed in Articles 5–8 of the Treaty of Rome on the International Criminal Court”, the amnesty decree did not expressly exclude crimes under international law, such as the recruitment and use of children as soldiers.<sup>9</sup>

In April 2007 there were reports that demilitarization in the zone of confidence had led to an increase in violence, including rape, against people living in the region.<sup>10</sup> The fragility of the peace process was highlighted in June by a rocket attack on Prime Minister Soro’s aircraft. He escaped uninjured but four of his companions were killed.<sup>11</sup>

Many aspects of the conflicts in Liberia and in Sierra Leone since the 1990s and in Côte d’Ivoire since 2002 were intricately linked, with operations across borders, including in Guinea, which bordered all three countries, and a complex web of governments and armed groups providing support to factions in neighbouring countries.<sup>12</sup> A migrant population of thousands of young fighters, including child soldiers, crossing the borders between Liberia, Guinea, Sierra Leone and Côte d’Ivoire, saw conflict

mainly as an economic opportunity. Many had first been forcibly recruited as children in one conflict, and then had willingly crossed borders to take up arms in another conflict, often with a different armed group. A 2005 study by Human Rights Watch found that most had been motivated by promises of financial gain, and many could not articulate the political objective of the group they fought with. The risk of re-recruitment was exacerbated by high rates of youth unemployment and corruption and deficiencies in the implementation of disarmament, demobilization and reintegration (DDR) programs.<sup>13</sup> An August 2006 report by the UN Office for West Africa (UNOWA) noted that high levels of unemployment, particularly youth unemployment, across west Africa posed a risk to stability in the region. This was reiterated in a 2007 report by the UN Secretary-General which highlighted also the importance of reform of the security sector in countries in the region as a means of addressing it.<sup>14</sup>

## Government

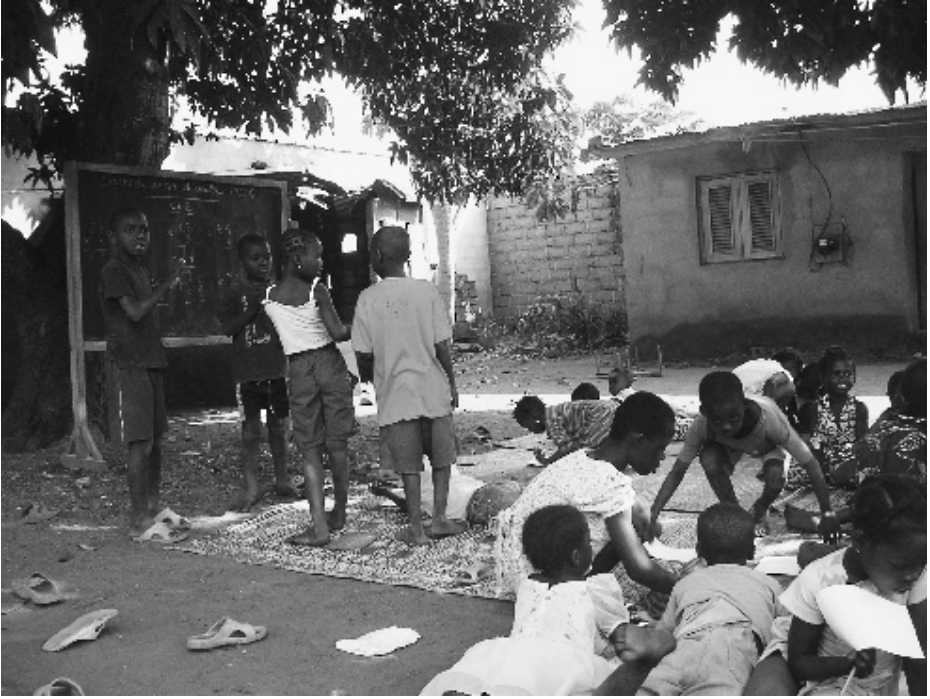
### National recruitment legislation and practice

The Armed Forces Code of 7 September 1995 established a minimum age of 18 for compulsory and voluntary military service for men and women.

In October 2006 the UN reported that there was at that time no tangible evidence of children participating in the regular armed forces (Forces nationales de Côte d’Ivoire, FANCI), but that children were evidently associated with armed militia groups close to the ruling party, the Popular Ivorian Front (Front populaire ivoirien, FPI).<sup>15</sup>

## Armed groups

Children were associated with armed groups on both sides of the conflict, in pro-government militias and the Forces armées des Forces nouvelles (FAFN).<sup>16</sup> By August 2007 the UN reported that there had been no substantiated evidence of the active recruitment and use of children by armed groups since October 2006.<sup>17</sup> Anecdotal reports from the west of the country indicated that children continued to be used as servants and that girls were sexually abused by the FAFN. The environment continued to be unstable, and delays in the disarmament of militias and the FAFN and in the establishment of a joint military structure made children vulnerable to re-recruitment and use by these groups.



*Children in a local community group beside a military camp in Bouaké, northern Côte d'Ivoire*



## Pro-government militias

According to reports, scores or even hundreds of Liberian children who had been reunited with their families following their demobilization in Liberia were re-recruited in Liberia between late 2004 and early 2005 to fight alongside pro-government militias in the west of Côte d'Ivoire. Most of these children had originally been forcibly recruited by various armed groups during the conflicts in Liberia and Sierra Leone.<sup>18</sup> In late 2004 around 20 child members of the Lima *force supplétive*, a militia operating alongside the Ivorian armed forces, were reportedly recruited from a camp for Liberian refugees in western Côte d'Ivoire.<sup>19</sup> In September and October 2005, in Liberian counties bordering government-controlled areas of Côte d'Ivoire, Liberian children, alongside hundreds of other former fighters in the Liberian conflict, were recruited into pro-government militias in western Côte d'Ivoire in anticipation of renewed fighting with opposition forces.<sup>20</sup>

At least four pro-government militias operational in areas under the control of the government in the west of the country – the Liberation Front for the Great West (Front pour la libération du grand ouest, FLGO), the Patriotic Alliance of the Wè People (Alliance patriotique du peuple Wè, APWE), the Patriotic Resistance Union of the Great West (Union patriotique de résistance du Grand Ouest, UPRGO) and the Ivorian Liberation Movement for the West of Côte d'Ivoire (Mouvement ivoirien de libération de l'ouest de la Côte d'Ivoire, MILOC) – reportedly continued to maintain child soldiers in their ranks in late 2006.<sup>21</sup> These four groups were among the parties listed by the Secretary-General in February 2005 and October 2006 as recruiting or using children in situations of armed conflict.<sup>22</sup>

The Young Patriots (Jeunes Patriotes), a pro-government party, used children in violent demonstrations. In one such demonstration in Guiglo in January 2006, during which UN peacekeepers were also attacked, five Ivorians, including two children aged 14 and 16, were killed.<sup>23</sup>

## Forces armées des Forces nouvelles (FAFN)

In November 2004 demobilized Liberian children in Bong and Nimba counties in eastern Liberia were believed to have been recruited to fight with the FAFN in Côte d'Ivoire. Former Liberian commanders were identified as being involved in the recruitment.<sup>24</sup> Six hundred children in Danané, near to the Liberian border, who in 2006 were reported as having self-demobilized, had received military training from pro-FAFN Liberian fighters.<sup>25</sup>

In February 2006, pursuant to Security Council Resolution 1572 (2004), the UN Security Council imposed a travel ban and an

assets freeze on several individuals for serious violations of human rights and international humanitarian law in Côte d'Ivoire. Among them was a FAFN commander, Martin Kouakou Fofié. According to the Security Council, forces under his command had, among other abuses, engaged in recruitment of child soldiers.<sup>26</sup>

The FAFN was one of the parties listed in reports of the Secretary-General in February 2005 and October 2006 as recruiting or using children in situations of armed conflict. The FAFN was also named as being responsible for rape and other grave sexual violence.<sup>27</sup> The Secretary-General's report of October 2006 indicated that while children continued to be associated with the FAFN, they had committed to an action plan in November 2005 to demobilize children.<sup>28</sup> The FAFN leadership had objected to their continued inclusion on the list stating that it was not their policy to recruit children, although children might be found around their camps in search of basic assistance such as food.<sup>29</sup>

## Disarmament, demobilization and reintegration (DDR)

The disarmament, demobilization and reintegration (DDR) process, which under the Accra III Agreement was due to start in October 2004, was delayed in its implementation, at times because the FAFN were not willing to disarm in the absence of the implementation of other agreed reforms,<sup>30</sup> and later on because pro-government militias were unwilling to hand in their arms.<sup>31</sup>

In 2004 the National Commission for Disarmament, Demobilization and Reintegration (Commission nationale de désarmement, démobilisation et réintégration, PNDDR) estimated that 30,000 ex-combatants would participate in the program, including 26,000 FAFN (of whom 3,000 were children), and 4,000 FANCI personnel recruited since September 2002.<sup>32</sup> A later estimate was that just over 48,000 would benefit from the DDR program, including 5,500 FANCI and over 42,500 FAFN.<sup>33</sup>

By June 2007 UNICEF indicated that it had helped 1,900 of an estimated 4,000 child soldiers to be reintegrated into their communities, but concerns remained that instability in the country could lead to the re-recruitment of these children.

## Pro-government militia groups

In 2005 the PNDDR estimated that there were 10,000 militia members, considered by the UN to be an underestimate.<sup>34</sup> By September 2005, 4,800 militia members had been formally registered but no weapons had been collected.<sup>35</sup> In early August 2006, when almost 1,000 had disarmed, the PNDDR suspended the disarmament of the militias because of the low

ratio of weapons to combatants and the high number of unserviceable weapons surrendered.<sup>36</sup>

In late 2005 four pro-government militia groups had submitted a list of 150 children for DDR, but the UN noted that an effective end to the use of child soldiers by such groups would depend on being able to identify the groups, which required the full involvement and support of the government.<sup>37</sup> In September 2006 the four main militia groups in the west, FLGO, MILOCI, APWE and UPRGO, submitted action plans to the UN to end the association of children with their forces.<sup>38</sup> In April 2007, at militia-group focal points for child demobilization, the PNDDR and UNICEF began to identify children within these groups in areas near to the border with Liberia. A total of 204 children, including 84 girls, were registered for demobilization and were by August being assisted through UNICEF programs. The UN noted that there were particular challenges to identifying and reintegrating children in this process, arising from the fact that the combatants and associated children were not always based in camps but often dispersed within their communities.<sup>39</sup> The UN estimated in May 2007 that 1,100 militia members remained to be disarmed.<sup>40</sup>

## Forces armées des Forces nouvelles (FAFN)

The UN estimated a caseload of around 4,000 children for demobilization from the FAFN, although no exact figures were available.<sup>41</sup> The first demobilizations of children by the FAFN took place in Bouaké between October 2003 and February 2004. Further demobilizations occurred in April and July–August 2004. In February 2005 demobilizations took place in Man, where by late June 87 children had been identified, the youngest being nine years old. Nine girl soldiers identified could not be demobilized at that time as there were no reception facilities for them.<sup>42</sup>

In November 2005 the FAFN submitted to the Secretary-General's Special Representative in Côte d'Ivoire an action plan for preventing recruitment and releasing children associated with their forces, and made serious efforts with regard to implementation.<sup>43</sup> In October 2006 the Secretary-General stated that since July 2005, 327 children associated with fighting forces in areas under the control of the Forces nouvelles had been demobilized, in addition to 600 children trained by Liberian commanders who had self-demobilized in Danané. By October 2006 the Forces nouvelles claimed that no more children were associated with their forces in Bouaké and Katiola and sought assistance from UNOCI in identifying and demobilizing children in other areas under their control.<sup>44</sup> In August 2007 the FAFN (which under the terms of the March 2007 Ouagadougou agreement was to be merged with the national defence and

security forces, as the Forces de défense et de sécurité–Forces nouvelles) submitted a report on the implementation of the action plan which indicated that 85 children, including 27 girls, had been identified for release to UNICEF.<sup>45</sup>

## Developments

Côte d'Ivoire was among the conflicts designated by the UN Security Council for the setting up of a Monitoring and Reporting Mechanism (MRM) on six grave violations of children's rights (including child recruitment and use) established by its Resolution 1612 (2005) on children and armed conflict. The action plans by FAFN and pro-government militias for ending the use of child soldiers were the first such action plans to be negotiated by the UN under the framework established by Resolution 1612 (2005).<sup>46</sup>

The UN Special Representative for Children and Armed Conflict visited Côte d'Ivoire in September 2007. Although the Ouagadougou agreement made no explicit reference to children, the Special Representative obtained firm commitments from the government and non-government actors with regard to the protection of children associated with armed groups and armed forces. In particular, the government promised to create an inter-ministerial structure to co-ordinate work on these issues. The Special Representative also stressed the importance of ending the use and involvement of youths in political violence.<sup>47</sup>

There were allegations of other serious violations of children's rights, including the trafficking of children and the use of child labour particularly in cocoa plantations.<sup>48</sup> In June 2007 UNICEF reported that it was working with the co-operation of the government and the Forces nouvelles, particularly along the borders, to curtail trafficking, and had intercepted 100 children.<sup>49</sup> Sexual violence against women and girls by members of, or persons affiliated to, government forces, armed groups and pro-government militias took place in a climate of widespread impunity.<sup>50</sup> There were also allegations of UN peacekeepers involved in sexual exploitation and abuse of women and girls.<sup>51</sup>

At a February 2007 ministerial meeting in Paris, Côte d'Ivoire and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

## International standards

In June 2007 Côte d'Ivoire ratified the African Charter on the Rights and Welfare of the Child.

- 1 International Crisis Group (ICG), "Côte d'Ivoire", [www.crisisgroup.org](http://www.crisisgroup.org).
- 2 For a more detailed account see *Child Soldiers: Global Report 2004*.
- 3 Amnesty International (AI), "Côte d'Ivoire: clashes between peacekeeping forces and civilians: lessons for the future" (AFR 31/005/2006), 19 September 2006.
- 4 Second Report of the UN Secretary-General on the UN Operation in Côte d'Ivoire, UN Doc. S/2004/697, 27 August 2004.
- 5 Fifth progress report of the Secretary-General on the UN Operation in Côte d'Ivoire, UN Doc. S/2005/398, 17 June 2005.
- 6 See, for example, Reports of the Secretary-General on the UN Operation in Cote D'Ivoire, 2004.
- 7 ICG, above note 1.
- 8 Thirteenth progress report of the Secretary-General on the UN Operation in Côte d'Ivoire, UN Doc. S/2007/275, 14 May 2007.
- 9 AI, "Côte d'Ivoire: Crimes under international law cannot be amnestied" (AFR 31/006/2007), 4 May 2007.
- 10 Médecins Sans Frontières, "Ivory Coast: Increasing violent attacks against civilians in the former Zone of Confidence", 25 April 2007.
- 11 "Des roquettes contre la paix ivoirienne", *Le Figaro*, 30 June 2007.
- 12 See entries on Guinea, Liberia and Sierra Leone in this volume.
- 13 See Human Rights Watch (HRW), *Youth, Poverty and Blood: The Lethal Legacy of West Africa's Regional Warriors*, March 2005; Report of the Secretary-General on ways to combat subregional and cross-border problems in West Africa, UN Doc. S/2004/200, 12 March 2004; Report of the Secretary-General on inter-mission co-operation and possible cross-border operations between the UN Mission in Sierra Leone, the UN Mission in Liberia, and the UN Operation in Côte d'Ivoire, UN Doc. S/2005/135, 2 March 2005.
- 14 UN Office for West Africa (UNOWA), *Youth Unemployment and Regional Insecurity in West Africa*, 2nd edn, August 2006, [www.un.org/unowa](http://www.un.org/unowa); Report of the Secretary-General on cross-border issues in West Africa, UN Doc. S/2007/143, 13 March 2007.
- 15 Report of the Secretary-General on children and armed conflict in Côte d'Ivoire, UN Doc. S/2006/835, 25 October 2006.
- 16 Report of the Secretary-General on children and armed conflict, UN Doc. A/61/529-S/2006/826, 26 October 2006.
- 17 Report of the Secretary-General on children and armed conflict in Côte d'Ivoire, UN Doc. S/2007/515, 30 August 2007. See also Special Representative of the Secretary-General for Children and Armed Conflict, "Côte d'Ivoire: The Government is committed to give children an eminent place in the peace process", press release, 7 September 2007.
- 18 HRW, above note 13.
- 19 Report of the Secretary-General on children and armed conflict, UN Doc. A/59/695-S/2005/72, 9 February 2005; Coalition correspondence with Office of UN Special Representative on Children and Armed Conflict, March 2005.
- 20 HRW, "Côte d'Ivoire: Government Recruits Child Soldiers in Liberia", 28 October 2005.
- 21 Report of the Secretary-General, above note 15.
- 22 Reports of the Secretary-General, above notes 19 and 16.
- 23 Report of the Secretary-General, above note 16.
- 24 HRW, above note 13.
- 25 Report of the Secretary-General, above note 15.
- 26 UN Security Council, "Security Council Committee concerning Côte d'Ivoire issues list of individuals subject to measures imposed by resolution 1572 (2004)", SC/8631, UN Department of Public Information, 7 February 2006.
- 27 Reports of the Secretary-General, above notes 19 and 16.
- 28 Report of the Secretary-General, above note 16.
- 29 Report of the Secretary-General, above note 17.
- 30 See, for example, Third progress report of the Secretary-General on the UN Operation in Côte d'Ivoire, UN Doc. S/2004/962, 9 December 2004, and Fifth progress report, above note 5.
- 31 See, for example, Tenth progress report of the Secretary-General on the UN Operation in Côte d'Ivoire, UN Doc. S/2006/821, 17 October 2006.
- 32 Third progress report of the Secretary-General, above note 30.
- 33 Fifth progress report of the Secretary-General, above note 5.
- 34 Fourth progress report of the Secretary-General on the UN Operation in Côte d'Ivoire, UN Doc. S/2005/186, 18 March 2005.
- 35 Sixth progress report of the Secretary-General on the UN Operation in Côte d'Ivoire, UN Doc. S/2005/604, 26 September 2005.
- 36 Eleventh progress report of the Secretary-General on the UN Operation in Côte d'Ivoire, UN Doc. S/2006/939, 4 December 2006.
- 37 Seventh progress report of the Secretary-General on the UN Operation in Côte d'Ivoire, UN Doc. S/2006/2, 3 January 2006.
- 38 Report of the Secretary-General, above note 17.
- 39 Ibid.
- 40 Thirteenth progress report of the Secretary-General, above note 8.
- 41 Report of the Secretary-General, above note 15.

- 42 Child Soldiers Coalition, *Child Soldiers and Disarmament, Demobilization, Rehabilitation and Reintegration in West Africa*, November 2006.
- 43 Report of the Secretary-General, above note 16.
- 44 Tenth progress report of the Secretary-General, above note 31.
- 45 Report of the Secretary-General, above note 17.
- 46 Report of the Secretary-General, above note 15.
- 47 Office of the UN Special Representative on Children and Armed Conflict, above note 17.
- 48 "Child cocoa workers still 'exploited'", BBC News, 2 April 2007.
- 49 UNICEF, "Child trafficking in Côte d'Ivoire: efforts under way to reverse a tragic trend", press release, 14 June 2007.
- 50 AI, *Côte d'Ivoire: Targeting women – the forgotten victims of the conflict* (AFR 31/001/2007), 15 March 2007.
- 51 UN News Centre, "Côte d'Ivoire: UN, Moroccan officials meet to address allegations of sexual abuse", 23 July 2007; "Des Casques bleus suspectés d'abus sexuels en Côte d'Ivoire", *Le Figaro*, 21 July 2007.

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## CROATIA

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### Republic of Croatia

**Population:** 4.6 million (873,000 under 18)

**Government armed forces:** 20,800

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** none

**Voting age:** 18

**Optional Protocol:** ratified 1 November 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***There were no reports of under-18s serving in the armed forces.***

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### Context

Impunity for war crimes committed during the 1991–5 war remained widespread. The Croatian judicial system failed to address adequately wartime human rights violations, regardless of the ethnicity of the victims or of the perpetrators.<sup>1</sup>

The government, supported by UNICEF, the International Committee of the Red Cross (ICRC), the UN refugee agency (UNHCR) and domestic institutions, provided a national program for child victims of the war to combat long-term consequences such as post-traumatic stress disorder, and somatic and psychological symptoms.<sup>2</sup>

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### Government

#### National recruitment legislation and practice

Conscription was provided for in Article 47.1 of the 1990 constitution, and was further regulated by the 2002 Defence Law. The length of military service was six months, and all men between the ages of 18 and 27 were eligible for conscription. Reservist obligations applied up to the age of 55 during wartime.<sup>3</sup>

In its Initial Report to the UN Committee on the Rights of the Child on the Optional Protocol, the government stated that "[a]lthough there is no need to bring a treaty into the legal system by enacting a specific law, the Defence Law (Official Gazette Nos. 33/2002 and 58/2002) has specific provisions related to compulsory recruitment of male conscripts, but only those who have reached the age of 18, as the Defence Law has no provision for the compulsory recruitment of children ... Under the provisions of articles 34, 42 and 43 [of the Defence Law], the requirement to enlist takes effect at the beginning of the year in which the person subject to military service reaches the age of 19, and under all circumstances, lapses at the end of the year in which he turns 30 ... Croatian legislation

does not recognize the institution of ‘voluntary recruitment’ (‘enlisting’).”<sup>4</sup>

In February 2007 it was reported that Croatia was initiating a large-scale plan for all-volunteer armed forces. One of the first steps toward this would be the suspension of compulsory military service, only voluntary recruits being enrolled in the armed forces. However, obligatory military service could be periodically reactivated if there were not enough recruits to meet defence needs. An all-volunteer Croatian army would most likely not be achieved before 2010.<sup>5</sup>

### Military training and military schools

In its Initial Report on the Optional Protocol, Croatia stated that it had “no high schools operated by or under the control of the armed forces within the meaning of article 3, paragraph 5, of the Protocol. Nevertheless, pursuant to article 4 of the Law on the Service in the Armed Forces of the Republic of Croatia (Official Gazette Nos. 33/2002, 58/2002 and 175/2003) a conscript is also a cadet who is defined as a ‘person educated at a military school under a contract of education’, but the point here is that a person of age is educated at university (faculties) for the requirements of the Croatian Armed Forces.”<sup>6</sup> In January 2005 the Ministry of Defence introduced student scholarships at Zagreb University and Split University. Successful candidates would have the status of “cadet”, take part in army training and be obliged to stay in the armed forces for at least ten years after graduating.<sup>7</sup>

### Developments

In its Concluding Observations on Croatia’s Initial Report on the Optional Protocol, the Committee on the Rights of the Child recommended that violation of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities be explicitly criminalized in legislation and that extraterritorial jurisdiction be established for these crimes when they are committed by or against a citizen of or someone with links to Croatia.<sup>8</sup>

In October 2007 Croatia endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The two documents, which were previously endorsed by 59 states at a February 2007 ministerial meeting in Paris, reaffirmed international standards and operational principles for the protection of and assistance to child soldiers, following a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

- 2 Initial report of Croatia to the UN Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/HRV/1, 11 January 2007.
- 3 Quaker Council for European Affairs, *The Right to Conscientious Objection in Europe, 2005*, www.wri-irg.org.
- 4 Initial report, above note 2.
- 5 Vjesnik On-line, in Croatian, www.vjesnik.hr.
- 6 Initial report, above note 2.
- 7 Croatian Ministry of Defence, www.morh.hr.
- 8 Committee on the Rights of the Child, Consideration of report submitted by Croatia, Concluding observations, UN Doc. CRC/C/OPAC/HRV/CO/1, 5 October 2007.

1 *Amnesty International Report 2007*.

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# CUBA

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## Republic of Cuba

**Population:** 11.3 million (2.7 million under 18)

**Government armed forces:** 49,000

**Compulsory recruitment age:** 16

**Voluntary recruitment age:** 17

**Voting age:** 16

**Optional Protocol:** ratified 9 February 2007

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138

***Sixteen-year-olds were liable for compulsory military service in the armed forces or the police.***

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## Government

### National recruitment legislation and practice

Boys had to register for conscription with the military authorities in the year they turned 16.<sup>1</sup> All male citizens were liable for two years of compulsory military service between 1 January of the year they turned 17 and the last day of the year they turned 28. Men up to the age of 45 were liable for service in the reserve for up to one year. A form of alternative service was available as long as the armed forces were able to maintain military preparedness.<sup>2</sup> The minimum age for voluntary recruitment for both boys and girls was 17.<sup>3</sup>

Compulsory military service could be carried out in the armed forces or the police. “Exempted” conscripts could be granted early release from service or assisted in obtaining a university education on discharge. The government reported that thousands of female volunteers had joined the armed forces.<sup>4</sup> All members of the Communist Youth (*Juventud Comunista*) organization, male and female, were required to do military service, except in cases of physical impediment or need beyond their control.<sup>5</sup>

A new recruitment drive in December 2004 was reported to have been necessary because of a reduction in the number of males available due to a lower birth rate and the shorter period served by university students.<sup>6</sup>

Military preparedness was based on a defence system in place since the 1980s called the “war of all the people” (*guerra de todo el pueblo*). In the event of large-scale external aggression, this would deploy every citizen and all society’s moral and material resources organized into a territorial defensive system to confront the enemy in their own place and ways.<sup>7</sup>

The Youth Labour Army (*Ejército Juvenil del Trabajo, EJT*) was part of the armed forces, and its members were paid a salary. Their activities focused on promotion of social and economic development and the rational use of natural resources, as well as environmental protection.<sup>8</sup>

Territorial troop militias (*milicias de tropas territoriales*) were considered part of the armed forces when on active military service.<sup>9</sup> One million men and women in militia units throughout the country had rapid access to infantry and artillery equipment.<sup>10</sup>

### Military training and military schools

Girls and boys who had completed nine years of basic education and were aged 15 could enter one of 14 Camilo Cienfuegos military schools, which provided pre-university vocational officer training and secondary-school diplomas in sciences and humanities. Graduates were expected to go on to one of the military academies.<sup>11</sup>

There were eight military academies training members of the regular armed forces.<sup>12</sup> The College of National Defence was a postgraduate institution managed by the armed forces for the training of military personnel and civilians responsible for national defence.<sup>13</sup>

Every province had a school for defence preparedness that trained territorial troop militia leaders and municipal, local and regional defence councils. Militias and other bodies regularly participated in “defence days”, when they received military training.<sup>14</sup>

Basic military instruction for defence preparedness was compulsory for pre-university students from age 15.<sup>15</sup>

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## Developments

### International standards

Cuba ratified the Optional Protocol in February 2007. It declared that the minimum age for voluntary recruitment into its armed forces was 17, and that the guarantees and safeguards for this provision were contained in Act No. 75 (the National Defence Act) of 21 December 1994 and Decree-Law No. 224 (the Active Military Service Act) of 15 October 2001.<sup>16</sup>

- 1 Confidential source, March 2007.
- 2 Ley de la Defensa Nacional, No. 75.
- 3 Declaration by Cuba on ratification of the Optional Protocol, 9 February 2007, [www2.ohchr.org](http://www2.ohchr.org).
- 4 Servicio Militar Activo, [www.cubagob.cu](http://www.cubagob.cu).
- 5 “La defensa de la Patria: primer programa de la Revolución”, *Juventud Rebelde*, 4 December 2004, [www.juventudrebelde.cu](http://www.juventudrebelde.cu).

- 6 Gerardo Arreola, “Pide Raúl Castro a rama juvenil del Partido Comunista reforzar su apoyo al reclutamiento militar”, *Revista Opositor*, 9–16 December 2004, [www.elveraz.com](http://www.elveraz.com).
- 7 Guerra de todo el pueblo, Sistema Defensivo Territorial, [www.cubagob.cu](http://www.cubagob.cu).
- 8 Fuerzas Armadas Revolucionarias, Ejército Juvenil del Trabajo, [www.cubagob.cu](http://www.cubagob.cu).
- 9 Fuerzas Armadas Revolucionarias, Milicias de tropas territoriales.
- 10 Preparación para la defensa, Preparación de los Ciudadanos, [www.cubagob.cu](http://www.cubagob.cu).
- 11 Fuerzas Armadas Revolucionarias, Escuelas militares Camilo Cienfuegos.
- 12 Fuerzas Armadas Revolucionarias, Academias militares.
- 13 Preparación para la defensa, Colegio de Defensa Nacional.
- 14 Preparación para la defensa, Escuelas de Preparación para la Defensa, and Preparación de los Ciudadanos.
- 15 Ministerio de Educacion, Estructura de los planes de estudio de la educacion pre-universitaria, [www.rimed.cu/preuniversitario/estructura.asp](http://www.rimed.cu/preuniversitario/estructura.asp).
- 16 Declaration, above note 3.

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## CYPRUS

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### Republic of Cyprus

**Population:** 835,000 (205,000 under 18)

**Government armed forces:** 10,000

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 17 (not confirmed)

**Voting age:** 18

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***The minimum voluntary recruitment age was believed to be 17, but it was not known whether under-18s were serving in the armed forces.***

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### Context

Cyprus had been divided since 1974. The northern part, named the Turkish Republic of Northern Cyprus, remained occupied by Turkish armed forces and was not recognized internationally as a separate state from the Republic of Cyprus, the southern part. A buffer zone patrolled by the UN Peacekeeping Force in Cyprus (UNFICYP) separated the two parts. In April 2004 Greek and Turkish Cypriots took part in separate simultaneous referendums on whether Cyprus should be reunited when it joined the European Union (EU) on the basis of a power-sharing agreement brokered by the UN. A majority of Turkish Cypriots (65 per cent) voted yes, but Greek Cypriots rejected the settlement by a three-to-one majority (76 per cent). As a result, Cyprus remained divided when it joined the EU on 1 May 2004. The whole island was by law an EU member state, but the body of laws that states had to adopt to join the EU was suspended in the north.<sup>1</sup>

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### Government

#### National recruitment legislation and practice

The constitution provided for conscription, stating that “No person shall be required to perform forced or compulsory labour”, but that this should not include “any service of a military character if imposed or, in case of conscientious objectors, subject to their recognition by a law, service exacted instead of compulsory military service” (Article 10).

Conscription was regulated by the National Guard Law, No. 20, of 1964. All male citizens on completion of their eighteenth year and up to the age of 50 were liable on 1 January each year for national service of 25 months’ duration.

Among those exempted from conscription were members of the clergy; the only or eldest son of a family whose father or brother died or went missing during national service or during or after the 1974 Turkish invasion; and members of the Maronite, Armenian and Latin (Roman Catholic) communities. Military service could be reduced in a number of cases, including to 13 months for orphans and the eldest sons of large families and to 21 months for conscripts with only one living parent. Women could enlist as volunteers on a contract for an initial duration of three years that could be renewed for subsequent three-year periods.<sup>2</sup>

The UN Committee on the Rights of the Child in 2003 noted that it was possible to volunteer for military service from the age of 17 in 2003, and expressed concern that under-18s could be deployed, since no distinction was made between the ages for recruitment and for deployment. The Committee encouraged Cyprus to clarify the minimum age for voluntary recruitment and to ensure that no one under 18 was deployed as a combatant to armed conflicts.<sup>3</sup>

### **Military training and military schools**

No information was available on military training and schools. However, male and female graduates of military schools in Greece could become officers of the National Guard.<sup>4</sup>

## **Developments**

At a February 2007 ministerial meeting in Paris, Cyprus and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

## **Turkish Republic of Northern Cyprus**

**Population:** 201,000<sup>5</sup>

**Government armed forces:** not known

**Compulsory recruitment age:** 19

**Voluntary recruitment age:** 17

**Voting age:** 18

**Treaties ratified:** not applicable

***The minimum voluntary recruitment age was 17, but it was not known whether under-18s were serving in the armed forces.***

## **Government**

### **National recruitment legislation and practice**

Under the constitution, all citizens were liable for military service: “National service in the armed forces shall be the right and sacred duty of every citizen” (Article 74).<sup>6</sup>

The legal basis for conscription was the Military Service Law, No. 59, of 2000. All citizens were liable for compulsory military service from the age of 19. The length of service ranged from 8 to 15 months. Those considered Turkish Cypriot citizens because of their parents’ origin but who resided abroad could qualify for shorter terms. Recruits planning to go into university education could defer or bring forward their service.<sup>7</sup> The minimum age for voluntary recruitment was 17, provided that the recruit had parental consent (Article 18).

### **Military training and military schools**

There were no military schools.<sup>8</sup>

- 1 UK Foreign and Commonwealth Office, Country Profile, [www.fco.gov.uk](http://www.fco.gov.uk).
- 2 Republic of Cyprus Press and Information Office, “Cyprus National Guard”, 2005, at CyprusNet, [www.cyprusnet.com](http://www.cyprusnet.com).
- 3 UN Committee on the Rights of the Child, Consideration of report submitted by Cyprus, Concluding observations, UN Doc. CRC/C/15/Add.205, 2 July 2003.
- 4 Republic of Cyprus Press and Information Office, “Cyprus National Guard”, 2005.
- 5 North Cyprus Online, Demographic Information, <http://www.northcyprusonline.com>.
- 6 The Constitution of the Turkish Republic of Northern Cyprus, [www.cypnet.com](http://www.cypnet.com).
- 7 Guvenlik Kuvvetleri Komutanligi, “Obligation of military service”, [www.mucahit.net](http://www.mucahit.net).
- 8 Information from Office of the Representative of the Turkish Republic of Northern Cyprus, London, 2004.



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# CZECH REPUBLIC

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## Czech Republic

**Population:** 10.2 million (1.9 million under 18)

**Government armed forces:** 24,800

**Compulsory recruitment age:** 18 (conscription phased out by 2005)

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 30 November 2001

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182

*There were no reports of under-18s in the armed forces.*

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## Government

### National recruitment legislation and practice

Conscription ended in December 2004, with the last conscripts due to leave the Czech army that month.<sup>1</sup> As of 1 January 2005, compulsory recruitment would only occur in a state of “national danger” or war.<sup>2</sup> All men between the ages of 18 and 28 had previously been liable for compulsory military service.<sup>3</sup> Men and women who were at least 18 could volunteer for military service under the terms of Act 221/1999 on Regular Soldiers. Act 585/2004 allowed those over 18 to volunteer for the Active Reserve.<sup>4</sup>

The government reported to the UN Committee on the Rights of the Child in 2005 that the state’s security was ensured by the armed forces and security corps, that no member of these forces could be under 18 years old, and that this age limit could not be lowered in any crisis situations.<sup>5</sup>

### Military training and military schools

Some military secondary schools were downsized and stopped admitting new pupils in the academic year 2003–4; these were the school in Vyskov which trained specialists for the artillery and engineer corps, the school in Brno which provided warrant officer training and the Military Conservatory for military musicians.<sup>6</sup> The schools in Vyskov and in Brno closed in 2006 and the Military Conservatory was due to close by the end of August 2008. The military education system currently comprised the Military High School and High Technical School of the Ministry of Defence at Moravska Trebova, the University of Defence in Brno, and the Educational and Training Centre of the Ministry of Defence at Komorni Hradek.<sup>7</sup>

The minimum age for enrolment in a military secondary-school was 15. The government reported to the UN Committee on the Rights

of the Child in 2005 that under-18s could enter military secondary-schools, and that they provided four years of general education and “education and training for duties on the warrant officer level, training for a chosen specialization, as well as full secondary vocational and technical education”. The government also reported that “Students entering military schools are not soldiers and do not become soldiers in the course of study. This rule would continue to apply in crisis situations: teachers-soldiers would be detailed to other duties and the schools temporarily closed down. Military school graduates do not incur any financial or other obligations towards the armed forces. There is no pressure on the students to apply for regular army jobs.”<sup>8</sup>

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## Developments

In its Concluding Observations on the government’s initial report on the Optional Protocol, the Committee on the Rights of the Child recommended that the provisions in the draft Criminal Code be strengthened so that the criminalization of the recruitment of children in armed forces is not limited to recruitment in times of war or armed conflict. The Committee further recommended that the involvement of children in hostilities be explicitly made a crime subject to the principle of universality.<sup>9</sup>

At a February 2007 ministerial meeting in Paris, the Czech Republic and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

### International standards

The Czech Republic ratified the ILO Minimum Age Convention 138 in April 2007.

- 1 “Bill brings end to nearly 140 years of compulsory military service”, Radio Prague, 24 September 2004, [www.radio.cz](http://www.radio.cz).
- 2 Initial report of the Czech Republic to the UN Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/CZE/1, 15 August 2005.
- 3 Bart Horeman and Marc Stolwijk, *Refusing to Bear Arms: A world survey of conscription and conscientious objection to military service*, War Resisters International, 1998, [www.wri-irg.org](http://www.wri-irg.org).
- 4 Information from the embassy of the Czech Republic in the UK, 28 June 2007.
- 5 Initial report, above note 2.

- 6 Ibid.
- 7 Ministry of Defence, Military Education, [www.army.cz](http://www.army.cz).
- 8 Initial report, above note 2.
- 9 Committee on the Rights of the Child, Consideration of report submitted by the Czech Republic, Concluding observations, UN Doc. CRC/C/OPAC/CZE/CO/1, 21 June 2006.

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## DENMARK

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### Kingdom of Denmark

**Population:** 5.4 million (1.2 million under 18)

**Government armed forces:** 21,700

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 27 August 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

*There were no reports of under-18s in the armed forces.*

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### Government

#### National recruitment legislation and practice

The obligation to perform military service was set out in Article 81 of the 1953 constitution and the 1980 National Service Act.<sup>1</sup> According to the Danish Defence Personnel Organization, men and women between the ages of 18 and 30 were liable for conscription.<sup>2</sup> The 1998 Ministry of Defence Order No. 1083 stipulated that no one under the age of 18 could be conscripted or could volunteer for service in the armed forces. This minimum age of 18 also applied to joining the volunteer Home Guard, in keeping with the provisions of the 2004 Home Guard Act.<sup>3</sup> The 1987 Civilian Service Act (amended in 1992 and 1998) provided for an alternative service for conscientious objectors – with the length of alternative service matching that of military service.<sup>4</sup>

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### Developments

In its November 2005 Concluding Observations on Denmark's initial report to the UN Committee on the Rights of the Child concerning implementation of the Optional Protocol, the Committee expressed concern that the government had failed to follow reporting guidelines and had not included relevant legislation with its submission. The report also failed to include information regarding assistance for the physical and psychological recovery of former child soldiers and dissemination of the Optional Protocol and its incorporation into training programs for relevant professionals.<sup>5</sup>

At a February 2007 ministerial meeting in Paris, Denmark and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and

operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

- 1 Quaker Council for European Affairs, *The Right to Conscientious Objection to Military Service in Europe: A Review of the Current Situation*, April 2005.
- 2 Information from the Danish Defence Personnel Organization, October 2007.
- 3 Initial report of Denmark to the UN Committee on the Rights of the Child on the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, UN Doc. CRC/C/OPAC/DNK/1, 21 April 2005.
- 4 *Right to Conscientious Objection*, above note 1.
- 5 Committee on the Rights of the Child, Consideration of initial report submitted by Denmark on implementation of the Optional Protocol, Concluding observations, UN Doc. CRC/C/OPAC/DNK/Co/1, 24 November 2005.

## DJIBOUTI

### Republic of Djibouti

**Population:** 793,000 (383,000 under 18)

**Government armed forces:** 11,000

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** signed 14 June 2006

**Other treaties ratified (see glossary):**

CRC, GC AP 1 and 2, ICC, ILO 138, ILO 182

***There were no reports of under-18s in the armed forces.***

### Context

Djibouti had experienced no armed conflict since the signature in May 2001 of a final peace agreement between the government and the armed faction of the Front for the Restoration of Unity and Democracy (Front pour la restauration de l'unité et de la démocratie, FRUD).<sup>1</sup>

France provided significant amounts of aid and financial support. Some 2,700 French troops remain stationed in Djibouti under agreements signed at independence. Djibouti also hosted 1,800 US troops and was the headquarters of the US-led Combined Joint Task Force – Horn of Africa (CJTF–HOA) which supported counter-terrorism activities in the region.<sup>2</sup>

### Government

#### National recruitment legislation and practice

The constitution stated that “the defence of the Nation and the territorial integrity of the Republic is the sacred duty for every Djiboutian citizen”. There was no compulsory military service, and the minimum age for voluntary recruitment was 18.<sup>3</sup> A voluntary national service program, the Service national adapté (SNA), which accepted volunteers between the ages of 17 and 25, continued to operate. One of the stated aims of the SNA was to assist unqualified young people by providing them with professional training with the Djiboutian armed forces. During the two-year training, recruits were subject to military discipline and on its completion were given priority for jobs. There was no obligation or expectation that recruits would remain with the armed forces,<sup>4</sup> and military training could form no more than 30 per cent of training provided. Military activities covered by the SNA included participation in operations to help the public in cases of natural or industrial disasters and activities relating to guarding military installations.<sup>5</sup>

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## Developments

During the 1991–4 conflict, both government forces and the FRUD used landmines. The government declared the country to be “mine safe” in January 2004 following a five-year de-mining program. However, in February 2004 the Minister of Foreign Affairs reportedly acknowledged that more work was needed if Djibouti were to be mine-free by March 2009. Three girls were reportedly injured by a mine in September 2004.<sup>6</sup>

A UN Security Council committee repeatedly reported that several countries, including Djibouti, were violating an arms embargo on Somalia by providing military support to an armed group, the Union of Islamic Courts (UIC). Djibouti was specifically accused of supplying military uniforms and medicines, which it denied.<sup>7</sup> The UIC was responsible for significant levels of new recruitment and training of children in Somalia, some as young as ten, in late 2006.<sup>8</sup>

Djibouti signed the Optional Protocol in June 2006<sup>9</sup> and ratified the International Labour Organization’s Worst Forms of Child Labour Convention 182 in February 2005.<sup>10</sup>

- 1 US Department of State, Bureau of African Affairs, Background Note: Djibouti, January 2008, [www.state.gov](http://www.state.gov).
- 2 UK Foreign and Commonwealth Office, Country Profiles, Djibouti, 2007, [www.fco.gov.uk](http://www.fco.gov.uk).
- 3 Initial report of Djibouti to the UN Committee on the Rights of the Child, UN Doc. CRC/C/8/Add.39, 3 August 1998.
- 4 *Journal officiel de la République de Djibouti*, Décret N. 2003-0240/PRE portant création du Service national adapté, 17 December 2003, [www.presidence.dj](http://www.presidence.dj).
- 5 *Journal officiel de la République de Djibouti*, Arrêté No. 2003-0914/PR/MDN portant organisation et modalités de fonctionnement du Service national adapté, 21 December 2003, [www.presidence.dj](http://www.presidence.dj).
- 6 Landmine Monitor Report 2006, Djibouti, [www.icbl.org](http://www.icbl.org).
- 7 UN Security Council, Report of the Monitoring Group on Somalia pursuant to Security Council resolution 1676 (2000), UN Doc. S/2006/913, 22 November 2006.
- 8 UN Security Council, Report of the Secretary-General on Children and Armed Conflict, UN Doc. A/61/529-S/2006/826, 26 October 2006.
- 9 Declaration on accession to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).
- 10 International Labour Organisation, Worst Forms of Child Labour Convention C 182, 1999, [www.ilo.org](http://www.ilo.org) (iloex database).

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# DOMINICAN REPUBLIC

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## Dominican Republic

**Population:** 8.9 million (3.5 million under 18)

**Government armed forces:** 24,500

**Compulsory recruitment age:** no conscription in peacetime

**Voluntary recruitment age:** 16

**Voting age:** 18

**Optional Protocol:** signed 9 May 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***The minimum age for voluntary recruitment was 16.***

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## Government

### National recruitment legislation and practice

Under the Armed Forces Law, enlistment into the armed forces was compulsory in times of war or serious public disorder, and voluntary in peacetime. The minimum age to be a member of the armed forces was 16.<sup>1</sup> However, the government reported to the UN Committee on the Rights of the Child in 2007 that the minimum age for voluntary recruitment was 18.<sup>2</sup>

### Military training and military schools

The Armed Forces Superior Studies Specialized Institute (Instituto Especializado de Estudios Superiores de las Fuerzas Armadas, IEESFA) was established in 2005 to centralize all military training and instruction. It grouped eight military academies and institutes, including the Military Institute of Human Rights and International Humanitarian Law. Its courses had to be approved by the Ministry of Higher Education, and its procedures and methodology had to promote and defend democratic values, emphasizing respect and protection of human rights and a culture of peace.<sup>3</sup>

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## Developments

In May 2005 thousands of Haitians and Dominicans of Haitian origin were expelled across the border to Haiti.<sup>4</sup> In September 2005 the Inter-American Court of Human Rights found the state’s application of nationality laws and regulations to be discriminatory in the case of two girls of Haitian descent, born in the Dominican Republic, who had been denied Dominican nationality.<sup>5</sup>

- 1 Ley Orgánica de las Fuerzas Armadas.
- 2 Second periodic report of Dominican Republic to the UN Committee on the Rights of the Child, UN Doc. CRC/C/DOM/2, 16 July 2007.
- 3 Decreto No. 146-05, "Que crea el Instituto Especializado de Estudios Superiores de las Fuerzas Armadas (IEESFA)".
- 4 Jesuit Refugee Service, "República Dominicana: Autoridades dominicanas expulsan en masa a miles de haitianos y dominicanos de ascendencia haitiana", 16 May 2005, www.jrs.net.
- 5 *Amnesty International Report 2006*; Inter-American Court of Human Rights, *Case of the Girls Yean and Bosico v. Dominican Republic*, Judgment of 8 September 2005, Series C No. 130, www.corteidh.or.cr.

## ECUADOR

### Republic of Ecuador

**Population:** 13.2 million (5.1 million under 18)

**Government armed forces:** 56,500

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 17

**Voting age:** 18

**Optional Protocol:** ratified 7 June 2004

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***The minimum age for voluntary recruitment was 17. Very few Colombian former child soldiers benefited from assistance in Ecuador.***

### Context

The Colombian armed conflict continued to affect Ecuador profoundly, with a marked increase in incursions by Colombian armed groups, thousands of asylum seekers, and smuggling and violence in border areas, as well as health concerns related to coca-eradication by means of spraying with glyphosate.<sup>1</sup> Ecuador maintained a position of non-interference in the armed conflict in Colombia.<sup>2</sup>

Between 2000 and 2006, 700 killings were reported in Sucumbíos province, near the border with Colombia, as a result of the increased militarization of the area. None had been investigated by the authorities.<sup>3</sup> The victims included civilian men, women and children.<sup>4</sup>

There were approximately 250,000 Colombian asylum seekers in Ecuador. In 2006 between 600 and 700 Colombians requested asylum each month.<sup>5</sup>

### Government

#### National recruitment legislation and practice

According to the Law on Military Service, military age started at 18, when males had to fulfil their duties as determined by law, while women could be called up if required by national defence needs.<sup>6</sup> Married men, household heads, members of religious orders, the disabled, prisoners, military and police cadets, students at military schools and Ecuadoreans abroad were exempted from military service.<sup>7</sup>

At the age of 17 all males were required to register with the military authorities and then selected to serve through a lottery system. On turning 18 they were enlisted into active service in three batches, in February, May and August.<sup>8</sup> Military service lasted for nine months but could

also be performed for shorter and more intensive periods.<sup>9</sup> In 2007 nearly 5,000 18-year-olds were due to join active service.<sup>10</sup> Recruits received uniforms, meals and a monthly stipend, as well as literacy, vocational and academic instruction.<sup>11</sup>

Those who had not been selected to join active service were at the age of 19 included in the Civil Defence Auxiliary Units (Unidades Auxiliares de la Defensa Civil) at their places of residence for a fixed time determined by law.<sup>12</sup>

Every male aged 18–55 had to have his military passbook (*libreta militar*) to work, study or travel abroad or to obtain his university degree or driver's licence. Ecuadorean males wishing to travel abroad paid a “military compensation”: those who did not do military service paid US\$32, exempted men \$20 and former conscripts \$5.<sup>13</sup>

All male and female nationals and residents aged 18–60 and regardless of their family circumstances were required to participate in national mobilization in case of necessity. National mobilization included military, civilian and economic mobilization.<sup>14</sup>

In June 2007, following a prolonged campaign by human rights non-governmental organizations (NGOs), the Constitutional Court declared Articles 88 and 108 of the Compulsory Military Service Law to be unconstitutional. Article 88 established penalties for those not fulfilling military service obligations, including being unable to register for university, run for public office and travel abroad, while Article 108 provided that objectors had to do alternative service inside military units.<sup>15</sup>

Volunteers for the navy had to be at least 17 and to have completed secondary education.<sup>16</sup>

The Resistance Forces (Fuerzas de Resistencia) were made up of civilians organized, trained and equipped by the army as a reserve force, to support military activities in civil defence, first aid and environmental protection. At the end of 2006 the Resistance Forces had 1,600 members.<sup>17</sup>

The National Police was an auxiliary force, assisting in the maintenance of internal security and defence.<sup>18</sup>

## Military training and military schools

Individuals wishing to become professional soldiers underwent a practical and technical course, including jungle training, and were then given a three-year contract.<sup>19</sup>

Students at the Army Polytechnic Superior School and the Naval University obtained nationally recognized tertiary-level degrees on graduating. Human rights courses were incorporated throughout the military educational system.<sup>20</sup>

The air force had five primary and secondary-schools (Ecuadorian Air Force Experimental Educational Units, Unidades Educativas Experimentales de la Fuerza Aérea Ecuatoriana, UEFAE) throughout Ecuador accepting children from grade 1 (typically age six).<sup>21</sup>

Secondary school students in the fifth year

(usually age 16) were required to participate in community service programs organized by the Ministry of Education, such as teaching literacy and undertaking cultural promotion and civil defence activities.<sup>22</sup> As part of this program, students could volunteer to attend military instruction every Saturday morning from November to June as members of the Voluntary Military Student Instruction and Community Support Program (Instrucción Militar Estudiantil Voluntaria y Apoyo a la Comunidad).<sup>23</sup>

## Armed groups

During 2005 and 2006 Colombian military forces and armed groups reportedly entered Ecuador's border areas.<sup>24</sup> In April 2007 eight men and one woman, presumed members of the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC), were detained in Cuembí and Sansahuari, Sucumbíos province, Ecuador, by members of the Ecuadorean armed forces.<sup>25</sup>

Although Ecuador had no official records of Colombian children and young people formerly involved in the armed conflict in Colombia, most organizations working with children and adolescents believed that there could be dozens of Colombian former child combatants in Ecuador and hundreds more who had crossed the border when faced with the threat of recruitment.<sup>26</sup>

## Disarmament, demobilization and reintegration (DDR)

Between 2004 and 2006 around 7,500 people requested asylum each year.<sup>27</sup> It was estimated that 27 per cent of asylum seekers were under 18.<sup>28</sup> Although the 2002 Children's and Youth Code had a stated policy of protection of children in the event of disaster or armed conflict,<sup>29</sup> there were no special protection policies for refugee children.<sup>30</sup> Data was scarce and incomplete and the government did not keep its own statistics.<sup>31</sup>

Only a very few demobilized Colombian children were known to have benefited from reception programs in Ecuador. Most young Colombians did not admit to being combatants because of the stigma attached to it, as well as fear of being denied asylum.<sup>32</sup>

## Developments

In September 2005, on considering Ecuador's consolidated second and third report, the UN Committee on the Rights of the Child reiterated its concern over the high number of victims of violence and displacement, and the health and environmental effects of spraying of illegal crops.<sup>33</sup>

## International standards

Ecuador ratified the Optional Protocol on 7 June 2004. Its declaration stated that under the constitution military service was compulsory, commencing at 18 years of age, with provision for alternative service for conscientious objectors.<sup>34</sup>

- 1 Ministerio de Defensa Nacional, Directiva de Defensa Nacional, 2 September 2005, <http://midena.gov.ec>.
- 2 “‘Ecuador no se entrometerá en conflicto armado de Colombia’, reitera su Ministra de Defensa”, *El Tiempo* (Colombia), 14 March 2007, [www.eltiempo.com](http://www.eltiempo.com).
- 3 Centro por la Justicia y el Derecho Internacional (CEJIL), “CEJIL y organizaciones ecuatorianas denuncian ante la CIDH la violencia e impunidad en la frontera de Ecuador y Colombia”, 25 October 2006, [www.cejil.org](http://www.cejil.org).
- 4 *Amnesty International Report 2007*.
- 5 Noticias ACNUR, “Misión del Alto Comisionado a Ecuador y Colombia”, 9 March 2007, [www.acnur.org](http://www.acnur.org).
- 6 Communication to Child Soldiers Coalition from Ecuadorean embassy, London, 10 May 2007.
- 7 “Se acuartelarán la próxima semana”, *La Hora*, 12 February 2007, [www.lahora.com.ec](http://www.lahora.com.ec).
- 8 Ministerio de Defensa Nacional, Resumen de Noticias, 25 March 2007.
- 9 Facultad Latinoamericana de Ciencias Sociales (FLACSO), Programa Seguridad y Ciudadanía, *Reporte del Sector Seguridad en América Latina y el Caribe, Informe Nacional: Ecuador*, August 2006, [www.flacso.cl](http://www.flacso.cl).
- 10 Resumen de Noticias, above note 8.
- 11 “Se acuartelarán la próxima semana”, above note 7.
- 12 Ley de Seguridad Nacional, at <http://midena.gov.ec> (Información institucional, Seguridad nacional).
- 13 Ministerio de Defensa Nacional, “Obtener la libreta militar”, 17 April 2007.
- 14 Ley de Seguridad Nacional.
- 15 Serpaj (Servicio Paz y Justicia) Ecuador, “Pasemos la voz: ni un joven más al servicio militar”, 2 July 2007, [www.serpaj.org.ec](http://www.serpaj.org.ec); Ley de Servicio Militar Obligatorio en las Fuerzas Armadas Nacionales, Articles 88 and 108.
- 16 Armada de la República del Ecuador, Ingreso a la Armada, Tripulantes, [www.armada.mil.ec](http://www.armada.mil.ec).
- 17 Ministerio de Defensa Nacional, “Fuerzas de resistencia conmemoran aniversario”, 22 January 2007.
- 18 Ley Orgánica de las Fuerzas Armadas, Ley No. 109. RA/1990, at <http://midena.gov.ec>.
- 19 FLACSO, *Informe Nacional*, above note 9.
- 20 Ministerio de Defensa Nacional, Libro Blanco de la Defensa, Capítulo V, Sistema de la Defensa Nacional, “Educación”.
- 21 Fuerza Aérea Ecuatoriana, Apoyo al Desarrollo, Educación, [www.fuerzaaereaecuadoriana.org](http://www.fuerzaaereaecuadoriana.org).
- 22 Ministerio de Educación, “En vigencia reglamento sustitutivo de participación estudiantil”, 21 July 2006, [www.educacion.gov.ec](http://www.educacion.gov.ec).
- 23 Colegio Mixto Isaac Newton, [www.isaacnewton.edu.ec](http://www.isaacnewton.edu.ec).
- 24 *Amnesty International Report 2006 and 2007*.
- 25 Ministerio de Defensa Nacional, “Militares ecuatorianos capturaron a ocho presuntos miembros de las FARC en la frontera norte”, Boletín No. 26, 25 April 2007.
- 26 Coalition interview with Simone Schwartz, UNHCR Ecuador, 10 January 2006.
- 27 Ministerio de Defensa, Plan Ecuador.
- 28 Cladem Ecuador, *Alternative report to the Convention on Children’s Rights, Period: 1996–2002*, November 2004, [www.crin.org](http://www.crin.org).
- 29 Consolidated second and third periodic reports of Ecuador to the UN Committee on the Rights of the Child, UN Doc. CRC/C/65/Add.28, 15 July 2004.
- 30 Foro Ecuatoriano permanente de organizaciones por y con los Niños, Niñas y Adolescentes, *El Cumplimiento de la Convención sobre los derechos del niño en el Ecuador: 15 años después*, 16 May 2005, [www.crin.org](http://www.crin.org).
- 31 Respuestas escritas del Gobierno del Ecuador al Comité de los Derechos del Niño, UN Doc. CRC/C/RESP/86, 2 May 2005.
- 32 Coalition interview with social worker from Tulcán (Ecuador), 25 February 2005.
- 33 Committee on the Rights of the Child, Consideration of combined second and third reports submitted by Ecuador, Concluding observations, UN Doc. CRC/C/15/Add.262, 13 September 2005.
- 34 Declaration on accession to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).

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# EGYPT

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## Arab Republic of Egypt

**Population:** 74.0 million (29.7 million under 18)

**Government armed forces:** 468,500

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 16

**Voting age:** 18

**Optional Protocol:** acceded 6 February 2007

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182, ACRWC

***Military service remained compulsory for men aged between 18 and 30, and the minimum age for voluntary recruitment remained 16.***

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## Context

In April 2006 the government renewed for an additional two years the Emergency Law (Law No. 162 of 1958), which allowed for the trial of civilians before military and state security courts.<sup>1</sup> New armed political groups emerged, such as the Tawhid wa-l-Jihad (Unity and Holy War), accused by the government of being responsible for bombings in the Sinai Peninsula which left hundreds of civilians killed and injured between 2004 and 2006.<sup>2</sup> Members of al-Gama'a al-Islamiya (Islamic Group), which renounced violence in late 1997, were reported to have forged links with al-Qaeda in 2006, although this was denied by its leadership.<sup>3</sup> There were no reports of under-18s in these groups.

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## Government

### National recruitment legislation and practice

Major constitutional amendments in March 2007 did not affect military service, which, in accordance with Article 58 of the constitution and Article 1 of the 1980 Military and National Service Act, remained compulsory for men aged between 18 and 30. Standard military service lasted three years; lesser terms were stipulated for those with certain types of education, such as higher education graduates.

The minimum age for voluntary recruitment into the armed forces remained 16. In its declaration on accession to the Optional Protocol in February 2007, the government stated that "in accordance with its current laws the minimum age for conscription into the armed forces of Egypt is 18 years and the minimum age for voluntary recruitment into the armed forces is 16 years. The Arab Republic of Egypt is committed to ensuring that voluntary recruitment

is genuine and entirely willing, with the informed consent of the parents or legal guardians after the volunteers have been fully informed of the duties included in such voluntary military service and based on reliable evidence of the age of volunteers."<sup>4</sup>

### Military training and military schools

Military training for recent secondary school graduates was provided in some military academies, such as the Air Defence Academy and the Egyptian Naval College in Alexandria, the Egyptian Air Academy in the Sharqiya Governorate and the Armed Forces Technical Institute.<sup>5</sup> Children aged between 11 and 15 could be accepted in certain military schools provided that they had completed their primary school education.<sup>6</sup>

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## Developments

In December 2005 police violently dispersed more than 2,500 Sudanese refugees and migrants who had been staging a peaceful sit-in near the office of the UN refugee agency UNHCR in Cairo since the previous September. As a result, at least 27 Sudanese nationals, including several children, were killed and others were injured.<sup>7</sup>

### International standards

Egypt acceded to the Optional Protocol on 6 February 2007.<sup>8</sup>

- 1 "Egypt", *Human Rights Watch World Report 2008*.
- 2 International Crisis Group, "Egypt's Sinai Question", 30 January 2007, [www.crisisgroup.org](http://www.crisisgroup.org).
- 3 "Egyptian group denies Al-Qaeda tie-up", Al-Jazeera, 11 August 2006, <http://english.aljazeera.net>.
- 4 Declaration on accession to Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).
- 5 Egyptian armed forces website, <http://www.mmc.gov.eg>.
- 6 Law 122 (1982) on Establishing Elementary Technical Military Schools, Article 14.
- 7 "Egypt", *Amnesty International Report 2007*; "Egypt must probe Cairo violence", BBC News, 31 December 2005.
- 8 See [www2.ohchr.org](http://www2.ohchr.org).



# EL SALVADOR

## Republic of El Salvador

**Population:** 6.9 million (2.8 million under 18)

**Government armed forces:** 15,500

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 16

**Voting age:** 18

**Optional Protocol:** ratified 18 April 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182

***Military service was compulsory for 18-year-olds. There were no under-18s in the armed forces.***

## Context

Harsh anti-gang laws and law enforcement measures were used against gangs (*maras*). There were an estimated 10,500 gang members in El Salvador, with connections to other Central American countries and the USA.<sup>1</sup> In 2004 the National Council for Public Security started implementing a Safe Country plan, the Super Heavy Hand (*Mano Súper Dura*) policy.<sup>2</sup> Members of the armed forces patrolled with the civilian police. **Children were blamed for increasing criminal violence**, although of the 300,000 suspects detained between 2000 and 2006, fewer than 6 per cent were under 18. **Human rights organizations accused the government of the arbitrary detention of hundreds of youths under the security policy.**<sup>3</sup> **Some 43 per cent of under-18s were held without proof of illegal association.**<sup>4</sup>

The UN Committee on the Rights of the Child called on El Salvador to abrogate its second Anti-gang Law of April 2004 and to apply the Juvenile Offenders Act as the only legal instrument in the area of juvenile justice.<sup>5</sup> **The authorities considered lowering the age of criminal responsibility to 12, with penalties ranging from therapy to custody in a juvenile detention centre.**<sup>6</sup>

In March 2005 the Inter-American Court of Human Rights requested El Salvador to establish a national commission to determine the whereabouts of children who had disappeared during the 1980–91 armed conflict.<sup>7</sup> Children had been abducted and given to families in other countries for illegal adoptions. In September 2005 the Ministry of Foreign Affairs referred the case of the Serrano Cruz sisters, on which the Court's decision was based, for investigation.<sup>8</sup>

In September 2005 the governments of El Salvador and the USA signed an agreement to establish an International Law Enforcement Academy (ILEA) to train police officers,

prosecutors and judges in the region on drug-enforcement and counter-terrorism practices.<sup>9</sup>

## Government

### National recruitment legislation and practice

The constitution provided for compulsory military service for all nationals aged 18–30 (Article 215).

Individuals had to enrol on the military register within one month of turning 17, but only 18-year-olds could be called up. The Armed Forces (Military and Reserves Service) Act stated that “Salvadorans over 16 years of age may voluntarily submit to the Recruitment and Reserves Department or its subsidiary offices an application to perform military service, and the Department shall accept them according to the needs of the service”.<sup>10</sup> El Salvador's declaration on ratification of the Optional Protocol stated that such applications required parental consent. However, there was a permanent order from the General Staff of the Armed Forces “to refrain from accepting minors among newly recruited personnel”.<sup>11</sup>

The Committee on the Rights of the Child recommended that El Salvador explicitly prohibit by law the voluntary recruitment of 16- and 17-year-olds, to reflect current practice, and the recruitment of children under the age of 15, into armed forces or groups. It also recommended the prohibition of under-18s directly participating in hostilities. The government told the Committee that legal reforms were under way to raise the minimum age of voluntary recruitment from 16 to 18.<sup>12</sup>

### Military training and military schools

Candidates for the Capitán General Gerardo Barrios Military School had to be aged 17–22 and to have completed their secondary education.<sup>13</sup> In 2005 there were four 17-year-olds attending the school – three males and one female. The five-year curriculum of military and academic subjects, approved by the Ministry of Education, included study of the international law of armed conflict and human rights. Most teachers were military officers.<sup>14</sup>

### Disarmament, demobilization and reintegration (DDR)

In 2006 the government reported that former members of the Farabundo Martí National Liberation Front (*Frente Farabundo Martí para la Liberación Nacional, FMLN*), who were 15 and 16 in January 1992 and who had not benefited from a land program agreed between the government and the FMLN, had received educational and technical training.<sup>15</sup> According to official statistics, 152 children had opted to return to school, while 97 had chosen technical

training. Only nine children had successfully been incorporated into the educational system and just one had completed the course of studies. During the armed conflict an estimated 2,000 children served in the FMLN, and 80 per cent of recruits in the government armed forces were under 18.<sup>16</sup>

In 2006 the Committee on the Rights of the Child criticized the lack of information on measures and the program adopted with regard to former child soldiers and children affected by the armed conflict.<sup>17</sup>

- 1 USAID, Central America and Mexico Gang Assessment, April 2006, [www.usaid.gov](http://www.usaid.gov).
- 2 Pais Seguro: Plan de gobierno 2004–2009, [www.servicios.gob.sv](http://www.servicios.gob.sv).
- 3 Centro por la Justicia y el Derecho Internacional (CEJIL), “Políticas de seguridad salvadoreñas violan derechos humanos de la niñez y adolescencia”, 7 March 2007, [www.cejil.org](http://www.cejil.org).
- 4 Comunidad Segura, “Toward a national youth policy in El Salvador”, 24 October 2006, [www.comunidadsegura.org](http://www.comunidadsegura.org).
- 5 UN Committee on the Rights of the Child, Consideration of second periodic report submitted by El Salvador, Concluding observations, UN Doc. CRC/C/15/Add.232, 30 June 2004.
- 6 Ministry of Interior, Proyecto de Reformas a la Ley Penal Juvenil, [www.gobernacion.gob.sv](http://www.gobernacion.gob.sv).
- 7 Inter-American Court of Human Rights, *Case of Serrano-Cruz Sisters v. El Salvador*, Judgment of 1 March 2005, Series C, No. 120, [www.corteidh.or.cr](http://www.corteidh.or.cr).
- 8 Written replies by the Government of El Salvador to the Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/SLV/Q/1/Add.1, 12 May 2006.
- 9 Gobierno de El Salvador, Noticias y Eventos, “El Salvador quinto país del mundo en contar con ILEA”, 21 September 2005, [www.gobernacion.gob.sv](http://www.gobernacion.gob.sv).
- 10 Initial report of El Salvador to the Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/SLV/1, 15 August 2005.
- 11 Ibid.
- 12 Committee on the Rights of the Child, Consideration of report submitted by El Salvador on implementation of the Optional Protocol, Concluding observations, UN Doc. CRC/C/OPAC/SLV/CO/1, 2 June 2006.
- 13 Escuela Militar, “Cap. Gral. Gerardo Barrios”, [www.escmilitar.edu.sv](http://www.escmilitar.edu.sv).
- 14 Initial report, above note 10.
- 15 Written replies, above note 8.
- 16 Child Soldiers Coalition, “El Salvador: Children in the Farabundo Martí National Liberation Front (FMLN) and the Armed Forces of El Salvador (FAES)”, July 2006.
- 17 Concluding observations, above note 12.

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# EQUATORIAL GUINEA

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## Republic of Equatorial Guinea

**Population:** 504,000 (257,000 under 18)

**Government armed forces:** 1,300

**Compulsory recruitment age:** not established

**Voluntary recruitment age:** 18

**Voting age:** 18<sup>1</sup>

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182, ACRWC

***Although obligatory by law, in practice military service was voluntary. Only men over 18 years old could volunteer for military service.***

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## Government

### National recruitment and legislation

The constitution stated that military service is compulsory and “regulated by law”.<sup>2</sup> However, no law was enacted to regulate military service and recruitment and, in practice, military service was voluntary. The government periodically called on men over 18 years of age to enlist voluntarily in the armed forces for a minimum two-year period. There were no reports of recruitment of under-18s.<sup>3</sup>

The 1990 Labour Act regulated child labour and set the minimum legal age for employment at 14, although 12-year-olds were permitted to work in certain jobs; it also stated that the minimum age for admission to employment “which by its nature or owing to the conditions under which it is performed may place at risk the health, safety or morals of children shall be 16 years”.<sup>4</sup> In practice, however, the law was seldom enforced.

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## Developments

In its concluding observations on Equatorial Guinea’s initial report to the UN Committee on the Rights of the Child, the Committee recommended that the government ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.<sup>5</sup>

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1 CIA, *World Factbook*.

- 2 B. Horeman and M. Stolwijk, *Refusing to Bear Arms: A World Survey of Conscription and Conscientious Objection to Military Service*, War Resisters International, London, 1998, www.wri-irg.org/; Report of the UN Secretary-General to UN Commission on Human Rights on civil and political rights, including the question of conscientious objection to military service, UN Doc. E/CN.4/2000/55, 17 December 1999.
- 3 Confidential source, July 2007.
- 4 Initial Report of Equatorial Guinea to the UN Committee on the Rights of the Child, UN Doc. CRC/C/11/Add.26, 28 January 2004.
- 5 Committee on the Rights of the Child, Consideration of report submitted by Equatorial Guinea, Concluding observations, UN Doc. CRC/C/15/Add.245, 3 November 2004.

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## ERITREA

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### State of Eritrea

**Population:** 4.4 million (2.3 million under 18)

**Government armed forces:** 201,800

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18

**Voting age:** 18<sup>1</sup>

**Optional Protocol:** acceded 16 February 2005

**Other treaties ratified (see glossary):**

CRC, ILO 138, ACRWC

***Forcible recruitment of under-18s had previously been reported. However there was no recent information, due to severe restrictions on access to independent observers by the government.***

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### Context

The 2000 Algiers Agreement,<sup>2</sup> ending war between Ethiopia and Eritrea, established a 25-km-wide demilitarized zone known as the Temporary Security Zone (TSZ) and created the Eritrea–Ethiopia Boundary Commission.<sup>3</sup> Ethiopia deployed an additional seven military divisions to the border in December 2004<sup>4</sup> and tensions between the two countries steadily escalated.<sup>5</sup>

The Boundary Commission suspended its operations in March 2005, citing Ethiopian non-co-operation over demarcation,<sup>6</sup> and indicated that it would close in November 2007 unless it was allowed to proceed to demarcation.<sup>7</sup> The peacekeeping capacity of the United Nations Mission in Ethiopia and Eritrea (UNMEE), mandated by UN Security Council Resolution 1320 (September 2000), was severely limited by Eritrean restrictions on its movements, and its force was reduced to 1,700 peacekeepers in April 2007.<sup>8</sup>

By October 2007 Eritrea maintained 4,000 troops in the TSZ, in violation of the Algiers Agreement, and an estimated 120,000 troops in the border area.<sup>9</sup> Ethiopia maintained an estimated 100,000 troops along the border. An increase in the number of cross-border abductions and missing persons, including children, was reported. This was attributed in part to the Eritrean government's conscription campaign.<sup>10</sup>

Eritrea provided military assistance to the Somali armed group Union of Islamic Courts (UIC), which seized control of Somalia's capital, Mogadishu, in June 2006. There were reports of military assistance and links between Eritrea, the UIC and two Ethiopian opposition groups – the Ogaden National Liberation Front (ONLF) and the Oromo Liberation Front (OLF). Ethiopia provided Eritrean opposition groups, including

the Eritrean Revolutionary Democratic Front, with training and arms, and the Shiraro and Shimbela refugee camps in Ethiopia were used as recruiting grounds by Eritrean opposition groups.<sup>11</sup> The Eritrean government faced the threat of armed opposition from the Ethiopia-based Eritrean Democratic Alliance.<sup>12</sup>

In 2006 the government decided to return the large majority of internally displaced persons (IDPs) to their villages of origin in the TSZ. Despite the danger posed by the presence of landmines, and tensions relating to the stalemate over demarcation,<sup>13</sup> by May 2007 the number of IDPs was reduced to 12,000 due to the government's promotion of returnee programs.<sup>14</sup>

## Government

### National recruitment legislation and practice

The forcible recruitment of under-18s had previously been reported, but there was no recent information due to severe restrictions imposed by the government on access to independent observers.

The constitution stated that all citizens had to 'be ready to defend the country' and 'complete ... National Service' (Article 25). Under the National Service Proclamation No. 82/95 of 23 October 1995, national service of six months of military training and twelve months of military service was obligatory for men between the ages of 18 and 40.<sup>15</sup> However, in practice national service remained extended indefinitely. Conscript reserve duties extended to the age of 50 and former Eritrean People's Liberation Front veterans were also subject to recall.<sup>16</sup> Recruitment of under-18s into the armed forces was prohibited under Proclamation 11/1991.<sup>17</sup> The law prohibited children under the age of 18 from performing certain dangerous or unhealthy labour.<sup>18</sup>

The government required that all students attend their final year of secondary-school at a location adjacent to the Sawa military training facility. Students who did not attend this year could not graduate. Many students elected to repeat grades to avoid being forced to go to Sawa.<sup>19</sup> Other Eritreans at the age of conscription and final year secondary school students fled the country in their thousands or went into hiding.<sup>20</sup>

The authorities instituted harsh measures to counter the widespread evasion of military service and desertion by thousands of conscripts. Police searches and round-ups were carried out, and in mid-2005 the government made hundreds of arrests of family members of children who had not reported to the military training camp at Sawa for their final year of high school or had not reported for national service.<sup>21</sup> This continued into 2007 and relatives were released only on payment of a large financial bond and the surrender of the missing conscript. Thousands

of military conscripts accused of desertion were arbitrarily detained without formal charge, held incommunicado and frequently tortured.<sup>22</sup> A non-governmental organization (NGO) reported that 161 young Eritreans were shot and killed trying to escape Wia Military Camp in June 2005.<sup>23</sup>

Exit visas, which were required for leaving the country, were rarely granted to men of military age.<sup>24</sup> During 2006 the government began refusing to issue exit visas to some children who were 11 and older, on the grounds that they were approaching the age of eligibility for national service.<sup>25</sup>

## Disarmament, demobilization and reintegration (DDR)

A demobilization program which began in 2000 was managed by the National Commission for Demobilization and Reintegration Program (NCDRP), established in 2001 by presidential decree.<sup>26</sup> As of December 2006, some 104,400 soldiers had been demobilized,<sup>27</sup> while the initial target was to reduce the 300,000–350,000 military personnel by approximately 200,000.<sup>28</sup> It is not known whether there was any child DDR in this program. In June 2007 it was reported that demobilization was suspended due to tension in the region and Eritrea's strained relations with Ethiopia.<sup>29</sup>

## Developments

Eritrea's Second and Third Periodic Reports to the UN Committee on the Rights of the Child stated that the minimum recruitment age was 18, and that full-time students and those who were temporarily medically unfit could have their service deferred.<sup>30</sup>

UN Security Council Resolution 1767 (2007) provided for the extension of the peacekeeping mandate of UNMEE until January 2008.<sup>31</sup>

## International standards

Eritrea acceded to the Optional Protocol on 16 February 2005. Its declaration stated that the minimum age for recruitment into the armed forces was 18.<sup>32</sup>

- 1 CIA, "Eritrea", *World Factbook*, [www.cia.gov](http://www.cia.gov).
- 2 United Nations Mission in Ethiopia and Eritrea (UNMEE), Algiers Peace Agreement 2000, [www.unmeeonline.org](http://www.unmeeonline.org).
- 3 International Crisis Group (ICG), "Ethiopia and Eritrea: preventing war", Africa Report No. 101, 22 December 2005.
- 4 *Ibid.*

- 5 UN Security Council, Report of the Secretary-General on Ethiopia and Eritrea, UN Doc. S/2005/142, 7 March 2005; UN Security Council Resolution 1622, UN Doc. S/RES/1622 (2005), 13 September 2005.
- 6 UN Security Council Report of the Secretary-General on Ethiopia and Eritrea, UN Doc. S/2005/400, 20 June 2005.
- 7 ICG, "Ethiopia and Eritrea: stopping the slide to war", Africa Briefing No. 48, 5 November 2007.
- 8 UN Security Council Report of the Secretary-General on Ethiopia and Eritrea, UN Doc. S/2006/140/, 6 March 2006.
- 9 "Stopping the slide to war", above note 7.
- 10 UN Security Council, Report of the Secretary-General on Ethiopia and Eritrea, UN Doc. S/2007/440, 18 July 2007; UN Security Council, Report of the Secretary-General on Ethiopia and Eritrea, UN Doc. S/2006/749, 19 September 2006; Report of the Secretary-General, 7 March 2005, above note 5.
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- 15 UK Home Office Border and Immigration Agency, Country of Origin Information Report, Eritrea, 22 October 2007, www.homeoffice.gov.uk.
- 16 "Eritrea", above note 12.
- 17 UK Home Office, above note 15.
- 18 US Department of State, Country reports on Human Rights Practices 2006, Eritrea, 6 March 2007, www.state.gov.
- 19 Ibid.
- 20 "Eritrea", *Human Rights Watch World Report 2007*.
- 21 "Eritrea", *Human Rights Watch World Report 2006*.
- 22 "Eritrea", above note 12; confidential source, February 2008.
- 23 Eritreans for Human and Democratic Rights, "Brutality beyond imagination", 29 July 2005, <http://ehdr.org.uk>.
- 24 "Eritrea", above note 12.
- 25 US Department of State, above note 18.
- 26 Eritrea – Demobilization and Reintegration Program, World Bank report No. P1D10371, 2001, www-wds.worldbank.org.
- 27 UNDP, "Technical assistance to demobilize soldiers", Eritrea project fact sheet, November 2006, www.er.undp.org.
- 28 Royal Institute of International Affairs (Chatham House), "Eritrea's economic survival", summary record of a conference held on 20 April 2007, www.chathamhouse.org.uk.
- 29 UN/Office of the Special Adviser on Africa (UN/OSAA), "Overview: DDR processes in Africa", Report of the Second International Conference on DDR and Stability in Africa, Kinshasa, Democratic Republic of the Congo, 12–14 June 2007, www.un.org.
- 30 Second and third periodic reports of Eritrea to the UN Committee on the Rights of the Child, UN Doc. CRC/C/ERI/3, 23 October 2007.
- 31 UN Security Council Resolution on the Situation between Eritrea and Ethiopia, UN Doc. S/RES/1767 (2007), 30 July 2007.
- 32 Declaration on accession to the Optional Protocol, www2.ohchr.org.

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# ESTONIA

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## Republic of Estonia

**Population:** 1.3 million (265,000 under 18)

**Government armed forces:** 4,100

**Compulsory recruitment age:** 18 (but see text)

**Voluntary recruitment age:** 18 (but see text)

**Voting age:** 18

**Optional Protocol:** signed 24 September 2003

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***Seventeen-year-olds could be liable for call-up but active combat duties were reserved for those aged 18 and over. Under-18s could volunteer for the National Defence League which provided weapons training.***

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## Context

In May 2004 Estonia amended its Child Protection Act.<sup>1</sup> As amended, the Act recognized as a child anyone under 18 years of age, and required the government to provide and protect the internationally recognized rights and freedoms of the child (Article 1). The Act banned the manufacture or sale of toys that imitated objects used to destroy people, and prohibited the making or broadcast of films, audio and video material for children that promoted cruelty and violence (Article 48). The Act recognized a child whose health or life was in danger as being in need of immediate assistance (Article 32).

Estonia joined NATO in 2004.

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## Government

### National recruitment legislation and practice

Estonia amended its Defence Force Services Act, most recently in 2007.<sup>2</sup> The revised law required all male Estonian citizens to be “liable” for service in the Defence Forces from the age of 16 to 60, during which time they were liable to be registered and conscripted, or to serve in the reserve (Article 3). Boys eligible for the draft had to register at the age of 16, until call-up or release from mandatory military service (Article 7). Between the ages of 18 and 27 they were liable to conscription (Article 46). In practice, any boy aged 17 on 15 September was liable to call-up the following year, even if he had not reached the age of 18. Periods of service were variable and depended on the date of call-up, ranging from 8–11 months.<sup>3</sup>

The Defence Force Service Act set up two agencies to administer recruitment, aided by a

medical commission. A new Defence Resources Agency registered boys eligible for the draft (Article 46) and considered written applications for alternative service. These could be made on religious or moral grounds, and applicants could appeal against the agency’s decisions to a Defence Forces Service Commission (Article 47) and then to an Administrative Court. The Defence Forces Service Commission might “exceptionally” grant appeals, but the circumstances were not specified (Article 41). Alternative service was for 12–18 months (Article 74), to be carried out in the rescue, emergency or social care services of the Interior Ministry or Ministry of Social Affairs.<sup>4</sup>

Armed forces reserves included former conscripts but were mostly made up of members of the voluntary paramilitary National Defence League, open to boys and girls, administered by the Ministry of Internal Affairs. Its 9,980 members in 2005 included 3,788 girls in the Home Daughters section, and 4,019 boys in the Young Eagles section.<sup>5</sup> League members were trained in the use of weapons, and in giving assistance to internal security, border control and rescue services.

Under the Defence Force Services Act, as amended, 18-year-old reservists could be mobilized in active conflict (Article 139). Previously, 16-year-old reservists had been eligible.

Volunteers aged 18 and over could sign contracts for military service (Article 79). The introduction of a non-conscript army was increasingly discussed after Estonia joined the European Union in May 2004.

There was no specific legislation criminalizing the recruitment or use of under-18s by armed groups, but in March 2007 there were plans to amend the law in this respect.<sup>6</sup>

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## Developments

At a February 2007 ministerial meeting in Paris, Estonia and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

### International standards

Estonia ratified the ILO Minimum Age Convention 138 in March 2007. It said it intended to take steps to ratify the Optional Protocol in 2007.<sup>7</sup>

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1 Child Protection Act, RT I 2004, 27, 180, May 2004.

- 2 Defence Force Services Act, 14 March 2000.
- 3 Estonian Institute for Human Rights, *Overview of the Human Rights Situation in Estonia in 2005*, www.eihr.ee.
- 4 Communication to Child Soldiers Coalition from Estonian embassy, London, March 2007.
- 5 Estonian Institute for Human Rights, above note 3.
- 6 Communication from Estonian embassy, above note 4.
- 7 Ibid.

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## ETHIOPIA

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### Federal Democratic Republic of Ethiopia

**Population:** 77.4 million (39.8 million under 18)

**Government armed forces:** 152,500

**Compulsory recruitment age:** 18 (see text)

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182, ACRWC

*There were no reports of child recruitment or use by government forces or armed opposition groups, although independent monitoring was severely limited.*

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### Context

The 2000 Algiers Agreement,<sup>1</sup> ending war between Ethiopia and Eritrea, established a 25-km-wide demilitarized zone, known as the Temporary Security Zone (TSZ), and created the Eritrea–Ethiopia Boundary Commission.<sup>2</sup> Ethiopia deployed an additional seven military divisions to the border in December 2004 and tensions between the two countries steadily escalated.<sup>3</sup> UN Security Council Resolution 1640 (2005) demanded that Ethiopia “accept fully and without further delay the final and binding decision of the Eritrea–Ethiopia Boundary Commission”.<sup>4</sup>

The Boundary Commission suspended its operations in March 2005, citing Ethiopian non-co-operation over demarcation,<sup>5</sup> and indicated that it would close in November 2007 unless it was allowed to proceed to demarcation.<sup>6</sup> The peacekeeping capacity of the UN Mission in Ethiopia and Eritrea (UNMEE) was severely limited by Eritrean restrictions on its movements and its force was reduced to 1,700 peacekeepers in April 2007.<sup>7</sup> By October 2007 Ethiopia maintained an estimated 100,000 troops along the border. Eritrea maintained 4,000 troops in the TSZ and an estimated 120,000 troops in the border area.<sup>8</sup> An increase in the number of cross-border abductions and missing persons, including children, was reported. This was attributed in part to the Eritrean government’s conscription campaign.<sup>9</sup>

The government continued to face internal opposition from armed groups, including the Ogaden National Liberation Front (ONLF), which sought self-determination for ethnic Somalis in the Ogaden region, and the Oromo Liberation Front (OLF).<sup>10</sup> In April 2007 ONLF gunmen killed 74 people and kidnapped seven others at an oilfield in Abole, a remote region of Ethiopia populated by ethnic Somalis.<sup>11</sup> In June 2007 the government launched a major military campaign

in the Ogaden against the ONLF, committing widespread human rights violations, blocking food deliveries and forcibly relocating thousands of people.<sup>12</sup> By October 2007 the government was reportedly forcing civilians in the region to form militias to fight the ONLF, and those who refused faced possible detention and torture.<sup>13</sup> During 2006 the authorities in Oromia state reportedly imprisoned, tortured and harassed their critics, including schoolchildren.<sup>14</sup>

The ONLF and the OLF reportedly received military support from Eritrea and Somalia. Ethiopia provided Eritrean armed groups with training and arms and the Shiraro and Shimbela refugee camps in Ethiopia were used as recruiting grounds by these groups.<sup>15</sup>

In October 2006 Prime Minister Zenawi declared Ethiopia officially at war with Somalia after the Union of Islamic Courts (UIC) declared a jihad (holy war) against the Ethiopian government over its military involvement in Somali affairs.<sup>16</sup> In late 2006, Ethiopian troops entered Somalia to support Somalia's Transitional Federal Government (TFG) against the UIC and forced the UIC from Mogadishu and other areas, remaining in Somalia as of late 2007.<sup>17</sup> Ethiopian forces fired into urban civilian areas and summarily executed civilians, resulting in the deaths of hundreds of civilians, including children.<sup>18</sup>

## Government

### National recruitment legislation and practice

Ethiopia set 18 as the minimum age for recruitment into the armed forces. However, because of the lack of adequate birth registration in Ethiopia the UN Committee on the Rights of the Child expressed concern over possible flaws in the recruitment process.<sup>19</sup> According to the government, recruits and conscripts were required to produce documents such as school or medical records testifying to their age. Military authorities reportedly refused to permit children under 18 to enlist.<sup>20</sup>

Military service was not compulsory. However, Defence Force Proclamation No. 27/1996 stated that the Defence Ministry "may, in accordance with criteria issued by it from time to time, recruit persons fit and willing for military purposes" (Article 4). In call-up notices, these criteria defined a minimum recruitment age of 18.<sup>21</sup> Failure to respond to call-up was punishable by "simple" imprisonment and, in times of emergency, general mobilization or war, by up to 10 years' "rigorous" imprisonment.<sup>22</sup>

There was no available evidence regarding child soldiers in Ethiopia, and reports of children being unofficially involved in either government or armed group activity were difficult to verify.

<sup>23</sup> There were no reports of child soldiers being

used by Ethiopian forces in the conflict in Somalia.<sup>24</sup>

The constitution stated that children would "not be subject to exploitative practices, neither to be required nor permitted to perform work which may be hazardous or harmful to [their] health or well-being" (Article 36).

## Armed groups

### Ogaden National Liberation Front (ONLF)

In September 2007 the ONLF told the Child Soldiers Coalition that "The minimum age for recruitment into the ONLF military wing is 18 years and there are no ONLF fighters under the age of 18." The ONLF said that it "fully recognizes and has adopted all articles enshrined in the Convention on The Rights of The Child and in particular the Optional Protocol to the convention".<sup>25</sup> There was no available information from independent sources about the use by the ONLF of child soldiers.

## Disarmament, demobilization and reintegration (DDR)

The Ethiopia Emergency Demobilization and Reintegration Project (EDRP), funded by a World Bank loan, ended on 30 June 2007. None of the soldiers supported under this program were under the age of 18 at the time of their demobilization.<sup>26</sup> There were reportedly no programs in 2007 that specialized in supporting the demobilization of children.<sup>27</sup>

## Developments

In November 2006 the Committee on the Rights of the Child urged Ethiopia to take all possible measures to prevent the recruitment of children and to ratify the Optional Protocol. The Committee also recommended that Ethiopia provide physical and psychological recovery measures for all children affected by armed conflict.<sup>28</sup>

UN Security Council Resolution 1767 provided for the extension of the peacekeeping mandate of UNMEE until January 2008.<sup>29</sup>

Ethiopia hosted around 100,000 refugees from Sudan, Somalia, the Democratic Republic of the Congo and Eritrea, with 300 people crossing to Ethiopia each month to seek asylum, almost half of whom were children.<sup>30</sup>

1 United Nations Mission in Ethiopia and Eritrea (UNMEE), Algiers Peace Agreement, 2000, [www.unmeeonline.org](http://www.unmeeonline.org).

2 International Crisis Group (ICG), "Ethiopia and Eritrea: preventing war", Africa Report No. 101, 22 December 2005.



- 3 Ibid.; UN Security Council, Report of the Secretary-General on Ethiopia and Eritrea, UN Doc. S/2005/142, 7 March 2005; UN Security Council Resolution 1622, UN Doc. S/RES/1622 (2005), 13 September 2005.
- 4 UN Security Council Resolution 1640 on the Situation between Eritrea and Ethiopia, UN Doc. S/RES/1640 (2005), 23 November 2005.
- 5 UN Security Council, Report of the Secretary-General on Ethiopia and Eritrea, UN Doc. S/2005/400, 20 June 2005.
- 6 ICG, "Ethiopia and Eritrea: stopping the slide to war", Africa Briefing No. 48, 5 November 2007.
- 7 UN Security Council, Report of the Secretary-General on Ethiopia and Eritrea, UN Doc. S/2007/440, 18 July 2007.
- 8 "Stopping the slide to war", above note 6.
- 9 Report of the Secretary-General, above note 7; UN Security Council Report of the Secretary-General on Ethiopia and Eritrea, UN Doc. S/2006/749, 19 September 2006; Report of the Secretary-General, above note 3.
- 10 "Stopping the slide to war", above note 6.
- 11 "Scores die in Ethiopia oil attack", BBC News, 24 April 2007.
- 12 Human Rights Watch (HRW), "Ethiopia: crackdown in the east punishes civilians", press release, 4 July 2007.
- 13 "Ethiopians said to push civilians into rebel war", *New York Times*, 15 December 2007.
- 14 "Ethiopia", *Human Rights Watch World Report 2007*.
- 15 "Stopping the slide to war", above note 6.
- 16 "Ethiopia says technically at war with Somali Islamists", Reuters Alertnet, 24 October 2006, [www.alertnet.org](http://www.alertnet.org).
- 17 ICG, "Somalia: the tough part is ahead", Africa Briefing No. 45, 26 January 2007; "Ethiopia bogged down in Somalia", BBC News, 27 November 2007.
- 18 HRW, "Shell-shocked: civilians under siege in Mogadishu", *Human Rights Watch*, Vol. 19, No. 12(A), August 2007.
- 19 UN Committee on the Rights of the Child, Consideration of report submitted by Ethiopia, Concluding observations, UN Doc. CRC/C/ETH/CO/3, 1 November 2006.
- 20 Committee on the Rights of the Child, Consideration of report submitted by Ethiopia, Summary record, UN Doc. CRC/C/SR.1164, 22 September 2006.
- 21 Information from Rädä Barnen (Save the Children – Sweden), March 2004. As cited in Child Soldiers Coalition, *Global Report 2004*.
- 22 Amnesty International Netherlands Section 1998, "Ethiopia: dienstwiger en desertie", citing War Resisters' International, Ethiopia: CONCODOC 1998 report, 17 August 1998, <http://wri-irg.org>. As cited in Coalition *Global Report 2004*.
- 23 Confidential source, Addis Ababa, September 2007.
- 24 Report of the Secretary-General on Children and Armed Conflict in Somalia, UN Doc. S/2007/259, 7 May 2007.
- 25 E-mail from ONLF to Child Soldiers Coalition, 7 September 2007.
- 26 Confidential source, Addis Ababa, September 2007; World Bank, "Ethiopia – Demobilization and Reintegration Project", Environmental Assessment, 31 May 2004, [www.web.worldbank.org/](http://www.web.worldbank.org/), as cited in Coalition Global Report 2004.
- 27 Confidential source, Addis Ababa, September 2007.
- 28 Committee on the Rights of the Child, Consideration of report submitted by Ethiopia, Concluding observations, UN Doc. CRC/C/ETH/CO/3, 1 November 2006.
- 29 UN Security Council Resolution on the Situation between Eritrea and Ethiopia, UN Doc. S/RES/1767 (2007), 30 July 2007.
- 30 UNHCR, Global Appeal 2007, Ethiopia, [www.unhcr.org/](http://www.unhcr.org/); Concluding Observations of the Committee on the Elimination of Racial Discrimination, Ethiopia, UN Doc. CERD/C/ETH/CO/15, 20 June 2007.

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# FIJI

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## Republic of the Fiji Islands

**Population:** 848,000 (317,000 under 18)

**Government armed forces:** 3,500

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 21

**Optional Protocol:** signed 16 September 2005

**Other treaties ratified (see glossary):**

CRC, ICC, ILO 138, ILO 182

*There were no reports of under-18s in the armed forces. Over 2,500 Fijian soldiers were serving in the United Kingdom (UK) army, where the minimum voluntary recruitment age was 16. It was not known whether they included under-18s.<sup>1</sup>*

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## Context

The head of the armed forces, Commodore Voreqe Bainimarama, declared a state of emergency following a military coup on 5 December 2006. Military forces could benefit from an amnesty decree passed in January 2007 for human rights violations committed by their members between 5 December 2006 and 5 January 2007.<sup>2</sup>

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## Government

### National recruitment legislation and practice

There was no conscription. An individual had to be at least 18 to be recruited into the army. However, “the Commander may permit the enlistment of such number of persons of or above the age of sixteen years and under the age of eighteen years as he may from time to time determine”.<sup>3</sup> New recruits into the Fijian armed forces underwent a 12-week training course.<sup>4</sup>

There were over 2,500 Fijian soldiers serving in the UK armed forces.<sup>5</sup>

### Military training and military schools

The Royal Fiji Military Forces Act stated that the “Minister may establish Cadet Units, the description of, numbers in, enrolment in, and organization of which shall be such as the Minister may from time to time prescribe”. Cadet units, made up of boys between the ages of 12 and 18, did not form part of the armed forces but were affiliated to them and regarded as a “training unit for the Forces”.<sup>6</sup> Cadet training was in practice compulsory for all high school students, and children took part in drills and school parades.<sup>7</sup>

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## Developments

### International standards

Fiji signed the Optional Protocol on 16 September 2005.

- 1 “British Army plans to limit troop quota”, Fiji Times Online, 3 April 2007, [www.fijitimes.com](http://www.fijitimes.com).
- 2 Amnesty International (AI), “Fiji: Human rights protections must be upheld”, AI Index: ASA 18/001/2007, News Service No: 033, 16 February 2007; Human Rights Watch (HRW), Letter to Interim Prime Minister Voreqe Bainimarama and President Ratu Josefa Iloilo of Fiji, 5 February 2007.
- 3 Royal Fiji Military Forces Act, Chapter 81, Part II(5)(3).
- 4 “Induction Service for new recruits”, Mataivalu News, Issue No. 10, January–February 2006, [www.rfmf.mil.fj](http://www.rfmf.mil.fj).
- 5 UK Foreign and Commonwealth Office, Country Profiles, Fiji, [www.fco.gov.uk](http://www.fco.gov.uk).
- 6 Royal Fiji Military Forces Act, Chapter 81, Part III(18).
- 7 Australian Broadcast Corporation, Foreign Correspondent, “Fiji – Green Tribe”, broadcast 11 January 2005, [www.abc.net.au](http://www.abc.net.au).

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# FINLAND

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## Republic of Finland

**Population:** 5.3 million (1.1 million under 18)

**Government armed forces:** 29,300

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 10 April 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***There were no reports of under-18s in the armed forces.***

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## Government

### National recruitment legislation and practice

Section 127 of the constitution (731/1999) required all Finnish citizens to play a role in the country's defence. Section 1 of the Military Service Act of 1991 obliged all Finnish men to perform military service. Women wishing to do voluntary military service of a complementary nature were permitted to do so under the terms of the 1995 Act on Voluntary Women's Service. With regard to the overall structure of national defence, provisions for non-armed service were also included in the 1991 Military Service Act, while civilian service was organized in accordance with the 1991 Civilian Service Act. All men and women had to be at least 18 before they could be conscripted or volunteer for service in the Finnish Defence Forces, even in a state of emergency. Recruitment of any person under the age of 18 in a situation of armed conflict was classified as a war crime in the Finnish Penal Code.<sup>1</sup> Conscripts usually completed military service at the age of 19 or 20, although entry into the armed forces was possible between the ages of 18 and 29.<sup>2</sup> While a civilian alternative to compulsory military service was offered to conscientious objectors, the length of the service (395 days) was 215 days longer than military service and could therefore be considered punitive. During 2006 Amnesty International reported on the cases of 11 imprisoned conscientious objectors whom the organization considered to be prisoners of conscience.<sup>3</sup>

### Military training and military schools

In its June 2004 initial report to the UN Committee on the Rights of the Child concerning implementation of the Optional Protocol, the government stated that there were no schools operated or controlled by the Finnish Defence Forces.<sup>4</sup>

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## Developments

In March 2004 the government's human rights policy as expressed in its initial report to the Committee on the Rights of the Child on the Optional Protocol specifically mentioned the special protection needs of children in situations of armed conflict.<sup>5</sup>

The Committee on the Rights of the Child (CRC) noted in October 2005 that "the State party is a country of destination of asylum-seeking and migrant children coming from war-torn countries who may have been victims of traumatic experiences".<sup>6</sup>

At a February 2007 ministerial meeting in Paris, Finland and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

- 1 Initial report of Finland to the UN Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/FIN/1, 10 March 2005.
- 2 Finnish Defence Forces, *Conscript 2005*, www.mil.fi.
- 3 *Amnesty International Report 2007*.
- 4 Initial report, above note 1.
- 5 *Ibid*.
- 6 Committee on the Rights of the Child, Consideration of report submitted by Finland on implementation of the Optional Protocol, Concluding observations, UN Doc. CRC/C/OPAC/FIN/CO/1, 21 October 2005.

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# FRANCE

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## French Republic

**Population:** 60.5 million (13.3 million under 18)

**Government armed forces:** 254,900

**Compulsory recruitment age:** 18 (conscription suspended since January 2003)

**Voluntary recruitment age:** 17

**Voting age:** 18

**Optional Protocol:** ratified 5 February 2003

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***While in its 2006 report to the UN Committee on the Rights of the Child France stated there were no under-18s in the Foreign Legion, revised 2005 legislation still fixed the minimum age of recruitment to it at 17, with consent from their “legal representative”.***

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## Government

### National recruitment legislation and practice

Conscription was suspended from 1 January 2003 under the National Service Reform Act, Act No. 97-1019 of 28 October 1997, which amended the 1972 National Service Code. The law allowed the government to reinstate conscription at any time (Article L112-2)<sup>1</sup> and the legislation providing for national service was not repealed.<sup>2</sup>

Law No. 2205-207 of 24 March 2005 on the General Status of Servicemen, which revised the body of provisions contained in previous laws, entered into force on 1 July 2005.<sup>3</sup> Article 20(4) of this new legislation stated that no one could become part of the armed forces if not “at least 17 years of age or 16 years of age in order to receive general or vocational training as a volunteer in the armed forces or as a pupil in a military school”.<sup>4</sup>

Foreign Legion recruits had to be aged between 17 and 40.<sup>5</sup> Selected candidates signed a five-year unconditional contract to serve anywhere in the world. They were trained for four months at the Fourth Foreign Regiment in Castelnaudary before being posted.<sup>6</sup> Under-18s had to have the consent of their “legal representatives” to enlist. However, Article 83 of the Law No. 2205-207 offered no legal guarantee regarding the verification of age: “the military authorities designated by the Ministry of Defence can, in the absence of the necessary supporting documents, accept the enlistment [of a candidate]”.

On consideration of France’s Initial Report on the Optional Protocol, the UN Committee on the Rights of the Child recommended that the recruitment and involvement of children in hostilities be explicitly criminalized in legislation and that extraterritorial jurisdiction be established for these crimes when they are committed by or against a person who is a citizen of or has other links with France. The Committee encouraged the government to raise the minimum age of recruitment into the armed forces and Foreign Legion to 18. The Committee further recommended that the government “provide by law for a special status, different from that of the military, for 16 to below 18 years old children enrolled in military schools and for those in the Foreign Legion”.<sup>7</sup>

### Military training and schools

Military schools in France included four for the army (Prytanée nationale militaire, Lycée Militaire de Saint-Cyr, Lycée Militaire d’Aix-en-Provence and Lycée Militaire d’Autun) and one for the navy (Lycée Naval de Brest). Students were admitted to the air force school, the Ecole d’Enseignement Technique de l’Armée de l’Air de Saintes, from the age of 16. There was also a Polytechnic School (Ecole Polytechnique). Under Law No. 70-631 of July 1970, as amended by Law 94-577 of July 1994, candidates for the Polytechnic School had to be 17 to sit admission examinations and could enter the school during the year in which they turned 18.<sup>8</sup>

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## Developments

France dedicated part of its development aid to children in armed conflicts, financing directly or indirectly through multilateral funds child demobilization and reintegration programs, particularly in Africa. From 2002 it increased its co-operation with UNICEF, the UN refugee agency (UNHCR) and non-governmental organizations working in this area. In 2006 France increased its contribution to UNICEF by 30 per cent. This money supported UNICEF’s Innocenti Research Centre, which studied, among other things, questions relating to the reintegration of children who have been released from armed groups. The money also supported a long-term program for West Africa and the Great Lakes.<sup>9</sup>

Following an extensive review of the Cape Town Principles and Best Practices, led by UNICEF in 2006, in February 2007 the French government and UNICEF jointly sponsored a ministerial-level meeting in Paris. At the meeting France and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards

and operational principles for protecting and assisting child soldiers.

France had chaired the UN Security Council working group on children and armed conflict, established under the provisions of Security Council Resolution 1612 (2005), since its creation in July 2005.

- 1 Initial report of France to the UN Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/FRA/1, 6 November 2006.
- 2 *Loi no 97-1019 du 28 octobre 1997 portant réforme du service national.*
- 3 “National implementation of international humanitarian law – biannual update on national legislation and case law – January–June 2005”, *International Review of the Red Cross*, Vol. 87 (859) (September 2005), [www.icrc.org](http://www.icrc.org).
- 4 *Loi no. 2005-270 du 24 mars 2005 portant statut général des militaires*, NOR: DEF0400144L.
- 5 Act of 21 March 2005, Art. 83, Ch. II.
- 6 Portail Web Légion, [www.legion-etrangere.com](http://www.legion-etrangere.com).
- 7 Committee on the Rights of the Child, Consideration of initial report submitted by France on the Optional Protocol, Concluding observations, UN Doc. CRC/C/OPAC/FRA/CO/1, 5 October 2007, unedited version.
- 8 *Ministère de la Défense*, [www.defense.gouv.fr](http://www.defense.gouv.fr).
- 9 Information provided in meetings with the Ministry of Foreign Affairs.

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## GABON

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### Gabonese Republic

**Population:** 1.4 million (651,000 under 18)

**Government armed forces:** 4,700

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 20

**Voting age:** 21<sup>1</sup>

**Optional Protocol:** signed 8 September 2000

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 182, ACRWC

*There were no reports of under-18s in the government security forces.*

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### Government

#### National recruitment legislation and practice

The Gabonese constitution stated that it was the duty of every citizen to defend the country. The state security forces defended the nation and safeguarded public order, and the creation of private militias was forbidden.<sup>2</sup>

There was no conscription into the armed forces.<sup>3</sup> Under Act No. 004/98 of February 1998 on the general organization of national defence and public security, the minimum age for voluntary recruitment was 20.

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### Developments

#### International standards

Gabon ratified the African Charter on the Rights and Welfare of the Child in 2007.

- 1 Source: Inter-Parliamentary Union (IPU). The Gabonese constitution, however, gives the voting age as 18 (Article 4).
- 2 Article 1(21) and (22).
- 3 Initial report of Gabon to the UN Committee on the Rights of the Child, UN Doc. CRC/C/41/Add.10, 13 July 2001.

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# GAMBIA

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## Republic of the Gambia

**Population:** 1.5 million (704,000 under 18)

**Government armed forces:** 800

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** signed 21 December 2000

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182, ACRWC

*There were no reports of under-18s being used in the armed forces.*

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## Context

In April 2007, ten former army officers were convicted of treason and sentenced to life imprisonment by a military court for attempting to overthrow President Jammeh in March 2006. Five people who had been arrested as part of the attempted coup in March 2006 were feared to have been executed in April 2006 after the government stated that they had escaped while being transferred to a different prison.<sup>1</sup>

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## Government

### National recruitment legislation and practice

There was no conscription. Section 23 of the Armed Forces Act stated, “Where a person enlisting has not attained the age of eighteen years, his period of enlistment shall commence from the date he attains the age of eighteen years.” Although in November 2001 the UN Committee on the Rights of the Child asked the government to establish a clear legal minimum age for enlistment into the armed forces,<sup>2</sup> it appeared that no action had been taken.

The government reported that it planned to establish a military academy, an infantry centre and school, and military primary and secondary schools. Currently a number of countries were training the Gambian military.<sup>3</sup>

The Children’s Act, passed in June 2005, was designed to protect and promote the welfare of children and to curb abuses against them, including trafficking. The definition of a child was set as any person under the age of 18. As a result of the Act one of five regional children’s courts opened in February 2006. The Act also protected children from exploitative labour or hazardous employment.<sup>4</sup>

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## Developments

In August 2006 over 4,000 Senegalese refugees fled into Gambia from Senegal’s southern Casamance region to escape fighting between Senegalese troops and a splinter group of the armed political group Democratic Forces of Casamance (Mouvement des forces démocratiques de Casamance, MFDC) led by Salif Sadio.<sup>5</sup> According to the UN refugee agency (UNHCR) there were over 6,000 refugees by the end of October 2006.<sup>6</sup>

- 1 “Gambia jail terms for coup plot”, BBC News, 20 April 2007.
- 2 UN Committee on the Rights of the Child, Consideration of report submitted by Gambia, Concluding observations, UN Doc. CRC/C/15/Add.165, 6 November 2001.
- 3 See NewGambia.com, www.newgambia.gm.
- 4 US Department of State, Country Report on Human Rights Practices 2006, the Gambia, March 2007, www.state.gov.
- 5 “Thousands flee Senegal fighting”, BBC News, 24 August 2006.
- 6 UNHCR, “Gambia: New arrivals from Senegal”, press briefing note, 31 October 2006.

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# GEORGIA

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## Georgia

**Population:** 4.5 million (1.1 million under 18)

**Government armed forces:** 11,320

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

*There were no reports of under-18s in the armed forces. Firearms training was available for boys and girls from the age of 15 in Patriot Camps.*

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## Context

In May 2004 Georgia regained control over the autonomous region of Ajaria without resorting to force. However, most of Abkhazia and South Ossetia remained unrecognized self-proclaimed republics.<sup>1</sup> Georgia reiterated its aim to join NATO and strengthen ties with the European Union (EU).<sup>2</sup> The USA continued to develop its training program for Georgia's army.<sup>3</sup> The UN Observer Mission in Georgia (UNOMIG) continued to carry out peacekeeping activities, including monitoring the 1994 ceasefire between Georgian and Abkhaz forces, in co-operation with a Commonwealth of Independent States (CIS) peacekeeping force.<sup>4</sup>

In August 2004 an attempt to retake South Ossetia militarily resulted in dozens of deaths.<sup>5</sup> In July 2006 Georgia regained control of the Kodori Gorge in Abkhazia from a former paramilitary group which had continued to operate despite being disbanded. The authorities in Abkhazia regarded the action as a breach of agreements to demilitarize the gorge.<sup>6</sup> Four Russian military officers were arrested in late September 2006 and charged with spying, and Russia subsequently imposed a range of sanctions on Georgia.<sup>7</sup> The Russian government denied that a helicopter attack in the gorge in March 2007 was carried out by Russian forces.<sup>8</sup>

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## Government

### National recruitment legislation and practice

All male citizens and residents aged 18–27 were subject to conscription. Military service was for 18 months. Women, and men in the reserves after completing compulsory service, could join the army on a professional basis on a four-year contract.<sup>9</sup>

Georgia planned to switch to an entirely non-conscript army by the end of 2009. The increased costs were estimated at US\$4,226 for the annual cost of every non-conscript soldier compared with US\$1,001 for every conscript.<sup>10</sup>

### Military training and military schools

The military schools which formerly existed in Georgia were reportedly no longer in operation and there was no military education in schools.<sup>11</sup>

There were four tertiary-level military academies.<sup>12</sup> Of these, the NCO School admitted applicants straight from school; the Defence Academy had previously also taken school graduates, many from poor families and orphanages, and including 17-year-olds, but now restricted entry to graduates.<sup>13</sup>

The government strongly supported and fully funded a number of Patriot Camps around the country, which offered ten-day residential programs in gun handling, sport and leadership training for young people (male and female) aged 15–20. Handling guns, including automatic weapons, was taught by military trainers.<sup>14</sup> In 2005, 15,000 young people attended Patriot Camps, and in 2006, 30,000.<sup>15</sup> In 2006 the government announced plans to hold a camp in the Kodori Gorge.<sup>16</sup> Opposition politicians were critical of the militaristic nature of the camps.<sup>17</sup>

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## Abkhazia

Abkhazia's 1995 Law on Universal Military Service set 18 as the minimum age for conscription. Boys were registered with the authorities at the age of 17.<sup>18</sup>

There were some reports that boys under the age of 18 had been conscripted illegally into the Abkhazia forces or released on payment of bribes, including in the ethnic Georgian Gali region under the control of Abkhazia.<sup>19</sup> The authorities in Abkhazia denied that an attempt had been made in November 2005 to conscript ethnic Georgians.<sup>20</sup> In March 2007 UNOMIG assigned a human rights officer to its office in Gali, to coordinate with the newly established non-governmental Human Rights Centre in the district.<sup>21</sup>

In the final two grades of school, between the ages of 15 and 17, pupils received "pre-conscription training for civil defence" for two hours a week. However, in many schools the course did not take place because of its obsolete nature and the lack of trained staff, and the Ministry of Education planned to produce a new course. Entrance to Abkhazia's Military Academy and entry to the reserve officer training corps in higher education institutions was limited to those over 18.<sup>22</sup>

In August 2007 it was reported that a military school in Abkhazia was to be reopened with

support from the Russian armed forces. No details of enrolment policy were available.<sup>23</sup>

## The Monadire paramilitary group

The Monadire paramilitary group based in Abkhazia's Kodori Gorge was officially disbanded in 2005 and disarmed by the Georgian government in mid-2006. It was reported to have had up to 700 members at times.<sup>24</sup> It was not known if any of its members were under 18.

## South Ossetia

The South Ossetian army reportedly followed the military regulations of the Russian Federation, with a minimum age of 18 for conscription. The bulk of its security training took place in Russia. Military service was for 18 months. A South Ossetian military official stated that there was no bullying in the army because soldiers served mainly in their home areas.<sup>25</sup>

\* Titles of non-English language sources have been translated by the Coalition.

- 1 See, for example, *Amnesty International Report 2005*.
- 2 Ministry of Foreign Affairs, Minister's Directives for 2007, undated, [www.mfa.gov.ge](http://www.mfa.gov.ge).
- 3 "US Signs New Military Assistance Accord with Georgia", Radio Free Europe/Radio Liberty (RFE/RL), Newsline, 20 September 2006, reported in Georgia Daily Digest, [www.eurasianet.org](http://www.eurasianet.org).
- 4 UN Observer Mission in Georgia (UNOMIG), [www.un.org/Depts/dpko/missions/unomig](http://www.un.org/Depts/dpko/missions/unomig).
- 5 See International Crisis Group (ICG), *Georgia: Avoiding War in South Ossetia*, Europe Report No. 159, 26 November 2004, [www.crisisgroup.org](http://www.crisisgroup.org).
- 6 Giorgi Kupatadze and Inal Khashig, "Georgian–Abkhaz tensions rise over Kodori Gorge", Institute of War and Peace Reporting (IWPR), 25 August 2006, [www.iwpr.net](http://www.iwpr.net).
- 7 Claire Bigg, *Russia: 2006 – A Year of Muscle and Missteps*, RFE/RL, 28 December 2006, [www.rferl.org](http://www.rferl.org); "Georgia orders Russia 'spies' held", CNN, 29 September 2006.
- 8 "Georgian official says Kodori attack came from Russia", RFE/RL, 14 March 2007.
- 9 Ministry of Defence, Armed Forces of Georgia, Military Service, [www.mod.gov.ge](http://www.mod.gov.ge).
- 10 J. Mazakhiroglu, "Military commissioners' offices will be abolished", *Armeyskoe Zerkalo*, 30 December 2006, [www.zerkalo.az](http://www.zerkalo.az).
- 11 Confidential source, November 2007.
- 12 Ministry of Defence, above note 9, Educational institutions.
- 13 Human Rights Centre (HRIDC), "Students of the Military Academy voice a protest in front of parliament", 22 September 2005, [www.humanrights.ge](http://www.humanrights.ge); Tamar Maisuradze, "The parade in front of the state chancellery", 24 hours press agency, 10 June 2005, [www.24hours.ge](http://www.24hours.ge).
- 14 Natalia Antelava, "Patriot games for young Georgians", BBC News, 19 September 2005; Lawrence Sheets, "'Patriot camps' cause concern in former Soviet republic", *Morning Edition*, National Public Radio (NPR), 12 October 2005, [www.npr.org](http://www.npr.org).
- 15 Government of the Autonomous Republic of Adjara, "President accompanied by guests visited 'patriot' camp", 25 May 2006, [www.adjara.gov.ge](http://www.adjara.gov.ge).
- 16 "Georgia revives despite blockade – Saakashvili tells 'patriots'", Civil Georgia, 16 September 2006, [www.civil.ge](http://www.civil.ge).
- 17 Natalia Antelava, above note 14.
- 18 Confidential sources, Abkhazia.
- 19 US Department of State, *Country Reports on Human Rights Practices 2005 and 2006*.
- 20 "UN Expresses Concern at Situation in Abkhazia's Gali region", RFE/RL, 7 November 2005; "Some of the conscripts detained in Gali region returned to their families", *Novosti-Gruziya*, 14 December 2005, [www.newsgeorgia.ru](http://www.newsgeorgia.ru).
- 21 Report of the UN Secretary-General on the Situation in Abkhazia, Georgia, UN Doc. S/2007/182, 3 April 2007.
- 22 Confidential sources, Abkhazia, March 2007.
- 23 "Separatists Open Military School", *Georgian Times*, 8 August 2007, [www.geotimes.ge](http://www.geotimes.ge).
- 24 Nino Khutsidze, "Military expert on Kodori operation", Civil Georgia, 26 July 2006, [www.civil.ge](http://www.civil.ge).
- 25 "Tskhinvali army begins spring draft", *Regnum*, 5 April 2006, [www.unomig.org](http://www.unomig.org).



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# GERMANY

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## Federal Republic of Germany

**Population:** 82.7 million (14.7 million under 18)

**Government armed forces:** 245,700

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 17 (training only)

**Voting age:** 18

**Optional Protocol:** ratified 13 December 2004

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***Under-18s continued to serve in the armed forces.***

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## Government

### National recruitment legislation and practice

Article 12 of the 1949 Basic Law (constitution) provided the legal basis for conscription to military service. In accordance with the 1956 Military Service Act, all German males became liable for compulsory military service, lasting nine months, at the age of 18. Article 4b of the 1949 Basic Law established a right to conscientious objection to military service, and current provisions for alternative service, also lasting nine months, were set out in the 2003 Law on Conscientious Objection.<sup>1</sup> For those who became eligible for conscription at 18, a pre-induction medical examination took place no earlier than six months before their 18th birthday. Voluntary enlistment in the German armed forces was permissible at 17, provided that the individual volunteering had the consent of a parent or guardian. In such cases, a pre-induction medical examination took place six months before the applicant's 17th birthday. Volunteers under 18 were enrolled for military training only, and were expressly prohibited from participating in any military operations and from performing any function requiring the use of firearms, including deployment for armed guard duty. However, 17-year-old volunteers could receive firearms training; at the time of their enrolment they received written instructions stating that their use of firearms would be strictly limited to training, and that they would not be involved in any activity that may lead to armed conflict.<sup>2</sup> In 2005 there were 1,229 males and females under the age of 18 serving in the German armed forces. The number of under-18s serving in 2006 was 906.<sup>3</sup>

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## Developments

A group of German non-governmental organizations (NGOs) working on children's rights suggested that the recruitment of child soldiers by

armies or armed groups was not recognized by the authorities as a basis for granting refugee status; the number of former child soldiers currently living in Germany was estimated to be between 300 and 500. The German Code of Crimes against International Law criminalized the recruitment or enlistment of children under the age of 15 into armed forces or armed groups, as well as their active participation in international or internal armed conflicts, including such acts committed outside, or having no connection with, Germany.<sup>4</sup>

During the first quarter of 2006, Germany contributed approximately €83 million towards the cost of projects aiming at the reintegration of ex-combatants, especially child soldiers, in Angola, Burundi, the Democratic Republic of the Congo, Liberia, Rwanda and Sierra Leone. Approximately €1.4 million were directed towards civil peace service programs in the Democratic Republic of the Congo, Sierra Leone and Uganda.<sup>5</sup>

At a February 2007 ministerial meeting in Paris, Germany and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

### International standards

Germany ratified the Optional Protocol on 13 December 2004. In its declaration entered upon ratification, Germany confirmed that 17 was the minimum age for voluntary recruitment to the armed forces, and that "persons under the age of 18 years shall be recruited into the armed forces solely for the purpose of commencing military training."<sup>6</sup>

- 1 Quaker Council for European Affairs, "The right to conscientious objection to military service in Europe: A review of the current situation", April 2005.
- 2 Initial report of Germany to the UN Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/DEU/1, 17 April 2007.
- 3 Confidential source, August 2007.
- 4 Kindernothilfe, Terre des Hommes and the German Coordination for Child Soldiers, *Shadow Report in the Context of the States Report Procedure Pursuant to Article 8 of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts*, 2007.
- 5 Initial report, above note 2.
- 6 Declaration of Germany on ratification of the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).

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# GHANA

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## Republic of Ghana

**Population:** 22.1 million (10.2 million under 18)

**Government armed forces:** 13,500

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** signed 24 September 2003

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 182, ACRWC

***There were no reports of under-18s in the armed forces.***

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## Government

### National recruitment legislation and practice

In 2005 the government reported to the UN Committee on the Rights of the Child that the minimum age for voluntary enlistment into the army was 18, that there was no conscription and that by law under-18s were not allowed to join the armed forces.<sup>1</sup> There were no reports of under-18s in the armed forces.

Ghana's National Service Scheme (NSS), which lasted for one to two years and was compulsory for able-bodied persons between the ages of 18 and 40, consisted mainly of public service, but military training was an option for some.<sup>2</sup>

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## Developments

In 2005 significant numbers of Togolese refugees arrived in Ghana, fleeing political violence in their home country, joining the large numbers of Liberian refugees. In its planning for 2008 the UN refugee agency (UNHCR) estimated that there were present in the country almost 10,000 Togolese refugees and asylum seekers and over 32,000 Liberians.<sup>3</sup>

An increase in sexual exploitation, in particular for commercial purposes, was raised by the UN Committee on the Rights of the Child in its concluding observations on Ghana's second periodic report, in March 2006. The committee also expressed concern about the existence of discrimination against girls and street children and other groups of vulnerable children. It welcomed the National Plan for Action entitled "Ghana Fit for Children" and the passing of the Human Trafficking Act of 2005.<sup>4</sup>

At a February 2007 ministerial meeting in Paris, Ghana and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles

and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

- 1 Second periodic report of Ghana to the UN Committee on the Rights of the Child, UN Doc. CRC/C/GHA/CO/2, 14 July 2005.
- 2 Ghana's National Service, History and Profile Section.
- 3 UNHCR, *Global Appeal 2008–2009*.
- 4 Committee on the Rights of the Child, Consideration of report submitted by Ghana, Concluding observations, UN Doc. CRC/C/GHA/2, 17 March 2006.

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# GREECE

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## Hellenic Republic

**Population:** 11.1 million (1.9 million under 18)

**Government armed forces:** 147,100

**Compulsory recruitment age:** 19

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 22 October 2003

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***The minimum legal age for voluntary recruitment was 18.***

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## Context

The state of mobilization from 1976 because of the conflict in Cyprus ended on 18 December 2002.<sup>1</sup>

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## Government

### National recruitment legislation and practice

A new conscription law in 2005 provided for mandatory military service of 12 months for men between the ages of 19 and 45. All healthy male citizens had to register at the age of 18. Deferments were available to students in higher education, on health grounds or to those with brothers serving in the armed forces. The length of military service could be reduced for various reasons, for example for the eldest sons of large families in which the father had died, or for men who had dependent elderly parents. People exempt from conscription included fathers of more than three children or fathers whose wives had died or were incapable of work and whose children could not support themselves. The 2005 law allowed alternative civilian service to be suspended in times of war, and for those performing such service to be integrated into “unarmed military service” (Article 65).<sup>2</sup>

On ratifying the Optional Protocol in October 2003, Greece declared that the minimum age for voluntary recruitment to the armed forces was 18 years.<sup>3</sup>

A law that had not been repealed but was reportedly not enforced required all men and women aged between 18 and 60 who were not serving in the armed forces to complete service in universal defence units for up to four days a year. Certain women were exempt, such as those who were pregnant or had children under the age of 12. The functions of such units included responding to natural disasters, guarding vital installations and providing first aid. They could be provided with arms and ammunition during

mobilization, for the purposes of exercises, or for specific operational missions in border areas.<sup>4</sup>

### Military training and military schools

Military educational institutions included the Hellenic Military Academy, the Hellenic National Defence College and the Non-commissioned Officer Army School. Military academies enjoyed the same status as universities, and entrance was conditional on completion of high school education. Students also trained abroad at institutions of other NATO member countries.<sup>5</sup> Both male and female students at the Greek military academies could not be married, have children, be pregnant or become pregnant during their studies. They had to be under 21 on entry,<sup>6</sup> but there was no information available about the minimum age of entry.

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## Developments

At a February 2007 ministerial meeting in Paris, Greece and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

- 1 **Presidential Decree 371 of 2002**, *Government Gazette*, FEK 320A, 18 December 2002, [www.et.gr](http://www.et.gr).
- 2 Conscription Law, No. 3421 of 2005, 13 December 2005, [www.stratologia.gr/](http://www.stratologia.gr/); Ministry of Defence, official conscription website, [www.stratologia.gr](http://www.stratologia.gr/); OMHROI.GR, “Conscription in Greece”, [www.omhroi.gr](http://www.omhroi.gr).
- 3 **Declarations and reservations to the Optional Protocol**, [www2.ohchr.org](http://www2.ohchr.org).
- 4 **Universal Defence Law, No. 2641 of 1998; information from Amnesty International Greece 2007**; Amnesty International “Right to conscientious objection should be introduced in new Universal Defence Law”, 22 June 1998.
- 5 Hellenic Army General Staff website, “Cadres’ Training”, [www.army.gr](http://www.army.gr).
- 6 NATO, Committee on Women in the NATO forces, “Frequently Asked Questions”, [www.nato.int](http://www.nato.int).

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# GUATEMALA

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## Republic of Guatemala

**Population:** 12.6 million (6.3 million under 18)

**Government armed forces:** 15,500

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 9 May 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182

***Some 16-year-old boys in eastern parts of the country were recruited and used as soldiers.***

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## Government

### National recruitment legislation and practice

Guatemalans had to register with the military authorities on becoming 18, regardless of their place of residence. Women were required to join active military service in times of war.<sup>1</sup>

The Law of Social and Civic Service (Legislative Decree 20-2003) provided for alternative service for conscientious objectors. There were no specific policies on indigenous populations, who formed a considerable proportion of recruits.<sup>2</sup>

Non-governmental organizations reported that in some areas 16-year-olds were “delivered” to army officials by their families, in the belief that military service was an essential part of their becoming men. Military authorities reportedly permitted this type of recruitment in eastern regions of the country, where the birth registration process was weak.<sup>3</sup>

The Law of Integral Protection of Children and Adolescents (Legislative Decree 27-2003) stated that “in the event of armed conflict, children and young persons have the right not to be recruited and the State shall abide by and enforce the applicable norms of international humanitarian law. The State shall take all possible measures to ensure that persons who have not yet attained the age of 18 years do not take a direct part in hostilities and are not recruited for military service at any time.”<sup>4</sup>

There was no legal provision criminalizing the recruitment of children, but several statutory offences described in the Criminal Code, such as abduction of children and abuse of power, could be applied against recruiters.<sup>5</sup> There were no plans to include a provision expressly prohibiting the recruitment of children under 18 in the Criminal Code.<sup>6</sup>

### Military training and military schools

The International Committee of the Red Cross (ICRC) assisted in training members of the army in international humanitarian law;<sup>7</sup> the government reported that more than 14,000 men and 970 women in the armed forces had received human rights training.<sup>8</sup>

There were 11 educational establishments administered by the armed forces.<sup>9</sup> Under national law, children attending military schools were not members of the armed or reserve forces, and were not required to join the armed forces.<sup>10</sup> In the event of an emergency or armed conflict they could not be designated active members of the armed forces or be enlisted.<sup>11</sup>

Officer cadets followed a four-year course at the Polytechnic School (Escuela Politécnica).<sup>12</sup> Candidates had to be at least 17 and have completed secondary-school. Cadets at the Polytechnic School could apply to become naval officers at the Navy School after completing at least one year of studies.<sup>13</sup> The minimum age of entry to the Adolfo V. Hall schools, which combined academic and military education over five or six years, was 11; graduation after completing five years was as a sub-lieutenant in the army reserve. Candidates to the Military Aviation Technical School had to have successfully completed the third grade of basic education, but no minimum age was specified. Cadets at the Military Aviation School had to have completed a minimum of two years’ study at the Polytechnic School.<sup>14</sup>

There were reports of the use of corporal punishment in military schools and that no adequate impartial complaints mechanisms were available to students.<sup>15</sup>

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### Disarmament, demobilization and reintegration (DDR)

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According to the government the National Compensation Program provided psychosocial rehabilitation and material compensation to victims of serious human rights violations during the internal armed conflict which ended in 1996, including the forced recruitment of children.<sup>16</sup> It was estimated that of the 3,000 members of the armed opposition group Guatemalan National Revolutionary Unity (Unidad Revolucionaria Nacional Guatemalteca, URNG) who participated in reintegration programs, 214 were under 18 years of age.<sup>17</sup>

Non-governmental organizations reported that a lack of information on the number and age of those recruited during the conflict had prevented former child soldiers from benefiting from any reparation or reintegration programs, most of which were aimed at widows and former members of armed opposition groups and self-defence groups.<sup>18</sup>

## Developments

There were no reports of armed political groups operating in the country, but gangs and criminal groups with links to private security companies and former and current members of the police committed hundreds of killings and other crimes.<sup>19</sup> It was estimated that there were around 340 gangs in Guatemala, with as many as 165,000 members in all, mostly under 24 years of age.<sup>20</sup>

The UN Committee on the Rights of the Child, on reviewing Guatemala's initial Optional Protocol report in June 2007, expressed concern about the lack of specific legal provisions criminalizing child recruitment and of information on safeguards adopted to ensure that children were not recruited or involved in armed conflict.<sup>21</sup>

In October 2007 Guatemala endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The two documents, which were previously endorsed by 59 states at a February 2007 ministerial meeting in Paris, reaffirmed international standards and operational principles for the protection of and assistance to child soldiers, following a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

- 1 Decreto No 72-90, Ley Constitutiva del Ejército, Leyes de Guatemala.
- 2 Facultad Latinoamericana de Ciencias Sociales (FLACSO), Programa Seguridad y Ciudadanía, *Reporte del Sector Seguridad en América Latina y el Caribe, Informe Nacional: Guatemala*, August 2006, www.flacso.cl.
- 3 **Movimiento Social por los Derechos de la Niñez**, Adolescencia y Juventud en Guatemala, "Informe Alternativo sobre el Cumplimiento del Protocolo Facultativo de la CDN sobre la Participación de los Niños en Conflictos Armados", November 2006, www.crin.org.
- 4 Initial report of Guatemala to the UN Committee on the Rights of the Child, UN Doc. CRC/C/OPAC/GTM/1, 17 July 2006.
- 5 Ibid.
- 6 Written replies by Guatemala to the Committee on the Rights of the Child, UN Doc. CRC/C/OPAC/GTM/Q/1/Add.1, 23 April 2007.
- 7 International Committee of the Red Cross (ICRC), "Guatemala: respetar el derecho humanitario desde el entrenamiento", 19 July 2006, www.icrc.org.
- 8 UN Committee against Torture, Thirty-sixth session, Summary record of the 701st meeting: Guatemala, UN Doc. CAT/C/SR.701, 12 May 2006.
- 9 Initial report, above note 4.

- 10 NGO Group for the Convention on the Rights of the Child, State Party Examination of Guatemala's Initial Report on the OPAC, Session report, 8 June 2007, www.crin.org.
- 11 Written replies, above note 6.
- 12 Escuela Politécnica, Admisión.
- 13 Ministerio de la Defensa Nacional, Acuerdo Gubernativo No. 714-95, December 1995, www.congreso.gov.gt.
- 14 Initial report, above note 4.
- 15 UN Committee on the Rights of the Child, Consideration of report submitted by Guatemala, Concluding observations, UN Doc. CRC/C/OPAC/GTM/CO/1 (unedited version), 8 June 2007.
- 16 Committee against Torture, above note 8.
- 17 Initial report, above note 4.
- 18 **Movimiento Social por los Derechos de la Niñez**, above note 3.
- 19 US State Department, Country Reports on Human Rights Practices 2006: Guatemala, 6 March 2007, www.state.gov.
- 20 USAID, Central America and Mexico Gang Assessment, Annex 2: Guatemala Profile, April 2006, www.usaid.gov.
- 21 Concluding observations, above note 15.

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# GUINEA

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## Republic of Guinea

**Population:** 9.4 million (4.7 million under 18)

**Government armed forces:** 12,300

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182, ACRWC

***There were no reports of under-18s in government armed forces. Guinean nationals, including children, who had taken part in the Liberian conflict were demobilized from Liberian armed groups, but only very few took part in demobilization programs. There were reports of re-recruitment of former combatants.***

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## Context

Drastically deteriorating living standards for the majority of the population after over 20 years of authoritarian rule under President Lansana Conté led to two general strikes in February and June 2006. A third general strike in January 2007 became an unprecedented popular revolt calling for political change. Demonstrations in the following weeks, in which school students and other young people played an active part, were violently suppressed by the security forces. Estimates of those killed ranged from 130 to over 180 with over 1,500 injured. Some of them were children.<sup>1</sup>

Guinea was an immediate neighbour of Côte d'Ivoire, Sierra Leone and Liberia. When conflicts broke out in those countries thousands of refugees, as well as large numbers of returning Guinean nationals, crossed the border into Guinea. Most of them found refuge in the isolated Forest Region of Guinea (Guinée forestière), where the borders of all four countries met.<sup>2</sup> By 1997–8 there were close to half a million refugees and asylum-seekers in Guinea registered with the UN refugee agency (UNHCR), reducing to about 100,000 in 2004–5 as neighbouring countries became more stable and refugees returned home.<sup>3</sup> By 2007 around 12,000 refugees – about 70 per cent from Liberia and about 30 per cent from Sierra Leone – remained in Guinea.<sup>4</sup> They included about 350 Sierra Leonean children separated from their families.<sup>5</sup>

Guinea was involved in the complex web of conflicts in neighbouring countries – in Sierra Leone from 1991–2002, in the Liberian conflicts

of 1990–7 and 2000–3, and in Côte d'Ivoire since 2002.<sup>6</sup> The Guinean security forces were reportedly involved in providing or facilitating the provision of arms flows to combatants in those countries.<sup>7</sup> At times attacks were mounted from those countries into Guinea.

In the 1990s Guinea was intimately involved in the conflict in Sierra Leone, from where the Revolutionary United Front (RUF) launched cross-border attacks on Guinea in 2000–1. Guinea used recruits from Sierra Leonean refugee camps in Guinea to fight off those attacks, and played an active role in defeating the RUF in the final stages of the Sierra Leone conflict.<sup>8</sup>

Around the same time as the attacks by the RUF, Guinea was attacked also from Liberia. The armed group Liberians United for Reconciliation and Democracy (LURD) was based in Guinea, and in contravention of the UN arms embargo on Liberia the Guinean Ministry of Defence reportedly provided arms to LURD around the time of its attacks on Monrovia in July 2003 which ultimately overthrew President Charles Taylor.<sup>9</sup>

Guinea was also involved in the conflict in Côte d'Ivoire. The Guinean government reportedly was transshipping arms for the government of Côte d'Ivoire, at least until the imposition of a UN arms embargo in November 2004.<sup>10</sup> In June 2004 the Forces armées des Forces nouvelles (FAFN) in Côte d'Ivoire claimed that an attack on them by unidentified armed elements which killed 11 civilians in Korhogo, in the north of the country, was supported by the Guinean government.<sup>11</sup> In December 2006 a UN expert group reported that it had credible information that Guinea had been used as a transit point for the training of fighters loyal to Côte d'Ivoire President Gbagbo.<sup>12</sup>

The Forest Region of Guinea was the crossroads for arms trafficking and a migrant population of thousands of young fighters, including child soldiers, crossing the borders between Liberia, Guinea, Sierra Leone and Côte d'Ivoire who saw conflict mainly as an economic opportunity. Many had first been forcibly recruited as children in one conflict, then willingly crossed borders to take up arms in another, often with a different armed group. A 2005 study by Human Rights Watch found that most had been motivated by promises of financial gain, and many could not articulate the political objective of the group they fought with. The risk of re-recruitment was exacerbated by high rates of youth unemployment and corruption and deficiencies in the implementation of disarmament, demobilization and reintegration (DDR) programs.<sup>13</sup> An August 2006 report by the UN Office for West Africa (UNOWA) noted that high levels of unemployment, particularly youth unemployment, across west Africa posed a risk to stability in the region. This was reiterated in a 2007 report by the UN Secretary-General which highlighted also the importance of reform of the

security sector in countries in the region as a means of addressing it.<sup>14</sup>

## **Government**

### **National recruitment legislation and practice**

Under Order No. 072/PRG/SGG/90 of 25 July 1990, all Guinean citizens aged 18–25 could be called for military service for 18 months (Article 1).<sup>15</sup> While conscription was provided for in law, there was no military service in practice.<sup>16</sup>

Guinean law and army regulations prohibited the recruitment of under-18s into the armed forces.<sup>17</sup> However, there were insufficient measures with regard to birth registration, especially in rural areas.<sup>18</sup> This meant that it was not always possible to be sure whether a young person was 18.

### **Child recruitment and deployment**

At the time of the cross-border attacks into Guinea from Liberia and Sierra Leone in 2000–1, more than 7,000 young men volunteered for the Young Volunteers (Jeunes volontaires), civilian militias supporting the Guinean army.<sup>19</sup> The government had undertaken that they would be employed in the regular army afterwards but in fact very few of them were.<sup>20</sup>

The extent of child recruitment into the Young Volunteers was not established and was consistently denied by government authorities. There had been training for officers with regard to children's rights, including preventing the recruitment and use of children.<sup>21</sup> One former Young Volunteer claimed to have been as young as 13 when he was recruited.<sup>22</sup>

Only a small minority of Young Volunteers had completed a demobilization process, and the status of those who had not demobilized was unclear. Some retained their arms and reportedly continued to act as volunteer soldiers; others were reportedly employed providing security services for non-governmental organizations (NGOs) and UN agencies operating in the Forest Region.<sup>23</sup> There were also reports that some of them set up roadblocks, looting vehicles and robbing passengers.<sup>24</sup> In March 2006 the UN reportedly estimated that some 4,000 volunteer soldiers, all or almost all by then over 18, operated in the Forest Region, providing their own uniforms and hoping to be formally recruited to the armed forces.<sup>25</sup>

### **Armed groups**

Many of the combatants in the conflicts in neighbouring countries were from Guinea. More than half of the over 600 disarmed combatants in Liberia who were identified as foreign nationals were from Guinea.<sup>26</sup> The same applied also to

foreign national children formerly associated with the fighting forces who were repatriated from Liberia by the International Committee of the Red Cross (ICRC).<sup>27</sup>

In mid-2005 it was reported that many former LURD combatants, who had operated from Guinea during the Liberian conflict, were moving back from Liberia to the Forest Region of Guinea.<sup>28</sup>

From mid-2004 there were reports of active recruitment of former combatants in Liberia for both pro and anti-government groups in Guinea. Recruitment was reported to be taking place in Monrovia and counties bordering Guinea, among former combatants associated with former President Charles Taylor, as well as former LURD combatants.<sup>29</sup> According to some reports, Guinean military officials associated with the son of a former president of Guinea, Sékou Touré, offered money to former LURD combatants to join an attack on Guinea. There were also allegations that Liberians may have been involved in an assassination attempt against President Conté in January 2005. Other former LURD combatants were recruiting on behalf of the Guinean government. Some of those being recruited were reported to be children.<sup>30</sup> However, despite the well-documented recruitment, and reports of infiltration into Guinea in late 2004, attacks by the armed groups allegedly plotting to overthrow President Conté did not materialize.<sup>31</sup> In October 2006 the Secretary-General reported that the UN had obtained no confirmation of the allegations of recruitment of child soldiers by Liberian armed groups in connection with the situation in Guinea.<sup>32</sup>

During the crisis in early 2007 there were some reports of fighters crossing into Guinea from neighbouring countries in anticipation of recruitment into armed groups or militias. However, there was no evidence of such groups being formed, or of children being targeted for recruitment. Former armed group commanders were reported to have said there was now no need to recruit children given the numbers of experienced combatants – many of them former child soldiers – to recruit from.<sup>33</sup>

### **Disarmament, demobilization and reintegration (DDR)**

By 2004 about 350 Young Volunteers had completed training as part of a demobilization program, but thousands of others, many recruited as children, had not benefited from the program because of lack of funds.<sup>34</sup> In 2007 it was reported that some rehabilitation projects aimed at former Young Volunteers continued.<sup>35</sup>

In November 2003 UNICEF estimated that some 2,000 Guinean child soldiers, including child soldiers returning from Liberia, required demobilization, disarmament and reintegration.<sup>36</sup>

In the event, the number of Guinean child soldiers who took part in DDR programs was substantially lower than this estimate. As of June 2006, 29 Guinean child soldiers had been demobilized in Liberia and returned to Guinea.<sup>37</sup>

Many children reportedly self-demobilized through fear of being stigmatized. NGOs working with children in Guinea reported that a barrier to both successful reintegration of former child soldiers and prevention of new recruitment was the difficulty of discussing the issue openly because of the stigma attached to child soldiering. This meant that many former child soldiers were unwilling to reveal that they had been combatants.<sup>38</sup>

Former child soldiers were also reported to be having difficulty in adapting to civilian life, in particular the loss of the power and relative wealth gained through association with an armed group.<sup>39</sup> In 2007 large numbers of former child soldiers were believed to be present, without support, in the Forest Region.<sup>40</sup>

- 1 International Crisis Group (ICG), *Guinea: Change or Chaos*, Africa Report No. 121, 14 February 2007, and *Guinea: Change on Hold*, Africa Briefing No. 49, 8 November 2007; Human Rights Watch (HRW), *Dying for Change: Brutality and Repression by Guinean Security Forces in Response to a Nationwide Strike*, April 2007; Amnesty International (AI), *Guinea: "Soldiers were Shooting Everywhere" – The Security Forces' Response to Peaceful Demands for Change* (AFR 29/003/2007), 27 June 2007.
- 2 "Guinea's Forest Region – living on the edge", IRIN, January 2005, www.irinnews.org.
- 3 UNHCR, Country Data Sheet: Guinea, 2005 *UNHCR Statistical Yearbook*, 30 April 2007, www.unhcr.org.
- 4 UNHCR, Global Appeal 2008–2009.
- 5 Report of the UN Secretary-General on cross-border issues in West Africa, UN Doc. S/2007/143, 13 March 2007.
- 6 See entries on Côte d'Ivoire, Liberia and Sierra Leone in this volume.
- 7 ICG, *Stopping Guinea's Slide*, Africa Report No. 94, 14 June 2005.
- 8 Ibid.
- 9 Ibid.
- 10 Ibid.
- 11 Second report of the Secretary-General on the UN operation in Côte d'Ivoire, UN Doc. S/2004/697, 27 August 2004.
- 12 Report of the Panel of Experts on Liberia, UN Doc. S/2006/976, 15 December 2006.

- 13 See HRW, *Youth, Poverty and Blood: The Lethal Legacy of West Africa's Regional Warriors*, March 2005; Report of the Secretary-General on ways to combat subregional and cross-border problems in West Africa, UN Doc. S/2004/200, 12 March 2004; Report of the Secretary-General on inter-mission co-operation and possible cross-border operations between the UN Mission in Sierra Leone, the UN Mission in Liberia, and the UN Operation in Côte d'Ivoire, UN Doc. S/2005/135, 2 March 2005.
- 14 UN Office for West Africa (UNOWA), *Youth Unemployment and Regional Insecurity in West Africa*, 2nd edn, August 2006, www.un.org/unowa; Report of the Secretary-General, above note 5.
- 15 Initial report of Guinea to the UN Committee on the Rights of the Child, UN Doc. CRC/C/3/Add.48, 17 June 1997. (This corrects the error in *Child Soldiers: Global Report 2001 and 2004*.)
- 16 *Child Soldiers: Global Report 2004*, citing confidential source, Guinea, May 2004.
- 17 Ibid., citing confidential source.
- 18 UN Committee on the Rights of the Child, Consideration of initial report submitted by Guinea, Concluding observations, UN Doc. CRC/C/15/Add.100, 10 May 1999.
- 19 *Stopping Guinea's Slide*, above note 7; *Guinea: Change or Chaos*, above note 1.
- 20 Child Soldiers Coalition, *Child Soldiers and Disarmament, Demobilization, Rehabilitation and Reintegration in West Africa*, November 2006.
- 21 Coalition interviews in Guinea, 2005; information from confidential source, 2007; see also *Child Soldiers: Global Report 2004*.
- 22 "Guinea: in a desperate bid for jobs, youths sign up as 'volunteers'", IRIN, 6 March 2006.
- 23 Ibid.; Coalition interviews in Guinea, 2005; Confidential sources, Guinea, August 2007.
- 24 Coalition interviews with army officers and NGOs in Guinea, June 2007.
- 25 IRIN, above note 22.
- 26 Fifth progress report of the Secretary-General on the UN Mission in Liberia, UN Doc. S/2004/972, 17 December 2004.
- 27 Seventh progress report of the Secretary-General on the UN Mission in Liberia, UN Doc. S/2005/391, 16 June 2005.
- 28 *Stopping Guinea's Slide*, above note 7.
- 29 Ibid.; *Youth, Poverty and Blood*, above note 13.
- 30 Report of the UN Panel of Experts on Liberia, UN Doc. S/2005/30, 13 June 2005.
- 31 *Guinea: Change or Chaos*, above note 1.
- 32 Report of the Secretary-General on children and armed conflict, UN Doc. A/61/529-S/2006-826, 26 October 2006.
- 33 Confidential source, May 2007.
- 34 For a more detailed account see *Child Soldiers: Global Report 2004*.
- 35 Coalition interviews in Guinea, June 2007.



- 36 UNICEF, "A window on West Africa's war-weary children", 4 November 2003.  
 37 Report of the Secretary-General, above note 32.  
 38 Coalition interviews in Guinea, 2005.  
 39 Ibid.  
 40 Confidential source, May 2007.

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## GUINEA-BISSAU

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### Republic of Guinea-Bissau

**Population:** 1.6 million (856,000 under 18)

**Government armed forces:** 9,300

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 16, younger with parental consent

**Voting age:** 18

**Optional Protocol:** signed 8 September 2000

**Other treaties ratified (see glossary):**

CRC, GC AP I and II

*There were no reports of child soldiers serving in the armed forces, although by law children aged under 16 years could be enlisted with parental consent.*

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### Context

Political tension and army unrest persisted. In October 2004, a year after ousting President Kumba Ialá, General Veríssimo Correia Seabra, the chief of staff of the armed forces, and Colonel Domingos de Barros were killed in a revolt by soldiers who were demanding payment of arrears owed to them for their service in the UN peacekeeping force in Liberia.<sup>1</sup> No one was prosecuted for those deaths.<sup>2</sup> The revolt was ended by a deal with the military hierarchy which included an offer of an amnesty for offences committed by soldiers between 1980 and 6 October 2004.<sup>3</sup> However, the amnesty law had not yet been approved by parliament. There was serious unrest in the run-up to the July 2005 presidential elections, which were won by a former president, João Bernardo "Niño" Vieira.

Fighting erupted in March 2006 between the armed forces and a dissident faction of the Senegalese separatist armed group Democratic forces of Casamance Movement (Mouvement des forces démocratiques du Casamance, MFDC), led by Salif Sadio, which had entered Guinea-Bissau territory. The ensuing conflict, which lasted for a month, resulted in the isolation of over 20,000 people in rural communities in the north, and the displacement of at least 10,000 people, mostly women and children, some 2,000 of whom fled to Senegal. The MFDC reportedly laid mines and other explosive devices in the area.<sup>4</sup> There were no reports of children taking part in the fighting.

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### Government

#### National recruitment legislation and practice

Decree 20/83 of 9 July 1983 provided for compulsory military service for men aged

between 18 and 25. However, obligatory military service ceased to be implemented from the second half of the 1980s.<sup>5</sup> The decree also provided for boys under 16 to perform military service with parental or guardian consent. Currently, no under-18s appeared to be serving in the armed forces.

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## Disarmament, demobilization and reintegration (DDR)

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In October 2005 the government announced the destruction of its entire stockpile of approximately 5,000 landmines.<sup>6</sup> Emergency de-mining in the north got under way following the fighting in March–April 2006.<sup>7</sup> Nevertheless, Guinea-Bissau remained plagued by landmines and other explosive devices, and according to a United Nations Development Program (UNDP) report, 32 of 39 sectors remained contaminated by mines and other munitions. This had a particularly negative impact on the rural poor and the national economy, since much of the land could not be cultivated.<sup>8</sup>

According to the Ministry of Defence, a security sector reform envisaged the reduction of the armed forces from 9,650 to 3,440.<sup>9</sup> In 2007 the UNDP agreed to finance an independent census of the armed forces, in order to take into account the needs and numbers of armed forces to be targeted for demobilization.<sup>10</sup>

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## Developments

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Senegalese children of MFDC fighters or who were refugees from the conflict in Casamance grew up in extreme poverty in Guinea-Bissau, and were exposed both to conflict and to armed criminal activity.<sup>11</sup>

- 8 “Guinea-Bissau: International attention on drug trafficking could help demining efforts”, IRIN, 26 July 2007.
- 9 Report of the UN Secretary-General, above note 7.
- 10 Report of the UN Secretary-General on developments in Guinea-Bissau and on the activities of the UN Peacebuilding Support Office in that country, UN Doc. S/2007/715, 6 December 2007.
- 11 Confidential sources, May 2007.

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- 1 “Soldiers Stage Revolt in Guinea-Bissau”, AP, 6 October 2004.
  - 2 US State Department, Country Reports on Human Rights Practices, 2006: Guinea-Bissau, Bureau of Democracy, Human Rights, and Labor, 6 March 2007, [www.state.gov](http://www.state.gov).
  - 3 “Guinea-Bissau renegade troops reach deal with military”, AFP, 10 October 2004.
  - 4 Report of the UN Secretary-General on developments in Guinea-Bissau and on the activities of the UN Peacebuilding Support Office (UNGBIS), UN Doc. S/2006/487, 6 July 2006.
  - 5 Confidential sources, 31 July 2007.
  - 6 “Guinea-Bissau: Stockpiles gone but landmines a continued threat”, IRIN, 26 October 2005.
  - 7 Report of the UN Secretary-General on developments in Guinea-Bissau and on the activities of the UN Peacebuilding Support Office (UNGBIS), UN Doc. S/2006/946, 6 December 2006.

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# GUYANA

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## Republic of Guyana

**Population:** 751,000 (261,000 under 18)

**Government armed forces:** 1,100

**Compulsory recruitment age:** 18 (no conscription in practice)

**Voluntary recruitment age:** 16; 14–16 with parental consent

**Voting age:** 18

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

*There were no reports of under-18s in the armed forces but legislation providing for recruitment from the age of 14 was still in force.*

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## Government

### National recruitment legislation and practice

The Guyana Defence Force consisted of a regular force and reserves and was charged with the defence of, and maintenance of order in, Guyana. According to the Guyana Defence Force, individuals aged 18–25 with a “good primary education” were eligible to apply.<sup>1</sup>

In August 2003 Guyana reported to the UN Committee on the Rights of the Child that, under the Defence Act, “A recruiting officer shall not enlist a person under the age of eighteen years in the regular Force.”<sup>2</sup> However, provisions in the Defence Act permitting recruitment from the age of 14 had not been repealed or amended. Section 18.2 of the Defence Act stated that “A recruiting officer shall not enlist a person under the age of sixteen years in the regular Force, unless consent to the enlistment has been given in writing.” This consent could be given by either of his parents, anyone with “parental rights and powers in respect of him”, or “if there is no such person ... any person in whose care (whether in law or in fact) the person offering to enlist may be”. The same section stated that “no person under the age of fourteen years shall be enlisted in the regular Force”.<sup>3</sup>

There were no reports of under-18s in the armed forces.

There was no conscription in practice,<sup>4</sup> but the National Service Act was still in force, stating that every male citizen ordinarily resident in Guyana who had attained the age of 18 years was liable for national service.<sup>5</sup>

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1 Guyana Defence Force, “Become a Soldier,” [www.gdf-gy.org](http://www.gdf-gy.org).

- 2 Initial report of Guyana to the UN Committee on the Rights of the Child, UN Doc. CRC/C/8/Add.47, 6 August 2003.
- 3 Defence Act, Chapter 15:01.
- 4 Guyana Defence Force; see also Initial report, above note 2.
- 5 National Service Act, Chapter 15:02.

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# HAITI

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## Republic of Haiti

**Population:** 8.5 million (3.8 million under 18)

**Government armed forces:** no armed forces

**Compulsory recruitment age:** not applicable

**Voluntary recruitment age:** not applicable

**Voting age:** 18

**Optional Protocol:** signed 15 August 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 182

***Armed gangs, mostly in Port-au-Prince, continued to use children as spies and guards, to transport weapons and to participate in clashes with the police and UN troops. Rape of women and girls by gang members was widespread and girls associated with gangs were subject to sexual abuse and exploitation.***

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## Context

President Jean-Bertrand Aristide resigned and left the country in February 2004 after an armed group took control of much of the northern part of the country. A transitional government was established, but the government and a weakened police force were unable to respond to a dramatic upsurge in violent crime in the capital, Port-au-Prince.<sup>1</sup> The large quantity of small arms in circulation fuelled criminal activities and human rights abuses. In late 2004, despite the presence of the UN Mission for the Stabilization of Haiti (MINUSTAH), armed gangs loyal to Aristide launched 'Opération Bagdad', in which they called for the return of the former president, targeting and killing several Haitian National Police (HNP) officials. A spate of kidnappings of wealthy Haitians further destabilized Port-au-Prince, peaking in May and June 2005 and eventually targeting any Haitian perceived to be able to raise a ransom.<sup>2</sup> The government and MINUSTAH came under severe pressure from Haitian civil society organizations to deal with gang activity and crack down on kidnappers.<sup>3</sup> Armed criminal gangs, including under-18s, established themselves in the impoverished neighbourhoods of Bel Air and Cité Soleil. Human rights organizations affiliated to the pro-Aristide movement accused the transitional government and MINUSTAH of human rights violations against the civilian populations in these areas.<sup>4</sup>

Delayed presidential elections took place in February 2006, returning to power the former president René Garcia Préval. Throughout 2006 Préval continued to be confronted with violent crime, and a controversial policy of dialogue

with gang leaders showed no real results. The situation came to a head in December 2006, when a spate of kidnappings of children for ransom caused the closure of schools and widespread panic in Port-au-Prince, prompting tougher military operations against the gangs by MINUSTAH in Cité Soleil. UN troops concentrated on the stabilization of Bel Air, given its proximity to the port and the presidential palace, and by the end of 2006 a number of gang members had either been arrested or had dispersed to other areas. Following major MINUSTAH operations in late 2006 and early 2007, security improved in Cité Soleil, but gang activity and kidnappings persisted, albeit to a lesser extent. Street gangs continued to operate in Port-au-Prince, in particular in the poor areas of Bel Air, Cité Soleil and Martissant.<sup>5</sup> In Gonaïves, rival gangs from the neighbouring areas of Jubilé and Raboteau fought each other, each reportedly controlled by different political groups.<sup>6</sup>

Former military officials were grouped in bases in Port-au-Prince, the Central Plateau and the towns of Cap-Haïtien, Les Cayes and Ouanaminthe throughout 2004 and some of 2005, pressuring the government to compensate them for wages not paid since the dissolution of the armed forces in 1995. In 2005 the transitional government agreed to pay former military officials a total of US\$2.8 million, and they abandoned their bases. Most were not disarmed, however, and their weapons remained at large.<sup>7</sup>

The poorest country in the Americas, Haiti ranked 154th on the UN Human Development Index and 78 per cent of Haitians lived below the national poverty line. Child mortality was high, most children lacking access to safe drinking water and sanitation; illiteracy was widespread as most children did not finish primary-school.<sup>8</sup> The humanitarian situation was particularly acute in areas such as Cité Soleil, where siege-like conditions persisted as MINUSTAH attempted to root out gangs, compounding the conditions of destitution that already existed. Access to medical facilities for civilians caught in crossfire was limited to a hospital run by the humanitarian medical aid agency Médecins Sans Frontières.

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## Government

### National recruitment legislation and practice

The 1987 constitution provided for compulsory military service by all Haitians who reached the age of 18 (Article 268). However, there had been no military service since January 1995, when the armed forces were disbanded by presidential order, although no constitutional amendment was passed to confirm their dissolution.<sup>9</sup>

## Armed gangs

A variety of armed gangs continued to operate, primarily in Port-au-Prince and Gonaïves. While primarily criminal in nature, the gangs varied in organizational structure, activities, motivation and degree of political affiliation, and could be mobilized for political purposes during periods of heightened tension.<sup>10</sup> Among them were gangs which evolved from “popular organizations” established in impoverished communities during Aristide’s term of office, when they were given jobs and in many cases supplied with weapons. These groups actively demonstrated between 2004 and 2007 for the return of Aristide. Corrupt HNP officers reportedly led some of the gangs, and other gangs could have been co-opted and paid to mobilize on behalf of various non-traditional political actors during the same period.<sup>11</sup> Many armed gangs were primarily organized to carry out criminal activities. The extreme poverty of families in destitute urban neighbourhoods and their inability to feed children or send them to school rendered children vulnerable to recruitment by the armed gangs. In a context of poverty and insecurity, gang leaders were at times perceived as community leaders or even heroes. In Cité Soleil, gang leaders cultivated an almost parental status with the children – who lacked affection and authority figures – and were often known as “uncle” or “father”.<sup>12</sup>

In early 2007 some seven or eight main armed gangs reportedly operated across Cité Soleil’s 32 neighbourhoods, each with about 20 full-time members and dozens of additional “helpers”, including children.<sup>13</sup> Gangs were involved in armed confrontations with MINUSTAH and the HNP during 2006 and on occasion children were said to have been involved.<sup>14</sup> Children were reported to have actively participated in Operasyon Bagdad in 2004.<sup>15</sup> Children were used by these and other gangs as spies, guards, messengers or general helpers, or to transport weapons. They were used as guards to watch out for MINUSTAH troops or the HNP, to watch over kidnap victims and to run errands. On occasion they were ordered to throw stones at MINUSTAH troops during armed confrontations, and MINUSTAH documented one case in which very young children cut brake cables in their tanks during an operation to arrest gang leaders.<sup>16</sup> Along with women, children were used as shields by gang members fleeing arrest.<sup>17</sup> In Gonaïves, children sent from rural areas to be “fostered” by relatives ended up on the streets or joining gangs when the host family did not live up to its promises of food and schooling, or was violent or abusive to the children.<sup>18</sup> Girls were said to have been used to transport illegal weapons from the village port of Anse Rouge to Gonaïves, and children were dressed in school uniforms

and instructed to look out for the police or MINUSTAH.<sup>19</sup>

Rape of women and girls was widespread and the UN estimated in 2006 that up to 50 per cent of girls living in violent neighbourhoods such as Cité Soleil had been raped and that in the Carrefour and Martissant areas of Port-au-Prince and the southern town of Les Cayes gang rapes were common. Girls in the custody of the HNP were also reportedly raped.<sup>20</sup> From January to June 2007 the UN documented the cases of 54 children raped by armed gang members, among them ten who were gang-rape victims.<sup>21</sup> Rape was used by gangs to intimidate and control the local population, to extort money or as revenge for acts by rival gangs. Girls associated with gangs were subjected to rape and exploitation.<sup>22</sup> Children associated with armed gangs were also reported to have committed rape. A judicial official reported a case in 2006 in which under-18s were found guilty of participation in kidnapping and rape and were sentenced to rehabilitation in a juvenile detention centre. The children were released, however, since there was no centre to accommodate them.<sup>23</sup> Few rapes were reported to the authorities and the government failed to take significant steps to address the problem.<sup>24</sup>

## Disarmament, demobilization and reintegration (DDR)

In February 2005 the transitional government announced the creation of a National Commission for Disarmament, Demobilization and Reintegration (CNDDR) but a presidential decree establishing the commission was not issued until August 2006.<sup>25</sup> DDR activities were extremely slow to get off the ground, and human rights organizations accused the transitional government of lacking the political will to implement disarmament.<sup>26</sup> The Commission’s work was not helped by the controversy generated by the nomination of a Bel Air gang leader, Samba Boukman, to the Commission, an appointment contested by some human rights organizations, who claimed that Boukman had been a leading participant in the 2004 Operasyon Bagdad.<sup>27</sup> Despite a slow start, however, the CNDDR appeared to have shown some progress by the end of March 2007. On 19 March CNDDR president Alix Fils-Aimé announced that an important arms consignment of automatic weapons and more than 40 boxes of cartridges had been handed over to the Commission following pressure on gangs by MINUSTAH operations in Cité Soleil.<sup>28</sup>

The disparate and heterogeneous nature of the gangs, the prevalence of small arms held by private citizens and the fact that non-traditional actors were involved in fomenting instability presented particular challenges for

the implementation of a DDR program. In 2007 the UN country team developed a community violence reduction program and focused on institutional support to build the strength of the CNDDR. The program focused on labour-intensive projects to present an alternative to criminality to those in violence-affected communities, pending larger-scale economic recovery efforts. Reintegration projects facilitated the return of former gang members to their communities. Several of the projects were aimed at women who had been victims and perpetrators of armed violence.<sup>29</sup>

By early 2007 MINUSTAH had offered a DDR program to several hundred young people, including children in Cité Soleil and Martissant, providing education, vocational training and a small allowance. Critics of the program stated that the gangs had sent young people to take part who had never been armed and that gang members remained armed and on the streets.<sup>30</sup> Child protection agencies nevertheless expressed concern for the safety of under-18s who signed up for disarmament – in particular their vulnerability to HNP arrest and detention, or attack by their own or rival gangs.<sup>31</sup>

## Developments

At a February 2007 ministerial meeting in Paris, Haiti and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

## International standards

Haiti ratified the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) and the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-international Armed Conflicts (Protocol II) on 20 December 2006. Haiti ratified ILO Convention 182 on 19 July 2007.

1 Réseau national de défense des droits humains (RNDH), “Situation chaotique au sein de la PNH”, open letter to the director-general of the PNH, 10 March 2004, [www.rnddh.org](http://www.rnddh.org).

2 Report of the Secretary-General on the UN Stabilization Mission in Haiti, UN Doc. S/2005/631, 6 October 2005.

- 3 Organization of American States (OAS), First Quarterly Report of the Secretary-General on the Situation in Haiti in Compliance with Resolution AG/RES 2147, 20 October 2005, page 7, [www.oas.org](http://www.oas.org).
- 4 Haiti Information Project, “Evidence mounts of a UN massacre in Haiti”, 12 July 2005.
- 5 Report of the Secretary-General on the UN Stabilization Mission in Haiti, UN Doc. S/2007/503, 22 August 2007; confidential sources, Port-au-Prince, March 2007.
- 6 Youri Latortue, a senator representing the party Latibonit an Aksyon (LAAA), was said to control the gangs in Raboteau, while those of Jubilé were said to be controlled by Winter Etienne, an associate of Guy Philippe, leader of the Front de Résistans Nasyonal, the armed group that led the uprising that led to the departure of Aristide. Interview with local NGO, Port-au-Prince, 14 March 2007.
- 7 Amnesty International (AI), *Haiti, Disarmament delayed, Justice Denied*, 28 July 2005.
- 8 UN Millennium Development Goals data, 2004, <http://www.un.org/millenniumgoals>.
- 9 OAS/UN International Civilian Mission in Haiti, *The Haitian National Police and Human Rights*, July 1996; Report of the UN Secretary-General on Haiti, UN Doc. S/2004/300, 16 April 2004.
- 10 Report of the Secretary-General on children and armed conflict, UN Doc. A/62/609-S/2007/757, 21 December 2007.
- 11 Confidential sources, March 2007.
- 12 Interviews with NGOs, Port-au-Prince, March, 2007.
- 13 Interviews with NGOs, Port-au-Prince, March 2007.
- 14 Interviews with NGOs, Port-au-Prince, March 2007.
- 15 Interview with NGO, Port-au-Prince, March 2007.
- 16 UN sources, Port-au-Prince, March 2007.
- 17 Interview with NGO, Port-au-Prince, March 2007.
- 18 Interview with local NGO, Port-au-Prince, March 2007. The *restavek* system is one of domestic slavery, whereby the children of destitute families are sent to work as domestic helpers in families of greater economic means.
- 19 Interview with local NGO, March 2007.
- 20 Report of the Secretary-General on children and armed conflict, UN Doc. A/61/529-S/2006/826, 26 October 2006.
- 21 Report of the Secretary-General, above note 10.
- 22 Alex Renton, “The rape epidemic”, *Observer*, 2 December 2007; interviews with NGOs, Port-au-Prince, March 2007.
- 23 Confidential sources, Port-au-Prince, March 2007.
- 24 *Amnesty International Report 2006 and 2007*.
- 25 OAS, Secretary-General’s report to Permanent Council, 28 March 2005; Presidential Decree of August 29, 2006 (“Dilia Lemaire quitte le navire”, *Le Nouvelliste*, 28 September 2006).
- 26 AI, above note 7.

- 27 RNDH, “Le Terreur s’installe à Port-au-Prince”, news release, 6 December 2006.
- 28 Confidential sources, Port-au-Prince, March 2007; “Bélony en cavale remet des armes”, *Le Nouvelliste*, 22 March 2007.
- 29 Report of the Secretary-General, above note 5.
- 30 NGO and UN sources, Port-au-Prince, March 2007.
- 31 UN sources, March 2007.

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## HOLY SEE

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### Holy See

**Population:** 1,000

**Government armed forces:** 100<sup>1</sup>

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 19

**Voting age:** not applicable

**Optional Protocol:** ratified 24 October 2001

**Other treaties ratified (see glossary):**

CRC, GC AP I and II

*There were no under-18s in the Swiss Guard.*

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### Government

#### National recruitment legislation and practice

There was no conscription. Defence of the Vatican and the protection of the Pope were the responsibility of the Swiss Guard, founded in 1506 and, with approximately 100 members, the world’s smallest army.<sup>2</sup> Service in the Swiss Guard was entirely voluntary, and was open to those between the ages of 19 and 30. Entry into the Swiss Guard required that the volunteer be a Swiss national and a member of the Roman Catholic Church. Candidates had also to be unmarried, to hold a professional or secondary school diploma, and to have completed military service in Switzerland. The minimum term of service was two years.<sup>3</sup> The voluntary nature of service and the minimum age limit of 19 were confirmed in the Holy See’s declaration made on ratification of the Optional Protocol in October 2001.<sup>4</sup>

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### Developments

Expressions of the Holy See’s continuing concern about the impact of armed conflict on children included a statement in the 2006 Christmas Eve Homily of Pope Benedict XVI. With reference to the birth of Christ, the Pope stated that “The child of Bethlehem directs our gaze towards all children who suffer and are abused in the world.” Among several examples of such especially vulnerable children he mentioned “children who are placed as soldiers in a violent world”.<sup>5</sup> In August 2007, during a visit to northern Uganda, Cardinal Renato Martino, president of the Pontifical Council for Justice and Peace, condemned the Lord’s Resistance Army for the kidnap and forced recruitment of thousands of children into their forces. He also called on the international community to increase its funding and support for the reintegration of former child soldiers.<sup>6</sup>

- 1 "Pope's guards celebrate 500 years", BBC News, 22 January 2006.
- 2 "First non-white joins Vatican guard", BBC News, 4 July 2002; "Vatican's honour to Swiss Guards", BBC News, 5 June 2006.
- 3 Holy See, Roman Curia, "The Swiss Guard: Admission Requirements", www.vatican.va.
- 4 Declaration of the Holy See on ratification of the Optional Protocol, www2.ohchr.org.
- 5 Holy See, Holy Father, "Homily of His Holiness Benedict XVI, 24 December 2006", www.vatican.va.
- 6 "Vatican official: Ugandan thugs must stop forcing children to fight", Catholic News Service Briefs, 6 August 2007, www.catholicnews.com.

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# HONDURAS

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## Republic of Honduras

**Population:** 7.2 million (3.3 million under 18)

**Government armed forces:** 12,000

**Compulsory recruitment age:** no conscription in peacetime (see text)

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** acceded 14 August 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***There were no reports of under-18s in the armed forces.***

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## Context

An estimated 36,000 individuals were members of gangs (*maras*).<sup>1</sup> In 2004 and 2005 over 800 children and youths were killed, many of them street children.<sup>2</sup> The Special Attorney for Human Rights stated in April 2007 that members of the police and armed forces had reportedly been involved in 360 such killings over nine years.<sup>3</sup>

Longer periods of detention without charge and tougher penalties were introduced for leaders of gangs.<sup>4</sup> In December 2006 the UN Human Rights Committee called on Honduras to amend the definition of the offence of "unlawful association" in the Criminal Code to be more restrictive, as it was often used by the police to arrest adolescents on suspicion, including in mass round-ups based on appearance alone and without judicial warrant.<sup>5</sup>

In September 2006 the Inter-American Court of Human Rights, in a case relating to the extrajudicial execution of four youths in 1995, ordered Honduras to establish a child rights training program for police and other officials.<sup>6</sup>

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## Government

### National recruitment legislation and practice

Under Article 276 of the constitution military service was compulsory in times of conflict for all Hondurans "capable of serving". The constitution also provided for compulsory peacetime military service for all Hondurans aged 18–30, but this was modified by a 1994 decree making peacetime military service voluntary.<sup>7</sup>

### Military training and military schools

Several military schools and academies provided training for cadets and officers.<sup>8</sup> Graduates from the Liceo Militar del Norte, a military secondary-school in San Pedro Sula, were considered to be



officers and given priority to enter officer training academies. The Liceo Militar del Norte also maintained a primary-school.<sup>9</sup>

The Centre for Naval Studies offered technical and specialized courses for officers.<sup>10</sup> Under-18s wishing to enter the Military Aviation Academy as pilot cadets or technical students had to have parental authorization, signed by a lawyer.<sup>11</sup> The Honduras Defence University and the National Defence College offered degrees in military, air and naval sciences, and defence and security.<sup>12</sup>

## Developments

The UN Committee on the Rights of the Child recommended that Honduras pay more attention to social factors and root causes of the gang problem and focus on preventive measures, refraining from treating the issue exclusively in a punitive and repressive way.<sup>13</sup>

- 1 “El Salvador, Honduras y Guatemala, los más violentos del Istmo”, *Prensa Libre* (Guatemala), 27 April 2007, [www.prensalibre.com](http://www.prensalibre.com).
- 2 Comisionado Nacional de los Derechos Humanos, *Informe al Congreso Nacional, Año 2004*, “Seguridad y Justicia”, 8 March 2005, [www.conadeh.hn](http://www.conadeh.hn); *Amnesty International Report 2005 and 2006*.
- 3 “Fiscalía involucra a policía en asesinatos en Honduras”, *El Nuevo Herald* (Miami), 25 April 2007, [www.elnuevoherald.com](http://www.elnuevoherald.com).
- 4 Centro por la Justicia y el Derecho Internacional (CEJIL), “Honduras es denunciada por su política anti pandillas”, 19 October 2005, [www.cejil.org](http://www.cejil.org).
- 5 UN Human Rights Committee, Consideration of initial report submitted by Honduras, Concluding observations, UN Doc. CCRP/C/HND/CO/1, 13 December 2006.
- 6 CEJIL, “Nueva condena internacional contra Honduras”, 23 October 2006; Inter-American Court of Human Rights, *Case of Servellón-García et al. v. Honduras*, Judgment of 21 September 2006, Series C, No. 152, [www.corteidh.or.cr](http://www.corteidh.or.cr).
- 7 Facultad Latinoamericana de Ciencias Sociales (FLACSO), Programa Seguridad y Ciudadanía, *Reporte del Sector Seguridad en América Latina y el Caribe, Informe Nacional: Honduras*, October 2006, [www.flacso.cl](http://www.flacso.cl).
- 8 Ejército de Honduras, Centros de Estudio, at Fuerzas Armadas de Honduras, [www.ffaah.mil.hn](http://www.ffaah.mil.hn).
- 9 Ejército de Honduras, Centros de Estudio, Liceo Militar del Norte, [www.ffaah.mil.hn](http://www.ffaah.mil.hn).
- 10 Centro de Estudios Navales, [www.ffaah.mil.hn](http://www.ffaah.mil.hn).
- 11 Academia Militar de Aviación, Documentos, [www.academiamilfah.com](http://www.academiamilfah.com).
- 12 Universidad de Defensa and Colegio de Defensa Nacional, [www.ffaah.mil.hn](http://www.ffaah.mil.hn).
- 13 UN Committee on the Rights of the Child, Consideration of third periodic report submitted by Honduras, Concluding observations, UN Doc. CRC/C/HND/CO/3, 2 February 2007.

# HUNGARY

## Republic of Hungary

**Population:** 10.1 million (2.0 million under 18)

**Government armed forces:** 32,300

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18; 17 with parental consent

**Voting age:** 18

**Optional Protocol:** signed 11 March 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***The minimum voluntary recruitment age was 17 with parental consent. It was not known whether under-18s were serving in the armed forces.***

## Government

### National recruitment legislation and practice

All men between the ages of 18 and 50 living in Hungary were liable for conscription.<sup>1</sup> However, the government’s Second Periodic Report to the UN Committee on the Rights of the Child stated that “universal conscription” for men started at age 17.<sup>2</sup> They had to register with the authorities by 1 January of the year they were 18. Regular military service, armed or unarmed, was for six months, with obligations for reserve service of up to five months. Before enlistment, certain conscripts declared fit for military service could volunteer to take part in preliminary home defence specialized training with the approval of the Recruiting Command. Alternative civilian service was for 11 months, and could be carried out in hospitals, schools or other public services. Conscripts could be enlisted between the ages of 18 and 25, or could volunteer from the age of 17 with parental consent. Those over 18 could apply for the voluntary military reserve. Professional contracted military service was available for Hungarian citizens aged from 18 to 47.<sup>3</sup>

Another source indicated that conscription was suspended in November 2004 but could be reintroduced during war or emergency, and that by December 2004 the armed forces were comprised entirely of volunteers.<sup>4</sup>

### Military training and military schools

Military educational institutions included the Beri Balogh Adam Secondary-school and Dormitory for Home Defence for elementary school students (boys and girls) below the age of 17. The intake was 60 pupils and the course was for four years. Students aged between 18 and 23 could attend the Kinizsi Pal Professional Non-commissioned

## Developments

At a February 2007 ministerial meeting in Paris, Hungary and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

In 2002 Hungary had advised the UN General Assembly Special Session on Children that the constitutional process for ratifying the Optional Protocols to the Rights of the Child was under way.<sup>6</sup> In 2006 the Committee on the Rights of the Child urged Hungary as a matter of urgency to ratify the Optional Protocols,<sup>7</sup> but as of October 2007 Hungary had not done so.

- 1 The laws governing conscription are the Statute on National Defence (CX/1993), as amended; Government Decree on the execution of the Statute on National Defence (178/27 December 1993); Statute on Service Relations of Conscripts (XLIV/1996); Decree on the Judgment of Fitness for Military Service (7/1996); and Statute on Civilian Service (XXI/1997).
- 2 Second Periodic Report of Hungary to the UN Committee on the Rights of the Child, UN Doc. CRC/C/70/Add.25, 24 May 2005.
- 3 Ministry of Defence, [www.honvedelem.hu](http://www.honvedelem.hu) (Recruitment, General conscription, Contracted military service).
- 4 Quaker Council for European Affairs, "Country report: Hungary", *The Right to Conscientious Objection in Europe: A Review of the Current Situation*, April 2005, <http://www.quaker.org>.
- 5 Ministry of Defence, above note 3 (Recruitment, Educational institutions).
- 6 Permanent Mission of Hungary to the UN, Statement by State Secretary Imre Szakacs, 8 May 2002, [www.humisny.org](http://www.humisny.org).
- 7 Committee on the Rights of the Child, Consideration of report submitted by Hungary, Concluding observations: Hungary, UN Doc. CRC/C/HUN/CO/2, 17 March 2006.

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# ICELAND

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## Republic of Iceland

**Population:** 295,000 (78,000 under 18)

**Government armed forces:** none

**Compulsory recruitment age:** not applicable

**Voluntary recruitment age:** not applicable

**Voting age:** 18

**Optional Protocol:** ratified 1 October 2001

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***There were no armed forces and no evidence of child recruitment or use.***

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## Government

### National recruitment legislation and practice

Iceland had no armed forces, although it was a founder member of NATO (1949), which remained central to its security policy. A 1951 bilateral agreement with the United States provided for Iceland's territorial defence, and approximately 2,200 US armed forces personnel (the Iceland Defence Force) were stationed at Keflavik (chiefly for the purpose of North Atlantic air defence) until the station's closure in 2006. The Icelandic Crisis Response Unit (ICRU), a register of approximately 200 volunteers from a range of professions, provided personnel for a variety of international peacekeeping missions.<sup>1</sup>

In its July 2005 Initial Report to the UN Committee on the Rights of Child on implementation of the Optional Protocol, which had come into force in Iceland in February 2002, the government stated that "the rule in Iceland is that international agreements do not automatically acquire the force of law in the country, even though Iceland is a party to them". Nevertheless, it also emphasized that the current practice was to interpret current legislation in the light of international obligations. Icelandic courts were also said to be increasingly linking their judgments to the country's commitments under international human rights law.<sup>2</sup>

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## Developments

The Icelandic Red Cross, which received funds from the government, in October 2004 organized a national financial appeal for the assistance of children involved in or otherwise affected by armed conflict. The appeal included the distribution of information materials and television programs, and awareness events were held in schools and offices.<sup>3</sup>

In June 2006 the Committee on the Rights of the Child expressed its concern that the absence

of armed forces in the country itself did not preclude “the possibility of individuals or groups undertaking efforts to recruit children for foreign armed forces or groups”, and recommended that Iceland explicitly criminalize the recruitment of children under the age of 15 into armed forces or armed groups and their direct participation in hostilities. The Committee also called on the government to establish extraterritorial jurisdiction for these crimes when perpetrated by or against an Icelandic citizen or an individual connected in some way with Iceland.<sup>4</sup>

- 1 Security Policy, Ministry of Foreign Affairs, [www.mfa.is/](http://www.mfa.is/); Iceland's Security Co-operation: Iceland and NATO, [www.iceland.org/](http://www.iceland.org/); confidential information October 2007.
- 2 Initial report of Iceland to the UN Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/ISL/1, 15 July 2005.
- 3 Ibid.
- 4 Committee on the Rights of the Child, Consideration of report submitted by Iceland, Concluding observations, UN Doc. CRC/C/OPAC/ISL/CO/1, 21 June 2006.

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## INDIA

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### Republic of India

**Population:** 1,103.4 million (420.7 million under 18)

**Government armed forces:** 1,316,000

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 17 years and 6 months

**Voting age:** 18

**Optional Protocol:** ratified 30 November 2005

**Other treaties ratified (see glossary):**  
CRC

*No information was available on how many under-18s were serving in the armed forces. There were allegations that children were recruited by government-supported anti-Maoist village defence forces. Armed groups, including Maoists and groups in Jammu and Kashmir and in the north-east, were reported to be using children. Children accused of membership of armed groups were detained in conflict areas.*

### Context

Violence by Maoists (Naxalites)<sup>1</sup> increased dramatically in 2005 in a number of states, and tribal people became the victims of human rights abuses perpetrated by both Maoists and the security forces. The violence affected at least ten states, with the worst violence taking place in Andhra Pradesh, Chhattisgarh and Jharkhand. According to the Asian Centre for Human Rights (ACHR), some 750 people – security personnel, alleged Maoists and almost 300 civilians – were killed in 2006.<sup>2</sup> The Prevention of Terrorism Act (POTA) 2002, which had led to widespread human rights violations, was repealed in September 2004 by the government, but similar provisions were included in December 2004 amendments to the Unlawful Activities (Prevention) Act 1967.<sup>3</sup> They were subsequently used to detain human rights activists working with tribal communities in areas of Maoist violence.<sup>4</sup>

Armed conflicts also continued in several north-eastern states (Assam, Manipur, Nagaland and Tripura) and in Jammu and Kashmir. A decade-long ceasefire between the National Socialist Council of Nagaland (NSCN (Isaac-Muivah, I-M)) and the Indian government continued, but sporadic clashes took place and factional fighting between the NSCN(I-M) and the NSCN (Khaplang) claimed many lives, including those of children.<sup>5</sup> A temporary ceasefire between

the central government of India and the United Liberation Front of Assam (ULFA) in 2006 failed to reduce violence, in which civilians continued to be targeted by both security forces and armed opposition groups. In Jammu and Kashmir the ceasefire announced in November 2003 between India and Pakistan continued, but little progress was made towards a political solution to the conflict.

## **Government**

### **National recruitment legislation and practice**

The minimum age for recruitment into the armed forces was raised from 16 to 17 years and 6 months in mid-2004, although legislation governing the armed forces did not stipulate a minimum recruitment age.<sup>6</sup> However, India's November 2005 declaration on ratifying the Optional Protocol did not reflect the rise in minimum age, stating that the minimum age of recruitment was 16. The declaration did, however, contain a clear statement reiterating the government's position that after enrolment and a requisite training period, personnel were sent to operational areas only after reaching the age of 18.

Recruitment for the Territorial Army (reserve) was from 18, as was recruitment for various auxiliary forces including the Central Reserve Police Force, the Border Security Forces and the Assam Rifles.<sup>7</sup>

### **Military training and military schools**

A number of military schools and institutions, including the Rashtriya Indian Military College (RIMC), provided preliminary training for students wishing to go on to join the army. The RIMC enrolled students between the ages of 11 years and 6 months and 13, and encouraged only those wishing to have a career in the defence forces to apply. The National Cadet Corps recruited school and college students from the age of 13 to take part in military and other training on a voluntary basis. Although not obliged to sign up for military service, cadets who succeeded in passing exams were given concessions when applying to the army, navy or air force as well as auxiliary forces. Cadets were involved in relief operations in southern India following the 2004 Asian tsunami.<sup>8</sup>

### **Child recruitment and deployment**

The lack of systematic birth registration, particularly in rural areas, made it difficult to verify ages, making it impossible to rule out the possibility that under-18s might participate actively in hostilities. There were active recruitment drives targeting "youths", particularly in the Kashmir valley.<sup>9</sup>

## **Detention of children**

There was evidence that in areas of armed conflict children accused of being members of armed groups were detained, often in violation of national legislation designed to protect children in conflict with the law. In Manipur it was alleged that the system established under the Juvenile Justice Act 2000 was non-functioning due to inadequate resources; in particular no juvenile home had been established. As a result, security forces (including police) who detained children in anti-insurgency operations were reportedly claiming that they were over 18 when registering cases against them and sending them to adult detention centres. Human rights organizations attempting to address individual cases of detained children on behalf of parents were hampered by the absence of birth certificates to prove age.<sup>10</sup>

The Kashmir Bar Association, visiting the District Jail, Kathua, in November 2006, found four boys aged between 16 and 18 who had been detained under the Jammu and Kashmir Public Safety Act 1978 without their cases being heard.<sup>11</sup> There were also reports of children being arrested and detained for long periods by police in Chhattisgarh. In one reported incident in November 2005 police shot at a group of young people who had been abducted by Maoists, injuring two young girls who were subsequently detained in Jagdalpur hospital and then Jagdalpur Central Jail, and killing three boys whose bodies were later disposed of by the police (it was not clear if the young people were under 18).<sup>12</sup> The National Commission for Women (NCW – a statutory body mandated to protect and promote the rights of women), visiting Jagdalpur Central Jail in December 2006, also reported seeing young girls (possibly between the ages of 17 and 20) who had been in detention for over a year, accused of being Maoist activists.<sup>13</sup>

## **Armed groups**

### **State-backed village defence forces**

There were widespread reports of under-18s being recruited to state-backed anti-insurgency groups in Chhattisgarh. In an attempt to address Maoist violence in the state, the central and state governments were reported to support the establishment of village defence forces. The Salwa Judum campaign emerged in Chhattisgarh in 2005, its leaders claiming that it was a spontaneous and voluntary movement against violence perpetrated by Maoists. A number of camps were established where around 50,000 mainly tribal people were living in temporary shelters. There were allegations that many of these people had been forcibly displaced and recruited to the Salwa Judum campaign as a means of isolating the Maoists and clearing

land for development. Special police officers (SPOs) were recruited from among Salwa Judum members to join village defence forces and provided with arms and training by state police and security forces, including the Naga Indian Reserve Battalion.<sup>14</sup> There were allegations that under-18s were being recruited as SPOs.<sup>15</sup>

In March 2006 a human rights organization visited Dantewada district, Chhattisgarh, and found evidence of children, including nine girls aged between 14 and 16, being recruited as SPOs. The girls said that they were being given training in fighting tactics, including how to use guns, as well as being used as informers.<sup>16</sup> The central government Home Ministry reportedly subsequently issued directions that persons below 18 years old were not to be recruited.<sup>17</sup> However, in December 2006 members of the NCW visited Salwa Judum camps in Dantewada district and reported that tribal girls and boys had been recruited as SPOs and were being used as combatants in the Salwa Judum campaign against the Maoists.<sup>18</sup> There was no official response to the NCW's allegations and its recommendation that such recruitment should stop.<sup>19</sup>

## Maoists

There was a reported increase in the recruitment of children by Maoists since 2005.

Sources in the Communist Party of India (CPI) (Maoist) and in the Andhra Pradesh police were reported to have stated that children as young as 14 or 15 were being recruited into armed squads in Andhra Pradesh. Maoists claimed that its children's division, the Bal Mandal, was not used in hostilities but that children were used only as messengers and informers. However, they admitted that they were provided with military training to prepare them for any situation.<sup>20</sup>

Recruitment of under-18s by Maoists was also reported to have increased in Chhattisgarh and Jharkhand. Some children were reportedly taken from school without their parents' consent.<sup>21</sup> Almost all those under-18s recruited by Maoists were reported to be illiterate and from tribal communities.

## Jammu and Kashmir

There was evidence that armed groups in Jammu and Kashmir, in Pakistan-administered Kashmir and in Pakistan were actively recruiting children.<sup>22</sup> The Jammu and Kashmir police claimed that around 200 children had been reported missing in the state since 2004, alleging that most of these were children of poor and illiterate families who had been recruited by militants, although this could not be independently confirmed.<sup>23</sup> Some were said to be as young as 13 or 14 and using sophisticated weapons. In August 2004 the Indian Army claimed to have caught nine children who were armed. The army claimed that some of them were from Pakistan and had been trained by

Pakistan-based armed groups including the Jaish-e-Mohammed and Harkat-ul-Mujahideen as well as the Hizbul Mujahideen.<sup>24</sup> Children in Jammu and Kashmir were said to be being indoctrinated and recruited from schools and mosques. Lack of education and employment opportunities for young people were said to be major factors in the recruitment of children by armed groups.<sup>25</sup>

Children as young as ten were said to be used by armed groups as messengers and couriers and provided with basic training in the use of weapons. Some children were reported to have been used by armed groups to throw grenades and plant improvised explosive devices.<sup>26</sup> The use of children by armed groups put them at increased risk from the security forces. During 2005 and 2006 there were two major incidents in which security forces opened fire on children. In Bangergund in Kupwara district soldiers of the Rashtriya Rifles waiting to ambush militants claimed to have mistakenly shot dead three boys and critically injured a fourth on the night of 23 July 2005. The army said that the boys had acted suspiciously by failing to stop when challenged. In Doodipora, Handwara, on 22 February 2006 soldiers shot at a group of children playing cricket, claiming that militants were among them, killing four boys including an eight-year-old.<sup>27</sup>

## North-east

Much of the evidence of the involvement of children in the various conflicts in north-eastern states was anecdotal and generalized, with a lack of primary field-based research on the issue.

In May 2007, for example, it was reported that ULFA used teenagers to ferry explosives and throw grenades, although they did not openly recruit child soldiers.<sup>28</sup> The report further claimed that other armed groups operating in the north-east, including the NSCN (it was not reported which faction), the United Liberation Front (Manipur) and the People's Liberation Army (Manipur) openly recruited children. The report claimed that the smallest boys, as "the most fearless", were placed closest to the enemy.<sup>29</sup>

In Manipur, a culture of violence as a result of decades of conflict was said to be fuelling the desire of children to handle weapons and join armed groups, many of which were organized along ethnic lines. Some of the more recently formed ethnically based groups were reported to be commonly recruiting children.<sup>30</sup>

## Disarmament, demobilization and reintegration (DDR)

There were no official government programs specifically targeted at the rehabilitation of former child soldiers. Human rights organizations working in areas of armed conflict confirmed that there were few effective policies or facilities in place to reintegrate former militants,

particularly children, into the mainstream. A draft Integrated Child Protection Scheme was under consideration by the government. The draft document acknowledged the inadequate resources allocated to child protection to date and consequent lack of structural mechanisms to deal with children in need, referring specifically to the lack of intervention for children affected by militancy. However, the draft did not contain any specific proposals relating to children involved in armed conflict.<sup>31</sup>

## Developments

A National Commission for the Protection of Child Rights was established at the end of 2006 and a chairperson appointed in February 2007.<sup>32</sup> The Act under which it was established defined “child rights” as including “the children’s rights adopted in the United Nations Convention on the Rights of the Child,” but did not refer explicitly to the Optional Protocol.<sup>33</sup> It was not known whether the Commission would take up matters relating to the use of child soldiers.

## International standards

India ratified the Optional Protocol in November 2005. Its declaration referred to the minimum age for voluntary recruitment (see above) and stated that there was no conscription.<sup>34</sup>

- 1 The term “Maoist” is used throughout this entry. However, Naxalism in India, which emerged in the 1960s, encompasses a range of left-wing revolutionary movements. The largest of these is currently the Communist Party of India (Maoist) (CPI-Maoist), formed in 2004 from the Maoist Communist Centre of India and the CPI (Marxist-Leninist) People’s War, which has ties with Maoists in Nepal.
- 2 Asian Centre for Human Rights, “749 killed in 2006 in the Maoists’ conflict in India”, press release PR/IND/03/07, 10 January 2007, www.achrweb.org.
- 3 *Amnesty International Report 2005*.
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# INDONESIA

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## Republic of Indonesia

**Population:** 222.8 million (75.6 million under 18)

**Government armed forces:** 302,000

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18

**Voting age:** 17, or married at time of registration

**Optional Protocol:** signed 24 September 2001

**Other treaties ratified (see glossary):**

CRC, ILO 138, ILO 182

*There were no reports of the use of under-18s by either government forces or armed groups.*

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## Context

With the signing of a peace agreement in August 2005, armed conflict came to an end in Nangroe Aceh Darussalam (Aceh). The province was devastated by the December 2004 tsunami, which killed almost 170,000 people in Aceh, displaced 513,000 others and destroyed much of the infrastructure in the west of the province. In mid-2007 some 70,000 people were still internally displaced.<sup>1</sup>

In December 2006 Irwandi Yusuf, a senior member of the Free Aceh Movement (Gerakan Aceh Merdeka, GAM), the Aceh armed separatist group, was elected as governor of Aceh. After the signing of the 2005 agreement security had improved considerably, although bomb and grenade attacks and other violent incidents, some allegedly due to conflicts over resources and aid allocation, were reported during the first eight months of 2007.<sup>2</sup>

In March 2007 the police arrested seven members of Jemaah Islamiyah (JI), a radical armed Islamist group, and seized a large stockpile of weapons and explosives.<sup>3</sup> In June two senior leaders were arrested.

Support for independence was reportedly widespread in the two provinces of Papua and West Papua, although the armed Papuan separatist Free Papua Movement (Organisasi Papua Merdeka, OPM) controlled no territory and reportedly did not pose a large security threat to the Indonesian armed forces (Tentara Nasional Indonesia, TNI). There were some 12,000 TNI troops there,<sup>4</sup> and TNI and police abuses were reported, including the rape by TNI troops of a 16-year-old Papuan girl in May 2005.<sup>5</sup> Competition over resources, inter-tribal tensions, and tensions between Papuans and Indonesian settlers were also reported.<sup>6</sup>

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## Government

### National recruitment legislation and practice

In July 2003 Indonesia reported to the UN Committee on the Rights of the Child that “Indonesia has set the minimum age for recruitment or enlistment into the armed forces at 18 years, as set forth in Act No. 2/1988.”<sup>7</sup>

Article 15 of the Republic of Indonesia Law Number 23 Year 2002 on Child Protection provided for the protection of every child from involvement in armed conflict, social unrest or an “event that involves violence” and “misuse for political activities”. Article 63 stated that “All persons shall be prohibited from recruiting or equipping children for military or similar purposes, and from putting the lives of children in danger.” Article 87 provided for imprisonment of no more than five years and/or a maximum fine of 100 million rupiah (approximately US\$11,000) for recruiting and equipping children for military purposes, or misusing children by “involving them in political activities, or in an armed conflict, social disturbance ... or in a violent event”. It was not known whether anyone had been prosecuted under this provision. Article 1(1) defined a child as someone under 18 years of age.

Article 17(1) of the Child Protection Law provided that “Every child whose liberty has been taken away shall be entitled to: a. Receive humane treatment and be housed separately from adults”, and also provided for entitlement to legal assistance. During the conflict in Aceh, under-18s were among those the authorities arrested and brought to trial. In many cases they were tortured for their alleged involvement in or support for GAM. In 2003–4 under-18s allegedly involved in GAM were arrested by TNI and were not granted legal representation.<sup>8</sup> In August 2005 a 16-year-old Muslim boy, arrested in Ambon for allegedly planting a bomb which injured a pedicab driver, was sentenced to approximately seven years’ imprisonment; he began serving his sentence at Ambon prison, where he was held with adults.<sup>9</sup>

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## Armed groups

### Jemaah Islamiyah

Jl, an Islamist armed group whose long-term goal was the establishment of an Islamic state in Indonesia, was thought to comprise over 900 members across Indonesia.<sup>10</sup> According to the International Crisis Group, JI had a “systematic indoctrination program”, starting with playgroups for children under five and continuing on to religious boarding schools across Java which whole families attended; however, enrolment in some JI schools seemed to be declining.<sup>11</sup> Most JI men arrested for violent crimes were reportedly

in their 20s and 30s. They would not normally be accepted as members until after graduating from JI schools, usually at about the age of 18. Members were also recruited who were outside the JI school network.<sup>12</sup>

## Aceh

After the tsunami armed conflict continued between GAM and TNI. Following talks facilitated by the Crisis Management Initiative (CMI, an international mediation organization), the Helsinki Memorandum of Understanding (MOU) between GAM and the government was signed on 15 August 2005,<sup>13</sup> ending an almost 30-year conflict. Previously under-18s had been used by both GAM and TNI, including as informants or guards, for logistical support and, less frequently, as combatants.<sup>14</sup> The total number of children involved in the conflict was not known.

Not all people associated with GAM's armed wing, Tenara Negara Aceh (TNA), including under-18s, were on active duty all of the time.<sup>15</sup> In an interview with the Child Soldiers Coalition, former child soldiers stated that in 2003–4, when they were aged about 14–17, they were pressured by TNA to run errands, look out for police and purchase supplies. They lived in a village in a GAM stronghold where they were able to continue their education, although they reported frequent skirmishes and a general lack of security during that time.<sup>16</sup>

The MOU (Article 5) provided for the Aceh Monitoring Mission (AMM), comprising Association of South East Asian Nations (ASEAN) and European Union nationals, whose function was to assist with monitoring the implementation of the MOU, and whose mission ended in December 2006.<sup>17</sup> The MOU (Articles 2.2 and 2.3) also provided for a human rights court and a truth and reconciliation commission (TRC).<sup>18</sup> In May 2007 community consultation on the TRC began in Aceh.<sup>19</sup> In June 2007 a written proposal for a TRC was issued by the Coalition for Truth Recovery (KPK), a coalition of non-governmental organizations (NGOs) from Aceh and Jakarta. This document called for "protection and special measures for ... children".<sup>20</sup> However, the TRC's future was not clear, following a December 2006 ruling by the Constitutional Court which declared the national truth and reconciliation commission unconstitutional; this could affect the legal status of the Aceh TRC.<sup>21</sup>

## Central Sulawesi

Intercommunal violence on the whole declined after the signing of the Malino I Agreement in December 2001, but in October 2005 three Christian schoolgirls were beheaded near Poso, central Sulawesi.<sup>22</sup> In May 2006, police arrested three men for the killings and in March 2007 the alleged leader was given a 20-year prison sentence and the others 14-year sentences.<sup>23</sup>

In January 2007 police conducted two major raids in Poso, central Sulawesi, the scene of previous widespread intercommunal violence and of subsequent attacks since 2004 by armed Muslim groups. The stated purpose of the raids was the arrest of a group of men, reportedly mostly local JI members, who were suspected of responsibility for bombings, beheadings and drive-by shootings against local Christians and police.<sup>24</sup> A police raid on 22 January 2007 faced heavy armed resistance; 15 people, including one police officer, were killed. During the operations a 16-year-old Muslim boy was killed; police reportedly said they found a weapon in his possession.<sup>25</sup> Since January 2007 no serious violence had occurred in Poso.<sup>26</sup>

## Maluku province

Intercommunal violence declined in Maluku after the signing of the Malino II agreement in February 2002. Although a bomb exploded in Ambon in April 2007, injuring six people,<sup>27</sup> and an estimated 50,000 people remained displaced by the violence there,<sup>28</sup> the security situation improved.<sup>29</sup>

## Disarmament, demobilization and reintegration (DDR)

The Aceh MOU provided for the demobilization of 3,000 adult GAM combatants and the decommissioning of weapons, and the unconditional release of some 2,000 political prisoners (Articles 4.2, 4.3 and 3.1 respectively). In the MOU, GAM set the number of their combatants at 3,000 (Article 4.2), although observers believed the true number to be higher, and stated that many former GAM combatants were not receiving any assistance. There were no provisions in the MOU for the DDR of children who had been involved in the conflict. Among the 2,000 political prisoners released were 19 boys between 14 and 17 years of age who had been arrested for alleged association with GAM. There were reportedly several 17-year-old female prisoners who were treated as adults because they were married.<sup>30</sup> UNICEF and the International Office for Migration (IOM) provided assistance to 21 individuals who were under 18 at the time of their arrest. IOM also helped to provide adult former political prisoners and former GAM combatants with vocational training and business advice.<sup>31</sup>

Former TNA soldiers were not formally discharged, officially counted or registered. At the end of 2005 GAM established the Aceh Transition Committee (Komite Peralihan Aceh, KPA), comprising former GAM commanders.<sup>32</sup> Part of the role of the KPA leaders was to oversee the reintegration of GAM combatants through aid projects. In February 2006 the government established the National Reintegration Agency



(Badan Reintegrasi Aceh, BRA), to offer reintegration assistance to both combatants and civilians affected by the conflict.<sup>33</sup> Many observers noted the lack of transparency and uneven levels of assistance in the reintegration process.<sup>34</sup>

Some observers expressed concern about the high level of unemployment of young men, including former child soldiers.<sup>35</sup> Although children in former conflict areas received some assistance from UNICEF, some international aid agencies and local non-governmental organizations (NGOs), most of the aid programs focused on the tsunami victims. Local NGOs highlighted the disruption of education during the conflict and the continuing lack of education for children.<sup>36</sup> Moreover, the deaths and the destruction of an already crippled local economy caused by the tsunami compounded the effects of the long-term armed conflict on children, many of whom lost one or both parents in the tsunami.<sup>37</sup>

In Central Sulawesi and Maluku province, which had been affected by previous widespread intercommunal violence, UNICEF and local and international NGOs conducted programs for children on peace building, conflict resolution and cultural diversity.<sup>38</sup>

## Developments

In its Concluding observations on the second periodic report of Indonesia, the UN Committee on the Rights of the Child recommended that it ratify the Optional Protocol on the involvement of children in armed conflict.<sup>39</sup>

At a February 2007 ministerial meeting in Paris, Indonesia and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

At the February 2007 ministerial meeting, the government said in its public statement that “Indonesia believes that first and foremost, [what] governments should do is to adopt and ratify the Optional Protocol to the Convention on the Rights of the Child ... To prevent impunity, governments should adopt and implement law to punish severely those involved in recruiting children in armed conflicts.”<sup>40</sup> However, Indonesia has not yet ratified the Optional Protocol.

Discussion by the National Human Rights Commission of Indonesia (Komisi Nasional Hak Asasi Manusia, known as Komnas HAM), the Indonesian Commission for Child Protection (Komisi Perlindungan Anak Indonesia,

established by Article 74 of the 2002 Child Protection Law), parliament and civil society about ratification of the Optional Protocol continued. At the same time proposals for parliament to enact a law which would upgrade the status of the Convention on the Rights of the Child from a presidential decree to parliamentary legislation were also put forward.<sup>41</sup>

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## IRAN

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### Islamic Republic of Iran

**Population:** 69.5 million (25.2 million under 18)  
**Government armed forces:** 545,000  
**Compulsory recruitment age:** 18 (regular forces); unknown (paramilitary forces)  
**Voluntary recruitment age:** 16  
**Voting age:** 18  
**Optional Protocol:** not signed  
**Other treaties ratified (see glossary):** CRC, ILO 182

*The number of under-18s in government armed forces was unknown, but the official paramilitary Basij recruited schoolchildren. It was not known whether armed opposition groups had children in their ranks.*

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### Context

Bomb explosions in October 2005 and January 2006 in Khuzestan province reportedly killed at least 12 people and injured hundreds of others. There were also attacks against oil installations there in September and October 2005. The province bordered Iraq, and was home to a large part of Iran's Arab minority. Much of Iran's oil resources were located in the province, and long-standing grievances about resource distribution continued to be reported. The response of the security forces to unrest in Khuzestan resulted in human rights violations.<sup>1</sup>

Iran allegedly supported Hizbollah, a political party and armed group in Lebanon which reportedly trained children for military purposes. Support included military equipment and training of Hizbollah fighters by members of the Iranian al-Quds Force (a branch of the Iranian Revolutionary Guard Corps) in Lebanon.<sup>2</sup> Iran also allegedly gave financial support to Hamas, a Palestinian political party with an armed wing which was currently in control of the Gaza Strip.<sup>3</sup> Financial support was also given to Islamic Jihad, another armed group in Palestine. Both groups used children in military attacks and training.<sup>4</sup>

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### Government

#### National recruitment legislation and practice

Current information about recruitment was difficult to obtain. The constitution stated that "the government is obliged to provide a programme of military training, with all requisite facilities for all its citizens, in accordance with the Islamic criteria, in such a way that all citizens

will be able to engage in the armed defence of the Islamic Republic of Iran” (Article 151). The government stated in 1998 that “according to article 2 of the Public Conscription Act, every Iranian citizen is eligible for military service as of 21 March of the year he reaches 19”, and that “the minimum employment age for the armed forces for the purpose of receiving military training is 16 and the minimum age for employment for the Police Forces is 17”.<sup>5</sup> The voluntary recruitment age was 16.<sup>6</sup> Military service was carried out in the Iranian Armed Forces and the Iranian Revolutionary Guard Corps, the latter established shortly after the 1979 revolution and with its own air and naval services. Most of the armed forces were reportedly made up of conscripts who received minimal training and served for 18 months. There was also a large army reserve, who received “negligible” training.<sup>7</sup> There was a military academy in Teheran, and a signals training centre and special forces and airborne training facility in Shiraz.<sup>8</sup> The number of under-18s in government armed forces was unknown.

## Armed groups

### Paramilitaries

The Basij, under the control of the Revolutionary Guards,<sup>9</sup> was a paramilitary organization reportedly made up of volunteers, including schoolchildren.<sup>10</sup> Basij members were reportedly mostly boys, older men and recent veterans. Middle-school members were known as Seekers and high-school members as the Vanguard. Ansar-e Hizbollah was a semi-official paramilitary organization aiming to enforce Islamic standards in Iranian society. Most of its members reportedly also belonged to the Basij or were veterans of the Iran–Iraq War.<sup>11</sup>

### Armed opposition groups

In March 2006 Jondallah, a Baluchi armed group, killed 22 Iranian officials and took at least seven people hostage in Sistan-Baluchistan province.<sup>12</sup> Human rights abuses by both the Iranian security forces and Jondallah against children were reported, including the killing of two boys by the Iranian security forces in January 2006.<sup>13</sup>

Although some Iranian Kurdish armed groups, including Komala and the Kurdistan People’s Democratic Party (KDPI) had carried out armed resistance in the past, they had renounced armed struggle and supported a federal solution. However, the Kurdistan Independent Life Party (PJAK, affiliated to the Turkish PKK, Kurdistan Workers’ Party) had reportedly begun armed operations in 2004, which continued into 2007. Violent unrest broke out in July 2005 in Kurdish areas, mainly in the north-eastern provinces, after the security forces shot dead a Kurdish opposition activist.<sup>14</sup>

It was not known whether armed opposition groups recruited or used under-18s.

## Developments

During 2006 at least four people were executed who were under 18 at the time of the alleged offence, including one who was under 18 at the time of the execution. A 14-year-old ethnic Azeri boy was arrested in April 2006 and reportedly tortured before being released. In September he was rearrested and beaten.<sup>15</sup> As of January 2007 there were reportedly 23 under-18s awaiting execution.<sup>16</sup> In March 2007 the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions called the execution of juveniles in Iran “completely unacceptable”. Referring to Iran’s ratification of the Convention on the Rights of the Child in 1994, he reminded the government that this was “a clear and unambiguous legal commitment not to impose the death penalty for offences committed by persons less than 18 years old”.<sup>17</sup>

The government delivered its second periodic report to the UN Committee on the Rights of the Child in July 2002. Among its recommendations the Committee urged the government to ensure that all children were registered at birth and acquired irrevocable nationality without discrimination. The Committee also expressed concern that Iran had not signed or acceded to either of the two Optional Protocols.<sup>18</sup>

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## IRAQ

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### Republic of Iraq

**Population:** 28.8 million (13.8 million under 18)

**Government armed forces:** 227,000

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, ILO 138, ILO 182

***There were no reports of under-18s serving in the Iraqi armed forces formed in 2003 after the US-led occupation. Armed political groups reportedly used children as combatants.***

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### Context

According to the UN Secretary-General, children in Iraq continued to "suffer most in the ongoing violence" in the country. The Secretary-General also noted that "statistics from United Nations partners and Iraqi authorities suggest that approximately half of all Iraqi refugees are children, as are as many as 38 to 40 per cent of internally displaced persons."<sup>1</sup>

The new Iraqi constitution was adopted in October 2005 with the acceptance of all religious groups. Elections were held in December 2005 for a new 275-seat National Assembly. In June 2006 Prime Minister Nouri Maliki announced a 24-point National Reconciliation Plan addressing the political and security crises in the country. The plan provided for mechanisms to facilitate the political process, the disbanding of armed militias and the establishment of security plans. The Plan contained provisions for dealing with internal displacement, for enacting legislative and judicial reforms, for a partial amnesty for non-terrorist offences and for accountability mechanisms for human rights abuses.<sup>2</sup> Political uncertainty continued, however, as sectarian violence persisted.<sup>3</sup>

The US-led Multi-National Force–Iraq (MNF-I) and the Iraqi government faced increasing attacks from supporters of the former government and other armed groups. Attacks by the various groups intensified after the February 2006 bombing of the Samara Mosque, a Shia shrine, reportedly carried out by al-Qaeda in Iraq. The incident sparked increased sectarian violence and resulted in mass displacement. The bombing was followed by retaliatory violence; over a hundred people were killed in the immediate aftermath and at least 165 in the following days.<sup>4</sup> Iraq's civilian population was faced with daily violence perpetrated by armed groups,

criminal gangs, religious radicals and militias. There were also injuries and deaths resulting from operations by the security forces. Civilians accounted for the majority of these casualties. Human rights abuses, ranging from killings to discrimination on the basis of political and religious affiliation, gender, sexual orientation and professional group, had an enormous impact on the population.<sup>5</sup>

Abductions of children by Iraqi armed groups related to the sectarian violence increased significantly, in addition to the number of children abducted for ransom. A survey conducted by several local non-governmental organizations (NGOs) in Baghdad indicated that at least 20,000 people had been abducted throughout the country in 2006, half of them women and children.<sup>6</sup>

The Secretary-General reported that there had been “frequent attacks on schools, children and teachers” in Iraq since 2006. In January 2007 members of an armed group were said to have deliberately targeted a girls’ school in western Baghdad, with five students killed and 21 others injured in the incident. In June 2007 members of an armed group were said to have abducted 30 students between the ages of 17 and 19 from a secondary-school in Saydiyah.<sup>7</sup>

In mid-March 2006 five MNF-I soldiers were charged with the rape and murder of a 14-year-old girl and the murder of her family, including her 5-year-old sister, in Mahmoudiyah, south of Baghdad.<sup>8</sup>

## Government

### National recruitment legislation and practice

Article 9 of the 2005 Iraqi constitution stated that “[t]he Iraqi Armed Forces and Security Services will be composed of the components of the Iraqi people with due consideration given to its balance and its similarity without discrimination or exclusion and shall be subject to the control of the civilian authority”, and that “[m]ilitary service shall be regulated by law”.

In May 2003 the Coalition Provisional Authority (CPA) had ordered the complete dismantling of the Iraqi army, the demobilization of all enlisted soldiers and the indefinite suspension of universal conscription. The August 2003 CPA order creating the new armed forces specified that the minimum age of recruitment was 18 and that recruitment was voluntary. Former military officers of the rank of lieutenant-colonel and below were being accepted into the new army; all other males between the ages of 18 and 40 who were not listed on excluded lists were allowed to sign up at recruiting centres.<sup>9</sup>

### Military training and military schools

MNF-I implemented a structured training and assessment process for the Iraqi military forces. Training was divided into two areas: for new recruits and for former soldiers. Membership of the Iraqi Special Forces Brigade required additional training. All Iraqi Special Operations Forces (ISOF) soldiers underwent a three-week assessment and selection course. They played crucial roles in major combat operations alongside, and sometimes independently of, multinational forces. A small number of army personnel attended advanced training with NATO and in US army schools.<sup>10</sup>

### Armed groups

A wide range of armed groups operated in Iraq, most of them opposing the occupation of the multinational forces or engaging other sectarian militia groups. Iraqi armed groups opposing the occupation were mainly Sunni, although Sunni armed groups also attacked Shia targets. Al-Qaeda in Iraq (al-Qaeda of Jihad Organization in the Land of the Two Rivers) was the most prominent insurgent group.<sup>11</sup>

Children were reportedly involved in attacks carried out by armed groups at least since November 2005, when a boy aged between ten and 13 carried out a suicide bombing targeting the police commander in the city of Kirkuk. No group claimed responsibility for the attack.<sup>12</sup> Later the same month two boys aged 12 and 13 reportedly carried out attacks against MNF-I patrols in Fallujah and Hweejah.<sup>13</sup>

Various armed groups allegedly used child soldiers. The two main child recruiters were al-Qaeda in Iraq and Jaysh al-Mahdi (Army of the Mahdi), according to research conducted by an Iraqi NGO. These groups reportedly used money to entice children into the group.<sup>14</sup>

The Sunni group al-Qaeda in Iraq was led by Abu Musab al-Zarqawi until his death in 2006. The group was believed to be led subsequently by Abu Hamza al-Muhajir (also known as Abu Ayyub al-Masri). Al-Qaeda in Iraq targeted mainly the MNF-I presence and individuals co-operating with MNF-I. It also launched attacks against civilians, often targeted at the Iraqi Shia majority, in an attempt to incite sectarian violence. Al-Qaeda was estimated to have more than 1,000 active members. Reports indicated that the group recruited children to carry out its attacks, but the number involved was not known.<sup>15</sup>

Mentally disabled children were allegedly sold to or abducted by al-Qaeda in Iraq and used by the group in night raids and as decoys to divert the attention of US or Iraqi forces in the run-up to attacks in cities such as Diyala, Ramadi and Fallujah.<sup>16</sup>

On 21 March 2007 mentally disabled children were allegedly used by al-Qaeda in

Iraq operatives in a suicide attack on a market in the Adhamiyah neighbourhood of Baghdad. According to a spokesperson for the Ministry of Interior, “they were put in the back of a car with another two adults in the front. The military let their car pass through the check point since it had children as passengers. When they reached the market, they [the adults] left the car with the children inside and detonated a bomb in the vehicle, killing the children and another five Iraqis.”<sup>17</sup>

Children orphaned since the US-led invasion in 2003 were allegedly used by the group as spies, or sent to gather information or distract troops while the group prepared to detonate bombs nearby. According to the Ministry of Interior, at least 12 children had died by April 2007 as a result of such bomb explosions.<sup>18</sup>

Jaysh al-Mahdi, led by radical cleric Sheik Muqtada Sadr, had a large presence in the cities of Najaf and Karbala and the “Sadr City” suburb in Baghdad. It was created in 2003 following the collapse of the Saddam Hussein government, and sought to replace more traditional factions as the voice of Iraq’s Shiite majority. As of early 2004 it was estimated to consist of about 500–1,000 trained combatants along with another 5,000–6,000 active participants, including under-18s.<sup>19</sup> In summer 2004 Muqtada al Sadr directed a revolt that affected the primarily Shia south of Iraq, with the fighting against the MNF-I in the holy city of Najaf being particularly fierce. Child soldiers were allegedly used by the al-Mahdi militias during the fighting, some as young as 12.<sup>20</sup> In September 2006 children were reportedly used to throw stones at US troops in “Sadr City”, although an Al-Sadr spokesman denied organizing children for this purpose, stating that the rock-throwing was “spontaneous”.<sup>21</sup>

Ansar al-Islam, one of two main ethnic Kurdish Islamist groups in Iraqi Kurdistan, with around 600 fighters, was accused of links with al-Qaeda, and reportedly included non-Kurdish fighters.<sup>22</sup> Since its establishment in 2001, the group engaged in intermittent clashes with the forces of the Patriotic Union of Kurdistan (PUK), in whose stronghold Biyara and Tawela were located. There was no available information as to whether this group recruited children.

## Detention of suspected child soldiers

Children were reportedly held in centres under the jurisdiction of the Iraqi Ministry of Interior. Some were suspected of having taken part in clashes against government forces, including those suspected of being linked to the Mahdi Army.<sup>23</sup>

By mid-2007 around 800 children aged between ten and 17 were held in an MNF-I base in Baghdad, accused of making and planting roadside bombs for armed groups or caught when acting as lookouts or carrying guns.

According to a US Army spokesperson, the number of child arrests was on the rise, from 25 a month in 2006 to 100 a month in 2007.<sup>24</sup>

US soldiers within MNF-I described abuses against child detainees in detention centres run by MNF-I, including the rape of a 15-year-old boy at Abu Ghraib prison, forced nudity, stress positions, beating and the use of dogs.<sup>25</sup>

As of October 2007 it was not clear whether children in MNF-I custody in Iraq were subject to the same detention review process as adults, who did not have access to lawyers and had to sign pledges of good behaviour and produce a guarantor to be released.<sup>26</sup> According to Major-General Douglas Stone, as of September 2007 between 50 and 60 children aged 15 to 17 had been turned over to Iraqi custody for trial.<sup>27</sup>

## Developments

The government, through the Commission of Child Care, began to address the challenges confronting children in Iraq. The Commission established a committee, which recommended that the government sign the Optional Protocol to the UN Convention on the Rights of the Child on the involvement of children in armed conflict.<sup>28</sup>

- 1 Report of the UN Secretary-General to the Security Council on Children and armed conflict, UN Doc. A/62/609-S/2007/757, 21 December 2007.
- 2 United Nations Mission in Iraq (UNAMI), [www.uniraq.org/](http://www.uniraq.org/); see also Human Rights Watch, Country Summary, January 2007.
- 3 UNAMI, 11th report on the situation of human rights in Iraq, 1 April–30 June 2007, [www.uniraq.org](http://www.uniraq.org).
- 4 “Bombing shatters Mosque in Iraq”, *Washington Post*, 23 February 2006, [www.washingtonpost.com](http://www.washingtonpost.com).
- 5 International Committee of the Red Cross (ICRC), “Iraq: a desperate situation”, interview with Béatrice Mégevand-Roggo, 22 September 2007, [www.icrc.org/](http://www.icrc.org/); ICRC, “Iraq: civilians without protection”, report, 11 April 2007, [www.icrc.org](http://www.icrc.org).
- 6 Report of the Secretary-General on Children and Armed Conflict, UN Doc. A/61/529-S/2006/826, October 2006; see also Amnesty International (AI), “Iraq: decades of suffering, now women deserve better”, 22 February 2005.
- 7 Report of the Secretary-General, above note 1.
- 8 Report of the Secretary-General, above note 6.
- 9 Global Security, “New Iraqi Army”, [www.globalsecurity.org](http://www.globalsecurity.org).
- 10 Ibid.
- 11 “Guide: Armed groups in Iraq”, BBC News, 15 August 2006.
- 12 “World: Islamic clerics condemn use of children in suicide bombings”, RadioFreeEurope/Radioliberty, 3 November 2005, [www.rferl.org](http://www.rferl.org).

- 13 Report of the Secretary-General, above note 6.
- 14 Confidential information, Iraq, May 2007.
- 15 Ibid.
- 16 "Iraq: mentally handicapped children are used in attacks", IRIN, 10 April 2007.
- 17 Ibid.
- 18 Ibid.
- 19 Global Security, "Al- Mahdi Army", [www.globalsecurity.org](http://www.globalsecurity.org).
- 20 Peter W. Singer, "Young Soldiers Used in Conflicts Around the World", *Washington Post*, 12 June 2006.
- 21 "Young children fight US troops in Iraq", Associated Press, 9 September 2006, at [www.globalpolicy.org](http://www.globalpolicy.org).
- 22 Global Security, "Ansar Al Islam", [www.globalsecurity.org](http://www.globalsecurity.org).
- 23 Human Rights Watch, "The New Iraq? Torture and Ill-treatment of detainees in Iraq and Custody", January 2005.
- 24 "US Detains nearly 800 juveniles in Iraq", Agence France-Presse (AFP), 19 August 2007, [www.timesofoman.com](http://www.timesofoman.com).
- 25 Amnesty International, "USA: human dignity denied: torture and accountability in the 'war on terror'", October 2004.
- 26 "US command in Baghdad launches bid to rehabilitate Iraqi detainees", *Inside the Air Force*, Vol. 18, No. 29 (20 July 2007); Nancy Montgomery, "Board decides fate of thousands of Iraqi detainees: panel of Iraqis and American military has released more than 14,000 in 18 months", *Stars and Stripes*, 23 February 2006.
- 27 Walter Pincus, "US working to reshape Iraqi detainees: moderate Muslims enlisted to steer adults and children away from insurgency", *Washington Post*, 19 September 2007.
- 28 Report of the Secretary-General, above note 6.

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## IRELAND

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### Ireland

**Population:** 4.1 million (1.0 million under 18)

**Government armed forces:** 10,500

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 17; 16 as apprentices

**Voting age:** 18

**Optional Protocol:** ratified 18 November 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***The minimum voluntary recruitment age was 17, but under-18s serving in the armed forces were unlikely to be deployed in hostilities because of training requirements.***

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### Government

#### National recruitment legislation and practice

The constitution and a series of Defence Acts from 1954 to 1993 provided the basis for the Irish Defence Forces. Compulsory military service and conscription had never existed in Ireland, and recruitment to the Irish Defence Forces (made up of a Permanent Defence Force and a Reserve Defence Force) was entirely voluntary. Defence Forces Regulations and Administrative Instructions stated that enlistment in any branch of the Irish Defence Force could take place at the age of 17. Cadets entering the Permanent Defence Force for year-long intensive training leading to a commission as a junior officer also had to be 17. The Defence Forces Administrative Instructions explicitly barred the overseas service of any member of the armed forces under the age of 18. Following enlistment, most 17-year-old recruits underwent a six-month period of "essential core basic training" before actively assuming military duties in the Permanent Defence Force. Consequently, the government emphasized that "the possibility of a person who has not attained the age of 18 being exposed to any 'hostile' incident is virtually negligible". According to the government, "the only theoretical situation where a person who has not attained the age of 18 could be exposed to 'hostilities' would be where hostilities had broken out and were occurring within the State's own jurisdiction". In February 2007 it was reported that there were more than 300 17-year-olds in the Reserve Defence Force, although mandatory training requirements in the second year of their service meant that they were not permitted to take part in any actual operations until they were at least 18 or 19. Members of the Reserve

Defence Force were expressly prohibited from participation in civil power back-up operations and were also prohibited from taking part in any international operations. All those seeking entry to any branch of the Irish Defence Forces who were under 18 were required to have the written consent of their parent or guardian prior to enlistment, and to have had a personal interview. An estimated 22 per cent of personnel entering the Irish Defence Forces were younger than 18 in recent years; of those, fewer than 45 per cent were reportedly still under 18 at the conclusion of their basic training.<sup>1</sup>

### **Military training and military schools**

Irish military regulations allowed 16-year-olds to be recruited as “apprentices”, receiving special training for three or four years at both military and civilian technological colleges. They were completely prohibited from performing any military duties, and would normally be 19 or 20 by the time they completed their studies and gained their qualification. Only then would they assume active military duties including possible deployment abroad. In current practice, the minimum entry age for apprentices was generally 17, comparable with the age of ordinary enlistment in the Irish Defence Forces.<sup>2</sup>

### **Disarmament, demobilization and reintegration (DDR)**

Ireland contributed €500,000 in 2005 to the UN Development Programme’s Disarmament, Demobilisation, Reintegration and Repatriation Trust Fund for Liberia, supporting work with both adult and child ex-combatants.<sup>3</sup>

### **Developments**

In preparing its 2006 Initial Report to the UN Committee on the Rights of the Child on implementation of the Optional Protocol, the government consulted with a wide range of non-governmental organizations (NGOs) and statutory bodies and included some of the views expressed in the consultation in its report to the Committee. Among concerns identified in the process was the exclusion of those members of the Irish Defence Forces under the age of 18 from the investigative mandate of the Ombudsman for Children and the need for specific training of refugee determination personnel on issues relating to child ex-combatants.<sup>4</sup>

A community-based Child and Adolescent Mental Health Service, established by the Irish Health Service Executive, organized multidisciplinary teams of health professionals, social workers and speech and language therapists, prepared to “treat psychiatric and psychological manifestations associated with traumatic experiences such as those experienced

in armed conflict and children are referred to these services where necessary”.<sup>5</sup>

At a February 2007 ministerial meeting in Paris, Ireland and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

- 1 Initial report of Ireland to the UN Committee on the Rights of the Child on the Optional Protocol, UN Doc. CRC/C/OPAC/IRL/1, 5 February 2007.
- 2 Ibid.
- 3 Ibid.
- 4 Ibid.
- 5 Information from the Irish ambassador to the United Kingdom, September 2007.





*School sign, East Jerusalem – children are vulnerable even at school*

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# ISRAEL

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## State of Israel

**Population:** 6.7 million (2.2 million under 18)

**Government armed forces:** 168,000

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 17

**Voting age:** 18

**Optional Protocol:** ratified 18 July 2005

**Other treaties ratified (see glossary):**

CRC, ILO 138, ILO 182

*The minimum age of conscription was 18 and volunteers were accepted from age 17. Military training was widespread for under-18s. Under-18s were recruited as volunteers in the police-affiliated civil guard. Israeli children around Hebron were used by extreme settler movements in violent activities. Israeli military forces continued to arrest large numbers of Palestinian children, some of whom were tortured during detention. Palestinian and Lebanese armed groups launched attacks on Israeli civilian targets, killing and injuring a number of Israeli children.*

## Context

The Palestinian intifada (uprising) against Israeli occupation continued into 2007. Nearly 6,000 people had been killed during the conflict, including 129 Israeli children killed by Palestinian forces<sup>1</sup> and 889 Palestinian children killed by Israeli forces.<sup>2</sup> Israel withdrew settlers and troops from the Gaza Strip in August–September 2005, although since then it had conducted frequent armed raids into the area.<sup>3</sup> Israeli withdrawal from four West Bank settlements also took place, but Israel confiscated Palestinian land through its construction of the “separation barrier” around the West Bank.<sup>4</sup> The wall reduced the scope for direct conflict, but there were frequent clashes between settler communities and Palestinians. Syria and Lebanon remained formally at war with Israel, which occupied disputed territory of both countries. In July 2006 Israel launched an intensive month-long military campaign in Lebanon after the abduction of two of its soldiers. The July 2006 conflict resulted in the deaths of seven Israeli and nearly 400 Lebanese children.<sup>5</sup>

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## Government

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### National recruitment legislation and practice

All Israelis were required to perform military service from the age of 18.<sup>6</sup> Men were expected to serve for 36 months and women for 24 months. Children were assessed and interviewed for service in the armed forces from the age of 16 and a half, and at 17 were issued formal call-up notices. Voluntary recruitment was allowed from the age of 17, although the armed forces stated that “frontline” duties were only possible from 18.<sup>7</sup> Exemption was possible on medical grounds and by discretion of the Minister of Defence.<sup>8</sup> Only women could state religion or family status as grounds for exemption.<sup>9</sup>

### Military training and military schools

Israeli children received familiarization and military training well below the age of recruitment. Most schools had uniformed teacher-soldiers and youth guides on their staff who provided a link between the education system and the military establishment.<sup>10</sup> Official pre-recruitment activities started at the age of 15–16 (tenth grade).<sup>11</sup> By the 11th–12th grade (age 16 up) students were reportedly “saturated with the idea of enlistment” through a range of promotional events and material.<sup>12</sup> Gadna, or youth battalions, ran a one-week military training program on an Israel Defense Forces (IDF) base as part of the curriculum for 16–17-year-olds at most Jewish state schools.<sup>13</sup>

The armed forces also directly administered schools, including the Beit Biram Military Boarding School in Haifa, which accepted students from age 14.<sup>14</sup> Pupils were called cadets and wore military uniforms.<sup>15</sup> The Israeli Air Force (IAF) ran four technical schools for children aged 13 and above. Amal High School in Ramat David was a joint military–civilian facility for children aged 13 and older based on an IAF base.<sup>16</sup>

A number of voluntary summer and extra-curricular courses involving military training were available for Israeli and foreign children from the age of 14–15. These included courses run directly by the IDF and those run by other organizations, such as the scouts.<sup>17</sup> Trials to serve in elite units of the military began from the age of 17. In 2006 there was controversy when 17-year-old Itai Sharon died of heatstroke during Israeli Air Force (IAF) trials.<sup>18</sup> The subsequent internal inquiry identified a series of failures in the IAF’s treatment of Sharon.<sup>19</sup> Also in 2006, 17-year old Aharon Tzarfati died accidentally during physical evaluations for a naval commando program. He was among two hundred 17–18-year-olds taking part.<sup>20</sup>

## Child recruitment and deployment

There were no reported instances of under-18s serving in combat duty with the IDF. However, in Hebron young Israeli children from settlements often mingled with soldiers on duty and sat in military checkpoints, even when Palestinians were present.<sup>21</sup> On occasion IDF soldiers were reported to have stood by, or given tacit encouragement, as Israeli children engaged in hostile behaviour towards Palestinians.<sup>22</sup> In one case an Israeli soldier showed a Palestinian's identity papers to two settler children, aged around 12. They and four other children then threw stones at the Palestinian under the gaze of the soldier.<sup>23</sup>

In 2007 three incidents were documented where Palestinian children were used as human shields by the IDF in and around Nablus, two years after an Israeli Supreme Court ruling banned this practice.<sup>24</sup> In one case, an 11-year-old girl was sent into a derelict building ahead of IDF soldiers investigating the source of shooting.<sup>25</sup> In another case, a 15-year-old boy was told to walk ahead of soldiers searching his family home, the soldiers firing five or six shots.<sup>26</sup>

Israel's internal security agency, known as Shabak or Shin Bet, was also alleged to have attempted to recruit Palestinian children as informants. An official from the Palestinian Authority (PA) security forces told DCI-Palestine, a non-governmental organization (NGO), that 40 per cent of Palestinians accused of collaborating with the Israeli forces and arrested by the PA were children. The youngest he had encountered was 12.<sup>27</sup> A 16-year-old boy from Hebron was arrested by Israeli forces and held in solitary confinement at Ashkelon Prison in Israel for 35 days in 2007. He was mistreated during his detention and pressed to become an informant.<sup>28</sup> Previous studies showed that such approaches were common during detention.<sup>29</sup>

In 2006 around 700 Palestinian under-18s were detained by Israeli forces, under military provisions that contravened international humanitarian law and standards of juvenile justice.<sup>30</sup> Incidents of ill-treatment and torture remained common.<sup>31</sup> In one case, a 17-year-old boy was arrested in July 2007 on charges of attempting to recruit a suicide bomber. During the journey to the detention centre, he was kicked and trampled on by Israeli soldiers. Interrogators slapped him repeatedly and slammed his head against a desk. After initial interrogation he was held for five days in a cell with Palestinian informants and for 15 days in solitary confinement.<sup>32</sup>

The Israeli police force encouraged older Israeli children to volunteer for its 70,000-strong civil guard.<sup>33</sup> The guard undertook community policing alongside more security-focused roles such as foot patrols, checkpoint security and security sweeps.<sup>34</sup> Under-18s were noted taking

part in a limited capacity from the tenth grade and received weapons training and firearms from 11th grade (16–17).<sup>35</sup>

## Armed groups

### Palestinian groups

The military wings of Palestinian political groups – Hamas, Fatah, Islamic Jihad and the Popular Front for the Liberation of Palestine (PFLP) – continued attacks against Israelis in Palestinian areas and in Israel.<sup>36</sup> One hundred and twenty-nine Israeli children were killed in attacks since 2000.<sup>37</sup> They included two 16-year-olds who were killed in a suicide bombing at a Netanya shopping centre in July 2005.<sup>38</sup> The attack was carried out by 18-year-old Ahmed Abu Khalil and claimed by Islamic Jihad.<sup>39</sup> One older Palestinian child was killed during attempts to cross the Israeli border on behalf of an armed group. No under-18s were known to have been involved in suicide bombings since 2004.<sup>40</sup> The shelling of Sderot, on the border with Gaza, by Palestinian armed groups constituted a threat to children on both sides of the border.<sup>41</sup> In September 2007 Islamic Jihad claimed responsibility for a rocket attack that landed metres away from an Israeli kindergarten.<sup>42</sup>

### Lebanese groups

Hizbollah conducted a number of raids and shelled Israeli positions prior to the July 2006 war. During the month-long battle, Hizbollah's shelling of northern Israel resulted in the deaths of seven children, as well as damage to 23 schools and 11 kindergartens. Six thousand Israeli children required psychological treatment as a result of the violence.<sup>43</sup>

### Israeli settlers

Israeli children living in settlements were frequently involved in violent confrontations with Palestinian neighbours and, on occasion, international observers. In Hebron, observers reported the systematic use of youngsters under 12 to carry out acts of violence and vandalism against Palestinians and their property.<sup>44</sup> Israel's police commander in the Hebron region said, "We have a major problem here. They [the settlers] understand our weak point – and they use children under the age of criminal responsibility, under the age of twelve. They do this intentionally. They [the children] are the tactical wing, even the strategic wing, of the adults."<sup>45</sup> The Israeli NGO Yesh Din found that of 150 cases of complaints of settler violence opened in 2005 and closed by November that year, 50 involved children under the age of criminal responsibility, all from the Hebron area.<sup>46</sup> One adult victim from the Tel Rumeida area of Hebron reported that "settler children attack us, with

the parents encouraging them and standing next to them”.<sup>47</sup> A number of videos of child settler violence were posted on the Internet in 2006–7.<sup>48</sup> Attacks by groups of older Israeli children against Palestinians in the area were reported on a relatively frequent basis.<sup>49</sup>

Throughout the West Bank, and formerly in the Gaza Strip, older Israeli children were reportedly involved in the building and securing of new outposts. This included four under-18s who were charged in 2007 for their role in building the outpost of Shevut Ami on Palestinian land.<sup>50</sup> The precise affiliation of the child activists was unclear, although observers said that they were well organized and briefed.<sup>51</sup> They were often referred to in the Israeli press as “Hilltop Youth”, although this was an umbrella term for a number of diverse groups.<sup>52</sup> During the first seven months of 2005, 688 Israeli under-18s were detained for their role in protests against the pull-out from Gaza and outpost settlements, but in 2007 state prosecutors decided to drop charges against 60 minors indicted for assault against the security forces in August 2005.<sup>53</sup> During the IDF evacuation of Homesh in the northern West Bank in March 2007, up to 2,500 activists, most of them teenagers, attempted to repopulate the area.<sup>54</sup> In April 2006 a movement called “Youth for the Land of Israel” rallied 1,000 protestors for a demonstration at Bet El, when a 17-year-old participant was injured in clashes with Palestinians.<sup>55</sup>

“Youth for the Land of Israel” was also alleged to have organized “hikes” in the West Bank by means of leafleting campaigns in schools.<sup>56</sup> This activity often involved groups of Israeli settlers trespassing on Palestinian land and sometimes ended in clashes. Local settlement councils also encouraged older children to participate in hikes as part of local youth activities.<sup>57</sup>

## Developments

Israel and the Occupied Palestinian Territory (OPT) were noted as situations of concern in the UN Secretary-General’s reports to the Security Council on Children and Armed Conflict in February 2005 and October 2006.<sup>58</sup> The Special Representative of the UN Secretary-General for Children and Armed Conflict visited the area in April 2007. She recommended the establishment of independent investigation mechanisms to follow up alleged violations of children’s rights. She suggested that Israel review its policies on detention for Palestinian children. The Special Representative also called on Palestinian armed factions in Gaza to respect humanitarian law and halt all indiscriminate rocket fire into Israel.<sup>59</sup>

A number of government and non-government programs supported Israeli children affected by the conflict. This includes the Psychological Counselling Service in state schools.<sup>60</sup> The Israel Center for the Treatment of Psychotrauma set up

the “Living Under Fire” program for children in Sderot, Nahariya and Haifa after the 2006 conflict with Lebanon.<sup>61</sup> NATAL – the Israel Center for Victims of Terror and War – was one of a number of groups running programs for residents of Sderot, including children.<sup>62</sup>

## International standards

Israel ratified the Optional Protocol in July 2005. Its declaration confirmed that the minimum age for voluntary recruitment was 17 and that no one under 18 could be posted to combat duty. The declaration said that in order to ensure that recruitment of under-18s was not forced or coerced, written permission from the parents or guardian, reliable proof of age and explanation of the duties were required.<sup>63</sup> In March 2005 Israel ratified ILO Convention 182 on the Worst Forms of Child Labour.<sup>64</sup>

- 1 B’Tselem statistics to 31 October 2007 from 29 September 2000, [www.btselem.org](http://www.btselem.org).
- 2 Information from DCI Palestine Section, to 5 November 2007.
- 3 See for example “One year after the ‘Disengagement’: Gaza still occupied and under attack”, *al Haq*, September 2006, [www.alhaq.org](http://www.alhaq.org).
- 4 UN Office for Co-ordination of Humanitarian Affairs, “The Humanitarian Impact on Palestinians of Israeli Settlements and Other Infrastructure in the West Bank”, July 2007, [www.ochaopt.org](http://www.ochaopt.org).
- 5 The UN estimated that a third of 1,191 deaths in Lebanon were minors: “Major violations on both sides in Israel–Lebanon conflict, say UN Experts”, 4 October 2006, [www.unhcr.ch](http://www.unhcr.ch).
- 6 Defence Service Law, Consolidated Version 5746-1986.
- 7 New Profile (Israeli non-governmental organization), “Child Recruitment in Israel”, 29 July 2004.
- 8 Defence Service Law, above note 6.
- 9 Ministry of Foreign Affairs, July 2005, [www.mfa.gov.il](http://www.mfa.gov.il).
- 10 Interview with New Profile, 11 September 2007.
- 11 Hanan Greenberg, “IDF to look at teen’s motivation”, *Ynet News*, 29 August 2006.
- 12 Interview with New Profile, above note 10.
- 13 New Profile, above note 7.
- 14 *Ibid*.
- 15 See [www.panmaz.co.il](http://www.panmaz.co.il).
- 16 New Profile, above note 7.
- 17 See Gadna programmes at <http://dover.idf.il/>; Tzofim brochure, [www.chetz-vkeshet.org.il](http://www.chetz-vkeshet.org.il).
- 18 Information from DCI-Israel, 18 October 2007.
- 19 Nir Hasson and Yoav Stern, “Report: IAF failures to blame for teen’s death in pre-pilot course”, *Ha’aretz*, 17 December 2006.
- 20 Amos Harel, “Naval Commando Candidate Dies During Pre-Conscription Trials”, *Ha’aretz*, 19 September 2006.

- 21 Interview with international observers in Hebron, 13 September 2007.
- 22 See numerous case studies in Yesh Din, "A Semblance of Law", June 2006.
- 23 Ibid.
- 24 B'Tselem, "Human Shields", background, [www.btselem.org](http://www.btselem.org).
- 25 Incident in February 2007, information received from DCI-Palestine Section, 10 September 2007.
- 26 B'Tselem, "Israeli soldiers use 'Amid 'Amirah, 15, as human shield, Nablus, February 2007", [www.btselem.org](http://www.btselem.org).
- 27 DCI-Palestine, "Dealing with alleged child collaborators in the Occupied Palestinian Territory in the spirit of the Convention on the Rights of the Child", April 2005, [www.dci-pal.org](http://www.dci-pal.org).
- 28 Documented by DCI-Palestine Section, 19 July 2007, [www.dci-pal.org](http://www.dci-pal.org).
- 29 "Dealing with alleged child collaborators", above note 27.
- 30 UN Report, Visit of the Special Representative of the Secretary-General for Children and Armed Conflict to the Middle East, 9–20 April 2007.
- 31 DCI-Palestine Section, "Palestinian Child Prisoners Report 2006", March 2007, [www.dci-pal.org](http://www.dci-pal.org).
- 32 Information received from DCI-Palestine Section, 28 November 2007.
- 33 Israeli police website, [www.police.gov.il](http://www.police.gov.il).
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- 35 New Profile, above note 7.
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- 44 Yesh Din, above note 22; B'Tselem and Association for Civil Rights in Israel, "Ghost town: Israel's separation policy and forced eviction of Palestinians from the center of Hebron", May 2007.
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- 46 Yesh Din, above note 22.
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- 51 Telephone conversation with DCI-Israel, 18 October 2007; interview with Amir Givol, New Profile, 11 September 2007.
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- 55 "Yaakov Katz Beit El marchers defy IDF closure", *Jerusalem Post*, 16 April 2006.
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- 58 UN Secretary-General's reports to the Security Council on Children and Armed Conflict, UN Doc. A/59/695-S/2005/72, 9 February 2005; UN Doc. A/61/529-S/2006/826, 26 October 2006.
- 59 UN Report, above note 30.
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- 61 Israel Center for the Treatment of Psychotrauma, [www.traumaweb.org](http://www.traumaweb.org).
- 62 NATAL, [www.natal.org.il](http://www.natal.org.il).
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# ITALY

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## Italian Republic

**Population:** 58.1 million (9.8 million under 18)

**Government armed forces:** 191,200

**Compulsory recruitment age:** 18 (conscription suspended from January 2005)

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 9 May 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

*According to 2004 legislation the minimum age for voluntary recruitment into the armed forces was 18, but the declaration made at the time of ratification of the Optional Protocol, indicating 17 as the voluntary recruitment age, had not yet been amended.*

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## Government

### National recruitment legislation and practice

Law No. 226/2004, enacted in August 2004, suspended conscription with effect from 1 January 2005 (Article 1). Conscription could be reintroduced if war was declared or if there was a serious international crisis and numbers in the services were insufficient.<sup>1</sup> Law 226/2004 also provided that the minimum age for voluntary recruitment into the armed forces was 18, for a fixed one-year or four-year contract.<sup>2</sup> However, the declaration made by the government at the time of the ratification of the Optional Protocol, which indicated 17 years as the voluntary recruitment age, had neither been withdrawn nor amended.

Italy had not adopted legislation to prohibit and criminalize the recruitment or use in hostilities of children by armed groups distinct from the state armed forces. The Military Penal Code of War omitted the war crime of conscripting or enlisting children under the age of 15 into armed forces or groups or using them to participate actively in hostilities.<sup>3</sup> In its Concluding Observations on Italy's Initial Report on the Optional Protocol, the UN Committee on the Rights of the Child recommended that Italy introduce such legislation.<sup>4</sup> The Committee also expressed concern at the lack of definition of "take a direct part in hostilities" in Italian legislation,<sup>5</sup> and queried this issue specifically during the dialogue with country representatives.<sup>6</sup>

### Military training and military schools

Italy had three military schools: the Teuliè Military School in Milan, the Nunziatella Military School in Naples and the Francesco Morosini Naval Military School in Venice. Applicants had to be between 15 and 17 years of age and pass an entrance examination.<sup>7</sup> In addition to the normal school curriculum, students received military training, including combat and weapons training.<sup>8</sup>

Italy's Initial Report on the Optional Protocol was ambiguous as to whether students enrolled in military schools were considered part of the armed forces. It was particularly unclear regarding the status of students aged 16 and over, who had to sign a three-year contract of "special voluntary recruitment" into the armed forces before they were allowed to continue their studies.<sup>9</sup> Failure to sign the contract resulted in expulsion from the military school,<sup>10</sup> raising questions as to whether the recruitment was genuinely voluntary. Although parents or guardians had to authorize a child's age (as 15 or above) before he could be admitted to a military school, a parent or guardian's informed consent was not required for the contract of "special voluntary recruitment" into the armed forces, signed by military school students at the age of 16. There was no obvious requirement that students had to be fully informed of the duties involved in military service before signing the contract. The Initial Report also said nothing about 16-year-olds providing "reliable proof of age" at the point of signing the contract.

Despite this contract of "special voluntary recruitment" into the armed forces, Italy maintained the position that such students were not part of the armed forces. The relevant paragraphs in the Initial Report suggested some confusion between the concept of membership of the armed forces and that of taking a direct part in hostilities.<sup>11</sup> The Initial Report did not clarify when the three-year contract of voluntary recruitment would begin, and also failed to make it clear whether the students would be considered military recruits during their education at the military school, or on graduation.

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### Developments

Children seeking asylum in Italy were routinely detained, contrary to domestic law and international human rights standards. Those detained included former child soldiers.<sup>12</sup> In its Concluding Observations on Italy's Initial Report, the UN Committee on the Rights of the Child expressed regret about the lack of information on specific reintegration programs or activities for former child soldiers in Italy and the lack of systematic data collection on asylum seekers under the age of 18 who were affected by armed conflict. The Concluding Observations welcomed

the Italian government's international and bilateral technical co-operation activities and financial assistance aimed at preventing the involvement of children in armed conflict and assisting the recovery of child victims of armed conflict and of child combatants.<sup>13</sup>

At a February 2007 ministerial meeting in Paris, Italy and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

- 1 Law 331/2000, Article 2.1(f).
- 2 Law 226/2004, Articles 4 and 11.
- 3 Amnesty International (AI), "Italy – Law reform needed to implement the Rome Statute of the International Criminal Court", AI Index: EUR 30/009/2005, www.iccnw.org.
- 4 UN Committee on the Rights of the Child, Consideration of report submitted by Italy, Concluding observations, UN Doc. CRC/C/OPAC/ITA/CO/1, 23 June 2006.
- 5 Ibid.
- 6 Committee on the Rights of the Child, 42nd session, Summary Record – Italy, UN Doc. CRC/C/SR.1125, 24 May 2006.
- 7 Ministry of Defence and Military Schools, www.esercito.difesa.it/ and www.difesa.it.
- 8 Initial report of Italy to the Committee on the Rights of the Child on the implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/ITA/1, 14 July 2004.
- 9 Ibid.
- 10 Concluding observations, above note 4.
- 11 Initial report, above note 8.
- 12 AI, "Italy: Invisible children – The human rights of migrant and asylum-seeking minors detained upon arrival at the maritime border in Italy", AI Index: EUR/30/001/2006, 23 February 2006.
- 13 Concluding observations, above note 4.

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## JAMAICA

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### Jamaica

**Population:** 2.7 million (992,000 under 18)

**Government armed forces:** 2,830

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 17 years and 6 months (training only)

**Voting age:** 18

**Optional Protocol:** ratified 9 May 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182

***The minimum age for voluntary recruitment was 18 years. Younger recruits could enter training at 17 years and 6 months with parental consent.***

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### Context

The police faced high levels of violence related to drugs and arms trafficking and one of the highest homicide rates in the world, while in turn being responsible for hundreds of arbitrary killings, including extrajudicial executions.<sup>1</sup>

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### Government

#### National recruitment legislation and practice

According to Jamaica's declaration on ratification of the Optional Protocol, all service in the Jamaica Defence Force (JDF) was voluntary. Recruits of 17 years and 6 months could enlist in the JDF, but those under 18 required written parental consent, and they could not graduate from training institutions until the age of 18. Recruits over 18 served in the regular force or in the regular and reserve forces under service contracts for periods of up to 12 years. Under-18s could serve a longer term, as their 12-year service began only when they reached the age of 18. Contracts could be further renewed.<sup>2</sup> Candidates for the reserve had to be over 18.<sup>3</sup>

The 2004 Child Care and Protection Act aimed to bring all child legislation in line with the Convention on the Rights of the Child, but it did not specifically prohibit the enlistment of under-18s in the defence forces.<sup>4</sup>

#### Military training and military schools

A new Military Education Policy was being developed to improve education and performance standards in the armed forces.<sup>5</sup>

Around 560 boys and girls in secondary-schools throughout Jamaica were members of the Jamaica Combined Cadet Force, which was affiliated to but not formally part of the armed

forces.<sup>6</sup> Members received basic military training aimed at stimulating interest in a military career and at showing how defence forces functioned.

The JDF took part in international training exercises with the United Kingdom, Canada and the USA and with countries in the Regional Security System. It also provided training to the forces of other Caribbean countries.<sup>7</sup>

## Armed groups

Under-18s were reportedly among members of armed gangs which developed in the context of the **political patronage and political violence** that characterized electoral politics from the 1960s to the 1980s, and which were responsible for gang and community violence.<sup>8</sup> A quarter of those arrested for violent crimes were school-age children, mainly boys.<sup>9</sup> The large number of guns in inner-city areas appeared to be an important factor in the recent upsurge of more informal groups not connected to political patronage. Boys of 16 or 17 were often considered “soldiers” in gang warfare, and 14-year-olds acted as gun carriers or lookouts.<sup>10</sup>

The government’s Violence Prevention Alliance, launched in 2004, brought together non-governmental, business, international and intergovernmental agencies. The Xchange movement, a regional initiative supported by UNICEF to bring about positive change among young people and adults, was launched in Jamaica in May 2005. Other programs included the training of community youth leaders and outreach activities such as skills and mediation training in communities severely affected by violence.<sup>11</sup>

9 UN Secretary-General, World Report on Violence against Children, 20 November 2006, [www.violencestudy.org](http://www.violencestudy.org).

10 Dowdney, above note 8.

11 UNICEF Jamaica, Violence, [www.unicef.org](http://www.unicef.org).

1 Latin American School of Social Sciences (FLACSO), Security and Citizenship Program, *Latin American and the Caribbean Security Sector Report, Country case study: Jamaica*, October 2006, [www.flacso.cl](http://www.flacso.cl); *Amnesty International Report 2007*.

2 1962 Defence Act, [www.moj.gov.jm](http://www.moj.gov.jm) (laws of Jamaica).

3 Jamaica Defence Force, Reserves, [www.jdfmil.org](http://www.jdfmil.org).

4 UNICEF, *Advancing Children’s Rights in Jamaica: Report on Legislative Reform Initiative*, November 2004, [www.unicef.org](http://www.unicef.org).

5 Jamaica Defence Force, JDF members.

6 Jamaica Defence Force, JCCF, Cadet Force.

7 FLACSO, above note 1. (The Regional Security System comprises Antigua and Barbuda, Barbados, Dominica, Grenada, Saint Kitts and Nevis, Saint Lucia, and Saint Vincent and the Grenadines; see [www.rss.org.bb](http://www.rss.org.bb).)

8 Luke Dowdney, *Neither War nor Peace*, Children and Youth in Organized Armed Violence (COAV), 2005, [www.coav.org.br](http://www.coav.org.br).



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# JAPAN

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## Japan

**Population:** 128.1 million (21.8 million under 18)

**Government armed forces:** 240,400

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 20

**Optional Protocol:** ratified 2 August 2004

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

*There were no reports of under-18s in the armed forces. Although 15-year-olds could become youth cadets, they were never deployed.*

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## Context

Six hundred ground troops deployed by Japan to Iraq in January 2004 were withdrawn in July 2006. However, around 200 air force personnel continued to airlift personnel and cargo between Iraq and Kuwait, with deployment to be reviewed in July 2008.<sup>1</sup> This was the first foreign deployment of Japanese troops since the end of the Second World War, apart from under the auspices of the UN, and it was criticized for being in potential breach of Article 9 of the constitution, which defined Japan as pacifist.<sup>2</sup>

A nuclear test by North Korea in October 2006 intensified public debate in Japan on whether to revise the constitution towards taking a more aggressive stance.<sup>3</sup> In May 2007 the Japanese parliament passed legislation setting out the procedures for a referendum on amending the constitution, while the government was working on draft amendments that were expected to move away from the pacifist approach.<sup>4</sup>

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## Government

### National recruitment legislation and practice

The 1947 constitution stated that the Japanese people “forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes ... land, sea and air forces, as well as other war potential, will never be maintained. The rights of belligerency of the state will not be recognized” (Article 9). The Self-Defence Forces were established in 1954 to defend against invasion and to maintain the peace, independence and security of Japan.

In 2003 Japan reported to the UN Committee on the Rights of the Child that “Article 25 of the Enforcement Regulations of Law and the

Instructions for Assignment of Youth Cadets stipulate that the Self-Defence Forces may accept applications only from those who are 18 years old or over, except for attending its educational institutions through the youth cadet programme”.<sup>5</sup>

There was no conscription.<sup>6</sup> However, emergency security legislation passed in 2002 calling for “people’s co-operation” in the event of an emergency raised concerns that this could entail conscription.<sup>7</sup>

### Military training and military schools

All three branches of the Self-Defence Forces (ground, maritime and air) operated youth cadet programs for lower-secondary-school graduates.<sup>8</sup> Cadets from the age of 15 received secondary-school education, basic military training and training to become technical specialists in the armed forces. According to the government they were not deployed on front lines and not expected to engage in hostilities, even in the event of an emergency.<sup>9</sup> They were, however, considered to be adopted as members of the Self-Defence Forces.<sup>10</sup>

In addition, university-level military academies existed, and about 1,700 cadets attended the National Defence Academy, where the emphasis was on academic education. Cadets received further military training at officer candidate schools after graduation.<sup>11</sup>

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### Disarmament, demobilization and reintegration (DDR)

The Japanese government provided assistance to demobilization and reintegration efforts in a number of countries through the Japanese International Co-operation Agency (JICA).<sup>12</sup> Projects included support to the demobilization processes in Afghanistan and Cambodia, and provision of skills training for demobilized soldiers in Afghanistan, Cambodia, Eritrea, Rwanda and Sudan. JICA’s programs were not specifically directed at the DDR of under-18s, but in some situations children could be among those to benefit.<sup>13</sup>

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### Developments

At a February 2007 ministerial meeting in Paris, Japan and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

## International standards

In August 2004 Japan ratified the Optional Protocol, stating in its declaration that “The Government of Japan, by relevant laws and regulations, recruits only those who are at and above the minimum age of 18 as a member of the Japan Self-Defense Forces, with the exception of the cases of the students solely receiving educational training at the schools within the structure of the Japan Self-Defense Forces (... ‘Youth Cadets’), which come under ‘schools’ stipulated in Article 3, paragraph 5 of the Optional Protocol”. The declaration further stated that the minimum age of recruitment of the Youth Cadets was 15 years, and set out a number of safeguards designed to ensure that the recruitment of the Youth Cadets was not forced or coerced. These included the requirement of consent from a parent or guardian, documentary proof of age for being at or over 15 years, and confirmation that a candidate was fully informed in advance of the duties involved.<sup>14</sup> Although more than two years had passed since ratification, Japan had yet to submit its initial report on the Optional Protocol.<sup>15</sup>

Japan acceded to Additional Protocols I and II to the Geneva Conventions in August 2004 and to the Rome Statute of the International Criminal Court in July 2007.

- 1 “Japan will extend Iraq deployment till July 2008, Shiozaki says”, Bloomberg News, 10 July 2007, [www.bloomberg.com](http://www.bloomberg.com).
- 2 “Japan’s Iraq troops arrive home”, BBC News, 10 July 2007.
- 3 *Amnesty International Report 2007*.
- 4 “Japan approves constitution steps”, BBC News, 14 May 2007.
- 5 Second periodic report of Japan to the UN Committee on the Rights of the Child, UN Doc. CRC/C/104/Add.2, 24 July 2003.
- 6 *Ibid.*
- 7 “Emergency legislation may allow for conscription”, *Japan Today*, 3 May 2002, [www.japantoday.com](http://www.japantoday.com).
- 8 Global Security, “Japan Ground Self Defence Force, Nihon Rikujo Jieita”, 2000, [www.globalsecurity.org](http://www.globalsecurity.org).
- 9 Initial report of Japan to the Committee on the Rights of the Child, UN Doc. CRC/C/41/Add.1, 5 August 1996.
- 10 Letter to Child Soldiers Coalition from Embassy of Japan, London, 25 February 2004.
- 11 National Defence Academy, [www.nda.ac.jp](http://www.nda.ac.jp).
- 12 Coalition correspondence with JICA, June 2007.
- 13 *Ibid.*
- 14 Declaration on accession to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).
- 15 UN Treaty Bodies Database, <http://tb.ohchr.org>.

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## JORDAN

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### Hashemite Kingdom of Jordan

**Population:** 5.7 million (2.5 million under 18)

**Government armed forces:** 100,500

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 23 May 2007

**Other treaties ratified (see glossary):**  
CRC, GC AP I and II, ICC, ILO 138, ILO 182

***The presence of some under-18s continued to be noted in the armed forces, but they were reportedly not deployed. There were no reports of armed political groups recruiting children.***

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## Government

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### National recruitment legislation and practice

The government decided in 2007 to reintroduce conscription, which had been suspended in 1999. Those first affected by the change were males aged over 18 and born after 1989, who would serve for a period of up to two years.<sup>1</sup> Conscription would be extended to females when the necessary trainers were available; young women would serve in universities and schools rather than in military facilities.<sup>2</sup> The government said that the aim of reintroducing universal conscription was to instil a sense of national pride and discipline in the country’s youth and provide training to help them find employment.<sup>3</sup>

The revised conscription law was to rule out waivers for only sons or those who had brothers killed in service,<sup>4</sup> but they would be available for health reasons; deferrals were available for students.<sup>5</sup> In a separate move, the age for voluntary recruitment was raised to 18.<sup>6</sup>

### Military training and military schools

The Jordanian Armed Forces (JAF) ran 21 institutions for military training, including the Royal Jordanian Military College in Amman.<sup>7</sup>

In 2007 the JAF set up a non-profit company in co-ordination with the Ministry of Labour to train unemployed youth to fill vacancies in the construction sector and elsewhere. This followed previous involvement in vocational training for over-16s.<sup>8</sup> In its first phase, the Jordan Company for Training and Recruitment (JCTR) would run a six-week military training program followed by vocational and on-the-job-training for 4,000 Jordanians between the ages of 18 and 35.<sup>9</sup> Trainees would receive a wage of 190–300 dinars

(approximately US\$269–424), and social and medical security benefits.<sup>10</sup>

## Child recruitment and deployment

In its third periodic report to the UN Committee on the Rights of the Child, considered in March 2006, Jordan stated that its armed forces employed 21 individuals under the age of 18, all of whom were 17; this number comprised 17 serving in the military sector and four in the civil service sector. No under-18s could take part in military operations.<sup>11</sup>

In correspondence with the Child Soldiers Coalition, the government stated on 19 October 2007 that “Recruitment of persons under the age of 18 is suspended concerning military purposes and is only limited to vocational tasks ... All members of the armed forces who are participating in peace operations are over 23 years old.”<sup>12</sup>

The Compulsory Military Service Act No. 23 of 1986 put the minimum age limit at 18; this would be retained in the 2007 amendments.<sup>13</sup> However, the issue of child recruitment was not mentioned in Jordan’s draft Children’s Act of 2004, which in 2007 was still awaiting parliamentary approval.<sup>14</sup> The Act was intended to implement the provisions of the Convention on the Rights of the Child.<sup>15</sup>

## Armed groups

A number of Palestinian political armed groups were represented in Jordan, including the Fatah-affiliated Badr Brigade, which was under the control of the JAF.<sup>16</sup> There were no reports that they recruited or trained under-18s.

## Developments

There were 750,000 refugees from the Iraq conflict in Jordan, of whom the UN estimated that some 250,000 were of school age.<sup>17</sup> Of these, 40,000 were expected to enter the Jordanian school system in 2007.<sup>18</sup> There were no reports of the involvement of under-18s in cross-border insurgency in Iraq. Care International was running counselling programs for Iraqi refugees affected by the conflict in Iraq, including children, with funding from the UN refugee agency UNHCR.<sup>19</sup>

Jordan made efforts to promote awareness of human rights and international humanitarian law (IHL) in its security forces, including through training programs run for the Police Academy and members of the armed forces by the National Centre for Human Rights and Mizan.<sup>20</sup> IHL was also integrated into military training in January 2006.<sup>21</sup> The Jordan Institute of Diplomacy’s Regional Human Security Centre organized a number of meetings on child soldiers, which resulted in recommendations for legal and

administrative measures on such issues as recruitment age.<sup>22</sup>

Jordan’s National Plan of Action for Children, to run from 2004 to 2013, also mentioned the need for protection of children in armed conflict. It aimed to provide training in this regard for those working in the field of child rights.<sup>23</sup>

In July 2007 Jordan hosted the 27th International Arab Children Congress (ACC) on the subject of security and development, which included workshops on the impact of war and violence on children.<sup>24</sup>

## International standards

The government ratified the Optional Protocol in May 2007, five years after signing it.<sup>25</sup> Jordan’s declaration was not yet available.

\* Titles of non-English language sources have been translated by the Coalition.

- 1 “18-year-olds to do three months’ military service”, *Jordan Times*, 15 March 2007. The exact timeframe was to be set by the cabinet, on the basis of advice from the designated minister and the head of the joint forces. Nifin Abd al-Hadi, “Service length fixed by cabinet”, *Ad-Dustour*, June 2007.
- 2 Mu’adh Furaihat, “Deputies agree flag law”, *Ammannet*, 10 June 2007.
- 3 Mohammad Ben Hussein, “Conscription law amendment approved”, *Jordan Times*, 19 April 2007.
- 4 Jihad al-Munsi, “Draft flat law cancels exceptions”, *al-Ghad*, 18 March 2007.
- 5 E-mail contact with the National Centre for Human Rights, 9 October 2007.
- 6 Third periodic report of Jordan to the UN Committee on the Rights of the Child, UN Doc. CRC/C/JOR/3, 2 March 2006.
- 7 Jordanian Armed Forces website, [www.jaf.mil.jo](http://www.jaf.mil.jo).
- 8 Third periodic report, above note 6.
- 9 Harun al-Khitab, “Civilian requests welcomed in Maan for training in the armed forces”, *al-Rai*, 1 October 2007, [www.alrai.com](http://www.alrai.com).
- 10 Khaled Neimat, “Army-run recruitment company launched”, *Jordan Times*, 6 September 2007.
- 11 Third periodic report, above note 6.
- 12 Correspondence with Jordan mission to Geneva, 19 October 2007.
- 13 Mustafa al-Riyalat, “Representatives agree flag and reserve law”, *ad-Dustour*, April 2007.
- 14 Contact with National Centre for Human Rights, above note 5.
- 15 “Parliament Approves CRC”, *ad-Dustour*, 26 August 2006.
- 16 David Eshel, “The Jordanian Badr Brigade – can it save Abu Mazen’s West Bank?”, *Defense Update*, 2 October 2007, [www.defense-update.com](http://www.defense-update.com).
- 17 Linda Hindi, “US pledges \$30 million to support Iraqis’ host countries”, *Jordan Times*, 29 August 2007.

- 18 “Iraqi children join Jordanian peers at school”, *Jordan Times*, 23 August 2007.
- 19 Linda Hindi, “Helping cure deep war wounds”, *Jordan Times*, 29 August 2007.
- 20 Third periodic report, above note 6.
- 21 International Committee of the Red Cross, *Annual Report*, 2006, www.icrc.org.
- 22 Third periodic report, above note 6.
- 23 UNICEF, Jordanian National Plan of Action, www.unicef.org.
- 24 Hani Hazaimah, “Children’s congress to focus on security, development”, *Jordan Times*, 26 June 2007.
- 25 Ratifications, www2.ohchr.org.

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# KAZAKHSTAN

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## Republic of Kazakhstan

**Population:** 14.8 million (4.4 million under 18)

**Government armed forces:** 65,800

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 19 (16 as military academy students)

**Voting age:** 18

**Optional Protocol:** ratified 10 April 2003

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182

***There were no reports of under-18s in the armed forces. Children could attend military schools from the age of 11. Secondary-school students received weapons training at 16 or 17.***

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## Context

In November 2004 security forces announced the arrests of 17 people, including four from Uzbekistan, in connection with explosions and attacks in Uzbekistan earlier in the year. All were described as members of a previously unknown organization, the Mujahedin of Central Asia,<sup>1</sup> which was alleged by the Kazakh authorities to be linked to the armed opposition group the Islamic Movement of Uzbekistan (IMU) (see Uzbekistan entry) and al-Qaeda.<sup>2</sup> The Uzbeks among them were reportedly returned to Uzbekistan.<sup>3</sup> Others were reported to have been sentenced in Kazakhstan in January 2006 to prison terms of between eight and 25 years.<sup>4</sup>

Kazakhstan was a member of the Shanghai Cooperation Organisation (SCO), established in June 2001, comprising also China, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan, whose goals included mutual co-operation in security matters.<sup>5</sup>

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## Government

### National recruitment legislation and practice

Following moves to convert the armed forces to a non-conscript basis, by January 2007 only 15 to 20 per cent of the army was made up of conscripts.<sup>6</sup> The reduction in the length of military service and transition towards a non-conscript military was said to have reduced hazing – the systematic abuse and humiliation of new recruits by longer-serving or senior soldiers. However, a significant number of hazing incidents continued to be reported.<sup>7</sup>

A new Military Obligation and Military Service Act of 8 July 2005 retained 18 as the minimum

age for compulsory military service (Article 23), while reducing the length of standard military service from 24 to 12 months.<sup>8</sup> The government told the UN Committee on the Rights of the Child there was no provision for reducing the age of conscription in a state of emergency or armed conflict, and that there had been no cases of children being recruited into military service since the Optional Protocol came into force.<sup>9</sup>

According to Kazakhstan's declaration on ratifying the Optional Protocol in 2003, the minimum age for voluntary recruitment was 19.<sup>10</sup>

The 2002 Children's Rights Act prohibited enlisting children "for participation in military actions or armed conflicts, or to create children's military units".<sup>11</sup>

### Military training and military schools

Military preparation classes were available for senior school students, whose studies included human rights and human rights law. From the ages of 16 or 17 students received training in the use of airguns, rifles and Kalashnikovs.<sup>12</sup> If martial law was declared, boys from the age of 16 and girls from 18 were required to undertake military training, including in the use of firearms and grenades.<sup>13</sup>

Boys from the age of 11 could enrol in the Zhas Ulan national military school, and from the age of 15 or 16 in the national military boarding schools. In 2005–6 about 4,000 children were studying in military schools, from where about 65 per cent of students went on to become army officers. Pupils entered voluntarily and with their parents' consent. By law the pupils could not participate in armed conflict or other military activities.<sup>14</sup>

The Zhas Ulan military school offered the standard school curriculum as well as weapons handling and physical training. Priority in selection was given to orphans, children in care and children from large and poor families and families of soldiers.<sup>15</sup> The Cadet Corps took boarding students for three-year courses from the age of 15–16, after which they became low-ranking officers. Cadet Corps students at the age of 18 committed themselves to five years' military service after graduation.<sup>16</sup> Those who did not sign up were liable for the cost of their education and to conscription.<sup>17</sup>

Young people were eligible to enter military academies from the year they turned 17. Students were considered to be carrying out military duties in accordance with the rules on carrying out military service. They could sign contracts for military service on reaching the age of 18, but not before completing one year of studies.<sup>18</sup>

### Armed groups

It was not known if under-18s from Kazakhstan were recruited to either the Mujahedin of Central

Asia or the IMU. Pakistani military sources in 2004 claimed that armed groups operating in Pakistan were increasingly recruiting teenagers from Central Asia, but these claims were disputed and could not be confirmed.<sup>19</sup>

The recruitment, training, financing or other material support for mercenaries was prohibited under the criminal code (Article 162) and punishable by 7–15 years' imprisonment where minors were involved. The government told the Committee on the Rights of the Child that there was no problem of minors in Kazakhstan being recruited for involvement in armed activities.<sup>20</sup>

### Developments

In January 2006 the Ministry of Education and Science established a Committee on Protection of Children's Rights with responsibility for ensuring compliance with the Convention on the Rights of the Child and the Optional Protocol.<sup>21</sup>

In September 2006 the Committee on the Rights of the Child noted with concern that there was no specific provision in law criminalizing the recruitment of children below the age of 18. The Committee called on the government to explicitly prohibit by law the recruitment of under-15s into armed forces or armed groups and their direct participation in hostilities, and to establish extraterritorial jurisdiction for these crimes when committed by or against a person who was a citizen of or had other links with Kazakhstan.<sup>22</sup>

- 1 This group is known by a number of other names, including Islamic Jihad Group, the Islamic Jihad Union, and the Jamaat of Central Asia Mujahadins.
- 2 *Amnesty International Report 2005*.
- 3 Information from Amnesty International (AI).
- 4 Marat Yermukanov, "Kazakhstan exacerbates 'religious threat' by maneuvering between Beijing and Washington", *Jamestown Foundation Eurasia Daily Monitor*, 9 May 2006, www.jamestown.org.
- 5 Shanghai Cooperation Organisation, www.sectsc.org.
- 6 Viktor Litovkin, "Kazakhstan wants to build its army in accordance with the best foreign template", *Voenna-Promyshlenniy Curer*, 17–23 January 2007, www.vpk-news.ru.
- 7 For example, see US Department of State, *Country Reports on Human Rights Practices 2006*.
- 8 Military Obligation and Military Service Act, No. 74-III, 8 July 2005, at <http://ru.government.kz>.
- 9 Written replies by the Government of Kazakhstan to the UN Committee on the Rights of the Child, UN Doc. CRC/C/OPAC/KAZ/Q/1/Add.1, 21 August 2006.
- 10 Declaration on accession to the Optional Protocol, www2.ohchr.org/; Military Service on Contract Basis Act, No. 167-II 3PK, 20 March 2001, Article 17(1).

- 11 Initial report of Kazakhstan to the Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/KAZ/1, 21 November 2005.
- 12 Written replies, above note 9.
- 13 Government Decree of 11 May 2006 in accordance with the Law of the Republic of Kazakhstan of 8 July 2005 “On Military Obligation and Military Service” (Article 41), at [www.mod.kz](http://www.mod.kz).
- 14 Written replies, above note 9; Statement of Kazakhstan to the Committee on the Rights of the Child, 43rd session, 11 September 2006. (Kazakhstan’s report to the Committee indicated that children could enrol in the Zhas Ulan school from the age of 11; the written replies, however, gave the age of enrolment as 12–13.)
- 15 Government of Kazakhstan, Admission Rules for the Republican “Zhas Ulan” school, undated, at <http://ru.government.kz>.
- 16 Ministry of Defence, “Republican school ‘Zhas Ulan’ named”, and “The Cadet Corps of the Ministry of Defense”, [www.mod.kz](http://www.mod.kz).
- 17 Military Obligation and Military Service Act, above note 8, Article 31.
- 18 Ibid.
- 19 See, for example, “Tale of a lost militant”, Reuters, 15 December 2004; “Qaeda using children for terrorism”, *Daily Times* (Pakistan), 26 November 2004, both at [www.dailytimes.com.pk](http://www.dailytimes.com.pk) (for more detail see Tajikistan entry).
- 20 Initial report, above note 11; Statement, above note 14.
- 21 Kazakhstan NGOs’ Working Group on Protection of Children’s Rights, Explanatory Note to the Report on Activities Undertaken by the Republic of Kazakhstan in the Framework of Implementation of the Provisions of the Optional Protocol to the UN Convention on the Rights of the Child Concerning the Children’s Participation in the Armed Conflicts, 2006, at [www.crin.org](http://www.crin.org).
- 22 Committee on the Rights of the Child, Consideration of report submitted by Kazakhstan on implementation of the Optional Protocol, Concluding observations, UN Doc. CRC/C/OPAC/KAZ/CO/1, 29 September 2006.

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## KENYA

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### Republic of Kenya

**Population:** 34.4 million (17.2 million under 18)

**Government armed forces:** 24,120

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18, younger with parental consent

**Voting age:** 18

**Optional Protocol:** ratified 28 January 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182, ACRWC

***No children were reported to be serving in the armed forces. Children were members of or implicated in the activities of gangs involved in criminal violence.***

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### Context

Hundreds of people died during periodic outbreaks of inter communal violence, often over livestock and grazing land. Long-standing disputes over land in the Mount Elgon district of western Kenya led to violent clashes in December 2006 and continuing violence during 2007. In June 2007 it was reported that the violence had resulted in the displacement of an estimated 60,000 people and the deaths of at least 200. This included some 36 people, mostly children, who died of malnutrition.<sup>1</sup>

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### Government

#### National recruitment legislation and practice

The Children’s Act stated that “No child shall take part in hostilities or be recruited in armed conflict, and where armed conflict occurs, respect for and protection and care of children shall be maintained in accordance with the law”, and that it was the government’s responsibility “to provide protection, rehabilitation care, recovery and re-integration into normal social life of any child who may become a victim of armed conflict”.<sup>2</sup> In its declaration on the Optional Protocol, the government stated that “the minimum age for recruitment of persons into the armed forces is by law set at eighteen years. Recruitment is entirely and genuinely voluntary and is carried out with the full informed consent of the persons being recruited. There is no conscription in Kenya.”<sup>3</sup> However, the Armed Forces Act, Chapter 199, allowed for the enlistment of under-18s with the consent of parents, guardians or the district commissioner.<sup>4</sup>

Recruits had to be in possession of a national identity card, issued only when a citizen was 18,

and able to produce a birth certificate.<sup>5</sup> Recruits also had to be able to show their school-leaving certificates.<sup>6</sup> Although there were no reports of under-18s serving in the armed forces, the lack of an effective system for registering births meant that there was a risk of under-age recruitment.<sup>7</sup>

## Armed groups

Children were known to be involved in the activities of armed criminal gangs, including transporting weapons.<sup>8</sup> Members of the banned Mungiki gang were reportedly responsible for a range of criminal activities including extortion and killings. In June 2007 police killed more than 30 people in the settlement of Mathare during operations against gang members. The operations followed a number of killings attributed to Mungiki members. The gang had a history of involvement in political violence and in 2007 two former and two current members of parliament were arrested and questioned over their alleged links to the group.<sup>9</sup> An alleged gang leader was sentenced to five years' imprisonment in June 2007, and another was arrested in August 2007, reportedly as a move to limit the gang's activities ahead of the elections to be held in December 2007.<sup>10</sup>

## Developments

In 2007 the UN Committee on the Rights of the Child recommended that Kenya implement an efficient birth registration system, including by providing free birth registration and registering those individuals who had not been registered at birth.<sup>11</sup>

As of the end of 2006, Kenya hosted a refugee population of over 270,000, mainly from Somalia.<sup>12</sup> The Dadaab group of camps in eastern Kenya held around 175,000 refugees, including some 35,000 children under the age of five.<sup>13</sup> In January 2007 Kenya forcibly returned about 400 Somali asylum seekers to Somalia.<sup>14</sup> Given the unstable situation in Somalia, humanitarian workers were concerned that refugee children could be at risk of being recruited by warring parties there.<sup>15</sup> The UN refugee agency (UNHCR), in its planning figures for 2008–9 indicated that there would be over 277,000 refugees and asylum seekers in Kenya, most from Somalia.<sup>16</sup>

## International standards

Kenya ratified the Rome Statute of the International Criminal Court on 15 March 2005.<sup>17</sup>

- 1 Kenya Red Cross Society, "Kenya: Mount Elgon Clashes", 8 June 2007.
- 2 Second periodic report of Kenya to the UN Committee on the Rights of the Child, UN Doc. CRC/C/KEN/2, 4 July 2006.

- 3 Declarations and reservations to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).
- 4 Second periodic report of Kenya, above note 2.
- 5 Information provided by Rädde Barnen (Save the Children – Sweden), March 2004.
- 6 Information provided by the High Commission of the Republic of Kenya, July 2007.
- 7 Committee on the Rights of the Child, Consideration of report submitted by Kenya, Concluding observations, UN Doc. CRC/C/KEN/CO/2, 2 February 2007.
- 8 Second periodic report of Kenya, above note 2.
- 9 Amnesty International, "Kenya: Police operations against Mungiki must comply with Kenya's obligations under international human rights law", AI Index AFR 32/008/2007, 11 June 2007.
- 10 "Banned Kenya gang leader caught", BBC News, 23 August 2007.
- 11 Concluding Observations, above note 7.
- 12 UNHCR, *Statistical Yearbook*, 2006 (provisional), <http://www.unhcr.org>.
- 13 UNHCR, "Kenya: Malnutrition levels in refugee camps cause alarm", briefing note, 3 July 2007.
- 14 Refugee International, "Kenya denying asylum to Somali refugees", January 2007, [www.refintl.org](http://www.refintl.org).
- 15 IRIN, "Kenya–Somalia: Which way out of the camps for Somalia's young refugees?", in *Youth in Crisis: Coming of Age in the 21st Century*, February 2007, [www.irinnews.org](http://www.irinnews.org).
- 16 UNHCR Global Appeal 2008–2009, Kenya.
- 17 International Criminal Court, states parties, [www.icc-cpi.int](http://www.icc-cpi.int).

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# KOREA, Democratic People's Republic of

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## Democratic People's Republic of Korea

**Population:** 22.5 million (6.8 million under 18)

**Government armed forces:** 1.1 million

**Compulsory recruitment age:** 18 (unclear)

**Voluntary recruitment age:** 16 or 17 (unclear)

**Voting age:** 17

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, GC AP I

*Both the conscription and voluntary recruitment ages were unclear, although information indicated that the minimum voluntary age for enlistment was 17. It was not known whether under-18s were serving in the armed forces. Children were reportedly subjected to military training and indoctrination in school from a young age.*

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## Context

Although there was currently no armed conflict in North Korea, no peace treaty had been signed with South Korea and the two states technically remained at war.

In October 2007 the leaders of North and South Korea agreed moves towards formally declaring an end to the war, although a full peace treaty is not expected for years.<sup>1</sup> The government pledged to disable all nuclear facilities by the end of 2007 in return for multilateral economic aid.<sup>2</sup>

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## Government

### National recruitment legislation and practice

The 1972 constitution, amended in 1992 and 1998, states that “the Democratic People’s Republic of Korea rests on the people’s nationwide defence system” (Article 58); that the state would implement a system of “self-reliant defence”, which would involve arming the “entire people”, as well as training and modernizing the army “on the basis of equipping the army and the people politically and ideologically” (Article 60); and that “National defence is the supreme duty and honour of citizens. Citizens shall defend the country and serve in the army as required by law” (Article 86).

In 2003 the government reported to the UN Committee on the Rights of the Child that the legal minimum age for voluntary enlistment in the

armed forces was 16 – the age of graduating from senior middle school – but in practice volunteers took an oath to respect the military code of conduct and began their regular military service only at the age of 17 after pre-service military education that lasted for six months or more, on a selective basis. The report went on to state that those selected were educated in full-time military or technical educational institutes for one to two years before being posted to units as servicemen on active duty. It emphasized that enlistment was on a voluntary basis and that there was no system of forced conscription.<sup>3</sup>

Other reports claimed that there was widespread conscription. According to one source all men between the ages of 18 and 24 were liable for military service. Women were not liable for regular military service, but had to undergo annual and other military training until they were 40.<sup>4</sup> Another source gave the conscription age as 20–25, followed by part-time compulsory service in the Worker-Peasant Red Guards until the age of 60.<sup>5</sup>

Elsewhere it was claimed that ten years’ service was mandatory for all conscripts and enlisted personnel, according to a directive issued by head of state Kim Jong-Il in April 1993, the system being revised in October 1996 to require service until the age of 30 for men and 26 for women. The source claimed that due to a decrease in the number of volunteers for work involving heavy labour, the government had introduced “labour service”, whereby an individual could be exempted from military service in return for six to seven years’ labour.<sup>6</sup> Another source stated that all able-bodied men who did not go to college were conscripted into the military and that some were conscripted immediately after middle school, making them 17 or 18 years old. According to the same source, the duration of service depended on supply and demand and if the authorities determined there were insufficient new conscripts those who had already completed their terms were required to stay on.<sup>7</sup>

A reserve military training unit, of men aged 17–45 and unmarried women aged 17–30, consisted of approximately 1.7 million personnel. Together with members of the Worker-Peasant Red Guards and Young Red Guards, the total number of available reserve personnel was estimated at 7 million.<sup>8</sup>

### Military training and military schools

According to North Korean media, Kim Jong-Il frequently told officials that ideological education, with its emphasis on a “military first” policy, had to take precedence over academic education in the nation’s schools. Foreign visitors and academic sources reported that from an early age children were subjected to several hours a



week of mandatory military training and political indoctrination at their schools.<sup>9</sup>

According to one source, 1.2 million male and female secondary-school students aged 14–16 received mandatory military training as members of the Young Red Guards, including a weekly four-hour drill session and an annual total of 160 hours of on-campus drills and 450 hours of off-campus training.<sup>10</sup>

In 2003, in response to a question on military training of children by the UN Committee on Economic, Cultural and Social Rights, the government responded that students in their final year of secondary-school had one week's military camping in the summer, but emphasized that "this is not a military training", although the students learned how to dismantle and assemble a weapon and to shoot. It was not known whether such training continued.<sup>11</sup>

### Child recruitment and deployment

No information was available on how many children were recruited annually into the armed forces, or how many were currently serving in the ranks.

### Armed groups

The Worker-Peasant Red Guard reportedly consisted of a combination of older men aged 45–60, along with those males aged 17–45 and unmarried females aged 17–30 who were not included in the Reserve Military Training Unit. They trained for a total of 30 days a year, and one source estimated their total numbers at 4.1 million.<sup>12</sup> There were also around 189,000 other paramilitary security troops, including border guards and public safety personnel.<sup>13</sup>

### Developments

Among the recommendations made by the UN Committee on the Rights of the Child in its 2004 consideration of North Korea's second periodic report were that North Korea should ratify the Optional Protocol, take all necessary measures to avoid the early militarization of children and increase the age of majority from 17 to 18, to ensure the full protection of all persons under the age of 18.<sup>14</sup>

A three-member delegation of the UN Committee on the Rights of the Child was allowed unprecedented access to the country in April 2004, when they highlighted mistreatment of children returned from China, economic exploitation, trafficking and torture.<sup>15</sup>

1 "North, South Korea pledge peace, prosperity", Reuters, 4 October 2007; "Peace Treaty Feasible in 5 Years", *Korea Times*, 24 October 2007.

2 "North Koreans Agree to Disable Nuclear Facilities", *New York Times*, 3 October 2007.

- 3 Second periodic report of the Democratic People's Republic of Korea to UN Committee on the Rights of the Child, UN Doc. CRC/C/65/Add.24, 5 November 2003.
- 4 B. Horeman and M. Stolwijk, *Refusing to Bear Arms: A World Survey of Conscription and Conscientious Objection to Military Service*, London, War Resisters International, 1998, www.wri-irg.org.
- 5 Library of Congress – Federal Research Division, Country Profile: North Korea, May 2005, <http://lcweb2.loc.gov/>.
- 6 Republic of Korea National Intelligence Service, *North Korea Military Conscription*, <http://ftp.fas.org>.
- 7 Confidential sources, 2007.
- 8 Republic of Korea National Intelligence Service, *North Korea Military Reserves*, <http://ftp.fas.org>.
- 9 US Department of State, Country Reports on Human Rights Practices 2005, March 2006, [www.state.gov/](http://www.state.gov/).
- 10 *North Korea Military Reserves*, above note 8.
- 11 Replies by the Government of the Democratic People's Republic of Korea to the list of issues (E/C.12/Q/Dprk/1) to be taken up in connection with the consideration of the second periodic reports of the Democratic People's Republic of Korea concerning the rights referred to in Articles 1–15 of the International Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.35), HR/CESCR/NONE/2003/1, 10–28 November 2003.
- 12 *North Korea Military Reserves*, above note 8.
- 13 Library of Congress Country Profile, above note 5.
- 14 Concluding observations of the Committee on the Rights of the Child, Democratic People's Republic of Korea, UN Doc. CRC/C/15/Add.239, 4 June 2004.
- 15 Human Rights Watch, 2005 World Report, North Korea.

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# KOREA, Republic of

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## Republic of Korea

**Population:** 47.8 million (10.8 million under 18)

**Government armed forces:** 687,000

**Compulsory recruitment age:** 19

**Voluntary recruitment age:** 18

**Voting age:** 19<sup>1</sup>

**Optional Protocol:** ratified 24 September 2004

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

*The minimum voluntary recruitment age was raised from 17 to 18.*

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## Context

Although there was currently no armed conflict in South Korea, no peace treaty had been signed with North Korea and the two states technically remained at war. In June 2007 South Korea announced that it would resume food aid shipments to North Korea, which had been suspended following a nuclear test conducted by North Korea in October 2006.<sup>2</sup> In October 2007 the leaders of South and North Korea agreed moves towards formally declaring an end to the war, although a full peace treaty is not expected for years.<sup>3</sup>

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## Government

### National recruitment legislation and practice

The 1987 constitution states that “All citizens have the duty of national defence under the conditions as prescribed by law. No citizen may be treated unfavourably on account of the fulfilment of his obligation of military service” (Article 39).

In its initial report in 2007 to the UN Committee on the Rights of the Child on the Optional Protocol, the government stated that the Military Service Act, which provided the basis for both compulsory and voluntary recruitment, had been amended in December 2004 to adjust the minimum age for voluntary enlistment from 17 to 18. With regard to conscription, the Act stated that every male would be enlisted into the first militia service when he attained 18 years of age, would undergo the conscription examination in the year that he attained 19, and would be enlisted into active service at the age of 19 or 20 (Articles 8, 9 and 16). Air Force Regulation 15-1 (provision on the operation of wartime education) was amended in April 2005 to delete a provision requiring that trainees at the Air Force Aerial Science High School be made to perform wartime duties, even if aged under 18.<sup>4</sup>

The Military Service Act also stipulated that special measures could be taken in exceptional cases, such as during wartime or emergencies, or in the event that an order of military mobilization was issued (Article 83). However, there was no provision that allowed for an exception to adjust the enlistment age to below 18.<sup>5</sup>

The military planned to reduce troop levels from 680,000 to 500,000 by 2020, and to cut the compulsory service period in stages by six months.<sup>6</sup>

### Military training and military schools

There were several military schools, including the Military Academy, the Third Military Academy, the Naval Academy and the Air Force Academy. In its initial report on the Optional Protocol, the government noted that under the Act on Establishment of Military Academies and the Act on Establishment of Nursing Military Academies, persons admitted into a military academy must be older than 17 and younger than 21. To be admitted into the Korea Third Military Academy, persons must be 19 or older.<sup>7</sup>

In January 2005 an army captain was arrested and an investigation launched into all 36 initial training camps, following reports of brutality against conscripts at a camp in Nonsan.<sup>8</sup>

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### Disarmament, demobilization, and reintegration (DDR)

In its initial report on the Optional Protocol, the government noted that it had been “voluntarily contributing funds worth USD 2.1m annually to a variety of projects aimed at preventing the involvement of children in armed conflict, including a UNICEF project to protect children in areas beset by armed hostilities such as those in Afghanistan, Sudan, and Democratic Republic of Congo”. The government reported that it had also pursued bilateral-level action with the intention of preventing children’s involvement in armed conflict, including a US\$2.3 million project contribution towards building schools, purchasing computers for classes and providing vitamins to students at elementary, middle and high schools in the Occupied Palestinian Territory.<sup>9</sup>

### International standards

In September 2004 South Korea ratified the Optional Protocol, stating in its declaration that “In accordance with paragraph 2, Article 3 of the aforementioned Protocol, the Government of the Republic of Korea declares that the minimum age for voluntary recruitment into the Korean national armed forces is 18 years.”<sup>10</sup> In April 2007 South Korea submitted its initial report on the Optional Protocol, which was scheduled for consideration

by the Committee on the Rights of the Child in its May–June 2008 session.

- 1 National Assembly of the Republic of Korea, “Parliamentary committee passes amendment proposal to lower voting age”, 5 March 2007, <http://korea.assembly.go.kr>.
- 2 “Analysis: Seoul encouraged by N. Korea progress”, *World Peace Herald*, 14 June 2007.
- 3 “North, South Korea pledge peace, prosperity”, Reuters, 4 October 2007; “Peace Treaty Feasible in 5 Years”, *Korea Times*, 24 October 2007.
- 4 Initial report of South Korea to the UN Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/KOR/1, April 2007.
- 5 Ibid.
- 6 “Stricter rules on substitute service planned”, *Korea Times*, 31 May 2007.
- 7 Initial Report of South Korea, above note 4.
- 8 “Army captain arrested after forcing trainees to eat feces”, *Korea Times*, 21 January 2005.
- 9 Initial Report of South Korea, above note 4.
- 10 Declaration of South Korea on ratification of the Optional Protocol, 24 September 2004, [www2.ohchr.org](http://www2.ohchr.org).

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## KUWAIT

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### State of Kuwait

**Population:** 2.7 million (764,000 under 18)

**Government armed forces:** 15,500

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18

**Voting age:** 21

**Optional Protocol:** acceded 26 August 2004

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182

*There were no reports of under-18s in the armed forces.*

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## Government

### National recruitment legislation and practice

According to the government’s initial report to the UN Committee on the Rights of the Child on the Optional Protocol, Article 3 of the Army Act No. 32 of 1967 stipulated that, in order to be accepted as an army officer, a candidate had to have reached 21 years of age. Under Article 40 of the same Act, concerning non-commissioned officers and regular soldiers, a volunteer for military service had to be over 18 and under 26.<sup>1</sup>

Articles 37 and 40 of Act No. 32 of 1967 stipulated that anyone who wished to volunteer for service had to be over 18. Article 37 provided that anyone who volunteered for service as a member of the police or as a non-commissioned officer of the National Guard had to be over 20.<sup>2</sup>

Compulsory military service was regulated by the Compulsory Reserve Military Service Act No. 102 of 1980, which stated that “Compulsory military service is a duty required of every Kuwaiti of over 18 and under 30 years of age. It is a national duty dictated by the requirements of national unity and maintenance of national sovereignty. Single women of over 18 and under 30 years of age may be called for compulsory military service, pursuant to a decree, provided that their duties are compatible with their natural capacities.” However, Kuwait’s initial report on the Optional Protocol stated that conscription had been suspended in 2001 by the annulment of the 1980 Act because of difficulties with its implementation, temporarily exempting Kuwaitis from military service for a non-specified period of time.<sup>3</sup>

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## Developments

In its concluding observations, the UN Committee on the Rights of the Child recommended that Kuwait ensure that the recruitment and involvement of children in hostilities was

explicitly criminalized in legislation and establish extraterritorial jurisdiction for crimes regarding the recruitment and involvement of children in hostilities when committed by or against a person who was a citizen or had other links to Kuwait.<sup>4</sup>

### International standards

Kuwait acceded to the Optional Protocol in August 2004. Its declaration on acceding stated that “The Government of the State of Kuwait is committed to maintaining the minimum age for voluntary service in the Kuwaiti armed forces at 18 years of age, and to prohibiting the forced conscription of any persons under 18.”<sup>5</sup>

- 1 Initial report of Kuwait to the UN Committee on the Rights of the Child on the implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/KWT/1, 24 April 2007.
- 2 Ibid.
- 3 Ibid.
- 4 Committee on the Rights of the Child, Consideration of report submitted by Kuwait on the implementation of the Optional Protocol, Concluding observations, unedited version, UN Doc. CRC/C/OPAC/KWT/CO/1, 1 February 2008.
- 5 Declaration on accession to the Optional Protocol, www2.ohchr.org.

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## KYRGYZSTAN

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### Kyrgyz Republic

**Population:** 5.3 million (2.0 million under 18)

**Government armed forces:** 12,500

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18 (men – but see text); 19 (women); 16 (as cadets)

**Voting age:** 18

**Optional Protocol:** acceded 13 August 2003

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182

*There were no reports of under-18s in the armed forces but cadets as young as 16 were considered by law to be national servicemen.*

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### Context

In May 2005 hundreds of refugees fled from Uzbekistan to Kyrgyzstan after the killing of hundreds of mainly peaceful demonstrators in Andijon. Uzbekistan accused Kyrgyzstan of hosting a training camp for an alleged armed group named Akramia which it claimed was involved in the Andijan events (see Uzbekistan entry).<sup>1</sup> In May 2006 armed men, allegedly linked to the armed opposition group Islamic Movement of Uzbekistan (IMU) (see Uzbekistan entry), raided a Tajik-Kyrgyz frontier post; several of the attackers and Tajik and Kyrgyz security forces were killed in the ensuing fighting.<sup>2</sup> In July five alleged IMU members were killed in counter-terrorism operations and in August the security forces shot and killed two other IMU members accused of involvement in the May attacks, together with an imam initially accused of being an IMU member but whom the authorities later claimed was being used as a human shield.<sup>3</sup>

Kyrgyzstan was a member of the Shanghai Cooperation Organisation (SCO), established in June 2001, comprising also China, Kazakhstan, the Russian Federation, Tajikistan and Uzbekistan, whose goals included mutual cooperation in security matters.<sup>4</sup>

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### Government

#### National recruitment legislation and practice

The 1992 Compulsory Military Service Act, as amended in July 2005, provided for universal male conscription at 18. Military service was for one year, and alternative service for two.<sup>5</sup> The government stated that there were no laws allowing any reduction in the age of conscription.<sup>6</sup>

Men could enlist voluntarily after military or alternative service, or after completing reserve officer training at a higher educational institution. Women could join the army voluntarily from the age of 19.<sup>7</sup>

Boys could enter the Higher Military Academy at the age of 16–17, and were by law national servicemen (cadets).<sup>8</sup> Kyrgyzstan's declaration on accession to the Optional Protocol in 2003 stated that the minimum age for recruitment of male citizens to active service was 18.<sup>9</sup> Subsequently the government stated to the UN Committee on the Rights of the Child that first-year cadets were not allowed to take part in military operations, and that in practice under-18s were thus excluded from conflict, although it indicated that certain first-year cadets could be an exception to this rule.<sup>10</sup>

### Military training and military schools

All school pupils in grades ten and 11 (aged 15–16) took weekly classes in pre-conscription preparation. In grade 11, boys had three days' training in weapons handling and girls had first-aid classes.<sup>11</sup>

Two military educational institutions accepted boys under 18 who had completed their ninth grade. In 2003–5 two 13-year-olds were enrolled at the Dair Asanov Kyrgyz State Military High School. In 2005–6, 556 students were aged 14–17.<sup>12</sup> The school was transferred from the control of the Ministry of Education to the Ministry of Defence in January 2006 to "increase the effectiveness of training".<sup>13</sup> In 2005–6 the Kalyinur Usenbekov Higher Military College in Bishkek took 26 students aged 17.<sup>14</sup>

Applications to the two military schools were made through local conscription commissions, and the consent of the student and parent was required. Most students went on to become military officers, but had the option of transferring out of the program after two years and going on to higher education.<sup>15</sup> In response to questions about reports of continued bullying and "initiation rites", the government told the Committee on the Rights of the Child that measures had been taken, including separating younger from older students, establishing a monitoring committee, and allowing students to complain to the Ombudsman's office and to non-governmental organizations (NGOs).<sup>16</sup>

Mass fighting between second- and third-year students at the Dair Asanov school in April 2007 reportedly broke out after second-year students assaulted a younger student.<sup>17</sup>

### Armed groups

The government stated that no non-governmental armed groups operated in Kyrgyzstan.<sup>18</sup> Pakistani military sources in 2004 claimed that armed groups operating in Pakistan were increasingly

recruiting teenagers from Central Asia, but these claims were disputed and could not be confirmed.<sup>19</sup>

The recruitment, training, financing or other material assisting of child soldiers, or the use of child soldiers in armed conflicts or hostilities, was a criminal offence.<sup>20</sup> No prosecutions were known to have been brought under this provision. The Committee on the Rights of the Child expressed concern that there was no legal provision for extraterritorial jurisdiction in case of recruitment abroad of Kyrgyz children or other children by a Kyrgyz national or a person with other links to Kyrgyzstan, and recommended that Kyrgyzstan establish extraterritorial jurisdiction in these matters.<sup>21</sup>

### Developments

In June 2006 a new Children's Code was adopted by parliament.<sup>22</sup> Article 27(2) of the Code specified that extra state benefits would be available for children in zones of conflict or who had been forcibly displaced, but it did not contain any provision prohibiting the use of children as soldiers.

In May 2007 the Committee on the Rights of the Child examined the initial report of Kyrgyzstan on implementation of the Optional Protocol. In addition to its recommendations for establishing extraterritorial jurisdiction on child recruitment, the Committee raised concerns about the export of small arms and light weapons to countries where children took part in hostilities, and recommended that Kyrgyzstan review its domestic legislation with a view to abolishing such exports.<sup>23</sup>

### International standards

Kyrgyzstan ratified the ILO Worst Forms of Child Labour Convention 182 in May 2004.

- 1 Bruce Pannier, "Uzbekistan: Tashkent points finger at neighbor, foreign media over Andijon violence", Radio Free Europe/Radio Liberty (RFE/RL), 16 September 2005, [www.rferl.org](http://www.rferl.org).
- 2 Dadodjan Azimov, "Are Islamic militants regrouping in the Fergana valley?", Institute of War and Peace Reporting (IWPR), 1 December 2006, [www.iwpr.net](http://www.iwpr.net); see also *Amnesty International Report 2007*.
- 3 *Amnesty International Report 2007*.
- 4 Shanghai Cooperation Organisation, [www.sectsc.org](http://www.sectsc.org).
- 5 Compulsory Military Service Act, Article 10, at Ministry of Defence of the Kyrgyz Republic, [www.mil.kg](http://www.mil.kg); see also Initial report of Kyrgyzstan to the UN Committee on the Rights of the Child on implementation of the Optional Protocol, CRC/C/OPAC/KGZ/1, 22 May 2006.
- 6 Initial report, above note 5.
- 7 Ibid.

- 8 Compulsory Military Service Act, Article 11; Initial report of Kyrgyzstan, above note 5.
- 9 Declaration on accession to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).
- 10 Initial report, above note 5; Statement by Government of Kyrgyz Republic to the Committee, 29 January 2007.
- 11 **Written replies by the Government of the Kyrgyz Republic to the Committee on the Rights of the Child**, UN Doc. CRC/C/OPAC/KGZ/Q/1/Add.1, 11 January 2007.
- 12 **Ibid**; **Ministry of Defence website** [www.mil.kg/ru/education](http://www.mil.kg/ru/education).
- 13 **Z. Satabaldiev, "Military Academy is transferred to the control of the Ministry of Defence of the Kyrgyz Republic", *Voennyi*, 19 January 2006, [www.massmedia.kg/ru](http://www.massmedia.kg/ru) (no longer available); Press Service of President, "President Kurmanbek Bakiev visited the National Military Lyceum on the Day of Knowledge", 1 September 2007, [www.president.kg](http://www.president.kg); see also UN press release, "Committee examines reports of Kyrgyzstan on Optional Protocols to Convention on Rights of Child", 29 January 2007, [www.ohchr.org](http://www.ohchr.org) (media centre).**
- 14 **Written replies, above note 11.**
- 15 **Ibid.**; Ministry of Defence website [www.mil.kg/ru/education](http://www.mil.kg/ru/education); **UN press release, above note 13.**
- 16 **UN press release, above note 13.**
- 17 See, for example, Jyldyzbek Ibraliev, "The Administration of the Military Lyceum of Kyrgyzstan Doesn't Deny that a Mass Fight between Pupils Occurred on 6 April 2007", 24.kg, 10 April 2007, [www.24.kg](http://www.24.kg).
- 18 Initial report, above note 6.
- 19 See, for example, "Tale of a lost militant", Reuters, 15 December 2004; "Qaeda using children for terrorism", *Daily Times* (Pakistan), 26 November 2004, both at [www.dailytimes.com.pk](http://www.dailytimes.com.pk) (for more detail see Tajikistan entry).
- 20 Criminal Code, Article 375, para. 3, cited in Initial report, above note 5.
- 21 Committee on the Rights of the Child, Consideration of report submitted by Kyrgyzstan on implementation of the Optional Protocol, Concluding observations, UN Doc. CRC/C/OPAC/KGZ/CO/1, 2 May 2007.
- 22 UNICEF, "Laying the foundation for the rights of Kyrgyz children", 9 June 2006, [www.unicef.org](http://www.unicef.org).
- 23 Committee on the Rights of the Child, above note 21.

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## LAOS

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### Lao People's Democratic Republic

**Population:** 5.9 million (2.8 million under 18)

**Government armed forces:** 29,100

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** acceded 20 September 2006

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182

***The minimum age for conscription and voluntary enlistment was given by the government as 18. There continued to be reports of the use of children as soldiers by armed Hmong groups.***

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### Context

The government continued attacks against thousands of ethnic minority women, men and children living in scattered groups in the Lao jungles and hiding from the authorities, particularly from the military. These predominantly Hmong groups were a remnant of an armed faction who fought alongside the USA in its war against the North Vietnamese, which spilled over into Laos and Cambodia. The Lao People's Army reportedly launched an attack on 6 April 2006 in northern Vientiane province which killed 26 Hmong belonging to a jungle group, of whom 17 were reportedly children and several women. The Hmong groups denied being currently involved in attacks on the military, and after 2004 there were very few reports of such attacks by anti-government groups. While reliable information was very hard to obtain, it appeared that the groups no longer posed a serious military threat to the government.<sup>1</sup> Hmong asylum-seekers in Thailand, mostly children, who had been forcibly returned to Laos in December 2005, were detained for over a year on their return to Laos.<sup>2</sup>

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### Government

#### National recruitment legislation and practice

The 1991 constitution states that "Lao citizens have the obligation to defend the country, to maintain the people's security and to fulfil military obligations as prescribed by law" (Article 36). The president may authorize general or partial military conscription and declare a state of emergency nationwide or in a particular locality (Article 53).

According to the government declaration on ratification of the Optional Protocol, the Law on Obligations of National Defence Service stipulated that “all young men of Lao nationality between 18 and 28 years of age, having good health conditions, shall be obliged to serve for a short-term in national defence forces. In case of necessity, young women between 18 and 23 years of age may also be called upon to serve for a short-term in national defence” (Article 13). These provisions, however, were rarely enforced, and there was little or no military service in practice.<sup>3</sup>

The Law on Obligations of National Defence Service also stated that, following medical checks, a selection process would take place at district level to select voluntary recruits, with good health, for short-term defence services, according to the recruitment number officially set forth on a yearly basis (Article 7). The government declaration on ratification of the Optional Protocol stated that the minimum age at which it would permit voluntary recruitment into its national armed forces was 18.<sup>4</sup>

## Armed groups

Sporadic reports continued to be received of the use of children as soldiers by armed Hmong groups. One journalist who was able to visit the groups clandestinely in October 2006 described and photographed boys apparently aged as young as 15 armed and acting as guards.<sup>5</sup> It remained unclear what other military duties such children performed or what training they had received, and whether they were involved in any attacks on government forces or armed resistance to government attacks.

## Developments

In October 2007 Laos endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The two documents, which were previously endorsed by 59 states at a February 2007 ministerial meeting in Paris, reaffirmed international standards and operational principles for the protection of and assistance to child soldiers, following a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

## International standards

Laos ratified the Optional Protocol in September 2006, stating in its declaration that the minimum age for entry into the national armed forces, both voluntary and obligatory, was 18.<sup>6</sup> It was not known what, if any, implementing legislation had been drafted, or whether the recruitment and

use of children as soldiers had been specifically criminalized in national legislation.

Laos ratified the ILO Minimum Age Convention 138 and the ILO Worst Forms of Child Labour Convention 182 in June 2005. The government was preparing to ratify the Rome Statute of the International Criminal Court, and had reportedly drafted implementing legislation as a prerequisite for ratification under its own laws.<sup>7</sup>

- 1 Amnesty International (AI), “Hiding in the jungle – Hmong under threat”, 23 March 2007.
- 2 AI, “The Missing Children of Laos”, 22 March 2007.
- 3 Confidential source, March 2007.
- 4 Declaration of Laos on acceding to the Optional Protocol, 20 September 2006, [www2.ohchr.org](http://www2.ohchr.org).
- 5 Roger Arnold, “Laos: Still a secret war”, Digital Journalist, October 2006, <http://digitaljournalist.org>.
- 6 Declaration, above note 4.
- 7 International Labour Organization (ILO), International Labour Standards, [www.ilo.org](http://www.ilo.org) (iloex database); “Rome Statute of the International Criminal Court Ratification and Implementation in Asia: Some Prospects and Concerns”, International Centre for Criminal Law Reform and Criminal Justice Policy, February 2007, [www.icclr.law.ubc.ca](http://www.icclr.law.ubc.ca).

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# LATVIA

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## Republic of Latvia

**Population:** 2.3 million (448,000 under 18)

**Government armed forces:** 5,300

**Compulsory recruitment age:** 19 (conscription ceased by end 2006)

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 19 December 2005

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

*Conscription was ended during the reporting period. There were no reports of under-18s in the armed forces.*

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## Context

Latvia joined NATO in 2004.

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## Government

### National recruitment legislation and practice

Measures were taken towards creating a non-conscript army. The final compulsory call-up took place on 24 November 2005 and the last soldiers completed compulsory military service on 24 November 2006. As of December 2006, more than 5,000 soldiers were serving on contracts, 170 of them former conscripts who had transferred to service on a contractual basis at the end of their conscription. Seventeen per cent of those serving on a contractual basis were women. On 1 January 2007 military conscription ceased and the army became an entirely non-conscript force.<sup>1</sup> Defence service employment contracts were open to 18-year-olds.

### Military training and military schools

In 2007 the Ministry of Defence said that one of its priorities was to maintain enrolment numbers in the non-conscript armed forces, partly through supporting the Youth Guard and by fostering “the patriotic education of youth and the acquisition of military skills.”<sup>2</sup>

The Youth Guard was a voluntary special-interest organization set up and led by the Ministry of Defence. Apart from instilling physical fitness and patriotism, its purpose was to excite young people’s interest in military service, and to cultivate motivated personnel for the all-volunteer military service. It had 6,500 members in early 2004.<sup>3</sup> Membership was open to citizens with a good command of the Latvian language, and training was arranged for two age groups. Juniors, aged 12–15, learned the basics of military

training and about the history, structure and functions of the armed forces. Their program included militarized competitions and hiking. A senior group, aged 16–18, underwent a basic course in national defence, similar to the one followed by privates in the army. This included lessons in weaponry and shooting doctrine, drill, tactics, first aid and topography, and training in national security policy and integration in NATO. The course was designed to last three years and awarded an academic diploma that would ensure fast-track entry into the military professions.

The Ministry of Defence also ran Youth Guard courses as a voluntary option in the civilian schools’ curriculum, for those eligible to take it and with the agreement of specific institutions. Specially trained instructors were provided by the Ministry.

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## Developments

### International standards

In December 2005 Latvia ratified the Optional Protocol, its declaration stating that at that time citizens aged 19 were liable to mandatory military service and that young people could enlist voluntarily for military service from the age of 18.<sup>4</sup>

In June 2006 Latvia ratified the ILO Minimum Age Convention 138 and the Worst Forms of Child Labour Convention 182.

- 1 Ministry of Defence, [www.mod.gov.lv](http://www.mod.gov.lv).
- 2 Ministry of Defence Policy Paper, Priority No 9.
- 3 Ministry of Defence, Youth Guard (Jaunsardze).
- 4 Declaration on accession to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).



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# LEBANON

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## Lebanese Republic

**Population:** 3.6 million (1.2 million under 18)

**Government armed forces:** 72,100

**Compulsory recruitment age:** None (ended in 2007)

**Voluntary recruitment age:** 17 or 18

**Voting age:** 21

**Optional Protocol:** signed 11 February 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182

***Voluntary enlistment was possible for soldiers from the age of 17, and at 18 for non-commissioned personnel and officers. Armed groups were involved in the training and recruitment of children.***

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## Context

From 2005 Lebanon's stability was threatened by a series of political assassinations, a 33-day war with Israel in 2006, and increased discord among the country's mostly religious-based political groupings. In 2005 Syrian troops withdrew from the country under international pressure after the assassination of the former Lebanese Prime Minister, Rafiq al-Hariri, responsibility for which was not claimed by any group.<sup>1</sup> In July 2006 Israel launched an intensive military campaign in Lebanon; seven Israeli children and nearly 400 Lebanese children were killed in the conflict.<sup>2</sup>

Between May and September 2007 the Lebanese Armed Forces (LAF) fought Fatah al-Islam, an Islamist armed group based in a Palestinian refugee camp. The violence resulted in the deaths of at least 169 soldiers, 287 members of Fatah al-Islam and 47 civilians.<sup>3</sup> At least two children were killed, although exact figures were not released.<sup>4</sup> They were among 127,000 Palestinian children living in Lebanon's 12 official refugee camps and a number of informal settlements. Of these children, the UN agency mandated to respond to the needs of Palestinian refugees, the UN Relief Works Agency (UNRWA)<sup>5</sup>, considered over 18,000 to be cases of particular economic hardship.<sup>6</sup> Up to 5,000 more Palestinian refugees in Lebanon were not registered and had no documentation.<sup>7</sup> This prevented their access to a number of services and made it difficult to determine the age of children, who had no birth certificates.<sup>8</sup>

## Israel–Hizbollah conflict

Israel launched an intensive ground and aerial assault on Lebanon in July 2006, after the abduction of two of its soldiers by Hizbollah in a cross-border attack the previous month.<sup>9</sup> A

total of 1,191 Lebanese, a third of whom were estimated to be children, were killed in the 33-day conflict.<sup>10</sup> Around 1 million people were displaced. In one incident, the Israeli Defense Forces (IDF) bombed a residential building in Qana, killing 27 civilians, 16 of whom were children. The IDF inquiry claimed that Hizbollah was using the civilians as "human shields".<sup>11</sup> However, a subsequent investigation by Human Rights Watch found no evidence to support this claim.<sup>12</sup> Further attacks resulted in damage to 3,000 schools and the total destruction of 40 schools. The IDF use of cluster bombs, many dropped in the last 72 hours of the war, posed a lasting threat to Lebanese civilians after the withdrawal of Israeli troops. From 14 August to the end of September 2007, five children were killed and 66 were injured by munitions.<sup>13</sup> This included 13-year-old Hadi Hattab, who was killed an hour after the ceasefire came into effect after stepping on a cluster bomb outside his home.<sup>14</sup> The UN repeatedly asked the IDF to give specific information on the location of the remaining estimated 170,000 to 340,000 pieces of unexploded ordnance.<sup>15</sup> This had not been disclosed by late 2007.

UN Security Council Resolution 1701 (2006) paved the way for Israel's withdrawal and a strengthened UN Interim Force in Lebanon (UNIFIL) of up to 15,000 troops in the south, alongside 15,000 LAF troops. Following the July–August 2006 crisis, UNIFIL's remit was extended to supporting the LAF as they deployed in southern Lebanon and helping to ensure humanitarian access to civilian populations and the safe return of displaced persons. The resolution recalled previous calls for the disarmament of all armed groups.<sup>16</sup> However, Hizbollah continued to retain its arms and the military wings of other political parties were reported to be recruiting new members and rearming.<sup>17</sup>

Lebanon remained formally at war with Israel, which occupied Lebanese disputed territory.

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## Government

### National recruitment legislation and practice

There were no reports of child recruitment or deployment by the Lebanese Armed Forces.

Compulsory military service ended in February 2007, following a government decree in 2005 which was agreed by all political parties.<sup>18</sup> Decree Number 665 of 2005 reduced the period of service in the two-year transition period to six months.<sup>19</sup> Deferrals and exemptions were available on a number of grounds. From February 2007 all recruitment was voluntary; officers and non-commissioned personnel and specialists could join from the age of 18. However, soldiers were allowed to enlist from the age of 17.<sup>20</sup> The

Lebanese Armed Forces had said in 2004 that under-18s were not allowed to take part in active service.<sup>21</sup>

## **Military training and military schools**

Military training for recruits took place at the Flag Service Camp, which ran induction courses for all soldiers. There was also a military school for officers, the Fu'ad Shihab Command and Staff College, which offered further education, and specialist schools running courses for trained soldiers.<sup>22</sup>

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## **Armed groups**

Hizbollah was the principal Lebanese political party to retain an armed wing after the end of the civil war in 1989. However, the unstable political situation led to renewed militarization by most groups. All armed wings of political parties were reportedly rearming.<sup>23</sup> Mainly Christian parties, such as the Kataeb (Phalange) and the Lebanese Forces, were reported to have opened recruitment offices in the Beirut suburbs.<sup>24</sup> Military training was also stepped up by parties associated with Lebanon's Druze population and Sunni Muslim groups.<sup>25</sup> Pro-Syrian Christian groups, including the Free Patriotic Movement (FPM) led by General Aoun and Suleiman Franjeh's Marada movement were reported to have organized "youth summer camp" programs. These combined physical activities with political indoctrination.<sup>26</sup> The armed wings of other pro-Syrian forces, the Syrian Nationalist Party and mainly Shia groups, Amal and Hizbollah, were also reported to have provided military training to children.<sup>27</sup>

No children were reported to have participated in armed action on behalf of any Lebanese group since 2001, including during the conflict in 2006. Nevertheless, in 2007 the Special Representative of the UN Secretary-General for Children and Armed Conflict warned that "should sectarian violence flare in the current political climate ... children and youth may well become involved". She added that the insecurity and lack of social and economic outlets for young people increased the attraction of the "culture of martyrdom".<sup>28</sup>

## **Hizbollah**

Hizbollah was the largest armed political group in the country with a base mainly in Shia areas. It said that it supported the country's ratification of the Optional Protocol in meetings with government officials.<sup>29</sup> The group denied any use of children in the ongoing conflict with Israel, including the war of 2006.<sup>30</sup> In 2007 there were reports that its military wing was recruiting boys aged 16–19. Hizbollah reportedly offered one month's basic military training and the prospect of further training and attractive salaries

for those who excelled.<sup>31</sup> The group also ran a number of activities for younger children through its youth wing, the al-Mahdi scouts. Nearly 42,000 children from the age of six took part in activities organized by the group in 2005.<sup>32</sup> These reportedly included one-month summer camps which featured religious education, arts, culture, physical training and games.<sup>33</sup> These activities and a number of services, including hospitals, nurseries, television and radio outlets and at least 12 schools, offered a means to extend Hizbollah's influence and ideology.<sup>34</sup>

## **Palestinian groups**

A number of armed political groups operated in the refugee camps, including Fatah, the Popular Front for the Liberation of Palestine (PFLP) and PFLP-General Command (PFLP-GC), the Democratic Front for the Liberation of Palestine, Hamas and Islamic Jihad. Children reportedly participated in internal Palestinian clashes, mainly to harass and intimidate members of other groups. Children as young as ten were also reported to be taking part in military training. In April 2007 militias linked to Fatah and the radical Sunni group, Asbat al-Ansar, carried out military training for children in the Ain Helwah refugee camp.<sup>35</sup>

## **Fatah al-Islam**

This radical Sunni group was set up by a group who arrived at Nahr al-Barid refugee camp in northern Lebanon at the end of 2006. The group was reported to have enticed Palestinian children to attend Quranic schools with small amounts of money. According to one report, they were shown videos of events in Iraq and demonstrations of weapons training.<sup>36</sup> There were reports that children fought with the group in the three-month conflict with the Lebanese army.<sup>37</sup> At least two children were killed in the violence. Many more were affected by the panic and mass evacuation of 31,000 people from the camp.<sup>38</sup> The group was defeated by the LAF in September 2007, although the return of residents was delayed by the need to rebuild the camp.<sup>39</sup>

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## **Disarmament, demobilization and reintegration (DDR)**

Lebanese army and international experts continued to remove the remaining 1.2 million unexploded ordnance left by Israeli forces.<sup>40</sup> Mine-awareness training for children was undertaken by the Lebanese army, UNICEF, Norwegian People's Aid, DanChurch Aid and the Red Cross.<sup>41</sup> The government operated three medical and psychological centres to support child victims of armed conflict in Beirut, Nabatieh and Sidon. These were overseen by a not-for-profit organization, the Association for the Care

of Children in War.<sup>42</sup> Following the 2006 conflict with Israel, psychosocial support programs were offered to children by organizations including UNICEF, Terre des hommes, Save the Children Sweden and the local non-governmental organization Naba'a.<sup>43</sup>

## Developments

Lebanon had yet to ratify the Optional Protocol after signing it in 2001. In March 2007 the Permanent Peace Movement launched a campaign to gather support for ratification. It established a network of organizations working on child rights to raise awareness and to put in place measures to prevent child recruitment.<sup>44</sup> During the April 2007 visit of the Special Representative of the UN Secretary-General on Children in Armed Conflict, Prime Minister Fouad Siniora and a parliamentary deputy, Mohamed Raad, representing Hizbollah, stated that Lebanon would ratify the Optional Protocol and would prohibit the participation of children in armed violence.<sup>45</sup>

The International Committee for the Red Cross (ICRC) provided training on international humanitarian law (IHL) for the LAF and UNIFIL forces.<sup>46</sup> In 2006 it ran its first IHL training for a group of field commanders from the military wing of Hizbollah.<sup>47</sup>

Lebanon was listed as a situation of concern in the Secretary-General's sixth report to the Security Council on Children and Armed Conflict in October 2006.<sup>48</sup> The UN Special Representative for Children and Armed Conflict visited the area in April 2007. She pressed UNIFIL to appoint a child protection officer to monitor events in the area south of the Litani river. She also urged increased funding for psychosocial programs for Lebanese children who had been affected by the conflict with Israel, as well as for UNRWA's work in Palestinian camps.<sup>49</sup>

\* Titles of non-English language sources have been translated by the Coalition.

- 1 UN Security Council Resolution 1559 (2004) demanding Syrian withdrawal, UN Doc. S/RES/1559.
- 2 The UN estimated that a third of 1,191 deaths in Lebanon were minors. "Major violations on both sides in Israel-Lebanon conflict, say UN Experts", UN press release, 4 October 2006.
- 3 "Rebuilding camp will be UNRWA's largest humanitarian project", IRIN, 14 Nov 2007.
- 4 "48 killed as Lebanon army battles militants", *Ya Libnan*, 20 May, 2007, <http://yalibnan.com>.
- 5 UNRWA mandate.
- 6 Written replies by Lebanon to the UN Committee on the Rights of the Child, UN Doc. CRC/C/LBN/Q/3/Add.1, 27 April 2006.
- 7 Amnesty International, "Limitations on rights of Palestinian refugee children", 2006.
- 8 Third periodic report of Lebanon to the Committee on the Rights of the Child, UN Doc. CRC/C/129/Add.7, 25 October 2005.
- 9 "Hezbollah seizes Israel soldiers" BBC News, 12 July 2006.
- 10 "Major violations on both sides", above note 2.
- 11 Israel Ministry of Foreign Affairs, "Completion of inquiry into July 30th incident in Qana", 2 August 2006, [www.mfa.gov.il](http://www.mfa.gov.il).
- 12 Human Rights Watch, "Why they died: civilian casualties in Lebanon during the 2006 war", September 2007.
- 13 Mine Action Coordination Centre (MACC), South Lebanon, "September 2007 report", 5 October 2007.
- 14 Norwegian People's Aid, "Survived the war, not the peace", 3 October 2006, [www.npaid.org](http://www.npaid.org).
- 15 See, e.g., UN Report, Visit of the Special Representative for Children and Armed Conflict to the Middle East, UN OSRSG/CAAC, 9–20 April 2007.
- 16 United Nations Security Council Resolution 1701 (2006), UN Doc. S/RES/1701, 11 August 2006.
- 17 International Crisis Group (ICG), "Hizbullah and the Lebanese crisis", Middle East Report no 69, October 2007.
- 18 Law 665 (4 February 2005), Lebanese Army site (Arabic), [www.lebarmy.gov.lb](http://www.lebarmy.gov.lb).
- 19 Flag Service Law 665, Article 2 (Arabic), [www.lebarmy.gov.lb](http://www.lebarmy.gov.lb).
- 20 Lebanese Army site (Arabic), [www.lebarmy.gov.lb](http://www.lebarmy.gov.lb).
- 21 *Child Soldiers: Coalition Global Report 2004*.
- 22 Lebanese Army site, above note 20.
- 23 ICG, above note 17.
- 24 Thanassis Cambanis, "Christian split in Lebanon raises specter of civil war", *International Herald Tribune*, 6 October 2007.
- 25 "War of words and photos between police, Aoun's FPM", *Naharnet*, 4 October 2007, see [www.naharnet.com/](http://www.naharnet.com/); Nicholas Blanford, "Lebanon's militias rearm before vote", *Christian Science Monitor*, 6 November 2007; Chancy Chassay, "Fears of new civil war increase as Lebanese political factions rearm", *Guardian*, 6 February 2007.
- 26 Cambanis, above note 24.
- 27 Child Soldiers Coalition (Coalition), "Lebanon: the vulnerability of children to armed conflict in Lebanon", briefing, September 2007.
- 28 Visit of the Special Representative, above note 15.
- 29 Information in response to e-mail questions by the Coalition from the Higher Council for Childhood Lebanon, Ministry of Social Affairs, 19 October 2007.
- 30 Visit of the Special Representative, above note 15.
- 31 "Hizbullah getting stronger in Lebanon", Associated Press, 4 October 2007.

- 32 See Mahdi scout website (Arabic), [www.almahdiscouts.net/](http://www.almahdiscouts.net/); Scout summer camps information on Bint Jbeil website, [www.bintjbeil.org](http://www.bintjbeil.org).
- 33 See Mahdi scout website, above note 32.
- 34 Hazem Saghia, "Chapters from the Story of Lebanon's Hizbollah (5)", *al-Hayat*, 8 January 2005.
- 35 Coalition briefing, above note 27.
- 36 Andrew England, Roula Khalaf and Ferry Biedermann, "Into battle; a new threat emerges in war-scarred Lebanon", *Financial Times*, 3 June 2007.
- 37 Coalition briefing, above note 27.
- 38 UNICEF, "UNICEF Lebanon joins UNRWA response to urgent needs of children and women caught in El Bared camp crisis", newsnote, 29 May 2007, [www.unicef.org/](http://www.unicef.org/); Inter-Agency Standing Committee, "Lebanon Crisis: Health Cluster 28", 4 August 2007, [www.emro.who.int](http://www.emro.who.int).
- 39 "Fatah Al-Islam commander captured", Al Jazeera, 1 October 2007, <http://english.aljazeera.net>.
- 40 International Crisis Group, "Avoiding renewed conflict", Middle East Report No. 59.
- 41 "National day against the use of landmines in Sur", *Army and National Defence Magazine*, No. 261 (March 2007) (Arabic), [www.lebarmy.gov.lb](http://www.lebarmy.gov.lb).
- 42 Third periodic report, above note 8.
- 43 Save the Children Sweden and UK, "Lebanon: war-affected children still at risk one year on", 13 July 2007, [www.reliefweb.int](http://www.reliefweb.int).
- 44 Coalition briefing, above note 27.
- 45 Report of the UN Secretary-General to the Security Council on Children and Armed Conflict, 21 December 2007, UN Doc. A/62/609-S/2007/757.
- 46 International Committee of the Red Cross (ICRC), "Lebanon: ICRC activities October 2007", operation update, [www.icrc.org](http://www.icrc.org).
- 47 ICRC, *Annual Report 2006*, [www.icrc.org](http://www.icrc.org).
- 48 UN Doc. A/61/529-S/2006/826, 26 October 2006.
- 49 Visit of the Special Representative, above note 15.

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## LESOTHO

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### Kingdom of Lesotho

**Population:** 1.8 million (840,000 under 18)

**Government armed forces:** 2,000

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 24 September 2003

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182, ACRWC

*There were no reports of under-18s in the armed forces.*

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### Government

#### National recruitment legislation and practice

Under the Lesotho Defence Force Act of 1996, there was no conscription. The minimum age for voluntary recruitment into the armed forces was 18, and recruits could enlist between the ages of 18 and 24.<sup>1</sup> In its declaration on ratifying the Optional Protocol Lesotho supported the "straight-18" position.<sup>2</sup>

It was unclear how the age of volunteers was determined, since birth registration remained low, particularly in rural areas.<sup>3</sup>

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### Developments

With an HIV prevalence rate of 23.2 per cent among people aged 15–49, Lesotho was the third hardest-hit country in the world. In 2006 a national policy on orphans and other children made vulnerable by HIV was approved.<sup>4</sup> This policy complemented the Children's Protection and Welfare Bill, which consolidated and reformed legislation related to the protection and welfare of children.<sup>5</sup> It was expected to be enacted in 2008.<sup>6</sup>

1 Initial report of Lesotho to the UN Committee on the Rights of the Child, UN Doc. CRC/C/11/Add.20, 20 July 1998.

2 Declaration on accession to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).

3 UNICEF, Information by Country, Lesotho.

4 UNAIDS, Lesotho Country Fact Sheet, 2006, [www.unaids.org](http://www.unaids.org).

5 "Lesotho: New policy to help orphans and vulnerable children", IRIN, 3 January 2007.

6 Confidential source, Lesotho, October 2007.

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# **LIBERIA**

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## **Republic of Liberia**

**Population:** 3.3 million (1.8 million under 18)

**Government armed forces:** 2,400

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18 (see text)

**Voting age:** 18

**Optional Protocol:** signed 22 September 2004

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 182

***There were no reports of under-18s in the armed forces. There were reports of under-18s and former child soldiers being recruited for use in neighbouring Guinea and Côte d'Ivoire in 2004–5. Several thousand children underwent the official demobilization process, but UNICEF reported that the needs of girls were not being met adequately. By July 2006, according to the UN, there was no known group in Liberia that used or recruited child soldiers, but there was a continuing risk of re-recruitment. Former president Charles Taylor went on trial in The Hague for crimes against humanity, war crimes and other serious violations of international law, including the recruitment of child soldiers, committed in Sierra Leone.***

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## **Context**

Following Liberia's first civil war, Charles Taylor, leader of the National Patriotic Front of Liberia (NPFL), became president in 1997. Conflict resumed in 2000 with two armed groups, Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL), trying to overthrow the government. Many members of these armed groups were adherents of factions that had participated in the first civil war. By May 2003 the two armed groups had gained control of much of the country and were threatening to seize the capital, Monrovia. A ceasefire in June 2003 was followed by a Comprehensive Peace Agreement in August which provided for the establishment of a Transitional National Government.<sup>1</sup> Charles Taylor handed over power and negotiated his departure to exile in Nigeria. The UN Mission in Liberia (UNMIL) established by UN Security Council Resolution 1509 took up peacekeeping duties on 1 October 2003.<sup>2</sup>

The security situation remained fragile. There was frustration among unemployed

former combatants who had not benefited from reintegration opportunities, and former members of the armed forces who were not satisfied with their demobilization and retirement benefits. The Anti-terrorist Unit, an armed militia created by former president Charles Taylor, who claimed to be entitled to benefits under security sector reforms, threatened to cause problems in the peace process.<sup>3</sup>

Parliamentary elections and the first round of presidential elections took place in October 2005. There were allegations that former president Charles Taylor, operating from abroad, tried to influence the preliminary stages of the voting.<sup>4</sup> Ellen Johnson-Sirleaf won the second round of the presidential elections in November and was inaugurated as president in January 2006.

There were sporadic episodes of violence. At the end of October 2004, 14 people were killed and 200 injured during riots in Monrovia.<sup>5</sup> In April 2006 former combatants were involved in riots in Monrovia.<sup>6</sup> In February 2007 there were further riots there by about one thousand former combatants demanding pay and demobilization packages.<sup>7</sup> In July 2007 the regular police force clashed with the seaport police force over investigations into fuel theft.<sup>8</sup>

The United States (USA) cancelled US\$391 million of debt in February 2007 but the humanitarian situation remained strained.<sup>9</sup> By mid-2007 the humanitarian situation was improved but the UN reported that there remained serious challenges in meeting basic needs such as health, education, food and water and sanitation.<sup>10</sup>

Many aspects of the conflicts in Liberia and in Sierra Leone since the 1990s and in Côte d'Ivoire since 2002 were intricately linked, with operations across borders, including in Guinea, which bordered all three countries, and a complex web of governments and armed groups providing support to factions in neighbouring countries.<sup>11</sup> A migrant population of thousands of young fighters, many of them from Liberia, including child soldiers, crossing the borders between Liberia, Guinea, Sierra Leone and Côte d'Ivoire, saw conflict mainly as an economic opportunity. Many had first been forcibly recruited as children in one conflict, and then had willingly crossed borders to take up arms in another conflict, often with a different armed group. A 2005 study by Human Rights Watch found that most had been motivated by promises of financial gain, and many could not articulate the political objective of the group they fought with. The risk of re-recruitment was exacerbated by high rates of youth unemployment and corruption and deficiencies in the implementation of disarmament, demobilization and reintegration (DDR) programs.<sup>12</sup> An August 2006 report by the UN Office for West Africa (UNOWA) noted that high levels of unemployment, particularly youth unemployment, across west Africa posed a risk

to stability in the region. This was reiterated in a 2007 report by the UN Secretary-General which highlighted also the importance of reform of the security sector in countries in the region as a means of addressing it.<sup>13</sup>

## Government

### National recruitment legislation and practice

There was no conscription in Liberia.<sup>14</sup>

The 2003 Comprehensive Peace Agreement called for the restructuring of the armed forces and for recruits to be screened with regard to, among other things, educational qualifications and prior history with regard to human rights abuses.<sup>15</sup> It did not explicitly state a minimum age of recruitment, but according to reports the minimum age of those applying to join the new Armed Forces of Liberia was 18.<sup>16</sup>

As requested under the terms of the Comprehensive Peace Agreement, the USA took the lead in providing technical assistance for restructuring the armed forces. It contracted a US-based private company, DynCorp, for this purpose.<sup>17</sup> Initially the force was intended to number 4,000, but lack of funding compelled the government to reduce it to 2,000.<sup>18</sup> The demobilization of the former armed forces, which had been plagued by shortfalls in funding, was completed by December 2005 and recruitment to the new Armed Forces of Liberia commenced in January 2006.<sup>19</sup> The first 106 recruits graduated in November 2006.<sup>20</sup>

### Armed groups

During 2004 and 2005 UNMIL and the Transitional National Government reportedly failed to fully control forest and border areas, which left opportunities for cross-border recruitment of combatants.<sup>21</sup>

Large numbers of former combatants engaged in illegal gold and diamond mining.<sup>22</sup> Former commanders of armed groups operated criminal groups and organized illegal exploitation of plantations, sometimes using violence to retain control.<sup>23</sup> In August 2006 the government and UNMIL forces repossessed the Guthrie plantation in north-western Liberia, which was being controlled by former armed groups.<sup>24</sup>

### Recruitment of ex-combatants and child soldiers for use in neighbouring countries

In 2004 and 2005 there was continued recruitment of ex-combatants from Liberia for use in Guinea and Côte d'Ivoire.<sup>25</sup> These included

children and former child soldiers by then over 18.

## Guinea

In the period June 2004 to June 2005 there was reportedly active recruitment of former combatants in Monrovia and in Bong and Nimba counties bordering Guinea for both pro- and anti-government groups in Guinea.<sup>26</sup> In August 2004 Guinean embassy officials in Monrovia asked for UNMIL to increase its border patrols following reports of recruitment of Liberian former combatants said to be intent on destabilizing Guinea. Those recruiting for anti-government groups appeared to be supporters of former Liberian president Charles Taylor. Around the same time, LURD commanders were also known to be recruiting for a force to support President Conté. Many of the Liberian former combatants approached by recruiters had previously been recruited as children during the conflicts in Sierra Leone and Liberia.<sup>27</sup>

In May 2005 there were reports that Liberian armed groups were operating military training camps in Guinea.<sup>28</sup> In early 2007 the UN reported that there were rumours of the involvement of Liberian former combatants in the disturbances in Guinea at that time but this could not be confirmed.<sup>29</sup>

Former armed group commanders were reported to have said that child recruitment was unnecessary, given the number of experienced combatants – many of them former child soldiers – available.<sup>30</sup> However, at least 30 Liberian children who claimed to have been recruited were identified and repatriated by a Guinean non-governmental organization (NGO) by July 2007.<sup>31</sup>

## Côte d'Ivoire

Scores, if not hundreds, of Liberian children who had been reunited with their families following their demobilization during the disarmament process were reportedly re-recruited in Liberia between late 2004 and late 2005 to fight in Côte d'Ivoire, both for pro-government militias and for the opposition Forces armées des Forces nouvelles (FAFN).<sup>32</sup> Liberian former combatants recruited in late 2004 and early 2005 to fight in Côte d'Ivoire said that one of the factors in their decision to join the Ivorian militia was the failures in implementation of the education and skills-training elements of the Liberian DDR program in regions of Liberia close to the border.<sup>33</sup> In late 2004 around 20 children were recruited from the Nicla camp for Liberian refugees in western Côte d'Ivoire by members of the *Lima force supplétive*, a militia operating alongside Côte d'Ivoire's regular armed forces (Forces armées nationales de Côte d'Ivoire, FANCI).<sup>34</sup> In early 2005 five demobilized children were among those included in cross-border recruitment of Liberians. Their demobilization cards issued in the DDR process

in Liberia were used to show recruiters that they had experience as fighters.<sup>35</sup> Recruitment into pro-government militias in Côte d'Ivoire was reportedly intensified in March 2005, ahead of peace talks in Pretoria.<sup>36</sup> Liberian children were again recruited in September and October 2005 into pro-government militias in western Côte d'Ivoire.<sup>37</sup> In Côte d'Ivoire child soldiers demobilized from the FAFN in 2005 claimed that they had been trained by Liberian fighters.<sup>38</sup>

By July 2006, according to the UN, there was no known group in Liberia that used or recruited child soldiers or former child soldiers.<sup>39</sup> However, the UN also noted the potential threats to stability in Liberia from the possible movement of armed groups from Côte d'Ivoire into Liberia and recruitment of former Liberian combatants, including children, by Ivorian militia groups and Liberians to fight in Côte d'Ivoire.<sup>40</sup>

## Disarmament, demobilization and reintegration (DDR)

The 2003 Comprehensive Peace Agreement provided for a program of cantonment, disarmament, demobilization, rehabilitation and reintegration (CDDRR).<sup>41</sup> It was run by the National Commission on Disarmament, Demobilization, Rehabilitation and Reintegration (NCDDRR) in coordination with UNMIL and UNICEF, which co-ordinated the process for under-18s, with input and assistance from other UN agencies and international bodies.<sup>42</sup> The program was launched in December 2003.<sup>43</sup> It was formally closed in November 2004.<sup>44</sup>

In May 2004 armed former combatants rioted in Monrovia when told that they would not receive immediate payment in return for their weapons.<sup>45</sup> Weapons were reportedly passed from Guinea to Liberia to be "sold" as part of the DDR process with Liberians making several round trips to fetch those weapons. Some former members of armed groups complained that they had not been able to benefit from the program because their weapons had been confiscated by their commanders, who had distributed them to others in exchange for a percentage of the disarmament bonus.<sup>46</sup>

There were continued delays in providing former combatants with integration opportunities. This meant they were subject to manipulation by elements seeking to disrupt the 2005 elections.<sup>47</sup>

By early 2006 over 100,000 combatants had been disarmed, with 37,000 still waiting to be placed in reintegration programs.<sup>48</sup> By August 2007, 90,000 former combatants had benefited from the reintegration and rehabilitation program, but many of them said that it had failed to provide them with sustainable livelihoods. The majority of former combatants were still unemployed, and thousands had regrouped for

the purpose of illegal diamond or gold mining, or on rubber plantations.<sup>49</sup>

More than 10 per cent of those demobilized were children.<sup>50</sup> At the end of hostilities in August 2003, before the commencement of the official program, children came spontaneously to child protection agencies to seek help to be demobilized.<sup>51</sup> By October 2004 more than 10,000 children, including over 2,300 girls, had been disarmed and demobilized and more than 9,600 reunited with their families.<sup>52</sup>

Some of the children demobilized from Liberian former fighting forces were from neighbouring countries – 120 from Sierra Leone, Guinea and Côte d'Ivoire.<sup>53</sup> By June 2006 a total of 55 children associated with the fighting forces (11 Ivoirians, 29 Guineans and 15 Sierra Leoneans) had returned to their countries of origin. The International Committee of the Red Cross (ICRC) was also repatriating Liberian children associated with the fighting forces from neighbouring countries.<sup>54</sup>

Rape and other acts of grave sexual violence were committed against girls who were recruited or abducted by the former armed forces and other armed groups in Liberia. Approximately 75 per cent of demobilized girls reported having suffered some form of sexual abuse or exploitation.<sup>55</sup> Many girls who were under 18 when they were associated with the fighting forces had difficulties resuming their lives away from their commanders and their so-called "bush husbands", especially if they had had children. Those over 18 at the time of the DDR program reportedly received no special protective assistance.<sup>56</sup> In 2005 UNICEF reported that the needs of girls were still not being met adequately, and that many had no access at all to the program.<sup>57</sup>

A particular element of the program was the payment of a US\$300 safety-net (demobilization) allowance by UNMIL and the NCDDRR to all former combatants, including children. A UNICEF evaluation of the program indicated that this had a significantly negative impact on children, by exposing them to exploitation by their commanders and impairing their reintegration into their communities.<sup>58</sup>

According to local child protection agencies, the rapid demobilization failed to break the strong links between former child soldiers and their commanders. The disappointment and frustration experienced by children and communities during the reintegration period led many to seek to re-establish links with their former commanders – not necessarily in an attempt to become soldiers again, but rather to return to the last person who had provided them with food, shelter and protection.<sup>59</sup>

During 2005 it was reported that commanders expelled children under their "protection" because they were no longer in a position to care for them. This led to an increase in the number of

street children and their migration to the cities.<sup>60</sup> Child protection agencies highlighted the risks of re-recruitment of children in Monrovia, because of the high concentration of military commanders still active there and the lack of financial and social alternatives for children.<sup>61</sup>

By March 2007 reintegration opportunities had been provided to over 9,700 of the 11,000 child beneficiaries. About half of these had graduated from or were participating in the education program and about half were undergoing or had graduated from vocational training.<sup>62</sup>

## Developments

In June 2006 the UN Security Council lifted the arms embargo to the extent of enabling the procurement of arms for the Liberian police and security forces.<sup>63</sup>

Exploitation of children as labourers was reported, particularly in the north, which was hardest hit by the armed conflict.<sup>64</sup>

Sexual and gender-based violence, particularly rape of children, continued to be reported.<sup>65</sup> In May 2006 it was reported that 12-year-old girls, and in some cases girls as young as eight, were involved in transactional sex in camps for internally displaced people and after being resettled in their communities. Abusers allegedly included camp officials, humanitarian workers, businessmen, peacekeepers, government employees and teachers.<sup>66</sup> The UN noted the allegations in the report and stated that 45 cases of sexual exploitation involving UNMIL personnel were investigated in 2005 and around 40 in 2006.<sup>67</sup> In January 2007 UNMIL publicly called for an internal UN investigation.<sup>68</sup>

In October 2004 the UN refugee agency (UNHCR) began its repatriation of refugees from Sierra Leone and Guinea. The return of internally displaced persons began in November.<sup>69</sup> The UNHCR repatriation program ended in June 2007 after some 105,000 refugees had been repatriated. About 80,000 Liberian refugees remained in neighbouring countries.<sup>70</sup>

A key element in rebuilding the economy was for the government to regain control of the country's natural resources including rubber, diamonds, gold and timber, illicit trade in which, particularly in diamonds, had done much to fuel conflict.<sup>71</sup> A joint government–UN task force established to assess the situation on rubber plantations reported to the president in May 2006 making recommendations for measures to stop the use of forced and child labour and illegal trafficking in raw rubber.<sup>72</sup> The UN Security Council lifted its embargos on the export of timber in June 2006 and of diamonds in April 2007.<sup>73</sup> In May 2007 Liberia was admitted to the Kimberley Process Certification Scheme and in July the government removed the self-imposed

ban on diamond mining, paving the way for the official export of diamonds.<sup>74</sup>

At a February 2007 ministerial meeting in Paris, Liberia and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

## Truth and Reconciliation Commission

The 2003 Comprehensive Peace Agreement provided for the establishment of a Truth and Reconciliation Commission, which was established by an act of the Liberian parliament in June 2005. The nine-member commission began its work in June 2006, having been inaugurated the previous February. It was mandated to investigate gross human rights violations and violations of international humanitarian law as well as other grave abuses that occurred from January 1979 to 14 October 2003. It was to pay "particular attention to gender-based violations, as well as to the issue of child soldiers, providing opportunities for them to relate their experiences, addressing concerns and recommending measures to be taken for the rehabilitation of victims of human rights violations in the spirit of national reconciliation and healing". The Commission, which was due to complete its work in 2008, was mandated under certain conditions to recommend amnesties and to refer to the head of state individual cases for prosecution.<sup>75</sup>

## Indictment of Charles Taylor

In March 2006, following a formal request by President Johnson-Sirleaf, the Nigerian authorities apprehended Charles Taylor and he was transferred to the authority of the Special Court for Sierra Leone where he was charged with war crimes, crimes against humanity and other serious violations of international humanitarian law, including the use of child soldiers during his alleged involvement in Sierra Leone's conflict supporting the Revolutionary United Front (RUF).<sup>76</sup> In June, in order to protect stability in Liberia and the sub-region, which might be disrupted if he were to be put on trial in west Africa, he was transferred to The Hague to be tried by a trial chamber of the Special Court.<sup>77</sup> He first appeared before the Special Court in The Hague on 4 June 2007. His trial was adjourned until January 2008 to allow time for his new defence team to prepare for trial.<sup>78</sup>



- 1 Comprehensive Peace Agreement between the Government of Liberia and the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) and Political Parties, Accra, 18 August 2003, at [www.usip.org](http://www.usip.org).
- 2 Report of the UN Secretary-General to the Security Council on Liberia, UN Doc. S/2003/875, 11 September 2003; UN Mission in Liberia, [www.unmil.org](http://www.unmil.org).
- 3 Ninth progress report of the Secretary-General on the UN Mission in Liberia, UN Doc. S/2005/764, 7 December 2005.
- 4 Seventh progress report of the Secretary-General on the UN Mission in Liberia, UN Doc. S/2005/391, 16 June 2005.
- 5 "Mass arrests after Liberia riots", BBC News, 1 November 2004.
- 6 "Liberia: Stone throwing ex-soldiers paralyse capital", IRIN, 25 April 2006.
- 7 "Liberia: Ex-combatants riot", IRIN, 9 February 2007.
- 8 "Rival Liberia police forces clash", BBC News, 9 July 2007.
- 9 "US cancels Liberia's \$391 million debt", BBC News, 13 February 2007; Kate Thomas, "After Liberia's war: 'Sometimes you wonder if peace is worthwhile'", *Independent*, 24 May 2007, <http://news.independent.co.uk>.
- 10 Fifteenth progress report of the Secretary-General on the UN Mission in Liberia, UN Doc. S/2007/479, 8 August 2007.
- 11 See entries on Côte d'Ivoire, Guinea and Sierra Leone in this volume.
- 12 See Human Rights Watch (HRW), *Youth, Poverty and Blood: The Lethal Legacy of West Africa's Regional Warriors*, March 2005; Report of the Secretary-General on ways to combat sub-regional and cross-border problems in West Africa, UN Doc. S/2004/200, 12 March 2004; Report of the Secretary-General on inter-mission cooperation and possible cross-border operations between the UN Mission in Sierra Leone, the UN Mission in Liberia, and the UN Operation in Côte d'Ivoire, UN Doc. S/2005/135, 2 March 2005.
- 13 UN Office for West Africa (UNOWA), *Youth Unemployment and Regional Insecurity in West Africa*, 2nd edn, August 2006, [www.un.org/unowa](http://www.un.org/unowa); Report of the Secretary-General on cross-border issues in West Africa, UN Doc. S/2007/143, 13 March 2007.
- 14 Report of the Secretary-General to the UN Commission on Human Rights on conscientious objection to military service, UN Doc. E/CN.4/2000/55, 17 December 1999.
- 15 Comprehensive Peace Agreement, above note 1, Article VII: Disbandment of irregular forces, reforming and restructuring of the Liberian armed forces.
- 16 "Liberia: Recruitment drive for new army kicks off", IRIN, 18 January 2006. (One of the recommendations in the HRW report, *How to Fight, How to Kill: Child Soldiers in Liberia*, February 2004, was that the Liberian government should enact national legislation making 18 the minimum age for recruitment to the newly formed national army.)
- 17 Sixth progress report of the Secretary-General on the UN Mission in Liberia, UN Doc. S/2005/177, 17 March 2005.
- 18 Eighth progress report of the Secretary-General on the UN Mission in Liberia, UN Doc. S/2005/560, 1 September 2005; "Liberia: new national army to have 2,000 troops, half as many as expected", IRIN, 29 June 2005.
- 19 Tenth progress report of the Secretary-General on the UN Mission in Liberia, UN Doc. S/2006/159, 14 March 2006.
- 20 "First unit of Liberia's new post-war army graduates", Reuters AlertNet, 4 November 2006, [www.alertnet.org](http://www.alertnet.org).
- 21 Report of the Panel of Experts on Liberia to the Security Council, UN Doc. S/2004/752, 24 September 2004; Global Witness, *An architecture of instability: How the critical link between natural resources and conflict remains unbroken*, December 2005, [www.globalwitness.org](http://www.globalwitness.org).
- 22 Tenth progress report of the Secretary-General, above note 19.
- 23 Eighth progress report of the Secretary-General, above note 18; Eleventh progress report of the Secretary-General on the UN Mission in Liberia, UN Doc. S/2006/376, 9 June 2006.
- 24 "Liberia secures rubber plantation", BBC News, 15 August 2006.
- 25 See also entries on Guinea and Côte d'Ivoire in this volume.
- 26 International Crisis Group (ICG), *Stopping Guinea's Slide*, Africa Report No. 94, 14 June 2005; Report of the Panel of Experts on Liberia to the Security Council, UN Doc. S/2005/360, 13 June 2005.
- 27 HRW, *Youth, Poverty and Blood*, above note 12.
- 28 Coalition interview with humanitarian agencies in eastern Guinea, July 2005.
- 29 Fourteenth progress report of the Secretary-General on the UN Mission in Liberia, UN Doc. S/2007/151, 15 March 2007.
- 30 Information from HRW, May 2007.
- 31 Coalition interview with confidential source in Conakry, Guinea, September 2007.
- 32 HRW, *Youth, Poverty and Blood*, above note 12.
- 33 HRW, "Côte d'Ivoire: ex-child soldiers recruited for war", press release, 31 March 2005.
- 34 Report of the Secretary-General on children and armed conflict, UN Doc. A/59/695-S/2005/72, 9 February 2005.
- 35 Report of the Panel of Experts, June 2005, above note 26.
- 36 HRW, "Cote d'Ivoire: ex-child soldiers recruited for war", above note 33.

- 37 HRW, “Côte d’Ivoire: Government recruits child soldiers in Liberia”, press release, 28 October 2005.
- 38 Report of the Secretary-General on children and armed conflict in Côte d’Ivoire, UN Doc. S/2006/835, 25 October 2006.
- 39 Report of the Secretary-General on children and armed conflict, UN Doc. A/61/529-S/2006/826, 26 October 2006.
- 40 See, for example, Thirteenth progress report of the Secretary-General on the UN Mission in Liberia, UN Doc. S/2006/958, 11 December 2006.
- 41 Comprehensive Peace Agreement, above note 1, Article VI: Cantonment, Disarmament, Demobilisation, Rehabilitation and Reintegration (CDDRR).
- 42 Fifth progress report of the Secretary-General on the UN Mission in Liberia, UN Doc. S/2004/972, 17 December 2004.
- 43 Report of the Secretary-General on children and armed conflict, February 2005, above note 34.
- 44 Tenth progress report of the Secretary-General, above note 19.
- 45 “Liberians riot over disarmament”, BBC News, 18 May 2004.
- 46 Report of the Panel of Experts, June 2005, above note 26.
- 47 Eighth progress report of the Secretary-General, above note 18.
- 48 Tenth progress report of the Secretary-General, above note 19.
- 49 Fifteenth progress report of the Secretary-General, above note 10.
- 50 UNICEF, *Evaluation of the Disarmament and Demobilisation Programme for Children Associated with the Fighting Forces in Liberia, 2005* (electronic copy with the Coalition).
- 51 Child Soldiers Coalition, *Child Soldiers and Disarmament, Demobilization, Rehabilitation and Reintegration in West Africa*, November 2006.
- 52 Report of the Secretary-General, above note 34.
- 53 Ibid.
- 54 Report of the Secretary-General, above note 39.
- 55 Report of the Secretary-General, above note 34.
- 56 Irma Specht, *Red Shoes, Experiences of girl-combatants in Liberia*, ILO, UNICEF and UNDP, 2006, at [www.transitioninternational.com](http://www.transitioninternational.com).
- 57 UNICEF, above note 50.
- 58 Ibid.
- 59 Coalition meetings with child protection agencies, Monrovia, July–August 2005, cited in Child Soldiers Coalition, above note 51.
- 60 Coalition meeting with UN agencies, Lofa county, Liberia, August 2005, cited in Child Soldiers Coalition, above note 51.
- 61 Child Soldiers Coalition, above note 51.
- 62 Fourteenth progress report of the Secretary-General, above note 29.
- 63 “Liberia: Security Council draws back on arms embargo”, IRIN, 14 June 2006. See also UN Security Council Resolution 1683 (2006).
- 64 “Liberia: 15,000 child labourers to be sent back to school”, IRIN, 1 August 2006.
- 65 UNMIL, Quarterly Report on the Human Rights Situation in Liberia, May 2007, <http://unmil.org>.
- 66 Save the Children UK, “From camp to community: Liberia study on exploitation of children”, discussion paper, *JENdA*, Issue 8, May 2006, [www.jendajournal.com](http://www.jendajournal.com).
- 67 Eleventh progress report of the Secretary-General, above note 23; Thirteenth progress report of the Secretary-General, above note 40.
- 68 “UN’s Liberia mission calls for immediate investigation into possible sexual abuse”, UN News Centre, 19 January 2007.
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- 70 UNHCR, “UNHCR ends Liberian operation after helping more than 100,000 go home”, press release, 2 July 2007, [www.unhcr.org](http://www.unhcr.org).
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- 72 Eleventh progress report of the Secretary-General, above note 23; “Liberia: Rubber Plantations ‘lawless’ says UN”, IRIN, 11 May 2006.
- 73 “Liberia: Lifting of UN timber ban gives hope for economic revival”, IRIN, 21 June 2006; “Liberia relaunches diamond trade after embargo ends”, Reuters AlertNet, 1 May 2007. See also UN Security Council Resolutions 1689 (2006) and 1753 (2007) respectively.
- 74 Fifteenth progress report of the Secretary-General, above note 10. The Kimberley Process was a joint initiative of governments, industry and civil society to stem the flow of conflict diamonds. Its certification scheme imposed requirements on its members to enable them to certify shipments of rough diamonds as “conflict-free”; [www.kimberleyprocess.com](http://www.kimberleyprocess.com).
- 75 Truth and Reconciliation Commission of Liberia, TRC Mandate, Article IV, Mandate, Section 4, and Article VII, Functions and powers, Section 26, <https://www.trcofliberia.org>. For a comment on the limitations to amnesties under international law, see Amnesty International (AI), *Liberia: Truth, Justice and Reparation: Memorandum on the Truth and Reconciliation Commission Act* (AFR 34/005/2006), 22 June 2006.
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## **LIBYA**

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### **Socialist People’s Libyan Arab Jamahiriya**

**Population:** 5.9 million (2.1 million under 18)

**Government armed forces:** 76,000

**Compulsory recruitment age:** 17

**Voluntary recruitment age:** 17

**Voting age:** 18<sup>1</sup>

**Optional Protocol:** acceded 29 October 2004

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182, ACRWC

*Although the government stated that the minimum voluntary recruitment age was 18, no amendments to legislation had been made to reflect this. Under-18s were reportedly recruited into militias.*

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## **Government**

### **National recruitment legislation and practice**

On accession to the Optional Protocol in October 2004, Libya declared that the required legal age for volunteering to serve in the armed forces was 18.<sup>2</sup> This followed concern expressed in 2003 by the UN Committee on the Rights of the Child over the Mobilization Act No. 21 of 1991, which “allows for persons of 17 years to, among other things, engage in combat” and the Committee’s call for the law to be amended so that under-18s were not deployed as active combatants in wartime.<sup>3</sup> However, amendments to the 1991 Act to raise the age of conscription from 17 to 18 were not believed to have been made.<sup>4</sup> According to Libya’s Second Periodic Report to the Committee, national service was compulsory for “medically fit” men aged between 18 and 35.<sup>5</sup>

Little information was available about military training and schools. There was a military academy in Tripoli.<sup>6</sup>

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### **Armed groups**

Children as young as 14 were reportedly recruited into government-sponsored militias including the Revolutionary Guard and the revolutionary committees. This took place mostly in rural areas.<sup>7</sup>

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### **Developments**

Amnesty International on several occasions expressed concern over the detention and ill-treatment of hundreds of Eritrean nationals, several of them children, by the authorities.<sup>8</sup> In February 2006 Human Rights Watch reported that girls who had been detained for “social

rehabilitation” at the Benghazi Home for Juvenile Girls were held indefinitely, provided with no education and sometimes put in solitary confinement. Many of them were reportedly victims rather than perpetrators of crimes.<sup>9</sup>

Libya brokered a peace agreement between four Chadian armed groups and the government of Chad, signed in Sirte, Libya, on 25 October 2007.<sup>10</sup> The accord foresaw an immediate ceasefire and the setting up of a committee which would decide on the integration of members of the armed groups into Chadian state structures, although there was no mention of the demobilization and integration of child soldiers.<sup>11</sup>

The UN refugee agency UNHCR reported a significant increase since 2004 in the numbers of asylum-seekers, especially from Sudan and Somalia, requesting refugee status in Libya. This was expected to continue through late 2007.<sup>12</sup>

- 1 System of indirect voting for the 468 members of the General People’s Congress. Inter-Parliamentary Union, <http://www.ipu.org>.
- 2 Declaration on accession to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).
- 3 UN Committee on the Rights of the Child, Consideration of report submitted by the Libyan Arab Jamahiriya, Concluding observations, UN Doc. CRC/C/15/Add.209, 4 July 2003.
- 4 Confidential source, November 2007.
- 5 Second periodic report of Libya to the Committee on the Rights of the Child, UN Doc. CRC/C/93/Add.1, 19 September 2002.
- 6 Global Security, “Libyan Army”, [www.globalsecurity.org](http://www.globalsecurity.org).
- 7 Confidential source, June 2007.
- 8 Amnesty International, “Libya: Forcible return/torture and ill-treatment”, Urgent Action, 8 February 2007, AI Index MDE 19/004/2007.
- 9 Human Rights Watch, “Libya: a threat to society? Arbitrary detention of women and girls for ‘social rehabilitation’”, *Human Rights Watch*, Vol. 18, No. 2 (E), February 2006.
- 10 “Libya seals peace deal for Chad”, BBC News, 26 October 2007.
- 11 “Chad rebels sign peace accord”, Al-Jazeera, 25 October 2007, <http://english.aljazeera.net>.
- 12 UN High Commissioner for Refugees, UNCHR Country Operations Plan 2007, Libyan Arab Jamahiriya, 1 September 2006, [www.unhcr.org](http://www.unhcr.org).

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# LIECHTENSTEIN

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## Principality of Liechtenstein

**Population:** 35,000 (7,000 under 18)  
**Government armed forces:** no armed forces  
**Compulsory recruitment age:** not applicable  
**Voluntary recruitment age:** not applicable  
**Voting age:** 18  
**Optional Protocol:** ratified 4 February 2005  
**Other treaties ratified (see glossary):** CRC, GC AP I and II, ICC

***There were no standing armed forces. Conscription was provided for in times of war or emergency, but there was no information on the minimum age or recruitment in such instances.***

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## Government

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### National recruitment legislation and practice

Liechtenstein had no armed forces, although the 1921 Constitution (amended in 2003) provided the basis for conscription to be introduced in a time of war or other emergency.<sup>1</sup> The defence of the principality was the responsibility of neighbouring Switzerland.<sup>2</sup> Liechtenstein ratified the Optional Protocol on 4 February 2005, and included in its declaration the statement that “the Principality of Liechtenstein has no national armed forces and hence no legislation on a minimum age for the recruitment of persons into the armed forces and for taking part in hostilities exists”.<sup>3</sup>

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## Developments

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In November 2006 Liechtenstein welcomed the adoption of UN Security Council Resolution 1612, which created the Monitoring and Reporting Mechanism (MRM) as a basis for the activities of the Security Council Working Group for Children and Armed Conflict. But it also underlined “a need for clarifying the intended use of information gathered through the MRM, in particular by identifying how the MRM can service the information needs of different destinations for action in an efficient and effective way. This includes the gathering of information for key destinations that advance the end of impunity as well as in the area of child protection and victim assistance.” In June 2007 Liechtenstein welcomed the first convictions by the Special Court for Sierra Leone for the recruitment and use of child soldiers, calling this “one of the most important developments in international relations over the past two decades”.<sup>4</sup> In its Initial Report

on the Optional Protocol to the UN Committee on the Rights of the Child, the government stated that it contributed *inter alia* to the United Nations Development Programme (UNDP) disarmament, demobilization and reintegration (DDR) program in relation to children.<sup>5</sup>

- 1 Quaker Council for European Affairs, *The Right to Conscientious Objection to Military Service in Europe: A Review of the Current Situation*, April 2005.
- 2 UK Foreign and Commonwealth Office, Country Profiles: Liechtenstein, [www.fco.gov.uk](http://www.fco.gov.uk).
- 3 Second periodic report of Liechtenstein to the UN Committee on the Rights of the Child, UN Doc. CRC/C/136/Add.2, 14 July 2005.
- 4 Open Debate of the Security Council: Children and Armed Conflict, Statement by Mr Patrick Ritter, Deputy Permanent Representative of the Principality of Liechtenstein to the United Nations, 28 November 2006; Open Debate of the Security Council: Children and Armed Conflict, Statement by Mr Patrick Ritter, Deputy Permanent Representative of the Principality of Liechtenstein to the United Nations, 22 June 2007, both at [www.iccnw.org](http://www.iccnw.org).
- 5 Initial report of Liechtenstein to the Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/LIE/1, 11 December 2007.

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# LITHUANIA

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## Republic of Lithuania

**Population:** 3.4 million (745,000 under 18)

**Government armed forces:** 12,000

**Compulsory recruitment age:** 19

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 20 February 2003

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***There were no reports of under-18s in the armed forces. Under-18s who joined a state-supported paramilitary organization could be involved in training which included military activities.***

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## Context

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Lithuania joined NATO in 2004.

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## Government

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### National recruitment legislation and practice

Service in the armed forces, or in alternative unarmed units, was the constitutional duty of all male citizens aged 18 years and over.<sup>1</sup> Lithuania's declaration on ratification of the Optional Protocol in 2003 stated that the minimum ages for voluntary and compulsory service in the armed forces were 18 and 19 respectively.<sup>2</sup>

The Law on National Conscription regulated military call-up. Military service had three stages: registration, conscription and post-conscription in the reserves. At 16, all male citizens had to register for the draft at their nearest municipal military office. They could be conscripted into compulsory military service for a one-year period between the ages of 19 and 26 (Article 17). At 19, they were obliged to appear in person at the office within a 45-day period starting 30 days before their 19th birthday.<sup>3</sup> Those selected for conscription were put on the records of the Conscription Administration Service of the Ministry of National Defence. It was the responsibility of the Ministry of Interior to provide municipal military offices with updated information on potential conscripts.

Volunteers could start their military service earlier, at the age of 18, by written request to a Selective Recruitment Commission or regional military conscription centre.

A Commission for the Implementation of International Humanitarian Law, established in 2001, had the task of supervising the Ministry

of National Defence in meeting its international humanitarian law obligations.<sup>4</sup>

In May 2003 a new Article 105 was introduced into the Criminal Code giving effect to Lithuania's obligations under Article 4 of the Optional Protocol. The recruitment of under-18s into armed groups and their use in hostilities was made punishable by up to 12 years' imprisonment. Also newly criminalized and made punishable by up to ten years' imprisonment was "forced use of civilians and prisoners of war in the armed forces of an enemy" in times of international armed conflict, occupation or annexation. This prohibited the use of civilians as "human shields", and the recruitment or use of children in armed groups or hostilities. This amendment to the Criminal Code had retroactive effect and was not bound by the statute of limitations.<sup>5</sup> Criminal liability for conscripting or enlisting children was subject to universal jurisdiction.<sup>6</sup>

### **Military training and military schools**

The General Jonas Zemaitis Military Academy in Vilnius offered in-service officer training under the Ministry of National Defence, and five civilian degree courses, for students aged 18 years and over. In 2006, 8.5 per cent of students were women.<sup>7</sup> International humanitarian law was a compulsory part of the officers' course.

The Riflemen's Union, a voluntary state-supported paramilitary organization, provided volunteers under 18 with training in shooting, military history and fitness, for two hours weekly and at summer camp.<sup>8</sup> The UN Committee on the Rights of the Child expressed concern that this might involve the engagement of children as young as 12 in military activities.<sup>9</sup>

### **Developments**

The government reported that 80 per cent of children in refugee reception centres came from areas affected by armed conflict, and that programs and services were provided for them.<sup>10</sup> The Committee on the Rights of the Child urged Lithuania to further strengthen its work on this in particular with regard to early identification of those who had been recruited or used in hostilities and providing specialist psychological and other assistance.<sup>11</sup>

At a February 2007 ministerial meeting in Paris, Lithuania and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

- 1 Constitution of the Republic of Lithuania, Article 139(2).
- 2 Declaration on accession to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).
- 3 Law on National Conscription, No. 106-2472 of 1996.
- 4 Initial report of Lithuania to the UN Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/LTU/1, 29 June 2006.
- 5 *Ibid.*, referring in particular to revision of 1 May 2003 to the Criminal Code, Article 105.
- 6 Additional information from the Government of Lithuania to the Committee on the Rights of the Child in connection with consideration of initial report on implementation of the Optional Protocol, 22 August 2007.
- 7 Initial report, above note 4.
- 8 Riflemen's Union, [www.sauliusajunga.lt](http://www.sauliusajunga.lt).
- 9 Committee on the Rights of the Child, Consideration of report submitted by Lithuania on implementation of the Optional Protocol, Concluding observations, UN Doc. CRC/C/OPAC/LTU/CO/1, 5 October 2007 (unedited version).
- 10 Additional information, above note 6.
- 11 Committee on the Rights of the Child, above note 9.

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# LUXEMBOURG

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## Grand Duchy of Luxembourg

**Population:** 465,000 (104,000 under 18)

**Government armed forces:** 900

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 17

**Voting age:** 18

**Optional Protocol:** ratified 4 August 2004

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

*The minimum age for recruitment was 17, and those under 18 were prohibited from participating in any military operation.*

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## Government

### National recruitment legislation and practice

Compulsory military service was abolished in 1967. The amended Grand Ducal Regulation of 22 September 1967 established a minimum age of 17 for voluntary military service, and 17-year-olds entering the armed forces required the written consent of parents or a legal guardian. Approximately 20 per cent of those applying for voluntary military service were 17. The amended Military Act of 2 August 1997 stipulated that recruitment for peacekeeping operations would be on an exclusively voluntary basis, and limited participation in peacekeeping missions strictly to those who were 18 or older. Under the terms of the Act of 20 December 2002 (which amended the Military Organization Act), volunteer soldiers under 18 were prohibited from participating in any military operation. The prohibition applied to national defence as well as to participation in “operations of collective or common defence or in peacekeeping operations”. All of the above provisions were also included in the declaration made by Luxembourg on ratifying the Optional Protocol in August 2004. The declaration stated that full information about military duties would be given to recruits prior to their recruitment into the armed forces, and that all voluntary recruits were permitted to leave the armed forces at any time.<sup>1</sup>

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### Disarmament, demobilization and reintegration (DDR)

Luxembourg continued to make an annual contribution of €25,000 to the funding of the Office of the United Nations Special Representative of the Secretary-General for Children and Armed Conflict. It had also given

support to a UNICEF project working with child soldiers in Burundi.<sup>2</sup>

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## Developments

At a February 2007 ministerial meeting in Paris, Luxembourg and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

- 1 Initial Report of Luxembourg to the UN Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/LUX/1, 6 November 2006.
- 2 Ibid.

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# MACEDONIA

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## The Former Yugoslav Republic of Macedonia

**Population:** 2.0 million (494,000 under 18)

**Government armed forces:** 10,900

**Compulsory recruitment age:** no conscription (abolished 2006)

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 12 January 2004

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

*There were no reports of under-18s in the armed forces.*

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## Government

### National recruitment legislation and practice

In April 2006 the Ministry of Defence announced that military conscription would end and the army would comprise only volunteers by the beginning of 2007. Officials said that the new army would have around 7,000 regular soldiers and 2,500 reserve troops. New soldiers would be recruited on a voluntary basis for an initial three-month training period, after which they would join the regular armed forces.<sup>1</sup> In May 2006 parliament voted to abolish compulsory military service.<sup>2</sup>

Conscription was previously provided for in the constitution, which stated, “The defence of the Republic of Macedonia is the right and duty of every citizen” (Article 28). Under the Defence Law, all male citizens aged 17 to 55 were required to fulfil their military obligations (Article 3), including registration for conscription before the age of 18 (Article 51). Recruits had to be 18 years of age before recruitment (Article 54). To ensure that children did not join the armed forces, call-up notices were not sent to individuals until they were 19 years old. Those who volunteered to begin service earlier were allowed to start three months after their application, provided they had reached the age of 18. In a state of war or national emergency, the minimum age for membership of the Civil Protection Forces was 18 for both men and women, with military service in the armed forces subject to the same regulations as in peacetime (Articles 11–13).

In its declaration on signing the Optional Protocol in July 2001, Macedonia stated that the Defence Law did not allow under-18s to serve in the armed forces.<sup>3</sup>

### Military training and military schools

The Military Academy was the only tertiary-level military educational institution. Its main

task was to educate, train and provide further development for officer personnel for the army, and to engage them in research in the field of defence. Entrants had to have completed at least four years of secondary education and be at least 18 years old, but not older than 21.<sup>4</sup>

- 1 International Relations and Security Network, “Macedonia announces end to conscription”, ISN Security Watch, 11 April 2006, [www.isn.ethz.ch](http://www.isn.ethz.ch).
- 2 Amnesty International, *Europe and Central Asia: Summary of Amnesty International’s concerns in the region, January–June 2006*, 1 December 2006.
- 3 **Declarations and reservations to the Optional Protocol**, [www2.ohchr.org](http://www2.ohchr.org).
- 4 Republic of Macedonia Military Academy, <http://va.morm.gov.mk>.



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# MADAGASCAR

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## Republic of Madagascar

**Population:** 18.6 million (9.4 million under 18)

**Government armed forces:** 13,500

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 22 September 2004

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182, ACRWC

*There were no reports of under-18s in the armed forces.*

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## Government

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### National recruitment legislation and practice

There was no compulsory military recruitment. Provision was made for military service under the constitution, which stated that “National service shall be an honourable duty”. Although it was obligatory to present oneself for military service at 18, the service itself was not. Recruits presenting themselves to the police force had to produce a copy of their birth certificate and identity card as proof of age and identity. A medical examination was carried out if there was doubt over the age of the recruit.<sup>1</sup>

In its declaration on ratification of the Optional Protocol, Madagascar stated that “young men and women aged 18 years or more may request to be recruited into the Armed Forces or outside the Armed Forces before young men and women of their age-group. In order to preserve his or her contractual liberty, the person requesting voluntary enlistment shall submit a request approved by his or her parents or legal guardian. Offences against the requirements of these provisions shall be prosecuted and penalized under the Code of Justice on National Service or the Penal Code.”<sup>2</sup>

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## Developments

### International standards

Madagascar ratified the Optional Protocol on 22 September 2004, and the African Charter on the Rights and Welfare of the Child on 30 March 2005.<sup>3</sup>

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1 Confidential sources, March 2007.

2 Madagascar, Declaration on Ratification of the Optional Protocol to the Convention on the Rights of the Child, 22 September 2004, [www2.ohchr.org](http://www2.ohchr.org).

3 See List of Countries Which Have Signed, Ratified/Acceded to the African Union Convention on African Charter on the Rights and Welfare of the Child, [www.africa-union.org](http://www.africa-union.org).

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# MALAWI

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## Republic of Malawi

**Population:** 12.9 million (6.9 million under 18)

**Government armed forces:** 5,300

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** signed 7 September 2000

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182, ACRWC

*There were no reports of under-18s in the armed forces.*

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## Government

### National recruitment legislation and practice

A new Defence Force Act came into force in September 2004, replacing the earlier Army Act and incorporating amendments proposed by the Malawi Law Commission which removed any possibility of under-18s serving in the Defence Force (previously the Malawi Army). The Act provided that the Defence Force had three components: the regular Defence Force, the Defence Force reserve and the militia. The militia was defined as comprising persons other than members of the regular force or reserve forces trained for military purposes and called to serve only in emergencies. No person under the age of 18 could be recruited to or be members of any of these forces.<sup>1</sup> While the academic qualifications of recruits were checked with the aim of ensuring that no under-18s were recruited,<sup>2</sup> lack of a birth registration system meant that the age of recruits could not be definitively verified.<sup>3</sup>

Under-18s could previously apply to be recruited with the consent of a parent or legal guardian or, when the parents or guardian were dead or unknown, with the consent of the chairman of the local court of the area in which they resided.<sup>4</sup>

There was no conscription,<sup>5</sup> but the National Service Act provided that in case of a public emergency every citizen between the ages of 18 and 60 could be called for national service.<sup>6</sup> In a letter to the Child Soldiers Coalition, the Malawi High Commission stated that the National Service Act did not exist; other sources stated that the Act remained in force as it had been neither declared unconstitutional nor repealed by an act of parliament.<sup>7</sup>

In June 2004 the government reported to the UN Committee on the Elimination of Discrimination against Women that since 1999 the policy of the Ministry of Defence had been to

recruit women in the armed forces. By 2004, 130 women had been trained.<sup>8</sup>

- 1 Confidential sources, Malawi, August 2007.
- 2 Information provided by the Malawi High Commission, August 2007.
- 3 UNICEF, Draft Country Programme Document for Malawi.
- 4 Confidential sources, above note 1.
- 5 Malawi High Commission, above note 2.
- 6 Confidential sources, above note 1.
- 7 Malawi High Commission, above note 2; confidential sources, above note 1.
- 8 Combined second, third, fourth and fifth periodic reports of Malawi to the Committee on the Elimination of Discrimination against Women, UN Doc. CEDAW/C/MWI/2-5, 28 June 2004.

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# MALAYSIA

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## Malaysia

**Population:** 25.3 million (9.6 million under 18)

**Government armed forces:** 109,000

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 17 and a half; younger with parental consent

**Voting age:** 21

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, ILO 138, ILO 182

***Although voluntary enlistment was permitted at 17 and a half, only those aged 18 and above were in practice recruited into the armed forces.***

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## Government

### National recruitment legislation and practice

The Armed Forces Act of 1972 prohibited the voluntary enlistment of any person below the age of 17 and a half without the written consent of parents and the production of a “certified copy of an entry in the register of births or by any other evidence appearing to him to be sufficient”.<sup>1</sup> According to the government, in practice only those aged 18 and above were recruited into the armed forces.<sup>2</sup>

There were reports of bullying of recruits. In October 2007 two recruits complained of abuse by their seniors and officers. One alleged that he had been forced to drink weapons-cleaning fluid and another alleged that his arm had been cut with a knife.<sup>3</sup>

Under the National Service Training Act of 2003, all citizens of Malaysia between the ages of 16 and 35 years of age were required to be available to undergo national service training of up to 90 days. Failure to attend, either as trainees or trainers, was an offence and liable to both a fine and imprisonment. Participants were selected randomly via a government computer database system. A total of 95,000 people were chosen to participate in 2006; the figure for 2007 was expected to be 100,000.<sup>4</sup>

The stated aim of national service training was to prepare “Malaysian youths for national service under the National Service Act 1952” and to create “a nation which is patriotic and resilient and imbued with the spirit of volunteerism”.<sup>5</sup> Training consisted of “character-building”, “nation-building”, physical training and “community services modules”. According to a presentation given by a representative of the Ministry of Defence, there were additional

components consisting of cultural and religious activities, national integration and firearms training.<sup>6</sup>

The Child Act 2001 defined as children those under 18, and aimed to provide children with protection and assistance, including those who were at risk or were victims of physical and sexual abuse, neglect and abandonment, and those who had committed criminal offences. However, the law did not contain specific provisions guaranteeing the protection of children affected by armed conflict or in situations of armed violence.<sup>7</sup>

### Military training and military schools

The Malaysian Military Academy (Akademi Tentara Malaysia, ATMA) was replaced by the National Defence University of Malaysia (University Pertahanan Nasional Malaysia, UPNM), which opened in mid-2007. The new university operated under the Defence Ministry and accepted both military cadets and officers and civilians. Members of the military graduating from ATMA were contracted to serve the armed forces for at least ten years after completing their studies. Graduates from the UPNM were required to serve for “a period of time”, the exact length of which was unclear. Civilian graduates were required to become members of the Reserve Officers Training Unit (ROTU).<sup>8</sup>

The Royal Military College, a Ministry of Defence-supported secondary school, accepted selected boys for entry into Form 4, or children from the ages of 15 to 17. Students at the college received a secondary school education as well as military training. Graduates were not required to pursue a military career on completion of their studies.<sup>9</sup>

### Developments

Malaysia’s initial report to the UN Committee on the Rights of the Child was considered in January 2007. The Committee recommended that Malaysia ratify the Optional Protocol and that the birth registration system for non-Malaysian children born in Malaysia be improved.<sup>10</sup>

- 1 Armed Forces Act (1972), Article 18(3) and (4).
- 2 Initial report of Malaysia to the UN Committee on the Rights of the Child, UN Doc. CRC/C/MYS/1, 22 December 2006.
- 3 “Malaysia’s army: Only tough guys need apply”, *Washington Post*, 16 October 2007.
- 4 Presentation of Lee Soon Hoe, Director of Unit Planning and Customer Service, Ministry of Defence, Malaysia, International Workshop on Youth Values Development, 18–25 March 2007.
- 5 National Service Training Act, Article 2.
- 6 Presentation of Lee Soon Hoe, above note 4.
- 7 Child Act 2001 (Act 611).

- 8 “UPNM begins operations in mid-year 2007”, Malaysian National News Agency, 13 September 2006, [www.bernama.com.my/](http://www.bernama.com.my/) .
- 9 Profile of the Royal Military College, [www.rmc.edu.my](http://www.rmc.edu.my).
- 10 Committee on the Rights of the Child, Consideration of reports submitted by state parties under Article 44 of the Convention, Concluding observations: Malaysia, UN Doc. CRC/C/MYS/CO/1, 2 February 2007.

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## MALDIVES

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### Republic of Maldives

**Population:** 329,000 (158,000 under 18)

**Government armed forces:** not known

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 18<sup>1</sup>

**Optional Protocol:** ratified 29 December 2004

**Other treaties ratified (see glossary):**

CRC, GC AP I and II

*The minimum age of recruitment to the reorganized defence forces was 18.*

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### Government

#### National recruitment legislation and practice

In April 2006 the National Security Service (NSS) was reorganized and renamed as the Maldivian National Defence Force (MNDF). It was also redefined as a self-defence force rather than a paramilitary force as hitherto.<sup>2</sup> A separate police force had been formed under the Home Ministry in 2004, to differentiate the military duties of the NSS from what had been its domestic law enforcement duties. According to the MNDF website, the age range for recruitment to the force was 18 to 28.<sup>3</sup> There was no conscription.

#### Military training and military schools

The Defence Institute for Training and Education was the officiating unit of the MNDF responsible for training.<sup>4</sup>

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### Developments

#### International standards

The Optional Protocol was ratified in December 2004. In its declaration, the government confirmed that the minimum age for recruitment to the National Security Service and Police was 18 and that all applicants were required to present proof of a birth date.<sup>5</sup> In its Initial Report on the Optional Protocol to the UN Committee on the Rights of the Child the government stated that the ages of applicants to the armed forces were verified through the national registration card and birth registration. The report also stated that Law No. 9/91, Law on the Protection of the Rights of the Child, was amended in November 2002 to raise the age for recruitment into the armed forces from 16 to 18 years.<sup>6</sup>

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1 Maldives High Commission, “Modest presence to monitor referendum”, News, 1 August 2007, [www.maldiveshighcommission.org](http://www.maldiveshighcommission.org).

- 2 Maldives National Defence Force, www.mndf.gov.mv.
- 3 Maldives National Defence Force, above note 2, Recruitment.
- 4 Maldives National Defence Force, above note 2.
- 5 Maldives declaration on accession to the Optional Protocol, www2.ohchr.org.
- 6 Initial reports of States parties due in 2007, Maldives, UN Doc. CRC/OPAC/MDV/1, 23 October 2007.

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# MALI

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## Republic of Mali

**Population:** 13.5 million (7.4 million under 18)

**Government armed forces:** 7,400

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 16 May 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182, ACRWC

*There were no reports of under-18s in the armed forces.*

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## Context

At least 11 people were reported to have been killed, some by landmines, following attacks in northern Mali in August 2007 attributed to armed militias led by a leader of a former armed Touareg group.<sup>2</sup> A number of soldiers as well as a team conducting a survey of the incidence of locusts in the area were kidnapped.<sup>2</sup>

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## Government

### National recruitment legislation and practice

The constitution stated that “Defence of the country is a duty of every citizen” (Article 22). There was no evidence of under-18s in the armed forces. Mali’s declaration on ratification of the Optional Protocol in June 2002 stated that no one under 18 could be recruited, even voluntarily, or enrolled as a member of the armed forces, that the criminal law would be applied against anyone breaching this provision, and that children unlawfully recruited into the armed forces could, depending on their individual circumstances, receive support for their economic and social rehabilitation and reintegration.<sup>3</sup> In 2006 the government stated to the UN Committee on the Rights of the Child that the minimum age for voluntary enrolment in the armed forces and for conscription was 18, and that under Article 17 of the Child Protection Code it was forbidden to cause under-18s to participate in or to involve them in armed conflicts or to enrol them in the armed forces or groups.<sup>4</sup>

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## Developments

The UN Committee on the Rights of the Child called for the necessary measures to be put in place to implement fully ILO Conventions 138 and 182, and for the Child Protection Code to be fully implemented.<sup>5</sup>

At a February 2007 ministerial meeting in Paris, Mali and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

- 1 “Mali: Indignation dominates reaction as attacks in north escalate”, IRIN, 31 August 2007, [www.irinnews.org](http://www.irinnews.org).
- 2 “Mali-Niger: insecurity halts locust monitoring but threat deemed low – FAO”, IRIN, 17 September 2007.
- 3 Declaration on accession to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).
- 4 Second periodic report of Mali to the UN Committee on the Rights of the Child, UN Doc. CRC/C/MLI/2, 11 April 2006.
- 5 Committee on the Rights of the Child, Consideration of report submitted by Mali, Concluding observations, UN Doc. CRC/C/MLI/CO/2, 2 February 2007.

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## MALTA

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### Republic of Malta

**Population:** 402,000 (88,000 under 18)

**Government armed forces:** 1,600

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 17 years and 6 months; under 17 years and 6 months with parental consent

**Voting age:** 18

**Optional Protocol:** ratified 9 May 2002

**Other treaties ratified (see glossary):** CRC, GC AP I and II, ICC, ILO 138, ILO 182

*There was no evidence of under-18s being recruited into the armed forces.*

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## Government

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### National recruitment legislation and practice

There was no compulsory military service in Malta, and the Malta Armed Forces Act set a minimum age of 17 years and 6 months for voluntary recruitment.<sup>1</sup> In its declaration on ratification of the Optional Protocol in May 2002, the government prohibited the enlistment of anyone under the age of 17 years and 6 months, and ruled out the participation in hostilities of anyone under the age of 18. The Declaration also included the provision that “a person under 18 years may not be enlisted unless consent to the enlistment is given in writing by the father of such person or, if such person is not subject to paternal authority, by the mother or by another person in whose care the person offering to enlist may be”.<sup>2</sup> In its November 2005 Initial Report to the UN Committee on the Rights of the Child on implementation of the Optional Protocol, Malta stated that this requirement also applied to persons “under the appropriate minimum age”, apparently contradicting the declaration’s ban on recruitment of any individual under the age of 17 years and 6 months.<sup>3</sup> In response, the Committee expressed its regret that the government had given “no indication of a minimum age under which it would not be possible to recruit children under any circumstance, i.e. even with parental or other legal guardians’ consent”. The Committee therefore recommended the enactment of a law establishing an absolute minimum age without exception for voluntary recruitment.<sup>4</sup>

All individuals of any age seeking to enlist were required by law to be fully informed of the general conditions of engagement in the forces, and “the recruiting officer shall not enlist any person in the regular force unless satisfied by that person that he has been given such a notice,

understands it and wishes to be enlisted". Those enlisting under the age of 18 had to renew their enlistment on reaching their 18th birthday. In practice, the Maltese armed forces had not recruited anyone under 18 since 1970, which was confirmed in a letter from the government to the Child Soldiers Coalition in January 2008. Although the Armed Forces Act established a Junior Leaders Scheme allowing for recruitment for training of individuals under the age of 17 years and 6 months, no recruitment of this kind had taken place since 1970.<sup>5</sup>

## Developments

In September 2006 the Committee on the Rights of the Child expressed concern at the absence of legislation explicitly criminalizing the recruitment of children under the age of 15 into armed forces or armed groups and their direct participation in hostilities. The Committee also called on the government to establish extraterritorial jurisdiction for such crimes.<sup>6</sup>

At a February 2007 ministerial meeting in Paris, Malta and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

- 1 Initial Report of Malta to the UN Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/MLT/1, 10 November 2005.
- 2 Declaration of Malta on ratification of the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).
- 3 Initial Report, above note 1.
- 4 Committee on the Rights of the Child, Consideration of report submitted by Malta, Concluding observations, UN Doc. CRC/C/OPAC/MLT/CO/1, 17 October 2006.
- 5 Initial Report, above note 1; letter to the Child Soldiers Coalition from the Ministry of Foreign Affairs, 28 January 2008.
- 6 Concluding observations, above note 4.

# MAURITANIA

## Islamic Republic of Mauritania

**Population:** 3.1 million (1.5 million under 18)

**Government armed forces:** 15,900

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182, ACRWC

*Although the government stated that all texts governing recruitment to the armed forces and police prohibited recruitment of under-18s, it was unclear whether the 1962 law providing for voluntary enlistment at 16 with parental consent had been abrogated.*

## Government

### National recruitment legislation and practice

The 1991 constitution stated that "Every citizen has the duty of protecting and safeguarding the independence of the country, its sovereignty and integrity of its territory" (Article 18). In its initial report to the UN Committee on the Rights of the Child, the government had stated that all texts governing recruitment to the armed forces and police prohibited recruitment of under-18s.<sup>1</sup> However, the government did not identify the laws and regulations that prohibited recruitment under the age of 18, and it remained unclear whether the 1962 Law on the Recruitment for the Army, which provided for two years' compulsory service, was still in force or had ever been applied. It required every citizen aged 17 to register for military service and be medically examined and to have their cases considered by a review body, and provided that those aged 16 could enlist voluntarily with parental consent.<sup>2</sup>

## Developments

In its concluding observations the Committee on the Rights of the Child urged Mauritania to ratify the Optional Protocol on the involvement of children in armed conflict.<sup>3</sup>

In October 2007 Mauritania endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The two documents, which were previously endorsed by 59 states at a February 2007 ministerial meeting in

Paris, reaffirmed international standards and operational principles for the protection of and assistance to child soldiers, following a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

## International standards

Mauritania ratified the African Charter on the Rights and Welfare of the Child on 21 September 2005.<sup>4</sup>

- 1 Initial report of Mauritania to the UN Committee on the Rights of the Child, UN Doc. CRC/C/8/Add.42, 18 January 2000.
- 2 Rachel Brett and Margaret McCallin, *Children: The Invisible Soldiers*, Rädde Barnen (Save the Children – Sweden), Stockholm, 1998.
- 3 Committee on the Rights of the Child, Consideration of report submitted by Mauritania, Concluding observations, UN Doc. CRC/C/15/Add.159, 6 November 2001.
- 4 African Union, List of Countries Which Have Signed, Ratified/Accessed to the African Union Convention on African Charter on the Rights and Welfare of the Child, [www.africa-union.org](http://www.africa-union.org).

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# MAURITIUS

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## Republic of Mauritius

**Population:** 1.3 million (0.4 million under 18)

**Government armed forces:** none

**Compulsory recruitment age:** not applicable

**Voluntary recruitment age:** 18 (for security forces)

**Voting age:** 18

**Optional Protocol:** signed 11 November 2001

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILo 182, ACRWC

***There were no reports of under-18s in the security forces.***

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## Government

### National recruitment legislation and practice

Mauritius did not have a standing army; all military, police and security functions were carried out by the Mauritius Police Force, which incorporated an air wing, a paramilitary Special Mobile Force and the National Coast Guard.<sup>1</sup> The minimum age of recruitment was 18 for all these forces.

Mauritius developed a National Children's Policy (2003) and a National Plan of Action (2004), and adopted the Child Protection Amendment Act (2005) which criminalized child abuse and exploitation, abduction and child trafficking.<sup>2</sup> The maximum penalty for child trafficking was 15 years' imprisonment.<sup>3</sup> The Office of the Ombudsperson for Children was established in 2003 to promote and safeguard children's rights. A Children's Act to implement the provisions of the UN Convention on the Rights of the Child was in draft form.<sup>4</sup>

- 1 Mauritius Police Force, <http://police.gov.mu>.
- 2 UN Committee on the Rights of the Child, Consideration of report submitted by Mauritius, Summary record, UN Doc. CRC/C/SR.1105, 27 January 2006.
- 3 US Department of State, Country Reports on Human Rights Practices: Mauritius, [www.state.gov](http://www.state.gov).
- 4 African Commission on Human and People's Rights, Report of the Promotional Mission to Mauritius, August 2006, [www.achpr.org](http://www.achpr.org).



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# MEXICO

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## United Mexican States

**Population:** 107.0 million (39.7 million under 18)

**Government armed forces:** 237,800

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 16 (training or early enlistment – see text)

**Voting age:** 18

**Optional Protocol:** ratified 15 March 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I, ICC, ILO 182

***With parental consent, 16-year-olds could volunteer for early military service. No information was available on the use of under-18s in armed groups.***

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## Government

### National recruitment legislation and practice

All Mexican men had to do military service in the army or the navy. In case of international armed conflict, service was compulsory for nationals of allied countries in the armed conflict who were resident in Mexico. Young men had to register with the military authorities between July and December of the year they turned 18. The Ministry of National Defence determined the number of conscripts needed each year, and the navy selected the conscripts it required from those chosen by lottery to undertake active service. Recruits chosen by lottery started active service in January or July of the following year. One year of active service was followed by membership of the reserve until the age of 40 and of the National Guard until the age of 45. All men of military age received an identification card indicating whether they had fulfilled their military obligations.<sup>1</sup>

Volunteers for military service had to be aged 18–30, but under-18s could volunteer with parental consent in signal units for training as technicians under contracts for no more than five years.<sup>2</sup> Sixteen-year-olds who would be abroad or studying when they would normally do their military service could enlist with parental consent.<sup>3</sup>

Military service could be carried out either when required by the Ministry of Defence or at a training centre every Saturday from February to December. From 2006 conscripts undertook military instruction only; previously they had also worked with disadvantaged people in educational, sporting, cultural and social activities. Women could volunteer to join the armed forces from the age of 18. They undertook

activities related to the promotion of health and education.<sup>4</sup>

There were over 1,660 federal, state and municipal police forces.<sup>5</sup> Candidates for the Federal Preventive Police had to be 18 years of age and to have completed their secondary education.<sup>6</sup> Many military officials in recent years were transferred as active members of the armed forces to this police force, raising concerns that their policing functions were not clearly subject to civilian oversight.<sup>7</sup>

### Military training and military schools

Armed forces schools were divided into superior, technical superior, secondary high and technical schools. Diplomas and degrees obtained in military schools were equivalent to those obtained in civilian colleges.<sup>8</sup> In times of armed conflict, students at military schools were subject to military jurisdiction (*fuero de guerra*). Foreign or national scholars studying at military institutions were not subject to military jurisdiction, but had to follow the appropriate regulations.<sup>9</sup>

Superior schools included the Military Health Graduates School, Naval Medical School, Military Dentistry School and Military Engineers School. Civilian defence personnel were trained at the Naval Studies Superior Centre and the National Defence College. Naval recruits and officers could obtain degrees in naval sciences, engineering, medicine and communications at naval superior schools.<sup>10</sup> These admitted young men and women aged 17–21, with parental consent.<sup>11</sup>

Generally, technical superior schools, which included the Heroico Colegio Militar (army) and the Heroica Escuela Naval Militar (navy), admitted candidates between 15 and 18 years of age, with parental consent certified by a lawyer. Graduates from the Heroico Colegio Militar were given the rank of second lieutenant on completing three years of studies.<sup>12</sup> After 18 months' training at the Air Force Specialist Troop Military School, cadets became second sergeants. Training at other technical superior schools was for only one year, in theory allowing a 16-year-old to become a non-commissioned officer just 12 months after being admitted to the school.<sup>13</sup>

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### Armed groups

#### Paramilitaries

Paramilitary groups, with strong links to politicians, the military and powerful economic sectors operated in Chiapas and other southern states, taking advantage of local conflicts based on ethnic, religious and political differences and disputes over the use of natural resources and access to land.<sup>14</sup> Many of these groups were registered officially, such as Peace and Justice (Paz y Justicia), which according to non-governmental organizations (NGOs) had issued

threats against political opponents and carried out enforced disappearances. Armed forces commanders reportedly trained members of these forces.<sup>15</sup> In June 2005 several families were forced to flee their homes in Sabanilla, Chiapas, after reported threats from members of Peace and Justice.<sup>16</sup>

The Rural Defence Corps consisted of armed units made up of volunteers who supported the armed forces when required, including in case of armed conflict. They were reported to have a strength of around 14,000.<sup>17</sup>

In October 2006 unidentified armed groups, believed to include officers of state and municipal police in plain clothes, made scores of arrests without identifying themselves. The arrests took place in the city of Oaxaca during violence that followed a demonstration by supporters of the Popular Assembly of the People of Oaxaca against the presence of the Federal Preventive Police in the city. The officers reportedly tortured and ill-treated detainees, who were held incommunicado over several days.<sup>18</sup> In November 2006 an indigenous community in Chiapas was attacked by over 200 armed individuals, reportedly wearing clothes used by state police and armed with machetes and high-calibre firearms. Four people died and four were subjected to enforced disappearance.<sup>19</sup>

Little was known about the structure of paramilitary groups, and there was no information on whether their members included under-18s.

## Armed opposition groups

In November 2006 there were estimated to be more than 30 armed opposition groups in Mexico.<sup>20</sup> One of the largest, the Popular Revolutionary Army (Ejército Popular Revolucionario, EPR), which emerged in the state of Guerrero in 1996, had a presence in nearly 20 states including Chiapas. The Zapatista National Liberation Army (Ejército Zapatista de Liberación Nacional, EZLN), present in Chiapas since 1994, had spread to several other Mexican states, although not Guerrero.<sup>21</sup> No information was available on the number of members of each organization.

In July 2005 the EZLN announced plans to initiate alternative political activism in Chiapas.<sup>22</sup> The leader of the EZLN, Subcomandante Marcos, denied links between the EZLN and other armed opposition groups, saying that the group was seeking a peaceful solution and peace negotiations.<sup>23</sup>

Smaller groups such as the Democratic Revolutionary Trend–People’s Army (Tendencia Democrática Revolucionaria–Ejército del Pueblo, TDR–EP) continued to be active and claimed responsibility for attacks with explosives in Morelos and Mexico state in 2004 and 2005 and in Mexico City in November 2006.<sup>24</sup>

There was no information on the presence of under-18s in any of these groups.

## Developments

In March 2006 a constitutional amendment created a separate juvenile justice system for children aged 12–18, where judges had to apply the principles of the best interests of the child.<sup>25</sup> The UN Committee on the Rights of the Child noted that the implementation of the system would require laws in each state to be drafted and implemented, as well as additional financial and human resources, and urged Mexico to take steps to ensure that states implement the revision as a matter of priority.<sup>26</sup>

- 1 1942 Ley del Servicio Militar Nacional, amended 1998.
- 2 1942 Ley del Servicio Militar Nacional.
- 3 1942 Reglamento de la Ley del Servicio Militar.
- 4 Facultad Latinoamericana de Ciencias Sociales (FLACSO), Programa Seguridad y Ciudadanía, *Reporte del Sector Seguridad en América Latina y el Caribe, Informe Nacional: Mexico*, November 2006, www.flacso.cl.
- 5 Ibid.
- 6 Secretaría de Seguridad Pública del Distrito Federal, Instituto Técnico de Formación Policial, <http://portal.ssp.df.gob.mx>.
- 7 Amnesty International (AI), *Mexico: Laws without justice – Human rights violations and impunity in the public security and criminal justice system* (AMR 41/002/2007), 7 February 2007.
- 8 2005 Ley de Educación Militar del Ejército y Fuerza Aérea Mexicanos.
- 9 1986 Ley Orgánica del Ejército y Fuerza Aérea Mexicanos, amended 1998.
- 10 FLACSO, above note 4.
- 11 See, for example, Escuela Médico Naval, Requisitos de Ingreso, at <http://ec.digaden.edu.mx>.
- 12 Heroico Colegio Militar, www.sedena.gob.mx; Heroica Escuela Naval de México, <http://ec.digaden.edu.mx>.
- 13 Secretaría de la Defensa Nacional (SEDENA), Admisión 2007, Personal Civil y Militar con secundaria.
- 14 Observatorio Ciudadano de Políticas de Niñez, Adolescencia y Familia, *Unfulfilled Rights, Limited Futures: Public Policies and the Rights of Children and Adolescents in Mexico*, 1 January 2006, www.crin.org.
- 15 “La PGR debe investigar a los grupos armados y sus nexos con militares”, *La Jornada*, 10 February 2005, www.jornada.unam.mx.
- 16 *Amnesty International Report 2006*.
- 17 Marcos Pablo Moloeznik, “La naturaleza de un instrumento militar atípico: las fuerzas armadas mexicanas”, *Revista Fuerzas Armadas y Sociedad*, Year 19, No. 1, 2005, www.fasoc.cl.

- 18 AI, "Mexico: Fear of torture or ill-treatment/ incommunicado detention" (AMR 41/055/2006), 28 November 2006.
- 19 AI, "Mexico: Further information on fear for safety/fear of ill-treatment/arbitrary detention" (AMR 41/008/2007), 20 February 2007.
- 20 "Estiman que hay más de 30 grupos armadas", *El Universal*, 10 November 2006, www.eluniversal.com.mx.
- 21 Patricia de los Santos, "Grupos Armados en Mexico", *Rebelión*, 3 April 2005, www.rebelion.org.
- 22 *Amnesty International Report 2006*.
- 23 "El EZLN no tiene nexos con grupos armados: 'Marcos'", *El Sol de Cuautla*, 13 December 2006, www.oem.com.mx.
- 24 "Estiman que hay más de 30 grupos armadas", *El Universal*, 10 November 2006.
- 25 Intervención del Secretario Técnico del Consejo de Menores, Lic. José Antonio Aguilar, Consideration of third periodic report of Mexico to the UN Committee on the Rights of the Child, 23 May 2006.
- 26 Committee on the Rights of the Child, Consideration of third periodic report submitted by Mexico, Concluding observations, UN Doc. CRC/C/MEX/CO/3, 2 June 2006.

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## MOLDOVA

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### Republic of Moldova

**Population:** 4.2 million (1.0 million under 18)

**Government armed forces:** 6,800

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 17, training only

**Voting age:** 18

**Optional Protocol:** ratified 7 April 2004

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182

***Officer trainees entering military training at 17 were required to sign a military service contract at 18 to be fulfilled on completing their education at 23.***

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### Context

Security was a major concern. The status of the territory of Transdniestr remained unresolved. It controlled Moldova's main energy sources and hosted Russian Federation troops that had defied international commitments to withdraw by 1999. People and trade passed unregulated through its long border with Ukraine, although security improved after Ukraine introduced a customs mechanism in 2006. Isolated armed skirmishes between Moldova and Transdniestr were reported at ports and installations in 2007.

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### Government

#### National recruitment legislation and practice

All male citizens, including men with dual citizenship, had to register for conscription with their local military authority at the age of 16, at which time they acquired the status of recruits. Between 18 and 27 they were liable for conscription.<sup>1</sup> The term of service was 12 months, three for conscripts with higher education.<sup>2</sup> Alternative civilian service of 24 months was available for conscientious objectors.<sup>3</sup> In the event of war, all young people could be mobilized as soon as they were 18.

The Law on the Status of People doing Military Service regulated the situation of non-conscript soldiers. Contracts of up to five years' service were open to all 18-year-old citizens (people with dual citizenship were ineligible).

Troops were forbidden to obey unlawful orders that contravened international humanitarian law or Moldova's international treaty obligations.<sup>4</sup> Such contraventions could incur imprisonment of between 16 and 25 years under an amendment to the 2002 Criminal Code (Article 391).

Other amendments to the Criminal Code brought Moldova more closely into line with the Optional Protocol. The use of trafficked children in armed conflict was made punishable by between ten and 25 years' imprisonment (Article 206), and knowingly taking a child hostage was punishable by between 12 and 20 years' imprisonment (Article 280).

## **Military training and military schools**

Military education was available to young people who were citizens of Moldova and not doing military service. Under the Law on the Status of People doing Military Service, those who entered a Military Education Institute at 17 were required to sign a military service contract at 18, which they carried out on completing their course of education at 23. Students who were expelled from a military institute for academic or disciplinary shortcomings were to be immediately conscripted, whatever their age (Article 29).

## **Developments**

### **International standards**

Moldova ratified the Optional Protocol in April 2004. Its declaration stated that the minimum age for conscription was 18 but made no explicit statement with regard to voluntary enlistment.<sup>5</sup>

### **Transdniestr**

The self-proclaimed state had its own laws and structures, but was not internationally recognized. In 2007 Transdniestr had 7,500 men doing military service in its border guards or internal forces controlled by its Interior Ministry and State Security Committee. It also had an armed People's Guard which foreign volunteers could join.

According to Transdniestr's 2005 conscription law, male residents were liable to call-up between 18 and 27 years, and those with a higher education up to the age of 30. Conscription was for 18 months, 12 for men with higher education. Professional contracts were also open to volunteers aged 18 and over, including foreigners. In time of war, soldiers were to be mobilized from the reserve.

In the second half of 2006 only 22 per cent of the conscription quota was met, according to local reports.<sup>6</sup> Many recruits failed medical requirements, and others reportedly migrated to Ukraine or elsewhere in Moldova where conscription terms were shorter.

- 4 Law on the Status of People doing Military Service, above note 1, Article 37.
- 5 Declaration on accession to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).
- 6 Lenta.ru website, 23 March 2007, [www.lenta.ru](http://www.lenta.ru).

1 Law on the Status of People doing Military Service, No. 162-XVI, 22 July 2005, Article 38(1).

2 Law on the Training of Citizens for the Defence of the Motherland, No. 1245-XV of 2002.

3 Law on Alternative Service, No. 534-XIV of 1999.

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# MONACO

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## Principality of Monaco

**Population:** 35,000 (7,000 under 18)

**Government armed forces:** none

**Compulsory recruitment age:** not applicable

**Voluntary recruitment age:** 21 (to security forces)

**Voting age:** 18

**Optional Protocol:** ratified 13 November 2001

**Other treaties ratified (see glossary):**

CRC, GC AP I and II

*Monaco had no armed forces.*

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## Government

### National recruitment legislation and practice

The Franco-Monegasque Treaty of 17 July 1918 established the responsibility of France for the defence of the territorial integrity of Monaco. There were no armed forces; the only security forces within Monaco were the Prince's Guard and the fire brigade. Volunteers for these forces had to be at least 21 years of age, in keeping with the provisions of Sovereign Ordinance Number 8017 of 1 June 1984, and with Monaco's declaration on ratification of the Optional Protocol in November 2001.<sup>1</sup>

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## Developments

In June 2007 the UN Committee on the Rights of the Child recommended that Monaco "consider establishing extra-territorial jurisdiction over war crimes which involve conscripting or enlisting children under the age of fifteen into the armed forces, or using them to participate actively in hostilities, if such crimes are committed by or against a Monegasque national or a person who otherwise has a close link with the State Party". The Committee urged that "given the potential connection between the sale of children and their recruitment into armed groups ... the State Party proceed to ratify the Optional Protocol on the Sale of Children, which it signed on 26 June 2000".<sup>2</sup>

At a February 2007 ministerial meeting in Paris, Monaco and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

- 1 Initial report of Monaco to the UN Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/MCO/1, 1 March 2006.
- 2 UN Committee on the Rights of the Child, Consideration of report submitted by Monaco on implementation of the Optional Protocol, Concluding observations, UN Doc. CRC/C/OPAC/MCO/CO/1, 8 June 2007.

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# MONGOLIA

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## Mongolia

**Population:** 2.6 million (998,000 under 18)

**Government armed forces:** 8,600

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** unclear

**Voting age:** 18

**Optional Protocol:** ratified 6 October 2004

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

*There were no records or monitoring of the age of recruits in the armed forces, which were largely conscripted. National legislation did not explicitly specify minimum ages for recruitment on a voluntary basis or in armed conflict.*

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## Context

In its report to the UN Committee on the Rights of the Child in 2004 the government said it attached “special importance” to prompt assistance to children in difficult circumstances, which, under the Law on Protection of Child Rights, included those affected by armed conflict.<sup>1</sup>

The parliamentary National Human Rights Commission of Mongolia had a special brief to monitor children’s rights, but the international human rights standards on its website did not include the Convention on the Rights of the Child or its Optional Protocol. Its annual reports monitored numerous Mongolian institutions but not the armed forces. No reason for this was given. As the procedure for raising an individual case with the Commission did not guarantee automatic and confidential transmission of complaints, complainants in closed institutions such as the military could have been deterred from registering complaints.

In its annual report for 2003 the National Human Rights Commission noted that in five out of six cases, Mongolia’s reports to UN treaty bodies were overdue, and urged that drafting responsibilities be added to job descriptions in ministries. It found that national legislation was inconsistent with Mongolia’s obligations under international treaties and that those obligations were only partially fulfilled. It singled out the Criminal Code, which still provided for use of the death penalty, which was outlawed by the Rome Statute of the International Criminal Court, ratified by Mongolia in 2002. The Commission found that an “enormous volume” of executive orders and decrees were not centrally registered, let alone compiled and published. Many were inconsistent with national laws and international human rights principles.<sup>2</sup>

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## Government

### National recruitment legislation and practice

Less than three per cent of the armed forces were estimated to be volunteers.<sup>3</sup> According to Mongolia’s 2004 report to the Committee on the Rights of the Child, men aged 18–25 years were liable to compulsory military service of one year, under the Law on Citizens’ Military Obligations and the Legal Status of the Military (Article 9), which set no minimum age for mobilization in time of conflict. There was no minimum legal age for joining the armed forces as a volunteer.<sup>4</sup> However, Mongolia’s declaration on ratification of the Optional Protocol stated that the minimum age for recruitment into military service was 18.<sup>5</sup> It was not clear if that was a statement of accepted practice or if new legislation had been introduced to set a minimum age in law.

The use of minors as foreign mercenaries in armed conflicts was punishable by 10–15 years’ imprisonment, as was training, financing or otherwise supporting them.<sup>6</sup>

### Military training and military schools

There were reportedly no military schools for under-18s or any explicitly military patriotic training in the main education system. However, under-18s were permitted, at their own request and with parental permission, to study in the music school of the Military Academy, where in 2007 there were 18 children aged 15–17 reportedly enrolled.<sup>7</sup>

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## Developments

### International standards

Mongolia ratified the Optional Protocol in October 2004, stating in its declaration that the minimum age for recruitment into military service was 18, that male citizens were obliged to do military service, but those with religious or moral objections could do alternative service.

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1 Second periodic report of Mongolia to the UN Committee on the Rights of the Child, UN Doc. CRC/C/65/Add.32, 15 November 2004.

2 Ibid.

3 CIA, *World Factbook 2007*.

4 Second periodic report, above note 1.

5 Declaration on accession to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).

6 Criminal Code, Article 303(2).

7 Confidential source.

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# MONTENEGRO

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## Republic of Montenegro

**Population:** 601,000 (145,000 under 18)

**Government armed forces:** 7,300

**Compulsory recruitment age:** no conscription (abolished 2006)

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 2 May 2007 by succession

**Other treaties ratified (see glossary):**

CRC, GC API and II, ICC, ILO 138, ILO 182

***There were no reports of under-18s serving in the armed forces.***

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## Context

A referendum in Montenegro on 21 May 2006, observed by the European Union and the Council of Europe, narrowly favoured Montenegro's independence from Serbia by a vote of over 55 per cent. The state of Serbia and Montenegro had been a loose union of two semi-independent republics created in 2003 following the break-up of the former Yugoslavia. Montenegro formally declared independence on 3 June 2006, and was recognized as a member state of the UN on 28 June. Serbia and Montenegro both subsequently appointed ministers to carry out previously state-level functions, including for defence and foreign relations.<sup>1</sup>

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## Government

### National recruitment legislation and practice

In 2007 a draft Defence Law provided a legal basis for the creation and authority of a ministry of defence. Following the split with Serbia, some armed forces personnel in Montenegro chose to serve in the Serbian armed forces and some in Serbia chose to serve in Montenegro. Initial reforms of the armed forces in Montenegro included ending conscription and compulsory armed service.<sup>2</sup> Conscription was abolished in August 2006.<sup>3</sup>

In its declaration on succession to the Optional Protocol, the government stated that there was no mandatory military service and that the minimum age for voluntary recruitment was 18.<sup>4</sup>

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<sup>1</sup> Amnesty International, *Europe and Central Asia: Summary of Amnesty International's concerns in the region, January–June 2006*, 1 December 2006.

- <sup>2</sup> UK Foreign and Commonwealth Office, Country Profile: Montenegro, [www.fco.gov.uk](http://www.fco.gov.uk).
- <sup>3</sup> *CIA World Factbook*, [www.cia.gov](http://www.cia.gov).
- <sup>4</sup> Optional Protocol, reservations and declarations, [www2.ohchr.org](http://www2.ohchr.org).

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# MOROCCO AND WESTERN SAHARA

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## Kingdom of Morocco

**Population:** 31.5 million (11.7 million under 18)

**Government armed forces:** 200,800

**Compulsory recruitment age:** conscription abolished

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 22 May 2002

**Other treaties ratified (see glossary):**

CRC, ILO 138, ILO 182

*There were no reports of under-18s serving in the armed forces.*

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## Context

The ongoing dispute between Morocco and the Polisario Front (the pro-independence Sahrawi movement) over control of Western Sahara remained deadlocked more than 30 years after the conflict had begun. The Polisario Front called for an independent state of Western Sahara and ran a self-proclaimed government-in-exile in refugee camps in south-western Algeria. Demonstrations by Sahrawis against Moroccan rule continued into 2006 and hundreds of people were reportedly arrested.<sup>1</sup> In April 2007 the Polisario Front rejected a Moroccan proposal for enhanced autonomy for the region, since it failed to include a referendum on independence.<sup>2</sup> In April 2007 the UN Security Council renewed the mandate of the UN Mission for the Referendum in Western Sahara (MINURSO) until 31 October 2007.<sup>3</sup> The same month a leaked UN mission report voiced serious concerns over the human rights situation in Western Sahara.<sup>4</sup>

Between 2006 and the end of 2007 some 700 suspected members of armed Islamist groups were arrested by Moroccan security forces.<sup>5</sup> Over 500 members of the unauthorized Islamist group Al-Adl wal-Ihsan (Justice and Charity) were charged with offences such as belonging to an unauthorized association after the group had launched a recruitment campaign.<sup>6</sup> In March 2007, 18 people were arrested in connection with a suicide bomb attack in the Sidi Moumen district.<sup>7</sup> In April 2007 suicide bomb attacks were made close to the US consulate in Casablanca. The renewed attacks in Morocco coincided with bomb attacks in Algeria.<sup>8</sup>

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## Government

### National recruitment legislation and practice

The 1996 constitution stated that “All citizens shall contribute to the defence of the country” (Article 16). The minimum age for voluntary recruitment in the armed forces had been set at 18 by the Royal Decree of 9 June 1996.<sup>9</sup>

Morocco reportedly moved to abolish compulsory military service in 2006 as a result of fears that the army was being infiltrated by members of armed Islamist opposition groups. Morocco’s junior defence minister was quoted by news agencies as saying that “This text of law came to abolish the obligatory military service with immediate effect, according to the instructions of his Majesty King Mohammed, the commander-in-chief and the chief of staff of the royal armed forces.”<sup>10</sup>

There was no evidence of under-age recruitment in the Moroccan armed forces.

### Military training and military schools

There were two military schools, in Kenitra and Meknes. According to the government, students who attended military schools did so voluntarily, and those under 18 followed the same national curriculum as those in ordinary state schools.<sup>11</sup>

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## Armed groups

Polisario maintained that recruitment to the People’s Liberation Army (PLA, their armed wing) was voluntary and that the minimum age, including for military training, was 18. The Polisario’s UK representative stated that “No Sahrawi in the Sahrawi refugee camps in south-west Algeria who is under the age of 18 years, receives any military training, or participates actively in situations of armed conflict.”<sup>12</sup> It was not possible to verify independently the recruitment and use of under-18s in the PLA.

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## Developments

In October 2007 Morocco endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The two documents, which were previously endorsed by 59 states at a February 2007 ministerial meeting in Paris, reaffirmed international standards and operational principles for the protection of and assistance to child soldiers, following a wide-ranging global consultation jointly sponsored by the French government and UNICEF.



- 1 "Morocco/Western Sahara", *Amnesty International Report 2007*.
- 2 "Morocco/Western Sahara", *Human Rights Watch World Report 2008*.
- 3 UN Security Council Resolution 1754 (2007), UN Doc. S/RES/1754 (2007), 30 April 2007.
- 4 "Leak Shows UN Concern for Western Sahara", *Financial Times*, 17 April 2007, www.ft.com.
- 5 "Morocco/Western Sahara", above notes 1, 2.
- 6 "Morocco/Western Sahara", above note 1.
- 7 "Morocco arrests 18 people after explosion: minister", Reuters, 15 March 2007.
- 8 "New suicide attacks hit Morocco", BBC News, 14 April 2007.
- 9 Report of Morocco to the UN Committee on the Rights of the Child, UN Doc. CRC/C/28/Add.1, 19 August 1995.
- 10 "Morocco to do away with compulsory army service", Reuters, 2 December 2006; Olivier Guitta, "The Islamisation of Morocco", *Weekly Standard*, 2 December 2006, www.weeklystandard.com.
- 11 Report, above note 9.
- 12 Communication from Acting Representative of the Polisario Front to the United Kingdom (UK) and Ireland, 17 April 2007.

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## MOZAMBIQUE

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### Republic of Mozambique

**Population:** 19.8 million (10.0 million under 18)

**Government armed forces:** 11,200

**Compulsory recruitment age:** 19

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** acceded 19 October 2004

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182, ACRWC

***There were no reports of under-18s serving in the armed forces. The minimum age for voluntary and compulsory recruitment was 18, but it could be lowered in times of war.***

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### Government

#### National recruitment and legislation

According to the constitution, "participating in the defence of national independence and sovereignty and territorial integrity are an honour and the sacred duty of all Mozambicans". The constitution also allows civilian service to substitute for or complement military service for those not subject to military duties, including conscientious objectors.<sup>1</sup>

Under the Law on Military Service all Mozambican citizens were obliged to register for two years' military service at 18, and were liable for service until the age of 35. However, age limits could be altered in time of war. Actual incorporation into the armed forces took place in the year the recruit reached 20 years of age. Eighteen was also the minimum age for special recruitment, a category that included voluntary military service.<sup>2</sup>

There was no evidence of under-age recruitment, and the law provided for exemptions from military service for the sons or brothers of soldiers who died in service and young people who were head of the household or the family breadwinner. Although those who failed to register for the call-up were supposedly subject to sanctions, these were not specified and there were no legal mechanisms to make young people register for military service.<sup>3</sup> As a result, few people had registered for military service and every year over 90 per cent of 18-year-olds had refused to do so. However, in 2006 penalties were introduced for failing to register, and registration became a precondition for obtaining or renewing passports and for accessing employment in the civil service. As a result, the number registering for military service soared to 167,000, well beyond the government's target of 59,000. Most of those who registered were over 18 and the

majority of 18-year-olds still did not do so, as happened in the registration exercise of 2007.<sup>4</sup>

## Disarmament, demobilization and reintegration (DDR)

The proliferation of small arms, a continuing legacy of 16 years of civil war, remained a problem. In August 2005 the UN Development Program (UNDP) provided US\$550,000 to assist the government in the implementation of a two-year project to collect and destroy illegal arms.<sup>5</sup> Thousands of illegal arms and weapons of war, including rockets and landmines, were destroyed in October 2006, when it was estimated that some 42,000 firearms and over 260 million rounds of ammunition had been recovered since 1994.<sup>6</sup> Despite these efforts tons of obsolete weaponry and munitions continued to be kept in poorly maintained arsenals, and in 2007 one such dump on the outskirts of Maputo exploded, killing more than 100 people and injuring hundreds more civilians and soldiers.<sup>7</sup>

## Developments

### International standards

Mozambique acceded to the Optional Protocol on the involvement of children in armed conflict on 19 October 2004. In its declaration the government stated that the minimum age of enlistment was 18, that “incorporation” started at age 20, and that in case of war the age of military service could be modified.<sup>8</sup>

1 Constitution, Article 267.

2 Law on Military Service, 24/97 of 23 December 1997.

3 Ibid.

4 “Registration for military service soars”, Mozambique News Agency, 31 May 2006; “Regularização do SMO como condicionalismo para benefícios”, *Vertical*, 12 January 2007.

5 “PNUD reforça controlo das armas ilegais no país”, *Notícias*, 26 August 2005.

6 “Illegal arms, mines to be destroyed in Mozambique”, Agence France-Presse, 16 October 2006.

7 Mozambique News Agency, “Over a hundred dead as military arsenal explodes”, AIM Report No. 338, www.poptel.org.uk/mozambique-news.

8 Declaration of Mozambique on accession to the Optional Protocol, www2.ohchr.org.

# MYANMAR

## Union of Myanmar

**Population:** 50.5 million (18 million under 18)

**Government armed forces:** 375,000

**Compulsory recruitment age:** no conscription in law

**Voluntary recruitment age:** 18

**Voting age:** 18<sup>1</sup>

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC

***Thousands of children continued to be recruited and used in the Tatmadaw Kyi (army) and in armed political groups, as the army continued its expansion drive and internal armed conflict persisted in some areas of the country. Although the government took some steps to address the issue, a formal disarmament, demobilization and reintegration (DDR) program was not in place.***

## Context

The State Peace and Development Council (SPDC, the military government, headed by Senior General Than Shwe) continued to rule by decree in the absence of a constitution. The SPDC-controlled National Convention ended in September 2007, after drawing up principles for a new constitution<sup>2</sup> which were to be put to a referendum at an unspecified date.

In August 2007 prominent activists were arrested during demonstrations that broke out in Yangon and other towns in protest at the large increase in the price of fuel imposed by the SPDC. In September Buddhist monks led mass protests in Yangon, Mandalay and other towns, during which tens of thousands of people peacefully demonstrated in the streets and temples. The demonstrations were violently suppressed by the security forces, who beat and shot at demonstrators. An unknown number of people, including monks and children, were killed or injured. Almost 3,000 people were arrested; although many were released, hundreds of others remained in detention.<sup>3</sup>

In response to the crisis, the UN Secretary-General dispatched his Special Advisor, Ibrahim Gambari, to Myanmar for talks with the SPDC and opposition leaders. On 11 October the UN Security Council issued a presidential statement calling for the release of all political prisoners and for SPDC dialogue with “all concerned parties”, and deploring the SPDC’s use of violence.<sup>4</sup> On 2 October a similar resolution adopted by the

UN Human Rights Council had urged the SPDC to co-operate fully with humanitarian organizations, and requested Paulo Sergio Pinheiro, the Special Rapporteur on the situation of human rights in Myanmar, to seek a visit to the country.<sup>5</sup> The visit was scheduled for November 2007.

Ceasefire agreements between the SPDC and a number of ethnic-minority-based armed groups remained in force. The ceasefire groups were not formally demobilized and continued to exert partial control over limited territory and to engage in business activities. However, the Tatmadaw Kyi and several ethnic-minority armed groups, notably the Shan State Army-South (SSA-South), the Karen National Union (KNU) and the Karenni National Progressive Party (KNPP) continued to fight sporadically in the eastern part of the country. Fighting between the Karen National Liberation Army (KNLA, the KNU's armed wing) and the military escalated during 2006 in northern Kayin state and Bago division, amid widespread Tatmadaw abuses against civilians, including extrajudicial executions, forced labour, torture, destruction of crops and houses, internal displacement and collective punishments during counter-insurgency operations.<sup>6</sup> The Tatmadaw continued to attack villages in northern Kayin state and in eastern Shan state in mid-2007.<sup>7</sup>

Four parties in Myanmar were identified as using child soldiers in the 26 October 2006 UN Secretary-General's Report to the Security Council on children and armed conflict: the Tatmadaw, the KNLA, the Karenni Army (KA, the KNPP's armed wing) and the United Wa State Army (UWSA, a ceasefire group).<sup>8</sup> Ten parties were identified as recruiting or using child soldiers in the Secretary-General's December 2007 Report to the Security Council on children and armed conflict.<sup>9</sup>

## Government

### National recruitment legislation and practice

Under the provisions of Directive No 13/73 (1974) of the Myanmar Defence Services and War Office Council, under-18s were not permitted to be recruited into the armed forces.<sup>10</sup>

Under the 1993 Child Law, a child was anyone under the age of 16 and a youth was anyone over 16 and below 18. The law defined penalties for offences including the abuse and torture of children, and stated that "employing or permitting a child to perform work which is hazardous to the life of the child or which may cause disease to the child or which is harmful to the child's moral character" was punishable by imprisonment of up to six months or a fine, or both (Section 65).<sup>11</sup>

A 21 September 2007 letter to the Child Soldiers Coalition from the Permanent Mission of Myanmar in Geneva stated that the Myanmar

Defence Services Act and the War Office Council Directive did not allow a person under 18 to be enlisted. The letter further stated that forced conscription or compulsory recruitment was prohibited, and that determining the minimum age requirement for compulsory recruitment was therefore unnecessary.<sup>12</sup> However, in practice the Tatmadaw forcibly recruited both adults and children through intimidation, coercion and violence.<sup>13</sup>

### Military training and military schools

Information about military training and military schools was limited. The Defence Services (Army) Officers' Training School in Bahtoo and the tri-services Defence Services Academy (DSA) in Maymyo were the two main officer training schools, the latter accepting high-school leavers between 16 and 19 years of age for a four-year course.<sup>14</sup>

Basic training for recruits, including under-18s, reportedly lasted for 18 weeks and took place at over 20 training camps. Recruits underwent physical and combat training, which reportedly proved particularly difficult for the younger children. They also had to work on farms or at other business ventures of officers.<sup>15</sup> A September 2006 report found that conditions in military training centres were harsh for under-18s, characterized by overcrowding and poor nutrition and medical care.<sup>16</sup>

### Child recruitment and deployment

Although the SPDC stated repeatedly that it was against their policy to recruit under-18s,<sup>17</sup> boys continued to be forcibly recruited in large numbers into the army in order to increase troop levels. From 1988 the army expanded rapidly; at the same time desertions reportedly increased and volunteers decreased.<sup>18</sup> Both military and civilian recruiters seized or coerced street children and children at bus and train stations and other public places. A system of incentives and punishments was in place to encourage recruiters to fill their quotas.<sup>19</sup> Some local authorities were reportedly pressured by the military to produce a certain number of recruits per village, some of them children. Some children were threatened with jail if they did not agree to join the army.<sup>20</sup> Once in the army, their ages were recorded as at least 18.<sup>21</sup> Anecdotal reports indicate that some children from vulnerable families were taken to army bases, but not officially recruited. They were reportedly used in non-combat activities and were enlisted when they reached 18 years of age.<sup>22</sup>

After training, children were used as guards at checkpoints, porters, cleaners and spies, and in active combat. Once deployed, they were at risk of attack, malnutrition and disease.<sup>23</sup> The younger boys were sometimes kept at the base and acted as officers' servants, sentries or

clerks. Child soldiers witnessed or participated in counter-insurgency activities such as the destruction of villages and crops.<sup>24</sup>

An unknown number of children who attempted to escape from the Tatmadaw were sentenced to one to two years' imprisonment, possibly longer, for "desertion".<sup>25</sup> They were reportedly held in Insein, Mawlamyine and Bassein prisons.<sup>26</sup> Other under-18s who were recaptured after attempting to escape were detained at their battalion camp and then forced to resume their duties as soldiers. Some child soldiers who escaped in conflict areas surrendered to armed groups.<sup>27</sup>

## Armed groups

Several armed groups, some still fighting against the Tatmadaw, and some in alliance with them, recruited and used child soldiers, but the numbers were much lower than those child soldiers recruited and used by the Tatmadaw.

### Ceasefire groups and armed groups allied to the SPDC

Several ceasefire groups and armed groups allied to the SPDC were reported to recruit and use child soldiers, including the Karen National Union-Karen National Liberation Army – Peace Council (KNU-KNLA PC), the UWSA, the Democratic Karen Buddhist Army (DKBA), the Kachin Independence Army (KIA), and the Karenni Nationalities People's Liberation Front (KNPLF). The former KNU 7th Brigade commander, who had been dismissed from the KNU, formed the KNU-KNLA PC in January 2007 and signed a peace agreement with the SPDC in February 2007. Subsequently several boys from the Mae La refugee camp in Thailand and other areas in Thailand and Myanmar were reportedly forcibly recruited by the KNU-KNLA PC.<sup>28</sup> Previously, under the same commander, the KNU 7th Brigade had recruited and used child soldiers on a regular basis.<sup>29</sup>

The recruitment and use of boys as young as 12 by the UWSA had been reported in 2002, and some witness accounts suggested that these practices continued, although no further information was available. The KIA, another ceasefire group, stated that they did not recruit under-18s, but if under-18s asked to join they were housed in the army compound, attended school or worked around the camp. One KIA soldier estimated that there were approximately 300 under-18-year-olds in the KIA. The KPNLF, a ceasefire group in northern Kayah state, also recruited and used child soldiers, some as young as 12, although they denied this to Human Rights Watch.<sup>30</sup>

The DKBA, a KNLA breakaway group which became allied to the SPDC in late 1994, recruited and used child soldiers. The DKBA reportedly

operated a quota system for recruitment in village tracts under its control and also relied on voluntary recruitment. Under-18s were accepted, and reportedly received the same treatment as adult soldiers.<sup>31</sup>

### Armed opposition groups

The SSA-South stated that it was against their policy to use child soldiers, and that they provided care at their bases for hundreds of under-18s who had been internally displaced or orphaned.<sup>32</sup> However, restrictions on access made it very difficult to obtain independent information.

The KA and KNLA engaged in initial discussions with UN agencies on action plans to stop the recruitment and use of children. In March and April 2007 respectively the KNLA and KA signed Deeds of Commitment, committing themselves not to recruit or use child soldiers and to facilitate the disarmament, demobilization and reintegration (DDR) of children released from their ranks.<sup>33</sup> During the June 2007 visit to Myanmar by the Special Representative for the Secretary-General for Children and Armed Conflict (SRSG), the government agreed to further discussions to finalize arrangements for the UN country team to engage the KNU and KNPP on action plans.<sup>34</sup>

The KA stated that it had demobilized under-18s in its ranks. The KNLA continued to use child soldiers, but their numbers had reportedly declined since 2002. Its official policy was not to recruit or use anyone under 18; however, witnesses reported the presence of child soldiers in KNLA camps, at checkpoints and in operations.<sup>35</sup>

### Disarmament, demobilization and reintegration (DDR)

At a UN Security Council meeting on 24 July 2006 the Myanmar government delegation stated that the government had drawn up "an action plan that included protection of children's rights, prevention measures, promoting public awareness and coordinating with UNICEF".<sup>36</sup> The plan reportedly outlined procedures for discharging soldiers found to be under 18; vocational training, other educational options and income support for them; public-awareness raising; punishment of recruiters; and co-operation with international agencies.<sup>37</sup>

In September 2007 the SPDC stated that the Committee for the Prevention of Military Recruitment of Under-age Children, established in 2004 to prevent the forced recruitment of children, undertook extensive field trips and "launched a campaign to promote awareness and stricter enforcement of laws and regulations on recruitments among the military establishments and training institutions".<sup>38</sup> The number of

children who were released from the armed forces was not known and was not possible to verify. The SPDC provided very few details about punishments for recruiters.<sup>39</sup> There was no formal DDR program.<sup>40</sup>

## Developments

In June 2004 the UN Committee on the Rights of the Child expressed deep concern about the direct and indirect impact of armed conflicts and forced labour on children in Myanmar. The Committee recommended that all combatants under 18 be demobilized and reintegrated, that the army ensure that recruits were 18, and that the SPDC ratify the Optional Protocol and ILO Conventions 138 and 182.<sup>41</sup>

In October 2006 the SPDC gave the International Committee of the Red Cross (ICRC) a list of 17 complaints of child recruitment that it said had been resolved.<sup>42</sup> In June 2007 the ICRC “strongly denounced violations of international humanitarian law committed against civilians and detainees” and expressed grave concern at “the persistent use of detainees as porters” by the SPDC. The ICRC’s operations to deliver aid to conflict-affected areas were hampered by severely increased restrictions imposed by the SPDC. From late 2005 onwards, the SPDC prevented the ICRC from conducting private interviews with detainees, leading to the ICRC’s withdrawal from prison visits.<sup>43</sup> The SPDC denied access to conflict areas to UN agencies and international non-governmental aid organizations.

In March 2007 the UN General Assembly adopted a resolution on Myanmar, expressing grave concern at “the continuing recruitment and use of child soldiers” and strongly urging the SPDC to put an immediate end to the practice, in co-operation with the UN, particularly UNICEF.<sup>44</sup>

In February 2007 a Supplementary Understanding was signed by the SPDC and the International Labour Organization (ILO). It provided for a complaints mechanism under which individuals could bring cases of forced labour under ILO Convention 29 Concerning Forced Labour, which included forced and under-age recruitment, to the ILO liaison officer in Yangon. The Supplementary Understanding was effective immediately and was to be implemented on a trial basis for 12 months.<sup>45</sup> The ILO reported in March 2007 that one complaint concerned the recruitment of a child into the Tatmadaw. The case was forwarded to the SPDC Working Group, and the child was subsequently released and returned safely to his family, and action was taken against those responsible.<sup>46</sup> The UN Secretary-General reported in late 2007 that seven cases of the recruitment of boys between the ages of 12 and 16 were brought to the ILO after the Supplementary Understanding became

operational. He noted that the number did not reflect the scale of the problem.<sup>47</sup>

In April 2007 the Security Council working group on children and armed conflict placed the situation of children affected by armed conflict in Myanmar on its agenda. The SRSG visited Myanmar in June 2007 and met high-ranking government officials, the Government Committee for the Prevention of Military Recruitment of Under-age Children and the UWSA. The purpose of the visit was to establish a UN task force on children and armed conflict and to discuss modalities of the monitoring and reporting mechanism, established under UN Security Council Resolution 1612, undertaken by the UN country team in co-operation with the SPDC. The SRSG recommended *inter alia* that the SPDC establish a transparent complaints procedure for under-age recruitment, disciplinary action for those responsible and full co-operation with the UN country team. The Committee for the Prevention of Military Recruitment of Under-age Children agreed in principle to establish a subcommittee to deal with reintegration of former child soldiers.<sup>48</sup> The UN Security Council working group on children and armed conflict was expected to examine the Secretary-General’s report on children and armed conflict in Myanmar in late 2007.

In September 2007 the SPDC established a Working Group for the Prevention of Military Recruitment of Underage Children, which engaged at a working level with the Country Task Force on Monitoring and Reporting (established by the UN country team). In addition, two government task forces were set up to address monitoring and reporting and the rehabilitation and reintegration of children released from the armed forces.<sup>49</sup>

An unknown number of former child soldiers continued to flee to Thailand after escaping from the Tatmadaw. Some were in refugee camps and some joined the Burmese migrant worker community (see Thailand entry).<sup>50</sup>

- 1 CIA World Factbook 2007, at <https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html>.
- 2 “Lt-Gen Thein Sein delivers concluding speech at plenary session of National Convention”, *New Light of Myanmar*, 3 September 2007.
- 3 “2,459 released on pledge up to date”, *New Light of Myanmar*, 16 October 2007.
- 4 UN Security Council, “Security Council calls for ‘genuine’ dialogue in Myanmar to achieve reconciliation”, press document, 11 October 2007, UN Doc. SC/9139.
- 5 UN Human Rights Council, “Situation of Human Rights in Myanmar”, 2 October 2007, UN Doc. A/HRC/S-5/L.1/Rev.1.
- 6 *Amnesty International Report 2007*, Myanmar entry.

- 7 Human Rights Watch, “Burma: army attacks displace hundreds of thousands, grave abuses in ethnic minority areas fuel growing humanitarian crisis”, 25 October 2007.
- 8 Children and Armed Conflict, Report of the Secretary-General, UN Doc. A/61/529 S2006/826.
- 9 Report of the Secretary-General on Children and armed conflict to the UN Security Council, 21 December 2007, UN Doc. A/62/609-S/2007/757.
- 10 Myanmar Digest, “Secretary-1 briefs foreign diplomats on activities of Committee for Prevention of Recruiting Child Soldiers, All Myanmar armed forces including army are formed with those who join them of their own volition”, 7 February 2007, www.myanmardigest.com/eng\_md/Febo8.html.
- 11 UN Committee on the Rights of the Child, Consideration of reports submitted by states parties under Article 44 of the Convention, Second periodic reports of states parties due in 1998, Myanmar, 11 June 2002, UN Doc. CRC/C/70/Add.21, 5 November 2003.
- 12 Letter to the Child Soldiers Coalition from the Permanent Mission of the Union of Myanmar to the United Nations Office and Other International Organizations, Geneva, 21 September 2007.
- 13 “Sold to be soldiers: the recruitment and use of child soldiers in Burma”, *Human Rights Watch*, Vol. 19, No. 15(C), October 2007.
- 14 Andrew Selth, *Burma’s Armed Forces: Power without Glory*, Eastbridge Signature Books, Norwalk, CT, 2002.
- 15 “Sold to be soldiers”, above note 13.
- 16 *Despite Promises: Child Soldiers in Burma’s SPDC Armed Forces*, Human Rights Education Institute of Burma (HREIB), September 2006, www.child-soldiers.org.
- 17 Associated Press, “Myanmar junta says Western allegations of child soldiers are untrue”, 2 February 2007.
- 18 “Sold to be soldiers”, above note 13.
- 19 Confidential source, Bangkok, February 2007.
- 20 *Despite Promises*, above note 16.
- 21 Confidential source, July 2007.
- 22 Confidential source, November 2007.
- 23 *Despite Promises*, above note 16.
- 24 “Sold to be soldiers”, above note 13.
- 25 Confidential source, May 2007.
- 26 Confidential source, July 2007.
- 27 “Sold to be soldiers”, above note 13.
- 28 Karen Human Rights Group, “Child soldiers recruited to support expansion of the KNU-KNLA Peace Council”, May 2007, www.khrg.org; “Sold to be soldiers”, above note 13.
- 29 Confidential source, May 2007.
- 30 “Sold to be soldiers”, above note 13.
- 31 Ibid.
- 32 SSA-South correspondence with the Coalition, 1 September 2007, by email.
- 33 “Sold to be soldiers”, above note 13.
- 34 Office of the Special Representative for the Secretary-General for Children and Armed conflict (SRSG), Report: Visit of the Special Representative for the Secretary-General for Children and Armed conflict to Myanmar, 25–29 June 2007, UN Doc. OSRSG/CAAC, July 2007.
- 35 “Sold to be soldiers”, above note 13.
- 36 UN Security Council, “Security Council reiterates commitment to address impact of armed conflict on children, determination to implement Landmark 2005 Resolution 1612”, 24 July 2006, UN Doc. SC/8784.
- 37 “Sold to be soldiers”, above note 13.
- 38 Letter to the Coalition from the Myanmar Permanent Mission in Geneva, 21 September 2007.
- 39 “Sold to be soldiers”, above note 13.
- 40 Confidential source, November 2007.
- 41 UN Convention on the Rights of the Child, Committee on the Rights of the Child, Thirty-sixth session, Consideration of reports submitted by states parties under Article 44 of the Convention, Concluding observations, Myanmar, UN Doc. CRC/C/15/Add.237, 30 June 2004.
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- 44 UN General Assembly, Resolution adopted by the General Assembly, Situation of human rights in Myanmar, Sixty-first session, Agenda item 67(c), 13 March 2007, UN Doc. A/RES/61/232.
- 45 International Labour Office (ILO), Governing Body, GB.298/5/1, 298th Session, Geneva, March 2007, Fifth Item on the Agenda, Developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29, Appendix, Supplementary Understanding, III) Time frame and trial period, 10.
- 46 Ibid.
- 47 Report of the Secretary-General on children and armed conflict in Myanmar to the Security Council, 16 November 2007, UN Doc. S/2007/666.
- 48 SRSG Report, above note 34.
- 49 Confidential source, November 2007.
- 50 Confidential source, July 2007.

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# NAMIBIA

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## Republic of Namibia

**Population:** 2.0 million (993,000 under 18)

**Government armed forces:** 9,200

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 16 April 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182, ACRWC

***There were no reports of under-18s serving in the armed forces.***

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## Government

### National recruitment legislation and practice

According to the declaration made by Namibia when it ratified the Optional Protocol in April 2002, Namibia did not carry out conscription or impose any form of forced obligatory service. The declaration also confirmed Namibia's adherence to the "straight-18" position. Applicants to the armed forces were required to show certified copies of identity documents and birth certificates.<sup>1</sup>

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### Armed groups

The Caprivi Liberation Army (CLA) did not appear to be active, and no information was available on its recruitment of under-18s.<sup>2</sup>

The trial which had begun in 2004, of 119 people charged with involvement in the 1999 separatist attacks launched by the CLA in the Caprivi region, was ongoing in August 2007. The trial on treason charges of 12 other men, arrested in November 2004 following further clashes, ended in mid-2007. Ten defendants received long prison sentences, while the other two were acquitted.<sup>3</sup>

In September 2006 the government outlawed the CLA's political wing, the United Democratic Party.<sup>4</sup>

As of November 2006, 1,100 Namibians who had fled to Botswana following the 1999 CLA attacks remained there. One Namibian, who had been in detention for five years in Botswana on charges relating to his alleged participation in the CLA, returned to Namibia in November 2006, after being told by the Namibian authorities that he would not face charges on his return.<sup>5</sup> Over 700 refugees had been repatriated to Namibia since 2003, 50 of whom were reportedly subsequently charged with treason and involvement in the CLA attacks.<sup>6</sup>

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## Developments

### International standards

Namibia ratified the African Charter on the Rights and Welfare of the Child in July 2004.<sup>7</sup>

- 1 Declarations and reservations to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).
- 2 Confidential information, Namibia, August 2007.
- 3 Confidential information, Windhoek, August 2007.
- 4 *Amnesty International Report 2007*.
- 5 Confidential information, September 2007.
- 6 "Botswana-Namibia: Caprivians reluctant to return home", IRIN, 29 November 2006.
- 7 African Union, List of countries which have signed, ratified/acceded to the African Union Convention on African Charter on the Rights and Welfare of the Child, [www.africa-union.org](http://www.africa-union.org).

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# NEPAL

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## Nepal

**Population:** 27.1 million (12.4 million under 18)

**Government armed forces:** 69,000

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 18<sup>1</sup>

**Optional Protocol:** ratified 3 January 2007

**Other treaties ratified (see glossary):**

CRC, ILO 138, ILO 182

***Under the 2006 Comprehensive Peace Agreement (CPA) parties were committed not to use or enlist children in any military force and to release under-18s immediately. There were no further reports of government forces using children, but Maoist recruitment of children continued after the April 2006 ceasefire and there were delays in the registration and release of under-18 Maoist personnel canted under the CPA.***

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## Context

A ceasefire in April 2006 brought to an end the 10-year armed conflict between the security forces and the Communist Party of Nepal (CPN) (Maoist). King Gyanendra had been forced to relinquish power following mass demonstrations organized by an alliance of the seven mainstream political parties (the Seven-Party Alliance, SPA) and supported by the Maoists.<sup>2</sup> A Code of Conduct agreed between the SPA and the CPN (Maoist) on 25 May 2006 provided for a freeze on new recruitment by either side, but there were no provisions relating to children already in the CPN (Maoist). A Comprehensive Peace Agreement (CPA), finalized in November 2006, included provisions committing the parties not to use or enlist children in any military force and to rescue and rehabilitate such children immediately.<sup>3</sup> This was the first time the issue was considered in the peace process.

In January 2007 a newly set up United Nations Mission in Nepal (UNMIN), with the assistance of other UN agencies, embarked on a program of registration and verification of Maoist army combatants, the first phase of which ended in mid-February 2007. The start of the second phase, which among other things specifically aimed at the identification of minors, began in June 2007 but was subject to delays and not completed until December (see below).<sup>4</sup>

There were concerns about the involvement of children in political activities, including demonstrations, and their ensuing vulnerability

to manipulation, indoctrination, injury and death. During the protests in April 2006, 18 demonstrators were killed and more than 4,000 were reportedly injured by the security forces, many of them children.<sup>5</sup>

Incidents of excessive use of force continued to be reported, especially in the context of protests by members of the Madhesi community of southern Nepal, who were demanding autonomy and an end to discrimination. Five children were killed between December 2006 and early February 2007, four of them by police. In December 2006 a 17-year-old boy was killed by a police officer in Nepalgunj when police opened fire at a crowd of demonstrators during curfew time. On 22 January 2007 the police and the Armed Police Force (APF) fired live ammunition directly at demonstrators, resulting in a total of four deaths, including that of a 15-year-old boy, and several injuries caused by gunshots, including to two boys aged 13 and 14. On 1 February, two 15-year-old boys died of gunshot injuries when the police and the APF fired live ammunition during a demonstration in Inaruwa, Sunsari district.<sup>6</sup>

In March 2007 UNICEF and the Office of the High Commissioner for Human Rights (OHCHR) called on all political parties to develop codes of conduct to prevent the misuse and manipulation of children during political activity.<sup>7</sup> As of October 2007, no political party was known to have developed one.

During the period between August 2005 and September 2006 there were 63 documented incidents related to explosive devices which killed 29 children and injured 70 others. According to a survey carried out during the first six months of 2006 by the UNICEF Mine Action Unit, the number of such incidents was much larger, with children far more affected than adults and representing 78 per cent of reported casualties. Most of the incidents involved improvised explosive devices left by the People's Liberation Army (PLA, the armed wing of the CPN (Maoist)). Casualties from incidents involving improvised explosive devices were reduced during the post-ceasefire period.<sup>8</sup>

The British army took Nepalese recruits in its Brigade of Gurkhas. Applicants had to be at least 17 years and 6 months at the beginning of the year they began their training.<sup>9</sup> As of April 2007 there were around 3,500 members of the Brigade of Gurkhas in the UK army.<sup>10</sup>

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## Government

### National recruitment legislation and practice

As part of a wider program of political and legal reform, a new Army Act came into force in 2006. The army was made accountable to the government rather than to the crown, and was



renamed the Nepalese Army. The new Act did not include provisions for the minimum age of recruitment which continued to be governed by the 1962 Royal Army New Recruitment Rules; these required recruits to be at least 18 years old. The 1971 Young Boy's Recruitment and Conditions of Service Rules, which stated that recruits had to be between 15 and 18, was declared null and void by a Supreme Court ruling in 2005, on the grounds that recruiting under-18s contravened the constitution.<sup>11</sup> In its declaration on ratifying the Optional Protocol, the government stated that 18 was the minimum age of recruitment, and that recruitment into the army was voluntary.<sup>12</sup>

### Child recruitment and deployment

Recruitment of children into the security forces was rare, although there were reports of the use of children by the security forces as messengers, spies or informants.<sup>13</sup> Such practices stopped after May 2007, when the army was confined to barracks.

Many children who surrendered to the security forces or who were captured were subjected to threats, ill-treatment or torture by army personnel in order to force them to disclose information about their activities with the Maoists, or to provide sensitive information about and sometimes guide the security forces to the locations of Maoist camps. It was common for children who were arrested, sometimes after having escaped from the Maoists, to be detained unlawfully in locations such as army barracks. They were denied access to lawyers and to their families. Some were detained under anti-terrorist legislation.<sup>14</sup> At least four people who were children at the time of their arrest reportedly remained imprisoned in mid-2007, some reportedly charged with murder.<sup>15</sup>

### Armed groups

Despite widespread evidence to the contrary, the CPN (Maoist) consistently denied that it recruited or used children for military activity. The party's publicly stated policy was that it did not allow anyone younger than 18 to join either the People's Liberation Army or the "people's militias".<sup>16</sup>

During the conflict, the recruitment by the Maoists of children, both boys and girls, mostly between ten and 16 (although the youngest known was eight), took three main forms: through special recruitment campaigns such as "one family, one member for the Party", where children were recruited forcibly or voluntarily; through the community activities of Maoist cultural groups, full or part-time militias and associated organizations, such as the students' and women's organizations, or directly by the PLA; and through the widespread practice of

mass abductions and forced participation in mass meetings and cultural events in rural areas.<sup>17</sup>

Children from all the Maoist organizations performed a range of support tasks, including fund-raising, "mobilizing" communities and acting as messengers, spies or providers of food or shelter. Children were also used as sentries, bodyguards, logistics assistants and combatants by the PLA. According to OHCHR children were used by PLA as combatants during clashes in Palpa district in January 2006, and a significant number of children were used as porters during a PLA attack in Panauti, Kavre district, in February 2006 and during a clash in Khidim, Arghakanchi district, in the same month.<sup>18</sup>

Children between the ages of ten and 16 were generally first recruited into the militia on a part-time basis. They carried out propaganda activities, distributed Maoist newspapers or served as spies and messengers. Anecdotal evidence suggests that some were unarmed, while others had crude weapons.<sup>19</sup> Only children over 16 were officially able to join the "whole-timers", although many were in fact much younger. "Whole-timers" were given one month's training on personal security, military tactics and political ideology and were equipped with crude weapons such as home-made guns and pressure-cooker bombs. They were usually deployed in areas away from their homes and family and no longer attended school.<sup>20</sup>

Being a "whole-timer" typically led to joining the PLA. The general practice of the PLA was to enrol children above the age of 16 after an initial period as members of the Maoist militia. However, children who were allegedly particularly keen to join were integrated directly into the PLA.

Children continued to be actively recruited by the Maoists after the April 2006 ceasefire. From May to September 2006 a total of 154 new incidents of recruitment of children in all five regions were documented by local organizations and OHCHR, of which 72 involved recruitments into the PLA (the youngest being 12 years old) and 82 into other Maoist-affiliated organizations, including militias.<sup>21</sup> In the Eastern Region, the Office of OHCHR confirmed the abduction by the PLA after April 2006 of five boys between the ages of 13 and 17 from the Bhanubhakta Secondary-school, Mangalbare, Ilam district. The children's parents maintained that the children were forcibly taken.<sup>22</sup>

At the end of February 2007, members of the Monitoring and Reporting Mechanism Task Force, set up in 2005 to monitor and report to the UN Security Council on children in armed conflict, had documented some 1,995 children associated with the parties to the conflict. The vast majority were with the CPN (Maoist) and its affiliated organizations. Among the 1,995 documented cases, 475 children were below the age of 15 at the time of recruitment. A total of 1,576 were recruited after the April 2006 ceasefire, 896

of them in November 2006 alone – while 527 children escaped or were released, the latter mostly due to family efforts or child protection agencies’ interventions. Of the children recruited between October and December 2006, some 30 per cent were released after a few days spent in the Maoist cantonments. Some were released by their commanders as being “too young”, while others were instructed to take part in other Maoist-affiliated organizations, but not the PLA.<sup>23</sup>

Most of these children were enrolled in schools at the time of their recruitment. Many of those recruited into the PLA were promised money by the Maoist recruiters and/or employment in the new national army to be formed under the CPA.

After December 2006 there were increased concerns about the enrolment of children into the Young Communist League (YCL) – the youth wing of the CPN (Maoist) – which attracted criticism for its use of violence and intimidation that overshadowed its legitimate activities.<sup>24</sup> Nine cases of children active in the YCL were documented in the first two months of 2007. The documentation collected on these few cases offered evidence that children, as part of larger groups, were given physical training and drilling in military fashion (lining up and marching) such as in Palpa and Morang districts. Most were part of regular Maoist indoctrination sessions. Four of the nine children were previously associated with the Maoist army; one of them testified that he was simply redeployed with the YCL.<sup>25</sup>

## Disarmament, demobilization and reintegration (DDR)

Under the CPA both parties agreed to “protect the rights of women and children in a special way, to immediately put a halt on all types of violent activities including any kind of sexual exploitation and abuse against women and on child labour and to not use or enlist children of 18 years or below in any military force”. The CPA further provided that children recruited and used in armed groups should be “immediately rescued and necessary and proper cooperation should be provided for their rehabilitation”.<sup>26</sup> Of the more than 30,000 Maoist cadres originally registered in cantonment sites created under the CPA, 2,973 were assessed to be under-age, although other children were believed to have left the cantonments before the verification process was completed.<sup>27</sup>

In October 2007 UNMIN expressed concern about delays in the discharge of Maoist personnel, specifically minors, from the cantonments and insisted that the discharge of the latter should be treated as an urgent priority.<sup>28</sup> The lack of progress related to broader difficulties with UNMIN’s monitoring of the Maoist army in accordance with the 8 December

2006 Agreement on the Monitoring of the Management of Arms and Armies (AMMAA).<sup>29</sup> Both registration and discharge of under-18s were delayed because of the failure by the government and CPN (Maoist) to reach agreement on various issues, in particular the payment of allowances to cantoned Maoist cadres. By October 2007 UNMIN, together with UNICEF, were preparing to monitor the release of “substantial numbers” of under-18s who had been identified during verification in the first three cantonment sites. It was noted, however, that girls could face particular challenges in returning home and that generally there was a lack of economic opportunities in rural Nepal for returning young people.<sup>30</sup>

## Developments

The situation in Nepal was the first to be considered by the UN Security Council Working Group on Children and Armed Conflict. Nepal featured in four consecutive reports by the UN Secretary-General to the Security Council as violating international standards prohibiting the recruitment and use of children.

The National Human Rights Commission (NHRC), mandated to promote and protect human rights, including children’s rights, came under heavy criticism after new commissioners were appointed by the king in May 2005. The chairman and the new commissioners eventually resigned in July 2006; new members were appointed in September 2007.<sup>31</sup>

In a December 2006 report to the Security Council, the UN Secretary-General recommended that the government invite the Special Representative for Children and Armed Conflict to undertake a mission to Nepal in the near future to help to draw attention to and highlight the need to mainstream child protection issues into the transition and post-transition priorities of the government and its UN and civil society partners.<sup>32</sup> The visit was scheduled to take place in August 2007 but was postponed; it had not taken place by the end of October.

In June 2005 the UN Committee on the Rights of the Child, after consideration of Nepal’s Second Periodic Report, recommended that the government “criminalize abduction, recruitment and use of children for military purposes by any armed forces or armed group”.<sup>33</sup> As of October 2007 this recommendation was not believed to have been implemented.

At a February 2007 ministerial meeting in Paris, Nepal and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting

child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

## International standards

Nepal ratified the Optional Protocol in January 2007.<sup>34</sup>

- 1 1990 Constitution of the Kingdom of Nepal, Part 8, Article 45(6).
- 2 Report of the UN High Commissioner for Human Rights on the human rights situation and the activities of her office, including technical co-operation, in Nepal, UN Doc. A/61/374, 22 September 2006.
- 3 Comprehensive Peace Accord Concluded between the Government of Nepal and the Communist Party of Nepal (Maoist), under 7.6, [www.peace.gov.np](http://www.peace.gov.np).
- 4 “Registration of arms complete in Shaktikhor”, *Nepalnews.com*, 29 January 2007; “Registration of arms over; UN team submits report”, *Nepalnews.com*, 19 February 2007; “Second phase PLA verification resumes”, *Nepalnews.com*, 14 August 2007; all at [www.nepalnews.com](http://www.nepalnews.com).
- 5 Report of the High Commissioner, above note 2; Child Workers in Nepal Concerned Centre (CWIN), *Children Affected in the Course of Suppressing the Janaandolan*, Nepal, June 2006.
- 6 Confidential report on file at the Coalition.
- 7 UNICEF/OHCHR, “Protection of children with regards to political activities”, position paper, Kathmandu, March 2007, <http://nepal.ohchr.org>.
- 8 Report of the Secretary-General on children and armed conflict in Nepal, UN Doc. S/2006/1007, 20 December 2006.
- 9 See British Gurkhas Nepal, [www.army.mod.uk](http://www.army.mod.uk).
- 10 UK Armed Forces Trained Strengths & Requirements, 1 April 2007, [www.dasa.mod.uk](http://www.dasa.mod.uk).
- 11 Legal News from Nepal, “SC rules against recruiting minors in police and army,” 16 December 2005, <http://nepallaw.blogspot.com>.
- 12 Declaration on accession to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).
- 13 Report of the Secretary-General, above note 8.
- 14 Ibid.
- 15 Coalition communication with confidential source, 29 August 2007.
- 16 Human Rights Watch (HRW), “Children in the ranks: the Maoists’ use of child soldiers in Nepal”, February 2007.
- 17 Report of the Secretary-General, above note 8.
- 18 Ibid.
- 19 Confidential source, October 2007.
- 20 Report of the Secretary-General, above note 8.
- 21 Ibid.
- 22 Ibid.
- 23 Internal Task Force report, on file at the Coalition.
- 24 Report of the Secretary-General to UN Security Council on the request of Nepal for United Nations assistance in support of its peace process, UN Doc. S/2007/442, 18 July 2007.
- 25 Internal Task Force report, above note 23.
- 26 See Comprehensive Peace Agreement, [www.peace.gov.np](http://www.peace.gov.np).
- 27 UNMIN press statement, 27 December 2007, [www.unmin.org.np](http://www.unmin.org.np).
- 28 Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process, UN Doc. S/2007/612, 18 October 2007.
- 29 AMMAA, [www.peace.gov.np](http://www.peace.gov.np).
- 30 Report of the Secretary-General, above note 28.
- 31 OHCHR, “NHRC appointments an important development”, 18 September 2007.
- 32 Report of the Secretary-General, above note 8.
- 33 UN Committee on the Rights of the Child, Consideration of report submitted by Nepal, Concluding observations, UN Doc. CRC/C/15/Add.261, 21 September 2005.
- 34 See [www2.ohchr.org](http://www2.ohchr.org).

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# NETHERLANDS

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## Kingdom of the Netherlands

**Population:** 16.3 million (3.6 million under 18)

**Government armed forces:** 53,100

**Compulsory recruitment age:** conscription suspended

**Voluntary recruitment age:** 17

**Voting age:** 18

**Optional Protocol:** signed 7 September 2000

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***The minimum age for voluntary recruitment was 17 and, although conscription was suspended, all males continued to be required to register for military service at 17.***

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## Government

### National recruitment legislation and practice

Although conscription was suspended in 1997 with the introduction of fully volunteer armed forces, the Dutch constitution of 1989 stated that “All Dutch nationals who are capable of doing so shall have a duty to co-operate in maintaining the independence of the state and defending its territory ... This duty may also be imposed on residents of the Netherlands who are not Dutch nationals” (Article 97). The constitution emphasized that “To protect its interests, the State shall maintain Armed Forces consisting of volunteers and conscripts ... Compulsory service in the armed forces shall be regulated by Act of Parliament” (Article 98). Under the terms of the 1997 Law on Conscription, all men continued to register for military service at the age of 17, although this did not involve any medical examination or actual military service. The registration procedure did not allow an individual to indicate a conscientious objection to military service. In a time of war or other emergency, the law allowed for the reintroduction of conscription and the possible compulsory recruitment of all those registered up to the age of 45.<sup>1</sup> Under the Military Personnel Law the current minimum age for voluntary recruitment to the armed forces was 17. Seventeen-year-old recruits were required to have the consent of a parent or guardian before enlistment, and were excluded from all active combat operations or direct involvement in hostilities. There were also restrictions on the use of weapons by 17-year-old volunteers.<sup>2</sup> In 2005 there were 4,038 applicants for enrolment in the armed forces by 17-year-olds, and 997 men and women aged 17 actually enlisted.<sup>3</sup>

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## Disarmament, demobilization and reintegration (DDR)

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In its 2007 report to the UN Committee on the Rights of the Child, the government recorded its financial contributions to several international projects working with war-affected children, including a UNICEF vocational training project in displaced persons camps in Uganda, a project dealing with children who had disappeared in El Salvador and a demobilization and reintegration project in Colombia. The Netherlands also contributed specifically to the UN Special Representative for Children and Armed Conflict.<sup>4</sup>

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## Developments

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The Netherlands signed the Optional Protocol in September 2000, but had not yet ratified it. In its 2007 report to the Committee on the Rights of the Child, the Dutch government stated that “the process of ratifying the Optional Protocol (OP) on the involvement of children in armed conflict is almost complete. The OP is currently before the Senate, and the ratification process will be rounded off in the near future. The OP raises the minimum age for forced recruitment [sic] from 15 to 18. The Dutch government will thereby be obliged to take all possible measures to prevent the involvement of minors in armed conflicts as part of the armed forces.”<sup>5</sup>

At a February 2007 ministerial meeting in Paris, the Netherlands and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

- 1 Quaker Council for European Affairs, *The Right to Conscientious Objection to Military Service in Europe: A Review of the Current Situation*, April 2005, [www.quaker.org](http://www.quaker.org).
- 2 Confidential sources, September 2007.
- 3 Information from the defence and naval attaché, embassy of the Netherlands, London, October 2007.
- 4 Third periodic report of the Netherlands on implementation of the United Nations Convention on the Rights of the Child, UN Doc. AVT07/BZ85984 A, 2007.
- 5 Ibid.

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# NEW ZEALAND

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## New Zealand

**Population:** 4.0 million (1.0 million under 18)

**Government armed forces:** 9,000

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 17

**Voting age:** 18

**Optional Protocol:** ratified 12 November 2001

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 182

*The minimum voluntary recruitment age was 17. As of August 2007 some 120 under-18s were members of the regular forces.*

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## Government

### National recruitment legislation and practice

New Zealand's declaration on ratifying the Optional Protocol stated that the minimum age for voluntary recruitment into its national forces was 17.<sup>1</sup> The 1990 Defence Act set out the basis for voluntary recruitment, and was amended in 2001 to implement the Optional Protocol, stating that "No person who is under 17 years may be appointed to, or enlisted or engaged in, the Navy, the Army, or the Air Force" (Article 33). The amended Defence Act further stated that "no person serving in the Armed Forces who is under 18 years shall be liable for active service" (Article 37). Defence Force Orders for Personnel Administration were also amended, to make it clear that deploying personnel under 18 years of age on "active service", whether overseas or in New Zealand, was prohibited.<sup>2</sup> Human rights organizations expressed concern that the Defence Act did not define "active service" and hence was unclear whether this would include peacekeeping or rebuilding missions.<sup>3</sup>

In its initial report on the Optional Protocol, the government stated that "The Defence Act 1990 does not currently set a minimum age for voluntary recruitment", indicating lack of awareness of the 2001 amendment.<sup>4</sup> Human rights organizations were concerned that, since the minimum recruitment age was set by Defence Orders and not by the Defence Act, there was no legislative barrier to the age of recruitment being lowered.<sup>5</sup> However, the New Zealand Defence Force subsequently agreed that the term "enlistment" in section 33 of the amended Defence Act covered voluntary recruitment, as contemplated by Article 3 of the Optional Protocol, thereby confirming 17 as the minimum age of recruitment.<sup>6</sup>

In its initial report on the Optional Protocol, New Zealand stated that reasons for retaining 17 as the minimum age for voluntary recruitment included the "inverse relationship between the age of enlistment and retention after five years of service". The government said that raising the minimum recruitment age might increase the difficulty in attracting recruits to technical positions, and that an environment in which all recruits started on an equal footing had traditionally offered opportunities of success to recruits from lower socio-economic groups, particularly those who left school at 17.<sup>7</sup> The government planned to review its position on the voluntary age of recruitment in 2007 as part of its preparation of the 2008 periodic report.<sup>8</sup> In September 2007, however, it informed the Child Soldiers Coalition that raising the recruitment age was still not considered to be a "viable option", since, given the number of 17-year-olds currently enlisting, this would prevent an annual average of 24 per cent of potential enlistees from joining the armed forces.<sup>9</sup>

There was no legislation in New Zealand providing for compulsory recruitment or conscription. In its initial report under the Optional Protocol, the government noted that were conscription to be introduced in any form, specific legislation would be required. The minimum age of 17 for voluntary recruitment into the Defence Force would not be affected, and any future legislation establishing conscription would need to comply with New Zealand's international legal commitments, including Article 1 of the Optional Protocol relating to direct participation in hostilities.<sup>10</sup>

### Military training and military schools

There were no military schools run by the armed forces.<sup>11</sup> The New Zealand Cadet Force was "a voluntary, disciplined, uniformed training organization" for young people aged between 13 and 18, according to the 1990 Defence Act. It aimed to promote training programs or courses similar to those undertaken by the armed forces, appreciation among cadets of the function and operations of the armed forces, and the development of good citizenship (Section 77). Although the Cadet Force was administered by the New Zealand military, cadets were not members of the armed forces (Section 2).<sup>12</sup> As of June 2007 there were approximately 3,800 cadets enrolled.<sup>13</sup>

### Child recruitment and deployment

As of 1 August 2007 the total number of regular forces members under 18 was 120, or 1.3 per cent of the total number of service members.<sup>14</sup>

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## Disarmament, demobilization and reintegration (DDR)

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Since 2004, 13 former child soldiers from Myanmar had been granted refugee status in New Zealand as unaccompanied minors.<sup>15</sup>

- 1 Optional Protocol, signatures, ratifications and declarations, [www2.ohchr.org](http://www2.ohchr.org).
- 2 Office of the Minister of Youth Affairs, Annual Progress Report on the Uncroc Five-Year Work Programme for 2004/2005, [www.myd.govt.nz](http://www.myd.govt.nz).
- 3 Robert Ludbrook, "Children's Law since 2004", Working Paper No. 2, Action for Children and Youth Aotearoa, August 2007, [www.acya.org.nz](http://www.acya.org.nz).
- 4 Initial report of New Zealand to the UN Committee on the Rights of the Child on the Optional Protocol, UN Doc. CRC/C/OPAC/NZL/1, July 2003.
- 5 Action for Children and Youth Aotearoa, Response to the New Zealand government's report on compliance with the Optional Protocol on children involved in armed conflict, September 2003, [www.acya.org.nz](http://www.acya.org.nz).
- 6 Ministry of Youth Development, United Nations Convention on the Rights of the Child, Five-Year Work Programme 2004 to 2008, September 2004, [www.myd.govt.nz](http://www.myd.govt.nz).
- 7 Initial report of New Zealand, above note 4.
- 8 Five-Year Work Programme, above note 6.
- 9 Child Soldiers Coalition correspondence with Ministry of Defence, September 2007.
- 10 Initial Report of New Zealand, above note 4.
- 11 Ibid.
- 12 Defence Act (1990).
- 13 Coalition correspondence with New Zealand Cadet Force, June 2007.
- 14 Coalition correspondence, above note 9.
- 15 Ibid.

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## NICARAGUA

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### Republic of Nicaragua

**Population:** 5.5 million (2.5 million under 18)

**Government armed forces:** 14,000

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 16

**Optional Protocol:** acceded 17 March 2005

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182

*There were no reports of under-18s in the armed forces.*

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### Context

Public perceptions about increased insecurity and the resulting stigmatization of children and young people seemed unrelated to actual crime statistics. It was estimated that only eight per cent of criminal suspects were under 18.<sup>1</sup> In September 2005 the UN Committee on the Rights of the Child recommended that the government carry out a full study on the scope, nature and causes of youth gangs in order to develop a comprehensive policy for their prevention and reduction.<sup>2</sup>

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### Government

#### National recruitment legislation and practice

Under the constitution military service was not compulsory and all forced recruitment to the armed forces or police was prohibited.<sup>3</sup> The minimum age for participation in hostilities was 18.<sup>4</sup> Those volunteering for military service had to be over 18 and have parental authorization certified by a lawyer.<sup>5</sup> They signed up to an annual, renewable contract.<sup>6</sup>

Under the 1998 Code on Children and Young Persons (Chapter II) it was illegal to incite children or young people to participate in armed conflicts or armed activities of any kind. The Code also provided special protection for children and young people who had taken refuge in Nicaragua or were victims of armed conflicts.<sup>7</sup>

#### Military training and military schools

Military schools formed part of the national education system and qualifications obtained were equivalent to civilian educational qualifications.<sup>8</sup>

Soldiers received training at the Basic Instruction National School, and non-commissioned officers at the Sergeants' National School. Master's degree courses were offered at

the General Benjamín Zeledón Rodríguez Staff Superior School. Students from the General José Dolores Estrada Vado Superior Centre of Military Studies were considered to be still in training on joining the armed forces.<sup>9</sup> Graduates obtained a degree in tactical command, engineering, artillery or medicine, and a guaranteed post in the armed forces for 30 years.<sup>10</sup>

## Developments

### International standards

Nicaragua acceded to the Optional Protocol in March 2005. Its declaration stated that the minimum age for entry to the armed forces was 18, and that the requirement for applicants for military service to submit legally certified parental authorization was in order to prevent recruitment by force or coercion.<sup>11</sup>

- 1 Federación Coordinadora Nicaragüense de ONGs que trabajan con la Niñez y la Adolescencia (CODENI), *III Complementary Report on Compliance with the Convention on the Rights of the Child*, 16 May 2005, www.crin.org.
- 2 UN Committee on the Rights of the Child, Consideration of third periodic report submitted by Nicaragua, Concluding observations, UN Doc. CRC/C/15/Add.265, 21 September 2005.
- 3 Constitución Política de la República de Nicaragua, Artículo 96, www.asamblea.gob.ni.
- 4 Third periodic report of Nicaragua to the Committee on the Rights of the Child, UN Doc. CRC/C/125/Add.3, 15 October 2004.
- 5 “Tatuados no pueden ser oficiales del Ejército”, *El Nuevo Diario*, 13 October 2006, www.elnuevodiario.com.ni; Declaration of Nicaragua on acceding to the Optional Protocol, 17 March 2005, www2.ohchr.org.
- 6 Facultad Latinoamericana de Ciencias Sociales (FLACSO), Programa Seguridad y Ciudadanía, *Reporte del Sector Seguridad en América Latina y el Caribe, Informe Nacional: Nicaragua*, August 2006, www.flacso.cl.
- 7 Third periodic report, above note 4.
- 8 FLACSO, above note 6.
- 9 Ministerio de Defensa, *Libro de la Defensa Nacional de Nicaragua*, www.midef.gob.ni.
- 10 “Hacer carrera militar no es para cualquiera”, *La Prensa*, 18 July 2005.
- 11 Declaration, above note 5.

# NIGER

## Republic of the Niger

**Population:** 14.0 million (7.8 million under 18)

**Government armed forces:** 5,300

**Compulsory recruitment:** age not specified in law

**Voluntary recruitment:** age not specified in law

**Voting age:** 18

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182, ACRWC

***There were no reports of under-18s in the armed forces. Some pupils at the military school received firearms training from as young as 13. No information was available on the use of under-18s by armed groups.***

## Context

The Movement of Nigeriens for Justice (Mouvement des nigériens pour la Justice, MNJ), a new Tuareg armed group, claimed responsibility for an attack on an army base in northern Niger in February 2007.<sup>1</sup> As of October 2007, reports indicated that attacks led by ethnic Touareg had killed at least 45 government soldiers since February.<sup>2</sup> The MNJ's stated objectives included full implementation of past peace agreements, measures to address development and political representation issues in northern regions, and the holding of a national forum to debate political reform.<sup>3</sup>

The final stage of implementation of a socio-economic reintegration program for some 4,000 former combatants from armed groups, provided for by three peace agreements signed between April 1995 and August 1998, was ongoing in 2007 following the late release of funds for the implementation of the program targeting over 3,000 former combatants in the Air-Azawak region.<sup>4</sup>

## Government

### National recruitment legislation and practice

The constitution stated that it was the duty of every citizen to defend the nation and territorial integrity, and that military service was compulsory under the conditions set down by law. In 2001 Niger had reported to the UN Committee on the Rights of the Child that military service was governed by Ordinance No. 96-033 (1996), obligatory except for those who were unfit or exempt, and could “take the form of military service, national civil service or national participatory service”.<sup>5</sup> In practice,

military service was currently not enforced due to financial and material constraints.<sup>6</sup>

There was no minimum age for voluntary or compulsory recruitment. Recruits had to be of Nigerien nationality and be unmarried and physically able. There was no evidence, however, of under-18s in the armed forces.<sup>7</sup>

## Military training and military schools

There was one military school, the Prytanée militaire de Niamey, governed by Decree No. 97-459/PRN/MDN. Sixty pupils, including ten pupils from neighbouring countries, enrolled in the school each year. No minimum age was specified for entry, but admission was open to boys at the age at which they would enter secondary-school (approximately 10–12 years old). Admission was through examination (*concours*) and applicants had to be no more than 13 years old at the time of the examination.<sup>8</sup>

Pupils were given both academic and military instruction. In the third year of study at the school, at the age of approximately 13–15, pupils were taught basic handling of firearms, and in the sixth year, at the age of 16–18, further military weapons training was provided, as was physical training during a month in military camps. After completing the school, pupils could enter a military training school for officers (*école des officiers*). Around 70 per cent of pupils were reported to enter the armed forces.<sup>9</sup>

## Armed groups

No information was available on the use of child soldiers by armed groups.

## Developments

At a February 2007 ministerial meeting in Paris, Niger and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

1 “Niger: Touareg attack army in the north”, IRIN, 9 February 2007, [www.irinnews.org](http://www.irinnews.org).

2 “Niger: Humanitarian crisis feared in the North”, IRIN, 22 October 2007.

3 Programme des revendications du Mouvement des nigériens pour la Justice (MNJ), 9 April 2007, [www.temoust.org/spip.php?article1958](http://www.temoust.org/spip.php?article1958).

4 Information from Association nigérien pour la défense des droits de l’homme (ANDDH), April 2007.

5 Initial report of Niger to the UN Committee on the Rights of the Child, UN Doc. CRC/C/3/Add.29/Rev.1, 17 October 2001.

6 ANDDH, above note 4.

7 Ibid.

8 Ibid.

9 Ibid.



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# NIGERIA

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## Federal Republic of Nigeria

**Population:** 131.5 million (67.4 million under 18)

**Government armed forces:** 85,000

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** signed 8 September 2000

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182, ACRWC

*There was no evidence of under-18s being used in the armed forces. There were reports of children being recruited and used by armed groups and armed vigilante groups and involved in intercommunal violence and criminal gangs.*

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## Context

Throughout 2006 and up to the elections in April 2007 politically motivated violence by gangs and militia groups allied to politicians and youth wings of political parties had taken place, and some 300 people were killed.<sup>1</sup> The EU Election Observer Mission found that the elections fell far short of basic international standards,<sup>2</sup> but in spite of the demand by the opposition for the rejection of the results, the ruling party's candidate, Umaru Yar'Adua, was sworn in as president on 29 May 2007.

The Nigerian government agreed to the extradition of Charles Taylor following intense international pressure. He was wanted by the Special Court for Sierra Leone for trial on charges of crimes against humanity, war crimes and other serious violations of international humanitarian law, including the recruitment and use of child soldiers. He was arrested on the border with Cameroon on 29 March 2006 and transferred to the Special Court of Sierra Leone on request by Liberian president Ellen Johnson-Sirleaf. His trial in The Hague was adjourned until January 2008.<sup>3</sup>

Violence was reported between Christian and Muslim youths, some under 18. In May 2005 Human Rights Watch estimated that approximately 700 Muslims were killed in attacks by Christians on Yelwa, a market town located in the southern part of Plateau state. The number of Christians killed was unknown, one estimate being 70. There were also reports of the abduction of hundreds of women and children during the attacks, most, but not all, of whom were able to return to their families in the following weeks.<sup>4</sup>

In February 2006, 150 people were killed and thousands were displaced due to sectarian violence following protests over the international

publication of cartoons depicting the Prophet Mohammed.<sup>5</sup> In September 2006 further violence was reported between Christian and Muslim youths in Dutse, the state capital of Jigawa.<sup>6</sup>

There were continued concerns about the proliferation of small arms, a major destabilizing factor in the country.<sup>7</sup>

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## Government

### National recruitment legislation and practice

Although the 1999 constitution allowed for the possibility of conscription, stating that it was the duty of every citizen to "defend Nigeria and render such national service as may be required" (Article 24(b)), no legislation provided for it. There was no conscription.<sup>8</sup> The 2003 Child Rights Act (Section 34) stated that the minimum age for voluntary recruitment or conscription into the armed forces was 18.<sup>9</sup>

### Military training and military schools

There were several military high schools, including the Nigerian Military School, Zaria; the Air Force Military School, Jos; and the Nigerian Navy Secondary-schools in Ojo and Abeokuta.<sup>10</sup> According to the government, the various branches of the military have schools where under-18s are admitted; however, there is no "military activity" beyond parade and disciplinary training.<sup>11</sup>

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## Armed groups

### Armed groups in the Delta region

Violence in the Niger Delta region between armed groups and the security forces continued, with armed groups' demands ranging from resource-control concessions and amenities and jobs for rural communities, and several oil concessions for faction leaders, to independence.<sup>12</sup> In September 2004 the leader of the armed group Niger Delta People's Volunteer Force threatened to launch an "all-out war" in the region. In September 2005 he was arrested on charges of treason following a failed amnesty deal and was released in June 2007 on health grounds.<sup>13</sup> New armed groups came to the fore following this declaration, the most prominent of which was the Movement for the Emancipation of the Niger Delta (MEND). MEND claimed responsibility for a number of hostage-takings and violent clashes with security forces from December 2005.<sup>14</sup>

Armed groups in the Niger Delta were thought to comprise mainly youths, some of whom were suspected to be under 18. MEND in particular was regarded as a group with a predominantly young membership.<sup>15</sup> In a presentation on children in armed conflict to the UN Security Council in July 2006, a spokesperson for the UN Development Program (UNDP) stressed that UNDP's main

programs in the Niger Delta region aimed at giving youths an alternative to armed violence.<sup>16</sup>

## Vigilante groups

Illegal armed vigilante groups, in operation in several states, sometimes with the tacit endorsement of state governors, continued to be responsible for unlawful killings. There were reports of under-18s being members of the Bakassi Boys in the east.<sup>17</sup>

The Egbesu Boys, in the Niger Delta, allegedly recruited children under 16. The O'odua People's Congress (OPC), of the Yoruba ethnic group, continued to recruit under-18s through its Gani Adams' faction, the Eso group, where the majority of its members were reportedly under 18.<sup>18</sup>

## Criminal gangs

There was a proliferation in the number of youths (some reportedly under 18) in armed gangs who lived mainly through extortion and robbery, frequently using violence or the threat of violence.<sup>19</sup> The most well-known group was the so-called Area Boys, operating in Lagos. There were clashes between the armed forces and this group in May 2005, and some attempts were being made to rehabilitate the members of these gangs, apparently with little effect.<sup>20</sup> Attacks by armed gangs that were part of university student cults also contributed to increased violence.<sup>21</sup>

## Developments

In April 2005 the UN Committee on the Rights of the Child expressed concern about intercommunal violence and, in particular, the killing of children arising from such conflicts, as well as the "severe physical and psychological trauma" inflicted on children, including child combatants. The Committee was concerned about the vulnerability of refugee children from Chad, Sierra Leone and Liberia, especially girls, to sexual exploitation and forced prostitution, and the problems of drug abuse and economic exploitation were also raised.<sup>22</sup> In November 2005 the National Agency for Prohibition and Trafficking in Persons and Other Related Matters indicated that 15 million Nigerian children were being taken from rural to urban situations for child labour or slavery purposes.<sup>23</sup>

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2 European Union Election Observation Mission, Federal Republic of Nigeria, "Elections fail to meet hopes and expectations of the Nigerian people and fall far short of basic international standards", press release, 23 April 2007, <http://eueom-ng.org>.

- 3 Special Court for Sierra Leone, [www.sc-sl.org](http://www.sc-sl.org).
- 4 Human Rights Watch (HRW), "Revenge in the name of religion: The cycle of violence in Plateau and Kano States", *Human Rights Watch*, Vol. 17, No. 8 (A) (May 2005).
- 5 Christian Allen Purefoy, "Five days of violence by Nigerian Christians and Muslims kill 150", *Independent*, 24 February 2006.
- 6 "Arrests after Nigerian Violence", BBC News, 22 September 2006.
- 7 Nicolas Florquin and Eric G. Berman (eds.), "Armed and Aimless: Armed Groups, Guns, and Human Security in the ECOWAS Region", Small Arms Survey, April 2005, [www.smallarmssurvey.org](http://www.smallarmssurvey.org).
- 8 B. Horeman and M. Stolwijk, *Refusing to Bear Arms: A World Survey of Conscripted and Conscientious Objection to Military Services*, War Resisters International, 1998, [www.wri-irg.org](http://www.wri-irg.org).
- 9 Second periodic report of Nigeria to the UN Committee on the Rights of the Child, UN Doc. CRC/C/70/Add.24, 17 September 2004.
- 10 Nigerian Military Secondary-schools, <http://members.tripod.com/cdssikeja/links.html>.
- 11 Second periodic report, above note 9.
- 12 ICG, above note 1.
- 13 "Army recaptures Nigerian oil base", BBC News, 21 June 2007.
- 14 Chris McGreal, "Delta Force", *Guardian*, 10 May 2007, [www.guardian.co.uk](http://www.guardian.co.uk).
- 15 ICG, *Nigeria: Want in the Midst of Plenty*, Africa Report No. 113, 19 July 2006.
- 16 UNDP, Speech by Ad Melkert, UNDP Associate Administrator, on children and armed conflict, to UN Security Council, 24 July 2006.
- 17 Vincent Ujumadu, "21 die in Bakassi Boys' cell", *Vanguard*, 6 August 2005, [www.vanguardngr.com](http://www.vanguardngr.com).
- 18 Mohamed Ibrahim, *Empirical Survey of Children and Youth in Organised Armed Violence in Nigeria: Egbesu Boys, OPC and Bakassi Boys as a Case Study*, Children in Organised and Armed Violence, 7 May 2005, [www.coav.org.br](http://www.coav.org.br).
- 19 HRW, *Rivers and Blood: Guns, Power and Oil in Nigeria's Rivers States*, briefing paper, February 2005.
- 20 "Nigeria: Area Boys – a growing menace on the streets of Lagos", IRIN, 15 July 2005.
- 21 "Nigeria: Gangs sowing terror on campus", IRIN, 22 February 2007.
- 22 UN Committee on the Rights of the Child, Consideration of report submitted by Nigeria, Concluding observations, UN Doc. CRC/C/15/Add.257, 13 April 2005.
- 23 CRIN, "Nigeria: 15 Million Children Toil in Slavery", 22 November 2005, [www.crin.org](http://www.crin.org).

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# NORWAY

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## Kingdom of Norway

**Population:** 4.6 million (1.1 million under 18)

**Government armed forces:** 23,400

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 23 September 2003

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

*There were no under-18s serving in the armed forces, but the Home Guard Youth was open to volunteers from the age of 16.*

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## Government

### National recruitment legislation and practice

Article 109 of the Norwegian constitution stated that “as a general rule every citizen of the State is equally bound to serve in the defence of the Country for a specific period, irrespective of birth or fortune”. Compulsory military service of 12 months (eight or nine months in practice) was regulated by the General Compulsory Service Act of 1953. The minimum age for voluntary military service in the Norwegian military was 18.<sup>1</sup> While all men aged 18 to 44 were eligible for call-up, they were rarely conscripted after the age of 30. Conscripts to the National Guard served for six months, and were obliged to perform two weeks of reservist training each year until the age of 44.<sup>2</sup>

According to the Ministry of Defence, “conscription will be oriented towards the best qualified and motivated young people. To make sure the same information about military service is given to all regardless of gender, young women are being invited to attend a voluntary initial interview as from 2006.”<sup>3</sup>

### Military training and military schools

The Home Guard Youth was an entirely voluntary organization for young persons, providing “outdoor recreation and other physical and sporting activities with a military element”, to be pursued in the young person’s free time and without any liability for enrolment in the armed forces. The Home Guard Youth was open to volunteers from the age of 16. While formally a component of the Norwegian armed forces, according to the government “the Home Guard Youth cannot be considered to be recruited to the Norwegian Armed Forces within the meaning of the [Optional] Protocol because it is presumed that a person is not considered to have been recruited before she has formally or

de facto become a member of the armed forces with the rights and obligations that this entails. Members of the Home Guard are not to receive any practical training in or take part in any other way in war-related activities and they are to be exempt from service in situations in which the armed forces could be involved in hostilities ... Furthermore the Home Guard Youth are not subject to military disciplinary authority or to the military penal code.” Nevertheless, in July 2007 the UN Committee on the Rights of the Child stated that “despite the aforementioned safeguards of the Home Guard Act, the Committee is of the view that these kinds of activities with a ‘military element’ for children are not in full conformity with the spirit of the Optional Protocol”. The Committee urged Norway “to raise the minimum age of volunteers joining the Home Guard from 16 years to 18 years in order to fully respect the spirit of the Optional Protocol and to provide full protection for children in all circumstances”.<sup>4</sup>

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## Developments

In a November 2006 statement to the UN Security Council, the Norwegian ambassador welcomed the commitment of the Working Group on Children and Armed Conflict to a work plan “that includes consideration of specific situations and regular review of all situations of concern”. Emphasizing the need for “regular and substantive reports by the country level task forces ... followed up by adequate responses and resources”, the ambassador noted that “Norway has already provided support to the reporting and monitoring system through UNICEF”.<sup>5</sup>

In July 2007 the Committee on the Rights of the Child welcomed the proposed reform of the Penal Code which would “introduce as separate criminal offences those crimes which are listed in articles 6, 7, and 8 of the Rome Statute of the International Criminal Court, in particular article 8 ... which criminalizes conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities as a war crime”. The Committee noted particularly that in criminalizing conscripting or enlisting children under the age of 18 for such purposes, the proposed new Penal Code would actually “introduce a higher standard than in the Rome Statute of the International Criminal Court”.<sup>6</sup>

At a February 2007 ministerial meeting in Paris, Norway and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global

consultation jointly sponsored by the French government and UNICEF.

- 1 Initial report of Norway to the UN Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/NOR/1, January 2006.
- 2 Quaker Council for European Affairs, *The Right to Conscientious Objection to Military Service in Europe: A Review of the Current Situation*, April 2005.
- 3 Ministry of Defence, “Norwegian Defence 2006”, www.mod.no.
- 4 Initial report, above note 1; UN Committee on the Rights of the Child, Consideration of report submitted Norway, Concluding observations, UN Doc. CRC/C/OPAC/NOR/CO/1, 6 July 2007.
- 5 “Children Deserve Protection”, Norwegian Statements at the United Nations, 30 November 2006, www.norway-un.org.
- 6 Concluding observations, above note 4.

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## OCCUPIED PALESTINIAN TERRITORY

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### Occupied Palestinian Territory

**Population:** 3.7 million (1.9 million under 18)

**Government armed forces:** not applicable

**Compulsory recruitment age:** none

**Voluntary recruitment age:** 18 (security forces)

**Voting age:** 18

**Treaties ratified:** not applicable

***The Palestinian Authority did not have a system of conscription for the security forces under its control. It officially supported a “straight-18” position for recruitment. Children were reported to have been offered military training by armed Palestinian groups. Older children participated in operations for Islamic Jihad, Fatah and Hamas. No under-18s were known to have participated in suicide bombings from late 2004 to November 2007.***

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### Context

Israeli forces and settlers officially withdrew from the Gaza Strip in August–September 2005, although effective control remained in Israeli hands. Israel’s occupation and confiscation of Palestinian land in the West Bank continued, with 38 per cent of the area out of bounds for the Palestinian population.<sup>1</sup> Hamas won the January 2006 parliamentary elections, but the new government was boycotted by much of the international community, increasing economic and political pressures. Hamas’s victory stoked fighting between the military wings of Fatah and Hamas. On 15 June 2007 Hamas effectively took control of Gaza. Palestinian president and Palestine Liberation Organization (PLO) chairman Mahmoud Abbas then moved to dissolve the Hamas-led government and established an “emergency” government in the West Bank. This effectively created two Palestinian political entities, one in Gaza led by Hamas and one in the West Bank led by Fatah and the PLO.<sup>2</sup> Efforts were under way to reunite the entities in late 2007. Sanctions against the Hamas-led government in Gaza by Israel, the European Union (EU) and the United States (USA) further reduced an already low standard of living.<sup>3</sup>

## Israeli Security Forces

From the start of the intifada (uprising) to early November 2007, Israeli forces were documented as having killed 889 Palestinian children.<sup>4</sup> One hundred and twenty-four children were killed in 2006, mainly during Israel Defense Forces (IDF) operations “Summer Rains” and “Autumn Clouds” in Gaza.<sup>5</sup> This followed an IDF decision to reduce the “safety zone” for artillery batteries to 100 metres away from civilian areas. The decision left no room for error, based on a shell fragmentation range of the same distance.<sup>6</sup> In two incidents in August 2007 the IDF shot and killed five children under 12 in Gaza.<sup>7</sup> It initially claimed that the children were collecting rocket launchers for a militant group.<sup>8</sup> A subsequent IDF inquiry revealed that two of the children were collecting carob fruit and the second group were playing tag.<sup>9</sup>

Curfews and checkpoint closures disrupted children’s access to education. Poor school performance was a key factor in encouraging young people to join militant factions, according to UNICEF.<sup>10</sup> Children were also frequently detained; in early November 2007 an estimated 317 children were held in Israeli prisons. Figures for 2006 showed that 64 per cent of sentences handed down to under-18s were on charges of stone-throwing.<sup>11</sup> The Special Representative of the UN Secretary-General for Children and Armed Conflict stated that stone-throwing and membership of a banned organization (19 per cent of cases) should not lead to incarceration.<sup>12</sup>

On occasion, IDF soldiers were reported to have stood by, or tacitly encouraged Israeli children to engage in hostile behaviour towards Palestinians.<sup>13</sup> As well as recruiting Israeli children (see Israel entry), settlers frequently attacked Palestinian children. Ten children had been killed by settlers since 2000, but no deaths had been reported since 2004.<sup>14</sup> Abductions and non-fatal attacks continued. In 2007 a 13-year-old boy was abducted, beaten and stripped by settlers around Nablus before being dumped.<sup>15</sup>

## Palestinian Authority

### National recruitment legislation and practice

The Palestinian Authority (PA) did not have a system of universal conscription for its security services, which included the Presidential Guard (Force 17), the Preventive Security Force associated with Fatah and the Executive Security Force associated with Hamas.<sup>16</sup> Recruitment for all government service was on a voluntary basis from the age of 18.<sup>17</sup> Article 46 of the Palestinian Child Law of 2004 prohibited the use of children in armed conflicts. The amended Basic Law of 2005 also prohibited the abuse of children.<sup>18</sup>

## Military training and military schools

Training for new recruits to PA forces remained ad hoc. Funding for a new officer training facility and three other training camps in Jericho was received from international donors in 2007.<sup>19</sup> There were no reports of military training in the school system.

## Child recruitment and deployment

The PA condemned the use of under-18s in armed conflict on a number of occasions.<sup>20</sup> Some PA forces were previously understood to have recruited children as young as 16, but no new reports were available.<sup>21</sup> In 2007 the Palestinian Child Planning Unit at the Ministry of Planning told the Child Soldiers Coalition that “there is a strong legal framework prohibiting the use of child soldiers. However, there is no monitoring of these laws nor ability to enforce them.”<sup>22</sup> The effective establishment of two rival government institutions with two separate security services in Gaza and the West Bank in 2007 led to a lack of clarity as to which legal system applied in Gaza.

## Armed groups

Political groups provided parallel services for the Palestinian civilian population. Hamas ran a number of schools, nurseries and clinics for children. These activities were understood to include a component of propaganda.<sup>23</sup> Hamas and Fatah controlled television stations featuring children’s programs. These included political content and some glorification of “martyrdom”.<sup>24</sup>

Fatah and Hamas ran voluntary summer camps for children in Gaza involving ideological training. The convener of one of the Hamas camps in Maghazi refugee camp denied that military training was included.<sup>25</sup> However, anecdotal reports indicated that military training took place during some summer programs in 2007.<sup>26</sup> There was a report that an unnamed group had attempted to enlist older children outside schools in Gaza to take part in paramilitary training.<sup>27</sup>

All the Palestinian armed groups condemned child recruitment in military conflict, most notably in the verbal “code of conduct” of 2002.<sup>28</sup> However, some recruitment had been noted since then, which the groups said was due to mistakes by individuals.<sup>29</sup> Documentation on child recruitment remained limited. The best available indicator was the record of child deaths as a result of direct involvement in the conflict. This figure fell from a high of 22 incidents recorded in 2004 by Defence for Children International-Palestine Section (DCI-Palestine), a non-governmental organization (NGO), to three incidents in 2005. In 2006 there were two incidents, both involving children killed while participating in armed clashes. From January to October 2007 there were no deaths of under-

18s during clashes, although there were three cases where children without any armed group affiliation were killed trying to get across the Israeli border. From 2005 children who were involved in violence on behalf of armed groups were between the ages of 16 and 18. There was no documented evidence of child involvement in suicide bombings after 2004.<sup>30</sup>

From January to July 2007, 28 Palestinian children were killed by Palestinian forces, including in interfactional clashes and misuse of weapons. A further 217 were injured during the same period, compared with 27 deaths and 260 injuries in 2006.<sup>31</sup> After a misfired rocket killed two siblings aged nine and six in August 2007, a Hamas spokesman urged “resistance factions to take all the necessary measures to avoid causing any harm to civilians”.<sup>32</sup>

### **Hamas – Izz al-Din al-Qassam Brigades**

Following strong public declarations in 2002, Hamas leaders reiterated their opposition to the recruitment of children during contacts with the Coalition in 2005 and 2006.<sup>33</sup> A Hebron MP, Dr Samir al-Qadi, said, “We need to respect children’s rights and the right to childhood. Children are sacred to us – bodily, mentally, spiritually”.<sup>34</sup> However, this message was not consistently applied by its military wing, the Izz al-Din al-Qassam Brigades.

In 2005 one older child was reported to have been killed participating in armed action claimed by Hamas, but there had been no documented incidents since that time.<sup>35</sup> However, limited involvement by older children was recorded on the group’s website. It listed six members killed from January 2006 to mid-November 2007 who were aged 15–17 when they joined the armed wing from 2000 to 2004. All were over 18 when they died.<sup>36</sup> In 2007 a local NGO reported that a 13-year-old in Gaza had been assigned to monitor the streets for the group. He said that he was supposed to gather information on drug dealers and collaborators from 8 p.m. to 4 a.m.<sup>37</sup>

### **Fatah – Al-Aqsa Martyrs Brigades and affiliates**

Fatah condemned the use of children by armed groups.<sup>38</sup> Nevertheless, in 2005 there was documented evidence that one older child affiliated with the al-Aqsa Martyrs Brigades was killed in clashes with the Israeli army.<sup>39</sup> No incidents had been recorded on group websites since then, although the fragmentation of Fatah made monitoring difficult.<sup>40</sup> There were unconfirmed media reports that the Fatah-affiliated Tanzim had attempted to recruit children, including an alleged attempt to coerce a 14-year-old in Nablus into a suicide bombing, when he was forced to write his own will.<sup>41</sup>

### **Popular Front for the Liberation of Palestine (PFLP) – Abu Ali Mustafa Brigades**

The PFLP claimed one suicide bombing perpetrated by 16-year-old Umar Abdullah al-Fa’r, in late 2004.<sup>42</sup> Another 16-year-old, Sa’id al-Majdlawi, joined the armed wing and was killed the same year, according to the PFLP’s website.<sup>43</sup> No other cases of child involvement had been recorded since then.

### **Islamic Jihad – Al-Quds Brigades**

Islamic Jihad also criticized the participation of children in armed conflict.<sup>44</sup> However, in contacts with a Coalition member, Islamic Jihad members suggested that children over the age of 15 and a half were adults.<sup>45</sup> In 2005 the group claimed responsibility for an attack on an Israeli settlement during which an older child was killed.<sup>46</sup> Group websites indicated that two adult members of the group killed from January 2006 to mid-November 2007 had been able to join at the age of 15 in 2001. Both were initially involved in lookout and surveillance work.<sup>47</sup> The al-Quds Brigades took part in most of the suicide bombings and rocket attacks on Israel after 2005, during which Israeli and Palestinian children were killed (see also Israel entry).<sup>48</sup>

### **Popular Resistance Committees (PRC) – Al-Nasser Salah al-Din Brigades**

The PRC was primarily made up of former members of other groups.<sup>49</sup> It launched rocket and other attacks on Israeli military targets in recent years. No children were reported to have participated in its operations. However, obituaries on its official website suggest that four adult members who were killed in action from January 2006 to mid-November 2007 had joined the group when they were 17,<sup>50</sup> and another member joined at 15 in 2000.<sup>51</sup>

### **Disarmament, demobilization and reintegration (DDR)**

There were a number of psychological support programs for Palestinian children affected by the conflict. UNICEF had 14 active teams in 2007 carrying out home visits and training, counselling and playground activities.<sup>52</sup> DCI-Palestine, the Gaza Community Mental Health Program and Save the Children-US also ran psychosocial programs. The government did not have rehabilitative services for children who had participated in the conflict.<sup>53</sup> The International Committee of the Red Cross (ICRC) ran international humanitarian law training courses for members of militant groups in Gaza in October–November 2007.<sup>54</sup>

## Developments

Israel and the Occupied Palestinian Territory were noted as situations of concern in the UN Secretary-General's reports to the Security Council on Children and Armed Conflict in February 2005 and October 2006. In 2006 he remarked that the "plight of Palestinian children in the Occupied Palestinian Territory, including East Jerusalem, has become more precarious since the previous reporting period, as the Israeli-Palestinian conflict intensified".<sup>55</sup>

The Special Representative of the Secretary-General for Children and Armed Conflict visited Israel and the Palestinian Territory in April 2007. She urged the need for proper respect of the civilian/combatant distinction in Israeli military actions in the territory. She highlighted settler attacks on Palestinian children in Hebron and al-Tuwami. She also suggested the establishment of independent investigation mechanisms to follow up alleged violations of children's rights.<sup>56</sup>

During the visit President Abbas and the then foreign minister, Abu Amr, agreed "to revive the code of conduct among Palestinian groups not to involve children in political violence, and to engage with UNICEF to devise a plan of action to prevent the use of children in such violence".<sup>57</sup>

\* Titles of non-English language sources have been translated by the Coalition.

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- 3 Colin Urquhart, "Gaza goes hungry as Israeli sanctions bite", *Guardian*, 12 October 2007.
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- 5 UN Report, Visit of the Special Representative for Children and Armed Conflict to the Middle East, UN Doc. OSRSG/CAAC, 9–20 April 2007.
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- 9 Gideon Levy, "Children of war", *Ha'aretz*, 2 September 2007.
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- 11 DCI-Palestine, 5 November 2007, [www.dci-pal.org](http://www.dci-pal.org).
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- 15 Yesh Din, "The fifth attack on a Palestinian passerby in the last two months", 26 July 2007, [www.yesh-din.org](http://www.yesh-din.org).
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- 18 Information from Child Planning Unit, Palestinian Ministry of Planning, 8 November 2007, in response to Coalition questions.
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- 23 Forum on Armed Groups, background paper on Hamas, 4–7 July 2006, at [www.child-soldiers.org](http://www.child-soldiers.org).
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- 27 UN Report, above note 5.
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- 29 Information from Child Planning Unit, above note 18.
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- 32 "Palestinian rocket kills 2 Gaza children: medics", Reuters, 7 August 2007.
- 33 Background paper on Hamas, above note 23.
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- 55 UN Doc. A/59/695-S/2005/72, 9 February 2005; UN Doc. A/61/529-S/2006/826, 26 October 2006.
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- 57 Report of the UN Secretary-General to the Security Council on Children and Armed Conflict, 21 December 2007, UN Doc. A/62/609-S/2007/757.

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## OMAN

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### Sultanate of Oman

**Population:** 2.6 million (1.1 million under 18)

**Government armed forces:** 41,700

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 15 or 18 (see text)

**Voting age:** 21

**Optional Protocol:** acceded 17 September 2004

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182

*There were no reports of under-18s in the armed services.*

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### Government

#### National recruitment legislation and practice

The Basic Law (constitution) of Oman stated that "No institution or group may set up military or paramilitary organizations. The Law regulates military services, general or partial mobilization and the rights, duties and disciplinary rules of the Armed Forces, the public security organizations and any other forces the State decides to establish" (Article 14). Oman stated in its declaration to the Optional Protocol that "the minimum legal age for enlistment in the Ministry of Defence and the Sultan's armed forces is eighteen years; that a birth certificate or a certificate of ascertainment of age from the competent governmental authorities constitutes the precautionary measure for ensuring compliance with that requirement; and that enlistment is optional, not compulsory".<sup>1</sup> However, this appeared to be at variance with Oman's May 2006 Second Periodic Report on the Convention on the Rights of the Child, in which the government stated that children between the ages of 15 and 18 could volunteer for the armed forces. The report said that preference was usually given to those who were oldest, who were considered for "an extremely limited number of branches of the armed forces". The report further stated that "the current law does not permit the direct involvement of children under 15 years of age in any war".<sup>2</sup>

1 Declaration on accession to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).

2 Second periodic report of Oman to the UN Committee on the Rights of the Child, UN Doc. CRC/C/OMN/2, 8 May 2006.



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# PACIFIC ISLANDS

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Republics of Kiribati and Nauru; Cook Islands, Niue, Independent State of Samoa; Republic of the Marshall Islands, Federated States of Micronesia, Republic of Palau; Tuvalu and Republic of Vanuatu (see individual entries for Solomon Islands, Fiji and Tonga)

*Many of the Pacific Islands had no armed forces. Australia, New Zealand or the USA were responsible for defence assistance for eight of them, while Tuvalu and Vanuatu had no such defence arrangements with any state.*

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## REPUBLICS OF KIRIBATI AND NAURU

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**Population:** 113,000 (aggregate)

**Government armed forces:** no armed forces

**Compulsory recruitment age:** not applicable

**Voluntary recruitment age:** not applicable

**Voting age:** Kiribati: 18; Nauru: 20

**Optional Protocol:**

Kiribati: not signed

Nauru: signed 8 September 2000

**Other treaties ratified (see glossary):**

Kiribati: CRC

Nauru: CRC, GC AP I and II, ICC

*No armed forces were maintained by the governments of Kiribati or Nauru.*

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## Government

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### National recruitment legislation and practice

Australia and New Zealand provided defence assistance to Kiribati. Kiribati nationals volunteered in the past to join the UK armed forces, where the minimum age for voluntary recruitment is 16 (see UK entry). Australia was responsible, under an informal agreement, for the defence of Nauru.<sup>1</sup> There was no specific national legislation on children and armed conflict.

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## Developments

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### International standards

Kiribati presented its Initial report to the Committee on the Rights of the Child in August 2005, and the Committee recommended in September 2006 that the government ratify the Optional Protocol.<sup>2</sup> Nauru ratified the Additional

Protocols to the Geneva Conventions in 2006, but had not moved on the ratification of the Optional Protocol.

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## COOK ISLANDS, NIUE, SAMOA

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**Population:** Cook Islands and Samoa 203,000 (aggregate); Niue 1,000

**Government armed forces:** no armed forces

**Compulsory recruitment age:** not applicable

**Voluntary recruitment age:** not applicable

**Voting age:** Cook Islands and Niue: 18; Samoa: 21

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

Cook Islands: CRC, GC AP I and II

Niue: CRC

Samoa: CRC, GC AP I and II, ICC

*No armed forces were maintained by the governments of Cook Islands, Niue and Samoa. Defence was provided by New Zealand.*

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## Government

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### National recruitment legislation and practice

New Zealand defined the relationship with the Cook Islands in August 1965 as “a form of full self-government in free association with New Zealand”, New Zealand having responsibilities for external affairs and defence in consultation with them.<sup>3</sup> The Niue Constitution Act 1974 stated that New Zealand was responsible for external affairs and defence.<sup>4</sup> New Zealand’s 1962 Treaty of Friendship with Samoa brought with it an obligation to consider sympathetically requests for defence assistance.<sup>5</sup>

The New Zealand armed forces administered a Mutual Assistance Programme, which aimed to support the Pacific Patrol Boat operations and the police of several island states in the Pacific, including training in using and securing small arms.<sup>6</sup> Training support was provided to the Cook Islands and Samoan police forces.<sup>7</sup>

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## Developments

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Samoa presented its Initial report to the UN Committee on the Rights of the Child in November 2005, stating that the government had continuously supported UN resolutions on children in armed conflict.<sup>8</sup> The Committee recommended that Samoa ratify the Optional Protocol.<sup>9</sup>

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## REPUBLIC OF THE MARSHALL ISLANDS, FEDERATED STATES OF MICRONESIA, REPUBLIC OF PALAU

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**Population:** 192,000 (aggregate)

**Government armed forces:** no armed forces

**Compulsory recruitment age:** not applicable; no conscription in Marshall Islands during peacetime

**Voluntary recruitment age:** not applicable

**Voting age:** 18

**Optional Protocol:**

Marshall Islands, Palau: not signed

Micronesia: signed 8 May 2002

**Other treaties ratified (see glossary):**

Marshall Islands: CRC, ICC

Micronesia, Palau: CRC, GC AP I and II

*No armed forces were maintained by the governments of the Marshall Islands, Micronesia and Palau. Defence was provided by the USA.*

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## Government

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### National recruitment legislation and practice

The USA maintained a separate Compact of Free Association (COFA) with each state, under which the US government had full authority and responsibility for security and defence in relation to the islands.<sup>10</sup>

The constitution of the Marshall Islands states, “No person shall be conscripted to serve in the armed forces of the Marshall Islands except in time of war or imminent danger of war as certified by the Cabinet, and no person shall be conscripted if ... he has established that he is a conscientious objector to participation in war” (Section 11).

According to the COFA between the USA and the Marshall Islands, no Marshallese citizen was subject to “involuntary induction into military service of the United States as long as such person has resided in the United States for a period of less than one year” (Section 341).<sup>11</sup> A similar provision was made in the USA’s agreement with Micronesia.<sup>12</sup>

It was estimated that hundreds of citizens from the Marshall Islands, Micronesia and Palau continued to serve in all five branches of the US armed forces.<sup>13</sup> At least five soldiers from the Marshall Islands and Palau were killed in combat in Iraq.<sup>14</sup>

No specific legislation on children in armed conflict had been enacted.

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## Developments

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The Marshall Islands presented its Second periodic report to the Committee on the Rights of the Child in December 2004, but failed to appear twice at Committee sessions where the report was to be reviewed.<sup>15</sup>

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## TUVALU AND VANUATU

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**Population:** 221,000 (aggregate)

**Government armed forces:** no armed forces

**Compulsory recruitment age:** not applicable

**Voluntary recruitment age:** not applicable

**Voting age:** 18

**Optional Protocol:**

Tuvalu: not signed

Vanuatu: ratified 27 September 2007

**Other treaties ratified (see glossary):**

Tuvalu: CRC

Vanuatu: CRC, GC AP I and II, ILO 182

*No armed forces were maintained by the governments of Tuvalu or Vanuatu. There were no reports of under-18s in the security or paramilitary forces in Vanuatu.*

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## Context

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On 3 March 2007 serious violence erupted in the outskirts of Port Vila, Vanuatu, involving members of the communities of Tanna and Ambrym Islands living in the capital. According to reports, the violence broke out after residents of Tanna Island claimed that a sorcerer from Ambrym Island had cast a spell that killed a Tanna woman.<sup>16</sup> The government declared a state of emergency on 5 March and scores of Ambrym community members took refuge at the Vanuatu Mobile Force (VMF) camp in Port Vila.<sup>17</sup>

In November 2006, members of the Papuan armed opposition group, the West Papuan National Liberation Army (TPN-PB), appeared to be operating from Port Vila, the Vanuatu capital, where the group’s first national congress was held.<sup>18</sup>

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## Government

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### National recruitment legislation and practice

There were no regular military forces in Vanuatu, and members of the other security forces had to be at least 18 years old. The police force had approximately 500 officers, including a police maritime wing and the paramilitary Vanuatu Mobile Force (VMF).<sup>19</sup>

The police were the only security force in Tuvalu.

There were no specific laws on children in armed conflict.

## Developments

### International standards

Vanuatu ratified the Optional Protocol in September 2007 and in 2006 ratified ILO Convention 182 on the Worst Forms of Child Labour. Its Declaration to the Optional Protocol stated that the minimum age for voluntary recruitment is 18.

- 1 New Zealand Ministry of Foreign Affairs and Trade, *Nauru-Country Information Paper*, [www.mfat.govt.nz](http://www.mfat.govt.nz).
- 2 UN Committee on the Rights of the Child, Consideration of report submitted by Kiribati, Concluding observation, UN Doc. CRC/C/KIR/CO/1, 29 September 2006.
- 3 Government of the Cook Islands, Definitions of the Constitution, Special Relationship with New Zealand, [www.ck.govt.htm](http://www.ck.govt.htm).
- 4 Niue Constitution Act 1974, Analysis, Article 6: External Affairs and Defence, [www.paclii.org](http://www.paclii.org).
- 5 New Zealand Ministry of Defence, Defence Portfolio: Briefing to the Incoming Government 2005, [www.defence.govt.nz](http://www.defence.govt.nz).
- 6 New Zealand Ministry of Defence, Annual Report 2006, Part 1 – Overview, [www.defence.govt.nz](http://www.defence.govt.nz).
- 7 Ibid.
- 8 Initial report of Samoa to the Committee on the Rights of the Child, UN Doc. CRC/C/WSM/1, 16 February 2006.
- 9 UN Committee on the Rights of the Child, Consideration of report submitted by Samoa, Concluding observations, UN Doc. CRC/C/WSM/CO/1, 16 October 2006.
- 10 See [www.fm/jcn/](http://www.fm/jcn/) (Marshall Islands); US Department of State, Background note: Micronesia, [www.state.gov/](http://www.state.gov/); and US Department of State, Background note: Palau, [www.state.gov](http://www.state.gov).
- 11 Republic of the Marshall Islands, Public Law 108-188, 17 December 2003, [www.rmiembassyus.org](http://www.rmiembassyus.org).
- 12 Joint Committee on Compact Economic Negotiations (ICN), Compilation of Agreements between the Government of the Federated States of Micronesia and the Government of the United States related to the Compact of Free Association, Washington, DC, 2002, [www.fm](http://www.fm).
- 13 US Department of the Interior, Office of Insular Affairs, [www.doi.gov/](http://www.doi.gov/) “Islanders in the Military” (Military Highlights).
- 14 Ibid., “Islanders in the Military” (Insular Heroes).
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- 17 “Displaced Ni-Vanuatu get help from France”, *Pacific Islands Report*, 20 March 2007, <http://pidp.eastwestcenter.org>.
- 18 Human Rights Watch (HRW), “Protest and Punishment: Political Prisoners in Papua”, *Human Rights Watch*, Vol. 19, No. 4(C), February 2007.
- 19 US Department of State, Country Reports on Human Rights Practices 2006, Vanuatu, 6 March 2007, [www.state.gov](http://www.state.gov).

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# PAKISTAN

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## Islamic Republic of Pakistan

**Population:** 157.9 million (71.8 million under 18)

**Government armed forces:** 619,000

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 17

**Voting age:** 18<sup>1</sup>

**Optional Protocol:** signed 26 September 2001

**Other treaties ratified (see glossary):**

CRC, ILO 138, ILO 182

*The minimum voluntary recruitment age was 17, but training requirements meant that under-18s did not take part in active service. In a situation of continuing violence and unrest, armed groups, including those carrying out suicide attacks in Afghanistan, continued to recruit and use children.*

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## Context

There were increasing calls for the restoration of democracy and the rule of law and for the withdrawal of the military from politics, particularly following President Musharraf's failed attempt to remove the chief justice of the Supreme Court in March 2007. The government remained reliant on political support from the Islamist political parties.<sup>2</sup>

There was an escalation in violence and unrest in the Federally Administered Tribal Areas (FATA), in the province of Balochistan and in Gilgit-Baltistan, while violence continued in parts of Sindh, Punjab and North West Frontier province (NWFP).<sup>3</sup> In some tribal areas – South and North Waziristan in particular – the government reached “peace” agreements with pro-Taliban insurgents which effectively allowed them sanctuary and to set up quasi-governmental structures, collect taxes, impose their “penal code” and exercise quasi-judicial functions.<sup>4</sup>

Armed groups seeking secession of parts of Jammu and Kashmir from India to Pakistan continued to be active in Pakistan-administered Kashmir (known as Azad Kashmir), although less overtly and in fewer numbers.<sup>5</sup>

The government took some steps to address religious radicalism, particularly after bomb attacks in the United Kingdom in July 2005 by bombers, some of whom had spent time in Pakistani madrasas (Islamic religious schools). Hundreds of members of religious groups and religious school students were arrested, and the government announced that all foreign students at religious schools would be expelled and that such schools needed to register. However, after

protests by religious groups these directions were not fully implemented.<sup>6</sup> In July 2007 government forces stormed the Lal Masjid (Red Mosque) madrasa complex in Islamabad which had been taken over by militants seeking to impose sharia law in the city.<sup>7</sup>

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## Government

### National recruitment legislation and practice

The 1952 Pakistan Army Act allowed compulsory military service to be introduced in times of emergency, but this provision had not been used. Under Article 39 of the 1973 constitution, “The State shall enable people from all parts of Pakistan to participate in the Armed Forces of Pakistan.” The Pakistan National Service Ordinance of 1970 stated that officers and jawans (soldiers) could be recruited between the ages of 17 and 23, and had to have at least a year's training before taking part in active service.<sup>8</sup>

Candidates for a regular commission in the Pakistan Army could apply from the age of 17. Officer recruits received two years' training at the Pakistan Military Academy (PMA) in Abbotabad, while ordinary soldiers received around one year's training. Recruitment information indicated that the authorities would lower the minimum age requirement by between three and six months in “special deserving cases”.<sup>9</sup> Statistics on the number of under-18s serving in government armed forces were not available.

### Military training and military schools

A number of cadet colleges admitted children from the age of ten, but pupils could choose whether or not to join the armed forces after completing their schooling. The majority of graduates from the Military College, Jhelum, a residential school and college educating around 500 cadets and run by the Pakistan Army, entered the PMA.<sup>10</sup> The Military College and cadet schools were reported to attract students because of the high quality of education that they offered.<sup>11</sup>

### Children in the justice system

In December 2004 the Lahore High Court revoked the Juvenile Justice System Ordinance (JJSO) 2000 which established certain protections for children within the criminal justice process, including defining a child as a person below 18 years of age; providing for special juvenile courts; regulating arrest, bail and probation; and prohibiting the death penalty and the use of fetters and handcuffs. The Lahore High Court held that the JJSO unduly privileged juveniles and argued that it was necessary to retain the death penalty for juveniles in order to deter crime. Although the JJSO was temporarily reinstated while an appeal remained pending as of mid-

2007, the JJSO remained largely unimplemented. As a result children continued to be treated on a par with adults within the criminal justice system<sup>12</sup> and subjected to widespread abuses in detention,<sup>13</sup> and continued to be sentenced to death and executed.<sup>14</sup>

## Armed groups

The Taliban and other armed groups such as Hizb-e Islami and al-Qaeda were widely believed to be active in the tribal areas of Pakistan, regrouping and rearming, and a few thousand non-Pakistani insurgents were believed to be operating in these areas.<sup>15</sup> The government continued to deny allegations that it or its intelligence services (the Inter-Services Intelligence, ISI) were providing direct support to the Taliban. There were, however, credible allegations that in Waziristan and other border areas Pakistani and Afghan Taliban leaders were training suicide bombers for operations in Afghanistan.<sup>16</sup> A UN report in September 2007 found that Pakistan remained an important source of human and material assistance for the insurgency in Afghanistan generally and suicide attacks in particular.<sup>17</sup> Those trained for suicide attacks included children (see below).

Madrasas served as an alternative to the failing public school system in many areas for those unable to afford private education, and also attracted those seeking religious instruction for their children. Many madrasas failed to provide an adequate education, focusing solely on Islamic studies, and there was no regulation or oversight of the education given in numerous unregistered madrasas. Some madrasas reportedly continued to promote religious radicalism and violence, and were used for military training, although madrasas were not the sole recruiting grounds for insurgents and the majority were not involved in militancy.<sup>18</sup>

There were reports that in Pakistan-administered Kashmir, following the October 2005 earthquake, some armed groups were involved in establishing schools, and anecdotal evidence that they were recruiting children.<sup>19</sup>

In July 2007 it was reported that a 14-year-old boy was returned to his family in Pakistan after being recruited from a madrasa in South Waziristan, trained and sent over the border to carry out a suicide attack on a provincial governor in Afghanistan, where he was detained by security forces before he could carry out the attack. The boy reportedly alleged that at least two other boys from his madrasa had been indoctrinated to carry out suicide attacks.<sup>20</sup> Another report indicated that in towns on the edge of Pakistan's tribal belt children aged between 11 and 15 were being recruited from schools by pro-Taliban insurgents and trained in Afghanistan as suicide bombers. Young boys were reported to have been lured by the promise

of adventure and sacrifice, but reports also indicated that there was a degree of coercion and that parents and teachers feared retaliation if they prevented children from going.<sup>21</sup>

One suicide attack by a child took place in Pakistan. In September 2007 it was reported that a suicide bomber aged about 15 or 16 had blown himself up in the town of Dera Ismail Khan in NWFP, killing himself and 17 others, in the context of a wave of attacks by pro-Taliban militants in the area following the July 2007 siege of the Lal Masjid.<sup>22</sup>

A number of children were caught up in the siege of the Lal Masjid. Many were young girls and boys who were students at the two madrasas associated with the Lal Masjid. Those carrying and using weapons were reported to be students over the age of 18.<sup>23</sup>

In July 2007 a national child rights organization expressed concern about the recruitment and training of children and their training and preparation for military action and conflict. In urging the government to ratify the Optional Protocol and take action to protect children from recruitment it referred to unconfirmed reports of the involvement of children as young as 15 in political violence in Karachi in May 2007, as well as at the Lal Masjid in Islamabad in July 2007.<sup>24</sup>

There were unconfirmed reports that armed Baloch nationalist groups and tribal leaders were using children as young as 14 in the ongoing low-level insurgency in Balochistan.<sup>25</sup>

## Disarmament, demobilization and reintegration (DDR)

There were no government programs for the disarmament, demobilization and reintegration of children involved in armed conflict, despite the recommendation which the UN Committee on the Rights of the Child made to the Pakistan government in October 2003, that it develop in collaboration with non-governmental organizations and international organizations a comprehensive system for the reintegration and recovery of children who had participated in hostilities.<sup>26</sup>

## International standards

Pakistan ratified the ILO Minimum Age Convention 138 in July 2006.

- 1 Constitution, Article 106, as amended in 2002.
- 2 International Crisis Group (ICG), "Elections, democracy and stability in Pakistan", Asia Report No. 137, July 2007.
- 3 South Asia Terrorism Portal, Pakistan Assessment 2006, [www.satp.org](http://www.satp.org).
- 4 *Amnesty International Report 2007*.

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- 8 Second periodic report of Pakistan to the UN Committee on the Rights of the Child, UN Doc. CRC/C/65/Add.21, 11 April 2003.
- 9 Pakistan Army, www.joinpakarmy.gov.pk/index.php.
- 10 Military College Jhelum, www.militarycollege.edu.pk.
- 11 Confidential source.
- 12 Amnesty International (AI), “Pakistan: Protection of juveniles in the criminal justice system remains inadequate” (ASA 33/021/2005), October 2005.
- 13 “Tragedy of Pakistan’s prison children”, BBC News, 6 November 2006.
- 14 *Amnesty International Report 2007*.
- 15 ICG, *Pakistan’s tribal areas: Appeasing the militants*, Asia Report No. 125, 11 December 2006.
- 16 HRW, *The Human Cost: The Consequences of Insurgent Attacks in Afghanistan*, April 2007.
- 17 UN Assistance Mission in Afghanistan (UNAMA), *Suicide Attacks in Afghanistan (2001–2007)*, September 2007.
- 18 US Department of State, *Country Reports on Human Rights Practices 2006*. See also C. Christine Fair, “Militant recruitment in Pakistan: a new look at the militancy–madrasah connection”, *Asia Policy*, No. 4, July 2007, <http://asiapolicy.nbr.org>.
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- 23 Confidential source, August 2007.
- 24 Society for the Protection of the Rights of the Child, “Ratification of Convention on Child Rights Sought”, news release, 24 July 2007, www.sparcpk.org.
- 25 Confidential source, above note 23.
- 26 Committee on the Rights of the Child, Consideration of second periodic report submitted by Pakistan, Concluding observations, UN Doc. CRC/C/15/Add.217, 27 October 2003.

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## PANAMA

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### Republic of Panama

**Population:** 3.2 million (1.2 million under 18)

**Government armed forces:** no armed forces

**Compulsory recruitment age:** not applicable

**Voluntary recruitment age:** not applicable

**Voting age:** 18

**Optional Protocol:** ratified 8 August 2001

**Other treaties ratified (see glossary):**  
CRC, GC AP I and II, ICC, ILO 138, ILO 182

***There were no armed forces. The minimum age for recruitment to the police was 18, but cadets could enter police training at 17.***

### Government

#### National recruitment legislation and practice

Since the abolition of the armed forces in 1990, security and law enforcement had been the responsibility of the police and the National Air and Maritime Services under the control of the Ministry of Government and Justice.<sup>1</sup> Police cadets received instruction at the Police Academy, the Police Training and Specialization Centre, and the Superior Studies Centre. Candidates for the Police Academy had to be aged 18–25 and have three years’ secondary education. Candidates for the Superior Studies Centre had to be aged 17–22 and single, and to have completed secondary-school.<sup>2</sup>

#### Developments

Every month hundreds of Colombians, including children, sought asylum in Panama from violence and recruitment by armed opposition groups in Colombia; large numbers were turned away.<sup>3</sup> An estimated 200 were given refugee status.<sup>4</sup> A further 900 were given temporary protection on humanitarian grounds, but humanitarian organizations criticized their lack both of freedom to work and of freedom of movement.<sup>5</sup> In September 2007 the National Refugee Office (Oficina Nacional para la Atención de los Refugiados, ONPAR) announced that over 400 refugees living in the country for more than 15 years would be granted permanent residency permits, and that ONPAR was establishing a commission to look at the situation of more than 800 displaced Colombians, including those who might wish to opt for voluntary repatriation, in the border province of Darién.<sup>5</sup>

In June 2004 the UN Committee on the Rights of the Child recommended that, with regard to Colombians under temporary protection, Panama

facilitate the naturalization of their children born in Panama, and revise its practice of restricting their freedom of movement, especially in the case of young people. The Committee also called on Panama, in those cases where families could be deported without breaching international human rights or refugee law, to avoid separating children from their parents.<sup>7</sup>

- 1 Facultad Latinoamericana de Ciencias Sociales (FLACSO), Programa Seguridad y Ciudadanía, *Reporte del Sector Seguridad en América Latina y el Caribe, Informe Nacional: Panama*, August 2006, [www.flacso.cl](http://www.flacso.cl).
- 2 Inscripción a la Academia de Policía Presidente Belisario Porras, Inscripción al Centro de Enseñanza Superior Doctor Justo Arosemena, [www.panamatramita.gob.pa](http://www.panamatramita.gob.pa).
- 3 Jesuit Refugee Service, “Panama: immigration policy tightened”, 31 July 2006, and “Panamá: aumenta la xenofobia contra inmigrantes y refugiados”, 7 May 2007, [www.jrs.net](http://www.jrs.net).
- 4 “Jesuitas censarán a refugiados de Curundú”, *La Prensa*, 3 January 2006, <http://mensual.prensa.com>.
- 5 UN news service, “Panamá otorga estatus de refugiados a 42 indígenas colombianos”, reporta ACNUR”, 15 December 2006, [www.un.org/spanish/News](http://www.un.org/spanish/News); Jesuit Refugee Service, “Panamá: la legislación para los refugiados no se adapta a la ley internacional”, 5 February 2007.
- 6 Jesuit Refugee Service, “Panama: some refugees get rights, others must wait”, 14 September 2007.
- 7 UN Committee on the Rights of the Child, Consideration of second periodic report submitted by Panama, Concluding observations, UN Doc. CRC/C/15/Add.233, 30 June 2004.

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## PAPUA NEW GUINEA

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### Papua New Guinea

**Population:** 5.9 million (2.8 million under 18)  
**Government armed forces:** 3,100  
**Compulsory recruitment age:** no conscription  
**Voluntary recruitment age:** 16  
**Voting age:** 18  
**Optional Protocol:** not signed  
**Other treaties ratified (see glossary):**  
CRC, ILO 138, ILO 182

***The minimum age for voluntary recruitment into the armed forces was 16. In practice, there were no reports of under-18s being recruited.***

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### Context

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Following the end of a nine-year secessionist conflict in 1997, and the withdrawal of Papua New Guinea troops from the island province of North Solomons (known as Bougainville) in 2003, the Papua New Guinea government approved a constitution for the Autonomous Region of Bougainville in December 2004.

In May 2005 the UN Observer Mission on Bougainville (UNOMB) declared the weapons disposal program provided for in the 2001 Bougainville Peace Agreement to be complete and verified the situation as conducive to holding elections, which took place in May–June 2005. The first Bougainville president and Autonomous Bougainville government were sworn into office in June 2005. The peace agreement also provided for a referendum on the province’s independence to be held after 10–15 years.<sup>1</sup>

There were high levels of violent crime across the country, and a state of emergency was declared in August 2006 in the Southern Highlands. In Bougainville there were reports that former combatants who had remained outside the peace process had rearmed, contributing to the high level of gun crime on the island.<sup>2</sup>

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### Government

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#### National recruitment legislation and practice

The 1974 Defence Act, which provided the legal basis for voluntary recruitment, stated that a person aged 16 or 17 could be enlisted, but not without “the written consent of his parents or guardians or, where the parents or guardians are dead or unknown, or where it is unreasonable in all the circumstances that their consent be

obtained, of a Provincial Administrator". A person under 16 years of age could not be enlisted (Article 30). Members of the armed forces under 18 could be exempted from military discipline if this was provided for by regulations or defence council orders (Schedule 1.C3). There were no provisions to protect under-18s from involvement in hostilities. The Defence Act also established a reserve force, consisting of volunteers discharged or transferred from the regular force, or persons enlisted directly into the reserves (Article 14). In times of war or "defence stand by" the head of state could order the whole or any part of the reserve force to be on continuous full-time military service (Article 41).<sup>3</sup>

Although there was no conscription, in the 1975 constitution's prohibition of forced labour there was a specific exclusion from this of "labour of a reasonable amount and kind (including in the case of compulsory military service, labour required as an alternative to such service in the case of a person who has conscientious objections to military service) that is required in the national interest" (Article 43).

### Child recruitment and deployment

There were no reports of under-18s being recruited in practice into the military. Current military policy was to recruit only those with a certificate of completion of school grade 12, and hence over 18.<sup>4</sup> It was not known whether this practice was reflected in any updated legislation, defence council orders or other military regulations.

## Disarmament, demobilization and reintegration (DDR)

Efforts for the rehabilitation of former combatants, including child soldiers, continued in Bougainville province. After UNOMB withdrew, UNICEF increased its presence in Bougainville in order to help improve the situation of women and children. Many UNICEF-supported programs were designed to contribute to the reintegration of ex-combatants and reduce the likelihood of further armed conflict.<sup>5</sup> The UN Development Programme (UNDP) was implementing the Bougainville Planning and Community Support Project in co-operation with the Autonomous Bougainville government, the Papua New Guinea government and other agencies and non-governmental organizations. The project included support for establishment of a youth network, and promotion of human rights awareness and enhancement of conflict resolution skills through training in civic education, human rights, conflict resolution and trauma healing.<sup>6</sup> During the Bougainville conflict, thousands of young men and children as young as 14, had been deployed to fight by the Bougainville Revolutionary Army or in front line

positions by the "resistance force" established by the Papua New Guinea military.<sup>7</sup>

## Developments

Human rights organizations continued to criticize severely the treatment of under-18s by law enforcement officials, in particular ongoing patterns of beatings, rape and torture in police custody. Although some progress was made in establishing a juvenile justice system, there was yet to be a demonstrable change in police treatment of children.<sup>8</sup>

New child protection legislation was drafted. In 2007 a submission was being drafted by the Minister for Community Development to recommend ratification of the Optional Protocol.<sup>9</sup>

- 1 Australian Government Department of Foreign Affairs and Trade, Bougainville Peace Process, [www.dfat.gov.au/](http://www.dfat.gov.au/).
- 2 *Amnesty International Report 2007*.
- 3 Defence Act, 1974.
- 4 Confidential Child Soldiers Coalition correspondence, June 2007.
- 5 Confidential source, October 2007.
- 6 UNDP, Bougainville Rehabilitation and Reconstruction and Development, [www.undp.org/pg/](http://www.undp.org/pg/).
- 7 Initial report of Papua New Guinea to UN Committee on the Rights of the Child, UN Doc. CRC/C/28/Add.20, 21 July 2003.
- 8 Human Rights Watch, "Still making their own rules: Ongoing impunity for police beatings, rape, and torture in Papua New Guinea", 30 October 2006.
- 9 Confidential source, above note 5.



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# PARAGUAY

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## Republic of Paraguay

**Population:** 6.2 million (2.7 million under 18)

**Government armed forces:** 10,100

**Compulsory recruitment age:** 17

**Voluntary recruitment age:** no legal minimum age (see text)

**Voting age:** 18

**Optional Protocol:** ratified 27 September 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***Following continued public and international pressure about recruitment of children, by 2007 under-18s were no longer allowed to volunteer for military or pre-military service.***

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## Government

### National recruitment legislation and practice

The armed forces were mainly conscripted.<sup>1</sup> Military law required the recruitment of all males the year they turned 18, thus allowing the conscription of 17-year-olds.<sup>2</sup> Conscientious objectors, disabled people, people belonging to indigenous communities and Catholic priests were not required to do military service.<sup>3</sup> In times of armed conflict all citizens could be conscripted; special forces could also be mobilized for specific missions.<sup>4</sup> Women could be conscripted, but only in support functions.<sup>5</sup>

Conditions of service for conscripts were extremely poor, with very strict disciplinary regimes. Between 1989 and 2005 more than 110 conscripts aged between 12 and 20 had died during compulsory military service, mostly as a result of ill-treatment or firearms accidents.<sup>6</sup> A former conscript who had spent his military service at the Mariscal Estigarribia military base in Chaco was found in the jungle in 2006, suffering from severe malnutrition and psychological problems because of the service conditions.<sup>7</sup>

In November 2006 the UN Special Rapporteur on torture expressed concern about the beating and *descuereio* of conscripts, a form of systematic bullying which involved forcing individuals to carry out extreme forms of exercise as punishment. He also expressed concern that there had been no convictions for torture after the new penal code entered into force in 1999, and that torture was not criminalized in the military criminal code.<sup>8</sup>

Numerous cases of soldiers, including under-18s, who had died in service over the years

were under investigation before the national courts, but no progress had been made in the investigations. By October 2007 the government, working with the armed forces, the police and non-governmental organizations (NGOs), had reportedly identified over 250 such cases.<sup>9</sup>

### Military training and military schools

Each branch of the armed forces had its own training and specialist schools.<sup>10</sup> Military schools, which were entirely under military control, accepted children as young as 12. Little information was available as to the education provided, the disciplinary regime or the punishments that students might be subjected to.<sup>11</sup>

There were several such schools, including the Mariscal Solano López Military Academy for officer training and the Mariscal Estigarribia military school for the instruction of non-commissioned officers (NCOs).<sup>12</sup> Six new NCO schools had been opened throughout the country by 2005.<sup>13</sup>

Until 2006 secondary-school students wishing to bring forward their military service could attend four-week courses once a year for three years at the Students' Military Instruction Centre for Reserve Officers (Centro de Instrucción Militar para Estudiantes de Formación de Oficiales de Reserva, CIMEFOR). The first two periods were compulsory and the third year was optional. Cimeforistas, as cadets were known, received instruction in the use of firearms and physical and academic instruction.<sup>14</sup>

On 24 June 2005, 18-year-old Darío González, a third-year student at the NCO Military College in Encarnación, died of a gunshot wound to the head, the third such case at the institution. In July René González, also aged 18, a student at the NCO Military School in Dimabel, attempted suicide. No investigation had been carried out in either case.<sup>15</sup>

### Child recruitment and deployment

The law allowed under-18s to bring forward their enlistment, but no minimum conditions were set. Only a children's court could grant an under-18 permission to bring forward his military service. Administrative sanctions were provided for those recruiting under-18s without this authorization, but were not enforced. Recruits under 18 were automatically deemed to have reached the age of majority once they joined the armed forces, and were then bound by military law and discipline.<sup>16</sup>

Forced recruitment of children between 12 and 17 was very common. Military trucks travelled to communities and children were taken away following false promises of education, food and health care.<sup>17</sup> Parents were often pressurized or coerced into signing authorizations allowing their children to be conscripted, although these authorizations had no legal standing.<sup>18</sup> The lack

of registration at birth facilitated this practice: around 22 per cent of all under-18s in Paraguay were not registered at birth and so had no legal papers.<sup>19</sup>

In all, around 60 per cent of recruits in military units were reportedly under 18. In 2005 three young indigenous recruits were found at the Engineering Command in Asunción, and four others at Cavalry Regiment No. 4, in Salto del Guará, even though by law members of indigenous communities were exempt from conscription.<sup>20</sup> The Inter-institutional Commission for Visiting Military Quarters (Comisión Interinstitucional de Visita a Cuarteles), established in 2001,<sup>21</sup> visited 40 military units in March 2005 and found 168 under-18 conscripts, most of whom had been forcibly recruited. Some conscripts were used as forced labour in unpaid jobs for the benefit of their superior officers.<sup>22</sup>

Regulations were modified in 2005 to allow only those who were 18 or older to join active service, but for a year or more military authorities continued to recruit children as Cimeforistas, using a Supreme Court decree that allowed such recruitment with parental consent.<sup>23</sup>

In April 2006 the UN Human Rights Committee expressed concern about the persistence of recruitment of children, especially in rural areas, and called for it to be abolished and for all complaints of ill-treatment and deaths of conscripts to be investigated and compensation awarded to the victims.<sup>24</sup>

In March 2006 Paraguay replaced its original declaration on ratifying the Optional Protocol, which had stated that 16 was the minimum age for voluntary recruitment,<sup>25</sup> with a declaration stating that the minimum age for recruitment into the armed forces was 18.<sup>26</sup> Legislation to give effect to this change was pending before Congress in mid-2007.<sup>27</sup>

In June 2006 government authorities publicly recognized their responsibility in, and apologized for, the deaths of Gerardo Vargas Areco and Víctor Hugo Maciel Alcaráz, two recruits under 18, who died during military service in 1989 and 1995 respectively. The apology followed complaints presented by NGOs before the Inter-American Commission on Human Rights.<sup>28</sup>

In January 2007 the commander of the armed forces dismissed from the armed forces all cadets under 18 following an outcry by NGOs when 16-year-old Víctor José Coronel, a Cimeforista at the Luque Air Force unit, was hospitalized following severe physical and psychological abuse, reportedly at the hands of his superiors.<sup>29</sup> Also in January 2007 the appeals court issued a ruling that under-18s could not be recruited to CIMEFOR.<sup>30</sup>

In October 2007 a case of human rights violations against two conscripts who were 14 at the time of their recruitment in 1997 was still pending before the Inter-American Commission on Human Rights.<sup>31</sup>

## Developments

### Neighbourhood security commissions

Neighbourhood security commissions (*comisiones vecinales de seguridad ciudadana*) were set up in some of the poorest parts of the country, with the support of the Ministry of the Interior and in direct communication with the police, as part of the 2005 government-initiated Safe Paraguay Plan. The commissions had over 13,000 members, equipped with mobile phones and weapons, in three departments – Caaguazú, Canindeyú and San Pedro.<sup>32</sup> According to reports, these commissions were increasingly involved in illegal detentions, death threats, house raids, killings and attempted killings, and torture and ill-treatment.<sup>33</sup> They also offered protection to drugs traffickers and cigarette smugglers. In July 2006 peasant leader Luis Martínez, from the Kamba community in Rembé, San Pedro Department, and a member of a peasant association critical of the commissions, died after being shot over 40 times, reportedly by members of a neighbourhood security commission.<sup>34</sup> Several families from Rembé left their homes after receiving death threats. Investigations into the killing were stalled and by December 2006 an alleged perpetrator had not been arrested.<sup>35</sup>

- 1 Facultad Latinoamericana de Ciencias Sociales (FLACSO), Programa Seguridad y Ciudadanía, *Reporte del Sector Seguridad en América Latina y el Caribe, Informe Nacional: Paraguay*, August 2006, [www.flacso.cl](http://www.flacso.cl).
- 2 Orlando Castillo, “Las Fuerzas Armadas”, *Derechos Humanos en Paraguay* 2005, Codehupy, December 2005, <http://www.codehupy.org>.
- 3 CODEHUPY, *Informe alternativo de CODEHUPY al Segundo Informe Periódico del Estado de Paraguay (ICCP)*, 2005, at [www.omct.org](http://www.omct.org).
- 4 Ley Nº 216, de Organización General de la Fuerzas Armadas de la Nación, 9 July 1993, [www.senado.gov.py](http://www.senado.gov.py).
- 5 CODEHUPY, above note 3.
- 6 *Ibid.*
- 7 Vidal Acevedo, Orlando Castillo and Ricardo Yamil Dereene, “Una de cal y otra de arena: un reconocimiento importante a los derechos humanos, pero también significativo aumento presupuestario a militares”, *Derechos Humanos en Paraguay 2006*, CODEHUPY, December 2006.
- 8 UN Press Release, “Special Rapporteur on Torture ends mission to Paraguay”, 29 November 2006, [www.ohchr.org](http://www.ohchr.org).
- 9 Information from confidential source, November 2007.
- 10 FLACSO, above note 1.
- 11 Castillo, above note 2.
- 12 Ejército Paraguayo, ORBAT, [www.saorbats.com.ar](http://www.saorbats.com.ar).

- 13 Plan Nacional de Seguridad Pública “Paraguay Seguro”, [www.stp.gov.py](http://www.stp.gov.py).
- 14 Cimefor Ejército, [www.defensanacional.cc/images/Cimefor01.doc](http://www.defensanacional.cc/images/Cimefor01.doc).
- 15 María Noguera and Andrés Vázquez, “Continúan prácticas de malos tratos, tortura y reclutamiento forzado”, *Derechos Humanos en Paraguay 2005*, CODEHUPY, December 2005.
- 16 CODEHUPY, above note 3.
- 17 Asociación de Familiares de Víctimas del Servicio Militar Obligatorio (AFAVISEM), “Niños y Adolescentes en Cuarteles: Una realidad en Paraguay”, 10 January 2006, [www.vivaparaguay.com](http://www.vivaparaguay.com).
- 18 CODEHUPY, above note 3.
- 19 UNICEF Paraguay, Situación de la infancia en Paraguay, undated, [www.unicef.org/paraguay/spanish/children\\_2699.htm](http://www.unicef.org/paraguay/spanish/children_2699.htm).
- 20 Noguera and Vázquez, above note 15.
- 21 See *Child Soldiers: Global Report 2004*.
- 22 CODEHUPY, above note 3.
- 23 Information from Amnesty International (AI) Paraguay, June 2007.
- 24 UN Human Rights Committee, Consideration of second periodic report submitted by Paraguay, Concluding observations, UN Doc. CCPR/C/PRY/CO/2, 24 April 2006.
- 25 See *Child Soldiers*, above note 21.
- 26 Amended declaration, [www2.ohchr.org](http://www2.ohchr.org). See also Centro por la Justicia y el Derecho Internacional (CEJIL), “Paraguay pide perdón público por el reclutamiento ilegal y muerte de dos niños mientras realizaban el servicio militar obligatorio”, 20 June 2006, [www.cejil.org](http://www.cejil.org).
- 27 Government communication to Coalition, July 2007.
- 28 Corte Interamericana de Derechos Humanos, Acuerdo de Solución Amistosa, Caso Nº 11607, *Victor Hugo Maciel v. Paraguay*, in *Gaceta Oficial de la República del Paraguay*, 19 May 2006, [www.corteidh.or.cr/docs/casos/vargas/Escrito2.pdf](http://www.corteidh.or.cr/docs/casos/vargas/Escrito2.pdf); *Caso Vargas Areco v. Paraguay*, Sentencia, 26 September 2006, [www.corteidh.or.cr](http://www.corteidh.or.cr). See also Acevedo, Castillo and Yamil Derene, above note 7.
- 29 “Juez rechazó reincorporación de los menores al Cimefor”, *La Nación*, 19 January 2007, [www.lanacion.com.py](http://www.lanacion.com.py); “Otra víctima más del servicio militar”, Movimiento de Objeción de Conciencia, Paraguay, 9 January 2007, <http://moc-py.cabichui.org>.
- 30 Corte Suprema de Justicia, “Cámara rechazó apelación promovida por padres de menores”, 30 January 2007, [www.pj.gov.py](http://www.pj.gov.py).
- 31 Comisión Interamericana de Derechos Humanos, Informe Nº 82/03, Petición 12.330, Admisibilidad – Marcelino Gómez Paredes y Cristián Ariel Núñez, 22 October 2003, [www.cidh.oas.org](http://www.cidh.oas.org).
- 32 Acevedo, Castillo and Yamil Derene, above note 7.
- 33 Juan Martens and Roque Orrego, “De la constancia de las violaciones a la legalidad penal, a la ilegalidad paraestatal de la mano de comisiones vecinales de ‘seguridad ciudadana’”, *Derechos Humanos en Paraguay 2006*, CODEHUPY, December 2006.
- 34 Acevedo, Castillo and Yamil Derene, above note 7.
- 35 Martens and Orrego, above note 33.

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# PERU

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## Republic of Peru

**Population:** 28.0 million (10.7 million under 18)

**Government armed forces:** 80,000

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18 (16 as cadets)

**Voting age:** 18

**Optional Protocol:** ratified 8 May 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

**Although there was no evidence of children serving in the armed forces, in some indigenous areas children from the age of 12 served in self-defence committees.**

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## Government

### National recruitment legislation and practice

The Congressional National Defence Commission was considering a new military service law in late 2006.<sup>1</sup> In September 2006 it was proposed in the Congress that compulsory military service, which had been dropped in 1999,<sup>2</sup> be reinstated, since the number of voluntary recruits was falling.<sup>3</sup> It was also proposed to reinstate compulsory pre-military education in all secondary-schools to “promote in students their love and respect for national values [and] the protection of [Peru’s] interests in order to raise better citizens”.<sup>4</sup> The proposals were still before the Congress in October 2007.

According to the Law on Voluntary Military Service, men and women aged 17–45 had a duty to do military service and had to register with military authorities the year they turned 17. Forcible recruitment was prohibited.

After registering, those volunteering to do military service joined active service units at 18, while all the others went into the reserves, although certain groups were exempted. If quotas were not filled with volunteers, the executive could order the conscription of other individuals from the military register. Service was for a maximum of 24 months. Those choosing to stay on longer signed a renewable two-year contract and could join the non-commissioned officer hierarchy after four years. Students in military and police schools who had spent at least one year at school were considered to have fulfilled their military duty.<sup>5</sup>

### Military training and military schools

In April 2004 the Ministry of Defence introduced education in international humanitarian law for all military personnel.<sup>6</sup> Each branch of the armed

forces was responsible for its own schools and entry was by selection. Officer and NCO cadets were on average between 16 and 21.<sup>7</sup>

The selection procedure for entry into the army’s Military School at Chorrillos included extensive tests as well as a home visit and an interview. Candidates had to pay around US\$130 to register.<sup>8</sup> On graduating, officers received the rank of second lieutenant.<sup>9</sup> Candidates for the Army Technical School (Escuela Técnica del Ejército) had to have completed the fifth year of secondary education and be at least 16 years old.<sup>10</sup>

Navy School graduates were given the rank of naval second lieutenant (*alférez de fragata de comando*) and a degree in naval-maritime sciences. The Navy Recruits School (Escuela de Reclutas) trained recruits in military, technical and general subjects and offered them a vocational diploma.<sup>11</sup>

The air force had five training centres and schools, including the Officers’ School (Escuela de Oficiales de la Fuerza Aerea del Perú), where cadets could choose to specialize in one of 11 areas, such as flying, special operations and aerial defence.<sup>12</sup>

Military secondary-schools accepted children from the age of 13. Candidates and parents had to sign an honour pledge (*compromiso de honor*) on application.<sup>13</sup> The Army Intelligence School (Escuela de Inteligencia del Ejército) offered short courses on self-defence to children between seven and 15 and prepared candidates for entry into military schools.<sup>14</sup>

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## Armed groups

### Comités de autodefensa

Self-defence committees, which had emerged during the 1980s as a response by small communities to the internal armed conflict, continued to operate. In 1991 Legislative Decree 740 allowed peasant *rondas* (self-defence groups) to carry weapons, while Legislative Decree 741 standardized their name as *comités de autodefensa* (CADs).<sup>15</sup>

Article 88 of the decree regulating the Law on Military Service (Supreme Decree 004-DE-SG) established that CADs were recognized rural or urban organizations freely and spontaneously constituted, authorized to carry out self-defence activities to counter crime, to stop terrorist and drug trafficking activities and to defend themselves against irregular groups. They also supported the armed forces and the police in the development and “pacification” of their regions. Those wishing to do active military service in a self-defence committee had to be aged 18–30 and serve in their own community for a period of two years. Volunteers received a stipend, land, priority to receive agricultural or other credits and

preferential conditions for entry into military or police schools.<sup>16</sup>

In November 2005 members of an international non-governmental organization visited several indigenous communities near the Ene River in Ayacucho, where they found children as young as 15 taking part in CADs. Community leaders interviewed stated that everyone aged 12–60 was expected to defend their village in case of attack by armed groups, drug traffickers or illegal woodcutters.<sup>17</sup> The Truth and Reconciliation Commission reported that these groups remained in existence for fear of a return of armed opposition groups such as Sendero Luminoso, but that such fears were in most cases unjustifiable.<sup>18</sup>

## Developments

At a February 2007 ministerial meeting in Paris, Peru and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

- 1 Instituto de Defensa Legal, “Editorial”, *En la Mira: Boletín de Seguridad y Defensa*, No. 37, Jan–March 2007, [www.defensaidl.org.pe](http://www.defensaidl.org.pe).
- 2 See *Child Soldiers: Global Report 2004*.
- 3 Congreso de la República, Proyecto de Ley 275/2006-CR, Que modifica los artículos 31,34, 45 y 49 e incorpora el artículo 49a de la Ley No 27178, Ley del Servicio Militar, 18 September 2006.
- 4 Congreso de la República, Proyecto de Ley 223/2006-CR, Que propone restituir en la curricula educativa la instrucción premilitar en los centros de educación de nivel primaria y secundaria de todo el país, 15 September 2006, [www.defensaidl.org.pe](http://www.defensaidl.org.pe).
- 5 Dirección de Movilización, Ley del Servicio Militar Voluntario del Perú, 29 February 2000, [www.serviciomilitar.mil.pe](http://www.serviciomilitar.mil.pe).
- 6 Resolución Ministerial N° 536-2004-DE-SG, Aprueban la Directiva N° 001 MINDEF/CEA-DIH, con la finalidad de integrar el Derecho Internacional Humanitario en la doctrina e instrucción de los institutos armados, 4 May 2004, [www.mindef.gob.pe](http://www.mindef.gob.pe). See also International Committee of the Red Cross (ICRC), Regional delegation in Lima, *Annual Report 2006*, 24 May 2007, [www.icrc.org](http://www.icrc.org).

- 7 Facultad Latinoamericana de Ciencias Sociales (FLACSO), Programa Seguridad y Ciudadanía, *Reporte del Sector Seguridad en América Latina y el Caribe, Informe Nacional: Perú*, August 2006, [www.flacso.cl](http://www.flacso.cl).
- 8 Escuela Militar de Chorrillos, Admisión, [www.ejercito.mil.pe](http://www.ejercito.mil.pe).
- 9 FLACSO, above note 7.
- 10 Escuela Técnica del Ejército, Requisitos, [www.ejercito.mil.pe](http://www.ejercito.mil.pe).
- 11 FLACSO, above note 7.
- 12 *Ibid.*
- 13 Colegio Militar Francisco Bolognesi (Arequipa), Condiciones de admisión, [www.cmfb.edu.pe](http://www.cmfb.edu.pe).
- 14 Escuela de Inteligencia, [www.ejercito.mil.pe](http://www.ejercito.mil.pe).
- 15 Comisión de la Verdad y Reconciliación, “Los comités de autodefensa”, *Informe Final*, Tomo II, Capítulo 1.5, [www.cverdad.org.pe](http://www.cverdad.org.pe).
- 16 Reglamento de la Ley No. 27178, “Ley del Servicio Militar”, Decreto Supremo N° 004-DE-SG, 17 March 2000, at [www.defensaidl.org.pe](http://www.defensaidl.org.pe).
- 17 Save the Children, “Child Soldiers in Local Self-Defence Patrols in Peru”, 6 November 2005, <http://video.google.es/videoplay?docid=1174230518302730264&q=ni%C3%B1os+soldado>.
- 18 Comisión de la Verdad y Reconciliación, above note 15.

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# PHILIPPINES

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## Republic of the Philippines

**Population:** 83.1 million (34.6 under 18)

**Government armed forces:** 106,000

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 17 (training only)

**Voting age:** 18

**Optional Protocol:** ratified 26 August 2003

**Other treaties ratified (see glossary):**

CRC, GC AP II, ILO 138, ILO 182

***There were no reports of under-18s in government armed forces; legislation was in force to protect children from military recruitment. There continued to be reports of children being used by government-linked paramilitaries and armed opposition groups.***

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## Context

A one-week state of emergency was declared in February 2006 by President Gloria Macapagal-Arroyo after claims that members of the military, leftist politicians and communist armed groups were plotting a coup. In June the same year the president declared an “all-out war” to eliminate the New People’s Army (NPA), the armed wing of the Communist Party of the Philippines (CPP).<sup>1</sup> Thousands more troops were committed to the anti-insurgency campaigns in central and southern Luzon and the Bicol regions.<sup>2</sup>

Formal peace talks between the government and the National Democratic Front, representing the CPP and the NPA, collapsed in 2004. Informal talks continued for another year, following the government’s refusal to seek the removal of the CCP/NPA from the terrorist watch-lists of the European Union and the USA.<sup>3</sup>

Armed clashes between the Revolutionary Proletarian Army-Alex Boncayao Brigade (RPA-ABB) and the NPA were reported in 2005 and 2006.<sup>4</sup> The RPA-ABB had concluded a peace agreement with the government in December 2000.

Following the signing of a ceasefire agreement in 2003, peace negotiations between the government and the armed separatist Moro Islamic Liberation Front (MILF) continued to make slow progress. Negotiations reached an impasse in May 2006 because of disagreements over ancestral-domain land claims and the amount of territory to be included in an expanded Muslim autonomous region as part of the peace settlement.<sup>5</sup> Tensions were increased by the abduction of an Italian priest in June 2007 and the MILF’s admission of involvement in the killing and beheading of government troops in

Basilan in July 2007 by the radical armed Islamist Abu Sayyaf group.<sup>6</sup> There were indications in September 2007 that the peace talks would be resumed.<sup>7</sup>

The 1996 peace agreement with the Moro National Liberation Front (MNLF) continued to hold, although clashes between MNLF and the armed forces were reported in April 2007.<sup>8</sup> US Special Forces were based in Jolo island to provide non-combat support to the Philippines armed forces in their operations against Abu Sayyaf. These operations were renewed in July and August 2006 following reports that senior operatives from the Indonesian radical Islamist armed group Jemaah Islamiyah (JI) had taken refuge with Abu Sayyaf.<sup>9</sup>

The UN Secretary-General’s 2003, 2005 and 2006 reports on children and armed conflict referred to the situation in the Philippines. The Abu Sayyaf Group, the MILF and the NPA were included in the Annex II list of parties that recruited and used children in situations of armed conflict.<sup>10</sup>

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## Government

### National recruitment legislation and practice

The 1987 constitution stated that “the prime duty of the Government is to serve and protect the people. The Government may call upon the people to defend the State and, in the fulfilment thereof, all citizens may be required, under conditions provided by law, to render personal military or civil service” (Article 2(4)).

In its 2003 declaration on ratifying the Optional Protocol, the government stated that the minimum age for voluntary recruitment to the Armed Forces of the Philippines was 18, “except for training purposes whose duration shall have the students/cadets/trainees attain the majority age at the completion date”.<sup>11</sup> The prohibition on recruitment of under-18s was provided for in various acts and regulations. Under the 1991 Memorandum Circular No. 13 on Selective Enlistment/Reenlistment of the Department of National Defense and the Armed Forces of the Philippines, only those aged 18 and above could enlist with the armed forces. The 1991 Republic Act 7077, also known as the “Citizen Armed Forces of the Philippines Reservist Act”, provided for the expansion of the armed forces “by the well-disciplined Citizen Armed Force in the event of war, invasion of rebellion”.<sup>12</sup> The minimum age for reservists in the Citizen Armed Force was 18.

The recruitment and use of under-18s was also prohibited under the Special Protection of Children against Abuse, Exploitation and Discrimination Act (Republic Act 7610), which declared children to be “Zones of Peace”. It required that “Children shall not be recruited to become members of the Armed Forces of the

Philippines or its civilian units or other armed groups, nor be allowed to take part in the fighting, or used as guides, couriers, or spies”.<sup>13</sup> Specific legislation also existed to prohibit the recruitment of “children of indigenous cultural communities or indigenous peoples into the armed forces under any circumstances”.<sup>14</sup>

Penalties of 20 years’ imprisonment and a fine of up to 2 million pesos (approximately US\$49,000) were provided for under the Act to Institute Policies to Eliminate Trafficking in Children (Republic Act 9208, 2003) for anyone found guilty of recruiting, transporting or adopting a child “to engage in armed activities in the Philippines or abroad”.<sup>15</sup> The Act Providing for the Elimination of the Worst Forms of Child Labour and Affording Stronger Protection for the Working Child (Republic Act 9231, 2003) also prohibited the recruitment of children under the age of 18 for use in armed conflict, and provided for perpetrators to be punished by up to 20 years’ imprisonment or a fine.<sup>16</sup>

### **Military training and military schools**

The minimum age for entry into the Philippine Military Academy was 17 and for the Philippines Air Force Flying School 18. Once enrolled, a cadet became a member of the armed forces, although “in practice does not participate in armed conflict”.<sup>17</sup>

## **Armed groups**

### **Paramilitaries**

The government paramilitary Citizen’s Armed Force Geographical Units (CAFGU) and the Civilian Volunteer Organizations (CVOs) assisted the military and police officials in the government’s anti-insurgency campaigns, operating under guidelines issued in 1987 by the Department of National Defence, which required that their membership was voluntary. Both the CAFGU and CVOs were reported to have recruited under-18s. The government’s initial report to the UN Committee on the Rights of the Child on the Optional Protocol stated that, especially in remote areas, “children are reportedly being recruited into paramilitary structures to provide security and protection against ordinary criminal elements such as cattle rustlers, thieves and other armed bandits”, and that these organizations, notable among which were the CVOs and CAFGU, “are also fielded to fight guerrilla insurgents”.<sup>18</sup>

In 2005 recruitment of two children by the CAFGU was reported in Negros Occidental by the Region VI (Western Visayas) Office of the Commission on Human Rights (CHR). The CHR informed the local military commander, who then sent the recruits home. However, no action appeared to have been taken against the military commander for having recruited the children.

There were also reports that children who were captured or rescued from armed groups were subsequently used in CAFGU operations. Vigilante groups in Mindanao, set up by the military as village defence groups, recruited children from indigenous communities.<sup>19</sup>

In 2004 children were also reported to have been recruited from ethno-linguistic sub-groups in Davao City, Mindanao, by vigilante groups set up by the military as part of its counter-insurgency efforts against the CPP-NPA in southern Mindanao.<sup>20</sup>

### **Armed political groups**

There were continued reports of the involvement of children in armed groups including the CPP-NPA, the MILF, Abu Sayyaf Group, the MNLF and the RPA-ABB. Research carried out by a national human rights organization found that the children who joined were predominantly from large, impoverished, rural families in areas where economic opportunities were limited and government delivery of social services was weak.<sup>21</sup>

### **New People’s Army**

Estimates of the numbers of children, both boys and girls, in the NPA varied significantly. According to one estimate, around one-fifth of the NPA’s 7,500-strong force were under 18.<sup>22</sup> Another estimate put the figure at 3 per cent of the NPA’s 9,500-strong force.<sup>23</sup>

The CPP publicly declared that it prohibited the recruitment of under-18s into the NPA. In April 2006 the executive committee of the CPP central committee reiterated that “the minimum age requirement initially spelled out in 1999 has since become a basic policy of the NPA and covers the entire organization”.<sup>24</sup> However, the CPP had also noted in a public statement in November 2005 that “units are confronted on a daily basis by youthful volunteers who wish to join the people’s army but fail to meet the minimum age requirements”. The statement spoke of sanctions imposed on “Red fighters discovered to have failed to meet the new age requirement ... [who] are discharged from the NPA and reassigned to various other non-combat and non-hazardous tasks as civilian activists or else sent home to support family production or continue their schooling”.<sup>25</sup> It also said that while children over the age of 15 had been accepted, they did not participate in direct hostilities but in activities “that prepare them for self-defence, for defending their communities and contributing to the over-all revolutionary effort”, which, it argued, “are often maliciously misinterpreted by the armed forces as actual participation in combat”.<sup>26</sup>

Government forces and the media continued to report NPA recruitment and use of children in hostilities. The 33 cases of rescued, captured or

surrendered children involved in armed conflict that were handled by the Department of Social Welfare and Development from January 2005 to March 2007 were all reported to be members of the NPA. In 2004 and 2005, in the context of an intensification of counter-insurgency operations by government forces on the islands of Leyte and Samar, Eastern Visayas region, recruitment of under-18s was reported to have continued. During the period 2005 to 2007, the Department of Social Welfare and Development handled 12 cases from the islands of Samar and Leyte; four of these were girls and the youngest was 11.<sup>27</sup>

In Negros Occidental the NPA was reported to have increased recruitment in the last quarter of 2005 in the northern area of the province. A raid in November 2005 conducted by the CPP-NPA against one of its splinter groups reportedly involved children who acted as lookouts.<sup>28</sup> From July to October 2006 ten children were captured by government forces in Negros Occidental.<sup>29</sup>

In April 2007 the media reported that a young girl had been killed in an encounter between the armed forces and NPA units in a village in southern Mindanao. The military initially claimed that the girl was a “child warrior”. An investigation by the Commission on Human Rights (CHR) revealed that the 11-year-old had been killed in crossfire.<sup>30</sup>

### **Moro Islamic Liberation Front**

There were continuing reports that children had joined the MILF in Maguindanao, Shariff Kabunsuan and Lanao del Sur.<sup>31</sup> According to one estimate, in 2005 up to 13 per cent of MILF’s 10,000 members were children.<sup>32</sup>

In May 2006 the MILF stated that “The general policy of the MILF is not to recruit children for combat; if they are with the MILF, their roles are purely auxiliary in character.” It was noted that the MILF is “fully cognizant that the rightful place of children is in schools”, although it “is preferable that children, who are forsaken or have no reliable guardians, are taken care of by the MILF rather than allow them to become misfits in society”, and that it was “the right of everybody including children to self-defence especially when communities or villages are under indiscriminate military actions by the enemy”.<sup>33</sup>

### **Abu Sayyaf Group**

The Abu Sayyaf Group, together with the Rajah Solaiman Movement, whose membership consisted primarily of militant converts to Islam, was reported to have been responsible for bomb attacks which from January 2000 had caused over 1,700 casualties, including the deaths of young children and teenagers. Both groups were reported to be linked to the JI.<sup>34</sup> US Marines involved in clashes with Abu Sayyaf in August 2007 were quoted by the media as saying that

Abu Sayyaf “was fully armed with heavy type[s] of weapons and they were all young, as young as 15 years old”.<sup>35</sup> The Abu Sayyaf group made no public statements on the age of recruitment.

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## **Demobilization, rehabilitation and reintegration (DRR)**

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The Republic Act 7610 outlined standard operating procedures for the treatment by government forces of under-age members of armed groups. It required that individuals under 18 “arrested for reasons related to armed conflict” by the military or the police be separated from adults in detention, be provided with immediate free legal assistance, have their parents or guardians immediately informed of their arrest, and be transferred to the custody of the Department of Social Welfare and Development within 24 hours from the time of rescue.<sup>36</sup> The March 2000 Inter-agency Memorandum of Agreement, on the handling and treatment of children involved in armed conflict, revised in June 2006, set out the responsibilities of various government agencies and standard procedures to be observed in handling child soldiers. The memorandum required police and military authorities “to protect the child from further exploitation or trauma”. It also required that under-18s be transferred to the Department of Social Welfare or local authority within 24 hours “under normal conditions” and within 72 hours “when the situation does not warrant the turnover of the child within the prescribed period”. Parties to the memorandum include the departments of Defence, Interior, Local Government and Health, as well as the military and the police.<sup>37</sup>

In some cases the guidelines relating to rescued, captured or surrendered child soldiers were not implemented. In one reported case, a 13- or 15-year-old boy, suspected of being a member of the NPA, was forced to lie on the road for several hours in the heat of the day.<sup>38</sup>

Other children who surrendered or were captured were charged with rebellion, possession of firearms and other similar security-related charges. In March 2007 the Program Management Bureau of the Department of Social Welfare and Development reported that three children from a province in the southern Luzon region were in military custody and that charges had been filed against them. Another two children from southern Luzon were also reported to have been charged and were awaiting trial.

Provisions in the Memorandum of Agreement which required that former child soldiers be protected from exposure to the media, except where justified “by compelling national security interest” and in consultation with the Department of Social Welfare and Development, were also ignored in some cases. In March 2007 the



armed forces issued a media release displaying pictures of children and young people captured in Mindanao.<sup>39</sup>

In cases where guidelines were adhered to and children were returned to their families, a wide range of services was provided by the social welfare and development offices, including legal assistance. Counselling and protective custody were provided to children who were unable to return to their families. Other cases were documented of children associated with armed groups being returned directly to their families by the military or the police without the support of local social services.<sup>40</sup>

- 1 "Crush-NPA war has 3 deadlines", *Manila Times*, 20 June 2006, [www.manilatimes.net](http://www.manilatimes.net).
- 2 Human Rights Watch (HRW), "Scared silent: impunity for extrajudicial killings in the Philippines", June 2007.
- 3 Ibid.
- 4 "NPA, RPA fight anew in Victorias City", SunStar, 29 November 2005, [www.sunstar.com.ph/](http://www.sunstar.com.ph/); "Scores killed as rival rebel groups clash", *Manila Times*, above note 1, 9 August 2006.
- 5 *Amnesty International Report 2007*.
- 6 "MILF admits attack against marines, says 23 troops dead", GMA.TV, 11 July 2007, [www.gmanews.tv](http://www.gmanews.tv).
- 7 "Government-MILF peace talks to continue", SunStar, above note 4, 10 September 2007.
- 8 "AFP overruns 2 MNLF Sulu camps", GMA.TV, above note 6, 15 April 2007.
- 9 *Human Rights Watch World Report 2007*; International Crisis Group (ICG), "Indonesia: Jemaah Islamiyah's current status", Crisis Group Asia Briefing No. 63, 3 May 2007.
- 10 Reports of the Secretary-General on Children and Armed Conflict, 26 October 2006, UN Doc. A/61/529-S/2006/826, and 9 February 2005, UN Doc. A/59/695-S/2005/72.
- 11 Declarations and Reservations to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).
- 12 Republic Act No. 7077, 27 June 1991.
- 13 Republic Act No. 7610, 17 June 1992.
- 14 Republic Act No. 8371, Indigenous People's Rights Act, 29 October 1997.
- 15 Republic Act 9208, 26 May 2003.
- 16 Republic Act 9231, 19 December 2003.
- 17 Second periodic report of the Philippines on the Convention on the Rights of the Child, UN Doc. CRC/C/65. Add.31, 5 November 2004, para. 248.
- 18 First periodic report of the Philippines on the Optional Protocol on the Involvement of Children in Armed Conflict, UN Doc. CRC/C/OPAC/PHL/1, 7 November 2007, para. 9.2.6.
- 19 Philippine Coalition to Protect Children Involved in Armed Conflict (Protect CIAC) & Southeast Asia Coalition to Stop the Use of Child Soldiers (SEASUCS), *Preventing Children's Involvement in Armed Conflicts in the Philippines: A Mapping of Programs and Organizations*, November 2007, draft version.
- 20 Protect CIAC & SEASUCS, Alternative report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, November 2007, draft version.
- 21 Philippine Human Rights Information Center (PhilRights), *Deadly Play Grounds: The Phenomena of Child Soldiers in the Philippines*, 2005.
- 22 Andrew Marshall, "The Philippines unending guerrilla war", *Time Magazine*, 25 January 2007, [www.time.com/time/magazine](http://www.time.com/time/magazine).
- 23 PhilRights, above note 21.
- 24 Researcher's translation of "Panayam ng Unicef Research Team hinggil sa usapin ng mga batang sundalo Abril 2006" (Interview by the Unicef Research team with the CPP EC-CC on the question of child soldiers), *Ang Bayan*, special issue, 25 August 2006, [www.philippinerevolution.net](http://www.philippinerevolution.net). See also Protect CIAC & SEASUCS, above note 19.
- 25 Information Bureau, Communist Party of the Philippines, "The NPA does not allow below-18 recruits", press release, 19 November 2005, [www.philippinerevolution.net](http://www.philippinerevolution.net).
- 26 Researcher's translation, above note 24.
- 27 Summary of children involved in armed conflict January 2005-March 2007 by the Program Management Bureau of the Department of Social Welfare and Development, provided to the researcher.
- 28 Confidential sources, September 2007.
- 29 From the draft report "The situation of children involved in armed conflict in Negros Occidental", a draft submitted on 22 January 2007 by the Negros Alliance of Human Rights Advocates (NAHRA) to the Philippine Coalition to Stop the Use of Children as Soldiers (PCSUCS) as part of the research component of the project "Strengthening protection of children involved in armed conflict: implementation of the 11-point Program of the Philippine Coalition to Stop the Use of Children as Soldiers".
- 30 Commission on Human Rights (CHR), *Case of Galacio, Grezil Buya versus Elements of the 67th IB, PA*, Case No. XI-07-2984 CV RE, copy of the documents provided to the researcher by the Child Rights Center of the CHR - National Office on 22 June 2007.
- 31 SEASUCS, above note 19.
- 32 PhilRights, above note 21.
- 33 Moroland, "MILF reiterates policy on 'child soldiers'", 2 May 2006, <http://moroland.net>.
- 34 HRW, *Lives Destroyed: Attacks against civilians in the Philippines*, July 2007.

- 35 “Military: No letup in war vs terror”, *Inquirer*, Mindanao Bureau, 21 August 2007, <http://archive.inquirer.net>.
- 36 Republic Act No. 7610, 17 June 1992.
- 37 Copy provided to the Philippine Coalition to Protect Children Involved in Armed Conflict.
- 38 Confidential sources, June 2006.
- 39 (Diamond) Division, Philippine Army, “Army in Agusan Del Sur Captured Minor NPA Combatants”, 26 March 2007. Copy of photograph held by the Philippine Coalition to Protect Children Involved in Armed Conflict.
- 40 Confidential sources.

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## POLAND

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### Republic of Poland

**Population:** 38.5 million (8.0 million under 18)

**Government armed forces:** 141,500

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 17

**Voting age:** 18

**Optional Protocol:** ratified 7 April 2005

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

*The minimum age for voluntary recruitment appeared to be 17.*

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### Government

#### National recruitment legislation and practice

The constitution stated that “It shall be the duty of every Polish citizen to defend the Homeland” and that “Any citizen whose religious convictions or moral principles do not allow him to perform military service may be obliged to perform substitute service” (Article 85). Under the Law on the Universal Obligation to Defend the Republic of Poland of 21 November 1967, “A person who has attained 18 years of age may be called up for military service.”<sup>1</sup>

All men between the ages of 18 and 28 were liable for military service. Students were allowed to replace military service with participation in military training during their studies. Reservists could be required to do service up to the age of 50, but in practice most conscripts were not called up for reservist training in peacetime. To comply with NATO standards, over the last decade the government had reduced the size of the armed forces and increased the number of non-conscript soldiers.<sup>2</sup> The length of regular military service was reduced from 18 months to 12 months on 1 January 2004 and again, to ten months, on 1 January 2005. From 1 July 2005 regular military service was nine months, three months for university graduates.<sup>3</sup> In January 2006 the Defence Minister said that compulsory conscription would end in six years, and that since 1990 the number of troops had been reduced from 450,000 to 150,000.<sup>4</sup>

Voluntary recruitment could begin from the age of 17 under the 1970 Law on Regular Military Service.<sup>5</sup> Poland’s declaration to the Optional Protocol stated that the minimum age for conscription was 18, and 17 for voluntary service in the armed forces, with applicants obliged to provide a birth certificate and obtain parental consent. However, Poland’s Initial Report to the UN Committee on the Rights of the Child on the Optional Protocol stated that the voluntary

recruitment age was 18, even in the case of “mobilization and war”.<sup>6</sup>

### Military training and military schools

The military education system comprised one military academy, two civil–military academies, two officer high schools and eight schools for non-commissioned officers (NCOs) following reorganization in 2001 and 2002. There were also six technical training centres for NCOs and junior military specialists.<sup>7</sup>

### Developments

At a February 2007 ministerial meeting in Paris, Poland and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

### International standards

Poland ratified the Optional Protocol in April 2005. In its Initial Report to the Committee on the Rights of the Child on the Optional Protocol, the government stated that although the current Penal Code did not explicitly punish the recruitment of children, the Ministry of Justice was drafting an amendment to ban the conscription or recruitment of under-18s into military service.<sup>8</sup>

- 1 Second periodic report of Poland to the UN Committee on the Rights of the Child, UN Doc. CRC/C/70/Add.12, 6 February 2002.
- 2 Quaker Council for European Affairs, *The Right to Conscientious Objection in Europe: A Review of the Current Situation*, April 2005, [www.quaker.org](http://www.quaker.org).
- 3 Communication from Polish embassy, 19 April 2007.
- 4 Judy Dempsey, “Poland will set own course, defense chief vows”, *International Herald Tribune*, 24 January 2006, [www.iht.com](http://www.iht.com).
- 5 Initial report of Poland to the Committee on the Rights of the Child, UN Doc. CRC/C/8/Add.11, 31 January 1994.
- 6 Report by Poland on the realization of the Optional Protocol, UN Doc. CRC/C/OPAC/POL/1, 2007.
- 7 Polish Army, Military Education, <http://wojsko-polskie.pl>.
- 8 Report on the realization of the Optional Protocol, above note 6.

## PORTUGAL

### Portuguese Republic

**Population:** 10.5 million (2.0 million under 18)

**Government armed forces:** 44,000

**Compulsory recruitment age:** 18 (conscription suspended)

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 19 August 2003

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

*There were no reports of under-18s in the armed forces.*

### Government

#### National recruitment legislation and practice

The 1976 constitution (2005 revision) stated that “every Portuguese person shall possess the fundamental right and duty to defend the nation”, and that “the law shall regulate military service and shall lay down the forms, voluntary or compulsory nature, duration and content of the performance thereof”.

With the suspension of conscription in 2004, service in the Portuguese armed forces became entirely voluntary, in keeping with the provisions of the 1999 Military Service Law.<sup>1</sup> The commitment to voluntary recruitment, with a minimum age of 18, was included in Portugal’s declaration on ratification of the Optional Protocol in August 2003.<sup>2</sup> However, all 18-year-olds were still obliged formally to register their names with their local authority. On an annual National Defence Day, a randomly selected group of approximately one hundred 18-year-olds were invited to attend a promotional event outlining the various options available to those who chose to perform voluntary military service or embark on a military career. Voluntary military service was open to all those between the ages of 18 and 24, extending to the age of 27 for university graduates and 30 for those with a medical degree. The length of voluntary military service varied from an initial period of 12 months (after which a volunteer could leave the armed forces, or return for a second year of service) to an annually renewable contract for a maximum of eight years.<sup>3</sup>

#### Military training and military schools

Individuals seeking to become career officers in the Portuguese armed forces could attend one of three military academies (for the army, navy and air force) that granted university

degrees. Applicants had to have completed their secondary education, and those under 18 required parental consent. Postgraduate education was offered by the Instituto de Estudos Superiores Militares, which took students from all three armed forces.<sup>4</sup>

## Developments

At a February 2007 ministerial meeting in Paris, Portugal and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

- 1 Information from defence attaché, Embassy of Portugal, London, October 2007.
- 2 Declaration of Portugal on ratification of the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).
- 3 Information from Defence attaché, above note 1.
- 4 Ibid.

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# QATAR

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## State of Qatar

**Population:** 813,000 (204,000 under 18)

**Government armed forces:** 12,400

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 18<sup>1</sup>

**Optional Protocol:** acceded 25 July 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182

*There were no reports of under-18s serving in the armed forces.*

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## Government

### National recruitment legislation and practice

The constitution, approved in a public referendum in April 2003, stated that “Defending the country is the duty of all citizens” (Article 53); however, military service is not compulsory. The minimum age for voluntary recruitment was 18, and there were no indications that under-18s served in the armed forces. Qatar’s declaration on acceding to the Optional Protocol stated that “The State of Qatar declares that recruitment to its armed forces and other regular forces is voluntary and is for those who have attained the age of 18 years and that it takes account of the safeguards set forth in paragraph 3 of the same article [Article 3, Optional Protocol] ... the State of Qatar affirms that its national legislation makes no provision for any form of compulsory or coercive recruitment.”<sup>2</sup>

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## Developments

At a February 2007 ministerial meeting in Paris, Qatar and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

- 1 UK Foreign and Commonwealth Office, Qatar, 22 January 2008, [www.fco.gov.uk](http://www.fco.gov.uk).
- 2 Declaration on accession to Optional Protocol: [www2.ohchr.org](http://www2.ohchr.org).

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# ROMANIA

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## Romania

**Population:** 21.7 million (4.4 million under 18)

**Government armed forces:** 69,600

**Compulsory recruitment age:** 20 (conscription suspended)

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 10 November 2001

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

*There were no reports of under-18s in the armed forces.*

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## Government

### National recruitment legislation and practice

The 1991 constitution, as amended, stated that “Citizens may be conscripted from the age of 20 and up to the age of 35, except for volunteers” (Article 55).

Under a new law of December 2005, the last conscription was to take place in October 2006 and compulsory military service was suspended from 1 January 2007 (Article 2). Military service remained compulsory in times of war, mobilization or siege (Article 3).<sup>1</sup> Law 446/2006 stated that in the case of war, mobilization or siege, military service became mandatory for men aged 20 to 25.<sup>2</sup> Men aged between 20 and 35 had previously been liable for military service of 12 months and higher education graduates for six months, and during times of war the minimum age of conscription was 18.<sup>3</sup>

Male and female citizens could perform military service on a voluntary basis.<sup>4</sup> The minimum age for voluntary military service remained 18. From October 2006 all volunteers were contracted for an initial five-year term of service. Subsequent voluntary service contracts were for successive three-year terms up to the age of 36.<sup>5</sup>

The 2004 Law on the Protection and Promotion of the Rights of the Child stated that in armed conflicts the authorities were required to ensure the demobilization of child soldiers, to remedy the physical and psychological effects of conflict on children and to promote their social reintegration.<sup>6</sup>

### Military training and military schools

Young people between the ages of 15 and 20 could volunteer for pre-military training, which aimed to provide “knowledge and orientation in

the military and technical field” and to cultivate “ethical and civic values”.<sup>7</sup>

Military high schools were open to both male and female students. Postgraduate education for all military personnel, male or female, could be undertaken at the National Defence University as well as at various civilian universities.<sup>8</sup>

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## Developments

At a February 2007 ministerial meeting in Paris, Romania and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

- 1 Parliament of Romania, Law on Delay of Compulsory Military Service and Passing to Voluntary Based Military Service, No. 395 of 16 December 2005.
- 2 Information from the Romanian embassy, London, 12 June 2007.
- 3 Law on the Preparation of the Population for Defence, No. 46 of 1996, Article 11; Bart Horeman and Marc Stolwijk, *Refusing to Bear Arms: A world survey of conscription and conscientious objection to military service*, War Resisters International, 1998, www.wri-irg.org.
- 4 Law on Delay of Compulsory Military Service, above note 1, Article 1.
- 5 CIA, *The World Factbook 2007*.
- 6 Law No. 272 of 2004, Article 78(1); Information from the Romanian embassy, above note 2.
- 7 Law on the Preparation of the Population for Defence, above note 3, Article 45.
- 8 NATO, *Romania – National Report*, www.nato.int.

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# RUSSIAN FEDERATION

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## Russian Federation

**Population:** 143.2 million (28.8 million under 18)

**Government armed forces:** 1,027,000

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18 (16 at military education institutes)

**Voting age:** 18

**Optional Protocol:** signed 15 February 2001

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182

***Boys aged 15 or 16 had to undergo basic military training in their final year at school. Some orphans and other children deprived of parental care were “adopted” by military units, lived in military barracks and received military training in school. Boys and girls studying at Military Educational Institutes from the age of 16 were regarded as being on military service. Under-18s were reportedly recruited into opposition separatist forces in the Chechen Republic and other parts of the north Caucasus.***

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## Context

The Russian Federation remained committed to the introduction of a non-conscript army in a revised Military Doctrine published by the Ministry of Defence in March 2007.<sup>1</sup> However, only a fraction of recruits met medical requirements in 2006, and increasing instability in the north Caucasus led many non-conscript soldiers to cancel their contracts.<sup>2</sup> One of the aims of a five-year Military–Patriotic Education Program announced in 2005 was to increase “patriotic awareness” and improve defence capability.<sup>3</sup>

Armed men thought to be Chechen separatists seized a school in Beslan, north Ossetia, in 2004 and scores of children died in the ensuing violence. By the end of 2006 the number of federal troops in Chechnya was cut from 80,000 to around 35,000.<sup>4</sup> Some repairs to social infrastructure took place, but violence remained an everyday occurrence in Chechnya and elsewhere in the north Caucasus. Hostage-taking, enforced disappearances and torture continued – sometimes involving children.<sup>5</sup> Some journalists and activists monitoring the situation were killed or suffered reprisals.<sup>6</sup> In 2007 the

number of federal troops deployed in Chechnya was said to have risen again.<sup>7</sup>

The Russian Federation was a member of the Shanghai Cooperation Organisation (SCO), established in June 2001, comprising also China, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan, whose goals included mutual co-operation in security matters.<sup>8</sup>

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## Government

### National recruitment legislation and practice

Conscription remained a universal obligation for men aged 18–27, and for women with a military proficiency qualification.<sup>9</sup>

In 2006 the government introduced an amendment to the Law on Military Obligations and Military Service to shorten the duration of military service. In 2007 the length of service was cut from 24 months to 18, and to one year for conscripts with a higher education. In 2008 all conscripts, regardless of educational background, would do one year's service. The Law cancelled occupational deferrals and repealed provisions for the drafting of reservists.<sup>10</sup>

Alternative service for conscientious objectors remained at 1.75 times the length of conscription, 1.5 times for those willing to do civilian jobs in the military.

The logistics of conscription were basically unchanged. Military registers throughout the country enrolled all 17-year-olds. Under the Law on Military Obligations and Military Service, active duty for conscripts began when they were 18 (Articles 8 and 22). Conscientious objectors had to apply for alternative service at the earliest stage of the conscription process, when they were only 16 or 17.<sup>11</sup> Later requests were inadmissible.

A new requirement was that prior to enrolment boys had to undergo training in the basics of military service in their final year at school, when they were 15 or 16 (Article 13). Sixteen-year-olds who had already left school were supposed to attend training sessions at centres in their neighbourhood.

Under the Law on Contractual Military Service, military service contracts were open to volunteers from the age of 18, including non-citizens (Article 34). Candidates had to have completed at least one year's study at a Military Educational Institute that offered professional training in military subjects to boys and girls from the age of 16. Students at these institutes were regarded as being on military service (Article 35). Each day of training counted as two days of conscription.

It was not known if conscripts or contract soldiers received training in the Russian Federation's international human rights obligations.

A large shortfall in conscription numbers was reported each year. In July 2006 the Deputy Defence Minister said in relation to the last call-up: “Instead of the traditional celebration of the military draft as an honourable constitutional duty, Russian men had to be forcibly escorted to the barracks by police”.<sup>12</sup> Several reasons were suggested for the shortfall. In the first quarter of 2006 only five per cent of recruits in Moscow met the medical requirements for call-up, according to the official newspaper of parliament (Duma). Others were reported to be barely literate.<sup>13</sup> Yet more evaded call-up because they feared bullying from older soldiers.<sup>14</sup>

In November 2006 the UN Committee against Torture said that the Russian Federation should adopt a policy of zero tolerance towards *dedovshchina* (also known as hazing) in the military – the systematic physical and psychological abuse and humiliation of new recruits by longer-serving or senior soldiers which sometimes involved acts of considerable violence.<sup>15</sup> Some Russian human rights organizations saw the new measures to improve officers’ professionalism (see below) as a step towards this goal.

Reports of hazing in the armed forces were commonplace from almost every military district. The case of 19-year-old Andrey Sychev attracted bitter controversy in 2006. One of eight new recruits in Chelyabinsk who were severely beaten by senior officers, he was gang-raped for several hours and then forced to hold a crouching position for several more hours, resulting in injuries that required amputation of his genitals and legs.<sup>16</sup> The alleged culprits were, unusually, brought to trial, and in September 2006 were sentenced to prison terms.<sup>17</sup>

## Military training and military schools

Legal amendments in July 2006 were aimed at improving the professionalism of officers. They provided for the introduction of military training centres in civilian higher-education establishments and of new rules for existing military departments in such institutions. Full-time students could enlist free of charge in a military training centre but had to give a commitment to undertake a three-year military service contract on graduation. If they failed to do the service, they had to refund their tuition costs and be conscripted.<sup>18</sup> By 2003 nearly half the 1,304 higher-education institutions were private, following the ending of the state monopoly of education.<sup>19</sup> The government was the only body entitled to establish institutions for professional military education,<sup>20</sup> but it could teach in civilian educational institutions if it had the consent of students and parents, and at Ministry of Defence cost.<sup>21</sup>

The Law on Military Obligations and Military Service provided for state-run military education

establishments for boys (Article 19). Suvorov military colleges, Nakhimov naval-military colleges and musical military colleges for orchestra players provided a general education with extra military options for boys aged 7–16. They prepared pupils for entry to Military Education Institutes and a life in the military. Cadet Schools provided boys of 12–15 with vocational training for jobs in specific branches of the armed forces.<sup>22</sup>

Entry to these institutions was competitive, but automatic for applicants who were orphans or children otherwise deprived of parental care. Cadet School was regarded as beneficial for these children because it guaranteed them a social context and later a job. There appeared to be no procedure for finding out if a child genuinely wanted to attend Cadet School or for an informed adult to represent his best interests. There was also no legal means for reversing the decision to attend Cadet School or the undertaking to do vocational military work on graduation. Cadet Schools offered a very limited curriculum, hard physical drill, little relaxation and military discipline from an early age.

Monitoring of pupils’ welfare was entrusted to unspecified local authorities.<sup>23</sup> However, such authorities had an interest in cutting costs and concealing problems. The governor of Irkutsk, for example, set up a Cadet School for 12-year-old boys who wanted to become officers, on condition they were from local children’s homes. A local strategic rocket base agreed to guarantee jobs for the graduates. The first year, 23 boys aged 13–15 from orphanages or shelters for the homeless joined. The local authority paid 12 per cent of Cadet Corps costs and the Ministry of Defence the rest, rejecting on financial grounds the original plan to house the children in civilian premises. The boys lived in barracks, studied Russian and mathematics six days a week, and did two hours’ parade drill daily. By 2007 nearly half the military districts had Cadet Corps and publicized them on a website.<sup>24</sup>

Leningrad Military District had revived a Tsarist tradition of “adopting” as “sons of the regiment” 12 boys deprived of parental care. The boys were subject to military discipline. Punishments included working in the kitchen, sweeping the grounds and extra guard duty. For more serious infractions days off could be cancelled, and boys who failed an end-of-year exam had leave withdrawn. The boys’ day began at 6.30 a.m. and ended with marching and singing. In between, according to one woman officer, they were shooting, riding, learning English and “constantly digging holes”. Every child had an automatic weapon which they had to learn to clean. All day they were accompanied by an officer who at night time slept in their quarters in a separate building. One 12-year-old orphan was separated from his only living relative – his brother – and was too far away to see him

at weekends after he was taken to live with the regiment of the Leningrad Military District. His brother was brought to the regiment when space became available a year later. It was not known if this was voluntary.<sup>25</sup>

## Armed groups

The Law on Defence states: “The creation and existence of other military formations or arms and military technology, in which military service is foreseen, is not envisaged by Federal laws and is forbidden and punishable by law.”<sup>26</sup> In practice numerous armed groups continued to operate in Chechnya and the north Caucasus. They included groups closely linked to the security forces and a range of non-state groups.

### Government-linked armed groups in Chechnya

By 2006 power structures in Chechnya were said to have been significantly “Chechenized”, following elections in the republic and the withdrawal of many federal troops. Such structures included the republic’s Ministry of Internal Affairs, which had responsibility for policing and security. In practice this meant that some armed groups controlled by separatist fighters were absorbed wholesale into the official security forces without preliminary screening or retraining. Human rights monitors said that “anti-terror operations” now resembled a vendetta between clans.<sup>27</sup>

There were credible reports that a parallel system of secret detention centres operated in the republic.<sup>28</sup> Four of them were linked to Ramzan Kadyrov, appointed Chechen president by President Vladimir Putin in 2007. They included centres run by a regiment that guarded oil and other economic installations, “anti-terrorist centres”, and two prisons in private houses. Other detention centres were run by two federal armed battalions and by special units of the Federal Security Service.<sup>29</sup> Reports of torture at these detention centres, and the enforced disappearance of civilians arrested by armed unidentified masked men, were rife. In some cases civilians were taken hostage and executed by unidentified forces. Increasingly, these episodes spilled over into other republics of the north Caucasus, most recently Kabardino-Balkar in 2005 and Karachaevo-Cherkessk in 2006.<sup>30</sup>

Children were among the victims. In the run-up to parliamentary elections in November 2005, villagers from Noviye-Atagi told local human rights monitors that in September children aged 12, 13 and 14 had been among people detained and subjected to enforced disappearance, severe beatings and sometimes torture. The villagers believed they were being punished for not showing sufficient support for Akhmed Kadyrov, Ramzan Kadyrov’s father, in the earlier

presidential elections. Many people feared reprisals if they spoke about such abuses.<sup>31</sup>

### Non-governmental armed groups

Non-governmental armed groups were active in many parts of the north Caucasus, and attacked federal and local government structures. Some were associated with Chechen separatists. Others were influenced by radical Islamist ideas. Sometimes the groupings overlapped. Elsewhere, small militia groups with extreme Russian nationalist views were sporadically reported to have attacked and killed foreigners, or Russians they suspected of sympathizing with Chechen nationalism.

In September 2004 armed men thought to be Chechen separatists seized a secondary-school in the north Ossetian town of Beslan, taking a thousand pupils and their teachers hostage. Of at least 331 people killed in an explosion and crossfire during the rescue attempt, more than half were children. Hundreds more were wounded.<sup>32</sup>

In October 2005 several scores of young men identifying themselves as members of the Kabardino-Balkar Section of the Caucasian Front set fire to nine buildings associated with federal security forces in the republic’s capital, Nalchik. The Chechen separatist commander Shamil Basayev later claimed responsibility for organizing them. The attackers were reported to be Islamists aged between 17 and 30 who were angry about the treatment of Muslims in the republic. At least 35 people were killed and over 100 – some of them student bystanders – said to have been injured in crossfire with the security forces.<sup>33</sup> Some of the young attackers were later tortured in police detention.<sup>34</sup>

The editor of the Russian–Chechen Friendship Society bulletin in Nizhny-Novgorod was forced into hiding in 2005. A group calling itself the Patriotic Youth Front had distributed leaflets in her neighbourhood and apartment block, giving her full name and address and inciting readers to kill her as a “traitor who deserves shame and contempt”.<sup>35</sup>

In September 2006 the governor of Karelia claimed that an unknown organization was inciting young people through the internet and mobile phones to attack members of the minority ethnic Chechen population or other people from the Caucasus region in the south who were living in Petrozavodsk. This followed organized violence against Chechens and Azeris by the inhabitants of neighbouring Kondopoga, orchestrated by a group calling itself the Movement against Illegal Migration.<sup>36</sup>

## Developments

At a February 2007 ministerial meeting in Paris, Russia and 58 other states endorsed the Paris



Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

\* Titles of non-English-language sources have been translated by the Coalition.

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- 2 US Library of Congress, Country Profile: Russia, October 2006, <http://lcweb2.loc.gov>.
- 3 Statute of the Russian Federation Government, No. 422, 11 July 2005.
- 4 President of Chechnya Alu Alkhanov, press conference, 28 February 2006.
- 5 See Ombudsman of the Chechen Republic, Special Report on Disappearances, April 2006, [www.ombu.ru](http://www.ombu.ru).
- 6 International Helsinki Federation for Human Rights, International Federation for Human Rights, Norwegian Helsinki Committee, Center "Demos", Human Rights Center "Memorial", *In a Climate of Fear*, 24 November 2005, [www.fidh.org/IMG/pdf/chechnya112005a.pdf](http://www.fidh.org/IMG/pdf/chechnya112005a.pdf); International Helsinki Federation, "A Fair Trial for Stas Dmitrievsky", 2 February 2006, [www.ihf-hr.org](http://www.ihf-hr.org); Amnesty International (AI), "Disappearance of journalist Elina Ersenoeva", 29 August 2006 (EUR 46/040/2006); "Murder of Anna Politkovskaya", AFP, 8 October 2006.
- 7 Tony Wood, "Diary" (account of visit to Chechnya), *London Review of Books*, 22 March 2007.
- 8 Shanghai Cooperation Organisation, [www.sectsc.org](http://www.sectsc.org).
- 9 Law on Military Obligations and Military Service, No. 53-FZ, Article 13(2).
- 10 Federal Law Amending Certain Legal Acts of the Russian Federation Pursuant to Shorten Duration of Military Service by Conscript, No. 104-FZ, 6 July 2006.
- 11 Federal Law on Alternative Civilian Service, No. 113-FZ, Article 11.
- 12 Quoted in Moscow Human Rights Institute, Survey No. 99, Analysis of Spring Parliamentary Legislation in the Russian State Duma, Special Issue on the Army and Citizens' Rights, 18 July 2006 [www.hrights.ru/laws/law99.htm](http://www.hrights.ru/laws/law99.htm).
- 13 "Countdown to call up", *Rossiiskaya Gazeta*, October 2006.
- 14 See, for example, *Pravda*, 23 February 2006; Human Rights Watch (HRW), *The Wrongs of Passage*, October 2004.
- 15 UN Committee against Torture, Consideration of fourth periodic report submitted by Russian Federation, Conclusions and Recommendations, UN Doc. CAT/C/RUS/CO/4, 6 February 2007.
- 16 Human Rights House Network, [www.humanrightshouse.org](http://www.humanrightshouse.org).
- 17 HRW, *Impact*, October 2006.
- 18 Federal Law Amending Certain Legal Acts of the Russian Federation Concerning Defence and Military Service, No. 96-FZ, 3 July 2006.
- 19 Russian Federation Law on Education, 1992.
- 20 *Ibid.*, Article 11(2).
- 21 *Ibid.*, Article 14.
- 22 Statute on the Suvorov Military Colleges, the Nakhimov Naval-Military Colleges, and the Cadet (Sea Cadet) Corps, No. 696, 11 June 1996.
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- 24 Russian Cadet Corps library, [www.ruscadet.ru](http://www.ruscadet.ru).
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- 31 *In a Climate of Fear*, above note 6.
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- 34 "Former Nalchik detainee charges torture", *Chechnya Weekly*, 3 November 2005, Jamestown Foundation.
- 35 AI, "The Russian-Chechen Friendship Society under threat" (EUR 46/017/2005), 3 May 2005.
- 36 "Russia: Kondopoga violence continues unabated", above note 33; "Kadyrov contradicts Alkhanov in his response to the violence in Karelia", *Chechnya Weekly*, 8 September 2006, Jamestown Foundation; "The provocative and aggressive behavior", *Kommersant*, 5 September 2006, [www.kommersant.com](http://www.kommersant.com).

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# RWANDA

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## Republic of Rwanda

**Population:** 9.0 million (4.7 million under 18)

**Government armed forces:** 33,000

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** acceded 23 April 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182, ACRWC

*Children were recruited from Congolese refugee camps in Rwanda by armed units under the command of Laurent Nkunda, and deployed in the eastern Democratic Republic of the Congo (DRC) in 2007. There was no evidence of under-18s in the Rwandan armed forces.*

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## Context

Rwandan government forces fighting in the armed conflict in the Democratic Republic of the Congo (DRC) conflict officially withdrew from the DRC in October 2002. Regional relations continued to be characterized by tension, however, and in 2004 Rwanda threatened on three occasions to renew military operations in the DRC, citing in June 2004 the need to protect Congolese Tutsi from ethnic violence and in April and November the need to counter the threat posed by dissident Rwandan forces based in the eastern DRC. There were credible reports that Rwandan army units entered the DRC in each of these months, but this was denied by the government.<sup>1</sup> In September 2004 Rwanda and the DRC signed the terms of reference for a Joint Verification Mechanism, providing a framework for jointly addressing cross-border issues, including the presence in the DRC of Rwandan armed groups.<sup>2</sup> The two governments committed to ensuring the disarmament, demobilization and repatriation of foreign armed groups within 12 months of the date of signature.<sup>3</sup> By the end of 2007 about 15,300 of an estimated 18,500 fighters, primarily the Democratic Forces for the Liberation of Rwanda (Forces démocratiques pour la libération du Rwanda, FDLR), had been repatriated to Rwanda.<sup>4</sup>

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## Government

### National recruitment legislation and practice

The June 2003 constitution reaffirmed Rwanda's adherence to international treaties, including the UN Convention on the Rights of the Child.<sup>5</sup> In its

2003 report to the UN Committee on the Rights of the Child, the government stated that "although voluntary enlistment in the armed forces is subject by law to a minimum age of 16, the law that was recently passed on the rights of the child and protection of children against violence states in article 19 that military service is prohibited for children under 18". The report further stated that since enlistment in the armed forces has always been voluntary, no minimum conscription age was specified in Rwandan legislation.<sup>6</sup> There were no reports of child-soldier recruitment or use by the Rwandan armed forces.

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## Armed groups

### Recruitment in refugee camps by armed units under the command of Laurent Nkunda<sup>7</sup>

An upsurge in child recruitment from refugee camps and communities in Rwanda occurred from January 2007.<sup>8</sup> Children said that they had been offered money and employment if they returned to North Kivu, DRC, but on arrival were recruited into armed units loyal to armed group leader Laurent Nkunda.<sup>9</sup> Rwandan authorities carried out a joint assessment with officials from the UN refugee agency UNHCR in May. They visited refugee camps to establish mechanisms for improved child protection, including improved control of the exit of children from the camps.<sup>10</sup> The Rwandan government initiated an investigation into the alleged removal in July of eight children from Kiziba camp, for deployment in South Kivu.<sup>11</sup> Some Rwandan child soldiers repatriated to Rwanda were reportedly arrested and beaten by the authorities.<sup>12</sup> Twenty-seven children had been released from armed group units loyal to Nkunda by mid-2007; they included 16 Rwandan children (of whom 13 were recruited in Rwanda).<sup>13</sup> In July the UN Secretary-General called on the Rwandan government to "act immediately" to stop all recruitment of child soldiers in the refugee camps and elsewhere in Rwanda.<sup>14</sup>

### Government militias

Local Defence Forces (LDFs) were created by the government in the late 1990s and charged with ensuring local security. LDF members were appointed by local officials and served as volunteers; they received limited training and some were authorized to carry weapons. LDF members were implicated in human rights abuses, including the illegal detention of street children, during the first months of 2006.<sup>15</sup> Children (some as young as 14) were reported to have been recruited into LDFs before 2004.<sup>16</sup> A 2005 law formalized the legal status, structure and organization of the LDFs and established 18 as the minimum recruitment age.<sup>17</sup> No LDF

recruitment of children was reported after the law came into effect.<sup>18</sup>

## Disarmament, demobilization and reintegration (DDR)

Provision for ex-combatants repatriated from the DRC was managed by the Rwanda Demobilization and Reintegration Commission (RDRC), a government agency operating within the framework of the World Bank's Multi-country Demobilization and Reintegration Program (MDRP). By 2007 some 650 Rwandan former child soldiers who had taken part in the DRC armed conflict had been repatriated to Rwanda under the program. Of these, 85 had taken part in an education program, 147 had received vocational training and 192 had been assisted with income-generating activities.<sup>19</sup> According to one non-governmental organization (NGO) survey, only two of the returnees were girls, although this was attributed to the small numbers of girls recruited in Rwanda and the fact that girls preferred to return as civilians through the UNHCR-run program.<sup>20</sup>

In late 2005 the RDRC opened a demobilization centre for child soldiers next to Lake Muhazi, and in March 2007 the Muhazi centre housed 38 former child soldiers, most of whom had fought with the FDLR. Former child soldiers were reported to spend three to six months at the centre, where they received civic education, psychosocial assistance and education or vocational training, while their families were traced. When leaving the centre former child soldiers received a basic kit but no cash payments.<sup>21</sup>

## Developments

### Detention of children accused of involvement in the genocide

Of the 120,000 people detained for involvement in the 1994 genocide, some 4,500 were reportedly below the age of 18 at the time of the genocide.<sup>22</sup> Rwanda's president, Paul Kagame, ordered the release of all "genocide minors" in January 2003, but under implementing regulations only those who had spent the maximum possible sentence in pre-trial detention were eligible to be freed.<sup>23</sup> During the same month the government released some 1,100 detainees who had been children in 1994.<sup>24</sup> A further 1,900 were released in July 2005 and 78 more in March 2007. It was unclear whether any individuals below the age of 18 in 1994 remained in detention as of October 2007.<sup>25</sup>

Article 74 of the law on crimes against humanity and genocide stated that children under the age of 14 at the time of the crime could not be held legally responsible for their

actions or detained, and that children over 14 but under 18 should receive reduced penalties.<sup>26</sup> A system of community-based *gacaca* tribunals (based on traditional courts), established by the government in 2001, continued to try persons accused of involvement in the genocide. A 2007 amendment to the *gacaca* law reduced the maximum penalty for minors convicted of offences under categories 2, 3 and 4 of the law from 12 years and 6 months to 5 years and 6 months.<sup>27</sup> Accused persons had no right to counsel in *gacaca* jurisdictions, and the courts were widely accused of faulty procedure, judicial corruption and false accusations.<sup>28</sup>

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- 7 See the entry on the DRC in this volume for a detailed explanation.
- 8 Child Soldiers Coalition sources, eastern DRC, April 2007.
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- 24 Ministry of Justice, *Imbonerahamwe igaragaza ibisabwa n’intangazo ryaturutse muri Perezidansi ya Repubulika/Chart showing what was required by the Communiqué of the President of the Republic*, March 2003.
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- 26 Second periodic report, above note 6.
- 27 Category 1 offences included crimes related to the organization or incitement of genocide. Categories 2 and 3 defined “less serious” crimes including co-authorship of, or being an accomplice to, deliberate killing or the infliction of serious injuries with or without the intention to cause death. Category 4 refers to those who have committed such acts but have reached an amicable settlement with the victim or before the public authority. Article 51, Organic Law No. 10/2007 modifying and complementing Organic Law No. 16/2004 of 19 June 2004, establishing the organization, competence and functioning of *gacaca* courts charged with prosecuting and trying the perpetrators of the crime of genocide or crimes against humanity committed between 1 October 1990 and 31 December 1994; Organic Law No. 40/2000 of 26 January 2000 setting up “*gacaca* jurisdictions” and organizing prosecutions for offences constituting the crime of genocide or crimes against humanity, committed between 1 October 1990 and 31 December 1994, [www.inkiko-gacaca.gov.rw](http://www.inkiko-gacaca.gov.rw).
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## SAN MARINO

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### Republic of San Marino

**Population:** 28,000 (5,000 under 18)

**Government armed forces:** not known

**Compulsory recruitment age:** 16 in time of war or emergency

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** signed 5 June 2000

**Other treaties ratified (see glossary):** CRC, GC AP I and II, ICC, ILO 138, ILO 182

*There were no reports of under-18s serving in the armed forces, but 16-year-olds could be recruited in time of war or emergency.*

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### Government

#### National recruitment legislation and practice

There was no compulsory military service in San Marino, and the minimum age for voluntary military service in the republic’s armed forces was 18. The Voluntary Military Force (Corpi Militari Voluntari) carried out various ceremonial functions and could provide assistance in the preservation of order. The Guard of the Great and General Council (Guardia del Consiglio Grande e Generale) was charged with its protection and the protection of the Captains Regent (joint heads of state). The Fortress Guard included an artillery unit, and had responsibility for border control and customs operations and maintained security at important government buildings. The Gendarmerie was responsible for law enforcement and public security, including rescue operations in the wake of disaster.<sup>1</sup>

Although service in these forces was not obligatory, Law Number 15 of 26 January 1990 on the Regulation and Discipline of Military Corps and their Officers stipulated that all citizens between the ages of 16 and 60 could be recruited in a time of war or other national emergency.<sup>2</sup> Article 1 of the 1974 constitution, however, stated that San Marino “rejects war as a means to settle disputes between States, and in its international policy, adheres to principles enshrined in the Charter of the United Nations”. Article 288 of the Criminal Code prohibited any unauthorized formation of armed groups, while Article 284 criminalized any action aiming at the provocation of armed conflict within San Marino territory.<sup>3</sup>

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1 Information from the San Marino Department of Foreign Affairs, October 2007; Guardia del Consiglio Grande e Generale, Functions, 2004, [www.guardiadelconsiglio.sm](http://www.guardiadelconsiglio.sm).

- 2 Information from the Department of Foreign Affairs, October 2007.
- 3 United Nations Human Rights Committee, Second periodic report of San Marino, UN Doc. CCPR/C/SMR/2, 10 January 2007.

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## SAO TOME AND PRINCIPE

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### Democratic Republic of Sao Tome and Principe

**Population:** 157,000 (73,000 under 18)

**Government armed forces:** unknown

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 17, with parental consent

**Voting age:** 18

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182

***National law provided for 17-year-olds to enlist voluntarily in the armed forces, but it was not known how many were serving.***

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### Government

#### National recruitment legislation and practice

The 1990 constitution stated that it is the “honour and supreme duty of citizens to participate in the defence of the sovereignty, independence and integrity of the state” (Article 63); it defined the age of majority as 18. The law on compulsory military service stated that the minimum age for recruitment was 18; 17-year-olds could volunteer with the consent of a parent or legal representative; military service was for two years.<sup>1</sup> It was not known whether the age limit was strictly enforced, or how many under-18s were serving in the armed forces.

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### Developments

In considering Sao Tome and Principe’s initial report in 2004, the UN Committee on the Rights of the Child welcomed measures taken to protect and promote children’s rights, but expressed concern about the lack of compatibility between some domestic laws and the provisions and principles of the convention, and the lack of implementation of relevant domestic laws. It urged the government to accede to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.<sup>2</sup>

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1 Initial report of Sao Tome and Principe to the UN Committee on the Rights of the Child, UN Doc. CRC/C/8/Add.49, 1 December 2003.

2 Committee on the Rights of the Child, Consideration of report submitted by Sao Tome and Principe, Concluding observations, UN Doc. CRC/C/15/Add.235, 1 July 2004.

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# SAUDI ARABIA

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## Kingdom of Saudi Arabia

**Population:** 24.6 million (10.7 million under 18)

**Government armed forces:** 224,500

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** not applicable<sup>1</sup>

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 182

*There was no evidence of under-18s in the armed forces.*

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## Context

Since 2003 there had been several attacks on Saudi and Western targets, in which some 300 people were killed.<sup>2</sup> Thousands of Saudi young men held in jails were enrolled in “de-radicalization programs”, which aimed to “reform and re-educate” potential al-Qaeda members. The government offered financial incentives on completion of the program in an effort to prevent recruitment to armed groups.<sup>3</sup>

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## Government

### National recruitment legislation and practice

According to the constitution, “[t]he defence of the Islamic religion, society, and country is a duty for each citizen.” There was no conscription.<sup>4</sup> In April 2005 Saudi Arabia reported to the UN Committee on the Rights of the Child that “the State prohibits the enlistment of any young person under the age of 18 in the armed forces”.<sup>5</sup>

The Saudi Arabia National Guard, additional to the regular armed forces, was under the control of the head of state, rather than the Ministry of Defence. It reportedly recruited primarily from tribes loyal to the ruling family, although the sources for potential recruits were widened to meet the demands for a larger force.<sup>6</sup>

According to the government there were no militias, and safeguards existed, including in military codes and articles, to ensure that under-18s were not recruited into the armed forces.<sup>7</sup>

### Military training and military schools

Military training began at the age of 18, and recruits were regarded “as students and not military subjects in the armed forces”.<sup>8</sup> Training took place at four military schools: the King Abdul Aziz Military Academy, the King Fahd Air Force Academy, the Chief of Staff’s Academy and the King Fahd Security Academy. Members of the

Saudi Arabia National Guard received training at the King Khaled Military Academy and from the US-based Vinnell Corporation.<sup>9</sup>

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## Armed groups

An al-Qaeda offshoot, al-Qaeda in the Arabian peninsula, stormed the US consulate in December 2004, killing nine people and injuring others.<sup>10</sup> On 24 February 2006 a Saudi-based al-Qaeda cell conducted a suicide attack on Saudi Aramco’s Abqaiq oil facility near Dammam, which resulted in the death of two security guards and several of the bombers.<sup>11</sup> There were no reports of the involvement of under-18s in these groups.

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## Developments

In March 2006 the UN Committee on the Rights of the Child recommended that the government expedite the process of ratification of the Optional Protocol on the involvement of children in armed conflict.<sup>12</sup>

- 1 No national elections. Nationwide municipal elections were held for the first time in 2005, in which male Saudis aged 21 and above were eligible to vote, “Q&A: Saudi municipal elections”, BBC News, 9 February 2005.
- 2 “Saudi Arabia”, *Amnesty International Report 2007*; “Saudi police round up militants”, BBC News, 7 June 2007.
- 3 “Saudi jails aim to tackle terror”, BBC News, 31 January 2008.
- 4 CIA, “Saudi Arabia”, *World Factbook*, <https://www.cia.gov>.
- 5 Second periodic report of Saudi Arabia to the UN Committee on the Rights of the Child, UN Doc. CRC/C/136/Add.1, 21 April 2005.
- 6 Global Security, “Saudi Arabia National Guard”, 27 April 2005, [www.globalsecurity.org](http://www.globalsecurity.org).
- 7 Letter from the Royal Kingdom of Saudi Arabia to the Coalition, 22 April 2004.
- 8 Ibid.
- 9 Global Security, above note 6.
- 10 “Saudis renew vow to fight terror”, BBC News, 7 December 2004.
- 11 “Al-Qaeda behind ‘Saudi oil plot’”, BBC News, 25 February 2006.
- 12 Committee on the Rights of the Child, Consideration of report submitted by Saudi Arabia, Concluding observations, UN Doc. CRC/C/SAU/CO/2, 17 March 2006.

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# SENEGAL

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## Republic of Senegal

**Population:** 11.7 million (5.8 million under 18)

**Government armed forces:** 13,600

**Compulsory recruitment age:** 20

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 3 March 2004

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182, ACRWC

*There were no reports of under-18s in the armed forces. No recent information on the use of child soldiers by an armed group was available.*

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## Context

In June 2004 the Senegalese government announced a general amnesty for members of the armed group Democratic Forces of Casamance Movement (Mouvement des forces démocratiques de Casamance, MFDC), despite the human rights abuses and other crimes it had committed during the conflict. Members of the Senegalese armed forces also benefited from impunity for human rights violations carried out in Casamance.<sup>1</sup> Following a new peace agreement signed in December 2004 between the government and the main wing of the MFDC, reconstruction work and de-mining began in the Casamance region. However, implementation of the agreement was hampered by disagreement between rival MFDC factions. The extent of government support for implementation of the agreement was also unclear.<sup>2</sup>

Sporadic fighting in Casamance resumed in 2006.<sup>3</sup> Clashes between the dissident MFDC Sadio, which had crossed the border into Guinea-Bissau, and members of the Guinea-Bissau army led to the displacement of more than 8,000 people in the border regions during March 2006.<sup>4</sup> Fighting between MFDC Sadio and the Senegalese armed forces in August 2006 led nearly 4,000 people to flee to Gambia.<sup>5</sup> In May 2006 it was reported that MFDC Sadio was laying mines in the areas it occupied.<sup>6</sup> Several attacks attributed to the group took place in northern Casamance in February 2007,<sup>7</sup> coinciding with presidential elections, when the incumbent, Abdoulaye Wade, was re-elected.

An estimated 3,000–5,000 people died during the 22-year conflict.<sup>8</sup> In January 2005 it was reported that 659 people, mostly women and children, had been the victims of mine-related incidents.<sup>9</sup>

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## Government

### National recruitment legislation and practice

The 2001 constitution stated that the rights and duties of citizens during war would be the subject of an implementing law (Article 70). Recruits to the armed forces had to be between 18 and 21 years of age; the period of military service was 24 months, after which the recruit could choose to remain in the armed forces or to be placed on the reserve list.<sup>10</sup> In its declaration on ratifying the Optional Protocol, the government stated that it had raised the minimum age for regular conscription to 20.<sup>11</sup>

There were no reports of under-18s in the armed forces.

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### Armed groups

The number of active MFDC combatants was not known; no factions were known actively to have recruited new members in recent years. The extent to which children were associated with the MFDC was not documented, although it appeared that there was no widespread recruitment of children.

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### Disarmament, demobilization and reintegration (DDR)

The December 2004 peace agreement called for the demobilization and disarmament of MFDC fighters, and the government committed itself to their integration on a voluntary basis within government paramilitary forces. No attempt to implement the agreement appeared to have been made by March 2007.

None of the peace agreements signed between the government and the MFDC made any reference to the demobilization of child soldiers.<sup>12</sup>

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### Developments

The UN Committee on the Rights of the Child expressed concern that the physical, psychological and social needs of children affected by the conflict in Casamance had not been sufficiently addressed, and that landmines continued to pose a risk to children. It urged the government to take all appropriate measures to address these issues.<sup>13</sup>

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1 *Amnesty International Report 2005.*

2 Confidential sources, Senegal, May 2007.

3 *Amnesty International Report 2007.*

- 4 European Community Humanitarian Aid Office (ECHO), Aide humanitaire d'urgence en faveur des populations Bissau guinéennes et sénégalaises affectées par le conflit de Casamance, 19 May 2006, ECHO/-WF/BUD/2006/03000.
- 5 Diadie Ba, "Thousands flee south Senegal fighting", Reuters Foundation, 25 August 2006.
- 6 "Senegal", *World Food Programme Emergency Report*, 19 May 2006, www.reliefweb.int.
- 7 "Senegal: Casamance fighting allegedly linked to elections", IRIN, 21 February 2007.
- 8 Martin Evans, "Senegal: Mouvement des Forces Démocratiques de la Casamance (MFDC)", briefing paper, Armed Non-state Actors Project, Royal Institute of International Affairs, London, December 2004.
- 9 Reliefweb, "West Africa: Report on the Humanitarian Situation No. 12: January 2005", <http://reliefweb.int>.
- 10 Initial report of Senegal to the UN Committee on the Rights of the Child, UN Doc. CRC/C/3/Add.31, 17 October 1994.
- 11 Senegal's declaration on the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).
- 12 Confidential source, Senegal, July 2007.
- 13 UN Committee on the Rights of the Child, consideration of Second periodic report of Senegal, UN Doc. CRC/C/SEN.2, Concluding observations, UN Doc CRC/C/SEN/CO/2, 20 October 2006.

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## SERBIA

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### Republic of Serbia

**Population:** 9.9 million (2.2 million under 18)

**Government armed forces:** 39,700

**Compulsory recruitment age:** 17

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 31 January 2003

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***Compulsory recruitment took place in the year an individual turned 18 and the minimum age for voluntary recruitment was 18.***

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### Context

Montenegro declared its independence in June 2006 following a referendum, and seceded from the state of Serbia and Montenegro, the loose union of two semi-independent republics created in 2003 following the break-up of former Yugoslavia. Kosovo remained under the administration of the UN Interim Administration Mission in Kosovo (UNMIK).<sup>1</sup> Its military security was maintained by the Kosovo Force (KFOR), a NATO-led mission under a UN mandate.<sup>2</sup>

Serbia remained party to all international agreements, treaties and conventions to which Serbia and Montenegro had been a party. A new constitution was approved by over 53 per cent of voters in a referendum in October 2006, and endorsed by parliament in November. A Strategic Defence Review in 2006 committed Serbia to considerable restructuring which would prepare the armed forces for involvement in multilateral defence activity. In November 2006 Serbia was invited to join the NATO Partnership for Peace program.<sup>3</sup>

Serbia's lack of co-operation in arresting and transferring indicted suspects to the International Criminal Tribunal for the former Yugoslavia (Tribunal) resulted in the suspension of talks on a Stabilization and Association Agreement with the European Union (EU). The former Serbian president, Slobodan Milosevic, on trial before the Tribunal for war crimes and crimes against humanity, died in March 2006 following a heart attack.<sup>4</sup>

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### Government

#### National recruitment legislation and practice

In its initial report to the UN Committee on the Rights of the Child the government stated that



the conscription process began with registration at the start of the calendar year in which a citizen turned 17. Actual recruitment to the armed forces took place in the year an individual turned 18, although recruitment could take place at age 17 if specifically requested. Military service could be deferred until the age of 21, should conscripts wish to complete their education first. However, military service could commence at any time after the conscript became 18 years old. In a time of war, 17-year-olds could be required to perform military service on order of the president.<sup>5</sup>

In its declaration on ratification of the Optional Protocol, the government stated that the minimum age for voluntary recruitment was 18.<sup>6</sup>

In June 2006 the defence minister announced army reforms which included the creation of a volunteer army by 2015.<sup>7</sup>

### **Military training and military schools**

The Ministry of Defence provided military education at a military gymnasium and a military academy.<sup>8</sup>

1 *Amnesty International Report 2007*.

2 NATO, Kosovo Force, [www.nato.int](http://www.nato.int).

3 UK Foreign and Commonwealth Office, Country Profile, [www.fco.gov.uk](http://www.fco.gov.uk).

4 *Amnesty International*, above note 1.

5 Initial report of Serbia to the UN Committee on the Rights of the Child, UN Doc. CRC/C/SRB/1, 31 August 2007.

6 Declaration on ratification of the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).

7 Centre for Civil–Military Relations, “Army reforms continue”, 15 June 2006, [www.ccmr-bg.org](http://www.ccmr-bg.org).

8 Ministry of Defence, [www.mod.gov.yu](http://www.mod.gov.yu).

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# SEYCHELLES

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## **Republic of Seychelles**

**Population:** 81,000 (41,000 under 18)

**Government armed forces:** 200

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18; younger with parental consent

**Voting age:** 18

**Optional Protocol:** signed 23 January 2001

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182, ACRWC

***No information was available on the presence of under-18s in the armed forces. Volunteers could be recruited under the age of 18 with parental consent.***

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## **Government**

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### **National legislation and recruitment practices**

There were no reports of under-18s in the security forces. In its initial report to the UN Committee on the Rights of the Child, the government stated that there was no conscription. It reported that the minimum age for voluntary military service in the Defence Forces was 18 and that exceptions required the written consent of a parent or guardian.<sup>1</sup> In its consideration of the report, the Committee recommended the government ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.<sup>2</sup>

1 Initial report of Seychelles to UN Committee on the Rights of the Child, UN Doc. CRC/C/3/Add.64, 3 May 2002.

2 Committee on the Rights of the Child, Consideration of initial report of Seychelles, UN Doc. CRC/C/SR.816, September 2002, Concluding observations, UN Doc. CRC/C/15/Add.189, 9 October 2002.



*Peace monument in Kono, former stronghold of the armed group the Revolutionary United Front, Sierra Leone*

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# SIERRA LEONE

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## Republic of Sierra Leone

**Population:** 5.5 million (2.7 million under 18)

**Government armed forces:** 10,500

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 15 May 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ACRWC

***There were no reports of under-18s in the armed forces. Children were allegedly recruited in Sierra Leone by Liberians United for Reconciliation and Democracy (LURD) to fight in Liberia in July 2005. The trial of the former Liberian president, Charles Taylor, for crimes against humanity, war crimes and other serious violations of international law committed in Sierra Leone, including the recruitment and use in hostilities of child soldiers under the age of 15, began in June 2007 before the Special Court for Sierra Leone. The same month the Special Court convicted three former commanders of the Armed Forces Revolutionary Council (AFRC) of recruitment and use in hostilities of children under 15; in August it convicted a leader of the pro-government Civil Defence Forces (CDF) of the same charge.***

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## Context

The Truth and Reconciliation Commission, which had been established under the 1999 Lomé Peace Agreement, published its report in October 2004. The UN Mission in Sierra Leone (UNAMSIL) completed its peacekeeping mandate in December 2005. It was succeeded by the United Nations Integrated Office for Sierra Leone (UNIOSIL), established by UN Security Council Resolution 1620, which was mandated to assist Sierra Leone in consolidating peace and human rights, building capacity of state institutions, and strengthening the rule of law and the security sector.

In August 2007 the All People's Congress (APC) won parliamentary elections. In September Ernest Bai Korom, representing the APC, was elected president, replacing Ahmad Tejan Kabbah.

The conflict in Sierra Leone, which began in 1991, was officially declared over in January 2002 with completed disarmament and demobilization

of armed groups.<sup>1</sup> The Liberian conflicts of 1990–7 and 2000–3, and the conflict in Côte d'Ivoire since 2002, were intricately linked, with operations across borders, including in Guinea, which bordered all three countries, and a complex web of governments and armed groups providing support to factions in neighbouring countries.<sup>2</sup> A migrant population of thousands of young fighters, including child soldiers, crossing the borders between Liberia, Guinea, Sierra Leone and Côte d'Ivoire, saw conflict mainly as an economic opportunity. Many had first been forcibly recruited as children in one conflict, then willingly crossed borders to take up arms in another, often with a different armed group. A 2005 study by Human Rights Watch found that most had been motivated by the promises of financial gain, and many could not articulate the political objective of the group they fought with. The risk of re-recruitment was exacerbated by high rates of youth unemployment and corruption and deficiencies in the implementation of disarmament, demobilization and reintegration (DDR) programs.<sup>3</sup> An August 2006 report by the UN Office for West Africa (UNOWA) noted that high levels of unemployment, particularly youth unemployment, across west Africa posed a risk to stability in the region. This was reiterated in a 2007 report by the UN Secretary-General which highlighted also the importance of reform of the security sector in countries in the region as a means of addressing it.<sup>4</sup>

In May 2007 the Secretary-General assessed the security situation in Sierra Leone as stable but fragile, with risks to stability from the high rate of youth unemployment, concerns over the accountability of the authorities, the weakness of the justice system and the lack of improvement in general living standards.<sup>5</sup> A June 2007 UN report on conditions in prisons indicated that failure to protect prisoners' rights could also threaten the country's stability.<sup>6</sup>

Sierra Leone was ranked the least-developed country in the world by the UN Development Programme (UNDP) 2007–8 Human Development Index, based on 2005 data.<sup>7</sup>

The Child Rights Act, passed in June 2007, introduced into domestic law the international definition of a child as any person under the age of 18 and other provisions of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.<sup>8</sup> It included (Section 28) a prohibition on the use of land mines and other weapons declared by international instruments to be adverse to children.

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## Government

### National recruitment legislation and practice

The Sierra Leone government affirmed in 2006 in its second report to the UN Committee on the Rights of the Child that, as stated in its declaration on ratifying the Optional Protocol, the age of recruitment into the armed forces had been raised from 17.5 to 18 years. The 2007 Child Rights Act enacted this into law, stipulating that the minimum age of recruitment into the armed forces was 18 (Section 28), and amending the Sierra Leone Armed Forces Act of 1961 to this effect.

In its declaration on ratifying the Optional Protocol, Sierra Leone had stated that there was no compulsory recruitment into the armed forces and that recruitment was exclusively on a voluntary basis.<sup>9</sup>

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## Armed groups

### Reports of recruitment of children for use in neighbouring countries

There were reports that, in 2005, children in Sierra Leone were being recruited with a view to fighting in Liberia. In July near Kaliahun in eastern Sierra Leone men from Liberia were aiming to recruit children for the Liberians United for Reconciliation and Democracy (LURD) and in August Liberian LURD sympathizers were seeking to recruit children allegedly to work in diamond mines in Liberia as a cover for a recruitment strategy.<sup>10</sup> In August 2005 two boys claimed that they had escaped from a recruitment camp in Liberia.<sup>11</sup> In September 2005, cases of children who went to Liberia to sell goods but never came back were also documented in the Kaliahun district.<sup>12</sup>

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## Disarmament, demobilization and reintegration (DDR)

The Lomé Peace Agreement had explicitly provided that the special needs of children should be addressed in the disarmament, demobilization and reintegration (DDR) process. According to the final report of the Truth and Reconciliation Commission, there were no accurate statistics for the number of children associated with the fighting forces during the conflict. Estimates by different organizations including UNICEF, UNAMSIL, and local agencies ranged from 5,000 to 10,000 depending on the criteria used.<sup>13</sup> The national body responsible for the DDR program, the National Committee for Demobilisation, Disarmament and Reintegration (NCDRR) confirmed to the Commission that more than 6,774 children entered the DDR program. Of

these, 3,710 had been with the Revolutionary United Front (RUF), 2,026 with the pro-government Civil Defence Forces (CDF), 471 with the Sierra Leone Army and 427 with the Armed Forces Revolutionary Council (AFRC); 144 were with other factions or non-affiliated.<sup>14</sup>

It was estimated that about 30 per cent of child soldiers in the conflict were girls, but only 8 per cent (513) of the former child soldiers in the DDR program were female. The Truth and Reconciliation Commission identified this failure to address the needs of girl soldiers as the most glaring problem in the DDR program, and in contravention of UN Security Council Resolution 1314 of August 2000 on children and armed conflict, which called for special attention to be given to the needs of girls in the wake of conflict, including in DDR programs. Gender had been given scant regard in the planning of the DDR program, which did not take into account the gender-specific roles played by girls and the complexity of their situations. One reason for the lack of participation of girls in the DDR program was that most of them had been considered as camp followers and not as combatants in their own right. In fact, they had played many roles in the conflict, as porters, fighters and “bush wives” held in sexual slavery by their captors. Some commanders to whom the girls had been attached as “bush wives” refused to allow them to participate in the DDR program. Other girls refused to participate for fear of stigmatization.<sup>15</sup>

UNICEF set up the “Girls Left Behind Project” to provide assistance to such girls. In the Kono, Bombali and Port Loko districts where the project was operated by UNICEF’s non-governmental organization (NGO) partners, by the time it closed in February 2005 over 1,000 girls had been identified who had not gone through the DDR process, and 714 girls had been provided with services. Some similar projects were set up by NGOs.<sup>16</sup> One local NGO continued to work with girls without focusing exclusively on girls formerly associated with the fighting forces, but involving other girls affected by the conflict, including commercial sex workers.<sup>17</sup>

Demobilized children under 15 were sent to Interim Care Centres (ICCs) under the care of UNICEF and child protection agencies, after which they were reunited with their families or went to foster families, and entered education projects. Those aged 15–17 could go into NCDRR training and employment programs for up to nine months, at the end of which they received a start-up kit. However, in many cases they were unable to make effective use of their training because of the weakness of the economy, and start-up kits on their own were not enough to start a sustainable business. To that extent the DDR program had not taken economic realities into account and had given insufficient consideration to sustainability.<sup>18</sup> The levels of economic deprivation reportedly were a factor in some Sierra Leone former

combatants, including former child soldiers, returning to fighting in Liberia and Côte d'Ivoire.<sup>19</sup>

## Developments

The economic exploitation of children, including in diamond mining, had been especially high during the conflict. Levels of child labour recorded by UNICEF increased between 2003 and 2005.<sup>20</sup> In its second periodic report to the Committee on the Rights of the Child the government indicated that the lack of proper and effective monitoring and capacity in the relevant ministry might have led indirectly to the increase in child labour. The 2007 Child Rights Act criminalized the use of children, especially young children, in hazardous labour and other forms of economic and sexual exploitation of children, and the 2005 Anti-human Trafficking Act (2005) contained provisions for the prevention of child labour and trafficking.<sup>21</sup>

At a February 2007 ministerial meeting in Paris, Sierra Leone and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

## Truth and Reconciliation Commission

The Truth and Reconciliation Commission published its final report in October 2004. It was mandated to give special attention to the experiences of children who, at the onset of the conflict in 1991, had comprised half the population. It took steps to reach out to children to ensure that their voices would be heard and published a child-friendly version of its report. A chapter of its final report focused on children and examined the continuing impact of the conflict on children.

All sides had recruited children, who were the main victims of forced recruitment. By 1998 about 25 per cent of the fighting forces were under 18. The disproportionate targeting for recruitment of boys aged 10–14 led the Commission to conclude that the armed groups deliberately sought to enlist them. Over 50 per cent of people who suffered forced recruitment were abducted at the age of 15 or younger, and over 28 per cent at the age of 12 or younger.

The RUF had been the first to enlist children and were responsible for the highest number of child recruitments recorded. The government side had started recruiting children in 1991–2 under President Momoh, who encouraged chiefs and community leaders to organize the civilian population into local vigilante groups to

augment the Sierra Leone Army (SLA). The main recruitment of children into the army took place during the National Provisional Ruling Council (NPRC) government when proper recruitment procedures were not followed in view of the emergency situation and the need to increase the number of soldiers. Some children were recruited illegally and given the roll number of soldiers who had been killed, while the salaries and benefits due to the dead soldiers were embezzled by senior officers and administrators for whom the conflict had become profitable business.

The Commission noted the dual identities of children as victims and perpetrators. The violence of conflict had deadened their senses, already impaired by drug abuse. Peer pressure and the need for a sense of belonging led them to conform, and they often had to become ruthless in order to survive.

Sexual violence was systematic, but the Commission could not establish conclusive figures. Most girls abducted by the RUF and AFRC were compelled to be available to their captors for sex, resulting in the “bush wife” phenomenon of sexual slavery. The group targeted for sexual slavery was girls and women aged 10–25; 50 per cent of them were 15 or under, and 25 per cent were 12 or under. Of the rape victims 25 per cent were 13 or younger.

Many children had been mutilated with the name of the armed group who had captured them branded or carved on their bodies to prevent them escaping. These scars added to the fear of stigmatization after the conflict. UNICEF established a project to provide plastic surgery to a number of children to remove or disguise their scars.

Many children were not reunited with their families after the conflict. Some had been so young when abducted that they did not remember who their families were. Others had been rejected by their families, or the fear of stigma and rejection led them to refuse to go back to their communities. Girls in particular faced stigma and rejection for having become “bush wives” or sexual slaves. In cases where they had babies the babies had often been rejected too.

All the armed factions pursued a policy of forcibly administering drugs to children to loosen their inhibitions and to spur them to violence. In the years after the conflict there was a high number of young people addicted to drugs, with attendant psychiatric and other health problems.

These factors, together with the deficiencies in the DDR program, including the failure to include girls and young women, had led to a dramatic rise in the number of street children after the conflict, as well as a growth in the number of young girls engaged in prostitution as a means of survival.<sup>22</sup>

## Special Court for Sierra Leone

The Special Court for Sierra Leone, created by the government and the UN in January 2002, was mandated to try those “bearing the greatest responsibility” for crimes against humanity, war crimes and other serious violations of international law during the conflict in Sierra Leone. In 2002 it was confirmed that children would not be indicted by the Court.<sup>23</sup> The Court’s prosecutors viewed all children as victims as well as perpetrators, and thus felt individual children could not be seen as bearing greatest responsibility.<sup>24</sup>

By June 2007, eight people were on trial in the Special Court in Freetown, for crimes which included the recruitment and use of children under 15. They were three former AFRC leaders, two former CDF leaders, and three former RUF leaders. Two others had been indicted by the Court: the leader of the RUF, Foday Sankoh, who had died in custody in 2003, and the leader of the CDF, Hinga Norman, who died in February 2007.<sup>25</sup> In March 2006 the Nigerian authorities apprehended Charles Taylor, former president of Liberia, who was transferred to the authority of the Court where he was charged with war crimes, crimes against humanity and other serious violations of international humanitarian law, including the use of child soldiers during his alleged involvement in the Sierra Leone conflict supporting the RUF.<sup>26</sup> In June, in order to protect stability in Liberia and the sub-region, which might be disrupted if he were to be put on trial in west Africa, he was transferred to The Hague to be tried by a trial chamber of the Special Court.<sup>27</sup> He first appeared before the Special Court in The Hague on 4 June 2007. His trial was adjourned until January 2008 to allow time for his lawyers to prepare for trial.<sup>28</sup>

The first verdict by the Special Court was announced on 20 June 2007 in the case of Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu. These three former commanders of the AFRC were found guilty on 11 out of 14 charges, including the recruitment of children under the age of 15 and their active use in hostilities.<sup>29</sup> The judgment marked the first time that an international criminal tribunal found individuals guilty of recruitment and use of children as soldiers. These convictions were welcomed by human rights NGOs as a historic precedent, showing that the recruitment of child soldiers was considered to be among the most serious of crimes and that those involved could and would be brought to justice.<sup>30</sup> The three were sentenced to between 45 and 50 years’ imprisonment, covering all counts on which they were found guilty.<sup>31</sup>

On 2 August 2007 the Court announced its verdicts in the cases of two CDF leaders. Moinina Fofana was convicted on four counts of the eight-count indictment, but found not

guilty of the charge of conscripting or enlisting children under the age of 15 into armed forces or groups or using them to participate actively in hostilities. Allieu Kondewa was found guilty on this charge, along with four other charges. He was sentenced on 9 October 2007 to seven years’ imprisonment for this specific charge. The Court concluded that he had initiated children as young as 11 into the “Avondo Society”, a group of Kamajors (“hunters”, members of the CDF). Both individuals were to serve their sentences concurrently, which meant that Moinina Fofana would serve a total of six years and Allieu Kondewa would serve eight years.<sup>32</sup>

- 1 *Amnesty International Report 2003*.
- 2 See entries on Côte d'Ivoire, Guinea and Liberia in this volume.
- 3 See Human Rights Watch (HRW), *Youth, Poverty and Blood: The Lethal Legacy of West Africa's Regional Warriors*, March 2005; Report of the UN Secretary-General on ways to combat subregional and cross-border problems in West Africa, UN Doc. S/2004/200, 12 March 2004; Report of the Secretary-General on inter-mission cooperation and possible cross-border operations between the UN Mission in Sierra Leone, the UN Mission in Liberia, and the UN Operation in Côte d'Ivoire, UN Doc. S/2005/135, 2 March 2005.
- 4 Youth Unemployment and Regional Insecurity in West Africa, 2nd edn, UN Office for West Africa (UNOWA), August 2006, [www.un.org/unowa](http://www.un.org/unowa); Report of the Secretary-General on cross-border issues in West Africa, UN Doc. S/2007/143, 13 March 2007.
- 5 Fourth report of the Secretary-General on the United Nations Integrated Office in Sierra Leone, UN Doc. S/2007/257, 7 May 2007.
- 6 “Sierra Leone prisons threaten peace”, BBC News, 22 June 2007. See also UN Integrated Office in Sierra Leone (UNIOSIL), “Presentation of a report ‘Behind the walls – an inventory and assessment of prisons in Sierra Leone’ – statement by the ERSG Victor Angelo on 21 June 2007”, press release, UNIOSIL/PIO PR 50, [www.uniosil.org](http://www.uniosil.org).
- 7 UN Development Programme (UNDP), 2007/2008 Human Development Index rankings, <http://hdr.undp.org>.
- 8 UNICEF, “Sierra Leone approves the National Child Rights Bill”, press release, 7 June 2007.
- 9 Declaration on accession to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).
- 10 Coalition interview with confidential sources, Freetown, November 2005, cited in Child Soldiers Coalition, *Child Soldiers and Disarmament, Demobilization, Rehabilitation and Reintegration in West Africa*, November 2006.
- 11 Report submitted to UNICEF by a child protection agency in Sierra Leone, 18 August 2005, cited in Child Soldiers Coalition, above note 10.

- 12 Coalition meeting with a child protection agency, Freetown, October 2005, cited in Child Soldiers Coalition, above note 10.
- 13 Amnesty International (AI) estimated in 2000 that by then more than 10,000 children had been associated with the fighting forces – see *Sierra Leone: childhood – a casualty of conflict* (AI Index AFR 51/69/00), 31 August 2000.
- 14 “Children and the armed conflict in Sierra Leone”, Chapter 4 of the Final Report of the Truth and Reconciliation Commission of Sierra Leone, Vol. 3b, October 2004.
- 15 Ibid. See also Susan McKay and Dyan Mazurana, *Where Are the Girls? Girls in Fighting Forces in Northern Uganda, Sierra Leone and Mozambique: Their Lives during and after War*, International Center for Human Rights and Democratic Development, 2004, [www.ichrdd.ca](http://www.ichrdd.ca).
- 16 John Williamson, *Reintegration of Child Soldiers in Sierra Leone*, USAID report, 2005, <http://pdf.usaid.gov>.
- 17 Coalition interview with Caritas Makeni official, Makeni, December 2005.
- 18 Truth and Reconciliation Commission of Sierra Leone, above note 14.
- 19 HRW, above note 3.
- 20 UNICEF, *State of the World’s Children 2005 and 2007*. The 2005 report, based on figures up to 2003, indicated that the child labour rate for those aged 5–14 was 57 per cent; the 2007 report, based on figures up to 2005, indicated that the child labour rate was 59 per cent.
- 21 Second periodic report of Sierra Leone to the UN Committee on the Rights of the Child, UN Doc. CRC/C/SLE/2, 8 September 2006.
- 22 Truth and Reconciliation Commission of Sierra Leone, above note 14.
- 23 Special Court for Sierra Leone, “Special Court prosecutor says he will not prosecute children”, press release, 2 November 2002, [www.sc-sl.org](http://www.sc-sl.org).
- 24 Coalition interview with chief of prosecutions of Special Court for Sierra Leone, Freetown, December 2006.
- 25 Special Court for Sierra Leone, [www.sc-sl.org](http://www.sc-sl.org).
- 26 Eleventh progress report of the Secretary-General on the UN Mission in Liberia, UN Doc. S/2006/376, 9 June 2006; Special Court for Sierra Leone, Summary of charges against Charles Taylor, [www.sc-sl.org](http://www.sc-sl.org).
- 27 Twelfth progress report of the Secretary-General on the UN Mission in Liberia, UN Doc. S/2006/743, 12 September 2006; Report of the Secretary-General on children and armed conflict, UN Doc. A/61/529-S/2006/826, 26 October 2006.
- 28 “Taylor trial delayed until 2008”, BBC News, 20 August 2007.
- 29 *Brima, Kamara and Kanu*, Special Court for Sierra Leone, Trial Chamber II, Judgment, 20 June 2007.
- 30 Coalition, “Child Soldiers Coalition welcomes verdicts against child recruiters in Sierra Leone”, press release, 20 June 2007.
- 31 Special Court for Sierra Leone, sentencing judgment, SCSL-04-16-T, 19 July 2007.
- 32 Special Court for Sierra Leone, sentencing judgment, SCSL-04-14-T, 9 October 2007.

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# SINGAPORE

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## Republic of Singapore

**Population:** 4.3 million (1 million under 18)

**Government armed forces:** 72,500

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 16

**Voting age:** 21

**Optional Protocol:** signed 7 September 2000

**Other treaties ratified (see glossary):**

CRC, ILO 138, ILO 182

***Recruits could volunteer for military service in the armed forces from the age of 16 and a half.***

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## Government

### National recruitment legislation and practice

Under the 1970 Enlistment Act, male citizens and permanent residents aged 16 and a half were required to register and to undergo a physical examination,<sup>1</sup> but only those aged 18 and over were liable to perform military service. Full-time service was for two to two and a half years according to rank attained during service.<sup>2</sup>

Males over the age of 16 and a half could enlist earlier under the Voluntary Early Enlistment Scheme (VEES) with parental consent. They were required to undergo medical and psychological screening to determine their capacity to cope with the national service training, and to serve for the same period as those conscripted under the national service program.<sup>3</sup> The Enlistment Act also permitted “any person” to apply for regular (volunteer) service in the armed forces.<sup>4</sup>

All those who enlisted were required to undergo basic military training for between seven and 26 weeks, depending on physical capacity.<sup>5</sup> Information concerning training programs specifically for recruits under 18 was unavailable, as were statistics on the number of under-18s who had voluntarily enlisted.

Persons undergoing national service were provided with medical and psychological counselling services. They were provided with a monthly allowance and permitted to have contacts with their family on a regulated basis.<sup>6</sup>

Refusal to enlist and to perform national service was an offence under the Enlistment Act, punishable by a fine, imprisonment of not more than three years, or both.<sup>7</sup> At least 14 conscientious objectors were imprisoned between 2004 and 2006, and others continued to serve prison sentences; all were members of the banned Jehovah’s Witness religious group. No alternatives to military service were offered.<sup>8</sup>

The Children and Young Persons Act (1993, amended 2001) provided for the general protection of the rights and welfare of children – defined as under 14 – and young people – defined as over 14 and under 16. The Act contained no specific provisions prohibiting the recruitment or use of children in conflict situations, nor did it refer explicitly to children involved in conflict situations as being among those in need of protection. However, the Act provided that “any act which endangers or is likely to endanger the safety of the child or young person” was a criminal offence.

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1 Enlistment Act, Chapter 93.

2 Central Manpower Base, Ministry of Defence, “My Son, the NS Man: What Parents Should Know About the NS”, 2007, [www.ns.sg](http://www.ns.sg).

3 “Register for NS-FAQ-Enlistment”, [www.ns.sg](http://www.ns.sg).

4 Enlistment Act, above note 1, Article 19.

5 “About BMT”, 2006, [www.mindef.gov.sg/](http://www.mindef.gov.sg/); “My Son, The NS Man”, above note 2.

6 “My Son, the NS Man”, above note 2.

7 Enlistment Act, above note 1, Article 33.

8 Amnesty International, *Annual Reports 2005, 2006 and 2007*.



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# SLOVAKIA

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## Slovak Republic

**Population:** 5.4 million (1.1 million under 18)

**Government armed forces:** 15,200

**Compulsory recruitment age:** 18 (conscription abolished in 2006)

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 7 July 2006

**Other treaties ratified (see glossary):**  
CRC, GC AP I and II, ICC, ILO 138, ILO 182

*Conscription was abolished in 2006. There were no reports of under-18s serving in the armed forces.*

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## Government

### National recruitment legislation and practice

The transition to a non-conscript armed force was completed and conscription was abolished in 2006. However, in cases of military emergency or state of war, the armed forces could recruit men above the age of 18. National legislation did not permit any authority to recruit under-18s for any armed forces.<sup>1</sup>

### Military training and military schools

There were three military colleges and a police academy.<sup>2</sup>

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## Developments

At a February 2007 ministerial meeting in Paris, Slovakia and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

### International standards

Slovakia ratified the Optional Protocol in July 2006. Its declaration stated that anyone serving professionally in the armed forces was required to be 18.<sup>3</sup>

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1 Communication from the embassy of Slovakia, London, March 2007.

2 Embassy of Slovakia, London, United Kingdom, <http://dev.dracon.biz/embassy>.

3 Optional Protocol, Declarations and reservations, [www2.ohchr.org](http://www2.ohchr.org).

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# SLOVENIA

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## Republic of Slovenia

**Population:** 2.0 million (345,000 under 18)

**Government armed forces:** 6,600

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 23 September 2004

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

*There were no reports of under-18s serving in the armed forces.*

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## Government

### National recruitment legislation and practice

A major reorganization of the armed forces was under way, aimed at changing from a conscription-based territorial defence force to a volunteer army deployable within NATO. Conscription ended in October 2003 and compulsory reserve service was to end by 2010.<sup>1</sup> In March 2007 the volunteer force consisted of 6,500 soldiers, with a further 2,000 expected to be recruited by 2010. Recruits were required to have been in education between the ages of 15 and 18, and to be under 25.<sup>2</sup> In its declaration on ratifying the Optional Protocol in September 2004, the government stated that the minimum age for voluntary recruitment was 18.<sup>3</sup>

Previously, under the Military Service Act, all men aged between 19 and 27 had been liable for conscription, although 18 year olds could volunteer for military service. In time of war or emergency, 18 year olds could also have been called up.<sup>4</sup>

### Military training and military schools

The military education system was overhauled, and in 2005 the process of merging all military schools under one command began. The Flight School was subordinated to the Doctrine, Development, Education and Training Command. The military schools provided education and training programs for soldiers, non-commissioned officers, officers and specialized military personnel. Also in 2005 an e-learning centre and a Command and Unit Combat Training Centre were established, and 67 army personnel successfully completed basic military professional training at the Non-commissioned Officer School and the Officer Candidate School.<sup>5</sup>

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## Developments

At a February 2007 ministerial meeting in Paris, Slovenia and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

- 1 US Department of State, Background Note, March 2007, [www.state.gov](http://www.state.gov).
- 2 Slovenian Army, [www.slovenskavojska.si](http://www.slovenskavojska.si).
- 3 Declarations and reservations to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).
- 4 Second periodic report of Slovenia to the UN Committee on the Rights of the Child, UN Doc. CRC/C/70/Add.19, 18 June 2003.
- 5 Ministry of Defence, Annual Reports, [www.mors.si](http://www.mors.si).

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## SOLOMON ISLANDS

### Solomon Islands

**Population:** 478,000 (227,000 under 18)

**Government armed forces:** no armed forces

**Compulsory recruitment age:** not applicable

**Voluntary recruitment age:** not applicable

**Voting age:** 18

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, GC AP I and II

*There were no armed forces. The minimum recruitment age to the police force was 18. Former child soldiers were left out of reintegration programmes aimed at ex-combatants.*

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## Context

Following five years of internal armed conflict and the intervention in 2003 of the Australian-led Regional Assistance Mission for the Solomon Islands (RAMSI), also known as Operation “Helpem Fren” (Helping a Friend), progress continued on the reconstruction of infrastructure and key institutions affected by the armed conflict. There were concerns, however, that the root causes of the conflict remained, as more than 80 per cent of the population were still dependent on subsistence agriculture and fishing and had limited access to health and education services. The marked disparity in development between the capital, Honiara, and the provinces, and the reported corruption among political leaders continued to present significant challenges to development.<sup>1</sup>

In 2005 the High Court convicted at least ten people for their role in the conflict, including Harold Keke, former leader of the Guadalcanal Liberation Front, sentenced to life imprisonment for the 2002 murder of Augustine Geve, a former priest and government minister.<sup>2</sup> It appeared that no investigations had taken place into recruitment of children by militias and other cases of alleged war crimes affecting children during the conflict, as recommended by the UN Committee on the Rights of the Child in 2003.<sup>3</sup>

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## Government

### National recruitment legislation and practice

There were no armed forces. According to the Police Act, “no person shall be enlisted in the Force unless ... he is of or above the age of eighteen years and under the age of twenty-eight

years”.<sup>4</sup> No law had been enacted to protect children from their involvement in armed conflict.

As part of proposed reforms, all students would be required after Form 5 (age 17) “to undertake National Service through government-driven programs”.<sup>5</sup> It was not clear what activities this service would entail and no further information was available.

## Disarmament, demobilization and reintegration (DDR)

The UN Development Programme (UNDP) helped to demobilize over 1,000 police special constables between July 2002 and July 2004, most of them recruited from former armed groups.<sup>6</sup> The reintegration packages offered technical assistance, monitoring and guidance for projects with a maximum duration of six months.<sup>7</sup>

While it was recognized that different measures were needed for women and children involved in the armed conflict,<sup>8</sup> in reality children did not benefit from the UNDP program, and concerns remained for hundreds of former child soldiers, for whom few provisions had been made.<sup>9</sup>

1 Amnesty International (AI), *Amnesty International Report 2005 and 2006*.

2 AI, *Amnesty International Report 2006*.

3 UN Committee on the Rights of the Child, Consideration of report submitted by Solomon Islands, Concluding observations, UN Doc. CRC/C/15/Add.208, 2 July 2003.

4 Solomon Islands, Police Act, Police Regulations, section 72(2).

5 Solomon Islands, Department of Prime Minister and Cabinet, “Government Policy Framework”, May 2006, [www.pmc.gov.sb/](http://www.pmc.gov.sb/); UNESCO, *Institute for Statistics, Global Education Digest 2006: Comparing Education Statistics across the World*, Montreal 2006, [unesdoc.unesco.org](http://unesdoc.unesco.org).

6 UN DDR Resource Centre, Country Programme: Solomon Islands, [www.unddr.org](http://www.unddr.org).

7 UNDP, “Support to the Reintegration of Special Constable in Solomon Islands”, project brief, 2006, [www.unddr.org](http://www.unddr.org).

8 Country Programme: Solomon Islands, above note 6.

9 UNICEF EAPRO, Emergencies: Refugees, IDPs and Child Soldiers, Natural Disasters, 2005.

# SOMALIA

## Somalia

**Population:** 8.2 million (4.2 million under 18)

**Government armed forces:** not known

**Compulsory recruitment age:** information not available

**Voluntary recruitment age:** information not available

**Voting age:** 18<sup>1</sup>

**Optional Protocol:** not applicable

**Other treaties ratified:** none applicable

***The recruitment and use of child soldiers significantly increased, with thousands of child soldiers involved in all parties to hostilities which escalated in 2006. Intense fighting resulted in large numbers of civilian deaths and injuries, among them many children, and massive displacement.***

## Context

Somalia remained without a central government. The Transitional Federal Government (TFG), created from 2002–4 peace talks in Kenya, was based in Baidoa town in the west of the country. Although recognized by the UN it was unable to extend control beyond Baidoa or to establish itself in the capital, Mogadishu, until early 2007, following attacks by Ethiopian forces backing the TFG. The self-proclaimed Regional State of Puntland controlled the north-east and remained nominally part of Somalia. The TFG opposed the de facto independence of Somaliland in the north-west.<sup>2</sup> In September 2007 fighting broke out between Somaliland’s armed force and Puntland’s militia over an unresolved dispute relating to territory in Sool and Sanaag.<sup>3</sup>

The Union of Islamic Courts (UIC), a complex union of clan-based sharia courts, dominated by the Hawiye clan based in Mogadishu, emerged as the major force opposed to the TFG in 2006.<sup>4</sup> The UIC seized control of Mogadishu in June 2006 after four months of fighting against the reportedly US-backed coalition of Mogadishu-based armed factions known as the Alliance for the Restoration of Peace and Counter-Terrorism (ARPCT). The fighting disproportionately affected children, as much of it took place in residential areas of Mogadishu, although UIC control subsequently improved security in Mogadishu for a short period.<sup>5</sup> The UIC subsequently extended its control over much of southern and central Somalia with the exception of Baidoa.<sup>6</sup>

In December 2006, Ethiopian government forces intervened in Somalia in support of the TFG and, with the backing of the US government, ousted

the UIC within a few days.<sup>7</sup> In early January 2007 the United States announced that it had carried out an air strike against suspected terrorists with al-Qaeda links fighting alongside the UIC near Afmadow. The attacks reportedly resulted in civilian casualties, including children.<sup>8</sup> Following the establishment of Ethiopian and TFG troops in Mogadishu in January 2007, attacks on Ethiopian and TFG forces by insurgent groups increased. In late March, Ethiopian forces launched a major offensive, using rocket bombardments and shelling of entire neighbourhoods to dislodge insurgent forces and occupy strategic locations. Hundreds of civilians died trying to flee or while trapped in their homes, and tens of thousands fled the city. Four days of heavy fighting ended with a brief ceasefire which broke down in late April, when Ethiopian forces launched a second major offensive to capture additional areas of north Mogadishu, again shelling and bombarding civilian neighbourhoods. The TFG declared victory on 26 April, but attacks by insurgent forces resumed within days.<sup>9</sup>

After the fall of the UIC, high levels of insecurity and criminal activity returned to southern and central Somalia. Hostilities continued, with Ethiopian forces and the TNG fighting insurgent groups, including remnants of the UIC. Some 1,200 civilians were killed and several thousand were injured between October 2006 and late 2007. An estimated 35 per cent of the victims were children.<sup>10</sup> The TFG began to disarm UIC remnants and militias in Mogadishu in March 2007.<sup>11</sup> However, the security situation in Mogadishu deteriorated in April as anti-government groups began staging hit-and-run attacks, using improvised explosive devices and suicide bombings against the TFG and Ethiopian forces. The latter retaliated with indiscriminate shelling and rocket fire, much of which fell on residential areas of the city.<sup>12</sup>

The recruitment and use of children by all parties to the hostilities, including the TFG, the UIC, their allied militias, the ARPCT and various other clan militias, increased in 2006 and 2007.<sup>13</sup> The rape of women and girls, including gang rape by soldiers and other militias in Mogadishu, was reportedly common.<sup>14</sup>

Between February and May 2007, 400,000 civilians fled the conflict in Mogadishu.<sup>15</sup> As of October 2007 there were approximately 850,000 internally displaced persons (IDPs) in Somalia as a result of the conflict and of severe drought and flooding in 2006.<sup>16</sup> There were hundreds of thousands of Somali refugees in neighbouring countries, in particular in Ethiopia and Kenya.<sup>17</sup> UN Security Council Resolution 1744 (2007) authorized an African Union peacekeeping Mission in Somalia (AMISOM), and a first contingent of 1,100 Ugandan troops arrived in Mogadishu in March 2007. They came under repeated attack by anti-TFG militias.<sup>18</sup> In July 2007 the African Union Peace and Security Council

decided to extend the AMISOM mission for a further six months.<sup>19</sup>

## **Government**

### **National recruitment legislation and practice**

Lack of clarity over legal provisions and inadequate systems of birth registration made it difficult to establish the exact ages of those who were recruited into each territory's forces.<sup>20</sup> According to one media report, TFG officials said that recruitment for a new national army had started in many regions of the country in mid-2005. The deputy Defence Minister stated that recruits, to be drawn from all the country's regions, would be located at the military bases of Mahadaay, Abqqaale, Buq-Goosaar, Ceel-Gaal, Luuq-Jeelow, Waajid and other camps in the Lower Juba region. Reports indicated that recruitment and encampment of recruits had started in Puntland, with recruits reporting to Abqqaale military camp near Gaalkacyo. A recruitment exercise also reportedly began in Kismaayo.<sup>21</sup> The Somaliland constitution contained no minimum age for recruitment into the armed forces, but there were no reports of recruitment of children.<sup>22</sup> It was not known whether Puntland forces recruited or used children.

### **Transitional Federal Government (TFG)**

The TFG acknowledged that it had children in its ranks. Credible photographic evidence and eyewitness reports of TFG child soldiers revealed children as young as 11 years of age at checkpoints and under-18s in military uniform patrolling Mogadishu airport in January 2007.<sup>23</sup> Following fighting between the TFG and the UIC in December 2006, reports were received of UIC child soldiers injured, killed or detained by the TFG.<sup>24</sup>

## **Armed groups**

### **Union of Islamic Courts (UIC)**

The UIC comprised mainly members of the al-Shabaab (youth militants), a militia of 500–700 fighters, largely drawn from the Hawiye and Ogaden clans.<sup>25</sup> The UIC was responsible for significant levels of forcible recruitment of children in the latter part of 2006, declaring publicly their intention to recruit from schools. Children were recruited from schools in Mogadishu and the Hiran region. Headmasters from a variety of Mogadishu schools were reportedly called to meetings in September 2006 in which they were each required to commit a quota of 300–600 adolescent children to military training programs of up to six months.<sup>26</sup> After the UIC seized control of Mogadishu in June 2006, some children between the ages of 10 and 16 were forcibly recruited for military training by

the UIC in Dabble, near Kismayo, in Mogadishu and Hiran regions.<sup>27</sup> There were reports that the UIC used child soldiers in recruiting efforts and rallies.<sup>28</sup> A large number of child soldiers were reportedly abandoned when the UIC fled Mogadishu in December 2006.<sup>29</sup>

### **Alliance for the Restoration of Peace and Counter-Terrorism (ARPCT)**

During heavy fighting with the UIC in March to June 2006, the ARPCT recruited numerous children, some forcibly, into its ranks, both in Mogadishu and the Hiran region. The ARPCT recruited street children and children from schools for its militia.<sup>30</sup>

### **Armed militias**

By June 2007 it was estimated that there were 50,000–70,000 members of clan militia and other armed groups operating in Somalia.<sup>31</sup> In mid-2006 the armed group led by Abdi Qeybdiid and Musa Sudi Yalalow recruited children as young as 13 in Mogadishu. There were also reports of several children as young as seven in armed groups in Galgadud, Dusamareb.<sup>32</sup> Boys as young as 14 or 15 participated in militia attacks, and many youths were members of criminal gangs known as *moryaan* (parasites).<sup>33</sup>

### **Disarmament, demobilization and reintegration (DDR)**

In November 2005, Puntland authorities embarked on the first ever DDR program with the UN Development Programme (UNDP), but it was not known whether children were included.<sup>34</sup> In September 2006 the UN country team visited Mogadishu and raised the issue of child recruitment. The UIC responded positively, acknowledging that child recruitment should be halted, but there was no evidence of any action taken to that effect.<sup>35</sup>

In February 2007 UNICEF offered to support the TFG in developing a plan for the demobilization of children from its forces. A response and follow up to this offer was pending by October 2007.<sup>36</sup> The issue of child soldiers was to be addressed as part of the UN task force on DDR in Somalia.<sup>37</sup>

### **Developments**

In December 2006 the UN Resident and Humanitarian Co-ordinator for Somalia formally reminded both the TFG and the UIC of their obligations to uphold international standards and laws concerning the recruitment of children into armed forces and groups, and to ensure the immediate release of any children.<sup>38</sup>

In May 2007 the UN Secretary-General's report on children and armed conflict in Somalia urged the TFG and UIC to end the recruitment

and use of child soldiers, and to take necessary actions for the unconditional demobilization of all children. The report urged the TFG to take concrete steps to ratify the Convention on the Rights of the Child and the Optional Protocol on involvement of children in armed conflict, and to halt the proliferation of small arms.<sup>39</sup>

At a February 2007 ministerial meeting in Paris, representatives from Somalia and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF. At the meeting Somali government ministers requested assistance from the international community to address the problem of children in the TFG armed forces.<sup>40</sup>

The UIC and the TFG were listed as parties recruiting or using children in situations of armed conflict in the December 2007 Secretary-General's report on children and armed conflict.<sup>41</sup>

- 1 The Transitional Federal Charter of the Somali Republic, February 2004, [www.mpil.de](http://www.mpil.de).
- 2 *Amnesty International Report 2007*; Human Rights Watch (HRW), *Shell-shocked: civilians under siege in Mogadishu*, August 2007.
- 3 Report of the Secretary-General on the situation in Somalia, UN Doc. S/2007/658, 7 November 2007; confidential source, 2008.
- 4 International Crisis Group (ICG), "Can the Somali Crisis be Contained?", Africa Report No. 116, 10 August 2006.
- 5 HRW, above note 2.
- 6 Report of the Secretary-General on children and armed conflict in Somalia, UN Doc. S/2007/259, 7 May 2007.
- 7 HRW, above note 2.
- 8 Report of the Secretary-General, above note 6.
- 9 HRW, above note 2.
- 10 Report of the Secretary-General on children and armed conflict, A/62/609-S/2007/757, 21 December 2007.
- 11 HRW, above note 2; "Somalia: children, women most affected by fighting", IRIN, 12 January 2007.
- 12 Report of the Secretary-General, above note 6.
- 13 Ibid.
- 14 Report of the Secretary-General on the situation in Somalia, UN Doc. S/2007/658, 7 November 2007.
- 15 UNHCR News, "Renewed violence in Mogadishu sets thousands on the road once more", 20 July 2007, and "Thousands flee Mogadishu as fresh fighting erupts", 30 October 2007, [www.unhcr.org](http://www.unhcr.org).

- 16 United Nations Office for the Co-ordination of Humanitarian Affairs (OCHA), Monthly Somalia Humanitarian Analysis Report for October 2007, 13 November 2007; UNCHR News, "Latest figures show 90,000 flee fighting in Mogadishu", 31 October 2007, www.unhcr.org.
- 17 UNHCR News, above note 16.
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- 19 Report of the Secretary-General, above note 14.
- 20 US Department of State, Country Reports on Human Rights Practices 2006, Somalia, 6 March 2007, www.state.gov.
- 21 "Somalia: Start of new army recruitment", Kenya Broadcasting Corporation, 10 July 2005, www.kbc.co.ke.
- 22 US Department of State, above note 20.
- 23 Report of the Secretary-General, above note 6.
- 24 US Department of State, above note 20.
- 25 HRW, above note 2.
- 26 US Department of State, above note 20; confidential source, 2008.
- 27 Office of the Special Representative of the Secretary-General for Children and Armed Conflict, Developments in Somalia, www.un.org/children/conflict/english/somalia.html.
- 28 US Department of State, above note 20.
- 29 OCHA Somalia, IASC, Donors Summary of Meeting Held on 4 January 2007, http://ochaonline.un.org.
- 30 Report of the Secretary-General on the situation in Somalia, UN Doc. S/2006/418, 20 June 2006; Office of the Special Representative, above note 27.
- 31 Report of the Secretary-General, above note 18.
- 32 Report of the Secretary-General, above note 6.
- 33 US Department of State, above note 20.
- 34 UN OCHA, "Somalia: Puntland factsheet August 2006", 28 August 2006, www.reliefweb.int.
- 35 Report of the Secretary-General, above note 6.
- 36 Ibid.
- 37 Report of the Secretary-General, above note 18.
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- 39 Report of the Secretary-General, above note 6.
- 40 "Government calls for assistance to rehabilitate child soldiers", IRIN, 2 February 2007.
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## SOUTH AFRICA

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### Republic of South Africa

**Population:** 47.4 million (18.4 million under 18)

**Government armed forces:** 62,400

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** signed 8 February 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182, ACRWC

*There were no reports of under-18s in the armed forces. Large numbers of under-18s were members of criminal gangs.*

### Context

Political violence in the run-up to the March 2006 municipal elections in KwaZulu-Natal led to the deaths of a number of African National Congress (ANC) and Inkatha Freedom Party (IFP) candidates.<sup>1</sup> Criminal gangs linked to political parties or their members were reportedly associated with the violence.<sup>2</sup> It was not known whether under-18s were involved.

In 2005 South Africa National Defence Force (SANDF) troops operating in the Democratic Republic of the Congo (DRC) as part of the UN peacekeeping mission were accused of sexual misconduct towards women and girls. Eight of the allegations were substantiated, and the soldiers responsible were returned to their country.<sup>3</sup> There were two cases of South African soldiers under trial for sexual misconduct in peacekeeping missions in the DRC and in Burundi.<sup>4</sup>

### Government

#### National recruitment legislation and practice

There was no general conscription, although the Defence Act No. 42 of 2002 provided for the possibility of mobilization during a state of national defence. Article 90 stated that "after declaration of a state of national defence, the President may, by proclamation in the Gazette, authorise the mobilisation of persons for services in the Defence Forces if it is necessary."<sup>5</sup>

The 2002 Defence Act established 18 as the minimum age for voluntary recruitment to the SANDF, military training and mobilization, including in times of emergency (Articles 52, 82 and 91).<sup>6</sup>

## Developments

Criminal violence remained high and tens of thousands of under-18s belonged to armed gangs.<sup>7</sup> The number of people involved in gangs was not known, but current membership was believed to be high, not least because these gangs had expanded their operations into rural areas. Activities included involvement in the drugs trade, prostitution and control over local economic activities. Gang members deliberately targeted vulnerable young people for recruitment. Young gang members were reportedly used to carry out attacks because, if arrested and tried, they were less likely to face a long prison sentence. Initiation rituals included rape or killing rival gang members, and gang members adopted particular styles of clothing and were encouraged to have gang tattoos and learn the gang's history. Attempts to leave a gang could be punished by death.<sup>8</sup>

South Africa had the second-highest HIV prevalence in the world<sup>9</sup> and AIDS was the main cause of death among children under five (40 per cent of deaths). More than 1 million children had lost one or both parents to AIDS.<sup>10</sup>

During 2006 the number of people applying for asylum in South Africa noticeably increased, the majority seeking refuge from armed conflict in the DRC, although the number of Zimbabwean asylum seekers rose significantly.<sup>11</sup> Hundreds of child migrants, some as young as ten, arrived in South Africa from Zimbabwe, risking being robbed or raped by trafficking gangs if they were unable to pay them.<sup>12</sup>

At a February 2007 ministerial meeting in Paris, South Africa and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

1 *Amnesty International Report 2007*.

2 "South Africa: Province hit by spate of political killings", IRIN, 4 April 2006.

3 US State Department, Country Reports on Human Rights Practices, 2005, [www.state.gov](http://www.state.gov).

4 Treaty body Monitor, UN Committee against Torture, 37th session, 6–24 November 2006, [www.ishr.ch](http://www.ishr.ch).

5 Defence Act 42 of 2002, Article 90.

6 *Government Gazette*, Vol. 452, No. 24576, 20 February 2003, [www.gov.za/gazette](http://www.gov.za/gazette).

7 "South Africa: Gang culture in Cape Town", IRIN, 27 February 2007.

8 Andre Standing, "The threat of gangs and anti-gangs policy", Occasional Paper 116, Institute of Security Studies, August 2006, [www.iss.co.za](http://www.iss.co.za).

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10 UNICEF, *Saving Children, Enhancing Lives, Combating HIV and AIDS in South Africa: Second Edition 2006*, [www.unicef.org](http://www.unicef.org).

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12 "Zimbabwe: Child migrants seek a better life in South Africa", IRIN, 3 September 2007.

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# SPAIN

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## Kingdom of Spain

**Population:** 43.1 million (7.5 million under 18)

**Government armed forces:** 147,300

**Compulsory recruitment age:** Conscription suspended

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 8 March 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

*There were no reports of under-18s in government forces.*

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## Government

### National recruitment legislation and practice

Article 30 of the 1978 constitution stated that “Citizens have the right and the duty to defend Spain. The law shall determine the military obligations of Spaniards and shall regulate, with all due guarantees, conscientious objection as well as other grounds for exemption from compulsory military service; it may also, when appropriate, impose a community service in place of military service.” Article 30 also included the provision that “The duties of citizens in the event of serious risk, catastrophe or public calamity may be regulated by law.”

Spain has maintained professional armed forces after compulsory military service was suspended with the adoption of the Armed Forces Personnel (Regulations) Act, Act 17/1999. The Act set the minimum age for voluntary military service in the Spanish Armed Forces at 18. Reservists in the armed forces, to be mobilized “to meet the needs of national defence when these cannot be met by professional military staff,” likewise had to be 18 years of age to be eligible for service. Admission to military training institutions was similarly limited to those who had reached the age of 18.<sup>2</sup> Recruits had to be at least 18 to join the Civil Guard (Guardias Civiles), who had both policing and military functions under Organic Law 2/1986 (amended). The Civil Guard came under the authority of both the Interior and Defence Ministries, except in wartime, when the Defence Ministry would hold exclusive authority.<sup>3</sup>

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## Developments

While noting that the government had made efforts to process the applications of child asylum seekers, the UN Committee on the Rights of the Child expressed concern in October 2007 that “identification of children who may have been

recruited or used in hostilities prior to arrival in Spain is inadequate and ... data on these children are not systematically collected”. The Committee concluded that this “failure to identify such children could result in a breach of the principle of non-refoulement”. A lack of available information about the asylum process for conflict-affected children and the inadequate provision of medical, psychological and social services for those seeking asylum in Spain was also emphasized by the Committee. The Committee called on the government to enact legislation explicitly criminalizing the recruitment and involvement of children in armed conflict, and to “strengthen extraterritorial jurisdiction for these crimes when they are committed by or against a person who is a citizen of or has other links with the State party”. Although welcoming Spain’s support for the European Union 1998 Code of Conduct on Arms Exports and the government’s subsequent criminalization of the illegal arms trade, the Committee recommended that the government now “consider introducing a specific prohibition with respect to the sale of arms when the final destination is a country where children are known to be – or may potentially be – recruited or used in hostilities”.<sup>4</sup>

The Government’s Master Plan for Spanish Co-operation for 2005–8 named the situation of children in armed conflict as a priority with regard to the agenda for human rights protection during this period. The Spanish Agency for International Co-operation actively supported a UNICEF project for the reintegration of former child soldiers in the Democratic Republic of the Congo and other projects assisting conflict-affected children in Timor-Leste and Colombia.<sup>5</sup>

At a February 2007 ministerial meeting in Paris, Spain and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

- 1 “ETA call off Spanish ceasefire”, Reuters, 5 June 2007.
- 2 Initial report of Spain to the UN Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/ESP/1, 16 October 2006.
- 3 LO 2/86 fe Fuerzas y Cuerpos de Seguridad Reguladora del Estado, de las Policías de las Comunidades Autonomas y de las Policías Locales, Organic Law 2/1986, 14 March 1986, www.igsap.map.es.



- 4 Committee on the Rights of the Child, Consideration of report submitted by Spain on implementation of the Optional Protocol, Concluding observations, UN Doc. CRC/C/OPAC/ESP/CO/1, 17 October 2007.
- 5 Initial report, above note 2.

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## SRI LANKA

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### Democratic Socialist Republic of Sri Lanka

**Population:** 20.7 million (6.1 million under 18)

**Government armed forces:** 150,900

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 8 September 2000

**Other treaties ratified (see glossary):**

CRC, ILO 138, ILO 182

***The Liberation Tigers of Tamil Eelam (LTTE) continued to recruit and use children, despite repeated commitments not to do so. Children in the east of the country were forcibly recruited and used by the Karuna group, a breakaway group of the LTTE, with the complicity of, and in some instances actively working with, the security forces.***

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### Context

In November 2005 Mahinda Rajapakse won presidential elections which had been marked by the LTTE's obstruction of voting, especially in the north. In the following months there were almost daily attacks on security forces by the LTTE, killings of high-profile public and military persons and increased death and injury to civilians (including children) in bomb attacks. Civilians, including children, were also killed and injured as a result of indiscriminate attacks by the Sri Lankan armed forces. Fighting escalated dramatically from May 2006, after a suicide bomb attack on the army commander in Colombo. There was heavy fighting between government forces and the LTTE, in particular in the east of the island. In mid-July 2007 the government declared that it had won a victory in the east and that the area had been cleared of LTTE presence.

Widespread extrajudicial executions, enforced disappearances and violations of international humanitarian law were committed against civilians and people not taking part in the fighting.<sup>1</sup> Between April 2006 and March 2007 more than 230,000 people were newly displaced, according to the UN refugee agency (UNHCR).<sup>2</sup> Around half of them were from Batticaloa district in the east. They reportedly faced pressure to return to their homes, including threats by local authorities that the assistance they were receiving would cease if they did not return.<sup>3</sup> The delivery of humanitarian and development assistance was subject to multiple challenges and constraints, which resulted in the scaling down of humanitarian and development support to the affected population, including to vulnerable

children, and also in hampering access of independent observers and monitors to those affected areas.<sup>4</sup>

The Ceasefire Agreement of February 2002 collapsed in practice, although neither party formally renounced it. The leader of the LTTE in late November 2006 stated that the LTTE no longer felt bound by it.<sup>5</sup> In mid-April 2007, the minister of defence was quoted as having said that the ceasefire no longer had meaning.<sup>6</sup>

The indiscriminate use of claymore and pressure mines and other methods of killing allegedly employed by the LTTE resulted in child casualties. On 15 June 2006, 65 civilians, including 14 children, were killed and 70 other civilians were injured by a claymore mine attack on a civilian bus in Anuradhapura district.<sup>7</sup> A Sri Lankan Air Force aerial bombardment on 2 January 2007 killed seven displaced children and injured several others in Padahuthurai, Mannar district.<sup>8</sup> Bombing and shelling by the security forces in other parts of the country, including Jaffna, Batticaloa, Mullaitivu and Killinochchi districts, resulted in destruction of schools and the death of and injury to teachers and students.

The European Union (EU) listed the LTTE as a “terrorist organization” in May 2006. Subsequently, the LTTE said that they were not going to guarantee full security for EU citizens, thus pressuring EU states to withdraw their nationals from the country. This included those participating in the Sri Lanka Monitoring Mission (SLMM), set up in 2002 to monitor the Ceasefire Agreement.<sup>9</sup> Consequently, from around September 2006, the SLMM was functioning with only 30 monitors, half the original number, from Iceland and Norway.

The independence of the Human Rights Commission (HRC) and other constitutional bodies (including the Police Commission) was undermined in 2006 when – in the absence of a functioning Constitutional Council – the president of Sri Lanka directly appointed their members, contrary to the constitution.<sup>10</sup>

The HRC and SLMM, together with UNICEF and the International Committee of the Red Cross (ICRC), were among the organizations monitoring the recruitment and use of child soldiers. With the escalation of violence, all faced increasing obstacles to their work.

## **Government**

### **National recruitment legislation and practice**

Enlistment of soldiers to the armed forces was voluntary, and governed by the Soldiers Enlistment Regulations of 1955. Enlistments were conducted as either “recruits” or “directly enlisted soldiers”, at a minimum age of 18. All those who qualified for enlistment had to produce an authentic birth certificate.<sup>11</sup>

According to the 1985 Mobilization and Supplementary Forces Act, the National Cadet Corps was open to those over 16. It provided pre-military and civil training to students, but cadets could not be called to active service and were not members of the armed forces.

In February 2006 the Penal Code was amended to make “engaging/recruiting children for use in armed conflict” a crime punishable by 20 years’ imprisonment. Despite these provisions, there had so far been no arrests of cadres of the LTTE or Karuna group (see below) in relation to child recruitment.<sup>12</sup> This was partly because the police often refused to accept complaints from parents of abducted children, despite parents having information about the identity of the abductors.<sup>13</sup>

The government was repeatedly condemned for tolerating the aiding and abetting by the security forces of child recruitment by the Karuna group. In November 2006 a UN special advisor on children and armed conflict “found strong and credible evidence that certain elements of the government security forces are supporting and sometimes participating in the abductions and forced recruitment of children by the Karuna faction”.<sup>14</sup> President Rajapakse and other Sri Lankan officials repeatedly promised that the government would investigate the allegations of state complicity and hold accountable any members of the security forces found to have violated the law. Human Rights Watch repeatedly asked the government for the results of the investigations and, in August 2007, questioned the sincerity of the government’s commitment to an investigation.<sup>15</sup> A government committee was established in 2007 to investigate the allegations.

There were longstanding concerns about the treatment of children who “surrendered” to the security forces; in December 2006 the government was criticized for not making a distinction between children and adults.<sup>16</sup> The government subsequently appointed a commissioner general for rehabilitation, and as of mid-2007 was developing a rehabilitation program in cooperation with UNICEF. This included setting up a rehabilitation centre for “child surrendeers”, of whom there had been more than 60, all of whom had been recruited by the LTTE. As of that time, however, no specific program had been established for girls.<sup>17</sup>

A particular concern relating to formerly recruited children in the custody of the Sri Lankan security forces was their exposure to the media. Concerns were raised that this public exposure resulted in stigmatization and increased the vulnerability of the child and their family.<sup>18</sup> In July 2007 the Anglican bishop in Colombo expressed concern at the wider exposure of children to programs highlighting images of war after all schools in the country were called upon to hold ceremonies to celebrate the security forces’ military victory in the east.<sup>19</sup>

## Armed groups

### Karuna group

The Karuna group broke away from the LTTE in March 2004, with an estimated 5,000 to 6,000 fighters, many of them under-18s. It was led by Vinayagamoorthy Muralitharan, known as Colonel Karuna; its political wing was the Tamil Makkal Viduthalai Pulikal (TMVP). It consisted mainly of former LTTE cadres from the east of the country. On the verge of defeat at the hands of the LTTE in April 2004, Karuna disbanded his troops and sent thousands of under-age fighters home. Over the next two years, as he slowly regrouped and began to wage more effective attacks on LTTE forces in the east, the Karuna group resumed forcibly recruiting children. By the middle of 2006, this was occurring on a large scale.<sup>20</sup>

By September 2007 there were reports of about 400 children recruited by the Karuna group. Their average age at the time of recruitment was about 16. Over 200 of those recruited as children were believed to remain with the group and over 150 of them were still below 18. All except one of the children were boys. In the period since November 2006 over 20 children had been released and ten re-recruited. The Karuna faction was also reported to have targeted for recruitment children who had returned home after previously being associated with the LTTE. It was likely that there was under-reporting of recruitment, as some children received a monthly allowance on completion of military training and impoverished families were therefore less inclined to report their recruitment.<sup>21</sup>

International criticism of the Karuna group grew. In April 2007 UNICEF publicly criticized the group for stalling on its promises to end child recruitment after being deliberately misled when trying to visit the group's camps to verify reports of child recruitment.<sup>22</sup> The chairman of the UN Security Council Working Group on Children and Armed Conflict issued a statement strongly condemning and calling for an end to the recent recruitment and use of child soldiers.<sup>23</sup> However, Karuna continued to deny that children were being recruited into his group.<sup>24</sup>

### Liberation Tigers of Tamil Eelam (LTTE)

According to some sources, the LTTE, which had recruited under-age fighters for many years, pledged on 18 June 2007 to rid its ranks of all under-18s by the end of 2007.<sup>25</sup> The LTTE had previously made similar promises, but this was the first time that it had set a clear deadline.<sup>26</sup> However, the Special Representative of the UN Secretary-General for Children and Armed Conflict reported that that the LTTE had assured her special advisor that they would accelerate the release of all children under the age of 17, but had not committed to the full release of children under 18.<sup>27</sup>

The LTTE consistently denied that it knowingly recruited children and it claimed that children sought to join by disguising their age.<sup>28</sup> However, there is overwhelming evidence of recruitment, often forced, throughout areas under LTTE control as well as from government-controlled areas in the north and east. The recruitment of children typically followed a pattern of increased recruitment during the season of temple festivals and a fall during periods of international condemnation.

As of September 2007 the total number of children known to have been recruited by the LTTE since January 2002 was well over six thousand, although the real number was thought to be much higher. Over the years the recruitment rate had fallen steadily, from almost 1,500 in 2002 to around 125 in the first nine months of 2007. Re-recruitment trends over this period fluctuated, with 30 children in 2002, about 70 in 2003, almost 300 in 2004, about a hundred each year in 2005 and 2006, and about 25 in the first nine months of 2007. With one exception (April) the number of children recruited each month during 2007 was always lower than the number released. By mid-2007 about 1,500 people recruited as children remained in LTTE ranks, of whom over 300 were still below 18. The average age of recruitment increased from 14 to 16 during the period 2002–7. Approximately one third of the children recruited by the LTTE were girls.<sup>29</sup>

The LTTE's "Child Protection Authority" reportedly put notices in the media to alert the public to its efforts to release under-age recruits. The LTTE said in July that because of the difficult situation it was not possible to assure safe release procedures for under-18s, thus delaying the process.<sup>30</sup> It later claimed that all but 63 children in the north had been released by early October 2007 and that any names remaining on the UNICEF database were due to problems of verification as a result of the conflict.<sup>31</sup> However, according to other sources, well over 200 children from the north remained unaccounted for.

There were further concerns that new village-based military training, in which all civilians aged between 15 and 50 were compelled to participate, was being conducted in LTTE-controlled areas. In addition, there were reports of a new type of six-month residential military training being run by the LTTE, after which people were allowed to continue their civilian lives, but had to remain available for military duties.<sup>32</sup>

The LTTE's efforts on releasing under-18s were likely to be linked to increased international condemnation, in particular the call for targeted sanctions by the UN Secretary-General.<sup>33</sup> The UN Security Council's Working Group on children and armed conflict on 10 May 2007 issued a strong condemnation of the LTTE but stopped short of recommending sanctions. In a direct communication to the LTTE, the chairman of the Working Group urged it to proceed immediately,

in a transparent manner, to return the children to their families, to respect the neutrality of schools and to permit access to humanitarian actors in the zones under its control. The LTTE was also warned of possible further measures, should it not act in response to this message.<sup>34</sup>

## Disarmament, demobilization and reintegration (DDR)

The Action Plan for Children Affected by War signed in 2003 by the government and the LTTE was intended to provide comprehensive support for conflict-affected children and included a framework for the release and reintegration of child soldiers. It provided, among other things, for three transit camps to be set up. However, the centre in Kilinochchi functioned for only a short time and the other two never opened.<sup>35</sup>

In 2004 the transit centre in Kilinochchi was closed due to a lack of commitment on the part of the LTTE to release children as had been agreed in the Action Plan. By the end of 2004 the Tamil Rehabilitation Organization, an organization closely linked to the LTTE, completed construction of an educational skills development training centre in Kilinochchi, and while the LTTE made commitments that they would not release children to the centre, it was found that they were doing so.<sup>36</sup> In December 2006 the UN Secretary-General called on the LTTE to release children directly to their families as stipulated in the Action Plan, with adequate information sharing with UNICEF to ensure timely verification.<sup>37</sup>

## Developments

At a February 2007 ministerial meeting in Paris, Sri Lanka and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

The LTTE were listed as a party recruiting and using children in hostilities in the Annex to the Secretary-General's annual report on children and armed conflict between 2003 and 2007. The Karuna group was listed for child recruitment and use in 2006 and 2007.

- 1 See, for example, International Crisis Group (ICG), *Sri Lanka's human rights crisis*, Asia Report No. 135, June 2007; documents issued by Human Rights Watch (HRW), including "Letter to the Human Rights Council", March 2007, "Sri Lanka: Karuna Group and LTTE continue abducting and recruiting children", March 2007; International Commission of Jurists, "Sri Lanka – ICJ inquest observer finds flaws in investigation into killing of ACF aid workers", April 2007; Amnesty International (AI), *Sri Lanka: A Climate of Fear in the East*, February 2006.
- 2 UNHCR News, "More than 40,000 civilians flee latest fighting in eastern Sri Lanka", 13 March 2007, [www.unhcr.org](http://www.unhcr.org).
- 3 See Interagency Standing Committee report, Sri Lanka fact sheet: Batticaloa district, 29 March 2007, at [www.reliefweb.int](http://www.reliefweb.int).
- 4 Report of the UN Secretary-General on children and armed conflict in Sri Lanka, UN Doc. S/2006/1006, 20 December 2006.
- 5 "'Heroes' Day" speech by LTTE chief Velupillai Prabhakaran", South Asia Intelligence Review, 27 November 2006, [www.satp.org](http://www.satp.org).
- 6 TamilNet, "There is no ceasefire agreement with LTTE-Gothabaya", 12 April 2007, [www.tamilnet.com](http://www.tamilnet.com).
- 7 Report of the Secretary-General, above note 4.
- 8 "16 Tamil civilian Christians killed by bombing in Sri Lanka", *Journal Chrétien*, 6 January 2007, at [www.spcm.org/journal](http://www.spcm.org/journal).
- 9 "Interview with then head of SLMM", *The Nation*, 20 August 2006.
- 10 Kishali Pinto-Jayawardena, "Contempt of the constitution: reaching the zenith of disregard for the rule of law in Sri Lanka", Asian Legal Resource Centre (ALRC), Article 2, Vol. 5, No. 2 (April 2006), [www.article2.org](http://www.article2.org).
- 11 Communication to Child Soldiers Coalition from Sri Lanka High Commission, London, 31 July 2007.
- 12 Ibid.
- 13 HRW, *Sri Lanka – Complicit in Crime: State Collusion in Abductions and Forced Recruitment by the Karuna Group*, January 2007.
- 14 Statement by Allan Rock, UN Special Advisor on Children and Armed Conflict, Colombo, 13 November 2006, as quoted in ICG, above note 1.
- 15 HRW, *Sri Lanka: Return to War: Human Rights under Siege*, August 2007.
- 16 Report of the Secretary-General, above note 4.
- 17 Communication from Sri Lanka High Commission, above note 11.
- 18 Report of the Secretary-General, above note 4.
- 19 "Save the children from war agenda: bishop", *Daily Mirror*, 21 July 2007, [www.dailymirror.lk](http://www.dailymirror.lk).
- 20 ICG, above note 1.
- 21 Report of the Secretary-General on children and armed conflict in Sri Lanka, UN Doc. S/2007/758, 21 December 2007.

- 22 UNICEF, “UNICEF says Karuna faction not serious about child releases: child recruitment continues as hostilities escalate in troubled island nation”, 27 April 2007, www.unicef.org/srilanka.
- 23 Permanent Mission of France to the UN in New York, “Children and Armed Conflict / Meeting of the Working Group”, 10 May 2007, www.franceonu.org.
- 24 HRW, above note 13.
- 25 “UNICEF cautiously welcomes Tigers’ release of child soldiers”, IRIN, 29 June 2007; also stated in communication to the Coalition from the LTTE, 23 July 2007. See also Report of the Secretary-General, above note 21.
- 26 The LTTE made promises in 1998 when the then Special Representative for children affected by armed conflict visited Sri Lanka, to UNICEF in October 2002 and again in January 2003, and under the Action Plan for children affected by war in March 2003.
- 27 Special Representative of the Secretary-General for Children and Armed Conflict, Oral statement to Human Rights Council, 20 September 2007, www.un.org/children/conflict.
- 28 AI, above note 1.
- 29 For more detailed figures on 2006–7, see Report of the Secretary-General, above note 21.
- 30 Communication from the LTTE, 23 July 2007.
- 31 Communication to the Coalition from the LTTE, 11 October 2007.
- 32 AI, above note 1.
- 33 Report of the Secretary-General, above note 4.
- 34 Permanent Mission of France, above note 23.
- 35 For more details on the Action Plan and its operation in 2003–4 see *Child Soldiers: Global Report 2004*. See also Child Soldiers Coalition, *The Liberation Tigers of Tamil Eelam (LTTE) and Child Recruitment*, July 2006.
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- 37 Report of the Secretary-General, above note 4.

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## SUDAN

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### Republic of Sudan

**Population:** 36.2 million (16.5 million under 18)

**Government armed forces:** 104,800

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 26 July 2005

**Other treaties ratified (see glossary):**

CRC, GC API and II, ILO 138, ILO 182

***Thousands of child soldiers were recruited and used by armed forces, government-backed militias and armed opposition groups in Sudan. Recruitment of children from refugee camps in Chad occurred in 2006. DDR efforts were hampered by ongoing conflict in Darfur and the lack of basic infrastructure for successful reintegration in the south.***

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### Context

Armed conflict continued in Darfur and delays to the implementation of the 2005 Comprehensive Peace Agreement (CPA) threatened to derail the consolidation of peace in southern Sudan.<sup>1</sup> The CPA officially ended more than two decades of north–south conflict between the ruling National Congress Party (NCP) and the Sudan People’s Liberation Movement/Army (SPLM/A). It provided for a six-year interim power-sharing agreement to be followed by a referendum in 2011, in which the people of southern Sudan would vote on self-determination. In the interim, the CPA established the transitional Khartoum-based government of national unity (GoNU) and a semi-autonomous Government of southern Sudan, based in Juba, southern Sudan. Under the CPA the national and southern governments shared power, resources and wealth but maintained separate constitutions, armies, budgets and laws.<sup>2</sup> The president of the former government of Sudan, General Omar Hassan Ahmad al-Bashir, became president of the national unity government, while the first vice-presidency was assumed by the southern Sudan president and leader of the SPLM, Dr John Garang de Mabior, who was killed in a helicopter crash in July 2005 and replaced by Salva Kiir Mayardit.<sup>3</sup> UN Security Council Resolution 1590 of 24 March 2005 mandated a UN peacekeeping mission in Sudan (UNMIS) to support and monitor implementation of the CPA.<sup>4</sup>

The CPA required all other armed groups to join either the former Sudanese government’s armed forces – the Sudan Armed Forces (SAF) – or the SPLA by 9 January 2006.<sup>5</sup> The January

expected to become operational by the end of 2007.

Relations between Chad and Sudan deteriorated substantially in 2006 and 2007, each government accusing the other of supporting its armed opposition groups.<sup>31</sup> Increasingly frequent Janjaweed cross-border attacks into eastern Chad were reported, resulting in the deaths of hundreds of civilians.<sup>32</sup> As of late 2007 there were approximately 240,000 Sudanese refugees in eastern Chad, 60 per cent of whom were estimated to be children.<sup>33</sup>

## **Government**

### **National recruitment legislation**

The 2005 interim constitution stated that “Defence of the Country is an honour and duty of every citizen” and “Every citizen shall defend the country and respond to the call for national defence and national service”.<sup>34</sup> Under the National Service Law of 1992 (under review in late 2007), all men between 18 and 33 were liable for military service, which applied to all branches of the armed forces.<sup>35</sup> The length of military service was 18 months for high-school graduates, 12 months for university and college graduates and 24 months in all other cases. According to the law, women were also liable for military service but in practice were not called up.<sup>36</sup> The draft Sudan Armed Forces Act, which set 18 as the minimum age for recruitment and criminalized the recruitment of children, had not reached the National Assembly as of June 2007.

Southern Sudan’s interim constitution, adopted in December 2005, defined a child as anyone under the age of 18. It stated that “Defence of the Sudan in general and Southern Sudan in particular, is an honour and a duty of every citizen” and that “Every citizen shall ... defend the country and respond to the call for national service”.<sup>37</sup> In Southern Sudan, the Child Bill 2006, which prohibited the recruitment of children, passed its first reading in the Southern Sudan Assembly in June 2007.<sup>38</sup> Recruitment and use of children was a breach of both the CPA and the DPA.<sup>39</sup>

### **Child recruitment and deployment**

#### ***Sudan Armed Forces (SAF)***

The SAF denied recruitment or use of children in their forces, but military officials acknowledged that children from armed groups were transferred into their forces during the unification process. In May 2006, child soldiers were seen in a newly integrated SAF unit. In August 2006 the SAF estimated that there were approximately 19,000 soldiers in these units and it was thought that a significant number of them were under 18.<sup>40</sup> There

were reports of children associated with both the SAF and allied militias in Darfur.<sup>41</sup>

#### ***Sudan People’s Liberation Army (SPLA)***

The SPLA acknowledged that it had child soldiers in its ranks and made high-level commitments to end their recruitment and use. However, 47 children were reported in the Kilo 7 barracks in Bentiu (Unity state) in July 2006, and they were not released until July 2007. These children had been enticed by SPLA junior officers who promised education in Southern Sudan. SPLA forces raided a school in Nasir, Upper Nile, in October 2006 and abducted 32 boys for the purpose of recruitment. All but two were subsequently released. In September 2007 the UN confirmed the presence of children associated with SPLA forces in Southern Sudan. The youngest of the children was nine and the average age 16.<sup>42</sup>

## **Armed groups**

### **Militias and armed groups associated with the SPLA**

Militias increased recruitment, including child recruitment, before incorporation into either the SAF or SPLA in order to bolster their numbers and strengthen their negotiating power. Commanders from Southern Sudan were confirmed to be actively recruiting children in Khartoum. Some armed groups in the SSMF continued to recruit children after their incorporation into the SPLA in January 2006.<sup>43</sup> The Pibor Defence Forces, a group allied to the SPLA in April 2007, was responsible for the recruitment and use of at least 78 children, the youngest of whom was a boy aged six. The Southern Sudan Disarmament, Demobilization and Reintegration (DDR) Commission was notified of their presence. Following the formal change of alliance from the SAF to the SPLA in April 2007, the whereabouts of the children were unknown.<sup>44</sup>

### **Armed groups in Darfur**

Thousands of children were recruited and used by numerous armed groups in Darfur and actively involved in the armed conflict between May and July 2006. IDPs interviewed in May 2006 following Sudan government-backed Janjaweed militia attacks on villages near Kutum, northern Darfur, said that many armed child soldiers were among those who attacked them and Janjaweed were known to have recruited children from Sudanese refugee camps in Chad in 2006.<sup>45</sup> In May 2006 SLA-Minawi was observed forcibly recruiting boys in Gereida, and in April 2007 armed children believed to be as young as 12 were identified with SLA-Minawi in northern Darfur. Recruitment continued in 2007 by SLA-Minawi, factions of the SLA which had not signed the DPA and the opposition JEM (Peace Wing).<sup>46</sup>

2006 Juba Declaration on Unity and Integration was signed by the SPLA and the former South Sudan Defence Forces (SSDF), which comprised most of the militias in southern Sudan previously backed by Khartoum.<sup>6</sup> However, the incomplete integration of other armed groups into the SAF and SPLA led to continued tensions in the south.

The CPA's Abyei Protocol provided for shared government in the oil-rich Abyei transitional region. The Protocol granted Abyei special administrative status, an interim oil-revenue sharing plan, and a 2011 referendum to decide whether to join what might be an independent southern Sudan. However, in violation of the CPA, the NCP rejected the July 2005 Abyei Boundaries Commission (ABC) report on demarcation of the region. Both the SPLA and the SAF increased their forces in and around the Abyei region and along the border between north and south. Under the CPA, SAF troops were required to hand over control of the southern oilfields to joint patrols by 9 July 2007, but the deadline was missed.<sup>7</sup> In 2006 and 2007 both the SAF and SPLA severely restricted UN military observers' movements in the Abyei region.<sup>8</sup> In violation of the CPA the NCP continued to sponsor proxy militias, and hostilities continued in oil-producing areas.<sup>9</sup> In October 2007 the SPLM temporarily suspended participation in the national unity government, citing among other concerns lack of progress over demarcation of the Abyei region, transparency of oil revenues and preparations for the census and 2009 national elections.<sup>10</sup>

Conflict continued in Darfur with the opposition Sudanese Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) (both non-Arab ethnically based groups) fighting the SAF and their proxy Janjaweed militias over perceived exclusion from state structures of power and wealth.<sup>11</sup> Hundreds of thousands of people were killed and over 2.4 million displaced during the conflict, which had begun in 2003.<sup>12</sup> The mandate of the African Union Mission in Sudan (AMIS), set up to monitor a failed April 2004 ceasefire, was expanded in October 2004 to protect civilians.<sup>13</sup> However, it had limited success in stabilizing the region and itself came under attack.<sup>14</sup>

The Darfur Peace Agreement (DPA),<sup>15</sup> signed in May 2006 between the national unity government and a faction of the SLA headed by Minni Minawi (SLA Minawi), was rejected by the JEM and other SLA factions. These groups criticized the DPA for failing to address sufficiently power-sharing, representation in government, disarmament of the Janjaweed militia, and a victim's compensation fund.<sup>16</sup> The DPA was followed by fragmentation and proliferation of armed groups and an intensification of violence. Elements of the armed opposition groups that did not sign the DPA regrouped as the National Redemption Front (NRF), and from late June 2006 launched a series of attacks against the government.<sup>17</sup>

In August 2006 the NCP launched a new offensive; its forces bombed villages, killing and displacing hundreds of civilians, including children.<sup>18</sup> The NCP continued to support and arm some tribal and militia groups through selective arms dealings and unilateral negotiations.<sup>19</sup> Despite repeated disarmament promises it continued to incorporate the Janjaweed into official security structures and paramilitary groups such as the Border Intelligence Brigade and the Popular Defence Forces. The Janjaweed continued to receive training and financial and material assistance from the government, including vehicle-mounted heavy machine guns and mortars. The NCP ordered the reopening of the Popular Military Defence (PMD) military training camps around the country.<sup>20</sup> In April 2007 the government formally launched the Transitional Darfur Regional Authority (TDRA), the highest governing body for the region.<sup>21</sup>

Throughout 2007 the SAF, the Janjaweed and Darfur armed groups continued to commit serious human rights abuses.<sup>22</sup> Continuing violence and NCP intransigence severely limited access for humanitarian agencies in Darfur.<sup>23</sup> As of July 2007, 2.2 million displaced people lived in camps in Darfur, and an estimated 80 per cent of the camp population were women and children.<sup>24</sup> A UN arms embargo was imposed on Darfur under UN Security Council Resolution 1591 of March 2005.<sup>25</sup> However, the IDP camps were increasingly violent and militarized.<sup>26</sup> Rape and other sexual violence against women and girls were widespread. Younger girls were specifically targeted for rape, and many victims identified the perpetrators as members of the SAF, the central reserve police and the Janjaweed.<sup>27</sup> In August 2006 over 200 women and girls were sexually assaulted over a five-week period in Kalma camp in south Darfur.<sup>28</sup>

Twelve years of conflict in eastern Sudan over perceived political and economic marginalization under the Khartoum government was brought to an official end by the Eastern Sudan Peace Agreement (ESPA) in October 2006. The ESPA was signed by the GoNU and the Eastern Sudan Front, a coalition of armed groups including the Beja Congress and the Free Lions Movement representing the Rashaida ethnic group. In October 2006 eight Eastern Front members took office in the National Assembly in accordance with the ESPA.<sup>29</sup> However, implementation of the ESPA was limited.

In July 2007 UN Security Council Resolution 1769 established a hybrid UN–African Union Mission in Darfur (UNAMID), with the aim of improving protection for civilians in Darfur, and specifically requesting that the protection of children be addressed in the implementation of the DPA. In addition it called for “continued dialogue with the parties towards the preparations of time-bound action plans to end recruitment and use of child soldiers and other violations against children”.<sup>30</sup> UNAMID was



*Young Sudanese soldiers in the Sudanese Liberation Army (SLA) armed group in SLA territory, northern Darfur, Sudan*



## Chadian-backed Sudanese armed opposition groups

Massive recruitment by Sudanese armed opposition groups took place in March and April 2006 among the refugee and IDP communities in eastern Chad. Recruitment was at times carried out forcibly, with reports of torture as a coercive means. In July 2007 the UN reported that the Chadian government had alleged that more than 1,000 children had been recruited by the SLA in refugee camps in the east.<sup>47</sup> In March 2006 the G-19 faction of the SLA, working in co-operation with Chadian government officials, recruited, some forcibly, 4,700 Sudanese refugees, including hundreds of children, from the Breidjing and Treguine UN-supervised refugee camps 50 km west of Adré in eastern Chad.<sup>48</sup> Most of these people subsequently returned to the camps. In 2006 Sudanese children were recruited from the Djabal and Goz Amir refugee camps in eastern Chad, where teachers were among the recruiters.<sup>49</sup> In January 2007, 39 children were recruited from the Breidjing refugee camp by Sudanese armed opposition groups.<sup>50</sup>

## Lord's Resistance Army (LRA)

The Lord's Resistance Army (LRA), a Ugandan armed opposition group, was present in southern Sudan and attacked and killed civilians. Peace talks between the LRA and the Ugandan government began in July 2006 in Juba and a cessation-of-hostilities agreement was signed in August 2006.<sup>51</sup> The LRA forcibly recruited children from southern Sudan in the first half of 2007.<sup>52</sup> While the total number of remaining LRA fighters remained unknown, up to 2,000 women and children were believed to remain in LRA camps.<sup>53</sup>

## Disarmament, Demobilization and Reintegration (DDR)

The CPA obliged its signatories to demobilize all children in their ranks by July 2005. The National Council for DDR Co-ordination and the Northern Sudan DDR Commission were established by the CPA in February 2006 and a DDR Commission for Southern Sudan was created in May 2006. Despite the establishment of dedicated children's desks within these commissions, DDR was hampered by continued conflict in Darfur and by the lack of basic infrastructure in communities. Large numbers of children were still held in military barracks beyond the CPA deadline and some children returned to the armed forces because of the lack of an effective reintegration program.<sup>54</sup>

From 2001 to April 2006 an estimated 20,000 children from the SPLA were demobilized and returned to their families and communities with UNICEF support, but an estimated 2,000 children were still associated with the SPLA,

mainly in non-combat roles and in remote areas.<sup>55</sup> As of August 2007, the Southern Sudan DDR Commission planned for the further release and reintegration of almost 600 children from SPLA ranks in Southern Sudan. Following training on child protection for 64 SPLA and SAF field commanders, in June 2007 commanders from both forces made a commitment to end child recruitment, and an Area Joint Military Committee action plan to address abductions, rape and sexual violence was developed in Upper Nile, Jonglei and Unity states.<sup>56</sup>

An action plan for the identification and release of children was signed between SLA-Minawi and UNICEF on 11 June 2007. The action plan was anticipated to benefit approximately 1,800 children. Talks by UNMIS and UNICEF with representatives of SLA (Wahid), SLA (Shafi), and SLA (Free Will) indicated that the groups were willing to collaborate with the international community towards the release of children in their ranks. However, by the end of June 2007 no concrete commitments to release children had been made by those armed groups.<sup>57</sup>

Preparations for a children's DDR program by UNICEF in collaboration with the Northern Sudan DDR Commission and the Eastern Front were being developed in mid-2007. As of August 2007, preparations were under way between the UN Development Programme (UNDP) and the Northern Sudan DDR Commission for the return and assembly of former fighters of the Eastern Front.<sup>58</sup> In late 2007 the UN Secretary-General reported that as part of the 2006 Eastern Sudan Peace Agreement 3,700 ex-combatants were being demobilized, 250 of whom were children.<sup>59</sup>

## Developments

Mrs Radhika Coomaraswamy, the UN Special Representative for children and armed conflict, visited Sudan in January 2007, following which the government of Southern Sudan committed to increasing the budget for children's DDR programs. The national unity government agreed to allow UNICEF and UNMIS to visit and monitor SAF camps as well as the military barracks of armed forces and groups allied with it. It also agreed to adopt and implement national legislation to criminalize recruitment of child soldiers. DPA signatories and non-signatories committed to co-operating with preparation of action plans to identify and release children associated with their forces.<sup>60</sup>

At a February 2007 ministerial meeting in Paris, Sudan and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting

child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

In May 2007 the International Criminal Court (ICC) issued arrest warrants for the Minister for Humanitarian Affairs in the Sudan government and a Janjaweed leader on charges of war crimes and crimes against humanity committed in 2003 and 2004 in Darfur.<sup>61</sup> The Sudanese government refused to co-operate with the ICC.<sup>62</sup>

Several parties in Sudan were listed as recruiting or using children in situations of armed conflict in the December 2007 Secretary-General's report on children and armed conflict.<sup>63</sup>

## International standards

Sudan ratified the Optional Protocol in July 2005. In its declaration it stated that it was committed to maintaining a minimum age of 18 for voluntary service and "a prohibition of forced or voluntary conscription" of under-18s.<sup>64</sup>

- 1 Human Rights Watch (HRW), Sudan country summary, *Human Rights Watch World Report 2008*.
- 2 United Nations Mission in Sudan, Comprehensive Peace Agreement between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army, www.unmis.org.
- 3 International Crisis Group (ICG), "Garang's death: implications for peace in Sudan", Africa Briefing No. 30, 9 August 2005, www.crisisgroup.org.
- 4 UN Security Council Resolution 1590(2005), UN Doc. S/RES/1590 (2005), 24 March 2005.
- 5 Comprehensive Peace Agreement, above note 2.
- 6 John Young, "The South Sudan Defence Forces in the wake of the Juba Declaration", Small Arms Survey, November 2006, www.smallarmssurvey.org/; Report of the Secretary-General on children and armed conflict in the Sudan, UN Doc. S/2006/662, 17 August 2006.
- 7 ICG, "Sudan: Breaking the Abyei Deadlock", Africa Briefing No. 47, 12 October 2007.
- 8 UNMIS, CPA Monitor, October 2007, www.unmis.org/common/documents/cpa-monitor/cpaMonitor\_oct07.pdf
- 9 UN Office of the Special Representative of the Secretary-General for Children and Armed Conflict, "Visit to Sudan of the Special Representative of the Secretary-General for Children and Armed Conflict Mission Report", 24 January–2 February 2007, www.un.org/children/conflict/\_documents/countryvisits/SudanVisitReport.pdf.
- 10 UNMIS, The CPA Monitor, October 2007, www.unmis.org.
- 11 ICG, "Darfur: Revitalising the Peace Process", Africa Report No. 125, 30 April 2007.
- 12 HRW, *Darfur 2007: Chaos by Design*, September 2007.
- 13 HRW, *Darfur: Whose Responsibility to Protect?* January 2005.
- 14 HRW, *Sudan: Peacekeeper Killings Are War Crimes*, 1 October 2007.
- 15 UNMIS, Darfur Peace Agreement, 5 May 2006, www.unmis.org.
- 16 ICG, "Darfur's Fragile Peace Agreement", Africa Briefing No. 39, 20 June 2006.
- 17 ICG, "Getting the UN into Darfur", policy briefing, Africa Briefing No. 43, 12 October 2006.
- 18 "Sudan", *Human Rights Watch World Report 2007*.
- 19 ICG, above note 11.
- 20 ICG, "Darfur's New Security Reality", Africa Report No. 134, 26 November 2007.
- 21 ICG, above note 11.
- 22 Report of the Secretary-General on children and armed conflict in the Sudan, UN Doc. S/2007/520, 29 August 2007.
- 23 ICG, above note 20.
- 24 United Nations Office for the Co-ordination of Humanitarian Affairs (OCHA) Darfur, Humanitarian Needs, 4 September 2007, <http://ochaonline2.un.org>.
- 25 UN Security Council Resolution 1591 (2005), UN Doc. S/RES/1591 (2005), 29 March 2005.
- 26 ICG, above note 20.
- 27 Report of the Secretary-General, above note 22.
- 28 "Sudan", above note 18.
- 29 ICG, "Sudan: Saving Peace in the East", Africa Report No. 102, 5 January 2006; Amnesty International (AI), "Sudan", *Amnesty International Report 2007*; UNMIS, The CPA Monitor, October 2006, www.unmis.org.
- 30 African Union and United Nations Hybrid Operation in Darfur (UNAMID).
- 31 Report of the Secretary-General on Chad and the Central African Republic, 22 December 2006, UN Doc. S/2006/1019.
- 32 AI, "Chad", *Amnesty International Report 2007*.
- 33 UN OCHA, "Humanitarian Action in Chad: Facts and Figures Snapshot Report", 15 November 2007, www.reliefweb.int.
- 34 Interim National Constitution of the Republic of the Sudan 2005, www.unmis.org.
- 35 Child Soldiers Coalition, correspondence with Sudanese NGO, September 2007.
- 36 War Resisters' International, Sudan, 15 July 1998, www.wri-irg.org.
- 37 Government of Southern Sudan Interim Constitution, United Nations Mission in Sudan (UNMIS), The CPA Monitor, October 2007, www.unmis.org.
- 38 Report of the Secretary-General, above note 22.
- 39 Comprehensive Peace Agreement, above note 2; Darfur Peace Agreement, 5 May 2006, UNMIS, www.unmis.org.
- 40 Report of the Secretary-General, above note 6.
- 41 Report of the Secretary-General, above note 22.

- 42 Ibid.
- 43 Report of the Secretary-General, above note 6.
- 44 Report of the Secretary-General, above note 22.
- 45 Report of the Secretary-General, above note 6.
- 46 Report of the Secretary-General, above note 22.
- 47 Report of the Secretary-General on children and armed conflict in Chad, 3 July 2007, UN Doc. S/2007/400.
- 48 HRW, *Violence beyond Borders: The Human Rights Crisis in Eastern Chad*, June 2006.
- 49 Report of the Secretary-General on children in armed conflict, UN Doc. A/61/529-S/2006/826, 26 October 2006.
- 50 Report of the Secretary-General on children in armed conflict, UN Doc. A/62/609-S/2007/757, 21 December 2007.
- 51 Report of the Secretary-General, above note 22.
- 52 "Edward Lomude: 'LRA soldiers beat me and left me for dead'", IRIN, July 2007.
- 53 Report of the Secretary-General on children and armed conflict in Uganda, UN Doc. S/2007/260, 7 May 2007.
- 54 Report of the Secretary-General, above note 22.
- 55 UNICEF, "UNICEF welcomes child demobilisation in Southern Sudan", 24 April 2006, www.unicef.org.
- 56 Report of the Secretary-General, above note 22.
- 57 Ibid.
- 58 Ibid.
- 59 Report of the Secretary-General, above note 50.
- 60 UN Office of the Special Representative of the Secretary-General for Children and Armed Conflict, above note 9.
- 61 International Criminal Court, "Warrants for Arrest for the Minister of State for Humanitarian Affairs of Sudan, and a leader of the Militia/Janjaweed", press release, 2 May 2007, www.icc-cpi.int.
- 62 HRW, above note 1.
- 63 Report of the Secretary-General, above note 50.
- 64 Declaration on accession to the Optional Protocol, www2.ohchr.org.

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# SURINAME

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## Republic of Suriname

**Population:** 449,000 (161,000 under 18)

**Government armed forces:** 1,800

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** not known

**Voting age:** 18

**Optional Protocol:** signed 10 May 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 182

***No information was available on the presence of under-18s in the armed forces or the minimum age of recruitment.***

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## Government

### National recruitment legislation and practice

According to the constitution, military service, or alternatively unarmed military service or civilian service, was compulsory.<sup>1</sup> However, the law providing for compulsory military service had been repealed, so that military service was no longer compulsory.<sup>2</sup> No information was available on the minimum age of voluntary recruitment.

The armed forces, under the control of the Ministry of Defence, were supplemented by a civil police force controlled by the Ministry of Justice and Police.<sup>3</sup> Joint police and military operations were formalized in October 2005. The Netherlands, the USA and China provided training, military equipment and logistics.<sup>4</sup>

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### Armed groups

In October 2006 former members of the Jungle Commando, an armed opposition group disbanded after a peace agreement was signed in 1992, reportedly threatened to blow up a hydroelectric dam if the government failed to implement the peace agreement fully. Former insurgents had been promised jobs, retraining and land to start their own businesses after demobilization.<sup>5</sup>

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## Developments

### International standards

Suriname ratified the ILO Worst Forms of Child Labour Convention 182 in April 2006.

1 Constitution of Suriname, Article 180.

2 Initial report of Suriname to the UN Committee on the Rights of the Child, UN Doc. CRC/C/28/Add.11, 23 September 1998.

- 3 US Department of State, *Country Reports on Human Rights Practices 2006*.
- 4 Suriname.net, National Security, www.surinam.net.
- 5 "Former Suriname rebels threaten to blow up hydro-power dam", Caribbean Net News, 14 October 2006, www.caribbeannetnews.com.

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## SWAZILAND

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### Kingdom of Swaziland

**Population:** 1.0 million (514,000 under 18)

**Government armed forces:** not known

**Compulsory recruitment age:** conscription not enforced

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182

*There were no reports of under-18s in the armed forces.*

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### Government

#### National recruitment legislation and practice

Recruitment was regulated by the 1977 Umbutfo Swaziland Defence Force Act, which set the minimum age for conscription and voluntary recruitment into the armed forces at 18 years. Conscription was not, however, currently in force.<sup>1</sup>

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### Developments

In October 2006 the UN Committee on the Rights of the Child expressed a number of concerns relating to the protection of child rights, including Swaziland's lack of a systematic review to bring domestic legislation into line with the provisions of the UN Convention on the Rights of the Child, the lack of clarity in minimum ages for criminal responsibility and marriage, low birth registration and the devastating impact of HIV/AIDS on children in Swaziland. The Committee recommended that Swaziland ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.<sup>2</sup>

The Committee welcomed the fact that the constitution enacted in 2005 included provisions affording special protection to children.<sup>3</sup>

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1 Initial report of Swaziland to the UN Committee on the Rights of the Child, UN Doc. CRFC/C/SWZ/1, 16 February 2006.

2 Committee on the Rights of the Child, Consideration of report submitted by Swaziland, Concluding observations, UN Doc. CRC/C/SWZ/CO/1, 16 October 2006.

3 Ibid.

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# SWEDEN

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## Kingdom of Sweden

**Population:** 9.0 million (1.9 million under 18)

**Government armed forces:** 27,600

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 20 February 2003

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

*There were no reports of under-18s in the armed services, although children could participate in military training programs from the age of 15.*

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## Government

### National recruitment legislation and practice

All residents of Sweden between the ages of 16 and 70 were liable for compulsory military, civilian or national service under the terms of the 1994 National Total Defence Service Act. Compulsory military service was performed in the armed forces and compulsory civilian service in support of the civilian dimension of the Total Defence, defined as “the protection of Swedish society in times of crisis or war”.<sup>1</sup> The obligation to compulsory national service applied only in a time of officially declared emergency preparedness. Compulsory military and civilian service was limited to those who were 18 years old or older, and compulsory national service was restricted to those who had reached the age of 16. As part of the Total Defence, 16-year-olds were prohibited from performing any tasks that could constitute an aspect of military defence.<sup>2</sup> All Swedish men of 18 to 47 were liable for military service, which lasted for seven and a half months. Of the approximately 50,000 young men of conscription age 40 per cent were recruited each year. The right to conscientious objection to military service was guaranteed on the basis of the 1994 Total Defence Service Act. Objectors were required to perform a substitute service, also of seven and a half months’ duration.<sup>3</sup>

### Military training and military schools

Sweden’s Armed Forces held voluntary youth courses aimed at informing young people between the ages of 15 and 20 about the Total Defence and career opportunities. Young people under the age of 18 at the time of application had to have the permission of a parent or guardian to participate in these activities. While 15-year-olds were permitted to participate in firearms training,

training with automatic weapons was restricted to those aged 17 or above. The government emphasized that “these activities do not involve voluntary recruitment to the armed forces”, and are “only aimed at providing information about, and promoting interest in, the Total Defence”.<sup>4</sup> However, in 2007 the UN Committee on the Rights of the Child encouraged the government to raise the minimum age for firearms training in these voluntary activities to 18, in keeping with the spirit of the Optional Protocol.<sup>5</sup>

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## Developments

In July 2004, Chapter 4, Section 1(a) of the Penal Code, regarding the cross-border trafficking of human beings for sexual purposes, was extended to include “non-cross-border human trafficking and the trafficking in human beings for the purpose of forms of exploitation other than for sexual purposes, for example, for war service and forced labour”.<sup>6</sup> In December 2005 the government mandated the Swedish Migration Board to include the compulsory recruitment of child soldiers in its consideration of forms of persecution concerning children in the asylum process. As part of a reform of its Penal Code to allow for the greater integration of the Rome Statute of the International Criminal Court into domestic law and practice, Sweden undertook to “criminalize, as a war crime, the recruitment of children under the age of 15 years into the national armed forces or the use of such children for the active participation in hostilities”. As a result, “the recruitment and use of child soldiers in hostilities, both within and outside Sweden, is deemed to be an offence according to Swedish law”.<sup>7</sup> In 2007 the UN Committee on the Rights of the Child recommended that these proposed reforms be completed as swiftly as possible.<sup>8</sup>

At a February 2007 ministerial meeting in Paris, Sweden and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

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1 Initial report of Sweden to the UN Committee on the Rights of the Child on the Optional Protocol, UN Doc. CRC/C/OPAC/SWE/1, 10 July 2006; Swedish Armed Forces, “The Facts 2006–2007”, [www.mil.se](http://www.mil.se).

2 Initial report, above note 1.

- 3 Quaker Council for European Affairs, *The Right to Conscientious Objection to Military Service in Europe: A Review of the Current Situation*, April 2005.
- 4 Initial report, above note 1.
- 5 UN Committee on the Rights of the Child, Consideration of report submitted by Sweden on implementation of the Optional Protocol, Concluding observations, UN Doc. CRC/C/OPAC/SWE/CO/1, 8 June 2007.
- 6 Initial report, above note 1.
- 7 Ibid.
- 8 Concluding observations, above note 5.

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## SWITZERLAND

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### Swiss Confederation

**Population:** 7.3 million (1.5 million under 18)

**Government armed forces:** 4,200

**Compulsory recruitment age:** 19

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 26 June 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***Both compulsory and voluntary enlistment in the Swiss armed forces before the age of 18 was explicitly prohibited.***

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### Government

#### National recruitment legislation and practice

Article 59 of the 1999 constitution provides the basis for conscription; basic military training was compulsory for all men aged 19 to 26. As the army was a predominantly militia-style force, standing forces were considerably smaller than the reserve forces. While basic military training normally lasted 21 weeks, the requirements of reserve duty included participation in six or seven 17-day training periods up to the age of 34 for all men (continuing up to the age of 50 for officers).<sup>1</sup> Both compulsory and voluntary enlistment in the Swiss armed forces before the age of 18 was explicitly prohibited. The 1995 Federal Act concerning the Army and Military Administration (LAAM) stipulated that enlistment (including registration and attendance of recruitment sessions) should take place at the beginning of the year during which those eligible for compulsory service turned 19, extending to the end of the year that those eligible for compulsory service turned 25. It stipulated that the actual performance of military service should begin at the start of the year when the conscript became 20, with recruitment training normally beginning at this time. The LAAM also provided for voluntary military service for all Swiss women. A range of provisions in the Swiss Criminal Code prohibited and criminalized the recruitment and use in hostilities of children under the age of 18 by armed groups.<sup>2</sup>

According to the government, all armed forces personnel received instruction in international humanitarian law and children's rights during their training periods. Swiss civilian personnel participating in international peace-building missions were given training in the particular needs of children in armed conflicts as a core part of their preparation by the Department of Foreign Affairs.<sup>3</sup>

## Military training and military schools

According to the 2002 Ordinance on the Recruitment of Conscripts (OREC), all Swiss citizens received information at the age of 16 from their cantonal authority regarding the possibilities for military or civilian service, for service in civil protection or in the Red Cross. The OREC also required all those eligible for conscription in the year they turned 19 to attend recruitment sessions. Eighteen-year-olds wishing to do their recruitment training early could also attend.<sup>4</sup> There were no schools operated or controlled by the armed forces.

## Developments

In examining Switzerland's Initial Report on implementation of the Optional Protocol in January 2006, the UN Committee on the Rights of the Child took particular note that Switzerland was "a country of destination of asylum-seeking and migrant children coming from war-torn countries". The Committee expressed concern over the apparent lack of relevant training regarding the needs of war-affected children for those interviewing asylum seekers, and regretted the absence of any data on child asylum seekers who had been involved in armed conflict in their countries of origin. The Committee called on the Swiss authorities to provide asylum-seeking, refugee and migrant children who might have been involved in armed conflict with "immediate, culturally sensitive multidisciplinary assistance for their physical and psychological recovery and for their social reintegration".<sup>5</sup>

At a February 2007 ministerial meeting in Paris, Switzerland and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

- 5 Committee on the Rights of the Child, Consideration of report submitted by Switzerland on implementation of the Optional Protocol, Concluding observations, UN Doc. CRC/C/OPAC/CHE/CO/1, 17 March 2006.

1 Quaker Council for European Affairs, *The Right to Conscientious Objection to Military Service in Europe: A Review of the Current Situation*, April 2005.

2 Initial report of Switzerland to the UN Committee on the Rights of the Child on the implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/CHE/1, 14 July 2005.

3 Ibid.

4 2002 Ordinance on the Recruitment of Conscripts, [www.admin.ch](http://www.admin.ch).

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# SYRIA

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## Syrian Arab Republic

**Population:** 19.0 million (8.4 million under 18)

**Government armed forces:** 307,600

**Compulsory recruitment age:** 18 (see text)

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** acceded 17 October 2003

**Other treaties ratified (see glossary):**

CRC, GC AP I, ILO 138, ILO 182

*There were no reports that under-18s were used by government armed forces.*

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## Government

### National recruitment legislation and practice

Under the terms of the constitution conscription was compulsory for all Syrians (Article 40). In practice, it only applied to Syrian (and Palestinian) males over the age of 19 living in Syria. Under the Service of the Flag Law, Decree No. 115 of 5 October 1953, the minimum age for conscription was the “first day of January in the year in which a Syrian citizen reaches 19”. The law reserved the right to lower the recruitment age to 18 in times of “war or emergency” from the “first day of January following the date on which the recruit reaches 18 years of age”.<sup>1</sup> In 2005 military service was reduced from 30 to 24 months.<sup>2</sup> In 2007 Decree No. 30 further amended the Flag Law and updated conditions for the deferral of service and exemptions, including study and residency abroad.<sup>3</sup> Those from families with only one son were also exempted.<sup>4</sup> From the ages of 17 to 42, all Syrian males required advance permission from the Armed Forces recruitment department to leave the country. Voluntary recruitment was open to men and women over 18.<sup>5</sup>

Article 6 of the Service of the Flag Law stipulated the procedures to be followed to prevent the direct participation in hostilities of members of the armed forces below 18 years of age. There was no known domestic legislation to criminalize the recruitment of under-18s, but Syria said that it closely monitored the ages of recruits. Syria held that all international instruments signed by the government, including the Optional Protocol, were treated as domestic law, so that there was “no need to enact a special law to incorporate such an instrument into domestic law”.<sup>6</sup>

### Military training and military schools

Syria had phased out military education in schools.<sup>7</sup> The Ministry of Defence ran schools

for the families of those who had died in the course of military service, but these followed the same curriculum as those run by the Ministry of Education.<sup>8</sup> Conscripted officers were trained at the three main armed forces academies at Homs, Latakia and Aleppo.<sup>9</sup>

### Child recruitment and deployment

There were no reports that children were being recruited into government forces.<sup>10</sup> However, there was potential for confusion on verifying this, given problems in registering births in some areas, particularly Kurdish regions. The need for improved documentation, irrespective of the legal status of parents, was highlighted by the UN Committee on the Rights of the Child.

Israeli occupation of the Golan Heights made it difficult to verify implementation in that area.<sup>11</sup>

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### Armed groups

Syria continued to support a number of non-state armed groups in the region, including those reported to have recruited under-18s, notably Hizbollah in Lebanon and Hamas and Palestinian Islamic Jihad (PIJ) in the Occupied Palestinian Territory.<sup>12</sup> Leaders of both Hamas and PIJ were based in Damascus.<sup>13</sup> Palestinian groups, including Islamic Jihad, Fatah and the Popular Front for the Liberation of Palestine-General Command (PFLP-GC), were also alleged to have carried out military training inside Syria.<sup>14</sup> No information came to light on the involvement of under-18s. There were a number of Iraqi armed groups, both Shia and Sunni, with members in Syria, notably former Ba’athists.<sup>15</sup> Observers had not noted any efforts to recruit under-18s from the growing refugee population. However, low school registration and limited humanitarian assistance meant that there was a strong risk of this happening.<sup>16</sup>

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### Developments

On acceding to the Optional Protocol in 2003, Syria supported the “straight-18” position, and stated that “the statutes in force and the legislation applicable to the Ministry of Defence of the Syrian Arab Republic do not permit any person under 18 ... to join the active armed forces or the reserve bodies or formations”.<sup>17</sup> Its initial report to the Committee on the Rights of the Child relating to the Optional Protocol was considered in October 2007. The Committee appreciated a number of Syria’s legal commitments on child recruitment to date, but it urged Syria to enact legislation explicitly prohibiting the recruitment of children, whether by or against Syrian nationals.<sup>18</sup>

Syria worked with the International Committee of the Red Cross to train a number of military officials in international humanitarian law (IHL) as part of efforts to integrate IHL into theoretical and



practical military training and civil society.<sup>19</sup> The Committee on the Rights of the Child praised its progress in raising awareness of the Convention on the Rights of the Child. However, it urged Syria to develop a systematic program to improve awareness and training on the Optional Protocols for all relevant professional groups.<sup>20</sup>

Having ratified the ILO Convention No. 182 on child labour in 2003, Syria amended some legislation accordingly, but loopholes remained and penalties were minimal.<sup>21</sup>

Syria remained formally at war with Israel, which maintained its occupation of the Golan Heights.

16 Confidential sources, August 2007.

17 Declaration on accession to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).

18 UN Committee on the Rights of the Child, Consideration of report submitted by Syria, Concluding observations, UN Doc. CRC/C/OPAC/SYR/CO/1, 5 October 2007.

19 International Committee for the Red Cross, *Annual Reports 2004–6*, [www.icrc.org](http://www.icrc.org).

20 Concluding observations, above note 18.

21 IRIN News, “Syria: Child labourers operate in legal loophole, say rights workers”, 13 July 2006.

\* Titles of non-English language sources have been translated by the Coalition.

1 Initial Report by Syria to the UN Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/SYR/1, 18 April 2007.

2 “Military services in Syria reduced to two years”, *Arabic News*, 7 January 2005, [www.arabicnews.com](http://www.arabicnews.com).

3 “President Assad Publishes Decree Number 30”, *al-Baath*, no.13136, 6 May 2007 (Arabic). This included payment of an exemption fee of between US\$500 and US\$8,000 for Syrians living abroad; [www.syria-news.com](http://www.syria-news.com).

4 Confidential sources, August 2007.

5 Ismail al-Jarradat, “Interview with Syrian Head of Recruitment, General Muhammad Ali Qamtad”, *al-Thawra*, 9 May 2007 (Arabic).

6 Initial Report, above note 1.

7 Confidential sources, 15 July 2007.

8 Initial Report, above note 1.

9 [exploitz.com](http://exploitz.com)!, “Syria – Military Training”, [www.exploit.com](http://www.exploit.com).

10 Confidential sources, above note 7.

11 UN Committee on the Rights of the Child, Consideration of report submitted by Syria, Concluding observations, UN Doc. CRC/C/OPSC/SYR/CO/1, 31 October 2006.

12 “Syria threatened to fight in Lebanon war – Hezbollah”, Reuters, 23 July 2007; Israeli Ministry of Foreign Affairs, “Iranian and Syrian support for Hizbullah and the Palestinian terrorist organizations”, 18 March 2007, [www.mfa.gov.il](http://www.mfa.gov.il).

13 Hamas’s political leader, Khaled Mashal, and PIJ’s secretary-general, Dr Ramadan al-Shallah. See Amira Howaidy, “Constants reiterated,” *Al-Ahram Weekly*, 31 January 2008, <http://weekly.ahram.org.eg>.

14 Matthew Levitt, “Terror from Damascus (Part I): The Palestinian terrorist presence in Syria”, *PeaceWatch #420*, Washington Institute for Near East Policy, 7 May 2003. [www.washingtoninstitute.org](http://www.washingtoninstitute.org).

15 Brookings Institute–University of Bern, “Iraqi refugees in the Syrian Arab Republic: a field-based snapshot”, occasional paper, June 2007, [www3.brookings.edu](http://www3.brookings.edu).

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# TAIWAN

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## Taiwan

**Population:** 22 million (5.2 million under 18)<sup>1</sup>

**Government armed forces:** 290,000

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18

**Voting age:** 20<sup>2</sup>

**Treaties ratified:** not applicable

***The minimum age for recruitment to the armed forces was 18, and there were no reports of under-18s serving in the forces.***

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## Context

Tensions remained high between Taiwan and China. Taiwan continued to build its defence policies around a potential attack by China, which it claimed was involved in an ongoing military build-up.<sup>3</sup> In June 2007 proposals by the Taiwanese president to hold a referendum on whether the island should seek membership of the UN were met with severe criticism from China, which said that such moves would endanger peace and stability in the region.<sup>4</sup>

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## Government

### National recruitment legislation and practice

The 1947 constitution states that “The people shall have the duty of performing military service in accordance with law” (Article 20).

The 1933 Military Service Law, as amended in 2000 and 2005, provided the legal basis for conscription, stating that all males were liable for military service from 1 January of the year after they turned 18 until 31 December of the year they turned 40, this range being defined as the military service age (Article 3). Exemption on health grounds and deferment for school and college students were allowed. Citizens sentenced to imprisonment for at least five years or who had served a total of three years in prison were ineligible for service (Article 5).<sup>5</sup>

Under the Implementation Act for Substitute Service of 2000, those conscripts considered unsuitable for regular military service were allowed to perform substitute service, including in the police, fire, social, environmental, medical and educational services.<sup>6</sup> Enlisted men could also apply for substitute service.<sup>7</sup> According to the government, about 14,000 conscripts performed substitute service in 2005.<sup>8</sup>

The 1954 Punishment Act for Violation to Military Service System, as amended in 1967 and 1972, provided for prison sentences of up to five

years for males of military service age who tried to avoid recruitment (Article 3).<sup>9</sup>

The 1959 Act of Military Service for Volunteer Enlisted Men, as amended in 2003, stated that males who had reached military service age could volunteer to enlist for between three and five years, and could apply to extend their term for between one and three years (Article 3). Further extension could be ordered by the Ministry of Defence in the event of war or disorder, or if the number of retirees would affect national defence (Article 5). According to the government about 6,500 enlistees signed up in 2005.<sup>10</sup>

Military service requirements were currently undergoing substantial revisions as part of an overall streamlining of the armed forces, which aimed to see troop numbers reduced to around 275,000 by the end of 2008.<sup>11</sup> While the military had hitherto consisted primarily of conscripts, efforts were now in place to reduce the numbers of conscripted troops while encouraging volunteers. The government aimed for a ratio of 60 per cent volunteers to 40 per cent conscripts by 2008.<sup>12</sup>

From January 2006 the compulsory service period for conscripts was reduced from 22 to 16 months, to be reviewed annually.<sup>13</sup> The Defence Ministry announced that, subject to sufficient numbers of volunteers enlisting, the period would be further reduced to 14 months in 2007, and 12 months in 2008.<sup>14</sup> The 2005 amendments to the Military Service Act also allowed women to serve as enlisted personnel.<sup>15</sup>

After discharge from active duty, all reservists had to report to their local military reserve units, which were sub-units of the Armed Forces Reserve Command. Reservists were organized into various units according to their military occupational speciality. Registered reservists totalled 3.4 million in 2005.<sup>16</sup>

### Military training and military schools

Taiwan operated a range of military education establishments, including the Republic of China Military Academy, Naval Academy and Air Force Academy, as well as various specialized military schools, such as Fu Hsing Kang College, established to train in “political warfare”, the National Defence Medical Centre, the National Defence Management College and the Chung Cheng Institute of Technology. The armed forces also operated a number of branch schools, such as the infantry, armour, and artillery and missile branch schools of the army. The Chung Cheng Armed Forces Preparatory School provided senior high school education to students who wished to continue in one of the three service academies or attend the Fu Hsing Kang College following graduation. It combined a regular senior high school education with basic military training.<sup>17</sup>

- 1 Government Information Office, *Taiwan Yearbook 2006* (figures from 2006), www.gio.gov.tw.
- 2 CIA, *The World Factbook*, 2008.
- 3 “National Defence”, *Taiwan Yearbook 2006*, above note 1.
- 4 VOA News, “China blasts Taiwan president’s support for UN referendum”, 13 June 2007, www.voanews.com.
- 5 Military Service Act, 2 February 2000.
- 6 “National Defence”, above note 3.
- 7 Conscription Agency of the Ministry of Interior, www.nca.gov.tw.
- 8 “National Defence”, above note 3.
- 9 Punishment Act for Violation to Military Service System, 24 February 1972.
- 10 “National Defence”, above note 3.
- 11 Ibid.
- 12 Ministry of National Defence, *2006 National Defence Report*, R.O.C., Ch. 7.
- 13 Ibid.
- 14 “Compulsory service to be reduced to 1 year by 2008 if recruiting is successful”, Central News Agency, 27 September 2005.
- 15 “National Defence”, above note 3.
- 16 Ibid.
- 17 Ibid.

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# TAJIKISTAN

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## Republic of Tajikistan

**Population:** 6.5 million (3.1 million under 18)

**Government armed forces:** 7,600

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18

Voting age: 18

**Optional Protocol:** acceded 5 August 2002

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***Weapons training could begin in school for senior students. There were some allegations of illegal conscription of under-18s into the armed forces.***

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## Context

In May 2006 armed men, allegedly linked to the armed opposition group Islamic Movement of Uzbekistan (IMU) (see Uzbekistan entry), raided a Tajik-Kyrgyz frontier post; several of the attackers and Tajik and Kyrgyz security forces were killed in the ensuing fighting.<sup>1</sup> During 2006 at least 30 alleged IMU members and 50 alleged members of the banned Islamic opposition party Hizb-ut-Tahrir were detained and many were sentenced to long prison terms after unfair trials.<sup>2</sup>

Tajikistan was a member of the Shanghai Cooperation Organisation (SCO), established in June 2001, comprising also China, Kazakhstan, Kyrgyzstan, the Russian Federation and Uzbekistan, whose goals included mutual co-operation in security matters.<sup>3</sup>

Until 2005 about half of Tajikistan’s conscripts served with the Russian army, which protected Tajikistan’s border with Afghanistan.<sup>4</sup> In mid-2005 Russian forces withdrew from the border, handing over control to Tajik border guards, but retained several thousand troops at a military base in the capital, Dushanbe.<sup>5</sup> There were also French and Indian air force bases in Tajikistan.<sup>6</sup>

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## Government

### National recruitment legislation and practice

The armed forces were largely conscripted. Conscription was provided for in the constitution. The Law on Universal Military Responsibility and Military Service required men aged 18–27 to do military service for 24 months, or 18 months for those with higher education.

In February 2006 the president noted that over 40 laws and decrees had come into force in the previous five years in the field of defence, including those to protect the rights

and social interests of conscripts.<sup>7</sup> Details of the amendments were not readily available.

The Law on Universal Military Responsibility and Military Service stated that alternative service could be carried out in accordance with legislation, but no legislation had been passed to provide for it. A group of non-governmental organizations (NGOs) were still campaigning in 2007 for an alternative service law, but there were fears that the government might delete the provision from the Law on Universal Military Responsibility and Military Service.<sup>8</sup> In October 2007 the activities of Jehovah's Witnesses and two evangelical Christian groups were suspended for three months because of members' refusal to serve in the military.<sup>9</sup>

About 12,000 conscripts were called up every year.<sup>10</sup> Dozens of cases were reported annually in which officers or officials took bribes to let conscripts avoid military service. The government repeatedly acknowledged the problem of corruption in the armed forces.<sup>11</sup> One government official said parents did not want to send their children into the army because of poor food and living conditions.<sup>12</sup> Enlistment targets were not met because young men left to find work in Russia or avoided conscription. In some cases under-age boys were reportedly rounded up by conscription officers who had failed to reach their targets. In 2004 nine senior military officials were sacked for enlistment offences and one senior officer was convicted of abuse of power by an army court. At least some of these cases reportedly involved under-age boys.<sup>13</sup> Cases of under-age recruitment to fulfil quotas continued to be reported in 2006.<sup>14</sup>

Tajikistan prohibited the voluntary recruitment of under-18s to the armed forces, according to its declaration made on accession to the Optional Protocol in 2002.<sup>15</sup>

## Military training and military schools

The Ministry of Defence participated in the development of educational standards, programs and methods for the preparation of civilians for military service.<sup>16</sup> Students in senior school classes studied principles of military science to prepare them for military service.<sup>17</sup> In 2006 one school sent 30 students to the Russian military base for five days where they were taught how to fire weapons.<sup>18</sup>

Students could take two-year courses at a military school in Dushanbe based on the Soviet-model Suvorov schools. On average about 100 students graduated every year and went on to study in the Military Institute of Tajikistan and abroad in Russia and other countries.<sup>19</sup>

## Armed groups

In October 2004 a boy captured by security forces in the Pakistani border region of Waziristan said

he been abducted with four younger boys from a village in Tajikistan and trafficked to Pakistan by masked Tajik men in 2002. The Pakistani military said he had been trained to plant mines and that armed groups were increasingly recruiting teenagers from Central Asia to carry out attacks.<sup>20</sup> In Tajikistan there was scepticism that children had been abducted and trafficked from the country.<sup>21</sup> In June 2006 the boy was released into the custody of a relief organization in Pakistan, which said he had been arrested by the Pakistani military in a madrasa (Islamic religious school) in Pakistan and unlawfully detained, and was being returned to his family.<sup>22</sup>

In May 2007 the State Committee on National Security stated that an Iranian citizen detained by the Tajik authorities had taken Tajikistani boys aged 10–15 to a neighbouring country purportedly for religious education, but in fact for training by armed groups. The State Committee on National Security did not specify which armed groups were implicated, how many boys were involved, or which country they were sent to.<sup>23</sup>

## Developments

### International standards

Tajikistan ratified the ILO Worst Forms of Child Labour Convention 182 in June 2005.

- 1 Dadodjan Azimov, "Are Islamic militants regrouping in the Fergana Valley?," Institute of War and Peace Reporting (IWPR), 1 December 2006, [www.iwpr.net](http://www.iwpr.net); see also *Amnesty International Report 2007*, entry on Kyrgyzstan.
- 2 *Amnesty International Report 2007*.
- 3 Shanghai Cooperation Organisation, [www.sectscsco.org](http://www.sectscsco.org).
- 4 International Institute for Strategic Studies, *The Military Balance 2004/2005*, quoted in Derek Brett, *Military Recruitment and Conscientious Objection: A Thematic Global Survey*, Conscience and Peace Tax International, May 2006, p.11, <http://cpti.ws>.
- 5 Tajikistan Country Profile, BBC News, 23 March 2007; Vladimir Socor, "Russia's military presence in Tajikistan to be legalized and diluted", Jamestown Foundation Eurasia Daily Monitor, 6 October 2004, [www.jamestown.org](http://www.jamestown.org); Zoya Pylenko, "Badakhshan: more poverty after Russian withdrawal", Central Asia-Caucasus Analyst, 16 November 2005, [www.cacianalyst.org](http://www.cacianalyst.org).
- 6 Shishir Gupta, "Tajik air base is ready, gives India its first footprint in strategic Central Asia", *Indian Express*, 25 February 2007, [www.indianexpress.com](http://www.indianexpress.com); "France to boost air group in Tajikistan – embassy", RIA Novosti, 11 May 2006, <http://en.rian.ru>.

- 7 “Address of President Emomali Rakhmonov of the Republic of Tajikistan on the Occasion of Armed Forces Day of the Republic of Tajikistan and Defence of the Fatherland”, presidential website, 23 February 2006, [www.president.tj](http://www.president.tj); N. Dodov, “The Seventh Session of the Third Majlisi Mili Majlisi of the Republic of Tajikistan”, Khovar News Agency, 16 November 2006, [www.khovar.tj](http://www.khovar.tj).
- 8 “Alternative Military Service Under Review”, IWPR News Briefing Central Asia, 12 July 2007.
- 9 “Tajik officials ban Jehovah’s Witnesses, Baptists”, Radio Free Europe/Radio Liberty (RFE/RL), 23 October 2007, [www.rferl.org](http://www.rferl.org).
- 10 O. Sidirov, “The armed forces of Tajikistan – yesterday and today”, *Gazeta.kz*, 13 March 2007, [www.gazeta.kz](http://www.gazeta.kz).
- 11 See, for example, “Address of President E. Rakhmonov on the Occasion of the 14th Anniversary of the Creation of the Armed Forces of the Republic of Tajikistan”, presidential website, 23 February 2007.
- 12 “Why doesn’t your son serve in the army?”, *Avesta*, 22 February 2007, [www.avesta.tj](http://www.avesta.tj).
- 13 Gulnora Amirshoeva, “Tajik army abuses tackled”, IWPR, 5 November 2004.
- 14 Correspondence with confidential source, Dushanbe.
- 15 Declaration on accession to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).
- 16 Law on Universal Military Responsibility and Military Service, Article 18.
- 17 “Cultural events have taken place at the Ministry of Defence to celebrate the forthcoming 23 February Armed Forces Day of the Republic of Tajikistan”, *Safina Television*, undated, [www.safina.tj](http://www.safina.tj).
- 18 Valentina Kondrashova, “Russian military personnel gave schoolboys lessons in initial military preparation”, *Asia Plus News Agency*, 1 June 2006, [www2.asiaplus.tj](http://www2.asiaplus.tj).
- 19 O. Sidirov, above note 10.
- 20 See, for example, “Qaeda using children for terrorism”, *Daily Times* (Pakistan), 26 November 2004; “Tale of a lost militant”, *Reuters*, 15 December 2004, both at [www.dailytimes.com.pk](http://www.dailytimes.com.pk).
- 21 “Why doesn’t the ‘Tajik boy’ come home?”, *Khovar*, 12 November 2004, at [www.tajik-gateway.org](http://www.tajik-gateway.org).
- 22 “Innocent foreigners detained”, *Dawn*, 31 May 2006, [www.dawn.com](http://www.dawn.com); “Pakistani court orders release of two Tajik Al-Qaeda militants”, *KUNA* (Kuwait News Agency), 5 June 2006.
- 23 “Terrorist accomplice detained in Tajikistan for recruiting teenagers to madrasah studies”, *Interfax*, 23 May 2007, [www.interfax-religion.com](http://www.interfax-religion.com); “Tajik youths were trained as future mohajedins and suicide bombers”, *Regnum*, 21 May 2007, [www.regnum.ru](http://www.regnum.ru).

## TANZANIA

### United Republic of Tanzania

**Population:** 38.3 million (19.1 million under 18)

**Government armed forces:** 27,000

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18; younger with parental consent

**Voting age:** 18

**Optional Protocol:** acceded 11 November 2004

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182, ACRWC

*There were no reports of under-18s in the armed forces although their presence could not be ruled out as defence force regulations permitted recruitment under some circumstances. No recruitment of child soldiers from Burundian refugee camps was reported after September 2004.*

### Context

Tanzania continued to host large numbers of refugees who had fled conflict in their countries of origin. The UN Refugee Agency’s (UNHCR) planning figures for 2008–9 indicated over 381,000 refugees and asylum-seekers in Tanzania, mostly from Burundi and the Democratic Republic of the Congo (DRC).<sup>1</sup> In January 2007 there were some 600,000 refugees, over 350,000 from Burundi and over 120,000 from the DRC.<sup>2</sup> In early 2007 the Tanzanian authorities were accused of ill-treating Burundian and Rwandan refugees and of forcibly expelling them during 2006.<sup>3</sup>

The entry of Burundi’s main armed opposition group, the Conseil National pour la Défense de la Démocratie – Forces pour la Défense de la Démocratie (CNDD-FDD, led by Pierre Nkurunziza), into the Burundian government in 2003 and the subsequent reform of the armed forces there appeared to have triggered the return to Burundi of some 90,000 refugees in 2004. Thousands more returned ahead of Burundian local and legislative elections in 2005.<sup>4</sup> Repatriation of both Burundian and DRC refugees continued in 2007.<sup>5</sup>

### Government

#### National recruitment legislation and practice

When acceding to the Optional Protocol in November 2004, Tanzania stated in its declaration that “the minimum age for the voluntary recruitment into armed conflict is eighteen years.”<sup>6</sup>

However, Section 67 of the Defence Forces Regulations prohibited the recruitment of persons apparently under 18 into the armed forces, “except that where a person is not of the apparent age of eighteen years he may be enrolled in the Defence Forces with the consent in writing of one of his parents or guardian, or, when the parents or guardian are dead or unknown, with the consent of the Area Commission of the district in which that person resides”.<sup>7</sup> The regulations provided that no child under the age of 18 could be used directly in armed conflict.<sup>8</sup>

In July 2007 the government stated that the age of voluntary recruitment to all defence forces was set at 18 and that birth and other certificates were scrutinized to prevent the recruitment of under-18s. It also stated that only over-18s could enlist, and that some military training was provided. There was no compulsory recruitment.<sup>9</sup> The government reported that although the recruitment of under-18s appeared to be a possibility in exceptional circumstances, in practice there was no such recruitment of under-18s in the Tanzania People Defence Forces (TPDF). No schools were under the control of the TPDF.<sup>10</sup>

## Armed groups

Prior to 2004 Burundi’s armed political groups reportedly recruited children as young as eight from refugee camps in Tanzania and carried out training in or near camps.<sup>11</sup>

The entry of the CNDD-FDD (Nkurunziza) into the Burundian government in 2003 and the subsequent return to Burundi of large numbers of CNDD-FDD (Nkurunziza) fighters led to improvements in camp security. Recruitment by the CNDD-FDD (Nkurunziza) was reported in refugee camps as late as September 2004, and at the end of that year they and other armed political groups were reported still to be demanding financial contributions from the refugee population.<sup>12</sup>

Although recruitment, including of children, by the one remaining active Burundian armed political group, the National Liberation Forces (Forces nationales de libération, FNL), was reported in Burundian territory bordering Tanzania in 2006,<sup>13</sup> no recruitment from Burundian refugee camps had been reported since 2004.<sup>14</sup>

## Developments

In 2005, in its second periodic report to the UN Committee on the Rights of the Child, Tanzania acknowledged that child trafficking existed within Tanzania, and proposed introducing a “Children’s Law” to address this and other child protection issues, including a consistent legislative definition of a child.<sup>15</sup> In 2006 the Committee expressed concern at the lack of a clear time frame for finalizing and enacting this legislation.<sup>16</sup>

As of October 2007 the government reported that it had yet to incorporate international humanitarian laws (such as the Convention on the Rights of the Child and its Optional Protocols) into its domestic legislation.<sup>17</sup>

- 1 UNHCR *Global Appeal 2008–2009*, Tanzania, <http://www.unhcr.org>.
- 2 UNHCR *Global Appeal 2007*, Tanzania, [www.unhcr.org](http://www.unhcr.org).
- 3 Human Rights Watch (HRW), letter to President Jakaya Kikwete of Tanzania, 8 May 2007.
- 4 Amnesty International (AI), “Burundi: refugee rights at risk: human rights abuses in returns to and from Burundi”, AI Index: AFR 16/006/2005, 27 June 2005.
- 5 UNHCR, “Uncertain future for return operation from Tanzania to Congo”, News Stories, 24 September 2007, <http://www.unhcr.org/>; UNHCR News, “UNHCR and partners in new initiatives to boost repatriation to Burundi”, 12 July 2007, [www.unhcr.org](http://www.unhcr.org).
- 6 Declaration on accession to the Optional Protocol, <http://www2.ohchr.org>.
- 7 Confidential sources, Tanzania, July 2007.
- 8 Second periodic report of Tanzania to the UN Committee on the Rights of the Child, UN Doc. CRC/C/70/Add.26, 24 August 2005.
- 9 Letter to the Child Soldiers Coalition from the Tanzania High Commission, London, July 2007; Second periodic report, above note 8.
- 10 Initial report of Tanzania to the Committee on the Rights of the Child, UN Doc. CRC/C/OPAC/TZA/1, 19 October 2007.
- 11 HRW, “Child Soldier Use 2003, a Briefing for the 4th UN Security Council”, Open Debate on Children and Armed Conflict, January 2003.
- 12 Burundi: refugee rights at risk, above note 4.
- 13 UN Security Council, Report of the Secretary-General on Children and Armed Conflict in Burundi, UN Doc. S/2006/851, 27 October 2006; ITEKA, (Burundian Human Rights League), <http://www.ligue-iteka.africa-web.org>.
- 14 Confidential sources, Dar es Salaam, June 2007.
- 15 Second periodic report of Tanzania to the Committee on the Rights of the Child, UN Doc. CRC/C/70/Add.26, 24 August 2005.
- 16 UN Committee on the Rights of the Child, Consideration of report submitted by Tanzania, Concluding observations, UN Doc. CRC/C/TZA/CO/2, 21 June 2006.
- 17 Initial report, above note 10.

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# THAILAND

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## Kingdom of Thailand

**Population:** 64.2 million (18.5 million under 18)

**Government armed forces:** 306,600

**Compulsory recruitment age:** 20

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** acceded 27 February 2006

**Other treaties ratified (see glossary):**

CRC, ILO 138, ILO 182

*There were no reports of under-18s in the armed forces. Children were reported to be involved with armed separatist groups in the south. Refugees from Myanmar included former child soldiers recruited by the Myanmar armed forces and armed political groups.*

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## Context

Violence in the four mainly Muslim southern provinces escalated steadily; over 2,000 people had been killed there since 2004. Armed groups bombed, beheaded or shot Muslim and Buddhist civilians, including monks and teachers. Human rights violations committed by the authorities included the deaths of scores of people, enforced disappearances and arbitrary detention.<sup>1</sup>

In September 2006 Prime Minister Thaksin Shinawatra was deposed in a bloodless military coup. Coup leaders abrogated the 1997 constitution and issued decrees instituting martial law.<sup>2</sup> A new constitution was endorsed in a referendum in August 2007.

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## Government

### National recruitment legislation and practice

Article 71 of the 2007 constitution states that “Every person has a duty to defend the country.”

The 1954 Military Service Act provided the legal basis for conscription, requiring that every Thai man who had attained the age of 20 would be recruited into the armed forces;<sup>3</sup> an estimated 80,000 troops in the Thai military were conscripts.<sup>4</sup> The age of voluntary recruitment was 18.<sup>5</sup> The age for participation in hostilities was not stipulated in law.<sup>6</sup>

In February 2006 Thailand acceded to the Optional Protocol, stating in its declaration that military service was compulsory by law and that Thai men reaching the age of 18 had a duty to register on the inactive military personnel list. However, the age given for compulsory recruitment in the declaration appeared to be

at variance with the 1954 law cited above. The declaration states, “At the age of 21, selected inactive military personnel will become active military personnel. Inactive military personnel may also voluntarily apply to become active military personnel to serve in the national armed forces. Women are exempt from compulsory military service both in times of peace and in times of war, but are subjected to other duties assigned by law. In times of war or national crisis, inactive military personnel (men aged over 18) may be recruited to participate in the armed forces.”<sup>7</sup>

### Military training and military schools

The Armed Forces Academies Preparatory School offered secondary education to students before they joined a military or police academy. The school aimed to enhance the knowledge and efficiency of pre-cadets, who were divided into four battalions directly controlled by platoon commanders, their military education and training being provided by the Regiment of Cadets. Applicants to the school had to be unmarried and between 14 and 17 years of age, with educational qualifications to the level of Grade 10, and they had to meet the health and height qualifications required by the armed forces or police.<sup>8</sup>

In its accession declaration to the Optional Protocol, Thailand stated that admission to military schools was on a voluntary basis, depending on success in the entrance examinations and subject to the consent of parents or legal guardians. High school and university students regardless of gender could apply voluntarily to receive military training from the Army Reserve Command, with the consent of parents or legal guardians. Students who completed three years’ training were exempt from military service as active military personnel when they reached the age of 21.<sup>9</sup> The minimum age for enrolment in the Reserve Officer Training Corps was 16.<sup>10</sup>

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### Armed groups

Although reliable information was scarce, there were credible reports of the use of children in operations by separatist armed groups in southern Thailand.<sup>11</sup> The most active of the separatist groups, the National Revolution Front-Coordinate (Barisan Revolusi Nasional-Koordinasi, BRN-C), had a youth wing with over 7,000 members, which, together with units organized into cells, was reported to be responsible for much of the violence.<sup>12</sup> Between January 2004 and June 2007 separatist groups were responsible for the deaths of at least 70 teachers, and burned down 170 government schools.<sup>13</sup> Children were among those who were killed.<sup>14</sup>

BRN-C was reported to have penetrated some Islamic elementary schools and private boarding schools (ponohs) in the southern provinces.<sup>15</sup> There was no information to indicate that military training took place in the schools, but according to some sources “suitable” children or young people were selected to join after-school study groups, where initiation into the BRN-C began. The number of children in the BRN-C or other armed groups was not clear, nor was the extent to which under-18s took part in their operations. However, there were indications that boys below the age of 18, some in their early teens, were used to distribute leaflets and write graffiti, and for sabotage and arson.<sup>16</sup> Occasionally, under-18s were reported to have been used to plant bombs.<sup>17</sup>

Some reports indicated that government forces had killed children suspected of involvement in the southern insurgency.<sup>18</sup> There were also reports of the arbitrary detention of under-18s suspected of belonging or having links to armed groups. More than 600 people, of whom at least six were under 18, were reportedly detained in operations from June to August 2007 and had “volunteered” to undergo a program of four months’ occupational training in an army camp as an alternative to being charged with offences relating to national security.<sup>19</sup> The six were reported to have been released in August. In its declaration on accession to the Optional Protocol, Thailand stated that “Non-governmental militias are prohibited by law, regardless of the age of persons concerned.”<sup>20</sup>

## Developments

Several thousand Lao Hmong asylum seekers remained in a camp in Phetchabun province in poor conditions. According to some sources, a large percentage of the camp population were children.<sup>21</sup>

Over 140,000 refugees, largely from the Karen ethnic group, were living in refugee camps on the Thailand–Myanmar border.<sup>22</sup> Tens of thousands of others were living outside the camps; these reportedly included former child soldiers, who had escaped from the Myanmar armed forces (Tatmadaw) and were reported to encounter discrimination, ostracism and other difficulties in the refugee camps. Many former Tatmadaw child soldiers who fled to Thailand remained outside the camps, where they had no access to support or services. Increasing restrictions imposed by the Thai authorities on international organizations made it extremely difficult for these organizations to provide protection for former child soldiers crossing the border.<sup>23</sup>

There were reports of the recruitment of several children who lived in Mae La refugee camp in Thailand by the Karen National Union–Karen National Liberation Army – Peace Council (KNU-KNLA PC), which had broken away from the

KNLA (an ethnic Karen armed group fighting the Tatmadaw) and made peace with the Myanmar government in 2007.<sup>24</sup> There were reported to be plans by the UN Working Group on children affected by armed conflict to develop a formal system for monitoring and reporting on the recruitment of child soldiers from the camps.<sup>25</sup>

- 1 Human Rights Watch (HRW), “‘It was like suddenly my son no longer existed’: enforced disappearances in Thailand’s southern border provinces”, *Human Rights Watch*, Vol. 19, No. 5(C), March 2007.
- 2 *Amnesty International Report 2007*.
- 3 Second periodic report of Thailand to the UN Committee on the Rights of the Child, 31 May 2005, UN Doc. CRC/C/83/Add.15.
- 4 Global Security, “Royal Thai Military”, [www.globalsecurity.org](http://www.globalsecurity.org).
- 5 CIA, *The World Factbook*, Thailand.
- 6 Second periodic report of Thailand, above note 3.
- 7 Declaration of Thailand on acceding to the Optional Protocol, 27 February 2006, [www2.ohchr.org](http://www2.ohchr.org).
- 8 Thailand Armed Forces Academies, [www.geocities.com/Athens/Acropolis/5522/T\\_T\\_HE.HTM](http://www.geocities.com/Athens/Acropolis/5522/T_T_HE.HTM).
- 9 Declaration of Thailand, above note 7.
- 10 “Training for war so that we may live in peace”, *Bangkok Post*, 10 October 2006, [www.bangkokpost.net](http://www.bangkokpost.net).
- 11 Confidential correspondence, June 2007.
- 12 HRW, “‘Suddenly my son no longer existed’”, above note 1.
- 13 HRW, “Thailand: education in the south engulfed in fear”, 14 June 2007.
- 14 HRW, “No One is Safe: Insurgent Violence Against Civilians in Thailand’s Southern Border Provinces”, August 2007.
- 15 International Crisis Group (ICG), “Southern Thailand: insurgency, not jihad”, May 2005.
- 16 Confidential interviews, Bangkok, February 2007.
- 17 Coalition confidential source.
- 18 “Army vows to probe killing of teenagers by unit, and take action if soldiers guilty”, *Nation*, 15 April 2007, [www.nationmultimedia.com](http://www.nationmultimedia.com).
- 19 Working Group on Peace and Justice, “The human rights situation in south Thailand”, briefing note, 20 August 2007. Copy on file at Coalition.
- 20 Declaration of Thailand, above note 7.
- 21 HRW, “Thailand: Protect Hmong refugees: more than 8,000 Lao Hmong at risk of forced repatriation”, 30 August 2007.
- 22 UNHCR, “Borders with Myanmar remain calm; no influx of refugees”, UNHCR News Stories, 1 October 2007.
- 23 “Sold to be soldiers: the recruitment and use of child soldiers in Burma”, *Human Rights Watch*, Vol. 19, No. 15(C), October 2007.



- 24 Karen Human Rights Group, “Child soldiers recruited to support the expansion of the KNU-KNLA Peace Council”, news bulletin, 28 May 2007, www.khrg.org.
- 25 Thai Burma Border Consortium, TBBC Programme Report: January to June 2007, 30 Aug 2007.

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## TIMOR-LESTE

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### Democratic Republic of Timor-Leste

**Population:** 947,000 (463,000 under 18)

**Government armed forces:** 1,250

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18

**Voting age:** 17

**Optional Protocol:** acceded 2 August 2004

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC

*There were no reports of under-18s in the armed forces. The demobilization process did not include specific programs aimed at assisting demobilized child soldiers.*

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### Context

Violence erupted in April 2006 after almost 600 soldiers – more than a third of the armed forces – were dismissed after protesting over discrimination and poor conditions of work. Up to 38 people died and some 150,000 people were displaced in subsequent fighting. In May 2006 an international peacekeeping force was deployed. The UN Office in Timor-Leste (UNOTIL) had its mandate extended as a result of the violence, and was replaced in August 2006 by the UN Integrated Mission in Timor-Leste (UNMIT), mandated to foster stability and support national elections in 2007; it included up to 1,608 police personnel within a civilian peacekeeping component.

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### Government

#### National recruitment legislation and practice

The 2004 Organic Law of the Falintil–ETDF (East Timor Defence Forces) provided the basis for voluntary recruitment, and stated that the defence force was to be “exclusively made up of citizen volunteers” and that “No person under 18 years of age may be recruited for military service in the Falintil–ETDF” (Article 14.2). UN identity cards issued in early 2001 for the national Constituent Assembly elections were used as the proof of age for enlistment purposes. As of 2006 there were 1,435 persons in the force, comprising two infantry battalions and one naval component.

A 2006 review by the secretary of state for defence examined a range of potential policy aspects, including the introduction of compulsory military service. Timor-Leste’s initial report on the Optional Protocol stated that this was viewed as highly unlikely to be supported, and that there was believed to be no prospect of amending

current provisions concerning recruitment under the age of 18.

In February 2007, however, a Law on Military Service was passed, which provided for conscription for those aged between 18 and 30. Under the law the duration of service for those selected for active service was 18 months, extendable by a maximum of 12 months “in the event of national service requirements”. Although the law provided for exemption from military service for various categories, including individuals with care responsibilities, there was no provision for conscientious objection or alternatives to military service. Some 40,000 East Timorese were estimated to be eligible for conscription.

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## Disarmament, demobilization and reintegration (DDR)

The pro-independence armed group, Armed Forces for the National Liberation of East Timor (Falintil) had been demobilized in 2000 and officially dissolved in 2001. All under-18 members of Falintil were reported to have been sent back to their homes and schools. The demobilization process, implemented by the International Organization for Migration (IOM), did not include specific programs aimed at assisting demobilized child soldiers.

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## Developments

In October 2005 the Commission for Reception, Truth and Reconciliation in Timor-Leste submitted its final report to the Timor-Leste president. It contained a detailed account of human rights violations in Timor-Leste between 1974 and 1999, including abuses against children. It found that during Indonesia’s occupation of Timor-Leste (1975–99) children, some as young as six years old, were used by the Indonesian armed forces, Indonesian-backed militia and, to a lesser extent, by the pro-independence armed group, Falintil, and its clandestine front. According to the report, children associated with Falintil were the victims of extrajudicial execution, arbitrary detention, torture and other human rights violations by the Indonesian occupying forces. Child members of the pro-Indonesian militias responsible for much of the violence that took place both before and after the August 1999 Popular Consultation on independence were reported to be among those who had suffered the greatest impact since Indonesia’s withdrawal from the territory and its subsequent independence. As those seen to have been on “the wrong side”, they suffered stigma and many had not returned from West Timor, Indonesia, where they had fled in 1999, for fear of retribution or ostracism.

The serious crimes process established by the UN to try serious violations of human rights

ended its operations in May 2005. The Special Panels established within the national court system had exclusive jurisdiction in relation to grave crimes – war crimes, genocide and crimes against humanity – as well as for murder, sexual offences and torture committed from 1 January to 25 October 1999. Recruitment and use of children were not among the crimes with which any of the 97 suspects tried by the court were charged. Indonesia refused to co-operate with the serious crimes process and took no further action subsequent to the widely discredited ad hoc human rights court in Jakarta to bring to justice members of the Indonesian armed forces and other Indonesian citizens or individuals resident in Indonesia for crimes committed in Timor-Leste.

At a February 2007 ministerial meeting in Paris, Timor Leste and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

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## International standards

Timor-Leste submitted its initial report on the Optional Protocol in 2006, together with its initial report to the UN Committee on the Rights of the Child (CRC).

The report stated that “Promotion and advocacy of the principles and priorities of the Protocol have occurred as part of broader efforts by Government – especially in cooperation with UNICEF – to promote and advocate the principles and provisions of the CRC. The Government’s early accession to both the Convention and its optional protocols has enabled a unified approach to community awareness raising.”

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- 1 Report of the UN Independent Special Commission of Inquiry for Timor-Leste, Geneva, 2 October 2006, [www2.ohchr.org](http://www2.ohchr.org).
  - 2 United Nations Integrated Mission in Timor-Leste.
  - 3 Initial report of Timor-Leste to the UN Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/TLS/1, 28 June 2007.
  - 4 Secretary of State for Defence, Force 20-20, 2006, [www.etan.org](http://www.etan.org).
  - 5 Initial report of Timor-Leste, above note 3.
  - 6 Unofficial translation of Law of Military Service by Coalition.
  - 7 “Concern at Timor army conscription”, The Australian, 31 January 2007, [www.etan.org](http://www.etan.org).
  - 8 Initial report of Timor-Leste, above note 3.

- 9 Chega! Final Report of the Commission for Reception, Truth and Reconciliation in East Timor (CAVR), 2005, www.etan.org.
- 10 Regulation on the Establishment of the United Nations Transitional Administration in East Timor, 27 November 1999, UN Doc. UNTAET/REG/1999/1, Section 3.
- 11 Initial report of Timor-Leste, above note 3.

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## TOGO

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### Togolese Republic

**Population:** 6.1 million (3.1 million under 18)

**Government armed forces:** 8,600

**Compulsory recruitment age:** 18 (see text)

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 28 November 2005

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182, ACRWC

*There were no reports of under-18s in the regular armed forces. The extent to which any under-18s may have participated in the violence around the 2005 presidential elections was not documented.*

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### Context

Immediately after the death in February 2005 of President Gnassingbé Eyadéma, who had ruled Togo since 1967, the Togolese Armed Forces (Forces armées togolaises, FAT) proclaimed Faure Gnassingbé, his son, as president, precipitating a constitutional and political crisis. In the face of international pressure, Faure Gnassingbé stepped down and called presidential elections for April 2005, which he won amid widespread violence and allegations by opposition parties of vote-rigging.<sup>1</sup>

According to a fact-finding mission sent to Togo by the UN High Commissioner for Human Rights, at least 400 people were killed and thousands wounded during the crisis. Estimates by government sources were considerably lower, of 60 to 70 killed.<sup>2</sup> The non-governmental Togolese Human Rights League (Ligue togolaise des droits de l'homme, LTDH) reported 811 killed.<sup>3</sup> Most of the victims were believed to be adults, although some children were also killed. The security forces were also alleged to have abducted students from schools.<sup>4</sup>

More than 40,000 people sought refuge in neighbouring Benin and Ghana and thousands of others were internally displaced. As of September 2007 the UN refugee agency (UNHCR) estimated that 13,300 Togolese refugees remained in Benin and Ghana.<sup>5</sup> Although opposition supporters were responsible for some violence, including killings, most of the violence and killings were attributed to government security forces and militias, who were accused of using disproportionate force in response to opposition violence, of the deliberate killing of people in their homes and of attempting to hide evidence of the scale of the killings. Violence against women, including rape, by all parties was reportedly widespread.<sup>6</sup>

In August 2006 the government and opposition parties signed an agreement calling for a government of national unity, making a number of electoral reforms and establishing an ad hoc committee to support UNHCR in assisting refugees to return. The government also agreed to reform the armed forces, which were traditionally dominated by northerners and members of the president's ethnic group, and which had a record of committing human rights abuses. However, no progress was reported regarding an end to impunity for the armed forces, in particular with regard to violence during the 2005 elections.<sup>7</sup> Parliamentary elections were scheduled for 2007.<sup>8</sup> The elections, which took place in mid-October 2007, were won by the ruling party, the Rally of the Togolese People (Rassemblement du peuple togolais, RPT).<sup>9</sup>

## Government

### National recruitment legislation and practice

The 2002 constitution stated that the defence of the nation and its territorial integrity was the duty of every Togolese citizen, that every citizen had the duty to undertake national service under the conditions provided for in law, and that every citizen had the duty to fight any person or group of people who attempted to change the democratic order established by the constitution. Togo's declaration on ratifying the Optional Protocol in November 2005 stated that all recruitment was voluntary, but some sources reported that conscription was in force on a selective basis for a two-year term.<sup>10</sup>

Togo's declaration on ratification of the Optional Protocol stated also that the minimum age for voluntary recruitment into the national armed forces was 18.

### Armed groups

Under the presidency of Gnassingbé Eyadéma government security forces were supported by militias created by and linked to the ruling party. Militias repeatedly participated in violence against the population and political opponents and were active in the violence which followed the April 2005 presidential elections, particularly in Lomé and Atakpamé. Members of the security forces and militias reportedly opened fire on unarmed demonstrators and attacked people in their homes or at polling stations.<sup>11</sup> Militia members acting alongside members of the security forces were reportedly armed with machetes and other knives (*armes blanches*). The majority of militia members were young men. However, the extent to which any under-18s may have been active in or alongside the militias was not clear.<sup>12</sup>

The report by the UN fact-finding mission described how opposition supporters at times formed "disorganized political militias" during the 2005 violence, and it severely criticized opposition leaders for not providing the leadership which should have prevented violence by their supporters. Opposition supporters, primarily armed with weapons such as machetes or cudgels, attacked government officials and supporters. Foreign nationals were also the targets of xenophobic attacks.<sup>13</sup> It was not clear to what extent under-18s had been active in violence by opposition supporters.

## Developments

### International standards

Togo ratified the Optional Protocol in November 2005.<sup>14</sup>

- 1 *Amnesty International Report 2006*.
- 2 Office of the UN High Commissioner for Human Rights (OHCHR), *Rapport de la mission d'établissement des faits chargée de faire la lumière sur les violences et les allégations de violations des droits de l'homme survenues au Togo avant, pendant et après l'élection présidentielle du 24 avril 2005*, 29 August 2005, [www.reliefweb.int](http://www.reliefweb.int).
- 3 Amnesty International (AI), *Togo: Will history repeat itself?* (AFR 57/012/2005), 20 July 2005.
- 4 AI, *Togo: A high-risk transition* (AFR 57/008/2005), 18 March 2005; AI, above note 3.
- 5 "Togolese refugees start going home from Ghana with UNHCR help", UNHCR news, 27 September 2007, [www.unhcr.org](http://www.unhcr.org).
- 6 OHCHR, above note 2.
- 7 *Amnesty International Report 2007*; "Special Rapporteur on torture concludes visit to Togo", UN press release HR/07/63, 18 April 2007, [www.ohchr.org](http://www.ohchr.org) (HRC media).
- 8 "Togo: political agreement aims to end 12-year feud", IRIN, 21 August 2006.
- 9 "Togo ruling party wins election", BBC News, 18 October 2007.
- 10 International Institute for Strategic Studies (IISS), *The Military Balance 2007*.
- 11 AI, above note 3.
- 12 OHCHR, above note 2.
- 13 *Ibid.*
- 14 Declaration on accession to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).

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# TONGA

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## Kingdom of Tonga

**Population:** 102,000 (43,000 under 18)

**Government armed forces:** not known

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 16

**Voting age:** 21

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, GC AP I and II

*The minimum age of voluntary recruitment to the Tonga Defence Services was 16.*

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## Context

Following the death of King Taufa'ahau Tupou IV in September 2006, a government committee recommended that all lawmakers be elected by the public. Government delays in enacting democratic reforms sparked rioting in Nuku'alofa in November 2006 which left six people dead.<sup>1</sup> A state of emergency, banning gatherings of more than four people, was subsequently declared and was extended until May 2007.<sup>2</sup> Reports indicated that around 600 people, including children, had been detained and subjected to torture and other abuse.<sup>3</sup> Following the riots, the government agreed to hold parliamentary elections in 2008.<sup>4</sup>

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## Government

### National recruitment legislation and practice

Under-18s could enlist in the defence services with the consent in writing of the person's parents or guardian. If the required consent could not "reasonably be obtained", the consent of a magistrate could be obtained instead. The minimum age of recruitment was 16.<sup>5</sup> There was no conscription.

Article 22 of the 1988 constitution states that "It shall be lawful for the King to command any taxpayer to join the militia for the purpose of instruction or for parade on public occasions should he think fit and also in time of war to call out all those capable of bearing arms and to make orders and regulations for their control and provisioning." No minimum age of recruitment is specified, although Article 64 of the constitution states that "Every Tongan subject of twenty-one years of age or more who being a male and not a noble pays taxes", making them liable to be conscripted into a militia.<sup>6</sup> It was not clear, however, whether under-21s were protected from conscription in the militia.

- 1 "Six found dead after Tonga riots", BBC News, 17 November 2006.
- 2 "Tonga extends state of emergency", 16 April 2007, [www.news.com.au/](http://www.news.com.au/); "Tonga MP warns continuing state of emergency could lead to more violence", Radio New Zealand International, 16 April 2007, [www.rnzi.com](http://www.rnzi.com).
- 3 "Tongan authorities accused of human rights violations," ABC news online, 13 December 2006, [www.abc.net.au](http://www.abc.net.au).
- 4 "People's reps say govt. has agreed to 2008 elections", Tonga-Now, 16 November 2006, [www.tonga-now.to/](http://www.tonga-now.to/).
- 5 Kingdom of Tonga, Tonga Defence Services Act 1992, Part V – Enlistment and Terms of service in the Regular Force, Enlistment, Section 25(2) and 25(3).
- 6 Kingdom of Tonga, Act of Constitution of Tonga, 1988 Revised Edition, Articles 22 and 64.

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# TRINIDAD AND TOBAGO

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## Republic of Trinidad and Tobago

**Population:** 1.3 million (355,000 under 18)

**Government armed forces:** 2,700

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 16

**Voting age:** 18

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

**No information was available on whether any under-18s were serving in the armed forces.**

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## Government

### National recruitment legislation and practice

There was no conscription.<sup>1</sup> The minimum age of recruitment to the regular armed forces was 18, and to the reserve 25.<sup>2</sup> Candidates for the regular forces between the ages of 16 and 18 had to have written parental or guardian consent.<sup>3</sup> From 1985 the government had reported to the International Labour Organization (ILO) that in practice there had been no recruitment of under-18s. However, it repeatedly failed to follow the ILO recommendation to amend the Defence Act so as either to fix the legal minimum age at 18 or to allow a child under the age of 18 who had been recruited to choose to leave the service on reaching 18, in line with similar regulations applicable to recruits to the cadet force.<sup>4</sup>

### Military training and military schools

Boys and girls of secondary-school age could join the cadet force, open to children and young people aged 12–19, which aimed to give “mental, moral and physical training”.<sup>5</sup> Those wishing to enrol had to have parental consent.<sup>6</sup> There were approximately 40 secondary-schools in the cadet force system and school students made up nearly 90 per cent of the membership. Courses included first aid, rifle target-shooting and navigation. The cadet force provided assistance in times of national disaster, such as hurricanes.<sup>7</sup>

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## Developments

In March 2006 the UN Committee on the Rights of the Child recommended that the government ratify the Optional Protocol.<sup>8</sup>

## International standards

Trinidad and Tobago ratified the ILO Minimum Age Convention 138 in September 2004.

- 1 Second periodic report of Trinidad and Tobago to the Committee on the Rights of the Child, UN Doc. CRC/C/83/Add.12, 15 November 2004, para. 246.
- 2 Trinidad and Tobago Defence Force, [www.ttdf.mil.tt](http://www.ttdf.mil.tt).
- 3 Defence Act, No. 7 of 1962, Chapter 14:01, <http://rgd.legalaffairs.gov.tt>.
- 4 International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations (CEACR), Individual Direct Request concerning Forced Labour Convention, 1930 (No. 29) Trinidad and Tobago (ratification: 1963) Submitted: 2006 – Trinidad and Tobago, ILO, [www.ilo.org/](http://www.ilo.org/) (ilolex database). See also Regulation 27 of the Cadet Force Regulations, subsidiary legislation under the Cadet Force Act, Chapter 14:02, <http://rgd.legalaffairs.gov.tt>.
- 5 Tranquillity Government Secondary-school, Extra-curricular Activities, [www.tranquillity.edu.tt](http://www.tranquillity.edu.tt).
- 6 Cadet Force Act, No. 28 of 1963.
- 7 “Developing nation’s youth”, *Trinidad Guardian*, 7 June 2005, [www.guardian.co.tt](http://www.guardian.co.tt).
- 8 UN Committee on the Rights of the Child, Consideration of second periodic report submitted by Trinidad and Tobago, Concluding observations, UN Doc. CRC/C/TTO/CO/2, 17 March 2006.

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# TUNISIA

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## Republic of Tunisia

**Population:** 10.1 million (3.3 million under 18)

**Government armed forces:** 35,300

**Compulsory recruitment age:** 20

**Voluntary recruitment age:** 18

**Voting age:** 20

**Optional Protocol:** ratified 2 January 2003

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182

***There were no reports of under-18s serving in the armed forces.***

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## Context

In December 2006, fighting between the police and alleged members of the Salafist Group for Preaching and Combat (Groupe Salafiste pour la Prédication et le Combat-GSPC), an armed group reportedly linked to al-Qaeda, left dozens of people dead and many others injured, including police officers.<sup>1</sup>

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## Government

### National recruitment legislation and practice

Under Articles 2 and 29 of Act No. 2004-1 of 14 January 2004 concerning national service and Article 18 of Act No. 95-92 of 2 November 1995 promulgating the Child Protection Code, Tunisia strictly prohibited service in the armed forces by persons under the age of 18, and the involvement of children in armed conflict. The Code forbade the use of children to commit crimes, including acts of violence and terror (Article 19). Tunisian legislation did not contain special provisions for lowering the age of conscription, even in exceptional circumstances.<sup>2</sup>

The constitution stated that “defence of the country and the integrity of the territory is a sacred duty of every citizen” (Article 15). In accordance with Article 1 of Act No. 51-1989 of 14 March 1989, recruitment into the armed forces was compulsory for all citizens once they reached the age of 20, unless they were medically exempt. The minimum age for voluntary recruitment of Tunisian citizens into the armed forces was 18 years.<sup>3</sup>

### Military training and military schools

Recruits between the ages of 18 and 23 could be admitted into military schools.<sup>4</sup>

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<sup>1</sup> “Tunisia”, *Amnesty International Report 2007*.

- <sup>2</sup> Initial report of Tunisia to the UN Committee on the Rights of the Child, UN Doc. CRC/C/OPAC/TUN/1, 30 August 2007.
- <sup>3</sup> Declaration on accession to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).
- <sup>4</sup> *Ibid.*

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# TURKEY

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## Republic of Turkey

**Population:** 73.2 million (25.3 million under 18)

**Government armed forces:** 514,900

**Compulsory recruitment age:** 19

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 4 May 2004

**Other treaties ratified (see glossary):**

CRC, ILO 138, ILO 182

*In a state of emergency or partial mobilization, individuals aged 15 and over were apparently liable for service in civil defence forces.*

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## Context

The human rights situation deteriorated in eastern and south-eastern provinces as fighting increased between the security forces and the armed Kurdistan Workers' Party (PKK). There were attacks on civilians in other areas by armed groups.<sup>1</sup>

PKK attacks increased, and claimed as many as 600 lives in 2006.<sup>2</sup> A unilateral PKK ceasefire in October 2006 did not halt its attacks in response to counter-insurgency and counter-terrorism operations, especially in the south-east. Kurdish separatists were blamed by the security forces for a May 2007 bomb blast that killed six people in the capital, Ankara.<sup>3</sup> In April 2007 the chief of general staff called for a military assault on PKK bases in northern Iraq.<sup>4</sup> In June 2007 the largest operation against PKK fighters in recent years was launched in the south-east amid continuing concerns about a Turkish cross-border attack into Iraq.<sup>5</sup> Clashes between the PKK and the army increased noticeably in October 2007, heightening fears of a cross-border incursion.<sup>6</sup>

After the security forces killed four PKK members in March 2006, violent protests broke out and four children were among 13 killed during clashes between demonstrators and the security forces in the south-east.<sup>7</sup>

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## Government

### National recruitment legislation and practice

According to the constitution, "National service is the right and duty of every Turk" (Article 72). Under Military Law No. 1111, men's liability for military service started in the year they turned 20.<sup>8</sup> Liability continued to the age of 41, except on grounds of health or disability. Women were not conscripted and could join the armed forces only

after attending military school.<sup>9</sup> Length of service was 15 months for private soldiers and non-commissioned officers (NCOs) and 12 months for reserve officers.<sup>10</sup> Students could defer conscription until they had completed higher or vocational education. There was no provision for conscientious objectors.<sup>11</sup> In times of mobilization or a state of emergency, individuals liable for military service could be recruited from the age of 19. The Military Code provided for voluntary recruitment to some parts of the armed forces at a minimum age of 18, but the government stated on ratifying the Optional Protocol in 2004 that this was not applied in practice.<sup>12</sup>

Other legislation apparently permitted the deployment of 15- to 18-year-olds in civil defence forces during national emergencies. During a national crisis, the constitution allowed the suspension of rights and freedoms and other extraordinary measures. The National Defence Service Law 3634 stated that "in cases of general or partial mobilization and in preparation of mobilization under a state of emergency, children under the age of 15 ... shall not be held liable".<sup>13</sup>

### Military training and military schools

Students at military schools and the NCO preparatory school were not liable for compulsory military service or considered members of the armed forces. Admission to military high schools and preparatory schools for NCOs was voluntary and required parental consent. The minimum entrance age was 13 years, and students could leave at any time. Basic military training and skills were not provided in these schools unless students wanted to become "professional soldiers", in which case they received education on "military courtesy rules, elementary military general culture etc".<sup>14</sup>

It was not apparent from the Law on Military Academies whether under-18s were legally prohibited from admission. The Naval Academy had no stated minimum entrance age but candidates could not be over 19 or admitted more than 12 months after leaving secondary-school.<sup>15</sup> Although school leavers could potentially be aged only 17, the Turkish Military Academy's stated objectives implied that candidates had to be over 18. The Academy said that its objectives were to educate and train commissioned officers who had "necessary military qualities with developed leadership qualities" or "a BS degree on the scientific branches determined in accordance with the needs of related Service", and to provide postgraduate education related to service needs.<sup>16</sup> Information from the Air Force Academy referred to undergraduate and postgraduate education but made no reference to age.<sup>17</sup>

War colleges for all branches of the armed forces were open to graduates who had completed their minimum two-year tactical-



level command and staff duties, and a National Security College provided senior officer training.<sup>18</sup>

## Armed groups

The government continued to organize, arm and pay the Village Guards, a civil defence force numbering 60,000 and mainly concentrated in the south-east as part of its security operations there.<sup>19</sup> It was not known whether there were under-18s in these paramilitary forces.

It was not known how many PKK fighters were under 18. Recruitment of under-18s of both sexes had been reported in 2003.<sup>20</sup> The PKK was believed to have used children in its forces since 1994, and was believed in 1998 to have had 3,000 child soldiers, more than 10 per cent of them girls, in its forces based in Iraq and operating in south-east Turkey.<sup>21</sup> Some estimates put the number of PKK fighters in northern Iraq as high as 10,000, a third of them women.<sup>22</sup> However, the Turkish military estimated that 3,800 were based in Iraq and that up to 2,300 were operating inside Turkey.<sup>23</sup>

17 Turkish Air Force Academy, [www.hho.edu.tr](http://www.hho.edu.tr).

18 Turkish War Colleges, [www.harpak.tsk.mil.tr](http://www.harpak.tsk.mil.tr).

19 "Local guards divide Turkish Kurds", BBC News, 4 August 2006.

20 "Daughters of the revolution", *Observer*, 1 May 2003, <http://observer.guardian.co.uk>.

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22 Katie Scott, "Awaiting the invasion", Guardian Unlimited, undated, accessed on 18 July 2007, [www.guardian.co.uk/weekendphotoprize/story/0,,1776811,00.html](http://www.guardian.co.uk/weekendphotoprize/story/0,,1776811,00.html).

23 AP, "Turkey troops head to Iraq border", CNN, 30 May 2007, <http://edition.cnn.com>.

1 *Amnesty International Report 2007*.

2 US Department of State, Country Reports on Terrorism 2006, [www.state.gov](http://www.state.gov).

3 "Kurds implicated in Ankara bomb attack", *Independent*, 23 May 2007, <http://news.independent.co.uk>.

4 "Turkish general calls for military assault in Iraq", *Financial Times*, 13 April 2007, [www.ft.com/cms](http://www.ft.com/cms).

5 einnews.com, Kurdistan Workers Party News, [www.einnews.com](http://www.einnews.com).

6 "Dozens die in Turkey border clash", BBC News, 21 October 2007.

7 Amnesty International, "Turkey: Recent violations must be investigated", 13 April 2006, Public Statement, AI Index Number EUR 44/005/2006.

8 Initial report of Turkey to the UN Committee on the Rights of the Child, UN Doc. CRC/C/51/Add.4, 8 August 2000.

9 All About Turkey, "Turkish Army", [www.allaboutturkey.com](http://www.allaboutturkey.com).

10 Initial report of Turkey on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/TUR/1, undated.

11 Quaker Council for European Affairs, "Turkey", *The Right to Conscientious Objection in Europe*, 2005, [www.wri-irg.org](http://www.wri-irg.org).

12 Declarations and reservations to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).

13 Initial report to the UN Committee on the Rights of the Child, above note 8.

14 Initial report on the Optional Protocol, above note 10.

15 Turkish Naval Academy, Admission, [www.dho.edu.tr](http://www.dho.edu.tr).

16 The general objective of the Turkish Military Academy, [www.kho.edu.tr](http://www.kho.edu.tr).

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# TURKMENISTAN

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## Turkmenistan

**Population:** 4.8 million (1.9 million under 18)

**Government armed forces:** 26,000

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 17

**Voting age:** 18

**Optional Protocol:** acceded 29 April 2005

**Other treaties ratified (see glossary):**

CRC, GC AP I and II

*The minimum age for voluntary recruitment was 17. Conscripts were employed in non-military roles to save government expenditure but were often unpaid.*

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## Context

President Saparmurat Niyazov, Turkmen Communist Party Chief from 1985 and head of state since October 1990, died in December 2006. Gurbanguly Berdymuhammedov was elected president in February 2007 with the support of key members of the security establishment. The new government made legislative and policy changes to improve the socio-economic situation and educational base, while also reportedly ensuring that any changes in the political and security fields did not weaken presidential powers.<sup>1</sup>

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## Government

### National recruitment legislation and practice

Young men could be called up for compulsory military service at 18. Under the 2002 Conscription and Military Service Act (Article 15) the minimum age for voluntary military service was 17.<sup>2</sup> It was reportedly common for families to make boys volunteer at the age of 17 as a way to save money or to guard against their becoming involved with drugs or criminals.<sup>3</sup> Army service was also seen as a way out of unemployment.<sup>4</sup> Boys often saw no other options on leaving school.<sup>5</sup>

Education reforms in 2007 could potentially reduce the number of 17-year-olds joining the army. A presidential decree in March 2007 increased the number of years of compulsory education to ten. The requirement that students must have work experience before entering university was also abolished.<sup>6</sup> The government said it wanted to facilitate students studying abroad.<sup>7</sup> However, in September 2007 it was reported that 17-year-olds could still carry out their military service early.<sup>8</sup>

Longstanding problems within the military included widespread corruption in the Defence Ministry and the general staff, bribe taking by draft commissions, and incompetence. Clan rivalries sometimes led to violence against new recruits, sometimes with fatal outcomes.<sup>9</sup> President Berdymuhammedov said publicly that more attention should be paid to the health of conscripts.<sup>10</sup>

Thousands of public sector workers were dismissed to reduce government expenditure in the last years of President Niyazov's rule. From 2002 onwards conscripts in the armed forces reportedly served as hospital orderlies, guards at industrial plants, firemen and traffic police. The military had to conscript almost everyone eligible in order to fill these posts. An estimated 75 per cent of men of conscription age were called up.<sup>11</sup> Non-government sources reported that the cost of paying conscripts was passed to the bodies employing them. However, as these organizations could not pay even their own staff, conscripts were often forced to beg on the streets.<sup>12</sup>

### Military training and military schools

Two military schools, in the cities of Mary and Dashoguz, enrolled boys who had graduated from the seventh grade of secondary-school, aged about 13. Students wore military uniforms and lived in military-style barracks. Only ethnic Turkmen were admitted. In 2004 the Dashoguz school had about 660 students. There was strong competition for entry to these schools, with substantial bribes reportedly being paid for admission. Graduates of military schools could enter the Military Institute without work experience.<sup>13</sup>

There was a Military Institute to train officers and specialists in Ashgabat.<sup>14</sup> A new Military Academy also opened in 2007 to train young officers for border services.<sup>15</sup>

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## Developments

### International standards

Turkmenistan acceded to the Optional Protocol in April 2005. Its declaration on accession stated that male citizens aged 18–30 were liable to conscription, and that they could volunteer at the age of 17.<sup>16</sup> In May 2006 the UN Committee on the Rights of the Child considered Turkmenistan's initial report on its implementation of the Convention on the Rights of the Child.<sup>17</sup>

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1 "Security reform just for show", News Briefing Central Asia, IWPR, 13 March 2007.

2 See Initial report of Turkmenistan to the UN Committee on the Rights of the Child, UN Doc. CRC/C/TKM/1, 5 December 2005.

- 3 International League for Human Rights and Turkmen Initiative for Human Rights, *Alternative Report on Compliance by the Republic of Turkmenistan with the UN Convention on the Rights of the Child*, 24 May 2006, [www.eurasianet.org/turkmenistan.project](http://www.eurasianet.org/turkmenistan.project).
- 4 “Dumbing down Turkmenistan”, Reporting Central Asia No. 294, *IWPR*, 18 June 2004.
- 5 Correspondence from confidential source, 6 March 2007.
- 6 “Turkmenistan: President pushes ahead with education and agricultural reform”, IRIN, 4 April 2007, [www.irinnews.org](http://www.irinnews.org).
- 7 “Education set for overhaul”, *IWPR*, 6 February 2007.
- 8 “Turkmenistan announces regular military call-up”, [Turkmenistan.ru](http://Turkmenistan.ru), 17 September 2007, [www.turkmenistan.ru](http://www.turkmenistan.ru).
- 9 “Abuse rife in the military”, *IWPR/Turkmen Radio*, 1 June 2006, [www.iwpr.net](http://www.iwpr.net).
- 10 “There has been a meeting of the cabinet of ministers of Turkmenistan”, [Gundogar](http://Gundogar.org), 20 March 2007, [www.gundogar.org](http://www.gundogar.org).
- 11 “Turkmen army unfit for service”, *IWPR/Turkmen Radio*, 13 October 2006.
- 12 Turkmen initiative for human rights, “The Turkmen Army”, 25 April 2006, [www.eurasianet.org/turkmenistan.project](http://www.eurasianet.org/turkmenistan.project).
- 13 Turkmen Initiative for Human Rights, “Military schools”, 6 December 2004.
- 14 Oleg Sidorov, “The armed forces of Turkmenistan – a decisive force?”, [Gazeta.kz](http://Gazeta.kz), 27 December 2006, [www.gazeta.kz](http://www.gazeta.kz).
- 15 “Sitting of the cabinet of ministers of Turkmenistan”, State News Agency of Turkmenistan (TDH), 12 August 2007, [www.turkmenistan.gov.tm](http://www.turkmenistan.gov.tm).
- 16 Declaration on accession to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).
- 17 Committee on the Rights of the Child, Consideration of report submitted by Turkmenistan, Summary record, UN Doc. CRC/C/SR.1143, 7 June 2006.

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## UGANDA

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### Republic of Uganda

**Population:** 28.8 million (16.5 million under 18)

**Government armed forces:** 45,000

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** acceded 6 May 2002

**Other treaties ratified (see glossary):**

CRG, GC AP I and II, ICC, ILO138, ILO 182, ACRWC

***Up to 2,000 women and children remained with the opposition Lord’s Resistance Army (LRA) in October 2007. They included girl soldiers who had been raped and borne children while in the ranks. Children were abducted and used by the LRA in combat and other roles and forced to commit and witness human rights abuses. Fighting and LRA abuses had significantly decreased by early 2006. Children were recruited and used by the national army, the United People’s Defence Force (UPDF), and auxiliary Local Defence Units (LDU). Children captured by the UPDF were used for gathering intelligence on the LRA and to identify LRA positions and weapons caches.***

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### Context

Armed conflict between government forces and the opposition Lord’s Resistance Army (LRA) in northern Uganda continued between 2004 and early 2006. The government’s strategy of pursuing a military solution to the conflict contributed to humanitarian suffering and abuses against the civilian population. In March 2004 a major military operation (Iron Fist II) resulted in an escalation of the conflict, with the LRA intensifying its attacks and expanding into the south and east, to areas previously less affected by the conflict, such as Lango and Teso.<sup>1</sup> The national army – the United People’s Defence Force (UPDF) – and auxiliary local defence units (LDUs) committed human rights violations, including killings, beatings and rape and other crimes of sexual violence.<sup>2</sup> UPDF soldiers were also responsible for killings and torture during law enforcement operations to combat insecurity and weapons proliferation in the Karamoja region of north-eastern Uganda from mid-2006.<sup>3</sup> In one incident 66 children were reportedly crushed by armoured vehicles or trampled to death by

stamping animals following shooting during a February 2007 raid by UPDF troops.<sup>4</sup>

The LRA was responsible for the killing, torture, rape, mutilation and abduction of thousands of adults and children, which continued to be carried out until late 2005.<sup>5</sup> In January 2004 President Yoweri Kaguta Museveni announced that he had referred the case of the LRA to the International Criminal Court (ICC), and arrest warrants were issued in October 2005 for LRA leader Joseph Kony and four senior commanders. The ICC stated that the LRA had “established a pattern of brutalization of civilians by acts including murder, abduction, sexual enslavement, mutilation, as well as mass burnings of houses and looting of camp settlements”. The war crime of forced enlistment of children below the age of 15 was included among the charges against Joseph Kony, Vincent Otti and Okot Odhiambo.<sup>6</sup> Two of those charged were subsequently killed; Raska Lukwiya was killed by government troops in August 2006 and Vincent Otti died in October or November 2007. According to some reports Otti was executed after being accused by Kony of spying for the government.<sup>7</sup>

The LRA was sustained by support from the Sudanese government which reportedly began in 1994; this waned in early 2005 following the peace agreement which officially ended the civil war in southern Sudan.<sup>8</sup> Military pressure from the Ugandan armed forces caused the LRA partly to retreat to Garamba National Park in the Democratic Republic of the Congo (DRC) in September the same year.

Peace talks between the Ugandan government and the LRA officially opened in July 2006 in Juba, southern Sudan, and a cessation-of-hostilities agreement was signed in August by both parties. The talks stalled after three months of negotiations, but resumed in April 2007, and the agreement was extended until 30 June, following which remaining LRA combatants in Sudan crossed into the DRC and assembled in Garamba Park.<sup>9</sup> The Juba peace process and the LRA's withdrawal from Uganda brought welcome security improvements to the civilian population. No violent incidents attributed to the LRA were reported from mid-2006 in Uganda, and some 300,000 displaced persons began to leave camps for areas closer to their original homes.<sup>10</sup> However, as of October 2007, 1.4 million people remained in camps for internally displaced persons (IDPs) which were characterized by acute overcrowding and lack of accommodation, medical care and nutrition.<sup>11</sup>

## Government

### National recruitment legislation

The 1995 constitution required every citizen “to defend Uganda and to render national service when necessary”, and every able-bodied citizen

“to undergo military training for the defence of this Constitution and the protection of the territorial integrity of Uganda whenever called upon to do so” (Article 17(1)(e)). It stated that the duty of every Ugandan citizen was “to protect children and vulnerable persons against any form of abuse, harassment or ill-treatment” (Article 17(1)(c)). The constitution stated that children under the age of 16 “are entitled to be protected from social and economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development” (Article 34(4)). It also specified that “children may not be separated from their families or the persons entitled to bring them up against the will of their families or of those persons, except in accordance with the law” (Article 31(5)).

Uganda's 2002 declaration on ratification of the Optional Protocol stated that there was no conscription and that the minimum voluntary recruitment age for the armed forces was legally set at 18.<sup>12</sup> The UPDF Act (2005) set the minimum age at 18 for recruitment into the armed forces.<sup>13</sup> Section 52(2)(c) stated that “no person shall be enrolled into the Defence Forces unless he or she is at least 18 years of age and has attained such level of education as may be prescribed”. In compliance with the Convention on the Rights of the Child, the Children's Act 2000 provided for the care, protection and maintenance of children. The age of criminal responsibility was set at 12 years of age. The act stated that “where a child is arrested, the police shall under justifiable circumstances caution and release the child” (Section 89 (1)), that “No child shall be detained with an adult person” (Section 91 (8)) and that a child should be put in safe custody (Section 91(3)).

### Child recruitment and deployment

The UPDF continued to hold children captured from the LRA for longer than the 48-hour limit specified by UPDF regulations, and to use children for intelligence-gathering or to identify weapons caches. In 2005, children who escaped or were captured or released from the LRA were reportedly pressured by the UPDF to join their forces and fight the LRA. The Ugandan government said in March 2005 that the UPDF had never knowingly recruited a child, but admitted that age verification could be difficult and that sometimes under-18s were recruited.<sup>14</sup>

### Local Defence Units

The LDUs were established in the late 1990s to provide protection for IDP camps and the roads in northern Uganda. While administered and paid for by the Interior Ministry, they operated under UPDF command.<sup>15</sup> Children below the age of 15 continued to serve in LDUs throughout 2007.

Local government officials said that under-18s were often drawn to enlist by the promise of pay and because of a lack of alternative educational or employment opportunities.<sup>16</sup> Some 1,000 children who were reported to have been enrolled into LDUs in late 2004 in Kitgum, Pader and parts of Teso had apparently not been demobilized by October 2007.<sup>17</sup>

### **Government-backed militias**

Militia groups armed by government forces were established in several areas from 2003. They included the Amuka militia, formed in Lango in 2003, and the Frontier Guards in Kitgum and Pader and the Elephant Brigade in Gulu, all formed in early 2004.<sup>18</sup> The Arrow Boys, formed in Teso in mid-2003, were used to protect IDP camps, took part in military operations and received some pay and training from the armed forces.<sup>19</sup> Some of the groups, including the Frontier Guards in Kitgum, reportedly included children.<sup>20</sup> The Amuka militia, the Arrow Boys and the Frontier Guards were reportedly demobilized in early 2006; some of their members were apparently absorbed into the UPDF and LDUs. Child protection agencies were not involved in the demobilization process, and it was not known whether those released included children or adults who had been recruited as children.<sup>21</sup>

### **Armed groups**

#### **Lord's Resistance Army**

About 25,000 children were abducted by the LRA from the beginning of the conflict in the late 1980s. Abductions peaked after 2002, with an estimated 10,000 children abducted between May 2002 and May 2003 alone.<sup>22</sup> Throughout 2003 and 2004 more than 20,000 child “night commuters” sought safety each night in Gulu, Kitgum and Pader towns, to reduce the risk of their abduction.<sup>23</sup> During active hostilities children in the LRA were forced to participate in combat and to carry out raids, kill and mutilate other child soldiers and civilians and loot and burn houses. Children were forced to kill relatives, including their younger siblings, often to “initiate” them into the LRA. They were trampled to death, beaten or mutilated either as punishment or if physically unable to keep up with their unit. Girls were routinely raped and many bore children while in the ranks. While thousands of children managed to escape or were captured by government troops, large numbers of those abducted, and their children, remained unaccounted for. Many were believed to have died in battle, to have been killed by their abductors or to have died from injury or illness.<sup>24</sup>

In some regions an estimated 24 per cent of LRA child soldiers were girls.<sup>25</sup> Girls as young as 12 were used in combat and for other military purposes, as well as for sexual slavery. Many

bore children as a result of rape. On average girls spent longer with the LRA than boys, since they were defined as “wives” of commanders and left in rear camps with their babies.<sup>26</sup> The girls, especially those with babies, found it more difficult to return to their communities, where they were stigmatized and rejected.<sup>27</sup>

Abductions decreased from 2005, with just over 200 reported for the first six months of 2006.<sup>28</sup> Some Sudanese and Ugandan children were forcibly recruited by LRA fighters based in camps in southern Sudan during 2006 and early 2007.<sup>29</sup> About 70 children, including about ten girls, were returned from the LRA after escape or capture in Sudan in 2007. The LRA had yet to release any women or children from its ranks, claiming that those remaining were their wives and children. They maintained this stance despite repeated pleas, including a request by the UN Secretary-General. While the total number of remaining LRA fighters in the bush remained unknown, up to 2,000 women and children were believed to remain in LRA camps in the eastern DRC and southern Sudan.<sup>30</sup>

### **Disarmament, demobilization and reintegration (DDR)**

There was no official DDR program in northern Uganda. The majority of children leaving the LRA were captured by or surrendered to government forces, or escaped. Under military procedures, LRA children were to be referred to the UPDF's child protection unit and released within 48 hours. However, children were frequently held for longer periods and some were used for intelligence purposes or as guides to identify LRA positions and weapons caches. Fewer than half the returning child soldiers registered for demobilization with the UPDF, fearing the army itself, or rejection by their communities if they were identified as LRA members.<sup>31</sup> Those who did not register at reception centres and who returned straight home could not obtain an amnesty certificate or a resettlement package.<sup>32</sup>

During the 1990s non-governmental organizations (NGOs) and other agencies established a number of reception centres to respond to the needs of returning children, in Gulu, Lira and other locations. Such centres had assisted some 20,000 returning children and youth.<sup>33</sup> Children stayed from three to four months in the centres, which offered a variety of services, including medical assistance, family tracing, recreational activities, counselling and psychosocial support. Some offered training programs, mainly focused on life skills, and basic skills training. While the children were at the centres, efforts were made to prepare families and communities for the children's return. In practice, support for children at reception centres varied widely and was often inadequate, particularly in relation to health and trauma issues.<sup>34</sup>



*Former child soldier, handicapped after stepping on a land mine, World Vision rehabilitation centre, Gulu, northern Uganda*

The number of former child soldiers entering the reception centres decreased substantially after 2004. In one survey only about 600 children were found to have arrived at centres in 2005.<sup>35</sup> By June 2007, following the LRA's retreat to the DRC and Sudan, many reception centres were almost empty.<sup>36</sup> Difficulties faced by children returning to their communities were widely reported. Girls in particular faced rejection, especially those who returned with babies. In one study, returning child soldiers in the Teso region reported extensive and persistent stigmatization and rejection by their communities and constant bullying by their peers at school. They also noted that assistance which set them apart from other war-affected children provoked jealousy in the community.<sup>37</sup>

## Developments

### Justice and accountability

In January 2004 President Museveni publicly announced that he had referred the case of the LRA to the International Criminal Court (ICC). In October 2005 the ICC unsealed arrest warrants against LRA leader Joseph Kony and four senior commanders. They were accused of crimes against humanity and war crimes, including murder, abduction, rape, mutilation and sexual enslavement. Three of the five were charged with the forced enlistment of children below the age of 15.<sup>38</sup> Human rights organizations and others emphasized the need for the ICC prosecutor to act independently and to investigate crimes committed by all parties to the conflict, including government forces.<sup>39</sup>

The involvement of the ICC was widely believed to have added impetus to the peace process, but potential tensions emerged over the objectives of peace and justice. The security of children still with the LRA was a major concern, and there were fears that their safety would be further endangered if hostilities resumed.

Civil society organizations raised concerns that the threat of prosecution would cause the LRA to withdraw from peace negotiations: the LRA repeatedly cited the ICC indictments as an obstacle to finalizing a peace agreement.<sup>40</sup> Concern was also expressed that the ICC's involvement would undermine progress achieved through the 2000 Amnesty Act which provided a framework for the surrender and reintegration of LRA and other insurgents.<sup>41</sup> Several surveys revealed complex views among the population, with variations across different regions and levels of exposure to LRA and UPDF abuses. Some emphasized traditional justice processes and reconciliation, but a significant proportion expressed the view that LRA members, UPDF troops and political leaders should be punished for conflict-related crimes.<sup>42</sup>

The government and the LRA signed the

Agreement on Accountability and Reconciliation on 29 June 2007. It set out a national framework to address "serious crimes, human rights violations and adverse socioeconomic and political impacts" of the conflict and to promote peace and reconciliation. The agreement provided for the prosecution in Ugandan courts of those who "bear particular responsibility for the most serious crimes", to be complemented by traditional justice and other informal processes and reparations to be established in law. The parties agreed to negotiate subsequently an annex to the agreement "to set out elaborated principles and mechanisms for implementation".<sup>43</sup> Human rights organizations emphasized that national trials in Uganda would not represent an alternative to the ICC unless certain benchmarks were reached, including fulfilment of the conditions that the trials were credible, impartial and independent, applied appropriate penalties and were consistent with international fair trial standards.<sup>44</sup>

### Other developments

In June 2006 the Special Representative of the Secretary-General for children and armed conflict visited Uganda. During the visit the government acknowledged the presence of children in the UPDF and in LDUs. It agreed to strengthen the implementation of existing legal and policy frameworks on the recruitment and use of children in armed conflict, to monitor the implementation of various laws and to remove children found in the armed forces.<sup>45</sup>

Representatives of the Security Council Working Group on children in armed conflict visited northern Uganda in February 2006. In July 2007 the chair of the Working Group issued a public statement condemning the recruitment and use of children, and other abuses by the LRA, and urging it to take immediate steps to release unconditionally children associated with its forces.<sup>46</sup> The LRA, the UPDF and LDUs were listed as parties recruiting and using children in the Annex to the Secretary-General's annual report on children and armed conflict between 2002 and 2007.

At a February 2007 ministerial meeting in Paris, Uganda and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

1 Human Rights Watch (HRW), *Stolen Children: Abduction and Recruitment in Northern Uganda*, March 2003; HRW, *Uprooted and Forgotten: Impunity and Human Rights Abuses in Northern Uganda*, September 2005.

- 2 HRW, above note 1; Amnesty International (AI), *Uganda: Doubly Traumatized: Lack of Access to Justice for Female Victims of Sexual and Gender-Based Violence in Northern Uganda*, 30 November 2007, AI Index: AFR 59/005/2007.
- 3 HRW, *Get the Gun! Human Rights Violations by Uganda's National Army in Law Enforcement Operations in Karamoja Region*, September 2007.
- 4 IRIN, "Uganda: Children killed in Military operation – charity", 30 March 2007.
- 5 HRW, *Uprooted and Forgotten*, above note 1.
- 6 International Criminal Court (ICC), "Warrant of arrest unsealed against five LRA commanders", press release, 14 October 2005, www.icc-cpi.int.
- 7 "Uganda peace talks to restart despite death of senior rebel leader", *Independent*, 16 August 2006; "Vincent Otti is confirmed dead", *New Vision*, 21 November 2007; "Uganda's LRA confirm Otti death", BBC News, 23 January 2008.
- 8 HRW, *Uprooted and Forgotten*, above note 1.
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- 10 Report of the Secretary-General on children and armed conflict in Uganda, UN Doc. S/2007/260, 7 May 2007.
- 11 "Uganda, Humanitarian Country Profile", IRIN, December 2007.
- 12 Declaration on accession to the Optional Protocol, www2.ohchr.org.
- 13 UN Committee on the Rights of the Child, Consideration of report submitted by Uganda, Concluding observations, UN Doc. CRC/UGA/CO/2, 23 November 2005.
- 14 HRW, "Submission to the Committee on the Rights of the Child (CRC)", May 2005; Reports of the Secretary-General on children and armed conflict, UN Docs. A/61/529-S/2006/826, 26 October 2006, and A/62/609-S/2007/757, 21 December 2007.
- 15 HRW, above note 14.
- 16 Ibid.
- 17 Report of the Secretary-General, 26 October 2006, above note 14; Human Rights Watch, above note 14.
- 18 UN Office for the Coordination of Humanitarian Affairs (OCHA), "Humanitarian Update Uganda February 2004", Vol. VI, Iss. II", 29 February 2004, www.reliefweb.int.
- 19 Information from AI, March 2004.
- 20 M. Wessells, *Child Soldiers: From Violence to Protection*, Harvard University Press, Cambridge, MA, 2006.
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- 23 Report of the Secretary-General on children and armed conflict in Uganda, UN Doc. S/2007/260, 7 May 2007; Report of the Secretary-General on children and armed conflict, UN Doc. S/2003/1053, 10 November 2003.
- 24 HRW, above note 1; Child Soldiers Coalition, *Child Soldiers Global Report 2004*.
- 25 Berkeley-Tulane Initiative on Vulnerable Populations, *Abducted: The Lord's Resistance Army and Forced Conscription in Northern Uganda*, Human Rights Center, University of California, Berkeley and Payson Center for International Development, June 2007.
- 26 UNICEF, *A Hard Homecoming: Lessons Learned from the Reception Center Process on Effective Interventions for Former "Abductees" in Northern Uganda*, June 2006, www.unicef.org.
- 27 Rights & Democracy, *Where Are the Girls? Girls in Fighting Forces in Northern Uganda, Sierra Leone and Mozambique: Their Lives during and after the War*, 2004, www.ichrdd.ca.
- 28 Report of the Secretary-General, 7 May 2007, above note 23.
- 29 "LRA soldiers beat me and left me for dead", IRIN News, 16 July 2007.
- 30 Report of the Secretary-General, 7 May 2007, above note 23.
- 31 UNICEF, *The State of Youth and Youth Participation in Northern Uganda: Findings from the Survey for War-Affected Youth*, June 2006, www.unicef.org.
- 32 UNICEF, above note 26.
- 33 *Abducted*, above note 25.
- 34 Child Soldiers Coalition, *Returning Home: Children's Perspectives on Reintegration, a Case Study of Children Abducted by the LRA in Teso, Eastern Uganda*, February 2008.
- 35 UNICEF, above note 26.
- 36 *Abducted*, above note 25.
- 37 Redress, *Victims, Perpetrators or Heroes? Child Soldiers before the International Criminal Court*, September 2006, www.redress.org; Coalition, above note 34.
- 38 ICC, above note 6.
- 39 HRW, "ICC to investigate all sides in Uganda", 4 February 2005.
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- 41 Refugees International, "Uganda: challenges of peace and justice", 19 February 2008, www.refugeesinternational.org; Redress, above note 37; Coalition, above note 34.



- 42 Redress, above note 37; Oxfam International, *The Building Blocks of Sustainable Peace*, September 2007; International Center for Transitional Justice, *Forgotten Voices: A Population-Based Survey of Attitudes about Peace and Justice in Northern Uganda*, 2005, www.ictj.org; UN Office of the High Commissioner for Human Rights, *Making Peace our Own: Victims' Perceptions of Accountability, Reconciliation and Transitional Justice in Northern Uganda*, 2007, www.ohchr.org.
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- 44 HRW, *Uganda: The June 29 Agreement on Accountability and Reconciliation and the Need for Adequate Penalties for the Most Serious Crimes*, July 2007.
- 45 Report of the Secretary-General, 7 May 2007, above note 23.
- 46 Working Group on Children and Armed Conflict, Message to the head of the Lord's Resistance Army delegation to the Juba peace talks through a public statement by the Chairman of the Working Group to be transmitted by the Special Envoy for the areas affected by the Lord's Resistance Army, UN Doc. S/AC.51/2007/13, 20 July 2007.

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## UKRAINE

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### Ukraine

**Population:** 46.5 million (9.1 million under 18)

**Government armed forces:** 187,600

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 19

**Voting age:** 18

**Optional Protocol:** ratified 11 July 2005

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182

***Orphans and the children of military personnel could be given intensive preparation for military careers from the age of 15, and 17-year-olds could enrol in a higher military education institution.***

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### Context

In April 2005 Ukraine launched an intensified dialogue with NATO but extensive military reform was necessary before it could enter into full NATO membership. In a 2006 defence policy paper, Ukraine outlined plans for transition to a non-conscript army by 2010, as well as improving social benefits for troops and modernizing equipment.<sup>1</sup>

Amendments to the Criminal Code in January 2006 brought Ukraine closer in line with the Optional Protocol. Imprisonment of up to 12 years was introduced for the use of trafficked children in an armed conflict, the same offence being punishable by up to 15 years' imprisonment if committed by an organized gang (Article 149).

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### Government

#### National recruitment legislation and practice

An amendment to the 1999 Law on Military Duty and Military Service, adopted in March 2005, reduced the conscription pool. Previously, men between the ages of 18 and 27 were liable for conscription, but the new law set an upper age limit of 25 years. It also reduced the length of service for conscripts: from 24 months to 18 in the navy, and from 18 months to 12 in the army and air force, with university graduates serving nine months and junior commanders three.

Voluntary contracts in the armed forces of up to three years were available to men and women between the ages of 19 and 30.<sup>2</sup>

There was no reduction in the length of alternative service for conscientious objectors, which remained punitive at 27 months.<sup>3</sup> A list of ten minority religious groups whose members were eligible to apply had been specified in a

1999 government decree.<sup>4</sup> Objectors from Jewish or majority faiths, or who were not religious, had no alternative to compulsory military service.

In November 2006 the UN Human Rights Committee considered Ukraine's sixth report on its implementation of the International Covenant on Civil and Political Rights, and noted that the right to conscientious objection against mandatory military service should be fully respected, for those of all religions as well as non-religious conscientious objectors. The Committee also noted that new recruits in the armed forces were still subject to hazing – systematic abuse and humiliation by longer-serving or senior soldiers which sometimes involved acts of considerable violence. One recruit in Zhytomyr region had died as a result of hazing in January 2005. The Committee urged Ukraine to ensure that hazing stopped, by adopting disciplinary measures against the soldiers responsible and facilitating the intervention of independent monitors such as the Ombudsman.<sup>5</sup>

### Military training and military schools

Young people could enrol for training in a higher military education institution between the ages of 17 and 21.<sup>6</sup> Potential officers could enrol between the ages of 18 and 23. In 2005 the Ministry of Defence announced the closure of 23 higher military schools by 2009, among them the Mikolaiv Military Motor College and the Vasilkiv Air Force College.<sup>7</sup> All higher military education for ground troops was in future to be concentrated in one national university at Lviv. Among reasons given for the closures were falling enrolments and students' need for vocational skills which they could transfer to civilian life.<sup>8</sup>

At least one secondary-school offered two years' intensive military preparation from the age of 15, specifically for orphans and the children of military personnel. The orphans' secondary-school in the Crimean town of Alushta reported that in 2004, 90 per cent of its former students had gone on to a career in the armed forces.<sup>9</sup>

### Developments

In October 2007 Ukraine endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The two documents, which were previously endorsed by 59 states at a February 2007 ministerial meeting in Paris, reaffirmed international standards and operational principles for the protection of and assistance to child soldiers, following a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

### International standards

In July 2005 Ukraine ratified the Optional Protocol, stating in its declaration that 19 was the minimum age for voluntary enlistment.<sup>10</sup>

- 1 Ministry of Defence, White Book 2006: Defence Policy of Ukraine, [www.mil.gov.ua](http://www.mil.gov.ua).
- 2 Ministry of Defence, Professional Army, Conditions of acceptance on service on contract basis, [www.mil.gov.ua](http://www.mil.gov.ua).
- 3 1999 Law on Alternative Service, No. 3108 15, as amended on 17 November 2005, cited in Conscience and Peace Tax International, Submission to UN Human Rights Committee, 22 June 2006, [www.ohchr.org/english/bodies/hrc/docs/ngos/CPTI.pdf](http://www.ohchr.org/english/bodies/hrc/docs/ngos/CPTI.pdf); Marc Stolwijk, *The Right to Conscientious Objection in Europe: A Review of the Current Situation*, Quaker Council for European Affairs, April 2005, <http://www.quaker.org/qcea/coreport>.
- 4 Cabinet of Ministers Decree No. 2066/199.
- 5 UN Human Rights Committee, Consideration of sixth report submitted by Ukraine, Concluding observations, UN Doc. CCPR/C/UKR/CO/6, 28 November 2006.
- 6 Ministry of Defence, above note 2, Military Education.
- 7 Cabinet of Ministers Resolution No. 381 of 26 May 2005.
- 8 Kiev National University "Enlightment" website, [www.osvita.org.ua](http://www.osvita.org.ua); *Nezavisimaya Gazeta*, 15 December 2006, [www.nvo.ng.ru](http://www.nvo.ng.ru).
- 9 Crimean Ministry of Education and Science, [www.ccssu.crimea.ua/edu/school/military.html](http://www.ccssu.crimea.ua/edu/school/military.html).
- 10 Declaration on accession to the Optional Protocol, [www2.ohchr.org](http://www2.ohchr.org).

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# UNITED ARAB EMIRATES

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## United Arab Emirates

**Population:** 4.5 million (1.2 million under 18)

**Government armed forces:** 50,500

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18 for officers and women; unknown for others

**Voting age:** not applicable

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182

*There were no reports of under-18s serving in the armed forces. There was limited information available on the minimum age for voluntary recruitment. Children between 15 and 18 years old received military training at school.*

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## Government

### National recruitment legislation and practice

The constitution stated that “defence of the union is a sacred duty for every citizen” (Article 43). There was no conscription, and migrants comprised some 30 per cent of the armed forces.<sup>1</sup> No information about voluntary recruitment was provided in the UAE’s report to the UN Committee on the Rights of the Child in October 2001.

The law on the recruitment of UAE nationals as armed forces officers set the minimum age for recruitment at 18, and required officer recruits to be graduates of the UAE or other recognized military educational institutions.<sup>2</sup> The minimum age for recruitment to other ranks remained unclear.

The government encouraged women to join the UAE military.<sup>3</sup> Recruitment was open to women between the ages of 18 and 28, provided they had completed middle school.<sup>4</sup>

### Military training and military schools

Military education was part of the secondary-school curriculum for students aged 15 to 18. It aimed at “inculcating values of patriotism, self-denial and readiness to defend one’s country in students and thus motivate them to take up military careers”. Voluntary professional military training began at the completion of secondary education. Training took place at nine military schools (including two schools for female recruits).<sup>5</sup>

- 1 Global Security, “Emirati Forces”, [www.globalsecurity.org/](http://www.globalsecurity.org/)
- 2 “Military recruitment law approved”, Khaleej Times online, 9 April 2003, [www.khaleejtimes.com](http://www.khaleejtimes.com).
- 3 US State Department, Human Rights Report 2005, [www.state.gov](http://www.state.gov).
- 4 UAE State report to the International Conference on Education, September 2004, [www.ibe.unesco.org/](http://www.ibe.unesco.org/) (Arabic).
- 5 Ibid.

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# UNITED KINGDOM

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**United Kingdom of Great Britain and Northern Ireland**

**Population:** 59.7 million (13.1 million under 18)

**Government armed forces:** 191,000

**Compulsory recruitment age:** No conscription

**Voluntary recruitment age:** 16

**Voting age:** 18

**Optional Protocol:** ratified 24 June 2003

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

*The UK appeared to intensify its efforts to recruit under-18s with a range of recruitment methods during the reporting period, at the same time strengthening safeguards for their protection.*

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## Context

In March 2007 the last remaining UK forces were withdrawn from Bosnia and Herzegovina, but sizeable contingents continued to serve in Afghanistan and Iraq. As of 5 September 2007, a total of 76 British Forces personnel or Ministry of Defence (MoD) civilians had died while serving in Afghanistan since the start of operations in November 2001. As of 9 August 2007, a total of 168 British Armed Forces personnel or MoD civilians had died in Iraq (during Operation TELIC) since the start of the campaign in March 2003.<sup>1</sup>

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## Government

### National recruitment legislation and practice

There was no conscription into the UK armed forces and no statutory minimum age for recruitment. In November 2006 the government replaced separate disciplinary legislation covering the armed forces with a new Armed Forces Act,<sup>2</sup> which, while providing for the drawing up of regulations regarding enlistment and terms and conditions of enlistment and service by the Defence Council, failed to include a statutory minimum age for enlistment.

In practice, enlistment for “non-officers” was not permitted until the age of 16, although application could be made up to five months previously in the case of the army and up to three months previously for the navy and the air force. Officers could be recruited into the navy from the age of 17, into the air force from 17 and a half, and into the army from 17 years and 9 months. The minimum enlistment age to the army’s Brigade of Gurkhas was 17 and a half on 31 January of the year following enlistment.<sup>3</sup> Entry

into the Territorial Army, which operated on a part-time basis, was from age 17 for both soldiers and officers.<sup>4</sup> All three services required parental or guardian consent for those enlisting below the age of 18.

As at 1 April 2007 there were 1,000 non-officer members of the regular forces aged 16, and 3,470 aged 17; 355 of these were female. The majority of under-18s were members of the army, with far fewer in the navy and the air force.<sup>5</sup>

In its initial report to the UN Committee on the Rights of the Child on implementation of the Optional Protocol, the government argued that “To be unable to recruit from this age group would mean that high quality school leavers would settle into other careers and thus be lost to the Services. This would create serious manning problems for the Armed Forces since 30% of all recruits in 2006/07 were aged under 18. The Services, in particular the Army, would be unable to man current structures and maintain current capabilities.”<sup>6</sup> Reflecting this position, the government resisted calls made by the House of Commons Defence Committee (HCDC – see below) to consider raising the minimum recruitment age to 18.<sup>7</sup>

In ratifying the Optional Protocol, the government stated that safeguards to protect under-18s were maintained by informing the potential recruit about the nature of military duties, ensuring that the decision to enlist was voluntary, and obtaining free and informed parental consent. Doubts about the effectiveness of some of these safeguards were expressed, particularly in relation to the army. Reports by the Adult Learning Inspectorate (ALI)<sup>8</sup> on armed services training published in 2005 and 2007 spoke of recruitment practices being “overzealous” and contributing to a “very high drop-out rate”<sup>9</sup> and of recruitment procedures and materials which “sometimes mislead”, with some recruits reporting that they had been steered into trades for which they were unsuited or had little interest, but where shortages existed.<sup>10</sup>

In the case of all three services, recruits, regardless of age, were not permitted to leave during the first 28 days of duty. They could then exercise “discharge as of right” and leave within the first six months.<sup>11</sup> After the expiration of the “discharge as of right” period, under-18 recruits to the army had no legal right to be transferred to the reserve until the age of 22, for which 12 months’ notice had to be given.<sup>12</sup> The normal procedure was for all new recruits to enlist for a 22-year “open engagement”. Those ending their (regular) service before the completion of this period were required to serve in the army reserve for the balance of the 22 years or for a period of six years, whichever was less.<sup>13</sup> Armed forces personnel under the age of 18 years and 3 months could also apply for discretionary permission to leave before their eighteenth

birthday if they were “genuinely unhappy”. The government itself acknowledged that this did not offer “discharge as of right”.<sup>14</sup> Terms of service for all three services were complicated and potentially confusing for new recruits, especially those under 18 with low educational attainment.<sup>15</sup>

Those undertaking specialist employment training in all three services were required to waive their right to give 12 months’ notice to terminate their contracts after the minimum required period of service, which could mean the deferment of their ability to transfer to the reserve.<sup>16</sup> Set against this, recruitment literature aimed at school leavers stressed opportunities for gaining educational and vocational qualifications without referring explicitly to the resulting obligation to remain in the services for longer periods. In concluding that recruitment to the army should remain open to 16- and 17-year-olds, the Deepcut Review (see below) highlighted the benefits to some young people of training opportunities offered by the armed forces, commenting on the lack of opportunity for less educationally inclined 16-year-olds in the UK.<sup>17</sup>

In 2005 ALI commented that the “early drop-out is very high, varying from about 15 per cent for the Royal Air Force to 47 per cent in the Royal Marines”, with more than a third of all entrants dropping out during the initial training period in the army.<sup>18</sup>

The primary target group for the armed forces’ promotional activity was children and adolescents. A National Audit Office report published in November 2006 noted that the services were “developing their youth strategies in order to raise awareness at an earlier age to secure similar levels of recruitment from a smaller target population”. There were concerns that those non-officer recruits who were of low educational attainment and from poor communities<sup>19</sup> were joining as a last resort and for other negative reasons, including the lack of civilian career options in their particular communities.<sup>20</sup>

The Ministry of Defence Armed Forces Youth Policy, aiming to promote the reputation of the armed forces and improve recruitment, had a particular focus on young people at risk of social exclusion.<sup>21</sup> The MoD and the Youth Justice Board for England and Wales in late 2004 launched a joint pilot program of courses which did not involve military training, but offered challenging outdoor activities and development of teamwork, leadership and self-esteem. Those successfully completing the program were to be referred to local cadet forces,<sup>22</sup> which were not part of the armed forces but were sponsored by the MoD and said to be at the core of the Youth Policy.<sup>23</sup>

Boys and girls aged between ten and 18 could join either the combined cadet force (CCF) units based in schools<sup>24</sup> or cadet forces for the separate services linked to an establishment of one of the regular or reserve armed forces.<sup>25</sup> The

most recent Army Continuous Attitude Survey showed that 22 per cent of serving soldiers and 50 per cent of serving officers had been part of a cadet organization.<sup>26</sup>

## Military training and military schools

In the case of the army, most 16-year-olds were enlisted through “junior entry” and then underwent phase 1 training of between 14 weeks and a year for a general introduction to military life, including drill. They were then sent to phase 2 establishments, where they were trained and lived alongside older trainees for technical and professional training. Phase 2 training could last between a few weeks and up to a year for more specialist training. Those recruited at 17, but also some aged 16 (all generally referred to as “single entry” recruits), were trained by the Army Training Regiment alongside adult recruits at a number of other establishments.<sup>27</sup> Recruits to the army with specific qualifications could also enlist as apprentices in the Technical Corps between the ages of 16 and 17, training in a range of trades over a period of a year or more. Enlistment as an apprentice was on the same terms as for ordinary recruits, with a commitment to serve a minimum of four years from the age of 18. Students were paid during training.<sup>28</sup> Periods of training for under-18s in the navy and air force varied according to chosen career paths.

There were no schools operated by or under the control of the armed forces, but the Defence Sixth Form College in Leicestershire, specifically aimed at recruiting and training engineers for the armed forces, was established by the MoD and was overseen by the Defence Academy.<sup>29</sup> While there was no legal obligation to join the armed forces on completing their studies, parents of students who did not do so were required to repay a contribution towards teaching costs.<sup>30</sup>

## Child recruitment and deployment

The government stated that due to periods of recruit training, the number of under-18s joining the “trained strength” of the armed forces and liable for employment in military operations was “small”. On 1 April 2007 the total “trained strength” of under-18s was said to be 730 individuals – 0.5% of the total trained strength of the armed forces. Very few of these under-18s were said to be posted to higher-readiness (i.e. “frontline”) units, and the likelihood of under-18s taking a direct part in hostilities was therefore said to be “very small”.<sup>31</sup> In March 2006 the Deepcut Review (see below), while stopping short of recommending a ban on the recruitment of under-18s into the army, recommended that phase 1 and 2 training should be such that no recruit joined their unit until they reached the age of 18.<sup>32</sup> In its June 2006 response to the Review, the government indicated that the possibility of ensuring that trainees reached the age of 18

before being posted to their units was being considered.<sup>33</sup>

On signing the Optional Protocol in September 2000 the government had made a declaration reserving the right to deploy members of its armed forces under the age of 18 to take a direct part in hostilities where “there is a genuine military need to deploy their unit or ship to an area in which hostilities are taking place; and ... by reason of the nature and urgency of the situation ... it is not practicable to withdraw such persons before deployment; or ... to do so would undermine the operational effectiveness of their ship or unit, and thereby put at risk the successful completion of the military mission and/or the safety of other personnel”. Personnel under 18 were not to be deployed on UN peacekeeping operations in line with UN policy.<sup>34</sup>

The government reported in June 2007 that 18 personnel aged under 18 had been deployed into “areas where they may be exposed to hostilities” since the signing of the Optional Protocol in 2003, but none since July 2005. The government further indicated that at least 15 of these were 17-year-olds who had been deployed to Iraq between 2003 and 2005, four of them were female and the vast majority were deployed within a week of their eighteenth birthdays or were removed from theatre within a week of their arrival. Only four under-18s were said to have been deployed for a period of greater than two or three weeks.<sup>35</sup>

## Treatment of child recruits

The fallout from the deaths of four soldiers at the Deepcut army barracks in Surrey between 1995 and 2002, two of whom were aged 17, continued. In March 2005 the House of Commons Defence Committee published its report into the MoD’s “duty of care” in armed forces’ training establishments. The Committee found that the armed forces had failed to supervise adequately young recruits and noted the lack of an independent complaints procedure for abuse victims. It recommended that the MoD formulate a policy for the care of under-18s as if it acted *in loco parentis*.<sup>36</sup> Policy guidelines were subsequently issued by the MoD in July 2005 and revised and reissued in March 2007, but these made it clear that “duty of care” responsibilities arose from the employment of under-18s and not from acting *in loco parentis*.<sup>37</sup> The “duty of care” report also raised concerns about the lack of checks on the suitability of those supervising under-18s at training establishments, recommending that Criminal Records Bureau and military service checks should be made before appointing such supervisors.<sup>38</sup> In October 2004 a former training instructor at Deepcut was jailed for a number of indecent assaults on young soldiers between 1992 and 1997. His victims were reported to have been aged between 17 and 21.<sup>39</sup>

The Deepcut Review, established in December 2004 to review the circumstances surrounding the deaths of the four soldiers, was published in March 2006.<sup>40</sup> It concluded that, on the balance of probabilities, the deaths of three of the soldiers<sup>41</sup> were self-inflicted and that bullying, ill-treatment or sexual harassment did not cause their deaths (although the Review identified “low morale” among recruits as a problem), but that the opportunity for self-infliction was afforded by a policy of frequently assigning unsupervised phase 2 trainees to armed guard duty at Deepcut. The Review recommended that the appropriate minimum age for armed guard duty (outside the context of training that was directly supervised by an experienced adult soldier) should be 18 throughout the armed forces.<sup>42</sup> The Review also made a number of recommendations about the training of under-18s and the need for special measures to be taken to protect their welfare.

In March 2007 ALI published its second report following its inspections of training methods in the armed services which had begun in 2004. The report talked of “substantial improvements” since its previous inspections.<sup>43</sup>

## Detention of suspected child soldiers

In 2006 the International Committee of the Red Cross (ICRC) registered 59 children in detention during 16 visits to five places of detention or internment in Iraq controlled by the UK or the United States (USA).<sup>44</sup> However, the UK authorities claimed that as of October 2005 they were not holding any women or children in detention.<sup>45</sup> The government issued directions to its armed forces on the treatment of prisoners of war, internees and detainees in May 2006, with a chapter on the treatment of juveniles and children which clarified that the policy was to transfer prisoners who were or were believed to be juveniles to the ICRC as quickly as practicable.<sup>46</sup>

## Developments

The UK government continued to incorporate the issue of children in armed conflict in their foreign policy commitments. The Department for International Development (DFID) financed a number of projects for children affected by armed conflict, with a particular focus on programs concerned with demobilizing and reintegrating child soldiers into their communities.<sup>47</sup>

At a February 2007 ministerial meeting in Paris, the UK and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting

child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

- 1 Ministry of Defence, "Operations in Iraq: British fatalities", defence fact sheet, [www.mod.uk](http://www.mod.uk). These figures include those killed in action and those who died as a result of illness, non-combat injuries or accident.
- 2 Armed Forces Act 2006, c. 52.
- 3 As set out in British Gurkhas Nepal Standing Instruction No.5.01, para 12. Gurkha recruits undertook a 39-week basic training package.
- 4 Army Jobs, "Entry requirements", [www.armyjobs.mod.uk](http://www.armyjobs.mod.uk).
- 5 Defence Analytical Services Agency, TSP o8, "Age distribution: UK regular male/female other ranks by age and service", [www.dasa.mod.uk](http://www.dasa.mod.uk). Note that the figures refer to UK regular forces and do not include Gurkhas or the Home Service battalions of the Royal Irish Regiment.
- 6 Initial periodic report of the UK to the UN Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/GBR/1, 3 September 2007.
- 7 House of Commons Defence Committee's Third Report of Session 2004-05, "Duty of Care", [www.publications.parliament.uk](http://www.publications.parliament.uk).
- 8 ALI, a non-departmental public body, became part of the new Office for Standards in Education, Children's Services and Skills (OFSTED) in April 2007.
- 9 ALI, "Safer training", March 2005, [www.mod.uk](http://www.mod.uk).
- 10 ALI, "Better training", March 2007, [www.mod.uk](http://www.mod.uk).
- 11 Army Terms of Service (Amendment) Regulations 1999 (SI No.1610), Regulation 7A(2); Royal Navy Terms of Service (Ratings) Regulations 2006, Regulation 7 (SI No. 2918); Royal Air Force Terms of Service Regulations 2007, Regulation 8; all at [www.opsi.gov.uk](http://www.opsi.gov.uk).
- 12 This "notice period" of four years, required in order to transfer to the reserve while serving a 22-year term, was available to all recruits regardless of age (Regulation 5 of the Army Terms of Service Regulations 1992 (SI No.1365), as amended by the Army Terms of Service (Amendment) (No.2) Regulations 1999 (SI No.2764)), but the notice period could not begin until a recruit had reached the age of 18, thereby making the minimum term of service for 16-year-old recruits six years followed by a period of six years' service in the reserve.
- 13 Regulation 12, Army Terms of Service Regulations 1992 (SI No.1365).
- 14 Initial periodic report, above note 6.
- 15 For Terms of Service see above note 11.
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## UNITED STATES OF AMERICA

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### United States of America

**Population:** 298.2 million (74.9 million under 18)

**Government armed forces:** 1,506,800

**Compulsory recruitment age:** 18 (conscription not currently in force)

**Voluntary recruitment age:** 17

**Voting age:** 18

**Optional Protocol:** ratified 23 December 2002

**Other treaties ratified (see glossary):**

ILO 182

*The total number of 17-year-olds enlisting in the armed services dropped by nearly 50 per cent between 2002 and 2005.*

*The USA detained under-18s suspected of participating in armed activities in Afghanistan and Iraq. Under-18s were also detained in Guantánamo Bay.*

### Context

In late 2006, US troops were stationed in 146 countries worldwide. The largest foreign deployment was to Iraq, where US armed forces were engaged in military operations following the fall of the Iraqi government in April 2003. As of October 2007, approximately 198,000 US troops were stationed in and around Iraq.<sup>1</sup> According to the US Department of Defense, between March 2003 and 24 October 2007, 3,833 US soldiers and Defense Department civilian workers died in the conflict, and over 28,000 were wounded.<sup>2</sup>

US forces were also engaged in military operations in Afghanistan, with approximately 26,000 US troops stationed in the country in 2007.<sup>3</sup> Between October 2001 and 24 October 2007, 383 US soldiers were killed and 1,707 wounded in or around Afghanistan, as part of “Operation Enduring Freedom”. An additional 62 US soldiers were killed in other locations as part of the operation.<sup>4</sup>

### Government

#### National recruitment legislation and practice

The USA currently maintained an all-volunteer military force, and accepted both male and female recruits from the age of 17 (US Code, Title 10 Section 505(a)). Parental consent was required for under-18s. The present law regulating conscription (50 USC App 454.455) allowed for it at the age of 18, although conscription had



not been activated since 1973, at the end of the Vietnam war.

In 2002 the US Congress enacted the No Child Left Behind Act of 2002, which required secondary-schools to provide military recruiters with the names, addresses and telephone numbers of all juniors and seniors (typically ages 16–18), and to conduct recruiting activities on school premises. Following enactment of the law, the number of schools denying access to the military dropped from 8–10 per cent in 2001 to less than 1 per cent in 2005.<sup>5</sup> In March 2007 proposed legislation entitled the Student Privacy Protection Act of 2007 was introduced into Congress. Its provisions would amend the No Child Left Behind Act to allow a student's personal information to be provided to the military only if his or her parent or guardian provided explicit, written consent.<sup>6</sup>

### Child recruitment

In the year ending 30 September 2005, 13,793 recruits aged 17 joined the US armed forces – 6,780 into the active armed forces (5,387 boys and 1,393 girls), representing 4.46 per cent of all new active duty recruits, and 7,013 into the reserve forces (5,013 boys and 2,000 girls), representing 15.3 per cent of the total reserves. The total number of 17-year-olds enlisting in the armed services dropped by nearly 50 per cent between 2002 and 2005. The steepest decrease was in the number of 17-year-olds entering the reserves; in 2002, 16,885 boys and girls had joined the reserve forces, more than double the figure for 2005.<sup>7</sup>

The US armed forces spent approximately US\$1.5 billion on recruiting each year, and maintained approximately 14,000 “frontline” recruiters, who were assigned monthly recruitment goals.<sup>8</sup> Approximately 55 per cent of US youth aged 16–21 said that they had spoken to a US military recruiter.<sup>9</sup>

A June 2006 Defense Department poll of US youth aged 16–21 found that declines in the propensity of young people to join the military “were unprecedented in magnitude”. The survey found that the proportion of youth that “probably” or “definitely” planned to join the military dropped from 14.5 per cent in December 2005 to 10.1 per cent in June 2006. The steepest drops were among African-Americans and Hispanics.

To meet 2006 recruitment goals, the armed services added additional recruiters and increased enlistment bonuses. From March 2007 bonuses of up to US\$14,000 – a US\$2,000 increase – were offered to new infantry soldiers.<sup>10</sup> According to media reports, bonuses for highly valued specialties, such as special operations forces, were as high as US\$40,000. In 2005 the armed forces also lowered recruitment standards to accept a higher number of recruits with low

aptitude scores. In previous years the Army had allowed only 2 per cent of its recruits to have aptitude scores in the lowest 30 per cent, but raised this limit to 4 per cent in 2005. In fiscal year 2006, 2,600 enlistees (3.8 per cent) with low aptitude scores were accepted for service.<sup>11</sup> The proportion of recruits holding a high-school diploma was 81.2 per cent as of August 2006, for the second year in a row falling below the Defense Department's benchmark of 90 per cent.<sup>12</sup>

In 2006, 486,594 high-school students were enrolled in the Junior Reserve Officer Training Corps (JROTC), an elective program for students from the age of 14, with more than 3,300 units based in secondary-schools across the country.<sup>13</sup> The program's stated goal was to “motivate young people to be better citizens”. Courses were taught by retired military personnel, and included military drills with both real and dummy firearms. Total enrolment in the program grew by 8 per cent between 2001 and 2006, fuelled by a 57 per cent increase in federal funding for the program. An estimated 40 per cent of students who graduated from high school with two or more years in the JROTC eventually enlisted in the military.<sup>14</sup>

### Child deployment

Nearly all 17-year-olds who enlisted in the US military were still attending school, and were placed in a delayed entry program (the Future Soldiers Training Program) until they had finished their secondary education. Approximately 7,500 were still 17 when they began their basic training program. On average, initial training lasted from four to six months, and the government reported that nearly 80 per cent of 17-year-olds turned 18 during this period; approximately 1,500 soldiers each year were still 17 when they completed their basic training and were ready for operational assignment.<sup>15</sup>

In 2003 each of the US armed services adopted an implementation plan regarding the deployment of 17-year-old soldiers, in order to fulfil the USA's obligations under Article 1 of the Optional Protocol. The US Army policy, issued in January 2003, was not to “assign or deploy soldiers, less than 18 years of age, outside the continental US, Puerto Rico, or territories or possessions of the United States”.<sup>16</sup> The US Navy assignment policy, issued on 28 February 2003, stipulated that “At no time will an enlisted member under the age of 18 be issued orders that require reporting to an operational command,” including in a commissioned vessel or deployable squadron.<sup>17</sup> In April 2007 the navy added a further review on final orders for sailors under age 18 to ensure that they were not being ordered to an operational unit.<sup>18</sup>

Initial guidance sent to Marine Corps commanders in January 2003 did not preclude deployment of 17-year-olds; however, on 22

April 2007 the Marine Corps issued a new policy, stating that with immediate effect Marines younger than 18 were prohibited from being operationally deployed.<sup>19</sup>

The Air Force policy was not to assign airmen who had not reached their 18th birthday to hostile fire or imminent danger zones.<sup>20</sup>

In 2004 the Director of Military Personnel Policy for the US Army acknowledged in a letter to Human Rights Watch that nearly 60 17-year-old US soldiers had been deployed to Iraq and Afghanistan in 2003 and 2004.<sup>21</sup> The Department of Defense subsequently stated that “the situations were immediately rectified and action taken to prevent recurrence”.<sup>22</sup> Human Rights Watch sent written requests in April and August 2007 for updated information regarding possible deployment of 17-year-old US troops to Iraq or Afghanistan, but as of October 2007 had not received a response.

## Recruiter misconduct

In 2005 more than 80 military recruiters were disciplined for sexual misconduct with potential enlistees. An investigation conducted by the Associated Press concluded that one out of every 200 frontline recruiters was disciplined for sexual misconduct in 2005, and that most victims were girls between the ages of 16 and 18 who were considering enlistment in the military.<sup>23</sup> The incidents of misconduct included groping, sexual assault and rape.

## Developments

From 2001 the USA contributed US\$34 million to support programs to prevent the recruitment and use of child soldiers and to demobilize and reintegrate child combatants, including US\$10 million through the US Agency for International Development (USAID) and US\$24 million through the US Department of Labor. It supported programs in Angola, Afghanistan, Burundi, Colombia, the Democratic Republic of the Congo, Liberia, Sierra Leone, Sri Lanka, Sudan and Uganda.<sup>24</sup>

In April 2007 the Child Soldier Prevention Act of 2007 was introduced into Congress.<sup>25</sup> It would restrict US military assistance to governments involved in the recruitment or use of child soldiers. Research by the Center for Defense Information found that of nine governments involved in child recruitment and use, eight received some form of US military assistance in 2007.<sup>26</sup>

In April 2007 the Senate Judiciary Subcommittee on Human Rights and the Law held a hearing to consider the Child Soldier Prevention Act, obstacles facing former child soldiers seeking asylum in the USA, and ways for the USA to address child recruiters from other countries who came to the USA.<sup>27</sup>

On 3 October 2007 the Child Soldier Accountability Act was introduced into Congress. It would amend the US criminal code to allow the prosecution of individuals who have recruited or used child soldiers, whether in the United States or elsewhere.<sup>28</sup>

## Detention of suspected child soldiers

Children suspected of participating in armed activities were detained in US-run detention facilities in Afghanistan and Iraq and in its naval base in Guantánamo, Cuba. In 2006 the International Committee of the Red Cross (ICRC) registered 59 children in detention during 16 visits to five places of detention or internment controlled by the USA or the UK in Iraq.<sup>29</sup> US soldiers stationed at the detention centres and former detainees described abuses against child detainees, including the rape of a 15-year-old boy at Abu Ghraib, Iraq, forced nudity, stress positions, beating and the use of dogs.<sup>30</sup> Following US troop increases in Iraq in early 2007, US military arrests of children there rose from an average of 25 per month in 2006 to an average of 100 per month.<sup>31</sup> Military officials reported that 828 were children held at Camp Cropper by mid-September, including children as young as 11. A 17-year-old was reportedly strangled by a fellow detainee in early 2007.<sup>32</sup>

In August 2007 the USA opened Dar al-Hikmah, a non-residential facility intended to provide education services to 600 detainees aged 11–17 pending release or transfer to Iraqi custody. US military officials excluded an estimated 100 children from participation in the program, apparently on the grounds that they were “extremists” and “beyond redemption”.<sup>33</sup>

As of October 2007 it was not clear whether children in US custody in Iraq were subject to the same detention review process as adults (who had no access to lawyers when presenting their case to a review board that routinely decided 20 cases an hour, and who had to sign pledges of good behaviour and produce a guarantor in order to be released).<sup>34</sup> In addition, as of September 2007 between 50 and 60 children aged 15–17 had been turned over to Iraqi custody for trial.<sup>35</sup>

US forces in Afghanistan also detained children, a number of whom were transferred to the military detention facility at Guantánamo. Omar Ahmed Khadr, a Canadian national, was taken into US custody in Afghanistan in late July 2002 when he was 15 years old, and subsequently transferred to Guantánamo. In November 2005 he was charged for trial by military commission under a military order signed by President George W. Bush in November 2001. The military commission system was replaced by a revised system under the 2006 Military Commissions Act (MCA). In April 2007 Omar Khadr was charged for trial under the MCA with murder and attempted murder in violation of the

law of war, conspiracy, providing material support for terrorism and spying.<sup>36</sup> In June 2007 a military judge dismissed the charges against Khadr on a jurisdictional question.<sup>37</sup> On 24 September 2007 a newly established Court of Military Commission Review overturned the ruling, allowing proceedings against Khadr to continue.

On 11 October 2007 another Guantánamo detainee, Mohammad Jawad, was charged with attempted murder for allegedly throwing a grenade at a US military vehicle. He was 17 at the time of the attack.<sup>38</sup>

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## URUGUAY

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### Eastern Republic of Uruguay

**Population:** 3.5 million (1.0 million under 18)  
**Government armed forces:** 25,100  
**Compulsory recruitment age:** no conscription  
**Voluntary recruitment age:** 18  
**Voting age:** 18  
**Optional Protocol:** ratified 9 September 2003  
**Other treaties ratified (see glossary):**  
CRC, GC AP I and II, ICC, ILO 138, ILO 182

***No under-18s were allowed to serve in the armed forces, even in time of war.***

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### Government

#### National recruitment legislation and practice

All enlistment to the armed forces was voluntary, and it was without exception illegal to enlist anyone under the age of 18, even in time of war. Men and women between the ages of 18 and 30 with basic (primary) education could volunteer, regardless of their marital status; they had to serve a minimum of two years.<sup>1</sup> There had been no conscription for over 50 years.<sup>2</sup>

#### Military training and military schools

Soldiers underwent a three-month training course, and further training depended on their unit and superior officer.<sup>3</sup>

The Liceo Militar (Military High School) offered secondary education to children in the fourth to sixth year of secondary education (typically from age 15).<sup>4</sup> The Navy School (Escuela Naval) offered fifth- and sixth-year secondary education in science, the humanities, engineering or economics.<sup>5</sup> Students from the Liceo Militar became members of the armed forces reserves on graduating.<sup>6</sup>

The Military School (Escuela Militar) was a post-secondary-education centre for army officer cadets. Candidates followed a four-year program, specializing in infantry, cavalry, artillery, engineering or communications.<sup>7</sup>

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## UZBEKISTAN

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### Republic of Uzbekistan

**Population:** 26.6 million (10.7 million under 18)

**Government armed forces:** ±55,000

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, GC AP I and II

*There were no reports of under-18s in the armed forces.*

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### Context

On 13 May 2005 hundreds of people were killed when security forces fired on mainly peaceful demonstrators in Andijon. Early that morning armed men had taken over the regional government building and broken into the prison, releasing hundreds of prisoners, who included 23 Islamic businessmen on trial for alleged links with what the authorities claimed to be a group called Akramia involved in terrorism. The armed men were among thousands of people who during the day gathered in the main square to protest against poverty and government repression, when the security forces sealed off the square and fired indiscriminately on the crowd.<sup>1</sup> Eyewitness accounts indicated that as many as 300 or more people were killed.<sup>2</sup> According to the government, 187 people were killed, most of them militants and security officials.<sup>3</sup> Following the killings, there was a crackdown on the activities of independent journalists and human rights activists, including widespread torture of detainees.<sup>4</sup>

Remaining elements of the armed opposition group, the Islamic Movement of Uzbekistan (IMU), had since 2002 been based in the Pakistani region of Waziristan, bordering Afghanistan. The IMU advocated the forceful overthrow of President Karimov of Uzbekistan and the establishment of an Islamic state, and in 1999 and 2000 had carried out attacks in Uzbekistan and Kyrgyzstan from bases in Afghanistan.<sup>5</sup> An IMU breakaway group, the Islamic Jihad Group (IJG) (alternatively known by other names such as the Islamic Jihad Union, and the Jamaat of Central Asia Mujahadins), was believed to have been responsible for a series of bombings and shootings in Tashkent, the capital, in March and April 2004.<sup>6</sup> In May 2006 armed men, claimed by officials to be linked to the IMU, raided a Tajik-Kyrgyz frontier post; several of the attackers and Tajik and Kyrgyz security forces were killed in the ensuing fighting.<sup>7</sup> In early 2007 there were reports of fighting among elements

of the IMU and troops and local tribespeople in Waziristan, but the extent of the fighting and any IMU involvement was unclear.<sup>8</sup>

Uzbekistan was a member of the Shanghai Cooperation Organisation (SCO), established in June 2001, comprising also China, Kazakhstan, Kyrgyzstan, the Russian Federation, and Tajikistan, whose goals included mutual cooperation in security matters.<sup>9</sup>

## Government

### National recruitment legislation and practice

Military recruitment was regulated by the 2002 Law on Universal Military Service, which was amended in 2006, transferring the management of conscription from the government to the Presidential Administration. The law governed pre-conscription preparation, conscription, voluntary service, mobilization of reserves, alternative service and military regulations. The minimum age for conscription was 18. There were no reports of under-age recruitment. Moves were made towards establishing a non-conscript military.<sup>10</sup>

Corruption in the conscription system was common. Although in Tashkent young people paid bribes to be able to avoid military service, in rural areas where unemployment was rife bribes were paid to be conscripted and have the possibility of work in law enforcement, customs or the military.<sup>11</sup>

The army was the largest in the region, was well financed, and provided soldiers with subsidies for their families and future job opportunities.<sup>12</sup> Spending on soldiers' pay increased sharply in the months following the Andijon events.<sup>13</sup>

### Military training and military schools

A new decree in April 2005 was aimed at improving military education. A new faculty was established at the Tashkent University of Information Technology on the use of radio air defences, accepting students under 25 after military service, or military-school graduates from 17–21 years of age.<sup>14</sup>

In 2006 there were overall more than six applicants for every place in the four military colleges (general, air force, motor-artillery and tank), and over eight for every place in the air force college specifically.<sup>15</sup> The best college graduates were admitted to the Armed Forces Academy.<sup>16</sup> In January 2007 it was reported that a number of schools had been established to train non-commissioned officers.<sup>17</sup>

An increase from 11 to 12 years in the duration of compulsory education in 2005 allowed students to spend nine years at a standard school, and a further three in an academic lyceum

or professional training college.<sup>18</sup> Students aged about 17–18 took pre-conscription army training in grades 11 and 12 at the new professional colleges or lyceums, which included basic military skills and one lesson in firing automatic weapons at a firing range.<sup>19</sup>

There were also informal military-related activities in schools, including a national sport and military competition aimed at preparing boys aged about 11–16 for military service, in which teams fired airguns and threw grenades.<sup>20</sup> In 2005 more than 350,000 children participated.<sup>21</sup>

## Armed groups

There were no reports of the recruitment or use of under-18s in armed groups within or outside Uzbekistan. Pakistani military sources in 2004 claimed that armed groups operating in Pakistan were increasingly recruiting teenagers from Central Asia, but these claims were disputed and could not be confirmed.<sup>22</sup> Children and young people were among those killed in the violence in Tashkent in 2004, and five infants and children were detained alongside family members arrested on suspicion of preparing explosives.<sup>23</sup> Children were reported to have been among those killed in Andijon in May 2005, among those subsequently detained by the authorities, and among the refugees who fled abroad.<sup>24</sup>

## Developments

The UN Committee on the Rights of the Child urged Uzbekistan to ratify the Optional Protocol.<sup>25</sup>

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- 15 Sidirov, above note 12; *Press-uz.info*, "The Ministry of Defence reports strong competition for place in military colleges", *Gazeta.uz*, 11 July 2006, <http://gzt.uz>.
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# VENEZUELA

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## Bolivarian Republic of Venezuela

**Population:** 26.7 million (10.0 million under 18)

**Government armed forces:** 82,300

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** ratified 23 September 2003

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

*There were reports of Colombian and Venezuelan armed groups recruiting under-18s in border areas.*

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## Context

The increased militarization of the border between Venezuela and Colombia, combined with rising insecurity, economic difficulties and armed confrontations among Colombian and Venezuelan armed groups, pushed a growing number of Colombian refugees and asylum seekers to cities such as Caracas and Maracaibo.<sup>1</sup>

In September 2004 five Venezuelan soldiers and an oil company engineer were killed in an ambush by members of a Colombian armed opposition group in El Amparo, Apure state. Army officers admitted difficulties in safeguarding the border against incursions by Colombian armed groups, which were also involved in kidnappings and smuggling.<sup>2</sup>

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## Government

### National recruitment legislation and practice

The 1978 conscription law established that military service was compulsory for all men aged 18–50 (military age). Young men had to register with military authorities within 60 days of their 18th birthday and serve for a maximum of 18 months. Military service was voluntary for women in times of peace and compulsory in times of war. Men of military age must show proof of having fulfilled their military obligations in order to be able to obtain a driver's licence or to start a business.<sup>3</sup> The 1999 constitution expressly prohibited forcible recruitment.<sup>4</sup>

Not all available men were called up for active military service. In February 2005 President Hugo Chávez issued a decree establishing a “military reserve” made up of men of military age not in active service. These new reserve units, under the direct authority of the president, were managed by the Strategic Operational Command, independent of the Ministry of Defence. Training

lasted for five months at military barracks or at schools, and those training for a further three years were deemed to have fulfilled their military obligations.<sup>5</sup>

A new conscription and military enlistment law was being developed. It proposed that active military service would no longer be compulsory for everyone, but all men and women of military age would be required to register, with heavy fines of up to US\$350 for failing to register, not joining active service when called up or not showing military papers when required. Household heads, university students, parents and married men and women could do military service during weekends and holidays.<sup>6</sup>

Although the law had yet to be enacted, in April 2007 military authorities were urging all adults to register, and it was reported that over 16,000 men and women had been incorporated as reserves into the armed forces in January 2007.<sup>7</sup> It was expected that there would be up to 1.5 million reservists.<sup>8</sup>

### Military training and military schools

Students at private or public military secondary-schools who received military training approved by the Ministry of Defence were deemed to have fulfilled their military obligations.<sup>9</sup>

Pre-military instruction was compulsory for all students in the last two years of secondary education (typically age 15–17) and additional to compulsory military service.<sup>10</sup>

The officer training Military Academy admitted students in the final year of secondary-school (age 17).<sup>11</sup>

A new military education law was being debated in 2007. It proposed the establishment of joint civilian–military activities, including the participation of the civilian population in territorial guard units. Secondary-education students in all institutions would be required to follow a “diversified secondary and military professional” educational program for 18 months, offering academic, scientific, technical and military courses. Pre-military instruction in secondary-schools would continue under the authority of the Ministry of Popular Power for Defence.<sup>12</sup>

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## Armed groups

According to reports there were at least ten armed groups operating in Venezuela.<sup>13</sup> The Colombian Revolutionary Armed Forces (Fuerzas Armadas Revolucionarias de Colombia, FARC), the National Liberation Army (Ejército de Liberación Nacional, ELN), Colombian army-backed paramilitaries, and the Venezuelan Bolivarian Liberation Forces–Liberation Army (Fuerzas Bolivarianas de Liberación–Ejército Libertador, FBL) controlled large areas along the border with Colombia, in effect carrying out



state functions with regard to political and social control.<sup>14</sup>

The FBL had emerged in 1992 as a nationalist political organization. It had military units in border areas, purportedly to “stop the advancement of paramilitaries from Colombia” and any attempted “invasion by imperialist forces”.<sup>15</sup> Although it claimed to support the government, President Hugo Chávez denied any connections with the FBL.<sup>16</sup> It proposed the creation of popular self-defence committees in rural areas, the incorporation of the whole population in national defence and security policies and the extension of pre-military education from the first year of secondary school.<sup>17</sup> In 2005 it was estimated that the FBL had around 4,000 members in Alto Apure, near the Colombian border.<sup>18</sup> The local priest at Guasualito, Apure state, reported that the FBL had recruited youngsters, but this was denied by FBL spokespersons.<sup>19</sup>

Armed groups in the border areas imposed stringent controls on the movement of people and were responsible for the forcible recruitment of children, kidnappings and unlawful killings. During 2006 at least 40 people, including some under 18, died in El Nula and surrounding areas, reportedly during combat or as a result of their links with one of these armed groups. Many children stopped attending school for fear of being recruited.<sup>20</sup>

In October 2006 a member of the community of Santa Inés in El Nula, Apure state, was killed by unidentified men believed to be members of armed groups operating in the area. Thirty-two families left their homes seeking safety.<sup>21</sup> In February 2007 a four-year-old girl was killed during an armed confrontation between Colombian armed groups in El Amparo, Apure state, allegedly over control of territory in Venezuela.<sup>22</sup>

The office of the UN refugee agency, UNHCR, in Táchira told the Child Soldiers Coalition about cases where whole families had migrated to Venezuela from Colombia when their children reached the age of nine or ten, for fear that armed groups would take them away. In one case, a mother of five children had fled her farm after two of them had been recruited. However, fear of recruitment of children was not often seen as the main reason for fleeing Colombia, even though the Coalition heard of cases where attempts had been made to recruit several members of the same family before leaving Colombia.<sup>23</sup>

## Disarmament, demobilization and reintegration (DDR)

Although UNHCR estimated that around 200,000 Colombians had fled to Venezuela in recent years,<sup>24</sup> the Venezuelan government had no

specific policies on refugees or reintegration of child soldiers or refugees.<sup>25</sup>

## Developments

The UN Committee on the Rights of the Child, on examining Venezuela's second periodic report in October 2007, recommended improving the sharing of responsibilities between the National Commission for Refugees and child-protection institutions, ensuring rapid access to refugee status determination procedures and subsequent assistance for unaccompanied and separated children, and other measures contained in the Committee's general comment No. 6 on the treatment of unaccompanied and separated children outside their country of origin.<sup>26</sup>

## International standards

Venezuela ratified the ILO Worst Forms of Child Labour Convention 182 in October 2005.

- 1 Child Soldiers Coalition, *Armed Conflict in Colombia – Frontiers: Childhood at the Borderline*, February 2007.
- 2 Ibid.
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- 4 Rocío San Miguel, “Baduel oculta la verdad”, *Noticiero Digital*, 3 May 2007, <http://noticierodigital.com>.
- 5 Vicente Ventura Barreiro, “Reserva militar de Venezuela o brazo armado de la Revolución Bolivariana”, *Newpolitic.com*, c.2006, at [www.ciee.org.ar](http://www.ciee.org.ar).
- 6 “Consideran multar a quienes no exijan registro militar”, *El Universal*, 24 April 2007, [www.eluniversal.com](http://www.eluniversal.com).
- 7 José Luis Carrillo, “Jefe de la Circunscripción Militar del Distrito Capital sostiene que todo deber es una obligación”, *Venezuela Real*, 27 April 2007, <http://venezuelareal.zoomblog.com>.
- 8 Venezuela en Red, “Civiles coadyuvarán en la defensa en Venezuela”, 7 April 2005, <http://venezuela-15a.blogspot.com>.
- 9 Ley de Conscripción y Alistamiento militar.
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- 11 Academia Militar de Venezuela, [www.academiamilitar.edu.ve](http://www.academiamilitar.edu.ve).
- 12 Propuesta de Ley de Educación Militar (accessed 26 June 2007), [www.ejercito.mil.ve](http://www.ejercito.mil.ve).
- 13 Centro de Documentación de los Movimientos Armados (Cedema), [www.cedema.org](http://www.cedema.org).
- 14 Provea (Programa Venezolano de Educación-Acción en Derechos Humanos), *Derechos Humanos y Coyuntura*, Boletín electrónico No. 177, 12–30 October 2006, [www.derechos.org.ve](http://www.derechos.org.ve).
- 15 “Hablan las FBL: Estamos dispuestos a conversar con el señor Presidente”, *Quinto Día Online*, edition 412, 8 October 2004, [www.quintodia.com](http://www.quintodia.com).

- 16 Ministerio del Poder Popular para la Comunicación y la Información, “Soberanía, Chávez y sus posturas sobre las FARC”, 28 January 2005, www.minci.gob.ve.
- 17 Fuerzas Bolivarianas de Liberación – Ejército Libertador (FBL-EL), “Visión”, www.fbl-el.org.
- 18 “Aseguran que 4 mil hombres de la FBL operan en el Alto Apure”, *El Universal*, 19 July 2005.
- 19 “Venezuela–Colombia: Violencia y silencio fronterizos”, IPS, March 2007, www.ipsnoticias.net.
- 20 Equipo Pastoral de El Nula, “¿Quién tiene el control de la zona?”, Provea, Derechos Humanos y Coyuntura, Boletín electrónico No. 177.
- 21 “Foro por la Vida rechaza la posibilidad de estado de excepción en El Nula y solicita presencia de funcionarios públicos en la zona”, Provea, Derechos Humanos y Coyuntura, Boletín electrónico N° 177.
- 22 “Venezuela–Colombia”, above note 19.
- 23 Child Soldiers Coalition, above note 1.
- 24 “Venezuela–Colombia”, above note 19.
- 25 Second periodic report of Venezuela to the UN Committee on the Rights of the Child, UN Doc. CRC/C/VEN/2, 5 April 2007 (only in Spanish at the time of writing).
- 26 Committee on the Rights of the Child, Consideration of second periodic report submitted by Venezuela, Concluding observations, UN Doc. CRC/C/VEN/CO/2, 5 October 2007.

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## VIET NAM

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### Socialist Republic of Viet Nam

**Population:** 84.2 million (30.5 million under 18)

**Government armed forces:** 455,000

**Compulsory recruitment age:** 18

**Voluntary recruitment age:** 18 (17 for training)

**Voting age:** 18

**Optional Protocol:** ratified 20 December 2001

**Other treaties ratified (see glossary):**

CRC, GC AP I, ILO 138, ILO 182

***Only male citizens over the age of 18 could be recruited for military service and under-18s could not be directly involved in hostilities. Under-18s could participate directly in military operations in an emergency situation. Male citizens turning 17 could be accepted into military schools and were recognized as servicemen on active service.***

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### Government

#### National recruitment legislation and practice

The 1992 constitution states that “It is the sacred duty and the noble right of the citizen to defend his motherland. The citizen must fulfil his military obligation and join in the all-people national defence” (Article 77), and “The entire people shall endeavour to defend the socialist Vietnamese motherland and ensure national security” (Article 44).

In its declaration on ratifying the Optional Protocol in December 2001, and in subsequent reporting and other responses to the UN Committee on the Rights of the Child, the government stated that by law only male citizens over the age of 18 would be recruited for military service and that under-18s would not be directly involved in hostilities. Viet nam’s December 2005 initial report to the Committee on the Optional Protocol stated that male citizens aged 18 could enlist in the armed forces. However, the government maintained its position that under-18s could directly participate in military battles in the case of “an urgent need for safeguarding national independence, sovereignty, unity and territorial integrity”.<sup>1</sup>

The 1981 Military Service Law, as amended in 1994, provided the legal basis for conscription. People’s Committees and other local officials had to submit annually to the regional military commander a list of boys who would turn 17 in that year (Article 19), and the resulting call-up took place “once or twice” a year (Article 19).<sup>2</sup> In

June 2005 an amendment to the Law on Military Compulsory Service was adopted by the National Assembly. Article 12 provided that the age for military compulsory service for men was from 18 to 25 years of age. A representative of the government reported that the number of qualified citizens called up for military compulsory service was very small in comparison with the total population.<sup>3</sup>

The recruitment of child soldiers was not specifically criminalized under national legislation. However, there existed several potential avenues for prosecution, in particular the 1999 Penal Code, which stipulated that those who abused their position and power to act against the regulations governing military service registration, orders for military service or regular training would be punished by up to three years' "non-custodial reform", a form of community-based service, or six months to three years' imprisonment (Article 261).<sup>4</sup>

### **Military training and military schools**

Article 13 of the 1981 Military Service Law stipulated that male citizens turning 17 and meeting necessary qualifications could be accepted into military schools and be recognized as servicemen on active service; the government stated that application for such schools was voluntary.<sup>5</sup>

The government has stated that only students aged over 18 could participate in direct military training. For those aged under 18, military training was given to improve their knowledge of national defence, and physical training limited to learning how to march, stand in line and salute. Following graduation from military schools students were sent to serve in the army. Permission to retire from military service was at the discretion of military authorities.<sup>6</sup>

The government also stated that there existed certain schools set up in remote areas under the direction of the army, created for children who would otherwise have no access to education.<sup>7</sup> It is unclear whether attendance at such schools was voluntary, what age limits were set for students and whether military training was given.

### **Armed groups**

Viet Nam maintained a paramilitary self-defence militia force, whose operation was governed by the 1996 Ordinance on Self-Defence Militia. Article 2 of this Ordinance stipulated that persons selected to join the self-defence militia force had to be 18.<sup>8</sup>

### **Developments**

Viet Nam ratified the Optional Protocol in December 2001 and in December 2005 submitted its initial report, which was examined by the

UN Committee on the Rights of the Child in September 2006. The Committee recommended among other things an explicit prohibition by law on recruitment to and use in armed forces or groups of under-15s and their direct participation in hostilities. It also noted its concern that uncertainty about the age of young recruits could occur due to lack of birth registration in the past. Where birth certificates were lacking, the Committee recommended that the age of the recruitment intake should be determined by other reliable means, including medical examinations. The government stated its intention to amend the Law on Military Service, the Ordinance on Self-Defence Militia and other relevant legal documents to ensure compliance with the Optional Protocol.<sup>9</sup>

- 1 Declaration of Viet Nam on ratification of the Optional Protocol, 20 December 2001, [www2.ohchr.org](http://www2.ohchr.org).
- 2 Law on Amendments and Supplements to a Number of Articles of the Law on Military Service Duty, 22 June 1994.
- 3 Viet Nam, Country presentation at the "Workshop to Mainstream the OP-CRC-AC in the SEA Region", November 2007, Quezon City, Philippines, sponsored by the Southeast Asian Coalition to Stop the Use of Child Soldiers (SEACUS), Coalition copy.
- 4 Initial report of Viet Nam to the UN Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/VNM/1, 12 December 2005.
- 5 Ibid.
- 6 State party examination of Viet Nam's initial report on the OPAC, 43rd Session of the CRC, 22 September 2006, [www.crin.org](http://www.crin.org).
- 7 Ibid.
- 8 Initial report of Viet Nam, above note 4.
- 9 Committee on the Rights of the Child, Consideration of report submitted by Viet Nam, Concluding observations, 17 October 2006, UN Doc. CRC/C/OPAC/VNM/CO/1; Initial report of Viet Nam, above note 4.

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# YEMEN

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## Republic of Yemen

**Population:** 21.0 million (11.3 million under 18)

**Government armed forces:** 66,700

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18

**Voting age:** 18

**Optional Protocol:** acceded 2 March 2007

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182

*Although Yemen's laws specified 18 as the minimum recruitment age, under-age recruitment to the armed forces reportedly remained common.*

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## Context

The government faced persistent opposition from followers of Sheik Hussein Badr Eddin al-Houti, who was killed in September 2004 after months of battles with Yemeni security forces. Sheik al-Houti, one of the clerics of the Zaidi Shia community, headed an armed group, the Faithful Youth (Shabab al-Moumineen, sometimes translated as the Believing Youth). This group, which was still active, led protests at mosques against the United States (USA) and Israel, and launched attacks against government and Western targets. Al-Houti's followers claimed that the Yemeni government had become too closely allied with the USA.<sup>1</sup> The Yemeni Ministry of Defence published a fatwa (religious edict) in March 2007, authorizing and obligating "the use of deadly force against the Faithful Youth".<sup>2</sup>

Al-Qaeda cells were reportedly present in Yemen. In July 2007 the organization allegedly carried out a suicide bomb attack in the eastern province of Marib, killing seven Spanish tourists and two Yemenis. An al-Qaeda member who had escaped from a Yemeni prison with 23 other militants in February 2006 was killed in a shoot-out with the armed forces in January 2007.<sup>3</sup>

Inter-tribal violence, fuelled by the availability of firearms in the hands of tribesmen, resulted in a number of killings.<sup>4</sup> The government's ability to control these clashes remained limited. Tensions which periodically escalated into violent confrontations continued between the government and some tribes.<sup>5</sup>

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## Government

### National recruitment legislation and practice

The constitution made no direct reference to conscription, but stated that "[t]he law shall

regulate general mobilization which shall be announced by the chairman of the Presidential Council following the approval of the House of Representatives" (Article 36). In 2001 Yemen's National Defence Council abolished compulsory military service, relying instead on volunteers to fill posts in the military and security forces.<sup>6</sup> Article 149 of Law No. 45 (2002) on Child Rights stated that "persons under the age of 18 cannot participate in armed conflicts or be recruited". The law forbade all exploitation of children as child soldiers.

Although Yemen's laws specified 18 as the minimum recruitment age, under-age recruitment to the armed forces reportedly remained common. The recruitment system was disorganized and birth registration was irregular. Joining the army was highly sought after, since other employment opportunities were extremely limited. Parents sometimes agreed to the recruitment of their children into the armed forces because of their poor economic situation.<sup>7</sup>

During fighting between the Yemeni armed forces and the Faithful Youth in January–March 2007, the Yemeni military reportedly used child soldiers. Children as young as 15 were allegedly given weapons by the armed forces and sent to the front with no training.<sup>8</sup>

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## Armed groups

### Paramilitaries

Yemen's paramilitary force was about 70,000 strong. Approximately 50,000 constituted the Ministry of Interior's Central Security Organization; they were equipped with a range of infantry weapons and armoured personnel carriers. An additional 20,000 were the forces of armed tribal levies. There was no available information on whether children were part of paramilitary groups.<sup>9</sup>

### Armed political and tribal groups

The security forces faced threats posed by Islamist and tribal armed groups. Yemen's mountainous topography contributed to a lack of central government control in the more remote governorates, which in turn enhanced the authority of the country's well-armed autonomous tribes. In July 2005 armed tribal militia blocked fuel deliveries in Sana'a to protest against proposed reductions in fuel subsidies. Tribesmen, particularly in the north, sometimes kidnapped foreign tourists and workers in order to extract political and economic concessions from the government.<sup>10</sup>

According to 2004 reports, children were widely involved, often forcibly, in tribal and family conflicts, and were often at risk of being killed,<sup>11</sup> but no further information was obtained.

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## Developments

In consideration of Yemen's third periodic report on the Convention on the Rights of the Child, the UN Committee on the Rights of the Child expressed concern about the lack of birth registration for a significant number of children, and recommended that Yemen take appropriate measures to ensure the registration of all births.<sup>12</sup>

### International standards

Yemen acceded to the Optional Protocol on 2 March 2007 and declared that it was committed to retaining 18 years as the minimum age for voluntary recruitment into the Yemeni armed forces, as well as to retaining the ban on the compulsory or voluntary recruitment of any person under 18 years of age.<sup>13</sup>

\* Titles of non-English language sources have been translated by the Coalition.

- 1 Global Security, "Al-Shabab al-Mum'en/Shabab al-Moumineen (Believing Youth)", www.globalsecurity.org.
- 2 Yemen Ministry of Defence, www.yemen.gov.ye.
- 3 "Al-Qaeda blamed for Yemen attack", Al-Jazeera, 3 July 2007; "Yemen kills al-Qaeda fugitive", Al-Jazeera, 15 January 2007, <http://english.aljazeera.net>.
- 4 "Yemen: Despite ban on arms, activists warn of increasing violence", IRIN, 8 July 2007.
- 5 "Al-Shabab al-Mum'en", above note 1.
- 6 US Library of Congress, Country profile: Yemen, <http://lcweb2.loc.gov>.
- 7 Confidential source, Yemen, April 2007.
- 8 Jane Novak, "Yemen: from nepotism to internal jihad", Worldpress.org, March 2007, www.worldpress.org.
- 9 Country profile, above note 6.
- 10 Ibid.
- 11 Yemen National NGOs Coalition, *The Third NGOs' Alternative Periodic Report on Rights of the Child*, www.crin.org.
- 12 UN Committee on the Rights of the Child, Consideration of report submitted by Yemen, Concluding observations, UN Doc. CRC/C/15/Add.267, 21 September 2005.
- 13 Declaration on accession to the Optional Protocol, www2.ohchr.org.

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## ZAMBIA

### Republic of Zambia

**Population:** 11.7 million (6.2 million under 18)

**Government armed forces:** 15,100

**Compulsory recruitment age:** no conscription

**Voluntary recruitment age:** 18; 16 with parental consent

**Voting age:** 18

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ICC, ILO 138, ILO 182

***Under-18s could be serving in the armed forces, given the low rate of birth registration and the possibility for 16-year-olds to enlist with parental permission.***

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## Government

### National recruitment legislation and practice

The Defence Act prohibited a child "under the apparent age of 18" from being recruited into the armed forces without the consent of a parent, guardian or local district secretary (Chapter 106). The use of children in hostilities was also prohibited by law. There was no conscription. Recruits had to be Zambian nationals and have a national registration card, obtainable at the age of 16.<sup>1</sup> The Juvenile Act defined a "child" as a person below 16 and a "young person" as between 16 and 19 years of age.<sup>2</sup>

There were no reports of under-age recruitment, but the situation was not known to have changed significantly since 2003, when the UN Committee on the Rights of the Child expressed concern that the minimum age for voluntary recruitment was an "apparent age" and noted that "less than 10 percent of children were registered at birth in 1999, and even less in rural areas".<sup>3</sup>

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## Developments

Zambia hosted an estimated 120,000 refugees who had fled conflicts in Angola, Burundi, the Democratic Republic of the Congo (DRC), Rwanda and Somalia.<sup>4</sup> Over 74,000 Angolan refugees had been repatriated under a four-year voluntary repatriation program (2003–6).<sup>5</sup> Voluntary repatriation of DRC refugees began in May 2007; some 60,000 reportedly remained in Zambia, of whom 40,000 were living in camps.<sup>6</sup>

1 Initial report of Zambia to the UN Committee on the Rights of the Child, UN Doc. CRC/C/11/Add.25, 19 November 2002.

- 2 UNHCR, “Zambia: analysis of the gap in protection of refugees”, September 2007, <http://www.unhcr.org>.
- 3 UN Committee on the Rights of the Child, Consideration of report submitted by Zambia, Concluding observations, UN Doc. CRC/C/15/Add.206, 2 July 2003.
- 4 UNHCR, above note 2.
- 5 Ibid.
- 6 “Kinshasa: DRC–Zambia: Congolese refugees return home”, IRIN, 8 May 2007.

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## ZIMBABWE

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### Republic of Zimbabwe

**Population:** 13.0 million (6.3 million under 18)

**Government armed forces:** 29,000

**Compulsory recruitment age:** 18 or 16

**Voluntary recruitment age:** unclear (see text)

**Voting age:** 18

**Optional Protocol:** not signed

**Other treaties ratified (see glossary):**

CRC, GC AP I and II, ILO 138, ILO 182, ACRWC

*The national youth training program, which included paramilitary training of children, continued in 2007. Youth militias were involved in human rights violations against opposition supporters.*

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### Context

Intensified political opposition to President Robert Mugabe’s political party, the Zimbabwe African National Union – Patriotic Front (ZANU–PF) was met with a violent crackdown in a climate of economic crisis, hyper-inflation and systematic human rights violations.<sup>1</sup>

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### Government

#### National recruitment legislation and practice

The 1979 National Service Act regulated recruitment for national service and the armed forces. According to the government’s 1995 report to the UN Committee on the Rights of the Child, “The direct recruitment of children under 18 years of age into the army is prohibited by the National Service Act of 1979. The Act provides for 18 years as the lower age limit for recruitment into regular national service and 18 years for emergency national service.” However, the same report stated elsewhere, “Direct recruitment of children under 16 years of age into the army is prohibited by the National Service Act of 1979. The Act provides for 16 years as the lower age limit for recruitment into regular national service and 18 years for emergency national service.”<sup>2</sup>

#### National youth service training program

A compulsory national youth service training program for all school-leavers (also known as youth militia training) introduced in January 2003,<sup>3</sup> continued in 2007.<sup>4</sup> In 2003 the government had stated that the training was aimed at people aged 10–30.<sup>5</sup> Training centres provided militia training in a 120-day program for

1,000 young people at a time, although numbers declined as the economic and food crisis intensified in the country.<sup>6</sup> Several thousand children and young persons had received training by March 2007. Training focused on paramilitary skills and political education, and allegedly included torture and killing techniques. It was reported that girls were repeatedly raped by other trainees and staff.<sup>7</sup>

The government gave preference to national youth service graduates among those entering and seeking employment in the civil services, especially in the security forces.<sup>8</sup> A number of government training programs, such as nurse training and a program for media practitioners, admitted only youth militia graduates. There were plans to draft hundreds of youth militia graduates into the civil service to be deployed as “youth development officers”.<sup>9</sup> In September 2007 the Youth, Gender and Women’s Affairs parliamentary portfolio committee recommended the closure of the youth militia training centres as there was no food to feed recruits.<sup>10</sup>

## Youth militias

Youth militia worked alongside the security forces, whose ranks were increasingly weakened by desertion. Members of youth militias earned more than average civil servant pay, including that of police officers.<sup>11</sup> Information about the precise age of youth militia members was not available.

Youth militia, as well as ruling-party supporters and the army, were used to intimidate the opposition in the 2005 elections.<sup>12</sup> Youth militia were also deployed in “Operation Sunrise”, in which they harassed motorists and commuters when a new currency was introduced in 2006.<sup>13</sup> Violence involving youth militia intensified from March 2007, with reports of beatings, abductions and arbitrary detention targeting opposition figures.<sup>14</sup> Militia were used to enforce price controls, especially from mid-2007 in “Operation Reduce Prices”, when youth militia were sent to enforce price reductions of 50 per cent by supermarkets, shops and stalls.<sup>15</sup> Allegations of political intimidation and attacks on opposition supporters, forced displacement, killings, torture, rape and the destruction of property by members of ZANU–PF youth militias continued up to the end of 2007.<sup>16</sup>

## Developments

Children were reported to be most affected by the economic crisis in Zimbabwe.<sup>17</sup> Chronic malnutrition affected a third of all children.<sup>18</sup> The education system had almost stopped functioning, due to the general economic collapse, prohibitive fees for both government and private schools and lack of teachers, who

were not only underpaid but were harassed and threatened by militias, including youth militias.<sup>19</sup>

- 1 “Zimbabwe”, *Human Rights Watch World Report 2008*.
- 2 Initial Report of Zimbabwe to UN Committee on the Rights of the Child, UN Doc. CRC/C/3/Add.35, 12 October 1995.
- 3 “National service to be compulsory”, *Herald* (Harare), 2 July 2002, www.herald.co.zw.
- 4 “Zimbabwe: Youth militia camps may close”, IRIN, 6 September 2007.
- 5 Solidarity Peace Trust, “National Youth Service Training – ‘shaping youths in a truly Zimbabwean manner’”, 5 September 2003, www.solidaritypeacetrust.org.
- 6 “Zimbabwe: Youth militia camps may close”, IRIN, 6 September 2007.
- 7 See monthly reports from the Zimbabwe Human Rights NGO Forum, www.hrforumzim.com.
- 8 US Department of State, “Zimbabwe”, *Country Reports on Human Rights Practices 2006*, 6 March 2007, www.state.gov.
- 9 Zim Online, “Mugabe to draft youth militia into civil service”, 17 November 2006, www.zimonline.co.za.
- 10 “Youth militia camps may close”, above note 6.
- 11 Martin Rupiya, “The military question”, Mail and Guardian online, 25 April 2007, www.mg.co.za/; Zim Online, “Zimbabwe: Central Bank doubles salaries for youth militia”, 13 February 2007, www.zimonline.co.za/
- 12 “Major Zimbabwe police crackdown”, BBC News, 23 May 2005.
- 13 “Zimbabwe seizes millions in cash”, BBC News, 9 August 2006.
- 14 “Bashing dissent: escalating violence and state repression in Zimbabwe”, *Human Rights Watch*, Vol. 19, No. 6(A) (May 2007), http://hrw.org.
- 15 International Crisis Group (ICG), “Zimbabwe: a regional solution?”, Africa Report No. 132, 18 September 2007.
- 16 “Bashing dissent”, above note 14; US Department of State, “Zimbabwe”, *Country Reports on Human Rights Practices 2007*, 11 March 2008, www.state.gov.
- 17 UNICEF UK, “Global support needed to protect children in Zimbabwe”, 26 July 2005; “Children hit hardest by Zimbabwe’s economic problems”, 29 June 2007, www.unicef.org.
- 18 Save the Children, Zimbabwe Country Brief 2006, www.savethechildren.org.uk/; “Zimbabwe: diarrhoea outbreak claims 34”, IRIN, 9 July 2007.
- 19 African Charter on Human and Peoples’ Rights, *Shadow Report to the Combined 7th, 8th and 9th Report of the Republic of Zimbabwe*, 2007, www.amnesty.org/; “Zimbabwe: hunger bites the health and education sectors”, IRIN, 26 July 2007.

*Uganda Coalition launch of a training event  
on child protection for local authorities,  
Pader district, Uganda*





# Summary of selected international treaties

The Coalition promotes the adoption and implementation of international legal standards protecting children from recruitment or use as soldiers. The following is a summary of the main regional and international legal standards relating to child soldiers:

**Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict:** This was adopted by the UN General Assembly on 25 May 2000 and entered into force on 12 February 2002. The protocol sets 18 as the minimum age for direct participation in hostilities, for recruitment into armed groups, and for compulsory recruitment by governments. States may accept volunteers from the age of 16 but must deposit a binding declaration at the time of ratification or accession, setting out their minimum voluntary recruitment age and outlining certain safeguards for such recruitment.

**Rome Statute of the International Criminal Court (1998):** This establishes a permanent court to try persons charged with committing war crimes, crimes against humanity, and genocide. In its definition of war crimes, the statute includes “conscripting or enlisting children under the age of fifteen years into national armed forces or using them to participate actively in hostilities” (Article 8.b.xxvi); and in the case of an internal armed conflict, “conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities” (Article 8.e.vii). When drafting the treaty, delegates agreed that the terms “using” and “participate” would prohibit not only children’s direct participation in combat, but also their active participation in military activities linked to combat such as scouting, spying, sabotage, and the use of children as decoys, couriers, or at military checkpoints. Also prohibited is the use of children in “direct” support functions such as carrying supplies to the front line. The statute also defines sexual slavery as a crime against humanity (Article 7(1)(g)). The court came into being on 1 July 2002.

**ILO Minimum Age Convention 138:** This convention was adopted on 26 June 1973 and came into force on 19 June 1976. States ratifying the convention are bound to:

pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons (Article 1).

**ILO Worst Forms of Child Labour Convention 182:** The convention was adopted on 16 June 1999 and came into force on 19 November 2000. It commits each state which ratifies it to “take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.” The term “child” applies to all persons under the age of 18 years and the worst forms of child labour include:

all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict (Article 3a).

**Additional Protocols to the four Geneva Conventions of 1949 (1977):** The protocols set 15 as the minimum age for recruitment or use in armed conflict. This minimum standard applies to all parties, both governmental and non-governmental, in both international and internal armed conflict.

Article 77 of Additional Protocol I, applicable to international armed conflicts, states:

The Parties to the conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years the Parties to the conflict shall endeavour to give priority to those who are oldest (Paragraph 2).

If, in exceptional cases, despite the provisions of paragraph 2, children who have not attained the age of fifteen years take a direct part in hostilities and fall into the power of an adverse Party, they shall continue to benefit from the special protection accorded by this Article, whether or not they are prisoners of war (Paragraph 3).

Article 4(c) of the Additional Protocol II, applicable to non-international armed conflicts, states:

Children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities.

**Convention on the Rights of the Child (1989):** Although the Convention on the Rights of the Child generally defines a child as any person under the age of 18, Article 38 uses the lower age of 15 as the minimum for recruitment or participation in armed conflict. This language is drawn from the two Additional Protocols to the four Geneva Conventions of 1949.

Article 38 states that:

States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities (Paragraph 2).

States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest (Paragraph 3).

**African Charter on the Rights and Welfare of the Child:** The charter is the only regional treaty in the world which addresses the issue of child soldiers. It was adopted by the Organization of African Unity (OAU, now the African Union) and came into force in November 1999. It defines a child as anyone below 18 years of age without exception. It also states that: “States Parties to the present Charter shall take all necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular, from recruiting any child” (Article 22.2).

The **UN Security Council** has passed a series of resolutions condemning the recruitment and use of children in hostilities. These are resolutions 1261 (1999), 1314 (2000) 1379 (2001), 1460 (2003), 1539 (2004) and 1612 (2005) on children and armed conflict. To download UN resolutions visit <http://www.un.org/Docs/sc>.

# Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

**Adopted and opened for signature, ratification and accession by General Assembly resolution**

**A/RES/54/263 of 25 May 2000**

**entered into force on 12 February 2002**

## ***The States Parties to the present Protocol,***

Encouraged by the overwhelming support for the Convention on the Rights of the Child, demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

Reaffirming that the rights of children require special protection, and calling for continuous improvement of the situation of children without distinction, as well as for their development and education in conditions of peace and security,

Disturbed by the harmful and widespread impact of armed conflict on children and the long-term consequences it has for durable peace, security and development,

Condemning the targeting of children in situations of armed conflict and direct attacks on objects protected under international law, including places that generally have a significant presence of children, such as schools and hospitals,

Noting the adoption of the Rome Statute of the International Criminal Court, in particular, the inclusion therein as a war crime, of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-international armed conflicts,

Considering therefore that to strengthen further the implementation of rights recognized in the Convention on the Rights of the Child there is a need to increase the protection of children from involvement in armed conflict,

Noting that article 1 of the Convention on the Rights of the Child specifies that, for the purposes of that Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier,

Convinced that an optional protocol to the Convention that raises the age of possible recruitment of persons into armed forces and their participation in hostilities will contribute effectively to the implementation of the principle that the best interests of the child are to be a primary consideration in all actions concerning children,

Noting that the twenty-sixth International Conference of the Red Cross and Red Crescent in December 1995 recommended, inter alia, that parties to conflict take every feasible step to ensure that children below the age of 18 years do not take part in hostilities,

Welcoming the unanimous adoption, in June 1999, of International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which prohibits, inter alia, forced or compulsory recruitment of children for use in armed conflict,

Condemning with the gravest concern the recruitment, training and use within and across national borders of children in hostilities by armed groups distinct from the armed forces of a State, and recognizing the responsibility of those who recruit, train and use children in this regard,

Recalling the obligation of each party to an armed conflict to abide by the provisions of international humanitarian law,

Stressing that the present Protocol is without prejudice to the purposes and principles contained in the Charter of the United Nations, including Article 51, and relevant norms of humanitarian law,

Bearing in mind that conditions of peace and security based on full respect of the purposes and principles contained in the Charter and observance of applicable human rights instruments are indispensable for the full protection of children, in particular during armed conflicts and foreign occupation,

Recognizing the special needs of those children who are particularly vulnerable to recruitment or use in hostilities contrary to the present Protocol owing to their economic or social status or gender,

Mindful of the necessity of taking into consideration the economic, social and political root causes of the involvement of children in armed conflicts,

Convinced of the need to strengthen international cooperation in the implementation of the present Protocol, as well as the physical and psychosocial rehabilitation and social reintegration of children who are victims of armed conflict,

Encouraging the participation of the community and, in particular, children and child victims in the dissemination of informational and educational programmes concerning the implementation of the Protocol,

Have agreed as follows:

### ***Article 1***

States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.

### ***Article 2***

States Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.

### ***Article 3***

1. States Parties shall raise in years the minimum age for the voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention on the Rights of the Child, taking account of the principles contained

in that article and recognizing that under the Convention persons under the age of 18 years are entitled to special protection.

2. Each State Party shall deposit a binding declaration upon ratification of or accession to the present Protocol that sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards it has adopted to ensure that such recruitment is not forced or coerced.
3. States Parties that permit voluntary recruitment into their national armed forces under the age of 18 years shall maintain safeguards to ensure, as a minimum, that:
  - (a) Such recruitment is genuinely voluntary;
  - (b) Such recruitment is carried out with the informed consent of the person's parents or legal guardians;
  - (c) Such persons are fully informed of the duties involved in such military service;
  - (d) Such persons provide reliable proof of age prior to acceptance into national military service.
4. Each State Party may strengthen its declaration at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall inform all States Parties. Such notification shall take effect on the date on which it is received by the Secretary-General.
5. The requirement to raise the age in paragraph 1 of the present article does not apply to schools operated by or under the control of the armed forces of the States Parties, in keeping with articles 28 and 29 of the Convention on the Rights of the Child.

#### **Article 4**

1. Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.
2. States Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.
3. The application of the present article shall not affect the legal status of any party to an armed conflict.

#### **Article 5**

Nothing in the present Protocol shall be construed as precluding provisions in the law of a State Party or in international instruments and international humanitarian law that are more conducive to the realization of the rights of the child.

#### **Article 6**

1. Each State Party shall take all necessary legal, administrative and other measures to ensure the effective implementation and enforcement of the provisions of the present Protocol within its jurisdiction.
2. States Parties undertake to make the principles and provisions of the present Protocol widely known and promoted by appropriate means, to adults and children alike.
3. States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to the present Protocol are demobilized or otherwise released from service. States Parties shall, when necessary,

accord to such persons all appropriate assistance for their physical and psychological recovery and their social reintegration.

### **Article 7**

1. States Parties shall cooperate in the implementation of the present Protocol, including in the prevention of any activity contrary thereto and in the rehabilitation and social reintegration of persons who are victims of acts contrary thereto, including through technical cooperation and financial assistance. Such assistance and cooperation will be undertaken in consultation with the States Parties concerned and the relevant international organizations.
2. States Parties in a position to do so shall provide such assistance through existing multilateral, bilateral or other programmes or, inter alia, through a voluntary fund established in accordance with the rules of the General Assembly.

### **Article 8**

1. Each State Party shall, within two years following the entry into force of the present Protocol for that State Party, submit a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol, including the measures taken to implement the provisions on participation and recruitment.
2. Following the submission of the comprehensive report, each State Party shall include in the reports it submits to the Committee on the Rights of the Child, in accordance with article 44 of the Convention, any further information with respect to the implementation of the Protocol. Other States Parties to the Protocol shall submit a report every five years.
3. The Committee on the Rights of the Child may request from States Parties further information relevant to the implementation of the present Protocol.

### **Article 9**

1. The present Protocol is open for signature by any State that is a party to the Convention or has signed it.
2. The present Protocol is subject to ratification and is open to accession by any State. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.
3. The Secretary-General, in his capacity as depositary of the Convention and the Protocol, shall inform all States Parties to the Convention and all States that have signed the Convention of each instrument of declaration pursuant to article 3.

### **Article 10**

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after its entry into force, the Protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession.

### **Article 11**

1. Any State Party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the Convention and all States that have signed the Convention. The denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General. If, however, on the expiry of that year the denouncing State Party is engaged in armed conflict, the denunciation shall not take effect before the end of the armed conflict.
2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any act that occurs prior to the date on which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter that is already under consideration by the Committee on the Rights of the Child prior to the date on which the denunciation becomes effective.

### **Article 12**

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly and accepted by a two-thirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties that have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments they have accepted.

### **Article 13**

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States Parties to the Convention and all States that have signed the Convention.



# United Nations S/RES/1612 (2005)

## Resolution 1612 (2005)

### Adopted by the Security Council at its 5235th meeting, on 26 July 2005

*The Security Council,*

*Reaffirming* its resolutions 1261 (1999) of 25 August 1999, 1314 (2000) of 11 August 2000, 1379 (2001) of 20 November 2001, 1460 (2003) of 30 January 2003, and 1539 (2004) of 22 April 2004, which contribute to a comprehensive framework for addressing the protection of children affected by armed conflict,

*While noting* the advances made for the protection of children affected by armed conflict, particularly in the areas of advocacy and the development of norms and standards, *remaining deeply concerned* over the lack of overall progress on the ground, where parties to conflict continue to violate with impunity the relevant provisions of applicable international law relating to the rights and protection of children in armed conflict,

*Stressing* the primary role of national Governments in providing effective protection and relief to all children affected by armed conflicts,

*Recalling* the responsibilities of States to end impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes and other egregious crimes perpetrated against children,

*Convinced* that the protection of children in armed conflict should be regarded as an important aspect of any comprehensive strategy to resolve conflict,

*Reiterating* its primary responsibility for the maintenance of international peace and security and, in this connection, its commitment to address the widespread impact of armed conflict on children,

*Stressing* its determination to ensure respect for its resolutions and other international norms and standards for the protection of children affected by armed conflict,

*Having considered* the report of the Secretary-General of 9 February 2005 (S/2005/72) and stressing that the present resolution does not seek to make any legal determination as to whether situations which are referred to in the Secretary-General's report are or are not armed conflicts within the context of the Geneva Conventions and the Additional Protocols thereto, nor does it prejudge the legal status of the non-State parties involved in these situations,

*Gravely concerned* by the documented links between the use of child soldiers in violation of applicable international law and the illicit trafficking of small arms and light weapons

and stressing the need for all States to take measures to prevent and to put an end to such trafficking,

1. *Strongly condemns* the recruitment and use of child soldiers by parties to armed conflict in violation of international obligations applicable to them and all other violations and abuses committed against children in situations of armed conflict;
2. *Takes note* of the action plan presented by the Secretary-General relating to the establishment of a monitoring and reporting mechanism on children and armed conflict as called for in paragraph 2 of its resolution 1539 (2004) and, in this regard:
  - (a) Underlines that the mechanism is to collect and provide timely, objective, accurate and reliable information on the recruitment and use of child soldiers in violation of applicable international law and on other violations and abuses committed against children affected by armed conflict, and the mechanism will report to the working group to be created in accordance with paragraph 8 of this resolution;
  - (b) Underlines further that this mechanism must operate with the participation of and in cooperation with national Governments and relevant United Nations and civil society actors, including at the country level;
  - (c) Stresses that all actions undertaken by United Nations entities within the framework of the monitoring and reporting mechanism must be designed to support and supplement, as appropriate, the protection and rehabilitation roles of national Governments;
  - (d) Also stresses that any dialogue established under the framework of the monitoring and reporting mechanism by United Nations entities with non-State armed groups in order to ensure protection for and access to children must be conducted in the context of peace processes where they exist and the cooperation framework between the United Nations and the concerned Government;
3. *Requests* the Secretary-General to implement without delay, the above-mentioned monitoring and reporting mechanism, beginning with its application, within existing resources, in close consultation with countries concerned, to parties in situations of armed conflict listed in the annexes to the Secretary-General's report (S/2005/72) that are on the agenda of the Security Council, and then, in close consultation with countries concerned, to apply it to parties in other situations of armed conflict listed in the annexes to the Secretary-General's report (S/2005/72), bearing in mind the discussion of the Security Council and the views expressed by Member States, in particular during the annual debate on Children and Armed Conflict, and also taking into account the findings and recommendations of an independent review on the implementation of the mechanism to be reported to the Security Council by 31 July 2006. The independent review will include:
  - (a) An assessment of the overall effectiveness of the mechanism, as well as the timeliness, accuracy, objectivity and reliability of the information compiled through the mechanism;
  - (b) Information on how effectively the mechanism is linked to the work of the Security Council and other organs of the United Nations;
  - (c) Information on the relevance and clarity of the division of responsibilities;
  - (d) Information on the budgetary and other resource implications for United Nations actors and voluntary funded organizations contributing to the mechanism;
  - (e) Recommendations for the full implementation of the mechanism;

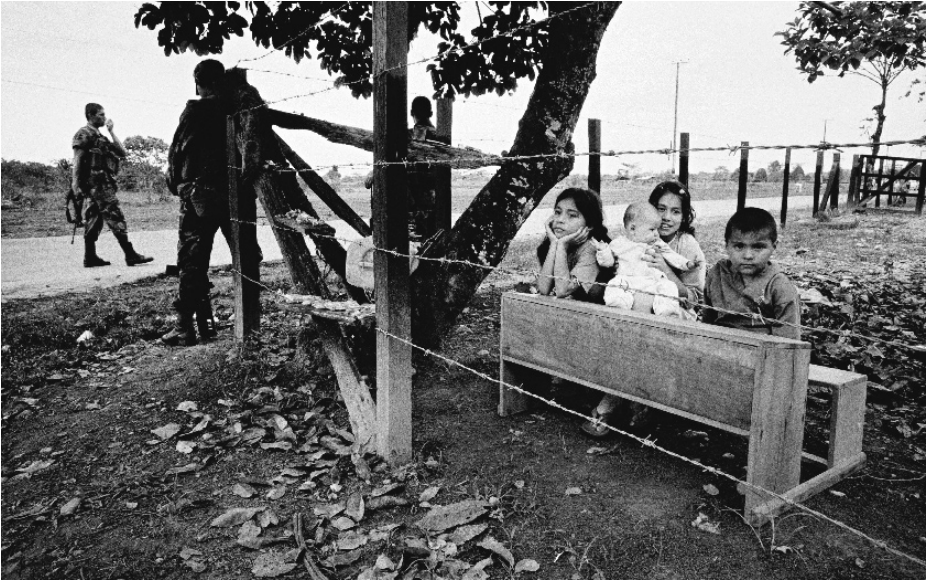
4. *Stresses* that the implementation of the monitoring and reporting mechanism by the Secretary-General will be undertaken only in the context of and for the specific purpose of ensuring the protection of children affected by armed conflict and shall not thereby prejudice or imply a decision by the Security Council as to whether or not to include a situation on its agenda;
5. *Welcomes* the initiatives taken by UNICEF and other United Nations entities to gather information on the recruitment and use of child soldiers in violation of applicable international law and on other violations and abuses committed against children in situations of armed conflict and invites the Secretary-General to take due account of these initiatives during the initial phase of implementation of the mechanism referred to in paragraph 3;
6. *Notes* that information compiled by this mechanism, for reporting by the Secretary-General to the General Assembly and the Security Council, may be considered by other international, regional and national bodies, within their mandates and the scope of their work, in order to ensure the protection, rights and well-being of children affected by armed conflict;
7. *Expresses* serious concern regarding the lack of progress in development and implementation of the action plans called for in paragraph 5 (a) of its resolution 1539 (2004) and, pursuant to this, calls on the parties concerned to develop and implement action plans without further delay, in close collaboration with United Nations peacekeeping missions and United Nations country teams, consistent with their respective mandates and within their capabilities; and requests the Secretary-General to provide criteria to assist in the development of such action plans;
8. *Decides* to establish a working group of the Security Council consisting of all members of the Council to review the reports of the mechanism referred to in paragraph 3 of this resolution, to review progress in the development and implementation of the action plans mentioned in paragraph 7 of this resolution and to consider other relevant information presented to it; *decides further* that the working group shall:
  - (a) Make recommendations to the Council on possible measures to promote the protection of children affected by armed conflict, including through recommendations on appropriate mandates for peacekeeping missions and recommendations with respect to the parties to the conflict;
  - (b) Address requests, as appropriate, to other bodies within the United Nations system for action to support implementation of this resolution in accordance with their respective mandates;
9. *Recalls* paragraph 5 (c) of its resolution 1539 (2004), and reaffirms its intention to consider imposing, through country-specific resolutions, targeted and graduated measures, such as, inter alia, a ban on the export and supply of small arms and light weapons and of other military equipment and on military assistance, against parties to situations of armed conflict which are on the Security Council's agenda and are in violation of applicable international law relating to the rights and protection of children in armed conflict;
10. *Stresses* the responsibility of United Nations peacekeeping missions and United Nations country teams, consistent with their respective mandates, to ensure effective follow-up

to Security Council resolutions, ensure a coordinated response to CAAC concerns and to monitor and report to the Secretary-General;

11. *Welcomes* the efforts undertaken by United Nations peacekeeping operations to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of their personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take appropriate preventive action including predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of misconduct involving their personnel;
12. *Decides* to continue the inclusion of specific provisions for the protection of children in the mandates of United Nations peacekeeping operations, including the deployment, on a case-by-case basis, of child-protection advisers (CPAs), and requests the Secretary-General to ensure that the need for and the number and roles of CPAs are systematically assessed during the preparation of each United Nations peacekeeping operation; welcomes the comprehensive assessment undertaken on the role and activities of CPAs with a view to drawing lessons learned and best practices;
13. *Welcomes* recent initiatives by regional and subregional organizations and arrangements for the protection of children affected by armed conflict, and encourages continued mainstreaming of child protection into their advocacy, policies and programmes; development of peer review and monitoring and reporting mechanisms; establishment, within their secretariats, of child-protection mechanisms; inclusion of child-protection staff and training in their peace and field operations; sub- and interregional initiatives to end activities harmful to children in times of conflict, in particular cross-border recruitment and abduction of children, illicit movement of small arms, and illicit trade in natural resources through the development and implementation of guidelines on children and armed conflict;
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 and programmes;
15. *Calls upon* all parties concerned to abide by the international obligations applicable to them relating to the protection of children affected by armed conflict as well as the concrete commitments they have made to the Special Representative of the Secretary-General for Children and Armed Conflict, to UNICEF and other United Nations agencies and to cooperate fully with the United Nations peacekeeping missions and United Nations country teams, where appropriate, in the context of the cooperation framework between the United Nations and the concerned Government, in the follow-up and implementation of these commitments;
16. *Urges* Member States, United Nations entities, regional and subregional organizations and other parties concerned, to take appropriate measures to control illicit subregional and cross-border activities harmful to children, including illicit exploitation of natural resources, illicit trade in small arms, abduction of children and their use and recruitment

as soldiers as well as other violations and abuses committed against children in situations of armed conflict in violation of applicable international law;

17. *Urges* all parties concerned, including Member States, United Nations entities and financial institutions, to support the development and strengthening of the capacities of national institutions and local civil society networks for advocacy, protection and rehabilitation of children affected by armed conflict to ensure the sustainability of local child-protection initiatives;
18. *Requests* that the Secretary-General direct all relevant United Nations entities to take specific measures, within existing resources, to ensure systematic mainstreaming of CAAC issues within their respective institutions, including by ensuring allocation of adequate financial and human resources towards protection of war-affected children within all relevant offices and departments and on the ground as well as to strengthen, within their respective mandates, their cooperation and coordination when addressing the protection of children in armed conflict;
19. *Reiterates* its request to the Secretary-General to ensure that, in all his reports on country-specific situations, the protection of children is included as a specific aspect of the report, and expresses its intention to give its full attention to the information provided therein when dealing with those situations on its agenda;
20. *Requests* the Secretary-General to submit a report by November 2006 on the implementation of this resolution and resolutions 1379 (2001), 1460 (2003), and 1539 (2004) which would include, inter alia:
  - (a) Information on compliance by parties in ending the recruitment or use of children in armed conflict in violation of applicable international law and other violations being committed against children affected by armed conflict;
  - (b) Information on progress made in the implementation of the monitoring and reporting mechanism mentioned in paragraph 3;
  - (c) Information on progress made in the development and implementation of the action plans referred to in paragraph 7 of the present resolution;
  - (d) Information on the assessment of the role and activities of CPAs;
21. *Decides* to remain actively seized of this matter.



*Children play near a checkpoint manned by government soldiers, Puerto Asis, Putumayo, Colombia*

# Child Soldiers 2008: Data Summary

## Definitions

Government forces data adapted from The Military Balance, International Institute for Strategic Studies, Oxford University Press, 2007, except where indicated.

Population data adapted from The State of the World's Children, UNICEF, 2007.

± estimated figure

E Evidence of recruitment or use of child soldiers

P Possible recruitment or use of child soldiers

N No evidence of recruitment or use of child soldiers

B Insufficient birth registration made it possible that under-18s may have been recruited and or used as child soldiers

G Children were involved in armed gangs associated with political violence

L Legal possibility of recruitment of under-18s but no reported practice.

S Children were used as spies, informants or messengers.

\* Parental consent allowed recruitment at a lower age than established by law or regulations.

● State is party to the treaty, through ratification, accession or succession [= full black circle]

◐ State has signed treaty [= half black circle]

○ State has not signed treaty [= empty circle]

n/a not applicable

(Footnotes to the chart appear on page 406)

Countries and territories	Total active government forces	Total population (2005)	Under 18 population (2005)	Child soldiers in government forces	Child soldiers in armed political groups
<b>Afghanistan</b>	50,000	29,863,000	15,849,000	P	E
<b>Albania</b>	11,020	3,130,000	1,034,000	N	n/a
<b>Algeria</b>	137,500	32,854,000	11,983,000	N	P
<b>Andorra</b>	none	67,000	12,000	n/a	n/a
<b>Angola</b>	107,000	15,941,000	8,502,000	N	no data
<b>Antigua and Barbuda</b>	170	81,000	27,000	N	n/a
<b>Argentina</b>	71,655	38,747,000	12,277,000	L	n/a
<b>Armenia</b>	43,641	3,016,000	819,000	E	n/a
<b>Australia</b>	51,610	20,155,000	4,797,000	E	n/a
<b>Austria</b>	39,600	8,189,000	1,552,000	E	n/a
<b>Azerbaijan</b>	66,740	8,411,000	2,736,000	P	N
<b>Bahamas</b>	860	323,000	108,000	N	n/a
<b>Bahrain</b>	11,200	727,000	232,000	P	n/a
<b>Bangladesh</b>	126,500	141,822,000	59,402,000	E	P
<b>Barbados</b>	610	270,000	63,000	E	n/a
<b>Belarus</b>	72,940	9,755,000	1,967,000	L	n/a
<b>Belgium</b>	39,690	10,419,000	2,120,000	L	n/a
<b>Belize</b>	±1,050	270,000	117,000	N	n/a
<b>Benin</b>	4,750	8,439,000	4,300,000	N	n/a
<b>Bhutan</b>	9,000 <sup>7</sup>	2,163,000	983,000	N	E <sup>8</sup>
<b>Bolivia</b>	46,100	9,182,000	4,090,000	E	n/a
<b>Bosnia and Herzegovina</b>	11,865	3,907,000	807,000	N	n/a



Legal minimum conscription age <sup>1</sup>	Legal min. voluntary recruitment age <sup>1</sup>	Ratification of the Optional Protocol <sup>2</sup>	Ratification of the Rome Statute <sup>3</sup>	Ratification of ILO C182 <sup>4</sup>	Ratification of Additional Protocol I <sup>5</sup>	Ratification of Additional Protocol II <sup>5</sup>
none	18	●	●	○	○	○
19	18	○	●	●	●	●
19	unclear	○	●	●	●	●
n/a	n/a	●	●	○	○	○
20	18 (men) 20 (women)	●	●	●	●	○
none	18	○	●	●	●	●
none <sup>6</sup>	18	●	●	●	●	●
18	18 (16 as cadet)	●	●	●	●	●
none	17	●	●	●	●	●
18	17 (training only)	●	●	●	●	●
18	17 (as cadet)	●	○	●	○	○
none	18	○	●	●	●	●
none	Unclear	●	●	●	●	●
none	16	●	●	●	●	●
none	18 (under-18*)	○	●	●	●	●
18	18 (16 as cadet*)	●	○	●	●	●
17 (conscription suspended)	18	●	●	●	●	●
not specified	18	●	●	●	●	●
18	18	●	●	●	●	●
none	18	●	○	○	○	○
19	15 (pre-military service)	●	●	●	●	●
none	18	●	●	●	●	●

Countries and territories	Total active government forces	Total population (2005)	Under 18 population (2005)	Child soldiers in government forces	Child soldiers in armed political groups
<b>Botswana</b>	9,000	1,765,000	800,000	B	n/a
<b>Brazil</b>	287,870	186,405,000	62,229,000	L	G
<b>Brunei Darussalam</b>	7,000	374,000	130,000	L	n/a
<b>Bulgaria</b>	51,000	7,726,000	1,366,000	N	n/a
<b>Burkina Faso</b>	10,800	13,228,000	7,176,000	N	n/a
<b>Burundi</b>	35,000	7,548,000	3,969,000	S	E
<b>Cambodia</b>	124,300	14,071,000	6,242,000	N	n/a
<b>Cameroon</b>	14,100	16,322,000	7,881,000	L	n/a
<b>Canada</b>	62,500	32,268,000	6,970,000	E	n/a
<b>Cape Verde</b>	1,200	507,000	238,000	L	n/a
<b>Central African Republic</b>	3,150	4,038,000	2,021,000	P/B	E
<b>Chad</b>	25,350	9,749,000	5,257,000	E	E
<b>Chile</b>	75,698	16,295,000	4,945,000	N	n/a
<b>China</b>	2,255,000	1,315,844,000	352,718,000	L	n/a
<b>Colombia</b>	208,600	45,600,000	16,755,000	S	E <sup>9</sup>
<b>Comoros</b>	unclear	798,000	387,000	N	N
<b>Congo, Democratic Republic of the</b>	51,000	57,549,000	31,071,000	E	E <sup>10</sup>
<b>Congo, Republic of</b>	10,000	3,999,000	2,153,000	N	P
<b>Cook Islands</b>	none	18,000	7,000	n/a	n/a
<b>Costa Rica</b>	none	4,327,000	1,496,000	n/a	n/a
<b>Côte d'Ivoire</b>	17,050	18,154,000	8,908,000	N	E <sup>11</sup>
<b>Croatia</b>	20,800	4,551,000	873,000	N	n/a
<b>Cuba</b>	49,000	11,269,000	2,666,000	E	n/a

Legal minimum conscription age <sup>1</sup>	Legal min. voluntary recruitment age <sup>1</sup>	Ratification of the Optional Protocol <sup>2</sup>	Ratification of the Rome Statute <sup>3</sup>	Ratification of ILO C182 <sup>4</sup>	Ratification of Additional Protocol I <sup>5</sup>	Ratification of Additional Protocol II <sup>5</sup>
none	18	●	●	●	●	●
18	17 (16*)	●	●	●	●	●
none	17.5	○	○	○	●	●
18	18	●	●	●	●	●
none	18	●	●	●	●	●
none	16	●	●	●	●	●
18	18	●	●	●	●	●
none	18 (under-18*)	●	●	●	●	●
none	16	●	●	●	●	●
18	17	●	●	●	●	●
18	18	○	●	●	●	●
20	18 (under-18*)	●	●	●	●	●
18	18	●	●	●	●	●
18	17	●	○	●	●	●
18	18	●	●	●	●	●
none	18	○	●	●	●	●
none	18	●	●	●	●	●
none	18	○	●	●	●	●
n/a	n/a	○	○	○	●	●
n/a	n/a	●	●	●	●	●
18	18	○	●	●	●	●
18	none	●	●	●	●	●
16	17	●	○	○	●	●

Countries and territories	Total active government forces	Total population (2005)	Under 18 population (2005)	Child soldiers in government forces	Child soldiers in armed political groups
Cyprus <sup>12</sup>	10,000	835,000	205,000	L	n/a
Czech Republic	24,752	10,220,000	1,882,000	N	n/a
Denmark	21,620	5,431,000	1,211,000	N	n/a
Djibouti	10,950	793,000	383,000	N	n/a
Dominica	none	79,000	27,000	n/a	n/a
Dominican Republic	24,500	8,895,000	3,481,000	L	n/a
Ecuador	56,500	13,228,000	5,100,000	L	N <sup>69</sup>
Egypt	468,500	74,033,000	29,691,000	L	N
El Salvador	15,500	6,881,000	2,750,000	L	n/a
Equatorial Guinea	1,320	504,000	257,000	N	n/a
Eritrea	201,750	4,401,000	2,266,000	P	no data
Estonia	4,100	1,330,000	265,000	P	n/a
Ethiopia	152,500	77,431,000	39,792,000	B	N
Fiji	3,500	848,000	317,000	N	n/a
Finland	29,300	5,249,000	1,100,000	N	n/a
France	254,895	60,496,000	13,271,000	L	n/a
Gabon	4,700	1,384,000	651,000	N	n/a
Gambia	800	1,517,000	704,000	N	n/a
Georgia	11,320	4,474,000	1,080,000	N	n/a
Germany	245,702	82,689,000	14,707,000	E	n/a
Ghana	13,500	22,113,000	10,159,000	N	n/a
Greece	147,100	11,120,000	1,944,000	N	n/a
Grenada	none	103,000	35,000	n/a	n/a
Guatemala	15,500	12,599,000	6,297,000	E	n/a

Legal minimum conscription age <sup>1</sup>	Legal min. voluntary recruitment age <sup>1</sup>	Ratification of the Optional Protocol <sup>2</sup>	Ratification of the Rome Statute <sup>3</sup>	Ratification of ILO C182 <sup>4</sup>	Ratification of Additional Protocol I <sup>5</sup>	Ratification of Additional Protocol II <sup>5</sup>
18	17	○	●	●	●	●
18 (phased out by 2005)	18	●	●	●	●	●
18	18	●	●	●	●	●
none	18	●	●	●	●	●
n/a	n/a	●	●	●	●	●
none	16	●	●	●	●	●
18	17	●	●	●	●	●
18	16	●	●	●	●	●
18	16	●	○	●	●	●
age not established	18	○	○	●	●	●
18	18	●	●	○	○	○
18	18	●	●	●	●	●
18	18	○	○	●	●	●
none	18	●	●	●	○	○
18	18	●	●	●	●	●
18 (conscription suspended)	17	●	●	●	●	●
none	20	●	●	●	●	●
none	18	●	●	●	●	●
18	18	○	●	●	●	●
18	17 (training only)	●	●	●	●	●
none	18	●	●	●	●	●
19	18	●	●	●	●	●
n/a	n/a	○	○	●	●	●
18	18	●	○	●	●	●

Countries and territories	Total active government forces	Total population (2005)	Under 18 population (2005)	Child soldiers in government forces	Child soldiers in armed political groups
<b>Guinea</b>	12,300	9,402,000	4,723,000	B	P <sup>11</sup>
<b>Guinea-Bissau</b>	9,250	1,586,000	856,000	L	n/a
<b>Guyana</b>	1,100	751,000	261,000	L	n/a
<b>Haiti</b>	none	8,528,000	3,846,000	n/a	G
<b>Holy See</b>	100 <sup>13</sup>	1,000	no data	N	n/a
<b>Honduras</b>	12,000	7,205,000	3,317,000	N	n/a
<b>Hungary</b>	32,300	10,098,000	1,965,000	L	n/a
<b>Iceland</b>	none	295,000	78,000	n/a	n/a
<b>India</b>	1,316,000	1,103,371,000	420,678,000	L/S <sup>15</sup>	E
<b>Indonesia</b>	302,000	222,781,000	75,641,000	S	E
<b>Iran (Islamic Republic of)</b>	545,000	69,515,000	25,243,000	L <sup>15</sup>	P
<b>Iraq</b>	227,000	28,807,000	13,759,000	N	E
<b>Ireland</b>	10,470	4,148,000	1,007,000	E	n/a
<b>Israel</b>	168,000	6,725,000	2,200,000	L/S	E
<b>Italy</b>	191,152	58,093,000	9,837,000	P	n/a
<b>Jamaica</b>	2,830	2,651,000	992,000	P	G
<b>Japan</b>	240,400	128,085,000	21,770,000	N	n/a
<b>Jordan</b>	100,500	5,703,000	2,477,000	E	N
<b>Kazakhstan</b>	65,800	14,825,000	4,394,000	P	N
<b>Kenya</b>	24,120	34,256,000	17,214,000	L	G
<b>Kiribati</b>	none	99,000	39,000	n/a	n/a
<b>Korea, Democratic People's Republic of</b>	1,106,000	22,488,000	6,756,000	L	n/a

Legal minimum conscription age <sup>1</sup>	Legal min. voluntary recruitment age <sup>1</sup>	Ratification of the Optional Protocol <sup>2</sup>	Ratification of the Rome Statute <sup>3</sup>	Ratification of ILO C182 <sup>4</sup>	Ratification of Additional Protocol I <sup>5</sup>	Ratification of Additional Protocol II <sup>5</sup>
18	18	○	●	●	●	●
18	16 (under 16*)	◐	◐	○	●	●
18	16 (14–16*)	○	●	●	●	●
n/a	n/a	◐	◐	●	●	●
none	19	●	○	○	●	●
none	18	●	●	●	●	●
18	18 (17*)	◐	●	●	●	●
n/a	n/a	●	●	●	●	●
none	17.5	●	○	○	○	○
18	18	◐	○	●	○	○
18	16	○	◐	●	○	○
none	18	○	○	●	○	○
none	17 (16 for apprentices)	●	●	●	●	●
18	17	●	◐	●	○	○
conscription suspended	18	●	●	●	●	●
none	18 (17.5 training only)	●	◐	●	●	●
none	18	●	●	●	●	●
18	18	●	●	●	●	●
18	19 (16 (military academy))	●	○	●	●	●
none	18 (under 18*)	●	●	●	●	●
n/a	n/a	○	○	○	○	○
18 unclear	16 or 17 unclear	○	○	○	●	○

Countries and territories	Total active government forces	Total population (2005)	Under 18 population (2005)	Child soldiers in government forces	Child soldiers in armed political groups
<b>Korea, Republic of</b>	687,000	47,817,000	10,795,000	N	n/a
<b>Kuwait</b>	15,500	2,687,000	764,000	N	n/a
<b>Kyrgyzstan</b>	12,500	5,264,000	2,016,000	L	n/a
<b>Lao People's Democratic Republic</b>	29,100	5,924,000	2,830,000	N	P
<b>Latvia</b>	5,339	2,307,000	448,000	N	n/a
<b>Lebanon</b>	72,100	3,577,000	1,225,000	L	E
<b>Lesotho</b>	2,000	1,795,000	840,000	B	n/a
<b>Liberia</b>	2,400	3,283,000	1,769,000	N	E <sup>11</sup>
<b>Libyan Arab Jamahiriya</b>	76,000	5,853,000	2,119,000	P <sup>15</sup>	n/a
<b>Liechtenstein</b>	none	35,000	7,000	n/a	n/a
<b>Lithuania</b>	12,010	3,431,000	745,000	N	n/a
<b>Luxembourg</b>	900	465,000	104,000	E	n/a
<b>Macedonia (the former Yugoslav Republic of)</b>	10,890	2,000,000	494,000	N	n/a
<b>Madagascar</b>	13,500	18,606,000	9,412,000	N	n/a
<b>Malawi</b>	5,300	12,884,000	6,945,000	B	n/a
<b>Malaysia</b>	109,000	25,347,000	9,603,000	L	n/a
<b>Maldives</b>	not known	329,000	158,000	N	n/a
<b>Mali</b>	7,350	13,518,000	7,439,000	N	n/a
<b>Malta</b>	1,609	402,000	88,000	L	n/a
<b>Marshall Islands</b>	none	62,000	24,000	n/a	n/a
<b>Mauritania</b>	15,870	3,069,000	1,513,000	L	n/a



Legal minimum conscription age <sup>1</sup>	Legal min. voluntary recruitment age <sup>1</sup>	Ratification of the Optional Protocol <sup>2</sup>	Ratification of the Rome Statute <sup>3</sup>	Ratification of ILO C182 <sup>4</sup>	Ratification of Additional Protocol I <sup>5</sup>	Ratification of Additional Protocol II <sup>5</sup>
19	18	●	●	●	●	●
18	18	●	●	●	●	●
18	18 (16 as cadets)	●	●	●	●	●
18	18	●	○	●	●	●
19 (ended in 2006)	18	●	●	●	●	●
18 (ended in 2007)	17	●	○	●	●	●
none	18	●	●	●	●	●
none	not established in law	●	●	●	●	●
17	17	●	○	●	●	●
n/a	n/a	●	●	○	●	●
19	18	●	●	●	●	●
None	17	●	●	●	●	●
19 (conscription abolished)	18	●	●	●	●	●
None	18	●	●	●	●	●
None	18	●	●	●	●	●
None	17.5 (under 17.5*)	○	○	●	○	○
none	18	●	○	○	●	●
18	18	●	●	●	●	●
none	17.5 (under 17.5*)	●	●	●	●	●
n/a	n/a	○	●	○	○	○
18	18 or 16 (unclear)	○	○	●	●	●

Countries and territories	Total active government forces	Total population (2005)	Under 18 population (2005)	Child soldiers in government forces	Child soldiers in armed political groups
<b>Mauritius</b>	none	1,245,000	364,000	n/a	n/a
<b>Mexico</b>	237,800	107,029,000	39,654,000	P	N
<b>Micronesia (Federated States of)</b>	none	110,000	51,000	n/a	n/a
<b>Moldova, Republic of</b>	6,750	4,206,000	1,009,000	P	no data
<b>Monaco</b>	none	35,000	7,000	n/a	n/a
<b>Mongolia</b>	8,600	2,646,000	998,000	P	n/a
<b>Montenegro</b>	7,300	601,000 <sup>14</sup>	145,000 <sup>14</sup>	N	n/a
<b>Morocco</b>	200,800	31,478,000	11,743,000	N	N
<b>Mozambique</b>	11,200	19,792,000	10,049,000	N	n/a
<b>Myanmar</b>	375,000	50,519,000	17,962,000	E	E
<b>Namibia</b>	9,200	2,031,000	993,000	N	N
<b>Nauru</b>	none	14,000	5,000	n/a	n/a
<b>Nepal</b>	69,000	27,133,000	12,395,000	S	E <sup>8</sup>
<b>Netherlands</b>	53,130	16,299,000	3,559,000	E	n/a
<b>New Zealand</b>	8,951	4,028,000	1,048,000	E	n/a
<b>Nicaragua</b>	14,000	5,487,000	2,526,000	N	n/a
<b>Niger</b>	5,300	13,957,000	7,765,000	L	no data
<b>Nigeria</b>	85,000	131,530,000	67,371,000	N	E/G
<b>Niue</b>	none	1,000	no data	n/a	n/a
<b>Norway</b>	23,400	4,620,000	1,083,000	N	n/a
<b>Occupied Palestinian Territory</b>	none	3,702,000	1,938,000	N	E
<b>Oman</b>	41,700	2,567,000	1,054,000	N	n/a

Legal minimum conscription age <sup>1</sup>	Legal min. voluntary recruitment age <sup>1</sup>	Ratification of the Optional Protocol <sup>2</sup>	Ratification of the Rome Statute <sup>3</sup>	Ratification of ILO C182 <sup>4</sup>	Ratification of Additional Protocol I <sup>5</sup>	Ratification of Additional Protocol II <sup>5</sup>
n/a	18 (for security forces)	◐	●	●	●	●
18	16* (training only)	●	●	●	●	○
n/a	n/a	◐	○	○	●	●
18	17 (training only)	●	◐	●	●	●
n/a	21 (security forces)	●	◐	○	●	●
18	18 (unclear)	●	●	●	●	●
none	18	●	●	●	●	●
none	18	●	◐	●	○	○
19	18	●	◐	●	●	●
none	18	○	○	○	○	○
none	18	●	●	●	●	●
n/a	n/a	◐	●	○	●	●
none	18	●	○	●	○	○
conscription suspended	17	◐	●	●	●	●
none	17	●	●	●	●	●
none	18	●	○	●	●	●
not specified	not specified	○	●	●	●	●
none	18	◐	●	●	●	●
n/a	n/a	○	○	○	○	○
18	18	●	●	●	●	●
none	18 (security forces)	n/a	n/a	n/a	n/a	n/a
none	15 or 18 (unclear)	●	◐	●	●	●

Countries and territories	Total active government forces	Total population (2005)	Under 18 population (2005)	Child soldiers in government forces	Child soldiers in armed political groups
<b>Pakistan</b>	619,000	157,935,000	71,800,000	L	E
<b>Palau</b>	none	20,000	8,000	n/a	n/a
<b>Panama</b>	none	3,232,000	1,163,000	n/a	n/a
<b>Papua New Guinea</b>	3,100	5,887,000	2,751,000	L	n/a
<b>Paraguay</b>	10,100	6,158,000	2,722,000	E	n/a
<b>Peru</b>	80,000	27,968,000	10,722,000	L <sup>15</sup>	N
<b>Philippines</b>	106,000	83,054,000	34,622,000	N <sup>15</sup>	E
<b>Poland</b>	141,500	38,530,000	7,984,000	L	n/a
<b>Portugal</b>	43,960	10,495,000	2,007,000	N	n/a
<b>Qatar</b>	12,400	813,000	204,000	N	n/a
<b>Romania</b>	69,600	21,711,000	4,366,000	N	n/a
<b>Russian Federation</b>	1,027,000	143,202,000	28,830,000	E	P
<b>Rwanda</b>	33,000	9,038,000	4,658,000	N	N <sup>10</sup>
<b>Saint Kitts and Nevis</b>	no data	43,000	14,000	N	n/a
<b>Saint Lucia</b>	none	161,000	56,000	n/a	n/a
<b>Saint Vincent and the Grenadines</b>	none	119,000	43,000	n/a	n/a
<b>Samoa</b>	none	185,000	88,000	n/a	n/a
<b>San Marino</b>	no data	28,000	5,000	N	n/a
<b>Sao Tome and Principe</b>	unknown	157,000	73,000	L	n/a
<b>Saudi Arabia</b>	224,500	24,573,000	10,690,000	N	N
<b>Senegal</b>	13,620	11,658,000	5,804,000	N	no data

Legal minimum conscription age <sup>1</sup>	Legal min. voluntary recruitment age <sup>1</sup>	Ratification of the Optional Protocol <sup>2</sup>	Ratification of the Rome Statute <sup>3</sup>	Ratification of ILO C182 <sup>4</sup>	Ratification of Additional Protocol I <sup>5</sup>	Ratification of Additional Protocol II <sup>5</sup>
none	17	◐	○	●	○	○
n/a	n/a	○	○	○	●	●
n/a	n/a	●	●	●	●	●
none	16	○	○	●	○	○
17	no legal minimum	●	●	●	●	●
none	18 (16 as cadets)	●	●	●	●	●
none	18 (17 for training)	●	◐	●	○	●
18	17	●	●	●	●	●
18 (conscription suspended)	18	●	●	●	●	●
none	18	●	○	●	●	●
20 (conscription suspended)	18	●	●	●	●	●
18	18 (16 at military education institutes)	◐	◐	●	●	●
none	18	●	○	●	●	●
none	18 (security forces)	○	●	●	●	●
n/a	n/a	○	◐	●	●	●
n/a	19 (security forces)	○	●	●	●	●
n/a	n/a	○	●	○	●	●
none	18	◐	●	●	●	●
18	17	○	◐	●	●	●
none	18	○	○	●	●	●
20	18	●	●	●	●	●

Countries and territories	Total active government forces	Total population (2005)	Under 18 population (2005)	Child soldiers in government forces	Child soldiers in armed political groups
<b>Serbia</b>	39,686	9,900,000 <sup>14</sup>	2,200,000 <sup>14</sup>	L	n/a
<b>Seychelles</b>	200	81,000	41,000	L	n/a
<b>Sierra Leone</b>	10,500	5,525,000	2,722,000	N	N <sup>11</sup>
<b>Singapore</b>	72,500	4,326,000	1,023,000	L	n/a
<b>Slovakia</b>	15,223	5,401,000	1,142,000	N	n/a
<b>Slovenia</b>	6,550	1,967,000	345,000	N	n/a
<b>Solomon Islands</b>	none	478,000	227,000	n/a	n/a
<b>Somalia</b>	no data	8,228,000	4,152,000	E	E
<b>South Africa</b>	62,334	47,432,000	18,417,000	N	G
<b>Spain</b>	147,255	43,064,000	7,457,000	N	N
<b>Sri Lanka</b>	150,900	20,743,000	6,054,000	N	E
<b>Sudan</b>	104,800	36,233,000	16,547,000	E	E
<b>Suriname</b>	1,840	449,000	161,000	no data	N
<b>Swaziland</b>	no data	1,032,000	514,000	B	n/a
<b>Sweden</b>	27,600	9,041,000	1,943,000	N	n/a
<b>Switzerland</b>	4,200	7,252,000	1,458,000	N	n/a
<b>Syrian Arab Republic</b>	307,600	19,043,000	8,375,000	B	N
<b>Taiwan</b>	290,000	22,800,000 <sup>16</sup>	5,250,000 <sup>16</sup>	N	n/a
<b>Tajikistan</b>	7,600	6,507,000	3,055,000	P	P
<b>Tanzania, United Republic of</b>	27,000	38,329,000	19,070,000	L	N
<b>Thailand</b>	306,600	64,233,000	18,522,000	N	E
<b>Timor-Leste</b>	1,250	947,000	463,000	N	n/a

Legal minimum conscription age <sup>1</sup>	Legal min. voluntary recruitment age <sup>1</sup>	Ratification of the Optional Protocol <sup>2</sup>	Ratification of the Rome Statute <sup>3</sup>	Ratification of ILO C182 <sup>4</sup>	Ratification of Additional Protocol I <sup>5</sup>	Ratification of Additional Protocol II <sup>5</sup>
17	18	●	●	●	●	●
none	18 (under-18*)	◐	◐	●	●	●
none	18	●	●	○	●	●
18	16.5	◐	○	●	○	○
18 (conscription abolished in 2006)	18	●	●	●	●	●
none	18	●	●	●	●	●
n/a	n/a	○	◐	○	●	●
no data	no data	◐	○	○	○	○
none	18	◐	●	●	●	●
conscription suspended	18	●	●	●	●	●
none	18	●	○	●	○	○
18	18	●	◐	●	●	●
none	no data	◐	○	●	●	●
18	18	○	○	●	●	●
18	18	●	●	●	●	●
19	18	●	●	●	●	●
18	18	●	◐	●	●	○
18	18	n/a	n/a	n/a	n/a	n/a
18	18	●	●	●	●	●
none	18 (under 18*)	●	●	●	●	●
20	18	●	◐	●	○	○
18	18	●	●	○	●	●

Countries and territories	Total active government forces	Total population (2005)	Under 18 population (2005)	Child soldiers in government forces	Child soldiers in armed political groups
<b>Togo</b>	8,550	6,145,000	3,095,000	N	n/a
<b>Tonga</b>	not known	102,000	43,000	L	n/a
<b>Trinidad and Tobago</b>	2,700	1,305,000	355,000	L	n/a
<b>Tunisia</b>	35,300	10,102,000	3,259,000	N	N
<b>Turkey</b>	514,850	73,193,000	25,348,000	N	P
<b>Turkmenistan</b>	26,000	4,833,000	1,882,000	L	n/a
<b>Tuvalu</b>	none	10,000	4,000	n/a	n/a
<b>Uganda</b>	45,000	28,816,000	16,539,000	E	E
<b>Ukraine</b>	187,600	46,481,000	9,084,000	N	n/a
<b>United Arab Emirates</b>	50,500	4,496,000	1,192,000	N	n/a
<b>United Kingdom</b>	191,030	59,668,000	13,117,000	E	n/a
<b>United States of America</b>	1,506,757	298,213,000	74,926,000	E	n/a
<b>Uruguay</b>	25,100	3,463,000	1,001,000	N	n/a
<b>Uzbekistan</b>	± 55,000	26,593,000	10,742,000	P	N
<b>Vanuatu</b>	none	211,000	99,000	n/a	n/a
<b>Venezuela</b>	82,300	26,749,000	9,988,000	N	P <sup>9</sup>
<b>Viet Nam</b>	455,000	84,238,000	30,496,000	L	n/a
<b>Yemen</b>	66,700	20,975,000	11,252,000	E	P
<b>Zambia</b>	15,100	11,668,000	6,215,000	L / B	N
<b>Zimbabwe</b>	29,000	13,010,000	6,256,000	P <sup>15</sup>	n/a

Footnotes to the Data Summary Chart appear on page 406.



Legal minimum conscription age <sup>1</sup>	Legal min. voluntary recruitment age <sup>1</sup>	Ratification of the Optional Protocol <sup>2</sup>	Ratification of the Rome Statute <sup>3</sup>	Ratification of ILO C182 <sup>4</sup>	Ratification of Additional Protocol I <sup>5</sup>	Ratification of Additional Protocol II <sup>5</sup>
18	18	●	○	●	●	●
none	16	○	○	○	●	●
none	16*	○	●	●	●	●
20	18	●	○	●	●	●
19	18	●	○	●	○	○
18	17	●	○	○	●	●
n/a	n/a	○	○	○	○	○
none	18	●	●	●	●	●
18	19	●	●	●	●	●
none	18 <sup>27</sup>	○	●	●	●	●
none	16	●	●	●	●	●
18 (not in force)	17	●	●	●	○	○
none	18	●	●	●	●	●
18	18	○	●	○	●	●
n/a	n/a	●	○	●	●	●
18	18	●	●	●	●	●
18	18 (17 at military service institute)	●	○	●	●	○
none	18	●	●	●	●	●
none	18 (16*)	○	●	●	●	●
18	18 or 16 (unclear)	○	●	●	●	●

## Footnotes

- 1 Refers to minimum conscription age and minimum voluntary recruitment age in peacetime and recruitment ages may therefore be lower in cases of public emergency.
- 2 Adapted from Status of Ratifications of Principle International Human Rights Treaties, Office of the United Nations High Commissioner for Human Rights, [www.unhcr.ch](http://www.unhcr.ch); Multilateral Treaties deposited with the Secretary-General, United Nations Treaty Collection, <http://untreaty.un.org> (subscription required).
- 3 Adapted from States Parties to the International Criminal Court, [www.icc.cpi.int/statesparties.html](http://www.icc.cpi.int/statesparties.html).
- 4 Adapted from Worst Forms of Child Labour Convention, 1999 (No. 182), International Labour Organization, [www.ilo.org](http://www.ilo.org).
- 5 Adapted from State Parties to the Geneva Conventions and their Additional Protocols, International Committee of the Red Cross, [www.icrc.org](http://www.icrc.org).
- 6 Authorities could authorize conscription if the number of volunteers failed to meet the annual quota.
- 7 “Militia should start in 2008”, Kuensel Online, 16 June 2007, [www.kuenselonline.com](http://www.kuenselonline.com).
- 8 Bhutanese armed groups were reportedly recruiting children from refugee camps in eastern Nepal.
- 9 Recruitment by Colombian armed groups reportedly extended across the borders into Ecuador and Venezuela.
- 10 Armed group units loyal to Laurent Nkunda in the eastern Democratic Republic of the Congo recruited children from refugee camps in Rwanda.
- 11 In 2004 and 2005 former child soldiers from Liberia were recruited and used in hostilities in Côte d’Ivoire. Liberian ex-combatants were reportedly recruiting for pro- and anti-government groups in Guinea in 2004, although it was not possible to confirm whether children were involved. Children were reportedly recruited in Sierra Leone by Liberian armed groups in 2005.
- 12 Additional information: Turkish Republic of Northern Cyprus: Child soldiers in armed forces: P (no data); child soldiers in armed political groups: not applicable; legal minimum conscription age: 19; legal minimum voluntary recruitment age: 17. Signatures and ratifications: not applicable.
- 13 “Pope’s guards celebrate 500 years”, BBC News, 22 January 2006.
- 14 UNICEF, The State of the World’s Children, 2008, [www.unicef.org](http://www.unicef.org).
- 15 Children were reportedly recruited or used by paramilitary or civilian defence forces.
- 16 Government Information Office, Taiwan Yearbook 2006 (figures from 2006), [www.gio.gov.tw](http://www.gio.gov.tw).
- 17 18 years for officers and women, unknown for others.



*Mural in a youth centre in Dheisheh refugee camp, Bethlehem, the West Bank*

# Methodology, terms and definitions

## Methodology

This report covers the period from April 2004 to October 2007 and the country entries refer to events occurring within this period. Some important developments relating to the recruitment and use of child soldiers between the end of October 2007 and the end of March 2008 are referred to in the report's introduction. Country ratifications of relevant international treaties are up to date as of February 2008 and are included in the country data at the top of each entry, and in the global data summary chart.

Information for this report was sought from a wide range of sources. These included governments, UN agencies and peacekeeping missions, other intergovernmental organizations, news media, academic sources, and human rights and humanitarian organizations. Information was also provided by Coalition members and partners and by local non-governmental organizations, journalists, lawyers, activists and others in many countries. Sources for the information contained in the country entries and the data summary chart are provided in endnotes. In some cases the identity of the source has been withheld and this is indicated in the relevant endnote. The names of child soldiers have been changed throughout this report.

## Terms and definitions

**Accession:** Accession means formal consent by a state to be legally bound by a treaty – essentially a one-step process combining signature and ratification (see below) of a treaty. In most instances it requires action by the national parliament. States acceding to the Convention on the Rights of the Child or its optional protocols must deposit their instruments of accession with the UN Secretary-General.

**Armed conflict:** The term armed conflict is used to refer to both international and non-international conflicts of high and low intensity.

**Armed forces:** These generally refer to official government armed forces, including the army, navy and air force.

**Armed groups and armed political groups:** These terms are used to refer to non-state or irregular armed groups which use arms for political reasons. They include opposition forces, factional or tribal groups, armed groups belonging to ethnic or religious minorities and a range of other militia groups. These terms are also sometimes used to refer to armed groups (often paramilitaries or militias) which are backed by or allied to government forces but are not officially part of them.

**Child:** A child is any person under 18 years of age. This is consistent with the Convention on the Rights of the Child (Article 1), the African Charter on the Rights and Welfare of the Child (Article 2), and International Labour Organization Convention No. 182 on the Worst Forms of Child Labour (Article 2). The Coalition also refers to “under-18s” in this report, generally when referring to children between the ages of 15 and 18.

**Child soldier:** While there is no precise definition, the Coalition considers a child soldier any person below the age of 18 who is a member of or attached to government armed forces or any other regular or irregular armed force or armed political group, whether or not an armed conflict exists. Child soldiers perform a range of tasks including: participation in combat, laying mines and explosives; scouting, spying, acting as decoys, couriers or guards; training, drill or other preparations; logistics and support functions, portering, cooking and domestic labour. Child soldiers may also be subjected to sexual slavery or other forms of sexual abuse.<sup>1</sup>

**DDR:** A commonly-used abbreviation for disarmament, demobilization and reintegration (see below).

**Demobilization:** The formal and controlled discharge of soldiers from the army or from an armed group. In demobilizing children the objectives should be to verify the child’s participation in armed conflict, to collect basic information to establish the child’s identity for family tracing, to assess priority needs, and to provide the child with information about what is likely to happen next.

**Disarmament:** The collection of small arms and light and heavy weapons within a conflict zone. It frequently entails weapons collection, assembly of combatants and development of arms management programs, including their safe storage and sometimes their destruction. Because many child soldiers do not carry their own weapons, disarmament should not be a prerequisite for the demobilization and reintegration of child soldiers.

**Internally displaced persons:** People who have been forced to flee their homes for reasons such as armed conflict, generalized violence, human rights abuses or other disasters, and who have sought safety elsewhere in the same country.

**Ratification:** Ratification is the means by which governments consent to be legally bound by an international treaty. In most cases, ratification follows signature of the treaty and requires action by the national parliament. States ratifying the Convention on the Rights of the Child or its optional protocols must deposit their instruments of ratification with the UN Secretary-General.

**Recruitment:** The term recruitment refers to three different means by which people become members of armed forces or armed groups: compulsory, voluntary, and forcible (or forced). Compulsory recruitment is defined in national legislation and typically applies to conscripted members of official armed forces. Voluntary recruitment is usually regulated by law or policy and occurs without conscription or force. Forcible (or forced) recruitment entails the illegal use of force, for instance in the form of abduction or other duress. It is important to note that the lines between compulsory, voluntary and forced recruitment are often blurred. Children may be subjected to various political and economic pressures

which mean they have little alternative to enlisting in an armed force or group. The Coalition opposes all forms of military recruitment or use of children under the age of eighteen.

**Reintegration:** A long-term process which aims to give children a viable alternative to their involvement in armed conflict and help them resume life in the community. Elements of reintegration include family reunification (or finding alternative care if reunification is impossible), providing education and training, devising appropriate strategies for economic and livelihood support and in some cases providing psycho-social support.

**Signature:** A state may sign an international treaty to indicate its preliminary and general endorsement of its aims, but a signature is not a legally binding step or a firm commitment to proceed to the next, and final, step of ratification. Nevertheless, signing a treaty creates an obligation of good faith not to undermine the treaty's objectives.

**“Straight-18”:** The Coalition campaigns for governments to adopt and implement the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in a manner which prohibits the military recruitment or use of all children below the age of 18 years without exception or reservation. This is called the “straight-18” position.

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<sup>1</sup> A similar definition is provided in the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups. It states “A child associated with an armed force or armed group” refers to any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in hostilities.

# Glossary and explanatory notes

## Frequently used abbreviations

<b>ACRWC</b>	African Charter on the Rights and Welfare of the Child
<b>AFP</b>	Agence France-Presse
<b>AI</b>	Amnesty International
<b>AP</b>	Associated Press
<b>AU</b>	African Union (formerly Organization of African Unity)
<b>BBC</b>	British Broadcasting Corporation
<b>BONUCA</b>	UN Peace-building Office in the Central African Republic
<b>CEDAW</b>	UN Convention on the Elimination of All Forms of Discrimination against Women (1979)
<b>CEMAC</b>	Communauté Economique et Monétaire de l’Afrique Centrale (Economic and Monetary Community of Central Africa)
<b>CPT</b>	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
<b>CRC</b>	Convention on the Rights of the Child. Also, UN Committee on the Rights of the Child
<b>DCI</b>	Defence for Children International
<b>DDR</b>	disarmament, demobilization and reintegration (see Methodology, terms and definitions)
<b>ECOWAS</b>	Economic Community of West African States
<b>EU</b>	European Union
<b>EUFOR</b>	European Union military operation in Bosnia and Herzegovina
<b>FIDH</b>	Fédération internationale des ligues des droits de l’Homme (International Federation for Human Rights)
<b>GC API</b>	Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977

<b>GC AP II</b>	Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977
<b>HRW</b>	Human Rights Watch
<b>ICC</b>	International Criminal Court
<b>ICG</b>	International Crisis Group
<b>ICRC</b>	International Committee of the Red Cross
<b>IDP</b>	internally displaced persons (see Methodology, terms and definitions)
<b>IISS</b>	International Institute for Strategic Studies
<b>ILO</b>	International Labour Organization
<b>ILO 138</b>	C138 Minimum Age Convention, 1973
<b>ILO 182</b>	C182 Worst Forms of Child Labour Convention, 1999
<b>IMF</b>	International Monetary Fund
<b>IPS</b>	Inter Press Service
<b>IRIN</b>	UN Integrated Regional Information Networks
<b>KFOR</b>	Kosovo Force (NATO)
<b>MINURCAT</b>	UN Mission in the Central African Republic and Chad
<b>MINURSO</b>	UN Mission for the Referendum in Western Sahara
<b>MINUSTAH</b>	UN Stabilization Mission in Haiti
<b>MONUC</b>	UN Mission in the Democratic Republic of the Congo
<b>NATO</b>	North Atlantic Treaty Organisation
<b>NGO</b>	non-governmental organization
<b>OCHA</b>	UN Office for the Co-ordination of Humanitarian Affairs
<b>OHCHR</b>	Office of the UN High Commissioner for Human Rights
<b>Optional Protocol</b>	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
<b>OSCE</b>	Organization for Security and Co-operation in Europe
<b>PANA</b>	Panapress (Africa)
<b>UK</b>	United Kingdom of Great Britain and Northern Ireland
<b>UN</b>	United Nations



<b>UNAMID</b>	African Union/UN hybrid operation in Darfur
<b>UNAMSIL</b>	UN Mission in Sierra Leone
<b>UNDOF</b>	UN Disengagement Observer Force (Golan Heights)
<b>UNDP</b>	UN Development Programme
<b>UNESCO</b>	UN Educational, Scientific and Cultural Organization
<b>UNFICYP</b>	UN Peacekeeping Force in Cyprus
<b>UNHCR</b>	Office of the UN High Commissioner for Refugees
<b>UNICEF</b>	UN Children’s Fund
<b>UNIFIL</b>	UN Interim Force in Lebanon
<b>UNMEE</b>	UN Mission in Ethiopia and Eritrea
<b>UNMIK</b>	UN Interim Administration Mission in Kosovo
<b>UNMIL</b>	UN Mission in Liberia
<b>UNMIN</b>	UN Mission in Nepal
<b>UNMIS</b>	UN Mission in the Sudan
<b>UNMIT</b>	UN Integrated Mission in Timor Leste
<b>UNOCI</b>	UN Operation in Côte d’Ivoire
<b>UNOMB</b>	UN Observer Mission on Bougainville
<b>UNOMIG</b>	UN Observer Mission in Georgia
<b>UNRWA</b>	UN Relief and Works Agency for Palestine Refugees in the Near East
<b>UNTSO</b>	UN Truce Supervision Organization (Middle East)
<b>US, USA</b>	United States of America

## Internet sources

Websites for a particular document or source are given at first reference in the endnotes. In most cases the link to the home page is provided (rather than a link to the specific document), so the reader can locate the specific document using the site’s own search engine or from its home page. Where additional guidance may be helpful for locating a specific document or web page, it is given in brackets.

Frequently cited sources in this report include:

**Amnesty International (AI):** [www.amnesty.org](http://www.amnesty.org); documents under Library tab at <http://web.amnesty.org/library/engindex>

**BBC:** <http://news.bbc.co.uk>

**Human Rights Watch (HRW):** [www.hrw.org](http://www.hrw.org)

**International Crisis Group (ICG):** [www.crisisweb.org](http://www.crisisweb.org)

**Organization for Security and Co-operation in Europe (OSCE):** [www.osce.org](http://www.osce.org)

**UN Integrated Regional Information Networks (IRIN):** [www.irinnews.org](http://www.irinnews.org)

**UN Office for the Co-ordination of Humanitarian Affairs (OCHA):** <http://ochaonline.un.org>;  
Reliefweb: [www.reliefweb.int](http://www.reliefweb.int)

**US State Department:** [www.state.gov](http://www.state.gov); Country Reports on Human Rights Practices since 1993: [www.state.gov/g/drl/hr/c1470.htm](http://www.state.gov/g/drl/hr/c1470.htm)

## Locating UN documents on the internet

UN human rights documents, such as those issued by the Office of the High Commissioner for Human Rights, the Committee on the Rights of the Child (UN Doc. CRC/...) and other Treaty Bodies, or the Commission on Human Rights and its mechanisms (UN Doc. E/CN.4/...), can be found on the website of the Office of the UN High Commissioner for Human Rights, [www.ohchr.org](http://www.ohchr.org).

Reports of the UN Secretary-General to other UN bodies and other documents issued in connection with the UN Security Council (UN Doc. S/...) and General Assembly (UN Doc. A/...) can be found on the main UN website ([www.un.org](http://www.un.org)) under the Documents link or at [www.un.org/documents](http://www.un.org/documents). The main UN website also provides links to other bodies in the UN system, such as UNHCR ([www.unhcr.ch](http://www.unhcr.ch)) and UNICEF ([www.unicef.org](http://www.unicef.org)).

Material relating to UN peacekeeping missions can be found at the UN Department of Peacekeeping Operations (DPKO): [www.un.org/Depts/dpko/dpko/index.asp](http://www.un.org/Depts/dpko/dpko/index.asp).

The UN Treaty Collection on-line service offers (subscription only) access to over 40,000 treaties and international agreements: <http://untreaty.un.org>.