

Child Soldiers: An Analysis of the Violations of the Rights of the Child

by Rajeev Purohit*

The participation of children as soldiers is a disturbing trend and the deliberate recruitment of children as combatants is on the increase. This issue is not, however, a new one. UNICEF, the international children's rights NGO that plays an important advocacy role in relation to this issue, states that, "Children under 15 years of age are known to be serving in government or opposition forces in at least 25 conflict zones and it is estimated that some 200,000 child soldiers under 16 years of age saw armed combat in 1988." The proliferation of inexpensive, light weapons has led to an increase in child soldiers by allowing them to serve as soldiers in armed groups.

In the international community, both the government and opposition groups of many states recruit, forcibly or otherwise, children to serve in their armies. These children, often against their will, are forced to fight on the front lines and carry out incredibly dangerous and deadly tasks in conflicts they do not understand. A majority of standing armies in democratic countries are composed of voluntary forces. Countries not already at this stage are moving toward it. Child soldiers are abused by their own side and are subject to further abuse if captured by the opposition. They are not given suitable health care if they are injured. When they serve no further use they are discarded, sent out of the army with no structural support to ease reintegration into society.

Most states provide very little in the way of counseling and health care for child soldiers. Child soldiers are usually not discussed during cease-fire negotiations, thus provisions for their welfare and demobilization are rarely made. UNICEF is one of many groups to recognize the difficulty of reintegrating demobilized children after a peaceful settle-

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ment has been reached. According to *Children: The Invisible Soldiers*, a report produced by Radda Barnen and the United Nations Quaker Office in Geneva, "Many

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[child soldiers] have been physically or sexually abused by the very forces for which they have been fighting, and have seen their parents killed, sometimes in the most brutal manner, in front of their eyes. Most have also been led [to] participat[e] in murder, rape and other atrocities. These children have no skills for life in peacetime and they are accustomed to getting their way through violence."

The most likely circumstance in which recruitment of children soldiers occurs is when an internal armed conflict, or a non-international conflict, takes place. In

the majority of situations, the government denies involvement in an internal armed conflict as classified by the 1949 Geneva Conventions or the 1977 Additional Protocols, under the belief that such a denial will prevent the application of international humanitarian law. The consequences of this denial include lack of access for the International Committee of the Red Cross (ICRC) and governmental classification of political opponents as criminals and terrorists (often resulting in their deaths in violation of international human rights law). Denial of internal armed conflict status defines the situation as one of internal strife, thus placing it outside the scope of groups such as ICRC, which makes monitoring governmental activity much more difficult and enables governments to recruit young children without any international observation.

Societal Implications of Child Soldiers

The report produced by Radda Barnen and the UN Quaker Office entitled *Children: The Invisible Soldiers* (also known as The Graca Machel Study) is a series of 24 case-studies on child soldiers covering conflicts over the past 30 years. This report details tens of thousands of children recruited into armies around the world. According to *Children: The Invisible Soldiers*, "In Liberia, children as young as seven have been found in combat; while in Cambodia, a survey of wounded sol-

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diers found that 20 percent of them were between the ages of 10 and 14 when recruited. In Sri Lanka, of 180 Tamil Tiger guerillas killed in one government attack, more than half were still in their teens, and 128 were girls."

Whether forced, coerced, or induced, such recruitment leads to tremendous

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problems for the children involved. Their basic and fundamental rights are continuously violated. They are not provided with adequate food, care, or medical attention. They are beaten and abused by their superiors. Female children often suffer additionally as sex slaves.

The way in which entire societies evolve is placed in jeopardy when children become soldiers. The conflict creates a generation of fighters and not people who can eventually participate in a free society. Many join the military simply in order to survive. "In war-ravaged lands where schools have been closed, fields destroyed, and relatives arrested or killed, a gun is a mealticket and a more attractive alternative to sitting at home alone and afraid. Sometimes a minor soldier's pay is given directly to the family," according to *Children: The Invisible Soldiers*.

The threat to society is being recognized. What is the future of a country that has forced thousands of children to serve in a brutal civil war? "The abduction and brutalization of thousands of northern Ugandan children is a recipe for future catastrophe for Uganda and the rest of the region," said Rosa Echrenreich, the New York-based author of the Human Rights Watch report, *The Scars of Death: Children Abducted by the Lord's Resistance Army in Uganda*. He furthered, "If we have learned a single thing from our experience in Africa over the last few decades, it's that human rights abuses that are ignored do not disappear, they fester and ultimately blow up into something worse."

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Domestic Involvement

The key problem on the domestic level is that governments are often unable and unwilling to deal with the problem of recruitment of children. National laws forbidding recruitment of children are often not enforced. Enforcement efforts, when tried, are ineffective. During an internal armed conflict, enforcement of domestic law proves to be beyond the government's capacity. The government may be unable or unwilling to regulate recruitment in armed opposition groups. The law is certainly not a suitable safeguard at the national level.

Other problems include inadequate or non-existent birth registration. Requiring governments to establish universal birth registration in the entire country provides a safeguard by preventing recruiters from drafting children under the claim that they are older than they really are.

International Involvement

In the international arena there are several protective mechanisms in existence. The Convention on the Rights of the Child is significant because of the rights it seeks to protect and for the fact that every country in the world, bar Somalia and the United States, is a party to it.

In December 1995, the Council of Delegates of the Red Cross and Red Crescent Movement adopted, by consensus, a "Plan of Action Concerning Children in Armed Conflict," which includes the commitment: "To promote the principle of non-recruitment and non-participation in armed conflict of children under the age of 18." This work led to the adoption of a resolution at the 26th International Conference of the Red Cross and Red Crescent (Geneva, December 1995). The resolution supports the drafting of an Optional Protocol to the Convention on the Rights of the Child "to increase the protection of children involved in armed conflicts."

There are many needed developments in the area of child soldiers. One significant change would be international consensus on increasing the minimum age of participation either as a combatant or a non-combatant to 18, as suggested by the Red Cross and Red Crescent.

The UN Working Group, which was established in 1994 with a mandate to develop new standards to protect children from the horrors of war, created another protective measure on the issue of child soldiers: the Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflict. The Office of the UN Secretary-General reports that the adoption of the Optional Protocol is vitally important. The Optional Protocol sets the minimum age for all forms of recruitment at 18 and encompasses all forms of recruitment into armed forces or armed groups and for any kind of participation in hostilities. The Office of the UN Secretary-General's report advocates immediate adoption. The Optional Protocol further states that, "[T]he resistance of some states to a minimum age of 18 for voluntary recruitment or indirect participation fails to take account of the extent to which effective protection of children requires unqualified legal and moral commitment to the principle that children have no part in armed conflict."

United States Resistance to the Optional Protocol

There is, however, a barrier to acceptance of the Optional Protocol. The Working Group must agree to the final version of the Optional Protocol by consensus. The United States is a member of the Working Group and is single-handedly blocking progress on this critical effort. The United States has failed to ratify the Convention on the Rights of the Child, and is thus ineligible to become party to the Optional Protocol. It is the only member of the Working Group that has refused to accept 18 as the minimum age of participation in hostilities. Despite the fact that it cannot become a party to the Protocol, the United States will neither accept the position of the rest of the Working Group, nor will it leave the Working Group and allow the rest of the world to adopt the Optional Protocol.

The objections of the U.S. government are surmountable, however. They are based on domestic concerns related to military recruitment of individuals who are 17 years old. The percentage of U.S. armed forces within this age group is very small, however. Other countries, such as Australia and the Netherlands, moreover, have recently raised their age of recruitment to 18 to ensure that they could meet the obligations of the Optional Protocol. Alternatively, the United States could simply withdraw from the Working Group, allowing the rest of the world to become a party to the Optional Protocol, which is both vital and acceptable.

The need to address the issue of child soldiers is urgent. Internal armed conflicts and inter-regional conflicts are increasing in number as the world continues to adjust to the Post-Cold War era. To ensure transition through this turbulent time, safeguards such as those proposed in this article are needed to prevent a new generation from being swept into the spiral of conflict. It is unacceptable to continue the present situation in which U.S. domestic concerns are preventing vital legislation from being accepted by the world community. ☉

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