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CHILDREN IN COMBAT

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INTRODUCTION

Throughout the world, thousands of children are used as soldiers in armed conflicts.¹ Although international law forbids recruiting children under fifteen as soldiers, such young children may be found in government armies and, more commonly, in armed rebel groups. Armed forces, both governmental and non-governmental, often claim that the children in their camps are there for their own protection and welfare. In fact, however, the involvement of the children in the conflict puts them in grave danger and is detrimental to their physical and mental health and development.

In 1994 and 1995, the Human Rights Watch Children's Rights Project and Human Rights Watch/Africa conducted studies of child soldiers in Liberia and Sudan.² Other Human Rights Watch reports have included information on child soldiers in internal conflicts in Angola, Burma (Myanmar), El Salvador, Ethiopia, Mozambique, and Peru.

This report concerns the ways in which children are recruited, the possible reasons for their recruitment and participation, the roles children play in combat and in violence against civilians, and their treatment by the groups that recruit them. It does not deal with all of the countries in which child soldiers are used, but only with countries in which Human Rights Watch has investigated the practice. Legal standards for the prevention of the recruitment of children and problems in applying and enforcing them are covered as well.

Countries caught up in internal conflicts are often characterized by a disruption of state structures or seeming chaos as a result of the fighting and the violence against entire communities that may accompany it. Families are broken up and displaced, children are orphaned or separated from their parents. The basic needs of survival—food, shelter, and clothing—may be looted or destroyed. The unaccompanied children in these shattered societies become especially vulnerable and are most susceptible to recruitment and ill-treatment by fighting factions. The laws of war in situations of internal conflicts, no less than those in larger theaters, may be observed largely in the breach.

Children are recruited into fighting forces, whether governmental or rebel, in a variety of ways. Some are abducted and forcibly recruited or are coerced to join through threats made against them or their families. Others join "voluntarily" because they believe that they will be provided with much-needed protection or food; they may also be drawn by promises of education, money, other material goods, or prestige. Some children join to avenge the killing of parents, other family members, or friends. Many join because they believe they have no alternative.

¹ A former director of UNICEF in Geneva, Samir Basta, estimates the number of child combatants at 50,000. Other estimates place the number as high as 200,000. Mark Frankel, "Boy Soldiers" *Newsweek* (International Edition), August 7, 1995, pp. 10-11.

² See Human Rights Watch/Africa and Human Rights Watch Children's Rights Project, *Easy Prey: Child Soldiers in Liberia* (New York: Human Rights Watch, 1994); Human Rights Watch/Africa and Human Rights Watch Children's Rights Project, "The Lost Boys: Child Soldiers and Unaccompanied Boys in Southern Sudan," vol. 6, no. 10, *A Human Rights Watch Short Report*, November 1994; Human Rights Watch/Africa and Human Rights Watch Children's Rights Project, *Children in Sudan: Slaves, Street Children and Child Soldiers*, (New York: Human Rights Watch, 1995).

Many armed forces, both governmental and nongovernmental, that have children in their ranks try to justify the presence of the children by claiming that the children joined voluntarily. Article 4(3) of the Optional Protocol II to the Geneva Conventions, which applies to internal armed conflicts, states, "Children shall be provided with the care and aid they require, and in particular:... (c) 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." The International Committee of the Red Cross (ICRC) Commentary to this provision states: "Not only can a child not be recruited, or enlist himself, but furthermore he will not be 'allowed to take part in hostilities,' i.e., to participate in military operations such as gathering information, transmitting orders, transporting ammunition and foodstuffs, or acts of sabotage."³

Many of the children targeted for recruitment by warring factions are among the most vulnerable. Often these children have been orphaned or separated from their families during the conflict. Some are recruited from refugee camps and camps for the internally displaced, others from camps to which governments have sent so-called street children..

Recruiting groups often benefit from the socialization of children into violence from a young age and from the militarization of society as well as from other cultural values. These groups manipulate, perpetuate, and play upon societal perceptions that guns equal manhood and power or cultural norms that dictate the unquestioning obedience of children.

Children are used by fighting factions in many ways. The involvement of children in war ranges from front-line fighting, to spying or serving as informers, to serving as errand boys. Many factions claim to use boys as guards or for manning checkpoints rather than for frontline fighting. Children acting in these supposedly non-combat roles, however, are often subjected to dangerous conditions—including combat. Human Rights Watch has found, moreover, that many children are used not only in auxiliary roles, but are actually required to take part in atrocities committed against civilians, captives, or others who are placed *hors de combat*.

Child soldiers are often physically and psychologically abused. Not only are children forced to bear witness to and participate in atrocities, but many are beaten, tortured, and deprived of food. Others are given drugs and alcohol which may lead to addiction and/or brain damage and other health problems. Some children are sexually abused, and forced to abuse others.

Armed groups often justify the presence of children in their midst by claiming that they serve as substitute parents for the children. The children, however, are deprived of a normal childhood and education; instead they are taught to kill and loot.

Many of these children, some as young as eight and nine, are armed with fully-automatic assault rifles and are directly involved in fighting. Many have been killed or severely wounded, tortured, physically abused, and deprived of food. In addition to witnessing horrific events, many have themselves killed, raped, and looted; often these atrocities have been committed against civilians—even members of the child's own family. This may make reunification and reintegration efforts more difficult; some communities refuse to accept them because of their actions during the conflict.

In other instances, families and villages have been wiped out or families internally displaced, making reunification of children with relatives or neighbors an immensely difficult, if not impossible, task. At times, reunification efforts are hampered by continued fighting that prevents access to whole regions of a country.

³ Yves Sandoz, Christophe Swinarski, Bruno Zimmerman, eds., *Commentary on 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)* (Geneva: International Committee of the Red Cross, Martinus Nijhoff Publishers, 1987), p. 1380, para. 4557.

Many former child combatants exhibit symptoms of Post Traumatic Stress Disorder, including nightmares, flashbacks, sleeplessness, and depression. These psychological injuries may prevent the child from functioning normally in his or her community. Often child soldiers are taught only violence and have no education or training that will aid them in reintegrating into their communities.

These children, the most vulnerable members of society, bear both physical and psychological scars as a result of their involvement in fighting. They emerge at the end of the hostilities unprepared to live in and to contribute to a peaceful society. The children who survive participation in armed conflict require extensive social and psychological rehabilitation.

Human Rights Watch believes that children under the age of eighteen should not take part in armed conflict. We also believe that the recruitment of children under fifteen, the age limit established in Protocol II to the 1949 Geneva Conventions and in the U.N. Convention on the Rights of the Child, is inherently forced, in that children cannot be considered to have the maturity to make an informed decision to join an armed force. Current international legal standards, as described below, are insufficient to protect children from recruitment as soldiers in internal as well as in international conflicts.⁴

RECOMMENDATIONS

Human Rights Watch believes that children under eighteen should not take part in armed conflict and supports international efforts to raise the minimum permissible age for participation in armed conflict from fifteen to eighteen years of age. We therefore make the following recommendations.

To all governments, warring factions, and armed groups:

- disarm and demobilize immediately all participants under the age of eighteen.
- refrain permanently from seizing or recruiting those under the age of eighteen.
- refrain permanently from permitting those under eighteen to participate in hostilities.
- begin immediately the process of rehabilitation, reintegration, and reunification with the families of former child soldiers.
- condition any assistance to governments, opposition groups, or other armed political groups on an absolute and verified ban on the recruitment, induction, or deployment of child soldiers.

To all governments and the OAU:

- To countries that have not yet done so that they sign and ratify the Convention on the Rights of the Child and the 1977 Protocols Additional to the Geneva Conventions of 12 August 1949.
- To member states of the OAU, if they have not already done so, that they sign and ratify the African Charter on the Rights and Welfare of the Child.

To the United Nations Commission on Human Rights:

- That it urge all member states to support the efforts of the U.N. Working Group currently drafting an optional protocol to the U.N. Convention on the Rights of the Child to raise the minimum age of participation in armed conflict from fifteen to eighteen.
- That it urge all member states to raise their own countries' minimum age of participation in conflict to eighteen.

⁴ There is now a U.N. Human Rights Commission working group that is drafting an optional protocol to the Convention on the Rights of the Child which would raise the minimum age of conscription; the working group will meet for a second session in January 1996.

- That, once the United Nations Study on the Impact of Armed Conflict on Children is completed and the findings of the study are presented to the General Assembly, it appoint a Special Rapporteur on child combatants.

To the Special Rapporteur for the Sale of Children, Child Prostitution and Child Pornography, that she continue in the steps of her predecessor and include child soldiers as part of her mandate.

To the United Nations Commission on Human Rights several special rapporteurs, experts, and special representatives appointed to address specific country situations⁵ that they address the issue of child soldiers in internal armed conflict, if applicable, focusing on both governmental and nongovernmental armed forces.

To the Sub-commission on Prevention of Discrimination and Protection of Minorities and its Working Group on Contemporary Forms of Slavery:

- That it study the issue of child soldiers with a view toward appointing a special rapporteur for child soldiers.
- That it recommend to governments and armed opposition groups that they end the practice of using children under eighteen as soldiers.

To The U.N. High Commissioner for Refugees (UNHCR):

- That it study the issue of recruitment of children from refugee and displaced persons camps.
- That it take steps to protect children in its camps from recruitment

To the Special Rapporteur on Internally Displaced Persons, that he look into the issue of the susceptibility of internally displaced children to recruitment by armed factions.

To local, regional, and international nongovernmental organizations that they look at the issue of child combatants and underage recruitment and report their findings to the relevant U.N. bodies.

ANGOLA

The war in Angola between the armed forces of the governing Movimento Popular de Libertacao de Angola (MPLA) and the rebel Uniao Nacional para a Independencia Total de Angola (UNITA) has been ongoing for about two decades, except for the period between the signing of a cease-fire in May 1991 and the first national elections in September 1992. Within one month following the elections the war resumed. Human Rights Watch has found that both government and rebel forces were engaged in the unlawful practice of recruitment and use of children.

We found in 1991 that UNITA had kidnapped children between the ages of twelve and fifteen. UNITA reportedly told villagers that they were taking the children so that they could learn and study with UNITA. In 1990 they reportedly captured children as young as eight years of age.⁶

In 1991 we reported the story of a boy taken by an Angolan government military chief at the age of fourteen. The boy's father said that the boy did not want to go, but that he himself did not complain because "one cannot say anything to a chief."⁷

⁵ Currently there are special rapporteurs for Afghanistan, Burundi, Cuba, Equatorial Guinea, Iraq, Burma (Myanmar), Occupied Arab Territories including Palestine, Rwanda, Sudan, Former Yugoslavia, and Zaire; special representatives for Cambodia and Iran; and experts for Guatemala, Haiti, and Somalia.

⁶ Africa Watch (now Human Rights Watch/Africa), "Angola: Civilians Devastated by Fifteen Year War," *A Human Rights Watch Short Report*, vol. 3, no.1, February 5, 1991, p. 12.

⁷ This was an officer from the Forças Armadas para a Libertação de Angola (FAPLA)—the Angolan government's pre-1992-election armed forces. Africa Watch, "Civilians Devastated," pp.11-12.

The new post-September 1992 military of the Angolan government, the Forças Armadas Angolanas (FFA), reportedly commandeered children as young as eight. When shown a photograph of a child soldier, the MPLA information secretary, Joao Lourenco, told Human Rights Watch "Everybody has to fight. Young, old, even the sick. But they volunteer. Otherwise they would be killed by UNITA."⁸

In 1994, we witnessed teenagers in Luanda being picked up by government forces soldiers at night. We reported that "[u]nderage recruitment and use of child soldiers is a widespread problem"⁹ and that children in refugee camps for the internally displaced were especially at risk. Despite the November 1994 Lusaka Protocol, a Human Rights Watch mission to Angola in 1995 continued to receive credible reports of recruitment of child combatants by both sides.

BURMA

In its offensive against ethnic minority guerrilla forces on the Thai border, which was launched in 1988, the Burmese army abducted thousands of civilians to serve as porters. These porters were subjected to hazards ranging from malnutrition and disease to landmines and gunfire. Those who tried to escape risked their lives. Those who became ill were often left behind to die.¹⁰

Children were among those pressed into service as porters for the Burmese army. In 1990 Human Rights Watch interviewed a fourteen-year-old who was captured by army soldiers and forced to serve as a porter. He was reportedly made to carry heavy loads and was not given sufficient food; even following his escape from the army, his parents were reportedly still unaware of his whereabouts.¹¹

In 1990, we also learned of a seventeen-year-old who reported that he had started training with the Burmese army after completing elementary school at the age of fifteen. During fighting, he was not given enough food and became ill. Despite this, he was forced to march and then was beaten and left to die when he became too weak to continue.¹²

EL SALVADOR

In 1986 and 1987, Human Rights Watch found evidence of forced recruitment of civilians by the army. Some soldiers said that they were fifteen when they were taken.¹³

⁸ Human Rights Watch Arms Project and Human Rights Watch/Africa, *Angola: Arms Trade and Violations of the Laws of War Since the 1992 Elections* (New York: Human Rights Watch, 1994), p. 87.

⁹ *Ibid.*, p. 85.

¹⁰ Asia Watch (now Human Rights Watch/Asia), *Human Rights in Burma (Myanmar)* (New York: Human Rights Watch, 1990), p.12.

¹¹ *Ibid.*, p.23.

¹² *Ibid.*, p.25.

¹³ Americas Watch (now Human Rights Watch/Americas), *The Civilian Toll 1986-1987: Ninth Supplement to the Report on Human Rights in El Salvador* (New York: Human Rights Watch, 1987), p. 111.

Children were also recruited and used by other military units such as the Treasury Police.¹⁴ We reported the case of a thirteen-year-old boy, "Julio," seized on the street in 1986 by armed men who took him to the Treasury Police. When his family came to get him, he reportedly told them he wanted to stay because the police gave him food and money. Another boy told us that "Julio" had informed on his family and then tried to convince him to collaborate with the police and inform on others.

By keeping children in barracks, the government put them in danger of being seen as informers or collaborators by the opposition Farabundo Marti National Liberation Front (FMLN) and of being persecuted or killed by the FMLN.¹⁵ In 1987, when questioned about the presence of children in the military camps, government military authorities told us that the children were orphans and that they served as "mascots."¹⁶

The FMLN, which also recruited children, gave several explanations for the presence of children as young as eleven in their camps:

- They were orphans cared for by FMLN.
- The children accompanied parents or other relatives who were armed.
- Children chose to be involved and had their parents' consent.
- The children were not combatants.
- In the countryside, where these children lived, children were accustomed to adult tasks early in life.¹⁷

We also reported in 1987 that children as young as eleven acted as messengers, errand boys and pathfinders for the FMLN. Both sides in the conflict reportedly used children as young as thirteen as spies and the government used children as paid informers.¹⁸

ETHIOPIA

Human Rights Watch reported in 1990 that, as part of a pattern of rounds of forcible conscription, the Ethiopian government had regularly taken young men under the Ethiopian legal age of conscription of eighteen, and that there had been many instances of children under fifteen being conscripted.¹⁹ In 1991, we reported that "abuses associated with conscription [had] intensified."²⁰

We found that men who were detained for any offense, however minor, especially if they were separated from their family or were away from their home areas, were at increased risk of conscription. We reported that a 1984 visitor to the rebel Eritrean Peoples Liberation Front (EPLF)-controlled Eritrea met a prisoner of war who had been detained at

¹⁴ The Treasury Police were combatants in the conflict and formed a special counterinsurgency battalion.

¹⁵ Americas Watch, *Civilian Toll*, pp. 62-65.

¹⁶ *Ibid.*, p. 65.

¹⁷ *Ibid.*, p. 153.

¹⁸ *Ibid.*, pp. 19-25.

¹⁹ Africa Watch, "Ethiopia: Conscription," *A Human Rights Watch Short Report*, vol. 2, no. 22, June 1, 1990.

²⁰ Africa Watch (now Human Rights Watch/Africa), "Ethiopia: Human Rights Crisis as Central Power Crumbles. Killings, Detentions, Forcible Conscription and Obstruction of Relief," *A Human Rights Watch Short Report*, vol. 3, no. 6, April 30, 1991, p.12. The rounds of forcible conscription ended in 1991.

the age of eleven for not having a travel permit while visiting his grandmother in a neighboring village. The boy was then conscripted into the Ethiopian army. We found that conscripted detainees were often detained on false charges.²¹

²¹ Africa Watch, "Ethiopia: Conscription," p. 10.

Young men and boys, many of them underage, had been forcibly recruited “while playing football in alleyways, going to school or market, or attending religious festivals or football matches. Teenage boys who worked in the informal sector selling cigarettes, matches, and lottery tickets were a particular target.” This press ganging method of conscription was known as *afesa*, “sweeping up.”²²

One fourteen-year-old reported that he had been taken while playing football in a neighborhood alley in 1988 and that the three militiamen who grabbed him had not responded to his protest that he was just fourteen. Another fourteen-year-old also reported being taken from a football game. A third said that he had been snatched while at a village meeting. The taking of boys in this way seemed to be a way of filling regional conscription quotas in situations where adults were not available.²³ We also reported that in some recruitment centers height was used as a proxy for age, and that all those over 150 centimeters tall were assumed to be over fifteen years of age.²⁴ This is clearly not in compliance with international law.

In 1990, we reported that the Ethiopian government defended its practice of underage recruitment by claiming that children who were conscripted into the armed forces served as aides or messengers and that they did not have combat duties.²⁵

LIBERIA

In the civil war that has raged in Liberia since December of 1989 there has been some forcible recruitment of children. In 1994, a U.N. official told us that some children were forcibly recruited from schools. We found that other children were forced to join through threats against family and other forms of intimidation, and that in some cases, younger children were recruited by other child soldiers to serve as their aides de camp. Both of the main warring factions, the National Patriotic Front of Liberia (NPFL) and the United Liberian Movement for Democracy in Liberia (ULIMO), admitted to Human Rights Watch that they used children under fifteen as soldiers.²⁶ Human Rights Watch also reported that the Independent National Patriotic Front of Liberia (INPFL)²⁷ used children.

One fifteen-year-old child soldier we interviewed in 1994 reported joining the NPFL in 1990 after fighters “beat his family and forced them to lie down and stare at the sun until one of the boys would join the NPFL.” Another boy, who joined the NPFL at the age of thirteen, told us that he had done so because “they said they would kill me if I didn't go.”²⁸

²² Ibid., p. 11.

²³ Ibid., p. 7.

²⁴ Ibid., p. 8.

²⁵ Ibid.

²⁶ Human Rights Watch/Africa and Human Rights Watch Children's Rights Project, *Easy Prey*, pp. 21-23.

²⁷ The INPFL was a faction headed by Prince Johnson which split from the NPFL.

²⁸ Human Rights Watch/Africa and Human Rights Watch Children's Rights Project, *Easy Prey*, p. 25.

Most of the boys we interviewed, however, joined “voluntarily”; many reported that they had joined NPFL or ULIMO for “the advantage” of food and protection. Others said they had joined to avenge the death of family members. A Kenyan nun, Sister Josephine, whose order ran schools in Buchanan, had told us in 1990 that children as young as ten joined the rebels on their own.²⁹ We found that warring factions apparently induced children to join by promising them food, clothing and protection as well as money and whatever they could loot from civilians. A U.N. official told us that some of those who joined for these reasons were street children.³⁰

The militarization of Liberian society before and during the conflict may have been an additional factor motivating children to join the factions. A Liberian child care supervisor told us in 1994 that “for ten years before the war, everything was the military. It was an honor to be in the army, it was the most prestigious group. Children looked to the military as a model. So a lot of the boys wanted to fight because of that.”³¹ A counselor who works with children told us in 1994 that one of the boys was eager to join ULIMO because it is the “manly” thing to do.³²

For some time, the NPFL has included in its fighting force a unit of child soldiers widely known as the Small Boys Unit (SBU). In April 1994, an NPFL representative, John T. Richardson, told us that the SBU was not a Small Boys Unit, but rather a Special Bodyguard Unit. Mr. Richardson claimed that the NPFL was a surrogate parent for these children and that the children wanted to fight and were involved for their own protection.³³ Another NPFL official, Arthur Saye, claimed that the children had lost family and wanted vengeance, implying that the children are volunteers. Mr. Saye told us in April 1994 that “boys made their own decisions—to bring honor to their families, to their parents who had been killed.”³⁴

Children who were orphaned by the war or separated from their families were especially vulnerable. In 1990, we reported on an orphanage located on an INPFL base where about 172 children were being housed in cramped and overcrowded quarters. According to reports by visitors to the camp, the children were not allowed to leave and were kept under guard behind barbed wire. We found that “Credible reports indicate that [INPFL leader] Johnson conducts periodic recruitment campaigns in the orphanage, and that all the children over 14 years old enlist.” Relief workers told us that the INPFL was keeping the children in an orphanage in Prince Johnson’s camp to serve as human shields; a relief worker told us in August 1991 that this was because “[a]s long as they’re there, nobody will attack [Johnson’s] camp.”³⁵

²⁹ Africa Watch, “Liberia, A Human Rights Disaster: Violations of the Laws of War by All Parties to the Conflict.” *A Human Rights Watch Short Report*, vol. 2, no. 33, Oct. 26, 1990, pp. 10-11.

³⁰ *Ibid.*, pp. 25-27.

³¹ Human Rights Watch/Africa and Human Rights Watch Children’s Rights Project, *Easy Prey*, p. 29.

³² *Ibid.*, p. 17.

³³ *Ibid.*, pp. 21-22.

³⁴ *Ibid.*, p. 22.

³⁵ Africa Watch, “Liberia, The Cycle of Abuse: Human Rights Violations Since the November Cease-fire” *A Human Rights Watch Short Report*, vol. 3, no. 13, October 21, 1991, p. 22.

ULIMO claimed to use children less than the NPFL and not in frontline fighting. In an April 1994 interview, ULIMO official Lasanah Kromah told us “[t]here is no place for little children in a war....Our small boys serve with older ones.... We have no small boys unit.... Some of our children have witnessed the brutal murders of their parents by the NPFL. A large number of them are orphans.”³⁶ However, a representative of the Catholic Church’s Justice and Peace Commission stated that “Kids were treated the same by both ULIMO and NPFL. They were told to fight and kill....They were given a gun and told ‘this is your father and your mother. Do what we tell you to do.’”³⁷

People who worked with the child soldiers in Liberia pointed out that obedience is “a strong cultural trait in Liberia. The children don’t question their orders; they act out of blind obedience” and “in [Liberian] society, children are raised to follow instructions.”³⁸ These workers believe that this is the main reason for the use of children by the factions. One international relief worker told us in 1994 that “some of the boys were forced to kill. Others did horrifying things...kids followed orders, or followed what adults did.”³⁹

The NPFL faction claimed that children were used mostly as housekeepers for commanders, ran errands, and sometimes manned checkpoints. In an April 1994 interview, NPFL official Arthur Saye told us that “[v]ery few kids—those who were smart enough—went to the front with their commanders.”⁴⁰ The ULIMO faction’s representative, Lasanah Kromah, claimed that children were mainly used for security in areas captured from the NPFL. He told us in April 1994, that “We’ve never used young boys at the front...For the most part, they are not active combatants.”⁴¹ However, all the boys we interviewed in 1994 reported participating in frontline fighting.⁴²

Other information collected by Human Rights Watch refutes the claims of the factions that children were not armed and that their roles were limited to chores around the camps. In 1990, we spoke with two nurses working for a French medical organization in Liberia who reported seeing an armed rebel who was just seven or eight years old. Staggering under the weight of a Kalashnikov automatic rifle which was as tall as he was, he was menacing people with it.⁴³

In 1990, Human Rights Watch interviewed a witness to an execution of a member of the Krahn ethnic group by rebel soldiers who reported that “[t]he rebels were young kids, about thirteen or fourteen years old. They stripped [the victim] in the middle of town in front of everybody. They cut off his ear. Then they gave him a glass of water to drink. Afterwards they shot him dead.”⁴⁴

A Liberian social worker told us in 1994 that many children conscripted by the fighting factions had been submitted to cruel initiations. Some said that they were forced to commit murder, rape and other atrocities—usually against civilians.

³⁶ Ibid., pp. 22-23.

³⁷ Ibid., p. 36.

³⁸ Ibid., p. 23.

³⁹ Ibid. pp. 18-19.

⁴⁰ Human Rights Watch/Africa and Human Rights Watch Children’s Rights Project, *Easy Prey*, p. 33.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Africa Watch, “Liberia: A Human Rights Disaster,” p. 10.

⁴⁴ Ibid., pp. 9-10.

A counselor who worked with former child soldiers told us in 1994 that some of the children were tortured and that some had reported that they were “forced to witness the execution of members of their family or their friends. If they screamed or cried, they were killed. Boys have told us of being lined up to watch executions and being forced to applaud. If you didn’t applaud, you could be next.”⁴⁵ We were also told of a fifteen-year-old boy who “vividly described” to his counselor “how he was forced at knife point to kill another man.”⁴⁶

In 1994 we learned that some of the children had been subjected to other forms of torture, including sexual abuse. One child care worker said that “kids have told us that they were forced to have sex with a woman in public, to please their commanding officer and to humiliate the woman. Some took part in gang rapes; some were raped themselves. Some were sodomized by older kids or by adults.”⁴⁷

The warring factions sometimes used alcohol and drugs to control the children and make them “braver.” One boy, thirteen years old, interviewed in 1994, told us “They gave me pills that made me crazy. When the craziness got in my head, I beat people on their heads and hurt them until they bled.”⁴⁸ Another reported that a drug was put in his eye “so that you wouldn’t see the people you killed, and you wouldn’t think about it.”⁴⁹ A child care worker told us that “factions use both alcohol and drugs to control the kids. Children are given a mixture of cane juice (from sugar cane) and gunpowder which makes them high and is supposed to give them the courage to go and fight at the front”⁵⁰ Another child care worker told us that “Kids are often supplied with drugs.... The theory apparently is that if a kid is intoxicated he’ll be braver—jump over his friend’s body and keep shooting.”⁵¹

The commission of atrocities was also a way for the boys to advance within the ranks. According to a UNOMIL (United Nations Observer Mission in Liberia) official we interviewed in 1994, boys were rewarded with ranks or responsibilities for special acts which “usually [involve] some kind of atrocity. It’s the only competition they have.”⁵²

MOZAMBIQUE

Mozambique was in a state of war from its long struggle for independence from Portugal (achieved in 1975) until the signing of the October 4, 1992 General Peace Accord when the internal fighting ended.

After the initial struggle for independence from Portugal ended in 1975, Mozambique was again plunged into armed struggle, this time between the ruling Mozambique Liberation Front (Frente de Libertacao de Mocambique, Frelimo) and the insurgent group Mozambique National Resistance (Resistencia Nacional Mocambicana, Renamo). While both sides in the conflict were responsible for human rights abuses, Renamo in particular engaged in the recruitment of children.

⁴⁵ Human Rights Watch/Africa and Human Rights Watch Children’s Rights Project, *Easy Prey*, pp. 35-36.

⁴⁶ *Ibid.*, p. 15

⁴⁷ *Ibid.*, p. 37.

⁴⁸ *Ibid.*, p. 38.

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*, p. 37.

⁵¹ *Ibid.*

⁵² *Ibid.*, p. 30.

Former child soldiers, interviewed between 1990 and 1992, described to Human Rights Watch their experiences of being abducted by Renamo soldiers and being trained to fight. Renamo recruited children in all areas but in particular where there was a shortage of adult males.⁵³ Reports of conscription of children under fifteen by Renamo were most common in the south, where the traditional labor migration to South Africa had meant a shortage of adult men.⁵⁴

In taking some recruits from their homes, Renamo reportedly had the cooperation of pro-rebel traditional chiefs who still wielded great authority.⁵⁵ Other children reported being taken by Renamo after chance encounters with Renamo units. One young man told us of being picked up in 1985 at the age of thirteen while tending cattle.⁵⁶

Children were reportedly trained in rebel camps such as Matsequenha, near the border with Swaziland. It is possible that Renamo preferred to use boys—finding them to have more stamina and better survival skills than adults.⁵⁷ Children reportedly complained less and followed directions; one man interviewed by Human Rights Watch reported that the young boys made especially good fighters.⁵⁸

While investigating an April 1992 attack on Maputo's Laulane suburb, we heard eyewitness accounts which confirmed participation in the attack by over one hundred child combatants. It appears from these and other accounts that Renamo's use of child combatants had increased and that the children involved were younger, including eight-year-olds.⁵⁹

Young soldiers whom we interviewed in the early 1990s reported being charged with requisitioning food. One, fifteen years old at the time of his conscription in 1989, reported "we would go from house to house to ask people for food for Renamo. . . . The mujibas [Renamo policemen]⁶⁰ did not have to threaten people, because there was plenty of food." Another, who said he had been abducted in 1984 at age fifteen, recalled "[m]ost of the time we would steal food from the villagers and take it to the base....It was not normal to kill civilians, but if they did not cooperate we often beat them."⁶¹

⁵³ Africa Watch, *Conspicuous Destruction: War, Famine and the Reform Process in Mozambique*, (New York: Human Rights Watch, 1992), pp. 95-98.

⁵⁴ *Ibid.*, p. 96

⁵⁵ *Ibid.*, p. 86.

⁵⁶ *Ibid.*, p. 88.

⁵⁷ *Ibid.*, p. 97

⁵⁸ *Ibid.*, p. 89.

⁵⁹ *Ibid.*, p. 97.

⁶⁰ *Ibid.*, p. 52

⁶¹ *Ibid.*, pp. 92-93.

In 1992 we reported that a boy, reportedly picked up by Renamo in 1988 at the age of fourteen, received two weeks of training before being picked to be a personal aide to a rebel commander.⁶² A fourteen-year-old we interviewed in October 1994 reported that he had joined Renamo at the age of ten. He recalled "we were... told to produce food for the Renamos... Eh, the work was too hard. I had to carry things for those soldiers and make their food."⁶³ Another former child soldier, aged thirteen, interviewed in October of 1994, stated that he had been with Renamo "for some six years." He recalled "I had to fight for my food... We used to attack and kill Frelimo."⁶⁴

We confirmed that children in Renamo's forces were involved in attacks on civilians. A woman we interviewed in 1992 recounted a 1991 Renamo attack on a bar which left thirteen dead; she told us that "[m]ost of the troops were little boys. They were so small that the force from the AK rifle would knock them down."⁶⁵ She reported that the boys smoked something with a strange smell and were very aggressive.⁶⁶

In 1992, we cited the apparent increase of recruitment by Renamo of children under fifteen since the late 1980s; we also reported that many child soldiers were drugged to make them fiercer fighters."Renamo's child combatants appear to be undisciplined and sometimes to be on drugs. They. . . appear to have been put through psychological trauma and deprivation, such as being hung upside down from trees until their individualism is broken and encouraged and rewarded for killing."⁶⁷

A thirteen-year-old former child combatant who reported that he had been with Renamo for about six years told us in 1994 that "[t]here were many of us and if we did well we would get rewards. If you were chosen to fight.... you knew that you were 'nice' [meaning good]."⁶⁸

Another former Renamo child combatant, who said he had been recruited at the age of ten, told us in 1994 that "[w]e were told that Renamo was our government now and that as long as we worked hard, we would have no problems.... I would walk for days with them, I have walked all over the place. As long as I could walk, the soldiers left me alone... But, I missed my family. The soldiers kept me away from them, saying that Renamo was my family now."⁶⁹

PERU

In a report based on investigations in 1993 and 1994, Human Rights Watch noted that the Shining Path used children to execute those deemed guilty in so-called popular trials.⁷⁰ A 1992 report told of an area in the province of Barranca which, according to a resident we interviewed, was used as a Shining Path base for youth training.⁷¹

⁶² Ibid., p. 94.

⁶³ Maria Nhamaposse, Human Rights Watch interview, Chibuto October 28, 1994.

⁶⁴ Afonso Manhica, Human Rights Watch interview, near Chibuto (Gaza Province), October 30, 1994.

⁶⁵ Africa Watch, *Conspicuous Destruction*, p. 55.

⁶⁶ Ibid.

⁶⁷ Ibid., p. 96.

⁶⁸ Afonso Manhica, Human Rights Watch/Africa interview, near Chibuto (Gaza Province), October 30, 1994.

⁶⁹ Maria Nhamaposse, Human Rights Watch/Africa interview, Chibuto, October 28, 1994.

⁷⁰ Human Rights Watch/ Americas, "Peru: Two Faces of Justice," *A Human Rights Watch Short Report*, vol. 7, no. 9, July 1995, p. 47.

SUDAN

⁷¹ Americas Watch, "Peru: Civil Society and Democracy Under Fire," *A Human Rights Watch Short Report*, vol. 4, no. 6, August, 1992, p. 22.

In 1995, we reported that the government of Sudan, which has tried to bring attention and condemnation to the rebel factions' practice of underage recruitment, had itself conscripted underage boys into the government army and militias.⁷² In early 1995, as part of a larger conscription campaign, boys as young as twelve reportedly were collected for military service at checkpoints from public buses and other vehicles, and from soccer (in Sudan called football) stadiums and other recreational centers.

When Uganda and Sudan traded charges that the other had invaded its territory, and the SPLA retook the village of Parajok in southern Sudan in October 1995, another wave of conscriptions took place. This time the government's conscription campaign was directed to coerce boys and men to join the formerly volunteer Popular Defense Forces, a national paramilitary group trained by the army. This campaign started in mid-October and was continuing at the time of the writing of this report in mid-December. It was conducted in the same fashion as the campaign in early 1995: removing boys and men from vehicles including public buses at checkpoints, and from sports stadiums and other places of recreation.

The PDF, usually staffed with volunteers whom the government recruits with religious exhortations to "fight the infidels," are open for ages seven to ninety of both sexes. The children who volunteer ordinarily are trained in neighborhood facilities after school daily for forty-five days on average, and receive the rudiments of military training and religious and government orientation. Those joining the PDF are urged, also for religious reasons, to "volunteer" for combat duty in the south against the non-Muslim rebels.

During the late 1995 drive to find more "volunteers," willing or unwilling, for the PDF, many secondary school students (under age eighteen) were taken in to the PDF and sent to fight in the south. The president, Lt.-Gen. Omar al-Bashir, implicitly acknowledged at a public rally in November 1995 that underage soldiers were participating in the conflict. He urged schoolboys, usually under the age of eighteen, to return to their schools. The remarks were directed at the large numbers who had volunteered in response to the call for mujahedeen to fight the SPLA and the Ugandans.⁷³ As the government made clear later, however, this request that the young combatants return to studies was not a decree. In particular, the clarification stated, the president did not intend to recall university students at all; the clarification added that (presumably in the future) secondary school students would not be accepted as volunteers, and that "hundreds" already had been turned away.⁷⁴ This contradicts reliable reports of recent involuntary induction of boys under eighteen into the PDF, who are sent to the south as combatants.

The Islamist government in Sudan terms its struggle against the SPLA (and now against the Ugandan "invaders") a "holy war." The southern population practices traditional religions; a minority, mostly among the elite, is Christian. Non-Muslim boys, mostly southerners, recruited into government forces report being forced to study the Koran and to convert to Islam, in violation of their right to freedom of religion.⁷⁵

⁷² Human Rights Watch/Africa and Human Rights Watch Children's Rights Project, *Children in Sudan*, pp. 54-65.

⁷³ Reuter, "Sudan: Bashir Denies Recalling Students from South Sudan," Khartoum, November 23, 1995.

⁷⁴ Ibid.

⁷⁵ See the International Covenant on Civil and Political Rights, Article 18, and the Convention on the Rights of the Child, Article 14. In addition, Article 4 of Protocol II of 1977 to the Geneva Conventions of 1949, which applies to internal armed conflicts, states: "Children shall be provided with the care and aid they require . . . (a) they shall receive an education, including religious and moral education in keeping with the wishes of their parents." The Commentary on this provision states: "This rule is aimed at removing the risk that children separated from their family by the conflict might be uprooted by being initiated into a culture, religion or moral code which may not correspond with the wishes of their parents, and in addition could in this way become political pawns." Yves Sandoz, Christophe Swinarski, Bruno Zimmerman, eds., *Commentary on the Additional Protocols of 8 June 1977* . . . (Geneva: Martinus Nijhoff, 1987), p. 1378. Although Sudan is not a party to Additional Protocol II, its terms offer authoritative guidance for the interpretation of the provisions of Article 3 common to the four Geneva Conventions of August 12, 1949, to which Sudan is a party.

Some child soldiers have been recruited from facilities for street children. Beginning in 1992, police regularly rounded up children from markets and off the streets of Khartoum and other cities. Those targeted were mostly displaced children from the south and west. The government roundup program has been conducted for the most part without any effort to establish whether the child had a family, where he lives, and whether he is living with his family. The result has been that many children who left home only to run an errand have been held for years in these closed camps, while their families frantically searched for them. Children taken without notice or any judicial oversight are placed in these state-run camps for indeterminate periods that last years, without recourse to judicial hearings.⁷⁶

One boy reported a government attempt to recruit underage boys from these camps for street children in late 1994; he said that military authorities transported the boys from their camp near Khartoum to El Muglad, telling them they might find jobs in the oil fields there. When they arrived in El Muglad, there were no jobs. The only options available to the boys were either to join the army, which had a base in El Muglad, or to return to Khartoum. The boy reported that of the fifty-five boys taken to El Muglad, thirty-three joined. He did not join.⁷⁷

Another boy was captured by the army near the southern city of Juba while bathing in the Nile. Although he was a student and should have been exempt from military service for that reason as well as because he was fifteen (Sudanese law requires national service only for those eighteen and over), he and the other boys at the river were inducted into the army immediately. The army took them in a military plane to Khartoum that same afternoon, without any notice to their families. This boy and other non-Muslims were subjected to Islamic religious as well as military training in a military base in the north. They were pressured to convert and whipped when they refused. He and two others managed to escape.⁷⁸

One boy, who was captured in an army sweep of his village near Juba in 1991, was forced to join a government-sponsored militia. At the time he was nine or ten years old. He and other boys from his village were brought to a government military camp in Terekeka, north of Juba. This boy said the army and militia physically disciplined the boys at the militia camp by tying them up and/or beating them. They were given guard duties in their villages, and some were sent into combat.

The army attempted to give the boys, all of whom were Christian, religious instruction in Islam. When the boys resisted, the army did not insist while the boys were in the south. This changed when the child soldiers were taken north to an army base at Jebel Aulia, forty kilometers south of Khartoum. There, he reported, they were not beaten but were proselytized and urged to become Muslims; they had to attend talks about Islam but received no instruction in Christianity or other religions. He escaped when he was thirteen or fourteen, after four years in the military.⁷⁹

⁷⁶ This entire process grossly violates the Convention on the Rights of the Child, Article 9(1). Often the children, regardless of their religious affiliation, received Islamic religious instruction. This violated the freedom of religion of non-Muslim children, Convention on the Rights of the Child, Article 14.

⁷⁷ Human Rights Watch/Africa and Human Rights Watch Children's Rights Project, *Children in Sudan*, pp. 60-61.

⁷⁸ *Ibid.*, pp. 61-65.

⁷⁹ *Ibid.*, pp. 57-60.

While the southern rebel factions did not proselytize boys, they nevertheless gave them military training and sent them into combat at an early age. Both the SPLA and SSIA engaged in the warehousing of unaccompanied boys in camps where they were held as a source of future soldiers. Starting in the mid-1980s, boys were enticed with the promise of education to make the long and dangerous journey from their homes to Ethiopia.⁸⁰ The SPLA maintained separate camps for boys near refugee camps in Ethiopia, giving them military training along with schooling to prepare them to fight in the SPLA when necessary. Thus separated from their families, the boys were more vulnerable to underage recruitment by the SPLA.

Many boys were used in combat. The SPLA reportedly had a "Red Army" made up of fourteen to sixteen-year-old boys. According to former SPLA officers, these boys were initially used for fighting in Sudan but, "In the first few years, the Red Army fought and was always massacred. Then they were taken off the frontline. . . . Then they were assigned to menial jobs."⁸¹ They were used as bodyguards for SPLA officers and to defend towns captured by the SPLA. Some were assigned to guarding prisoners and checkpoints. Two former SPLA officers separately told us that the SPLA sent between 900 and 2,000 boys aged eleven and over to fight with the SPLA's ally, the Ethiopian army, against Ethiopian rebels in 1991.⁸²

In 1991, these boys, with all other Sudanese refugees, fled Ethiopia after the fall of the Ethiopian government. The boys returned to Sudan and shortly after that the SPLA split into two factions. Both factions, the SPLA and the SSIA, continued to maintain these boys in separate boys-only camps, on reserve for their military needs.

In 1993, the United Nations Children's Fund (UNICEF) started a program to reunify with their families the boys living under the jurisdiction of the predecessor group to the SSIA. They reunited about 1,200 with their families from 1993 through mid-1995. The SPLA, however, has never cooperated with UNICEF's family reunification program. The SPLA denied that it engaged in underage recruitment since boys "are not useful as soldiers." It admitted that the SPLA does provide military training to those fifteen and above and said that "everyone should join in the armed struggle."⁸³ Regardless of denials, however, both the SPLA and SSIA have continued to keep boys in segregated camps in which there is little or no schooling available, and to call them up for military service.

In 1994, although it was participating in the family reunification program, the SSIA again enticed several large groups of boys to travel hundreds of kilometers, mostly on foot, from their homes in Upper Nile, with the promise of an education. This promise continues to serve as a magnet since education is highly valued but, beyond basic instruction in bush schools, not available in southern Sudan.

This time the boys, accompanied by SSIA escorts but not by their families, went to the Eastern Equatoria region of Sudan and were kept adjacent to a military base, where they received some military training but no education. They became a logistical burden and were sent to a U.N. relief destination in Lafon in Eastern Equatoria in mid-1995.

At that U.N. relief site, forty-seven boys died, denied medical attention, subjected to having their food stolen by SSIA soldiers, and otherwise mistreated; these were completely preventable deaths. The SSIA, which bears the primary responsibility for the deaths, then asked UNICEF to reunite the surviving boys with their families; some 780 were reunited in 1994-95.⁸⁴

⁸⁰ Human Rights Watch/Africa and Human Rights Watch Children's Rights Project, "Sudan: The Lost Boys," p. 9.

⁸¹ Ibid., p. 14.

⁸² Ibid.

⁸³ Human Rights Watch/Africa and Human Rights Watch Children's Rights Project, *Children in Sudan*, p. 84.

⁸⁴ Ibid., pp. 75-76.

LEGAL STANDARDS ON RECRUITMENT AND INVOLVEMENT OF CHILDREN

The issues that arise from recruitment of children and their involvement in fighting are covered both by domestic and international law.

Most national laws allow recruitment into the national army only at age eighteen (see Appendix for exceptions). International law, which includes humanitarian law and human rights law, offers protection to children in situations of conflict through various instruments drafted since World War II. The most significant of these for protection of the child combatant are Protocols I and II to the Geneva Conventions of 1949 and the Convention on the Rights of the Child.

International Humanitarian Law

International humanitarian law, also known as the laws of war, regulates the behavior of combatants in situations of armed conflict by establishing rules regarding methods of warfare and protection of individuals. As humanitarian law instruments, the Geneva Conventions of 1949 and the two additional protocols of 1977 are binding on those states that are party to them and, in non-international conflicts, nongovernmental armed groups meeting certain criteria (see below). The Geneva Conventions are binding on almost all states.⁸⁵

With regard to the use of children as soldiers in international armed conflicts, Protocol I, Article 77(2), states: The Parties to the conflict shall take all feasible measures in order that children who have not attained the age of 15 years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces.

This article applies in international armed conflicts and does not, therefore, apply to any of the conflicts discussed in this report or to most conflicts today. Moreover, this article is binding only on governments that are parties to Protocol I. States are, of course, free to raise the minimum age of conscription above the international law minimum age of fifteen. In fact, most have done so (see Appendix).

Article 3 common to the four Geneva Conventions of August 12, 1949, sets out the fundamental principles of international humanitarian law applicable to non-international armed conflict.

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment;

⁸⁵ As of December 31, 1992 the Geneva Conventions were binding on 175 states. See Hans-Peter Gasser, *International Humanitarian Law, an Introduction*, (Geneva; Henry Dunant Institute, 1993), p. 12.

(d)the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples....The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

As for internal armed conflict, Protocol II⁸⁶ provides additional authoritative standards, and on the subject of child soldiers states in Article 4 (3):⁸⁷

(c)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;

(d)the special protection provided by this Article to children who have not attained the age of fifteen years shall remain applicable to them if they take a direct part in hostilities despite the provisions of sub-paragraph (c) and are captured;

This applies to internal armed conflicts in state party territories and binds all state parties as well as those rebel forces that meet the requirements of Art. 1 (1) of Protocol II, which states:

....dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this protocol.

The stringent requirements for application of this protocol limit its applicability to conflicts of a relatively high intensity beyond the requirements for the applicability of Common Article 3.

Another barrier to the application and enforcement of these instruments to end the use of children as soldiers arises because Protocol II can be considered binding only on countries that have ratified it; for example, Sudan, where Human Rights Watch has observed the use of child soldiers, is not a party to either of the additional protocols. Nevertheless, Sudan is obligated to abide by the terms of Common Article 3; and in practice, forced recruitment of minors often violates its prohibition of violence against civilians and other inhumane treatment of them. Human Rights Watch believes that the recruitment of children under fifteen, the age limit established in Protocol II, is inherently forced in that children can not be considered to have the maturity to make an informed decision to join an armed force. Such recruitment also runs directly counter to the general principle of humanitarian law that children require special measures of protection. This interpretation can be guided by the provisions set out in Protocol II.

Human Rights Law

⁸⁶ The Commentary on Additional Protocol II states the following as a reason for the development of Additional Protocol II: "Since the Second World War the majority of armed conflicts—of which there have unfortunately been a deplorably large number—have had a non-international character. Such fratricidal conflicts have caused great suffering and have resulted in numerous victims." Yves Sandoz, Christophe Swinarski, Bruno Zimmerman, eds., *Commentary on ... (Protocol II)*, p. 1325, para. 4360.

⁸⁷ The Commentary on the Additional Protocol II states that "The prohibition against using children in military operations is a fundamental element of their protection. Unfortunately this happens frequently, and children are all too often ready to follow adults without weighing up the consequences of their acts." Yves Sandoz, Christophe Swinarski, Bruno Zimmerman, eds., *Commentary on ... (Protocol II)*, p. 1379, para. 4555.

Human rights law consists of both international and regional agreements. While there are general regional human rights instruments for the Americas, Europe, and Africa, only the African Charter on the Rights and Welfare of the Child specifically addresses the issue of child soldiers. It is, however, not yet in force.⁸⁸

The United Nations Convention on the Rights of the Child also directly addresses the issue of child soldiers. The convention binds only those state parties that have signed and ratified the convention.⁸⁹

Article 38 of the convention states:

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of 15 years do not take a part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of 15 years into their armed forces. In recruiting among those persons who have attained the age of 15 years but who have not attained the age of 18 years, States Parties shall endeavor to give priority to those who are oldest.

The Convention on The Rights of The Child defines a child as "below the age of 18 years unless, under the law applicable to the child, majority is attained earlier"⁹⁰ but accepts fifteen as minimum age for recruitment.

THE UNITED NATIONS

A U.N. Human Rights Commission working group is now developing an optional protocol to the Convention on the Rights of the Child which would raise the minimum age of conscription in armed conflict. This is the Inter-Sessional Working Group to elaborate a Draft Optional Protocol to the Convention on the Rights of the Child on Children in Armed Conflict. Human Rights Watch supports efforts to raise the minimum age for participation in armed conflict from fifteen to eighteen in international law.

In addition to the working group, other U.N. bodies have addressed or will address the issue of child soldiers:

The Committee on the Rights of the Child

⁸⁸ The African Charter on the Rights and Welfare of the Child states in Article 2, that "For the purposes of this charter, a child means every human being below the age of 18 years," and in Article 22:

1. States Parties to this Charter shall undertake to respect and ensure respect for rules of international humanitarian law applicable in armed conflicts which affect the child.
2. 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.
3. States Parties to the present Charter shall, in accordance with their obligations under international humanitarian law, protect the civilian population in armed conflicts and shall take all feasible measures to ensure the protection and care of children who are affected by armed conflicts. Such rules shall also apply to children in situations of internal armed conflicts, tension and strife.

As of April 1995, The African Charter had been signed by eighteen countries and ratified by six of these eighteen. Ratification by fifteen countries is required before the charter goes into effect.

⁸⁹ As of November 1995, 181 countries have ratified the convention.

⁹⁰ Convention on the Rights of the Child Article 1.

The Committee on the Rights of the Child, the monitoring body of the Convention on the Rights of the Child, is composed of ten experts. The committee is responsible for receiving and examining the initial and periodic reports on the implementation of the convention required of state parties under the terms of the convention.⁹¹

The committee meets for three week sessions three times a year. In addition, it holds working groups following each session where questions are prepared to be asked of governments scheduled to appear before the committee at the next session. NGOs are often invited to provide information to the committee during these meetings. In addition, NGOs may submit reports on the state of a country's implementation of the convention that parallel the official government report.

During its second regular session, in October 1992, the committee dedicated a day to the topic of children in armed conflicts. The day was devoted to the discussion of existing standards and measures to protect children in armed conflict and promote their physical and psychological rehabilitation and social reintegration. The committee concluded that more attention needed to be focused on the issue of children in armed conflict and recommended to the General Assembly that it request from the secretary-general that the U.N. undertake a large-scale study of the issue.⁹²

In 1993 the General Assembly adopted resolution 48/157, entitled "Protection of children affected by armed conflicts." In the resolution the General Assembly requested the secretary-general to appoint an expert to undertake a major study of the issue of children in situations of armed conflict, including the participation of children in armed conflict. The expert would work together with the Centre for Human Rights of the Secretariat and the United Nations Children's Fund (UNICEF).

United Nations Study on the Impact of Armed Conflict on Children

In 1994, the U.N. secretary-general, responding to the request initiated by the Committee on the Rights of the Child, appointed Graca Machel, the widow of the late president of Mozambique and its former minister of education, to head a comprehensive study on the impact of armed conflict on children. The study is scheduled to take two years to complete, with Ms. Machel due to present her final report to the secretary-general in the autumn of 1996.

The study looks at and will make recommendations for action in four areas:

- The relevance and adequacy of existing standards.
- The reenforcement of preventive measures.
- The protection of children in situations of armed conflict; including from the indiscriminate use of all weapons of war, especially anti-personnel landmines.
- The promotion of physical and psychological recovery and reintegration.

Ms. Machel has conducted numerous field visits as part of the study including travel to Rwanda, Cambodia, and Lebanon, and has held regional consultations which draw upon input from local, regional, and international NGOs, scholars, legislators, and other members of civil society.

⁹¹ Convention on the Rights of the Child, Articles 43-44.

⁹² According to Article 45(c) of the Convention on the Rights of Child: "The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child."

The study is being conducted in collaboration with UNICEF and has a Technical Advisory Group involved in all of its aspects which is made up of experts on the four areas of the study and children's issues in general.⁹³ There is also an Eminent Persons Group which is made up of a diverse group of individuals who act as advisors and advocates.⁹⁴

Country Specific Rapporteurs, Representatives, and Experts

Currently there are special rapporteurs for Afghanistan, Burundi, Cuba, Equatorial Guinea, Iraq, Burma (Myanmar), Occupied Arab Territories including Palestine, Rwanda, Sudan, Former Yugoslavia, and Zaire; special representatives for Cambodia and Iran; and experts for Guatemala, Haiti, and Somalia.

Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography

The mandate of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography was created by the Commission on Human Rights in 1990.⁹⁵

The first special rapporteur, Vitit Munthabhorn, decided that the issue of child soldiers fell within his mandate.⁹⁶ The report he submitted in 1994 to the fiftieth session of the Commission on Human Rights, stated, "In regard to child soldiers, it would be better to raise the age criterion to 18 in view of the physical and mental trauma that arises from involvement in armed conflicts."⁹⁷ He concluded that "the threshold age of 15 is too low and should be raised to 18 in accordance with the definition of the term 'child' offered by the Convention" and added that "The Committee on the Rights of the Child has also favoured a higher age criterion in its call for a new instrument to protect children in situations of armed conflict."⁹⁸ The report included the recommendation that: "States should raise the age of recruitment to 18 and prohibit the use of child soldiers below that age.... Dialogue with the military of both governmental and nongovernmental forces is needed to curb the use of child soldiers."⁹⁹

It is not yet known whether the current special rapporteur, Mrs. Ofelia Calcetas-Santos, will look at the issue of child soldiers.

Sub-commission on Prevention of Discrimination and Protection of Minorities Working Group on Contemporary Forms of Slavery

⁹³ The Technical Advisory Group includes: Thomas Hammarberg (chair), Philip Alston, Marciela Daniel, Dr. Duong Quynh Hoa, Jacques Moreillon, Vitit Muntarbhorn, Olara A. Otunnu, Sadig Rasheed, Everett Ressler, Mohamed M. Sahnoun, Jane Schaller, and Jody Williams. The group works closely with Special Advisors Kimberly Gamble Payne, Stephen Lewis, and Marta Santos Pais.

⁹⁴ The Eminent Persons Group includes: Hanan M. Ashrawi, Belisario Betancur, Francis Deng, Marian Wright Edelman, Devaki Jain, Rigoberta Menchu Tum, Julius K. Nyerere, Lisbet Palme, Wole Soyinka, and Archbishop Desmond Tutu. The first meeting of the Eminent Persons Group took place in Tarrytown, New York, May 8-9, 1995.

⁹⁵ U.N. resolution 1990/68.

⁹⁶ UN Commission on Human Rights, *Rights of the Child, Sale of Children, Child Prostitution and Child Pornography: Report submitted by Mr. Vitit Muntarbhorn, Special Rapporteur, in accordance with Commission on Human Rights resolution 1993/82*, (New York: United Nations, 1994) E/CN.4/1994/84 p. 9.

⁹⁷ *Ibid.*, p. 6, para. 18.

⁹⁸ *Ibid.*, p.30, para. 124

⁹⁹ *Ibid.*, p. 57, para. 246

This working group, made up of five members of the Sub-commission, has the function of studying various contemporary forms and manifestations of slavery, and meets once a year in late April and early May. The working group has received NGO reports about child soldiers in the past, and plans to study the issue of child soldiers in its spring 1996 session.¹⁰⁰

APPENDIX: Age Limits for Military Enlistment and Conscription (as of November 30, 1993)

Countries where the age of conscription is under eighteen:

	Age
Afghanistan	15
Laos	15
Mexico	17
Namibia	16
Nicaragua	17
South Africa	17

Countries which allow volunteers under the age of seventeen to enlist:

Chile	16
El Salvador	16
Greece	16
Guatemala	15
Iran	no age limit
Libyan Arab Jamahiriya	14
Mauritania	16
New Zealand	16
South Africa	16
United Kingdom	16

Countries which allow seventeen-year-old volunteers to enlist:

Australia	Germany	Netherlands
Austria	Honduras	Norway
Bangladesh	Israel	Poland
Belgium	Indonesia	USA
Finland	Luxembourg	Yugoslavia (Serbia and Montenegro)

Source: I. Cohn and G.S. Goodwin-Gill, *Child Soldiers: the Role of Children in Armed Conflict* (Oxford: Clarendon Press, 1994), pp. 185-208.

¹⁰⁰ See, Working Group on Contemporary Forms of Slavery, "Review of Developments in other Fields of Contemporary Forms of Slavery" (New York: United Nations, 1994), E/CN.4/Sub.2/1994/AC.2/5.

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Human Rights Watch Children's Rights Project

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