



A Long Way from Home FNL Child Soldiers in Burundi

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“I want to be demobilized. After all this time in a mobile brigade with the FNL and because I have been wounded in the leg, I think that I deserve something—at least some money to help me. I have never been to school, not even in the first year, and I think that it is too late now. It’s hard now, I want to find my family and tell them that I am alive.”

—Seventeen-year-old former FNL combatant currently at Randa

“I arrived here in the prison on October 7, 2005. I spoke to a magistrate and she told me my case was in the courts but I don’t really know what is happening. I have been here a long time and I want to go home now.”

—Fifteen-year-old former FNL combatant currently in prison

Summary

During the thirteen years of civil war in Burundi, children were recruited and used as combatants and general help by all sides in the conflict.¹ All but one of the rebel groups involved in the war have signed peace agreements with the government.² More than 3,000 children who served with the Burundian armed forces, the civilian militia known as the “Guardians of Peace,” and various rebel groups have been demobilized in a process that began in December 2004.³ But the one rebel group that continues to fight against the government, the National Liberation Forces (*Forces Nationales pour la Libération*, FNL), continues to use children as combatants and for various logistical duties.

Dozens of children who served or who are accused of having served in the FNL are now in government custody. Their legal status is unclear, with some imprisoned and others awaiting a possible demobilization program. Government plans for these children are also unclear, making it difficult for international actors to offer them much-needed assistance.

The children now held at a site known as a “welcome center,” in Randa, Bubanza province, were previously detained at military posts where some served as guides and informers for the government’s military operations, sometimes under duress, and often at risk of their security and wellbeing.

The Convention on the Rights of the Child requires the Burundian government to protect children from all violations of international humanitarian law and assist in the

¹ “Burundi: Children Abducted for Military,” Human Rights Watch Press Release, November 14, 2001, [online] <http://hrw.org/english/docs/2001/11/14/burund3355.htm>; “Child Soldier Use 2003: A Briefing for the 4th UN Security Council Open Debate on Children and Armed Conflict,” *A Human Rights Watch Report*, [online] http://hrw.org/reports/2004/childsoldiers0104/4.htm#_Toc59872919. In this paper, “child” refers to anyone under the age of eighteen. The U.N. Convention on the Rights of the Child states: “For purpose of this present Convention, a child is every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.” Convention on the Rights of the Child, Article 1, adopted November 20, 1989 (entered into force September 2, 1990). According to the African Charter on the Rights and Welfare of the Child, “For the purposes of this Charter, a child means every human being below the age of 18 years.” African Charter on the Rights and Welfare of the Child, Article 2 (entered into force November 29, 1999).

² The Burundian government and seventeen parties and belligerents signed the Arusha Accords in 2000. The government and the National Council for the Defense of Democracy-Forces for the Defense of Democracy (*Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie*, CNDD-FDD) signed a treaty in late 2003.

³ Email communication to Human Rights Watch from Laurence Fayolle, Child Protection, UNICEF Burundi, May 30, 2006.

recovery and social re-integration of child victims of armed conflict.⁴ The government should take all necessary steps to ensure child soldiers who served in the FNL are released from custody and to provide for their recovery and reintegration.

Context

Pierre Nkurunziza, who was elected president of Burundi and took office in August 2005, is a member of the National Council for the Defense of Democracy-Forces for the Defense of Democracy (*Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie*, CNDD-FDD), once the largest rebel force in the country. His government seeks to rebuild Burundi after a devastating civil war, but has not yet succeeded in making peace with the FNL, which continues military operations in three provinces near the capital, Bujumbura (Bujumbura-rural, Bubanza, and Cibitoke). In March 2006, the FNL announced its willingness to participate in peace talks. After many delays, on May 29 the government of Burundi and the FNL leadership began peace talks in Dar es Salaam, Tanzania, with South Africa's Minister for Security Charles Nqakula serving as a mediator.⁵ Despite the negotiations, fighting between the FNL and government forces has continued in the hills around Bujumbura.⁶

In the absence of a ceasefire between the government and the FNL, no demobilization program for FNL combatants has been put in place, but in April 2006 the government assembled several hundred FNL combatants at a "welcome center" at Randa in Bubanza province. Previously these combatants had been detained at military posts throughout the country, some having deserted from the FNL, and others having been captured by soldiers of the Burundian army. In early June 2006, more than 400 combatants were interned at Randa, anticipating a ceasefire and the beginning of a Burundian government demobilization program that will likely be supported by the Multi-Country Demobilisation and Reintegration Programme (MDRP), a coalition of international donors that previously supported demobilization of other soldiers and rebel combatants (see also below).⁷

⁴ Burundi is also a signatory to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict—known as the Child Soldiers Protocol (A/RES/54/263 of May 25, 2000, entered into force February 12, 2002), which specifically sets out the obligation to demobilize child soldiers (Article 6). The Burundian government should now ratify this protocol.

⁵ "Ouverture de négociations directes entre Gouvernement et FNL," *Agence Burundaise de Presse*, May 30, 2006.

⁶ "Attaques des FNL à partir des collines qui surplombent Bujumbura," *Agence Burundaise de Presse*, May 31, 2006.

⁷ Human Rights Watch notes of field visit, Randa welcome center, June 13, 2006. The Multi-Country Demobilisation and Reintegration Programme (MDRP) is a multi-agency effort that assists in the demobilization and reintegration of ex-combatants, including children, in Central and Southern Africa.

The Burundian government also holds an indeterminate number of persons in prison on charges of “participation in armed groups.”⁸ Hundreds of persons who were once detained on accusations of affiliation with the CNDD or other opposition parties or rebel groups were later categorized as “political prisoners” and freed under the terms of the Arusha Accords⁹ or the subsequent agreement between the CNDD-FDD and the government,¹⁰ but hundreds of persons accused of having supported or fought for the FNL remain in jail.¹¹ Just as those former combatants at Randa expect to be demobilized and to return home with a package of monetary and other benefits, those persons in prison hope to win release, just as others detained for their affiliations with other rebel groups have done.¹²

FNL Child Soldiers

At least sixty-five children—and likely dozens more—said to be FNL combatants or supporters of the FNL are in government custody.¹³ Like the adults, some deserted the FNL and turned themselves over to government soldiers or police in the hope of returning eventually to civilian life. Others were captured by government soldiers in the course of military operations or were arrested by police officers during searches for FNL combatants.¹⁴ Like the adults, the children fall into two groups that are treated differently by the government. Some twenty-five are treated as combatants and housed at Randa, while at least forty others are detained in prisons on charges of participation in armed groups.¹⁵ There is no apparent explanation for why children end up in one group rather than the other, except perhaps that those detained by the police were more likely to end up in prison.

Conditions at Randa are difficult, but those in prisons are far worse than at the welcome center. In addition, children at the demobilization site have the expectation of being sent home with a package of benefits while children in prison expect at best to be released and at worst to spend more time in prison.

⁸ “Warning Signs: Continuing Abuses in Burundi,” *A Human Rights Watch Report*, no. 3, February 27, 2006, [online] <http://hrw.org/reports/2006/burundi0206/>.

⁹ See footnote 2.

¹⁰ *Ibid.*

¹¹ “Liberation provisoire de 1.834 prisonniers politiques,” *Agence Burundaise de Presse*, March 15, 2006.

¹² Human Rights Watch interviews, Mpimba prison, Bujumbura, May 16, 2006.

¹³ Human Rights Watch interviews with detained children and observations during site visit, Randa welcome center, May 5 and 10, 2006; Human Rights Watch interviews with detained children and observations during visit, Mpimba central prison, May 16, 2006, Gitega prison, May 23, 2006, Ruyigi prison, May 25, 2006, Ngozi prison, June 6, 2006, and Bubanza prison, June 13, 2006.

¹⁴ Human Rights Watch interviews with detained children, Randa welcome center, May 5 and 10, 2006; Human Rights Watch interviews with detained children, Mpimba central prison, May 16, 2006.

¹⁵ Human Rights Watch notes of observations, Randa welcome center, May 5, 2006, Mpimba central prison, May 16, 2006, Gitega prison, May 23, 2006, Ruyigi prison, May 25, 2006, Ngozi prison, June 6, 2006, and Bubanza prison, June 13, 2006.

On at least one occasion in the past, the government released children who admitted or who were accused of being FNL combatants. During an earlier round of peace negotiations in May 2005, a significant number of children joined the FNL, some of them certainly attracted by the apparent imminence of a ceasefire and the hope of participating in a demobilization program with its expected benefits. By late June 2005, the government had about one hundred of these minors in its custody. After keeping the children in the military camp of Muzinda for a few weeks, it sent them home.¹⁶ Given that there was no demobilization program at the time, the children received no money or other benefits from the government.

Currently, there may be hundreds of other children active in the ranks of the FNL who will eventually need demobilization and reintegration. Representatives of the United Nations Operations in Burundi (ONUB), the partners of the government's demobilization program and the World Bank recently urged the Burundian government to clarify the status of FNL child combatants so that the partners may plan for the provision of future assistance to these children.¹⁷

Use of Children as Informants before Prospective Demobilization

Government soldiers and police regularly use admitted or suspected FNL combatants, including those who are children, to assist in finding and identifying members of the FNL force and its supporters.¹⁸ Some receive a small compensation in food, drink, or money for their help. A seventeen-year-old boy from Mpanda commune, Bubanza province, now at Randa, had joined the FNL when he was eleven years old but surrendered to soldiers at a military position in Nyabiraba commune, Bujumbura-rural province, in late 2005 because he had heard that soldiers from other rebel forces had been demobilized. He spent five months at the Nyabiraba post, going out regularly with government soldiers to look for FNL combatants and supporters. He was sixteen years old at the time. He told a Human Rights Watch researcher:

I would work, showing the government soldiers where the FNL were hiding out and then they would trap them. Sometimes, the FNL were killed and sometimes they were just arrested and taken back to the military camp. I never carried a weapon when I was with the

¹⁶ "Burundi: Army arrests scores of child soldiers," *IRIN*, July 1, 2005, [online] <http://www.irinnews.org/print.asp?ReportID=47925>.

¹⁷ Note Verbale from ONUB and partners to the Ministry of Foreign Affairs, May 18, 2006.

¹⁸ Human Rights Watch, "Warning Signs: Continuing Abuses in Burundi."

government soldiers but I did transport bullets and bombs sometimes. In exchange, I got money and food.¹⁹

Given that they are in government custody, captured or detained, children are in no position to refuse an order to provide such assistance.

Children in the Randa Welcome Center

The twenty-five children currently detained at Randa spend their days sitting around with adult detainees. They receive no education, despite the government's commitment to free and compulsory primary education.²⁰ They appear to have ample room for sleeping and are allowed to spend most of the day outside where they may exercise at will, although there is little organized recreation. Detainees are housed in unfurnished barracks but each has a mattress and mosquito net. Children sleep in separate quarters from adults. They are fed twice a day but receive little medical attention.²¹ A seventeen-year-old boy who was forcibly recruited when he was fifteen told a Human Rights Watch researcher:

I have a lot of problems with my ears, and I can't always hear what people are saying. I have a noise in my head all the time. I was in combat with the FNL and I carried a weapon and shot it during operations. I was in the attacks in Ruyira and Gatumba. I saw other people get killed. I was also hit by some pieces of a grenade.²²

All twenty-five children currently at Randa admit to having been FNL combatants.²³ One sixteen-year-old boy, for example, was recruited by the FNL in 2004 and deserted late in 2005 after seeing three other FNL combatants, one a fourteen-year-old boy, killed by the Burundian government forces during an attack.²⁴ He told a Human Rights Watch researcher that he felt he had nowhere to go and was tired of combat so he surrendered to government soldiers at Musenyi, Bubanza Province. He said, "The soldiers told me that I was smart to come there and smart to stop fighting because they would have

¹⁹ Human Rights Watch interview with child soldier, Randa welcome center, May 5, 2006.

²⁰ "Burundi: Free schooling starts with huge logistical problems," *IRIN*, September 19, 2005, [online] <http://www.irinnews.org/print.asp?ReportID=49129>.

²¹ Human Rights Watch interviews with child soldiers, and observations during field visits, Randa welcome center, May 5 and 10, 2006.

²² Human Rights Watch interview with child soldier, Randa welcome center, May 10, 2006.

²³ *Ibid.*; additional information provided by ONUB human rights monitors who also visited the site.

²⁴ Human Rights Watch interview, Randa welcome center, May 10, 2006.

found me.”²⁵ He was held for months at Musenyi and then at another military position at Mudubugu, spending about eighteen hours each day in a military lockup.²⁶

None of the twenty-five children at Randa face criminal charges and all anticipate being demobilized with some benefits, such as money, tools, or training.²⁷

Children Held in Prison

Since the current government took office in August 2005, it has carried out a harsh campaign against the civilian population in areas of FNL activity, arresting, torturing, and even summarily executing those thought to provide material assistance to the FNL. Using FNL combatants in government custody to identify targets for arrest, police and security agents have detained hundreds of persons, including children, who have allegedly provided food, water or lodging to FNL members.²⁸ As of May 15, 2006, the Mpimba prison in Bujumbura had thirty-one minors charged with the crime of participation in an armed group, all of them detained since August 2005. At least nine others were held on the same charge in prisons elsewhere in the country.²⁹ Some admit to having been a member of the FNL at one point, while others state that they had only given water or food to rebels when forced to do so. None has been tried or sentenced.³⁰

One fifteen-year-old boy from Bujumbura-rural province currently held in Mpimba told a Human Rights Watch researcher that he had been forcibly recruited by the FNL on his way home from school when he was ten years old. He managed to escape the rebel group one year later and returned home, where he worked helping his parents cultivate their land. In October 2005, captured FNL combatants who had known him years before, identified him as an FNL member. He was arrested, and had been in the central prison for nine months when our researchers spoke to him.³¹

²⁵ Ibid.

²⁶ Ibid.

²⁷ Human Rights Watch interviews with child soldiers, Randa welcome center, May 5 and 10, 2006.

²⁸ See Human Rights Watch, “Warning Signs: Continuing Abuses in Burundi,” and “Missteps at a Crucial Moment,” *A Human Rights Watch Report*, November 4, 2005, [online] <http://hrw.org/backgroundunder/africa/burundi1105/> <http://hrw.org/backgroundunder/africa/burundi1105/>.

²⁹ Human Rights Watch interviews with detained children, Gitega prison, May 23, 2006, Ruyigi prison, May 25, 2006, and Ngozi prison, June 7, 2006, Bubanza prison, June 13, 2006.

³⁰ Statistics collected at Mpimba from prison staff by Association for the Protection of Human Rights and Detained People (APRODH), May 15, 2006, and by Human Rights Watch, June 6, 2006. The crime of “participation in an armed group” appears in Decret-loi no. 1/6 du Avril 1981 portant réforme du Code Pénal, Section 4, Articles 419-422.

³¹ Human Rights Watch interview with detained child, Mpimba central prison, Bujumbura, May 16, 2006.

Another sixteen-year-old boy, also from Bujumbura-rural province, admitted to Human Rights Watch that he had carried wood for the FNL, but said that he had never been a combatant. Arrested after having been identified by captured FNL fighters, he spent four months in Mpimba prison before appearing before a magistrate. According to this child, “The magistrate told me that I had to wait for the president of the country to decide my case and liberate me and people like me. The magistrate told me I would never have a trial because there is no evidence against me.”³²

Under Burundian criminal procedure, a person may be detained for a maximum of one week, with a possible extension to two weeks in cases of “necessary delay” (*sauf prorogation indispensable*) by the judicial police, but after that the person must be charged or released.³³

Children held at Mpimba are housed in separate quarters from adults, but in severely over-crowded conditions. Several children complained of not having sufficient room to lie down at night.³⁴ Children at Ngozi prison who lack money to pay for the use of a mattress sleep on the cement floor.³⁵ Children in prison receive inadequate food, each being given a cup of manioc flour and a cup of beans per day. They must cook the manioc themselves. To have the charcoal necessary for cooking, some children must sell part of their food ration for charcoal. The children have no access to education and little opportunity for fresh air and exercise. They receive little in the way of medical or other services.³⁶ On a visit to Mpimba prison on May 16, 2006, a Human Rights Watch researcher found a sixteen-year-old former FNL combatant who had been shot in the hip during a skirmish with government forces the year before. He was never treated for his injury and showed signs of infection extending from his hip to his knee and lower leg.³⁷

Problems of Children Facing Reintegration

Some children associated with the FNL were abducted and forced to fight. Others detained at Randa or in prison say they joined the FNL for a variety of reasons, including economic hardship and unstable family situations. Once part of the FNL

³² Human Rights Watch interview with detained child, Mpimba central prison, Bujumbura May 16, 2006.

³³ Loi No 1/015 du 20 Juillet 1999 portant reforme du code de procédure pénale, Article 60.

³⁴ Human Rights Watch interviews with detained children, Mpimba central prison, Bujumbura, May 16, 2006.

³⁵ Human Rights Watch interview, Ngozi prison, June 7, 2006.

³⁶ Human Rights Watch interviews with detained children, Mpimba central prison, Bujumbura, May 16, 2006.

³⁷ Human Rights Watch interview with detained child, Mpimba central prison, Bujumbura, May 16, 2006.

forces, children are ordinarily prevented from leaving and risk punishment and even death if they try to escape.³⁸

Children who have tried to resume life in their former communities after leaving the FNL often find the same problems that they had hoped to leave behind, further complicated by new hostility and distrust from neighbors. One child who had been recruited to the FNL at age thirteen and later returned home told a Human Rights Watch researcher:

The neighbors kept saying that I was FNL and every time there was a theft, they blamed me. They would go to the police and denounce me for everything. I finally went to the police after about six months and told them that I didn't want to be in the FNL anymore. They brought me here to Randa. I want to be demobilized and have money for school. I just want [the neighbors] to understand that I am not bad.³⁹

Like this child, many others at Randa and in prison knew that children affiliated with other government or rebel forces received monetary and other assistance when they were demobilized. Several said that even if they were allowed to leave immediately, they would prefer to wait as long as was necessary for a demobilization package.⁴⁰

To fulfill its obligations of protection and assistance to child victims of armed conflict, the government should decide on a consistent policy that treats children affiliated with the FNL equally, both in relation to other persons affiliated with the FNL, and in relation to children affiliated with other armed groups. It should cooperate with staff of the United Nations Children's Fund (UNICEF) in verifying the status of any child who admits or is accused of participating in the FNL and send them to a demobilization program for children. These children should receive the medical, social, and educational services necessary for resuming life in their home communities, provided that local security permits this, or elsewhere in Burundi. Children now in prison and who were FNL combatants should join a demobilization program.

³⁸ Human Rights Watch interviews with child soldiers, Randa welcome center, May 5 and 10, 2006, and with detained children, Mpimba central prison, Bujumbura, May 16, 2006.

³⁹ Human Rights Watch interview with child soldier, Randa welcome center, May 5, 2006.

⁴⁰ Human Rights Watch interviews with child soldiers, Randa welcome center, May 5 and 10, and with detained children, Mpimba central prison, Bujumbura, May 16, 2006.

International Humanitarian and Human Rights Law

Under the 1949 Geneva Conventions, the civil war in Burundi is a non-international (internal) armed conflict. Internal armed conflicts are those arising within the territory of a state party to the Geneva Conventions. They are regulated under Article 3 common to the 1949 Geneva Conventions and the Second Additional Protocol of 1977 to the Geneva Conventions (Protocol II), and under much customary law applicable to international conflicts. Under article 4(3) (c) of Protocol II, all parties to an internal armed conflict are prohibited from recruiting children under the age of fifteen or allowing them to take part in hostilities. Burundi ratified the 1949 Geneva Conventions in 1971 and Protocol II in 1993.

A further standard on the recruitment of children for the armed forces is set by Article 38 of the Convention on the Rights of the Child (CRC), ratified by Burundi in 1990, which restates the ban on the recruitment of persons under the age of fifteen years established in Protocol II.⁴¹ According to Article 19 of the Burundian Constitution, the CRC is an integral part of Burundian law.⁴²

In addressing the issue of children in the FNL, the government of Burundi must comply with international human rights law as well as international humanitarian law. Apart from adhering to recruitment age limits, the government must also enforce these limits and take measures to hold those who violate them accountable. It must also protect children affected by armed conflict and take positive steps to promote their welfare.

International Prohibitions on Using Former Child Soldiers as Informants

The obligation of states to protect children under the age of eighteen in armed conflict situations is also reflected in the Worst Forms of Child Labour Convention (No. 182), which member states of the International Labour Organization adopted unanimously in 1999, and Burundi ratified in 2002. Convention No. 182 commits ratifying member states to “take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.” It defines a child

⁴¹ Convention on the Rights of the Child, Articles 2 and 3. The Convention’s article 38 is an anomaly in using a fifteen-year age minimum; in all other respects, the Convention’s general definition of a child is any person under the age of eighteen. The Convention states that none of its provisions should affect laws that are more conducive to the rights of the child.

⁴² Constitution of Burundi, Article 19, adopted March 9, 1992.

as any person under the age of eighteen and includes in its definition of the worst forms of child labor:

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 labor, including forced or compulsory recruitment of children for use in armed conflict.⁴³

The Burundian government's practice of requiring ex-combatants who are minors to carry munitions and to assist in locating FNL combatants and supporters, is a form of compulsory recruitment for use in armed conflict, and constitutes a violation of this convention.

International Obligations to Promote the Best Interests of Former Child Soldiers

The obligation of the state to protect and promote the welfare of child victims of armed conflict derives from its general duties under the CRC to protect children as the most vulnerable sector of society, and to act in their best interest. According to article 39 of the Convention:

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

In addition, article 6(3) of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (generally known as the Child Soldiers Protocol), adopted unanimously by the United Nations General Assembly on May 25, 2000, provides that:

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.

⁴³ International Labour Organization, Worst Forms of Child Labour Convention (Convention 182), Article 3 (a).

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) requires that states party:

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.

The Burundian constitution also recognizes that all children have the right to special protections, because of their vulnerability.⁴⁴ According to Article 46 of the constitution, children must be detained for the shortest amount of time possible, and all detained children under sixteen must be separated from adults in conditions appropriate to their age.⁴⁵

The Prohibition on the Use of Children as Combatants

The Child Soldiers Protocol establishes eighteen as the minimum age for direct participation in hostilities, for compulsory recruitment, and for any recruitment or use in hostilities by irregular armed groups.

Burundi signed the Child Soldiers Protocol in 2001 but has not yet ratified it. As a signatory, Burundi is “obliged to refrain from acts which would defeat the object and purpose” of the treaty.⁴⁶ Burundi must seek to ban children’s recruitment or use in hostilities by any armed group on its territory. The state also may be considered responsible, by omission, if it fails to take adequate steps to prevent the abuse by non-state actors of other rights that children enjoy under the Convention on the Rights of the Child. These include, among others: the right to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development;⁴⁷ protection from all forms of physical or mental

⁴⁴ Constitution of Burundi, Article 30.

⁴⁵ Constitution of Burundi, Article 46.

⁴⁶ Vienna Convention on the Law of Treaties, UN Doc A/Conf 39/28, UKTS 58 (1980), art. 18, signed May 23, 1969 (entered into force January 27, 1980).

⁴⁷ Convention on the Rights of the Child, Article 32 (1).

violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation;⁴⁸ and the right not to be separated from their parents against their will.⁴⁹

Burundi is also a state party to the African Charter on the Rights and Welfare of the Child, as of 2004. According to article 17, states parties must ensure that children in detention are separated from adults. The requirement that children must not be recruited or take any active part in hostilities is reiterated by article 22.

Recommendations

To the Government of Burundi

- Immediately halt the use of children by Burundian government soldiers or security forces to help locate and identify FNL combatants and supporters;
- Work with UNICEF to rapidly identify all those persons under eighteen years old who have admitted or are accused of FNL involvement and are currently in government custody, whether in military camps, in communal lock-ups, or in prisons;
- Transfer these children, as well as those currently residing at the Randa site, to an appropriate location, away from adult combatants, where their rehabilitation and reintegration can begin; and
- Ratify the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

To the National Liberation Forces (FNL)

- Immediately halt any and all recruitment of children into your ranks, and allow children in your forces to leave without fear of repercussions.

To UNICEF

- Assist the government of Burundi in identifying all persons under age eighteen and accused of affiliation with the FNL who are now held in government custody; and

⁴⁸ Convention on the Rights of the Child, Article 19 (1).

⁴⁹ Convention on the Rights of the Child, Article 9.

- Use your considerable global experience in developing child soldier rehabilitation programs to assist the government in promoting the health and welfare of children associated with the FNL.