

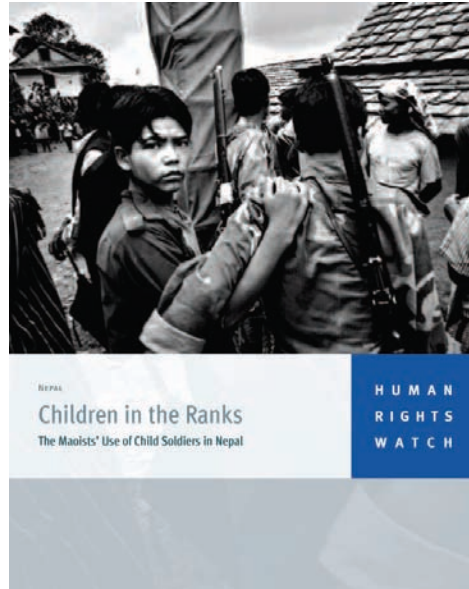
## Children in the Ranks

### The Maoists' Use of Child Soldiers in Nepal

#### Summary

The Maoists first took my younger brother. He was 14 years old. He managed to escape. He just kept crying and kept saying that he would not go with the Maoists even if they beat him. They made him sentry guard, but he was so young... So we had to decide between us in the family whom to send— otherwise the Maoists would have locked our house. I had to go.

—Sixteen-year-old *Leela*, a former child soldier for the Communist Party of Nepal (Maoist)



While no exact figures are available, local groups estimate that at least 3,500 to 4,500 Nepali children are part of the Maoist fighting forces of the Communist Party of Nepal (Maoist). Tens of thousands of Nepali children have been forced to flee their homes to avoid recruitment by the Maoists, or to seek better lives away from already impoverished communities further damaged by the conflict and the government's brutal responses.

In April 2006, a historic people's movement brought hundreds of thousands of ordinary Nepalis into the streets to demand an end to the royal autocracy and the civil war. Despite instances of severe police brutality in response to the demonstrations, by the end of April 2006 the movement forced the king to give up absolute rule and return power to a coalition of seven opposition parties, which immediately agreed to a ceasefire with the Maoists.

*Children in the Ranks* establishes beyond doubt that children served on the front lines, received weapons training, and carried out crucial military and logistical support duties for the Maoists. Most observers believe that 3,500 to 4,500 children are part of the Maoist fighting forces.



In April 2006, public demonstrations challenged King Gyanendra's year-long authoritarian rule despite the use of excessive force by Nepali security forces. © 2006 Reuters

On November 21, 2006, the Nepali government and the Maoists entered into a comprehensive peace agreement to end more than 10 years of fighting, rewrite the country's constitution (whether Nepal will remain a monarchy is one of the constitutional issues to be determined), and establish an interim government. The Nepali Army (until recently the Royal Nepali Army) and Maoists agreed to an arms management pact, under which each side would put away most of its weapons and restrict most troops to a few barracks, under the supervision of monitors from the United Nations (UN). The Comprehensive Peace Agreement even explicitly committed the parties to avoid recruiting anyone younger than age 18 for military purposes. There is hope now for Nepal, and for thousands of children whose lives were damaged by the war.

Despite real optimism about the parties' commitment to this peace process, much needs to be done. A previous attempt at a ceasefire and comprehensive peace talks fell apart in 2001 after only a few months and set off the war's bloodiest period. As a result, Nepalis are anxious about the success of current peace negotiations, and seek immediate implementation of policies that will improve the lives of ordinary people. One cause for particular concern has been

Nepali groups hope that this ceasefire will lead to a sustainable peace, but they have learned from bitter experience that a ceasefire may also provide the warring sides an opportunity to strengthen their ranks before engaging in warfare again.

the Maoists' ongoing recruitment of children (see section III below). As explained by the Secretary-General of the United Nations in his report on children and armed conflict in Nepal, "a serious concern since the April 2006 ceasefire is that recruitment and use, and abductions of children by CPN (M) continue."

A major cause for concern is that despite the ongoing peace process, Maoist forces have failed to release the children in their ranks. On the contrary, Maoist forces have been steadily recruiting children, even after the King was stripped of power and serious peace negotiations began, and despite pressure from Nepali and international human rights groups that led the parties to include the explicit prohibition of recruitment of child soldiers in the comprehensive peace agreement of November 21. Because of the break in fighting, no children have been involved in combat since the people's movement of April 2006, but Nepali and international monitors observed ongoing recruitment and training of children by the Maoists' People's Liberation Army and local militias up to the eve of signing the comprehensive peace agreement and, at a somewhat slower pace, even afterward.

The Maoists have made no effort to release the children already serving with them and in some areas have continued recruiting children.



The Maoists conducted a systematic campaign of recruiting child soldiers. This campaign operated at a particularly high capacity in 2004 and 2005 in Nepal's west and far west, the insurgency's heartland. © 2004 AP Images

Although the practice seems to have decreased in frequency, at the time this report was going to press (January 2007) there were still frequent reports of Maoist cadres recruiting children from school, often under the guise of attending involuntary educational sessions. Several recent reports indicate that some of the newly recruited children are immediately given weapons training. The Maoists have enticed some children to join their ranks during the peace negotiation period because the children believe that they will receive compensation and job training when Maoist forces are integrated into the national army or decommissioned. Nepali human rights groups have accused the Maoists of recruiting children to swell the number of troops they place under cantonment pursuant to the peace agreement, thus bolstering their negotiating position and protecting their professional core cadres in case of a future outbreak of violence.

The Maoists' failure to initiate any systematic efforts to release the children already in their ranks, and their ongoing recruitment, means that Nepali child soldiers have so far not benefited as they should have from the peace agreement. The children's problems are compounded by the fact that the Nepali government still lacks the capacity to provide assistance for any released child soldiers to be reintegrated into civilian life.

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Maoists have often forced school children to attend rallies and ideological programs, even after the ceasefire. © 2006 Reuters



Children carry out a variety of roles for the Maoists. Most children serve in local militias, but others hold positions in the Maoists' core military wing, the People's Liberation Army (PLA). Whether in the militias or the PLA, children serve as porters, sentries, messengers, and medical assistants. Children in Maoist ranks receive military training and are given weapons—this ranges from full-fledged weapons training in the PLA, to being given a single grenade or improvised “socket bombs.” Regardless of their position, though, it is clear that children, even when serving with local militias (as opposed to the PLA), were exposed to fighting and were particularly vulnerable to injury. As established by Human Rights Watch's investigations of battle sites, sometimes within a few days of the fighting, Maoist child soldiers were frequently sighted at the battle field and they were prone to falling—or being left—behind by more mobile or more professional Maoist military units.

The Maoists have used a variety of techniques for recruiting children: kidnapping of individual children; abduction of large groups of children, often from schools; and use of propaganda campaigns to attract children as “volunteers.” There are still frequent reports of children being forcibly abducted from school or on their way to or from school in order to attend involuntary educational sessions during mass rallies. This practice has provoked tremendous anger from Nepali parents as well as human rights groups, which have condemned the interruption of the children's schooling and the violation of their right to an education. But the chief objection to this practice reflects the fact that the Maoists' frequently use these involuntary educational sessions to recruit children as soldiers, sometimes simply by prohibiting the children from returning home.

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In areas firmly under their control, particularly in the insurgency's heartland in Nepal's west and far west, the Maoists operated a “one family, one child” program whereby each family had to provide a recruit or face severe punishment. Once recruited, children were kept in the ranks through punishment or the fear of it; any children who considered escape also had to consider the

real possibility that the Maoists would exact reprisal upon their families. This is how *Lee/a* came to fight with the Maoists, enter into battle, be captured by the army, and be interviewed by Human Rights Watch, and why she was so afraid of the future for herself and her family.

The Maoists have consistently denied that they recruit children or employ them. The party's public position for the past five years has been that it does not allow anyone younger than 18 to join either the People's Liberation Army or the people's militias. Instead, the Maoists claim the only children among their cadres are those who lost their parents in the conflict or were otherwise unable to care for themselves. Prachanda, the Maoists' leader, repeated this claim as recently as November 18, 2006, just three days before signing the comprehensive peace agreement, in response to a direct question by Human Rights Watch during an event organized by the Observer Research Foundation in New Delhi.

The Maoists have been condemned for these practices in three consecutive reports to the UN Security Council since 2002.

In contradiction to the Maoists' claims, since 2002 the Maoists have been named in three consecutive reports from the UN secretary-general to the UN Security Council as violating international standards prohibiting the recruitment and use of child soldiers. In 2006, under Security Council Resolution 1612, the United Nations established a systematic monitoring and reporting mechanism to improve the collection of information on grave violations against children in conflict situations. Nepal was one of seven countries selected for the first phase of the system's implementation.

Since 2000, international law has banned the recruitment and use of children under age 18.

In response to such pressure from the UN and local and international children's rights groups, the Maoists have repeatedly stated their willingness to abide by the Geneva Conventions and international human rights instruments, while maintaining the pretense that they do not engage in the recruitment of children. Nepali rights groups, as well as the UN Office of the High Commissioner for Human Rights (OHCHR), have repeatedly urged the Maoists to admit the practice of forced recruitment of children and the presence of underage combatants in their ranks, whether

among the PLA or local militias, in order to facilitate beginning the process of releasing and rehabilitating these children. On August 24, 2006, the Maoist leadership agreed to Nepali and international child protection agencies' carrying out assessment missions to gather information and plan the process of returning children to their families. But, crucially, the Maoist leadership has so far not issued a clear directive to stop the recruitment of child soldiers and to release those already in the ranks.

Since 2000 international law has banned the recruitment and use of children under age 18. The International Labour Organization has prohibited the forced recruitment of children under the age of 18 for use in armed conflict in its convention on the Worst Forms of Child Labour, which Nepal ratified in 2002. Nepal has also signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which entered into force in 2002. The protocol, which explicitly applies to non-state armed groups in addition to government forces, established 18 as the minimum age for any recruitment into nongovernmental armed groups.

Any children considering escaping the Maoists were effectively discouraged by fear that they would be detained and abused by the government security forces.

Even before that, there was no question that recruiting and using children under age 15 as soldiers was a violation of the laws of war and international human rights, whether carried out by government forces or an armed group fighting an insurgency. Any recruitment or use in armed conflict of children under age 15 violates the nearly-universally ratified Convention on the Rights of the Child, to which Nepal is a party, as well as the second Additional Protocol to the Geneva Conventions of 1949, which governs situations of civil war such as those in Nepal. As demonstrated below, Maoist forces certainly have recruited (and continue to recruit) children under age 18, and even under age 15.

The problems of Nepali children recruited by the Maoists were compounded by the government of Nepal's failure to provide any assistance whatsoever to children who escaped the Maoists. Nepal's security forces established a terrible record for human rights violations and abuse through the course of the conflict as

they engaged in routine and systematic arbitrary arrest, unlawful detention, “disappearances,” extrajudicial executions, and torture and mistreatment of detainees. Because Nepal essentially lacks a juvenile justice system, Nepal’s children were treated as poorly as detained adults and nearly always kept in the same detention facilities. As a result, any children considering escaping the Maoists were effectively discouraged by fear that they would be detained and abused by the government security forces. The government did not have a plan for encouraging children to leave the Maoists or for helping them if they did.

With the comprehensive peace agreement and the possibility of large-scale decommissioning of the Maoists, the need for such a plan is acute. Preparing for and attending to these children is politically important—and it is required by international law. The sudden release of these young troops could cause serious political problems. Thousands of children who have missed out on education could conceivably be released from Maoist ranks, and will be in need of assistance to reenter society—one that is already extremely poor and unlikely to be able to generate gainful employment for such a number. Furthermore, the government of Nepal has to meet its international legal obligations under the Convention on the Rights of the Child, as well as ILO Convention 182, to provide assistance and rehabilitation to former child soldiers.

The Maoists must immediately stop recruiting children and must begin allowing children to return to normal lives, with assistance from the Nepali government and international agencies and donors.

Human Rights Watch believes that the problem of the Maoists’ use of child soldiers should be immediately addressed by the parties to Nepal’s civil war. Doing so removes one of the chief sources of worry for thousands of Nepali families and establishes the sincerity of the Maoists and the Nepali government toward the provisions of the comprehensive peace agreement.

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## Recommendations



*To the Communist Party of Nepal (Maoist)*

- **Immediately end all recruitment of persons under age 18**, whether for use as combatants, cooks, porters, messengers, guards or for any other military purpose;
- **Publicize the ban on recruitment of children** through the media, as well as through local meetings;
- **Release children under age 18 from all Maoist forces**, and transfer them to appropriate child protection agencies.

*To the Government of Nepal*

- **Ensure that an end to child recruitment and the immediate release of children from the Maoists are benchmarks for the peace process with the Maoists;**
- **Cooperate with appropriate child protection agencies** to establish and support rehabilitation and reintegration programs for former child soldiers, and ensure that any such programs are tailored to meet the special requirements of girl soldiers;
- **Grant a formal amnesty to all former child soldiers** for their participation with the Maoists;
- **Immediately ratify and implement the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts.**

*To the United Nations Security Council working group on children and armed conflict*

- **Urge immediate action by the CPN (M) to end all child recruitment** and release all children from their forces;
- **Recommend that no demobilization and rehabilitation packages be distributed to adult members of the Maoist forces until all children have been released.**

*Children in the Ranks* is available free for download at  
<http://hrw.org/reports/2007/nepalo207/>.

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