Coalition to Stop the Use of Child Soldiers

For Submission To the United Nations Security Council

ABOUT THE COALITION TO STOP THE USE OF CHILD SOLDIERS

The Coalition to Stop the Use of Child Soldiers was formed in May 1998 by leading non-governmental organisations to seek to end the military recruitment and participation in armed conflict of all children under 18 years of age. Its steering committee members currently include Amnesty International, Defence for Children International, Human Rights Watch, Jesuit Refugee Service, Quaker United Nations Office (Geneva), Radda Barnen for the International Save the Children Alliance, International Federation Terre des Hommes and World Vision International and regional NGOs from Latin America, Africa, Asia and the Middle East. Since its launch, the Coalition has mobilised national coalitions in nearly forty countries, which actively campaign to stop the use of child soldiers. Their actions have been focused on achieving accession to and implementation of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict in their own country, as well as mounting pressure on governments and armed groups that recruit children in other parts of the world.

In short, we are a coalition to stop the use of children as soldiers – to prevent their recruitment and use, to secure their demobilisation, to ensure their rehabilitation and reintegration into society. Our overall goal is to promote the adoption and adherence to national, regional and international legal standards (including the Optional Protocol to the Convention on the Rights of the Child) prohibiting the military recruitment and use in hostilities of any person younger than eighteen years of age; and the recognition and enforcement of this standard by all armed forces and groups, both governmental and non-governmental.

In conducting the research for this report, the Coalition Secretariat staff asked national, regional and international members of our Coalition to provide information and check draft entries. The Coalition’s Steering Committee provides general supervision of the methodology and collaborative research process among our worldwide network. The views presented in our materials do not represent the views of any one organization in the network or on the Steering Committee but reflect the Coalition’s united position. Information contained in this report is current as of September 2002.

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Coalition to Stop the Use of Child Soldiers
International Secretariat
2-12 Pentonville Road, London, N1 9HF, United Kingdom

Tel: +44 (0)20 7713 2761
Fax: +44 (0)20 7713 2794
Web: www.child-soldiers.org
Email: info@child-soldiers.org
INTRODUCTION
By Casey Kelso, Coordinator, Coalition to Stop the Use of Child Soldiers

KEY RECOMMENDATIONS
I. Summary Of Parties Proposed For Inclusion On 1379 List or For Further Monitoring
II. Overall Recommendations to the UN Security Council

UNSC RESOLUTION 1379: PURPOSE & CSC APPROACH
I. Background
II. CSC approach
III. Structure of country reports

1379 COUNTRY REPORTS
Afghanistan
Angola
Burundi
Colombia
Democratic Republic of Congo
Eritrea
Ethiopia
Guinea-Bissau
India
Indonesia
Iraq
Israel & the Palestinian Occupied Territories
Liberia
Macedonia
Myanmar
Nepal
Pakistan
Russian Federation
Rwanda
Sierra Leone
Somalia
Sri Lanka
Sudan
Uganda
Yugoslavia (Federal Republic of)
It is with a sense of deep concern at the gravity of abuses against children that the Coalition to Stop the Use of Child Soldiers presents this report on the “parties to armed conflict that recruit or use children in violation of the international obligations applicable to them...”, following criteria laid out in UN Security Council Resolution (UNSC) 1379, paragraph 16, which was adopted in November 2001.

The Coalition is making public our methodology and full report to assist the United Nations in addressing the numerous serious and pressing conflicts that continue to strike at children as victims of violence and as targets for recruitment. This report echoes the serious warning issued in our Global Report last year, that a more consistent and long-term commitment by the international community is needed if this problem is to be squarely, effectively addressed.

Meeting the requirements of UNSC 1379 in defining who is a party to an armed conflict and what constitutes use of children as soldiers is a complex and demanding task. After months of discussion and research on the justification for including parties on this list, the Coalition believes that this report and list of countries rigorously adheres to the criteria set out in paragraph 16. Thus, it should not be considered simply “the NGO list” but a well-documented application of methodology that provides a valuable opportunity to promote the protection, rights and welfare of children abused in situations of armed conflict.

This report is based on extensive research on more than 180 countries and territories by the Coalition between 1999 and September 2002, building upon the country entries contained in our 2001 Child Soldiers Global Report. In preparing a ‘1379 List’ and conducting further research for this report, the Coalition asked national, regional and international members of our Coalition to provide information and check draft entries. In this collaborative information gathering process among our worldwide network of some 400 organisations, we sometimes received conflicting opinions regarding the factual evidence of recruitment and use of child combatants in certain areas of the world. In these situations, the Coalition has indicated the ambiguity of the situation in the narrative justifications.

In this year’s Security Council debate, for which this report was written, children in many situations of peril are at risk of being excluded, thus escaping international scrutiny. In this report, the Coalition brings to the UN Security Council’s attention 72 different parties to armed conflict that are using children as soldiers, and more than 25 others in which children are at serious risk. Our report includes concrete recommendations for each situation and calls upon the international community to start turning its promises into practice. It highlights the fact that there are many more situations in which children suffer terribly, as documented in the Coalition’s 2001 Global Report, but which may not meet the exact criteria set out in Resolution 1379. The UN should not allow any situations in which children are at risk to “fall through the cracks” during the Security Council debate.

The Coalition therefore recommends that a new resolution modelled on UNSC Resolution 1379 should be re-adopted by the Security Council to make this debate an annual review of situations involving children and armed conflict, with wider criteria that allows all situations of child recruitment to come under the scrutiny of the international community. In this way, the yearly Security Council scrutiny will become an important advocacy tool for approaching and pressing governments and non-state armed groups to renounce their misuse of children.

The Coalition also urges the Security Council to follow up on parties to armed conflict that are named in the November 2002 debate on UNSC Resolution 1379, evaluate progress and consider sanctions on those that continue to use children in waging armed conflict.

We hope that by publishing this report the Coalition can support the work of the United Nations to make a difference for children who are caught up in armed conflict worldwide.

I would like to thank everyone who has contributed to this report, including the many people involved with the 2001 Child Soldiers Global Report, the current staff of the International Secretariat, our Steering Committee members and large network of partners and supporters on the ground whose work on children in armed conflict is the foundation of the Coalition.

Casey Kelso
Coordinator
Coalition to Stop the Use of Child Soldiers
# KEY RECOMMENDATIONS

## I. PARTIES PROPOSED FOR INCLUSION ON ‘1379 LIST’ OR FOR FURTHER MONITORING

### AFGHANISTAN

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<tr>
<td>Taliban</td>
<td>Government forces (in creation); tribal groups / Northern Alliance; Al Qaida</td>
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<td>FAA; UNITA</td>
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### BURUNDI

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<tr>
<td>Burundi armed forces; CNDD-FDD; PALIPEHUTU-FNL; FROLINA</td>
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### COLOMBIA

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<tr>
<td>AUC; AUSC; ACCU; ELN; FARC</td>
<td>Colombian armed forces</td>
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### DEMOCRATIC REPUBLIC OF CONGO

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<tr>
<td>FAC; Mai-Mai; RCD-ML; RCD-Goma; MLC; RPA; UPDF</td>
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### ERITREA

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<td>Government armed forces</td>
<td>AENF and aligned armed elements</td>
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### ETHIOPIA

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### GUINEA-BISSAU

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<td>Government armed forces</td>
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### INDIA

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<tr>
<td>Lashkar-e-Taiba; BLTF; BSF; ULFA; PLA; UNLF; KNF; KNA; ZRO; NCSN; TNVF; ATTF; NLFT; PWG; Sangh Parivar; Kanglei Yawol Kanna Lup (Oken Faction); PGA</td>
<td>Village Defence Committees. There are more than 100 armed groups operating in India, many of which recruit and use children as soldiers.</td>
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### INDONESIA

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<tr>
<td>TNI (government army); paramilitaries (government-allied); Indonesian pro-integration armed groups; GAM</td>
<td>Monitor other nonstate armed groups</td>
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### IRAQ

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### ISRAEL & PALESTINIAN OCCUPIED TERRITORIES

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<tr>
<td>Izz al-Din al-Qassam Brigades (Hamas); Al-Aqsa Martyrs Brigades; Islamic Jihad; Palestinian Authority; Israel Defence Force</td>
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II. GENERAL RECOMMENDATIONS TO THE UNITED NATIONS SECURITY COUNCIL

- The UN Security Council should undertake further activities to follow up in 2003 on parties to armed conflict that are named in the November 2002 debate on UNSC Resolution 1379, with an aim of evaluating progress and considering further measures to address the continuing use of children in armed conflicts. Specifically, the Security Council could request the President to make an intervention with named parties on its behalf, and undertake field visits to examine situations where grave human rights violations continue to be committed against children, including the recruitment of child soldiers, such as in the Great Lakes region of Central Africa.

- The UN Security Council should adopt another resolution requesting the Secretary-General to prepare, for next year, a new version of the list of parties to armed conflict that recruit or use children in war, and also report on progress made, suggest concrete actions, and consider “further measures” against parties who do not comply. The Security Council should broaden the language of the resolution to include other situations in which the use of children as soldiers warrants the attention of the Council.

- The UN Security Council should urge those member states that have not yet ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, to do so without reservations, and to set 18 as the minimum age for all forms of recruitment by governments and non-state armed groups alike.

A list of specific recommendations to the UN Security Council is offered in Section III of each country report.
I. BACKGROUND

At the end of its debate on Children and Armed Conflict on 20 November 2001, the Security Council unanimously adopted Resolution 1379. The Resolution contains far-reaching and comprehensive provisions for the inclusion of child protection concerns in the work of the Council, as well as in the work of peacekeeping and peace-building missions, UN agencies, international financial institutions and regional organisations.

The resolution requests the Secretary-General in paragraph 16 (above) to attach to his future report on children and armed conflict, due 31 October 2002, a list of parties to armed conflict that recruit or use children in violation of the international obligations applicable to them.

The Secretary-General’s list offers great possibilities as a means of drawing the attention of the international community to the recruitment and use of children in armed conflict, and pressuring parties that use child soldiers to abide by international obligations. It can thus be used to further promote and improve the situation of children in armed conflict. However, the final list will be determined by just how Paragraph 16 is interpreted and what information is obtained to substantiate the inclusion of some parties to armed conflict and not others.

The Coalition to Stop the Use of Child Soldiers (CSC) has produced a methodology and detailed report on parties to conflict that recruit or use children as soldiers, and resulting ‘CSC 1379 List’. In September 2002 the report was submitted to the Special Representative of the Secretary-General on Children and Armed Conflict (SRSG-CAC), who is tasked with compiling a list under UNSC Resolution 1379. The CSC report is thus intended to help ensure the adoption of an interpretation and application of Paragraph 16 which will maximise its potential. Information in this report is current as of September 2002.

Paragraph 16 sets out criteria for identifying parties to armed conflict to be included on the 1379 List. The CSC has adopted an approach which, while providing a clear interpretation and strict application of the criteria enumerated in paragraph 16, also ensures transparency and reveals armed forces or armed groups in danger of ‘falling through the cracks’. That is, the CSC has included situations that are clearly in violation of international standards against the use of children as soldiers but that others might interpret as being outside the remit of paragraph 16. The result is a report detailing and clearly identifying armed forces and groups that meet the criteria set out in Paragraph 16, and also highlighting those that recruit or use children as soldiers but which may fail to meet all the criteria set out in Paragraph 16. This process should help keep the real extent of child soldiering firmly under international scrutiny – ensuring that all parties that meet the criteria of Paragraph 16 are identified but also that Paragraph 16 not be used to intensify international attention on only a few countries while neglecting child soldiering in others.

II. CSC APPROACH

The CSC’s methodology for interpreting and applying Paragraph 16 was developed through consultation with its extensive network of experts, including those working in the field as well as representatives of the OSRSG-CAC, the United Nations Children’s Fund (UNICEF), and the International Committee of the Red Cross (ICRC).

The following describes the scope of paragraph 16 of Resolution 1379 and its implementation in this report. It first breaks down Paragraph 16 into five interdependent layers and describes the challenges or risks presented by the implicit requirement that armed forces and groups meet these criteria in order to be included on the 1379 List. It then presents the CSC’s approach, both broadly and also by systematically exploring the challenges or risks contained in each of the five layers individually, explaining how the CSC report interprets and applies each layer. The resulting report is aimed at (a) revealing armed forces and armed groups ‘that recruit or use children’, and of those, (b) identifying those that meet the remaining criteria laid out in Paragraph 16. The CSC strongly advocates that a comprehensive list will increase protection for children affected by armed conflict.

Paragraph 16: criteria and challenges

Criteria: Paragraph 16 sets out the following five criteria for inclusion on the 1379 List; that armed forces or armed groups be:

A. parties to armed conflict
B. that recruit or use children
C. in violation of the international obligations applicable to them
D. in situations that are on the Security Council’s agenda
E. or that may be brought to the attention of the Security Council by the Secretary-General, in accordance with Article 99 of the Charter of the United Nations, which in his opinion may threaten the maintenance of international peace and security
Challenges: Some armed forces and armed groups that use children as soldiers are at risk of being excluded from the SRSG-CAC’s 1379 List due to the implicit requirement that they meet four out of five of the above criteria: either A through D, or A, B, C, and E. This requirement risks excluding the following armed forces and groups:

- those that recruit children but are not participating in armed conflict;
- those involved in situations under debate regarding who are parties to armed conflict;
- those involved in recent armed conflicts (particularly conflicts that were long-term) currently in a period of peace negotiations, but at serious risk of recommencing;
- those involved in internal armed conflicts that are not on the UNSC agenda;
- those involved in situations that could be brought to the attention of the Security Council under Article 99 but which for political reasons might require international pressure to be included as such;
- those whose international obligations are unclear or under debate;
- those in violation of relevant international obligations in the recent past, but about which there is currently a lack of sufficient information to prove either that these violations continue or have ceased.

A holistic approach:

The CSC has taken a holistic and transparent approach to generate its list. Rather than present information only on those armed forces and armed groups that have been found to meet the criteria contained in Paragraph 16, this report presents information on a country by country basis.

This enables presentation of available information on armed forces and groups in each country, showing not only why certain forces or groups are included on the list, but also why others are not ultimately included, and why some of these should be monitored by the UNSC and OSRSG-CAC. Regarding those that are not included, there are three main situations that should remain under international scrutiny:

- When there is a lack of evidence to confirm or disprove that certain armed forces or groups have ever recruited or used children as soldiers;
- When despite clear evidence that certain armed forces or groups have recruited or used children as soldiers, these same parties fail to meet the criteria set out in Paragraph 16;
- When current evidence indicates that children are not being recruited or used, but extensive and confirmed reports from the past suggest that children may either still be at serious risk of recruitment, or that more information may be required to adequately assess the current situation.

Interpretation of Paragraph 16:

A. “parties to armed conflict”

The term “armed conflict” refers to both international and non-international armed conflicts. The Coalition takes no position on the nature, status or merits of individual conflicts or the various combatants; its prime concern is to protect persons under the age of 18 from recruitment and participation in hostilities.

There is no strict legal definition of a “party to armed conflict”. However it is clear that government forces as well as paramilitaries and non-state armed groups can all be parties to conflict. Paramilitaries and non-state armed groups may be government-allied, pro-government, or opposed to the government. The term non-state armed groups encompasses a variety of commonly used terms such as paramilitaries, militias, rebel groups, irregular armed groups, insurgents, dissident armed forces, guerrillas and de facto territorial governing bodies. However, in no case does the Coalition take any position on the status or legitimacy of any particular armed force or armed group. Thus the CSC report uses only neutral terms such as non-state armed groups, paramilitaries, and in some cases militias.

Paragraph 16 does not specify a time frame. In this report, parties to armed conflict are identified wherever there have been active hostilities at any time from August 1999 – when the Security Council first began to focus on the problem of child soldiers (through the adoption of UNSC Resolution 1261) – to the present. This means that all recent conflicts are included, even where certain conflicts have currently ceased. This enables proper consideration of whether children were or are currently suffering in armed forces or armed groups, or if such children have actually been demobilised. It is also important as the state of many conflicts fluctuates quickly. Only after peace agreements can be considered long lasting and stable, and all children have been demobilised from armed forces and groups, can children be considered out of immediate danger of recruitment or use by armed forces and armed groups.

B. “that recruit or use children”

The time frame noted earlier, from August 1999 to the present, also applies to the criteria regarding the recruitment and use of children by parties to armed conflict. This is a minimal period necessary to responsibly evaluate the likelihood that children are recruited or used by armed forces or armed groups. The notoriously difficult task of monitoring child recruitment and use sometimes results in ‘snapshots’ of child soldiers at a particular time, but a lack of information about their subsequent demobilisation or continuing recruitment later on. Most of the evidence presented in this report is post-1999. However, in some cases earlier reports of child recruitment and use are also documented to indicate current or future risks.

Paragraph 16 does not define or qualify the terms ‘children’, ‘recruit’ or ‘use’ by parties to armed conflict. This leaves the Paragraph open to a broad interpretation of which children, what type of recruitment, and what type of use, will qualify parties to conflict for inclusion on the 1379 List. The following terms, as defined by the CSC, form the basis of our approach:
The child: The CSC defines the ‘child’ as any person under 18 years of age, in accordance with the definitions upheld in the 1989 Convention on the Rights of the Child (Article 1), the African Charter on the Rights of the Child (Article 2), and the International Labour Organisation Convention No. 182 (Article 2). The terms ‘underage’ or ‘minor’ are used in the report to refer to children under 18 years of age.

‘Child soldier’: The CSC defines a child soldier as “any person under 18 years of age who is a member of or attached to the armed forces or an armed group, whether or not there is an armed conflict.” Child soldiers may perform tasks ranging from direct participation in combat; military activities such as scouting, spying, sabotage, acting as decoys, couriers or guards; training, drill and other preparations; support functions such as portering and domestic tasks; sexual slavery and forced labour.

Recruitment: The CSC supports a definition of the term “recruit” which recognises three different means by which persons become members of armed forces or armed groups: compulsory, voluntary, and forcible recruitment. Compulsory recruitment is defined in national legislation and thus typically applies to regular conscript armed forces. Voluntary recruitment occurs without conscription or force, and in the context of national forces is usually regulated by law or policy. Forcible recruitment entails the use of force outside the law, for instance in the form of abduction or other duress. It is important to note that the lines between compulsory, voluntary and forced recruitment are often blurred. Children may be subjected to various political and economic pressures that provide them with little alternative than to ‘voluntarily’ join armed forces or armed groups. The CSC opposes all forms of military recruitment of children under 18. In this report, types of recruitment or ‘child recruits’ in each armed force or armed group are specified wherever possible.

The ‘Straight-18’ principle: The CSC’s “straight-18” policy regarding the use of children as soldiers means that no children under 18 should be used by any armed force or group – state or non-state – under any circumstances, even if they volunteer for service or when international obligations at times set lower standards for certain parties.

The CSC uses these definitional guidelines to interpret the criteria in Paragraph 16 regarding parties to armed conflict that “recruit or use children”. It is vital to note that Paragraph 16 does not specify that parties to armed conflict must recruit or use children in hostilities in order to be identified for inclusion on the list, thus recruitment alone (without participation in hostilities) suffices. This report therefore presents information on all children under the age of 18 that are recruited or used as soldiers, and lists all armed forces and armed groups that recruit or use children under the age of 18, alongside those that meet the remaining criteria in Paragraph 16.

C. “In violation of the international obligations applicable to them”

According to Paragraph 16, parties are measured against their particular international obligations. This means that different standards sometimes apply to different parties, depending on:

- what the relevant standards are under customary law, which applies to everyone
- which treaties and conventions particular governments have ratified
- what (if any) political commitments have been made to international mechanisms such as the SRSG-CAC or to UNICEF, by states or by non-state armed groups who act autonomously from recognised governments.

Thus, for example, in some situations both government armed forces and non-state armed groups may be using ‘volunteers’ aged 16 and up, but the government might not be violating its particular obligations under the Optional Protocol, while the non-state forces would.

This report identifies on a case by case basis which international obligations are applicable to each party concerned. International obligations may include Customary Law, International Humanitarian Law, International Human Rights Law and other political commitments by parties to the conflict regarding protection of children in armed conflict. Both Customary Law and International Humanitarian Law are clearly considered binding on both state and non-state actors in non-international conflict situations. The principles and applicability of customary law and relevant international treaties and agreements are reviewed below. Where more than one treaty or standard (including national law) is applicable to a particular armed force or group, the highest applicable standard prevails.

- Customary law: the prohibition on the recruitment of children under the age of 15 into both armed forces and armed groups has by now acquired a customary international law status, and is therefore binding on all armed forces and armed groups regardless of whether the State is a party to specific international treaties, or even if there is no State. This standard is upheld in the following legal instruments: Geneva Conventions and Additional Protocols I and II, the Convention on the Rights of the Child and the Rome Statute for an International Criminal Court. Customary law thus sets a base-line prohibition on the recruitment and use of children in armed conflict. All armed parties and groups must therefore meet this minimum standard (“No under-15’s”), without exception. Other instruments do set even higher standards, but not all are applicable to every party to armed conflict in each situation, and thus must be identified on a case by case basis.

- Geneva Conventions (GC): provide protection to all civilians, including children, from hostilities. This offers important protections for children caught up in armed conflict, as well as a right to security that may prevent children being caught up in armed conflict (e.g. being abducted or forcibly recruited by armed forces or groups). Applicable to all armed forces and groups if respective government is a party to it. Recognised as customary law.

- Additional Protocol I (API), relating to international armed conflicts, Article 77(2): prohibits recruitment or use in hostilities of children under the age of 15 by government forces if respective government is a party to it.

- Additional Protocol II (APII), relating to non-international armed conflicts, Article 4(3): prohibits recruitment or use in hostilities of children under the age of 15 by both government forces and armed groups if respective government is a party to it.
• Convention on the Rights of the Child (CRC), Article 38; prohibits recruitment and use in hostilities of children under age 15 by government forces if respective state is party to it. The CRC has attained almost universal ratification by governments.

• Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OP-CRC-CAC); requires governments to take all feasible measures to ensure that children under the age of 18 do not take part in hostilities; bans all compulsory recruitment under 18; requires governments to raise the minimum age for voluntary recruitment to a minimum of 16; and bans all military recruitment and use of children under 18 by armed groups. The OP-CRC-CAC is applicable to all armed forces and groups if respective government is a party to it (Article 4(1) and (2)).

• International Labour Convention 182 (ILO 182); prohibits forced or compulsory recruitment of children under the age of 18 for use in armed conflict (Article 3). It is binding on states party to it.

• African Charter on the Rights and Welfare of the Child (ACRWC): prohibits any recruitment or use of children under 18 years by government forces if respective state is party to it.

• Rome Statute for an International Criminal Court (ICC): defines the recruitment and use in hostilities of children under the age of 15 by any armed force or armed group as a war crime. The ICC is applicable to all armed forces and groups if respective government is a party to it.

• Commitments made to international mechanisms including the SRS-CAC or to UNICEF: conditions specified in terms of agreement, including applicability to consenting parties. Non-state actors may declare their agreement and desire to comply with international treaties, totally or partially, by agreement with the state or unilaterally. They may reach agreements with the government on particular aspects and rules of the law, for example regarding prisoners of war, child combatants, and the non-use of particular weapons. They may address their declarations to the international community directly, in particular UNICEF, the SRS-CAC, or the ICRC.2

D. in situations that are on the Security Council’s agenda

Many of the major current armed conflicts are on the agenda of the Council, but some important situations with significant recruitment and use of child soldiers are not. Therefore this report interprets “situations that are on the Security Council agenda” broadly, including current and recent situations on the agenda as well as long-standing issues and situations that are the subject of President’s statements and letters.3

Every year, the Secretary General notifies the General Assembly about the matters relating to the maintenance of international peace and security that are being dealt with by the Council and those with which the Council has ceased to deal. Situations the Council has dealt with over the last 12 months are identified, as well as issues on the agenda that have not been considered by the Council in formal session over the preceding five years. These issues are deleted from the agenda (under a “sunset clause”), unless a Member State notifies the SG that they want to keep the issue on the agenda. Interested states tend to keep issues on the agenda, thus the agenda is much broader than those issues currently dominating the work of the Council. For example, the situation on the India/Pakistan subcontinent is still on the agenda, although it has not been considered for a long time. Situations identified also include broad items, such as “the situation in Africa”, which enable a broad interpretation of situations on the Security Council’s agenda.

It is important to note that Paragraph 16 calls for the Secretary-General to identify “parties to armed conflict” in “situations that are on the Security Council’s agenda”, rather than calling either for a list of countries in which such parties operate or for countries on the Security Council’s agenda. This clearly makes it possible to identify, for example, a broad number of armed forces and groups under “the situation in Africa” – one item currently on the Security Council agenda. It also makes it possible to identify armed forces and groups that, while based in a country not specifically on the Security Council’s agenda, recruit and use children in conflicts in neighbouring countries that are on the Security Council’s agenda.

E. or that may be brought to the attention of the Security Council by the Secretary-General, in accordance with Article 99 of the Charter of the United Nations, which in his opinion may threaten the maintenance of international peace and security

Paragraph 16 allows the Secretary General to go beyond the situations currently on the agenda of the Council by highlighting the option of addressing the conduct of parties involved in armed conflicts that in his opinion may threaten the maintenance of international peace and security, in accordance with Article 99 of the Charter. This allows for the inclusion of parties involved in domestic conflicts with regional implications or that cross national borders, as well as parties to emerging conflicts.

Article 99 cases to date are: Congo (1960); East Pakistan (1971); Cyprus (1974); US Embassy in Iran (1979); Iran-Iraq (1980); and Lebanon (1989). Countries that this report proposes should be brought to the attention of the Security Council under Article 99 are: Colombia, Myanmar, Nepal and Sri Lanka.

III. STRUCTURE OF COUNTRY REPORTS

The CSC country reports draw on a wide range of sources and build upon previous research published by the CSC, in particular the Child Soldiers Global Report (2001), which documents recruitment policies and practices in 180 countries. Consultation was undertaken with local, regional and international NGOs working in the field. The report also draws on information provided by the major news services, government and United Nations reports and documents (including the OHCHR, UNICEF, UNHCR, the UN Integrated Regional Information Network, and the ILO), and reports on the implementation of the Convention on the Rights of the Child and in particular on the implementation of its Optional Protocol on the involvement of children in armed conflict. The CSC has also invited comments on the reports from representatives of government forces and non-state armed groups, and where these have been received, they have been presented along with any public statements and official documents pertaining to the recruitment and use of persons
under the age of 18. Conflicting evidence from numerous sources is also presented. The CSC makes every effort to identify its sources, however we also respect the need to protect the identity of some sources for security reasons.

Each country report includes a table with summary information on:
- parties proposed for inclusion on the 1379 List
- relevant international obligations for both state and non-state actors in the country
- a summary of the recruitment or use of children as soldiers by government forces or non-state armed groups, including information on minimum recruitment age in national legislation and whether state and non-state groups support the ‘straight-18’ principle.

The presence or absence of child soldiers in each country is indicated whether or not precise figures are available. Where recruitment age in legislation is over 18 and no evidence has surfaced regarding underage recruitment, the reports state that there are no indications of child soldiers. Where legal recruitment age is under 18, or there is evidence of child soldiers despite legislation with a minimum recruitment age of 18, the term ‘indicated’ is used. Where information on legal recruitment age is lacking and no data on the presence of child soldiers is available, the term ‘unknown’ is used. All other cases, where children are clearly recruited and used as soldiers, are clearly identified.

Figures of the number of child soldiers in any given country are often estimates based on a number of sources, referenced in endnotes to the text. Where multiple forces are involved, a complete breakdown of child soldiers among them is sometimes difficult, in particular regarding armed groups whose active status or size may be unknown. In such cases the available evidence is presented with reference to particular factions. Emphasis has been placed on providing information on the most active governmental forces and armed groups.

In all cases such figures represent the estimated number of child soldiers at any one time, and thus do not account for the total number of child soldiers over the duration of a given conflict, nor do they include soldiers recruited as children who, because of the duration of their service, are currently aged 18 or older. The figures presented therefore are conservative estimates.

For countries not on the Security Council agenda, a background section is included which describes why the situation in the particular country should be considered a threat to international peace and security and therefore brought to the attention of the Security Council under Article 99 of the UN Charter.

Information about government forces (regular national armed forces – army, navy and air force), paramilitary forces and other non-state armed groups (whether opposed to the state or engaged in armed activities of a political, ethnic or other nature) operating in the country is then presented. Where possible, affiliations between the state and paramilitary or non-state armed groups are identified. In each case, a summary is provided detailing policies and practices of recruitment and deployment, military education or training, demobilisation, international appeals, and commitments or developments to date.

In conclusion, each country entry recommends which parties should be included on the 1379 List, those that should be monitored, and what actions should be taken by the relevant governments and armed groups and the international community. It highlights where parties should be monitored closely due to their actual or potential use of children as soldiers, even when not in violation of international obligations applicable to them or when they fail to meet all five criteria laid out in Paragraph 16 of SC Resolution 1379.

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1 See for example, Draft Statute of the Special Court for Sierra Leone, Report of the Secretary-General on the establishment of a Special Court for Sierra Leone, S/2000/915, 4 October 2000, para. 17.
4 Article 99: “The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.”
Islamic State of Afghanistan

I. SUMMARY

| Parties proposed for inclusion on 1379 List: | Taliban |
| Parties proposed for monitoring: | Government forces (in creation), tribal groups/Northern Alliance; Al Qaida |
| Relevant international obligations: | |
| • Government: | Customary law (no Under-15s), GC, CRC |
| • Non-state armed groups: | Customary law (no Under-15s), GC |

RECORD ON RECRUITMENT AND USE IN ARMED CONFLICT OF CHILDREN UNDER THE AGE OF 18:
Children were used as soldiers by all warring parties throughout more than two decades of war in Afghanistan.

As yet there is no indication of under-18s serving in the new government forces that are being created. The government of Afghanistan has not signed or ratified the CRC-OP-CAC.

In 2001 forced and compulsory recruitment continued to be reported among Taliban forces (under the previous government), the Al Qaida (a pro-Taliban foreign armed group based in Afghanistan) and the then-opposition the Northern Alliance. Demobilisation is still taking place among armed groups that fought against the previous Taliban regime, some of which were believed to recruit under-15s, while clashes between international forces and remaining numbers of Taliban and Al Qaida fighters continues.

II. COUNTRY PROFILE

RELEVANCE: on the Security Council Agenda

BACKGROUND
More than two decades of war in Afghanistan has cost an estimated 1.7 million lives, permanently disabled another 2 million people, and drove more than 5 million people from their homes. While the situation has changed substantially since the change of regime in late 2001, pockets of resistance have remained. Clashes with Taliban and Al Qaida forces against the coalition of international forces continue, as well as factional clashes between rival Afghan political and military actors. It is unclear how many Taliban and Al Qaida forces remain in the country.

GOVERNMENT: should be monitored

National Recruitment Legislation and Practice
Since the downfall of the Taliban regime in late 2001, a new Afghan Interim Authority has been instated and a new national security sector and national legislation on conscription and voluntary recruitment have been in development. The UN Secretary-General reported that the new security sector should be established in accordance with international humanitarian and human rights law.

The Constitutions of 1924, 1931, 1964 and 1976 set the age for conscription at 22 with military service lasting two years. In the 1980s the then-government lowered the conscription age to 18 under a state of emergency law. The most recent constitution, from 1990, did not specifically provide for compulsory or voluntary military service. A constitutional loya jirga is expected to convene to ratify a new constitution in 2003.

Efforts to quickly establish new governmental forces are already underway, despite continuing debates about size (from 50,000 to 200,000) and structure. The first battalion of a new Afghan National Guard has been trained by International Security Assistance Forces (ISAF). The USA has also begun an 18 month training programme expected to provide 11,500 troops for a new Afghan army and border guard, and France is carrying out a parallel army training programme.

It is unclear what the selection guidelines are for recruitment into the new national army, but there are no reports of persons under the age of 18 among these forces so far. Concerns have been raised about the selection process at least in so far as there appears to be no ideological bar to the selection process; reportedly the only applicants rejected are those who cannot swear they did not fight for the Taliban. Many former Northern-Alliance fighters (see below) are being integrated into the new government forces.

In the absence of agreed national structures to form, house, equip and deploy these forces, a Commission will be established for the purpose of creating the national army.

Militarisation and Military education under previous governments
Children under 18 years of age have been used as combatants by all parties throughout the last two decades – first as members of the resistance to Soviet forces, later as members of Afghanistan’s many warring factions, some as young as 11. A survey of 3,016 Afghans including 1,385 children at more than 200 locations inside Afghanistan and refugee camps, found that up to 30 per cent had participated in military activities as children at some time during the twenty year conflict.
Even those children who did not serve as armed fighters were subjected to other forms of militarisation. In schools both inside the country and refugee camps, textbooks and teaching methods have used images of tanks, guns and bullets in mathematics and reading classes. In their communities the widespread availability of small arms promoted a “kalashnikov culture” that has shaped children’s worldview.

Under the Taliban regime, many Afghan and Pakistani children were also trained and indoctrinated in Madrassas – religious schools in Pakistan. (See the section below on the Taliban for information about Madrassas currently.)

NON-STATE ARMED GROUPS

Former member groups in the Northern Alliance: should be monitored

While many former Northern-Alliance fighters are being integrated into the new government forces, others are currently retaining their autonomy but working alongside the government. Due to their past record on child recruitment, these groups should be continue to be monitored to ensure no children are used as soldiers.

The Northern Alliance, a coalition of groups that united against the Taliban regime and which continued to hold Afghanistan’s seat at the United Nations during that time, told the UN Security Council in 1999 that it was committed to ending the use of child soldiers. A representative stated that they “shared the idea of a new peace and security agenda for children and women, ending the use of children as soldiers, and the provision of better protection for children and women in situations of armed conflict.” However in November 2000 major new recruitment drives (forced and voluntary) reportedly included children in the Pansijir Valley and Badakshan. Many journalists subsequently reported the presence of children in the frontlines during the Northern Alliance’s offensive against the Taliban in 2001.

Reports from the north of Afghanistan in late 2001 indicate that Northern Alliance military units used young boys to perform tasks ranging from serving on the front lines to carrying ammunition. Several news reports in October detailed the use of young boys in Northern Alliance ranks. A Northern Alliance commander told The New York Times, “We have young boys that are more familiar with a gun than with school.”

Twelve year old Lalsaid said he could not remember a time when there was peace in Afghanistan. “Our enemy attacked us,” he said. “I had to join.” Sixteen year old Abdul explained, “we had to defend our line”. Fifteen year old Ezmeray volunteered because his father was killed by the Taliban; “I want to take revenge with this gun”, he said.

Taliban (government force until end 2001): proposed for inclusion on 1379 List

Children under the age of 18 were recruited and used as soldiers by Taliban forces under the Taliban regime, although the total number remains unknown. According to some NGO staff in Pakistan, no girls were recruited by the Taliban, but forced marriages of girls from Shamali and Mazar were reported.

According to the United Nations Special Mission in Afghanistan (UNSMA) in 1998, the Taliban had a typical strength of 30-40,000 fighters and could mobilise approximately 80-100,000 soldiers during crisis periods. Since the downfall of the Taliban in late 2001, the majority of Taliban fighters are believed to have either left the country or reintegrated with civilians. An unknown number of Taliban remain in hiding, engaging in occasional clashes with international armed forces. It is not known how many children under the age of 18 may be among these remaining fighters, but their presence has been reported. According to reports from local Afghan leaders, on 4 January 2002 the first American serviceman to die in combat in Afghanistan was killed by a 14-year-old boy.

In the past the Taliban strenuously denied claims of child recruitment as well as forced and compulsory recruitment. Taliban representatives told a visiting Danish delegation in November 1997 that “all men aged over 18 can become soldiers” and that all recruitment is voluntary. In 1998, the Supreme Leader of the Taliban, Mullah Mohammad Omar, decreed that any followers who are too young and not yet growing a beard must leave his fighting militia or face severe punishment. While this directive relates recruitment to puberty and physical appearance in Islamic terms, it still allows the possibility of under-18 recruitment.

In 1999, after UNICEF warned that there were increasing numbers of child soldiers in the Taliban’s ranks, the UN Secretary-General Kofi Annan reported to the Security Council that the “Taliban offensive was reinforced by 2,000 to 5,000 recruits, mostly emanating from religious schools within Pakistan, many of them non-Afghans and some below the age of 14.” The Taliban denied this report and insisted on taking UN officials to the frontline to prove the claims were untrue. In December 1999 the head of the UN’s humanitarian mission in Afghanistan visited the front-line and reported that the only child he saw was a cook.

But in 2000 and 2001 child recruitment (sometimes under the age of 15) continued to be reported as occurring not only within Afghanistan, but also among refugees in neighbouring countries, and through networks of madrassas in Pakistan.

Many madrassas are legitimate, informal educational institutions, serving poor students with few alternative educational opportunities. But some networks of madrassas are run by different religious sects, political parties and factions affiliated to warring factions in Afghanistan, Jammu and Kashmir – and dissident groups active further afield. Madrassas became a main source of recruits for the Taliban when they first became party to the civil war in 1994. Originally located in border regions, madrassas gradually spread throughout the country and beyond the Afghan refugee diaspora. During the Taliban regime some madrassas were known to periodically close (e.g. for holidays) and send students for military service (presented as a form of jihad and, therefore, part of their religious obligation and education). Many students were said to return after one or two months of policing urban centres and checkpoints, thus freeing more experienced manpower for the front. Reports have uncovered cases of students being sent to fight in Afghanistan without seeking parental consent; for example at one school 600 other juveniles were reportedly taken to Afghanistan on the same day.

Taliban recruitment of students from madrassas reportedly occurred in waves, sometimes involving thousands of students, throughout the Taliban regime. In July 1999 between 3,000 and 5,000 Pakistani recruits belonging to several
Islamist parties and networks – among them students who had left madrassas for the summer holidays – reportedly arrived in Kabul.26 When a Taliban delegation visited all the main madrassas in Pakistan’s North-West Frontier Province appealing for students to join the Taliban’s holy war in August 1999, up to 5,000 students left their schools. According to the UN, the students who joined the Taliban at that time were aged between 15 and 35.27

Sources have claimed that virtually all local madrassas were sending pupils to aid the Taliban in the fight against the US-led coalition since September 2001. One teacher insisted that while students he taught were as young as eight, they were aged 20 or above when sent to war. “When they are physically and mentally ready we take them to Afghanistan or they make their own way.”28 But in late September 2001 the Office for the Coordination of Humanitarian Affairs (OCHA) reported increased recruitment of young men and boys from Islamic schools in Pakistan to join the Taliban ranks, and the Pakistan’s Human Rights Commission reported Taliban recruits as young as seven years old.29 A 2002 World Bank report, Country Assistance Strategy (CAS), found that an estimated 15-20 per cent of madrassas in Pakistan are involved in military related teachings and training.30

Although its administration of “zakat tithes” has made the Pakistan Government an important conduit of financial support to the madrassas, the Government has increasingly recognised that madrassas feed neighbouring conflicts as well as sectarian violence in Pakistan itself. A new Presidential ordinance, promulgated in August 2001, prohibits madrassas from receiving foreign funds without state approval and provides for their integration into the general education system. It remains to be seen how the government will implement this law in the face of staunch opposition from religious parties.

FOREIGN ARMED FORCES AND GROUPS

Al Qaida: should be monitored
The Al Qaida, headed by Osama Bin Laden, reportedly brought a brigade of fighters from various countries to Afghanistan during 1999.31 The induction of some Al Qaida fighters into armed groups fighting in the secessionist conflict in neighbouring Jammu and Kashmir is thought to be one of the key factors behind the compact between Bin Laden and the Taliban.32 Allied international forces claim there are still some Al Qaida fighters hiding in Afghanistan, however their numbers are unknown.

In September 2001 there were reports of young boys – some who appeared to be 10 or 11 years old – participating in military training exercises with Al Qaida fighters. These reports have been difficult to confirm, therefore the Al Qaida should be monitored.

International coalition forces: (not proposed for inclusion on 1379 List)
None of the international coalition forces fighting in Afghanistan since September 2001 recruits under the age of 16. The United States of America, accepts volunteers from the age of 17 and until now has deployed 17 year olds in operations such as the Gulf War, Somalia and Bosnia. The United Kingdom also accepts voluntary recruits from age 16 and currently has 6000-7000 under-18s in its armed forces. In September 2001 the youngest sailor with the Royal Navy task force heading for Oman was a 17 year old girl.33

International Security Assistance Forces (ISAF) – a coalition involving 18 countries headed by the UK since February 2002 and by the Turkish Armed Forces since June 2002 – operate primarily in Kabul.34

Other cross-border recruitment
In the conflict in Jammu and Kashmir, sources in Pakistan report that some armed groups might identify prospective recruits at 15 or 16 (often from poor and disadvantaged families), but they are generally over 18 by the time they infiltrate Indian territory or engage in operations. In May 1999 one report on 250 young recruits at a Lashkar-e-Taiba in Kashmir described, “All are Pakistanis from villages and small towns in Punjab and the North Western Frontier Province...The training is divided into three stages: 21 days of small weapons training, wilderness skills and fitness. The boys are then sent home, where they are monitored by party elders to see if they are spiritually and physically fit enough to continue.”35

This pattern was confirmed by Kashmir government sources that reported only a few instances of teenage infiltrators being intercepted as they crossed the line of control.36 In April 2000, however, Kashmir’s first suicide bomber turned out to be just 18 years of age.37

DEVELOPMENTS

Prevention and demobilisation
The UN Secretary-General reported in March 2002 that the creation of a national army in Afghanistan could bring certain risks, and that a parallel programme is needed to provide alternative employment for those former combatants not selected to serve in the new army. “In this respect, a programme for reintegration and demobilisation, as opposed to the traditional sequence of disarmament, demobilisation and reintegration, appears to be best suited to the present situation in Afghanistan. This will require a concerted effort by donor countries, United Nations agencies, funds and programmes and the international financial institutions to urgently identify and fund labour-intensive projects that target former combatants.”38

Limited disarmament programmes have begun to be implemented by the new police and security forces formed in Kabul, Kandahar, Mazar-e-Sharif and Herat.39 The Secretary-General’s Special Representative for Children and Armed Conflict (SRSG-CAC) reported in August 2002 that at the end of the war many child soldiers had been demobilised and had re-joined their families and communities.40 However the numbers of both those who fought with parties to the conflict and those who were actually demobilised remains unknown.

The SRSG-CAC also reported that he had raised the issue of child soldiers in his discussions with the Government at the national level as well as at the regional level with governors and military leaders. He had sought commitments that from
now on, no person below the age of 18 would be enrolled, and that the Government would move rapidly to ratify the Optional Protocol on the participation of children in armed conflict.\footnote{1}

**Treatment of Suspected Child Soldiers**

The Transitional Authority’s policy on the treatment of former child soldiers is unclear — a situation made more difficult by the fact that many political and tribal groups remain factionalised. In early January 2002 journalists were told of one case involving a 14-year-old suspected of killing an American soldier, whose fate was being decided by tribal elders in Pakhtika province, including whether the boy would be handed over to the United States military.\footnote{2} The outcome of the case is unknown.

**International Standards**

The Organisation of the Islamic Conference (OIC), in Resolution 16/9-C on Child Care and Protection in the Islamic World adopted in Dohar, Qatar in November 2000, called for “the non-involvement of [refugee] children in any armed conflict and not to enlist them in the armed forces or for any other actions which may expose their personal safety and security to danger”. It called for a Ministerial Conference on the Child and Social Affairs to be convened, and for the Secretary General “to make the necessary consultations with the member states in this connection, particularly those which have outstanding expertise in this field.”\footnote{3}

The prohibition on the recruitment of children under the age of 15 into both armed forces and armed groups has now acquired a customary international law status, and is therefore binding on all armed forces and armed groups in Afghanistan. Moreover, an Interim Afghan Government in 1994 ratified the Convention on the Rights of the Child, which prohibits recruitment and deployment of children under age 15 in the armed forces (Article 38).

Pakistan’s responsibility for preventing child recruitment through madrassas was strengthened in September 2001 when the government signed the Optional Protocol, which requires states to take “all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalise such practices.”\footnote{4}

**III. RECOMMENDATIONS**

- The UN Secretary General should include the Taliban on the list for submission to the Security Council under paragraph 16 of SC Resolution 1379;
- The Security Council and OSRG-CAC should monitor the new Afghan national army as well as remaining Afghan political factions, tribal groups (some previously united as the Northern Alliance) and Al Qaida fighters to ensure that no persons under the age of 18 are recruited;
- The government should ratify the CRC-OP-CAC and also declare its commitment to a ‘straight-18’ standard for recruitment;
- Non-state armed groups should declare their commitment to the CRC-OP-CAC and also a ‘straight-18’ standard for recruitment;
- The government and non-state armed groups should establish mechanisms to implement provisions of the CRC-OP-CAC, including child demobilisation and rehabilitation, and to monitor its implementation;
- The government should revise military and criminal code provisions regarding children who take part in hostilities or are recruited into armed forces or groups, in accordance with international standards of juvenile justice;
- The government should criminalise the recruitment and use of children for military purposes by any armed force or group;
- The government should provide alternatives to military recruitment, such as increasing employment and education opportunities, particularly for vulnerable children in refugee diaspora and tribal areas;
- The UN Security Council should integrate specific measures for child protection into its political actions on Afghanistan, including incorporating action to stop child recruitment, tasking the UN Special Mission on Afghanistan with monitoring child recruitment, and deploying child protection advisers with future UN peacekeeping or humanitarian operations;
- The Government of Pakistan should deploy police to monitor madrassas for indications of military indoctrination and recruitment, introduce comprehensive legal standards for madrassa schools including public registration by age of all students and strict prohibition on all military training and recruitment.

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\footnote{1}{Blaustein, A.P. & Flanz, G.H., Constitutions of the countries of the world, Oceana Publications, NY.}
\footnote{2}{UN General Assembly Security Council, Report of the Secretary-General, _The situation in Afghanistan and its implications for international peace and security_, 18 March 2002, para. 62.}
\footnote{3}{UN Security Council, _The situation in Afghanistan and its implications for international peace and security: report to the Secretary-General_, 11 July 2002, para. 22.}
\footnote{4}{In a 1999 survey by the ICRC, 89% of Afghan respondents believed no one should take up arms for combat before age 18, 76% favoured 20 and 19% favoured 21 as the minimum age for participation in armed conflict; see Greenberg Research Inc., _People on War, Country Report Afghanistan: ICRC worldwide consultation on the rules of war_, ICRC, Geneva, November 1999. See also the global report of 10/99.}
\footnote{5}{The Guardian, “Arms and the warlords”, Steele, Jonathan, 16/07/02.}
\footnote{6}{UN Security Council, _The situation in Afghanistan and its implications for international peace and security: report to the Secretary-General_, 11 July 2002, para. 23.}
\footnote{7}{UN SRSG-CAC Press Release: Un Envoy For Children And Armed Conflict Urges Major Investment In Children And Youth Of Afghanistan, 6/09/02.}
\footnote{8}{SC-Sweden database quoting The Scotsman, 17/12/97, see [http://www.rb.se](http://www.rb.se).}
\footnote{9}{SCC, Action Appeal: Afghanistan, in Child Soldiers Newsletter, December 2001.}
\footnote{10}{“Security Council strongly condemns targeting of children in situations of armed conflict, including their recruitment and use as soldiers”, Press Release SC/6716, 25/08/99.}
\footnote{11}{CSC, Mission to Pakistan, November 2001.}
\footnote{12}{NY Times, 12-year-olds take up arms against Taliban, 2 October 2001.}
\footnote{14}{Information provided to CSC by reliable confidential sources in Pakistan.}
\footnote{15}{Danish Immigration Service, Fact-Finding Mission to Afghanistan, July 1998; [www.udist.dk](http://www.udist.dk).}


18 "Row over Taliban child soldier claim", BBC News, 01/12/99.


22 South Asia Intelligence Review, No. 1.3, 200, citing The News, August 2, 2002.

23 Information gathered by CSC during visit to Pakistan, 11/2000.

24 Amnesty International, Children in South Asia securing their rights, ASA 04/01/98, April 1998.


32 See for instance Rashid, A; Taleban: Militant Islam; op cit.


34 Details of these forces can be found at the website of the UK Ministry of Defence: http://www.operations.mod.uk/fingal/index.htm


40 UN News, Press Briefing By Secretary-General’s Special Representative For Children And Armed Conflict, 6/08/02.

41 Ibid.

42 BBC, ‘Fresh’ US attacks on Afghanistan, 07/01/02.

43 Conferences in Asia and the Middle East organised by the CSC also issued strong political declarations against the military recruitment of children in each region; see the Kathmandu Declaration of May 2000, and the Amman Declaration of April 2000 on the CSC website: www.child-soldiers.org
I. SUMMARY

**Parties proposed for inclusion on 1379 List:** FAA (government forces), UNITA

**Relevant international obligations:**
- **Government:** Customary law (no Under-15s); CRC; GC/API; ICC; ACRWC
- **Non-state armed groups:** Customary law (no Under-15s)

**RECORD ON RECRUITMENT AND USE IN ARMED CONFLICT OF CHILDREN UNDER THE AGE OF 18:**

Children were recruited and used as soldiers throughout the Angolan conflict by all parties involved. The 1994 Lusaka Peace Accord acknowledged that there were about 9,000 children involved in the conflict. In 1998, the UN reported that “[B]etween 1980 and 1988, in Angola, every third child has been involved in military operations and many have fired a gun at another human being.” In July 2002, Christian Children’s Fund estimated that 10,000 boys were forcibly recruited and up to 30,000 girls were abducted during the war. The fragile peace ushered in by the signature of the Memorandum of Understanding between the Angolan Armed Forces and UNITA has brought new impetus to demobilisation efforts.

The Government has not yet signed nor ratified the CRC-OP-CAC. Moreover, low levels of birth registration increase the risk of underage recruitment.

II. COUNTRY PROFILE

**RELEVANCE:** on the Security Council Agenda

**GOVERNMENT:** proposed for inclusion on 1379 List

**National Recruitment Legislation**

Article 152 of Angola’s 1992 Constitution stipulates that “The defence of the country shall be the right and the highest indeclinable duty of every citizen.” Law 1/93 made military service compulsory for all men between age 20 and 45. Women between the ages of 20 and 45 could also be called up, but were not actually recruited. In November 1998, the Council of Ministers approved the compulsory conscription of Angolans born in 1981, thus lowering to 17 years the age at which Angolans could be registered for military service. The very low rate of birth registrations in Angola (about 5%) exacerbates child recruitment and complicates efforts to estimate the number of under-18s serving in the armed forces. The 1996 Decree of application on military service (Decree No.40/96, 13 December 1996) established a minimum age of 18 for voluntary recruitment of men and age 20 for women.

**Child Recruitment and Deployment**

Forced recruitment of youth (‘Rusgas’), some as young as 14, continued after the 1993 law on military service and was exacerbated when the conscription age was lowered to 17 in 1999. Young men were reportedly gathered near Luanda Airport to register under the Ministry of Defence launched a military census of male Angolans born between 1 January 1979 and 31 December 1981. As the recruitment drive failed to reach its quota, government forces increasingly resorted to “press-ganging” youths, often in nocturnal round-ups.

In 2000, recruitment of children occurred throughout the country, particularly rural areas and in some suburbs of Luanda, often targeting poor communities, unemployed young men, and internally displaced persons. Military commanders were known to pay police officers to find new recruits, while authorities have accepted payment in return for draft exemption. The government denied that forced recruitment was taking place.

In 2001, the UN estimated that at least 3,000 children were among the ranks of the Angolan Armed Forces (FAA). The US State Department reported in 2001 that since the first official demobilisation of child soldiers in 1997 “the government has not brought significant numbers of children back into the armed forces”, but that “some children have been caught up in forced recruitment campaigns”.

Government forces have also been accused of recruiting Angolan refugees in Namibia, as well as Namibian youths. Angolans arrested by the Namibian government and handed over to Angolan authorities were reportedly subject to human rights abuses, including forced recruitment. Angolan government forces were also charged with recruiting large numbers of Namibian boys and girls, some as young as 14. The children, who often had not finished their education, were promised high pay. The National Society for Human Rights reported in January 2000 that this recruitment of Namibian mercenaries had been occurring for five years. The main recruitment centre for the Angolan forces was located in Calais, in easy proximity to the Namibian border. Preliminary training was allegedly conducted on Namibian soil at the Elizabeth Nepembe Military Base.

**NON-STATE ARMED GROUPS**

Union for the Total Independence of Angola (UNITA): proposed for inclusion on 1379 List

Article 61-2 of the Draft Constitution of the Union for the Total Independence of Angola (UNITA), 1990, states that “military service is compulsory for every Angolan citizen who is over 18” (unofficial translation). However, UNITA is well known to recruit children under 18, sometimes forcibly, as combatants and sex slaves.
Human Rights Watch reported that in 2000, “Conscription of children continued to be commonplace with boys and girls as young as ten seized and trained as soldiers by the rebels.” The US State Department also confirmed that UNITA continued to forcibly recruit and abduct children throughout the country’s disputed territory in 2000. Recruits were taken to isolated military camps for military service and forced labour and subjected to psychological stress and extreme hardships; those who attempted to desert were executed. Girls, many as young as 13 years old, were forcibly recruited to serve as porters, camp followers and sex slaves. Additionally, in January 2000 there were reports of UNITA forces recruiting Namibian children.

In November 2000, the Representative of the UN Secretary-General on Internally Displaced Persons reported that kidnapping and trading of children, as well as forced conscription of children and adults as porters by UNITA forces were causing displacement. Angolan refugees in Zambia were also at risk. The UN Monitoring Mechanism reported to the UN Security Council that in the Nangweshi refugee camp, where some 13,000 Angolans reside, there is a “risk of forced recruitment of minors and... likelihood that the camp is also being used as a safe haven for UNITA soldiers”. In early 2001 it was reported that the UN High Commissioner for Refugees accordingly planned to move the camp away from the Angolan border. Despite demobilisation processes begun in 1996, it was estimated that at least 3,000 child soldiers remained in UNITA forces in 2001.

Paido: "I was walking with two girls. And they called me. I was too close to them, so I couldn't run. Even though my identification card said I was underage — and that was true — I was big, they insisted I was old enough, and they grabbed me and took me to a police station. It was full of kids. (...) When they capture you they immediately send you to the provinces for training, far away where you don't know anyone. I was very lucky. A neighbour saw me being taken and told my mother. My uncle is a policeman, and he talked to the station commander. When the rest of the guys were loaded on the trucks, my uncle got me out."

**DEVELOPMENTS**

**Child Protection and Demobilisation**

A total of 8,500 child soldiers from government and opposition forces were registered for demobilisation between 1996 and 1998.22 This figure greatly underestimates the scale of the problem since many soldiers recruited as children had reached age 18 by the time of registration. Additionally, in March 2000, the UN Security Council noted that disarmament, demobilisation and reintegration processes in Angola had inadvertently excluded some children, particularly girls, by making the surrender of weapons the criterion for eligibility in the programmes.23

UNICEF and the Christian Children’s Fund (CCF) have facilitated the demobilisation of child soldiers through the implementation of a “Reintegration of Underage Soldiers” programme in Angola. The programme locates relatives, arranges transportation and reunites child soldiers with their families. They also work to identify appropriate school and job training opportunities, and prepare local communities to accept former child soldiers. Most community-based work is conducted by “Catequistas”, trained local church people who provide psychosocial assistance appropriate to local beliefs and practices.24

With the recent agreement between UNITA and the Government of Angola, demobilisation of children from both sides has been given renewed impetus. In April 2002, UNITA child soldiers “clothed in rags and torn shoes” surrendered to authorities in northern Angola. The group had walked hundreds of kilometres from UNITA strongholds in southern Angola, to Namibia, where they handed themselves over to Namibian authorities, who in turn transported them to demobilisation sites in Angola.

In May 2002, SRSG for Children and Armed Conflict, Olara Otunnu, visited Angola and called on the Government of Angola to ratify the CRC-OP-CAC. He also pressed for an expedited process for the identification, rehabilitation and reintegration of former child combatants.

**International Standards**

The prohibition on the recruitment of children under the age of 15 into both armed forces and armed groups has now acquired a customary international law status, and is therefore binding on all armed forces and armed groups in Angola. Moreover, the Government of Angola has ratified the Convention on the Rights of the Child, which prohibits recruitment and deployment of children under age 15 in the armed forces (Article 38). Angola has also ratified the African Charter on the Rights and Welfare of the Child, which sets 18 as the minimum age for recruitment into military forces. The government of Angola should criminalise the recruitment and use of children for military purposes by any armed force or group.

**III. RECOMMENDATIONS**

- The UN Secretary General should include the FAA and UNITA on the list for submission to the Security Council under paragraph 16 of SC Resolution 1379
- The Angolan government should ratify the CRC-OP-CAC and also declare its commitment to a ‘straight-18’ standard for recruitment;
- Non-state armed groups should declare their commitment to the CRC-OP-CAC and also a ‘straight-18’ standard for recruitment;
- The Angolan government and armed groups should establish mechanisms to implement provisions of the CRC-OP-CAC, including child demobilisation and rehabilitation, and to monitor its implementation;
- The government should revise military and criminal code provisions regarding children who take part in hostilities or are recruited into armed forces or groups, in accordance with international standards of juvenile justice;
- The government of Angola should criminalise the recruitment and use of children for military purposes by any armed force or group.
- The government of Angola should provide alternatives to military recruitment, such as increasing employment and education opportunities, particularly for vulnerable children in refugee diaspora and tribal areas.
1 Pino Arlacchi, Executive Director, UN Office for Drug Control and Crime Prevention, Opening address to the Conference on Establishing the Rule of Law in Post-Conflict Situations, Vienna, Austria, 28/06/98.
7 Other sources have claimed the minimum age for voluntary recruitment is in fact 15 years.
17 SC-Sweden, Children of War Newsletter, No 1/00, 3/00, Africa News, 2/200.
24 Wessels, M., Child soldiering as child labour, Christian Children’s Fund.
25 IRIN, UNITA soldiers give themselves up, 29/04/02
I. SUMMARY

| Parties proposed for inclusion on 1379 List: | Burundi armed forces; CNDD-FDD; PALIPEHUTU-FNL; FROLINA |
| Relevant international obligations: | Customary law (no Under-15s); CRC; GC/API+II; ILO 138; ACRWC; commitment to SRSG-CAC 02/99. (CRC-OP-CAC signed 13-11-01) |
| Non-state armed groups: | Customary law (no Under-15s), |

RECORD ON RECRUITMENT AND USE IN ARMED CONFLICT OF CHILDREN UNDER THE AGE OF 18:

All parties to the conflict have reportedly recruited and used children as young as 12, often from refugee and regroupment camps. The Government of Burundi has signed but not ratified the CRC-OP-CAC. Existing domestic law allows voluntary and compulsory recruitment at age 16; however, efforts are currently underway to harmonise national legislation with international standards.

UNICEF and the Government of Burundi signed a memorandum of understanding in October 2001 to allow implementation of the initial stages of a DDRR programme for child soldiers. Appeals have been made to the international community to support this process and socio-economic programmes that provide alternatives to joining armed forces and groups.

II. COUNTRY PROFILE

RELEVANCE: on the Security Council Agenda

GOVERNMENT: proposed for inclusion on 1379 List

National Recruitment Legislation

According to Article 50 of the Transitional Constitution Act it is a call of duty for every citizen to participate in the defence of the country. The age for both compulsory and voluntary recruitment is between 16 and 25; however, the government of Burundi has stated that in practice no one under 18 is recruited.

In February 1999, the Special Representative of the UN Secretary-General for Children and Armed Conflict obtained agreement from the Burundian government to raise the minimum recruitment age from 16 to 18 in domestic law. However, the government of Burundi has still not made these legislative changes. The Ministry of Defence, Ministry of Justice and the Military Court are currently collaborating on efforts to harmonise domestic regulations with international standards.

Child Recruitment and Deployment

It is widely agreed that children under 18 have been recruited in substantial numbers by government forces since the start of the civil war. In September 2001, the Burundian Ministry of Human Rights, Institutional Reform and National Assembly Relations published a paper entitled Enfant Soldat: Un défi à lever pour le Burundi, in which it stated that lack of birth registration and trafficking of identification documents has facilitated the recruitment of minors, despite Burundi’s stated policy of over-18 recruitment. Moreover, the government document testified to the existence of hundreds of dorïya (meaning ‘ear agent’ in Kirundi), used by government forces to collect and provide information or perform domestic services in exchange for food. There have also been many children enlisted by the government as local defence forces, known as “guardians of the peace” (gardiens de la paix). According to a December 2001 Human Rights Watch report, between 750 and 900 children aged seven to twelve years were recruited and trained as gardiens de la paix in one year in the province of Bururi.

Other sources have reported that even those children serving as spies and domestics live and work close to combatants and are fully integrated into the military environment. In July 2000 Human Rights Watch reported that the dorïya, some as young as 12 years old, not only spy in the camps for soldiers but also participate in looting and serve as lookouts, scouts and porters. Other observers have reported that children are often forced to assist troops by carrying food and water into the hills and performing domestic tasks in the military camps. They wear military uniforms and are taught to use weapons.

Pikou: “I was a big guy, you know, 14, not just a kid! I executed the commanders’ orders with pleasure. We had been conscripted in the army, given the need to expand troops to fight rebels. We underwent a kind of informal training in ‘Camp Base’. Twenty days were enough before we were given uniforms, boots and everything... I didn't flee because after all the army had (and still has) an upper hand on the ground. I just deserted the army to embrace new horizons. In fact, my ambition was not to become a soldier, but to be a businessman.”

On 19 April 2002, the UN Commission on Human Rights adopted a consensus resolution on the human rights situation in Burundi, urging all parties to end the use of children as soldiers. This followed several UN appeals to the Burundian government on behalf of child soldiers since 1998, when the UN Special Rapporteur on Burundi specifically asked Burundian authorities “not to recruit young people under 18 years of age for the army or mandatory civic service and to ensure that such recruitment is never imposed by force and that it includes all the ethnic components of the population without distinction.” The Special Rapporteur also asked the Government “to prosecute the instigators of practices comparable with forced labour and the use of ‘regroupment’ camp residents in tasks of a military nature.”
Government Treatment of Suspected Child Soldiers
In its September 2001 report, the Burundian government stated that 30% of the 150 minors currently incarcerated are being held on suspicion of participation in armed groups.13 Some of these detainees have been as young as 12, despite the legal minimum age of 13 for incarceration.14 In January 2000, a new code of penal procedure went into effect, which guarantees the accused access to legal counsel before trial. However, lack of resources has prevented widespread implementation of the reforms.15

NON-STATE ARMED GROUPS

National Council for the Defence of Democracy-Forces for the Defence of Democracy (CNDD-FDD); Party for the Liberation of the Hutu People-Front for National Liberation (PALIPEHUTU-FNL); Umbumwe-Front for National Liberation (FROLINA): proposed for inclusion on 1379 List
Hutu opposition groups are known to recruit children as soldiers, including both boys and girls under 15. Focus groups in affected provinces in April-May 2002 revealed that vulnerable children aged 12-14, such as street children, orphans, separated children and those from extremely poor families, are often targeted.16 Opposition forces have also abducted children, often from schools and other public sites within their communities. For example, in early November 2001 the CNDD-FDD carried out mass abductions of up to 300 students aged 13-21.17 Many young boys are used as spies and sent to the camps of the regular forces, while girls are used as domestic labourers and sex slaves. Typically lacking sufficient training, the children are often massacred in combat. Many families who initially gave their children to opposition groups later refused to continue and were subsequently targeted in punitive attacks.18

Opposition groups have recruited fighters, including children, from five refugee camps in western Tanzania.20 On 13 November 2001, Burundian Hutu armed groups reportedly abducted 107 children from refugee camps in Tanzania over the preceding three days.21 Fifteen of the youths are believed to have been freed by government forces while two schoolchildren escaped, crossing the border from Tanzania where the others were being held for military training.22 In July 2000, FNL fighters were also accused of killing, raping, and recruiting children from regroupment camps in Burundi.23

DEVELOPMENTS

Prevention and demobilisation programs
In October 2001, the Burundian government and UNICEF-Burundi signed a memorandum of understanding which allowed a child soldiers demobilisation and reintegration project to get underway. The project aims to promote the disarmament, demobilisation, rehabilitation and reintegration (DDRR) of all of Burundi’s child soldiers, despite the ongoing civil war.24 Since then, activities have been undertaken to assess the situation of child soldiers, plan the DDRR project, consolidate political momentum and train military personnel in child rights. UNICEF has welcomed the openness of government and military officials on this issue and appealed to the international community for increased funding for implementation of these initiatives.25

International Standards
The prohibition on the recruitment of children under the age of 15 into both armed forces and armed groups has now acquired a customary international law status, and is therefore binding on all armed forces and armed groups in Burundi. Moreover, the Government of Burundi has ratified the Convention on the Rights of the Child, which prohibits recruitment and deployment of children under age 15 in the armed forces (Article 38). Burundi’s signature to the OP-CRC-CAC is also an important step toward preventing the recruitment and use of children under 18 by its armed forces and opposition groups. The Government of Burundi has ratified the African Charter on the Rights and Welfare of the Child, which sets 18 as the minimum age for recruitment into military forces. It has also made a special commitment to the SRSG-CAC, stating that it would raise voluntary and compulsory recruitment age from 16 to 18.

III. RECOMMENDATIONS

- The UN Secretary General should include the Burundi Armed Forces, CNDD-FDD; PALIPEHUTU-FNL and FROLINA on the list for submission to the Security Council under paragraph 16 of SC Resolution 1379
- The Burundi government should ratify the CRC-OP-CAC and also declare its commitment to a ‘straight-18’ standard for recruitment;
- Non-state armed groups should declare their commitment to the CRC-OP-CAC and also a ‘straight-18’ standard for recruitment;
- The government and armed groups should establish mechanisms to implement provisions of the CRC-OP-CAC, including child demobilisation and rehabilitation, and to monitor its implementation.
- The government should revise military and criminal code provisions regarding children who take part in hostilities or are recruited into armed forces or groups, in accordance with international standards of juvenile justice
- The government of Burundi should criminalise the recruitment and use of children for military purposes by any armed force or group.
- The government of Burundi should provide alternatives to military recruitment, such as increasing employment and education opportunities, particularly for vulnerable children in refugee diaspora and tribal areas.
The situation in Colombia must be brought to the attention of the Security Council under Article 99 of the UN Charter, as posing a serious threat to international peace and security. Colombia has been in a state of armed conflict for nearly 50 years. This long-term and deteriorating situation has deepening regional consequences, including instability caused by refugee movement as well as incursions by armed groups into neighbouring countries. Armed groups are also active in the drug trade which extends far beyond Colombian borders.

Until 21 February 2002, the main armed opposition group, FARC (Fuerzas Armadas Revolucionarias de Colombia / Armed Revolutionary Forces of Colombia), controlled a DMZ, the “despeje”, a zone the size of Switzerland where the government forces had withdrawn in order to start peace talks. But on 19 February 2002, President Pastrana announced that peace talks with the FARC had been suspended due to continued violations of humanitarian and human rights law. The FARC accused Pastrana’s government of unilaterally ending negotiations, failing to fulfill their agreements, and escalating the confrontation. On 1 June 2002 the government also suspended peace talks with the ELN (National Liberation Army/ Ejército Nacional de Liberación) for refusing to sign a first agreement to reduce the intensity of the conflict. The ELN denied the claim.

In the last few months, particularly since the collapse of the peace process, thousands of people have been displaced inside Colombia or have moved to neighbouring countries. As many as 2 million people have been displaced within Colombia since 1985 as a result of fighting between left-wing armed groups, right-wing paramilitaries and organised crime syndicates. The United Nations High Commission for Refugees (UNHCR) expressed concerns about refugee children being recruited to fight in Colombia after receiving reports that armed groups are recruiting Colombian boys under 18 years of age in the border areas of Venezuela, Panama and Ecuador. “We fear that with the intensification of the conflict, the recruitment of children by armed groups from Colombia could increase, having serious consequences for the protection of all refugees and asylum seekers, particularly children... There is a serious danger that this practice, which violates international law and the rights of children, could add to the confusion between armed combatants fighting in Colombia and the innocent civilian victims of the conflict who are in need of protection”, said UNHCR. UNHCR believes there is an urgent need to strengthen registration and protection mechanisms in border areas of all countries in the region in order to guarantee the right of asylum for victims of the Colombian conflict. Incursions by armed groups into neighbouring countries have affected Panama, for example, where the National Police has responded by restricting the freedom of movement in several communities bordering Colombia, after claims that members of these communities had been buying provisions for the Colombian armed groups that operate in the area.

The United States has included FARC, ELN and paramilitary groups in its list of international ‘terrorists’. On 17 June 2002, after intense lobbying by the Colombian government, the FARC was also included in the European Union’s list of ‘terrorists’. While the appropriateness of naming these groups as terrorists or of including some groups and not others on ‘terrorist’ lists may be debated, these developments demonstrate clearly the heightened international awareness toward the conflict in Colombia as a threat to international peace and security.
GOVERNMENT: should be monitored

National Recruitment Legislation

Article 216 of the 1991 Constitution states that: “All Colombian citizens are obliged to take up arms when public need mandates in order to defend national independence and the public institutions. The law will determine the conditions which at all times qualify an individual for exemption from military service and the benefits for service in them.”

According to Law 48/93, “All Colombian men are obliged to define their military situation from the date they achieve the age of majority, with the exception of the students of the “bachillerato” (bacalaureate), who will define when they obtain their school bacalaureate certificate. The military obligations of Colombians end when they turn 50.”

In 1997 the government criminalized recruitment of under-18s by ‘rebel or self-defence groups’, as well as training for that purpose (Art. 14. Law 418 - Ley de Orden Público): “Any person who recruits minors as members of rebel or self-defence groups, forces them to join such groups or receives them into such groups and any persons who give them military training for that purpose shall be liable to three to five years’ imprisonment. Members of outlaw armed organizations who recruit young persons under eighteen (18) years of age into said organizations shall not be entitled to the legal benefits for which this Act provides.”

On 23 December 1999, the government adopted Law 548 (amending Law 418), which prohibits the voluntary and compulsory recruitment of under-18s even in government forces. Article 2 establishes that “Those below the age of 18 will not be incorporated into the ranks to serve military service. The incorporation of students of eleventh grade, below this age that, according to Law 48 of 1993, should be chosen to serve such purpose, will be postponed until they reach the referred age.” This was reinforced by internal police policy (Instructivo No. 8, 19 January 2000), which stated: “no minors will be incorporated for the military service in the National Police.”

Laws 548 (1999) and 642 (2001) allow Bachillerato students to perform military service when they turn 18 or after finishing their studies (subject to proof of enrolment in a university). Length of service varies according to the needs of the armed forces; soldiers known as bachiller serve for 12 months, and regular soldiers serve 12 to 24 months.

Child Recruitment and Deployment

Before December 2000, some 16,000 under-18s had served in the Colombian armed forces. After protests, the government announced that under-18s would only be assigned office duties, and would not be sent to conflict areas until reaching the age of 18. But these promises were not always upheld, and youths in military installations and wearing military uniforms remained at risk as legitimate military targets. Ill-treatment of bachilleres was also reported.

On 20 December 1999, the Colombian Army discharged 618 under-18s from the government forces, and over 200 from other forces. Since Law 548 was adopted only days later, there have been no reports of government forces recruiting under-18s into the regular armed forces. However, reports have emerged of children being used for intelligence work.

Military Training and Military Schools

In 2000 there were officially 32 military schools in Colombia, the majority with a minimum entry age of 18. But in 2001 the minimum age for sub-officer training was 17 and officer training was 15. Minimum age for entry into the Escuela Naval Almirante Padilla as a Navy cadet is 16, as well as to join the Escuela Militar de Aviación de la Fuerza Aérea (Air Forces Academy). The minimum age to join the Escuela Militar de Cadetes General José María Córdova (Military Cadets School General José María Córdova) is 15. The minimum age for entry into the Escuela Naval Almirante Padilla as a Navy cadet is 16. No information was available regarding the number of under-18s currently enrolled in such programs or whether policy states that they are not members of the armed forces.

The national army has also developed a “soldier for one day” programme to expose children to the army through recreational activities and visits to military facilities throughout the country. The programme has included paid visits for 2,000 children to the three army battalions in Bucaramanga (department of Santander), where boys and girls are encouraged to ride in armoured cars, get to know the helicopters and try on camouflage. It has also included a visit by students of the “Escuela Bohinos de María” in Medellin (department of Antioquia) to the 4th Artillery Battalion; a visit by kindergarten children to the Infantry Battalion “Boyacá” in Pasto (department of Nariño); and activities in Cucuta (department of Norte de Santander) with a delegation of children from Táchira (Venezuela). These activities promote military culture and put children at a risk of attack by armed groups.

Government Treatment of Suspected Child Soldiers

Colombia does not have legislation affording special legal status or treatment to child soldiers, who are at risk of being considered criminals. Children who are captured or surrendered may still be sent for trial before a special judge for juveniles or to a judge ascribed to institutions for juvenile offenders, but this procedure has been irregular for former child members of armed forces or groups, due to their unclear legal situation.

When former child soldiers try to leave armed groups by reporting to authorities, they may be required to collaborate and provide information about the armed groups and commitment to them. Military and police authorities are instructed to “apply security measures to avoid armed illegal organizations penetrating the units, using supposed deserters.” Children can still receive the same treatment as adults in these situations, aside from being assigned a special judge. But the Inter-American Commission on Human Rights reported in 1999 that rather than being tried by a judge, surrendered or captured child soldiers had been incorporated into the armed forces or detained in military installations. In the past the
armed forces also have been known to force former child soldiers to appear before the press and make statements prepared for them in order to discredit the opposition, to locate and deactivate landmines laid by armed groups, or to act as informants and guides.\textsuperscript{29}

In 2000 the government began its first programme for former child soldiers as part of the Colombian Institute for Family Welfare (ICBF - \textit{Instituto Colombiano de Bienestar Familiar}).\textsuperscript{30} Previously, former child soldiers were at serious risk of being placed with hardened juvenile delinquents in closed institutions, where according to the People’s Ombudsman Office, 13 percent of children were killed by fellow inmates between 1994 and 1996.\textsuperscript{31} By 2001 there were 7 programmes for 140 boys and girls.\textsuperscript{32} To date the ICBF has received just under 600 former child soldiers over the last three years, and have developed community based programmes for the majority.\textsuperscript{33} Due to security risks, the locations of many reintegration programs are secret and many children change their names.

Congress is currently studying a draft law on Juvenile Criminal Responsibility, which could make children over 12 years old criminally responsible. This could include former child soldiers, despite article 30 establishing that children will not be judged for political crimes, because article 26 classifies as “crimes of special importance” terrorism and other acts children are forced to commit by armed groups.

The involvement of children as combatants in the conflict has also placed other children at risk. On 15 August 2000, for instance, an army unit near Pueblo Rico, Antioquia, mistook a party of school children for a unit of an armed group and opened fire, killing six children aged between six and ten years old, and wounding six others.\textsuperscript{34}

**NON-STATE ARMED GROUPS AND PRO-GOVERNMENT PARAMILITARIES: OVERVIEW**

According to the People’s Ombudsman Office in 1999, 20 percent of all Colombian children are directly or indirectly affected by the armed conflict, some through recruitment by armed forces and groups.\textsuperscript{35} In 2000, UNICEF’s Colombia office reported that 80% of new armed groups’ fronts are made up of women and children.\textsuperscript{36} Since then it has been noted that children are increasingly being “born into” armed groups. Armed groups alone are believed to include some 4,000 children below the age of 18, one-third of whom are estimated to be girls.\textsuperscript{37} These child soldiers are known as “little bees,” referring to their agility and power to sting.

In rural areas, families caught in the cross-fire often are forced to offer their children to armed groups in order to survive.\textsuperscript{38} In many areas armed groups or paramilitaries take children as part or in lieu of taxes families must pay.\textsuperscript{39} According to press reports, families from the despeje, as well as from Arauca, Putumayo, Valle del Cauca, and Antioquia departments have fled their homes to protect their children from forcible recruitment by armed groups.\textsuperscript{40}

Paramilitaries and armed groups (including militias) are known to forcibly recruit under-18s. Many others are said to ‘volunteer’, often due to the lack of education and employment opportunities. Most join paramilitary groups, which promise a wage. Sometimes runaways join armed groups as a result of family violence or losses, or with the intention of defending their families against paramilitary attacks. Interviews carried out with girl combatants who left armed groups during the 1990s indicate that they some joined because they developed relationships with boys in the group.\textsuperscript{41} Many reports have emerged of girls in non-state armed groups and paramilitaries being frequently subjected to sexual abuse, often by middle-ranking officers, and to sexual slavery.\textsuperscript{42}

Child combatants typically receive comprehensive though rapid military training, including weapons use, manufacturing bombs, and military strategy. They are virtual prisoners of their commanders; punishments for infractions are often extremely harsh and sometimes involve death.

Armed groups sometimes target members of urban militias for recruitment.\textsuperscript{43} This is particularly dangerous for children, who have been estimated to comprise up to 85 percent of urban militias\textsuperscript{44} or a total of up to 7,000 children.\textsuperscript{45} Child members of urban militias are called “little carts” because they ferry drugs and weapons without raising suspicion. Urban militias emerged in Colombia in the 1980s, some independent while others received training and weapons from armed opposition or paramilitary groups.\textsuperscript{46} Armed opposition groups are known to have pressured indigenous people and Afro-descendants in particular to form militias in territories re-taken by paramilitary groups, particularly in Valle and Cauca Departments.

**NON-STATE ARMED GROUPS**

**Revolutionary Armed Forces of Colombia (FARC - \textit{Fuerzas Armadas Revolucionarias de Colombia}): proposed for inclusion on 1379 List**

The FARC, established in the mid-1960s, is the largest armed group in the country. It has a long history of recruiting under-18s. In June 1999, the FARC pledged to the Special Representative of the UN Secretary-General for Children and Armed Conflict not to recruit children below the age of 15.\textsuperscript{47} In 2000, the FARC returned approximately 1,000 children to their families in the despeje zone.\textsuperscript{48}

But the Colombia Office of the UN High Commissioner for Human Rights continued to receive complaints of the FARC recruiting children younger than 15 during 2000 and 2001.\textsuperscript{49} In January 2000, eight FARC members estimated to be between the ages of 13 and 15 were killed during an attack on the town of El Castillo, Meta department.\textsuperscript{50} and in April FARC military commander Jorge Briceno Suarez admitted that the FARC made regular use of child combatants.\textsuperscript{51} When FARC leader, Manuel Marulanda, was asked about calls to stop enlisting minors, he replied: “They’re going to stay in the ranks”.\textsuperscript{52} That year the FARC reportedly announced that all persons between the ages of 13 and 60 in the despeje zone were liable for military service; families fleeing the zone were told to surrender children over the age of 13 to the FARC. The Roman Catholic Church reported that the FARC lured or forced hundreds of children into its ranks in the despeje zone and other areas under its control.\textsuperscript{54} On 4 May, a woman from Norte de Santander department, aided by the Colombian military, delivered her 12-year-old son to the Colombian Institute for Family Welfare (ICBF) to protect him...
from forcible recruitment by the FARC. In June the FARC recruited at least 37 youths, including minors, in southern Meta department. According to one NGO, in Putumayo the FARC instigated compulsory service for males between the ages of 13 and 15 and was recruiting in high schools. In August members of the FARC reportedly killed a school rector in Meta department for criticizing the recruitment of his students.55

Footage of FARC child soldiers, in what is believed to be a training video, were aired on Colombian television in May 2001. The footage shows members of FARC as young as 11 making missiles and digging mass graves.56 On 20 April 2002, the 61th front of the FARC reportedly forced two boys (14 and 15 years old) to take two horses, one charged with explosives, to a military unit in the village of Acevedo (Huilas); the horse exploded 200 meters before the military objective, killing the 14 year old boy. In early May, the FARC murdered a 14 year old boy, placed explosives inside the corpse and sent it to the Mobile Brigade No. 4 in Vistahermosa (department of Meta); the explosives were discovered and deactivated.77

One-third of FARC forces are believed to be female.58 Girls serve in combat roles alongside other roles. They are often subject to sexual abuse and sexual slavery in the FARC, which operates a “sexual freedom” policy including fitting girls with intra-uterine devices or providing contraceptive injections. One fifteen-year-old combatant who was killed was found to be pregnant.59 The Roman Catholic Church documented one case of a 13-year-old girl who was recruited by the FARC and used for sex before a nun persuaded them to release her.60 Adolescent girls are often recruited for special missions, which involve being forced to have sexual relations with government soldiers in order to get information from them.61

The FARC is also known to recruit children in Venezuela where it conducts some of its activities. Parents have reportedly been paid US$600 a month for a child. In October 2000, Luz Celeste Gonzalez Aguilar, a 16-year-old Venezuelan national, surrendered to the Colombian Army after 6 years with the FARC. She confirmed reports of FARC recruitment of under-18 Venezuelan children.62 She had been serving with other Venezuelan youths under the age of 18 recruited by a network operating in Venezuela.63

FARC activities have also been reported in Bolivia, Ecuador and Panama. There are concerns that the armed group might also recruit children from those countries or Colombian children displaced to other regions.

Reports indicate an increase in children abandoning the ranks of armed groups during 2000.64 Between 1 January and 27 April 2001, the Colombian Army reported 24 child soldiers captured during military operations, and 29 who had deserted the FARC. Nineteen were girls and 34 were boys.65 Runaways are considered deserters and are often executed on the spot by the FARC and ELN. In January 2002 three children serving in the FARC were killed for deserting ranks. They had apparently escaped after being maltreated during service, and went into hiding with the aid of some farmers. They were found and killed by members of their own unit.66

National Liberation Army (ELN – Ejército Nacional de Liberación): proposed for inclusion on 1379 List
The ELN is the second largest armed group in Colombia. In 1987 it joined the FARC and other armed groups to form a joint front called Coordinadora Guerrillera Simón Bolivar, but this alliance lasted only for two years.

In October 1997, the ELN attempted to use a nine-year-old child to deliver a bomb to a polling station in Cúcuta.67 On 15 June 1998, the ELN signed the Mainz “Heaven’s Gate” agreement in which it agreed not to recruit under-16s into its ranks.68 But reports of the ELN recruiting children under the age of 15 continued to emerge. For example, on May 2002, three fighters left the ELN, including a 19 year old who had joined the group at the age of 14. He reported that his most frequent activity was guarding kidnapped people, but that he became “sick and tired of the war”.69

The Commandant of the Ecuador Police reported that ELN recruits have included Ecuadorians who cross the border for training. Some reportedly stay on with the group after training, and others return to Ecuador and commit felonies.70

PARAMILITARIES: AUC, AUSC and ACCU proposed for inclusion on 1379 List
The Colombian government denies links with paramilitary groups. But criminal and disciplinary investigations and reports from different parts of the country have consistently indicated strong links between the security forces and paramilitary. Reports from the Inter-American Commission on Human Rights and from the United Nations have also found strong evidence of such links, indicating that the use of paramilitaries continues to be an integral part of the armed forces counter-insurgency strategy.71

Right-wing paramilitaries and militias are estimated to include 3,000 children, some as young as eight years old.72 In many areas armed groups or paramilitaries take children as part or in lieu of taxes families must pay.73

Human rights activists claim the paramilitaries are responsible for most of the human rights abuses committed in Colombia.74 Children serving in paramilitary groups have become implicated in some of these abuses. For example, in April 2001 teenagers reportedly participated in the brutal massacre of the Naya River (departments of Valle and Cauca), in which at least 27 persons were murdered, another 20 were ‘disappeared’, and thousands fled.75

Paramilitaries consider service compulsory for up to two years. Families that refuse may be considered sympathetic to armed opposition groups and attacked. According to the People’ s Ombudsman Office, girls are at particular risk, and a high level of sexual abuses by adult paramilitaries has been reported.76

The Autodefensas Unidas de Colombia (AUC - United Self-Defence Groups of Colombia) is a right-wing paramilitary umbrella organisation formed in the early 1980s. The paramilitaries refer to child soldiers as “little bells” because they are deployed in front to draw fire, detect traps and serve as an early warning system. Various sources indicate that from 15 to 50 percent of paramilitary groups are comprised of children under the age of 18, some as young as eight.77
Paramilitary groups are reported to have resorted to forced recruitment. In May 2000, the Autodefensas Unidas del Sur del Casanare (AUSC) circulated leaflets in the rural area of Monterrey (Casanare) calling young people in the region for “compulsory military service”. In October 2000, paramilitaries forcibly recruited several youths in Puerto Gaitán (Meta) for military training.

The Inter-American Commission on Human Rights has reported that paramilitary groups lure poor and internally displaced children to join their ranks by offering money. On 25 March 1998, journalists reported a group of over 50 students, including 10 girls, leave their town to join the paramilitaries, tempted by the salaries on offer. In this manner the Autodefensas Campesinas de Córdoba y Urabá (ACCU) – comprising as much as seventy percent of the AUC umbrella group – recruited 50 under-18s in Apartadó, Antioquia during a single day in September 1997.

**DEVELOPMENTS**

**Prevention and demobilisation programs**

In 2000 the Colombian Institute for Family Welfare (ICBF) established a program to re-integrate escaped or captured child combatants (see section on Government treatment of former child soldiers). The programme involves NGOs and religious communities throughout the country. AFSC (Comité Andino de Servicios), the Colombian Program of Catholic Relief Services and the Diocese of Granada also established a joint program to prevent and protect children from recruitment in the demilitarised zones. The Colombian Coalition against the involvement of children in armed conflict is developing a prevention strategy in four regions affected by the armed conflict (Cauca, Putumayo, Barrancabermeja and Cundinamarca).

**High-level visits**

The Special Representative of the UN Secretary-General for Children and Armed Conflict, Mr Olara Otunnu, visited Colombia in June 1999. Government officials announced their intention to stop enlisting under-18s and the FARC committed itself not to recruit children under the age of 15. The UN High Commissioner for Human Rights visited Colombia in December 2000. Her report to the 57th Session of the UN Commission on Human Rights called on all armed and paramilitary groups to stop the recruitment of children and demobilise those in their ranks. In October 2001 the Special Rapporteur on violence against the woman, Radhika Coomaraswamy, also visited Colombia, and expressed concern about reports of sexual violence by illegal armed groups and the situation of women and girl soldiers and former soldiers.

**International Standards**

The prohibition on the recruitment of children under the age of 15 into both armed forces and armed groups has now acquired a customary international law status, and is therefore binding on all armed forces and armed groups in Colombia. Moreover, the Government of Colombia has ratified the Convention on the Rights of the Child (CRC), which prohibits recruitment and deployment of children under age 15 in the armed forces (Article 38).

Upon signing the CRC in January 1990, the government issued a declaration, stating that “it would have been preferable to fix [the age for participation in armed conflict] at 18 years in accordance with the principles and norms prevailing in various regions and countries, including Colombia, for which reason the government, for the purposes of article 38 of the Convention, shall construe the age in question to be 18 years”. Upon ratification in January 1991, the government entered a reservation stating that the age referred to should be understood to be 18. In 1996 the government issued a political declaration to refrain from recruiting under-18s into its armed forces or police for the purpose of taking a direct part in hostilities.

The government’s signature to the OP-CRC-CAC (6 September 2000) is also an important step toward preventing the recruitment and use of children under 18 by its armed forces and opposition groups. The government’s ratification of the Rome Statute for an International Criminal Court, now underway, will criminalise the recruitment and use in hostilities of children under the age of 15, by any armed force or armed group.

The FARC have made special political commitments to the SRSG-CAC to stop recruiting children under the age of 15 (June 1999), but has not upheld this commitment.

**III. RECOMMENDATIONS**

- The UN Secretary General should bring the situation in Colombia to the attention of the Security Council through the application of Article 99 of the UN Charter
- The UN Security Council should make the situation in Colombia, including the extensive involvement of children in armed conflict, a high priority
- The UN Secretary General should include the Colombian armed forces, FARC, ELN, AUC, AUSC and ACCU on the list for submission to the Security Council under paragraph 16 of SC Resolution 1379
- The government should ratify the CRC-OP-CAC and also declare its commitment to a ‘straight-18’ standard for recruitment
- Non-state armed groups including paramilitaries should declare their commitment to the CRC-OP-CAC and also a ‘straight-18’ standard for recruitment
- The Colombian government, paramilitaries, armed groups and militias should establish mechanisms to implement provisions of the CRC-OP-CAC, including child demobilisation and rehabilitation, and to monitor its implementation
- The government should ensure its military and criminal code provisions regarding children who take part in hostilities or are recruited into armed forces or groups, are in accordance with international standards of juvenile justice
- The government should criminalise the recruitment and use of children for military purposes by any armed force or group
- The government should provide alternatives to military recruitment, such as increasing employment and education opportunities, particularly for vulnerable children in refugee diaspora and tribal areas.

4 On cross-border movement by guerrilla groups in Ecuador and Venezuela: El Tiempo, 11/06/02 and 27/06/02.

5 UNHCR News 21/05/02.

6 BBC, UN warnings on Colombian child soldiers, 21/05/02.


8 Amnesty International, for example, does not support the use of the term ‘terrorist’. The 1991 Colombian Constitution is available at: http://www.georgetown.edu/LatAm/Political/Constitutions/Colombia/colombia.html


10 Report to the Committee on the Rights of the Child, CRC/C/70/Add.5, 5/01/00, paragraphs 409-419.

11 Boletín de Prensa “El Ejército colombiano licencia a todos los menores de 18 años de us filas”, Unicef Colombia, 20/12/99. See also newspaper article: “Yo queria seguir en el ejercito”.

12 Ley No. 548 del 23 de diciembre de 1999.

13 Information provided by the Ministry of Foreign Affairs of the Republic of Colombia to the CSC, 2/03/01.

14 “Los jóvenes bachilleres podrán optar por prestar su servicio militar al cumplimiento de su mayoría de edad o cuando culminen sus estudios superiores, siempre que demuestren estar vinculados a un centro de educación superior o tecnológico; de acuerdo a lo ordenado en la ley 548 de 1999 y la ley 642 de 2001.”


16 Information provided to the CSC by the Ministry of Foreign Affairs of the Republic of the Arab Federation, 2/03/01.


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20 See website at http://www.esmic.edu.co/ingreso.htm (June 2001)

21 See website at http://sitrus.enap.edu.co/enfarg.htm (June 2001)


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25 Handbook of the “Leaving the Arms Program”, Defence Ministry, Colombia.

26 Tercer Informe sobre la Situación de los Derechos Humanos en Colombia, Comisión Interamericana de Derechos Humanos, Organización de los Estados Americanos, OEA/SE/L/V/II/102, 26/02/99.


28 The Independent, Jan McGirk, “Recruts a young as eight fight for Colombian guerrillas”, 19/11/99

29 The Christian Science Monitor, Howard LaFranchi, “When war veterans are children,” 30/03/00.


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33 Informe de organismos de Derechos Humanos sobre el crimen contra niños de Pueblorric. 15/08/00 , at www.derechos.org/nizkor/colombia/doc/pueblorrico.html

34 Statement of the People’s Advocate to the Latin American and Caribbean Conference on the Use of Children as Soldiers, Montevideo, Uruguay, 5-7 July 1999.


37 “Rights-Colombia: Children of War”, IPS, 12/03/99.

38 The Christian Science Monitor, Howard LaFranchi, “When war veterans are children,” 30/03/00.


40 Salazar, Maria Cristina, “Consequences of armed conflict and internal displacement for children in Colombia,” Winnipeg Conference on War Affected Children.


46 SRSRG concludes humanitarian mission to Colombia, Press Release HR/4418, 9/06/99.


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61 Delgado, E. “Venezolana desierta de las FARC era espía y experta en explosivos,” El Nacional, 20/10/00.


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I. SUMMARY

| Parties proposed for inclusion on 1379 List: | FAC (government forces); Mai-Mai; RCD-ML; RCD-Goma; MLC; RPA; UPDF |
| Relevant international obligations: | Customary law (no Under-15s); CRC; CRC-OP-CAC (11/11/01); GC/API+II; ILO 138 |
| Government: | Customary law (no Under-15s); CRC-OP-CAC; GC; APII; RCD-Goma commitment to SRSG-CAC |

RECORD ON RECRUITMENT AND USE IN ARMED CONFLICT OF CHILDREN UNDER THE AGE OF 18:

Reports from various sources indicate that all parties to the conflict continue to recruit and use child soldiers. DDRR programmes are underway in both government and opposition-held areas. However, demobilisation efforts confront daily challenges caused by on-going conflict, generalised poverty, degradation of basic socio-economic infrastructure and re-recruitment.

The Government of the DRC has ratified the OP-CRC-CAC and several opposition forces have made commitments to stop recruitment and permit demobilisation.

II. COUNTRY PROFILE

RELEVANCE: on the Security Council Agenda

GOVERNMENT: proposed for inclusion on 1379 List

National Recruitment Legislation

The Sovereign National Conference initially set 18 as the age for recruitment into military service and participation in hostilities, but the relevant provisions were not included in a transitional constitution that was subsequently adopted (but now suspended). On 9 June 2000, former President Laurent Kabila issued a decree to reduce the Government’s use of child soldiers and to curtail forcible conscription of children, but this decree has not been fully implemented.

Child Recruitment and Deployment

The Alliance of Democratic Forces for Liberation (ADFL) under the leadership of Laurent Kabila liberally recruited and used child soldiers during its war against former President Mobutu in 1996-97. It is estimated that more than 10,000 children fought with the ADFL. Living conditions in military camps were at times deplorable, in one case resulting in the death of several hundred recruits.

After 1997, some children recruited before the change of regime continued to serve in the government Congolese Armed Forces (FAC), while many others became street children. In March 1998, the first training centre was established to target kadogos in a new national service scheme. By August 1998, the government was urging youths between the ages of 12 and 20 to enlist in response to anti-government insurgency. Soon after, some 6,000 youths were sent for military training, many of them street children and some reportedly abducted. An informal survey of troops in Kinshasa in November 1998 found that one out of fourteen FAC soldiers was under the age of 13. In 2001, it was reported that children as young as ten years old have been allowed to enlist despite President Kabila’s 9 June 2000 decree.

The Mai-Mai, a loose association of Congolese local defence forces aligned with government forces, recruited children as young as eight during the 1996-97 uprising. Credible reports of child recruitment continue. Boys and girls have also been abducted by the Mai-Mai to serve as concubines, domestic labourers and porters.

“I joined Kabila’s army when I was 13 because my home had been pillaged and my parent were gone. When I found myself alone, I decided to become a soldier. Usually I was at the font-line. I’ve fought a lot... It is hard. I’m only a little soldier, I should return to school.” – Dieudonné, age 16

Government Treatment of Suspected Child Soldiers

In its report to the Committee on the Rights of the Child in August 2000, the government noted that military criminal code provisions regarding children who take part in hostilities or are recruited into armed forces must be revised in accordance with the Standard Minimum Rules for the Administration of Juvenile Justice.

Former child soldiers face detention, unfair trial and harsh punishments. Some children have languished in prison for months on end, with little access to health care or consideration of their vulnerability and special needs. They have faced closed and unfair trials before military courts, with no legal representation and have even been sentenced to death.

In April and August 2001 international organisations launched action appeals against the death penalties imposed on six children convicted as soldiers. At least five of these children had been arrested in 2000 and charged in connection with conspiracies to overthrow the former President Kabila. Following the appeals, their sentences were commuted, first to life imprisonment and ultimately to five years imprisonment. The sixth child, Babuya Oleko, was still facing the death penalty when he died in prison on 26 September 2001 from tuberculosis resulting from the poor conditions under which he was detained.

Despite the controversy that arose around these cases, many other former child soldiers have also been put on trial. In September 2001, the UN special rapporteur on the DRC reported that trials had been initiated by the military court.
against 80 persons in August including another “17 young soldiers (‘kadogos’) as well as [the] child soldiers who were arrested in October 2000...” 15 Reports emerged at the end of September 2001 that a total of 29 young men and children from Kabila’s inner circle were facing possible death penalties for the failed conspiracy in October 2000, and forty more were being held on suspicion of participating in the plot that left Kabila mortally wounded in January. Many had reportedly been recruited as children. A few were as old as 20, most were 14 and 15, and some were as young as 11. Human rights groups say suspects have been tortured and at least one was forced to execute another. 16

NON-STATE ARMED GROUPS AND ALLIES

Movement for the Liberation of the Congo (MLC); Congolese Rally for Democracy – Liberation Movement (RCD-ML); Ugandan People’s Defence Force (UPDF); proposed for inclusion on 1379 List

The MLC and the RCD-ML, supported by Ugandan forces, have recruited large numbers of children as soldiers. Reports that the UPDF has trained and equipped thousands of young recruits, including many children, continued into 2002. 17 During 2000, recruiters for the RCD-ML routinely toured villages in recruitment missions, returning with truckloads of 100 to 200 children and youth aged 13 to 18. UPDF instructors would then provide three to six months of infantry and weapons training at Nyakele camp, where conditions were so deplorable that many children died before completing the training, due to abuse and lack of health assistance. In particular the UPDF trained hundreds of recruits from the Hema and Lendu ethnic groups at RCD-ML camps in Beni and Bunia. Lendu children, often orphaned by inter-ethnic killing, provide easy targets. 18

In August 2000, the Ugandan Government transported 703 youth, including many under the age of 18, to Kyankwanzi in Kiboga district for military training. Many of these children were RCD-ML defectors, while others where students on vacation who were promised a one-month training session to learn how to defend their villages. In mid-February 2001 the Ugandan Government granted UNICEF full access to the training camp and agreed to release those under the age of 18. 19 The 165 children identified, including two girls, were to be rehabilitation and reunified with their families. 20 However, credible sources report that of these demobilised children, 30-50% have been forcibly re-recruited, while at least seven have been killed in fighting in Bunia and elsewhere. 21 A further fifteen of the released boys, the youngest only 10 years old, were re-recruited to guard the residences of Mbusa Nyamwisi and Thomas Lubanga. RCD-ML’s former Commissioner for Defence, who is now under house arrest in Kinshasa. 22 Recent reports indicate that demobilised children are being monitored and followed by armed groups, who have arrested, beaten and threatened several children. 23

Recent reports indicate that forced recruitment and abductions of children continue. 24 In June 2002, 80 students in Sotha were abducted from school and sent for military training at Camp Mandro, which was subsequently attacked and destroyed by Lendu militia. Some of the children captured during these attacks have been detained with other prisoners, including 52 children, at the Governor of Ituri. Children have also been discovered as labourers in Camp Mushaki.

“[The children] were trained on how to use arms and how to shoot, and that was the end of it. Some of the kids were even sent to battle without arms. They were sent ahead of battle-ready troops of the RCD and RPA to create a diversion. They were ordered to make a lot of noise, using sticks on tree trunks and the like. When they succeeded in diverting the attention of government troops, that is to say when they drew government fire on their unarmed elements, these units, known as the Kadogo Commando, would be literally allowed to fall like flies under government fire. The experienced troops would then attack the government troops when their attention was diverted to the Kadogo Commando.” 25

Congolesen Rally for Democracy-Goma; Rwandan Patriotic Army (RPA): proposed for inclusion on 1379 List

In March 1999, RCD-Goma leader Ernest Wamba dia Wamba stated: “We want to make sure that the age of recruitment doesn’t go beyond the accepted age of 18”. He promised to speak with opposition military commanders to ensure no children under the age of 18 were recruited or deployed, and that young recruits would be ‘eased out’ of the military. 26 In May 2000, the RCD-Goma announced a decision to create an inter-departmental commission for the demobilisation and social rehabilitation of the Congolese National Army child soldiers. 27

But child recruitment has continued, with few under-18’s being demobilised. 28 In fact, the RCD has recently undertaken a massive recruitment campaign, targeted at children and youth. On 5-7 July 2002, local RCD-Goma authorities held public meetings in Kasai, Luvungi and Walungu centre, at which they called on the local population to encourage youth to join the police, local defence forces and the armed forces. 29 Recent reports also indicate continued forcible recruitment of children by RCD forces in Kasai, Luvungi and Burhinyi. 30

Children accused of desertion from the RCD-Goma are detained in the Central Prison of Bukavu in deplorable conditions. While efforts by local and international organisations have secured the release of some of these children, others have been re-deployed in the armed forces, or continue to face severe penalties. 31

Rwandan forces have historically supported the RCD-Goma, by sending reinforcements, including voluntarily and forcibly recruited children, and assisting in recruitment drives and military training. 32 Child recruits include both Rwandans and citizens of the DRC who are press-ganged or kidnapped by the RCD-Goma and the Rwandan Patriotic Army (RPA). In 2001, Human Rights Watch reported on the systematic abduction of children and young men by the RPA and the RCD-Goma from roadsides, markets and their homes in Eastern DRC. 33 Children were reportedly often sent unarmed into battle as a diversionary force, resulting in large numbers of casualties. The UN estimated that at Mushaki, a training camp in Masisi, more than 60% of 3,000 newly trained soldiers were under eighteen years old. 34 Recent interviews with child soldiers in Uvira indicate that they were transferred from North Kivu by road through Rwanda, providing further evidence of Rwandan involvement in the child soldiering network. 35

“I have no interest in going to school. I’ve fought and killed many people. I’m a soldier, it’s all the experience I need” – Musimbi became a soldier with the RCD-Goma at the age of 13. 36
DEVELOPMENTS

Prevention and Demobilisation Programmes

In mid-December 2001, President Joseph Kabila demobilised 207 former child soldiers at a ceremony at the armed forces training centre at Kimwenza, attended by government officials, diplomats, humanitarian aid agencies and reporters. “This is the effective start of the demobilisation of all child soldiers,” Kabila said at the ceremony. During the ceremony, former child soldiers symbolically abandoned their military uniforms for civilian jeans and t-shirts. The children were taken to the Kimwenza Transit and Orientation Centre, run by the National Bureau for Demobilisation and Reintegration (BUNADER) and a group of international humanitarian aid agencies. BUNADER was to evaluate the children’s needs, provide emergency medical treatment, ensure they receive army discharge papers, ensure the necessary conditions for return to their families, and prevent their re-recruitment before they reach the minimum age requirement. However, problems were encountered when it was discovered that 93 of the demobilised youth were in fact over 18, despite the fact that there were clearly younger children who remained at Kimwenza Centre. These older youth were removed from the center after they incited revolts, took drugs and engaged in violence. The reintegration of the remaining children has posed difficulties, as family reintegration efforts were unsuccessful, especially for those whose families are in opposition-controlled areas in the east. Despite the official closing of the Transit Centre on 29 April 2002, over a month later than planned, 67 children remained in the care of BUNADER, which arranged for their continued care.

Another 120 demobilised child soldiers are involved in professional training programmes as part of a demobilisation and reintegration initiative for vulnerable groups, supported by the ILO and the World Bank.

In September 2001, UNICEF and senior RCD-Goma officials discussed joint measures for the disarmament, demobilisation and reintegration of child soldiers. In October 2001, the RCD-Goma committed itself to applying general principles regarding the protection of children affected by armed conflict. A plan of action was accepted under which UNICEF and its national and international partners will demobilise 2,600 child soldiers from the RCD within two or three months. In December 2001, the RCD-Goma deposited an accord signed by its President Onusumba, officially authorising the children’s demobilisation and operationalising their transit. The accord further committed the RCD-Goma to ending the recruitment and use of children under the age of 18 in its armed forces. On 2 April 2002, the RCD-Goma released 104 child soldiers into the custody of UNICEF and its partner agencies, ICRF, Save the Children Fund-UK, SOS Grands Lacs and Don Bosco. Of the released children, 40% had fought for the RCD, while the rest had been captured from other forces. The children were placed in three transit/orientation centers where they received medical and nutritional care, psychosocial support and literacy and vocational training, with a view to their return to civilian life. The liberation of this first group was intended to be the start of the larger demobilisation process for the remaining children. However, demobilisation has been slower than anticipated due to lack of political will by local authorities.

As demonstrated by the re-recruitment of children released by the UPDF and RCD-ML outlined above, demobilised children from all forces continue to be closely monitored by armed forces and groups. They remain vulnerable to abduction from transit centres or forcible re-recruitment when they return to their villages or reach the age of majority. With the deterioration of the economic situation in the DRC and destruction of social infrastructure due to on-going conflict, youth face few alternatives to re-joining.

Appeals from the International Community

On 19 April 2002, the UN Commission on Human Rights adopted a consensus resolution expressing concern at the continued recruitment and use of child soldiers by armed forces and groups in the DRC. This followed a similar resolution a year earlier expressing concern at the continued recruitment of child soldiers throughout the DRC, including cross-border recruitment. The CHR called for an immediate end to this practise and welcomed the commitment by the Government of the DRC to co-operate with UN agencies and NGOs to ensure the demobilisation and reintegration of child soldiers. In February 2001, the UN Security Council passed Resolution 1341 (2001) calling for all armed forces and groups involved in the DRC conflict to bring an effective end to the recruitment and use of children as soldiers and to ensure the speedy demobilisation, return and rehabilitation of such children. In 2000, the UN Special Rapporteur on the situation of human rights in the DRC reported to the Commission on Human Rights that children between the ages of 9 and 13 had been recruited into the RPA and used as human shields, and that about 300 had been recruited in Congolese territory and sent to Kigali for training.

International Standards

The prohibition on the recruitment of children under the age of 15 into both armed forces and armed groups has now acquired a customary international law status, and is therefore binding on all armed forces and armed groups present in the DRC. Moreover, the Government of the DRC has ratified the Convention on the Rights of the Child, which prohibits recruitment and deployment of children under age 15 in the armed forces (Article 38). The recent accession of both Rwanda and Uganda to the CRC-OP-CAC also commits the governments of these countries to prevent recruitment and use of children by their armed forces. Moreover, armed opposition movements have made commitments to international bodies and representatives to cease recruitment and demobilise children within their ranks.

III. RECOMMENDATIONS

- The UN Secretary General should include the FAC, Mai-Mai, RCD-ML, RCD-Goma, MLC, RPA, UPDF on the list for submission to the Security Council under paragraph 16 of SC Resolution 1379
- The governments of the DRC, Rwanda and Uganda, as well as non-state armed groups present in the DRC should establish mechanisms to implement provisions of the CRC-OP-CAC, including child demobilisation and rehabilitation, and to monitor its implementation
- The government should revise military and criminal code provisions regarding children who take part in hostilities or are recruited into armed forces or groups, in accordance with international standards of juvenile justice
• The government of the DRC should criminalise the recruitment and use of children for military purposes by any armed force or group.
• The government of the DRC should provide alternatives to military recruitment, such as increasing employment and education opportunities, and take measures to prevent re-recruitment, particularly for vulnerable children in refugee diaspora and tribal areas.

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**ERITREA**

**I. SUMMARY**

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**RECORD ON RECRUITMENT AND USE IN ARME D CONFLICT OF CHILDREN UNDER THE AGE OF 18:**

Domestic legislation sets 18 as the minimum age for voluntary and compulsory recruitment. However, children are believed to have served with government forces in the border conflict since 1998, in part due to lack of systematic birth registration. Recruits as young as 14 were also reportedly used as reinforcements after Eritrea experienced massive military losses. Reports have indicated continuing child recruitment through public round-ups since December 2000 peace accord, but these allegations have not been confirmed. However the continuing lack of adequate birth registration and demobilisation to date raises serious concerns about the continuing presence of under-18s in government forces. The government has not ratified the CRC-OP-CAC, but has made a commitment to the SRSG-CAC to do so.

Non-state armed groups are suspected of recruiting under-18s, and should be monitored.

**II. COUNTRY PROFILE**

**RELEVANCE:** on the Security Council Agenda

**GOVERNMENT:** proposed for inclusion on 1379 List

**National Recruitment Legislation and Practice**

Article 25 of Eritrea's constitution (July 1996) states that all citizens shall have the duty to: "(2) be ready to defend the country; (3) complete one's duty in the National Service." According to Articles 8 and 9 of the National Service Proclamation (No. 82/95, 23 October 1995), national service is obligatory for all Eritrean citizens between the ages of 18 and 40, both male and female. National service is 18 months, including a six-month induction period. There are no provisions for conscientious objection. Those refusing to serve are forcibly recruited and harshly punished. In 1999 some 35 percent of the Eritrean armed forces were female.

**Child Recruitment and Deployment**

Despite legislation to the contrary, under-18s continue to be at risk of recruitment due to the lack of systematic birth registration in Eritrea. In July 2000, the Eritrean government, while denying the use of children as soldiers in the most recent conflict with Ethiopia, acknowledged that lack of systematic birth registration could lead to oversights in recruitment practice. The fact that more than six percent of Eritrea's population has served in the armed forces since 1998 also increases the likelihood that children were recruited.

During the recent border conflict with Ethiopia, Eritrea reportedly accelerated the pace of training, mobilising some 250,000 recruits in addition to the regular army. Intensive fighting and massive losses in 2000 further increased pressure on personnel levels. During the massive attack by Ethiopia in May 2000, Eritrean troop convoys reportedly brought in reinforcements that included recruits as young as 14.

Shortly after the Eritrean government signed the December 2000 peace accord, the internal opposition group Alliance of Eritrean National Forces (AENF) claimed the government launched massive forced military conscription of civilians, including people over the age of fifty and underage children, beginning 16 January 2001. According to the opposition news bulletin, many civilians were fleeing to Sudan to escape conscription. Refugees were quoted as saying that government officials were telling the people that Eritrea continues to be surrounded by avowed enemies, and therefore the government must continue building its military capability. Armed opposition groups have also made allegations of underage recruitment by the Eritrean government at other times; for example it was reported that AENF insurgents in the Danakil region came into conflict with government officials over young men refusing conscription. The Coalition has not been able to confirm these reports of systematic recruitment, but has received further information on specific cases.

In March 2002 the Special Representative of the Secretary-General on Children and Armed Conflict stated that he “did not have the impression that on any systematic basis young people were getting recruited.” However, he did emphasise the protection of children as a sub-regional concern, including the recruitment and trafficking of children. He also appealed to the Eritrean government to sign and ratify the CRC-OP-CAC, to which the Government expressed a commitment, subject to the legislative calendar and internal processes.

Aside from the continuing problem of inadequate birth registration, the large number of combatants still waiting to be demobilised (see section below), and the absence of any record of children being demobilised, raises serious concerns that children may still be serving in the Eritrean forces, even if the government is no longer actively recruiting under-18s.
NON-STATE ARMED GROUPS: should be monitored
The internal opposition group AENF includes armed elements such as the Sudan-based Islamic Salvation Movement (formerly known as the Islamic Jihad Movement), the Eritrean Liberation Front of Abdullah Idris (ELF-AI) and Eritrean Liberation Front–National Congress (ELF-NC). Lack of documentation prevents verification of underage recruitment among these opposition groups, which are suspected of using child soldiers.

DEVELOPMENTS

Child Protection and Demobilisation Programmes
In July 2002, Dr Tekeste Fekadu, head of the Eritrean National Commission for Demobilisation, announced the completion of a demobilisation pilot project that saw the discharge of more than 5,000 soldiers. These were the first of 200,000 male and female combatants, due to be discharged over the next two years. The World Bank has approved a US $60 million loan to help with the demobilisation of 60,000 soldiers. While the World Bank has identified the need for specific programmes for “younger demobilised” (defined as under 25), its project proposal contains few details on how this could be implemented. To date, there is little evidence of specific DDRR programmes for those soldiers recruited as children.

International Standards
The prohibition on the recruitment of children under the age of 15 into both armed forces and armed groups has now acquired a customary international law status, and is therefore binding on all armed forces and armed groups in Eritrea. Moreover, the Government of Eritrea has ratified the CRC, which prohibits recruitment and deployment of children under age 15 in the armed forces (Article 38). The Eritrean Government has also ratified the African Charter on the Rights and Welfare of the Child, which sets 18 as the minimum age for recruitment into military forces. The government has further made special political commitments to the SRSG-CAC, stating that Eritrea will ratify the CRC-OP-CAC.

III. RECOMMENDATIONS
- The UN Secretary General should include Eritrean government forces on the list for submission to the Security Council under paragraph 16 of SC Resolution 1379
- The Security Council and OSRSR-CAC should monitor AENF and aligned armed groups to determine if recruitment and use of children is taking place as per paragraph 16 of SC Resolution 1379
- The Eritrean government should ratify the CRC-OP-CAC and also declare its commitment to a ‘straight-18’ standard for recruitment;
- Non-state armed groups should declare their commitment to the CRC-OP-CAC and also a ‘straight-18’ standard for recruitment
- The government and armed groups should establish mechanisms to implement provisions of the CRC-OP-CAC, including child demobilisation and rehabilitation, and to monitor its implementation;
- The government should revise military and criminal code provisions regarding children who take part in hostilities or are recruited into armed forces or groups, in accordance with international standards of juvenile justice
- The government of Eritrea should criminalise the recruitment and use of children for military purposes by any armed force or group
- The government of Eritrea should provide alternatives to military recruitment, such as increasing employment and education opportunities, particularly for vulnerable children in refugee diaspora and tribal areas.

1 Text provided at: http://www.uni-wuerzburg.de/law/er00000.html
2 Letter of the Ministry of Foreign Affairs addressed to CSC, 31/5/99.
3 Other sources claim that military service lasts 16 months with 4 months of military training. See IISS, The Military Balance, 2001.
4 Ourdan, R., “Pas de haine apparente, en dépit des combats et des victimes civiles...”, Le Monde, 16/2/99.
5 CSC Update 6: 19/10/00.
7 CSC Update 3/7/00: Appeal to the Governments of Ethiopia and Eritrea: A peace dividend for child soldiers?
8 SC-Sweden Newsletter, 7/00, quoting Newsweek, 5/6/00.
9 Walta Information Centre, “Eritrean regime recommences massive forced conscription”, 25/1/01. Awate, a monthly news bulletin of the rebel group ELF, described these acts as “human rights violation”.
11 Private correspondence with CSC, 23/07/02.
I. SUMMARY

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<tr>
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<td>Customary law (no Under-15s)</td>
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<td>• Non-state armed groups:</td>
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RECORD ON RECRUITMENT AND USE IN ARMED CONFLICT OF CHILDREN UNDER THE AGE OF 18:

While there is no conscription in Ethiopia, domestic legislation sets 18 years as the minimum age for voluntary recruitment. However, many children were recruited, often forcibly, during the recent border conflict with Eritrea. Testimonies of former child soldiers, NGOs and journalists provide evidence of child deployment on the front lines and in massive waves across mine fields. Lack of birth registration in Ethiopia exacerbates the problem of underage recruitment. The government has not ratified the OP-CRC-CAC, but is currently undertaking measures to do so.

Internal armed opposition groups have also been known to recruit children, some as young as 11 years old.

II. COUNTRY PROFILE

RELEVANCE: on the Security Council Agenda

GOVERNMENT: proposed for inclusion on 1379 List

National Recruitment Legislation

Military service is not compulsory in Ethiopia. Article 4 of the Defence Force Proclamation No. 27/1996 states that “[t]he Ministry of Defence may, in accordance with criteria issued from time to time, recruit persons fit and willing for military purposes.” These criteria have been made public in notices calling recruits, and have included a minimum age of 18.

Article 36(1) of Ethiopia’s Constitution specifically states that children will “not be subject to exploitative practices, neither to be required nor permitted to perform work which may be hazardous or harmful to [their] health or well-being.”

Military Training and Military Schools

There are at least six known military training camps in Ethiopia, all operational. They are located in Birr (Gojjam), Tolay (Shoa), Hurso (Hararge), Blatte (SNNPR), Dedessa (Wellega) and Tatek, in addition to officer’s and specialised training schools. A new defence force engineering college was established in 1996, but information on age of recruitment is not available.

Child Recruitment and Deployment

The Ministry of Foreign Affairs stated that national recruitment practice has followed clear guidelines since May 1991. These guidelines include inter alia that recruits must be between ages 18 and 25, a minimum of 1.60m tall, and over 50kg. To foster the participation of marginalised regions, recruits from less developed areas (Gambella, Afar, Somalia and Benshangul) must have completed 8th grade education while others must have completed 12th grade education.

In its concluding observations, the Committee on the Rights of the Child expressed its concern about the lack of birth registration and absence of essential data on the implementation of the Convention and the situation of children. Since there is no system of verifying age in Ethiopia, recruitment officers have considerable discretion, which leaves minors at high risk of recruitment.

There have been credible reports that many children were forcibly recruited into the Ethiopian army, particularly during the build-up to a major offensive launched against Eritrea in May 2000. Children (primarily from Oromos and Somali ethnic groups) were reportedly rounded up in schools and press-ganged from marketplaces and villages. Peasant associations and kebelles (urban-dwellers associations) were given recruitment quotas to fill and initially targeted unemployed youth. A number of schools in the Oromo region were closed in 1999 while heavy conscription took place. One boy from the area who was recruited at age 16 reported there were over 1,000 students – more students than adults – in his group in Hurso, where one of six main military camps is located. Several hundred minors from the Hurso training camp escaped to Yemen and were reportedly in danger of being classified as deserters and severely punished by Ethiopian authorities if they return. 17-year-old Dowit Admas reported that he was playing football in Gondar High School when government soldiers rounded up 60 boys and sent them to Bershelk Military Training Camp in Gojam.8

“It was very bad. They put all the 15 and 16 year olds in the front line while the army retreated. I was with 40 other kids. My friends were lying all over the place like stones. I was fighting for 24 hours. When I saw that only three of my friends were alive, I ran back.” – Mohammed, a 17 year old forcibly recruited at age 15, describing a battle in early 1999.

In June 2000, the press reported that Oromo students demonstrated in the streets “against the massive and forceful conscription of teenagers into the army”. At that time the opposition Oromo Liberation Front claimed there was massive forced conscription of youth and detention of traditional leaders and elders by the government “for opposing the
conscription of their children to be used as cannon fodder”. Minors were reportedly used on the frontline, including in massive human waves across minefields to clear a path for the regular standing army.

NON-NATION STATES

**Oromo Liberation Front (OLF): proposed for inclusion on 1379 List**

The armed opposition OLF was alleged to have recruited children and peasants by force before 1995. Testimonies of young veteran soldiers in the OLF suggest that many young boys and girls also voluntarily joined the OLF. Two 22-year-olds who claimed they had been fighting in the OLF for 11 years reported the existence of a battalion of about one hundred women and girls. They described fighting against many other young boys “tricked or forced to fight for the TPLF [government forces]”, many of whom are killed.

No information is available on the use of child soldiers by other armed opposition forces, such as the Ogaden National Liberation Front and Al-Ithihad. Given limited access to these forces, child recruitment is difficult to document, but could be reasonably suspected.

Ethiopian representatives at the African Conference on the Use of Child Soldiers in April 1999 stated that throughout the protracted war “child soldiers have always remained a large factor and consequently a serious social and political matter... while government policy recognised the 18-year age limit for recruitment into its armed forces, armed groups continue to conscript youngsters from school and from villages.”

“Both of us saw our parents being killed by the Ethiopian army. Without anybody else to help us we joined the OLF, the only organisation in Ethiopia fighting for the rights of the Oromo people” says Daba. “I was 11 when I joined the OLF but after a few months the Ethiopians captured me and used me as a porter of ammunition and supplies. As soon as I got a chance I fled and made it back here to the south where my friends are”, says Wako.

**DEVELOPMENTS**

**Child Protection and Demobilisation Programmes**

Ethiopian representatives at the African Conference on the Use of Children as Soldiers in April 1999 stated that the government had put in place programmes to demobilise children and to reintegrate them, but that efforts have been hampered by the conflict with Eritrea. In 2000, the World Bank approved a loan to Ethiopia to support an Emergency Demobilisation and Reintegration Project for 150,000 adult veterans. However, there is no available information on special plans to demobilise child soldiers.

**International Standards**

The prohibition on the recruitment of children under the age of 15 into both armed forces and armed groups has now acquired a customary international law status, and is therefore binding on all armed forces and armed groups in Ethiopia. Moreover, the Government of Ethiopia has ratified the Convention on the Rights of the Child, which prohibits recruitment and deployment of children under age 15 in the armed forces (Article 38). The Ethiopian Government has also ratified the Rome Statue for an International Criminal Court, which criminalises recruitment and use in hostilities of children under the age of 15, by any armed force or armed group.

**III. RECOMMENDATIONS**

- The Security Council and OSRSG-CAC should monitor government forces and the OLF to determine if recruitment and use of children is taking place as per paragraph 16 of SC Resolution 1379
- The Ethiopian government should ratify the CRC-OP-CAC and also declare its commitment to a ‘straight-18’ standard for recruitment
- The government should establish mechanisms to implement provisions of the CRC-OP-CAC, including child demobilisation and rehabilitation, and to monitor its implementation
- The government should revise military and criminal code provisions regarding children who take part in hostilities or are recruited into armed forces or groups, in accordance with international standards of juvenile justice
- The government of Ethiopia should criminalise the recruitment and use of children for military purposes by any armed force or group
- The government of Ethiopia should provide alternatives to military recruitment, such as increasing employment and education opportunities, and facilitate birth registration to reduce the risk of recruitment of under-18s.

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2 Information provided by SC-Sweden.
4 Committee on the Rights of the Child, Concluding Observations: Ethiopia, 21/02/2001, CRC/C/15/Add.144.
5 SC-Sweden, citing War Resisters International.
7 SC-Sweden, citing War Resisters International.
9 Lucy Hannan, The Independent, 10 and 11/2/99.
10 IRIN, “Oromo Liberation Front claims forced conscription and mass detentions”, 9/6/00.
I. SUMMARY

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<td>Relevant international obligations:</td>
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<tr>
<td>• Government:</td>
<td>Customary law (no Under-15s); ACRWC; CRC; GC/API+II; ICC; CRC-OP-CAC (signed 09-09-2000, deposited for ratification)</td>
</tr>
<tr>
<td>• Non-state armed groups:</td>
<td>Customary law (no Under-15s); GC/API+II; ICC</td>
</tr>
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RECORD ON RECRUITMENT AND USE IN ARMED CONFLICT OF CHILDREN UNDER THE AGE OF 18:

During the civil war, both government and opposition armed forces used under-18s.

While domestic legislation provides for compulsory military service for youth between 18 and 25, boys under the age of 16 can volunteer for military service with the consent of their parents or tutors. There are also children who were used as soldiers during the civil war, who remain to be demobilised. The government has signed the CRC-OP-CAC and has deposited its instrument for ratification.

II. COUNTRY PROFILE

RELEVANCE: on the Security Council Agenda

GOVERNMENT: proposed for inclusion on 1379 List

National Recruitment Legislation

Guinea-Bissau has two government military branches: the People's Revolutionary Armed Force (FARP), which includes Army, Navy and Air force; and a paramilitary force.

Under Decree 20/83 military service is compulsory for all citizens between ages 18 and 25. However, according to Guinea-Bissau’s state report to the Committee on the Rights of the Child in 2000, legislation also states that “boys under 16 who want to perform military service, shall submit a request to the Chief of Staff of the Armed Forces, including their birth certificate, certificate of school attendance, and an attestation of emancipation duly signed by their parents or tutors”. Therefore under-16s are permitted to volunteer for military service. Service lasts 24 months and recruitment is selective.

Child Recruitment and Deployment

Due to economic constraints, only two national recruitment drives have occurred since 1974; enlistment generally occurs on a voluntary basis. The size of the armed forces was to be reduced after the February 1999 peace agreement. At the 30th session of the Committee on the Rights of the Child, the delegation from Guinea-Bissau stated that no children under 18 currently serve in Guinea-Bissau’s armed forces. However, there is currently no data available to substantiate this claim.

During the civil war, government forces loyal to President Vieira included at least a small number of children, and concerns regarding possible underage recruitment on a larger scale were raised on several occasions. At the start of the conflict some 500 “youths” were recruited and around 200 trained in Guinea Conakry. In November 1998, opposition leader Mané accused government troops of deploying about 350 forcibly recruited youth on the front-line. After the final cease fire agreement, a small number of child soldiers between the ages of 15 and 18 serving with the government-aligned Anguetas militia were among those detained during an outbreak of fighting. The children were later released and returned to their families.

NON-STATE ARMED GROUPS: (not proposed for inclusion on 1379 List)

During the civil war, Amnesty International reported the use of children as young as 14 by Military Junta troops, which consisted mainly of forces from the regular army backed by veterans from the liberation war. Eyewitnesses also reported that in early stages of the conflict youth between 17 and 18 years of age volunteered for the military junta. The number of minors thought to have been involved is low and there is no evidence of their participation in hostilities. It is generally agreed that the junta did not lack personnel but rather materiel.

DEVELOPMENTS

Demobilisation

In November 1999, special units were established to demobilise and reintegrate former combatants. These units were to oversee a census of the armed forces and establish ‘vulnerability criteria’ for former combatants to be demobilised. Guinea-Bissau’s estimated 23,000 troops were to be decreased to about 11,000. A month later the government announced that more than 10,000 "military and paramilitary" volunteers who took part in the armed forces’ uprising would be fully integrated into the military, replacing others who had been demobilised. In November 2000, the United Nations
Security Council underlined the importance of continuing disarmament, demobilisation and reintegration processes, as well as the urgent need for an accurate census of military forces in Guinea-Bissau.\textsuperscript{13}

In June 2001, the government approved by law the demobilisation of the armed and security forces and in April 2002, the National Council for Demobilisation and Reintegration was created. The Prime Minister chairs the Council and UNICEF is a participating member. The Programme for Demobilisation and Reintegration of Soldiers (PDRRI), which received technical support from the ILO, has prepared a list of child soldiers to be demobilised. UNICEF has provided support for implementation of a reintegration programme for these demobilised youth. There are currently 85 children registered in the demobilisation process and 257 in reintegration programmes.

In its oral testimony before the 30\textsuperscript{th} session of the Committee of the Rights of the Child, the government delegation stated that 119 children registered as former child soldiers were part of the demobilisation and rehabilitation process underway.\textsuperscript{14} However, in its concluding observations, the Committee of the Rights of the Child expressed concerned that former child soldiers may not have received support toward demobilisation and family and social integration. The Government of Guinea-Bissau was asked to ensure the demobilisation of all under-age soldiers and take steps to assess and respond to needs of child soldiers in terms of psychosocial assistance.\textsuperscript{15}

International Standards
The prohibition on the recruitment of children under the age of 15 into both armed forces and armed groups has now acquired a customary international law status, and is therefore binding on all armed forces and armed groups in Guinea Bissau. Moreover, the Government has ratified the Convention on the Rights of the Child, which prohibits recruitment and deployment of children under age 15 in the armed forces (Article 38). Guinea Bissau’s steps towards ratification of the CRC-OP-CAC further commits the Government to take all feasible measures to prevent the forced recruitment and deployment of children under 18, whether by government forces or armed opposition groups, and to demobilise and rehabilitate all former child soldiers. The Government of Guinea Bissau has ratified the African Charter on the Rights and Welfare of the Child, which sets 18 as the minimum age for recruitment into military forces. Guinea Bissau has also ratified the Rome Statue for an International Criminal Court, which criminalises recruitment and use in hostilities of children under the age of 15, by any armed force or armed group.

III. RECOMMENDATIONS
\begin{itemize}
\item The UN Secretary General should include the Government of Guinea Bissau on the list for submission to the Security Council under paragraph 16 of SC Resolution 1379.
\item The Government of Guinea Bissau should establish mechanisms to implement provisions of the CRC-OP-CAC, including child demobilisation and rehabilitation, and to monitor its implementation.
\item The government of Guinea Bissau should criminalise the recruitment and use of children for military purposes by any armed force or group.
\end{itemize}

\textsuperscript{1} CIA World Factbook, Guinea-Bissau, as of 1 January 2001.
\textsuperscript{2} Initial report of Guinea-Bissau to the Committee on the Rights of the Child, UN doc. CRC/C/3/Add.63, 06/09/00, para. 137.
\textsuperscript{3} Civil and political rights, including the question of: conscientious objection to military service, Report of the Secretary-General submitted pursuant to Commission resolution 1998/77, E/CN.4/2000/55; Information on recruitment supplied by UNICEF.
\textsuperscript{4} Information on recruitment supplied by UNICEF.
\textsuperscript{5} Information on recruitment supplied by UNICEF.
\textsuperscript{6} Information on recruitment supplied by UNICEF.
\textsuperscript{7} Mané reported that some of these youths had fired gunshots, constituting a violation of the cease-fire. OCHA: Integrated Regional Information Network (IRIN)-West Africa, Update No. 343, 20/11/98.
\textsuperscript{8} Al News Release, 20/5/99, AFR 30/05/1999.
\textsuperscript{9} Al Report 2000.
\textsuperscript{10} Information on recruitment supplied by UNICEF.
\textsuperscript{12} IRIN-WA Weekly Round-up 49, 4 –10/12/99 “Guinea-Bissau: War volunteers to be reintegrated”.
\textsuperscript{13} Africa Newswire Network, “Guinea-Bissau: Security Council calls on former Guinea-Bissau junta to withdraw from politics”, 30/11/00.
\textsuperscript{14} Notes taken at the 30\textsuperscript{th} Session of the Committee on the Rights of the Child, 22 May 2002.
\textsuperscript{15} Committee on the Rights of the Child, Concluding Observations: Guinea-Bissau, 07/06/2002, CRC/C/15/Add.177.
I. SUMMARY

| Parties proposed for inclusion on 1379 List: | Lashkar-e-Taiba; BLTF; BSF; ULFA; PLA; UNLF; KNF; KNA; ZRO; NCSN; TNVF; ATTTF; NLFT; PWG; Sangh Parivar; Kanglei Yawol Kanna Lup (Oken Faction); PGA |
| Parties proposed for monitoring: | Village Defence Committees. There are also more than 100 armed groups operating in India, many of which recruit and use children as soldiers. |
| Relevant international obligations: | Village Defence Committees. There are also more than 100 armed groups operating in India, many of which recruit and use children as soldiers. |
| Government: | Customary law (no Under-15s), CRC; GC |
| Non-state armed groups: | Customary law (no Under-15s), GC |

RECORD ON RECRUITMENT AND USE IN ARMED CONFLICT OF CHILDREN UNDER THE AGE OF 18:

There is no conscription by government forces in India, but voluntary recruitment is possible from the age of 16 and it is not certain that the government refrains from deploying recruits under the age of 18 as promised. The government has not ratified the OP-CRC-CAC.

There is widespread use of child soldiers, some as young as 11, by armed groups in different regions.

II. COUNTRY PROFILE

RELEVANCE: on the Security Council Agenda (Article 99)

Jammu and Kashmir have been the focus of armed conflict between India and Pakistan, as well as internally between security forces and various armed factions favouring either accession of the area to Pakistan or creation of a reunified Kashmir. Northeast India has also been beset by internal conflicts for decades. Several other states have seen conflict involving leftist Naxalite armed groups, communal and caste-based movements and other private militias.

GOVERNMENT: should be monitored

National Recruitment Legislation

The 1950 Constitution (art. 51A) states: “It shall be the duty of every citizen of India... to defend the country and render national service when called upon to do so.” According to the 1972 National Service Act, certain persons can be called to perform national service but no minimum age is specified. However there is currently no compulsory recruitment in India.2

Recruitment into the Armed Forces is reportedly open to Indian nationals irrespective of caste, creed, community, religion, and region. The Armed Forces are governed by the Army Act, the Air Force Act, and the Navy Act, none of which regulate minimum enlistment age. However, information provided by the Indian Government indicates that the lowest minimum voluntary recruitment age for the Army is 16. In its report to the Committee on the Rights of the Child, “Persons who are recruited at the age of 16 undergo basic military training for up to two and a half years.” India claimed that, “children are not inducted into the armed forces and hence do not take a direct part in hostilities.”5

During the 1998 session of the UN Working Group negotiating the Optional Protocol, the representative of India reported that: “discussion was going on within the Government about the possibility of raising the age limit for voluntary recruitment from 16.” Currently, minimum age requirements for various programmes are: National Defence Academy (NDA) – 16.5; Selection Boards 18/19; University Entry – final/pre-final-year students; short-service commission (technical entry scheme) – 19; Women officers – 19 and restricted to officer cadre on short-service commission in certain branches; non commissioned officers –16. Regular media advertisements are posted in the national and regional media.7

India also has a Territorial Army (TA), which is a voluntary part-time civilian force consisting of departmental and non-departmental units consisting government department and public sector employees. The TA is reportedly used to support the armed forces in areas of insurgency.

Child Recruitment and Deployment

The government carries out active recruitment drives that target youths, particularly from indigenous communities.5 However, the government claims that while 16 year olds can join the armed forces they are not formally enrolled into regular service before the age of 18. But lack of systematic birth registration in some rural areas makes it difficult to verify age and increases the risk of children being recruited into defence and paramilitary forces.9

In addition, in Jammu and Kashmir the Indian army has armed local Village Defence Committees (VDC) – primarily Hindus – in Doda, Udhampur and the border districts to assist security forces in anti-insurgency operations.10 So far, more than 15,000 inhabitants, reportedly including teenagers, have joined these self-defence groups.11 At the Asia-Pacific Conference on the Use of Children as Soldiers in May 2000 the representative of the state government of Jammu and Kashmir denied the involvement of children in VDCs. He acknowledged that there may have been some instances of young boys taking up arms to defend themselves under attack, but denied the existence of a “policy to encourage young boys to become members of the Village Defence Committees.”
Military Training and Military Schools
There are a number of military schools and other institutions such as the Sainik schools that provide preliminary training for students wishing to join the army at a later stage. All regular students of schools and colleges may join the National Cadet Corps (NCC) on a voluntary basis. Cadets receive intensive practical and theoretical military training at NCC camps throughout the academic year. A total of 499,677 cadets attended Annual Training Camps during 1997.

It is claimed that NCC cadets have “no liability for active military service.” But during elections in August 1999 the Indian Government reportedly ordered some NCC cadets to be deployed, a task normally left to paramilitary forces. It was claimed that only students aged between 18 and 22 were authorised to participate in this activity, and that they were to be used “only at non-sensitive booths.” But in January 2000 the Ministry of Defence proposed the use of NCC trained cadets in non-combat roles during situations of national emergency.

Government Treatment of Suspected Child Soldiers
The presence of children in armed groups has led to the targeting of civilian children, both boys and girls, who are suspected of being supporters or future members of armed groups. Cases of girls being detained have reinforced the impression that girls are also regularly involved as soldiers and other related duties. Criminalisation of suspected dissident children has been particularly problematic in the north-eastern region. A local survey presented to the Asia-Pacific Conference on the Use of Children as Soldiers reported 28 children arrested or injured and 10 children killed in Manipur between January and May 2000.

In discussions with the Committee on the Rights of the Child in 2000, the representative of India claimed “it was the militant groups which recruited children under 18 for military purposes, thereby violating Article 38 of the Convention.” Shortly after, in its concluding observations on the Initial State Report submitted by India, the Committee expressed “its very serious concern at reports of children who are involved in and are victims of these conflicts. Moreover, it is concerned at reports of involvement of the security forces in disappearances of children in these conflict areas.

In Manipur, government treatment of suspected underground activists including child soldiers has other dimensions as well. The police and courts have regularly falsified the ages of detainees in order to avoid the Juvenile Justice legislation and to detain children under the National Security Act, evading existing orders of the Supreme Court. The police (Ahanthem Romenkumar Singh, IPS, Inspector General of Police, Law and Order, Manipur) admitted to this in a State level workshop on the rights of the child jointly organised by UNICEF India and Manipur Human Rights Commission in 1999.

The government of Manipur regularly uses captured or surrendered soldiers, including juveniles, for informal police duties and counter-insurgency operations. Detainees are kept in inhuman conditions in police or paramilitary barracks, mistreated and plied with alcohol and other incentives, and are not provided proper rehabilitation and resettlement. According to the Manipur Human Rights Commission, in one case 17 surrendered militants were kept in a room measuring 90 square feet, originally built to house police dogs. In July 2002 the national daily (The Telegraph) reported 85 surrendered members of armed groups in nine different police stations and Manipur Rifles camps, who were deployed in counter-insurgency operations without being formally recruited into any government force.

NON-STATE ARMED GROUPS: (see text for parties proposed for inclusion on 1379 List)
There are an almost bewildering number of armed groups in India. According to one source over one hundred armed groups operate in the Eastern region alone. Information on the size and recruitment policies and practices of the many groups is difficult to obtain, but reports suggest that many have at some time used children as soldiers. The endemic lack of adequate birth registration in India adds to the problem.

Most children recruited by armed groups are said to be between 13 and 15 years of age. Inter-tribal conflicts increase recruitment pressures, but many groups are said to train children but then send them back into their communities and to encourage education. Children who do not want to return to their communities are remain with the groups. However it has been claimed in some cases that government reports identifying children as soldiers are sometimes false; that children and others who are tortured or killed by government forces seeking information, are actually civilians.

Armed groups in Jammu and Kashmir
A number of armed groups are active in Jammu and Kashmir, some favouring accession of the area to Pakistan, others advocating independence for a reunified Kashmir. The main groups include Lashkar-e-Taiba (Army of the Pure); Hizb-ul-Mujahideen; the Jammu & Kashmir Liberation Front (JKLF); Harkat-ul-Mujahideen (HUM; formerly Harkat-ul-Ansar, HUA), the Al-Badr, and the Tehrik-e-Jehad.

During the Asia-Pacific Conference on the Use of Children as Soldiers, a representative of the Jammu and Kashmir state government claimed none of the armed groups had included child soldiers and that during the entire insurgency there were only a few instances of children being ‘bribed’ to commit violence or who had been intercepted at the border by security forces. Sources in Pakistan suggest that while armed groups might identify prospective recruits at 15 or 16 (often from poor and disadvantaged families), they are generally over 18 by the time they infiltrate Indian territory or engage in operations. Zaki ur-Rehman, chief of the Lashkar-e-Taiba says there is no shortage of recruits: “We train 600 to 700 men every month in the summer, and we have to turn many more away because we just don’t have the facilities.”

However, press reports indicate that some armed groups have recruited “teenagers” for the conflict in Kashmir, and that the number of young Kashmiris crossing the line to receive training in Pakistan apparently rose sharply in 1999. In May 1999 Reuters reported 250 young recruits at a Lashkar-e-Taiba in Pakistani-held Kashmir: “All are Pakistanis from villages and small towns in Punjab and the North Western Frontier Province... The training is divided into three stages:
For decades armed groups in Northeast India have been fighting Indian security forces and each other, in often overlapping conflicts and with competing demands. Many of these groups have reportedly used children under 18, some as young as 11,” as fighters, spies, messengers and in other support roles. One local survey estimated that up to half of all combatants in most groups are children, with the proportion of girls – sometimes recruited for sexual services and domestic labour – increasing to about 6 or 7 percent. Government mistreatment of children suspected of involvement with these groups has been reported (see above). Children have also been victims of armed opposition groups themselves. In mid-June 1998, for example, ULFA fighters reportedly killed a 16-year-old girl alleging that she had been an army informant.

Assam: According to some sources, there are 34 armed groups active in Assam. One participant in a state level seminar reported that in Assam, “hundreds of children have been separated from their families, physically abused, exploited and abducted into militant groups.” However recruitment information is difficult to obtain for most of these groups. Recently reports were received that the Bodo Democratic Liberation Front issued instructions for female students to join the group and take part in the struggle in June 2002.

Armed groups active in Assam include: United Liberation Front of Asom (ULFA), National Democratic Front of Bodoland (NDFB), United People’s Democratic Solidarity (UPDS), Kamatapur Liberation Organisation (KLO), Bodo Liberation Tiger Force (BLTF), Dima Halim Daogah (DHD), Karbi National Volunteers (KNV), Rabha National Security Force (RNSF), Koch-Rajibongshi Liberation Organisation (KRLO), Karbi People’s Front (KPF), Tiwa National Revolutionary Force (TNRF), Bircha Commando Force (BCF), Bengali Tiger Force (BTF), Adavasi Security Force (ASF), All Assam Adavasi Suraksha Samiti (AAASS), Gorkha Tiger Force (GTF), Barak Valley Liberation Front (BVYLFS), Muslim United Liberation Tigers of Assam (MULTA), Muslim United Liberation Front of Assam (MULFA), Muslim Security Council of Assam (MSCA), United Liberation Militia of Assam (ULMA), Islamic Liberation Army of Assam (ILAA), Muslim Volunteer Force (MVF), Muslim Liberation Army (MLA), Muslim Security Force (MSF), Islamic Sevak Sangh (ISS), Islamic United Reformation Protest of India (IURPI), United Muslim Liberation Front of Assam (ULLFA), Revolutionary Muslim Commandos (RMC), Muslim Tiger Force (MTF), People’s United Liberation Front (PULF), Adam Sena (AS), Harkat-ul-Mujahideen, and Harkat-ul-Jehad.

Manipur: Separatist armed groups, mainly from the Naga and Kuki communities, have been fighting state security forces or each other in Manipur since the beginning of the 1990s. According to a local research project ‘there are child soldiers in every insurgent group in Manipur.” Further documentation is needed to confirm this in each of up to 36 armed groups in Manipur. These are: Manipur People’s Liberation Front (MPLF), a coalition of the United National Liberation Front, People’s Liberation Army and People’s Revolutionary Party of Kangleipak, Kangleipak Communist Party (KCP), Kanglei Yawol Kanna Lup (KYKL), Manipur Liberation Tiger Army (MLTA), Iripak Kanba Lup (IKL), People’s Republican Army (PRA), Kangleipak Kanba Kanglup (KKK), Kangleipak Liberation Organisation (KLO), Revolutionary Joint Committee (RJC), National Socialist Council of Nagaland – Isak-Muivah (NSCN-IM), People’s United Liberation Front (PULF), North East Minority Front (NEMF), Islamic National Front (INF), Islamic Revolutionary Front (IRF), United Islamic Liberation Army (UILA), United Islamic National Liberation Army (UIRA), Kuki National Front (KNF), Kuki National Army (KNA), Kuki National Organisation (KNO), Kuki Independent Army (KIA), Kuki Defence Force (KDF), Kuki National Liberation Front (KLF), Kuki National Volunteers (KNV), Kuki Liberation Front (KLF), Kuki Security Force (KSF), Kuki Revolutionary Front (KRF), United Kuki Liberation Front (UKLF), Hmar People’s Convention (HPC), Hmar Revolutionary Front (HRF), Zomi Revolutionary Army (ZRA), Zomi Revolutionary Volunteers (ZRV), Indigenous People’s Revolutionary Alliance (IPRA), Kom Rem People’s Convention (KRPC), Chin Kuki Revolutionary Front (CKRF).

In 2000 the Kanglei Yawol Kanna Lup (Oken Faction) admitted to allegations of child recruitment when N. Oken, Chairman of the group, was interviewed by a media group based in the North Eastern region of India, Grassroots Options. Oken justified child recruitment, claiming that boys and girls between 14 and 15 are better for training and that the young people who join the group had a better life. An ex-child soldier of Hmar Peoples Convention in Manipur described his experience as a soldier during the National Workshop on Children in Armed Conflict held at Shillong from 10-12 January 2002.

In a communication to the Coalition to Stop the Use of Child Soldiers, dated 10 July 2002, a representative of the Revolutionary People’s Front–Manipur (RPF-Manipur) stated that the group has a policy of recruitment based on mental and physical maturity, but that recruits must be at least 16 years of age and must volunteer. The representative also stated that in practice, the youngest person ever trained was 17, and that RPF-Manipur upholds UN Resolutions and Protocols. Government forces were accused of torturing or killing innocent civilians who were claimed to be members of armed groups.

Meghalaya: There are currently three armed groups active in Meghalaya: Hynniewtrep National Liberation Council (HNLC), Achik National Volunteer Council (ANVC), and People’s Liberation Front of Meghalaya (PLF-M). There is no available information on their recruitment policies or practices.
There have been recent reports that several girls, all below the age of 18 and from Meghalaya and Mizoram, had been forcibly conscripted into an underground armed group in Bangladesh. It is unclear if the girls had been trafficked to Bangladesh for sexual services or for military combat training.48

Nagaland: Three armed groups, the National Socialist Council of Nagaland (Isak-Muivah) – NSCN(IM), National Socialist Council of Nagaland (Khaplang) – NSCN (K), and the Naga National Council (Adino) – NNC (Adino), have been engaged in a separatist war in Nagaland since 1953.45 Photos taken by the Political Editor of the North East Sun, who spent four days inside council Headquarters of the NSCN(M), indicate that children are among the Nagas fighters.50 A journalist who spent two weeks in April-May 2000 with the same group reported that of the 250-300 troops, “the vast majority were children between 13 and 17 years of age”.51

Tripura: Children have reportedly been used as soldiers by armed groups in Tripura.52 More information is needed about the recruitment policies and practices of the 30 armed groups currently operating in Tripura: National Liberation Front of Tripura (NLFT), All Tripura Tiger Force (ATTF), Tripura Liberation Organisation Front (TLOF), United Bengali Liberation Front (UBLF), Tripura Tribal Volunteer Force (TTVF), Tripura Armed Tribal Commando Force (TATCF), Tripura Tribal Democratic Force (TTDF), Tripura Tribal Youth Force (TTYF), Tripura Liberation Force (TLF), Tripura Defence Force (TDF), All Tripura Volunteer Force (ATVF), Tribal Commando Force (TCF), Tripura Tribal Youth Force (TTYF), All Tripura Bharat Suraksha Force (ATBSF), Tripura Tribal Action Committee Force (TTACF), Socialist Democratic Front of Tripura (SDTF), All Trippura National Force (ATNF), Tripura Tribal Sengkrak Force (TTSF), Tiger Commando Force (TCF), Tripura Mukti Police (TMP), Tripura Rajya Raksha Bahini (TRRB), Tripura State Volunteers (TSV), Tripura National Democratic Tribal Force (TNDTF), National Militia of Tripura (NMT), All Triipura Bengal Regiment (ATBR), Bangla Mukti Sena (BMS), All Tripura Liberation Organisation (ATLO), Tripura National Army (TNA), Tripura State Volunteers (TSV), Barak National Council of Tripura (BNCT).53

Naxalite conflicts, including in Andhra Pradesh

The Naxalite movement, which began in 1968, is reportedly weak in numbers but the geographical spread of their activities is wide. According to local human rights groups, 174 persons were killed in police “encounters” in Andhra Pradesh in the first eight months of 1998, many allegedly extra-judicial executions. In 1998, Amnesty International (AI) reported that Naxalites began recruiting boys aged between 8 and 15, and under-age recruitment has been confirmed as recently as June 2002. According to AI, children are usually recruited from scheduled castes or tribes, or socially or economically disadvantaged classes. Boys are recruited to the Bala Sangham, a militant children’s organisation based in district towns such as North Telengana. There are reportedly around 75 Bala Sanghams in Andhra Pradesh with over 800 children in their ranks. The People’s War Group (PWG) founded the Bala Sanghams believing that they could train children more effectively than women to resist police interrogation. Tribal girls are reportedly used as couriers in areas of Adilabad and Dandakarnya. Organisations such as the PWG also reportedly use children to provide food and to deliver ransom notes without arousing police suspicion.54 The PWG’s People’s Guerrilla Army was founded in 2002 to be forcibly recruiting children in Chhattisgarh, including young girls. Reports indicate that all families in and around the Tanda and Bagh rivers bordering Gondia and Balaghat are sending their young girls away from the villages because the Naxalites are forcing them to join the Jan Chhapaar Sena, as the PGA is called.55

Other groups

Several Indian states have also seen violence between Hindus and Muslims. Hindu extremist paramilitary self-defence groups as well as Muslim self-defence militias such as the Jamaat-I-Islami-Hind and the Islamist Sevak Sangh have emerged.56 Human Rights Watch documented the workings of one such group, the Sangh Parivar, a collective of Hindu nationalist organisations. The sangh recruits young boys and men for local cells known as shakhas and provides them with extensive physical and ideological training. The sangh set up approximately 300,000 shakhas across the country, each with an estimated 50 to 100 participants. One member responsible for recruiting and training new recruits from 1990 to 1995 in Ahwa town (Dangs district, Gujurat) reported “fifteen to 150 boys at a time, as young as pre-school children, ages five and six, up to college and above.”56 Viswa Hindu Parishad, a constituent member of Sangh Parivar, also recruits young girls who receive physical and ideological training including the use of firearms.58 The conscription of girls under the banner of Durga Vahini has also been documented.59

DEVELOPMENTS

International standards

The prohibition on the recruitment of children under the age of 15 into both armed forces and armed groups has now acquired a customary international law status, and is therefore binding on all armed forces and armed groups in India. Moreover, the Government of India has ratified the Convention on the Rights of the Child, which prohibits recruitment and deployment of children under age 15 in the armed forces (Article 38).

III. RECOMMENDATIONS

- The UN Secretary General should include the Lashkar-e-Taiba, BLTF, BSF, ULFA, PLA, UNLF, KNF, KNA, ZRO, NCSN, TNVF, ATTF, NLFT, PWG, Sangh Parivar, Kanglei Yawol Kanna Lup (Oken Faction), and PGA on the list for submission to the Security Council under paragraph 16 of SC Resolution 1379
- The OSRSG should investigate the recruitment and use of children as soldiers by nongovernmental armed groups in India, many of which should be included on its list prepared under Security Council Resolution 1379
- The OSRSG should include investigate the recruitment and use of children as soldiers by government forces, before ruling out inclusion on its list prepared under Security Council Resolution 1379
- The government of India should ratify the CRC-OP-CAC and also declare its commitment to a ‘straight-18’ standard for recruitment
- Non-state armed groups in India should declare their commitment to the CRC-OP-CAC and also a ‘straight-18’ standard for recruitment
The government and armed groups should establish mechanisms to implement provisions of the CRC-OP-CAC, including child demobilisation and rehabilitation, and to monitor its implementation.

The government should ensure that military and criminal code provisions regarding children who take part in hostilities or are recruited into armed forces or groups, are in accordance with international standards of juvenile justice.

The government should criminalise the recruitment and use of children for military purposes by any armed force or group.

The government should provide alternatives to military recruitment, such as increasing employment and education opportunities, particularly for vulnerable children in refugee diaspora and tribal areas.

4. Initial Report of India submitted to the CRC, UN Doc. CRC/C/28/Add.10, 7/7/97, para. 65; Statement to UN Working Group on an Optional Protocol, UN Doc. E/CN.4/1998/102, para. 58; Indian Army website, which states that the minimum age to be a soldier is 18 years.
7. Information provided by the National Coalition on Children and Armed Conflict India, July 2002.
8. Information provided by the National Coalition on Children and Armed Conflict India, July 2002.
12. See website of Bharat Rakshak, on Recruitment Information for Non-Resident Indians (NRIs), at http://www.bharat-rakshak.com/RECRUITMENT/.
14. See website of Bharat Rakshak, on Recruitment Information for Non-Resident Indians (NRIs), at http://www.bharat-rakshak.com/RECRUITMENT/.
16. See website of Bharat Rakshak, on Recruitment Information for Non-Resident Indians (NRIs), at http://www.bharat-rakshak.com/RECRUITMENT/.
17. Sharma, S., “1,700 NCC cadets to lend colour to polls”, The Times of India, 1/9/99.
18. Information provided by the National Coalition on Children and Armed Conflict India, July 2002.
20. Information provided by the National Coalition on Children and Armed Conflict India, July 2002.
23. Summary record of the 59th meeting of the CRC, Consideration of the Initial Report of India, UN Doc. CRC/C/59, 18/1/00, para. 18; Initial Report of India to the CRC, op. cit., para. 265.
28. Information provided by the National Coalition on Children and Armed Conflict India, July 2002.
30. Save the Children-Sweden, Children of War Newsletter, 2/00.
35. Save the Children-Sweden, Children of War Newsletter, 2/00.
42. Save the Children-Sweden, Children database at www.rb.se ; also Brett, Rachel and McCallin, Margaret, Children: The Invisible Soldiers, 1998.
44. “Young people who join us, live a better life with us”: N. Oken, in Grassroot Options; Autumn 2000.
47. Save the Children-Sweden at www.rb.se quoting Peter Standberg.
56 Ibid. pp. 671, 715.
57 HRW, Politics by other means: attacks against Christians in India, Vol. 11, No. 6 10/99.
58 Information provided by the National Coalition on Children and Armed Conflict India, July 2002.
59 Meghalaya Guardian edition, “Young girls of the Vishwa Parishad, Durga Vahini are displaying fire works in Lucknow on Friday evening” a third page picture content, 1 July 2002.
I. SUMMARY

| Parties proposed for inclusion on 1379 List: | TNI (government army); paramilitaries (government-allied); Indonesian pro-integration armed groups; GAM |
| Parties proposed for monitoring: | Monitor other non-state armed groups |

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<td><strong>Non-state armed groups:</strong></td>
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RECORD ON RECRUITMENT AND USE IN ARMED CONFLICT OF CHILDREN UNDER THE AGE OF 18:

Government forces uphold a minimum age of 18 for regular conscripts and volunteers, but have been accused of recruiting under-18s for work as military informers. The government has signed but not ratified the OP-CRC-CAC.

Government-allied paramilitaries and Indonesian pro-integration armed groups have recruited used children as young as 7 as soldiers or in support work. Armed groups in Indonesia’s troubled provinces are also said to recruit and use children as young as 12 as soldiers.

II. COUNTRY PROFILE

RELEVANCE: on the Security Council Agenda

GOVERNMENT: proposed for inclusion on 1379 List

National Recruitment Legislation

Indonesia’s 275,000-member armed forces (TNI) are under the supervision of a civilian defence minister but retain broad non-military powers and an internal security role and are not fully accountable to civilian authority. Despite a number of measures to redefine the roles of the various elements of the security forces, there continues to be confusion over the division between the military and the police and their respective responsibilities. The military continues to play a substantial internal security role in areas of conflict, such as Aceh, the Moluccas and Papua (formerly known as Irian Jaya).

According to Article 30 of the 1945 constitution, “(1) all citizens have the right and the duty to participate in the defence of the State. (2) Matters concerning national defence shall be provided by law.” The prevailing legislation on military service is the 1988 Law on Conditions of Military Service, according to which Indonesians may be conscripted into the regular armed forces for two years and into the reserve forces for five years. Separate legislation provides for the mobilisation of citizens in situations of war and national emergency. The 1997 Law on Mobilisation and Demobilisation authorises the President to call up citizens aged between 18 and 50 for service in the armed forces and the reserve forces. A formal declaration of war is required for such conscription.

In its initial report to the Committee on the Rights of the Child, Indonesia declared that the 1982 Law on National Defence sets a minimum age of 18 for any voluntary recruitment into the armed forces. This was confirmed in May 2000 by an Indonesian Government representative.

Child Recruitment and Deployment

In 1999 UNICEF reported that there had been no evidence of under-18s in the regular armed forces of Indonesia. However in 2002 reports emerged revealing that the TNI have been recruiting children to work as military informers. In February the Aceh Sumatra National Liberation Front (ASNLF), a group fighting for independence from Indonesia, reported that it had captured three teenagers – two under the age of 18, two female – who admitted to serving as spies for the TNI. The youths had been offered a salary for the work, but had also been threatened with punishment for failing to comply. According to the ASNLF the children made effective operatives - causing the deaths of at least seven ASNLF supporters.

ASNLF says it has five other children under ‘arrest’. One of the children reported that six friends around his own age were working for the military. One of the girls explained: “So many of my friends work for TNI, all of them girls... We were all flattered by the attention they gave us, but now it has turned into a nightmare.” Another said she tried to resist ‘requests’ for help but the TNI threatened to rape and then shoot her. “Normally the punishment for informers is death,” said a spokesman for the ASNLF. “But, I am human, and these are only children. The problem for us now is what to do with them...”. The children’s families have requested their return, and the ASNLF claims it is ready to set the children free, but warned: “If we send them back to their villages the military will come for them, probably to kill them, knowing they have helped us with our investigation.”
Military Training and Military Schools
There is one Armed Forces Academy in Indonesia, which encompassed Army, Air Force, Navy and Police academies (the Police Force is now being formally separated from the military). According to UNICEF, the minimum age for entry is 18 years.

GOVERNMENT-ALLIED PARAMILITARY AND PRO-INTEGRATION FORCES: proposed for inclusion on 1379 List
In addition to the regular armed forces, there are a variety of militia-style paramilitary formations throughout the country. These groups (which include civilian militias) come under the army’s territorial hierarchy, which provides officers and training. In times of emergency, they are under the command of the army. Other militias, while not under military authority, have also been assisted by the military. The Indonesian armed forces, including the KOPASSUS special forces, have also provided pro-integration armed forces with training, arms and funding.9

Paramilitary groups supported by the government in regions such as Aceh and East Timor have recruited children as soldiers. Pro-integration forces were widely reported to recruit children under the age of 18. In September 1999 a journalist reported that most armed groups’ members were teenagers and in some cases children apparently not more than 12 or 13 years of age.10 Other reports indicate children recruited into pro-integration forces were between 10 and 18 years old, with a majority between 15 and 18.11

Although some children may have joined such groups voluntarily, reports suggest most were forcibly recruited. Recruitment was carried out among poor youths using violence, drugs and alcohol, and sometimes promises of payment. Youths involved in the groups reportedly suffered injuries and fatalities, including execution. The commanders of the armed groups appeared to use fear, intimidation and praise to control and manage young recruits.12

The UN High Commissioner for Human Rights reported that young East Timorese men were also forcibly recruited by Pro-integration groups: “Parents were threatened and bribed to coerce the young men and the youths were harassed and intimidated into becoming members of the militia.”13 At least 130 East Timorese children from refugee camps in West Timor in October 2000 were abducted for training as anti-independence activists. Pro-Indonesian groups have also attempted to intimidate and indoctrinate East Timorese children removed from the refugee camps with their parents’ permission to orphanages in central Java.14 Octavio Soares, nephew of East Timor’s former pro-integrationist governor Abilio Soares, was quoted as saying “There is a plan for East Timor to come back to Indonesia even if it takes 20 years or more.... The plan is to use these children to help their cause”.15

Youths are also involved in various civilian militia, often associated with political parties and sometimes deployed to support the military. In November 1998, for instance, one 17-year-old student said he was promised 10,000 rupiah (USD 1.30) plus food for working with the Pamt Swakarsa group during a session of Indonesia’s legislature. The armed groups were given green headbands and bamboo staves and ordered to stop demonstrators marching on parliament.16 Acting under the banner of the Islamist movement Furkon, they engaged in acts of intimidation against opponents of the government.

In Aceh, there were reports of militias similar to those set up in East Timor. In November 1999, young pro-Indonesian students were seen in the back of a police vehicle in the centre of Banda Aceh carrying modern rifles. In January 2000, a representative of the International Commission of Jurists claimed that child soldiers had been used by such groups to terrorise the pro-independence populace.17 Other abuses of children have also been reported, for example in 2001 two girls, aged 15 and 24, were abducted by Police Mobile Brigade personnel in Lhok Jamin. They were held for two months and forced to act as sex slaves and perform domestic tasks.18

"If I knew I was recruited to do this, I would have refused and stayed hungry." (a youth recruited by government-allied militia).19

NON-STATE ARMED GROUPS
Internal armed groups: proposed for inclusion on 1379 List
The Free Aceh Movement (Gerakan Aceh Merdeka - GAM) has carried out voluntary and forced recruitment of children, for example during recruitment drive in November 1999,20 and in late 2000. However, numbers remain difficult to gauge. Children who refuse to join reportedly face threats, while those who join are encouraged to carry out revenge attacks on groups believed to be responsible for killing their relatives.21

In Melaku province, where Islamist groups have called for a jihad against Christians, reports indicated that children between 7 and 12 years of age have participated on both sides. Church sources say at least 200 boys have been forcibly recruited. Some are allegedly sent into combat with firebombs in their backpacks. In 2001 the US State Department confirmed information that children from outside the province are also being brought in to fight. Islamist students have been mobilised and trained in Java with a view to joining in the conflict in Melaku. In one incident, a 16-year-old from Java who had joined the Laskar Jihad group was killed while fighting on Saparua Island, Melaku province.22

Units of boys as young as 12, known as Agas (meaning Church Children who Love God, but also meaning ‘gnats’)23 are fighting with Christian armed groups. According to one Christian leader: ‘They are very valuable in our fights with the Whites (Muslims) because they are young and small. They can sneak into the area and burn everything. Even the Indonesian troops who shoot at the Reds (Christians) will hesitate to shoot a very young person.’24 In 2001 an international NGO reported a group of 30 Agas children living in a cathedral.25
Armed Forces Of National Liberation Of East Timor (FALINTIL): (not proposed for inclusion on 1379 List)

In the past, children under 18 were reported as serving with FALINTIL against pro-integration forces in East Timor. FALINTIL began keeping a comprehensive list of its recruits only in 2000-2001 once demobilisation began, but by this time many child soldiers had already been unofficially demobilised, thus their number remains unknown. Former members of FALINTIL are now being incorporated into the new East Timor Defence Forces, in which members must be at least 18 years of age.

DEVELOPMENTS

Prevention and demobilisation programmes

Most former child combatants from pro-integration militias remain in refugee camps in West Timor. Many others who returned to East Timor have been ostracised by their community. Village leaders were asked to promote reconciliation and reintegration from these youth but the success of programmes has varied. In June 2000, the Special Representative of the UN Secretary-General for Children and Armed Conflict stressed the need for programmes addressing the general psycho-social trauma of children involved in the conflict in East Timor. In January 2001 the "FALINTIL Reinsertion Assistance Programme", run by the International Organisation for Migration (IOM) and funded by World Bank/USAID, was launched to help reintegrate into civilian life former FALINTIL fighters who will not take part in the new defence force. FALINTIL commanders reportedly sent most under-18 soldiers back to their villages, but so far there has not been a programme to assist their demobilisation. The IOM programme is not available to youth who left earlier in 1999 and 2000.

International standards

The prohibition on the recruitment of children under the age of 15 into both armed forces and armed groups has now acquired a customary international law status, and is therefore binding on all armed forces and armed groups in Indonesia. Moreover, the Government of – has ratified the Convention on the Rights of the Child, which prohibits recruitment and deployment of children under age 15 in the armed forces (Article 38). Indonesia’s signature to the OP-CRC-CAC (24/09/01) is an important step toward preventing the recruitment and use of children under 18 by its armed forces and opposition groups.

In addition, the Government of Indonesia has ratified International Labour Organisation Convention 182, which includes forced recruitment of under-18s among the worst forms of child labour. In 2000, the President issued a decree providing for the formation of a National Action Committee to Eliminate the Worst Forms of Child Labour, which met once in September 2001.

The government of the now independent East Timor is still in its early stages, but in July 2002 the Prime Minister stated that he expected Parliament to endorse East Timor’s adoption of new legislation that sets 18 as the minimum age for recruitment. Senior officials also indicated that East Timor would possibly accede to the relevant conventions and international human rights treaties in September 2002 when East Timor becomes a member of the United Nations.

III. RECOMMENDATIONS

- The UN Secretary General should include the TNI (government army), government-allied paramilitary, Indonesian pro-integration armed groups, and armed groups including GAM on the list for submission to the Security Council under paragraph 16 of SC Resolution 1379
- The Security Council and OSRSJ-CAC should monitor other non-state armed groups to determine if recruitment and use of children is taking place as per paragraph 16 of SC Resolution 1379
- The government should ratify the CRC-OP-CAC and also declare its commitment to a ‘straight-18’ standard for recruitment
- Non-state armed groups should declare their commitment to the CRC-OP-CAC and also a ‘straight-18’ standard for recruitment
- The government, paramilitaries, armed groups and militias should establish mechanisms to implement provisions of the CRC-OP-CAC, including child demobilisation and rehabilitation, and to monitor its implementation. The government should commit resources for their long-term rehabilitation
- The government should ensure that military and criminal code provisions regarding children who take part in hostilities or are recruited into armed forces or groups, in accordance with international standards of juvenile justice
- The government should criminalise the recruitment and use of children for military purposes by any armed forces or armed group
- The government of should provide alternatives to military recruitment, such as increasing employment and education opportunities, particularly for vulnerable children in refugee diaspora and tribal areas.

3 Ibid.
4 Initial State Report of Indonesia to the CRC, UN Doc. CRC/C/3/Add. 10, 14/1/9393, para. 41.
6 Information provided by UNICEF, 8/99.
7 ABC Asia-Pacific, The children spies of Aceh, 18/02/02.
8 ABC Asia-Pacific, The children spies of Aceh, 18/02/02.
10 Jimenez, D., “Timor se convierte en un imenso campo de refugiados, El Mundo (Spain), 10/9/99.
11 Information provided by Lyndal Barry on 16/4/01.
12 Ibid.
14 JRS-AP Information Update 19/3/01.
15 BBC 26/10/00.
17 “Acehnese cower from escalating reign of violence”, The Australian, 17/1/00.
18 Jean Michael Hara to Aceh Forum dated 7/1/01.
21 AI: Indonesia – A cycle of violence for Aceh’s children, 23/11/00.
23 Economist, 17/3/01.
25 Jesuit Refugee Service Communication to CSC, 16/2/01.
26 Information provided by Lyndal Barry on 16/4/01.
27 Ibid.
29 UNTAET, East Timor Fact Sheet 7/2/01.
30 Information provided by Lyndal Barry on 16/4/01.
32 Child Rights Information Network, Resources. (www.crin.org/resources), citing UN News Service.
Republic of Iraq

I. SUMMARY

| Parties proposed for inclusion on 1379 List: | Government armed forces; KADAK (PKK) |
| Parties proposed for monitoring: | PUK |

Relevant international obligations:
- Government:
  - Customary law (no Under-15s); CRC; GC; ILO 138

II. COUNTRY PROFILE

RELEVANCE: on the Security Council Agenda

GOVERNMENT: proposed for inclusion on 1379 List

National Recruitment Legislation

Article 31 of the Constitution states "The defence of the homeland is a sacred duty and honour for the citizens; conscription is compulsory and regulated by the law." The legal basis of conscription is the 1969 Military Service Act, together with several subsequent resolutions made by the Revolutionary Command Council (RCC). In times of peace, all men between 18 and 45 are liable for military service. In times of war, the RCC may determine whom to conscript. However, admission to the officer academy for formal military training is possible from the age of 16, and as the course is only one year, some officers in the armed forces can be as young as 17. According to some sources Iraq accepts voluntary recruits from the age of 15.

Service normally lasts two years, or 18 months in the case of university students and college graduates, but during wartime it may be extended indefinitely by the RCC. Students can postpone military service until completing their studies, but not during war.

Military Training and Military Schools

Children have participated in repeated and wide-scale mobilisation and training schemes carried out by the Iraqi government since the 1991 Gulf War. The Ashbal Saddam (Saddam Lion Cubs) youth movement that was formed continues to operate throughout the country.

In 2001, the Iraqi government reportedly held three-week training course for children between the age of 10 and 15 on how to use weapons, hand-to-hand fighting, rappelling from helicopters and infantry tactics. This was the eighth year that such training has been held, and appeared similar to previous years' training courses. The US State Department estimated that thousands of boys between the ages of 10 and 15 were recruited into a military training program called "Saddam's Youth", with a estimated 8,000 child members of Saddam Cubs in Baghdad alone. The programme operated from 14 camps in Iraq, and was designed to prepare boys for national emergencies.

Recruitment into these training courses appears forced, with allegations that families who refused to enrol their children were threatened with the loss of their food ration cards and that school examination results withheld from students unless they registered in the Fedayeen Saddam organization.

In 1998, a more general military-preparedness project had been adopted to equip all those aged between 15 and 65 with the basics of self-defence and the use of small arms. Iraqis were reportedly required to conduct drill exercises and to assemble and dismantle machine-guns and rifles for two hours every day over a period of forty days. The Iraqi government also launched campaigns to introduce military training for school children between the ages of 12 and 17. The Iraqi authorities arranged two sessions, "Raad" and "Al Anfal", for a total of 23,000 children who were reportedly taken to boot camps for three weeks, trained in light arms and Ba'ath ideology. Iraqi opposition sources and the US State Department in 2000 reported that students who fail to join military camps face various sanctions.

NON-STATE ARMED GROUPS

There are several Kurdish and other armed opposition groups based in northern Iraq, Iran and Turkey that have been fighting their respective governments and amongst themselves for decades. Several of these movements have
reportedly recruited children as soldiers. According to one source, children as young as 12 took part in the Kurdish liberation movement in Iraq, “while a substantial amount were in their mid teens.”

Kurdish Workers Party (PKK), also known as the Freedom and Democracy Congress of Kurdistan (KADAK) : proposed for inclusion on 1379 List

The PKK has a record of recruiting and using children as soldiers. In 1990 the PKK issued a military service law calling for every Kurdish youth aged 18 to 25 without exception was obliged to join the PKK army. Compulsory recruitment was later ended due to sufficient voluntary recruitment. From 1994, it appears that the PKK began systematically and increasingly recruiting children, with children’s regiments even being created. A children’s battalion named Abura Zorroken Sehit Agit, for instance, was composed of three divisions and was, in theory at least, run by a committee of five children aged between 8 and 12. According to KDP sources the PKK was reported to have lost as many as 1,000 soldiers, many of whom were boys and girls, during a battle with the Kurdish Democratic Party in 1995. In 1997 a 14-year-old Syrian girl was one of several female guerrillas taken prisoner by the Turkish army during an offensive in Turkey’s Cudi Mountains. She had joined the PKK the previous year and received political and military training at a PKK camp in northern Iraq. In 1998, the PKK was reported to have 3,000 children in its ranks, more than 10 per cent of whom were girls, and the youngest being only 18.

The PKK has a record of recruiting in other countries as well. For example, during the summer of 1998, seventeen minors at Swedish schools were invited to attend a ‘summer camp’ in northern Sweden before being recruited to serve the PKK in south-east Turkey. By mid-August 1998, only three returned. Many families have reported their children missing to the police. A French magazine also reported that the PKK living in Kurdish communities in France (about 100,000 people) were recruiting children in 1999. Some children were said to have been send for 15 days of training in a camp in the Larzac (South of France), but others were taken outside the country for paramilitary training. In Ostwesten-Lippe, Germany the PKK forced children, teenagers and youths to join ‘political courses’ for a few days, sometimes abroad (notably in Belgium and in the Netherlands). According to the Turkish authorities similar abductions have also occurred in Armenia, including three children who were abducted in Yerevan.

Patriotic Union of Kurdistan (PUK): should be monitored

The PUK was established in July 1975 and has intermittently been supported by Iran and Turkey. In the past the PUK has been known to use children as young as 10 as soldiers. Information on their recruitment practices currently has been difficult to obtain.

Kurdish Democratic Party (KDP): (not proposed for inclusion on 1379 List)

The KDP has been fighting against the Iraqi government since 1975. There is no information on the use of child soldiers by this group.

Supreme Council for the Islamic Revolution In Iraq (SCIRI): (not proposed for inclusion on 1379 List)

SCIRI was formed in November 1982 as a coalition of Shi’a Islamist parties opposed to the Iraq Ba’ath party with the aim of toppling the government of Saddam Hussein. There is no evidence that SCIRI uses children as soldiers.

DEVELOPMENTS

International legal standards

The prohibition on the recruitment of children under the age of 15 into both armed forces and armed groups has now acquired a customary international law status, and is therefore binding on all armed forces and armed groups in Iraq. Moreover, the Government of Iraq has ratified the Convention on the Rights of the Child, which prohibits recruitment and deployment of children under age 15 in the armed forces (Article 38).

III. RECOMMENDATIONS

• The UN Secretary General should include Government armed forces and KADAK (PKK), on the list for submission to the Security Council under paragraph 16 of SC Resolution 1379
• The Security Council and OSRSG-CAC should monitor the PUK to determine if recruitment and use of children is taking place as per paragraph 16 of SC Resolution 1379
• The Iraqi government should ratify the CRC-OP-CAC and also declare its commitment to a ‘straight-18’ standard for recruitment
• Non-state armed groups should declare their commitment to the CRC-OP-CAC and also a ‘straight-18’ standard for recruitment
• The Iraqi government should establish mechanisms to implement provisions of the CRC-OP-CAC, including child demobilisation and rehabilitation, and to monitor its implementation
• The government of Iraq should criminalise the recruitment and use of children for military purposes by any armed force or group
• The government should revise military and criminal code provisions regarding children who take part in hostilities or are recruited into armed forces or groups, in accordance with international standards of juvenile justice
• The government of Iraq should provide alternatives to military recruitment, such as increasing employment and education opportunities, particularly for vulnerable children in refugee diaspora and tribal areas.

1 Iraq’s constitution is available at: www.uni-wuezburg.de/law
3 Ibid.
4 See the website of Global March, www.globalmarch.org.
12 Referring to the 1968 revolution which brought Saddam Hussein’s wing of the Ba’th party to power.
15 Ismet, I. G.,
17 Couturier, C., “Kurdish rebels send teenagers to war: Turkish soldiers say they are gaining the initiative in the war on the south”, Financial Times, 28/6/97.
19 Ibid.
22 Statement of the Turkish delegation to the European Conference on the Use of Children as Soldiers, Berlin, 18/10/99.
ISRAEL & THE OCCUPIED PALESTINIAN TERRITORIES
(PALESTINIAN AUTHORITY)

I. SUMMARY

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RECORD ON RECRUITMENT AND USE IN ARMED CONFLICT OF CHILDREN UNDER THE AGE OF 18:

Currently, 17-year-olds are eligible to serve in Israeli government armed forces. The Israeli government signed the CRC-OP-CAC on 14/11/2001. The Israeli Defense Forces state that the government is preparing to ratify the CRC-OP-CAC, with changes to end the “early admission” of conscripts and the deployment of under-18s, although it will continue to accept 17-year-old volunteers. The Palestinian Authority has indicated its support for the CRC-OP-CAC.

While there are reports of children participating in hostilities, there is no evidence of systematic recruitment by armed groups. However, a growing number of children undertaking acts of violence in an environment encouraging martyrdom warrants monitoring by the UN Security Council. Implementation of new IDF recruitment policies also needs monitoring.

II. COUNTRY PROFILE

ISRAELI GOVERNMENT: Should be monitored

Israeli national recruitment legislation
Section 4 of Israel’s Basic Law on The Army adopted on 31 March 1976 states that “The duty of serving in the Army and recruitment for the Army shall be prescribed by or by virtue of Law.” The legal basis of conscription is the 1986 National Defence Service Law. Officers serve 48 months, male non-officers serve 36 months and female non-officers serve 21 months. Reserve duty, which was increased during the first Al-Aqsa intifada, is obligatory for men and certain categories of women.

Under the present system, interviews and assessments for military service begin at age 16, call up occurs formally at 17.5 with a medical examination, and military service begins at the age of 18. However some applications for early admission are accepted from the age of 17 and some months. Israel accepts voluntary recruits from the age of 17 with parental consent.

After signing the Optional Protocol to the Convention on the Rights of the Child in November 2002 the government proposed Amendment No. 13 to the Military Service law, which proposes to set the minimum age for compulsory recruitment at 18 years as calculated by the gregorian calendar, although exceptions are made for voluntary academic reserves and unpaid service. These changes would end the “early admission” of conscripts and the deployment of under-18s, although it would continue to accept 17-year-old volunteers.

New immigrants are subject to the same terms of conscription as nationals when they reach 18. Older immigrants must serve shorter periods of military service. Minors serve in one of the specialised units: the Minors Unit, the Druze Reconnaissance Unit and the Trackers Unit consisting mostly of Bedouin Arabs. The intelligence corps and the air force are closed to minorities. Christian and Muslim Arabs are exempt from compulsory military service but some volunteer, particularly the Bedouin. Israeli’ s Druze and Muslim Circassian minorities, on the other hand, are subject to conscription.

Ultra-Orthodox students studying at religious schools are usually exempt from military service. If approved, the Tal bill, currently under consideration, will legalise exemption for students in religious schools. Other students may defer military service or combine it with studies. Conscientious objectors are not excused and may be imprisoned for refusing to perform military service. Sons and brothers of soldiers who have died in service must attain parental permission to join the IDF.

In order to ensure the maximum number of conscripts, minimum physical and educational standards for conscription are low. However it is reported that more than 20 percent of conscripts are discharged early on physical or psychological grounds.

Child recruitment and deployment
Each year 90 per cent of all Israelis who turn 18 are drafted. Minors are recruited into the IDF, but statistics on the number of such recruits are unavailable. The IDF’s youngest officer was recently pictured in the Yediot Achronot newspaper, which on 4 March 2001 reported: “After she celebrated her 18th birthday Maayan Carpi got her rank as officer. Maayan... is now the youngest officer in the IDF and in the history of the army. She’s in charge of a unit of soldiers on reserve duty now.”

Palestinian and Israeli NGOs report working with juvenile detainees recruited as informers by Israeli intelligence agencies. In one case Palestinian authorities arrested four suspected collaborators in Beilt Sahour. Two were 19 at the time and one claimed to have been recruited by the Israeli internal intelligence service at the age of 16. DCI-Palestine
Section estimates that between 60 – 75% of Palestinian children detained by the Israeli military authorities are pressured to collaborate with or act as informants for Israeli security services.  

**Israeli government treatment of Palestinian children**

According to the DCI–Palestine, in the first 8 ½ months of this year 125 children were killed by Israeli soldiers or settlers, compared to 105 in 2000 and 98 in 2001. In response to the throwing of stones or Molotov cocktails, and in some cases firearms fired at IDF soldiers, Israeli security forces have often used excessive force against demonstrators, at times resulting in deaths of children as bystanders. The US State Department cites the case of Khalil al-Mughrabi, an 11-year-old child, who was killed in July 2001 in Gaza. “According to B’tselem al-Mughrabi was killed when an Israeli tank used live ammunition to fire warning shots during a demonstration in which the IDF states that demonstrators threw fragmentation grenades and stones at IDF soldiers. B’tselem stated that al-Mughrabi and two other boys who were hit were a distance from the demonstration and had not participated.” The US State Department review also noted the death of three-year-old Burhan Yaoun and 13-year-old Ahmad Arafat, who died on 10 December 2001 when Israeli helicopters fired several rockets into the market in Hebron. The IDF released a statement acknowledging that the operation was intended to kill a PA official, and expressed regret at the death of the children.

Some Palestinian children, arrested for alleged security offences, are detained with Israeli juvenile criminal prisoners. In 1999, the Israeli military re-instituted Military Order No. 132, permitting its forces to arrest Palestinian children as young as twelve. Originally issued during the first intifada, this order had ceased to be implemented following the Oslo Accords of 1993. Some Palestinian children report that they are beaten and subjected to cruel, inhuman and degrading treatment during the arrest, interrogation, and incarceration process. Palestinian youth held in Israel’s Telmond Prison said they were held in overcrowded conditions and experienced difficulty receiving family visits and medical treatment. Often arrested from home, they are taken to detention centres West Bank and Gaza children are initially transferred to one of the centres for the Israeli Civil Administration, under the jurisdiction of the Israeli military (Ministry of Defence), they are taken to detention centres under Ministry of Defence control. Some children are also then transferred to other facilities for interrogation, including those under the control of the Israel Security Agency. Children have been tried in military court where they have been sentenced to 10-20 months. In one case of attempted stabbing a sentence of six years and six months was handed down. Children of the intifada are often incarcerated along with Palestinian adults, though Palestinian community leaders have indicated that the detention of children with adults may offer better protection from ill treatment and coercion.

**PALESTINIAN AUTHORITY (PA): Should be monitored**

Armed groups that have claimed responsibility for attacks on Israeli military forces and civilians have been based within areas of the Occupied Territories over which PA has authority. The Israeli Government has accused the PA of supporting these attacks. The PA has responded that it has always opposed terrorism and that on 16 December 2001 it closed the offices of, and ended financial transfers to, Palestinian paramilitary organisations. The PA further asserts that it cannot effectively control non-state armed groups. The Palestinian Authority has indicated its support for the GRC-OP-CAC.

**Palestinian Police and Security Forces**

According to the Oslo agreement, the PA cannot have armed forces but only a Palestinian Police Force, which may comprise up to 30,000 policemen serving in Palestinian Authority Areas (zone A) only (18,000 in Gaza and 12,000 in West Bank). The Palestinian Police Force includes the Palestinian Public Security Force, the Palestinian Civil Police, Emergency and Rescue, the Preventive Security Force, the General Intelligence Service (mukhabarat), and the Palestinian Presidential Security Force, known as Force 17.

The minimum age for volunteering in the PA police forces is 18, the same as for any other servant in the administration. According to some sources, the Palestinian authority applies Jordanian military law and accepts some recruits below 18 for special tasks, e.g. musical ability. However the draft Palestinian Child Rights Charter incorporates an article forbidding the enlistment of children under 18 in any armed forces.

**Military Training and Military Schools**

There is no military training in regular schools. However, in the summer of 2000 it was estimated that nearly 50,000 children were enrolled in military-style camps, which included military discipline rules and training in the use of light arms. These were mostly organised by the Political Guidance and Training Unit, a government organisation. The PA has acknowledged organising the camps in 2000 but claimed, “...the matter is exaggerated by some parts who utilized this to justify their violations against the Palestinians.”

**NON STATE ARMED GROUPS**

**Overview of Child Recruitment and Deployment**

In a 7 July 2002 letter to the Coalition to Stop the Use of Child Soldiers, a representative of the Palestinian Authority asserted that: “All leaders of political parties (Fatah, PLFP, Hamas, Islamic Jihad) agreed that it is not tolerating, under any circumstances, the manipulation, incitement or recruitment of children and young people for the purpose of militant activity, and if something happens in contrast to this believe (sic) then it is just an individual, non-responsible non-organized behaviour.”

Nevertheless, in a new trend in 2002, suicide bombings have been carried out by young men and women in late adolescence and early adulthood, and at least three bombings by children under the age of 18 (see details below). A pattern of individual acts by adolescent girls who have stabbed or attempted to stab Israeli soldiers with sharp objects has also emerged. Amnesty International has collected testimonies indicating that it is common practice for women and children to carry information and messages for non-state armed groups.
The popular sense that the promotion of “martyrdom” tactics has encouraged young people to participate in violence grew after an incident in late April 2002, when three adolescent boys armed with knives and homemade bombs – one aged 15 and two aged 13 – were shot while trying to launch an attack an Israeli settlement in Gaza. The boys had left their parents suicide notes expressing a desire for “martyrdom.” Their killings created pressure for Palestinian armed groups to disavow such tactics (see below).

The Coalition to Stop the Use of Child Soldiers has not received conclusive evidence that the recent increase in children’s involvement in the conflict has occurred through systematic recruitment or use of children by the authorities or armed groups. Many incidents involving children appear to be individually motivated, yet encouraged by the political environment in which Palestinian children find themselves. Others incidents involving the use of explosives that appear to have been provided by armed groups reveal little preparation or formal connection to the groups. These children cannot be defined as child soldiers recruited and trained as combatants. Nevertheless, serious concerns continue about the role of armed groups in promoting children’s roles in the armed conflict, particularly those children who have been involved in suicide bomb attacks, thus close monitoring is warranted.

Palestinian members of armed groups have also attacked -- in direct or indiscriminate attacks -- individual civilians who were known not to be a member of the armed forces, or attacked a group of people among whom there were clearly many civilians, including children. According to Amnesty International: “The youngest victim was Yehuda Shoham who was five months old when he was killed by a rock thrown through the windscreen of his family’s car near the Israeli settlement of Shilo in the West Bank on 5 June 2001. Avia Malka was nine months old when she was killed by two men who shot and threw grenades at cars and pedestrians in Netanya on 9 March 2002. Shalhevet Pass was 10 months old when she was shot by a sniper on a hill opposite the entrance to Avraham Avinu Israeli settlement in Hebron on 26 March 2001. In total, 12 of the victims were aged nine or younger and 49 others were under 18.”

**Al-Aqsa Martyrs Brigades: should be monitored**

Fatah is a nationalist organization, forming the principal political faction of the Palestinian Liberation Organization (PLO) and therefore dominating the Palestinian Authority. Its military wing is the Tanzim, initially associated with the Al-Aqsa Martyrs Brigades. According to Amnesty International, the Al-Aqsa Martyrs Brigades were formed by Fatah members in late 2000 “but there are conflicting views as to whether this group is controlled by Fatah leaders”. The Israeli government alleges that Al-Aqsa Martyrs Brigades is an integral part of Fatah and controlled by President Arafat, who has denied the allegations.

In recent incidents, Muhamed Daraghma, reportedly age 17, killed himself and some eight other people in carrying out an attack reportedly for the Al Aqsa Martyrs Brigades on 2 March 2002, in Jerusalem. In another attack allegedly planned by Al-Aqsa, 16-year-old Issa Bdeir, killed himself in an attack in Rishon Letzion on 22 May 2002. He appears to have been pressured into going ahead with an attack despite having second thoughts, according to his family. On 30 July 2002, a 17-year-old youth from Bethlehem blew himself up in central Jerusalem, killing himself and wounding at least seven others. CNN reported that a source in Gaza alleged that the Al Aqsa Martyrs Brigades claimed responsibility for the explosion.

Jane’s Intelligence Review notes that one of Fatah’s goals has been the “indoctrination” of the young through activities of Tanzim and its youth organization, the Shabiba. Included in its summer camps’ has been programmes including weapons instruction, basic military training and self-defence.

**Hamas (Harakat Al-Muqawama Al-Islamia – Islamic Resistance Movement): should be monitored**

Hamas is an Islamist political organization that became active in the early stages of the first intifada. Hamas has a complex structure, working openly through a network of mosques and social service institutions. Hamas’ activities are concentrated in the Gaza Strip and in a few areas of the West Bank. Like other political groupings, Hamas maintains an armed wing to fight Israeli military occupation, the Izz al-Deen Al-Qassam Brigades.

Hamas receives funds from Palestinian expatriates, private benefactors in Saudi Arabia and other moderate Arab states as well as the state of Iran. Some fundraising and propaganda activities take place in Western Europe and North America. There have been reports of children below 15 years of age in Hamas, with the lowest recorded age being 12, but the process of selection for the Izz al-Deen Al-Qassam Brigades is reportedly long and rigorous. In 2002 Hamas issued an official statement calling upon children to refrain from futile attacks on Israelis, and for teachers and religious leaders to spread the message of restraint among young Palestinians.

**Islamic Jihad: should be monitored**

The Islamic Jihad, another political organisation with an armed wing that originated in the Gaza Strip during the 1970s, is committed to the creation of an Islamic Palestinian state. The Israeli authorities have alleged that children have been used in active hostilities by the Islamic Jihad. Thabet Mardawi, a member of the Islamic Jihad group in Israeli police custody, denied this claim. Information received to date has been contradictory and inconclusive, thus the Coalition to Stop the Use of Child Soldiers has been unable to confirm allegations of the use of children in the intifada.

**DEVELOPMENTS**

**Prevention and demobilisation programs**

Children have the right to be politically active and demonstrate, and should be allowed to attend political rallies and protests without fear of losing their lives. Nevertheless, some efforts have focused on keeping young children out of demonstrations that may involve bloodshed. The PA Minister of Information Yasser Abed Rabbo issued a statement on 8 November 2000 calling on “all actors in Palestinian society to protect and prevent children from participating in violent demonstrations against the Israeli occupation.” He added, “all political Palestinian parties had taken a decision to prevent all children under 18 years old to participate in the clashes.” This decision was to be implemented by keeping Palestinian schools, colleges and universities open; urging children to stay away from confrontation areas; educational
programs to convince students not to participate in demonstrations; and forming a national coordination committee to implement this decision.  

There is no information on the implementation of this commitment or other statements by the Palestinian political leadership. There have been many cases, however, in which Palestinian policemen have attempted to remove armed men from demonstrations in which civilians or children have participated.

Responding to a complaint from the B’tselem human rights organisation regarding Palestinian child participation in the clashes, the Minister explained that Palestinian authorities were making an effort to prevent children from taking part in the demonstrations, but that it was difficult to stop them because the children had grown up in an atmosphere of hostility toward the Israeli occupation. “Some of them live near settlements and are subject to daily harassment by the settlers... others had fathers or brothers killed or jailed in Israeli prisons.”

The UN Commission of Inquiry, in its report to the UN Commission on Human Rights, stated: “While the Commission is prepared to accept that some children are likely to have been exposed to anti-Israeli propaganda in school or special training camps, it cannot disregard the fact that demonstrations are substantially the result of the humiliation and frustration felt by children and their families from years of occupation. The Commission heard evidence from parents and NGOs about the unsuccessful attempts of many parents to prevent their children participating in demonstrations and the grief caused them by the death and suffering of their children. It is likely that the Palestinian Authority could have done more to restrain children from participation in stone-throwing demonstrations. The evidence suggests that, on occasion, the Palestinian police made attempts to prevent demonstrations, but these attempts were often unsuccessful. This can be ascribed to the incompetence of the Palestinian police, the fact that the Palestinian police were themselves targeted by stone-throwers when they attempted to curtail demonstrations, and an understandable identification of the Palestinian police with the goals and spirit of the demonstrators.”

International standards

During negotiations on the Optional Protocol in January 2000 Israel announced a change in position in favour of 18 as the minimum age for deployment. This was confirmed by Israeli Defence Force representatives in March 2001 who told a Knesset committee that “17-year-olds would no longer be allowed to serve as volunteers in combat units, even if their parents agree, and would only be allowed to take courses until reaching 18.”

Israel signed the CRC-OP-CAC in November 2001 but has yet to ratify by incorporating it into domestic law. IDF representatives state they will prepare to adhere to the CRC-OP-CAC if their authority to draft candidates formally for military service between 17 years and six months years and 18 will not be affected (through such channels such as a formal enlistment for a day with a postponement until after university graduation); and if their authority to accept volunteers of 17 years old with the consent of their parents was also unaffected. In any case, such individuals in academic reserves and unpaid service would not perform active military service, according to the Military Judge Advocate General.

As a non-state entity, the PA is not eligible for membership in the UN or ILO. Thus, it cannot formally sign or ratify international treaties. However, on 21 June 1989 the Swiss government received a letter from the Permanent Observer of Palestine to the United Nations Office at Geneva informing them “that the Executive Committee of the Palestine Liberation Organization, entrusted with the functions of the Government of the State of Palestine by decision of the Palestine National Council, decided, on 4 May 1989, to adhere to the Four Geneva Conventions of 12 August 1949 and the two Protocols additional thereto”. Three months later, on 13 September 1989, the Swiss authorities decided they could not decide whether the PLO, as a liberation organisation, had properly acceded to the Geneva Conventions of 12 August 1949 and its two Additional Protocols of 1977 “due to the uncertainty within the international community as to the existence or non-existence of a State of Palestine.”

Nevertheless, the ICRC has affirmed with respect to non-state Palestinian armed groups that: “…Palestinian armed groups operating within or outside the occupied territories are also bound by the principles of international humanitarian law. Apart from the Fourth Geneva Convention, which relates to the protection of the civilian population, there are other universally accepted rules and principles of international humanitarian law that deal with the conduct of military operations. They stipulate in particular that only military objectives may be attacked. Thus, indiscriminate attacks, such as bomb attacks by Palestinian individuals or armed groups against Israeli civilians, and acts intended to spread terror among the civilian population are absolutely and unconditionally prohibited.”

Its Palestinian Charter of Children Law, which apparently has remained in draft form although the PA asserts that it was adopted in 2000, states that the PA shall abstain from enrolling or using children under 18 in armed forces.

III. RECOMMENDATIONS

- The Security Council and OSRSG-CAC should monitor Izz al-Din al-Qassam Brigades (Hamas), Al-Aqsa Martyrs Brigades and Islamic Jihad to determine if recruitment and use of children is taking place as per paragraph 16 of SC Resolution 1379
- The Security Council should monitor the IDF’s newest policies concerning recruitment and deployment of those under 18 years of age, in both Israel and the Occupied Territories
- The Israeli government should ratify the CRC-OP-CAC, withdrawing the interpretive declaration made on signature and declaring its commitment to a ‘straight-18’ standard for recruitment
- The Israeli government should revise military and criminal code provisions regarding children who take part in hostilities or arrested or otherwise held in detention, in accordance with international standards of juvenile justice
- The Palestinian Authority should reiterate calls upon all Palestinian armed groups and individuals not to encourage children to participate in acts of violence
- The Israeli Government and Palestinian Authority should establish mechanisms to implement provisions of the CRC-OP-CAC, including child demobilisation and rehabilitation, and to monitor its implementation.
1. Israel’s Basic Law: www.uni-wuerzburg.de/law/is


4. Official IDF letter of response to the Coalition to Stop the Use of Child Soldiers, 17/07/02.


7. Information provided by the NGO New Profile based in Tel Aviv.


13. Ibid.


16. Dr Ahmed Al-Yaziji, Deputy Minister, Ministry of Youth and Sports, letter to the Coalition to Stop the Use of Child Soldiers, 04/03/01.

17. Dr Ahmed Al-Yaziji, Deputy Minister, Ministry of Youth and Sports, letter to the Coalition to Stop the Use of Child Soldiers, 07/07/02.


27. BBC, “Hamas bans children’s ‘sacrifices’”, 24/04/02.

28. Amos Harel and Omer Barak, Portrait of the terrorist as a young man, Ha’aretz newspaper (Jerusalem), 4/23/02.

29. Statement issued on 8/11/0 by Palestinian Ministry of Information.

30. Ibid.

31. Danny Rubinstein, “No Mere Stone’s Throw”.


33. Jerusalem Post, 6/3/01.

34. Official IDF letter of response to the Coalition to Stop the Use of Child Soldiers, 17/07/02.


37. Dr Ahmed Al-Yaziji, Deputy Minister, Ministry of Youth and Sports, letter to the Coalition to Stop the Use of Child Soldiers, 07/07/02.
I. SUMMARY

| Parties proposed for inclusion on 1379 List: | AFL (government forces); government-organised militia; LURD |
| Relevant international obligations: | Customary law (no Under-15s); CRC; GC/API+II |

**RECORD ON RECRUITMENT AND USE IN ARMED CONFLICT OF CHILDREN UNDER THE AGE OF 18:**

The UN has estimated that up to 20,000 children, some as young as six years old, were among both government and opposition forces during Liberia’s seven-year civil war.

National legislation on the minimum age for compulsory and voluntary recruitment is unclear, but recent reports indicate that the Armed Forces of Liberia continue to recruit minors, including children from Sierra Leone. The Government has not signed the CRC-OP-CAC.

The opposition Liberians United for Reconciliation and Democracy (LURD) forces also currently target children for recruitment.

II. COUNTRY PROFILE

**RELEVANCE:** on the Security Council Agenda

**GOVERNMENT FORCES: proposed for inclusion on 1379 List**

**National Recruitment Legislation**

In Liberia’s Constitution, Article 19 on military law makes no mention of conscription, which in theory does not exist. Minimum age for voluntary recruitment is believed to be 18, but this is not enforced in practice.

**Military Training and Military Schools**

Liberia has army-run and military schools located within army barracks for children of military personnel. Efforts have also begun to revitalise a pre-war government-run officer training corps programme, which was compulsory for all high school and university students. Training included instruction in military discipline and science but was described as being of ‘mild’ intensity.

The International Committee of the Red Cross is currently undertaking international human rights training for instructors in the training corps programme, all of whom are military personnel. UNICEF and the UNHCR have also prepared materials on human rights to be incorporated. Don Bosco Homes in Monrovia is currently implementing a regional ECOWAS military training programme, supported by Save the Children Sweden, to train pro-government armed forces and police forces in child rights and child protection.

**Child Recruitment and Deployment**

During Liberia’s 7-year civil war, child recruitment was practiced not only by the Armed Forces of Liberia (AFL), but also by pro-government militia groups, largely made up of former National Patriotic Front of Liberia (NPFL) combatants, many of whom were originally recruited as children. During the civil war, many young girls who sought protection from the NPFL became what was called ‘wartime women’ – the unwilling ‘girlfriends; or ‘wives’ of fighters. Boys, many forcibly recruited, were placed in special Small Boys Units where they were taught to kill without question, forced to rape, torture or kill fellow villagers or even relatives in order to instil loyalty. Many became addicted to drugs, particularly marijuana, amphetamines, and a mixture of cane juice and gunpowder. While much of this recruitment was forced, there were children who volunteered to become members of the fighting factions, lured by economic advantages, quest for adventure or revenge for the death of a loved one. Liberian forces were also accused of abducting children from eastern Sierra Leone and providing them with basic infantry training, after which they served in the Revolutionary United Front.

Since the end of the civil war, and in the context of current instability, forced conscription and use of children as soldiers, some as young as 14, has continued to be reported by the Liberian security forces. Young women and girls are raped and forced to become ‘wives’ to the soldiers as well as combatants. Young male conscripts are forced to carry looted goods and captured weapons and sent to the front, often without proper training. Human Rights Watch has reported accounts of children, many of them armed, manning checkpoints and riding in military vehicles in Monrovia and Gbarnga. In February 2002, young men and boys from poorer communities were reportedly targeted for round-ups from public sites around Monrovia and taken to a field near Duala market, where they were told they must fight in the army.

Children attempting to flee with their parents towards the border with Sierra Leone have been stopped at checkpoints by the Anti-Terrorist Unit. The children are taken away from their parents to a military base, where their heads are shaved. Those children whose parents cannot afford to “buy” their freedom are sent to the front lines, often with little or no training. Children have also become associated with government armed forces when the AFL fail to release separated children to child protection agencies in their areas of operation.
NON-STATE ACTORS

Liberians United for Reconciliation and Democracy (LURD): proposed for inclusion on 1379 List

Armed opposition groups have been known to target children for recruitment, often in return for food for themselves and their families. Reports from Human Rights Watch in 2002 indicate that LURD forces continue to forcibly recruit children. The Government of Guinea has played a destabilizing role in this regard, by providing logistical and military support to LURD forces operating from Guinea.

DEVELOPMENTS

Child Protection and Demobilisation Programmes

In 1997, thousands of children went through demobilisation processes that were quickly established at the end of the civil war. Due to limited resources, children were not separated from adult combatants, with the result that many children left the site (sometimes with their commanders) without receiving reintegration assistance. Some demobilised children were reunited with their families while others were referred to eight of ten transit homes, supported by UNICEF and the European Union, until families could be traced. UNICEF and NGOs also opened educational rehabilitation centres that in 2000 were still operating for a limited number of former child soldiers. Many youth remain traumatised and some are still addicted to drugs. The number of street children in Monrovia and the number of abandoned infants, which increased significantly following disarmament, also remains high.

Families and communities in high-risk areas have played an important role in attempting to protect their children and protest against child recruitment; some children are sent to other countries or more secure locations within Liberia, hidden in the bush and countryside. SCF-UK has supported community-based protection and prevention programmes, such as sensitisation workshops for members of armed forces.

International Standards

The prohibition on the recruitment of children under the age of 15 into both armed forces and armed groups has now acquired a customary international law status, and is therefore binding on all armed forces and armed groups in Liberia. Moreover, the Government of Liberia has ratified the Convention on the Rights of the Child, which prohibits recruitment of children under the age of 15 in the armed forces (Article 38). Liberia has not yet signed nor ratified the CRC-OP-CAC.

III. RECOMMENDATIONS

- The UN Secretary General should include the AFL, pro-government militia and LURD on the list for submission to the Security Council under paragraph 16 of SC Resolution 1379
- The Liberian government should ratify the CRC-OP-CAC and also declare its commitment to a ‘straight-18’ standard for recruitment
- Non-state armed groups should declare their commitment to the CRC-OP-CAC and also a ‘straight-18’ standard for recruitment
- The government and non-state armed groups should establish mechanisms to implement provisions of the CRC-OP-CAC, including child demobilisation and rehabilitation, and to monitor its implementation
- The government of Liberia should criminalise the recruitment and use of children for military purposes by any armed force or group.
- The Liberian government should provide alternatives to military recruitment, such as increasing employment and education opportunities, and support community-based recruitment prevention and child protection strategies.

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1 UN WIRE, Liberia: Council imposes sanctions, calls for end to RUF support,” 8 March 2001.
4 Communication received from SCF-UK, 05/08/2002.
5 SC-Sweden Children of War Newsletter, No. 2/00, “Children trained in Liberia and Burkina Faso” 7/00.
8 Ibid.
11 Save the Children, UK emergency update: Liberia, 11/00.
13 Ibid.
14 UNICEF Liberia. Demobilisation and reintegration of former child soldiers and other war affected youth, 10/98.
17 Information received from local organisations working with disabled former child soldiers, 01/08/2002.
18 Communication received from SCF-UK, 05/08/2002.
I. SUMMARY

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RECORD ON RECRUITMENT AND USE IN ARMED CONFLICT OF CHILDREN UNDER THE AGE OF 18:
Domestic legislation sets the minimum age for conscription at 17; the minimum voluntary recruitment age is unclear. The government has not signed the CRC-OP-CAC.

There have been reports of the National Liberation Army recruiting and using children under the age of 15 since 2001.

II. COUNTRYPROFILE

RELEVANCE: on the Security Council Agenda
As a territory of the former Yugoslavia, Macedonia falls within the UN Security Council agenda. 1999 was dominated by the Kosovo crisis and the huge influx of refugees. The Coalition government came under extreme pressure and tensions increased between the ethnic Albanian minority and the Macedonian majority. The mandate of the UN peacekeeping mission (UNPREDEP) ended in 1999 but the OSCE monitoring mission has continued to operate in the country.

The National Liberation Army, an opposition group of ethnic Albanians supported by incursions from neighbouring Kosovo, launched its insurgency in 2001, bringing the former Yugoslav republic to the edge of the civil war. Security tensions continue to overshadow the country since a peace treaty was signed in August 2001. In mid-February 2002 the security situation was described as fragile. It was not until July 2002 that units from Macedonia’s new multiethnic police entered a village in the northwest of the country, the last former opposition stronghold where government forces and ethnic Albanian armed groups clashed last year.

GOVERNMENT: (not proposed for inclusion on 1379 List)

National Recruitment Legislation and Practice
Article 28 of the 1991 Constitution states that: “(1) the defence of the Republic of Macedonia is the right and duty of every citizen. (2) The exercise of this right and duty of citizens is regulated by law.”

Macedonia’s defence system is in the process of undergoing deep transformation, incited by necessary restructuring according to NATO norms and standards. Macedonia plans to move increasingly toward a professional army, but in 1998 this process was projected to occur over a 10 year period, following the economic capabilities of the country.

Under Chapter II, Article 3 of Macedonian Defence Law, “All male citizens of the Republic, aged 17 to 55 are obligated to fulfill the military obligation… [W]omen may volunteer to serve in the Armed Forces if they apply as a conscript before the end of the calendar year in which they turn 27 years of age.” In its initial report to the Committee on the Rights of the Child in 1998, representatives of Macedonia reported that recruits usually only begin to perform military service at the age of 19. However Article 6 of the Defence Law specifies that a person “becomes a military person the moment he joins the Armed Forces and he ceases to be one the moment he is released from the Armed Forces. [The] Military obligor (sic) also has a status of a military person on his way to the authorized institution after he has received a draft call and on his way back to his residence.”

Conscript service lasts nine months and is carried out in the Armed Forces (Art. 7). Those who refuse to carry weapons because of religious and moral reasons (conscientious objection) may serve in the Armed Forces without weapons, or may serve in the civil service (Art.8).

Under Article 12, all male citizens aged 18 to 60 and all female citizens aged 18 to 55 are also obligated to participate in the Civil Protection Forces. These Civilian forces perform activities to protect and care for the population and properties, from destruction caused by and other dangers in a state of war, as well as from natural disasters, epidemics, technological and other disasters in peacetime (Art. 11).

Military Training and Military Schools
The military educational and training system of the Republic was established only three years after the Republic of Macedonia gained its independence. The Military Defence Educational and Training Centre “Goce Delchev” includes the Military Academy "General Mihailo Apostolski" and the Educational and Training Centre "Dr. Joseph Kruzel". The Military Academy admits a range of undergraduate and postgraduate students for a variety of courses and military specialisations. The Education and Training Centre, “Dr. Joseph Kruzel” trained a total of 10,297 civilians between 1994 and 1996, including the members of the Civil Protection Forces, employees at the state authorities and enterprises of special significance for the defence. Information on minimum entry age could not be located, and it is unclear if students are considered members of the armed forces.
NON-STATE ARMED FORCES

National Liberation Army: should be monitored

The recent insurgence of an opposition group calling itself the National Liberation Army, along the border with Kosovo, brought the FYROM to the brink of civil war. The FYROM government claims the group is being supported from Kosovo and is comprised of members of the supposedly disbanded Kosovo Liberation Army. There are concerns about child involvement in opposition forces. During the conflict in 2001 Macedonian security forces were said to have captured members of the armed groups, a large number under the age of 18. Accounts of child recruitment have been covered in the media, involving interviews with child soldiers between 14 and 16 years of age.

FOREIGN ARMED GROUPS: (not proposed for inclusion on 1379 List)

There are past reports of children leaving the country to join armed groups abroad. This was the case during the war in Bosnia-Herzegovina during which some 500 Macedonian children were recruited. Similarly, it is believed that during the Kosovo conflict, over 500 Macedonian children joined the Serbian armed group called the Serb Tigers, while some 1,000 other children reportedly joined the Kosovo Liberation Army (KLA). These children, typically between 14 and 18 years of age and from poor families, were recruited through television announcements and promises of payment for service. The Albanian private television in Skopje, ERA, and other stations made announcements inviting young people to join the KLA. One source reported that a large majority of children who were recruited were Albanians, 20 per cent were Serbs and 5 per cent Macedonian. Most were boys but there were also girls present. A large proportion of the Albanian children were from Debar, Gostivar and Tetovo, and from villages close to the border. The Serb children came from Kumanovo and Gostivar or from the villages close to Skopje and Kumanovo. 350 children from refugee camps in Macedonia also reportedly joined the KLA.

DEVELOPMENTS

International Standards

The prohibition on the recruitment of children under the age of 15 into both armed forces and armed groups has now acquired a customary international law status, and is therefore binding on all armed forces and armed groups in Macedonia. Moreover, the Government has ratified the Convention on the Rights of the Child, which prohibits recruitment and deployment of children under age 15 in the armed forces (Article 38). The Government has also ratified the Rome Statute for an International Criminal Court, which criminalises recruitment and use in hostilities of children under the age of 15, by any armed force or armed group.

III. RECOMMENDATIONS

- The Security Council and OSRSG-CAC should monitor the NLA to determine if recruitment and use of children is taking place as per paragraph 16 of SC Resolution 1379, in a territory of the former Yugoslavia.
- The government of Macedonia should ratify the CRC-OP-CAC and also declare its commitment to a ‘straight-18’ standard for recruitment.
- Non-state armed groups should declare their commitment to the CRC-OP-CAC and also a ‘straight-18’ standard for recruitment.
- The government and armed groups should establish mechanisms to implement provisions of the CRC-OP-CAC, including child demobilisation and rehabilitation, and to monitor its implementation.
- The government should ensure that military and criminal code provisions regarding children who take part in hostilities or are recruited into armed forces or groups, are in accordance with international standards of juvenile justice.
- The government should criminalise the recruitment and use of children for military purposes by any armed force or group.
- The government should provide alternatives to military recruitment, such as increasing employment and education opportunities.
- The government should establish peace-building programmes between ethnic Macedonian and ethnic Albanian youth.

1 IFRC, FYR of Macedonia Appeal No. 01.45/2002 programme update No. 1, 4 Jul 2002.
2 Agence France-Presse, ‘Macedonian mixed police enter last rebel stronghold’, 5/07/02.
6 Initial report of the Former Yugoslav Republic of Macedonia to the CRC, UN doc. CRC/C/65/Add.5, 20/11/98, para. 361.
7 Macedonian Defence Law, Chapter II. Available at the website of the Macedonia Ministry of Defence: http://www.morm.gov.mk/eng/mo_e.htm (July 2002).
8 Ibid.
9 Ibid.
10 Ibid.
11 Information provided by Natacha Dokovska, Journalist for the Rights of Women, Children and the Environment, FYROM.
12 Information provided by a source in Macedonia requesting anonymity, August 2002.
13 Information provided by Natacha Dokovska, Journalist for the Rights of Women, Children and the Environment, FYROM.
I. SUMMARY

| Parties proposed for inclusion on 1379 List: | Tatmadaw Kyi (Government army); DKBA; UWSA; SSA-South; KNLA; KnA; KIA; MNLA |
| Parties proposed for monitoring: | There are numerous other armed groups operating in Myanmar which should be monitored. |
| Relevant international obligations: | Customary law (no Under-15s), GC; CRC |
| | Customary law (no Under-15s), GC |

**RECORD ON RECRUITMENT AND USE IN ARMED CONFLICT OF CHILDREN UNDER THE AGE OF 18:**

Myanmar is estimated to have one of the largest numbers of child soldiers of any country in the world, with the overwhelming majority serving in the national army, the Tatmadaw Kyi. Although the minimum age for conscripts is 18, a 1997 study estimated that more than 50,000 children were serving as soldiers in Myanmar, many under the age of 15. Since then, the size of the army has grown, and independent experts believe the number of child soldiers is now even higher. The government has not ratified the OP-CRC-CAC.

Child soldiers, including those under the age of 15, are also present in armed opposition groups though in much smaller numbers.

II. COUNTRY PROFILE

**RELEVANCE: proposed for inclusion on the Security Council Agenda as a threat to international peace and security (Article 99)**

The situation in Myanmar must be brought to the attention of the Security Council under Article 99 of the UN Charter, as posing a serious threat to international security. Fighting continues in many parts of Myanmar with armed opposition groups (some ethnic based, others political exiles) pitted against the military government or State Peace and Development Council (SPDC). The largest armed group is now the United Wa State Army. A number of opposition forces in Myanmar have accepted cease-fires with the government, which have had the effect of fragmenting opposition groups even further, with some factions continuing to control their territory under arms, breakaway forces continuing their fight against the government, and internecine fighting between different armed groups.

The ruling SPDC has been accused of continual human rights abuses. The government armed forces use the largest number of children as soldiers in the world. The SPDC is also responsible for the forcible relocation of citizens, violence against ethnic minorities and the widespread use of forced labour — including forced child labour by the military. Such abuses are the major cause of displacement. Tens of thousands of villagers in contested zones have been forcibly relocated or internally displaced within the region. One of the worst situations is in the Papun district, northern Karen State, where many people have been burned out of their villages by SPDC troops or have gone into hiding and become subject to the SPDC’s de facto shoot-to-kill policy.

There are currently hundreds of thousands of Burmese refugees in neighbouring countries, with as many as 250,000 in Thailand alone. Recently 500 refugees fled to Thailand from the Papun district. More than 125,000 refugees from Karen and Karenni live in camps in Thailand, while another 100,000 Shan refugees not allowed in the camps survive by migrant labour. There are 21,000 Rohingya still in camps in Bangladesh and thousands of others not in camps who try to survive in Bangladesh. There are also thousands of Chin refugees in India.

In addition to the instability caused by massive population displacement, Thailand has accused Myanmar forces of laying mines inside its borders and is also being devastated by drugs trafficking across its border — reportedly a major source of income for government armed forces.

**GOVERNMENT: proposed for inclusion on 1379 List**

**National Recruitment Legislation**

Articles 170 and 171 of the 1974 Constitution provided for compulsory military service, but in 1988 this constitution was repudiated by the State Law and Order Restoration Council (SLORC), known as the State Peace and Development Council (SPDC) after November 1997. A new constitution has not yet been agreed.

According to the National Service Law and People’s Militia Act of 1959, Myanmar nationals (males between the ages of 18 and 35, and females between 18 and 27) can be called for full-time service in the armed forces for six to 24 months. Male doctors, engineers and other professionals between 18 and 35 years of age can also be called to serve for 24 months, while female professionals must be between 27 and 35 years. Male professionals between the ages of 35 and 56 may be called to serve 18 months. All men between 18 and 46 years, and all women between 18 and 35 years, can be called for part-time service consisting of not more than 30 days a year (though this may be increased by seven days in certain cases). As no procedures were formulated to implement the national service scheme, little is known about its operation.

In 2002 the SPDC claimed that in practice, the army is comprised entirely of volunteers aged eighteen and older.
At a hearing before the Committee on the Rights of the Child, the Myanmar authorities claimed that “[t]he military code specifically prohibited the enlistment of young men under the age of 18”. Previously, the government had stated that: “[t]he minimum age for participation in military activities [is] 18 years of age, or 16 in the case of the Red Cross Brigade”. In May 2002, the Permanent Mission of the Union of Myanmar to the UN stated that “The Government prohibits the enlisting of recruits under the lawful age, i.e. 18 years. The under age are not allowed to apply for recruitment. Any infringement of the Regulation is taken action under the Defence Services Act.”

**Child Recruitment and Deployment**

UN and other intergovernmental bodies have long condemned the government of Myanmar for its abuse of children’s rights, including the recruitment and use of children as soldiers (See International Appeals section). Government reaction to such criticism has varied, from assurances to the ILO in May 2000 that necessary measures would be taken, to angry denials of the use of children as soldiers or human shields.

Although reliable and objective information is difficult to obtain in the case of Myanmar, it is clear that the country has one of the highest numbers of children within governmental armed forces in the world, including those under the age of 15. A 1997 study estimated that more than 50,000 children were serving as soldiers in Myanmar. Since then, the size of the army has grown, and independent experts believe the number of child soldiers is now even higher.

In the past some children were believed to volunteer for financial reward, prestige, or to protect their families. However recent findings during a Human Rights Watch mission in early 2002 support allegations by an ILO Commission of Inquiry in 1998, of regular forced recruitment throughout Myanmar, including of children, into the Tatmadaw Kyi (government forces) and various militia groups. Orphans and street children are particularly vulnerable to forced recruitment.

The ILO report found that such recruitment does not appear pursuant to any compulsory military service laws, but is essentially arbitrary. Village or ward authorities are known to hold lotteries to determine who will be recruited, which commonly results in the forced recruitment of children. Each district and village in Myanmar is reportedly required to provide the armed forces with a certain number of recruits. Local authorities who fail to achieve their quota may be fined, while others are rewarded for each recruit provided in excess of the quota. This procedure has resulted in both forcible recruitment of many men and boys, as well as displacement of those attempting to evade recruitment. It has also been used by government-allied armed groups, including the Democratic Karen Buddhist Army (DKBA).

In early 2002 a Human Rights Watch investigation found widespread forced recruitment of children as young as eleven by the government forces. Children are typically apprehended by soldiers at railway, bus, and ferry stations, the streets, marketplaces and festivals. They are frequently ordered to produce identity cards; those that cannot are threatened with the choice of a long prison term or joining the army. Those that continue to refuse to join the army may be detained and beaten. Recruiters reportedly receive payments of between 1000 to 10,000 kyat (the equivalent of one week to three months’ income for an average worker) and fifteen to fifty kilograms of rice for each recruit.

New recruits are typically sent to one of two large recruitment holding centres near Rangoon and Mandalay. Reports from former soldiers sent to the centres over the past four years indicate that approximately 35-45% of new recruits are under the age of eighteen and about 15-20% are under the age of fifteen. The youngest recruits are typically between eleven and thirteen.

New recruits are generally not allowed to contact their families, and children report harsh treatment during training, including frequent beatings and brutal punishments for attempted escapes. Those who are caught trying to escape are typically forced to lay face-down on the ground while each of their fellow recruits – as many as 250 – hit the victim one time each with a stick.

Children perform many functions in the Burmese army, from preparing and serving meals to direct combat. Children as young as twelve are sent to fight in front line areas. Child soldiers are also forced to commit human rights abuses, including rounding up villagers for forced labour, burning homes and villages, and carrying out extra-judicial executions and massacres. Two former child soldiers reported to Human Rights Watch that their unit carried out a massacre of fifteen women and children, including three babies, in Shan State in early 2001. They were aged thirteen and fifteen at the time.

Soldiers often must perform labour on projects designed to generate income for the officers, including farming, brick-making and raising fish and animals. Wages and rations of child soldiers are often withheld by officers, and soldiers report being forced to steal food from local villages. Many children suffer physical abuse and other privations within the armed forces. In extreme cases, some children have been driven to suicide.

“Sometimes I fell asleep when I was on guard duty. I was beaten by my corporal. He beat me like a dog, like I was an animal, not a human being. There were two or three suicides during that time, of boys who had been hospitalised and finally shot themselves.”

“I was afraid that first time. The section leader ordered us to take cover and open fire. There were seven of us, and seven or ten of the enemy. I was too afraid to look, so I put my face in the ground and shot my gun up at the sky. I was afraid their bullets would hit my head. I fired two magazines, about forty rounds. I was afraid that if I didn’t fire the section leader would punish me.” – boy interviewed by HRW, 12 years old during events described.

 Civilians, including girls and boys as young as 10, are often forced by the army to perform labour for short periods. Refusal is systematically met with physical punishment or fines. While often used for portering, forced labourers have also been required to perform life-threatening tasks as human shields and minesweepers. In potential conflict areas they have been forced to sweep roads with tree branches or brooms to detect or detonate mines. Not only are such tasks hazardous in themselves, but children performing them are placed at risk of being targeted for attack by enemy groups.
Additionally, the rape of girls used for forced labour has been reported to the ILO Commission. According to local reports, in Northern Rakhine state nearly all males between the ages of 7 and 35 perform up to 10 days of labour per month in the military, including carrying food and ammunition to the border. Forced labour may also be connected with ethnicity as Rohingyas claim they are affected while nearby villages of Buddhist Burmans are exempt.

Military Training and Military Schools

Children in Myanmar are subjected to other forms of militarisation in terms of Ye Nyunt Youth (Brave Sprouts) movement, a network of training programmes based at army camps where children receive both schooling and military training. UNICEF identified at least one residential SPDC military camp, near Kengtung in Shan State, where children aged 7 and above were being trained for a future life in the armed forces. One former pupil stated that students must wear military uniforms two days a week and practice parade drills on Saturdays. After graduating these children are likely to join the armed forces. In 1997, the Ambassador of Myanmar to Thailand confirmed the existence of special military schools, but claimed that pupils were not compelled to join the army on graduation. This claim is contested by one former pupil who stated that most students are sent to the army after graduation – those who escape from the school are arrested and forced to go.

Human Rights Watch has received reports of Ye Nyunt camps in at least five locations in Shan State, as well as additional camps in Kayah and Chin States, and Rangoon and Tenasserim divisions. Witnesses reported that boys from the age of four are four of those placed in the training centres, located within army camps, where they receive schooling as well as military training. They are eventually forced to serve in the army. Most of these children are street children, orphans, or children who have been rounded up for recruitment but are considered too small for regular training.

In July 2002, the government claimed that the Ye Nyunt program “is definitely not a military training programme for training child soldiers” but an educational training program “for children who are poor and are without one or both parents.” The government claims the program was discontinued in 2000, but the Coalition has not been able to verify this claim.

“They sent me to a special place in their army camp called Ye Nyunt. At the IB (infantry battalion) 54 camp there are a hundred Ye Nyunt boys, aged from four up to sixteen. They gather boys who are orphans and care for them in the camp. They sent some to the school they have there. . . . On Saturdays and Sundays we got military training, all the Ye Nyunt boys. Marching, following orders, and stripping, cleaning and maintaining weapons – G2, G3, G4 and Chinese 52 (assault rifles and machine guns), but without bullets.” - boy forced into the Ye Nyunt at age 12 (HRW interview)

In October 1999, the head of the Northeastern Command issued a directive for training boys between 12 and 18 in Lashio, Tangyan, Kuthai and Kunlong to prepare them for mobilisation. Those who continue their education must join the army when they reach 18 years of age, or may enter the Nationalities Development Institute in Sagaing (Northern Burma) after necessary bonds had been signed. Those who refuse to join either the army or this institute can be expelled.

NON-STATE ARMED GROUPS

There have been reports of child soldiers in many of the armed opposition groups active in Myanmar, but detailed information on recruitment practices is difficult to obtain. In general, the number of child soldiers appears to have decreased over the past five years, because ceasefire groups are getting fewer recruits and armies which are still fighting the SPDC have shrunk significantly in size and resources. According to one source, recruitment by these groups mostly takes place on a voluntary basis, although forced recruitment has also been reported. None of the ceasefires appears to have made specific provision for the demobilisation of child soldiers. More often, “the agreements have provided ethnic groups with the authority to hold onto their arms, police their own territory and to use their former rebel armies as private security forces to protect both legal and illegal business operations.”

United Wa State Army (UWSA): proposed for inclusion on 1379 List

Most analysts believe the United Wa State Army is the largest opposition force in Burma today, with a reported 20,000 soldiers under arms. Outside observers who have had access to Wa areas and Shan soldiers who have fought the UWSA say that the Wa army has a large number of children in its ranks, possibly 2000 or more. All Wa families with more than one son are reportedly forced to give one to the army to serve as a soldier. Families from other ethnic groups are eventually forced to serve in the army. Most of these children are street children, orphans, or children who have been rounded up for recruitment but are considered too small for regular training.

Shan State Army – South (SSA-South): proposed for inclusion on 1379 List

The army now known as SSA-South was formed after the Mong Tai Army surrendered in 1996; it has fought the Burma Army continuously since then. The SSA-South refuses to release information on its troop strength, but most estimates now place it at 4,000-6,000 under arms. In early 2001, the SSA-South adopted policies raising the minimum age for serving in the army to eighteen. However, it has not been possible to verify whether this policy is strictly enforced, and some independent witnesses have reported that children are still used for guard and other non-combat duties.

Mong Tai Army: (now defunct)

The Mong Tai Army, which surrendered to the Tatmadaw in 1996, was previously believed to use the largest number of child soldiers, with one son required from each family. There were believed to be camps in Shan State where children received a basic education in exchange for military service later on. Little information is available on the fate of former child soldiers, but some were reportedly used by militia still known as the Mong Tai army and based at the same headquarters in Ho Mong. Others returned to their homes or joined the new Shan State Army.
Karen National Liberation Army (KNLA): proposed for inclusion on 1379 List

Representatives of the Karen National Union claim that the KNLA (the armed wing of the KNU) now has 10,000 soldiers backed up by an additional 5,000 trained village militiamen, but most independent estimates place the current armed strength of the KNLA at between 3,000 and 5,000 armed soldiers. Prior to 1995, the KNLA conscripted soldiers, including children, according to quota systems. But since the mid-1990’s the LNLA has relied on volunteers. KNLA policy is not to recruit children under eighteen, but in practice, commanders accept some children that seek to join. In August 2002 it was reported that a representative of the KNLA, Lieutenant Colonel Nerdah Mya, stated that KNLA soldiers range from age 14 to more than 60.

In 1999, one battalion commander estimated that there were perhaps 2,000 boy soldiers in the KNLA when it was at full strength, although KNU forces are now much depleted. KNU representatives told Human Rights Watch in March 2002 that their force included 140-150 child soldiers, but claimed that they were limited to non-combatant support roles. However, Human Rights Watch interviewed children who had joined the KNLA, including one who participated in front line patrols three times when he was sixteen, before he had even begun his military training. Now nineteen, he says he has been to the front line “many times now, I can’t count them all. I’ve been in fighting three times.”

“"We lived in the hills and gullies, because the Burmese army ordered us to leave the village. We lived in the hills for four years, then my father went to the refugee camp but I didn’t go. My brother and sister went. I didn’t go because the Burmese had killed my mother, so I wanted to join the army. I was about fourteen.” (HRW interview with KNLA soldier)

God’s Army (now defunct)

As the KNU declined, some fighters broke away to form new groups including the Christian Karen militia “God’s Army”, a force led by 12-year-old twins, Saw Johnny Htoo and Saw Luther, who had already been fighting for three years. The group included other children as young as 13, such as nine or ten year old “Black Tongue”. In January 2001, the twins surrendered.

Karenni Army (KnA): proposed for inclusion on 1379 List

Karenni Army representatives told HRW in 2002 that the KnA has over 3,000 names on its enlistment rolls but due to a lack of resources there are only 1,200 armed and active soldiers. Other estimates place KnA strength at approximately 1,000 soldiers, with possibly an additional 500 trained militiamen.

While Karenni Army policy specifies the minimum recruitment age as eighteen, army officials openly admit that this policy is often broken. In March 2002, a Karenni Army general told HRW that an estimated that 20 percent of the soldiers in his army are under eighteen years old, which implies 200 to 250 child soldiers in total. Estimates by other observers also fall close to these figures. According to one source, in the mid-1990s about 900 of the 5,000 Karenni Army members (armed wing of the Karenni National Progressive Party) were under the age of 15. In early 1999, Major Soe Myint Aung of the KNPP acknowledged that “several recruits weren’t much bigger than their M-16 rifles.” In mid-March 1999, 46 young men from the Karenni ethnic group, some as young as 14, were reported in a press article to have joined armed groups. They had to complete combat training from a camp deep inside Burma’s thickly forested hills along the Thai border before being sent to the frontline.

All of the KnA soldiers interviewed by Human Rights Watch in 2002 testified that they had volunteered for service. Three boys, who enlisted in the last three years while aged thirteen, fourteen, and fifteen, told Human Rights Watch that they volunteered because their houses had been burned. One who joined at age fourteen added, “We had no food, so my only choice was to join the soldiers. I followed the soldiers. Then a training started one month later, and I went there.” When interviewed, he had already been a soldier for four years.

Democratic Karen Buddhist Army (DKBA): proposed for inclusion on 1379 List

Current DKBA strength is difficult to estimate, but probably includes at least 2,000 to 3,000 men under arms organised into four brigades. The DKBA works in conjunction with the Burma Army and SPDC authorities, but regularly fights the KNLA.

It is unclear whether the DKBA has a specific policy on the minimum age for recruitment to the army. One former DKBA soldier interviewed by Human Rights Watch believes that 40 to 50 percent of new recruits to the DKBA are under eighteen, and that “[f] a young boy wants to be a soldier they recruit him.” Another former soldier believed that forty to fifty of every 100 DKBA soldiers are under eighteen years old, and about 5 percent are under fifteen. Estimates from two other sources who live near DKBA areas of operation agreed with his figures.

In addition to recruiting local villagers, the DKBA forcibly recruits captured KNLA soldiers. This usually occurs when KNLA soldiers are on leave in their home villages. As a result, many young Karen men tell of having gone back and forth between the KNLA and the DKBA as many as three or four times by the time they reach the age of eighteen or twenty. Human Rights Watch interviewed one nineteen year old who was forced into the KNLA at age thirteen, and has been pushed back and forth between the DKBA and the KNLA four times since then.

Kachin Independence Army (KIA): proposed for inclusion on 1379 List

Since reaching a 1994 ceasefire agreement with the SLORC, the size of the Kachin Independence Army (KIA) has reportedly decreased to approximately 5,000. Currently, there is no fighting in Kachin State, and KIA soldiers spend much of their time farming, building roads and bridges, and doing various other work depending on the region.

Kachin witnesses interviewed by Human Rights Watch in 2002 testified that the KIA has always used conscription to obtain some of its recruits and continues to do so. The KIA is reportedly the only opposition group that currently recruits girls, however these reports could not be confirmed.
One witness was forcibly recruited in 1992 at age twelve, together with his sister, age fourteen, and about fifty other children. He was released shortly afterward, but reported that this sister went on to serve as a soldier for six years before being discharged. He reported that the KIA is still conducting similar raids on villages and jade mines to round up recruits and censors whether those taken are under or over eighteen. He estimates that as present as many as 40 percent of the KIA's approximately 5,000 soldiers may be under eighteen, though other estimates are considerably lower, closer to 10 percent. The KIA still reportedly uses significant numbers of girl soldiers, possibly the only army in Burma to do so, and a significant percentage of these girls may also be under eighteen. Another witness testified that the KIA still conscripts by demanding quotas of recruits from villages, and he saw five or six children under eighteen among a batch of fifty or sixty new recruits being inducted into the KIA in 2001.

**Mon National Liberation Army (MNLA): proposed for inclusion on 1379 List**

Independent estimates place the present strength of the MNLA between 1,000 and 2,000 soldiers. The MNLA and its political wing, the New Mon State Party (NMSP) have had a ceasefire with the SLORC/SPDC since 1995. NMSP representatives claim there is no conscription and no soldiers under age eighteen in the MNLA. Several independent witnesses who encountered or spent time with MNLA units confirmed that the MNLA does not appear to be conscripting at the present time, but were unanimous in stating that there are in fact child soldiers within the MNLA. After passing through seven MNLA checkpoints on one occasion in early 2001, one local NGO representative believed that at least two of the five to seven soldiers at each checkpoint were children.

**Other Armed Groups: should be monitored**

All-Burma Students’ Democratic Front (ABSDF), Anti-Insurgent Group (AIG), Arakan Rohingya National Organization (ARNO), Burma Patriotic Army (BPA), Chin National Army (CNA), Karen Peace Army (KPA), Karen National Defence Organization (KNDO), the Karen Nationalities People's Liberation Front (KNPLF), Kachin Democratic Army (KDA), Monland Restoration Army (MRA), Myanmar National Democratic Alliance Army (MNDA), Myanmar National Democratic Alliance Army –East (MNDA-East), Myeik-Dawei United Front (MDUF), National Socialist Council of Nagaland/Isaac Muivah (NSCN [I-M]), National Socialist Council of Nagaland/Khaplang (NSCN [K]), New Democratic Army-Kachinland (NDA-K), Pa'O National Army (PNA), People's Democratic Front (PDF), Shan State Army (SSA, also known as SSA-North), Shan State National Army (SSNA), and Shan State Nationalities People's Liberation Organization (SSNPLO).

**DEVELOPMENTS**

**International Appeals**

In 1997 the Committee on the Rights of the Child reiterated grave concerns about "numerous reported cases of forced and under-age recruitment of child soldiers" and strongly recommended that the Myanmar armed forces "absolutely refrain from recruiting under-age children, in the light of existing international human rights and humanitarian standards", adding that all forced recruitment of children should be abolished. The government denied allegations while claiming that: "[t]hese cases appear to be isolated incidents", or "these allegations are unfounded," and that: "[t]here is no conscription by the Myanmar armed forces and no children in the armed forces will be under age eighteen."

In 1999 the UN Commission on Human Rights adopted a resolution deploring the violation of child rights, drafting into the military, through conscription into the military, through discrimination against children belonging to ethnic minorities, and caring little whether those taken are under or over eighteen. The government claimed such labour was permitted under national law, but would be amended. Committee members pointed out that Myanmar had ratified ILO Convention 29 concerning forced labour and should therefore repeal relevant provisions of its domestic legislation, especially with regard to the army.

Following its report in 1999 revealing the use of forced child labour by the armed forces, an ILO Commission of Inquiry called for the Government of Myanmar to amend legislation relating to the practice. By mid-2000 the government had taken no action to remedy the situation, and reports of forced child labour in the armed forces continued. In June 2000, in an unprecedented resolution under article 33 of the ILO Constitution, the International Labour Conference called upon Myanmar to "take concrete action" to amend its practices by November of that year. The government did not respond and on 16 November the ILO Governing Body voted to apply sanctions.

In 2000 the former Special Rapporteur on Myanmar condemned the use of child soldiers in the country, reporting killing, torture, trafficking, and forced labour of children. During an official visit to Thailand in February 2000, the UN Secretary-General lamented the plight of child soldiers such as those involved in Myanmar.

In April 2001 the UN Commission on Human Rights again passed a resolution deploring "The continuing violations of the rights of children, in particular through the lack of conformity of the existing legal framework with the Convention on the Rights of the Child, through conscription of children into forced labour programmes, through their sexual exploitation and through recruitment and all other exploitation by the military, through discrimination against children belonging to ethnic and religious minority groups and elevated rates of infant and maternal mortality and malnutrition."

A high level mission to Myanmar in late 2001 resulted in an agreement between the SPDC and the ILO, enabling an ILO Liaison Office to be established in Rangoon by June 2002. This agreement seems to imply that the ILO will be allowed to travel throughout the country, enabling the situation of forced child labour to be monitored more closely.

**International standards**

The prohibition on the recruitment of children under the age of 15 into both armed forces and armed groups has now acquired a customary international law status, and is therefore binding on all armed forces and armed groups in Myanmar. Moreover, the Government has ratified the Convention on the Rights of the Child, which prohibits recruitment and deployment of children under age 15 in the armed forces (Article 38).
Several armed groups claim to have policies prohibiting the recruitment of children under age eighteen, including the Karenni Army, Karen National Liberation Army, the Shan State Army-South, and the Mon National Liberation Army. However, none of these groups appear to strictly enforce these policies, and each appears to accept children under eighteen into their ranks.

III. RECOMMENDATIONS

- The UN Secretary General should bring the situation in Myanmar to the attention of the Security Council through the application of Article 99 of the UN Charter
- The UN Security Council should make the situation in Myanmar, including the extensive involvement of children in armed conflict, a high priority
- The UN Secretary General should include the Myanmar government forces and militia groups, as well as the DKBA, UWSA, SSA-South, KNLA, KIA, and MNLA, on the list for submission to the Security Council under paragraph 16 of SC Resolution 1379
- The Security Council and OSRSG-CAC should monitor the activities of other armed groups in Myanmar, to determine if recruitment and use of children is taking place as per paragraph 16 of SC Resolution 1379
- The Myanmar government should ratify the CRC-OP-CAC and also declare its commitment to a 'straight-18' standard for recruitment
- Non-state armed groups in Myanmar should declare their commitment to the CRC-OP-CAC and also a 'straight-18' standard for recruitment
- The Myanmar government, militias and armed groups should establish mechanisms to implement provisions of the CRC-OP-CAC, including child demobilisation and rehabilitation, and to monitor its implementation
- The government should ensure that military and criminal code provisions regarding children who take part in hostilities or are recruited into armed forces or groups, are in accordance with international standards of juvenile justice
- The government should criminalise the recruitment and use of children for military purposes by any armed force or group
- The government should provide alternatives to military recruitment, such as increasing employment and education opportunities.

1 The military junta now controlling the government of the country changed the name from Burma to Myanmar. The democratically elected National Democratic League and many ethnic groups within the country still prefer to use the name Burma.  
2 www.globalmarch.org quoting Brett and MacCallin, Children-The Invisible Soldiers, Save the Childre-Sweden, 1998; MTA/UWSA, based on minimum figure of 10% quoted for other opposition groups known to use child soldiers; information provided by HRW in July 2002.
3 Information provided by HRW, July 2002.
5 Based on information on 180 countries in the Child Soldiers Global Report 2001 (CSC), monitoring the use of child soldiers.
7 Information provided by Amnesty International, July 2002.
8 JRS Dispatches No. 114, 28 June 2002.
9 Information provided by Amnesty International, July 2002.
11 BBC1, McIntyre Investigates: Drugs, 2 May 2002. The programme shows footage of a Burmese army garrison that serves as a depot for storing the drug, and drugs being seized from Burmese army soldiers after being caught in an ambush by rebel soldiers.
13 Letter to HRW from the Permanent Mission of the Union of Myanmar to the UN, May 8, 2002.
14 Summary Records of the 358th meeting, UN Doc. CRC/C/358, 21/1/97, para. 23, Summary Records of the 359th meeting, UN Doc. CRC/C/359, 21/3/97.
15 Letter to HRW from the Permanent Mission of the Union of Myanmar to the UN, May 8, 2002.
16 AFP Myanmar slams US reports of abusive labour. 17/3/00.
20 Ibid., para. 390.
21 Ibid., paras. 391-392.
22 Information provided by HRW, July 2002.
23 Ibid.
24 Ibid.
25 Ibid.
26 Ibid.
27 Images Asia, No Childhood At All: a Report About Child Soldiers In Burma, Bangkok, 6/97.
28 Children in Armed Conflict: A Horrifying Image from Asia, by Chitrakhesa Massey.
29 Information provided by HRW, July 2002.
31 Ibid., para. 375.
34 Images Asia, No Childhood At All: a Report About Child Soldiers In Burma, Bangkok, 6/97.
I. SUMMARY

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RECORD ON RECRUITMENT AND USE IN ARMED CONFLICT OF CHILDREN UNDER THE AGE OF 18:

The government does not officially recruit under-18s and officially there is no conscription. However under-18 volunteers may enter the armed forces through irregularities in birth registration, and because of the high rate of unemployment in the country. Due to the upsurge in fighting in 2002 recruitment has risen, as well as fears of underage recruitment. The government has signed but not ratified the OP-CRC-CAC.

Children as young as 14 have been recruited, sometimes forcibly, by the underground Communist Party of Nepal (Maoist). Some sources put the number of under-18s forces as high as 30 percent.

II. COUNTRY PROFILE

RELEVANCE: proposed for inclusion on the Security Council Agenda as a threat to international security (Article 99)

The situation in Nepal should be brought to the attention of the Security Council. Thousands of children are believed to be fighting in armed forces and groups, and thousands more are caught up in the conflict. The Communist Party of Nepal (CPN-Maoist) is believed to receive international support, including from the Revolutionary Internationalist Movement.

In February 1996, the CPN-Maoist and its political wing, the Samyukta Jana Morcha, United People's Front, launched an armed insurgency, declaring a “People's War” in mid-western Nepal to overthrow the government and establish a republican communist state. An estimated 4,000 to 7,000 people have since died in the fighting, which has spread to all of Nepal’s 75 districts and involved grave human rights abuses on both sides. The government has dealt with the insurgency as a law and order problem, using police rather than the army in counter-insurgency operations. Throughout 1999 and early 2000 there were moves to grant the police special powers and establish paramilitary forces, though these stopped short of deploying the army. By the end of 2001 the Maoist armed groups were believed to have been involved in violent incidents in nearly all of Nepal's 75 districts, increasing the security risk to civilians. Among the offences reported are forced disappearances, abductions, raids, destruction and looting of property, extortion and other acts of intimidation. The risk of violence and the collapse of services in the worst affected areas are said to have forced some families to flee to safer areas. Thousands of persons have been internally displaced.

The long-running conflict between the CPN-Maoist and the government forces became a human rights crisis in 2002, with hundreds of civilians killed and scores of police officials summarily executed. A State of Emergency was declared on 26 November 2001, following Maoist attacks on police and army barracks in Dang and Syangja districts, was extended on 25 February 2002 and again in May 2002. Political uncertainty added to the Government’s rejection in July 2002 of an offer for peace talks, on the grounds that armed groups would have to disarm first, could prove a further threat to the security of the region. International food aid has been scaled back or completely suspended in some areas due to security concerns. Experts fear that Nepal may be moving towards one of the most serious food crises in South Asia.

GOVERNMENT: should be monitored

National Recruitment Legislation and Practice

Provision for conscription does not exist even in the event of war or national emergency. There are no known plans for its introduction, as volunteers fulfil recruit quotas.

According to information provided by Nepal to the Committee on the Rights of the Child, the 1962 Royal Army New Recruitment Rules requires recruits to be at least 18 years old. Officially, enlistment is open to all Nepalese, regardless of caste, religion or ethnic background. But in practice recruits tend to be drawn from the ethnic and caste groups that have traditionally supplied the bulk of the Nepalese and Gurkha regiments and from the ethnic groups of the mountainous areas and the Kathmandu valley.

In December 1999, there were reportedly 3,491 Gurkhas in the British Army: 65 in Nepal, 945 in Brunei, and the remainder either on operations or in the UK. Nepalese Gurkhas are also recruited in India. Recruitment to the British and Indian armies is apparently regulated by a tripartite agreement that sets recruitment and salary levels.

The government denies the involvement of under-18s in the armed forces, but interviews with ex-Gurkhas suggest some may enlist before the age of 18, either by falsifying their age or through irregularities in birth registration. Other
observers have also noted that minimum age legislation is not always upheld either due to irregularities in birth registration or corruption, and have estimated that some 10-15 percent of recruits may actually be under 18.\textsuperscript{12}

**Military Training and Military Schools**

The 1971 Young Boys’ Recruitment and Conditions of Service Rules state that boys must be between 15 and 18 years old to be recruited.\textsuperscript{13} However, the Government explained that this means “[y]oung Nepalese men could enlist from the age of 15 years in order to follow military training, but nobody under 18 years of age could be recruited into the army.”\textsuperscript{14}

Training for the armed forces is said to take six months to one year depending on the type of duty.\textsuperscript{15} According to UNICEF, there is a Military Academy that admits young men of 18 years or above to train for national service.

The military also provides formal education to children in special military schools based on the national school curriculum. Formal education usually begins at grade four and continues to grade 12 (upper secondary). UNICEF mentions that there is a strict quota on admission to those schools and places are usually reserved for children of military personnel. Students are not automatically enrolled in the army.\textsuperscript{16}

**Government Treatment of Suspected Child Soldiers**

There have been reports of armed ‘encounters’ in which police killed children as young as ten. Many of these encounters have taken place in disputed circumstances, which could amount to extra-judicial executions. There have also been reports of the Nepalese Police detaining children for alleged involvement in Maoist activities.\textsuperscript{17} On 26 May 2000, one girl aged 17 from Kailali District was killed with five other Maoist suspects in Urma village, allegedly after being wounded and captured. The six had been pursued by police following a looting incident and refused to surrender.\textsuperscript{18}

**NON-GOVERNMENTAL ARMED GROUPS**

**Communist Party of Nepal (Maoist)/United People’s Front: proposed for inclusion on 1379 List**

The Central Military Commission of the Communist Party of Nepal (CPN) in February 1998 declared that the development of the people’s army forces was taking place in three ways: by arming the general masses; preparing a broad and extensive network of the people’s militia; and principally, by building a regular people’s army.\textsuperscript{19}

The CPN (Maoist) are known to recruit and use children under the age of 18 as soldiers. However, the Maoist insurgents have made conflicting statements about their recruitment policy. They once declared openly that: “the increasing participation of women in the People’s War has had another bonanza for the revolutionary cause. That is the drawing of children into the process of war and their politicisation. A large number of children in the rural areas are now contributing substantially in the guerrilla war by way of collection and exchange information, etc. Indeed, these little ‘red devils’ hold immense potentials for the future of the revolutionary People’s War.” They also stated that “large scale rebellion of young girls, mostly high school and college girls, from their patrimonial households to join the People’s War have been a common occurrence...”\textsuperscript{20} But in August 2000 Maoist leader Prachanda denied using children as soldiers, saying: “We want to make it clear that no child soldier has been recruited in any unit of the People’s Army” and that the CPN (M) was even reportedly turning down children who were volunteering.\textsuperscript{21}

The number of children involved in the Maoist movement is unknown.\textsuperscript{22} Local and international media have released numerous reports of underage soldiers among the Maoists. For example, in 1998 the Himalaya Times claimed the Maoists were recruiting children between 14 and 18 years of age who are then sent out in groups of six or seven on combat operations.\textsuperscript{23} On 19 March 1999, six out of seven Maoists that had been killed in an encounter with the police at Ankot village of Kavre district were found to be students and young people, four of them girls. They included a 17-year-old and a 14-year-old. Two other young people, aged 15 and 16, were also killed in the operation.\textsuperscript{24}

Some Maoist recruitment has been forced. In August 2000, Amnesty International warned of a rising tide of recruitment of children by the CPN (Maoist), including through abduction. CPN (Maoist) reportedly abducted at least thirty children in June and July 2000.\textsuperscript{25} Four cases involved students from Janapriya Secondary School who were abducted from a hostel in Dasara, Jajarkot district on 8 June 2000. Three of them, who were under 15 at the time, had not returned to their families by mid-2001. A fourth 14-year-old returned home after nine days.\textsuperscript{26} Also in June the Kathmandu Post reported that 13 of 91 people who joined the Maoists in Lahan VDC in Jajarkot district were under 15 years old.\textsuperscript{27} There were continuing reports of school closures and parents keeping children at home to prevent their involvement in Maoist activities.\textsuperscript{28} There were reports that children who refused to join were beaten.\textsuperscript{29}

Some estimates in 2000 suggested that 30% of Maoist fighters were children.\textsuperscript{30} In July 2001, a member of the National Human Rights Commission claimed that at least 25 percent of the Maoist fighters were children under the age of 18.\textsuperscript{31} According to Amnesty International the situation has deteriorated since the start of 2002, when the Maoists walked out of peace talks, breaking a truce and launching attacks on government security forces, prompting a full-scale renewal in the conflict. Reportedly, the Maoists had since begun recruiting child soldiers in greater numbers than in the previous period.\textsuperscript{32}

Most children taking part in the armed conflict are believed to be between 14 and 18 years of age, but the use of even younger children cannot be ruled out. Children are also used as porters, messengers, sentries and spies and are involved in cultural or propaganda activities. The Maoists are said to have formed “a youth wing to reach out to school children.”\textsuperscript{33}

“I resisted them weeping a lot... When I physically turned to be unfit for handling the gun, they told me to work as a mess boy and guard their shelters... We stayed there for a long time (in the jungle)... There were six girls among the group of 15 guerrillas and a boy of my age... I remembered my mother when I could not get food and sleep” - 14 year old Damber abducted from Pame, Surkhet by Maoist fighters.\textsuperscript{34}
DEVELOPMENTS

International standards

The prohibition on the recruitment of children under the age of 15 into both armed forces and armed groups has now acquired a customary international law status, and is therefore binding on all armed forces and armed groups in Nepal. Moreover, the Government of Nepal has ratified the Convention on the Rights of the Child, which prohibits recruitment and deployment of children under age 15 in the armed forces (Article 38). Nepal’s signature to the OP-CRC-CAC (8/09/00) is also an important step toward preventing the recruitment and use of children under 18 by its armed forces and opposition groups.

III. RECOMMENDATIONS

- The UN Secretary General should include the CPN-Maoist on the list for submission to the Security Council under paragraph 16 of SC Resolution 1379
- The Security Council and OSRS-CAC should monitor government armed forces to determine if recruitment and use of children is taking place as per paragraph 16 of SC Resolution 1379
- The government of Nepal should ratify the CRC-OP-CAC and also declare its commitment to a ‘straight-18’ standard for recruitment
- Non-state armed groups should declare their commitment to the CRC-OP-CAC and also a ‘straight-18’ standard for recruitment
- The government and non-state armed groups should establish mechanisms to implement provisions of the CRC-OP-CAC, including child demobilisation and rehabilitation, and to monitor its implementation. In particular the government should improve birth registration and correct irregularities
- The government should ensure military and criminal code provisions regarding children who take part in hostilities are recruited into armed forces or groups, are in accordance with international standards of juvenile justice
- The government should criminalise the recruitment and use of children for military purposes by any armed force or group
- The government should provide alternatives to military recruitment, such as increasing employment and education opportunities.

1. AI, Nepal: Human Rights at a turning point? AI Index ASA 31/01/99.
8. Initial Report of Nepal submitted to the CRC, UN Doc. CRC/C/3/Add.34, 10/5/95, para. 58; SC-Sweden at: www.rb.se; information provided by UNICEF, 16/6/99.
13. Information provided by a reliable source requesting confidentiality, 8/3/01.
16. Information received from a reliable source requesting confidentiality, 8/3/01.
17. Information provided by UNICEF, 16/6/99.
18. Information provided to CSC, 7/8/00.
29. Kantipur Daily, 2/6/00.
34. Kathmandu Post, “When Damber Katri was forced to use a gun....”, 21/8/00.
I. SUMMARY

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<th>Taliban remaining in Afghanistan</th>
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<td>Monitor other armed groups, including MQM, sectarian groups (in particular Sipah-e-Mohammad, and Lashker-e-Jhangvis), and madrasas within Pakistan</td>
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<td>Relevant international obligations:</td>
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RECORD ON RECRUITMENT AND USE IN ARMED CONFLICT OF CHILDREN UNDER THE AGE OF 18:

While there is currently no conscription, government armed forces recruit volunteers at the age of 16. However there is no evidence of deployment before the age of 18. The government has signed but not ratified the OP-CRC-CAC.

Children, some under 14, have been recruited by armed groups fighting in neighbouring Afghanistan and in Jammu and Kashmir. Madrassas in Pakistan, some sponsored by political parties and factions in Pakistan, have played an important role in the training and recruitment (sometimes forced) of children for political and military activities in these conflict areas.

Armed groups in Pakistan are also known to have children in their ranks, but the ages of the children are unclear.

II. COUNTRY PROFILE

RELEVANCE: on the Security Council Agenda (Article 99)

GOVERNMENT: (not proposed for inclusion on 1379 List)

National Recruitment Legislation and Practice

Under Article 39 of the 1973 Constitution, “[t]he State shall enable people from all parts of Pakistan to participate in the Armed Forces of Pakistan.” There is no conscription in Pakistan. The 1952 Pakistan Army Act allows compulsory military service to be introduced in times of emergency, but this provision has never been applied, as the number of voluntary recruits has been sufficient.3

According to Pakistan’s Permanent Mission to the United Nations in Geneva in 1997, the legal enlistment age is between 17 and 22 for officers and between 16 and 25 for soldiers.4 Fighter pilots can be admitted for training at the age of 16.5

The Pakistani Government has stated on a number of occasions that although under-18s are recruited, there are adequate safeguards to ensure they are not involved in armed conflict.6 During negotiations on the Optional Protocol, the Pakistan delegation pressed for 16 as the minimum age for voluntary recruitment and 17 for involvement in hostilities, but did not ultimately obstruct consensus.7

Military training and Military Schools

There are a number of cadet colleges that admit children from the age of 10. The Pakistan Government states that these colleges are exclusively focused on academic pursuits and that no military training is imparted.8 Students receive no stipend and are under no compulsion to join the armed forces upon graduation.9 According to UNICEF, the pupils are not considered members of the army, and may choose whether or not to join the army after completing their schooling and attaining the age of 18.10

Much attention has been paid to the role of informal Islamic schools or madrasas in Pakistan, as centres for indoctrination, training and recruitment of children for political and military activities.11 Many madrasas are legitimate, informal educational institutions, serving poor students with few alternative educational opportunities.12 But some networks of madrasas are run by religious sects, political parties and factions affiliated to warring factions in Afghanistan, Jammu and Kashmir – and potentially dissident organisations active further afield.13

Although children recruited from madrasas have served in non-governmental armed groups, the government of Pakistan has in the past been accused of failing to prevent such military training and indoctrination. Through its administration of zakat the Pakistan Government has also been an important conduit of financial support to the madrasas. But many of the schools also have independent sources of income and links to international Islamist networks.14

A 2002 World Bank report, Country Assistance Strategy (CAS), found that an estimated 15 to 20 percent of madrasas in Pakistan are involved in military related teachings and training. The CAS maintains that the radicalisation of some madrasas commenced with their politicisation during the 1980s and establishment along the Pakistan-Afghan border. The report concludes that the objective was to form a cadre of religiously motivated “Mujahideen” to fight in Afghanistan and also provide political support to the erstwhile Zia-ul-Haq regime.15

The Pakistan government has increasingly recognised the problem, particularly as madrasas feed neighbouring conflicts as well as sectarian violence in Pakistan itself. In February 2000, Pakistan’s Interior Minister claimed that “only
one per cent” of the madrassas in Pakistan sent their students for training in Afghanistan. There are an estimate 15,000 to 25,000 madrassas in Pakistan. In April 2000, the Interior Minster warned that sectarian parties were “spreading poison” and “polluting the minds” of children: “All their madrassas, inappropriate literature, weapons and their activities will be stopped.”

A new Presidential ordinance promulgated in August 2001 prohibits madrassas from receiving foreign funds without state approval and provides for the integration of the seminaries with the general education system. But it remains to be seen how the government will implement this law in the face of staunch opposition from religious parties.

In September 2001 the government of Pakistan signed the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, which requires states to take “all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalise such practices.”

NON-STATE ARMED GROUPS:

Cross-border recruitment

A large refugee population and porous borders have made Pakistan an easy source of recruits for various armed groups involved in the neighbouring conflicts of Afghanistan and Jammu and Kashmir. Groups associated with Islamic and sectarian parties in Pakistan have also attracted children to their ranks, but the degree to which they have participated in political violence to date is unclear.

- The Taliban: proposed for inclusion on 1379 List (and monitor madrassas)

Amnesty International has reported cases of forced recruitment of children through madrassas in Pakistan to fight with the Taliban in Afghanistan. In one such case, the father of 13-year-old Maroof Ahmad Awan filed a petition in the Sindh High Court in Karachi, Pakistan, accusing the principal of the local Jamia Islamia of sending his son to fight in Afghanistan without parental permission. The father said: “I handed him over to the school to learn the Qur’an, not to handle guns. He is too young to fight in a war.” A month after the petition was submitted the boy returned saying “I was persuaded to go to Afghanistan by the nazim of the school.” According to Amnesty International some 600 other juveniles were taken in buses to Afghanistan on the same day. The father withdrew his petition after the Pakistan police registered a criminal case, although no investigation was made and no one was arrested.

UN sources reported recruitment of children from madrassas in the summer of 1999 when the Taliban launched a major recruitment drive in expectation of an offensive. In November 2000 it was reported that madrassas sponsored by networks supporting the Taliban periodically close (eg for holidays) and send young students for military service presented as a form of jihad and therefore part of their religious obligation and education. Many return after one or two months and are not used on the frontline but rather to free more experienced fighters for the front.

- Armed groups in Jammu and Kashmir: should be monitored

In the conflict in Jammu and Kashmir, sources in Pakistan report that some armed groups might identify prospective recruits at 15 or 16 (often from poor and disadvantaged families), but they are generally over 18 by the time they infiltrate Indian territory or engage in operations. In May 1999 one report on 250 young recruits at a Lashkar-e-Taiba in Kashmir described, “All are Pakistanis from villages and small towns in Punjab and the North Western Frontier Province...The training is divided into three stages: 21 days of small weapons training, wilderness skills and fitness. The boys are then sent home, where they are monitored by party elders to see if they are spiritually and physically fit enough to continue.” This pattern was confirmed by Kashmir government sources that reported only a few instances of teenage infiltrators being intercepted as they crossed the line of control. In April 2000, however, Kashmir’s first suicide bomber turned out to be just 18 years of age.

Internal Recruitment

- Mohajir Qaumi Movement (MQM): should be monitored

The MQM represents the Mohajir community politically, but its factions have engaged in periodic violence with nationalist groups drawn from the indigenous Sindhi community. The number of fighters is not known, but fighters are reportedly split between the original MQM, (MQM-Altat), a large breakaway group (MQM-Haqiqi), and other smaller factions. It is believed that the MQM factions have under-18s in their ranks. Human Rights Watch reported in 1999 that on one occasion “unidentified gunmen shot Mohajir men, including one sixteen-year-old, who was the only one to survive. Later that evening nine Mutthahida activists, ranging in age from fifteen to twenty-two, were killed and five were injured by unknown gunmen.” The degree to which activists under 18 are engaged in armed conflict is unclear as many such killings take place in disputed circumstances.

- Jeay Sind Qaumi Mahaz (JSQM): should be monitored

JSQM is the leading Sindhi nationalist movement. There is no available information on the recruitment and use of child soldiers by this group.

- Sectarian Groups: should be monitored

In October 1999, the Pakistan Government complained about Afghan training and support for sectarian groups in Pakistan. In November 2000 it was reported that children were recruited to these groups from madrassas or from amongst returning veterans of conflicts in Afghanistan and Jammu and Kashmir.

The Shia movement Tehrik Nifaz-e-Fiqah-e-Jaffria (TNJF) and the Sunni group Sipah-e-Sahaba are engaged in sectarian violence, primarily in Punjab and Sindh. After the death of its leader in 1983 the TNJF split into two factions, the more radical and pro-Iranian transforming into a political party, the Tehrik Jaffria Pakistan (TJP). Sipah-e-Mohammad is a splinter extremist group of TNJF and Lashker-e-Jhangvi a splinter extremist group of Sipah-e-Sahaba. According to one source in 2002, youths comprise the majority of both Sipah-e-Mohammad and Lashker Jhangvi members.
DEVELOPMENTS

International standards

The prohibition on the recruitment of children under the age of 15 into both armed forces and armed groups has now acquired a customary international law status, and is therefore binding on all armed forces and armed groups in Pakistan as well as those from neighbouring countries that recruit in Pakistan. Moreover, the Government of Pakistan has ratified the Convention on the Rights of the Child, which prohibits recruitment and deployment of children under age 15 in the armed forces (Article 38). Pakistan’s signature to the OP-CRC-CAC is also an important step toward preventing the recruitment and use of children under 18 by its armed forces and opposition groups.

III. RECOMMENDATIONS

- The UN Secretary General should include the Taliban on the list for submission to the Security Council under paragraph 16 of SC Resolution 1379
- The Security Council and OSRSG-CAC should monitor the activities of armed groups inside Pakistan, to determine if recruitment and use of children is taking place as per paragraph 16 of SC Resolution 1379
- The government of the Pakistan should ratify the CRC-OP-CAC and also declare its commitment to a ‘straight-18’ standard for recruitment
- Non-state armed groups in Pakistan should declare their commitment to the standards set in the CRC-OP-CAC and also a ‘straight-18’ standard for recruitment
- The government of Pakistan should ensure the non-deployment and safety of children under the age of 18 in its armed forces, particularly given heightened tension between Pakistan and India
- The government and non-state armed groups should establish mechanisms to implement provisions of the CRC-OP-CAC, including child demobilisation and rehabilitation, and to monitor its implementation; the government should commit resources for long-term rehabilitation
- The government should criminalise the recruitment and use of children for military purposes by any armed force or group
- The government of Pakistan should provide alternatives to military recruitment, such as increasing employment and education opportunities, particularly for vulnerable children in refugee diaspora and tribal areas
- The government should ensure that military and criminal code provisions regarding children who take part in hostilities or are recruited into armed forces or groups, are in accordance with international standards of juvenile justice.

1 Blautstein, A.P., Flanz, G.H., Constitutions of the countries of the world, Oceana Publications, NY.
4 Communication from the Permanent Mission of Pakistan to UNO. 16/12/97.
5 Information provided from the Pakistan airforce website, www.paf.museum.com.pk.
6 Statement by representative of Pakistan Government to the Asia-Pacific Conference on the Use of Children as Soldiers, Kathmandu, May 2000; Communication from the Pakistan Ministry of Foreign Affairs in Islamabad to the CSC on 2/4/01.
8 Ibid.
9 Information provided to CSC by the Pakistan Government, 5/00.
10 Information provided by UNICEF, 11/8/99; Save the Children-Sweden, at: www.rb.se.
14 Information provided by HRW, 4/00.
15 South Asia Intelligence Review, No. 1.3, 200, citing The News, August 2, 2002.
16 Baruah, A., “Pakistan bans display of arms”, The Hindu, 17/2/00.
18 Spillius, A. “Seminaries churn out warriors for Kashmir”, op. cit.
19 Zaidi, M., “Pakistan drafting law on madrassas regulation”, The Hindustan Times, 2/2/00; Chandran, S., “Madrassas in Pakistan-II. Breeding ground for Islamic militants?”, op. cit.; CNN.Com, 14/4/00.
21 Ibid.
24 Mission to Pakistan by the Coalition to Stop the Use of Child Soldier, November 2000. See also “Child soldiers for Taleban? Unlikely” by Scott Peterson, Christian Science Monitor, 6/12/99.
29 The Independent (Bangladesh), 13/10/99; CNN, 7/12/99.
30 Mission to Pakistan by the Coalition to Stop the Use of Child Soldier, November 2000.
31 Information provided by Save the Children-Pakistan, August 2002.
I. SUMMARY

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<td>- Non-state armed groups:</td>
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**RECORD ON RECRUITMENT AND USE IN ARMED CONFLICT OF CHILDREN UNDER THE AGE OF 18:**

There are no indications of under-18s in government armed forces as the minimum age for compulsory and voluntary recruitment is 18. The government has signed but not ratified the OP-CRC-CAC.

Armed opposition groups, especially in Chechnya, have recruited and used children under the age of 15 as soldiers.

II. COUNTRY PROFILE

**RELEVANCE:** on the Security Council Agenda

**GOVERNMENT:** (not proposed for inclusion on 1379 List)

**National Recruitment Legislation**

Article 59 of the 1993 Constitution states “1. Defence of the homeland shall be the duty and obligation of the citizen of the Russian Federation. 2. The citizen of the Russian Federation shall do military service in conformity with the federal law.”

The current legal basis for military service is the 1995 Law on Compulsory Military Service (signed in by President Yeltsin on 29 April 1995). Military service can be performed in the armed forces, the Russian border troops abroad and the internal security troops run by the Ministry of Interior. Conscripts can be assigned to prison guard duties, road and bridge construction, or civilian police tasks.

Under-18s are prohibited from being called to military service or participation in military operations, as set out in the law of the Russian Federation on liability for call up and military service. Specifically, all men between the ages of 18 and 27 are required to perform military service, as are certain categories of women (such as those with medical qualifications). Military service lasts two years or only one year in the case of university and college graduates. Concessions are made for recruits who have taken part in hostilities or who have spent at least one month in a conflict zone after 18 months of military service. Moves to end conscription and create a fully professional army have stalled in the face of political opposition and budget constraints.

In June 2002 Russia’s lower house of parliament approved creation of an alternative civilian service, which if passed by the upper house will put into practice the right to conscientious objection enshrined in Russia’s Constitution. The bill would allow draft-age men to perform three years and six months of civilian service rather than serve the required two years in the military. If assigned to non-combatant roles in military units, the men would serve three years.

**Recruitment practice**

In practice, women do not serve in the military, and fewer than half of all men of draft age serve the full two years of service because they obtain exceptions for higher education, are declared unfit to serve or pay bribes to avoid service. The notoriously harsh and often brutal conditions of service in the Russian armed forces (including violent, sometimes fatal hazing of new junior recruits for the armed services, MVD, and border guards) are believed to contribute to draft evasion as well as desertion.

The majority of conscripts in the Russian armed forces are from rural areas. Many are not highly educated and come from lower socio-economic classes. In St. Petersburg, for example, official records found that 52 per cent of recruits had no secondary education.

In recent years, Russian forces have fought Islamic and separatist armed groups in Chechnya, Daghestan and other parts of the Caucasus region. The UN Commission on Human Rights, UN High Commissioner for Human Rights and the UN Committee on the Rights of the Child expressed concern about grave human rights abuses by both government and opposition forces. The Russian Soldier’s Mothers Committee denounced the Russian army for sending untrained conscripts to fight in Chechnya and Daghestan. On 16 August 1999, the Duma passed a non-binding resolution urging the government to send only volunteers and experienced draftees.

On 16 September 1999, a presidential decree was adopted stating that soldiers do not have to take part in military action during peacetime unless they have more than a year’s experience and volunteer for combat.

**Government treatment of suspected child soldiers**

Government forces have been repeatedly accused of human rights abuses in conflict areas, including torturing children. In its concluding observations on Russia’s periodic report, the Committee on the Rights of the Child expressed concern
at the lack of respect for the rights of children in areas of ongoing armed conflict within the State party, such as in Chechnya and Dagestan. The Committee is concerned, especially, at the involvement of children in armed conflict, at violations of provisions of international humanitarian law and at the number and situation of internally displaced children.

The Committee is also concerned at the application, by courts in Chechnya, of the death penalty and certain corporal punishments, including mutilation, when sentencing children. In addition, the Committee is concerned at reports of alleged summary executions, involuntary disappearances, arbitrary detention, torture and ill-treatment of children in the region."

Military Training and Military Schools
There are seven special military schools (the so-called ‘Suvorovskya’) in Ekaterinberg, Kazan, Moscow, St. Petersburg, Ever, Ulyanovsk and Ussurik, with a total of about 4,900 pupils. Children are accepted from the age of 14 and orphans can enter without passing an examination. There is also a specialised navy school in St. Petersburg. Five special cadet corps accept children of 11-12 years of age; each cadet corps has 30 to 40 pupils thus the total number of cadets is not more than 200. It has been claimed that an elite military academy in Nyocherkaask admits students at age 11. The cadets are taught military history and how to handle firearms and grenades.

Government funded camps have been created to teach children ages 9 to 17 skills in self-sufficiency, including how to use a grenade launcher or fire Kalashnikovs. In January 2001, 130 children attended one such camp at Zhukovsk. One report accused the Russian Armed forces of recruiting orphans and street children between the ages of 11 and 18, into youth units, but it is unclear if the report refers to military education or training schools rather than actual armed forces units. The first such unit was allegedly created in 1997 at the headquarters of the elite Kantemirovskaya Tank Division, where boys were said to attend school, take training classes, care for the livestock of the base, and participate in drills and shooting exercises.

In February 2000, President Putin issued a decree providing “approval of the statute on enrolment of under-age citizens of the Russian Federation into military regiments as wards and of their supply with required provisions.”

NON-STATE ARMED GROUPS: proposed for inclusion on 1379 List
Armed groups in Chechnya have been reported to extensively use children as soldiers, some as young as 12. In its periodic report to the Committee on the Rights of the Child in 1998, the Russian authorities stated that there had been instances of recruitment of minors to form part of illegal armed groupings in Chechnya, but that they did not have information on the numbers involved. In one report, 64 fighters aged 16-18 years surrendered to Russian forces on 5 March 2000. Most recently, in August 2002 the Special Representative of the Secretary-General on Children and Armed Conflict, Olara Otunnu, decried the continuing use of child soldiers in Chechnya. Chechen armed groups were reportedly recruiting children and using them to plant mines and other explosives.

Children were used as soldiers in Chechnya in the past as well. Orphaned or abandoned children in Grozny appear to have been both targeted by and a consequence of recruitment. One 12-year old, Umar Latayev, boasted how he and his friends had blown up “at least 10” armoured personnel carriers carrying Russian troops during the early stages of the war by tossing grenades through the open hatches.

Fourteen year old Ela worked in a reconnaissance unit behind enemy lines: “I was scared. All the time I thought ‘I’m going to die’. It was frightening. I saw corpses. I saw dogs eat Russian corpses.” Ela told a reporter that he lived on the streets after a Russian rocket destroyed his home and badly injured his parents early in the war.

It is also reported that Islamist separatists in Dagestan have offered money to poor youths to join their ranks. In late 1999 there were unconfirmed reports of one such armed group, supporters of Sharia, planning to train teenagers to become suicide bombers. Another unconfirmed report stated that an army counterintelligence source at the headquarters of the Combined Group of Federal forces in the North Caucasus spoke about 1,500 suicide bombers between 15 and 20 years of age who were being trained at a centre in the Leninsky District of Grozny.

DEVELOPMENTS
Prevention and demobilisation programs
In its periodic report to the Committee on the Rights of the Child in 1998, the Russian authorities reported that the physical and psychological recovery and social reintegration of children involved in armed conflicts is addressed “in the law of the Russian Federation on the fundamental principles of social services in the Russian Federation, the law of the Russian Federation Fundamentals of the legislation of the Russian Federation on health care, and an order of the Russian Government on Model Statutes for a specialized establishment for minors in need of social rehabilitation.”

In 1999 the UN Committee on the Rights of the Child encouraged the Russian Federation to ensure that children and other civilians are protected during periods of conflict and that support and rehabilitative assistance, including psychological aid, are made available to internally displaced children and children living in regions of armed conflict.

According to one source there are a number of counselling programs for war-affected children, including former combatants, in Chechnya. Counsellors working in the region reportedly commented that Chechen society was raising the next generation of combatants because of what children had experienced.

International standards
The prohibition on the recruitment of children under the age of 15 into both armed forces and armed groups has now acquired a customary international law status, and is therefore binding on all armed forces and armed groups in the Russian Federation. Moreover, the Government has ratified the Convention on the Rights of the Child, which prohibits recruitment and deployment of children under age 15 in the armed forces (Article 38). The government’s signature to the
III. RECOMMENDATIONS

- The UN Secretary General should include Chechen armed groups on the list for submission to the Security Council under paragraph 16 of SC Resolution 1379.
- The government of the Russian Federation should ratify the CRC-OP-CAC and also declare its commitment to a ‘straight-18’ standard for recruitment.
- Non-state armed groups in Chechnya should declare their commitment to the CRC-OP-CAC and also a ‘straight-18’ standard for recruitment.
- The government and armed groups should establish mechanisms to implement provisions of the CRC-OP-CAC, including child demobilisation and rehabilitation, and to monitor its implementation.
- The government should ensure that military and criminal code provisions regarding children who take part in hostilities or are recruited into armed forces or groups, are in accordance with international standards of juvenile justice.
- The government should criminalise the recruitment and use of children for military purposes by any armed force or group.
- The government should provide alternatives to military recruitment, such as increasing employment and education opportunities, particularly for vulnerable children in refugee diaspora and tribal areas.

2. Blaustein, A.P. & Flanz, G.H., Constitutions of the countries of the world, Oceana Publications, NY.
13. Smolar, P. “Moscow prepare one offensive announced as decisive in Dagestan”, Le Figaro, 19/8/99.
15. Information supplied by UNICEF.
16. Information supplied by UNICEF.
20. Decree of the Government of Russian Federation, 14/2/00, #124, Moscow.
24. Smolar, P. “Moscow prepare one offensive announced as decisive in Dagestan”. Le Figaro, 19/8/99.
26. Information supplied by UNICEF.
29. Life Magazine; see CSC Europe report 1999.
30. Decree of the Government of Russian Federation, 14/2/00, #124, Moscow.
32. Initial report of the Russian Federation to the CRC, UN Doc. CRC/C/65/Add.10, para. 361, 20/11/98.
34. Smolar, P. “Moscow prepare one offensive announced as decisive in Dagestan”, Le Figaro, 19/8/99.
35. Islamic group vows teen bombings if Russia bombs Chechnya”, ITAR TASS, 15/11/99.
37. Initial report of the Russian Federation to the CRC, UN Doc. CRC/C/65/Add.10, para. 360, 20/11/98.
38. Concluding Observations of the CRC, UN Doc. CRC/C/15/Add.110, para. 57, 10/11/99.
I. SUMMARY

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<th>Parties proposed for inclusion on 1379 List:</th>
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<td>Relevant international obligations:</td>
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<tr>
<td>• Government:</td>
<td>Customary law (no Under-15s); CRC-OP-CAC; GC/API+II; ILO 138+182; CRC-OP-CAC</td>
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<tr>
<td>• Non-state armed groups:</td>
<td>Customary law (no Under-15s); CRC-OP-CAC; GC/API+II</td>
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RECORD ON RECRUITMENT AND USE IN ARMED CONFLICT OF CHILDREN UNDER THE AGE OF 18:

While the Rwandan government today claims that there are no children remaining among government forces, reports of child recruitment continue to emerge both in the context of sporadic fighting with Hutu armed groups in Rwanda and support to opposition forces in the Democratic Republic of Congo. Rwanda acceded to the CRC-OP-CAC on 23 April 2002 and has adopted national legislation prohibiting military service for children under 18. A coordination mechanism for demobilisation has been established, resulting in the demobilisation and reintegration of 440 children since October 2001. Hundreds of children imprisoned on genocide charges since 1994 – including many under age 14 at the time – were held in detention awaiting trial, without adequate support commensurate with their juvenile status.

Rwandan Hutu opposition forces in Rwanda (also active in the DRC and Burundi) also continue to recruit children, both within Rwanda and in neighbouring countries.

II. COUNTRY PROFILE

RELEVANCE: on the Security Council Agenda

GOVERNMENT: proposed for inclusion on 1379 List

National Recruitment Legislation

In 2001 the Transitional National Assembly of Rwanda adopted Law No. 27/2001 Relating to the Rights and Protection of the Child Against Violence. Article 19 of this law states: “Military service is prohibited for children less than 18 years.”

Child Recruitment and Deployment

Human Rights Watch reported in December 2001 that children as young as 15 are still recruited into Local Defence Forces. These “volunteer” forces, believed to be forcibly recruited at times, are comprised of local civilians who are given arms and brief training. Some are trained for the Local Defence Forces and later sent to the DRC to fight.

The Rwandese Patriotic Army (RPA) also continues to send reinforcements to the Democratic Republic of Congo (DRC), including under-18 volunteers and forcibly recruited children. These children include both Rwandans and citizens of the DRC who are press-ganged or kidnapped by Rwandan and Congolese forces, and often trained by the Rwandan armed forces. In December 2000, Human Rights Watch discovered that the RPA and the Congolese RCD-Goma had abducted children and young men from roadsides, markets and their homes in Eastern DRC. These child soldiers were also known to have been trained by Rwandan forces. The extent of Rwandan involvement in the continued recruitment of children in eastern Congo is highlighted by the large number of children in demobilisation and rehabilitation centres who speak only Kinyarwanda.

“I was coming from school at about 17:00... when soldiers in a vehicle stopped me and made me get in. They were Rwandans. There were lots of other young boys in the vehicle. We went to the airport in Goma and from there to Kalemie by plane. We were all ten, twelve, thirteen years old and older. Then we were sent to Camp Vert in Moba and trained there. Lots were killed in the training. Lots died of sickness. The food was poorly prepared and many got dysentery.” - Boy recruited in Goma at age 13

It was further reported that throughout 2000, RPA and Ugandan troops, in addition to Congolese RCD fighters, abducted many young women from the villages they raided. An RCD-Goma military trainer also reported that RPA soldiers and officers oversaw the training of “local defence forces” in the DRC, similar to those in Rwanda.

Government Treatment of Children Accused of Genocide

Thousands of Rwandan children accused of participation in the genocide have been held in detention awaiting trial. Under the Rwandan penal code, children up to the age of 14 at the time the crime was committed are not to be held legally responsible. However, due to destruction of state infrastructure following the civil war, many youths who were under 14 at the time were not released until very recently. Children in local detention centres (cachots) were often subjected to ill-treatment and not segregated from adults.

In 2000, the Rwandan government established several camps de solidarité, under the responsibility of the Ministry of Justice, to receive youths who had been pardoned or released. However, these centres have little in the way of rehabilitation programmes and instead engage in “civil re-education”, a term some say is a euphemism for indoctrination. The majority of youth accused of genocide are now over 18, but have spent many of their formative years in prison and therefore lack the skills and developmental experiences of other young adults. There are few
programmes targeted at this age group due to their unique status, lack of personnel specialised in this area and poor coordination among government agencies.

In the gacaca process currently underway, youth who were between 14 and 18 at the time the crimes were committed will receive half of the equivalent sentence imposed on adults. This means that these prisoners, except for Category 1 detainees, should be subject to immediate and unconditional release once the gacaca courts begin to operate since they have already served eight or more years, more than half the maximum 15-year sentence for adults convicted of Category 2 crimes. There have been some concerns that the gacaca process does not comply with international juvenile justice standards embodied in the CRC, including due process, the equality of arms doctrine and confidentiality.14

According to Article 21 of Law No 27/2001, the State should provide legal assistance for children without a guardian and ensure they are imprisoned separately from adult prisoners.15

**NON-STATE ARMED GROUPS**

**Interahamwe Hutu militia: proposed for inclusion on 1379 List**

It is difficult to determine how many children are among armed groups, particularly as not many children returned to Rwanda after refugee camps in Eastern Zaire were dismantled in late 1996. Since 1998, Hutu militias have reportedly targeted children in northwestern Rwanda for recruitment.16 Some children have been forcibly recruited by armed groups; others joined ‘voluntarily’ groups because they have no family or financial support. Their age varies between 11 and 14 years. When first recruited they are mostly used as porters, spies or cooks. After brief training they become active soldiers.17

"It was terrible! I was a member of the so-called ‘Interahamwe’ militia. We were backing the army to flush out anything that resembled a Tutsi. It seemed to me that almost everyone was taking part in the fighting. While the army were busy fighting the RPF, we people were also taking part, to make sure that the whole country was being cleansed. In Gikondo suburb (Kigali), I remember going through hundreds of dead bodies with a FAL rifle. People were crying all the time, amid heavy gunfire and mortar shells". - Shadrack, former child soldier.18

**DEVELOPMENTS**

**Child Protection and Demobilisation Programmes**

In 1994, the Rwandan government committed itself to demobilising all child soldiers. The Rwandan Ministry for Social Affairs reported that, of the 2,922 children demobilised by the end of 1996: 902 were sent to the kadogo school, where they received primary education, professional training and psychological support; 820 were sent to various secondary schools across the country; and 1,200 were reunited with their families or relatives.19 Demobilisation has been coordinated by the Rwandan Demobilisation and Rehabilitation Commission (RDRC), MINALOC, National Human Rights Commission, Unity and Reconciliation Commission UNICEF, ICRC and SC-UK.

UNICEF-Rwanda established two re-education centres to receive demobilised youth. Since October 2001, 440 children have attended the reintegration centre at Gitagata, and been reunited with their families. In December 2000, another 486 children believed to have participated in the genocide attended a targeted re-education course at the Busogo camp, aimed at helping them return to their communities. The children, between 14 and 18 years of age during the course, were all under 14 at the time of the genocide.20 UNICEF has also provided psychological support and monitoring of the 4,500 minors held in prisons.

An ongoing programme has also been established to train RPA officials and soldiers on child rights. Plans are underway to subsequently extend this training to the Local Defence Forces and the Police.

Penal Reform International has recently instigated a training programme in trauma counselling for prison-based social and health workers. This will target those detainees accused of genocide who were 14-18 years old when initially placed in custody.21

**International Standards**

The prohibition on the recruitment of children under the age of 15 into both armed forces and armed groups has now acquired a customary international law status, and is therefore binding on all armed forces and armed groups in Rwanda. Moreover, the Government of Rwanda has ratified the Convention on the Rights of the Child, which prohibits recruitment and deployment of children under age 15 in the armed forces (Article 38). Rwanda’s recent accession to the CRC-OP-CAC further commits the Government to take all feasible measures to prevent the recruitment and use of children under 18, whether by government forces or armed opposition groups, and to demobilise and rehabilitate all former child soldiers. Rwanda has also ratified ILO Convention 182, which includes forced recruitment of under-18s among the worst forms of child labour.

**III. RECOMMENDATIONS**

- The UN Secretary General should include the RPA, Interahamwe Hutu militia on the list for submission to the Security Council under paragraph 16 of SC Resolution 1379
- The Rwandan government, armed groups and militias should establish mechanisms to implement provisions of the CRC-OP-CAC, including child demobilisation and rehabilitation, and to monitor its implementation
- The Government of Rwanda should revise military and criminal code provisions regarding children who take part in hostilities or are recruited into armed forces or groups, in accordance with international standards of juvenile justice
- The government of Rwanda should criminalise the recruitment and use of children for military purposes by any armed force or group.
7 CSC Interviews, Goma, 18 June 2002.
13 CSC Interviews with sources who have asked to remain anonymous, Kigali, March 2002.
14 See Article 40, Convention on the Rights of the Child.
16 SC-Sweden, Children of War, 03/01.
17 Gervais Abayeho, CSC 1999.
18 Testimony received by Gervais Abayeho, CSC 1999.
20 IRIN, “Child genocidaires in re-education”, 8/12/00.
21 Information received from Penal Reform International, 19/08/2002.
I. SUMMARY

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**RECORD ON RECRUITMENT AND USE IN ARMED CONFLICT OF CHILDREN UNDER THE AGE OF 18:**

During the 10-year civil war, up to 10,000 children were abducted or forcibly recruited to serve as combatants, sex slaves and labourers by all parties to the conflict. The peaceful elections of May 2002 provide grounds for cautious optimism for the consolidation of peace and the implementation of important provisions on the demobilisation of child soldiers included in the Lomé peace agreement of July 1999. However, access to thousands of children recruited by opposition forces remains limited. Underage recruitment, including the re-enlistment of some of those previously demobilised, continues to pose a high risk, should the fragile peace process collapse.

The Government of Sierra Leone has ratified the CRC-OP-CAC, but has not changed national law to prohibit recruitment of under-18s, despite repeated commitments to do so.

II. COUNTRY PROFILE

**RELEVANCE: on the Security Council Agenda**

**GOVERNMENT: should be monitored**

National Recruitment Legislation and Practice

There is no conscription in Sierra Leone. Section 16(2) of the Royal Sierra Leone Military Forces Act 1961 states that volunteers under "the apparent age of 17½ years" may not be enlisted without the consent of parents or legal guardians. The UN Committee on the Rights of the Child has expressed concern over Sierra Leone’s continued failure to define minimum voluntary recruitment age in national legislation, and urged the government to implement its stated intentions to set 18 as minimum age.

The Sierra Leone government has made repeated commitments to raise the legal age of military recruitment to 18, demobilise all underage combatants, and fulfil its obligations under the UN Convention on the Rights of the Child. On 24 May 2000, following reports of children fighting with government-allied forces or remaining in front-line positions, the government issued the statement that “government policy ... stipulates that 18 years is the minimum age for bearing arms in Sierra Leone.” The government further reported that the Acting Chief Defence Staff was “instructed to ensure that all those below the age of 18 currently involved in fighting on the side of the government should be immediately withdrawn, demobilised and handed over to competent institutions for rehabilitation. Henceforth, any commander who allows a child below 18 years to carry arms within his area of operations or allows children to remain in areas of active conflict will face severe disciplinary action.”

At the International Conference on War-Affected Children in Winnipeg in September 2000 a representative of the government stated its commitment to the Optional Protocol to the Convention on the Rights of the Child regarding “voluntary recruitment into any fighting force before age 18.” However, this commitment has not resulted in legislative change.

After the Lomé Peace Accord was signed in 1999, the Sierra Leone Army (SLA) began restructuring its units and training with the aid of foreign forces. Members of the new SLA were also trained in child protection by UNICEF in conjunction with the Ministry of Defence, child protection agencies and the Ministry of Social Welfare.

**GOVERNMENT-ALLIED ARMED GROUPS: should be monitored**

Over the course of the civil war, civilians formed self-defence militias comprised of various groups of traditional hunters, in particular the kamajors. The government came to rely on these militias, which officially became known as the Civil Defence Forces (CDF). During the war, there were credible reports from various sources of CDF recruitment of children, including some previously demobilised. For example, in May 2000 a UN assessment mission observed children between 7 and 14 years old comprising 25 to 30 per cent of the SLA/CDF in the town of Masiaka. While the CDF have officially been demobilised, the kamajors remain well organised and eager to play a continued role in national security, given their contribution to defending their communities from the opposition Revolutionary United Front (RUF) during the war.

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NON-STATE ARMED GROUPS:

Armed Forces Revolutionary Council (AFRC): proposed for inclusion on 1379 List

The Armed Forces Revolutionary Council (AFRC) was comprised primarily of former Sierra Leone Army (SLA) officers who organised a coup in 1997 and joined forces with the RUF. The AFRC forcibly recruited children for use as sex slaves and fighters against government forces. After signing the Lomé Peace Accord in 1999, the AFRC, led by Johnny Paul Koroma, re-joined the government as a political party and some of its members re-joined the new SLA being trained by British forces.11 Hundreds of other AFRC members, however, refused to join the government, instead occupying areas outlying the capital or joining an opposition group known as the West Side Boys, which included under-18s (see below). On 24 May 2000, Koroma issued a statement voicing his opposition to the recruitment of children and warned “all warring factions to desist from recruiting child soldiers”.12

“I did not want to go; I was forced to go. They killed a lot of women who refused to go with them… when they capture young girls, you belong to the soldier who captured you.” – Isatu was abducted by the AFRC at the age of 15.13

“I had to go through the training and learn to fight, otherwise the RUF people would beat me or kill me.” – Sayo (age 14, ex-AFRC soldier) described how his skin was cut and cocaine rubbed in the wounds.14

United Revolutionary Front (RUF): proposed for inclusion on 1379 List

In May 2000, a RUF spokesman SWB Rogers was quoted as saying: “The RUF doesn’t believe in using children as soldiers. When they are five or six, they are far too young to fight. We only use the older boys, from ten or eleven upwards.”15 The RUF is well known for its abduction and forcible recruitment of children, both boys and girls, for use as soldiers, sexual slaves and forced labour. Children were often drugged to induce compliance and fighting ferocity. In 2000, reports also emerged of armed groups forcing children to work in diamond fields under their control since the signing of the Lomé Accord in 1999.16

The RUF commonly abducted children during attacks. For example, after the January 1999 Freetown attack, in which an estimated 10 per cent of armed forces were children, more than 4,800 children were reported missing.17 Of these, about 60 percent were girls, who were typically forced into sexual slavery.18 From May through August 2000 reports from Kambia and Makeni Districts, Northern Province, described RUF forces going from village to village demanding a quota of men and boys, most of whom were forced to join. Local traditional rulers, known as Paramount Chiefs, were ordered to provide a certain number of recruits and families were forced to hand over children, including those aged under 18. The RUF has also reportedly killed children who refused to join their forces and frequently extorted money from families of conscripted youths.

Recruits also included hundreds of those who had previously been demobilised after the July 1999 peace agreement. Some 200 demobilised children were abducted on their way from Kabala to Freetown in January 2000.19 In May 2000, re-recruitment increased with RUF commanders targeting interim care centres; at the Makeni rehabilitation centre for example, a group of 72 former child soldiers were forced to rejoin.20 Some of the children were told by RUF forces that their families had been traced and the RUF would help them return to their homes. It was also reported that the RUF threatened to kill everyone at the centre if the children did not comply.21 This highlights the potential for re-recruitment, should the fragile peace process fail.

Interviews of children staying at transit centres set up in Bo and Kenema as part of the demobilisation programme in 2000 confirmed reports of sexual violence and abuse, of both boys and girls, by RUF personnel. Three adolescent boys interviewed by an aid worker reported they had been abducted around age 14 and 15 and sexually abused by female members of the RUF. They also reported being sexually abused by male RUF members, apparently as a form of punishment. Other forms of abuse included being forced to aid and abet the rape of girls.22

"By then the rebels had moved from Makeni to Lunsar. They came to our camp and asked some children to join them again and we refused. We have rights to live and play. They encouraged us to join them. We told the manager of the centre to move us. At that time there were no vehicles; even the NGO’s vehicle was not around. We walked along the road to Rogberi Junction where we met the rebels. They told us to return to our camp. We knew that they were killing people around. After that they said, please, come and join us or we are going to kill you people. After that we fled in the bush." – Former child soldier describes how the RUF tried to lure children back into their ranks.23

"I had to go through the training and learn to fight, otherwise the RUF people would beat me or kill me." – David, abducted by the RUF at the age of 10.24

West Side Boys: should be monitored

The West Side Boys, an ex-AFRC splinter group aligned with the RUF, also forcibly recruited children as soldiers and sex slaves.25 In September 2000, British troops conducted a raid on the West Side Boys, during which scores of child soldiers were seen fleeing into the jungle, likely to have rejoined other armed groups.26

DEVELOPMENTS

Demobilisation and Protection Programmes

Some 40 child protection agencies and NGOs working with government have been constituted into a child protection committee coordinated by UNICEF,27 and the government of Sierra Leone committed itself to establishing a National Commission for War-Affected Children. In October 2000 the UN Security Council urged the government of Sierra Leone to establish the promised Commission.28
Demobilisation programmes for child soldiers have been underway since the signature of the Lomé Peace Accords in 1999. However, continued instability and renewed fighting hampered demobilisation efforts and re-recruitment occurred.

In 1999 only 11 children were demobilised from the RUF and 100 from CDF. In 2000, the pace picked up considerably and by May the UN reported that approximately 1,700 underage recruits had entered disarmament, demobilisation and reintegration programmes. However, renewed hostilities delayed the process, and by November 2000 the total number of demobilised child soldiers had only risen to slightly over 1,800. About 138 of these children, between the ages of 8 and 16, were handed over by the CDF in June 2000. The UN Security Council reported in October 2000 that "a significant portion of the rank and file RUF would be willing to disarm but were not allowed to do so by their commanders, who often used brutal methods, including execution, to prevent fighters, including children, from leaving." At the end of October 2001, the UN peacekeeping mission announced the disarmament of 3,340 child soldiers since May 2001.

The peaceful elections of May 2002 have given renewed impetus to implementation of important provisions on the demobilisation of child soldiers included in the Lomé peace agreement of July 1999. However, access to thousands of children formerly in opposition groups remains limited.

Moreover, although many girls were abducted to serve as fighters, sex slaves and “wives” to commanders or camp followers, they make up only 8% of the total number of children released and demobilised since 1999. In March 2001 UNAMSIL announced the launch of a skills training project for about 390 young girls who had been abducted by armed groups as a step toward addressing the needs of such children. Christian Children’s Fund has also initiated a community reintegration program for 200 girls, aged 10 to 18, who were abducted and repeatedly sexually abused while held captive over a period of years.

**Special Court and Truth and Reconciliation Commission**

The Special Court Sierra Leone has jurisdiction to prosecute those “who bear the greatest responsibility for serious violations of international humanitarian law committed since 30 November 1996”, including the recruitment and use of child soldiers. While the Special Court does have jurisdiction to prosecute persons between 15 and 18 years of age when the crimes were committed, any such persons would not serve time in prison, but rather be placed, for example, in foster care, or correctional, educational and vocational training programmes. The Truth and Reconciliation Commission (TRC) Act recognises that children were particularly affected by the conflict, both as victims and perpetrators, and mandates that the TRC give “special attention… to the experiences of children within the conflict”.

**International Standards**

The prohibition on the recruitment of children under the age of 15 into both armed forces and armed groups has now acquired a customary international law status, and is therefore binding on all armed forces and armed groups in Sierra Leone. Moreover, the Government of Sierra Leone has ratified the Convention on the Rights of the Child, which prohibits recruitment and deployment of children under age 15 in the armed forces (Article 38). The Government of Sierra Leone recently ratified the African Charter on the Rights and Welfare of the Child, which sets 18 as the minimum age for recruitment into military forces. The Sierra Leone Government has also ratified the Rome Statue for an International Criminal Court, which criminalises recruitment and use in hostilities of children under the age of 15, by any armed force or armed group.

**III. RECOMMENDATIONS**

- The UN Secretary General should include the CDF, RUF, AFRC on the list for submission to the Security Council under paragraph 16 of SC Resolution 1379.
- The Security Council and OSRS-CAC should monitor the recruitment and use of children by the SLA and tribal groups previously comprising CDFs (i.e. the kamajors) to ensure that no persons under the age of 18 are recruited.
- The Sierra Leone government should declare its commitment to a “straight-18” standard for recruitment.
- The government should establish mechanisms to implement provisions of the CRC-OP-CAC, including child demobilisation and rehabilitation, and to monitor its implementation.
- The government should criminalise the recruitment and use of children for military purposes by any armed force or group.

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6 Statement by the Minister of Social Welfare, Gender and Children’s Affairs, Shirley Gbujama, at the International Conference on War Aﬀected Children, Winnipeg, Canada, September 2000.
I. SUMMARY

Parties proposed for monitoring: There are many armed groups and local political entities operating in Somalia, many of which recruit and use children as soldiers. All parties should be monitored.

<table>
<thead>
<tr>
<th>Relevant international obligations:</th>
<th>Customary law (no Under-15s); GC APII; ACRWC; (CRC signed May 2002)</th>
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RECORD ON RECRUITMENT AND USE IN ARMED CONFLICT OF CHILDREN UNDER THE AGE OF 18:
The use of child soldiers, including some as young as 10, is reportedly widespread by all forces involved in the conflict. The government has not signed nor ratified the CRC-OP-CAC, but has expressed a commitment to do so.

II. COUNTRY PROFILE

RELEVANCE: on the Security Council Agenda

BACKGROUND
Detailed information on child soldiers in Somalia is extremely difficult to obtain, due to the break-down in state infrastructure given the long-running civil war and continued instability in many parts of the country. The Transitional National Government (TNG) holds authority in only a section of Mogadishu, while the Somaliiland Republic in the northwest maintains its unilateral independence under a locally accepted government, and the Puntland Regional State is the accepted authority in the northeast. The rest of the former Somalia, which collapsed in 1991, is contested by various armed political groups and remains without an effective central authority. Exact figures of child soldier recruitment and use are difficult to verify; however, it is widely believed that children as young as ten are involved in the conflict.

Child Recruitment and Deployment
All of the factions involved in the fighting are reported to use child soldiers. In 2000, the UN-appointed independent expert on human rights in Somalia reported that children under the age of 15 are recruited by the militias, and some faction leaders recruit children as young as 10 years of age to serve as personal bodyguards. The US State Department reported that “boys as young as 14 or 15 years of age have participated in militia attacks, and many youths are members of the marauding gangs known as ‘morian’ or ‘parasites’ or ‘maggots’.”

In August-September 2001, the UN independent expert undertook a mission to Somalia to investigate human rights abuses, including the use of child soldiers. In his report of January 2002, the independent expert reported that militias in many parts of Somalia recruit children under 15 for use as soldiers or bodyguards. In Baidoa, he noted “considerable employment of child soldiers”, often young boys carrying weapons riding with larger groups of armed men on anti-aircraft or similar vehicles. In his address to the UN Human Rights Commission in April 2002, the UN Independent Expert called for an international probe into the alleged war crimes in Somalia as a step towards reconciliation in the country, citing that many atrocities could be qualified as war crimes and crimes against humanity, including the use of child soldiers.

DEVELOPMENTS

Child Protection and Demobilisation Programmes
The Demobilisation Task Force of the Somalia Aid Coordination Body, under the Somali Civil Protection Programme, coordinates international support for demobilisation and reintegration programmes. However, only recently has specific attention been paid to child soldiers. UNESCO has helped to demobilise and provide vocational training for 450 militia members between the ages of 15 and 35 in Mogadishu. UNICEF and the Elman Peace Centre are undertaking a demobilisation and reintegration programme for 120 former child soldiers.

International Standards
The prohibition on the recruitment of children under the age of 15 into both armed forces and armed groups has now acquired a customary international law status, and is therefore binding on all armed forces and armed groups in Somalia. In addition, the former Government of Somali ratified in 1991 the African Charter on the Rights and Welfare of the Child, which sets 18 as the minimum age for recruitment into military forces. The current Transitional National Government (TNG) signed the Convention on the Rights of the Child on 9 May 2002. In 2001, the TNG had made a commitment to the UN Independent Expert to ratify the CRC, but cited lack of technical knowledge on the ratification process as a major obstacle. At the UNGA Special Session on Children, the Permanent Representative of Somalia to the UN stated his country’s intention to sign the Optional Protocols to the CRC in due course. He also said: “In the light of our commitment to the Convention on the Rights of the Child and the two optional protocols, as well as to the African Charter on the Rights and Welfare of the Child, my government will… mobilize human and financial resources from private and international sources in order to provide...[for] recuperation, rehabilitation and counselling of child combatants.”

III. RECOMMENDATIONS
- The Security Council and OSRSG-CAC should monitor the recruitment and use of children by all parties in Somalia to ensure that no persons under the age of 18 are recruited
• The Somali TNG should ratify the CRC-OP-CAC and also declare its commitment to a ‘straight-18’ standard for recruitment
• Non-state armed groups should declare their commitment to the CRC-OP-CAC and also a ‘straight-18’ standard for recruitment
• The government and militias should establish mechanisms to implement provisions of the CRC-OP-CAC, including child demobilisation and rehabilitation, and to monitor its implementation.

5 Reuters, 19/04/02.
7 Ibid.
I. SUMMARY

| Parties proposed for inclusion on 1379 List: | LTTE |
| Parties proposed for monitoring: | EPRLF, PLOTE, TELO, Home Guard, Civil Defence Forces |
| Relevant international obligations: | Customary law (no Under-15s); GC; ILO 138; CRC; OPCAC (ratified 8/9/00). | Customary law (no Under-15s); GC; ILO 138; CRC-OP-CAC |
|  | Customary law (no Under-15s); GC; CRC-OP-CAC; LTTE commitment to SRSG-CAC (no recruitment of under-17s, no deployment of under-18s) in 1998; reiterated to UN in 2001; commitment to UNICEF in June 2002; (no under-18s, return underage recruits to families; reaffirmed to AI in June 2002. |

RECORD ON RECRUITMENT AND USE IN ARMED CONFLICT OF CHILDREN UNDER THE AGE OF 18:
There are no child soldiers indicated in government armed forces (no conscription, voluntary recruitment at age 18). The government has ratified the OP-CRC-CAC. However, there are reports of child recruitment in government-allied paramilitary groups.

The Liberation Tigers of Tamil Eelam (LTTE) has a long record of using child soldiers, some as young as nine. The LTTE has consistently broken its commitments to end child recruitment and demobilise child soldiers. LTTE child soldiers who have surrendered, escaped or been captured are not provided with adequate protection and rehabilitation.

II. COUNTRY PROFILE

RELEVANCE: proposed for inclusion on the Security Council Agenda (Article 99)
The situation in Sri Lanka must be brought to the attention of the Security Council under Article 99 of the UN Charter. The situation in Sri Lanka has been marked by grave human rights abuses, including massive child recruitment by armed groups. In addition, the massive refugee movement into neighbouring India, like displacement in other countries, is known to have significant consequences on international peace, threatening border stability, economic, political and social reconstructions. The systematic and gross violation of the group rights of an entity within a State, as seen in Sri Lanka, also poses a threat to international peace and security.

The Liberation Tigers of Tamil Eelam (LTTE) has been fighting government armed forces since 1983 for control of the north and east. Approximately 60,000 people have been killed in a war characterised by grave human rights abuses, including thousands of “disappearances” on both sides. In late 1999 and early 2000, the LTTE launched a major offensive in the northeast, seizing new territory and inflicting large losses on government armed forces. During 2000 and 2001 there were renewed moves towards peace negotiations, facilitated in part by the Norwegian government, and in December 2001 a unilateral cease-fire was declared by the LTTE on 25 December 2001. However on 29 May 2002, the Sri Lanka Monitoring Mission (SLMM) reported that of 197 complaints it had received, 58 were judged to be violations of the cease-fire. The largest number of admissible complaints (30) was from Batticaloa, where civilians have complained for months about increased LTTE harassment, including recruitment of children, abductions for ransom and extortion. It is widely acknowledged that the LTTE’s recruitment of children for military service and extortion has continued unabated. The LTTE later postponed plans to meet with the government to discuss a peace agreement - initially expected in June – to August 2002.

The government of Sri Lanka currently provides assistance to 726,000 internally displaced people. In addition to this, UNHCR has estimated that there are 917,000 Sri Lankan refugees in other countries, including 120,000 in India. Many will be encouraged to return home in view of the recent peace process, but in view of the fact that some refugees in Tamil Nadu have returned from Sri Lanka two or three times suggests that reluctance to return is likely. The Organisation for Eelam Refugees Rehabilitation (OFERR) reports that most refugees will not consider returning without a guarantee of long-term peace.

GOVERNMENT FORCES: (not proposed for inclusion on 1379 list)

National Recruitment Legislation and Practice
Recruitment into the Sri Lankan Army (SLA) is voluntary, with a minimum legal recruitment age of 18. There have be no concrete proposals for introducing conscription, although recommended at times by government or army officials.

In the past the army called for applications from candidates under the age of 17, but desisted after appeals from UNICEF and national bodies. In 1992, after ratifying the Convention on the Rights of the Child, Sri Lanka also adopted a Children’s Charter that prohibits recruitment of children under the age of 18 in government armed forces.

The government has used propaganda campaigns and economic incentives to promote recruitment. Troop morale is reportedly low and the desertion rate is believed to be high despite frequent general amnesties.
Military Training and Military Schools
There are various military training institutions. The minimum age for entry is 18, and students are not considered members of the armed forces.12 According to the 1985 Mobilisation and Supplementary Forces Act, the National Cadet Corps is open to those over 16 (Sections 40(1), 51(h)). It provides pre-military and civil training to students, but cadets may not be called to active service and are not members of the armed forces (Section 49). However there are reports that senior schoolboys are required to perform civil defence duties normally performed by Home Guards in the Dimbulagala and Welikanda area of Pollonaruwa district.13

Government Treatment of Suspected Child Soldiers
When hearing Sri Lanka's Initial State Party Report in 1995, the UN Committee on the Rights of the Child recommended the government submit further information within two years on "[t]he effects of the armed conflict on children, their participation in combat and the way authorities handle child soldiers prisoners of war." 14

The age for criminal responsibility under the Prevention of Terrorism Act (PTA) is 16, thereby making children over the age of 15 responsible for alleged activities with the LTTE, which is considered a terrorist group by the government. Human rights lawyers have reported that children arrested under the PTA on suspicion of involvement with the LTTE can face years in detention.15 Amnesty International reported a number of cases of children arrested on suspicion of being LTTE guerrillas and then tortured in custody.16 It is claimed that there are more teenage than adult LTTE fighters in government custody because children are more reluctant than their adult counterparts to take the cyanide capsule when they surrender or are wounded.17

Children who fight with the LTTE and then escape, surrender or are captured are usually interrogated at Special Task Force (STF) barracks, but may also be sent to Colombo for further questioning by the Terrorism Investigation Division (TID), a division of the Sri Lankan police. They may be returned to their families, but are still obliged to report to the STF thereafter, some being used as spies and infiltrators for their contacts on both sides. Captured and surrendered child soldiers have at times also been used for propaganda purposes. For instance, 14 children who surrendered in October 1998 were paraded in front of the media and diplomatic corps by Sri Lankan Defence officials.18


PRO-GOVERNMENT PARAMILITARIES

Home Guard and Civil Defence Forces (CDF): should be monitored
The government created several paramilitary forces in the 1980s including the (Muslim) Home Guard, later known as the Civil Defence Forces. They are armed by the government and collaborate with the armed forces at the local level.20 The Home Guard and CDFs were known to recruit school boys in the past because of the demand that every household should contribute one member to the force, however this is no longer believed to be the practice.21 The government also has the power to mobilise auxiliary forces, which have not specified a minimum recruitment age,22 therefore these groups should be monitored.

Eelam People’s Revolutionary Liberation Front (EPRLF), People’s Liberation Organisation of Tamil Eelam (PLOTE), Tamil Eelam Liberation Organisation (TELO): should be monitored
Given past reports of child recruitment by the EPRLF, PLOTE and TELO, and lack of documentation about their recruitment practices currently, these groups should be monitored.23 These groups fought against the government in the 1980s, but later shifted alliances and received government support. Past reports included cases of young men between the ages of 14 to 17 being forcibly recruited, for example in Batticaloa town.24 The PLOTE, like other paramilitary groups, maintains a student wing. In February 1999, a 17-year-old member of the PLOTE’s student organisation was shot and critically wounded by unidentified assailants in Vavuniya.25

NON-STATE ARMED GROUPS

Liberation Tigers of Tamil Eelam (LTTE): proposed for inclusion on 1379 list
The LTTE have recruited and used children as soldiers throughout the Sri Lankan civil war, some as young as nine years old.26 The LTTE reportedly began recruiting large numbers of women and children after declaring war against the 100,000-strong Indian Peace Keeping Force in October 1987. UNICEF has estimated that the age of recruited children is mostly between 14 and 17.27 The LTTE has made repeated promises since 1998 to end their use of child soldiers, but even despite the cease-fire of December 2001 child recruitment and use as soldiers has continued.28

In May 1998 the LTTE made a commitment to the UN Special Representative of the Secretary-General on Children and Armed Conflict, not to recruit children under 17 or to use children under 18 in hostilities.29 At that time the LTTE made no commitment to release children already recruited.30 In a meeting with the UN in early 2001, the LTTE claimed they do not recruit under 17-year-olds, but rather that those recruited are “mistakes”. They promised to investigate any such reports and to release all children under the age of 17. They also promised to publicly announce 17 as the minimum recruitment age, and accordingly put up a sign to this effect near the UN compound near Vanni.31

In June 2002 the LTTE reassured UNICEF that it would not recruit anyone under the age of 18. According to this recent agreement, UNICEF will maintain a central information system of all confirmed cases of under age recruitment for a follow up during regular discussions with the LTTE.32 Political chief S.P. Thamilselvan also told an Amnesty International (AI) delegation at the in June that the minimum recruitment age has been set at 18 years, in compliance with the adoption of the Optional Protocol,33 that the group would no longer recruit children for military service and that all children
under 18 had been returned to their parents. AI placed twenty-six individual cases of child recruitment before the LTTE for clarification. The LTTE assured AI that they would investigate and report back on the 26 cases. On June 30, at least six girls aged between 13 and 14 who had been recruited by the LTTE surrendered themselves to the police at the Mahoorya post. Press reports citing Sri Lankan police said the girls told police they were among some eighty children currently being trained in an LTTE military camp in Sittandy, near Batticaloa.

It is not certain how many children are currently serving with the LTTE. In 1998, after LTTE first claimed it was restricting under-18s to training and support functions and not recruiting children under 17, an assessment of LTTE fighters killed in combat revealed that 40 per cent were under 18 years of age. Another study indicated that at least 60 per cent of LTTE fighters killed in combat were under 18, mostly between 10 to 16 years of age and including girls. A group of LTTE child soldiers who surrendered in October 1998 claimed that 75 per cent of LTTE fighters are children. Continuing recruitment was also reported in 1998; Human Rights Watch reported that in October hundreds of children were recruited from the Batticaloa area, and shortly after another 64 children were taken from one school. That month UNICEF expressed its concerns, and in November the Special Representative of the Secretary-General on Children and Armed Conflict (SRSG-CAC) appealed to the LTTE to fulfil its commitments. But the LTTE then stepped up its recruitment drive in the eastern Batticaloa district, with at least 150-200 children added to its ranks.

In October 1999, 49 children, including 32 girls aged between 11 and 15 years of age were among the 140 LTTE cadres killed in a battle with the security forces at Ampakamam in the north. The bodies were handed over to the Red Cross, which declared the use of the children as a war crime. The SRSG-CAC again appealed to the LTTE to respect its commitments.

In May 2000 an intensive LTTE propaganda and recruitment campaign, in celebration of a key LTTE victory at Elephant Pass, was reported. Classes were suspended for compulsory military training of children above grade nine (age 14 and over). One school in Mallavi reported increasing child recruitment – from four children in April 1999, to 15 by early 2000 and 24 children in June 2000. Nine of these children are believed to have been killed within one year: The bodies of six former students were displayed as ‘martyrs’ to other pupils at the school. At another school, 20 girls were recruited. Five of the girls, aged 14 and 15, who wanted to leave the military camp were locked up and ill-treated; three finally escaped. In July 2000, UNICEF again publicly accused the LTTE of reneging on its previous promises. But in December 2000 a government offensive resulted in the deaths of 31 child soldiers in one weekend.

Recruitment continued unabated in 2001 and 2002, despite the February 2001 ceasefire which contains provisions to protect civilians from abuse. In particular, Article 2.1 states: “Parties shall in accordance with international law abstain from hostile acts against the civilian population, including such as acts as torture, intimidation, abduction, extortion and harassment.”

Human Rights Watch has received numerous reports of child recruitment, often through abduction and forced recruitment, since February 2002. According to a 22 May 2002 press report, Jaffna mothers are considering forming a Mothers’ Front against forcible recruitment to combat LTTE child recruitment. Forced recruitment of children has continued to compel families to flee their homes. On the afternoon of 12 June 2002 the military reported that 28 people, including 19 children had arrived at an army checkpoint in Mankerny, north of Batticaloa after fleeing their villages. Fourteen children accompanied by relatives from the villages of Kovilkudiyiruppu and Panchchankerni told a journalist their families left after the LTTE in the area demanded that children join their ranks. Five other children, including two ten year olds, a boy of 13 and a boy of 14 travelled without family members, sent by parents who could not themselves leave.

In July 2002 the Sri Lanka Monitoring Mission (SLMM) released a statement admonishing the LTTE for recruiting children, saying that they had received 44 complaints that the LTTE had forcibly conscripted or recruited children since the February ceasefire. The statement came after a Sri Lanka human rights group accused the mission of failing to secure the release of a single child recruit from the LTTE. By 15 August the SLMM reported a total of 55 cases of underage recruitment and 43 cases of abduction. In addition, the monitors are inquiring into another 125 complaints of child recruitment and 116 cases of abduction. In August the LTTE insisted in a meeting with the SLMM that allegations of child conscription were false, but later promised an internal investigation and necessary action.

Casualties among under-18s have also been reported since February, including the death of seventeen-year-old Selvam Ranjan (LTTE alias Umanesan) at the LTTE’s Vaalathoddam training camp near Verugal, who was reportedly killed when his gun accidentally went off at the ceremony marking the completion of his LTTE training on 24 May.

The LTTE has in the past used propaganda to encourage every family to give a son or daughter to the cause and has militarised Tamil schools – sometimes for use as military training grounds. Most teachers reportedly comply with LTTE directives or are forced out of the classroom during recruitment sessions; those who make their opposition known face harassment and attack. Powerful speakers are said to visit schools and deliver fiery speeches about the brutality of the Sinhalese army to inspire the youngsters to join the movement and become ‘heroes’. Opposition to such recruitment has encouraged the LTTE to promise children that their education will not be interrupted if they join, since classes will be held in the camps. One source claimed that “parents in these [areas controlled by the LTTE] are reluctant to send their children to schools, since they fear their children would be recruited to the LTTE military wing.” Another indication of parental concern is the reluctance of some internally displaced Tamil people to register at welfare-centres.

LTTE ‘orphanages’ for children displaced in the fighting are also centres for indoctrination and recruitment. One report cites the case of a child left in a LTTE-sponsored orphanage, Red Blossomed Garden; three years later the child’s mother received a coffin with the remains of her 13-year-old child. The elite Sirasu Puli (Leopard Brigade), one of the LTTE’s fiercest fighting forces, is reportedly composed entirely of children drawn from LTTE-orphanages.

Young Tamil girls, often orphans, have also been systematically recruited by the LTTE since the mid-1980s. The LTTE claimed that this is its way of “assisting women’s liberation and counteracting the oppressive traditionalism of the present
system.” The Sri Lankan military believes that half of the LTTE troops are female, known as ‘Birds of Freedom’ by their fellow fighters. Like boys, they receive training and are told stories of glory from Hindu epics about women who battled enemies of the Tamil people. Government sources have claimed females are deliberately chosen as suicide bombers because they may be more able to evade close body searches at checkpoints. In December 2000, the bodies of 14 girl soldiers were recovered by troops following a confrontation with the LTTE in Jaffna. The United States Department report on people trafficking added sexual exploitation of children to the allegations usually levelled against the LTTE.

According to a study presented to the Asia-Pacific Conference on the Use of Children as Soldiers in Kathmandu in May 2000, interviews with 19 former LTTE child soldiers revealed that seven had joined out of fear of abduction by the “enemy”, three joined for economic reasons, while others joined for revenge or the thrill of being a freedom fighter. A majority attempted escape at least once or disobeyed orders, resulting in trivial punishment such as kitchen duty or severe punishments such as detention in hot and dark rooms, blackmail and threats to family members, or death threats. Another report estimates that only 5 percent of recruits are truly ‘volunteers’.

A typical unit of children is trained for four months in the jungle. All links between the children and their families are broken and discipline is strict. Training became tougher after 1990, including attacking weakly defended border villages, when children began to be used in combat on a larger scale. In April 1999, compulsory self-defence training was reported to be instituted for civilians between the ages of 16 and 45 in LTTE controlled areas. Trainees are reportedly used in the border force for defensive and ordinance tasks.

“I didn’t know why I had to fight government soldiers. A rebel leader just told me that I had to kill as many soldiers as possible for independence…. at marching drills in the hot sun. I was frequently punished. I really was not very good. I just want to be a good girl and have a normal life” - 14 year old girl kidnapped by LTTE at age 8.

Overlooking vast tea gardens and flower farms, a tin-roofed building on a small hill echoes with the laughter of boys playing an unusual game of charades. One gestures as if ploughing a rice field. Another playmate hazards a guess: “He is digging a mass grave”. “No”, says another. “He is bayonetling a half-dead soldier” - Bandarawela Rehabilitation Centre, just weeks before the massacre.

DEVELOPMENTS

International standards

The prohibition on the recruitment of children under the age of 15 into both armed forces and armed groups has now acquired a customary international law status, and is therefore binding on all armed forces and armed groups in Sri Lanka. Moreover, the Government of Sri Lanka has ratified the Convention on the Rights of the Child, which prohibits recruitment and deployment of children under age 15 in the armed forces (Article 38). Sri Lanka’s ratification of the OP-CRC-CAC further commits the Government to take all feasible measures to prevent the recruitment and deployment of children under 18, whether by government forces or armed opposition groups, and to demobilise and rehabilitate all former child soldiers. The government supports a “straight-18” ban on the use of children as soldiers. In its binding declaration upon ratification, Sri Lanka stated that there is no compulsory, forced or coerced recruitment into the national armed forces; recruitment is solely on a voluntary basis; and the minimum age for recruitment into the armed forces is 18. Sri Lanka has also ratified ILO Convention 182, which includes forced recruitment of under-18s among the worst forms of child labour.

Since 1998 the LTTE has made numerous political commitments to international bodies pledging to stop recruiting children under the age of 18 and to return all under-18s to their families. These commitments were most recently affirmed in June 2002, but as yet have not been upheld.

III. RECOMMENDATIONS

• The UN Secretary General should bring the situation in Sri Lanka to the attention of the Security Council through the implementation of Article 99 of the UN Charter
• The UN Security Council should make the situation in Sri Lanka, including the extensive involvement of children in armed conflict, a high priority
• The UN Secretary General should include the LTTE on the list for submission to the Security Council under paragraph 16 of SC Resolution 1379
• The Security Council and OSRSG-CAC should monitor the recruitment and use of children by the EPRLF, PLOTE, TELO, the Home Guard and Civil Defence Forces to ensure that no persons under the age of 18 are recruited
• Non-state armed groups including the pro-government paramilitaries should declare their commitment to the CRC-OP-CAC and also a “straight-18” standard for recruitment
• The government, paramilitary and armed groups should establish mechanisms to implement provisions of the CRC-OP-CAC, including child demobilisation and rehabilitation programmes, and to monitor its implementation
• The government should revise military and criminal code provisions regarding children who take part in hostilities or are recruited into armed forces or groups, in particular the Prevention of Terrorism Act, in accordance with international standards of juvenile justice
• Government should criminalise the recruitment and use of children for military purposes by any armed force or group
• The government should provide alternatives to military recruitment, such as increasing employment and education opportunities.

1 For example, see the Written statement submitted by International Educational Development to the Secretary-General, in UN doc. E/CN.4/1998/NGO/113, 22 April 1998.
4 The Times of India, The LTTE hardens stand, talks may be delayed, 19 July 2002.
7 Sambandan, V.S., 'Debate over Army recruitment in Sri Lanka', The Hindu, 29/1/00.
8 Summary records of 228th meeting, UN Doc. CRC/C/SR 228, 13/6/95, para. 16.
9 This document is only a policy paper without legal force.
10 "SLA launches recruitment drive", TamilNet, 24/11/98.
12 Information provided by UNICEF to CSC on 17/3/01.
13 Al, Children in South Asia: securing their rights, ASA 04/01/98.
14 Concluding observations of the CRC, UN Doc. CRC/C/15/Add. 40, 21/6/95, para. 44.
15 Information provided by HRW, 1/99 and 4/00.
17 Gunaratna, R., "LTTE child combatants", Jane's Intelligence Review, 7/98.
18 Cruz, D., "Sri Lanka shows rebel child soldiers to media", Reuters, 7/1098; Sambandan, V.S., "Drawn young, they know not what war is", The Hindu, 8/10/98; Elamby, N., "Sri Lanka Government shows kid soldiers", Associated Press, 8/10/98.
19 Open letter to Sri Lanka President from AI dated 27/10/00.
21 Information provided by INFORM, July 2002.
22 Section 52(1) of the 1985 Mobilisation and Supplementary Forces Act.
23 Other groups such as the Eelam Revolutionary organisation of Students (EROS), the Tamil Eelam Army/Tamil Eelam Liberation Army (TEA/Tela), the Eelam Revolutionary Communist Party (ERCP), the Tamil Eelam National Army (TENA) and the People's Revolutionary Red Army (PRRA) have disappeared.
24 Al, Children in South Asia: securing their rights, ASA 04/01/98.
25 "PLOTE's student wing cadre wounded", Tamilnet, 5/2/99.
26 Al, Children in South Asia: securing their rights, ASA 04/01/98.
27 UNICEF, 17/3/01 op. cit.
32 The Hindustan Times, "Most of the LTTE fighters are kids, say Tiger captives", 4/10/98.
33 Information provided to the CSC by HRW, 1/99.
39 The Hindustan Times, "Most of the LTTE fighters are kids, say Tiger captives", 4/10/98.
40 Information provided to the CSC by HRW, 1/99.
41 "UNICEF concern at Tigers recruiting children", BBC News, 8/10/98.
44 Associated Press, "Sri Lanka army says rebels using child combatants", 21/10/99; The Times of India, "LTTE continue to use child conscripts", 21/10/99.
45 University Teachers for Human Rights – Jaffna; Bulletin No 23, 11/7/00. See also Balachandran, P.K., "'Join us, be a hero', new LTTE mantra", The Hindu Times, 2/2/00.
46 UN Wire, 13/7/00.
47 Daily News, 28/12/00.
51 Ibid.
52 Agence France-Press, "Monitors admonish Tamil Tigers over recruitment of child soldiers", 29 July 2002. See the extensive report by the University Teachers for Human Rights (Jaffna), The plight of child conscripts, social degradation and anti-muslim frenzy, Special report No. 14, July 2002.
56 Gunaratna, R., "LTTE child combatants", Jane’s Intelligence Review, 7/98.
58 Balachandran, P.K. "'Join us, be a hero', new LTTE mantra", The Hindustan Times, 2/2/00.
59 Information from University Teachers for Human Rights quoted in "Amnesty mounts battle against use of Tamil Tiger child soldiers", AFP, 30/5/99.
61 "Tigers' refugee children returning home in coffins"; AFP, 17/07/00.

Associated Press, 24/12/00.


CSC Update 4, 8/00 quoting UTHR report op.cit


Bangkok Post, 16 August 2000.

Associated Press, 9/9/00.
I. SUMMARY

| Parties proposed for inclusion on 1379 List: | PDF; pro-government militia; SSDF; SPLM/A; LRA |
| Relevant international obligations: | Customary law (no Under-15s); CRC; (signed CRC-OP-CAC 08/05/2002) |

RECORD ON RECRUITMENT AND USE IN ARMED CONFLICT OF CHILDREN UNDER THE AGE OF 18:

There has been extensive use of child soldiers, including some as young as ten, by both government and opposition armed forces. On 19 April 2002, the UN Commission on Human Rights adopted a resolution expressing deep concern at the use of children as soldiers in Sudan. This followed a report by the UN Special Rapporteur on the Situation of Human Rights in Sudan, of continued recruitment by militias on both sides of the conflict.

In the past, the government has also provided military support to the Lord’s Resistance Army in Uganda, which has abducted and forcibly recruited thousands of children. The Government of Sudan signed the CRC-OP-CAC on 08/05/2002, but has not yet ratified. Current domestic legislation permits compulsory recruitment of 17-year-olds.

Armed opposition groups, including the SPLA, are known to have children in their ranks. Between February 2001 and the end of January 2002, UNICEF demobilised approximately 8,000 children released by the SPLA.

II. COUNTRY PROFILE

RELEVANCE: on the Security Council Agenda

GOVERNMENT: proposed for inclusion on 1379 List

National Recruitment Legislation and Practice

Article 35 (1)(b) of the Constitution adopted in June 1998 provides, “Every citizen shall defend the country and respond to the call for national defence and national service.” The National Service Law of 1992 provides that all men between 18 and 33 years old are liable for military service. Military service lasts for 24 months, except for high school graduates who serve 18 months and university and college graduates who serve 12 months. In 1997, the government also issued a Decree by which all boys of ages 17 to 19 were obliged to obliged to serve between 12 and 18 months in the military to be able to receive a certificate on leaving secondary school, which is required for entry into a university. Government forces have a long record of recruiting and using children as soldiers (see below).

GOVERNMENT-ALLIED PARMAILITARIES AND ARMED GROUPS: proposed for inclusion on 1379 List

Paramilitaries and armed groups aligned with the government of Sudan have a long history of forced recruitment, including of children under 18 and as young as 10. The Popular Defence Forces (PDF), a militia with a formal relationship to the authorities, was reported to have recruited, often forcibly, thousands of children. Levels of child recruitment are believed to have fallen since the mid-1990s. In March 2002, Human Rights Watch reported that the government army and allied militia forces continue to abduct women and children during on-going raids in southern Sudan.

The government has also continued its policy of arming militias of the Baggara tribes (the “murahaleen”) of Western Sudan. These tribes carry out raids into southern Sudan, primarily against the Dinkas in Bahr el Ghazal, while they are accompanying and guarding troop trains to the southern garrison town of Wau. The murahaleen are reported to have captured women and children who are then taken north where they are sold as slaves. During his mission to Sudan from 2-9 March 1999, Special Representative of the Secretary-General on Children and Armed Conflict (SRSG-CAC) raised his concerns regarding the child abduction, particularly in the railway corridor linking Babanusa in the north and Wau in the south. The UN Special Rapporteur’s 2002 report indicated that government-supported murahaleen militias were in particular deeply implicated in abductions and targeting of civilians.

Pro-government militias in southern Sudan are also reported to use children as soldiers. Paulino Matip, in his government-armed militia, is reported to have forcibly conscripted boys as young as 10 to serve as soldiers.

South Sudan Defence Forces (SSDF): proposed for inclusion on 1379 List

The South Sudan Independence Movement/Army (SSIM/A ), a breakaway faction of the opposition Sudan People’s Liberation Army/Movement (SPLA/M) that entered a peace agreement with the government, was recognised as the South Sudan Defence Forces (SSDF) in 1997. In 1998, the SSDF, UNICEF and Save the Children Sweden agreed on a program to demobilise child soldiers. The program had registered and demobilised 280 child soldiers aged 10-18, when, in May 1999, fighting broke out between the SSDF and another government-controlled militia. The children, living in a transit centre in Thonyor, near Ler, Western Upper Nile, southern Sudan, were scattered into the surrounding area, many becoming remobilised by the factions. In 2000, some 200 were re-demobilised and an additional 88 demobilised for the first time.

NON-STATE ARMED GROUPS

**Sudan People’s Liberation Movement/Army (SPLM/A): proposed for inclusion on 1379 List**

In a report to the 56th session of the Commission on Human Rights, the Special Rapporteur reported that the Sudan People’s Liberation Movement/Army (SPLM/A) was responsible for forcibly recruiting children in Eastern Equatoria in December 1999. In 2000 and 2001, the US State Department and Human Rights Watch reported the continued use of children as soldiers. In March 2002, Human Rights Watch reported that, although the SPLM/A demobilised more than 3,000 child soldiers the previous year, many more remained in its forces and in the forces of other rebel groups.

Representatives of the SPLA have repeatedly assured the Special Representative of the UN Secretary-General for Children and Armed Conflict, the UN Special Rapporteur on the situation of human rights in the Sudan and UNICEF’s Executive Director that they would discontinue the use of children as soldiers.

In early 2001, the SPLA released 3,551 children to UNICEF and other organisations for demobilisation programmes. The children were transported from areas in SPLA-held Bahr El Ghazal to the SPLA-controlled town of Rumbek from 23-28 February 2001. The government of Sudan formally protested the evacuation, claiming the airlift was conducted secretly and in violation of agreements between the UN and government. The government also criticised the fact that the children were evacuated to Rumbek rather than being repatriated with their families. The SPLA claimed they were expecting a government dry-season offensive in the area in which child soldiers were deployed and for safety reasons would not place a demobilisation transit centre in that area. Questions have been raised by NGOs about how many of the children released were actually child soldiers.

FOREIGN ARMED GROUPS

**Lord’s Resistance Army (LRA): proposed for inclusion on 1379 List**

Until recently, the Sudanese government also provided military support and protection to the Lord’s Resistance Army (LRA), which used its bases in Sudan to conduct raids into northern Uganda. The LRA has abducted thousands of children since 1987 from northern Uganda for use as combatants, servants, sex slaves, porters and spies. Thousands of these abductees are believed to have died in captivity, while some have escaped. LRA children are subjected to sexual, physical and psychological abuse, forced to march until the point of exhaustion, used on the frontlines, and obliged to participate in the killing of other children who attempt to escape. In 1999, the Government of Sudan made a commitment to the SRSG-CAC to help facilitate the release and repatriation of children abducted from northern Uganda by the Lord’s Resistance Army.

Sudan and Uganda agreed in October 2000 that the LRA would be disarmed and its camps moved 1000 km from the Ugandan border, and that the abducted Ugandan children would be returned. In return, Uganda agreed to halt support for the SPLA. In March 2002, the Governments of Sudan and Uganda signed a protocol, which allowed “access for the friendly Ugandan forces to execute a limited military operation within the borders of the Sudan in order to deal with the Lord’s Resistance Army problems.” Subsequently, the Government of Uganda, supported by Sudanese government forces, launched “Operation Iron Fist” against LRA bases in southern Sudan. In the face of this offensive, the LRA, driven from their four main camps on the eastern bank of the White Nile, scattered into smaller bands and fled into the mountainous terrain, leaving violence and destruction in their wake. The fate of thousands of children within their ranks remains largely unknown.

II. DEVELOPMENTS

**Prevention and demobilisation programs**

UNICEF established a programme to receive 8,000 children released by the SPLM. The SPLM Taskforce on Child Soldier Demobilisation appointed a military representative for each SPLA area to coordinate demobilisation and act as a focal point for child soldier related issues, such as re-recruitment. Save the Children-Sweden has assisted the demobilisation of 1,200 former SPLM child soldiers in Bor County.

On 1 May 2002, five child abductees were returned to their families in the first ever cross-line flight from government to areas held by armed groups. The boys, aged 11-17, were flown from Khartoum to Malwal Kon, northern Bahr al-Ghazal. UNICEF, Save the Children-UK and the Sudanese Government’s Committee for the Eradication of Abduction of Women and Children believe that up to 6000 southern Sudanese children and women may be held against their will in government-controlled northern Sudan.

The government of Sudan has assisted in repatriating a small number of individuals who had escaped from the LRA, including 105 children and adults to Uganda between November 2000 and March 2001. In early April 2002, Ugandan defence officials claimed that some children released by the LRA in the face of Operation Iron Fist were in the hands of the Sudanese government. However, UNICEF officials had at that time received no indication that children were in fact released by the LRA. At the end of June 2002, UNICEF confirmed that the LRA had released 57 children to Ugandan authorities, who transported them to military barracks in Gulu.

**International standards**

The prohibition on the recruitment of children under the age of 15 into both armed forces and armed groups has now acquired a customary international law status, and is therefore binding on all armed forces and armed groups in Sudan. Moreover, the Government of Sudan has ratified the Convention on the Rights of the Child, which prohibits recruitment and deployment of children under age 15 in the armed forces (Article 38). Sudan’s signature to the OP-CRC-CAC is also an important step toward preventing the recruitment and use of children under 18 by its armed forces and opposition groups.
III. RECOMMENDATIONS

- The UN Secretary General should include the PDF, SSDF, pro-government militia and SPLM/A on the list for submission to the Security Council under paragraph 16 of SC Resolution 1379.
- The Sudanese government should ratify the CRC-OP-CAC and also declare its commitment to a ‘straight-18’ standard for recruitment.
- Non-state armed groups including pro-government militia should declare their commitment to the CRC-OP-CAC and also a ‘straight-18’ standard for recruitment.
- The government, paramilitaries, armed groups and militias should establish mechanisms to implement provisions of the CRC-OP-CAC, including child demobilisation and rehabilitation, and to monitor its implementation.
- The government of Sudan should criminalise the recruitment and use of children for military purposes by any armed force or group.

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1 IRIN, UN rights expert records little tangible progress, 02/04/02.
2 IRIN, HRW Highlights continuing concerns, 20/03/2002.
3 IRIN, HRW Highlights continuing concerns, 20/03/2002.
4 IRIN, UN rights expert records little tangible progress, 02/04/02.
8 IRIN, HRW highlights continuing concerns, 20/03/2002.
11 UNICEF, Communication to the Child Soldiers Coalition, 01/07/02.
12 Communication received from Save the Children, 06/08/2002.
13 IRIN, Cross-line Return of Child Abductees, 06/05/2002.
14 UNICEF, “Where are the missing Ugandan children?” 04/04/02.
15 UNICEF, “UNICEF welcomes release of Ugandan Children”, 01/07/02.
I. SUMMARY

Parties proposed for inclusion on 1379 List: UPDF (government army); LRA; ADF; Karamojong

Relevant international obligations:
- Government: Customary law (no Under-15s); ACRWC; CRC; CRC-OP-CAC; GC/API+II; ICC; CRC-OP-CAC (Acceded 06-05-02).

RECORD ON RECRUITMENT AND USE IN ARMED CONFLICT OF CHILDREN UNDER THE AGE OF 18:

There are continuing reports of government recruitment of children, especially into local defence units, despite legislation to the contrary. The Ugandan government has also facilitated recruitment of children by its allies in the Democratic Republic of Congo and trained them on Ugandan soil.

Operation Iron Fist against the Lord’s Resistance Army (LRA) in southern Sudan has highlighted the continued forcible recruitment and use of children by all parties. Several Ugandan opposition forces, especially the LRA, abduct children, who are forced to fight and to serve as domestics and sex slaves.

Uganda acceded to the CRC-OP-CAC on 6 May 2002. Several demobilisation and rehabilitation programmes are currently underway in northern Uganda, run by local and international NGOs.

II. COUNTRY PROFILE

RELEVANCE: on the Security Council Agenda

GOVERNMENT: proposed for inclusion on 1379 List

National Recruitment Legislation

Article 17(1)(e) of the 1995 Constitution states that it is the duty of every citizen of Uganda “[t]o defend Uganda and to render national service when necessary.” Article 34(3) and (4) of the 1995 Constitution states that children (persons under the age of 16 for this specific provision) “[s]hall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development.”

The National Resistance Army (NRA) Statute 3/92, the Conditions of Service Men Regulations 1993, and the Conditions of Services (Officers) Regulations 1993 all require that any recruit must be over 18 and under 30 and must produce a transcript and recommendation from a guardian.

However, in its initial report to the Committee on the Rights of the Child the Government reported: “The substantive law regarding recruitment into armed forces is spelled out in the Armed Forces (Conditions of Service) Regulations 1969. It is provided that the age of recruitment into the army is 18 years. Any recruitment below that age should only be with the consent of the person's parents or guardians or the district administrator of the district in which the person resides. No person under the apparent age of 13 shall be enrolled in the armed forces.” (emphasis added)

Child Recruitment and Deployment

Although the legal recruitment age is 18, the Government of Uganda has readily admitted that child soldiers were used extensively in the 1980s in the struggle by the Museveni-led National Resistance Army. In its initial report to the Committee on the Rights of the Child, government representatives justified the use of these child soldiers as being dictated by the circumstances of the day. The government also contended that measures had been taken to enable recovery and social integration of these children. The government denied that in late 1998 a recruitment drive of youths, many under 18 and often including street children, had been conducted. However, in 2000 reports continued to be received of boys under the age of 18 being recruited by the Ugandan People’s Defence Forces (UPDF). There have also been continued reports of recruitment of under-18s, often forcibly, into Local Defence Units (LDUs), whose membership is determined by local communities.

In the current context of the military campaign against the LRA, known as “Operation Iron Fist”, there have been reports of UPDF recruitment of children in northern Uganda to fight the LRA in southern Sudan. Paradoxically, “protected villages”, set up in response to the on-going abductions by the LRA, have often served as recruiting grounds for child soldiers and “wives” (often cases of early marriage, defilement and rape). In a joint statement to the Security Council on Operation Iron Fist, Uganda and Sudan declared they would “spare no efforts in order to safeguard and maintain the safety of innocent civilians, as well as the safe repatriation of abducted children through the coordination and assistance of the concerned international humanitarian organizations”. But as the conflict has dragged on, Uganda admitted its forces are unable to protect civilians in south Sudan and that children have been killed rather than rescued during UPDF attacks on the LRA. In response to international criticism, UPDF spokesman Bantariza Shaban, emphasised the complexity of the situation, saying the children had been militarised, indoctrinated and trained to resist.

The UPDF has also provided direct assistance to opposition groups in northeastern Democratic Republic of the Congo (DRC) by training and equipping thousands of young recruits, including many children. In particular, the UPDF trained hundreds of recruits from the Hema and Lendu ethnic groups at camps of the Congolese Rally for Democracy (RCD-ML).
in Beni and Bunia. Lendu. Children provided easy targets because many have been orphaned by interethnic killing. In 2000, recruiters for the RCD-ML routinely toured villages in recruitment drives, returning with truckloads of 100 to 200 children and youth aged 13 to 18. UPDF instructors would then provide three to six months of infantry and weapons training at Nyaluke camp. Many children reportedly died before completing the training due to abuse, lack of health assistance and deplorable conditions at Nyaluke.12

Some 700 RCD-ML members, including many under the age of 18, who attempted a coup against the RCD-ML leadership in July 2000 later surrendered to the UPDF and were airlifted to Kyankwanzi School of Political Education/Military Camp in Uganda for military training. In mid-February 2001, the Government of Uganda granted UNICEF full access to a political and military training camp housing Congolese child soldiers and agreed to release those under the age of 18.13 The 165 children identified, including two girls, were to be rehabilitated and reunified with their families.14 However, credible sources report that of these demobilised children, 30-50% have been forcibly re-recruited by opposition groups in the DRC, while at least seven have been killed in fighting in Bunia and elsewhere.15

In February 2001 the UN Security Council passed Resolution 1341 (2001) calling for all armed forces and groups involved in the DRC conflict to bring an effective end to the recruitment and use of children as soldiers and to ensure the speedy demobilisation, return and rehabilitation of such children.16

Treatment of Suspected Child Soldiers
In late 1998 the Ugandan First Deputy Prime Minister Eriya Kategaya announced that an amnesty law would be adopted for members of the LRA who surrender.17 In January 1999 the Ugandan army executed five teenage boys between the ages of 14 and 17 suspected of being ADF fighters.18 The Government of Uganda has repeatedly committed itself to freeing children abducted by opposing forces and handing them over into rehabilitation centres. After an Amnesty Act was passed by Parliament, an Amnesty Commission was established, with offices in Kampala, Gulu, Kitgum, Kasese, Arua and Mbale. Under the Act, all members of opposition forces, including children and those captured in combat, can return to Uganda and benefit from the amnesty.19

NON-STATE ARMED GROUPS
Estimates indicate that between 8,000-10,000 children have been recruited, often forcibly, by various armed groups since 1986.20 In April 2001, the UN High Commissioner for Human Rights reported that about one third of the more than 26,000 cases of abduction recorded to date in Uganda involved children under the age of 18.21

Lord’s Resistance Army (LRA): proposed for inclusion on 1379 List
The LRA, led by Joseph Kony and operating from Sudan (until recently with protection and support from the Sudanese government), has abducted thousands of children since 1987 from northern Uganda for use as combatants, servants, sex slaves, porters and spies. Many of these abductees are believed to have died in captivity, while some have escaped. In November 2001, UNICEF records showed that 5,555 children remained unaccounted for.22 LRA children are subjected to sexual, physical and psychological abuse, forced to march until the point of exhaustion, used on the frontlines, and obliged to participate in the killing of other children who attempt to escape. Reports have indicated a high level of sexually transmitted diseases among abducted girls, who are forced to serve as “wives” and sex slaves.23

In 2000, the UN Commission on Human Rights condemned the strongest terms the Lord’s Resistance Army for the abductions, torture, killing, rape, enslavement and forcible recruitment of children in northern Uganda.24

Allied Democratic Front (ADF): proposed for inclusion on 1379 List
The Allied Democratic Front (ADF), now lacking centralized organisation and present only in small groupings in the DRC, formerly recruited children as guards, labourers and combatants.25 According to UNICEF’s registration system, the ADF has abducted 1,292 children. As of November 2001, 368 were still missing.26

Other Armed Groups: proposed for inclusion on 1379 List
Armed members of the Karamojong, a marginalised minority group in the Northeast of Uganda, have also reportedly abducted children for similar reasons. Armed gangs of Karamojong rustle cattle and ambush and raid vehicles, at times extending across the borders into Kenya and Sudan and on numerous occasions provoking serious incidents with neighbouring countries. Other armed opposition groups include the Ugandan National Rescue Front, in the Northwest, and the Tabliqs, a Muslim group with an estimated strength of about 400 men.27 It is not known whether these groups recruit or use under-18s as soldiers.

DEVELOPMENTS
Child Protection and Demobilisation Programmes
At the International Conference on War-Affected Children held in Winnipeg in September 2000, the government of Uganda signed a joint statement with representatives of Canada, Sudan and Egypt pledging to take immediate action to free abducted children.28 While the Government of Sudan appears to have stopped supporting the LRA, it has repeatedly reneged on commitments to facilitate the release of child soldiers being held by the LRA in camps located in southern Sudan and has reportedly stalled two separate meetings scheduled to monitor progress on the Winnipeg agreement.29 The government of Sudan has assisted child protection agencies in repatriating children and adults who escaped from the LRA between November 2000 and March 2001.

In March and April 2001 (following a request of the UN Commission on Human Rights in 2000) a mission from the Office of the High Commissioner for Human Rights, with participation from UNICEF and the Office of the Special Representative of the UN Secretary-General for Children and Armed Conflict, visited Khartoum, Nairobi, Kampala and northern Uganda to examine the issue of abducted children.
The fate of thousands of children implicated in and affected by “Operation Iron Fist” is unknown. In early April 2002, Ugandan defence officials claimed that some children were in the hands of the Sudanese government and will eventually be turned over to humanitarian agencies. However, UNICEF officials had at that time received no indication that children were in fact released by the LRA.\(^1\) In June 2002, the LRA released 57 children, who were transported from Atiak to the Child Protection Unit at the 4th Division HQ in Gulu for registration and demobilisation, before being transferred to child protection agencies in Gulu, Kitgum and Pader.\(^2\)

**International standards**

The prohibition on the recruitment of children under the age of 15 into both armed forces and armed groups has now acquired a customary international law status, and is therefore binding on all armed forces and armed groups in Uganda. Moreover, the Government of Uganda has ratified the Convention on the Rights of the Child, which prohibits recruitment and deployment of children under age 15 in the armed forces (Article 38). Uganda’s recent accession to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict further commits the Government to take all feasible measures to prevent the recruitment of children under 18, whether by government forces or armed opposition groups, and to demobilise and rehabilitate all former child soldiers. In addition, the Government of Uganda has ratified the African Charter on the Rights and Welfare of the Child, which sets 18 as the minimum age for recruitment into military forces, and International Labour Organisation Convention 182, which includes forced recruitment of under-18s among the worst forms of child labour. The Ugandan Government has ratified the Rome Statue for an International Criminal Court, which criminalises recruitment and use in hostilities of children under the age of 15, by any armed force or armed group.

**III. RECOMMENDATIONS**

- The UN Secretary General should include the UPDF, LRA, ADF and Karamojong on the list for submission to the Security Council under paragraph 16 of SC Resolution 1379.
- The Ugandan government should establish mechanisms to implement provisions of the CRC-OP-CAC, including child demobilisation and rehabilitation, and to monitor its implementation.
- The government of Uganda should criminalise the recruitment and use of children for military purposes by any armed force or group.
- The government should revise military and criminal code provisions regarding children who take part in hostilities or are recruited into armed forces or groups, in accordance with international standards of juvenile justice.
- The government of Uganda should provide alternatives to military recruitment, such as increasing employment and education opportunities, particularly for vulnerable children in refugee diaspora and tribal areas.

1. Initial report of Uganda to the CRC, UN Doc. CRC/C/3/Add.40 of 17/6/96, paras. 228-232.
5. Correspondence to CSC from local sources, 24/05/02.
8. AFP. Ugandan Army says unable to protect civilians in south Sudan, 12/05/02.
10. Ibid.
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YUGOSLAVIA
Federal Republic of Yugoslavia (Serbia and Montenegro)

I. SUMMARY

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RECORD ON RECRUITMENT AND USE IN ARMED CONFLICT OF CHILDREN UNDER THE AGE OF 18:
Information on the legal minimum recruitment age (Conscripts register at 17, Volunteers at 16) indicates that there may currently be under-18s in government armed forces. The government has not ratified the CRC-OP-CAC.

There was considerable evidence of the use of child soldiers by armed opposition groups, especially the KLA, UCPMB and Free Montenegro group, during the past conflict. In renewed violence in Macedonia, some under 18-year-old members of ethnic Albanian separatist groups were apprehended.

Government-allied paramilitaries also recruited and deployed children under 18 in recent conflict situations.

II. COUNTRY PROFILE

RELEVANCE: on the Security Council Agenda
The FRY is currently subject to the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the territory of the former Yugoslavia. Before its dissolution Yugoslavia was comprised of six republics -- Slovenia, Croatia, Bosnia-Hercegovina, Serbia (with two formerly autonomous provinces: Vojvodina and Kosovo), Montenegro and Macedonia. The Federal Republic of Yugoslavia now comprises the Republics of Serbia and Montenegro, and continues to face insecurity.

Fighting between the Kosovo Liberation Army (KLA) and the Yugoslav armed forces began in 1998 and came to an end in June 1999 following NATO air strikes; peacekeeping forces entered the area and Serb military and militia withdrew. The United Nations Mission in Kosovo (UNMIK) has all executive and legislative authority in Kosovo supported by the military contingent KFOR. In May 2002 there were just over 37,000 troops of the Kosovo Force (KFOR) in theatre.

Renewed threats emerged in spring 2000 from the UCPMB, an ethnic Albanian armed group operating east of Kosovo on the Serbian side of the border. Fighting has also flared between ethnic Albanian separatists and government armed forces in the Former Yugoslav Republic of Macedonia (FYROM). There have been reported links between the ethnic Albanian armed groups in FYROM and the former, supposedly disbanded, Kosovo Liberation Army. In its northern territory too, the Federal Republic of Yugoslavia faces claims for autonomy for Vojvodina by a Hungarian National Council established in August 1999.

GOVERNMENT: (not proposed for inclusion on 1379 List)

National Recruitment Legislation and Practice
Article 63 of the 1992 Constitution upholds that "[D]efence of the Federal Republic of Yugoslavia shall be the right and the duty of every citizen" and Article 137 specifies that "[C]ompulsory military service shall be universal and performed in the manner established by federal statute". However it also states, "A citizen who is a conscientious objector for religious or other reasons and does not wish to fulfil his military obligation under arms shall be permitted to serve in the Army of Yugoslavia without bearing arms or in civilian service, in accordance with federal law." Military service is regulated by the provisions of Articles 279 to 336 of the Law on the Yugoslav Army. According to Article 288(2) of this law, Yugoslav citizens must register for service at the beginning of the calendar year they will reach 17 years of age. However, pursuant to Article 291(1) of the same law, service does not occur until the calendar year in which the recruit turns 18 (thus including some 17 year olds). Voluntary recruitment is possible from the beginning of the calendar year in which a potential recruit reaches the age of 17, thus including some 16 year olds.

The minimum age limit is valid in wartime at the order of the President of the Republic. However, Articles 301 and 302 of the Law on the Yugoslav Army state that a recruit is sent to perform military service at the age of 21 (or at the earliest, by volunteer demand, the year they turn 18). Military service lasts 12 months. Women cannot perform any kind of military service.

There have been reports of draft evasion and desertion throughout the various crises in Bosnia, Croatia and Kosovo. Press-gang-style round-ups by police of military-age males for conscription in Montenegro were also reported. In March 1999, Human Rights Watch denounced forced recruitment into the Yugoslav army and was concerned by the proposal to reinstate the death penalty "in an effort to threaten and intimidate Serbs opposed to the conflict in Kosovo or unwilling to perform military service". Many cases of desertion were also reported, with rebellions by soldiers and their parents.

It is not known whether Yugoslav armed forces included minors during the Kosovo conflict. However, the freedom of movement of children was restricted with an eye to prevent recruitment; all children over the age of 13 were required to
carry an identity card and boys were not allowed to leave the country. Another source claimed that prohibitions on leaving the country applied to boys from 15 years of age and up.

Military Training and Military Schools
The minimum age of entry into military schools is 16. Students are not considered members of the armed forces. In case of a state of war, students who are under the age of 18 are reportedly dismissed.

PRO-GOVERNMENT PARAMILITARY GROUPS: should be monitored
Serb paramilitaries had a reputation for using children as young as 10 years old as soldiers during the conflicts in Bosnia and Croatia from 1992 to 1995. There is also evidence that Serb paramilitaries used minors in the recent Kosovo crisis. One report suggests 100 ethnic Serb children were recruited from FYROM.

"My name is Stevica, and I'm 15 years old. I live in one village near Skopje, but for the last five months I've been in Nis (Serbs) and I work there, I prepare the weapons, I write reports from the field and I cook. I work for the Serb Tigers. There are 100 of us from Macedonia but we are all Serbs". – 15 year old ethnic Serb from Former Yugoslav Republic of Macedonia.

NON-STATE ARMED GROUPS
Kosovo Liberation Army KLA): should be monitored
The KLA (otherwise known as the Ushtria Clirimtare e Kosoves – UÇK) was officially dissolved in spring 2000. Demilitarised KLA soldiers in the FRY now form part of a civilian protection service called TMK, which prohibits the recruitment of juveniles. But some sources claim the KLA has been linked to the Albanian armed groups in neighbouring FYROM and Southern Serbia, which were responsible for the upturn in fighting in those areas. The KLA has a record of recruiting and using children as soldiers, and therefore should be monitored.

At the height of the conflict in April 1999, the self-styled ‘Government of Kosovo’ ordered a general mobilisation for all Kosovar men within and outside Kosovo between 18 and 50 years of age. The KLA organised recruitment in many parts of Western Europe. Some 1,000 children from Macedonia were said to have joined the KLA, a claim supported by the FYROM Minister of Interior, Mr Pavle Trajanov, who declared in April 1999 that the KLA was attempting to destabilise the FYROM by recruiting on its territory. He also said that teenagers were among those recruited and he named some 20 villages where the KLA operated freely. Some recruits from other countries also were under 18, for instance a 17-year-old female high school student from the Bronx in New York. Not all recruitment by the KLA has been voluntary; there were some reports of press-ganging, notably among refugee populations. KLA attempts to recruit refugees were said to specifically target high school students. In response to this threat, UNICEF in close collaboration with the Albanian government, UNHCR, WHO and other partners developed the Child-Friendly Spaces Initiative within refugee camps. One of the specific aims of this was to lower the risk of sexual exploitation/trafficking, juvenile delinquency and military recruitment.

The participation of children in the KLA was confirmed in October 2000 when the International Organisation for Migration in Kosovo released details of the registration of 16,024 KLA soldiers, ten percent of whom were children. The majority were 16 and 17 years old, and approximately 2 percent were below the age of 16. Most were girls recruited to carry out domestic tasks in military camps.

Journalists provided vivid anecdotal information on children as young as 14, both boys and girls, fighting with the KLA. Shote, a 14-year-old girl told one journalist: "I'm not afraid. We are prepared to fight. We don't do the cooking here, we fight with our friends". She was trained in single sex groups, but worked in mixed units. She claimed to have taken part in all big battles around the Drenica region and to have already killed - which as she explained was not difficult "when we know who we are killing". Other girls in the KLA included a 15-year-old daughter of a soldier who said: "I'm a soldier, my son is a soldier, my daughter is a soldier, and all my 11 children are going to be soldiers. We will continue this until we win our freedom".

"Why should I look forward to living when my sisters are being raped and when children are dying in their mothers' arms of starvation?" and who added: "I'll die happy if the first bullet kills me. I will die for freedom of Kosovo". – Elinda Muriqui, 16 year old female KLA recruit from the USA.

"we are mobilised. We did not have choice. Anyway, I wanted to join the army. I started to train. We walk, we run... Next week, I will learn to shoot with a Kalashnikov".-- Ardian, 17 year old boy trained to go to the frontline for the KLA.

FREE MONTENEGRO: (now defunct)
Free Montenegro, now defunct, recruited and used children as soldiers. They were said to recruit individuals "between 15 and 55 who are ready to die for Montenegro".

Liberation Army of Presevo, Bujanovac and Medvedja (UCPMB): should be monitored
The UCPMB is an Albanian armed group operating in southern Serbia whose operations are reportedly controlled by the Political Council for Presevo. UCPMB recruits include children in their mid-teens to men in their forties. Further confirmation of the participation of child soldiers came when KFOR detained 16 juveniles (aged 15-17) in the first two months of 2001 for alleged involvement in the conflict (although the degree of “involvement” is not clear). The international media claim juveniles are forcibly recruited into this group. A 15-year-old Albanian male, suspected of being a soldier, was reported shot dead on 23 March 2001 in the Ground Safety Zone near Gnjilane.
INTERNATIONAL FORCES: (not proposed for inclusion on 1379 List)
The Kosovo Force (KFOR) is a NATO-led international force responsible for establishing and maintaining security in Kosovo. Each KFOR contingent is governed by its own member state’s compliance (or non-compliance) with international standards regarding the minimum age for recruitment and participation in hostilities. According to UNICEF, there is no indication of under 18-year-olds serving in KFOR although the British contingent has in the past included 17-year-olds.

DEVELOPMENTS
The militarisation of youth after years of conflict in the region is clearly visible. At the end of the Kosovo crisis, British soldiers from KFOR found that children had been taught about warfare at the Lipljan Agricultural School, a Serb school south of Pristina: “[D]isplay cabinets contained slides showing how to booby-trap books, cigarette packets and hay bales, and posters and teenagers’ exercise books contain detailed instructions on nuclear, chemical and biological warfare. Equipment abandoned after a nearby cruise missile strike included a Geiger counter and chemicals used to make or test explosives”. Books and school records appeared to belong to children between 15 and 18 years of age. Drawings were found on how to find and attack a tank’s weak spots and how to set a mine beneath the ground or in long grass. According to UNICEF, the UNMIK Department of Education and Science abolished military schools and defence classes in universities and secondary schools. Shortly after the crisis of 1999, UNICEF came across materials about “war science” in schools but it is believed that these practices are no longer continuing.

In 1999 the Albanian mafia was also accused of using ethnic Albanian children in attacks against Kosovo Serbs. Two 15-year-old Albanian girls were reportedly detained “in connection with a series of grenade attacks by a gang terrorising the town’s remaining Serbs”. Of 16 people detained by the British military in connection with more than 20 attacks on Serbs in three weeks, 12 were aged 19 or under. According to this source, “persuaded by figures in the ethnic Albanian mafia that they had been recruited to create an ethnically pure Kosovo, the girls agreed to act as couriers to transport grenades from the Albanian border to the little town just south of the provincial capital, Pristina. They would carry them in handbags — aware that the British soldiers would not search them — or give them to even younger children to transport.” The children believed they were working for the KLA, “(but) the truth is they were being manipulated by the mafia.”

In response to juvenile crime, international organisations working in Kosovo set up a juvenile justice task force.

International standards
The prohibition on the recruitment of children under the age of 15 into both armed forces and armed groups has now acquired a customary international law status, and is therefore binding on all armed forces and armed groups in the FRY. Moreover, the Government has ratified the Convention on the Rights of the Child, which prohibits recruitment and participation in hostilities. According to Article 38, the Government should ratify the CRC-OP-CAC and also declare its commitment to a ‘straight 18’ standard for recruitment.

The government should ratify the CRC-OP-CAC and also declare its commitment to a ‘straight 18’ standard for recruitment

The government should ensure military and criminal code provisions regarding children who take part in hostilities or are recruited into armed forces or groups, in accordance with international standards of juvenile justice

The government should provide alternatives to military recruitment, such as increasing employment and education opportunities

The government should criminalise the recruitment and use of children for military purposes by any armed force or group.

III. RECOMMENDATIONS

- The Security Council and OSRSG-CAC should monitor the recruitment and use of children by Government-allied paramilitaries, the KLA and UCPMB to ensure that no persons under the age of 18 are recruited
- The government should ratify the CRC-OP-CAC and also declare its commitment to a ‘straight 18’ standard for recruitment
- The government, paramilitaries and armed groups - in particular the UCPMB - should declare their commitment to the CRC-OP-CAC and also a ‘straight 18’ standard for recruitment
- The government should ensure military and criminal code provisions regarding children who take part in hostilities or are recruited into armed forces or groups, in accordance with international standards of juvenile justice
- The government should provide alternatives to military recruitment, such as increasing employment and education opportunities
- The government should criminalise the recruitment and use of children for military purposes by any armed force or group.

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