LATIN AMERICAN AND CARIBBEAN CONFERENCE
ON THE USE OF CHILDREN AS SOLDIERS

Montevideo Declaration on the Use of Children as Soldiers

Montevideo, Uruguay, on 8 July 1999

The Latin American and Caribbean Conference on the Use of Children as Soldiers, held in Montevideo, Uruguay, from 5 to 8 July 1999:

Appalled that more than 300,000 children under 18 years of age are currently participating in armed conflicts world-wide;

Recalling the principles of the best interests of the child, non-discrimination and comprehensive protection promoted in the Convention on the Rights of the Child, ratified by 191 states;

Recalling that the UN Commission on Human Rights, in its resolution 1999/80 on the Rights of the Child, has reaffirmed "the urgent need to raise the current minimum age limit set by article 38 of the Convention on the Rights of the Child on the recruitment and participation of any person in armed conflicts" and that the Special Rapporteur on extrajudicial, summary or arbitrary executions, among other recommendations, "strongly supports the adoption of an optional protocol to the Convention on the Rights of the Child aimed at prohibiting the recruitment of children under 18 years of age into the armed forces and armed groups and their participation in armed conflict. She further urges States to take immediate unilateral action to raise the age of enlistment to 18 years." (E/CN.4/1999/39, para 97);

Recalling that the forced or voluntary recruitment of children under 18 years of age and their use for direct or indirect participation in international and non-international armed conflict, as well as in situations of internal violence, whether by the armed forces or any armed group, constitutes a violation of the human rights of boys and girls;

Taking into account the economic, social, political and cultural causes of the phenomenon of child soldiers and considering that the recruitment of children under 18 years of age, whether by national armed forces or by armed groups, can in no circumstances be considered "voluntary";

Welcoming the adoption of the Statute of the International Criminal Court which makes "conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities" a war crime, both in international and internal armed conflict, whether by armed forces
or armed groups, and hopeful that in future the minimum age will be raised to 18 years;

Welcoming Convention No. 182 of the International Labour Organisation (ILO) concerning the prohibition and immediate action for the elimination of the worst forms of child labour, adopted unanimously by the International Labour Conference in June 1999, which includes "forced or compulsory recruitment of children for use in armed conflict" as one of the worst forms of child labour;

Welcoming the proclamation by the United Nations General Assembly of the year 2000 as the International Year for a Culture of Peace;

Welcoming and supporting the work of the Special Representative of the Secretary-General for Children and Armed Conflict to prohibit the recruitment and use of children in armed conflict;

Welcoming the presence as participants or observers at this Conference of diplomatic delegations and defence ministry representatives from several Latin American and Caribbean countries and from other regions of the world, as well as that of inter-governmental organisations and national and international non-governmental organisations;

Determined to put an end to the use of children under 18 years of age as soldiers;

1) Solemnly declares that the use of any child under 18 years of age by any national armed force or armed group is, without exception, in peacetime as in war, contrary to the spirit of comprehensive protection promoted in the Convention on the Rights of the Child, even where the child under 18 years claims or is claimed to be a volunteer;

2) Considers it a priority aim to achieve the eradication of forced or voluntary recruitment of children under 18 years of age by the armed forces and any armed group, or their use for direct or indirect participation in international and non-international armed conflict, as well as in situations of internal violence;

3) Urges all national armed forces and all armed groups operating at the instigation of the State or with its consent or acquiescence to stop recruiting children under 18 years of age or using them to participate directly or indirectly in armed conflict or in any situation of internal violence;

4) Urges all armed opposition groups and dissident armed forces to stop recruiting children under 18 years of age or using them to participate directly or indirectly in armed conflict or in any situation of internal violence;

5) Urges all Latin American and Caribbean States:
a) in compliance with their obligations under the Convention on the Rights of the Child, to promote an environment that favours the full, safe and healthy development of children and to take all necessary measures to ensure that no child under 18 years of age participates in international or non-international armed conflict, nor in situations of internal violence;

b) actively to support the adoption of an Optional Protocol to the Convention on the Rights of the Child setting 18 years as the minimum age for all military recruitment and participation in international and non-international armed conflict, as well as in situations of internal violence;

c) to ratify the Statute of the International Criminal Court;

d) to ratify ILO Convention No. 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour and to report to the American Regional Labour Conference, to be held in Lima in August 1999, on the measures taken towards ratification;

e) to make the recruitment of children under 18 years of age into the armed forces or into armed groups, or their use for direct or indirect participation in international and non-international armed conflict, as well as in situations of internal violence, a crime under domestic law and to bring those responsible for ordering or carrying out these crimes before the appropriate judicial authorities;

f) to take necessary measures to ensure that their Constitutions and national legislation adequately incorporate the Convention on the Rights of the Child, as well as the four Geneva Conventions of 1949 and their Additional Protocols I and II of 1977, and that these are implemented effectively;

g) to promote a culture of peace and to take necessary measures to ensure that the teaching received by children under 18 years of age in military schools and academies is in line with the provisions of the Convention on the Rights of the Child and other international human rights and humanitarian law instruments, and not to allow education to be militarized;

h) to carry out information and awareness-raising campaigns aimed at civil society, the armed forces and/or armed groups as appropriate on the negative consequences that recruiting children under 18 years of age and using them to participate directly or indirectly in armed conflict have on the child's full development, as well as to promote and disseminate educational programmes for a culture of peace through the formal and informal education system;

i) to carry out national analyses of the situation of children under 18 years as soldiers and to adopt and implement national plans to end recruitment of children under the age of 18, as well as their use for direct or indirect participation in armed
conflict, and to adopt early-warning mechanisms to enable advanced monitoring of any attempts to recruit or use children from vulnerable sectors of the population. In particular, such plans should include maintaining up-to-date child registration and documentation systems;

j) to create and/or strengthen national human rights institutions with a particular responsibility for the issue of children under 18 years as soldiers, in accordance with the UN Principles Relating to the Status of National Human Rights Institutions;

k) to recognize as refugees those under 18 years of age who are compelled to leave their country of origin because they fear persecution owing to their refusal to be recruited as soldiers or to be used to participate in internal conflict;

l) to take necessary measures for mutual and reciprocal collaboration so as to achieve the above goals;

m) to recognize the right to conscientious objection to military service as a fundamental human right which is exercised from the very moment it is expressed and to ensure that conscientious objection is recognized in accordance with Resolution 1998/77 of the UN Commission on Human Rights. Provision for conscientious objection should always be under civilian regulation and the objector should at no stage be obliged to prove his or her convictions;

n) to include from the start in any peace process the issue of demobilization of children under 18 years who have been soldiers and their complete rehabilitation and reintegration into society;

o) to undertake demobilization and full reintegration programmes for children under 18 years who have been soldiers, taking gender equity into account and systematically integrating prevention programmes at the local and community level, with the fundamental aim of achieving family reunification and full social rehabilitation, particularly into the formal education system;

p) to grant amnesties or other similar measures to children under 18 years of age who have participated directly or indirectly in armed conflict; and

q) to grant full, prompt and effective reparation to children under 18 years who have been soldiers;

6) Calls upon the Organization of American States and its member states to promote an end to the forced or voluntary recruitment of children under 18 years of age and their use for direct or indirect participation in international and non-international armed conflict as well as in situations of internal violence, by the armed forces or any armed group across the continent, and in particular calls upon:
a) the Permanent Council to take up the issue of children under 18 years as soldiers in its work;

b) the General Assembly to adopt a resolution on the eradication of the use of children under 18 years as soldiers;

c) the Inter-American Commission on Human Rights to adopt a recommendation on the eradication of the use of children under 18 years as soldiers;

d) the Rapporteur on the Rights of the Child of the Inter-American Commission on Human Rights to incorporate in his annual report the issue of the use of children under 18 years in armed conflict;

e) the Inter-American Children's Institute to include in its activities the issue of the use of children under 18 years in armed conflict;

f) the Inter-American bodies and conferences on defence, security and military affairs to incorporate into their activities the issue of children under 18 years as soldiers; and, 

g) the Inter-American Development Bank to give priority in its assistance policies and programmes to respecting the economic, social and cultural rights of children under the age of 18 and their families, and to support projects aimed at promoting the rehabilitation of children under the age of 18 affected by armed conflict into productive and family life and into the educational system;

7) Calls upon all States around the world:

a) actively to support the adoption of an Optional Protocol to the Convention on the Rights of the Child setting 18 years as the minimum age for all military recruitment and participation in international and non-international armed conflict, as well as in situations of internal violence;

b) to provide the fullest possible international co-operation and assistance towards the fulfilment of the aims of this Declaration;

c) to stop the sale of arms and/or the transfer of military technology to countries where children under 18 years of age are recruited or used for direct or indirect participation in armed conflict;

d) to ratify the Convention on the Rights of the Child;

8) Calls upon the United Nations system to provide adequate assistance to ensure the implementation of the above aims, in particular by:
a) providing financial, technical and other resources so as to offer alternatives to children under the age of 18 induced by circumstance to join armed forces or armed groups and to facilitate the demobilisation, rehabilitation and reintegration of child soldiers;

b) intensifying efforts to ensure an end to the use of children under 18 years of age as soldiers, in particular the efforts of the Special Representative of the Secretary-General for Children and Armed Conflict, the United Nations Children's Fund, the Office of the High Commissioner for Refugees, the Office of the High Commissioner for Human Rights and the United Nations Organization for Education, Science and Culture (UNESCO) Culture of Peace Programme;

c) carrying out a campaign for the universal ratification of Convention No. 182 through the International Labour Organisation's programme for the eradication of child labour;

d) giving priority in assistance policies and programmes, particularly those of the World Bank and the International Monetary Fund, to respecting the economic, social and cultural rights of children under the age of 18 and their families, and to support projects aimed at promoting the rehabilitation of children under the age of 18 affected by armed conflict into productive and family life and into the educational system;

9) Calls on civil society and non-governmental organisations, particularly those in Latin America and the Caribbean:

a) to commit themselves to work for the fulfilment and implementation of this Declaration and to disseminate it broadly; and,

b) to set up mechanisms, with the active participation of children under 18 years of age, for social mobilization on the issue, particularly at the local level, strengthening networks of community organisations working against the recruitment of children under 18 years of age or their use for direct or indirect participation in armed conflict;

10) Calls on non-governmental organisations to submit alternative reports to the Committee on the Rights of the Child in order to foster a constructive dialogue with States parties and other international organisations dealing with issues relating to the promotion and protection of the rights of the child and to transmit information to the Special Representative of the Secretary-General for Children and Armed Conflict;

11) Calls upon Latin American, Caribbean and international media to support efforts to end the use of children under 18 years of age as soldiers, bearing in mind
the imperative need to protect children from stigmatisation and to preserve their dignity, safety and self-respect;

12) Decides to present this Declaration to the Organisation of American States and to request the Secretariat of the Organisation to forward it to the Foreign Ministries of member states;

13) Expresses its warmest appreciation to the people and government of Uruguay for hosting this Conference.

Adopted in Montevideo, Uruguay, on 8 July 1999.